

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 153
SENATE BILL 1473

AN ACT

AMENDING SECTIONS 8-503, 8-514, 8-514.03 AND 8-514.04, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 4, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-514.06; AMENDING SECTION 8-841, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 4, ARTICLE 10, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-844.01; AMENDING SECTIONS 8-845 AND 8-846, ARIZONA REVISED STATUTES; RELATING TO CHILD WELFARE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 8-503, Arizona Revised Statutes, is amended to
3 read:
4 8-503. Powers and duties
5 A. The division shall:
6 1. Exercise supervision over all child welfare agencies.
7 2. Advise and cooperate with the governing boards of all child
8 welfare agencies.
9 3. Assist the staffs of all child welfare agencies by giving advice
10 on progressive methods and procedures of child care and improvement of
11 services.
12 4. Establish rules, regulations and standards for:
13 (a) Licensing of child welfare agencies.
14 (b) Licensing of foster homes.
15 (c) Classifications of foster homes as:
16 (i) Receiving foster homes.
17 (ii) Regular foster homes.
18 (iii) Special classes of foster homes as are needed according to
19 the types of problems involved.
20 (iv) Group foster homes.
21 (d) Certifying each foster home according to one or more of the
22 categories prescribed in subdivision (c) of this paragraph.
23 (e) Initial and ongoing foster parent training programs.
24 (f) The method of approving foster parent training programs.
25 (g) Uniform amounts of payment for all foster homes according to
26 certification. However, variations in uniform amounts of payments may be
27 allowed for foster homes based on consideration of geographical location
28 or age or mental or physical condition of a foster child.
29 (h) Renewal of licenses of child welfare agencies and foster homes.
30 (i) Form and content of investigations, reports and studies
31 concerning disposition of children and foster home placement.
32 5. Establish a program of counseling and rehabilitation of parents
33 whose children have been placed in foster homes.
34 6. Establish foster parent training programs or contract with other
35 agencies, institutions or groups for the provision of ~~such~~ TRAINING
36 programs to foster parents. Foster parent training programs shall be
37 established in at least the following areas:
38 (a) Initial and ongoing training as a foster parent for a regular
39 or group foster home.
40 (b) Initial and ongoing training as a foster parent for a special
41 foster home.
42 7. Regulate the importation and exportation of children.
43 8. In conjunction with the department of education and the
44 department of juvenile corrections, develop and implement a uniform budget
45 format to be submitted by licensed child welfare agencies. The budget

1 format shall be developed in such a manner that, at a minimum, residential
2 and educational instructional costs are separate and distinct budgetary
3 items.

4 9. Establish as a goal that, at any given time, not more than fifty
5 percent of the total number of children whose maintenance is subsidized by
6 title IV, part E of the social security act, as amended, shall be in
7 foster care in excess of twenty-four consecutive months. The division
8 shall establish through regulations appropriate procedures to achieve the
9 goal.

10 10. MAINTAIN A GOAL THAT INFANTS WHO ARE TAKEN INTO CUSTODY BY THE
11 DEPARTMENT BE PLACED IN A PROSPECTIVE PERMANENT PLACEMENT WITHIN ONE YEAR
12 AFTER THE FILING OF A DEPENDENCY PETITION.

13 B. Except as provided in section 8-514.01, large group settings for
14 children, group homes for children and child developmental homes that have
15 one or more residents who are clients of the department with developmental
16 disabilities shall be licensed pursuant to title 36, chapter 5.1,
17 article 3. Rules, regulations and standards adopted pursuant to
18 subsection A, paragraph 4 of this section shall not apply to group homes
19 for children or child developmental homes licensed pursuant to title 36,
20 chapter 5.1, article 3.

