

REFERENCE TITLE: DCS; kinship care placement; requirement

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

HB 2035

Introduced by
Representative Fink

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~~ TWENTY-FOUR-HOUR social, emotional or
14 educational supervised care or who have been adjudicated as a delinquent
15 or dependent 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~~ STATE-OPERATED institutions or
22 facilities, detention facilities for children established by law, health
23 care 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 CONNECTION TO A CHILD BY MARRIAGE TO A BIOLOGICAL FAMILY MEMBER OF THE
30 CHILD.
31 ~~4.~~ 5. "Former dependent child" means a person who was previously
32 adjudicated a dependent child in a dependency proceeding that has been
33 dismissed by order of the juvenile court.
34 ~~5.~~ 6. "Foster child" means a child placed in a foster home or
35 child welfare agency.
36 ~~6.~~ 7. "Foster home" means a home that is maintained by any
37 individual or individuals having the care or control of minor children,
38 other than those related to each other by blood or marriage, or related to
39 such individuals, or who are legal wards of such individuals.
40 ~~7.~~ 8. "Foster parent" means any individual or individuals
41 maintaining a foster home.
42 ~~8.~~ 9. "Group foster home" means a licensed regular or special
43 foster home that is suitable for placement of more than five minor
44 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~~ **THAT RESTRICTS** the
36 movement or normal function of a child in order to control or change the
37 child's behavior and that includes:
38 (i) **A** 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.

1 (ii) A mechanical restraint. For the purposes of this item,
2 "mechanical restraint" means the use of any physical device to limit a
3 child's movement and to prevent the child from causing harm to self or to
4 others. Mechanical restraint does not include devices such as
5 orthopedically prescribed devices, surgical dressings or bandages,
6 protective helmets or any other method that involves the physical holding
7 of a child to conduct a routine physical examination or test or to protect
8 the child from falling out of bed or to ~~permit~~ ALLOW the child to
9 participate in activities in order to reduce the risk of physical harm to
10 the child.

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

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

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

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

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

32 ~~8-514.03.~~ 8-514.03. Kinship foster care; requirements; investigation

33 A. The department shall establish kinship foster care services for
34 a child who has been removed from the child's home and who is in the
35 custody of the department. The program shall ~~promote~~ PRESUME the
36 placement of the child with the child's relative, AN EXTENDED FAMILY
37 MEMBER or a person with a significant relationship with the child for
38 kinship foster care IS IN THE BEST INTEREST OF THE CHILD.

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

1 federal bureau of investigation. The department of child safety shall
2 determine if the applicant is able to meet the child's health and safety
3 needs by conducting one or more home visits and interviewing the
4 applicant. The department of child safety may interview other household
5 members, review the applicant's personal and professional references and
6 conduct department of child safety central registry checks.

7 C. If the department determines that a kinship foster care
8 placement is not in the best interest of the child, the department shall
9 provide written notification to the applicant within fifteen business
10 days. The notice shall include the specific reason ~~for denial~~ WHY THE
11 DEPARTMENT DETERMINED THE PLACEMENT IN KINSHIP FOSTER CARE IS NOT IN THE
12 BEST INTEREST OF THE CHILD, the applicant's right to appeal and the
13 process for reviewing the decision.

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

16 1. Full foster care benefits, including payment if the kinship
17 foster care parent becomes a licensed foster care home or if the kinship
18 foster care parent obtains a restricted license pursuant to section 8-509,
19 subsection C.

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

22 E. The department shall establish procedures for child welfare
23 workers to inform kinship foster care families about available financial
24 and nonfinancial services and eligibility requirements and shall assist
25 the families in completing the necessary application.

26 F. If a family declines to apply for financial services, the family
27 shall sign a statement indicating that the family declined services. The
28 statement does not prevent the family from ~~making application~~ APPLYING FOR
29 FINANCIAL SERVICES in the future. The worker shall provide a copy of the
30 statement to the family.

31 G. The department shall provide nonfinancial services for a kinship
32 foster care parent through existing means or referral. Nonfinancial
33 services may include:

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

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

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

3 8-514.07. Kinship foster care; relative identification and
4 notification; due diligence search

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

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

- 13 1. An interview with the child's parent.
- 14 2. An interview with the child.
- 15 3. Interviews with identified adult relatives **OR EXTENDED FAMILY**
16 **MEMBERS**.
- 17 4. Interviews with other persons who are likely to have information
18 regarding the location of adult relatives of the child, **EXTENDED FAMILY**
19 **MEMBERS** or persons with a significant relationship with the child.
- 20 5. A comprehensive search of available records that are likely to
21 help identify and locate a person being sought, including:
 - 22 (a) Employment records.
 - 23 (b) Vehicle registration records.
 - 24 (c) Child support enforcement records.
 - 25 (d) Utility accounts.
 - 26 (e) Previous residential addresses.
 - 27 (f) Law enforcement records.
 - 28 (g) State department of corrections records.
- 29 6. Thorough inquiries by the court of the parties during case
30 hearings.
- 31 7. Any other means the department deems likely to identify adult
32 relatives of the child, **EXTENDED FAMILY MEMBERS** or persons with a
33 significant relationship with the child.

