



DIVISION ONE  
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 AMY M. WOOD,  
 CLERK  
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IN THE  
 COURT OF APPEALS  
 STATE OF ARIZONA  
 DIVISION ONE

|                                |   |                      |
|--------------------------------|---|----------------------|
| IN THE MATTER OF:              | ) |                      |
|                                | ) |                      |
| POLICIES CONCERNING THE TIMELY | ) | ADMINISTRATIVE ORDER |
| FILING OF TRANSCRIPTS IN       | ) | 2024-03 (REPLACING   |
| JUVENILE APPEALS               | ) | ADMINISTRATIVE ORDER |
|                                | ) | 2017-04)             |
|                                | ) |                      |
|                                | ) |                      |

This administrative order replaces Administrative Order 2017-04, which addressed the preparation of transcripts in juvenile appeals.

Appellants’ rights to due process require the Court of Appeals to timely resolve juvenile appeals, and, by rule, the Court must give precedence to juvenile appeals. Arizona Rule of Procedure for Juvenile Court (“Rule”) 602(a). The Court wishes to minimize undue delay that results from multiple extensions of time for preparation of transcripts while allowing court reporters who demonstrate good cause for an extension adequate time to prepare and file transcripts.

Under Rule 604(a)(2) and 606(d), in every juvenile appeal, certified transcripts of specified proceedings in superior court must be prepared and filed with the Court of Appeals. The transcript is due 30 days after the first of these events occurs: (a) a government agency or an appellant represented by appointed counsel files a notice of appeal, (b) the court reporter is notified that a court has appointed counsel to represent the appellant on appeal, or (c) appellant makes satisfactory arrangements to pay for the transcript. *See* Ariz. R.P. Juv. Ct. 606(d)(2).

A court reporter may not be able to meet this deadline for many reasons. First, a court reporter simply may not have adequate time to prepare certified transcripts. Though the record presumptively includes transcripts of the proceedings specified in Rule 604(a)(2), the rules allow the appellant 5 days from the filing of the notice of appeal to file a designation of record, which requests a certified transcript of additional proceedings or excludes any portion of the proceedings the appellant deems unnecessary. *See Ariz. R.P. Juv. Ct. 604(b)(1)(B), (b)(2), (b)(3)*. Because a court reporter may not be paid for transcripts of proceedings an appellant may exclude, a court reporter typically will not begin preparing transcripts for an appeal before the court reporter receives the designation of record. Depending on the circumstances, including length of the proceedings and the court reporter's other workload, timely filing of the transcripts may be difficult or impossible.

Second, the clerk of the superior court occasionally may be delayed in notifying the court reporter that a notice of appeal has been filed or that the court has appointed counsel to represent the appellant on appeal. *See Ariz. R.P. Juv. Ct. 603(d)(2)*. This delay also can reduce the time the reporter has available to prepare the transcript.

Third, the court reporter may need more time because of unexpectedly heavy workload, illness, or other life circumstances.

The Court has historically granted extensions for good cause shown. Including the reason additional time is necessary in an extension request allows the Court to determine whether the request is based on good cause. This explanation also helps the Court's overall assessment whether subsequent extension requests are based on new and

unforeseen circumstances, constituting good cause.

Most court reporters generally do not need more than one extension. When the Court grants a second extension, it states that if the court reporter does not file the transcript by the new deadline, the court reporter must appear and show cause why the Court should not impose sanctions. This hearing is an opportunity for the court reporter to explain the circumstances causing the delay and allows the Court to work with the court reporter to establish an appropriate deadline.

Upon consideration, to promote due process and the interests of all parties in the timely resolution of juvenile appeals,

IT IS ORDERED that the Court adopts the following policy regarding extensions for filing transcripts in juvenile appeals:

1. The Court will grant a court reporter an initial extension of 30 days for the filing of a transcript upon a showing of good cause, if the reporter files the request at least one day prior to the date the transcript is due. The court reporter's avowal that their workload does not allow sufficient time to prepare the transcript by the deadline will normally be sufficient to establish good cause for a first extension.

2. If the reason for a first extension request is that the court reporter was not timely notified about a notice of appeal or appointment of appellate counsel, the court reporter should attach to the request copies of the notification they received.

3. The Court will grant a request for any subsequent extension only upon a showing of extraordinary circumstances.

4. If a court reporter fails to file a transcript by the original due date, or by the

due date specified in an order granting an extension, the court reporter must appear and show cause why the Court should not impose sanctions.

\_\_\_\_\_/s/\_\_\_\_\_  
David B. Gass  
Chief Judge, Division One  
Arizona Court of Appeals