



Bill Number: H.B. 2671

Werner Floor Amendment

Reference to: House engrossed bill

Amendment drafted by: Leg. Council

## FLOOR AMENDMENT EXPLANATION

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1. Includes a child's grandparents under the definition of *extended family member* and includes grandparents in all investigations and proceedings related to identifying a kinship foster care placement for a child in the temporary custody of the Department of Child Safety.
2. Restores the requirement that the Kinship Foster Care Program promote, rather than require, the placement of a child in DCS's custody with a kinship caregiver.
3. Removes the definition of *best interest of the child* as it relates to kinship foster care.
4. Removes the specification that the notice DCS provides to identified potential kinship caregivers of a child in the temporary custody of DCS be a *written* notice.
5. Restores the specification that a foster child's right to be placed with a kinship caregiver, the child's siblings or near the child's siblings, as well as to have contact with family members as outlined, applies when such placement and contact is in the best interest of the child.
6. Removes the right of a foster child to be updated at least every 30 days on the status of DCS's efforts to place the child in kinship foster care or in a care setting with the child's siblings.
7. Restores the specification that the rights provided to children in foster care and kinship foster care do not establish an independent cause of action.
8. Reverts the requirement that DCS submit the written report relating to a removed child's case back to the day before, rather than five days before, a preliminary protective hearing.
9. Removes the declaration that the failure of the court to order the placement of a child with a kinship caregiver after an initial dependency or preliminary protective hearing, as outlined, is an abuse of judicial discretion.

WERNER FLOOR AMENDMENT  
SENATE AMENDMENTS TO H.B. 2671  
(Reference to House engrossed bill)

Amendment instruction key:  
[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.  
[Green underlining in brackets] indicates text added to new session law or text restoring existing law.  
[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.  
[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.  
<<Green carets>> indicate a section added to the bill.  
<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Section 8-501, Arizona Revised Statutes, is amended to  
3 read:

4 8-501. Definitions

5 A. In this article, unless the context otherwise requires:

6 1. "Child developmental certified home" means a regular foster home  
7 that is licensed pursuant to section 8-509 and that is certified by the  
8 department of economic security pursuant to section 36-593.01.

9 2. "Child welfare agency" or "agency":

10 (a) Means:

11 (i) Any agency or institution that is maintained by a person, firm,  
12 corporation, association or organization to receive children for care and  
13 maintenance or for twenty-four hour social, emotional or educational  
14 supervised care or who have been adjudicated as a delinquent or dependent  
15 child.

16 (ii) Any institution that provides care for unmarried mothers and  
17 their children.

18 (iii) Any agency that is maintained by this state, a political  
19 subdivision of this state or a person, firm, corporation, association or  
20 organization to place children or unmarried mothers in a foster home.

21 (b) Does not include state operated institutions or facilities,  
22 detention facilities for children established by law, health care  
23 institutions that are licensed by the department of health services  
24 pursuant to title 36, chapter 4 or private agencies that exclusively  
25 provide children with social enrichment or recreational opportunities and  
26 that do not use restrictive behavior management techniques.

27 3. "Division" or "department" means the department of child safety.

28 4. "EXTENDED FAMILY MEMBER" MEANS [A GRANDPARENT OF THE CHILD OR]  
29 AN ADULT PERSON WHO HAS A BIOLOGICAL CONNECTION TO THE CHILD BY AN INTACT

1 MARRIAGE OR WHO HAS A CONNECTION TO THE CHILD BY MARRIAGE TO A BIOLOGICAL  
2 FAMILY MEMBER OF THE CHILD.

3 ~~4.~~ 5. "Former dependent child" means a person who was previously  
4 adjudicated a dependent child in a dependency proceeding that has been  
5 dismissed by order of the juvenile court.

6 ~~5.~~ 6. "Foster child" means a child placed in a foster home or  
7 child welfare agency.

8 ~~6.~~ 7. "Foster home" means a home that is maintained by any  
9 individual or individuals having the care or control of minor children,  
10 other than those related to each other by blood or marriage, or related to  
11 such individuals, or who are legal wards of such individuals.

12 ~~7.~~ 8. "Foster parent" means any individual or individuals  
13 maintaining a foster home.

14 ~~8.~~ 9. "Group foster home" means a licensed regular or special  
15 foster home that is suitable for placement of more than five minor  
16 children but not more than ten minor children.

17 ~~9.~~ 10. "Out-of-home placement" means the placing of a child in the  
18 custody of an individual or agency other than with the child's parent or  
19 legal guardian and includes placement in temporary custody pursuant to  
20 section 8-821, voluntary placement pursuant to section 8-806 or placement  
21 due to dependency actions.

22 ~~10.~~ 11. "Parent" means the natural or adoptive mother or father of  
23 a child.

