

Senate Engrossed House Bill  
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 WITHIN THREE TO SIX MONTHS AFTER THE START  
27 OF THE TRIAL IN-HOME PLACEMENT. AFTER RECEIVING THE DEPARTMENT'S  
28 EVALUATION OF THE TRIAL IN-HOME PLACEMENT, THE COURT MAY GRANT THE  
29 PETITION FOR RESTORATION OF THE PARENT-CHILD RELATIONSHIP OR THE COURT MAY  
30 ORDER THE DEPARTMENT TO CONTINUE THE TRIAL IN-HOME PLACEMENT. IF THE  
31 COURT ORDERS THE DEPARTMENT TO CONTINUE THE TRIAL IN-HOME PLACEMENT, THE  
32 COURT MAY NOT GRANT THE PETITION FOR RESTORATION OF THE PARENT-CHILD  
33 RELATIONSHIP UNTIL THE DEPARTMENT HAS PROVIDED THE COURT WITH AN UPDATED  
34 EVALUATION OF THE TRIAL IN-HOME PLACEMENT. A TRIAL IN-HOME PLACEMENT MAY  
35 NOT EXCEED ONE YEAR.

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

38          1. ADEQUATE SUPERVISION OF THE CHILD AND THE CHILD'S PARENT OR  
39 PARENTS IN THE HOME.

40          2. FREQUENT COMMUNICATION WITH THE CHILD AND THE CHILD'S PARENT OR  
41 PARENTS.

42          3. AN INDIVIDUALIZED TRANSITION PLAN.

43           H. THE DEPARTMENT SHALL IMMEDIATELY TERMINATE THE TRIAL IN-HOME  
44 PLACEMENT ORDERED PURSUANT TO SUBSECTION F OF THIS SECTION IF THERE IS A  
45 SUBSTANTIATED REPORT OF ABUSE OR NEGLECT OF THE CHILD BY THE PARENT OR

1 PARENTS OR IF THE DEPARTMENT DETERMINES THAT THE CHILD'S HEALTH, SAFETY OR  
2 WELL-BEING IS THREATENED. IF THE DEPARTMENT TERMINATES THE TRIAL IN-HOME  
3 PLACEMENT, THE DEPARTMENT SHALL IMMEDIATELY NOTIFY THE COURT AND THE  
4 CHILD'S ATTORNEY, THE CHILD'S GUARDIAN AD LITEM OR AN INDIAN CHILD'S  
5 TRIBE.

6 I. AFTER THE TRIAL IN-HOME PLACEMENT ORDERED PURSUANT TO  
7 SUBSECTION F OF THIS SECTION, IF THE COURT FINDS BY CLEAR AND CONVINCING  
8 EVIDENCE BOTH THAT THE CHILD'S PARENT OR PARENTS HAVE DEMONSTRATED THE  
9 REMEDIATION NECESSARY FOR THE RESTORATION OF THE PARENT-CHILD  
10 RELATIONSHIP, INCLUDING THE ABILITY AND WILLINGNESS TO PROPERLY CARE FOR  
11 THE CHILD AND THAT THE RESTORATION OF THE PARENT-CHILD RELATIONSHIP IS IN  
12 THE BEST INTERESTS OF THE CHILD, THE COURT SHALL GRANT THE PETITION. WHEN  
13 MAKING THE BEST INTERESTS DETERMINATION, THE COURT SHALL CONSIDER THE  
14 CHILD'S POSITION ON THE RESTORATION OF THE PARENT-CHILD RELATIONSHIP AND  
15 ANY OTHER RELEVANT FACTORS.

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

21 K. FOR THE PURPOSES OF THIS SECTION:

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

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

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

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