

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

SENATE BILL 1539

AN ACT

AMENDING SECTIONS 8-144, 8-201 AND 8-202, ARIZONA REVISED STATUTES;
AMENDING TITLE 8, CHAPTER 4, ARTICLE 4, ARIZONA REVISED STATUTES, BY
ADDING SECTION 8-521.02; AMENDING SECTION 8-829, ARIZONA REVISED STATUTES;
RELATING TO FOSTER CARE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-144, Arizona Revised Statutes, is amended to
3 read:

4 8-144. Subsidy agreement; duration; amount; periodic review;
5 confidentiality

6 A. The family entering into subsidized adoption and the department
7 shall sign a subsidy agreement that contains a provision for periodic
8 review as provided in subsection ~~C~~ D of this section before the final
9 decree of adoption is issued, except as provided in subsection B of this
10 section. Adoption subsidies may commence with the adoption placement or
11 after the adoption decree, and will vary with the needs due to the special
12 circumstances of the adopted child as well as the availability of other
13 resources.

14 B. The adoption subsidy may continue EITHER:

15 1. Through the age of twenty-one if the individual is enrolled in
16 and regularly attending school unless the person has received a high
17 school diploma or certificate of equivalency.

18 2. THROUGH THE AGE OF TWENTY, IF THE INDIVIDUAL IS ADOPTED AT
19 SIXTEEN OR SEVENTEEN YEARS OF AGE AND IS ONE OR MORE OF THE FOLLOWING:

20 (a) COMPLETING SECONDARY EDUCATION OR AN EDUCATIONAL PROGRAM THAT
21 LEADS TO AN EQUIVALENT CREDENTIAL OR IS ENROLLED IN AN INSTITUTION THAT
22 PROVIDES POSTSECONDARY OR VOCATIONAL EDUCATION.

23 (b) EMPLOYED AT LEAST EIGHTY HOURS A MONTH.

24 (c) PARTICIPATING IN A PROGRAM OR ACTIVITY THAT PROMOTES EMPLOYMENT
25 OR REMOVES BARRIERS TO EMPLOYMENT.

26 (d) UNABLE TO BE A FULL-TIME STUDENT OR TO BE EMPLOYED BECAUSE OF A
27 DOCUMENTED MEDICAL CONDITION.

28 C. The subsidy may be for special services only or for money
29 payments, and either for a limited period or for a long term, or for any
30 combination thereof. The amount of the subsidy shall not exceed the
31 payments allowable under foster family care. A special service subsidy
32 shall not exceed the reasonable fee for the service rendered in accordance
33 with costs and procedures for authorization of services as determined by
34 the department.

35 ~~C~~ D. There shall be a periodic review as defined by the
36 department to determine the appropriateness and reasonableness of all
37 subsidies and to ascertain the need for continuing or adjusting the
38 subsidy.

39 ~~D~~ E. Notwithstanding subsection A of this section, an application
40 may be made and granted on behalf of a child adopted pursuant to the laws
41 of this state at any time for a new or increased adoption subsidy on
42 documentation of an undiagnosed condition that existed before the
43 finalization of the adoption.

44 ~~E~~ F. All records regarding subsidized adoption shall be
45 confidential and may be disclosed only in accordance with the rules of the
46 department.

1 Sec. 2. Section 8-201, Arizona Revised Statutes, is amended to
2 read:

3 8-201. Definitions

4 In this title, unless the context otherwise requires:

5 1. "Abandoned" means the failure of the parent to provide
6 reasonable support and to maintain regular contact with the child,
7 including providing normal supervision. Abandoned includes a judicial
8 finding that a parent has made only minimal efforts to support and
9 communicate with the child. Failure to maintain a normal parental
10 relationship with the child without just cause for a period of six months
11 constitutes prima facie evidence of abandonment.

