

REFERENCE TITLE: jury; parental rights; termination; appropriation

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
First Regular Session  
2023

## **HB 2588**

Introduced by  
Representative Payne

### **AN ACT**

AMENDING TITLE 8, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 8-468; APPROPRIATING MONIES; RELATING TO THE RIGHT TO A  
JURY.

(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 4, article 1, Arizona Revised Statutes,  
3 is amended by adding section 8-468, to read:

4 8-468. Right to jury in termination of parental rights  
5 matters

6 A. A HEARING TO TERMINATE PARENTAL RIGHTS THAT IS HELD PURSUANT TO  
7 SECTION 8-537 OR 8-863 SHALL BE TRIED TO A JURY IF A PARENT FILES A  
8 WRITTEN REQUEST FOR A JURY TRIAL BEFORE OR AT THE TIME OF THE INITIAL  
9 TERMINATION HEARING THAT IS HELD PURSUANT TO SECTION 8-535. NOTICE OF THE  
10 OPTION FOR A JURY TRIAL MUST BE INCLUDED IN THE NOTICE OF INITIAL HEARING  
11 PRESCRIBED BY SECTION 8-535.

12 B. IF A COURT RECEIVES MULTIPLE REQUESTS FOR A JURY TRIAL, ONE JURY  
13 TRIAL MAY BE HELD FOR THE PROCEEDING. A JURY TRIAL MAY BE HELD IN LIEU OF  
14 A BENCH TRIAL FOR ALL PARENTS INVOLVED IN THE PROCEEDING.

15 C. THE NUMBER AND CONCURRENCE OF JURORS FOR A TRIAL THAT IS HELD  
16 PURSUANT TO THIS SECTION SHALL BE CONSISTENT WITH THE LIMITS ESTABLISHED  
17 IN SECTION 21-102, SUBSECTION C.

18 D. A JURY TRIAL THAT IS HELD PURSUANT TO THIS SECTION MUST BE  
19 COMMENCED NOT LATER THAN ONE HUNDRED TWENTY DAYS AFTER THE INITIAL  
20 TERMINATION HEARING UNDER SECTION 8-535 IS COMPLETED.

21 Sec. 2. Reporting requirement

22 A. On or before January 1, 2026, the administrative office of the  
23 courts shall review the following:

24 1. The number of jury trials requested pursuant to section 8-468,  
25 Arizona Revised Statutes, as added by this act.

26 2. The number of jury trials completed.

27 3. The outcome and length of jury trials compared to the outcome  
28 and length of bench trials.

29 4. Feedback from parties, attorneys, judges, juries and court staff  
30 in a jury trial case.

31 5. Any other relevant data or information related to jury trials  
32 and bench trials in termination of parental rights proceedings.

33 B. The administrative office of the courts shall issue a report of  
34 its findings and recommendations to the governor, the president of the  
35 senate and the speaker of the house of representatives and shall provide a  
36 copy of this report to the secretary of state.

37 Sec. 3. Appropriation; administrative office of the courts;  
38 jury trials in parental termination matters;  
39 exemption

40 A. The sum of \$15,000,000 is appropriated from the state general  
41 fund in fiscal year 2023-2024 to the administrative office of the courts  
42 for jury trials in parental termination matters pursuant to section 8-468,  
43 Arizona Revised Statutes, as added by this act.

1           B. The appropriation made in subsection A of this section is exempt  
2 from the provisions of section 35-190, Arizona Revised Statutes, relating  
3 to lapsing of appropriations.

4           Sec. 4. Effective date

5           Section 8-468, Arizona Revised Statutes, as added by this act, is  
6 effective from and after June 30, 2024.