

REFERENCE TITLE: DCS; kinship care placement; requirement

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2671

Introduced by
Representatives Fink: Keshel

AN ACT

AMENDING SECTIONS 8-501, 8-514.03, 8-514.07, 8-529, 8-801, 8-824 AND 8-842, ARIZONA REVISED STATUTES; RELATING TO CHILD WELFARE AND PLACEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
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 AN ADULT PERSON WHO HAS A
29 BIOLOGICAL CONNECTION TO THE CHILD BY AN INTACT MARRIAGE OR WHO HAS A
30 CONNECTION TO THE CHILD BY MARRIAGE TO A BIOLOGICAL FAMILY MEMBER OF THE
31 CHILD.**

32 ~~4.~~ 5. "Former dependent child" means a person who was previously
33 adjudicated a dependent child in a dependency proceeding that has been
34 dismissed by order of the juvenile court.

35 ~~5.~~ 6. "Foster child" means a child placed in a foster home or
36 child welfare agency.

37 ~~6.~~ 7. "Foster home" means a home that is maintained by any
38 individual or individuals having the care or control of minor children,
39 other than those related to each other by blood or marriage, or related to
40 such individuals, or who are legal wards of such individuals.

41 ~~7.~~ 8. "Foster parent" means any individual or individuals
42 maintaining a foster home.

43 ~~8.~~ 9. "Group foster home" means a licensed regular or special
44 foster home that is suitable for placement of more than five minor
45 children but not more than ten minor children.

1 ~~9.~~ **10.** "Out-of-home placement" means the placing of a child in the
2 custody of an individual or agency other than with the child's parent or
3 legal guardian and includes placement in temporary custody pursuant to
4 section 8-821, voluntary placement pursuant to section 8-806 or placement
5 due to dependency actions.

6 ~~10.~~ **11.** "Parent" means the natural or adoptive mother or father of
7 a child.

8 ~~11.~~ **12.** "Reason for leaving care" means one of the following:

- 9 (a) Reunification with a parent or primary caretaker.
- 10 (b) Living with another relative.
- 11 (c) Adoption by a relative.
- 12 (d) Adoption by a foster parent.
- 13 (e) Adoption by another person.
- 14 (f) Age of majority.
- 15 (g) Guardianship by a relative.
- 16 (h) Guardianship by another person.
- 17 (i) Transfer to another agency.
- 18 (j) Runaway.
- 19 (k) Death.

20 ~~12.~~ **13.** "Receiving foster home" means a licensed foster home that
21 is suitable for immediate placement of children when taken into custody or
22 pending medical examination and court disposition.

23 ~~13.~~ **14.** "Regular foster home" means a licensed foster home that is
24 suitable for placement of not more than five minor children.

25 ~~14.~~ **15.** "Relative" means a grandparent, great-grandparent, brother
26 or sister of whole or half blood, aunt, uncle or first cousin.

27 ~~15.~~ **16.** "Restrictive behavior management" means an intervention or
28 procedure that attempts to guide, redirect, modify or manage behavior
29 through the use of any of the following:

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

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

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

43 (ii) Mechanical restraint. For the purposes of this item,
44 "mechanical restraint" means the use of any physical device to limit a
45 child's movement and to prevent the child from causing harm to self or to

1 others. Mechanical restraint does not include devices such as
2 orthopedically prescribed devices, surgical dressings or bandages,
3 protective helmets or any other method that involves the physical holding
4 of a child to conduct a routine physical examination or test or to protect
5 the child from falling out of bed or to ~~permit~~ ALLOW the child to
6 participate in activities in order to reduce the risk of physical harm to
7 the child.

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

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

18 ~~16.~~ 17. "Special foster home" means a licensed foster home that is
19 capable of handling not more than five minor children who require special
20 care for physical, mental or emotional reasons or who have been
21 adjudicated delinquent. Special foster home includes any home handling
22 foster children aged twelve through seventeen.

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

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

29 8-514.03. Kinship foster care; requirements; investigation;
30 definition

31 A. The department shall establish kinship foster care services for
32 a child who has been removed from the child's home and who is in the
33 custody of the department. The program shall ~~promote~~ REQUIRE the
34 placement of the child with the child's relative, AN EXTENDED FAMILY
35 MEMBER or a person with a significant relationship with the child for
36 kinship foster care.