24 ~~11.~~ 12. "Reason for leaving care" means one of the following:

- 25 (a) Reunification with a parent or primary caretaker.
- 26 (b) Living with another relative.
- 27 (c) Adoption by a relative.
- 28 (d) Adoption by a foster parent.
- 29 (e) Adoption by another person.
- 30 (f) Age of majority.
- 31 (g) Guardianship by a relative.
- 32 (h) Guardianship by another person.
- 33 (i) Transfer to another agency.
- 34 (j) Runaway.
- 35 (k) Death.

36 ~~12.~~ 13. "Receiving foster home" means a licensed foster home that  
37 is suitable for immediate placement of children when taken into custody or  
38 pending medical examination and court disposition.

39 ~~13.~~ 14. "Regular foster home" means a licensed foster home that is  
40 suitable for placement of not more than five minor children.

41 ~~14.~~ 15. "Relative" means a grandparent, great-grandparent, brother  
42 or sister of whole or half blood, aunt, uncle or first cousin.

43 ~~15.~~ 16. "Restrictive behavior management" means an intervention or  
44 procedure that attempts to guide, redirect, modify or manage behavior  
45 through the use of any of the following:

1 (a) Physical force to cause a child to comply with a directive.  
2 Physical force does not include physical escort. For the purposes of this  
3 subdivision, "physical escort" means temporarily touching or holding a  
4 child's hand, wrist, arm, shoulder or back to induce the child to walk to  
5 a safe location.

6 (b) A device, action or medication to restrict the movement or  
7 normal function of a child in order to control or change the child's  
8 behavior and that includes:

9 (i) Chemical restraint. For the purposes of this item, "chemical  
10 restraint" means the use of any psychoactive medication as a restraint to  
11 control the child's behavior or to restrict the child's freedom of  
12 movement and that is not a standard treatment for the child's medical or  
13 psychiatric condition.

14 (ii) Mechanical restraint. For the purposes of this item,  
15 "mechanical restraint" means the use of any physical device to limit a  
16 child's movement and to prevent the child from causing harm to self or to  
17 others. Mechanical restraint does not include devices such as  
18 orthopedically prescribed devices, surgical dressings or bandages,  
19 protective helmets or any other method that involves the physical holding  
20 of a child to conduct a routine physical examination or test or to protect  
21 the child from falling out of bed or to ~~permit~~ ALLOW the child to  
22 participate in activities in order to reduce the risk of physical harm to  
23 the child.

24 (iii) Physical restraint. For the purposes of this item, "physical  
25 restraint" means applying physical force to reduce or restrict a child's  
26 ability to freely move the child's arms, legs or head. Physical restraint  
27 does not include temporarily holding a child to ~~permit~~ ALLOW the child to  
28 participate in activities of daily living if this holding does not involve  
29 the risk of physical harm to the child.

30 (iv) Seclusion. For the purposes of this item, "seclusion" means  
31 placing a child against the child's will in a room in which the child is  
32 unable to open the door in order to prevent the child from doing harm to  
33 self or others.

34 ~~16.~~ 17. "Special foster home" means a licensed foster home that is  
35 capable of handling not more than five minor children who require special  
36 care for physical, mental or emotional reasons or who have been  
37 adjudicated delinquent. Special foster home includes any home handling  
38 foster children aged twelve through seventeen.

39 B. A foster home or any classification of foster home defined in  
40 subsection A of this section includes a home having the care of persons  
41 who are under twenty-one years of age and the cost of whose care is  
42 provided pursuant to section 8-521.01.

1           Sec. 2. Section 8-514.03, Arizona Revised Statutes, is amended to  
2 read:

3           8-514.03. Kinship foster care; requirements; investigation

4           A. The department shall establish kinship foster care services for  
5 a child who has been removed from the child's home and who is in the  
6 custody of the department. The program shall [promote] [REQUIRE] the  
7 placement of the child with the child's relative, AN EXTENDED FAMILY  
8 MEMBER or a person with a significant relationship with the child for  
9 kinship foster care.

10          B. A kinship foster care parent applicant who is not a licensed  
11 foster care parent shall be at least eighteen years of age. The applicant  
12 and each member of the applicant's household who is at least eighteen  
13 years of age shall submit a full set of fingerprints to the department of  
14 child safety for the purpose of obtaining a state and federal criminal  
15 records check pursuant to section 41-1750 and Public Law 92-544. The  
16 department of public safety may exchange this fingerprint data with the  
17 federal bureau of investigation. The department of child safety shall  
18 determine if the applicant is able to meet the child's health and safety  
19 needs by conducting one or more home visits and interviewing the  
20 applicant. The department of child safety may interview other household  
21 members, review the applicant's personal and professional references and  
22 conduct department of child safety central registry checks.

23          C. If the department determines that a kinship foster care  
24 placement is not in the best interest of the child, the department shall  
25 provide written notification to the applicant within fifteen business  
26 days. The notice shall include the specific reason for denial, the  
27 applicant's right to appeal and the process for reviewing the decision.

28          D. A kinship foster care parent may be eligible to receive the  
29 following financial services for the child:

30           1. Full foster care benefits, including payment if the kinship  
31 foster care parent becomes a licensed foster care home or if the kinship  
32 foster care parent obtains a restricted license pursuant to section 8-509,  
33 subsection C.