21 Sec. 2. Section 8-514, Arizona Revised Statutes, is amended to
22 read:

23 8-514. Placement in foster homes

24 A. Subject to the provisions of section 8-514.01, the division or a
25 licensed child welfare agency if so authorized in its license may place a
26 child in a licensed foster home for care or for adoption. Notwithstanding
27 any law to the contrary, the division or a licensed child welfare agency
28 may place a child in excess of the number of children allowed and
29 identified in a foster parent's license if the division or agency
30 reasonably believes the foster home has the ability to safely handle
31 additional children, ~~and~~ ~~if~~ there are no outstanding concerns,
32 deficiencies, reports or investigations known by the division regarding
33 the foster home, and ~~if~~ the child meets any of the following criteria:

34 1. The child is part of a sibling group that currently resides in
35 the foster home.

36 2. The child is part of a sibling group that is being considered
37 for placement in a foster home but because of the maximum child limit
38 would otherwise have to be separated.

39 3. The child previously resided in the foster home.

40 4. The child is a kinship placement for the foster home.

41 B. The department shall place a child in the least restrictive type
42 of placement available, consistent with the ~~needs~~ BEST INTERESTS of the
43 child. The order for placement preference is as follows:

44 1. With a parent.

45 2. With a grandparent.

1 3. In kinship care with another member of the child's extended
2 family, including a person who has a significant relationship with the
3 child. A FOSTER PARENT OR KINSHIP CAREGIVER WITH WHOM A CHILD UNDER THREE
4 YEARS OF AGE HAS RESIDED FOR NINE MONTHS OR MORE IS PRESUMED TO BE A
5 PERSON WHO HAS A SIGNIFICANT RELATIONSHIP WITH THE CHILD.

6 4. In licensed family foster care.

7 5. In therapeutic foster care.

8 6. In a group home.

9 7. In a residential treatment facility.

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

12 1. With a member of the child's extended family.

13 2. In a licensed family foster home approved or specified by the
14 child's tribe.

15 3. In an Indian foster home licensed or approved by an authorized
16 non-Indian licensing authority.

17 4. In an institution approved by the Indian tribe or operated by an
18 Indian organization that has a program suitable to meet the Indian child's
19 needs pursuant to 25 United States Code chapter 21.

20 D. At the time of placement there shall be presented to the foster
21 parents, by the agency or division placing the child, a written summary of
22 known, unprivileged information regarding the child, including ~~but not~~
23 ~~limited to~~ THE FOLLOWING:

24 1. Demographic information.

25 2. Type of custody and previous placement.

26 3. Pertinent family information including but not limited to the
27 names of family members who, by court order, may not visit the child.

28 4. Known or available medical history including but not limited to:

29 (a) Allergies.

30 (b) Immunizations.

31 (c) Childhood diseases.

32 (d) Physical disabilities.

33 (e) Other idiosyncrasies.

34 (f) The child's last doctor, if known.

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

38 E. The responsibility of the agency or the division for a child
39 placed in a foster home shall be defined in writing and accepted by the
40 person receiving the child. The agency or division shall make available
41 to the foster parents a method of acquiring emergency information that may
42 be necessary to deal with situations that may arise pursuant to their
43 responsibilities as foster parents.

44 F. Every foster home shall maintain a record of the children
45 received, which shall include facts in regard to the children and their

1 care and shall be in the form and kept in the manner prescribed by the
2 division.

3 G. IN ADDITION TO ANY OTHER RELEVANT FACTORS, THE DEPARTMENT SHALL
4 CONSIDER THE FOLLOWING IN DETERMINING WHETHER A PLACEMENT IS IN THE BEST
5 INTERESTS OF THE CHILD:

6 1. THE CAREGIVER IS INTERESTED IN PROVIDING PERMANENCE FOR THE
7 CHILD IF REUNIFICATION EFFORTS ULTIMATELY FAIL.

8 2. THE EXPRESSED WISHES OF THE BIRTH PARENT AND CHILD, IF
9 APPLICABLE, UNLESS THE WISHES ARE CONTRARY TO LAW.

10 3. THE RELATIONSHIP OF THE CAREGIVER WITH THE CHILD AND THE CHILD'S
11 FAMILY.

12 4. THE PROXIMITY OF THE PLACEMENT HOME TO THE PARENTS' HOME AND THE
13 CHILD'S CURRENT SCHOOL OR SCHOOL DISTRICT.

