

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 SECTIONS 8-829 AND 8-841, ARIZONA
REVISED STATUTES; RELATING TO CHILD SAFETY.

(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.

1 ~~E.~~ F. All records regarding subsidized adoption shall be
2 confidential and may be disclosed only in accordance with the rules of the
3 department.

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

6 8-201. Definitions

7 In this title, unless the context otherwise requires:

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

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

22 (a) Inflicting or allowing sexual abuse pursuant to section
23 13-1404, sexual conduct with a minor pursuant to section 13-1405, sexual
24 assault pursuant to section 13-1406, molestation of a child pursuant to
25 section 13-1410, commercial sexual exploitation of a minor pursuant to
26 section 13-3552, sexual exploitation of a minor pursuant to section
27 13-3553, incest pursuant to section 13-3608 or child sex trafficking
28 pursuant to section 13-3212.

29 (b) Physical injury that results from permitting a child to enter
30 or remain in any structure or vehicle in which volatile, toxic or
31 flammable chemicals are found or equipment is possessed by any person for
32 the purpose of manufacturing a dangerous drug as defined in section
33 13-3401.

34 (c) Unreasonable confinement of a child.

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

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

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

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

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

- 1 (a) Made on an oath before a judge or commissioner of the superior
2 court or an authorized juvenile hearing officer.
- 3 (b) Made pursuant to section 13-3903.
- 4 (c) Accompanied by an affidavit of a law enforcement officer or
5 employee that swears on information and belief to the accuracy of the
6 complaint pursuant to section 13-4261.
- 7 8. "Criminal conduct allegation" means an allegation of conduct by
8 a parent, guardian or custodian of a child or an adult member of the
9 victim's household that, if true, would constitute any of the following:
- 10 (a) A violation of section 13-3623 involving child abuse.
- 11 (b) A felony offense that constitutes domestic violence as defined
12 in section 13-3601.
- 13 (c) A violation of section 13-1404 or 13-1406 involving a minor.
- 14 (d) A violation of section 13-1405, 13-1410 or 13-1417.
- 15 (e) Any other act of abuse that is classified as a felony.
- 16 (f) An offense that constitutes domestic violence as defined in
17 section 13-3601 and that involves a minor who is a victim of or was in
18 imminent danger during the domestic violence.
- 19 9. "Custodian" means a person, other than a parent or legal
20 guardian, who stands in loco parentis to the child or a person to whom
21 legal custody of the child has been given by order of the juvenile court.
- 22 10. "DCS report" means a communication received by the centralized
23 intake hotline that alleges child abuse or neglect and that meets the
24 criteria for a report as prescribed in section 8-455.
- 25 11. "Delinquency hearing" means a proceeding in the juvenile court
26 to determine whether a juvenile has committed a specific delinquent act as
27 set forth in a petition.
- 28 12. "Delinquent act" means an act by a juvenile that if committed
29 by an adult would be a criminal offense or a petty offense, a violation of
30 any law of this state, or of another state if the act occurred in that
31 state, or a law of the United States, or a violation of any law that can
32 only be violated by a minor and that has been designated as a delinquent
33 offense, or any ordinance of a city, county or political subdivision of
34 this state defining crime. Delinquent act does not include an offense
35 under section 13-501, subsection A or B if the offense is filed in adult
36 court. Any juvenile who is prosecuted as an adult or who is remanded for
37 prosecution as an adult shall not be adjudicated as a delinquent juvenile
38 for the same offense.
- 39 13. "Delinquent juvenile" means a child who is adjudicated to have
40 committed a delinquent act.
- 41 14. "Department" means the department of child safety.
- 42 15. "Dependent child":
- 43 (a) Means a child who is adjudicated to be:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 23. "Medical director of a mental health agency" means a
2 psychiatrist, or licensed physician experienced in psychiatric matters,
3 who is designated in writing by the governing body of the agency as the
4 person in charge of the medical services of the agency, or a psychiatrist
5 designated by the governing body to act for the director. The term
6 includes the superintendent of the state hospital.

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

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

13 (a) The inability or unwillingness of a parent, guardian or
14 custodian of a child to provide that child with supervision, food,
15 clothing, shelter or medical care if that inability or unwillingness
16 causes unreasonable risk of harm to the child's health or welfare, except
17 if the inability of a parent, guardian or custodian to provide services to
18 meet the needs of a child with a disability or chronic illness is solely
19 the result of the unavailability of reasonable services.

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

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

33 (i) Clinical indicators in the prenatal period including maternal
34 and newborn presentation.

35 (ii) History of substance use or abuse.

36 (iii) Medical history.

