

State of Arizona
Senate
Fifty-first Legislature
First Regular Session
2013

SENATE BILL 1090

AN ACT

AMENDING SECTIONS 8-514 AND 14-5209, ARIZONA REVISED STATUTES; RELATING TO
CHILD WELFARE AND PLACEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-514, Arizona Revised Statutes, is amended to
3 read:

4 8-514. Placement in foster homes

5 A. Subject to the provisions of section 8-514.01, the division or a
6 licensed child welfare agency if so authorized in its license, ~~may~~ place a
7 child in a licensed foster home for care or for adoption.

8 B. The department shall place a child in the least restrictive type of
9 placement available, consistent with the needs of the child. The order for
10 placement preference is as follows:

- 11 1. With a parent.
- 12 2. With a grandparent.
- 13 3. In kinship care with another member of the child's extended family,
14 including a person who has a significant relationship with the child.
- 15 4. In licensed family foster care.
- 16 5. In therapeutic foster care.
- 17 6. In a group home.
- 18 7. In a residential treatment facility.

19 C. Notwithstanding subsection B of this section, the order for
20 placement preference of a native American child is as follows:

- 21 1. With a member of the child's extended family.
- 22 2. In a licensed family foster home approved or specified by the
23 child's tribe.
- 24 3. In an Indian foster home licensed or approved by an authorized
25 non-Indian licensing authority.
- 26 4. In an institution approved by the Indian tribe or operated by an
27 Indian organization that has a program suitable to meet the Indian child's
28 needs pursuant to 25 United States Code chapter 21.

29 D. At the time of placement ~~there shall be presented to the foster~~
30 ~~parents, by the agency or division placing the child, THE AGENCY OR DIVISION~~
31 ~~THAT PLACED THE CHILD SHALL PROVIDE THE FOSTER PARENT WITH~~ a written summary
32 of known, unprivileged, ~~information regarding the child, including but not~~
33 ~~limited to~~ THAT INCLUDES AT A MINIMUM:

- 34 1. Demographic information.
- 35 2. Type of custody and previous placement.
- 36 3. Pertinent family information including but not limited to the names
37 of family members who, by court order, may not visit the child.
- 38 4. Known or available medical history including but not limited to:
 - 39 (a) Allergies.
 - 40 (b) Immunizations.
 - 41 (c) Childhood diseases.
 - 42 (d) Physical handicaps.
 - 43 (e) Other idiosyncrasies.
 - 44 (f) The child's last doctor, if known.

1 5. A summary of the child's history of adjudication on acts of
2 delinquency, as may be public record and available in the file of the clerk
3 of the superior court.

4 E. The responsibility of the agency or the division for a child placed
5 in a foster home shall be defined in writing and accepted by the person
6 receiving the child. The agency or division shall make available to the
7 foster parents a method of acquiring emergency information that may be
8 necessary to deal with situations that may arise pursuant to their
9 responsibilities as foster parents.

10 F. Every foster home shall maintain a record of the children received,
11 which shall include facts in regard to the children and their care and shall
12 be in the form and kept in the manner prescribed by the division.

13 G. IF A DEPENDENT CHILD IS PLACED WITH A GRANDPARENT OR
14 GREAT-GRANDPARENT PURSUANT TO THIS CHAPTER OR COURT ORDER, THE GRANDPARENT OR
15 GREAT-GRANDPARENT IS ELIGIBLE FOR A MONTHLY STIPEND ISSUED BY THE DIVISION OF
16 SEVENTY-FIVE DOLLARS PER CHILD, SUBJECT TO APPROPRIATION, IF ALL OF THE
17 FOLLOWING ARE TRUE:

18 1. THE GRANDPARENT'S OR GREAT-GRANDPARENT'S INCOME DOES NOT EXCEED TWO
19 HUNDRED PER CENT OF THE FEDERAL POVERTY LEVEL.

20 2. THE GRANDPARENT OR GREAT-GRANDPARENT IS NOT A LICENSED FOSTER
21 PARENT.

22 3. THE GRANDPARENT OR GREAT-GRANDPARENT DOES NOT RECEIVE CASH
23 ASSISTANCE THROUGH THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM.