14 5. THE STRENGTHS AND PARENTING STYLE OF THE CAREGIVER IN RELATION
15 TO THE CHILD'S BEHAVIOR AND NEEDS.

16 6. THE CAREGIVER'S WILLINGNESS TO COMMUNICATE AND INTERACT WITH THE
17 BIRTH FAMILY TO SUPPORT VISITATION AND THE REUNIFICATION PROCESS.

18 7. THE CAREGIVER'S ABILITY AND WILLINGNESS TO ACCEPT PLACEMENT OF
19 THE CHILD AND ALL OR ANY OF THE CHILD'S SIBLINGS.

20 8. IF ANY SIBLING WILL BE PLACED SEPARATELY, THE CAREGIVER'S
21 ABILITY AND WILLINGNESS TO PROVIDE OR ASSIST IN MAINTAINING FREQUENT
22 VISITATION OR OTHER ONGOING CONTACT BETWEEN THE CHILD AND THE CHILD'S
23 SIBLING.

24 9. THE CHILD'S FIT WITH THE FAMILY WITH REGARD TO AGE, GENDER AND
25 SIBLING RELATIONSHIPS.

26 10. IF THE CHILD HAS CHRONIC BEHAVIORAL HEALTH NEEDS:

27 (a) WHETHER THE CHILD'S BEHAVIOR WILL PLACE OTHER CHILDREN IN THE
28 HOME AT RISK.

29 (b) THE CAREGIVER'S ABILITY TO PROVIDE THE NECESSARY LEVEL OF
30 SUPERVISION TO PREVENT HARM TO THE CHILD OR OTHERS BY THE CHILD.

31 11. WHETHER PLACEMENT IN THE HOME WOULD COMPLY WITH THE PLACEMENT
32 PREFERENCES PRESCRIBED BY 25 UNITED STATES CODE SECTION 1915, IF
33 APPLICABLE.

34 Sec. 3. Section 8-514.03, Arizona Revised Statutes, is amended to
35 read:

36 8-514.03. Kinship foster care; requirements; investigation;
37 report

38 A. The department shall establish kinship foster care services for
39 a child who has been removed from the child's home and WHO is in the
40 custody of the department. ~~The program shall promote the placement of the~~
41 ~~child with the child's relative for kinship foster care.~~ THE PLACEMENT OF
42 A CHILD WHO IS IN THE CUSTODY OF THE DEPARTMENT SHALL BE DETERMINED BY THE
43 BEST INTERESTS OF THE CHILD.

44 B. A kinship foster care parent applicant who is not a licensed
45 foster care parent shall be at least eighteen years of age. The applicant

1 and each member of the applicant's household who is at least eighteen
2 years of age shall submit a full set of fingerprints to the department of
3 child safety for the purpose of obtaining a state and federal criminal
4 records check pursuant to section 41-1750 and Public Law 92-544. The
5 department of public safety may exchange this fingerprint data with the
6 federal bureau of investigation. The department of child safety shall
7 determine if the applicant is able to meet the child's health and safety
8 needs by conducting one or more home visits and interviewing the
9 applicant. The department of child safety may interview other household
10 members, review the applicant's personal and professional references and
11 conduct department of child safety central registry checks.

12 C. If the department determines that a kinship foster care
13 placement is not in the best interest of the child, the department shall
14 provide written notification to the applicant within fifteen business
15 days. The notice shall include the specific reason for denial, the
16 applicant's right to appeal and the process for reviewing the decision.

17 D. A kinship foster care parent may be eligible to receive the
18 following financial services for the child:

19 1. Full foster care benefits, including payment if the kinship
20 foster care parent becomes a licensed foster care home.

21 2. Temporary assistance for needy families cash assistance payments
22 for a child only case and supplemental financial support.

23 E. The department shall establish procedures for child welfare
24 workers to inform kinship foster care families about available financial
25 and nonfinancial services and eligibility requirements and shall assist
26 the families in completing the necessary application.

27 F. If a family declines to apply for financial services, the family
28 shall sign a statement indicating that the family declined services. The
29 statement does not prevent the family from making application in the
30 future. The worker shall provide a copy of the statement to the family.

