

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SENATE BILL 1188

AN ACT

AMENDING SECTIONS 8-103 AND 8-526, ARIZONA REVISED STATUTES; RELATING TO
ADOPTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-103, Arizona Revised Statutes, is amended to
3 read:

4 8-103. Who may adopt

5 A. Any adult resident of this state, whether married, unmarried or
6 legally separated, is eligible to qualify to adopt children. A husband and
7 wife may jointly adopt children.

8 B. PURSUANT TO RULES ADOPTED BY THE DIVISION, THE DIVISION OR AGENCY
9 SHALL GIVE PRIMARY CONSIDERATION TO SELECTING AN ADOPTIVE PLACEMENT THAT CAN
10 BEST MEET THE CHILD'S NEEDS. IN DETERMINING WHO CAN BEST MEET THE CHILD'S
11 NEEDS, THE DIVISION OR AGENCY SHALL GIVE PRIMARY CONSIDERATION TO AN ADOPTIVE
12 PLACEMENT WITH A MARRIED MAN AND WOMAN IF ALL OTHER RELEVANT FACTORS
13 DEMONSTRATE THAT PLACEMENT WITH THAT MARRIED MAN AND WOMAN IS IN THE CHILD'S
14 BEST INTERESTS. THE DIVISION OR AGENCY SHALL CONSIDER THE FOLLOWING FACTORS
15 IN DETERMINING WHO CAN BEST MEET THE CHILD'S NEEDS:

16 1. MARITAL STATUS AND THE LENGTH AND STABILITY OF THE MARITAL
17 RELATIONSHIP OF THE ADOPTIVE PARENTS.

18 2. THE WISHES OF THE CHILD'S BIRTH PARENTS UNLESS THE PARENTAL RIGHTS
19 HAVE BEEN TERMINATED.

20 3. FAMILY RELATIONSHIPS BETWEEN THE CHILD AND THE ADOPTIVE FAMILY
21 MEMBERS.

22 4. MARITAL STATUS OF THE ADOPTIVE PARENTS.

23 5. THE FAMILY'S ABILITY TO FINANCIALLY PROVIDE FOR THE CHILD AND TO
24 MEET THE CHILD'S EMOTIONAL, PHYSICAL, MENTAL AND SOCIAL NEEDS.

25 6. THE PLACEMENT OF THE CHILD'S SIBLINGS.

26 7. THE AVAILABILITY OF RELATIVES, THE ADOPTABLE CHILD'S FORMER FOSTER
27 PARENTS OR OTHER SIGNIFICANT PERSONS TO PROVIDE SUPPORT TO THE ADOPTIVE
28 FAMILY AND CHILD.

29 C. IN EACH ADOPTION PROCEEDING THE COURT SHALL MAKE SPECIFIC WRITTEN
30 FINDINGS REGARDING THE BEST INTERESTS OF THE CHILD PURSUANT TO THIS SECTION.

31 Sec. 2. Section 8-526, Arizona Revised Statutes, is amended to read:

32 8-526. Child welfare; reporting requirements

33 A. The department shall compile the following information on a
34 semiannual basis ending March 31 and September 30 of each year:

35 1. The total number of reports received, by major category and by
36 priority. The report shall include a description of some of those incoming
37 communications determined not to meet the criteria of a report as chosen by a
38 random sample.

39 2. The number of reports not responded to, by priority, by county and
40 statewide. The report shall include a description of some of these cases as
41 chosen by random sample.

42 3. The number of reports assigned for investigation by priority and by
43 major category, by county and statewide for the current and previous
44 reporting periods.

1 4. The number of investigations completed by priority and by major
2 category, by county and statewide for the current and previous reporting
3 periods and as categorized by investigations that resulted in:

4 (a) A substantiated report.

5 (b) A report currently proposed for substantiation.

6 (c) An unsubstantiated report.

7 5. The number of reports assigned for investigation that remain open
8 for investigation by priority and by major category, by county and statewide
9 for the current and previous reporting periods.

10 6. Of the number of reports assigned for investigation, the percentage
11 of reports that resulted in a child being placed in out-of-home care by
12 county and statewide.

13 7. The number of newborn infants delivered to safe haven providers
14 pursuant to section 13-3623.01.

15 8. The number of children entering out-of-home care by county during
16 the reporting period, and the number and percentage of the children entering
17 out-of-home care by county during the reporting period who are voluntary
18 placements for children under eighteen years of age.

