

Senate Engrossed

right to jury; parent-child relationship

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

SENATE BILL 1431

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. THE RIGHT TO A TRIAL BY JURY IS AVAILABLE ONLY TO
10 PARENTS OR DEFENDANTS UNDER THIS SECTION AND NOT TO THE STATE OR ANY STATE
11 AGENCY.
12 B. IF A PARTY BELIEVES THAT THE PARTY'S RIGHTS HAVE BEEN
13 SUBSTANTIALLY VIOLATED BY THE ORDERS OF THE COURT AND FILES A JURY DEMAND
14 WITH THE COURT WITHIN TWENTY DAYS AFTER THE COURT'S ORDERS WERE FILED, THE
15 COURT SHALL SET A NEW HEARING BEFORE A JURY WITHIN TWENTY DAYS AFTER THE
16 DEMAND IS FILED. A PARTY MAY HAVE THE JURY REEXAMINE DISCRETE PORTIONS OF
17 THE COURT'S ORDERS WITHOUT THE ENTIRE CASE BEING RELITIGATED OR
18 REEXAMINED. FOR ALL JURY TRIALS UNDER THIS SECTION, THE STATE MUST
19 CONVINCED AT LEAST SEVEN OR EIGHT JURORS THAT THERE IS CLEAR AND CONVINCING
20 EVIDENCE, WHICH IS NOT FALSE OR OTHERWISE FABRICATED, THAT SUFFICIENT
21 DANGER EXISTS AND THAT THE STATE IS COMPELLED TO REMOVE CHILDREN FROM
22 THEIR FAMILIES.
23 C. THE RIGHT TO A JURY TRIAL PURSUANT TO THIS SECTION SHALL
24 COMMENCE THIRTY DAYS AFTER THE STATE HAS REMOVED OR SEIZED THE CHILD.
25 D. THIS SECTION APPLIES TO MATTERS BEFORE THE COURT FOR A
26 PRELIMINARY PROTECTIVE HEARING PURSUANT TO SECTION 8-824 OR ANY OTHER
27 HEARING FOR THE TERMINATION OF THE PARENT-CHILD RELATIONSHIP.
28 E. THE REMEDIES PRESCRIBED IN THIS SECTION ARE AVAILABLE ONLY TO
29 THE PEOPLE AND NOT TO ANY STATE AGENCY.
30 Sec. 2. Effective date
31 Section 8-468, Arizona Revised Statutes, as added by this act, is
32 effective from and after December 31, 2023.