

# **Table of Contents**

## **CHAPTER 1. HISTORY AND OVERVIEW OF JUVENILE JUSTICE SYSTEM**

- § 1:1 Juvenile justice in America
- § 1:2 United States Supreme Court cases
- § 1:3 Arizona history and case law
- § 1:4 Status of juvenile justice in America

## **CHAPTER 2. JURISDICTION AND VENUE**

- § 2:1 Overview of jurisdiction
- § 2:2 Arizona's constitution, statutes, and rules of court
- § 2:3 Age limitations
- § 2:4 Adoption
- § 2:5 Delinquent and incorrigible children
- § 2:6 Dependent children
- § 2:7 Guardianship
- § 2:8 Termination of parental rights (severance)
- § 2:9 Traffic and alcohol offenses
- § 2:10 Transfer of jurisdiction: Remand or waiver
- § 2:11 Venue
- § 2:12 Appeals

## **CHAPTER 3. APPOINTMENT OF COUNSEL**

- § 3:1 Introduction
- § 3:2 Duties and responsibilities of counsel
- § 3:3 Statutes, court rules and case law
- § 3:4 Guardian ad litem

## **CHAPTER 4. DELINQUENCY PROCEEDINGS**

- § 4:1 Introduction
- § 4:2 Police investigations
- § 4:3 Pre-petition proceedings
- § 4:4 Petition
- § 4:5 Pre-adjudication proceedings
- § 4:6 Transfer of jurisdiction
- § 4:7 Adjudication
- § 4:8 Dispositional alternatives
- § 4:9 Post-disposition
- § 4:10 Appeals

- § 4:11 Destruction of records/setting adjudication aside
- § 4:12 Victims' bill of rights
- § 4:13 Restoration of civil rights

## **CHAPTER 5. DEPENDENCY PROCESS**

- § 5:1 Introduction
- § 5:2 Definitions
- § 5:3 Jurisdiction
- § 5:4 Venue
- § 5:5 Voluntary placement
- § 5:6 Petition
- § 5:7 Service of process
- § 5:8 Temporary custody and wardship
- § 5:9 Review of temporary custody/preliminary protective hearing
- § 5:10 Right to counsel
- § 5:11 Guardian ad litem
- § 5:12 Hearing
- § 5:13 Appeals
- § 5:14 Court-appointed special advocate (CASA)
- § 5:15 Report and review/permanency planning/return of child hearings
- § 5:16 Foster care review boards
- § 5:17 Interstate compact on placement of children
- § 5:18 Medical treatment
- § 5:19 Domestic relations versus dependency
- § 5:20 Foster parents
- § 5:21 Permanent guardianship
- § 5:22 Release of information and confidentiality

## **CHAPTER 6. TERMINATION OF PARENT-CHILD RELATIONSHIP (SEVERANCE)**

- § 6:1 Introduction
- § 6:2 Jurisdiction and venue
- § 6:3 Standard of proof
- § 6:4 Grounds
- § 6:5 Filing the petition and setting the hearing
- § 6:6 Parties
- § 6:7 Service of process
- § 6:8 Responding to petition
- § 6:9 Right to counsel/guardian ad litem
- § 6:10 Adjudication hearings
- § 6:11 Order terminating parent-child relationship
- § 6:12 Appeals

## TABLE OF CONTENTS

§ 6:13 Scope of review

## **CHAPTER 7. ADOPTION**

§ 7:1 Generally  
§ 7:2 Jurisdiction and venue  
§ 7:3 Standard of proof, best interest of child  
§ 7:4 Preadoption certification, investigation  
§ 7:5 Placement  
§ 7:6 Suitability of child  
§ 7:7 Agencies, licensure and regulation  
§ 7:8 Petition  
§ 7:9 Consents  
§ 7:10 Prehearing requirements  
§ 7:11 Hearing  
§ 7:12 Court order, contents and effect  
§ 7:13 Confidentiality of information  
§ 7:14 Appeals, petition for review  
§ 7:15 Adoption subsidy  
§ 7:16 Adoption tax credit  
§ 7:17 Stepparent adoption  
§ 7:18 Confidential intermediary  
§ 7:19 Rights of grandparents  
§ 7:20 Interstate adoption  
§ 7:21 International adoption  
§ 7:22 Indian Child Welfare Act  
§ 7:23 Surrogate parent contracts  
§ 7:24 Recognition of foreign adoptions

