

House Engrossed

State of Arizona
House of Representatives
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 6

HOUSE BILL 2276

AN ACT

AMENDING SECTIONS 8-101, 8-102, 8-127 AND 8-202, ARIZONA REVISED STATUTES; AMENDING TITLE 14, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 8; TRANSFERRING AND RENUMBERING SECTION 8-132, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 14, CHAPTER 8, ARTICLE 1, ARIZONA REVISED STATUTES, AS SECTION 14-8101; RELATING TO ADULT ADOPTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)



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

2 Section 1. Section 8-101, Arizona Revised Statutes, is amended to
3 read:

4 8-101. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Adult" means a person eighteen years of age or older.

7 2. "Agency" means a person other than the division licensed by the
8 division to place children for adoption, including an attorney or law firm.

9 3. "Agency placement adoption" means an adoption proceeding in which
10 one or more of the requisite consents are given to an agency pursuant to
11 section 8-107, subsection D, paragraph 1.

12 4. "Child" means any person under eighteen years of age.

13 5. "Custody" means a status embodying all of the following rights and
14 responsibilities:

15 (a) The right to have the physical possession of the child.

16 (b) The right and the duty to protect, train and discipline the child.

17 (c) The responsibility to provide the child with food, shelter,
18 education and health care, and the authority to consent to surgery or other
19 extraordinary medical care in an emergency.

20 6. "Direct placement adoption" means an adoption proceeding in which
21 one or more of the requisite consents are given to a particular person
22 pursuant to section 8-107, subsection D, paragraph 2.

23 7. "Division" means the department of economic security.

24 8. "Juvenile court" or "court" means the juvenile division of the
25 superior court ~~except in relation to adult adoptions under section 8-132.~~

26 9. "Permanent guardian" means a legal guardian appointed by the court
27 pursuant to section 8-525.

28 10. "Petitioner" includes both petitioners under a joint petition.

29 Sec. 2. Section 8-102, Arizona Revised Statutes, is amended to read:
30 8-102. Who may be adopted

31 Except as provided in ~~section 8-132~~ TITLE 14, CHAPTER 8, only a child,
32 or a foreign-born person WHO IS twenty-one years of age or less AND who is
33 not an illegal alien, who is present within this state at the time the
34 petition for adoption is filed may be adopted.

35 Sec. 3. Section 8-127, Arizona Revised Statutes, is amended to read:
36 8-127. Services of county attorney; court fees; exception

37 A. The county attorney of the county in which the prospective adoptive
38 parent resides, or, if applicable, the county where the child is a ward of
39 the court, upon ON application of the person or persons seeking adoption,
40 shall prepare the adoption petition and act as attorney without expense to
41 the prospective adoptive parent. If an adoption is made through an adoption
42 agency licensed pursuant to this title, the agency shall prepare the petition
43 for adoption and shall submit it to the county attorney. If the petition is
44 contested the county attorney with the consent of the court, may withdraw
45 from further representation of any party to the proceeding and the

1 prospective adoptive parent shall employ counsel. A filing fee established
2 pursuant to section 12-284 shall be paid to the clerk of the court in
3 adoption proceedings. Any person contesting any adoption proceeding shall
4 pay a fee established pursuant to section 12-284 to the clerk of the court.

5 B. Notwithstanding the provisions of subsection A of this section, the
6 county attorney:

7 1. Shall not prepare a petition or act as the attorney for a
8 prospective adoptive parent seeking adoption pursuant to ~~section 8-132~~ TITLE
9 14, CHAPTER 8.

10 2. Is not required to act as an attorney for the prospective adoptive
11 parent concerning the enforcement or modification of an agreement entered
12 into pursuant to section 8-116.01.

13 Sec. 4. Section 8-202, Arizona Revised Statutes, is amended to read:
14 8-202. Jurisdiction of juvenile court

15 A. The juvenile court has original jurisdiction over all delinquency
16 proceedings brought under the authority of this title.

17 B. The juvenile court has exclusive original jurisdiction over all
18 proceedings brought under the authority of this title except for delinquency
19 proceedings ~~and proceedings brought pursuant to section 8-132~~.

20 C. The juvenile court may consolidate any matter, other than a
21 criminal proceeding, that is filed in another division of superior court and
22 that involves a child who is subject to the jurisdiction of the juvenile
23 court.

24 D. The juvenile court has jurisdiction of proceedings to obtain
25 judicial consent to the marriage, employment or enlistment in the armed
26 services of a child, if consent is required by law.

27 E. The juvenile court has jurisdiction over both civil traffic
28 violations and offenses listed in section 8-323, subsection B that are
29 committed within the county by persons under eighteen years of age unless the
30 presiding judge of the county declines jurisdiction of these cases. The
31 presiding judge of the county may decline jurisdiction of civil traffic
32 violations committed within the county by juveniles if the presiding judge
33 finds that the declination would promote the more efficient use of limited
34 judicial and law enforcement resources located within the county. If the
35 presiding judge declines jurisdiction, juvenile civil traffic violations
36 shall be processed, heard and disposed of in the same manner and with the
37 same penalties as adult civil traffic violations.

38 F. The orders of the juvenile court under the authority of this
39 chapter or chapter 3, 5 or 10 of this title take precedence over any order
40 of any other court of this state except the court of appeals and the supreme
41 court to the extent that they are inconsistent with orders of other courts.

42 G. Except as otherwise provided by law, jurisdiction of a child that
43 is obtained by the juvenile court in a proceeding under this chapter or
44 chapter 3, 5 or 10 of this title shall be retained by it, for the purposes
45 of implementing the orders made and filed in that proceeding, until the child

1 becomes eighteen years of age, unless terminated by order of the court before
2 the child's eighteenth birthday.

3 H. Persons who are under eighteen years of age shall be prosecuted in
4 the same manner as adults if either:

5 1. The juvenile court transfers jurisdiction pursuant to section
6 8-327.

7 2. The juvenile is charged as an adult with an offense listed in
8 section 13-501.

9 Sec. 5. Title 14, Arizona Revised Statutes, is amended by adding
10 chapter 8, to read:

11 CHAPTER 8

12 ADULT ADOPTION

13 ARTICLE 1. GENERAL PROVISIONS

14 Sec. 6. Transfer and renumber

15 Section 8-132, Arizona Revised Statutes, is transferred and renumbered
16 for placement in title 14, chapter 8, article 1, Arizona Revised Statutes,
17 as added by this act, as section 14-8101.

APPROVED BY THE GOVERNOR MARCH 6, 2001

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 6, 2001.

Passed the House January 24, 20 01,

Passed the Senate February 28, 20 01,

by the following vote: 59 Ayes,

by the following vote: 30 Ayes,

0 Nays, 1 Not Voting

0 Nays, 0 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

1st day of March, 20 01,

at 8:38 o'clock A M.

[Signature]
Secretary to the Governor

Approved this 6 day of

March, 20 01,

at 1:04 o'clock P M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 6th day of March, 20 01,

at 4:44 o'clock PM M.

[Signature]
Secretary of State

H.B. 2276