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

SB 1452

Introduced by
Senators Barto: Brophy McGee

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 SECTIONS 8-517, 8-522, 8-533, 8-535, 8-536, 8-537 AND 8-538, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-820; AMENDING TITLE 8, CHAPTER 4, ARTICLE 9, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-828; AMENDING SECTIONS 8-845 AND 8-846, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 4, ARTICLE 10, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-848; AMENDING SECTION 8-862, ARIZONA REVISED STATUTES; RELATING TO CHILD SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 8-503, Arizona Revised Statutes, is amended to read:

8-503. Powers and duties
A. The division shall:
1. Exercise supervision over all child welfare agencies.
2. Advise and cooperate with the governing boards of all child welfare agencies.
3. Assist the staffs of all child welfare agencies by giving advice on progressive methods and procedures of child care and improvement of services.
4. Establish rules, regulations and standards for:
   (a) Licensing of child welfare agencies.
   (b) Licensing of foster homes.
   (c) Classifications of foster homes as:
      (i) Receiving foster homes.
      (ii) Regular foster homes.
      (iii) Special classes of foster homes as are needed according to the types of problems involved.
      (iv) Group foster homes.
   (d) Certifying each foster home according to one or more of the categories prescribed in subdivision (c) of this paragraph.
   (e) Initial and ongoing foster parent training programs.
   (f) The method of approving foster parent training programs.
   (g) Uniform amounts of payment for all foster homes according to certification. However, variations in uniform amounts of payments may be allowed for foster homes based on consideration of geographical location or age or mental or physical condition of a foster child.
   (h) Renewal of licenses of child welfare agencies and foster homes.
   (i) Form and content of investigations, reports and studies concerning disposition of children and foster home placement.
5. Establish a program of counseling and rehabilitation of parents whose children have been placed in foster homes.
6. Establish foster parent training programs or contract with other agencies, institutions or groups for the provision of such TRAINING programs to foster parents. Foster parent training programs shall be established in at least the following areas:
   (a) Initial and ongoing training as a foster parent for a regular or group foster home.
   (b) Initial and ongoing training as a foster parent for a special foster home.
7. Regulate the importation and exportation of children.
8. In conjunction with the department of education and the department of juvenile corrections, develop and implement a uniform budget format to be submitted by licensed child welfare agencies. The budget
format shall be developed in such a manner that, at a minimum, residential and educational instructional costs are separate and distinct budgetary items.

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

10. MAINTAIN A GOAL THAT PROVIDES PROTECTIONS FOR INFANTS EXPOSED TO DANGEROUS DRUGS.

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

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

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

8-514. Placement in foster homes

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

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

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

3. The child previously resided in the foster home.

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

B. The department shall place a child in the least restrictive type of placement available, consistent with the needs and BEST INTERESTS of the child. The order for placement preference is as follows:
1. With a parent.
2. With a grandparent.
3. In kinship care with another member of the child’s extended family, including a person who has a significant relationship with the child.
4. In licensed family foster care.
5. In therapeutic foster care.
6. In a group home.
7. In a residential treatment facility.

C. Notwithstanding subsection B of this section, the order for placement preference of a native American child is as follows:
1. With a member of the child’s extended family.
2. In a licensed family foster home approved or specified by the child’s tribe.
3. In an Indian foster home licensed or approved by an authorized non-Indian licensing authority.
4. In an institution approved by the Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child’s needs pursuant to 25 United States Code chapter 21.

D. At the time of placement there shall be presented to the foster parents, by the agency or division placing the child, a written summary of known, unprivileged information regarding the child, including but not limited to THE FOLLOWING:
1. Demographic information.
2. Type of custody and previous placement.
3. Pertinent family information including but not limited to the names of family members who, by court order, may not visit the child.
4. Known or available medical history including but not limited to:
   (a) Allergies.
   (b) Immunizations.
   (c) Childhood diseases.
   (d) Physical disabilities.
   (e) Other idiosyncrasies.
   (f) The child’s last doctor, if known.
5. A summary of the child’s history of adjudication on acts of delinquency, as may be public record and available in the file of the clerk of the superior court.

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

F. Every foster home shall maintain a record of the children received, which shall include facts in regard to the children and their
Sec. 3. Section 8-514.03, Arizona Revised Statutes, is amended to read:

8-514.03. Placement of a child; kinship foster care; requirements; investigation; report

A. The department shall: establish kinship foster care services for a child who has been removed from the child's home and is in the custody of the department. The program shall promote the placement of the child with the child's relative for kinship foster care.

1. DETERMINE THE PLACEMENT OF A CHILD IN THE CUSTODY OF THE DEPARTMENT BASED ON THE BEST INTERESTS OF THE CHILD AS DETERMINED PURSUANT TO SECTION 8-514.06.