37 B. A kinship foster care parent applicant who is not a licensed
38 foster care parent shall be at least eighteen years of age. The applicant
39 and each member of the applicant's household who is at least eighteen
40 years of age shall submit a full set of fingerprints to the department of
41 child safety for the purpose of obtaining a state and federal criminal
42 records check pursuant to section 41-1750 and Public Law 92-544. The
43 department of public safety may exchange this fingerprint data with the
44 federal bureau of investigation. The department of child safety shall
45 determine if the applicant is able to meet the child's health and safety

1 needs by conducting one or more home visits and interviewing the
2 applicant. The department of child safety may interview other household
3 members, review the applicant's personal and professional references and
4 conduct department of child safety central registry checks.

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

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

12 1. Full foster care benefits, including payment if the kinship
13 foster care parent becomes a licensed foster care home or if the kinship
14 foster care parent obtains a restricted license pursuant to section 8-509,
15 subsection C.

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

18 E. The department shall establish procedures for child welfare
19 workers to inform kinship foster care families about available financial
20 and nonfinancial services and eligibility requirements and shall assist
21 the families in completing the necessary application.

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

26 G. The department shall provide nonfinancial services for a kinship
27 foster care parent through existing means or referral. Nonfinancial
28 services may include:

- 29 1. Family assessment.
- 30 2. Case management.
- 31 3. Child day care.
- 32 4. Housing search and relocation.
- 33 5. Parenting skills training.
- 34 6. Supportive intervention and guidance counseling.
- 35 7. Transportation.
- 36 8. Emergency services.
- 37 9. Parent aid services.
- 38 10. Respite services.

39 11. Additional services that the department determines are
40 necessary to meet the needs of the child and family.

41 H. FOR THE PURPOSES OF THIS SECTION, "THE BEST INTEREST OF THE
42 CHILD" MEANS PLACEMENT WITH AN ADULT RELATIVE OR PERSON WITH A SIGNIFICANT
43 RELATIONSHIP WITH THE CHILD IF THE ADULT RELATIVE OR PERSON WITH A
44 SIGNIFICANT RELATIONSHIP WITH THE CHILD HAS NOT BEEN CHARGED WITH OR

1 CONVICTED OF A DANGEROUS CRIME AGAINST CHILDREN AS DEFINED IN SECTION
2 13-705.

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

5 8-514.07. Kinship foster care; relative identification and
6 notification; due diligence search

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

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

- 15 1. An interview with the child's parent.
- 16 2. An interview with the child.

17 3. Interviews with identified adult relatives **OR EXTENDED FAMILY**
18 **MEMBERS**.

19 4. Interviews with other persons who are likely to have information
20 regarding the location of adult relatives **OR EXTENDED FAMILY MEMBERS** of
21 the child or persons with a significant relationship with the child.

22 5. A comprehensive search of available records that are likely to
23 help identify and locate a person being sought, including:

- 24 (a) Employment records.
- 25 (b) Vehicle registration records.
- 26 (c) Child support enforcement records.
- 27 (d) Utility accounts.
- 28 (e) Previous residential addresses.
- 29 (f) Law enforcement records.
- 30 (g) State department of corrections records.

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

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

36 C. Within thirty days after the child is taken into temporary
37 custody and at each subsequent review and report hearing or permanency
38 planning hearing, the department shall file with the court documentation
39 regarding attempts made pursuant to this section or as otherwise required
40 by the court to identify and notify adult relatives **OR EXTENDED FAMILY**
41 **MEMBERS** of the child and persons with a significant relationship with the
42 child. This documentation shall include a detailed narrative explaining
43 the department's efforts to consider each potential placement and the
44 specific outcome.

1 D. The department shall provide WRITTEN notice to adult relatives
2 OR EXTENDED FAMILY MEMBERS of the child and persons with a significant
3 relationship with the child who are identified through the search
4 requirements of this section. The notice shall do the following:

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

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

10 3. Explain that financial assistance and other forms of support are
11 available to adult relatives OR EXTENDED FAMILY MEMBERS of the child and
12 persons with a significant relationship with the child with whom the child
13 is placed.

14 4. Describe the process for becoming a licensed foster parent and
15 the additional services and support that are available for children placed
16 in approved foster homes.