## **CHAPTER 8. GUARDIANSHIP**

§ 8:1 General statement  
§ 8:2 Jurisdiction and venue  
§ 8:3 Petition, who may be appointed  
§ 8:4 Priority for appointment  
§ 8:5 Findings required  
§ 8:6 Notice  
§ 8:7 Burden of proof  
§ 8:8 Powers and duties of guardian  
§ 8:9 Temporary guardianship  
§ 8:10 Testamentary guardianship  
§ 8:11 Change of guardian  
§ 8:12 Termination of guardianship  
§ 8:13 Guardian of dependent child  
§ 8:14 Standard of appellate review

## **CHAPTER 9. MENTAL HEALTH PROCESS**

- § 9:1 History and background
- § 9:2 Juvenile court jurisdiction under Title 8
- § 9:3 Roles and duties of counsel and guardian ad litem
- § 9:4 Non-court ward under Title 36
- § 9:5 Patient rights under Title 36
- § 9:6 Practical considerations

## **CHAPTER 10. TRAFFIC AND ALCOHOL OFFENSES**

- § 10:1 Introduction
- § 10:2 Jurisdiction
- § 10:3 Civil traffic rules
- § 10:4 Progressively increasing consequences—PIC-ACT
- § 10:5 Juvenile court hearing
- § 10:6 Delinquency/incorrigibility process
- § 10:7 Alcohol offenses

## **CHAPTER 11. INDIAN CHILD WELFARE ACT**

- § 11:1 Application and purpose
- § 11:2 Jurisdiction
- § 11:3 Intervention
- § 11:4 Emergency removal from Indian home
- § 11:5 Notice requirements
- § 11:6 Appointment of counsel
- § 11:7 Standard of proof
- § 11:8 Voluntary proceedings
- § 11:9 Placement preferences
- § 11:10 Return of custody
- § 11:11 Post-proceedings

## **CHAPTER 12. RELATED TOPICS**

### **A. CAPACITY TO CONTRACT**

- § 12:1 Generally
- § 12:2 Insurance
- § 12:3 Marriage
- § 12:4 Wills and intestate succession

### **B. CONSENTS**

- § 12:5 Generally

## TABLE OF CONTENTS

- § 12:6 Emergency and medical care
- § 12:7 DUI testing
- § 12:8 Abortion

## **C. LICENSES AND PERMITS**

- § 12:9 Generally
- § 12:10 Drivers license
- § 12:11 Hunting and fishing permits

## **D. EDUCATION**

- § 12:12 Generally
- § 12:13 Attendance
- § 12:14 Truancy
- § 12:15 Suspension or expulsion
- § 12:16 Special education

## **E. EMANCIPATION**

- § 12:17 Generally

## **F. EMPLOYMENT**

- § 12:18 Generally
- § 12:19 Age/occupation limitations
- § 12:20 Hour restrictions

## **G. CHANGE OF NAME**

- § 12:21 Generally

## **H. PARENTAL LIABILITY**

- § 12:22 Generally
- § 12:23 By court order
- § 12:24 Child's negligence while driving
- § 12:25 Liability for property damage
- § 12:26 Liability for child's minor child

## **I. STATUTES OF LIMITATION AS APPLICABLE TO MINORS**

- § 12:27 Generally

## **J. SUPPORT**

- § 12:28 Generally

- § 12:29 Duty of parent and minor
- § 12:30 Support and emancipation
- § 12:31 Support and paternity
- § 12:32 Enforcement of support orders

