APPLICATION FOR INITIATIVE OR REFERENDUM PETITION SERIAL NUMBER

Secretary of State
1700 W. Washington Street, 7th Floor
Phoenix, AZ 85007

The undersigned intends to circulate and file an **INITIATIVE** or a **REFERENDUM** (circle the appropriate word) petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Pursuant to Arizona Revised Statutes § 19-111, attached hereto is the full text, in no less than eight point type, of the **MEASURE** or **CONSTITUTIONAL AMENDMENT** (circle appropriate word) intended to be **INITIATED** or **REFERRED** (circle appropriate word) at the next general election.

SUMMARY: A description of no more than one hundred words of the principal provisions of the proposed law, constitutional amendment or measure that will appear in no less than eight point type on the face of each petition signature sheet to be circulated.

Juries in Family Court - 5 Person Panels Servicing Proceedings as the Need Arises and Upon Request

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SECRETARY OF STATE

Martin Lynch
Signature of Applicant

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Date of Application 9/24/2015

Signatures Required 150,642

Deadline for Filing 7/7/2016

Serial Number Issued I-19-2016

FOR OFFICE USE ONLY

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CF ID: 201600297

Juries in Family Court Official Title

(Now seeking input and feedback from the public until Oct 16)

An Initiative Measure

AMENDING TITLE 25, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 11 –JURIES IN FAMILY COURT - ITINERANT AND UPON REQUEST

TEXT OF PROPOSED AMMENDMENT

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Be it enacted by the people of the State of Arizona:

Section 1. Title.
This act may be cited as the "Juries in Family Court – Itinerant and Upon Request Act"

Section 2. Findings.
The people of the State of Arizona find and declare the following:

A. Children and families must be protected. Divorce and the circumstances surrounding divorce are often fraught with conflict. Conflict is harmful to children and families in many ways including financially.

B. An inherent financial conflict of interest exists between the practitioners of the family court process and the children and families caught up in this process. The people of Arizona spend approximately $1 billion per year to process cases through the family courts. This money is a substantive measure of the amount of conflict and hardship being purchased and subsequently inflicted upon the children and families of Arizona.

C. Suicides, murders and impoverishment are the most obvious results of a family court process that does not serve the people but instead serves the practitioners of the family court process some of whom abuse the process, fostering excessive conflict for personal gain. When a father with no history of domestic violence is prohibited from visitation with his child on father's day and then commits suicide on father's day, we must all consider new ways of doing things. That child is certainly not better off now that the father is dead.

D. The challenge in family court is the volume of cases. The jury system must be adapted to function in this environment rather than abandoned. The result of this abandonment of the jury system has been the loss of control of the family court system by the people of Arizona and the subsequent harm and abuse of children and families which must predictably follow because unlimited discretion can so easily be abused to produce cash for the inevitable unscrupulous practitioners of the family court process.

E. Jury oversight should reduce the overall work load of the courts by improving the quality of judicial orders, enhance respect for due process rights of litigants and reduce the need to go back and fix mistakes while better serving the public. For those who assert that only one jury may be applied to only one case from beginning to end; then let us be consistent and also have only one judge applied to only one case from beginning to end in all the courts.

F. The people of Arizona intend to assume control of the family court which rightfully and inherently belongs to the people of Arizona. We intend to do so by means of the jury system as envisioned by the founding fathers and enshrined as a right of the people in the Constitution of the United States of America.

Section 3: Title 25, Arizona Revised Statutes, is amended by adding Chapter 11 to read:

Chapter 11: Juries in Family Court – Itinerant and Upon Request
Article 1: General Provisions

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25-1501: Definitions
A) Itinerant: Moving from place to place, servicing needs as they arise.

25-1502: Provisions of Title 21 - Juries
Unless specified otherwise in this Chapter, provisions of Title 21 shall apply. This act shall not remove anyone's right to a Jury that already exists.

25-1503: Composition of the Family Court Jury Panel
Juries in Family Court shall consist of five Jurors, 2 men and 3 women or 3 men and two women with aggregate distribution equal between men and women randomly selected from the available pool and randomly assigned to case hearings as the need arises. The court shall empanel as many juries as are required and a panel may serve various proceedings as needed for a period of at least three weeks but not more than five weeks. Prospective Jurors must have email and internet access of their own or provided by the court.

25-1504: Jury Availability to Litigants
Should a litigant believe their rights to be "significantly" abridged by a judicial act of the family court, at any time after the decree of dissolution or similar judgement such as 25-809 has been rendered, they may request in writing a review by a Jury panel stating the nature of the injustice and desired remedy. The court shall schedule a hearing to be held within 35 calendar days for the matter to be presented for review by the jury who shall render a decision within five business days. A litigant's access to a Jury shall be limited to no more often than once every 120 calendar days. A Jury panel may service no more than two proceedings per day, seven per week.

25-1505: Jury Function, Pre Hearing - 24 to 48 hours before the Jury hearing, each juror
A) shall be furnished a legible one page summary of the relative positions of the litigants on the issue to be reviewed by the Jury and a summary of actions taken by previous juries.
B) shall be provided access to the entire case file
C) may ask and then be entitled to answers to any questions from anyone at any time up until the Juries opinion has been rendered.
D) Rules of disclosure and due process shall be observed at all times.
E) Electronic communications including email and access to websites shall be utilized.

25-1506: Jury Authority and Actions
A) A jury may act via majority vote to take any of the following actions. A jury may affirm an existing order or orders. Should a jury find that an injustice exists; a jury may strike down an order or orders or any portion thereof which the jury finds objectionable. The jury shall then document the nature of their objection to provide guidance to the court. An order to strike rendered by a jury shall supersede an existing order or orders of the Family Court Judge.

B) Should a jury find that a litigant has abused their privilege of Jury oversight, the Jury may order a sanction in a manner deemed fair and equitable by the jury. All jury related costs shall be assigned to either litigant or the Family Court as deemed fair and equitable by the Jury.

25-1507: Incarceration

A Family Court judge may order a person be incarcerated but such an order may not take effect until it has been affirmed by a Jury by a margin of at least four to one. A jury hearing on the matter shall be conducted if requested by a litigant, or the person to be incarcerated, or a Juror.

25-1508: Documentation and Recordings of Family Court Proceedings

All decisions by the Jury including reasons for their decision shall be recorded in writing and may include dissenting opinions if any. This documentation shall become part of the court record. Electronic recordings of all Family Court proceedings shall be created and preserved.

25-1509: Appeals

This Jury process shall in no way affect the timing or function of the existing appeals process.

25-1510: Exemption from rule making

For the purposes of this act, the court is exempt from the rule making requirements of Title 41, Chapter 6, Arizona Revised Statutes, for one year after the effective date of this act. During this one year period, the court shall conduct trial implementation on a limited scope to gain experience necessary for effective rule making.

25-1511: Severability

If a provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

This revision to the Arizona Revised Statutes shall become law, taking effect January 1, 2017.

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