2. GIVE PREFERENCE TO AN ADULT RELATIVE OVER A NONRELATIVE CAREGIVER WHEN DETERMINING THE CHILD'S PLACEMENT.

B. A kinship foster care parent applicant who is not a licensed foster care parent shall be at least eighteen years of age. The applicant and each member of the applicant's household who is at least eighteen years of age shall submit a full set of fingerprints to the department of child safety for the purpose of obtaining a state and federal criminal records check pursuant to section 41-1750 and Public Law 92-544. The department of public safety may exchange this fingerprint data with the federal bureau of investigation. The department of child safety shall determine if the applicant is able to meet the child's health and safety needs by conducting one or more home visits and interviewing the applicant. The department of child safety may interview other household members, review the applicant's personal and professional references and conduct department of child safety central registry checks.

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

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

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

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

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

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

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

1. Family assessment.
2. Case management.
3. Child day care.
4. Housing search and relocation.
5. Parenting skills training.
6. Supportive intervention and guidance counseling.
7. Transportation.
8. Emergency services.
10. Respite services.
11. Additional services that the department determines are necessary to meet the needs of the child and family.

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

1. The demographics and number of children placed with relative caregivers.
2. The demographics of kinship foster caregivers.
3. The number of relative children per kinship foster care family.
4. The department's success at maintaining kinship foster care placements.
5. The type of services provided to kinship foster care families.
6. The cost of services provided to kinship foster care families compared to the cost of out-of-home placements.
7. Recommendations regarding program improvement.

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

8-514.04. Kinship care program; requirements
A. The kinship care program is established in the department. The program shall:
1. Streamline, expedite and coordinate existing services and referrals.
2. Preserve families.
3. Meet the protection, developmental, cultural and permanency needs of children.
4. Enable families to sustain support for a child who cannot live with the child's parents.
5. PROMOTE THE BEST INTERESTS OF THE CHILD.

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

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

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

E. Any kinship care family that applies for or receives cash assistance under this section on behalf of a dependent child who is under eighteen years of age shall conform to the requirements established pursuant to sections 46-292 and 46-295 and department of economic security rule unless the requirements have been modified pursuant to this section.

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

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

8-514.06. Kinship foster care; relative identification; notice; placement; best interests

A. IF A CHILD IS TAKEN INTO TEMPORARY CUSTODY, THE DEPARTMENT SHALL USE DUE DILIGENCE TO IDENTIFY AND NOTIFY ADULT RELATIVES OF THE CHILD WITHIN THIRTY DAYS AFTER THE CHILD IS TAKEN INTO TEMPORARY CUSTODY, INCLUDING CONTRACTING WITH PRIVATE INVESTIGATORS IF IT IS NECESSARY TO MEET THE THIRTY-DAY REQUIREMENT.

B. WITHIN THIRTY DAYS AFTER COMPLETING THE SEARCH PRESCRIBED IN SUBSECTION A OF THIS SECTION, THE DEPARTMENT SHALL FILE THE RESULTS OF THE SEARCH WITH THE COURT, INCLUDING A SUMMARY OF CONTACTS MADE WITH ALL IDENTIFIED ADULT RELATIVES UNLESS DELAY IN FILING WOULD BE IN THE BEST INTERESTS OF THE CHILD.


1. WITHIN THIRTY DAYS AFTER THE DEPARTMENT NOTIFIES THE COURT PURSUANT TO SUBSECTION B OF THIS SECTION IF THE PLACEMENT IS IN THIS STATE.

2. WITHIN NINETY DAYS AFTER THE DEPARTMENT NOTIFIES THE COURT PURSUANT TO SUBSECTION B OF THIS SECTION IF THE PLACEMENT IS OUTSIDE THIS STATE.
D. IN DETERMINING WHETHER A PLACEMENT IS IN THE BEST INTERESTS OF THE CHILD, THE COURT SHALL CONSIDER THE FOLLOWING IN ADDITION TO ANY OTHER RELEVANT FACTORS:

1. THE PLACEMENT WILL PROVIDE PERMANENCE FOR THE CHILD IF REUNIFICATION EFFORTS ULTIMATELY FAIL.
2. THE PLACEMENT IS WITH SIBLINGS.
3. THE CRIMINAL HISTORY OF OTHER ADULTS IN THE HOME.
5. THE ABILITY OF THE ADULT RELATIVE TO PROTECT THE CHILD FROM THE CHILD'S PARENTS.
6. WHETHER THERE IS EVIDENCE OF DOMESTIC OR FAMILY VIOLENCE OR OTHER SAFETY RISKS FOR THE CHILD.
7. THE EXISTENCE OF PRIOR SUCCESSFUL OUT-OF-HOME PLACEMENTS FOR THE CHILD.
8. THE PARENT'S OPINION.
9. THE WILLINGNESS AND ABILITY OF THE PERSON TO PROVIDE FOR SPECIAL NEEDS OR MEDICAL ISSUES THAT MIGHT DEVELOP IN THE CHILD.
10. THE EXISTENCE OF ADULT NONRELATIVES WHO HAVE A CLOSE RELATIONSHIP WITH THE CHILD AND CAN PROVIDE PERMANENCE FOR THE CHILD.

