

1 Aditya Dynar (031583)
2 New Civil Liberties Alliance
3 1225 19th St. NW, Suite 450
4 Washington, DC 20036
5 (202) 869-5210
6 Adi.Dynar@NCLA.legal
7 *Attorney for Appellant*

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

10 **PHILLIP B.,**
11 *Appellant*

Case No. _____

12 vs.

13 **GREGORY MCKAY;**
14 **ARIZONA DEPARTMENT OF**
15 **CHILD SAFETY,**
16 *Appellees*

17 **NOTICE OF APPEAL FOR**
18 **JUDICIAL REVIEW OF**
19 **ADMINISTRATIVE DECISION**

20 Pursuant to A.R.S. § 12-904, Phillip B. appeals from the final administrative decision
21 in *In the Matter of Phillip B.*, issued by Gregory McKay, Director of Arizona Department of
22 Child Safety (DCS), on July 28, 2019, in Cause No. 19C-1028237-DCS.

23 Pursuant to JRAD Rule 4, Appellant includes the following items in this Notice of
24 Appeal:

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

In the Matter of Phillip B.

Cause No. 19C-1028237-DCS.

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

3. The final administrative decision from which Appellant takes an appeal is *In the Matter of Phillip B.*, Cause No. 19C-1028237-DCS, which was issued on July 28, 2019.

4. The findings and decision or part of the findings and decision sought to be reviewed are contained in the Decision and Order issued by Director McKay on July 28, 2019, and the Decision issued by Administrative Law Judge Velva Moses-Thompson, Office of Administrative Hearings, on July 1, 2019.

5. The issues presented for review are as follows:

(a) Whether A.R.S. §§ 8-804, 8-811, Ariz. Admin. Code §§ R21-1-501(13), R21-1-501(17), which authorize reports and entry of findings of abuse or neglect on the Arizona Central Registry based on “probable cause” are unconstitutional, facially or as applied to Phillip B., under the state and federal constitutions.

(b) Whether A.R.S. §§ 41-1092.08(B), 41-1092.08(F), are unconstitutional, facially or as applied to Phillip B., under the state and federal constitutions.

(c) Whether the administrative process that occurred in this case is unconstitutional under the state and federal constitutions, violates the Uniform Administrative Hearings law (A.R.S. §§ 41-1092–1092.12), and/or the Adjudicative Proceedings law (A.R.S. §§ 41-1061–1067).

(d) Whether the agency action is contrary to law, is not supported by substantial evidence, is arbitrary and capricious or is an abuse of discretion under A.R.S. § 12-910(E).

6. Appellant requests a trial de novo, and a trial by jury.

7. Appellant requests a stay of the final administrative decision pending the final disposition of the appeal, pursuant to A.R.S. § 12-911.

