

House Engrossed

~~juveniles; change of judge; impartiality~~
(now: change of judge; impartiality; juveniles)

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

CHAPTER 80

HOUSE BILL 2295

AN ACT

AMENDING TITLE 8, CHAPTER 4, ARTICLE 11, ARIZONA REVISED STATUTES, BY
ADDING SECTION 8-865; RELATING TO JUVENILE COURT HEARINGS.

(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 11, Arizona Revised
3 Statutes, is amended by adding section 8-865, to read:

4 8-865. Change of judge; procedure; definitions

5 A. A PERSON WHO IS A PARTY TO AN ACTION INITIATED PURSUANT TO THIS
6 ARTICLE IS ENTITLED TO A CHANGE OF JUDGE FOR CAUSE ON ANY OF THE FOLLOWING
7 GROUNDS:

8 1. THE JUDGE HAS BEEN ENGAGED AS COUNSEL IN THE MATTER BEFORE
9 APPOINTMENT OR ELECTION AS A JUDGE.

10 2. THE JUDGE HAS AN INTEREST IN THE MATTER.

11 3. THE JUDGE IS RELATED TO EITHER PARTY IN THE MATTER.

12 4. THE JUDGE IS A MATERIAL WITNESS IN THE MATTER.

13 5. A PARTY HAS CAUSE TO BELIEVE AND DOES BELIEVE THAT DUE TO THE
14 BIAS, PREJUDICE OR INTEREST OF THE JUDGE, THE JUDGE CANNOT BE FAIR AND
15 IMPARTIAL.

16 B. NOT LESS THAN FIVE DAYS AFTER DISCOVERING GROUNDS EXIST FOR A
17 CHANGE OF JUDGE FOR CAUSE PURSUANT TO SUBSECTION A OF THIS SECTION BUT
18 BEFORE THE START OF A HEARING HELD PURSUANT TO THIS ARTICLE, A PARTY MAY
19 FILE A MOTION REQUESTING A CHANGE OF JUDGE FOR CAUSE. THE MOTION SHALL BE
20 SUPPORTED BY AN AFFIDAVIT. THE AFFIDAVIT SHALL CONTAIN THE SPECIFIC
21 GROUNDS FOR THE CHANGE OF JUDGE FOR CAUSE. A PARTY WHO REQUESTS A CHANGE
22 OF JUDGE FOR CAUSE SHALL PROVIDE A COPY OF THE MOTION FOR CHANGE OF JUDGE
23 FOR CAUSE AND THE AFFIDAVIT ALLEGING THE SPECIFIC GROUNDS FOR THE CHANGE
24 OF JUDGE FOR CAUSE TO ALL OF THE PARTIES IN THE MATTER AND THE PRESIDING
25 JUDGE. IF THE JUDGE NAMED IN THE MOTION FOR CHANGE OF JUDGE FOR CAUSE AND
26 THE AFFIDAVIT IS THE JUDGE PRESIDING OVER THE MATTER, THE ROLE OF THE
27 PRESIDING JUDGE SHALL BE PERFORMED BY A JUDGE WHO IS DESIGNATED BY THE
28 PRESIDING JUDGE.

29 C. A PARTY WAIVES THE RIGHT TO A CHANGE OF JUDGE FOR CAUSE WHEN THE
30 PARTY, AFTER LEARNING THAT GROUNDS EXIST FOR A CHANGE OF JUDGE FOR CAUSE,
31 ALLOWS A CONTESTED PROCEEDING INITIATED PURSUANT TO THIS ARTICLE TO BEGIN
32 OR CONTINUE BEFORE THAT JUDGE WITHOUT OBJECTION. ANY EVENT THAT OCCURS
33 BEFORE THE DISCOVERY THAT GROUNDS EXIST FOR A CHANGE OF JUDGE FOR CAUSE
34 DOES NOT CONSTITUTE A WAIVER OF THE RIGHT TO A CHANGE OF JUDGE FOR CAUSE.
35 A PARTY MAY PRESERVE ALLEGATIONS THAT THE PARTY BELIEVES MAY PREVENT A
36 FAIR AND IMPARTIAL HEARING FOR AN APPEAL.

