



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-seventh Legislature
First Regular Session

HB 2295: juveniles; change of judge; impartiality

S/E: change of judge; impartiality; juveniles

Sponsor: Representative Fink, LD 27

Committee on Judiciary

Overview

Grants the right to request a change of judge in juvenile permanency determination proceedings under specified circumstances.

History

The Arizona Court's rules entitle each side a juvenile court the right to one change of judge without cause by filing a Notice of Change of Judge or making the request on the record in open court. The notice must be filed within 5 days of receiving notice of the judge's assignment. A party waives this right if it participates in any contested proceedings before the assigned judge or fails to file the notice within the required timeframe. The waiver also applies to all related proceedings involving the same juvenile or minor, including successive petitions or cases involving siblings. If a case is remanded by an appellate court, a party may only request a change of judge if the case is assigned to a new judge and the party has not previously waived its right ([Juv. Ct. Rules of Proc., Rule 108](#)).

Provisions

1. Permits a party in a contested permanency determination proceeding to request a change of judge for cause based on any of the following grounds:
 - a) the judge previously acted as counsel in the matter before his appointment or election as a judge;
 - b) the judge has a personal interest in the matter;
 - c) the judge is related to either party in the matter;
 - d) the judge is a material witness in the matter; and
 - e) the party has cause to believe that the judge cannot be fair and impartial. (Sec. 1)
2. Outlines the court procedure to request a change of judge. (Sec. 1)
3. Asserts that a party waives the right to request a change of judge for cause if it allows the contested proceeding to proceed before the judge without objecting, despite knowing that valid grounds for removal exist. (Sec. 1)
4. Grants each party in a permanency determination action the right to make one request for change of judge without cause. (Sec. 1)
5. Asserts that a party waives its right to a change of judge without cause if it participates in any contested proceeding before the judge, and this waiver applies to all future petitions or supplemental petitions related to the same case. (Sec. 1)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note

6. Grants that if the appellate court remands a case to the same judge each party has a renewed right to request a change of judge without cause. (Sec. 1)
7. Permits, if the appellate court remands a case to a new judge, a party to file a notice for a change of judge if it has not previously waived this right or used its one without-cause request. (Sec. 1)
8. Asserts that if a party properly files for a change of judge, the named judge cannot take further action in the case except to make temporary orders to prevent harm to the child involved in the case. (Sec. 1)
9. Defines pertinent terms. (Sec. 1)