34           2. Temporary assistance for needy families cash assistance payments  
35 for a child only case and supplemental financial support.

36          E. The department shall establish procedures for child welfare  
37 workers to inform kinship foster care families about available financial  
38 and nonfinancial services and eligibility requirements and shall assist  
39 the families in completing the necessary application.

40          F. If a family declines to apply for financial services, the family  
41 shall sign a statement indicating that the family declined services. The  
42 statement does not prevent the family from making application in the  
43 future. The worker shall provide a copy of the statement to the family.

1 G. The department shall provide nonfinancial services for a kinship  
2 foster care parent through existing means or referral. Nonfinancial  
3 services may include:

- 4 1. Family assessment.
- 5 2. Case management.
- 6 3. Child day care.
- 7 4. Housing search and relocation.
- 8 5. Parenting skills training.
- 9 6. Supportive intervention and guidance counseling.
- 10 7. Transportation.
- 11 8. Emergency services.
- 12 9. Parent aid services.
- 13 10. Respite services.
- 14 11. Additional services that the department determines are  
15 necessary to meet the needs of the child and family.

16 ~~[H. FOR THE PURPOSES OF THIS SECTION, "THE BEST INTEREST OF THE~~  
17 ~~CHILD" MEANS PLACEMENT WITH AN ADULT RELATIVE OR PERSON WITH A SIGNIFICANT~~  
18 ~~RELATIONSHIP WITH THE CHILD IF THE ADULT RELATIVE OR PERSON WITH A~~  
19 ~~SIGNIFICANT RELATIONSHIP WITH THE CHILD HAS NOT BEEN CHARGED WITH OR~~  
20 ~~CONVICTED OF A DANGEROUS CRIME AGAINST CHILDREN AS DEFINED IN SECTION~~  
21 ~~13-705.]~~

22 Sec. 3. Section 8-514.07, Arizona Revised Statutes, is amended to  
23 read:

24 8-514.07. Kinship foster care; relative identification and  
25 notification; due diligence search

26 A. If a child is taken into temporary custody, as part of the  
27 ongoing search, the department shall use due diligence in an initial  
28 search to identify and notify adult relatives **OR EXTENDED FAMILY MEMBERS**  
29 of the child and persons with a significant relationship with the child  
30 within thirty days after the child is taken into temporary custody.

31 B. The search to identify adult relatives **OR EXTENDED FAMILY**  
32 **MEMBERS** of the child or persons with a significant relationship with the  
33 child must include:

- 34 1. An interview with the child's parent.
- 35 2. An interview with the child.
- 36 3. Interviews with identified adult relatives **OR EXTENDED FAMILY**  
37 **MEMBERS**.
- 38 4. Interviews with other persons who are likely to have information  
39 regarding the location of adult relatives **OR EXTENDED FAMILY MEMBERS** of  
40 the child or persons with a significant relationship with the child.
- 41 5. A comprehensive search of available records that are likely to  
42 help identify and locate a person being sought, including:
  - 43 (a) Employment records.
  - 44 (b) Vehicle registration records.
  - 45 (c) Child support enforcement records.

1 (d) Utility accounts.

2 (e) Previous residential addresses.

3 (f) Law enforcement records.

4 (g) State department of corrections records.

5 6. Thorough inquiries by the court of the parties during case  
6 hearings.

7 7. Any other means the department deems likely to identify adult  
8 relatives OR EXTENDED FAMILY MEMBERS of the child or persons with a  
9 significant relationship with the child.

10 C. Within thirty days after the child is taken into temporary  
11 custody and at each subsequent review and report hearing or permanency  
12 planning hearing, the department shall file with the court documentation  
13 regarding attempts made pursuant to this section or as otherwise required  
14 by the court to identify and notify adult relatives OR EXTENDED FAMILY  
15 MEMBERS of the child and persons with a significant relationship with the  
16 child. This documentation shall include a detailed narrative explaining  
17 the department's efforts to consider each potential placement and the  
18 specific outcome.

19 D. The department shall provide [WRITTEN] notice to adult relatives  
20 OR EXTENDED FAMILY MEMBERS of the child and persons with a significant  
21 relationship with the child who are identified through the search  
22 requirements of this section. The notice shall do the following:

23 1. Specify that the child has been or is being removed from the  
24 child's parental custody.

25 2. Explain the options an adult relative OR EXTENDED FAMILY MEMBER  
26 of the child or a person with a significant relationship with the child  
27 has to participate in the care or placement of the child.

28 3. Explain that financial assistance and other forms of support are  
29 available to adult relatives OR EXTENDED FAMILY MEMBERS of the child and  
30 persons with a significant relationship with the child with whom the child  
31 is placed.

32 4. Describe the process for becoming a licensed foster parent and  
33 the additional services and support that are available for children placed  
34 in approved foster homes.