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

21 E. If the child is not placed with an adult relative OR EXTENDED
22 FAMILY MEMBER of the child or person with a significant relationship with
23 the child or the child is placed with an adult relative OR EXTENDED FAMILY
24 MEMBER or person with a significant relationship with the child who is
25 unable or unwilling to provide permanent placement for the child, the
26 department shall continue to conduct an ongoing search for adult relatives
27 OR EXTENDED FAMILY MEMBERS of the child or persons with a significant
28 relationship with the child. The department shall engage in search
29 efforts if ordered by the court, a change in the child's placement occurs
30 or a party shows that the search is in the best interest of the child.

31 F. The department shall file with the court documentation of both
32 of the following:

33 1. The completed due diligence search efforts. This documentation
34 shall include:

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

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

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

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

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

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

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

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

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

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

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

8-529. Children in foster care and kinship foster care; rights

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

1. To appropriate care and treatment in the least restrictive setting available that can meet the child's needs according to the best judgment of the foster parent, **RELATIVE OR EXTENDED FAMILY MEMBER OF THE CHILD OR PERSON WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD.**

2. To live in a safe, healthy and comfortable placement where the child can receive reasonable protection from harm and appropriate privacy for personal needs and where the child is treated with respect.

3. To be placed with a relative ~~when such placement is in the best interest of the child~~ OR EXTENDED FAMILY MEMBER OF THE CHILD OR PERSON WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD UNLESS THE PLACEMENT POSES A RISK TO THE CHILD'S SAFETY OR THE SAFETY OF ANOTHER MEMBER OF THE HOUSEHOLD.

4. To be placed with or in close proximity to the child's siblings when possible and to visit and have contact with siblings and family members when it ~~is in the best interest of the child~~ DOES NOT POSE A RISK TO THE CHILD'S SAFETY OR THE SAFETY OF THE CHILD'S SIBLINGS.

1 5. To know why the child is in foster care and what will happen to
2 the child and to the child's family, including siblings, and case plans.

3 6. Whenever possible, to be placed with a foster family that can
4 accommodate the child's communication needs.

5 7. To be disciplined in a manner that is appropriate to the child's
6 level of maturity and not be subjected to physical discipline methods.

7 8. To attend community, school, extracurricular and religious
8 services and activities of the child's choice to the extent that it is
9 appropriate for the child, as planned and discussed with the child's
10 placement worker and caseworker and based on caregiver ability if
11 transportation is available through a responsible party.

12 9. To go to school and receive an education that fits the child's
13 age and individual needs. If remaining in the child's current school is
14 not in the child's best interest, the child has the right to be enrolled
15 in the least restrictive school available.

16 10. To training in personal care, hygiene and grooming.

17 11. To clothing that fits comfortably and is adequate to protect
18 the child against natural elements such as rain, snow, wind, cold and sun.

19 12. To have personal possessions at home and to acquire additional
20 possessions within reasonable limits, as planned and discussed with the
21 child's foster parent, placement worker and caseworker, and based on
22 caregiver ability.

23 13. To personal space, preferably in the child's foster home
24 bedroom for storing clothing and belongings.

25 14. To healthy foods in healthy portions that are appropriate for
26 the child's age.

27 15. To comply with any approved visitation plan, and to have any
28 restrictions explained to the child in a manner and level of details
29 deemed age appropriate by the foster parent in agreement with the
30 caseworker and documented in the child's record.

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

34 17. To be represented by an attorney in all proceedings initiated
35 pursuant to this title.18. To participate in age appropriate child's
36 service planning and permanency planning meetings and to be given a copy
37 or summary of each service plan and service plan review. The child may
38 request someone to participate on the child's behalf or to support the
39 child in this participation.

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

41 20. To have the child's records and personal information kept
42 private and discussed only when it is about the child's care except the
43 foster parent shall have full access to the records to determine if the
44 child will be successful in the home. During the foster placement, if the
45 foster parent requests to view the record on experiencing problems with

1 the child's adjustment, the full record shall be made available for
2 viewing by the foster parent.

3 21. To receive medical, dental, vision and mental health services
4 and to be informed about diagnoses and treatment options as is
5 developmentally appropriate.

