

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR MARICOPA COUNTY**

IN THE MATTER OF ACCESS TO
CLOSED CONFIDENTIAL RECORDS
AND HEARINGS OF THE JUVENILE
DEPARTMENT

} ADMINISTRATIVE ORDER
No. 2018 - 025

Article 6.1 of the Arizona Constitution created the Commission on Judicial Conduct as an independent state agency whose purpose is to investigate complaints of alleged unethical conduct by judicial officers and to prosecute, when appropriate, formal charges of judicial misconduct. When a complaint is received, the Commission's preliminary process is to dismiss the complaint upon initial screening or refer to disciplinary counsel for a preliminary investigation. Often complaints are resolved and dismissed at the preliminary investigation stage after a review of the recordings of in-court proceedings and other court records that relate to the complaint.

Records of all juvenile adoption, dependency, severance and other related proceedings are closed to the public as provided by law unless opened by court order. Supreme Court Rule 123(d)(1)(B). Rules of Juvenile Court 47(a). The digital recordings of juvenile proceedings constitute court records subject to confidentiality rules. When the Commission on Judicial Conduct receives a complaint against a judicial officer arising from an adoption, dependency or severance case, the Rules cited above prevent the Commission from reviewing recordings of court proceedings and other records that might otherwise result in prompt resolution of the complaint without need for further investigation.

Supreme Court Rule 123(c)(6) provides that employees of state agencies serving a public purpose may be granted such access to court records as required to serve that purpose as provided by court order. The Commission on Judicial Conduct is an agency serving a public purpose.

IT IS THEREFORE ORDERED that the Juvenile Department may provide to the Commission on Judicial Conduct such access to records in juvenile cases, including digital recordings of juvenile court proceedings, as needed by the Commission to investigate complaints of judicial misconduct.

IT IS FURTHER ORDERED that the records and information shall remain confidential for all purposes and to all other persons as required by law, or as otherwise ordered by a court of competent jurisdiction.

DATED this 8th day of February, 2018.

/s/ Janet E. Barton

Janet E. Barton
Presiding Judge

Original: Clerk of the Superior Court

Copies: Hon. Timothy Ryan
Hon. Margaret Downie, Executive Director, Commission on Judicial
Conduct
April P. Elliott, Disciplinary Counsel, Commission on Judicial Conduct
Raymond Billotte, Judicial Branch Administrator
Shawn Friend, Deputy Court Administrator
Bob James, Deputy Court Administrator
Sheila Tickle, Juvenile Department Administrator
Deborah Barnaby, Juvenile Department