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Aditya Dynar (031583)
Frank D. Garrison (Ind. No. 34024-49)*
PACIFIC LEGAL FOUNDATION
3100 Clarendon Blvd., Ste. 610
Arlington, VA 22201
(202) 807-4472
ADynar@pacificlegal.org
FGarrison@pacificlegal.org
**pro hac vice application forthcoming*

Timothy M. Sandefur (033670)
Scharf-Norton Center for Constitutional Litigation at the
GOLDWATER INSTITUTE
500 E. Coronado Rd.
Phoenix, AZ 85004
(602) 462-5000
litigation@goldwaterinstitute.org

Attorneys for Appellant

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

SARRA L.,

Appellant,

v.

**MIKE FAUST, Director, Arizona Department of
Child Safety;
ARIZONA DEPARTMENT OF CHILD SAFETY,**

Appellees.

Case No. **LC 2022-000221**

Office of Administrative Hearings
No. 21C-1159943-DCS

**NOTICE OF APPEAL FOR
JUDICIAL REVIEW OF
ADMINISTRATIVE DECISION**

Sarra L. brings this appeal under A.R.S. § 12-904, challenging the final administrative decision in *In the Matter of Sarra L.*, issued by Miranda Alvarez, Legal Secretary, Department of Child Safety, on June 16, 2022, in Cause No. 21C-1159943-DCS.

1 According to the Arizona Rules of Procedure for Judicial Review of Administrative
2 Decisions (JRAD) Rule 4(c), Sarra L. includes the following items in this Notice of Appeal:

3 1. The caption of the case and the administrative agency case number are:

4 *In the Matter of Sarra L.*

5 Cause No. 21C-1159943-DCS

6 2. The party or parties filing the appeal are as follows:

7 Sarra L.

8 3. The final administrative decision Sarra L. is appealing:

9 *In the Matter of Sarra L.*, Cause No. 21C-1159943-DCS, issued on June 16, 2022.

10 4. The findings and decision or part of the findings and decision sought to be reviewed
11 are contained in the "Certification of Decision of Administrative Law Judge" issued by
12 Miranda Alvatez, Legal Secretary, Department of Child Safety, on June 16, 2022, and
13 the "Administrative Law Judge Decision" issued by ALJ Tammy L. Eigenheer, Office
14 of Administrative Hearings, on April 29, 2022.

15 5. The issues presented for review are as follows:

16 a. Do relevant Arizona statutes and rules, including A.R.S. §§ 8-804(A), 8-811(K), and
17 A.A.C. § R21-1-501(17), permit the Department of Child Safety to place Sarra L.'s
18 name in the Central Registry while a timely appeal to the Superior Court remains
19 pending? If so, does the Department of Child Safety, by placing Sarra L.'s name in
20 the Central Registry while a timely appeal to the Superior Court remains pending,
21 violate the state and federal constitutions' Due Process Clauses,¹ or the state
22 constitution's Separation of Powers² and Vesting Clauses?³

23 b. What is the meaning of "[the adult's] inability or unwillingness causes unreasonable
24 risk of harm to the child's health or welfare" contained in the definition of "neglect,"
25 A.R.S. § 8-201(25)?

26 _____
27 ¹ Ariz. Const. art. 2, § 4; U.S. Const. amend. XIV, § 1.

28 ² Ariz. Const. art. 3.

³ Ariz. Const. art. 4, pt. 1, § 1; art. 6, § 1.

- 1 c. Is there evidence in the record to conclude that Sarra L.'s conduct met the definition
2 of "neglect"? If Sarra L.'s conduct meets the definition of "neglect," is the definition
3 void for vagueness?
- 4 d. Is the Department of Child Safety's action against Sarra L. contrary to law, not
5 supported by substantial evidence, arbitrary and capricious, or an abuse of discretion
6 under A.R.S. § 12-910(F)?
- 7 e. Are A.R.S. §§ 8-804, 8-811, and A.A.C. §§ R21-1-501(13), R21-1-501(17), which
8 authorize entry of people's names in the Central Registry based on the "probable
9 cause" standard of proof, unconstitutional under the state and federal constitutions'
10 Due Process Clauses or the state constitution's Separation of Powers and Vesting
11 Clauses?
- 12 f. Is the substantial-evidence standard of review contained in A.R.S. § 12-910(F)
13 unconstitutional under the state and federal constitutions' Due Process Clauses or
14 the state constitution's Separation of Powers and Vesting Clauses?
- 15 g. Was Sarra L. denied her constitutional right to an independent judgment by a court
16 of record under Arizona Constitution Article 6?⁴
- 17 h. Was Sarra L. denied her constitutional right to a jury trial under the Arizona
18 Constitution's Jury Clauses?⁵

19 6. Sarra L. demands a trial *de novo* and a trial by jury.

20 Sarra L. requests a stay of the final administrative decision pending the final
21 disposition of the appeal, according to A.R.S. § 12-911 and JRAD Rule 3.

22 Appellant requests an award of attorneys' fees and costs incurred pursuant to A.R.S.
23 §§ 41-1001.01, 12-348, and the private attorney general doctrine, *Arnold v. Ariz. Dep't of Health*
24 *Services*, 160 Ariz. 593, 609 (1989); *Ansley v. Banner Health Network*, 248 Ariz. 143, 153 ¶ 40
25 (2020).

27 ⁴ Ariz. Const. art. 6, § 30.

28 ⁵ Ariz. Const. art. 2, § 23; art. 6, § 17.

1 Venue in this Court is proper under A.R.S. § 12-905(B)(1) and JRAD Rule 4(d)(1)
2 because the hearing and proceedings culminating in the decision of the administrative agency
3 were held in Maricopa County.

4 DATED this 15th day of July, 2022.

5 Respectfully submitted,

6
7 /s/ Aditya Dynar
8 Aditya Dynar (031583)
9 Frank Garrison (Ind. No. 34024-49)*
10 PACIFIC LEGAL FOUNDATION
11 3100 Clarendon Blvd., Suite 610
12 Arlington, VA 22201
13 (202) 807-4472
14 ADynar@PacificLegal.org
15 FGarrison@PacificLegal.org
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20 GOLDWATER INSTITUTE
21 500 E. Coronado Rd.
22 Phoenix, AZ 85004
23 (602) 462-5000
24 litigation@goldwaterinstitute.org
25 *Attorneys for Appellant*

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The following appeared before the agency:

Mike Faust
Director, Department of Child Safety
3003 N. Central Ave., 23rd floor
Site Code CH010-023A
Phoenix, AZ 85012
Litigation@azdcs.gov

Salina Moreno
Manager PSRT
C010-22
PSRT.PSRT@azdcs.gov

Miranda Alvarez
Legal Secretary, Department of Child Safety

Kathy Peckardt
Office of the Attorney General
2005 N. Central Ave., Mail Drop 1911
Phoenix, AZ 85004
DCSPSRTMail@azag.gov

Thea M. Gilbert
Gilbert Law Firm, PC
1661 N. Swan Rd., Suite 244
Tucson, AZ 85712
GilbertLaw5000@gmail.com
Attorney for Sarra T.