

REFERENCE TITLE: right to jury; parent-child relationship

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1431

Introduced by
Senator Wadsack: Representative Jones

AN ACT

AMENDING TITLE 8, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-468; RELATING TO THE RIGHT TO A JURY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 8, chapter 4, article 1, Arizona Revised Statutes,
3 is amended by adding section 8-468, to read:

4 8-468. Right to jury; jury demand and hearing; applicability

5 A. A PARTY HAS A RIGHT TO A TRIAL BY JURY AND THAT RIGHT MAY NOT BE
6 ARBITRARILY DENIED. THE COURT SHALL PROVIDE WRITTEN NOTICE TO ALL PARTIES
7 OF THE RIGHT TO A TRIAL BY JURY PRESCRIBED BY THIS SECTION. IF THE COURT
8 FAILS TO PROVIDE THIS NOTICE, ANY SUBSEQUENT PROCEEDINGS OR RULINGS DO NOT
9 HAVE THE FORCE OF LAW.

10 B. IF A PARTY BELIEVES THAT THE PARTY'S RIGHTS HAVE BEEN
11 SUBSTANTIALLY VIOLATED BY THE ORDERS OF THE COURT AND FILES A JURY DEMAND
12 WITH THE COURT WITHIN TWENTY DAYS AFTER THE COURT'S ORDERS WERE FILED, THE
13 COURT SHALL SET A NEW HEARING BEFORE A JURY WITHIN TWENTY DAYS AFTER THE
14 DEMAND IS FILED. A PARTY MAY HAVE THE JURY REEXAMINE DISCRETE PORTIONS OF
15 THE COURT'S ORDERS WITHOUT THE ENTIRE CASE BEING RELITIGATED OR
16 REEXAMINED.

17 C. A JURY TRIAL SET PURSUANT TO THIS SECTION SHALL COMMENCE WITHIN
18 SIXTY DAYS AFTER THE COURT HAS ENTERED ORDERS FOLLOWING A HEARING FOR THE
19 TERMINATION OF THE PARENT-CHILD RELATIONSHIP.

20 D. THIS SECTION APPLIES TO MATTERS BEFORE THE COURT FOR A
21 PRELIMINARY PROTECTIVE HEARING PURSUANT TO SECTION 8-824 OR ANY OTHER
22 HEARING FOR THE TERMINATION OF THE PARENT-CHILD RELATIONSHIP.

23 E. THE RIGHT TO A JURY TRIAL PURSUANT TO THIS SECTION IS AVAILABLE
24 ONLY TO THE PEOPLE AND NOT TO ANY STATE AGENCY OR POLITICAL SUBDIVISION OF
25 THIS STATE.

26 Sec. 2. Effective date

27 Section 8-468, Arizona Revised Statutes, as added by this act, is
28 effective from and after December 31, 2023.