Sec. 6. Section 8-517, Arizona Revised Statutes, is amended to read:

8-517. Withdrawal from foster home
The division or agency that placed the child may withdraw a child from a foster home only when the division or agency determines that withdrawal is according to written, specific standards and is clearly necessary for the child's BEST interests and welfare. The division may change the placement of a child made pursuant to section 8-514.02 if the change is necessary for the child's best interests and welfare. IF A CHILD HAS BEEN IN FOSTER PLACEMENT FOR SIX MONTHS OR MORE, THE PRESUMPTION EXISTS THAT REMAINING IN THE PLACEMENT IS IN THE CHILD'S BEST INTERESTS UNLESS THERE ARE CONFIRMED SAFETY OR WELFARE CONCERNS FOR THE CHILD.

Sec. 7. Section 8-522, Arizona Revised Statutes, is amended to read:

8-522. Dependency actions; special advocate; appointment; duties; immunity
A. The presiding judge of the juvenile court in each county may appoint an adult as a special advocate to be the guardian ad litem for a child who is the subject of a dependency action. The court shall make this appointment at the earliest possible stage in the proceedings. A child, through the child's guardian ad litem or attorney, has the right to be informed of, to be present at and to be heard in any proceeding involving dependency or termination of parental rights.
B. The supreme court shall certify special advocates pursuant to rules adopted by the court. Court rules for certification shall include compliance with qualification standards prescribed by the court.

C. The appointment of the special advocate continues until the court relieves the advocate of the advocate's responsibilities or until the court dismisses the action before it.

D. A special advocate serves without compensation but is entitled to reimbursement of expenses pursuant to guidelines prescribed by the supreme court by rule.

E. A special advocate shall:
   1. Meet with the child.
   2. Advocate for the child's safety as the first priority.
   3. Gather and provide independent, factual information to aid the court in making its decision regarding what is in the child's best interest and in determining if reasonable efforts have been made to prevent removal of the child from the child's home or to reunite the child with the child's family.
   4. Provide advocacy to ensure that appropriate case planning and services are provided for the child.
   5. Perform other duties prescribed by the supreme court by rule.

F. A special advocate shall have access to all documents and information regarding the child and the child's family without obtaining prior approval of the child, the child's family or the court. All records and information the special advocate acquires, reviews or produces may only be disclosed as provided for in section 41-1959.

G. The special advocate shall receive notice of all hearings, staffings, investigations and other matters concerning the child. The special advocate shall have a right to participate in the formulation of any agreement, stipulation or case plan entered into regarding the child.

H. A special advocate is immune from civil or criminal liability for the advocate's acts or omissions in connection with the authorized responsibilities the special advocate performs in good faith.

Sec. 8. Section 8-533, Arizona Revised Statutes, is amended to read:

8-533. Petition; who may file; grounds

A. Any person or agency that has a legitimate interest in the welfare of a child, including, but not limited to, a relative, a foster parent, a physician, the department or a private licensed child welfare agency, may file a petition for the termination of the parent-child relationship alleging grounds contained in subsection B of this section.

B. Evidence sufficient to justify the termination of the parent-child relationship shall include any one of the following, and in considering any of the following grounds, the court shall also consider the best interests of the child:
   1. That the parent has abandoned the child.
2. That the parent has neglected or wilfully abused a child. This abuse includes serious physical or emotional injury or situations in which the parent knew or reasonably should have known that a person was abusing or neglecting a child.

3. That the parent is unable to discharge parental responsibilities because of mental illness, mental deficiency or a history of chronic abuse of dangerous drugs, controlled substances or alcohol and there are reasonable grounds to believe that the condition will continue for a prolonged indeterminate period.

4. That the parent is deprived of civil liberties due to the conviction of a felony if the felony of which that parent was convicted is of such nature as to prove the unfitness of that parent to have future custody and control of the child, including murder of another child of the parent, manslaughter of another child of the parent or aiding or abetting or attempting, conspiring or soliciting to commit murder or manslaughter of another child of the parent, or if the sentence of that parent is of such length that the child will be deprived of a normal home for a period of years.

5. That the potential father failed to file a paternity action within thirty days of completion of service of notice as prescribed in section 8-106, subsection G.

6. That the putative father failed to file a notice of claim of paternity as prescribed in section 8-106.01.

7. That the parents have relinquished their rights to a child to an agency or have consented to the adoption.

8. That the child is being cared for in an out-of-home placement under the supervision of the juvenile court, the division or a licensed child welfare agency, that the agency responsible for the care of the child has made a diligent effort to provide appropriate reunification services and that one of the following circumstances exists:

   (a) The child has been in an out-of-home placement for a cumulative total period of nine months or longer pursuant to court order or voluntary placement pursuant to section 8-806 and the parent has substantially neglected or wilfully refused to remedy the circumstances that cause the child to be in an out-of-home placement.

