



STATE OF ARIZONA

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June 28, 2006

The Honorable Jim Weiers
Speaker of the House
Arizona House of Representatives
1700 West Washington
Phoenix, Arizona 85007

Re: House Bill 2559: juvenile hearings; jury trials

Dear Speaker Weiers:

Today I vetoed House Bill 2559, related to juvenile hearings and jury trials.

During the CPS Special Session of 2003, we enacted an experimental program to allow parents to request jury trials in cases involving termination of parental rights. In the two years since that session, we have seen no differences between jury trials and non-jury trials in terms of outcomes, but we have seen significant disruptions in our courts, including increased costs and delays. Many parents who initially request jury trials do not follow through, which disrupts court calendars and causes unnecessary expense. The jury trial provisions from the bill we enacted in 2003 are scheduled to sunset on December 31, 2006. House Bill 2559 unwisely repeals this sunset.

In addition, House Bill 2559 makes other inappropriate changes to the law. For example, the requirement of "new allegations or new information" before a party can refile a termination case could make it unnecessarily difficult to refile based solely on the passage of time. The passage of time is an important factor in many termination cases (for example, the length of time a child has been in care) and courts should be free to consider this factor even in the absence of "new allegations or new information." Otherwise, a child could linger in foster care indefinitely.

For these and other reasons, I have vetoed House Bill 2559.

Yours very truly,


Janet Napolitano
Governor

JN:TN/jm

cc: The Honorable Ken Bennett
The Honorable Mark Anderson