

House Engrossed

parent-child relationship; restoration

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HOUSE BILL 2486

AN ACT

AMENDING TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING ARTICLE
5.1; RELATING TO CHILD WELFARE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 8, chapter 4, Arizona Revised Statutes, is amended
3 by adding article 5.1, to read:

4 ARTICLE 5.1. RESTORATION OF PARENT-CHILD RELATIONSHIP

5 8-547. Restoration of parent-child relationship; definitions

6 A. IF A CHILD'S PARENT-CHILD RELATIONSHIP HAS BEEN TERMINATED
7 PURSUANT TO ARTICLE 5 OF THIS CHAPTER, THE DEPARTMENT, THE CHILD, AN
8 INDIAN CHILD'S TRIBE, THE CHILD'S ATTORNEY OR GUARDIAN AD LITEM OR THE
9 CHILD'S PARENT MAY PETITION TO HAVE THE CHILD'S PARENT-CHILD RELATIONSHIP
10 RESTORED IF ALL OF THE FOLLOWING APPLY:

11 1. THE CHILD IS IN THE CARE OR CUSTODY OF THE DEPARTMENT.

12 2. THE CHILD HAS NOT ACHIEVED PERMANENCY, IS UNLIKELY TO ACHIEVE
13 PERMANENCY AND IS NOT IN A PREADOPTIVE PLACEMENT.

14 3. AT LEAST TWO YEARS HAVE PASSED SINCE THE PARENT-CHILD
15 RELATIONSHIP WAS TERMINATED, UNLESS THERE IS A DEMONSTRATION OF GOOD CAUSE
16 FOR AN EARLIER FILING. THE GOOD CAUSE BASIS FOR AN EARLIER FILING SHALL
17 BE INCLUDED IN THE PETITION.

18 4. THE DEPENDENCY ADJUDICATION FINDING DID NOT INCLUDE OR THE
19 PARENT-CHILD RELATIONSHIP WAS NOT TERMINATED BECAUSE THE PARENT COMMITTED
20 OR WAS FOUND TO HAVE FAILED TO PROTECT A CHILD FROM AN ACT INVOLVING ANY
21 OF THE FOLLOWING:

22 (a) SERIOUS PHYSICAL INJURY AS DEFINED IN SECTION 8-201.

23 (b) SEXUAL ABUSE OR SEXUAL CONDUCT WITH A MINOR.

24 (c) ANY CONDUCT THAT RESULTED IN THE NEAR DEATH OR DEATH OF A
25 MINOR.

26 (d) A DANGEROUS CRIME AGAINST CHILDREN AS DEFINED IN SECTION
27 13-705.

28 B. THE PETITION FOR RESTORATION OF THE PARENT-CHILD RELATIONSHIP
29 SHALL INCLUDE ALL OF THE FOLLOWING:

30 1. A STATEMENT EXPLAINING WHY THE CHILD IS UNLIKELY TO OBTAIN A
31 PERMANENT PLACEMENT UNLESS THE CHILD'S PARENT-CHILD RELATIONSHIP IS
32 RESTORED.

33 2. THE CHILD'S POSITION ON THE RESTORATION OF THE PARENT-CHILD
34 RELATIONSHIP.

35 3. THE CONSENT OF THE CHILD'S PARENT OR PARENTS TO THE RESTORATION
36 OF THE PARENT-CHILD RELATIONSHIP.

37 4. A STATEMENT EXPLAINING HOW THE CHILD'S PARENT OR PARENTS HAVE
38 DEMONSTRATED THE REMEDIATION NECESSARY FOR RESTORATION OF THE PARENT-CHILD
39 RELATIONSHIP, INCLUDING THE ABILITY AND WILLINGNESS TO PROPERLY CARE FOR
40 THE CHILD.

41 C. IN ADDITION TO THE REQUIREMENTS PRESCRIBED IN SUBSECTION B OF
42 THIS SECTION, IF THE DEPARTMENT IS THE PETITIONER, THE DEPARTMENT SHALL
43 INCLUDE ALL OF THE FOLLOWING IN THE PETITION:

1 1. A REPORT OF AN ASSESSMENT CONDUCTED BY THE DEPARTMENT AS TO
2 WHETHER RESTORATION OF THE PARENT-CHILD RELATIONSHIP IS IN THE BEST
3 INTERESTS OF THE CHILD.
4 2. DOCUMENTATION OF THE DEPARTMENT'S DILIGENT EFFORTS TO LOCATE A
5 PERMANENT PLACEMENT FOR THE CHILD.
6 D. ON THE FILING OF A PETITION FOR RESTORATION OF THE PARENT-CHILD
7 RELATIONSHIP, IF THE DEPARTMENT IS NOT THE PETITIONER, THE COURT SHALL
8 ORDER THE DEPARTMENT TO CONDUCT AN ASSESSMENT AND SUBMIT A REPORT TO THE
9 COURT THAT INCLUDES BOTH OF THE FOLLOWING:
10 1. WHETHER RESTORATION OF THE PARENT-CHILD RELATIONSHIP IS IN THE
11 BEST INTERESTS OF THE CHILD.
12 2. A DESCRIPTION OF THE DILIGENT EFFORTS THE DEPARTMENT MADE TO
13 LOCATE A PERMANENT PLACEMENT FOR THE CHILD.
14 E. THE DEPARTMENT SHALL ESTABLISH POLICIES AND PROCEDURES FOR
15 ASSESSMENTS ORDERED PURSUANT TO SUBSECTION D OF THIS SECTION THAT ASSESS
16 THE HOME AND THE PARENT'S OR PARENTS' ABILITY TO ENSURE THE PHYSICAL,
17 SOCIAL, MENTAL AND EMOTIONAL HEALTH AND SAFETY OF THE CHILD.
18 F. ON COMPLETION OF THE DEPARTMENT'S ASSESSMENT PURSUANT TO
19 SUBSECTION D OF THIS SECTION, IF THE COURT FINDS BY CLEAR AND CONVINCING
20 EVIDENCE THAT THE RESTORATION OF THE PARENT-CHILD RELATIONSHIP IS IN THE
21 BEST INTERESTS OF THE CHILD, INCLUDING THAT THE RETURN OF THE CHILD WOULD
22 NOT CREATE A SUBSTANTIAL RISK OF HARM TO THE CHILD'S PHYSICAL, SOCIAL,
23 MENTAL OR EMOTIONAL HEALTH OR SAFETY, THE COURT SHALL ORDER THE DEPARTMENT
24 TO CONDUCT A TRIAL IN-HOME PLACEMENT OF THE CHILD WITH THE CHILD'S PARENT
25 OR PARENTS. THE DEPARTMENT SHALL PROVIDE AN EVALUATION OF THE TRIAL
26 IN-HOME PLACEMENT TO THE COURT BEFORE THE COURT MAY GRANT THE PETITION FOR
27 RESTORATION OF THE PARENT-CHILD RELATIONSHIP.
28 G. THE DEPARTMENT SHALL ESTABLISH TRIAL IN-HOME PLACEMENT POLICIES
29 AND PROCEDURES THAT INCLUDE ALL OF THE FOLLOWING:
30 1. ADEQUATE SUPERVISION OF THE CHILD AND THE CHILD'S PARENT OR
31 PARENTS IN THE HOME.
32 2. FREQUENT COMMUNICATION WITH THE CHILD AND THE CHILD'S PARENT OR
33 PARENTS.
34 3. AN INDIVIDUALIZED TRANSITION PLAN.
35 H. THE DEPARTMENT SHALL IMMEDIATELY TERMINATE THE TRIAL IN-HOME
36 PLACEMENT ORDERED PURSUANT TO SUBSECTION F OF THIS SECTION IF THERE IS A
37 SUBSTANTIATED REPORT OF ABUSE OR NEGLECT OF THE CHILD BY THE PARENT OR
38 PARENTS OR IF THE DEPARTMENT DETERMINES THAT THE CHILD'S HEALTH, SAFETY OR
39 WELL-BEING IS THREATENED. IF THE DEPARTMENT TERMINATES THE TRIAL IN-HOME
40 PLACEMENT, THE DEPARTMENT SHALL IMMEDIATELY NOTIFY THE COURT AND THE
41 CHILD'S ATTORNEY, THE CHILD'S GUARDIAN AD LITEM OR AN INDIAN CHILD'S
42 TRIBE.
43 I. AFTER THE TRIAL IN-HOME PLACEMENT ORDERED PURSUANT TO
44 SUBSECTION F OF THIS SECTION, IF THE COURT FINDS BY CLEAR AND CONVINCING
45 EVIDENCE BOTH THAT THE CHILD'S PARENT OR PARENTS HAVE DEMONSTRATED THE

1 REMEDIATION NECESSARY FOR THE RESTORATION OF THE PARENT-CHILD
2 RELATIONSHIP, INCLUDING THE ABILITY AND WILLINGNESS TO PROPERLY CARE FOR
3 THE CHILD AND THAT THE RESTORATION OF THE PARENT-CHILD RELATIONSHIP IS IN
4 THE BEST INTERESTS OF THE CHILD, THE COURT SHALL GRANT THE PETITION. WHEN
5 MAKING THE BEST INTERESTS DETERMINATION, THE COURT SHALL CONSIDER THE
6 CHILD'S POSITION ON THE RESTORATION OF THE PARENT-CHILD RELATIONSHIP AND
7 ANY OTHER RELEVANT FACTORS.

8 J. IF A CHILD HAS BEEN ADOPTED BUT THE ADOPTION HAS BEEN DISRUPTED
9 AND THE CHILD IS RETURNED TO THE LEGAL CARE OF THE DEPARTMENT, THE PERIOD
10 OF TIME THAT THE CHILD WAS ADOPTED BEFORE THE ADOPTION DISRUPTION MAY BE
11 INCLUDED AS PART OF THE TWO-YEAR TIME FRAME REQUIRED BY SUBSECTION A OF
12 THIS SECTION.

13 K. FOR THE PURPOSES OF THIS SECTION:

14 1. "ACHIEVED PERMANENCY" MEANS A CHILD HAS NOT BEEN ADOPTED OR IS
15 NOT THE SUBJECT OF GUARDIANSHIP UNDER SECTIONS 8-871 OR 14-5201.

16 2. "DEPARTMENT" MEANS THE DEPARTMENT OF CHILD SAFETY.

17 3. "PARENT" MEANS THE NATURAL FATHER OR MOTHER OF A CHILD WHOSE
18 RIGHTS HAVE BEEN TERMINATED PURSUANT TO ARTICLE 5 OF THIS CHAPTER.

19 4. "PARENT-CHILD RELATIONSHIP" HAS THE SAME MEANING PRESCRIBED IN
20 SECTION 8-531.