   (b) The child who is under three years of age has been in an out-of-home placement for a cumulative total period of six months or longer pursuant to court order and the parent has substantially neglected or wilfully refused to remedy the circumstances that cause the child to be in an out-of-home placement, including refusal to participate in reunification services offered by the department.

   (c) The child has been in an out-of-home placement for a cumulative total period of fifteen months or longer pursuant to court order or voluntary placement pursuant to section 8-806, the parent has been unable to remedy the circumstances that cause the child to be in an out-of-home
placement and there is a substantial likelihood that the parent will not
be capable of exercising proper and effective parental care and control in
the near future.

9. That the identity of the parent is unknown and continues to be
unknown following three months of diligent efforts to identify and locate
the parent.

10. That the parent has had parental rights to another child
terminated within the preceding two years for the same cause and is
currently unable to discharge parental responsibilities due to the same
cause.

11. That all of the following are true:
   (a) The child was cared for in an out-of-home placement pursuant to
court order.
   (b) The agency responsible for the care of the child made diligent
efforts to provide appropriate reunification services.
   (c) The child, pursuant to court order, was returned to the legal
custody of the parent from whom the child had been removed.
   (d) Within eighteen months after the child was returned, pursuant
to court order, the child was removed from that parent's legal custody,
the child is being cared for in an out-of-home placement under the
supervision of the juvenile court, the division or a licensed child
welfare agency and the parent is currently unable to discharge parental
responsibilities.

12. THAT THERE IS EVIDENCE OF EITHER OF THE FOLLOWING:
   (a) IN UTERO SUBSTANCE EXPOSURE WITH EGREGIOUS CIRCUMSTANCES
      INVOLVING DANGEROUS DRUGS AS DEFINED IN SECTION 8-846.
   (b) IN UTERO SUBSTANCE EXPOSURE WITH EVIDENCE OF LONG-STANDING DRUG
      USE AS DEFINED IN SECTION 8-846.

C. Evidence considered by the court pursuant to subsection B of
this section shall include any substantiated allegations of abuse or
neglect committed in another jurisdiction.

D. In considering the grounds for termination prescribed in
subsection B, paragraph 8 or 11 of this section, the court shall consider
the availability of reunification services to the parent and the
participation of the parent in these services.

E. In considering the grounds for termination prescribed in
subsection B, paragraph 8 of this section, the court shall not consider
the first sixty days of the initial out-of-home placement pursuant to
section 8-806 in the cumulative total period.

F. The failure of an alleged parent who is not the child's legal
parent to take a test requested by the department or ordered by the court
to determine if the person is the child's natural parent is prima facie
evidence of abandonment unless good cause is shown by the alleged parent
for that failure.
Sec. 9.  Section 8-535, Arizona Revised Statutes, is amended to read:

8-535. Notice of initial hearing; waiver; guardian ad litem

A.  After the petition has been filed, the clerk of the superior court shall set a time and place for the initial hearing. Notice of the initial hearing and a copy of the petition shall be given to the parents of the child, the guardian of the person of the child, the person having legal custody of the child, any individual standing in loco parentis to the child, the tribe of any Indian child as defined by the federal Indian child welfare act of 1978 (25 United States Code section 1903) and the guardian ad litem of any party as provided for service of process in civil actions. In addition to the service of process requirements in civil actions, any parent, any Indian custodian and the tribe of an Indian child shall be notified of the initial hearing by registered mail, return receipt requested, as required by the federal Indian child welfare act of 1978 (25 United States Code section 1912). The notice required by this subsection shall include the following statement:

You have a right to appear as a party in this proceeding. The failure of a parent to appear at the initial hearing, the pretrial conference, the status conference or the termination adjudication hearing may result in an adjudication terminating the parent-child relationship of that parent.

B.  The initial hearing shall take place WITHIN THIRTY DAYS AFTER THE PETITION IS FILED BUT no sooner than ten days after the completion of service of notice.

C.  Notice and appearance may be waived by a parent before the court or in writing and attested to by two or more credible witnesses who are eighteen or more years of age subscribing their names thereto in the presence of the person executing the waiver or shall be duly acknowledged before an officer authorized to take acknowledgements by the person signing the waiver of notice and appearance. The face of the waiver shall contain language explaining the meaning and consequences of the waiver and the termination of parental rights. The parent who has executed such a waiver shall not be required to appear.

D.  If a parent does not appear at the initial hearing, the court, after determining that the parent has been served with proper legal notice, may find that the parent has waived the parent’s legal rights and is deemed to have admitted the allegations of the petition by the failure to appear. The court may terminate the parent-child relationship as to a parent who does not appear based on the record and evidence presented as provided in rules prescribed by the supreme court.

E.  At the initial hearing, the court shall:

1.  Schedule a pretrial conference or status conference.

2.  Schedule the termination adjudication hearing.
3. Instruct the parent that the failure to appear at the pretrial conference, status conference or termination adjudication hearing may result in an adjudication terminating the parent-child relationship as to a parent who does not appear.

