

SUPREME COURT OF ARIZONA

Stephanie Stephens v. State of Arizona, et al.

No. CV-25-0070-PR · No. CV-25-0070-PR · Decided May 22, 2026

SUMMARY

The Arizona Supreme Court held that Stephanie Stephens failed to state a viable wrongful institution of civil proceedings claim against the State and Department of Child Safety personnel. The court concluded that the juvenile court's dependency adjudication, affirmed on appeal, established probable cause unless procured through fraud, perjury, or other corrupt means, and that Stephens's allegations did not plausibly show such conduct. The court affirmed the superior court's dismissal and vacated the court of appeals' memorandum decision.

CASE DETAILS

COURT	Supreme Court of Arizona
WRITING FOR THE COURT	Chief Justice Ann Scott Timmer; Vice Chief Justice Lopez; Justice Beene; Justice King; Justice Cruz; Justice Montgomery; Justice Bolick
JURISDICTION	Supreme Court of Arizona
DECIDED	May 22, 2026
DOCKET	CV-25-0070-PR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Stephens appealed the superior court's dismissal under Arizona Rule of Civil Procedure 12(b)(6) of her wrongful institution of civil proceedings claim and related claims. The Arizona Court of Appeals reversed, and the Arizona Supreme Court granted review.
STANDARD OF REVIEW	De novo review of dismissal under Arizona Rule of Civil Procedure 12(b)(6). The court assumes the truth of well-pleaded factual allegations and draws reasonable inferences in the plaintiff's favor, but disregards conclusory statements.
PRECEDENTIAL VALUE	Published and precedential Arizona Supreme Court opinion
PARTIES	Stephanie Stephens v. State of Arizona, Conchetta Oglesby, Other Department of Child Safety employees

TOPICS

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QUESTIONS PRESENTED

1. Whether Stephens sufficiently alleged that the Department of Child Safety initiated or maintained the dependency proceedings without probable cause to state a wrongful institution of civil proceedings claim.
2. Whether prior juvenile-court adjudications and the appellate affirmance conclusively established probable cause despite the later vacatur of the dependency finding.
3. Whether alleged omissions and misstatements concerning parental alienation, the children's prior credibility findings, the custody order, and the quashed protective order constituted fraud, perjury, or other corrupt means sufficient to negate the effect of the prior adjudications.
4. Whether Stephens's allegations independently established a lack of probable cause under the subjective-and-objective probable-cause standard.
5. Whether the Department of Child Safety's issue-preclusion argument was waived because it was raised for the first time in supplemental briefing.

HOLDINGS

1. A favorable adjudication by a competent tribunal ordinarily establishes probable cause for a wrongful institution of civil proceedings claim, even if the adjudication is later reversed or vacated, unless it was procured by fraud, perjury, or other corrupt means.
2. Stephens did not plead facts plausibly showing that the juvenile-court removal or dependency decisions were procured by fraud, perjury, or other corrupt means.
3. Even disregarding the prior adjudications, Stephens's allegations did not establish that DCS lacked probable cause to initiate or maintain the removal and dependency proceedings.
4. DCS waived its issue-preclusion argument by raising it for the first time in supplemental briefing without giving Stephens an opportunity to respond.

KEY QUOTATIONS

“Judge Whitten’s later vacatur of the dependency order, based on newly discovered evidence (the children’s recantation), does not alter the inquiry, which focuses solely on whether DCS procured the original adjudication by fraud, perjury, or other corrupt means.” (¶ 30)

“For these reasons, the prior adjudications by the juvenile court and the court of appeals establish, as a matter of law, that DCS had probable cause to initiate and maintain the actions for removal and dependency.” (¶ 37)

“For the foregoing reasons, we vacate the court of appeals’ decision and affirm the trial court’s grant of DCS’s Rule 12(b)(6) motion to dismiss for failure to state a claim.” (¶ 47)

FACTUAL BACKGROUND

During a contentious marital-dissolution and custody dispute, the children's father alleged that the children feared and had been abused by Stephens's live-in boyfriend. A family-court judge found concerns about parental alienation, awarded Stephens sole temporary physical custody, and the father absconded with the children. Department of Child Safety caseworker Conchetta Oglesby then sought emergency removal and filed a dependency petition, citing the children's reported fear of the boyfriend, Stephens's alleged inability to protect them, and the father's homelessness and concealment of the children. The juvenile court found the children dependent as to Stephens, but after the children later disclosed that the father had coached them to make false allegations, the dependency was terminated and the juvenile court vacated its dependency finding.

PROCEDURAL HISTORY

Stephens sued the State and Department of Child Safety employees for wrongful institution of civil proceedings, alleging that the removal and dependency proceedings concerning her children were initiated and maintained without probable cause and with malice. The Maricopa County Superior Court dismissed the complaint under Rule 12(b)(6) and denied a motion for new trial. The Court of Appeals reversed, but the Arizona Supreme Court vacated the appellate decision and affirmed the superior court's dismissal.

DISPOSITION

affirmed

CASES CITED

- Stephanie S. v. Dep't of Child Safety, No. 1 CA-JV 20-0227, 2021 WL 1578158 (Ariz. App. Apr. 22, 2021) (mem. decision)
- Coleman v. City of Mesa, 230 Ariz. 352, 356 ¶¶ 8-9 (2012)
- City of Mesa v. Ryan, 258 Ariz. 297, 318 ¶ 8 (2024)
- Bradshaw v. State Farm Mut. Auto. Ins. Co., 157 Ariz. 411, 416-17 (1988)
- Chalpin v. Snyder, 220 Ariz. 413, 418-19 ¶ 20 (App. 2008)
- Griswold v. Horne, 19 Ariz. 56, 59-60 (1917)
- Anderson Development Co. v. Tobias, 116 P.3d 323, 339 ¶ 59 (Utah 2005)
- Butera v. Boucher, 798 A.2d 340, 354 (R.I. 2002)
- Crosby-Garbotz v. Fell, 246 Ariz. 54, 57 ¶ 10 (2019)
- Estate of DeSela v. Prescott Unified Sch. Dist. No. 1, 226 Ariz. 387, 389 ¶ 8 (2011)
- Wisniski v. Ong, 94 Ariz. 123, 124-25 (1963)
- Creamer v. Raffety, 145 Ariz. 34, 40 (App. 1984)
- Carroll v. Kalar, 112 Ariz. 595, 596, 598 (1976)

- *McClinton v. Rice*, 76 Ariz. 358, 367 (1953)
- *State v. Snelling*, 225 Ariz. 182, 186 ¶ 12 (2010)
- *State v. Moody*, 208 Ariz. 424, 440 n.3 ¶ 31 (2004)
- *Smith v. Lucia*, 173 Ariz. 290, 297 (App. 1992)
- *McAtee v. Morrison and Frampton, PLLP*, 512 P.3d 235, 240 ¶ 24 (Mont. 2021)
- *Montgomery Ward v. Wilson*, 664 A.2d 916, 923 (Md. Ct. App. 1995)
- *Pierce v. Society of Sisters*, 268 U.S. 510, 535 (1925)
- *In re M.N.*, 259 Ariz. 120, 142 ¶ 29 (2025)
- *Stanley v. Illinois*, 405 U.S. 645, 651 (1972)
- *Moore v. City of East Cleveland*, 431 U.S. 494, 503 (1977)
- *Franks v. Delaware*, 438 U.S. 154, 155-56 (1978)

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