37 D. IN ANY MATTER BROUGHT PURSUANT TO THIS ARTICLE, EACH PARTY HAS A
38 RIGHT TO MAKE ONE REQUEST FOR A CHANGE OF JUDGE WITHOUT CAUSE. A PARTY
39 MAY EXERCISE THE RIGHT TO A CHANGE OF JUDGE WITHOUT CAUSE BY MAKING A
40 REQUEST ON THE RECORD IN OPEN COURT OR BY FILING A "NOTICE OF CHANGE OF
41 JUDGE" THAT IS SIGNED BY THE PARTY'S ATTORNEY OR, IF THE PARTY IS
42 SELF-REPRESENTED, SIGNED BY THE PARTY, STATING THE NAME OF THE JUDGE TO BE
43 CHANGED WITHOUT CAUSE. A NOTICE OF CHANGE OF JUDGE WITHOUT CAUSE MUST BE
44 FILED NOT LESS THAN FIVE DAYS AFTER NOTICE HAS BEEN PROVIDED TO THE
45 REQUESTING PARTY THAT THE MATTER HAS BEEN ASSIGNED TO A JUDGE.

1 E. A PARTY WAIVES THE RIGHT TO A CHANGE OF JUDGE WITHOUT CAUSE WHEN
2 THE PARTY PARTICIPATES IN ANY CONTESTED PROCEEDING BEFORE THAT JUDGE. THE
3 WAIVER APPLIES TO ALL SUCCESSIVE PETITIONS OR SUPPLEMENTAL PETITIONS THAT
4 ARE FILED REGARDING THE SAME MATTER, THE SAME MINOR OR ANY OTHER MINOR WHO
5 HAS AT LEAST ONE PARENT IN COMMON WITH THAT MINOR AND TO ALL PROCEEDINGS
6 AFTER REMAND BY AN APPELLATE COURT.

7 F. IF THE APPELLATE COURT REMANDS A CASE THAT REMAINS ASSIGNED TO
8 THE ORIGINAL JUDGE, THE PARTIES HAVE A RENEWED RIGHT TO A CHANGE OF JUDGE
9 WITHOUT CAUSE. IF ON REMAND THE CASE IS ASSIGNED TO A NEW JUDGE, A PARTY
10 WHO HAS NOT WAIVED A RIGHT UNDER SUBSECTION E OF THIS SECTION OR WHO HAS
11 NOT PREVIOUSLY FILED A NOTICE OF CHANGE OF JUDGE WITHOUT CAUSE PURSUANT TO
12 SUBSECTION D OF THIS SECTION MAY FILE A NOTICE OF CHANGE OF JUDGE NOT
13 LATER THAN TEN DAYS AFTER NOTICE HAS BEEN PROVIDED TO THE PARTY WHO IS
14 REQUESTING A CHANGE OF JUDGE WITHOUT CAUSE THAT A JUDGE HAS BEEN ASSIGNED
15 TO THE MATTER.

16 G. IF A PARTY TIMELY FILES A MOTION OR A NOTICE FOR A CHANGE OF
17 JUDGE EITHER FOR CAUSE OR WITHOUT CAUSE PURSUANT TO THIS SECTION, THE
18 JUDGE NAMED IN THE MOTION OR NOTICE MAY TAKE NO FURTHER ACTION IN THE
19 MATTER BEFORE THE MATTER IS REASSIGNED TO ANOTHER JUDGE, EXCEPT TO MAKE
20 THE TEMPORARY ORDERS THAT ARE NECESSARY TO PREVENT HARM TO THE CHILD THAT
21 IS THE SUBJECT OF THE MATTER.

22 H. FOR THE PURPOSES OF THIS SECTION:

23 1. "JUDGE" INCLUDES:

24 (a) A JUDGE.

25 (b) A COMMISSIONER.

26 (c) A JUDGE PRO TEMPORE.

27 2. "PRESIDING JUDGE" INCLUDES THE PRESIDING JUDGE'S DESIGNEE.

APPROVED BY THE GOVERNOR APRIL 18, 2025.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 21, 2025.