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

7 23. To receive emotional, mental health or chemical dependency
8 treatment separately from adults who are receiving services, as planned
9 and discussed with the child's placement worker and caseworker, as is
10 financially reasonable for the foster parent.

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

15 25. To be informed in writing of the name, address, telephone
16 number and purpose of the Arizona protection and advocacy system for
17 disability assistance.

18 26. To understand and have a copy of the rights listed in this
19 section.

20 27. TO BE UPDATED AT LEAST EVERY THIRTY DAYS AS TO THE STATUS OF
21 THE DEPARTMENT'S EFFORTS TO PLACE THE CHILD IN KINSHIP FOSTER CARE OR IN A
22 CARE SETTING WITH THE CHILD'S SIBLINGS.

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

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

28 2. To a transition plan that includes career planning and
29 assistance with enrolling in an educational or vocational job training
30 program.

31 3. To be informed of educational opportunities, including
32 information regarding assistance and funding for postsecondary and
33 vocational education.

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

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

40 6. To receive help with obtaining a driver license, social security
41 number, birth certificate or state identification card and credit reports
42 with assistance in interpreting the reports and resolving inaccuracies in
43 the report. The foster parent shall have discretion to determine if the
44 child is responsible and mature enough to become a licensed driver.

1 7. To receive necessary personal information within thirty days
2 after leaving foster care, including the child's birth certificate,
3 immunization records and information contained in the child's education
4 portfolio and health passport.

5 8. To participate in or reenter extended foster care when the child
6 is at least eighteen and under twenty-one years of age pursuant to section
7 8-521.02.

8 C. The department shall provide information regarding a child's
9 rights pursuant to this section and assistance in understanding and
10 enforcing these rights to each child who enters foster care or kinship
11 foster care or when there is a change in the child's foster care plan.
12 The information shall also include the telephone number and email address
13 of the department, the child's assigned case manager, the department's
14 office of the ombudsman and the ombudsman-citizens aide. A copy of these
15 rights shall be posted in a conspicuous place in all foster care and group
16 homes.

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

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

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

28 E. The rights provided in this section do not establish an
29 independent cause of action.

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

32 8-801. Definitions

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

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

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

1 3. "DCS information":

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

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

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

9 ~~4.~~ 5. "In-home intervention" means a program of services provided
10 pursuant to article 14 of this chapter while the child is still in the
11 custody of the parent, guardian or custodian.

12 ~~5.~~ 6. "Relative" has the same meaning prescribed in section 8-501.

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

15 8-824. Preliminary protective hearing; probable cause;
16 appointment of counsel; abuse of judicial discretion

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

24 B. The following persons shall be present at the preliminary
25 protective hearing:

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

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

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

30 4. The child safety worker and additional representatives of the
31 department if requested by the department.

32 5. Counsel for the child safety worker.

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

36 1. The child.

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

39 3. Witnesses called by the parties.

40 4. An advocate or interested person as requested by the parent or
41 guardian.

42 5. Other persons who have knowledge of or an interest in the
43 welfare of the child.

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

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

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

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

8 4. The right to use the process of the court to compel the
9 attendance of witnesses.

10 E. At the hearing, the court:

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

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

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

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

22 5. Shall take into consideration as a mitigating factor the
23 availability of reasonable services to the parent or guardian to prevent
24 or eliminate the need for removal of the child and the effort of the
25 parent or guardian to obtain and participate in these services.

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

28 7. Shall order the parent or guardian to provide the court with the
29 names, the type of relationship and all available information necessary to
30 locate persons who are related to the child or who have a significant
31 relationship with the child. If there is not sufficient information
32 available to locate a relative or person with a significant relationship
33 with the child, the parent or guardian shall inform the court of this
34 fact. The court shall further order the parent or guardian to inform the
35 department immediately if the parent or guardian becomes aware of
36 information related to the existence or location of a relative or person
37 with a significant relationship to the child.

38 8. Shall inform the parent that substantially neglecting or
39 wilfully refusing to remedy the circumstances that cause the child to be
40 in an out-of-home placement, including refusing to participate in
41 reunification services, is grounds for termination of parental rights to a
42 child.

43 9. Shall give paramount consideration to the health and safety of
44 the child.

1 10. Shall determine whether the department is attempting to
2 identify and assess placement of the child with a **grandparent RELATIVE** or
3 ~~another member of the child's~~ extended family **MEMBER OF THE CHILD**
4 including a person who has a significant relationship with the child.