24 4. THE GRANDPARENT OR GREAT-GRANDPARENT DOES NOT RECEIVE A SUBSIDY
25 THROUGH THE PERMANENT GUARDIANSHIP SUBSIDY PROGRAM.

26 5. THE GRANDPARENT OR GREAT-GRANDPARENT IS LEGALLY PRESENT IN THE
27 UNITED STATES.

28 6. THE DEPENDENT CHILD IS LEGALLY PRESENT IN THE UNITED STATES.

29 Sec. 2. Section 14-5209, Arizona Revised Statutes, is amended to read:
30 14-5209. Powers and duties of guardian of minor

31 A. A guardian of a minor has the powers and responsibilities of a
32 custodial parent regarding the ward's support, care and education. A
33 guardian is not personally liable for the ward's expenses and is not liable
34 to third persons by reason of the relationship for acts of the ward.

35 B. In particular, and without qualifying the foregoing, a guardian
36 shall:

37 1. Become or remain personally acquainted with the ward and maintain
38 sufficient contact with the ward to know of the ward's capacities,
39 limitations, needs, opportunities and physical and mental health.

40 2. Take reasonable care of the ward's personal effects and commence
41 protective proceedings if necessary to protect other property of the ward.

42 3. Apply any available monies of the ward to the ward's current needs
43 for support, care and education.

44 4. Conserve any excess monies for the ward's future needs, but if a
45 conservator has been appointed for the estate of the ward, the guardian, at

1 least quarterly, shall pay to the conservator money of the ward to be
2 conserved for the ward's future needs.

3 5. Report the condition of the ward and of the ward's estate which has
4 been subject to his possession or control, as ordered by the court on
5 petition of any person interested in the ward's welfare or as required by
6 court rule.

7 C. A guardian may:

8 1. Receive monies payable for the support of the ward under the terms
9 of any statutory benefit, insurance system, private contract, devise, trust,
10 conservatorship or custodianship, and monies or property of the ward paid or
11 delivered pursuant to section 14-5103. IF THE GUARDIAN IS A GRANDPARENT OR
12 GREAT-GRANDPARENT OF THE WARD, THE GRANDPARENT OR GREAT-GRANDPARENT IS
13 ELIGIBLE FOR THE MONTHLY STIPEND PURSUANT TO SECTION 8-514, SUBSECTION G.

14 2. Take custody of the person of the ward and establish the ward's
15 place of residence in or outside this state, if consistent with the terms of
16 an order of a court of competent jurisdiction relating to the detention or
17 commitment of the ward.

18 3. If no conservator for the estate of the ward has been appointed,
19 institute proceedings, including administrative proceedings, or take other
20 appropriate action to compel the performance by any person of a duty to
21 support the ward or to pay amounts for the welfare of the ward.

22 4. Facilitate the ward's education, social or other activities and
23 consent to medical or other professional care, treatment or advice for the
24 ward. A guardian is not liable by reason of this consent for injury to the
25 ward resulting from the negligence or acts of third persons unless a parent
26 would have been liable in the circumstances.

27 5. Consent to the marriage or adoption of the ward.

28 6. If reasonable, delegate to the ward certain responsibilities for
29 decisions affecting the ward's well-being.

30 D. A guardian is entitled to reasonable compensation for services as
31 guardian and to reimbursement for room, board and clothing personally
32 provided to the ward, but only as approved by order of the court. If a
33 conservator, other than the guardian or one who is affiliated with the
34 guardian, has been appointed for the estate of the ward, reasonable
35 compensation and reimbursement to the guardian may be approved and paid by
36 the conservator without order of the court.

37 E. In the interest of developing self-reliance on the part of a ward
38 or for other good cause, the court, at the time of appointment or later, on
39 its own motion or on appropriate petition or motion of the minor or other
40 interested person may:

41 1. Create a limited guardianship by limiting the powers of a guardian
42 otherwise conferred by this section. Any limitation on the statutory power
43 of a guardian of a minor must be endorsed on the guardian's letters.

44 2. Remove a limitation and issue revised letters.