F. On the motion of any party or on its own motion, the court shall appoint a guardian ad litem if it determines that there are reasonable grounds to believe that a party to the proceeding is mentally incompetent or is otherwise in need of a guardian ad litem for any child who is in the custody of the department or in an in-home program monitored by the department.

G. The county attorney, on the request of the court or a governmental agency or on the county attorney’s own motion, may intervene in any proceedings under this article to represent the interest of the child.

H. A potential father who fails to file a paternity action within thirty days after completion of service of the notice prescribed in section 8-106, subsection G waives his right to be notified regarding the termination of parental rights and his consent to the termination of parental rights is not required.

Sec. 10. Section 8-536, Arizona Revised Statutes, is amended to read:

8-536. Social study before disposition; contents

A. On the filing of a petition, the court shall order that the department, an agency or another person selected by the court conduct or cause to be conducted a complete social study and that a report in writing of that study be submitted to the court before a hearing. The court may order any additional social study it deems necessary. The social study shall include the circumstances of the petition, the social history, the present condition of the child and parent, proposed plans for the child and other facts pertinent to the parent-child relationship. The report submitted shall include a specific recommendation and the reasons as to whether or not the parent-child relationship should be terminated.

B. If the proposed plans for the child do not include placing the child with a grandparent or another member of the child’s extended family including a person who has a significant relationship with the child, the report shall include sufficient information for the court to determine whether such placement is in the child’s best interests.

C. The court may waive the requirement of the social study if the court finds that to do so is in the best interest of the child.

Sec. 11. Section 8-537, Arizona Revised Statutes, is amended to read:

8-537. Termination adjudication hearing

A. If a petition for terminating the parent-child relationship is contested, the court shall hold a termination adjudication hearing, which shall conclude within sixty days after the completion of the initial
HEARING. THE TERMINATION ADJUDICATION HEARING MAY BE EXTENDED FOR THIRTY DAYS ONLY IF THE COURT FINDS AN EXTRAORDINARY CAUSE FOR THE EXTENSION.

The general public shall be excluded and only such persons admitted whose presence the judge finds to have a direct interest in the case or the work of the court, provided that such person so admitted shall not disclose any information secured at the hearing. The court may require the presence of any parties and witnesses it deems necessary to the disposition of the petition, except that a parent who has executed a waiver pursuant to section 8-535, or has relinquished the parent's rights to the child shall not be required to appear at the hearing.

B. The court's findings with respect to grounds for termination shall be based upon clear and convincing evidence under the rules applicable and adhering to the trial of civil causes. The court may consider any and all reports required by this article or ordered by the court pursuant to this article and such reports are admissible in evidence without objection.

C. If a parent does not appear at the pretrial conference, status conference or termination adjudication hearing, the court, after determining that the parent has been instructed as provided in section 8-535, may find that the parent has waived the parent's legal rights and is deemed to have admitted the allegations of the petition by the failure to appear. The court may terminate the parent-child relationship as to a parent who does not appear based on the record and evidence presented as provided in rules prescribed by the supreme court.

Sec. 12. Section 8-538, Arizona Revised Statutes, is amended to read:

8-538. Court order; form; contents
A. Every order of the court terminating the parent-child relationship or transferring legal custody or guardianship of the person of the child or providing for protective supervision of the child shall be in writing and shall recite the findings on which the order is based, including findings pertaining to placement of the child and the court's jurisdiction. The order is conclusive and binding on all persons from the date of entry.

B. If the court finds grounds for the termination of the parent-child relationship it shall terminate the relationship and take one of the following courses of action:

1. Appoint an individual as guardian of the child.

2. Appoint an individual as the child's guardian and vest legal custody in another individual or in an authorized agency.

C. If the court finds that placement with a grandparent or another member of the child's extended family including a person who has a significant relationship with the child is not in the child's best interests, the court shall make specific written findings in support of its decision.
D. The court shall also make an order fixing responsibility for the child's support. The parent-child relationship may be terminated with respect to one parent without affecting the relationship between the child and the other parent.

E. If the court does not order termination of the parent-child relationship, it shall dismiss the petition, provided that if the court finds that the best interests of the child require substitution or supplementation of parental care and supervision, the court shall make such orders as it deems necessary.

Sec. 13. Title 8, chapter 4, article 8, Arizona Revised Statutes, is amended by adding section 8-820, to read:

8-820. Guardian ad litem; notice of department failure; attorney fees

A. If the department fails to perform a duty prescribed in this chapter, the guardian ad litem for a child affected by the failure shall file a notice of the failure with the court.

B. The court:
   1. Shall award the guardian ad litem reasonable attorney fees for filing a notice with the court pursuant to this section.
   2. May sanction the department if it has failed to perform a duty prescribed in this chapter.

Sec. 14. Title 8, chapter 4, article 9, Arizona Revised Statutes, is amended by adding section 8-828, to read:

8-828. Aggravating circumstance; notice; definition

A. If a child who was taken into temporary custody is under three years of age, the department shall determine if an aggravating circumstance exists.