19 9. The number and percentage of children removed during the reporting
20 period, by county and statewide, who had been in out-of-home care:

21 (a) Within the previous twelve months.

22 (b) Within the previous twenty-four months, excluding the children
23 included in subdivision (a) of this paragraph.

24 10. The number and percentage of children who have remained in a
25 shelter or receiving home for more than twenty-one consecutive days, by the
26 child's age group.

27 11. The number and type of licensed foster homes and the number of
28 licensed and available spaces in those homes.

29 12. The number and type of licensed foster homes that leave the foster
30 care system and the reason for the exit.

31 13. The number of licensed foster homes that receive the required
32 visitation by case managers pursuant to section 8-516.

33 14. The number of children placed in the care, custody and control of
34 the department at the end of the reporting period and the number of these
35 children who receive the required visitation by case managers pursuant to
36 section 8-516.

37 15. The number and percentage of children who are in the care, custody
38 and control of the department at the end of the reporting period and who are
39 in out-of-home placement and as categorized by:

40 (a) Age.

41 (b) Ethnicity.

42 (c) Case plan goal.

43 (d) Type of out-of-home placement, categorized by age.

44 (e) Length of time in out-of-home placement of less than thirty days,
45 thirty-one days to twelve consecutive months, twelve to twenty-four

1 consecutive months and more than twenty-four consecutive months, including
2 the median, average and range of the number of out-of-home placements.

3 (f) Primary legal status including voluntary placement for a child
4 under eighteen years of age, temporary custody, adjudicated dependent, free
5 for adoption, voluntary placement for a child over eighteen years of age,
6 dually adjudicated or any other legal status.

7 16. If the case plan is to return the child to the parent, the
8 percentage of parents who receive the required contact by case managers.

9 17. The number and percentage of children who left the custody of the
10 department during the reporting period by reason for leaving care and as
11 categorized by:

12 (a) Age.

13 (b) Ethnicity.

14 (c) Number of placements.

15 (d) Average length of time in care.

16 18. The number of children with a petition for termination of parental
17 rights granted and not granted during the reporting period by county and
18 statewide.

19 19. The number and percentage of children with a case plan goal of
20 adoption and who are not placed in an adoptive home at the end of the
21 reporting period and as categorized by:

22 (a) Age.

23 (b) Ethnicity.

24 (c) Average length of time in care.

25 (d) Legal status.

26 20. The number and percentage of children with a case plan goal of
27 adoption and who are placed in an adoptive home at the end of the reporting
28 period and as categorized by:

29 (a) Age.

30 (b) Ethnicity.

31 (c) Average length of time in out-of-home placement.

32 (d) Length of time from change of case plan goal to adoptive
33 placement.

34 (e) Legal status.

35 (f) **MARITAL STATUS OF THE ADOPTIVE PARENT OR PARENTS.**

36 21. The number of children whose adoptions were finalized during the
37 reporting period and as categorized by:

38 (a) Average length of time in out-of-home placement before adoptive
39 placement.

40 (b) Average length of time in adoptive placement before the final
41 order of adoption.

42 22. The number of children who died while in the custody of the
43 department by the county where the death occurred and as categorized by:

44 (a) The cause of death.

45 (b) The type of out-of-home placement at the time of death.

1 23. The number of children with an open or active child protective
2 services case who died due to abuse, categorized by the person or persons who
3 had care or custody of the child at the time of the child's death as follows:

4 (a) Biological parent or parents.

5 (b) Other family member.

6 (c) Adoptive parent or parents.

7 (d) Foster care parent or parents.

8 (e) Other out-of-home care provider.

9 24. The number of children with an open or active child protective
10 services case who died due to abuse allegedly caused by an adult household
11 member who is not listed pursuant to paragraph 23 of this subsection.

12 B. Based on the data presented in each reporting period, the
13 department, in as brief a format as possible, shall describe three to five
14 major challenges the department faces in achieving the goal of safe,
15 permanent homes for abused and neglected children.

16 C. Within three months after the end of each reporting period the
17 department shall submit a written report in as brief a format as possible to
18 the governor, the president of the senate, the speaker of the house of
19 representatives, the chairperson of the house human services committee, the
20 chairperson of the senate family services committee, or their successor
21 committees, and the cochairpersons of the joint legislative committee on
22 children and family services. The department shall submit a copy of the
23 report to the secretary of state and the director of the Arizona state
24 library, archives and public records.