

Court of Appeals, Division One

Juvenile

1 CA-JV 24-0061

IN RE: DCS/GUARDIAN

Appellate Case Information

Case Filed: 28-Mar-2024

Case Closed:

Dept/Composition

Department S

Hon. David B Gass

Side 1. ARIZONA DEPARTMENT OF CHILD SAFETY, an Agency, Respondent

(Litigant Group) DCS

• Department of Child Safety

Attorneys for: Respondent

Kristin K Mayes, Esq. (AZ Bar No. 22584)

Kirsten J Wright, Esq. (AZ Bar No. 16340)

2 OPEN DUE DATES

Court Ordered Document due

Due By: Tuesday, September 24, 2024

Re: * ORDERED: By 09/24/2024, the Department must: 1. Update its Response to Administrative Order 2024-04 to correct the errors in its May 17, 2024 response and appendix. 2. Provide the information requested in Administrative Order 2024-04 for post-mandate ca

Court Ordered Document due

Due By: Tuesday, September 24, 2024

Re: * ORDERED: By 09/24/2024, the Department must: 1. Update its Response to Administrative Order 2024-04 to correct the errors in its May 17, 2024 response and appendix. 2. Provide the information requested in Administrative Order 2024-04 for post-mandate ca

6 PROCEEDING ENTRIES

1. 28-Mar-2024 FILED: Appellate Clerk Notice
2. 22-Apr-2024 FILED: DCS's Motion for Extension of Time to File List of Post-Mandate Cases Affected by Guardian System Disclosure Error (Motion for a Procedural Order); DCS's Certificate of Service (Respondent)
3. 24-Apr-2024 ORDERED: DCS's Motion for Extension of Time to File List of Post-Mandate Cases Affected by Guardian System Disclosure Error (Respondent) = GRANTED. Due date EXTENDED from Monday, 04-29-2024 to Friday, 05-31-2024. The court will not grant any further extension absent extraordinary circumstances. FURTHER ORDERED: If the Department fails to timely transmit the list of all post-mandate cases, or fails to comply with this Order, this court may place the matter on the court's Order to Show Cause Calendar to give the Department an opportunity to show cause, if any exists, why this court should not hold it in civil contempt and imposes fines and other sanctions until the Department files the list as required by this Order and to otherwise ensure compliance with this Order. FURTHER ORDERED: The court may take any other actions it deems appropriate in the circumstances. Hon David B Gass - Author
4. 29-Apr-2024 FILED: DCS's Notice Re: Two Specific Post-Mandate Cases; DCS's Certificate of Service (Respondent)
5. 17-May-2024 FILED: DCS's Response to Administrative Order 2024-04; DCS's Certificate of Service; Appendix to DCS Response to Administrative Order 2024-04 (Respondent)
6. 26-Jul-2024 ORDERED: By 09/24/2024, the Department must: 1. Update its Response to Administrative Order 2024-04 to correct the errors in its May 17, 2024 response and appendix. 2. Provide the information requested in Administrative Order 2024-04 for post-mandate cases from April 3, 2024 to the date of this Order. 3. Describe all efforts it is making to disclose the documents to the parties in each appeal the Department identifies as having incomplete disclosure. FURTHER ORDERED: The Department must transmit to the Court a list of all cases with pending appeals by 09/24/2024. For each case, the Department must: 1. Identify whether the case is affected by the Guardian system disclosure issues discussed above. 2. Identify all undisclosed documents. 3. Report whether the Department has disclosed those documents to all parties. 4. Indicate whether it requested a stay of the appeal. FURTHER ORDERED: Setting a status conference before the Court on 10/01/2024, at 10:00 a.m., in Courtroom 2, 1501 West Washington Street, Phoenix, Arizona 85007. At this status conference, the Department must produce a representative who can explain what steps the Department has taken to address its failure to timely disclose documents in post-mandated cases and how it intends to ensure these issues are resolved pre-mandate in all pending cases. FURTHER ORDERED: The Court may place the matter on the Court's Order to Show Cause Calendar if the Department fails to comply with any portion of this Order. At that hearing, should it occur, the Court would give the Department an opportunity to show cause, if any exists, why the Court should not hold it in civil contempt and impose fines or other sanctions to ensure compliance with this Order. FURTHER ORDERED: The Court may take any other action it deems appropriate in the circumstances. FURTHER ORDERED: The Clerk of the Court shall file this Order in 1 CA-JV 24-0061.