35 5. Require an adult relative OR EXTENDED FAMILY MEMBER of the child  
36 or a person with a significant relationship with the child to respond  
37 within thirty days after receiving notice that the child has been removed  
38 from the home.

39 E. If the child is not placed with an adult relative OR EXTENDED  
40 FAMILY MEMBER of the child or person with a significant relationship with  
41 the child or the child is placed with an adult relative OR EXTENDED FAMILY  
42 MEMBER or person with a significant relationship with the child who is  
43 unable or unwilling to provide permanent placement for the child, the  
44 department shall continue to conduct an ongoing search for adult relatives  
45 OR EXTENDED FAMILY MEMBERS of the child or persons with a significant

1 relationship with the child. The department shall engage in search  
2 efforts if ordered by the court, a change in the child's placement occurs  
3 or a party shows that the search is in the best interest of the child.

4 F. The department shall file with the court EVERY THIRTY DAYS FOR A  
5 MINIMUM OF SIX MONTHS documentation of both of the following:

6 1. The completed due diligence search efforts. This documentation  
7 shall include:

8 (a) The names of and relevant information about adult relatives OR  
9 EXTENDED FAMILY MEMBERS of the child or persons with a significant  
10 relationship with the child.

11 (b) The steps taken by the department to locate and contact adult  
12 relatives OR EXTENDED FAMILY MEMBERS of the child or persons with a  
13 significant relationship with the child.

14 (c) The WRITTEN responses received from adult relatives OR EXTENDED  
15 FAMILY MEMBERS of the child or persons with a significant relationship  
16 with the child.

17 (d) The dates of each attempted or completed contact with an adult  
18 relative OR EXTENDED FAMILY MEMBER of the child or a person with a  
19 significant relationship with the child.

20 (e) The reasons why an adult relative OR EXTENDED FAMILY MEMBER of  
21 the child or a person with a significant relationship with the child was  
22 not considered for temporary or permanent placement of the child.

23 2. All efforts for placement of the child through an interstate  
24 compact agreement pursuant to section 8-548. This documentation shall  
25 include:

26 (a) The names of adult relatives OR EXTENDED FAMILY MEMBERS of the  
27 child or persons with a significant relationship with the child who were  
28 considered for an interstate placement.

29 (b) Any pending placement of the child through an interstate  
30 compact agreement.

31 (c) All potential out-of-state placements outside of an interstate  
32 compact agreement and the reasons such placements have not been initiated.

33 G. If an out-of-state placement option exists and the department  
34 has failed to file a request with the receiving state pursuant to the  
35 requirements of an interstate compact agreement pursuant to section 8-548,  
36 the court shall enter a finding that the department has not made a due  
37 diligence search and shall order the department to file a request with the  
38 receiving state pursuant to the terms of the interstate compact agreement.

39 Sec. 4. Section 8-529, Arizona Revised Statutes, is amended to  
40 read:

41 8-529. Children in foster care and kinship foster care:  
42 rights

43 A. A child in foster care ~~and~~ OR kinship foster care has the  
44 following rights:

- 1       1. To appropriate care and treatment in the least restrictive  
2 setting available that can meet the child's needs according to the best  
3 judgment of the foster parent, **RELATIVE OR EXTENDED FAMILY MEMBER OF THE**  
4 **CHILD OR PERSON WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD.**
- 5       2. To live in a safe, healthy and comfortable placement where the  
6 child can receive reasonable protection from harm and appropriate privacy  
7 for personal needs and where the child is treated with respect.
- 8       3. To be placed with a relative ~~when such placement is in the best~~  
9 ~~interest of the child~~ **OR EXTENDED FAMILY MEMBER OF THE CHILD OR PERSON**  
10 **WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD** [WHEN SUCH PLACEMENT IS IN  
11 THE BEST INTEREST OF THE CHILD] **UNLESS THE PLACEMENT POSES A RISK TO THE**  
12 **CHILD'S SAFETY OR THE SAFETY OF ANOTHER MEMBER OF THE HOUSEHOLD.**
- 13       4. To be placed with or in close proximity to the child's siblings  
14 when possible and to visit and have contact with siblings and family  
15 members when it [is in the best interest of the child] [**AND**] **DOES NOT POSE**  
16 **A RISK TO THE CHILD'S SAFETY OR THE SAFETY OF THE CHILD'S SIBLINGS.**
- 17       5. To know why the child is in foster care and what will happen to  
18 the child and to the child's family, including siblings, and case plans.
- 19       6. Whenever possible, to be placed with a foster family, **RELATIVE**  
20 **OR EXTENDED FAMILY MEMBER OF THE CHILD OR A PERSON WITH A SIGNIFICANT**  
21 **RELATIONSHIP WITH THE CHILD** that can accommodate the child's communication  
22 needs.
- 23       7. To be disciplined in a manner that is appropriate to the child's  
24 level of maturity and not be subjected to physical discipline methods.
- 25       8. To attend community, school, extracurricular and religious  
26 services and activities of the child's choice to the extent that it is  
27 appropriate for the child, as planned and discussed with the child's  
28 placement worker and caseworker and based on caregiver ability if  
29 transportation is available through a responsible party.
- 30       9. To go to school and receive an education that fits the child's  
31 age and individual needs. If remaining in the child's current school is  
32 not in the child's best interest, the child has the right to be enrolled  
33 in the least restrictive school available.
- 34       10. To training in personal care, hygiene and grooming.
- 35       11. To clothing that fits comfortably and is adequate to protect  
36 the child against natural elements such as rain, snow, wind, cold and sun.
- 37       12. To have personal possessions at home and to acquire additional  
38 possessions within reasonable limits, as planned and discussed with the  
39 child's foster parent, **RELATIVE OR EXTENDED FAMILY MEMBER OF THE CHILD OR**  
40 **A PERSON WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD**, placement worker  
41 and caseworker, and based on caregiver ability.
- 42       13. To personal space, preferably in the child's foster home **OR**  
43 **KINSHIP FOSTER HOME** bedroom for storing clothing and belongings.
- 44       14. To healthy foods in healthy portions that are appropriate for  
45 the child's age.