31 G. The department shall provide nonfinancial services for a kinship
32 foster care parent through existing means or referral. Nonfinancial
33 services may include:

34 1. Family assessment.

35 2. Case management.

36 3. Child day care.

37 4. Housing search and relocation.

38 5. Parenting skills training.

39 6. Supportive intervention and guidance counseling.

40 7. Transportation.

41 8. Emergency services.

42 9. Parent aid services.

43 10. Respite services.

44 11. Additional services that the department determines are
45 necessary to meet the needs of the child and family.

1 H. The department of child safety shall evaluate biannually the
2 performance of the kinship foster care program. On or before November 1,
3 the department shall submit a report to the speaker of the house of
4 representatives, the president of the senate and the governor and shall
5 provide a copy of this report to the secretary of state. The report shall
6 contain the following information:

7 1. The demographics and number of children placed with relative
8 caregivers.

9 2. The demographics of kinship foster caregivers.

10 3. The number of relative children per kinship foster care family.

11 4. The department's success at maintaining kinship foster care
12 placements.

13 5. The type of services provided to kinship foster care families.

14 6. The cost of services provided to kinship foster care families
15 compared to the cost of out-of-home placements.

16 7. Recommendations regarding program improvement.

17 Sec. 4. Section 8-514.04, Arizona Revised Statutes, is amended to
18 read:

19 **8-514.04. Kinship care program; requirements**

20 A. The kinship care program is established in the department. The
21 program shall:

22 1. Streamline, expedite and coordinate existing services and
23 referrals.

24 2. Preserve families.

25 3. Meet the protection, developmental, cultural and permanency
26 needs of children.

27 4. Enable families to sustain support for a child who cannot live
28 with the child's parents.

29 **5. PROMOTE THE BEST INTERESTS OF THE CHILD.**

30 B. The department shall adopt rules to prescribe application and
31 eligibility requirements that provide an expedited process for kinship
32 care families to receive child only temporary assistance for needy
33 families.

34 C. The department shall use existing measures for outreach and
35 marketing in order to facilitate community awareness regarding the
36 program.

37 D. The department of economic security shall submit an amendment to
38 modify the temporary assistance for needy families state plan to the
39 United States department of health and human services. The amendment
40 shall waive the face-to-face requirement for relative caregivers applying
41 for temporary assistance for needy families, for a child only case.

42 E. Any kinship care family that applies for or receives cash
43 assistance under this section on behalf of a dependent child who is under
44 eighteen years of age shall conform to the requirements established

1 pursuant to sections 46-292 and 46-295 and department of economic security
2 rule unless the requirements have been modified pursuant to this section.

3 F. The department shall keep confidential information it obtains
4 pursuant to this section.

5 Sec. 5. Title 8, chapter 4, article 4, Arizona Revised Statutes, is
6 amended by adding section 8-514.06, to read:

7 8-514.06. Kinship foster care; relative identification

8 A. IF A CHILD IS TAKEN INTO TEMPORARY CUSTODY, AS PART OF THE
9 ONGOING SEARCH, THE DEPARTMENT SHALL USE DUE DILIGENCE IN AN INITIAL
10 SEARCH TO IDENTIFY AND NOTIFY ADULT RELATIVES OF THE CHILD AND PERSONS
11 WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD WITHIN THIRTY DAYS AFTER
12 THE CHILD IS TAKEN INTO TEMPORARY CUSTODY.

13 B. THE DEPARTMENT SHALL FILE WITH THE COURT INFORMATION REGARDING
14 ATTEMPTS MADE PURSUANT TO SUBSECTION A OF THIS SECTION OR AS OTHERWISE
15 REQUIRED BY THE COURT TO IDENTIFY AND NOTIFY ADULT RELATIVES OF THE CHILD
16 AND PERSONS WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD.

17 Sec. 6. Section 8-841, Arizona Revised Statutes, is amended to
18 read:

19 8-841. Dependency petition; service; preliminary orders

20 A. Any interested party may file a petition to commence proceedings
21 in the juvenile court alleging that a child is dependent.

