

COMMITTEE ON JUDICIARY
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2295
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 8, chapter 4, article 11, Arizona Revised
3 Statutes, is amended by adding section 8-865, to read:

4 8-865. Change of judge; procedure; definitions

5 A. A PERSON WHO IS A PARTY TO AN ACTION INITIATED PURSUANT TO THIS
6 ARTICLE IS ENTITLED TO A CHANGE OF JUDGE FOR CAUSE ON ANY OF THE FOLLOWING
7 GROUNDS:

8 1. THE JUDGE HAS BEEN ENGAGED AS COUNSEL IN THE MATTER BEFORE
9 APPOINTMENT OR ELECTION AS A JUDGE.

10 2. THE JUDGE HAS AN INTEREST IN THE MATTER.

11 3. THE JUDGE IS RELATED TO EITHER PARTY IN THE MATTER.

12 4. THE JUDGE IS A MATERIAL WITNESS IN THE MATTER.

13 5. A PARTY HAS CAUSE TO BELIEVE AND DOES BELIEVE THAT DUE TO THE
14 BIAS, PREJUDICE OR INTEREST OF THE JUDGE, THE JUDGE CANNOT BE FAIR AND
15 IMPARTIAL.

16 B. NOT LESS THAN FIVE DAYS AFTER DISCOVERING GROUNDS EXIST FOR A
17 CHANGE OF JUDGE FOR CAUSE PURSUANT TO SUBSECTION A OF THIS SECTION BUT
18 BEFORE THE START OF A HEARING HELD PURSUANT TO THIS ARTICLE, A PARTY MAY
19 FILE A MOTION REQUESTING A CHANGE OF JUDGE FOR CAUSE. THE MOTION SHALL BE
20 SUPPORTED BY AN AFFIDAVIT. THE AFFIDAVIT SHALL CONTAIN THE SPECIFIC
21 GROUNDS FOR THE CHANGE OF JUDGE FOR CAUSE. A PARTY WHO REQUESTS A CHANGE
22 OF JUDGE FOR CAUSE SHALL PROVIDE A COPY OF THE MOTION FOR CHANGE OF JUDGE
23 FOR CAUSE AND THE AFFIDAVIT ALLEGING THE SPECIFIC GROUNDS FOR THE CHANGE OF
24 JUDGE FOR CAUSE TO ALL OF THE PARTIES IN THE MATTER AND THE PRESIDING

1 JUDGE. IF THE JUDGE NAMED IN THE MOTION FOR CHANGE OF JUDGE FOR CAUSE AND
2 THE AFFIDAVIT IS THE JUDGE PRESIDING OVER THE MATTER, THE ROLE OF THE
3 PRESIDING JUDGE SHALL BE PERFORMED BY A JUDGE WHO IS DESIGNATED BY THE
4 PRESIDING JUDGE.

5 C. A PARTY WAIVES THE RIGHT TO A CHANGE OF JUDGE FOR CAUSE WHEN THE
6 PARTY, AFTER LEARNING THAT GROUNDS EXIST FOR A CHANGE OF JUDGE FOR CAUSE,
7 ALLOWS A CONTESTED PROCEEDING INITIATED PURSUANT TO THIS ARTICLE TO BEGIN
8 OR CONTINUE BEFORE THAT JUDGE WITHOUT OBJECTION. ANY EVENT THAT OCCURS
9 BEFORE THE DISCOVERY THAT GROUNDS EXIST FOR A CHANGE OF JUDGE FOR CAUSE
10 DOES NOT CONSTITUTE A WAIVER OF THE RIGHT TO A CHANGE OF JUDGE FOR CAUSE.
11 A PARTY MAY PRESERVE ALLEGATIONS THAT THE PARTY BELIEVES MAY PREVENT A FAIR
12 AND IMPARTIAL HEARING FOR AN APPEAL.

