



APPELLATE ADVOCACY

November 3, 2023
Maricopa County Juvenile
Bench Bar Conference

A View from the Appellate Bench

Arizona Court of Appeals, Division One
Chief Judge David B. Gass
Judge Cynthia J. Bailey
Judge Daniel J. Kiley





OVERVIEW

- Case Processing
- Guardian Disclosure Stays
- Plans for Accelerating Dependency Appeals
- Key Cases
- Questions throughout and at the end





Case Processing





Case Processing

- Starting in 2013, Division One had a spike in juvenile appeals, with 2017 being the high point with more than 24 juvenile appeals per month.
- That number has declined since 2017.
- Division One currently processes about 10 juvenile appeals per month.
- At this point, Division One's juvenile filings are on par with 2012.





Case Processing

- Division One affirms all juvenile appeals an average of 95.48% of the time.
- Division Two affirms all juvenile appeals an average of 98.68% of the time.





Guardian Disclosure Stays

- Division One has had 36 cases affected by stay requests:
 - No stays were issued in 7 cases:
 - 3 cases had been mandated.
 - 4 cases did not require a stay for various reasons, including voluntary dismissals and remands.
 - 29 stays were issued:
 - 5 have been lifted.
 - 24 remain in place and are set to lift before December 31, 2023.





Accelerating Dependency Appeals

- Dependency findings are appealable as of right, so they are not really special action material, unless we decide they are.
- If a dependency goes through typical appeal process, it often is not completed before the termination process is underway or in many cases complete.
- Division One is looking to establish a process so dependency appeals are briefed within 60 days of filing the notice of appeal.





A Few Case Highlights

Family Court Orders: Third-Party Rights

Verdugo v. Lang, No. 1 CA-SA 23-0143

<https://www.azcourts.gov/Portals/0/OpinionFiles/Div1/2023/SA%2023-0143%20VERDUGO.pdf>





A Few Case Highlights

Indigency and Representation

In re Termination of Parental Rights as to P.P.

<https://www.azcourts.gov/Portals/0/OpinionFiles/Div1/2023/1%20CA-JV%2022-0278%20-%20In%20re%20Termination%20of%20Parental%20Rights%20as%20to%20P.P.%20Memorandum%20Decision.pdf>





A Few Case Highlights

In-Patient Assessment: A.R.S. § 8-272

DCS v. Lang, CA-SA 22-0224

1 CA-SA 22-0224 DCS v. Hon Lang.pdf
(azcourts.gov)





A Few Case Highlights

Paternity

In re Dependency as to G.R., 1 CA-JV 22-0271

<https://www.azcourts.gov/Portals/0/OpinionFiles/Div1/2023/1%20CA-JV%2022-0271.pdf>





QUESTIONS