## **K. VISITATION (PARENTING TIME)**

- § 12:33 Generally

## **CHAPTER 13. ARIZONA JUVENILE LAW APPELLATE PRACTICE (DELINQUENCY, DEPENDENCY, SEVERANCE, ADOPTION, GUARDIANSHIP, AND ICWA CASES)**

- § 13:1 Introduction
- § 13:2 History of the right to appeal in Arizona and adoption of juvenile and family court rules
- § 13:3 Quick reference guide to juvenile and family court appeals (Statutes and Rules)
- § 13:4 Duty of a trial court
- § 13:5 Jurisdiction
- § 13:6 Findings and conclusions
- § 13:7 Right to counsel on appeal
- § 13:8 Waiver of appeal
- § 13:9 Duty of an appellate court
- § 13:10 Independent determination of authority
- § 13:11 Case of first impression
- § 13:12 Special actions
- § 13:13 Scope of review
- § 13:14 *Anders* review
- § 13:15 Jurisdiction
- § 13:16 Enabling authority
- § 13:17 Personal and subject matter jurisdiction
- § 13:18 Timeliness
- § 13:19 Extension of time/delayed appeal
- § 13:20 Waiver of jurisdiction (in juvenile delinquency cases)
- § 13:21 Concurrent jurisdiction
- § 13:22 Abuse of appeal
- § 13:23 Final order/judgment
- § 13:24 Jurisdictional prerequisite
- § 13:25 Premature notice of appeal (pending trial court motions; remedy)
- § 13:26 The *Barassi* exception
- § 13:27 Record on appeal
- § 13:28 Applicable rules regarding the record on appeal

## TABLE OF CONTENTS

§ 13:29	Transcripts of lower court proceedings
§ 13:30	Brief, argument and legal authority
§ 13:31	Substantive trial court issues
§ 13:32	Moot issues
§ 13:33	Reweighting evidence
§ 13:34	Issues raised for first time on appeal
§ 13:35	Effective assistance of counsel
§ 13:36	Concession of error
§ 13:37	Self-Representation and appellate court's options
§ 13:38	Expectations and standards
§ 13:39	Abandonment and waiver of claim
§ 13:40	Attorney fees and costs in trial court and on appeal
§ 13:41	Factors in awarding attorney fees and discretion of court
§ 13:42	Petition for review to the arizona supreme court
§ 13:43	Appeals from limited jurisdiction courts (Justice and Municipal Courts)
§ 13:44	Superior Court Rules of Appellate Procedure (Civil - Rules 1-17)
§ 13:45	Superior Court Rules of Appellate Procedure (Criminal - Rules 1-16)
§ 13:46	17C A.R.S.: Local Rules of Practice and Procedure—City Court—City of Phoenix
§ 13:47	17C A.R.S.: Local Rules of Practice and Procedure in City Court, Civil Proceedings, City of Tucson
§ 13:48	17C A.R.S.: Local Rules of Practice and Procedure for the Yuma Municipal Court
§ 13:49	Rules of Court Procedure for Civil Traffic and Civil Boating Violations
§ 13:50	Appellate comments on attorney practice

## APPENDICES

Appendix A.	Juvenile Acronyms and Glossary
Appendix B.	Arizona Revised Statutes, Title 8. Child Safety (Selected Sections) and Title 15. Education (Selected Sections)
Appendix C.	Juvenile Court Rules
Appendix D.	Selected Arizona Rules and Statutes Relating to Juvenile Matters
Appendix E.	Arizona Juvenile Court Presiding Judges and Chief Juvenile Probation Officers
Appendix F.	Hotlines/Helplines for Your Clients
Appendix G.	Indian Child Welfare Act of 1978 (25 U.S.C.A. 1901 to 1963)

## JUVENILE LAW AND PRACTICE

- Appendix H. Licensed Arizona Adoption Agencies
- Appendix I. Juvenile Law Practice Forms
- Appendix J. Arizona Attorney General Opinions on Juvenile Matters
- Appendix K. Arizona Supreme Court Administrative Order No. 2011-16 issued on January 31, 2011

### **Bibliography**

### **Table of Laws and Rules**

### **Table of Cases**

### **Index**