B. Within fourteen days after a child is taken into temporary custody, the department shall file with the court a notice of aggravating circumstance that states one of the following:
   1. The department finds that an aggravating circumstance exists and includes a description of the circumstance.
   2. The department does not find that an aggravating circumstance exists and includes an explanation of the basis for this determination.
   3. The department is unable to determine if an aggravating circumstance exists and includes an explanation of the basis for this determination.

C. If the department finds the existence of an aggravating circumstance, the department shall file a petition for termination of parental rights within ten days after the notice of aggravating circumstance is filed with the court.

D. If the department is unable to determine if an aggravating circumstance exists, the court shall hold a hearing within forty-eight hours after the notice is filed to determine the existence of an
AGGRAVATING CIRCUMSTANCE. THE COURT SHALL MAKE THE DETERMINATION WITHIN THREE DAYS AFTER THE HEARING.

E. FOR THE PURPOSES OF THIS SECTION, “AGGRAVATING CIRCUMSTANCE” MEANS AN AGGRAVATING CIRCUMSTANCE DESCRIBED IN SECTION 8-846, SUBSECTION D, PARAGRAPH 1.

Sec. 15. Section 8-845, Arizona Revised Statutes, is amended to read:

8-845. Disposition hearing
A. After receiving and considering the evidence on the proper disposition of the case, the court may enter orders awarding a dependent child as follows IF THE AWARD IS IN THE BEST INTERESTS OF THE CHILD:

1. To the care of the child's parents, subject to the supervision of the department.

2. To a grandparent or another member RELATIVE of the child's extended family including a person who has a significant relationship with the child, unless the court has determined that such placement is not in the child's best interests.

3. To a suitable institution.

4. To an association willing to receive the child.

5. To a reputable citizen of good moral character.

6. To an appropriate public or private agency licensed to care for children.

7. To a suitable school.

8. To supervision under the independent living program established pursuant to section 8-521.

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

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

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

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

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

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

C. The court shall review the permanent plan that has been established for the child. In reviewing the status of the child, the court, insofar as possible, shall seek to reunite the family. If the court does not order reunification of the family, the court shall order a plan of adoption or another permanent plan that is in the child's best interest and that takes into consideration the placement of the child with
siblings or that provides for frequent visitation or contact between siblings unless the court determines that either the placement with the siblings or the visitation or contact would be contrary to the child's or a sibling's safety or well-being.

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

Sec. 16. Section 8-846, Arizona Revised Statutes, is amended to read:

8-846. Services provided to the child and family; definitions

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

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

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

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

1. One or more of the following aggravating circumstances exist:
   (a) A party to the action provides a verified affidavit that states that a reasonably diligent search has failed to identify and locate the parent within three months after the filing of the dependency petition or the parent has expressed no interest in reunification with the child for at least three months after the filing of the dependency petition.
   (b) The parent or guardian is suffering from a mental illness or mental deficiency of such magnitude that it renders the parent or guardian incapable of benefitting from the reunification services. This finding shall be based on competent evidence from a psychologist or physician that establishes that, even with the provision of reunification services, the parent or guardian is unlikely to be capable of adequately caring for the child within twelve months after the date of the child's removal from the home.
(c) The child previously has been removed and adjudicated dependent due to physical or sexual abuse. After the adjudication the child was returned to the custody of the parent or guardian and then subsequently removed within eighteen months due to additional physical or sexual abuse.

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

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

(f) After a finding that a child is dependent, all of the following are true:
   (i) A child has been removed from the parent or guardian on at least two previous occasions.
   (ii) Reunification services were offered or provided to the parent or guardian after the removal.
   (iii) The parent or guardian is unable to discharge parental responsibilities.

(g) EITHER OF THE FOLLOWING CONDITIONS EXISTS:
   (i) IN UTERO SUBSTANCE EXPOSURE WITH EVIDENCE OF LONG-STANDING DRUG ABUSE.
   (ii) IN UTERO SUBSTANCE EXPOSURE WITH EGREGIOUS CIRCUMSTANCES INVOLVING DANGEROUS DRUGS.

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

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

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

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

G. FOR THE PURPOSES OF THIS SECTION:

1. "DANGEROUS DRUG" HAS THE SAME MEANING PRESCRIBED IN SECTION 13-3401.

2. "IN UTERO SUBSTANCE EXPOSURE WITH EGRESSIOUS CIRCUMSTANCES INVOLVING DANGEROUS DRUGS" MEANS THAT A CHILD IS EXPOSED TO DANGEROUS DRUGS IN UTERO AND WITHIN TWO YEARS AFTER THE CHILD'S BIRTH, THE PARENT OR GUARDIAN INTENTIONALLY OR UNINTENTIONALLY ALLOWS THE CHILD TO INGEST A DANGEROUS DRUG.