12 2. "Abuse" means the infliction or allowing of physical injury,
13 impairment of bodily function or disfigurement or the infliction of or
14 allowing another person to cause serious emotional damage as evidenced by
15 severe anxiety, depression, withdrawal or untoward aggressive behavior and
16 which emotional damage is diagnosed by a medical doctor or psychologist
17 and is caused by the acts or omissions of an individual who has the care,
18 custody and control of a child. Abuse includes:

19 (a) Inflicting or allowing sexual abuse pursuant to section
20 13-1404, sexual conduct with a minor pursuant to section 13-1405, sexual
21 assault pursuant to section 13-1406, molestation of a child pursuant to
22 section 13-1410, commercial sexual exploitation of a minor pursuant to
23 section 13-3552, sexual exploitation of a minor pursuant to section
24 13-3553, incest pursuant to section 13-3608 or child sex trafficking
25 pursuant to section 13-3212.

26 (b) Physical injury that results from permitting a child to enter
27 or remain in any structure or vehicle in which volatile, toxic or
28 flammable chemicals are found or equipment is possessed by any person for
29 the purpose of manufacturing a dangerous drug as defined in section
30 13-3401.

31 (c) Unreasonable confinement of a child.

32 3. "Adult" means a person who is eighteen years of age or older.

33 4. "Adult court" means the appropriate justice court, municipal
34 court or criminal division of the superior court that has jurisdiction to
35 hear proceedings concerning offenses committed by juveniles as provided in
36 sections 8-327 and 13-501.

37 5. "Award" or "commit" means to assign legal custody.

38 6. "Child", "youth" or "juvenile" means an individual who is under
39 the age of eighteen years.

40 7. "Complaint" means a written statement of the essential facts
41 constituting a public offense that is any of the following:

42 (a) Made on an oath before a judge or commissioner of the superior
43 court or an authorized juvenile hearing officer.

44 (b) Made pursuant to section 13-3903.

1 (c) Accompanied by an affidavit of a law enforcement officer or
2 employee that swears on information and belief to the accuracy of the
3 complaint pursuant to section 13-4261.

4 8. "Criminal conduct allegation" means an allegation of conduct by
5 a parent, guardian or custodian of a child or an adult member of the
6 victim's household that, if true, would constitute any of the following:

7 (a) A violation of section 13-3623 involving child abuse.

8 (b) A felony offense that constitutes domestic violence as defined
9 in section 13-3601.

10 (c) A violation of section 13-1404 or 13-1406 involving a minor.

11 (d) A violation of section 13-1405, 13-1410 or 13-1417.

12 (e) Any other act of abuse that is classified as a felony.

13 (f) An offense that constitutes domestic violence as defined in
14 section 13-3601 and that involves a minor who is a victim of or was in
15 imminent danger during the domestic violence.

16 9. "Custodian" means a person, other than a parent or legal
17 guardian, who stands in loco parentis to the child or a person to whom
18 legal custody of the child has been given by order of the juvenile court.

19 10. "DCS report" means a communication received by the centralized
20 intake hotline that alleges child abuse or neglect and that meets the
21 criteria for a report as prescribed in section 8-455.

22 11. "Delinquency hearing" means a proceeding in the juvenile court
23 to determine whether a juvenile has committed a specific delinquent act as
24 set forth in a petition.

25 12. "Delinquent act" means an act by a juvenile that if committed
26 by an adult would be a criminal offense or a petty offense, a violation of
27 any law of this state, or of another state if the act occurred in that
28 state, or a law of the United States, or a violation of any law that can
29 only be violated by a minor and that has been designated as a delinquent
30 offense, or any ordinance of a city, county or political subdivision of
31 this state defining crime. Delinquent act does not include an offense
32 under section 13-501, subsection A or B if the offense is filed in adult
33 court. Any juvenile who is prosecuted as an adult or who is remanded for
34 prosecution as an adult shall not be adjudicated as a delinquent juvenile
35 for the same offense.

36 13. "Delinquent juvenile" means a child who is adjudicated to have
37 committed a delinquent act.

38 14. "Department" means the department of child safety.

