

Conference Engrossed

State of Arizona
Senate
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 208

SENATE BILL 1304

AN ACT

REPEALING LAWS 1997, CHAPTER 222, SECTION 81, AS AMENDED BY LAWS 1999, CHAPTER 301, SECTION 3; ESTABLISHING AN OPEN JUVENILE PROCEEDINGS PILOT PROJECT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Open juvenile proceedings; pilot project;
3 confidential records; report

4 A. The department of economic security, in collaboration with the
5 superior court juvenile division in Maricopa county shall implement a pilot
6 project to open to the public at least five per cent but no more than ten per
7 cent of the dependency, guardianship and termination of parental rights
8 proceedings filed in the division and to determine if opening these
9 proceedings to the public will promote due process while safeguarding privacy
10 rights. The pilot project must comply with federal requirements that are
11 prescribed as a condition to the allocation of federal monies to this state.

12 B. Except as provided in section 8-807, Arizona Revised Statutes,
13 records relating to a proceeding that is open to the public pursuant to this
14 section are not open to public inspection.

15 C. At the beginning of any proceeding, the court must ask the parties
16 if there are any reasons the proceeding should be closed.

17 D. Before opening a proceeding to the public, the court shall
18 consider:

19 1. Whether doing so is in the child's best interests.

20 2. Whether doing so would endanger the child's physical or emotional
21 well-being or the safety of any other person.

22 3. The privacy rights of the child, the child's siblings, parents,
23 guardians and caregivers and any other person whose privacy rights the court
24 determines need protection.

25 4. Whether all parties have agreed to allow the proceeding to be open.

26 E. The court shall consider the request of a child to close the
27 proceeding if the child is at least twelve years of age and a party to the
28 proceeding.

29 F. If a hearing is open, at the beginning of the hearing the court
30 shall admonish all attendees that they are prohibited by order of the court
31 from disclosing outside the hearing personally identifiable information about
32 the child, the child's siblings, parents, guardians, caregivers and others
33 mentioned in the hearing. A person who knowingly and voluntarily remains in
34 the courtroom after the admonition submits to the jurisdiction of the court
35 and shall abide by the orders of the court prohibiting disclosure of that
36 information. Failure to abide by the orders shall be deemed contempt of
37 court. The court shall explain contempt of court to all attendees, including
38 observers, and the possible consequences of violating an order of the court.
39 For the purposes of this subsection, "personally identifiable information"
40 includes name, address, date of birth, social security number, tribal
41 enrollment number, telephone or telefacsimile number, driver license number,
42 places of employment, school identification or military identification number
43 or any other distinguishing characteristic that tends to identify a
44 particular person.

1 G. The court may close an open hearing at any time during the
2 proceeding.

3 H. The department of economic security in collaboration with the
4 superior court juvenile division in Maricopa county and the administrative
5 office of the courts shall evaluate the impact and effectiveness of the pilot
6 program and shall submit a written interim report of its findings to the
7 governor, the president of the senate, the speaker of the house of
8 representatives and the chief justice of the supreme court by January 1, 2004
9 and a final report on or before October 15, 2004.

10 I. The interim report shall include:

11 1. The number and type of proceedings that were open to the public.

12 2. The number of proceedings in which a person objected to the
13 proceeding being open to the public.

14 3. The number and type of proceedings ordered closed by the court and
15 the reason for this action.

16 4. The number and type of proceedings ordered closed at the request
17 of a child who was at least twelve years of age.

18 5. The number of proceedings attended by a person who was not a party
19 to the proceeding.

20 6. The satisfaction of participants in proceedings open to the public.

21 7. Whether and to what extent the opening of any proceedings resulted
22 in an adverse effect upon the child or children who were the subject of the
23 proceedings.

24 J. The final report shall include the information prescribed in
25 subsection I of this section for the period ending on June 30, 2004 and a
26 detailed analysis of the operational and fiscal implications of a statewide
27 implementation of open court proceedings.

28 Sec. 2. Repeal

29 Laws 1997, chapter 222, section 81, as amended by Laws 1999, chapter
30 301, section 3, is repealed.

31 Sec. 3. Delayed repeal

32 Section 1 of this act is repealed from and after December 31, 2004.

APPROVED BY THE GOVERNOR MAY 12, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 13, 2003.



Passed the House April 16, 2003,

by the following vote: 44 Ayes,

15 Nays, 1 Not Voting

Passed the Senate March 12, 2003,

by the following vote: 26 Ayes,

3 Nays, 1 Not Voting

Jake Flake
Speaker of the House

Ken Blumenthal
President of the Senate

Norman L. Fyore
Chief Clerk of the House

Champion Bellister
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

S.B. 1304

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.

Secretary of State

HOUSE FINAL PASSAGE
as per Joint Conference

Passed the House May 6, 2003,

by the following vote: 46 Ayes,
10 Nays, 4 Not Voting

Jake Elaker
Speaker of the House

Norman L. Moore
Chief Clerk of the House

SENATE FINAL PASSAGE
as per Joint Conference

Passed the Senate _____, 20____,

by the following vote: _____ Ayes,
_____ Nays, _____ Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 6 day of May, 2003

at 3:11 o'clock P M.

Sandra Jamis
Secretary to the Governor

Approved this 12 day of
May, 2002,

at 9 o'clock A. M.

J. T. Apple
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 13 day of May, 2003,

at 4:03 o'clock P M.

Janice L. Brewer
Secretary of State

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