

NOTICE: NOT FOR OFFICIAL PUBLICATION.
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE
ARIZONA COURT OF APPEALS
DIVISION ONE

IN RE TERMINATION OF PARENTAL RIGHTS AS TO S.C.

No. 1 CA-JV 25-0030

FILED 02-18-2026

Appeal from the Superior Court in Maricopa County
No. JS22201
The Honorable Thomas Marquait, Judge *Pro Tempore*

AFFIRMED

COUNSEL

Aaron Cortez, Buckeye
Appellant

The Sifferman Law Firm, P.L.L.C, Phoenix
By Mark S. Sifferman
Co-Counsel for Appellee

Simpson Law Firm, P.L.L.C, Glendale
By Lisa M. Simpson
Co-Counsel for Appellee

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MEMORANDUM DECISION

Judge Jennifer M. Perkins delivered the decision of the Court, in which Presiding Judge Michael S. Catlett and Judge Angela K. Paton joined.

PERKINS, Judge:

¶1 Aaron C. ("Father") appeals the juvenile court's order terminating his parental rights to Sadie (a pseudonym) and a prior order precluding him from participating in the termination proceedings. For the following reasons, we affirm.

FACTS AND PROCEDURAL BACKGROUND

¶2 While pregnant with Sadie, Troi L. ("Mother") decided to put her up for adoption and contacted Agape Adoption Agency of Arizona ("Agape"). Mother signed an affidavit identifying Father as her unborn baby's potential father. On January 23, 2024, Father was served with a notice informing him that he was a potential father, pursuant to Arizona Revised Statutes Section 8-106(G) ("potential father notice"), that an adoption was planned, and if he wanted to withhold consent to the adoption, he had to serve Mother with a paternity petition within 30 days. Father was incarcerated at the time for kidnapping and firearm convictions.

¶3 Sadie was born on April 1, 2024. A few days later, Mother consented to Sadie's adoption. On April 9, Agape moved to terminate Father's parental rights, alleging that Father failed to file a paternity petition within 30 days of being served with the Section 8-106(G) notice, a ground for termination pursuant to Section 8-533(B)(5). On May 7, Father filed a paternity petition.

¶4 Agape moved to dismiss Father as a party to the termination proceeding. In response, Father argued that dismissing him would violate his due process and equal protection rights, claiming it was difficult to file the paternity petition in time because he was incarcerated. He argued that he was entitled to a trial on the substantive ground for termination and best interests. The court granted Agape's motion, dismissing Father as a party and precluding him from any further participation in the termination proceedings.

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¶5 The court held a termination hearing after which it terminated Father's parental rights. Father appealed the order dismissing him from the proceedings and the final termination order. We have jurisdiction. See A.R.S. §§ 8-235(A), 12-2101(A)(1), 12-120.21(A)(1).

DISCUSSION

¶6 Father argues that the court erred by terminating his parental rights on the Section 8-533(B)(5) ground and precluding him from participating in the termination hearing.

¶7 To terminate a parent-child relationship, the juvenile court must find by clear and convincing evidence that a statutory ground for termination exists, see A.R.S. § 8-533(B), and by a preponderance of the evidence that termination is in the child's best interests. *Brionna J. v. Dep't of Child Safety*, 255 Ariz. 471, 477, ¶ 20 (2023). We will accept the court's factual findings if supported by reasonable evidence and inferences, and we will affirm the court's legal conclusions on the statutory ground for termination unless clearly erroneous. *Id.* at 479-80, ¶¶ 31-32. We review questions of law and statutory interpretation *de novo*. *In re M.N.*, 259 Ariz. 120, 139, ¶ 15 (2025).

¶8 A potential father's parental rights may be terminated if he fails to file a paternity action within 30 days of being served with the potential father notice. A.R.S. § 8-533(B)(5). Once a potential father misses that deadline, his consent to the termination is no longer required, and he has waived his right to receive notice of any judicial hearing regarding the termination. A.R.S. § 8-106(J).

¶9 Father does not dispute that he failed to file a paternity action within 30 days of receiving notice that he was a potential father. Rather, he contends that it was "impossible" for him to file the paternity action within 30 days because he was incarcerated and inmate legal services did not assist him. He relies on Section 8-106.01(E), which excuses a putative father's failure to comply with the putative father requirements if doing so "was not possible."

¶10 Because Father received proper notice, he was a potential father, not a putative father. See *In re M.N.*, 259 Ariz. at 141, ¶ 23 (a putative father has not been notified that he is a potential father and must self-identify to receive that notice). The impossibility exception in Section 8-106.01(E) does not apply to Section 8-106(J)'s 30-day deadline for potential fathers. Indeed, our supreme court has held that Section 8-106(J)'s 30-day deadline "is not subject to [any] equitable exceptions." *Cox v. Ponce*, 251

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Ariz. 302, 307, ¶ 20 (2021). The court properly precluded Father from participating in the termination proceedings despite his alleged difficulties in meeting the 30-day deadline.