39 15. "Dependent child":

40 (a) Means a child who is adjudicated to be:

41 (i) In need of proper and effective parental care and control and
42 who has no parent or guardian, or one who has no parent or guardian
43 willing to exercise or capable of exercising such care and control.

44 (ii) Destitute or who is not provided with the necessities of life,
45 including adequate food, clothing, shelter or medical care.

1 (iii) A child whose home is unfit by reason of abuse, neglect,
2 cruelty or depravity by a parent, a guardian or any other person having
3 custody or care of the child.

4 (iv) Under eight years of age and who is found to have committed an
5 act that would result in adjudication as a delinquent juvenile or
6 incorrigible child if committed by an older juvenile or child.

7 (v) Incompetent or not restorable to competency and who is alleged
8 to have committed a serious offense as defined in section 13-706.

9 (b) Does not include a child who in good faith is being furnished
10 Christian Science treatment by a duly accredited practitioner if none of
11 the circumstances described in subdivision (a) of this paragraph exists.

12 16. "Detention" means the temporary confinement of a juvenile who
13 requires secure care in a physically restricting facility that is
14 completely surrounded by a locked and physically secure barrier with
15 restricted ingress and egress for the protection of the juvenile or the
16 community pending court disposition or as a condition of probation.

17 17. "Director" means the director of the department.

18 18. "Health professional" has the same meaning prescribed in
19 section 32-3201.

20 19. "Incorrigible child" means a child who:

21 (a) Is adjudicated as a child who refuses to obey the reasonable
22 and proper orders or directions of a parent, guardian or custodian and who
23 is beyond the control of that person.

24 (b) Is habitually truant from school as defined in section 15-803,
25 subsection C.

26 (c) Is a runaway from the child's home or parent, guardian or
27 custodian.

28 (d) Habitually behaves in such a manner as to injure or endanger
29 the morals or health of self or others.

30 (e) Commits any act constituting an offense that can only be
31 committed by a minor and that is not designated as a delinquent act.

32 (f) Fails to obey any lawful order of a court of competent
33 jurisdiction given in a noncriminal action.

34 20. "Independent living program" includes a residential program
35 with supervision of less than twenty-four hours a day.

36 21. "Juvenile court" means the juvenile division of the superior
37 court when exercising its jurisdiction over children in any proceeding
38 relating to delinquency, dependency or incorrigibility.

39 22. "Law enforcement officer" means a peace officer, sheriff,
40 deputy sheriff, municipal police officer or constable.

41 23. "Medical director of a mental health agency" means a
42 psychiatrist, or licensed physician experienced in psychiatric matters,
43 who is designated in writing by the governing body of the agency as the
44 person in charge of the medical services of the agency, or a psychiatrist
45 designated by the governing body to act for the director. The term
46 includes the superintendent of the state hospital.

1 24. "Mental health agency" means any private or public facility
2 that is licensed by this state as a mental health treatment agency, a
3 psychiatric hospital, a psychiatric unit of a general hospital or a
4 residential treatment center for emotionally disturbed children and that
5 uses secure settings or mechanical restraints.

6 25. "Neglect" or "neglected" means:

7 (a) The inability or unwillingness of a parent, guardian or
8 custodian of a child to provide that child with supervision, food,
9 clothing, shelter or medical care if that inability or unwillingness
10 causes unreasonable risk of harm to the child's health or welfare, except
11 if the inability of a parent, guardian or custodian to provide services to
12 meet the needs of a child with a disability or chronic illness is solely
13 the result of the unavailability of reasonable services.

14 (b) Permitting a child to enter or remain in any structure or
15 vehicle in which volatile, toxic or flammable chemicals are found or
16 equipment is possessed by any person for the purposes of manufacturing a
17 dangerous drug as defined in section 13-3401.