22 B. The petition shall be verified and shall contain all of the
23 following:

24 1. The name, age and address, if any, of the child on whose behalf
25 the petition is brought.

26 2. The names and addresses, if known, of both parents and any
27 guardian of the child.

28 3. A concise statement of the facts to support the conclusion that
29 the child is dependent.

30 4. If the child was taken into temporary custody, the date and time
31 the child was taken into custody.

32 5. WHETHER THE DEPARTMENT BELIEVES THAT AN AGGRAVATING CIRCUMSTANCE
33 DESCRIBED IN SECTION 8-846, SUBSECTION D, PARAGRAPH 1 EXISTS.

34 ~~5.~~ 6. A statement whether the child is subject to the Indian child
35 welfare act of 1978 (P.L. 95-608; 92 Stat. 3069; 25 United States Code
36 sections 1901 through 1963).

37 C. The person who files the petition shall have the petition and a
38 notice served on:

39 1. The parents and any guardian of the child.

40 2. The child's guardian ad litem or attorney.

41 3. Any person who has filed a petition to adopt or who has physical
42 custody pursuant to a court order in a foster-adoptive placement.

43 D. The notice shall contain all of the following:

44 1. The name and address of the person to whom the notice is
45 directed.

1 2. The date, time and place of the hearing on the petition.

2 3. The name of the child on whose behalf the petition has been
3 filed.

4 4. A statement that the parent or guardian and the child are
5 entitled to have an attorney present at the hearing and that, if the
6 parent or guardian is indigent and cannot afford an attorney and wants to
7 be represented by an attorney, one will be provided.

8 5. A statement that the parent or guardian must be prepared to
9 provide to the court at the initial dependency hearing the names, **THE** type
10 of relationship and all available information necessary to locate persons
11 **WHO ARE** related to the child or who have a significant relationship with
12 the child.

13 6. A statement that the hearing may result in further proceedings
14 for permanent guardianship or to terminate parental rights.

15 E. The petition and notice shall be served on a parent or guardian
16 as soon as possible after the petition is filed and at least five days
17 before the initial dependency hearing if the parent or guardian did not
18 attend the preliminary protective hearing. If a parent or guardian does
19 attend the preliminary protective hearing, the petition and notice shall
20 be served at the preliminary protective hearing.

21 F. On the filing of the petition, the court may issue any temporary
22 orders necessary to provide for the safety and welfare of the child.

23 Sec. 7. Title 8, chapter 4, article 10, Arizona Revised Statutes,
24 is amended by adding section 8-844.01, to read:

25 8-844.01. Allegation of aggravating circumstance

26 **AT LEAST FIFTEEN DAYS BEFORE THE DISPOSITION HEARING, THE DEPARTMENT**
27 **SHALL GIVE WRITTEN NOTICE TO THE COURT AND THE PARTIES IF THE DEPARTMENT**
28 **INTENDS TO PRESENT EVIDENCE THAT AN AGGRAVATING CIRCUMSTANCE DESCRIBED IN**
29 **SECTION 8-846, SUBSECTION D, PARAGRAPH 1 EXISTS.**

30 Sec. 8. Section 8-845, Arizona Revised Statutes, is amended to
31 read:

32 8-845. Disposition hearing

33 A. After receiving and considering the evidence on the proper
34 disposition of the case, the court may ~~enter orders awarding~~ **PLACE** a
35 dependent child ~~as follows:~~

36 ~~1. To~~ **IN** the care of the child's parents, subject to the
37 supervision of the department. **IF PLACEMENT WITH THE CHILD'S PARENTS IS**
38 **CONTRARY TO THE CHILD'S WELFARE, THE COURT MAY PLACE THE CHILD AS FOLLOWS**
39 **IN ACCORDANCE WITH THE CHILD'S BEST INTERESTS:**

40 ~~2. 1. To~~ **WITH** a grandparent or another member of the child's
41 extended family, including a person who has a significant relationship
42 with the child, ~~unless the court has determined that such placement is not~~
43 ~~in the child's best interests.~~

44 ~~3. To a suitable institution.~~

45 ~~4. To an association willing to receive the child.~~

1 ~~5. To a reputable citizen of good moral character.~~

2 2. IN A LICENSED FOSTER HOME.

