

House Engrossed

termination; parent-child relationship; service

State of Arizona  
House of Representatives  
Fifty-seventh Legislature  
Second Regular Session  
2026

## **CHAPTER 212**

# **HOUSE BILL 4042**

AN ACT

AMENDING SECTIONS 8-533 AND 8-535, ARIZONA REVISED STATUTES; RELATING TO  
TERMINATION OF THE PARENT-CHILD RELATIONSHIP.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-533, Arizona Revised Statutes, is amended to  
3 read:

4 8-533. Petition; who may file; grounds

5 A. Any person or agency that has a legitimate interest in the  
6 welfare of a child, including a relative, a foster parent, a physician,  
7 the department or a private licensed child welfare agency, may file a  
8 petition for the termination of the parent-child relationship alleging  
9 grounds contained in subsection B of this section.

10 B. Evidence sufficient to justify the termination of the  
11 parent-child relationship shall include any one of the following, and in  
12 considering any of the following grounds, the court shall also consider  
13 the best interests of the child:

14 1. That the parent has abandoned the child.

15 2. That the parent has neglected or wilfully abused a child. This  
16 abuse includes serious physical or emotional injury or situations in which  
17 the parent knew or reasonably should have known that a person was abusing  
18 or neglecting a child.

19 3. That the parent is unable to discharge parental responsibilities  
20 because of mental illness, mental deficiency or a history of chronic abuse  
21 of dangerous drugs, controlled substances or alcohol and there are  
22 reasonable grounds to believe that the condition will continue for a  
23 prolonged indeterminate period.

24 4. That the parent is deprived of civil liberties due to the  
25 conviction of a felony if the felony of which that parent was convicted is  
26 of such nature as to prove the unfitness of that parent to have future  
27 custody and control of the child, including murder of another child of the  
28 parent, manslaughter of another child of the parent or aiding or abetting  
29 or attempting, conspiring or soliciting to commit murder or manslaughter  
30 of another child of the parent, or if the sentence of that parent is of  
31 such length that the child will be deprived of a normal home for a period  
32 of years.

33 5. That the potential father failed to file a paternity action **AND**  
34 **TO SERVE THE MOTHER WITH A COPY OF THE FILED PATERNITY ACTION** within  
35 thirty days ~~of~~ **AFTER** completion of service of notice as prescribed in  
36 section 8-106, subsection G.

37 6. That the putative father failed to file a notice of claim of  
38 paternity as prescribed in section 8-106.01.

39 7. That the parents have relinquished their rights to a child to an  
40 agency or have consented to the adoption.

41 8. That the child is being cared for in an out-of-home placement  
42 under the supervision of the juvenile court, the division or a licensed  
43 child welfare agency, that the agency responsible for the care of the  
44 child has made a diligent effort to provide appropriate reunification  
45 services and that one of the following circumstances exists:

1 (a) The child has been in an out-of-home placement for a cumulative  
2 total period of nine months or longer pursuant to court order or voluntary  
3 placement pursuant to section 8-806 and the parent has substantially  
4 neglected or wilfully refused to remedy the circumstances that cause the  
5 child to be in an out-of-home placement.

6 (b) The child who is under three years of age has been in an  
7 out-of-home placement for a cumulative total period of six months or  
8 longer pursuant to court order and the parent has substantially neglected  
9 or wilfully refused to remedy the circumstances that cause the child to be  
10 in an out-of-home placement, including refusal to participate in  
11 reunification services offered by the department.

12 (c) The child has been in an out-of-home placement for a cumulative  
13 total period of fifteen months or longer pursuant to court order or  
14 voluntary placement pursuant to section 8-806, the parent has been unable  
15 to remedy the circumstances that cause the child to be in an out-of-home  
16 placement and there is a substantial likelihood that the parent will not  
17 be capable of exercising proper and effective parental care and control in  
18 the near future.

19 9. That the identity of the parent is unknown and continues to be  
20 unknown following three months of diligent efforts to identify and locate  
21 the parent.

22 10. That the parent has had parental rights to another child  
23 terminated within the preceding two years for the same cause and is  
24 currently unable to discharge parental responsibilities due to the same  
25 cause.

26 11. That all of the following are true:

27 (a) The child was cared for in an out-of-home placement pursuant to  
28 court order.

29 (b) The agency responsible for the care of the child made diligent  
30 efforts to provide appropriate reunification services.

31 (c) The child, pursuant to court order, was returned to the legal  
32 custody of the parent from whom the child had been removed.

33 (d) Within eighteen months after the child was returned, pursuant  
34 to court order, the child was removed from that parent's legal custody,  
35 the child is being cared for in an out-of-home placement under the  
36 supervision of the juvenile court, the division or a licensed child  
37 welfare agency and the parent is currently unable to discharge parental  
38 responsibilities.