18 (c) A determination by a health professional that a newborn infant
19 was exposed prenatally to a drug or substance listed in section 13-3401
20 and that this exposure was not the result of a medical treatment
21 administered to the mother or the newborn infant by a health
22 professional. This subdivision does not expand a health professional's
23 duty to report neglect based on prenatal exposure to a drug or substance
24 listed in section 13-3401 beyond the requirements prescribed pursuant to
25 section 13-3620, subsection E. The determination by the health
26 professional shall be based on one or more of the following:

27 (i) Clinical indicators in the prenatal period including maternal
28 and newborn presentation.

29 (ii) History of substance use or abuse.

30 (iii) Medical history.

31 (iv) Results of a toxicology or other laboratory test on the mother
32 or the newborn infant.

33 (d) Diagnosis by a health professional of an infant under one year
34 of age with clinical findings consistent with fetal alcohol syndrome or
35 fetal alcohol effects.

36 (e) Deliberate exposure of a child by a parent, guardian or
37 custodian to sexual conduct as defined in section 13-3551 or to sexual
38 contact, oral sexual contact or sexual intercourse as defined in section
39 13-1401, bestiality as prescribed in section 13-1411 or explicit sexual
40 materials as defined in section 13-3507.

41 (f) Any of the following acts committed by the child's parent,
42 guardian or custodian with reckless disregard as to whether the child is
43 physically present:

44 (i) Sexual contact as defined in section 13-1401.

45 (ii) Oral sexual contact as defined in section 13-1401.

46 (iii) Sexual intercourse as defined in section 13-1401.

- 1 (iv) Bestiality as prescribed in section 13-1411.
2 26. "Newborn infant" means a child who is under thirty days of age.
3 27. "Petition" means a written statement of the essential facts
4 that allege delinquency, incorrigibility or dependency.
5 28. "Prevention" means the creation of conditions, opportunities
6 and experiences that encourage and develop healthy, self-sufficient
7 children and that occur before the onset of problems.
8 29. "Protective supervision" means supervision that is ordered by
9 the juvenile court of children who are found to be dependent or
10 incorrigible.
11 30. "QUALIFIED YOUNG ADULT" MEANS A FORMER DEPENDENT CHILD WHO IS
12 AT LEAST EIGHTEEN YEARS OF AGE AND NOT OVER TWENTY-ONE YEARS OF AGE, WHO
13 MEETS THE CRITERIA FOR AN EXTENDED FOSTER CARE PROGRAM PURSUANT TO SECTION
14 8-521.02 AND WHO SIGNS A VOLUNTARY AGREEMENT TO PARTICIPATE IN THE
15 PROGRAM.
16 ~~30.~~ 31. "Referral" means a report that is submitted to the
17 juvenile court and that alleges that a child is dependent or incorrigible
18 or that a juvenile has committed a delinquent or criminal act.
19 ~~31.~~ 32. "Secure care" means confinement in a facility that is
20 completely surrounded by a locked and physically secure barrier with
21 restricted ingress and egress.
22 ~~32.~~ 33. "Serious emotional injury" means an injury that is
23 diagnosed by a medical doctor or a psychologist and that does any one or a
24 combination of the following:
25 (a) Seriously impairs mental faculties.
26 (b) Causes serious anxiety, depression, withdrawal or social
27 dysfunction behavior to the extent that the child suffers dysfunction that
28 requires treatment.
29 (c) Is the result of sexual abuse pursuant to section 13-1404,
30 sexual conduct with a minor pursuant to section 13-1405, sexual assault
31 pursuant to section 13-1406, molestation of a child pursuant to section
32 13-1410, child sex trafficking pursuant to section 13-3212, commercial
33 sexual exploitation of a minor pursuant to section 13-3552, sexual
34 exploitation of a minor pursuant to section 13-3553 or incest pursuant to
35 section 13-3608.
36 ~~33.~~ 34. "Serious physical injury" means an injury that is
37 diagnosed by a medical doctor and that does any one or a combination of
38 the following:
39 (a) Creates a reasonable risk of death.
40 (b) Causes serious or permanent disfigurement.
41 (c) Causes significant physical pain.
42 (d) Causes serious impairment of health.
43 (e) Causes the loss or protracted impairment of an organ or limb.
44 (f) Is the result of sexual abuse pursuant to section 13-1404,
45 sexual conduct with a minor pursuant to section 13-1405, sexual assault
46 pursuant to section 13-1406, molestation of a child pursuant to section

1 13-1410, child sex trafficking pursuant to section 13-3212, commercial
2 sexual exploitation of a minor pursuant to section 13-3552, sexual
3 exploitation of a minor pursuant to section 13-3553 or incest pursuant to
4 section 13-3608.