3 ~~6.~~ 3. ~~To~~ IN an appropriate public or private agency licensed to
4 care for children.

5 ~~7.~~ 4. ~~To~~ IN a suitable school.

6 ~~8.~~ 5. ~~To supervision under~~ IN the independent living program
7 established pursuant to section 8-521.

8 ~~9.~~ 6. ~~To~~ WITH any adult as a permanent guardian pursuant to
9 article 12 of this chapter.

10 B. In reviewing the status of the child and in determining its
11 order of disposition, the court shall consider the health and safety of
12 the child as a paramount concern and the following criteria:

13 1. The goals of the placement and the appropriateness of the case
14 plan.

15 2. The services that have been offered to reunite the family.

16 3. If returning the child home is not likely, the efforts that have
17 been or should be made to evaluate or plan for other permanent placement
18 plans.

19 4. The efforts that have been made or should be made to place the
20 child with the child's siblings or to provide frequent visitation or
21 contact when placement with siblings has not been possible.

22 C. The court shall review the permanent plan that has been
23 established for the child. In reviewing the status of the child, the
24 court, insofar as possible, shall seek to reunite the family. If the
25 court does not order reunification of the family, the court shall order a
26 plan of adoption or another permanent plan that is in the child's best
27 interest and that takes into consideration the placement of the child with
28 siblings or that provides for frequent visitation or contact between
29 siblings unless the court determines that either the placement with the
30 siblings or the visitation or contact would be contrary to the child's or
31 a sibling's safety or well-being. IF THE COURT FINDS THAT AN AGGRAVATING
32 CIRCUMSTANCE DESCRIBED IN SECTION 8-846, SUBSECTION D, PARAGRAPH 1 EXISTS,
33 THE DEPARTMENT SHALL FILE A MOTION FOR TERMINATION OF PARENTAL RIGHTS
34 WITHIN TEN BUSINESS DAYS AFTER THE DATE OF THE COURT ORDER, UNLESS
35 TERMINATION OF PARENTAL RIGHTS IS NOT IN THE BEST INTERESTS OF THE CHILD.

36 D. Notwithstanding subsection C of this section, reasonable efforts
37 to place a child for adoption may be made concurrently with reasonable
38 efforts to reunify the family.

39 Sec. 9. Section 8-846, Arizona Revised Statutes, is amended to
40 read:

41 8-846. Services provided to the child and family

42 A. Except as provided in subsections D, E and F of this section, if
43 the child has been removed from the home, the court shall order the
44 department to make reasonable efforts to provide services to the child and
45 the child's parent.

1 B. If the court determines that services supplemental to those
2 provided through the department are available from another source at no
3 cost to this state, the court may order the services on agreement of the
4 provider.

5 C. The court may employ an individual or individuals to facilitate
6 collaboration between the parties and to ensure the delivery of
7 court-ordered services. An employee acting in that capacity has access to
8 all documents and information necessary to ensure service delivery
9 regarding the child and the child's family without obtaining prior
10 approval from the child, the child's family or the court. The employee
11 may disclose documents and information the employee acquires, reviews or
12 produces only as prescribed pursuant to section 8-807.

13 D. The court shall consider the following factors in determining
14 whether reunification services are required to be provided. Reunification
15 services are not required to be provided if the court finds by clear and
16 convincing evidence that:

17 1. One or more of the following aggravating circumstances exist:

18 (a) A party to the action provides a verified affidavit that states
19 that a reasonably diligent search has failed to identify and locate the
20 parent within three months after the filing of the dependency petition or
21 the parent has expressed no interest in reunification with the child for
22 at least three months after the filing of the dependency petition.

23 (b) The parent or guardian is suffering from a mental illness or
24 mental deficiency of such magnitude that it renders the parent or guardian
25 incapable of benefitting from the reunification services. This finding
26 shall be based on competent evidence from a psychologist or physician that
27 establishes that, even with the provision of reunification services, the
28 parent or guardian is unlikely to be capable of adequately caring for the
29 child within twelve months after the date of the child's removal from the
30 home.