3. "IN UTERO SUBSTANCE EXPOSURE WITH EVIDENCE OF LONG-STANDING DRUG USE" MEANS THAT A CHILD IS EXPOSED TO DANGEROUS DRUGS IN UTERO AND EITHER:
   (a) TWO OR MORE YEARS BEFORE THE BIRTH OF THE CHILD THE PARENT OR GUARDIAN OF THE CHILD DID ONE OR MORE OF THE FOLLOWING:
      (i) WAS CONVICTED FOR A DRUG-RELATED OFFENSE.
      (ii) GAVE BIRTH TO ANOTHER CHILD WHO WAS EXPOSED TO DANGEROUS DRUGS IN UTERO.
      (iii) FAILED TO COMPLETE AT LEAST EIGHTY PERCENT OF REUNIFICATION SERVICES PREVIOUSLY REQUIRED OF THE PARENT OR GUARDIAN.
      (iv) HAD A PRIOR DEPENDENCY MATTER.
   (b) THE DEPARTMENT OR THE CHILD'S ATTORNEY OR GUARDIAN AD LITEM PROVIDES EVIDENCE OF THE ADDICTION OF THE PARENT OR GUARDIAN FOR MORE THAN TWO YEARS.

Sec. 17. Title 8, chapter 4, article 10, Arizona Revised Statutes, is amended by adding section 8-848, to read:

8-848. Reunification services; affidavit; definition

A. IF REUNIFICATION SERVICES ARE PROVIDED TO A PARENT OR GUARDIAN, THE DEPARTMENT SHALL FILE WITH THE COURT WITHIN TEN DAYS AFTER THE FILING OF THE NOTICE OF AGGRAVATING CIRCUMSTANCE AS DEFINED IN SECTION 8-828 AN AFFIDAVIT OF REASONABLE SERVICES THAT STATES ALL OF THE FOLLOWING:

1. THE SERVICES OFFERED TO THE PARENT OR GUARDIAN.
2. HOW THE SERVICES WERE OFFERED.
3. THE DATE THE SERVICES WERE OFFERED.

B. THE PARENT OR GUARDIAN SHALL BEGIN THE SERVICES WITHIN THIRTY DAYS AFTER THE FILING OF THE AFFIDAVIT OF REASONABLE SERVICES.

DAYS THAT THE PARENT OR GUARDIAN WAS REQUIRED TO BEGIN THE SERVICES, THE
DEPARTMENT MAY CONTINUE THE SERVICES.

D. FOR THE PURPOSES OF THIS SECTION, "DOES NOT SUBSTANTIALLY
COMPLY" MEANS ONE OR MORE OF THE FOLLOWING:

1. FAILING TO BEGIN ALL RECOMMENDED SERVICES WITHIN THIRTY DAYS
   AFTER THE FILING OF THE AFFIDAVIT OF REASONABLE SERVICES.

2. FAILING TO ATTEND AT LEAST EIGHTY PERCENT OF ALL TREATMENT AND
   THERAPY APPOINTMENTS. EACH DAY A PERSON FAILS TO BEGIN SERVICES AFTER THE
   TIME PRESCRIBED IN PARAGRAPH 1 OF THIS SUBSECTION IS CONSIDERED A MISSED
   TREATMENT APPOINTMENT FOR THE PURPOSES OF THIS PARAGRAPH.

3. FAILING TO ATTEND AT LEAST EIGHTY PERCENT OF VISITATIONS WITH
   THE CHILD.

4. FAILING TO TAKE PART IN AT LEAST EIGHTY PERCENT OF THE SCHEDULED
   PHONE CALLS WITH THE CHILD OR FOSTER PARENT.

5. FAILING TO PASS AT LEAST EIGHTY PERCENT OF ALL DRUG AND ALCOHOL
   SCREENINGS.

6. FAILING TO PASS A DRUG AND ALCOHOL SCREENING NINETY DAYS AFTER
   THE PARENT OR GUARDIAN WAS REQUIRED TO BEGIN THE SERVICES.

7. ATTENDING A VISITATION UNDER THE INFLUENCE OF ALCOHOL OR A
   CONTROLLED SUBSTANCE.

8. ATTENDING A COURT HEARING UNDER THE INFLUENCE OF ALCOHOL OR A
   CONTROLLED SUBSTANCE AFTER COMPLETION OF THE FIRST NINETY DAYS AFTER THE
   PARENT OR GUARDIAN WAS REQUIRED TO BEGIN THE SERVICES.

9. FAILING TO ATTEND AT LEAST EIGHTY PERCENT OF COURT HEARINGS.

10. ANY OTHER FACT-BASED EVIDENCE THAT A PARENT OR GUARDIAN IS
    SUBSTANTIALLY NEGLECTING THE OBLIGATION TO PARTICIPATE IN SERVICES.

Sec. 18. Section 8-862, Arizona Revised Statutes, is amended to
read:

8-862. Permanency hearing
A. The court shall hold a permanency hearing to determine the
future permanent legal status of the child:

1. Within thirty days after the disposition hearing if the court
does not order reunification services.

2. Within six months after a child who is under three years of age
is removed from the child's home. The court shall not continue that
permanency hearing beyond six months after the child who is under three
years of age is removed from the child's home unless the party who is
seeking the continuance shows that the determination prescribed in section
8-829, subsection A, paragraph 6 has been made or will be made within the
time prescribed in that paragraph.