39 12. Clear and convincing evidence that the parent committed a  
40 sexual assault against the petitioning parent and the child was conceived  
41 as a result of the sexual assault. If the parent who is the subject of  
42 the petition pleads guilty to or is convicted of a violation of section  
43 13-1406 or a violation of an offense in another jurisdiction that if  
44 committed in this state would be a violation of section 13-1406, the court  
45 may accept the guilty plea or conviction as evidence that the child was

1 conceived as a result of a sexual assault by that parent. For the  
2 purposes of this paragraph:

3 (a) "Oral sexual contact" has the same meaning prescribed in  
4 section 13-1401.

5 (b) "Sexual assault" means intentionally or knowingly engaging in  
6 sexual intercourse or oral sexual contact with a person without the  
7 consent of that person.

8 (c) "Sexual intercourse" has the same meaning prescribed in section  
9 13-1401.

10 C. Evidence considered by the court pursuant to subsection B of  
11 this section shall include any substantiated allegations of abuse or  
12 neglect committed in another jurisdiction.

13 D. In considering the grounds for termination prescribed in  
14 subsection B, paragraph 8 or 11 of this section, the court shall consider  
15 the availability of reunification services to the parent and the  
16 participation of the parent in these services.

17 E. In considering the grounds for termination prescribed in  
18 subsection B, paragraph 8 of this section, the court shall not consider  
19 the first sixty days of the initial out-of-home placement pursuant to  
20 section 8-806 in the cumulative total period.

21 F. The failure of an alleged parent who is not the child's legal  
22 parent to take a test requested by the department or ordered by the court  
23 to determine if the person is the child's natural parent is prima facie  
24 evidence of abandonment unless good cause is shown by the alleged parent  
25 for that failure.

26 Sec. 2. Section 8-535, Arizona Revised Statutes, is amended to  
27 read:

28 8-535. Notice of initial hearing; waiver; guardian ad litem

29 A. After the petition has been filed, the clerk of the superior  
30 court shall set a time and place for the initial hearing. Notice of the  
31 initial hearing and a copy of the petition shall be given to the parents  
32 of the child, the guardian of the person of the child, the person having  
33 legal custody of the child, any individual standing in loco parentis to  
34 the child, the tribe of any Indian child as defined by the federal Indian  
35 child welfare act of 1978 (25 United States Code section 1903) and the  
36 guardian ad litem of any party as provided for service of process in civil  
37 actions. In addition to the service of process requirements in civil  
38 actions, any parent, any Indian custodian and the tribe of an Indian child  
39 shall be notified of the initial hearing by certified or registered mail,  
40 return receipt requested, as required by the federal Indian child welfare  
41 act of 1978 (25 United States Code section 1912). The notice required by  
42 this subsection shall include the following statement:

1           You have a right to appear as a party in this proceeding. The  
2           failure of a parent to appear at the initial hearing, the  
3           pretrial conference, the status conference or the termination  
4           adjudication hearing may result in an adjudication terminating  
5           the parent-child relationship of that parent.

6           B. The initial hearing shall take place not sooner than ten days  
7           after the completion of service of notice.

8           C. Notice and appearance may be waived by a parent before the court  
9           or in writing and attested to by two or more credible witnesses who are  
10          eighteen or more years of age subscribing their names thereto in the  
11          presence of the person executing the waiver or shall be duly acknowledged  
12          before an officer authorized to take acknowledgements by the person  
13          signing the waiver of notice and appearance. The face of the waiver shall  
14          contain language explaining the meaning and consequences of the waiver and  
15          the termination of parental rights. The parent who has executed such a  
16          waiver shall not be required to appear.

17          D. If a parent does not appear at the initial hearing, the court,  
18          after determining that the parent has been served with proper legal  
19          notice, may find that the parent has waived the parent's legal rights and  
20          is deemed to have admitted the allegations of the petition by the failure  
21          to appear. The court may terminate the parent-child relationship as to a  
22          parent who does not appear based on the record and evidence presented as  
23          provided in rules prescribed by the supreme court.

24          E. At the initial hearing, the court shall:

25            1. Schedule a pretrial conference or status conference.

26            2. Schedule the termination adjudication hearing.

27            3. Instruct the parent that the failure to appear at the pretrial  
28          conference, status conference or termination adjudication hearing may  
29          result in an adjudication terminating the parent-child relationship as to  
30          a parent who does not appear.

31          F. On the motion of any party or on its own motion, the court shall  
32          appoint a guardian ad litem if it determines that there are reasonable  
33          grounds to believe that a party to the proceeding is mentally incompetent  
34          or is otherwise in need of a guardian ad litem.

35          G. The county attorney, on the request of the court or a  
36          governmental agency or on the county attorney's own motion, may intervene  
37          in any proceedings under this article to represent the interest of the  
38          child.

39          H. A potential father who fails to file a paternity action **AND TO**  
40          **SERVE THE MOTHER WITH A COPY OF THE FILED PATERNITY ACTION** within thirty  
41          days after completion of service of the notice prescribed in section  
42          8-106, subsection G waives his right to be notified regarding the  
43          termination of parental rights and his consent to the termination of  
44          parental rights is not required.

H.B. 4042

APPROVED BY THE GOVERNOR JUNE 19, 2026.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 22, 2026.