1           15. To comply with any approved visitation plan, and to have any  
2 restrictions explained to the child in a manner and level of details  
3 deemed age appropriate by the foster parent, **RELATIVE OR EXTENDED FAMILY**  
4 **MEMBER OF THE CHILD OR A PERSON WITH A SIGNIFICANT RELATIONSHIP WITH THE**  
5 **CHILD** in agreement with the caseworker and documented in the child's  
6 record.

7           16. If the child is six years of age or older, to receive contact  
8 information for the child's caseworker, attorney or advocate and to speak  
9 with them in private if necessary.

10          17. To be represented by an attorney in all proceedings initiated  
11 pursuant to this title.

12          18. To participate in age appropriate child's service planning and  
13 permanency planning meetings and to be given a copy or summary of each  
14 service plan and service plan review. The child may request someone to  
15 participate on the child's behalf or to support the child in this  
16 participation.

17          19. To attend the child's court hearing and speak to the judge.

18          20. To have the child's records and personal information kept  
19 private and discussed only when it is about the child's care except the  
20 foster parent, **RELATIVE OR EXTENDED FAMILY MEMBER OF THE CHILD OR A PERSON**  
21 **WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD** shall have full access to  
22 the records to determine if the child will be successful in the home.  
23 During the foster **OR KINSHIP FOSTER** placement, if the foster parent,  
24 **RELATIVE OR EXTENDED FAMILY MEMBER OF THE CHILD OR A PERSON WITH A**  
25 **SIGNIFICANT RELATIONSHIP WITH THE CHILD** requests to view the record on  
26 experiencing problems with the child's adjustment, the full record shall  
27 be made available for viewing by the foster parent, **RELATIVE OR EXTENDED**  
28 **FAMILY MEMBER OF THE CHILD OR A PERSON WITH A SIGNIFICANT RELATIONSHIP**  
29 **WITH THE CHILD**.

30          21. To receive medical, dental, vision and mental health services  
31 and to be informed about diagnoses and treatment options as is  
32 developmentally appropriate.

33          22. To be free of unnecessary or excessive medication.

34          23. To receive emotional, mental health or chemical dependency  
35 treatment separately from adults who are receiving services, as planned  
36 and discussed with the child's placement worker and caseworker, as is  
37 financially reasonable for the foster parent, **RELATIVE OR EXTENDED FAMILY**  
38 **MEMBER OF THE CHILD OR A PERSON WITH A SIGNIFICANT RELATIONSHIP WITH THE**  
39 **CHILD**.

40          24. To report a violation of personal rights specified in this  
41 section without fear of punishment, interference, coercion or retaliation,  
42 except that an appropriate level of punishment may be applied if the child  
43 is proven to have maliciously or wrongfully accused the foster parent.

1           25. To be informed in writing of the name, address, telephone  
2 number and purpose of the Arizona protection and advocacy system for  
3 disability assistance.

4           26. To understand and have a copy of the rights listed in this  
5 section.

6           ~~[27. TO BE UPDATED AT LEAST EVERY THIRTY DAYS AS TO THE STATUS OF  
7 THE DEPARTMENT'S EFFORTS TO PLACE THE CHILD IN KINSHIP FOSTER CARE OR IN A  
8 CARE SETTING WITH THE CHILD'S SIBLINGS, IF REQUESTED BY THE CHILD.]~~

9           B. A child in foster care or kinship foster care who is at least  
10 fourteen years of age has the following rights:

11           1. To attend preparation for adult living classes and activities as  
12 appropriate to the child's case plan, as is financially reasonable for the  
13 foster parent.

14           2. To a transition plan that includes career planning and  
15 assistance with enrolling in an educational or vocational job training  
16 program.

17           3. To be informed of educational opportunities, including  
18 information regarding assistance and funding for postsecondary and  
19 vocational education.