13 D. IN ANY MATTER BROUGHT PURSUANT TO THIS ARTICLE, EACH PARTY HAS A
14 RIGHT TO MAKE ONE REQUEST FOR A CHANGE OF JUDGE WITHOUT CAUSE. A PARTY MAY
15 EXERCISE THE RIGHT TO A CHANGE OF JUDGE WITHOUT CAUSE BY MAKING A REQUEST
16 ON THE RECORD IN OPEN COURT OR BY FILING A "NOTICE OF CHANGE OF JUDGE" THAT
17 IS SIGNED BY THE PARTY'S ATTORNEY OR, IF THE PARTY IS SELF-REPRESENTED,
18 SIGNED BY THE PARTY, STATING THE NAME OF THE JUDGE TO BE CHANGED WITHOUT
19 CAUSE. A NOTICE OF CHANGE OF JUDGE WITHOUT CAUSE MUST BE FILED NOT LESS
20 THAN FIVE DAYS AFTER NOTICE HAS BEEN PROVIDED TO THE REQUESTING PARTY THAT
21 THE MATTER HAS BEEN ASSIGNED TO A JUDGE.

22 E. A PARTY WAIVES THE RIGHT TO A CHANGE OF JUDGE WITHOUT CAUSE WHEN
23 THE PARTY PARTICIPATES IN ANY CONTESTED PROCEEDING BEFORE THAT JUDGE. THE
24 WAIVER APPLIES TO ALL SUCCESSIVE PETITIONS OR SUPPLEMENTAL PETITIONS THAT
25 ARE FILED REGARDING THE SAME MATTER, THE SAME MINOR OR ANY OTHER MINOR WHO
26 HAS AT LEAST ONE PARENT IN COMMON WITH THAT MINOR AND TO ALL PROCEEDINGS
27 AFTER REMAND BY AN APPELLATE COURT.

28 F. IF THE APPELLATE COURT REMANDS A CASE THAT REMAINS ASSIGNED TO
29 THE ORIGINAL JUDGE, THE PARTIES HAVE A RENEWED RIGHT TO A CHANGE OF JUDGE
30 WITHOUT CAUSE. IF ON REMAND THE CASE IS ASSIGNED TO A NEW JUDGE, A PARTY
31 WHO HAS NOT WAIVED A RIGHT UNDER SUBSECTION E OF THIS SECTION OR WHO HAS
32 NOT PREVIOUSLY FILED A NOTICE OF CHANGE OF JUDGE WITHOUT CAUSE PURSUANT TO

1 SUBSECTION D OF THIS SECTION MAY FILE A NOTICE OF CHANGE OF JUDGE NOT LATER
2 THAN TEN DAYS AFTER NOTICE HAS BEEN PROVIDED TO THE PARTY WHO IS REQUESTING
3 A CHANGE OF JUDGE WITHOUT CAUSE THAT A JUDGE HAS BEEN ASSIGNED TO THE
4 MATTER.

5 G. IF A PARTY TIMELY FILES A MOTION OR A NOTICE FOR A CHANGE OF
6 JUDGE EITHER FOR CAUSE OR WITHOUT CAUSE PURSUANT TO THIS SECTION, THE JUDGE
7 NAMED IN THE MOTION OR NOTICE MAY TAKE NO FURTHER ACTION IN THE MATTER
8 BEFORE THE MATTER IS REASSIGNED TO ANOTHER JUDGE, EXCEPT TO MAKE THE
9 TEMPORARY ORDERS THAT ARE NECESSARY TO PREVENT HARM TO THE CHILD THAT IS
10 THE SUBJECT OF THE MATTER.

11 H. FOR THE PURPOSES OF THIS SECTION:

12 1. "JUDGE" INCLUDES:

13 (a) A JUDGE.

14 (b) A COMMISSIONER.

15 (c) A JUDGE PRO TEMPORE.

16 2. "PRESIDING JUDGE" INCLUDES THE PRESIDING JUDGE'S DESIGNEE."

17 Amend title to conform

And, as so amended, it do pass

QUANG H. NGUYEN
CHAIRMAN

2295JUDICIARY.docx
02/19/2025
10:03 AM
C: LAT