3. In all other cases, within twelve months after the child is
removed from the child's home. The court shall not continue the
permanency hearing beyond twelve months after the child is removed from
the child's home unless the party who is seeking the continuance shows
that the determination prescribed in section 8-829, subsection A,
paragraph 5 has been made or will be made within the time prescribed in
that paragraph.

B. At the permanency hearing, the court shall determine:

1. Whether termination of parental rights, adoption, permanent
guardianship pursuant to section 8-872 or some other permanent legal
status is the most appropriate plan for the child and shall order the plan
to be accomplished within a specified period of time.

2. Whether reasonable efforts have been made to finalize the
permanency plan in effect.

3. What efforts have been made in the permanency plan to place the
child with the child's siblings or to provide frequent visitation or
contact, unless the court had already determined that placement with all
or any siblings or visitation or contact is not possible or would be
contrary to the child's or a sibling's safety or well-being.

C. If the court determines that the child should remain in
out-of-home placement longer than eighteen months from the date of the
permanency order, the court shall conduct a review of the order at least
once each year. After reviewing the order, the court may reaffirm the
order or direct other disposition of the child.

D. If the court determines that the termination of parental rights
is clearly in the best interests of the child, the court shall:

1. Order the department or the child's attorney or guardian ad
litem to file within ten days after the permanency hearing a motion
alleging one or more of the grounds prescribed in section 8-533 for
termination of parental rights. The party who files the motion has the
burden of presenting evidence at the termination hearing to prove the
allegations in the motion.

2. Set a date for an initial hearing on the motion for termination
of parental rights within thirty days after the permanency hearing. If
the termination is contested at the initial hearing, the court shall set a
date for the trial on termination of parental rights within ninety days
after the permanency hearing.

E. The department shall make reasonable efforts to place the child
in a timely manner in accordance with the permanency plan and to complete
whatever steps are necessary to finalize the permanent placement of the
child.

F. If the court determines that permanent guardianship is clearly
in the best interests of the child, the court shall:

1. Order the department or the child's attorney or guardian ad
litem to file within ten days after the permanency hearing a motion
alleging the grounds prescribed in section 8-871 for permanent
guardianship. The party who files the motion has the burden of presenting
evidence at the hearing to prove the allegations in the motion.
2. Set a date for an initial hearing on the motion for permanent guardianship within thirty days after the permanency hearing. If the permanent guardianship is contested at the initial hearing, the court shall set a date for the trial on the permanent guardianship within ninety days after the permanency hearing.

G. Evidence considered by the court in making a decision pursuant to this section also shall include any substantiated allegations of abuse or neglect committed in another jurisdiction.

H. If the court determines that termination of parental rights or permanent guardianship is clearly in the best interest of the child and the case plan specifies adoption, the adoption by the prospective placement shall proceed expeditiously and be finalized within six months after the permanency hearing, if possible. If the child has been placed in a prospective permanent placement, unless the action is required by federal law, state law or regulation, any action that is inconsistent with the case plan of severance and adoption, including removal of the child from that placement, may occur only by court order or if the prospective permanent placement requests the child’s removal. If a motion to change the case plan or for removal of a child is filed, a copy of the motion must be provided to the prospective permanent placement at least fifteen days before a hearing on the motion. If the prospective permanent placement does not appear at a hearing on a motion for removal, the court may not take any action on the motion unless the court finds that good faith efforts were made to provide a copy of the motion to the prospective permanent placement. The prospective permanent placement has the right to be heard in the proceeding. This right does not require that the prospective permanent placement be made a party to the proceeding solely on the basis of that right. This subsection does not apply to any removal pursuant to section 8-456 or 8-821. If the child is an Indian child as defined pursuant to the Indian child welfare act (25 United States Code section 1903), the court and the parties must comply with all applicable requirements of that act. For the purposes of this subsection, a prospective permanent placement includes:

1. A grandparent or another member of the child’s extended family including a person who has a significant relationship with the child.

2. A person or persons with an expressed interest in being the permanent placement for the child in a certified adoptive home where the child resides, a home that is a permanent placement for a sibling of the child or a licensed family foster home where the child resides.

I. This section does not prevent the department from presenting for the court's consideration a grandparent or another member of the child’s extended family including a person who has a significant relationship with the child and who has not been identified as a prospective permanent placement for the child before the child's placement with a prospective permanent placement.
Sec. 19. Department of child safety; controlled substance exposed infants; reporting system

On or before July 1, 2019, the department of child safety shall develop a system to track on an individual and aggregate basis infants who are taken into the custody of the department as a result of in utero controlled substance exposure. The system must identify how the child comes into custody of the department and leaves custody of the department to help identify effective statutory strategies to expedite child safety and permanency.