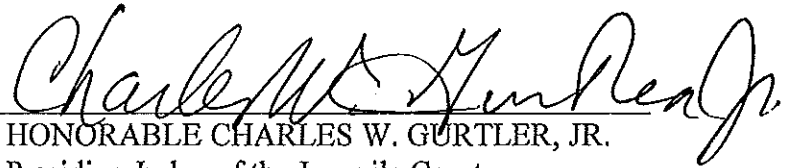


DATED this 2nd day of April, 2004.



HONORABLE CHARLES W. GURTLER, JR.
Presiding Judge of the Juvenile Court
Division I

IN THE SUPREME COURT OF THE STATE OF ARIZONA

Supreme Court No. R-04-0001

FILED

JAN 26 2004

NOEL K. DESSAINT
CLERK SUPREME COURT
BY

ORDER AMENDING
RULES 41, 45, 48, 50, 52, 54, 56, 60, 64, 65, AND 66,
AND ADOPTING
RULES 8.1, 48.1, AND 66.1,
RULES OF PROCEDURE FOR THE JUVENILE COURT

IT IS ORDERED that Rules 41, 45, 48, 50, 52, 54, 56, 60, 64, 65, and 66, Rules of Procedure for the Juvenile Court, be amended, and that Rules 8.1, 48.1, and 66.1, Rules of Procedure for the Juvenile Court, be adopted in accordance with the attachments hereto* on an emergency basis pursuant to Rule 28(G), Rules of the Supreme Court, effective as of the date of signing.

IT IS FURTHER ORDERED that the changes shall be circulated for public comment. Comments shall be filed in the Supreme Court Clerk's Office on or before April 2, 2004.

DATED in the City of Phoenix, Arizona at the Arizona Courts Building, this 26th day of January, 2004.

For the Court:



CHARLES E. JONES
Chief Justice

* Changes or additions in text are indicated by CAPITALIZATION and deletions from text are indicated by strikeouts.

RULE 8.1 MANDATORY JUDICIAL DETERMINATIONS

A. IF A CHILD HAS BEEN REMOVED FROM THE CHILD'S HOME BY STATE AUTHORITY, THE COURT SHALL MAKE PROTECTING THE CHILD FROM ABUSE OR NEGLECT THE FIRST PRIORITY AND SHALL MAKE THE FOLLOWING DETERMINATIONS WITHIN THE REQUIRED TIME PERIOD AND SHALL STATE ON THE RECORD A FACTUAL BASIS FOR EACH DETERMINATION WITHIN THE FOLLOWING TIME PERIOD:

1. IN THE COURT'S FIRST ORDER THAT SANCTIONS THE REMOVAL, WHETHER CONTINUATION OF THE CHILD'S RESIDENCE IN THE HOME WOULD BE CONTRARY TO THE WELFARE OF THE CHILD. THIS ORDER MAY BE THE TEMPORARY ORDER THAT THE COURT ISSUES ON THE FILING OF A DEPENDENCY PETITION.

2. WITHIN SIXTY DAYS AFTER THE CHILD IS REMOVED FROM THE CHILD'S HOME, WHETHER REASONABLE EFFORTS HAVE BEEN MADE TO PREVENT REMOVAL OF THE CHILD OR WHETHER IT WAS REASONABLE TO MAKE NO EFFORTS TO PREVENT REMOVAL OF THE CHILD. THIS DETERMINATION MAY BE MADE AT ANY HEARING HELD WITHIN THE SIXTY DAY TIME REQUIREMENT.

3. WITHIN TWELVE MONTHS AFTER THE CHILD IS REMOVED FROM THE CHILD'S HOME AND ONCE EVERY TWELVE MONTHS THEREAFTER, WHETHER REASONABLE EFFORTS HAVE BEEN MADE TO FINALIZE THE EXISTING PERMANENCY PLAN.

Rule 41. Attendance at hearings.

A. Only those persons permitted by law may attend dependency, guardianship and termination of parental rights proceedings. The court may exclude any person whose presence the court finds would impede the full and fair presentation of the evidence.

