

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-09-0015
PETITION TO AMEND RULES 55(C) and)
66(C), ARIZONA RULES OF PROCEDURE)
FOR THE JUVENILE COURT)
)
)
)
)
)
_____)

**ORDER
AMENDING RULES 55(C) AND 66(C), RULES OF PROCEDURE FOR THE JUVENILE
COURT**

A petition having been filed proposing to amend Rules 55(C) and 66(C), Rules of Procedure for the Juvenile Court, and the comment period having expired, upon consideration,

IT IS ORDERED that Rules 55(C) and 66(C), Rules of Procedure for the Juvenile Court, be amended in accordance with the attachment hereto, effective January 1, 2010.

DATED this _____ day of September, 2009.

REBECCA WHITE BERCH
Chief Justice

TO:
Rule 28 Distribution

mwa

ATTACHMENT¹

Rules of Procedure for the Juvenile Court

Rule 55. Dependency Adjudication Hearing

A. – B. [No change.]

C. Burden of Proof. The petitioner must prove the allegations in the petition by a preponderance of the evidence ~~or, in the case of an Indian child, by clear and convincing evidence.~~ In addition, if the child is an Indian child, the petitioner must prove, by clear and convincing evidence, including testimony from a qualified expert witness, that continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. The petitioner must also satisfy the court that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that those efforts have proven unsuccessful.

D. – E. [No change.]

* * * * *

Rule 66. Termination Adjudication Hearing

A. – B. [No change.]

C. Burden of Proof. The moving party or petitioner has the burden of proving the grounds for termination alleged ~~allegations contained~~ in the motion or petition by clear and convincing evidence and that the termination would serve the child's best interests by a preponderance of the evidence ~~or, in the case of an Indian child, beyond a reasonable doubt.~~ In addition, if the child is an Indian child, the moving party or petitioner must ~~also~~ prove, beyond a reasonable doubt, including testimony from a qualified expert witness, that continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. The moving party or petitioner must also ~~prove beyond a reasonable doubt~~ satisfy the court that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that those efforts have proven unsuccessful.

D. – F. [No change.]

¹ Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.