

REFERENCE TITLE: parent-child relationship; restoration

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

HB 2486

Introduced by
Representatives Bliss: Contreras P, Gillette, Gress, Jones

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 HAS NOT ACHIEVED PERMANENCY AND IS NOT IN A
12 PREADOPTIVE PLACEMENT.

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

17 3. THE DEPENDENCY ADJUDICATION FINDING DID NOT INCLUDE OR THE
18 PARENT-CHILD RELATIONSHIP WAS NOT TERMINATED BECAUSE THE PARENT COMMITTED
19 AN ACT INVOLVING ANY OF THE FOLLOWING:

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

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

22 (c) ANY CONDUCT THAT RESULTED IN THE DEATH OF A MINOR.

23 (d) A DANGEROUS CRIME AGAINST CHILDREN AS DEFINED IN SECTION
24 13-705.

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

27 1. A STATEMENT EXPLAINING WHY THE CHILD IS UNLIKELY TO OBTAIN A
28 PERMANENT PLACEMENT UNLESS THE CHILD'S PARENT-CHILD RELATIONSHIP IS
29 RESTORED.

30 2. THE CHILD'S POSITION ON THE RESTORATION OF THE PARENT-CHILD
31 RELATIONSHIP.

32 3. THE CONSENT OF THE CHILD'S PARENT OR PARENTS TO THE RESTORATION
33 OF THE PARENT-CHILD RELATIONSHIP.

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

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

41 1. A REPORT OF AN INVESTIGATION CONDUCTED BY THE DEPARTMENT AS TO
42 WHETHER RESTORATION OF THE PARENT-CHILD RELATIONSHIP IS IN THE BEST
43 INTERESTS OF THE CHILD.

44 2. DOCUMENTATION OF THE DEPARTMENT'S DILIGENT EFFORTS TO LOCATE A
45 PERMANENT PLACEMENT FOR THE CHILD.

1 D. ON THE FILING OF A PETITION FOR RESTORATION OF THE PARENT-CHILD
2 RELATIONSHIP, IF THE DEPARTMENT IS NOT THE PETITIONER, THE COURT SHALL
3 ORDER THE DEPARTMENT TO CONDUCT AN INVESTIGATION AND SUBMIT A REPORT TO
4 THE COURT THAT INCLUDES BOTH OF THE FOLLOWING:

5 1. WHETHER RESTORATION OF THE PARENT-CHILD RELATIONSHIP IS IN THE
6 BEST INTERESTS OF THE CHILD.

7 2. A DESCRIPTION OF THE DILIGENT EFFORTS THE DEPARTMENT MADE TO
8 LOCATE A PERMANENT PLACEMENT FOR THE CHILD.

9 E. THE DEPARTMENT SHALL ESTABLISH POLICIES AND PROCEDURES FOR
10 INVESTIGATIONS ORDERED PURSUANT TO SUBSECTION D OF THIS SECTION THAT
11 ASSESS THE HOME AND THE PARENT'S OR PARENTS' ABILITY TO ENSURE THE
12 PHYSICAL, SOCIAL, MENTAL AND EMOTIONAL HEALTH AND SAFETY OF THE CHILD.

13 F. ON COMPLETION OF THE DEPARTMENT'S INVESTIGATION PURSUANT TO
14 SUBSECTION D OF THIS SECTION, IF THE COURT FINDS BY CLEAR AND CONVINCING
15 EVIDENCE THAT THE RESTORATION OF THE PARENT-CHILD RELATIONSHIP IS IN THE
16 BEST INTERESTS OF THE CHILD, INCLUDING THAT THE RETURN OF THE CHILD WOULD
17 NOT CREATE A SUBSTANTIAL RISK OF HARM TO THE CHILD'S PHYSICAL, SOCIAL,
18 MENTAL OR EMOTIONAL HEALTH OR SAFETY, THE COURT SHALL ORDER THE DEPARTMENT
19 TO CONDUCT A TRIAL IN-HOME PLACEMENT OF THE CHILD WITH THE CHILD'S PARENT
20 OR PARENTS. THE DEPARTMENT SHALL PROVIDE AN EVALUATION OF THE TRIAL
21 IN-HOME PLACEMENT TO THE COURT BEFORE THE COURT MAY GRANT THE PETITION FOR
22 RESTORATION OF THE PARENT-CHILD RELATIONSHIP.

23 G. THE DEPARTMENT SHALL ESTABLISH TRIAL IN-HOME PLACEMENT POLICIES
24 AND PROCEDURES THAT INCLUDE ALL OF THE FOLLOWING:

25 1. ADEQUATE SUPERVISION OF THE CHILD AND THE CHILD'S PARENT OR
26 PARENTS IN THE HOME.

27 2. FREQUENT COMMUNICATION WITH THE CHILD AND THE CHILD'S PARENT OR
28 PARENTS.

29 3. AN INDIVIDUALIZED TRANSITION PLAN.

30 H. THE DEPARTMENT SHALL IMMEDIATELY TERMINATE THE TRIAL IN-HOME
31 PLACEMENT ORDERED PURSUANT TO SUBSECTION F OF THIS SECTION IF THERE IS AN
32 ALLEGATION OF ABUSE OR NEGLECT OF THE CHILD BY THE PARENT OR PARENTS OR IF
33 THE DEPARTMENT DETERMINES THAT THE CHILD'S HEALTH, SAFETY OR WELL-BEING IS
34 THREATENED. IF THE DEPARTMENT TERMINATES THE TRIAL IN-HOME PLACEMENT, THE
35 DEPARTMENT SHALL IMMEDIATELY NOTIFY THE COURT AND THE CHILD'S ATTORNEY,
36 THE CHILD'S GUARDIAN AD LITEM OR AN INDIAN CHILD'S TRIBE.

37 I. AFTER THE TRIAL IN-HOME PLACEMENT ORDERED PURSUANT TO SUBSECTION
38 F OF THIS SECTION, IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE
39 BOTH THAT THE CHILD'S PARENT OR PARENTS HAVE DEMONSTRATED THE REMEDIATION
40 NECESSARY FOR THE RESTORATION OF THE PARENT-CHILD RELATIONSHIP, INCLUDING
41 THE ABILITY AND WILLINGNESS TO PROPERLY CARE FOR THE CHILD AND THAT THE
42 RESTORATION OF THE PARENT-CHILD RELATIONSHIP IS IN THE BEST INTERESTS OF
43 THE CHILD, THE COURT SHALL GRANT THE PETITION. WHEN MAKING THE BEST
44 INTERESTS DETERMINATION, THE COURT SHALL CONSIDER THE CHILD'S POSITION ON

1 THE RESTORATION OF THE PARENT-CHILD RELATIONSHIP AND ANY OTHER RELEVANT
2 FACTORS.

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

8 K. FOR THE PURPOSES OF THIS SECTION:

9 1. "DEPARTMENT" MEANS THE DEPARTMENT OF CHILD SAFETY.

10 2. "PARENT" MEANS THE NATURAL FATHER OR MOTHER OF A CHILD WHOSE
11 RIGHTS HAVE BEEN TERMINATED PURSUANT TO ARTICLE 5 OF THIS CHAPTER.

12 3. "PARENT-CHILD RELATIONSHIP" HAS THE SAME MEANING PRESCRIBED IN
13 SECTION 8-531.