20           4. To assistance in obtaining an independent residency when the  
21 child is too old to remain in foster care from the child's caseworker,  
22 attorney or advocate.

23           5. To request a court hearing for a court to determine if the child  
24 has the capacity to consent to medical care that is directly related to an  
25 illness, disease, deformity or other physical malady.

26           6. To receive help with obtaining a driver license, social security  
27 number, birth certificate or state identification card and credit reports  
28 with assistance in interpreting the reports and resolving inaccuracies in  
29 the report. The foster parent, **RELATIVE OR EXTENDED FAMILY MEMBER OF THE**  
30 **CHILD OR A PERSON WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD** shall  
31 have discretion to determine if the child is responsible and mature enough  
32 to become a licensed driver.

33           7. To receive necessary personal information within thirty days  
34 after leaving foster care **OR KINSHIP FOSTER CARE**, including the child's  
35 birth certificate, immunization records and information contained in the  
36 child's education portfolio and health passport.

37           8. To participate in or reenter extended foster care when the child  
38 is at least eighteen and under twenty-one years of age pursuant to section  
39 8-521.02.

40           C. The department shall provide information regarding a child's  
41 rights pursuant to this section and assistance in understanding and  
42 enforcing these rights to each child who enters foster care or kinship  
43 foster care or when there is a change in the child's foster care **OR**  
44 **KINSHIP FOSTER CARE** plan. The information shall also include the  
45 telephone number and email address of the department, the child's assigned

1 case manager, the department's office of the ombudsman and the  
2 ombudsman-citizens aide. A copy of these rights shall be posted in a  
3 conspicuous place in all foster care and group homes.

4 D. If a child who is in foster care or kinship foster care believes  
5 that the child's rights under this section have been violated, the child  
6 or the child's representative may:

7 1. File a complaint with the department, the department's office of  
8 the ombudsman or the ombudsman-citizens aide pursuant to section 41-1376.  
9 A formal grievance may be initiated with the ombudsman at any time.

10 2. Notify the juvenile court in the child's ongoing dependency,  
11 severance or adoption proceeding, either orally or in writing, that the  
12 child's rights are being violated and request appropriate equitable  
13 relief. The court shall act on the notification as necessary within its  
14 discretion to promote the best interest of the child.

15 [E. The rights provided in this section do not establish an  
16 independent cause of action.]

17 Sec. 5. Section 8-801, Arizona Revised Statutes, is amended to  
18 read:

19 8-801. Definitions

20 In this article and articles 9, 10, 11, 12, 13 and 14 of this  
21 chapter, unless the context otherwise requires:

22 1. "Child safety services" means a specialized child welfare  
23 program that is administered by the department as provided in this chapter  
24 and that investigates allegations of and seeks to prevent, intervene in  
25 and treat abuse and neglect, to promote the well-being of the child in a  
26 permanent home and to coordinate services to strengthen the family.

27 2. "Child safety worker" or "worker" means a person who has been  
28 selected by and trained under the requirements prescribed by the  
29 department and who assists in carrying out the provisions of this article.

30 3. "DCS information":

31 (a) Includes all information the department gathers during the  
32 course of an investigation conducted under this chapter from the time a  
33 file is opened and until it is closed.

34 (b) Does not include information that is contained in child welfare  
35 agency licensing records.

36 4. "EXTENDED FAMILY MEMBER" HAS THE SAME MEANING PRESCRIBED IN  
37 SECTION 8-501.

38 ~~4.~~ 5. "In-home intervention" means a program of services provided  
39 pursuant to article 14 of this chapter while the child is still in the  
40 custody of the parent, guardian or custodian.

41 ~~5.~~ 6. "Relative" has the same meaning prescribed in section 8-501.

1           Sec. 6. Section 8-824, Arizona Revised Statutes, is amended to  
2 read:

3           8-824. Preliminary protective hearing; probable cause;  
4                           appointment of counsel

5           A. The court shall hold a preliminary protective hearing to review  
6 the taking into temporary custody of a child pursuant to section 8-821 not  
7 fewer than five days nor more than seven days after the child is taken  
8 into custody, excluding Saturdays, Sundays and holidays. If clearly  
9 necessary to prevent abuse or neglect, to preserve the rights of a party  
10 or for other good cause shown, the court may grant one continuance that  
11 does not exceed five days.

12           B. The following persons shall be present at the preliminary  
13 protective hearing:

14           1. The child's parents or guardian, unless they cannot be located  
15 or they fail to appear in response to the notice.

16           2. Counsel for the parents if one has been requested or retained.

17           3. The child's guardian ad litem or attorney.

18           4. The child safety worker and additional representatives of the  
19 department if requested by the department.

20           5. Counsel for the child safety worker.

21           C. If the court finds that it is in the best interests of the  
22 child, the court may allow the following to be present at the preliminary  
23 protective hearing:

24           1. The child.

25           2. Any relative or other interested person with whom the child is  
26 or might be placed as described in section 8-845, subsection A.

