

Senate Engrossed

juvenile court proceedings; appointment; attorney

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SENATE BILL 1234

AN ACT

AMENDING SECTION 8-221, ARIZONA REVISED STATUTES; RELATING TO JUVENILE COURT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-221, Arizona Revised Statutes, is amended to
3 read:

4 8-221. Counsel right of juvenile, parent or guardian;
5 appointment; guardian ad litem

6 A. The court shall appoint an attorney for a child in all
7 delinquency proceedings that commence with a petition or that may involve
8 detention, ~~dependency proceedings or termination of parental rights~~
9 ~~proceedings that are conducted pursuant to this title~~. The court shall
10 appoint the CHILD'S attorney before the first hearing. The CHILD'S
11 attorney shall represent the child at all stages of the proceedings ~~and,~~
12 ~~in a dependency proceeding, through dismissal~~.

13 B. THE COURT SHALL APPOINT AN ATTORNEY FOR A CHILD IN ALL
14 PROCEEDINGS INVOLVING DEPENDENCY OR TERMINATION OF PARENTAL RIGHTS BEFORE
15 THE FIRST HEARING. THE APPOINTED ATTORNEY SHALL DETERMINE WHETHER THE
16 CHILD HAS DIMINISHED CAPACITY THAT WOULD IMPACT THE CHILD'S ABILITY TO
17 EXPRESS THE CHILD'S OWN OPINION OR TO MAKE DECISIONS FOR THE CHILD. IN
18 MAKING THIS DETERMINATION, THE APPOINTED ATTORNEY SHALL CONSULT WITH THE
19 CHILD, THE CHILD'S FAMILY AND ANY OTHER INDIVIDUALS WHO KNOW THE CHILD.
20 IF THE CHILD IS AT LEAST FIVE YEARS OF AGE, THE APPOINTED ATTORNEY SHALL
21 MEET WITH THE CHILD NOT LESS THAN ONCE A MONTH.

22 C. IF AN ATTORNEY WHO IS APPOINTED PURSUANT TO SUBSECTION B OF THIS
23 SECTION DETERMINES THAT A NORMAL ATTORNEY-CLIENT RELATIONSHIP IS NOT
24 REASONABLY POSSIBLE TO MAINTAIN AND THAT THE CHILD IS NOT ABLE TO DIRECT
25 THE LEGAL REPRESENTATION DUE TO DIMINISHED CAPACITY OR THE CHILD'S
26 INABILITY TO EXPRESS THE CHILD'S OWN OPINION, THE APPOINTED ATTORNEY SHALL
27 USE SUBSTITUTED JUDGMENT TO DETERMINE WHAT THE CHILD WOULD DECIDE IF THE
28 CHILD WAS CAPABLE OF MAKING AN ADEQUATELY CONSIDERED DECISION WHEN
29 CONSIDERING WHAT IS IN THE BEST INTEREST OF THE CHILD. THE APPOINTED
30 ATTORNEY SHALL DO ALL OF THE FOLLOWING:

31 1. MAKE A GOOD FAITH EFFORT TO DETERMINE THE CHILD'S NEEDS AND
32 WISHES.

33 2. CONSULT WITH THE CHILD, THE CHILD'S FAMILY AND ANY OTHER
34 INDIVIDUALS WHO KNOW THE CHILD.

35 3. REPRESENT THE CHILD IN ACCORDANCE WITH THE DETERMINATION OF THE
36 CHILD'S NEEDS AND WISHES.

37 D. IF IN THE COURSE OF REPRESENTING THE CHILD AN ATTORNEY WHO IS
38 APPOINTED PURSUANT TO SUBSECTION B OF THIS SECTION REASONABLY BELIEVES
39 THAT A CHILD IS AT RISK OF SUBSTANTIAL PHYSICAL, FINANCIAL OR OTHER HARM
40 AND THAT THE CHILD DOES NOT HAVE THE CAPACITY TO ADEQUATELY ACT IN THE
41 CHILD'S OWN INTEREST, THE APPOINTED ATTORNEY SHALL DO EITHER OF THE
42 FOLLOWING:

43 1. INFORM THE COURT OF THE SUBSTANTIAL RISK OF HARM, TAKING INTO
44 ACCOUNT THE WISHES AND VALUES OF THE CHILD AND THE CHILD'S BEST INTERESTS
45 AND RESPECTING THE CHILD'S FAMILY AND SOCIAL CONNECTIONS.

1 2. REQUEST THAT THE COURT APPOINT A GUARDIAN AD LITEM FOR THE
2 CHILD.

3 ~~B.~~ E. If a parent or guardian is found to be indigent and entitled
4 to counsel, the juvenile court shall appoint an attorney to represent the
5 person or persons unless the person knowingly, intelligently and
6 voluntarily waives counsel.

7 ~~C.~~ F. Before any court appearance that may result in
8 institutionalization or mental health hospitalization of a juvenile, the
9 court shall appoint counsel for the juvenile if counsel has not been
10 previously appointed or retained by or for the juvenile.

11 ~~D.~~ G. The county board of supervisors may fix a reasonable sum to
12 be paid by the county for the services of an appointed attorney.

13 ~~E.~~ H. In a county where there is a public defender, the public
14 defender may act as attorney in either:

15 1. A delinquency or incorrigibility proceeding when requested by
16 the juvenile court.

17 2. Any other juvenile proceeding that is conducted pursuant to this
18 title if the board of supervisors authorizes the appointment of the public
19 defender.

20 ~~F.~~ I. In all juvenile court proceedings in which the dependency
21 petition includes an allegation that the juvenile is abused or neglected,
22 the court may appoint a guardian ad litem to protect the juvenile's best
23 interests. This guardian ad litem shall be an attorney. The guardian ad
24 litem is not the child's attorney.

25 ~~G.~~ J. Any guardian ad litem or attorney appointed for a juvenile
26 shall meet with the juvenile before the preliminary protective hearing, if
27 possible, or within fourteen days after the preliminary protective
28 hearing. The guardian ad litem or THE CHILD'S attorney ~~appointed for the~~
29 ~~juvenile~~ also shall meet with the juvenile before all substantive
30 hearings. On a showing of extraordinary circumstances, the judge may
31 modify this requirement for any substantive hearing.