31 (c) The child previously has been removed and adjudicated dependent
32 due to physical or sexual abuse. After the adjudication the child was
33 returned to the custody of the parent or guardian and then subsequently
34 removed within eighteen months due to additional physical or sexual abuse.

35 (d) The parent or guardian committed an act that constitutes a
36 dangerous crime against children as defined in section 13-705 or caused a
37 child to suffer serious physical injury or emotional injury or the parent
38 or guardian knew or reasonably should have known that another person
39 committed an act that constitutes a dangerous crime against children as
40 defined in section 13-705 or caused a child to suffer serious physical
41 injury or emotional injury.

42 (e) The parent's rights to another child have been terminated, the
43 parent has not successfully addressed the issues that led to the
44 termination and the parent is unable to discharge parental
45 responsibilities.

1 (f) After a finding that a child is dependent, all of the following
2 are true:

3 (i) A child has been removed from the parent or guardian on at
4 least two previous occasions.

5 (ii) Reunification services were offered or provided to the parent
6 or guardian after the removal.

7 (iii) The parent or guardian is unable to discharge parental
8 responsibilities.

9 (g) A CHILD WHO IS CURRENTLY UNDER SIX MONTHS OF AGE WAS EXPOSED TO
10 A DRUG OR SUBSTANCE AS DESCRIBED IN SECTION 8-201, PARAGRAPH 25,
11 SUBDIVISION (c) AND BOTH OF THE FOLLOWING ARE TRUE:

12 (i) THE PARENT OF THE CHILD IS UNABLE TO DISCHARGE PARENTAL
13 RESPONSIBILITIES BECAUSE OF A HISTORY OF CHRONIC ABUSE OF DANGEROUS DRUGS
14 OR CONTROLLED SUBSTANCES.

15 (ii) REASONABLE GROUNDS EXIST TO BELIEVE THAT THE PARENT'S
16 CONDITION WILL CONTINUE FOR A PROLONGED OR INDETERMINATE PERIOD BASED ON A
17 COMPETENT OPINION FROM A LICENSED HEALTH CARE PROVIDER WITH EXPERIENCE IN
18 THE AREA OF SUBSTANCE ABUSE DISORDERS. FOR THE PURPOSES OF THIS ITEM
19 "LICENSED HEALTH CARE PROVIDER" MEANS A PHYSICIAN LICENSED PURSUANT TO
20 TITLE 32, CHAPTER 13 OR 17, A PSYCHOLOGIST LICENSED PURSUANT TO TITLE 32,
21 CHAPTER 19.1, A NURSE PRACTITIONER LICENSED PURSUANT TO TITLE 32, CHAPTER
22 15 WHOSE POPULATION FOCI INCLUDE PSYCHIATRIC-MENTAL HEALTH AND A LICENSED
23 INDEPENDENT SUBSTANCE ABUSE COUNSELOR LICENSED PURSUANT TO TITLE 32,
24 CHAPTER 33.

25 2. The parent or guardian of a child has been convicted of a
26 dangerous crime against children as defined in section 13-705, murder or
27 manslaughter of a child, or of sexual abuse of a child, sexual assault of
28 a child, sexual conduct with a minor, molestation of a child, commercial
29 sexual exploitation of a minor, sexual exploitation of a minor or luring a
30 minor for sexual exploitation.

31 3. The parent or guardian of a child has been convicted of aiding
32 or abetting or attempting, conspiring or soliciting to commit any of the
33 crimes listed in paragraph 2 of this subsection.

34 E. The court shall consider any criminal prosecution relating to
35 the offenses that led to the child's removal from the home and shall abide
36 by any orders of the criminal court. Information may be provided by law
37 enforcement or the county attorney.

38 F. If a dependency petition was filed pursuant to section 8-873.01
39 or 8-874, subsection J, the court may direct the division not to provide
40 reunification services to the child's parents unless the court finds by
41 clear and convincing evidence that these services would be in the child's
42 best interests.

S.B. 1473

APPROVED BY THE GOVERNOR APRIL 5, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 5, 2018.