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

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

42 (e) Deliberate exposure of a child by a parent, guardian or
43 custodian to sexual conduct as defined in section 13-3551 or to sexual
44 contact, oral sexual contact or sexual intercourse as defined in section

1 13-1401, bestiality as prescribed in section 13-1411 or explicit sexual
2 materials as defined in section 13-3507.

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

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

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

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

9 (iv) Bestiality as prescribed in section 13-1411.

10 26. "Newborn infant" means a child who is under thirty days of age.

11 27. "Petition" means a written statement of the essential facts
12 that allege delinquency, incorrigibility or dependency.

13 28. "Prevention" means the creation of conditions, opportunities
14 and experiences that encourage and develop healthy, self-sufficient
15 children and that occur before the onset of problems.

16 29. "Protective supervision" means supervision that is ordered by
17 the juvenile court of children who are found to be dependent or
18 incorrigible.

19 30. "QUALIFIED YOUNG ADULT" MEANS A FORMER DEPENDENT CHILD WHO IS
20 AT LEAST EIGHTEEN YEARS OF AGE AND NOT OVER TWENTY-ONE YEARS OF AGE, WHO
21 MEETS THE CRITERIA FOR AN EXTENDED FOSTER CARE PROGRAM PURSUANT TO SECTION
22 8-521.02 AND WHO SIGNS A VOLUNTARY AGREEMENT TO PARTICIPATE IN THE
23 PROGRAM.

24 ~~30.~~ 31. "Referral" means a report that is submitted to the
25 juvenile court and that alleges that a child is dependent or incorrigible
26 or that a juvenile has committed a delinquent or criminal act.

27 ~~31.~~ 32. "Secure care" means confinement in a facility that is
28 completely surrounded by a locked and physically secure barrier with
29 restricted ingress and egress.

30 ~~32.~~ 33. "Serious emotional injury" means an injury that is
31 diagnosed by a medical doctor or a psychologist and that does any one or a
32 combination of the following:

33 (a) Seriously impairs mental faculties.

34 (b) Causes serious anxiety, depression, withdrawal or social
35 dysfunction behavior to the extent that the child suffers dysfunction that
36 requires treatment.

37 (c) Is the result of sexual abuse pursuant to section 13-1404,
38 sexual conduct with a minor pursuant to section 13-1405, sexual assault
39 pursuant to section 13-1406, molestation of a child pursuant to section
40 13-1410, child sex trafficking pursuant to section 13-3212, commercial
41 sexual exploitation of a minor pursuant to section 13-3552, sexual
42 exploitation of a minor pursuant to section 13-3553 or incest pursuant to
43 section 13-3608.

1 ~~33.~~ 34. "Serious physical injury" means an injury that is
2 diagnosed by a medical doctor and that does any one or a combination of
3 the following:

- 4 (a) Creates a reasonable risk of death.
- 5 (b) Causes serious or permanent disfigurement.
- 6 (c) Causes significant physical pain.
- 7 (d) Causes serious impairment of health.
- 8 (e) Causes the loss or protracted impairment of an organ or limb.
- 9 (f) Is the result of sexual abuse pursuant to section 13-1404,

10 sexual conduct with a minor pursuant to section 13-1405, sexual assault
11 pursuant to section 13-1406, molestation of a child pursuant to section
12 13-1410, child sex trafficking pursuant to section 13-3212, commercial
13 sexual exploitation of a minor pursuant to section 13-3552, sexual
14 exploitation of a minor pursuant to section 13-3553 or incest pursuant to
15 section 13-3608.

16 ~~34.~~ 35. "Shelter care" means the temporary care of a child in any
17 public or private facility or home that is licensed by this state and that
18 offers a physically nonsecure environment that is characterized by the
19 absence of physically restricting construction or hardware and that
20 provides the child access to the surrounding community.

21 36. "YOUNG ADULT ADMINISTRATIVE REVIEW" MEANS AN ADMINISTRATIVE
22 REVIEW OF A VOLUNTARY EXTENDED FOSTER CARE CASE PLAN WITH THE QUALIFIED
23 YOUNG ADULT, THE DEPARTMENT'S CASE SPECIALIST OR DESIGNEE, AN INDEPENDENT
24 PARTY WHO IS NOT RESPONSIBLE FOR THE CASE MANAGEMENT OF OR THE DELIVERY OF
25 SERVICES TO THE QUALIFIED YOUNG ADULT AND ANY OTHER INDIVIDUAL THE YOUNG
26 ADULT INVITES.

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

29 8-202. Jurisdiction of juvenile court

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

32 B. The juvenile court has exclusive original jurisdiction over all
33 proceedings brought under the authority of this title except for
34 delinquency proceedings.

