



IN THE  
COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION ONE

DIVISION ONE  
FILED: 12/4/2024  
AMY M. WOOD,  
CLERK  
BY: amw

IN THE MATTER OF: )  
EXPEDITED REVIEW OF ) ADMINISTRATIVE ORDER 2024-12  
DEPENDENCY FINDINGS )  
IN JUVENILE CASES )  
\_\_\_\_\_ )

Under A.R.S. § 12-120.04, the Chief Judge has the authority to exercise administrative supervision over the court and, for good cause, this court on its own initiative may suspend, supplement, or vary the rules applicable to juvenile appeals. Ariz. R.P. Juv. Ct. 602(d).

This court has appellate jurisdiction over dependency appeals. A.R.S. § 8-235.A; Ariz. R.P. Juv. Ct. 601(b)(2)(A), (M). This court must give juvenile appeals priority, Ariz. R.P. Juv. Ct. 602(a). And it may provide for expedited review of juvenile matters when appropriate. *Jessica C. v. Dep't of Child Safety*, 248 Ariz. 203, 207 ¶ 16 (App. 2020). Recent caselaw suggests expedited review may be warranted when a juvenile appeal involves dependency findings. *See In re Dependency as to G.K.*, \_\_\_ Ariz. \_\_\_, 2024 WL 3942370 (Ariz. App. Aug. 28, 2024).

After a superior court finds a child is dependent, enters a disposition, and adopts a case plan, federal law requires the superior court to hold periodic review hearings at least once every six months. A.R.S. § 8-847.A; Ariz. R.P. Juv. Ct. 341(a). Review hearings can occur more often, particularly in cases involving younger children.

At a review hearing, the superior court must determine whether the child remains dependent. Ariz. R.P. Juv. Ct. 341(f)(1). And the superior court may do so at other intervening hearings. In short, the superior court may be asked to reaffirm earlier dependency findings at various times during a dependency proceeding.

In *G.K.*, a parent challenged a June 2023 order reaffirming an earlier dependency finding. \_\_\_ Ariz. \_\_\_, 2024 WL 3942370 at \*1 ¶¶ 1, 6 (Ariz. App. Aug. 28, 2024). While that appeal was pending, the superior court held another review hearing in December 2023, during which (as is commonplace) it considered a new child safety specialist report. *Id.* at \*2 ¶ 11. The superior court then reaffirmed the June 2023 dependency finding in a December 2023 order. *Id.*

This court concluded, “Because the juvenile court considered a more recent . . . report in reaching its conclusion in the December 2023 [order], that ruling necessarily replace[d] the prior dependency order.” *Id.* As a result, this court concluded the December 2023 order rendered the parent’s challenge to the June 2023 order moot and dismissed the appeal. *Id.* at \*3 ¶¶ 12-13; see also *Dep’t of Child Safety v. Stocking-Tate*, 247 Ariz. 108, 114 ¶ 14 (App. 2019) (“[E]ach new order necessarily replaces the last as the court gains information and perspective.”). Though *G.K.* currently is subject to a petition for review before the Arizona Supreme Court, it shows the passage of a short time period moot appeals challenging dependency findings because of subsequent review hearings required by law.

Given the need to prioritize juvenile appeals generally, and this circumstance, the court finds good cause to expedite juvenile appeals challenging dependency findings by

varying the otherwise applicable rules. Ariz. R.P. Juv. Ct. 602(d). And review by special action may be appropriate if (1) a child's welfare is involved and the harm complained of can be prevented only by resolution before an appeal; or (2) the case presents issues that tend to evade review, including questions that may become moot before an appeal. *Madison C. v. Marwil in & for Cnty. of Maricopa*, 255 Ariz. 244, 247 ¶ 17 (App. 2023) (issues capable of repetition yet likely to evade appellate review); *Dep't of Child Safety v. Beene*, 235 Ariz. 300, 303 ¶ 6 (App. 2014) (welfare of children); *see also* Rules of Procedure for Special Actions ("RPSA") 12(b)(5), (6) (eff. Jan. 1, 2025). Accordingly, parties seeking expedited review of dependency findings may seek special action relief.

IT THUS IS ORDERED when a party files a notice of appeal or petition for special action challenging a dependency finding, the party must (1) include the final order or portion of the order the party is appealing; (2) note it is challenging a dependency finding; (3) state the date of the dependency finding; and (4) state the date of the next review hearing or affirm the superior court has not scheduled such a hearing. If the superior court has not scheduled such a hearing, the filing party must file a status report within five business days of learning the next review hearing date. This requirement will not apply in cases challenging the denial of a dependency petition or the dismissal of a dependency or in termination of parental rights, permanent guardianship, or other juvenile appeals not challenging a dependency finding.

IT FURTHER IS ORDERED upon receipt of a petition for special action challenging a dependency finding and complying with the obligations set forth in this order, the clerk of the court will promptly assign the case to an available panel.

IT FURTHER IS ORDERED upon receipt of a notice of appeal challenging a dependency finding and complying with the obligations set forth in this order, following an initial jurisdiction review, the clerk of the court will promptly assign the case to an available panel.

IT FURTHER IS ORDERED if a notice of appeal is filed challenging a dependency finding, the court may elect to convert the appeal to an appellate special action. If it does, the court will issue an order directing the clerk of court to open a new special action matter and the Arizona Rules of Procedure for Special Actions (“RPSA”) will apply going forward. *See* RPSA (eff. Jan. 1, 2025) 12(e). The new special action matter will retain the existing caption.

IT FURTHER IS ORDERED all public access restrictions applicable to juvenile appeals will apply to special actions commenced under this administrative order and dependency appeals that are converted to special actions.

IT FURTHER IS ORDERED the court will not charge a filing fee for dependency appeals that are converted to special actions under this administrative order.

IT FURTHER IS ORDERED the court will consider case-by-case requests to expedite transcript preparation for hearings more than 30 minutes in length to expedite review.

IT FURTHER IS ORDERED the court also will consider case-by-case requests to submit recordings of hearings less than 30 minutes in length in lieu of transcripts to expedite review. *See* Ariz. R. Civ. App. P. 11(f).

IT FURTHER IS ORDERED absent a request to expedite transcripts or submit recordings, the transcript due dates established in the original dependency appeal will apply in any dependency appeal the court converts to a special action. *See* Ariz. R.P. Juv. Ct. 606(d)(2). Payment arrangements in place for any transcripts ordered in a dependency appeal also will remain in place if the appeal is converted to a special action.

IT FURTHER IS ORDERED if a petition for special action challenging a dependency action complying with the obligations of this order is filed, or if a notice of appeal challenging a dependency finding complying with the obligations of this order is treated as a petition for special action, the court will determine whether the exercise of special action jurisdiction is appropriate case-by-case. *See* RPSA 1(a); RPSA (eff. Jan. 1, 2025) 12(a), (c)(4).

IT FURTHER IS ORDERED the court may take other actions to expedite consideration of these matters including directing expedited delivery of the presumptive record and entering an accelerated briefing schedule. *See* Ariz. R.P. Juv. Ct. 602(d), 604(a); RPSA 7(d); RPSA (eff. Jan. 1, 2025) 11(g).

IT FURTHER IS ORDERED the procedures for addressing challenges of dependency findings in this court will remain in place until further order of this court.

\_\_\_\_\_/s/\_\_\_\_\_  
David B. Gass, Chief Judge