¶11 Father also argues the court violated his due process rights by precluding him from participating in the termination hearing. A potential father has “the right to receive notice of the adoption proceedings and to establish his paternity.” *Richard M. v. Patrick M.*, 248 Ariz. 492, 498, ¶ 20 (App. 2020). But a potential father only has “the right to . . . participate in the termination” proceedings if he initiates a paternity action within 30 days of receiving the potential father notice. *Id.* at ¶ 21. By failing to timely file a paternity petition, Father waived his right to participate in the termination hearing. The court did not deny Father due process.

¶12 Regarding the termination order, the court properly found the Section 8-533(B)(5) ground existed because the record conclusively established that Father failed to file a paternity action within 30 days of being served with the potential father notice. A.R.S. § 8-533(B)(5). We accept the court’s finding that termination was in Sadie’s best interests because Father does not challenge it on appeal. *Michael J. v. Ariz. Dep’t of Econ. Sec.*, 196 Ariz. 246, 249, ¶ 13 (2000). The juvenile court did not abuse its discretion in terminating Father’s parental rights.

CONCLUSION

¶13 We affirm.



MATTHEW J. MARTIN • Clerk of the Court
FILED: JR



Supreme Court
STATE OF ARIZONA

ANN A. SCOTT TIMMER
Chief Justice

ARIZONA STATE COURTS BUILDING
1501 WEST WASHINGTON STREET, SUITE 402
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AARON C. NASH
Clerk of the Court

June 29, 2026

RE: IN RE TERMINATION OF PARENTAL RIGHTS AS TO S.C.
Arizona Supreme Court No. CV-26-0088-PR
Court of Appeals, Division One No. 1 CA-JV 25-0030
Maricopa County Superior Court No. JS22201

GREETINGS:

The following action was taken by the Arizona Supreme Court on June 26, 2026, regarding the above-referenced cause:

ORDERED: Petition for Review = DENIED.

Aaron C. Nash, Clerk

TO:

Mark S Sifferman

Lisa M Simpson

Jean E West

Aaron A Cortez, ADCRR 319924, Arizona State Prison,
CACF- Geo Unit

Matthew J Martin

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United States Constitution Amendment XIV §1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Arizona Revised Statutes § 8-106(G)

Notice shall be served on each potential father as provided for the service of process in civil actions. The notice shall be substantially in the form prescribed in subsection I of this section and shall inform the potential father of all of the following:

1. That adoption is planned.
2. The potential father's right to consent or withhold consent to the adoption.
3. The potential father's responsibility to initiate paternity proceedings under title 25, chapter 6, article 1, and to serve the mother within thirty days of completion of service.
4. The potential father's responsibility to proceed to judgment in the paternity action.
5. The potential father's right to seek custody.
6. The potential father's responsibility to begin to provide financial support for the child if paternity is established.

7. That the potential father's failure to file a paternity action pursuant to title 25, chapter 6, article 1, and to serve the mother and proceed to judgment in the paternity action as prescribed by this section, bars the potential father from bringing or maintaining any action to assert any interest in the child.

Arizona Revised Statutes § 8-106(J)

A potential father who fails to file a paternity action and who does not serve the mother within thirty days after completion of service on the potential father as prescribed in subsection G of this section waives his right to be notified of any judicial hearing regarding the child's adoption or the termination of parental rights and his consent to the adoption or termination is not required.

Arizona Revised Statutes § 8-106.01(E)

A putative father who does not file a notice of a claim of paternity as required under this section waives his right to be notified of any judicial hearing regarding the child's adoption and his consent to the adoption is not required, unless he proves, by clear and convincing evidence, both of the following:

1. It was not possible for him to file a notice of a claim of paternity within the period of time specified in subsection B of this section.

2. He filed a notice of a claim of paternity within thirty days after it became possible for him to file.

Arizona Revised Statutes § 8-533(B)(5)

That the potential father failed to file a paternity action within thirty days of completion of service of notice prescribed in section 8-106 subsection G.

Arizona Revised Statutes § 25-804

Proceedings to establish the paternity of the child may be instituted during the pregnancy of the mother or after the birth of the child. The court shall dismiss any proceeding that is barred pursuant to section 8-106, subsection J. For the purposes of establishing a duty to pay support or past support, the proceedings must be instituted before the child's eighteenth birthday.

**Additional material
from this filing is
available in the
Clerk's Office.**