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

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

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

16 H. If the child is in the temporary custody of the department, the
17 department shall submit not later than ~~the day~~ **FIVE DAYS** before the
18 hearing a written report to the court and the parties that states:

19 1. The reasons the child was removed from the parent's or
20 guardian's custody.

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

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

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

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

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

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

36 8. If the placement of siblings together was not possible for all
37 or any of the siblings, efforts the department has made to facilitate
38 communications among siblings and a proposal for frequent visitation or
39 contact pursuant to subsection G of this section. If frequent visitation
40 or contact with siblings is not recommended, the department shall state
41 the reasons why this would be contrary to the child's or a sibling's
42 safety or well-being.

43 9. A proposal for visitation with the child's parents or guardian
44 and the results of any visitation that has occurred since the child was
45 removed. The requirements of this paragraph do not apply to a specific

1 parent or guardian if there is a court order relating to a criminal case
2 that prohibits that parent or guardian from contact with the child.
3 Before the department allows visitation it must first determine that there
4 are no court orders relating to any superior court criminal case that
5 prohibit the parent or guardian from contact with the child.

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

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

10 I. The parent or guardian shall state whether the parent or
11 guardian admits or denies the allegations in the petition filed pursuant
12 to section 8-841. If the parent or guardian admits or does not contest
13 the allegations in the petition, the court shall determine that the parent
14 or guardian understands the rights described in subsection D of this
15 section and that the parent or guardian knowingly, intelligently and
16 voluntarily waives these rights.

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

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

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

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

26 K. IT IS AN ABUSE OF JUDICIAL DISCRETION IF THE COURT FAILS TO
27 ORDER THE PLACEMENT OF A CHILD WITH A RELATIVE OR EXTENDED FAMILY MEMBER
28 OF THE CHILD, INCLUDING A PERSON WHO HAS A SIGNIFICANT RELATIONSHIP WITH
29 THE CHILD, PURSUANT TO SECTION 8-529, IF SUCH A PLACEMENT IS AVAILABLE AND
30 IN THE BEST INTEREST OF THE CHILD.

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

33 8-842. Initial dependency hearing; deadlines; abuse of
34 judicial discretion

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

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

41 1. Determine ~~tf~~ WHETHER the parent or guardian is providing the
42 court and the department with the names, the type of relationship and all
43 available information necessary to locate persons who are related to the
44 child or who have a significant relationship with the child.

1 2. Determine ~~that~~ WHETHER the department is conducting a due
2 diligence search pursuant to section 8-514.07 and attempting to identify
3 and assess placement of the child with a ~~grandparent~~ RELATIVE or ~~another~~
4 ~~member of the child's~~ extended family MEMBER including a person who has a
5 significant relationship with the child AND SHALL ORDER THAT THE CHILD BE
6 PLACED WITH A RELATIVE OR EXTENDED FAMILY OF THE CHILD INCLUDING A PERSON
7 WHO HAS A SIGNIFICANT RELATIONSHIP WITH THE CHILD IF SUCH A PLACEMENT IS
8 AVAILABLE AND IN THE BEST INTEREST OF THE CHILD.

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

12 4. WITHIN FORTY-EIGHT HOURS AFTER THE INITIAL DEPENDENCY HEARING,
13 ORDER THAT THE CHILD BE PLACED WITH A RELATIVE OR EXTENDED FAMILY MEMBER
14 INCLUDING A PERSON WHO HAS A SIGNIFICANT RELATIONSHIP WITH THE CHILD IF
15 SUCH A PLACEMENT IS AVAILABLE AND IN THE BEST INTEREST OF THE CHILD.

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

19 D. IT IS AN ABUSE OF JUDICIAL DISCRETION IF THE COURT FAILS TO
20 ORDER THE PLACEMENT OF A CHILD WITH A RELATIVE OR EXTENDED FAMILY MEMBER
21 OF THE CHILD INCLUDING A PERSON WHO HAS A SIGNIFICANT RELATIONSHIP WITH
22 THE CHILD IF SUCH A PLACEMENT IS AVAILABLE AND IN THE BEST INTEREST OF THE
23 CHILD PURSUANT TO SECTION 8-529.