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

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

40 2. A delinquency proceeding with any other proceeding that does not
41 involve delinquency, unless the juvenile delinquency adjudication
42 proceeding is not heard at the same time or in the same hearing as a
43 nondelinquency proceeding.

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

2 1. Obtain judicial consent to the marriage, employment or
3 enlistment in the armed services of a child, if consent is required by
4 law.

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

10 E. The juvenile court has jurisdiction over both civil traffic
11 violations and offenses listed in section 8-323, subsection B that are
12 committed within the county by persons who are under eighteen years of age
13 unless the presiding judge of the county declines jurisdiction of these
14 cases. The presiding judge of the county may decline jurisdiction of
15 civil traffic violations committed within the county by juveniles if the
16 presiding judge finds that the declination would promote the more
17 efficient use of limited judicial and law enforcement resources located
18 within the county. If the presiding judge declines jurisdiction, juvenile
19 civil traffic violations shall be processed, heard and disposed of in the
20 same manner and with the same penalties as adult civil traffic violations.

21 F. The orders of the juvenile court under the authority of this
22 chapter or chapter 3 or 4 of this title take precedence over any order of
23 any other court of this state except the court of appeals and the supreme
24 court to the extent that they are inconsistent with orders of other
25 courts.

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

32 H. If the state files a notice of intent to retain jurisdiction
33 when proceedings are commenced pursuant to section 8-301, paragraph 1 or
34 2, the court shall retain jurisdiction over a juvenile who is at least
35 seventeen years of age and who has been adjudicated a delinquent juvenile
36 until the juvenile reaches nineteen years of age, unless before the
37 juvenile's nineteenth birthday either:

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

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

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

43 1. The juvenile court transfers jurisdiction pursuant to section
44 8-327.

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

3 J. THE JUVENILE COURT HAS JURISDICTION TO MAKE THE INITIAL
4 DETERMINATION PRESCRIBED IN SECTION 8-829 WHETHER THE VOLUNTARY
5 PARTICIPATION OF A QUALIFIED YOUNG ADULT IN AN EXTENDED FOSTER CARE
6 PROGRAM PURSUANT TO SECTION 8-521.02 IS IN THE YOUNG ADULT'S BEST
7 INTERESTS.

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

10 8-521.02. Extended foster care program: requirements

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

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

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

18 (a) COMPLETING SECONDARY EDUCATION OR AN EDUCATIONAL PROGRAM
19 LEADING TO AN EQUIVALENT CREDENTIAL OR BE ENROLLED IN AN INSTITUTION THAT
20 PROVIDES POSTSECONDARY OR VOCATIONAL EDUCATION.

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

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

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

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

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

32 C. THE YOUNG ADULT ADMINISTRATIVE REVIEW PANEL SHALL REVIEW, AT
33 LEAST ONCE EVERY SIX MONTHS, THE QUALIFIED YOUNG ADULT'S VOLUNTARY
34 EXTENDED FOSTER CARE CASE PLAN, INCLUDING THE SERVICES AND SUPPORTS
35 PROVIDED AND NEEDED TO ASSIST THE YOUNG ADULT IN THE YOUNG ADULT'S
36 SUCCESSFUL TRANSITION TO ADULTHOOD.

37 D. THE DEPARTMENT SHALL DEVELOP AND COORDINATE EDUCATIONAL CASE
38 MANAGEMENT PLANS FOR A QUALIFIED YOUNG ADULT PARTICIPATING IN THE EXTENDED
39 FOSTER CARE PROGRAM TO ASSIST THE QUALIFIED YOUNG ADULT TO ACCOMPLISH THE
40 FOLLOWING:

41 1. GRADUATE FROM HIGH SCHOOL.

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

1 3. APPLY FOR POSTSECONDARY EDUCATION FINANCIAL ASSISTANCE.

2 4. APPLY FOR POSTSECONDARY EDUCATION.

3 5. COMPLETE POSTSECONDARY EDUCATION CLASSES.

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

6 8-829. Judicial determinations; timing; documentation

7 A. If a child has been removed from the child's home, the court
8 shall make protecting the child from abuse or neglect the first priority
9 and shall make the following determinations within the following time
10 periods:

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

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

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

23 4. If the child is not placed with a grandparent or another member
24 of the child's extended family including a person who has a significant
25 relationship with the child within sixty days after the child is removed
26 from the child's home, why such placement is not in the best interests of
27 the child. The petitioner has the burden of presenting evidence that such
28 placement is not in the child's best interests at the first court hearing
29 thereafter.

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

33 6. If the child is under three years of age, within six months
34 after the child is removed from the child's home, whether reasonable
35 efforts have been made to provide reunification services to the parent and
36 whether a parent of a child who is under three years of age has
37 substantially neglected or wilfully refused to participate in
38 reunification services offered by the department.

