

REFERENCE TITLE: children; open court proceedings

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2453

Introduced by
Representatives Paton, Adams, Burges, Murphy

AN ACT

AMENDING TITLE 8, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-525; RELATING TO CHILD WELFARE AND PLACEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 8, chapter 5, article 1, Arizona Revised Statutes, is
3 amended by adding section 8-525, to read:

4 8-525. Children; open court proceedings; factors; court
5 admonition; contempt of court

6 A. EXCEPT AS OTHERWISE PROVIDED PURSUANT TO THIS SECTION, COURT
7 PROCEEDINGS RELATING TO DEPENDENT CHILDREN, PERMANENT GUARDIANSHIP AND
8 TERMINATION OF PARENTAL RIGHTS ARE OPEN TO THE PUBLIC.

9 B. AT THE FIRST HEARING IN ANY DEPENDENCY, PERMANENT GUARDIANSHIP OR
10 TERMINATION OF PARENTAL RIGHTS PROCEEDING, THE COURT SHALL ASK THE PARTIES IF
11 THERE ARE ANY REASONS THE PROCEEDING SHOULD BE CLOSED. FOR GOOD CAUSE SHOWN,
12 THE COURT MAY ORDER ANY PROCEEDING TO BE CLOSED TO THE PUBLIC. IN
13 CONSIDERING WHETHER TO CLOSE THE PROCEEDING TO THE PUBLIC, THE COURT SHALL
14 CONSIDER:

15 1. WHETHER DOING SO IS IN THE CHILD'S BEST INTERESTS.

16 2. WHETHER AN OPEN PROCEEDING WOULD ENDANGER THE CHILD'S PHYSICAL OR
17 EMOTIONAL WELL-BEING OR THE SAFETY OF ANY OTHER PERSON.

18 3. THE PRIVACY RIGHTS OF THE CHILD, THE CHILD'S SIBLINGS, PARENTS,
19 GUARDIANS AND CAREGIVERS AND ANY OTHER PERSON WHOSE PRIVACY RIGHTS THE COURT
20 DETERMINES NEED PROTECTION.

21 4. WHETHER ALL PARTIES HAVE AGREED TO ALLOW THE PROCEEDING TO BE OPEN.

22 5. IF THE CHILD IS AT LEAST TWELVE YEARS OF AGE AND A PARTY TO THE
23 PROCEEDING, THE CHILD'S WISHES.

24 C. AT THE BEGINNING OF A HEARING THAT IS OPEN TO THE PUBLIC, THE COURT
25 SHALL DO THE FOLLOWING:

26 1. ADMONISH ALL ATTENDEES THAT THEY ARE PROHIBITED FROM DISCLOSING ANY
27 INFORMATION THAT MAY IDENTIFY THE CHILD AND THE CHILD'S SIBLINGS, PARENTS,
28 GUARDIANS AND CAREGIVERS, AND ANY OTHER PERSON WHOSE IDENTITY WILL BE
29 DISCLOSED DURING THE PROCEEDING.

30 2. EXPLAIN CONTEMPT OF COURT TO ALL ATTENDEES AND THE POSSIBLE
31 CONSEQUENCES OF VIOLATING AN ORDER OF THE COURT.

32 D. A PERSON WHO REMAINS IN THE COURT AFTER THE ADMONITION PURSUANT TO
33 SUBSECTION C MUST ABIDE BY THE COURT'S ORDER PROHIBITING DISCLOSURE OF THAT
34 INFORMATION. THE COURT MAY FIND A PERSON WHO FAILS TO DO SO IN CONTEMPT OF
35 COURT.

36 E. THE COURT MAY CLOSE AN OPEN PROCEEDING AT ANY TIME FOR GOOD CAUSE
37 SHOWN AND AFTER CONSIDERING THE FACTORS PRESCRIBED IN SUBSECTION B.

38 F. IF A PROCEEDING HAS BEEN CLOSED BY THE COURT, ANY PERSON MAY
39 SUBSEQUENTLY REQUEST THAT THE COURT REOPEN A PROCEEDING OR A SPECIFIC HEARING
40 TO THE PUBLIC IN RULING ON THIS REQUEST, THE COURT SHALL CONSIDER THE FACTORS
41 PRESCRIBED IN SUBSECTION B.