

Senate Engrossed House Bill

DCS; kinship care placement; requirement

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

HOUSE BILL 2671

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 A GRANDPARENT OF THE CHILD OR AN
29 ADULT PERSON WHO HAS A BIOLOGICAL CONNECTION TO THE CHILD BY AN INTACT
30 MARRIAGE OR WHO HAS A CONNECTION TO THE CHILD BY MARRIAGE TO A BIOLOGICAL
31 FAMILY MEMBER OF THE 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 A. The department shall establish kinship foster care services for
31 a child who has been removed from the child's home and who is in the
32 custody of the department. The program shall promote the placement of the
33 child with the child's relative, AN EXTENDED FAMILY MEMBER or a person
34 with a significant relationship with the child for kinship foster care.

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

1 members, review the applicant's personal and professional references and
2 conduct department of child safety central registry checks.

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

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

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

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

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

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

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

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

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

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

41 8-514.07. Kinship foster care: relative identification and
42 notification: due diligence search

43 A. If a child is taken into temporary custody, as part of the
44 ongoing search, the department shall use due diligence in an initial
45 search to identify and notify adult relatives **OR EXTENDED FAMILY MEMBERS**

1 of the child and persons with a significant relationship with the child
2 within thirty days after the child is taken into temporary custody.

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

- 6 1. An interview with the child's parent.
- 7 2. An interview with the child.
- 8 3. Interviews with identified adult relatives **OR EXTENDED FAMILY**
9 **MEMBERS**.

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

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

- 15 (a) Employment records.
- 16 (b) Vehicle registration records.
- 17 (c) Child support enforcement records.
- 18 (d) Utility accounts.
- 19 (e) Previous residential addresses.
- 20 (f) Law enforcement records.
- 21 (g) State department of corrections records.

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

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

27 C. Within thirty days after the child is taken into temporary
28 custody and at each subsequent review and report hearing or permanency
29 planning hearing, the department shall file with the court documentation
30 regarding attempts made pursuant to this section or as otherwise required
31 by the court to identify and notify adult relatives **OR EXTENDED FAMILY**
32 **MEMBERS** of the child and persons with a significant relationship with the
33 child. This documentation shall include a detailed narrative explaining
34 the department's efforts to consider each potential placement and the
35 specific outcome.

36 D. The department shall provide notice to adult relatives **OR**
37 **EXTENDED FAMILY MEMBERS** of the child and persons with a significant
38 relationship with the child who are identified through the search
39 requirements of this section. The notice shall do the following:

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

42 2. Explain the options an adult relative **OR EXTENDED FAMILY MEMBER**
43 of the child or a person with a significant relationship with the child
44 has to participate in the care or placement of the child.

1 3. Explain that financial assistance and other forms of support are
2 available to adult relatives **OR EXTENDED FAMILY MEMBERS** of the child and
3 persons with a significant relationship with the child with whom the child
4 is placed.

5 4. Describe the process for becoming a licensed foster parent and
6 the additional services and support that are available for children placed
7 in approved foster homes.

8 5. Require an adult relative **OR EXTENDED FAMILY MEMBER** of the child
9 or a person with a significant relationship with the child to respond
10 within thirty days after receiving notice that the child has been removed
11 from the home.

12 E. If the child is not placed with an adult relative **OR EXTENDED**
13 **FAMILY MEMBER** of the child or person with a significant relationship with
14 the child or the child is placed with an adult relative **OR EXTENDED FAMILY**
15 **MEMBER** or person with a significant relationship with the child who is
16 unable or unwilling to provide permanent placement for the child, the
17 department shall continue to conduct an ongoing search for adult relatives
18 **OR EXTENDED FAMILY MEMBERS** of the child or persons with a significant
19 relationship with the child. The department shall engage in search
20 efforts if ordered by the court, a change in the child's placement occurs
21 or a party shows that the search is in the best interest of the child.

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

24 1. The completed due diligence search efforts. This documentation
25 shall include:

26 (a) The names of and relevant information about adult relatives **OR**
27 **EXTENDED FAMILY MEMBERS** of the child or persons with a significant
28 relationship with the child.

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

32 (c) The **WRITTEN** responses received from adult relatives **OR EXTENDED**
33 **FAMILY MEMBERS** of the child or persons with a significant relationship
34 with the child.

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

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

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

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

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

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

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

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

16 8-529. Children in foster care and kinship foster care;
17 rights

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

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

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

27 3. To be placed with a relative ~~when such placement is in the best~~
28 ~~interest of the child~~ OR EXTENDED FAMILY MEMBER OF THE CHILD OR PERSON
29 WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD WHEN SUCH PLACEMENT IS IN
30 THE BEST INTEREST OF THE CHILD UNLESS THE PLACEMENT POSES A RISK TO THE
31 CHILD'S SAFETY OR THE SAFETY OF ANOTHER MEMBER OF THE HOUSEHOLD.