27           3. Witnesses called by the parties.

28           4. An advocate or interested person as requested by the parent or  
29 guardian.

30           5. Other persons who have knowledge of or an interest in the  
31 welfare of the child.

32           D. At the hearing, the court shall advise the parent or guardian of  
33 the following rights:

34           1. The right to counsel, including appointed counsel if the parent  
35 or guardian is indigent.

36           2. The right to cross-examine all witnesses who are called to  
37 testify against the parent or guardian.

38           3. The right to trial by court on the allegations in the petition.

39           4. The right to use the process of the court to compel the  
40 attendance of witnesses.

41           E. At the hearing, the court:

42           1. Shall receive a report of any agreement reached pursuant to  
43 section 8-823, subsection D. The report may be made orally.

1           2. Shall provide an opportunity for the child's parent or guardian,  
2 if present, and any other person who has relevant knowledge, to provide  
3 relevant testimony.

4           3. May limit testimony and evidence that is beyond the scope of the  
5 removal of the child, the child's need for continued protection,  
6 placement, visitation and services to be provided to the child and family.

7           4. May take into consideration as a mitigating factor the  
8 participation of the parent or guardian in the healthy families program  
9 established by section 8-481.

10          5. Shall take into consideration as a mitigating factor the  
11 availability of reasonable services to the parent or guardian to prevent  
12 or eliminate the need for removal of the child and the effort of the  
13 parent or guardian to obtain and participate in these services.

14          6. Shall inform the child's parent or guardian that the hearing may  
15 result in further proceedings to terminate parental rights.

16          7. Shall order the parent or guardian to provide the court with the  
17 names, the type of relationship and all available information necessary to  
18 locate persons who are related to the child or who have a significant  
19 relationship with the child. If there is not sufficient information  
20 available to locate a relative or person with a significant relationship  
21 with the child, the parent or guardian shall inform the court of this  
22 fact. The court shall further order the parent or guardian to inform the  
23 department immediately if the parent or guardian becomes aware of  
24 information related to the existence or location of a relative or person  
25 with a significant relationship to the child.

26          8. Shall inform the parent that substantially neglecting or  
27 wilfully refusing to remedy the circumstances that cause the child to be  
28 in an out-of-home placement, including refusing to participate in  
29 reunification services, is grounds for termination of parental rights to a  
30 child.

31          9. Shall give paramount consideration to the health and safety of  
32 the child.

33          10. Shall determine whether the department is attempting to  
34 identify and assess placement of the child with a [grandparent][.]  
35 RELATIVE or ~~another member of the child's~~ extended family MEMBER OF THE  
36 CHILD including a person who has a significant relationship with the  
37 child.

38          11. Shall inform a foster parent, a preadoptive parent or a member  
39 of the child's extended family with whom the department has placed the  
40 child of the right to be heard in any proceeding to be held with respect  
41 to the child.

42          F. The petitioner has the burden of presenting evidence as to  
43 whether there is probable cause to believe that continued temporary  
44 custody is clearly necessary to prevent abuse or neglect pending the  
45 hearing on the dependency petition.

1 G. The department must make reasonable efforts to place a child  
2 with siblings and, if that is not possible, to maintain frequent  
3 visitation or other ongoing contact between all siblings.

4 H. If the child is in the temporary custody of the department, the  
5 department shall submit not later than [the day] [~~FIVE-DAYS~~] before the  
6 hearing a written report to the court and the parties that states:

7 1. The reasons the child was removed from the parent's or  
8 guardian's custody.

9 2. Any services that have been provided to the child or the child's  
10 parent or guardian to prevent removal.

11 3. The need, if any, for continued temporary custody.

12 4. The types of service needed to facilitate the return of the  
13 child to the custody of the child's parents or guardian.

14 5. If the child is not placed with a [grandparent][.] RELATIVE OR  
15 EXTENDED FAMILY MEMBER OF THE CHILD OR WITH ANOTHER INTERESTED PARTY,  
16 whether the child has any relatives, EXTENDED FAMILY MEMBERS or other  
17 interested parties as described in section 8-845, subsection A who may be  
18 able and willing to take temporary custody.

19 6. Any services that are requested by the parent or guardian but  
20 that are not provided and the reasons the services were not provided.

21 7. What efforts the department has made to place siblings together,  
22 and if they are not placed together, the specific reasons why this did not  
23 occur.

24 8. If the placement of siblings together was not possible for all  
25 or any of the siblings, efforts the department has made to facilitate  
26 communications among siblings and a proposal for frequent visitation or  
27 contact pursuant to subsection G of this section. If frequent visitation  
28 or contact with siblings is not recommended, the department shall state  
29 the reasons why this would be contrary to the child's or a sibling's  
30 safety or well-being.

