



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
Second Regular Session

HB2675: right to jury; parent-child relationship

Sponsor: Representative Biasiucci, LD 5

Committee on Judiciary

Overview

Applies the right to trial by jury to a termination of a parent-child relationship hearing.

History

Statute entitles a party to a trial by jury in proceedings in which factual disputes arise. The court may call a jury to decide an advisory verdict if there isn't a right to trial by jury or the right is waived ([A.R.S. § 14-1306](#)).

The court is required to grant a plaintiff's or defendant's request for a jury trial. If a proceeding is in the superior court, the jury consists of eight individuals. If the proceeding is in the justice court, the jury consists of six individuals ([A.R.S. § 12-1176](#)).

The jury hears the proceeding in public and in the presence of the defendant. The court decides questions of law that arise during the trial ([A.R.S. § 22-323](#)). A jury trial is prohibited in the small claims division ([A.R.S. § 22-518](#)).

A preliminary protective hearing reviews the taking of a child into temporary custody ([A.R.S. § 8-824](#)).

Provisions

1. Entitles a party a right to trial by jury. (Sec. 1)
2. Prohibits the right to trial by jury from being arbitrarily denied. (Sec. 1)
3. Requires the court to provide written notice to all parties of the right to a trial by jury. (Sec. 1)
4. States that if a court fails to provide the notice, subsequent proceedings do not have the force of the law. (Sec. 1)
5. Requires the court to set a new hearing within 20 days if:
 - a) A party believes that their rights have been substantially violated by the court orders; and
 - b) A party files a jury demand with the court within 20 days after the filed court orders. (Sec. 1)
6. Allows a party to have the jury reexamine discrete portions of the court's orders without the entire case being reexamined. (Sec. 1)
7. Applies the right to a trial by jury to matters relating to preliminary protective hearing or the termination of a parent-child relationship hearing. (Sec. 1)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note