5 ~~34.~~ 35. "Shelter care" means the temporary care of a child in any
6 public or private facility or home that is licensed by this state and that
7 offers a physically nonsecure environment that is characterized by the
8 absence of physically restricting construction or hardware and that
9 provides the child access to the surrounding community.

10 36. "YOUNG ADULT ADMINISTRATIVE REVIEW" MEANS AN ADMINISTRATIVE
11 REVIEW OF A VOLUNTARY EXTENDED FOSTER CARE CASE PLAN WITH THE QUALIFIED
12 YOUNG ADULT, THE DEPARTMENT'S CASE SPECIALIST OR DESIGNEE, AN INDEPENDENT
13 PARTY WHO IS NOT RESPONSIBLE FOR THE CASE MANAGEMENT OF OR THE DELIVERY OF
14 SERVICES TO THE QUALIFIED YOUNG ADULT AND ANY OTHER INDIVIDUAL THE YOUNG
15 ADULT INVITES.

16 Sec. 3. Section 8-202, Arizona Revised Statutes, is amended to
17 read:

18 8-202. Jurisdiction of juvenile court

19 A. The juvenile court has original jurisdiction over all
20 delinquency proceedings brought under the authority of this title.

21 B. The juvenile court has exclusive original jurisdiction over all
22 proceedings brought under the authority of this title except for
23 delinquency proceedings.

24 C. The juvenile court may consolidate any matter, except that the
25 juvenile court shall not consolidate any of the following:

26 1. A criminal proceeding that is filed in another division of
27 superior court and that involves a child who is subject to the
28 jurisdiction of the juvenile court.

29 2. A delinquency proceeding with any other proceeding that does not
30 involve delinquency, unless the juvenile delinquency adjudication
31 proceeding is not heard at the same time or in the same hearing as a
32 nondelinquency proceeding.

33 D. The juvenile court has jurisdiction of proceedings to:

34 1. Obtain judicial consent to the marriage, employment or
35 enlistment in the armed services of a child, if consent is required by
36 law.

37 2. In an action in which parental rights are terminated pursuant to
38 chapter 4, article 5 or 11 of this title, change the name of a minor child
39 who is the subject of the action. If the minor child who is the subject
40 of the action is twelve years of age or older, the court shall consider
41 the wishes of the child with respect to the name change.

42 E. The juvenile court has jurisdiction over both civil traffic
43 violations and offenses listed in section 8-323, subsection B that are
44 committed within the county by persons who are under eighteen years of age
45 unless the presiding judge of the county declines jurisdiction of these
46 cases. The presiding judge of the county may decline jurisdiction of

1 civil traffic violations committed within the county by juveniles if the
2 presiding judge finds that the declination would promote the more
3 efficient use of limited judicial and law enforcement resources located
4 within the county. If the presiding judge declines jurisdiction, juvenile
5 civil traffic violations shall be processed, heard and disposed of in the
6 same manner and with the same penalties as adult civil traffic violations.

7 F. The orders of the juvenile court under the authority of this
8 chapter or chapter 3 or 4 of this title take precedence over any order of
9 any other court of this state except the court of appeals and the supreme
10 court to the extent that they are inconsistent with orders of other
11 courts.

12 G. Except as provided in subsection H of this section, jurisdiction
13 of a child that is obtained by the juvenile court in a proceeding under
14 this chapter or chapter 3 or 4 of this title shall be retained by it, for
15 the purposes of implementing the orders made and filed in that proceeding,
16 until the child becomes eighteen years of age, unless terminated by order
17 of the court before the child's eighteenth birthday.