31 9. A proposal for visitation with the child's parents or guardian  
32 and the results of any visitation that has occurred since the child was  
33 removed. The requirements of this paragraph do not apply to a specific  
34 parent or guardian if there is a court order relating to a criminal case  
35 that prohibits that parent or guardian from contact with the child.  
36 Before the department allows visitation it must first determine that there  
37 are no court orders relating to any superior court criminal case that  
38 prohibit the parent or guardian from contact with the child.

39 10. A proposed case plan for services to the family.

40 11. The department's efforts to identify, notify and assess adult  
41 relatives of the child and persons with a significant relationship with  
42 the child pursuant to section 8-514.07.

43 I. The parent or guardian shall state whether the parent or  
44 guardian admits or denies the allegations in the petition filed pursuant  
45 to section 8-841. If the parent or guardian admits or does not contest

1 the allegations in the petition, the court shall determine that the parent  
2 or guardian understands the rights described in subsection D of this  
3 section and that the parent or guardian knowingly, intelligently and  
4 voluntarily waives these rights.

5 J. At the hearing, if the child is not returned to the parent or  
6 guardian, the court shall:

7 1. Enter orders regarding the placement of the child pending the  
8 determination of the dependency petition and visitation, if any.

9 2. If a relative is identified as a possible placement for the  
10 child, notify the relative of the right to be heard in any proceeding to  
11 be held with respect to the child.

12 3. Determine if the tasks and services set forth in the case plan  
13 are reasonable and necessary to carry out the case plan.

14 ~~[K. IT IS AN ABUSE OF JUDICIAL DISCRETION IF THE COURT FAILS TO  
15 ORDER THE PLACEMENT OF A CHILD WITH A RELATIVE OR EXTENDED FAMILY MEMBER  
16 OF THE CHILD, INCLUDING A PERSON WHO HAS A SIGNIFICANT RELATIONSHIP WITH  
17 THE CHILD, PURSUANT TO SECTION 8-529, IF SUCH A PLACEMENT IS AVAILABLE AND  
18 IN THE BEST INTEREST OF THE CHILD.]~~

19 Sec. 7. Section 8-842, Arizona Revised Statutes, is amended to  
20 read:

21 8-842. Initial dependency hearing; deadlines

22 A. Except as provided in section 8-826, the court shall set the  
23 initial dependency hearing within twenty-one days after the petition is  
24 filed. If service by publication is required, the court may set an  
25 initial dependency hearing within a time period to allow for publication  
26 pursuant to the rules of procedure for the juvenile court.

27 B. At the initial dependency hearing, the court shall:

28 1. Determine ~~if~~ **WHETHER** the parent or guardian is providing the  
29 court and the department with the names, the type of relationship and all  
30 available information necessary to locate persons who are related to the  
31 child or who have a significant relationship with the child.

32 2. Determine ~~that~~ **WHETHER** the department is conducting a due  
33 diligence search pursuant to section 8-514.07 and attempting to identify  
34 and assess placement of the child with a **[grandparent][,] RELATIVE** or  
35 ~~another member of the child's~~ extended family **MEMBER** including a person  
36 who has a significant relationship with the child **AND SHALL ORDER THAT THE**  
37 **CHILD BE PLACED WITH A [GRANDPARENT,] RELATIVE OR EXTENDED FAMILY OF THE**  
38 **CHILD INCLUDING A PERSON WHO HAS A SIGNIFICANT RELATIONSHIP WITH THE CHILD**  
39 **IF SUCH A PLACEMENT IS AVAILABLE AND IN THE BEST INTEREST OF THE CHILD.**

40 3. If the child has siblings, determine ~~that~~ **WHETHER** the department  
41 is attempting to identify and assess placement of the child with the  
42 child's siblings if this is possible and is in the child's best interests.

43 4. **WITHIN FORTY-EIGHT HOURS AFTER THE INITIAL DEPENDENCY HEARING,**  
44 **ORDER THAT THE CHILD BE PLACED WITH A [GRANDPARENT,] RELATIVE OR EXTENDED**  
45 **FAMILY MEMBER INCLUDING A PERSON WHO HAS A SIGNIFICANT RELATIONSHIP WITH**

1 THE CHILD IF SUCH A PLACEMENT IS AVAILABLE AND IN THE BEST INTEREST OF THE  
2 CHILD.

3 C. Unless the court has ordered in-home intervention, the  
4 dependency adjudication hearing shall be completed within ninety days  
5 after service of the dependency petition.

6 ~~[D. IT IS AN ABUSE OF JUDICIAL DISCRETION IF THE COURT FAILS TO  
7 ORDER THE PLACEMENT OF A CHILD WITH A RELATIVE OR EXTENDED FAMILY MEMBER  
8 OF THE CHILD INCLUDING A PERSON WHO HAS A SIGNIFICANT RELATIONSHIP WITH  
9 THE CHILD IF SUCH A PLACEMENT IS AVAILABLE AND IN THE BEST INTEREST OF THE  
10 CHILD PURSUANT TO SECTION 8-529.]~~

11 Enroll and engross to conform

12 Amend title to conform

CARINE WERNER

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04/22/2025

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C: LAT