B. The court may limit the presence of a participant to the time of the participant's testimony if:

1. It is in the best interest of the child; or
2. It is necessary to protect the privacy interests of the parties and will not be detrimental to the child.

C. The court may impose reasonable restrictions as may be required by the physical limitations of the facility or to maintain order and decorum.

D. ON THE RECORD, THE COURT SHALL ADVISE THE PARENT, GUARDIAN OR INDIAN CUSTODIAN OF THE RIGHT TO REQUEST THAT A HEARING OR TRIAL BE OPEN TO THE PUBLIC.

E. UPON A REQUEST OR A MOTION MADE PRIOR TO A PROCEEDING UNDER THESE RULES BY A PARENT, GUARDIAN OR INDIAN CUSTODIAN OF A CHILD WHO IS THE SUBJECT OF THE PROCEEDING, THE COURT SHALL ORDER THAT THE PROCEEDING IS OPEN TO THE PUBLIC UNLESS THE COURT FINDS GOOD CAUSE FOR ALL OR PART OF THE PROCEEDING TO REMAIN CLOSED. BEFORE OPENING A PROCEEDING TO THE PUBLIC, THE COURT SHALL CONSIDER:

1. WHETHER DOING SO IS IN THE CHILD'S BEST INTERESTS.
2. WHETHER DOING SO WOULD ENDANGER THE CHILD'S PHYSICAL OR EMOTIONAL WELL-BEING OR THE SAFETY OF ANY OTHER PERSON.
3. THE PRIVACY RIGHTS OF THE CHILD, THE CHILD'S SIBLINGS, PARENTS, GUARDIANS AND CAREGIVERS AND ANY OTHER PERSON WHOSE PRIVACY RIGHTS THE COURT DETERMINES NEED PROTECTION.
4. WHETHER ALL PARTIES HAVE AGREED TO ALLOW THE PROCEEDING TO BE OPEN.

F. THE COURT SHALL CONSIDER THE REQUEST OF A CHILD TO CLOSE THE PROCEEDING IF THE CHILD IS AT LEAST TWELVE YEARS OF AGE AND A PARTY TO THE PROCEEDING.

G. IF A HEARING IS OPEN, AT THE BEGINNING OF THE HEARING THE COURT SHALL ADMONISH ALL ATTENDEES THAT THEY ARE PROHIBITED BY ORDER OF THE COURT FROM DISCLOSING OUTSIDE THE HEARING PERSONALLY IDENTIFIABLE INFORMATION ABOUT THE CHILD, THE CHILD'S SIBLINGS, PARENTS, GUARDIANS, OR CAREGIVERS AND ANY OTHERS MENTIONED IN THE HEARING. A PERSON WHO KNOWINGLY AND VOLUNTARILY REMAINS IN THE COURTROOM AFTER THE ADMONITION SUBMITS TO THE JURISDICTION OF THE COURT AND SHALL ABIDE BY THE ORDERS OF THE COURT PROHIBITING DISCLOSURE OF THAT INFORMATION. FAILURE TO ABIDE BY THE ORDERS SHALL BE DEEMED CONTEMPT OF COURT. THE COURT SHALL EXPLAIN CONTEMPT OF COURT TO ALL ATTENDEES, INCLUDING OBSERVERS, AND THE POSSIBLE CONSEQUENCES OF VIOLATING AN ORDER OF THE COURT. FOR THE PURPOSES OF THIS SUBSECTION, "PERSONALLY IDENTIFIABLE INFORMATION" INCLUDES NAME, ADDRESS, DATE OF BIRTH, SOCIAL SECURITY NUMBER, TRIBAL ENROLLMENT NUMBER, TELEPHONE OR TELEFACSIMILE NUMBER, DRIVER LICENSE NUMBER, PLACES OF EMPLOYMENT, SCHOOL IDENTIFICATION OR MILITARY IDENTIFICATION NUMBER OR ANY OTHER DISTINGUISHING CHARACTERISTIC THAT TENDS TO IDENTIFY A PARTICULAR PERSON.

H. THE COURT MAY CLOSE AN OPEN HEARING AT ANY TIME DURING THE PROCEEDING.