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

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

38 6. Whenever possible, to be placed with a foster family, RELATIVE
39 OR EXTENDED FAMILY MEMBER OF THE CHILD OR A PERSON WITH A SIGNIFICANT
40 RELATIONSHIP WITH THE CHILD that can accommodate the child's communication
41 needs.

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

44 8. To attend community, school, extracurricular and religious
45 services and activities of the child's choice to the extent that it is

1 appropriate for the child, as planned and discussed with the child's
2 placement worker and caseworker and based on caregiver ability if
3 transportation is available through a responsible party.

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

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

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

11 12. To have personal possessions at home and to acquire additional
12 possessions within reasonable limits, as planned and discussed with the
13 child's foster parent, RELATIVE OR EXTENDED FAMILY MEMBER OF THE CHILD OR
14 A PERSON WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD, placement worker
15 and caseworker, and based on caregiver ability.

16 13. To personal space, preferably in the child's foster home OR
17 KINSHIP FOSTER HOME bedroom for storing clothing and belongings.

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

20 15. To comply with any approved visitation plan, and to have any
21 restrictions explained to the child in a manner and level of details
22 deemed age appropriate by the foster parent, RELATIVE OR EXTENDED FAMILY
23 MEMBER OF THE CHILD OR A PERSON WITH A SIGNIFICANT RELATIONSHIP WITH THE
24 CHILD in agreement with the caseworker and documented in the child's
25 record.

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

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

31 18. To participate in age appropriate child's service planning and
32 permanency planning meetings and to be given a copy or summary of each
33 service plan and service plan review. The child may request someone to
34 participate on the child's behalf or to support the child in this
35 participation.

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

37 20. To have the child's records and personal information kept
38 private and discussed only when it is about the child's care except the
39 foster parent, RELATIVE OR EXTENDED FAMILY MEMBER OF THE CHILD OR A PERSON
40 WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD shall have full access to
41 the records to determine if the child will be successful in the home.
42 During the foster OR KINSHIP FOSTER placement, if the foster parent,
43 RELATIVE OR EXTENDED FAMILY MEMBER OF THE CHILD OR A PERSON WITH A
44 SIGNIFICANT RELATIONSHIP WITH THE CHILD requests to view the record on
45 experiencing problems with the child's adjustment, the full record shall

1 be made available for viewing by the foster parent, RELATIVE OR EXTENDED
2 FAMILY MEMBER OF THE CHILD OR A PERSON WITH A SIGNIFICANT RELATIONSHIP
3 WITH THE CHILD.

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

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

8 23. To receive emotional, mental health or chemical dependency
9 treatment separately from adults who are receiving services, as planned
10 and discussed with the child's placement worker and caseworker, as is
11 financially reasonable for the foster parent, RELATIVE OR EXTENDED FAMILY
12 MEMBER OF THE CHILD OR A PERSON WITH A SIGNIFICANT RELATIONSHIP WITH THE
13 CHILD.

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

18 25. To be informed in writing of the name, address, telephone
19 number and purpose of the Arizona protection and advocacy system for
20 disability assistance.

21 26. To understand and have a copy of the rights listed in this
22 section.

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, RELATIVE OR EXTENDED FAMILY MEMBER OF THE
44 CHILD OR A PERSON WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD shall

1 have discretion to determine if the child is responsible and mature enough
2 to become a licensed driver.

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

7 8. To participate in or reenter extended foster care when the child
8 is at least eighteen and under twenty-one years of age pursuant to section
9 8-521.02.

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

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

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

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

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

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

34 8-801. Definitions

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

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

42 2. "Child safety worker" or "worker" means a person who has been
43 selected by and trained under the requirements prescribed by the
44 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

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.

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

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

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

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

6 4. The right to use the process of the court to compel the
7 attendance of witnesses.

8 E. At the hearing, the court:

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

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

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

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

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

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

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

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

41 9. Shall give paramount consideration to the health and safety of
42 the child.

43 10. Shall determine whether the department is attempting to
44 identify and assess placement of the child with a grandparent, **RELATIVE** or

1 ~~another member of the child's~~ extended family MEMBER OF THE CHILD
2 including a person who has a significant relationship with the child.

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

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

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

14 H. If the child is in the temporary custody of the department, the
15 department shall submit not later than the day before the hearing a
16 written report to the court and the parties that states:

17 1. The reasons the child was removed from the parent's or
18 guardian's custody.

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

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

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

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

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

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

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

41 9. A proposal for visitation with the child's parents or guardian
42 and the results of any visitation that has occurred since the child was
43 removed. The requirements of this paragraph do not apply to a specific
44 parent or guardian if there is a court order relating to a criminal case
45 that prohibits that parent or guardian from contact with the child.

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

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

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

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

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

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

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

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

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

26 8-842. Initial dependency hearing; deadlines

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

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

33 1. Determine ~~if~~ WHETHER the parent or guardian is providing the
34 court and the department with the names, the type of relationship and all
35 available information necessary to locate persons who are related to the
36 child or who have a significant relationship with the child.

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

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

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

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