18 H. If the state files a notice of intent to retain jurisdiction
19 when proceedings are commenced pursuant to section 8-301, paragraph 1 or
20 2, the court shall retain jurisdiction over a juvenile who is at least
21 seventeen years of age and who has been adjudicated a delinquent juvenile
22 until the juvenile reaches nineteen years of age, unless before the
23 juvenile's nineteenth birthday either:

24 1. Jurisdiction is terminated by order of the court.

25 2. The juvenile is discharged from the jurisdiction of the
26 department of juvenile corrections pursuant to section 41-2820.

27 I. Persons who are under eighteen years of age shall be prosecuted
28 in the same manner as adults if either:

29 1. The juvenile court transfers jurisdiction pursuant to section
30 8-327.

31 2. The juvenile is charged as an adult with an offense listed in
32 section 13-501.

33 J. THE JUVENILE COURT HAS JURISDICTION TO MAKE THE INITIAL
34 DETERMINATION PRESCRIBED IN SECTION 8-829 WHETHER THE VOLUNTARY
35 PARTICIPATION OF A QUALIFIED YOUNG ADULT IN AN EXTENDED FOSTER CARE
36 PROGRAM PURSUANT TO SECTION 8-521.02 IS IN THE YOUNG ADULT'S BEST
37 INTERESTS.

38 Sec. 4. Title 8, chapter 4, article 4, Arizona Revised Statutes, is
39 amended by adding section 8-521.02, to read:

40 8-521.02. Extended foster care program; requirements

41 A. THE DEPARTMENT MAY ESTABLISH AN EXTENDED FOSTER CARE PROGRAM FOR
42 QUALIFIED YOUNG ADULTS. TO PARTICIPATE IN THE PROGRAM, A QUALIFIED YOUNG
43 ADULT MUST MEET ALL OF THE FOLLOWING REQUIREMENTS:

44 1. HAVE BEEN IN THE CUSTODY OF THE DEPARTMENT AS A DEPENDENT CHILD
45 WHEN THE YOUNG ADULT BECAME EIGHTEEN YEARS OF AGE.

1 2. BE EIGHTEEN, NINETEEN OR TWENTY YEARS OF AGE AND BE ONE OR MORE
2 OF THE FOLLOWING:

3 (a) COMPLETING SECONDARY EDUCATION OR AN EDUCATIONAL PROGRAM
4 LEADING TO AN EQUIVALENT CREDENTIAL OR BE ENROLLED IN AN INSTITUTION THAT
5 PROVIDES POSTSECONDARY OR VOCATIONAL EDUCATION.

6 (b) EMPLOYED AT LEAST EIGHTY HOURS A MONTH.

7 (c) PARTICIPATING IN A PROGRAM OR ACTIVITY THAT PROMOTES EMPLOYMENT
8 OR REMOVES BARRIERS TO EMPLOYMENT.

9 (d) BE UNABLE TO BE A FULL-TIME STUDENT OR TO BE EMPLOYED BECAUSE
10 OF A DOCUMENTED MEDICAL CONDITION.

11 3. SIGN A VOLUNTARY EXTENDED FOSTER CARE AGREEMENT WITH THE
12 DEPARTMENT ON OR AFTER THE QUALIFIED YOUNG ADULT'S EIGHTEENTH BIRTHDAY AND
13 BEFORE THE YOUNG ADULT'S TWENTY-FIRST BIRTHDAY.

14 B. THE DEPARTMENT SHALL PROVIDE A PROGRESS REPORT EVERY SIX MONTHS
15 TO THE YOUNG ADULT ADMINISTRATIVE REVIEW PANEL FOR EACH QUALIFIED YOUNG
16 ADULT WHO PARTICIPATES IN THE EXTENDED FOSTER CARE PROGRAM.