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

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

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

8 8-841. Dependency petition; service; preliminary orders;
9 hearing

10 A. THE DEPARTMENT OR any interested party may file a petition to
11 commence proceedings in the juvenile court alleging that a child is
12 dependent EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION.

13 B. AN INTERESTED PARTY MAY NOT FILE A DEPENDENCY PETITION
14 CONCERNING A CHILD WHO HAS BEEN ADJUDICATED DELINQUENT AND IS UNDER THE
15 JURISDICTION OF THE JUVENILE COURT, WHO IS AWAITING DELINQUENCY
16 ADJUDICATION OR DISPOSITION OR WHO HAS BEEN RELEASED FROM THE DEPARTMENT
17 OF JUVENILE CORRECTIONS WITHIN THE PREVIOUS SIX MONTHS, UNLESS BOTH OF THE
18 FOLLOWING OCCUR:

19 1. THE INTERESTED PARTY CONTACTS THE DEPARTMENT PURSUANT TO SECTION
20 8-455 AT LEAST FOURTEEN DAYS BEFORE FILING THE PETITION AND PROVIDES THE
21 DEPARTMENT WITH NOTICE OF THE INTENT TO FILE A PETITION PURSUANT TO THIS
22 SUBSECTION, THE ALLEGATIONS CONTAINED IN THE PETITION AND THE FACTUAL
23 BASIS SUPPORTING THE ALLEGATIONS.

24 2. THE INTERESTED PARTY AFFIRMS IN THE PETITION THAT THE
25 REQUIREMENTS OF PARAGRAPH 1 OF THIS SUBSECTION HAVE BEEN MET.

26 ~~B.~~ C. The petition shall be verified and shall contain all of the
27 following:

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

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

32 3. A concise statement of the facts to support the conclusion that
33 the child is dependent.

34 4. If the child was taken into temporary custody, the date and time
35 the child was taken into custody.

36 5. Whether the department believes that an aggravating circumstance
37 described in section 8-846, subsection D, paragraph 1 exists.

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

41 ~~C.~~ D. The person who files the petition shall have the petition
42 and a notice served on:

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

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

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

3 4. THE DEPARTMENT IF THE PETITION IS FILED PURSUANT TO SUBSECTION B
4 OF THIS SECTION.

5 ~~D.~~ E. The notice shall contain all of the following:

6 1. The name and address of the person to whom the notice is
7 directed.

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

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

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

15 5. A statement that the parent or guardian must be prepared to
16 provide to the court at the initial dependency hearing the names, the type
17 of relationship and all available information necessary to locate persons
18 who are related to the child or who have a significant relationship with
19 the child.

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

22 ~~F.~~ F. The petition and notice shall be served on a parent or
23 guardian as soon as possible after the petition is filed and at least five
24 days before the initial dependency hearing if the parent or guardian did
25 not attend the preliminary protective hearing. If a parent or guardian
26 does attend the preliminary protective hearing, the petition and notice
27 shall be served at the preliminary protective hearing.

28 ~~F.~~ G. EXCEPT AS PROVIDED IN SUBSECTION H OF THIS SECTION, on the
29 filing of the petition, the court may issue any temporary orders necessary
30 to provide for the safety and welfare of the child.

31 H. IF A PETITION IS FILED PURSUANT TO SUBSECTION B OF THIS SECTION,
32 THE COURT MAY NOT ISSUE ANY TEMPORARY ORDERS WITH RESPECT TO THE
33 DEPARTMENT, INCLUDING PLACING THE CHILD IN THE DEPARTMENT'S LEGAL OR
34 PHYSICAL CUSTODY, JOINING THE DEPARTMENT AS A PARTY OR ORDERING THE
35 DEPARTMENT TO PROVIDE ANY SERVICES TO THE CHILD OR THE FAMILY, WITHOUT
36 FIRST CONDUCTING A HEARING. AT THE HEARING, THE COURT SHALL TAKE EVIDENCE
37 ON THE REQUEST OF THE DEPARTMENT OR A PARTY. THE COURT SHALL PROVIDE THE
38 DEPARTMENT AND A PARTY AT LEAST SEVENTY-TWO-HOURS WRITTEN OR ELECTRONIC
39 NOTICE OF THE HEARING AND AN OPPORTUNITY TO BE HEARD AS TO ANY PROPOSED
40 ORDERS. IF THE DEPARTMENT IS PROVIDED PROPER NOTICE AND FAILS TO APPEAR,
41 THE COURT MAY PROCEED WITH THE HEARING.