17 C. THE YOUNG ADULT ADMINISTRATIVE REVIEW PANEL SHALL REVIEW, AT
18 LEAST ONCE EVERY SIX MONTHS, THE QUALIFIED YOUNG ADULT'S VOLUNTARY
19 EXTENDED FOSTER CARE CASE PLAN, INCLUDING THE SERVICES AND SUPPORTS
20 PROVIDED AND NEEDED TO ASSIST THE YOUNG ADULT IN THE YOUNG ADULT'S
21 SUCCESSFUL TRANSITION TO ADULTHOOD.

22 D. THE DEPARTMENT SHALL DEVELOP AND COORDINATE EDUCATIONAL CASE
23 MANAGEMENT PLANS FOR A QUALIFIED YOUNG ADULT PARTICIPATING IN THE EXTENDED
24 FOSTER CARE PROGRAM TO ASSIST THE QUALIFIED YOUNG ADULT TO ACCOMPLISH THE
25 FOLLOWING:

26 1. GRADUATE FROM HIGH SCHOOL.

27 2. PASS THE STATEWIDE ASSESSMENT TO MEASURE PUPIL ACHIEVEMENT
28 ADOPTED PURSUANT TO SECTION 15-741.

29 3. APPLY FOR POSTSECONDARY EDUCATION FINANCIAL ASSISTANCE.

30 4. APPLY FOR POSTSECONDARY EDUCATION.

31 5. COMPLETE POSTSECONDARY EDUCATION CLASSES.

32 Sec. 5. Section 8-829, Arizona Revised Statutes, is amended to
33 read:

34 8-829. Judicial determinations; timing; documentation

35 A. If a child has been removed from the child's home, the court
36 shall make protecting the child from abuse or neglect the first priority
37 and shall make the following determinations within the following time
38 periods:

39 1. In the court's first order that sanctions the removal, whether
40 continuation of the child's residence in the home would be contrary to the
41 welfare of the child. This order may be the temporary order that the
42 court issues on the filing of a dependency petition.

43 2. At the preliminary protective hearing, whether the department
44 made attempts to identify and assess placement with the child's
45 grandparent or another member of the child's extended family including a
46 person who has a significant relationship with the child.

1 3. Within sixty days after the child is removed from the child's
2 home, whether reasonable efforts have been made to prevent removal of the
3 child or whether it was reasonable to make no efforts to prevent removal
4 of the child.

5 4. If the child is not placed with a grandparent or another member
6 of the child's extended family including a person who has a significant
7 relationship with the child within sixty days after the child is removed
8 from the child's home, why such placement is not in the best interests of
9 the child. The petitioner has the burden of presenting evidence that such
10 placement is not in the child's best interests at the first court hearing
11 thereafter.

12 5. Within twelve months after the child is removed from the child's
13 home and once every twelve months thereafter, whether reasonable efforts
14 have been made to finalize the existing permanency plan.

15 6. If the child is under three years of age, within six months
16 after the child is removed from the child's home, whether reasonable
17 efforts have been made to provide reunification services to the parent and
18 whether a parent of a child who is under three years of age has
19 substantially neglected or wilfully refused to participate in
20 reunification services offered by the department.

21 B. WITHIN ONE HUNDRED TWENTY DAYS AFTER THE DEPARTMENT SUBMITS A
22 QUALIFIED YOUNG ADULT'S SIGNED VOLUNTARY AGREEMENT TO PARTICIPATE IN AN
23 EXTENDED FOSTER CARE PROGRAM PURSUANT TO SECTION 8-521.02, THE JUVENILE
24 COURT SHALL DETERMINE WHETHER THE PARTICIPATION IS IN THE QUALIFIED YOUNG
25 ADULT'S BEST INTEREST.

26 ~~B.~~ C. The court shall make each determination described in
27 subsection A OR B on a case-by-case basis and shall set forth in its
28 written order the specific factual basis for each determination. In
29 making its determination, the court shall consider documentation that is
30 reasonably available at the time of the determination.