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

1 D. The department shall provide WRITTEN notice to adult relatives
2 of the child, EXTENDED FAMILY MEMBERS 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 of the child, AN EXTENDED
8 FAMILY MEMBER 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 of the child, EXTENDED FAMILY MEMBERS 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 of the child, AN EXTENDED FAMILY
18 MEMBER or a person with a significant relationship with the child to
19 respond within thirty days after receiving notice that the child has been
20 removed from the home.

21 E. If the child is not placed with an adult relative of the child,
22 EXTENDED FAMILY MEMBER or person with a significant relationship with the
23 child or the child is placed with an adult relative, 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 of the child, EXTENDED FAMILY MEMBERS 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 of
36 the child, EXTENDED FAMILY MEMBERS 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 of the child, EXTENDED FAMILY MEMBERS or persons with a
40 significant relationship with the child.

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

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

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

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

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

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

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

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

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

25 8-529. Children in foster care and kinship foster care;
26 rights

27 A. A child WHO IS in foster care ~~and~~ OR kinship foster care has the
28 following rights:

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

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

36 3. To be placed with ~~a~~ AN ADULT relative ~~when such placement is in~~
37 ~~the best interest~~ of the child, EXTENDED FAMILY MEMBER OR PERSON WITH A
38 SIGNIFICANT RELATIONSHIP WITH THE CHILD UNLESS THE PLACEMENT IS NOT IN THE
39 BEST INTEREST OF THE CHILD.

40 4. To be placed with or in close proximity to the child's siblings
41 when possible and to visit and have contact with siblings and family
42 members when ~~it is in the best interest of the child~~ THE PLACEMENT,
43 VISITATION OR CONTACT DOES NOT POSE A RISK TO THE CHILD'S SAFETY OR THE
44 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.
- 36 18. To participate in ~~age appropriate~~ AGE-APPROPRIATE child's
37 service planning and permanency planning meetings and to be given a copy
38 or summary of each service plan and service plan review. The child may
39 request someone to participate on the child's behalf or to support the
40 child in this participation.
- 41 19. To attend the child's court hearing and speak to the judge.

1 20. To have the child's records and personal information kept
2 private and discussed only when it is about the child's care, except THAT
3 the foster parent shall have full access to the records to determine ~~if~~
4 WHETHER the child will be successful in the home. During the foster
5 placement, if the foster parent requests to view the record on
6 experiencing problems with the child's adjustment, the full record shall
7 be made available for viewing by the foster parent.

8 21. To receive medical, dental, vision and mental health services
9 and to be informed about diagnoses and treatment options as is
10 developmentally appropriate.

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

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

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

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

23 26. To understand and have a copy of the rights listed in this
24 section.

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

28 B. A child WHO IS in foster care or kinship foster care AND who is
29 at least fourteen years of age has the following rights:

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

33 2. To a transition plan that includes career planning and
34 assistance with enrolling in an educational or vocational job training
35 program.

36 3. To be informed of educational opportunities, including
37 information regarding assistance and funding for postsecondary and
38 vocational education.

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

42 5. To request a court hearing for a court to determine ~~if~~ WHETHER
43 the child has the capacity to consent to medical care that is directly
44 related to an illness, disease, deformity or other physical malady.

1 6. To receive help with obtaining a driver license, social security
2 number, birth certificate or state identification card and credit reports
3 with assistance in interpreting the reports and resolving inaccuracies in
4 the report. The foster parent shall have discretion to determine ~~if~~
5 **WHETHER** the child is responsible and mature enough to become a licensed
6 driver.

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

11 8. To participate in or reenter extended foster care when the child
12 is at least eighteen and under twenty-one years of age pursuant to section
13 8-521.02.

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

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

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

29 2. Notify the juvenile court in the child's ongoing dependency,
30 severance or adoption proceeding, either orally or in writing, that the
31 child's rights are being violated and request appropriate equitable
32 relief. The court shall act on the notification as necessary within ~~its~~
33 **THE COURT'S** discretion to promote the best interest of the child.

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

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

38 **8-801. Definitions**

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

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

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

4 3. "DCS information":

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

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

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

12 ~~4.~~ 5. "In-home intervention" means a program of services provided
13 pursuant to article 14 of this chapter while the child is still in the
14 custody of the parent, guardian or custodian.

15 ~~5.~~ 6. "Relative" has the same meaning prescribed in section 8-501.

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

18 8-824. Preliminary protective hearing; parents' rights;
19 probable cause; placement of child

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

27 B. The following persons shall be present at the preliminary
28 protective hearing:

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

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

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

33 4. The child safety worker and additional representatives of the
34 department if requested by the department.

35 5. Counsel for the child safety worker.

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

39 1. The child.

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

42 3. Witnesses called by the parties.

43 4. An advocate or interested person as requested by the parent or
44 guardian.

1 5. Other persons who have knowledge of or an interest in the
2 welfare of the child.

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

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

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

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

10 4. The right to use the process of the court to compel the
11 attendance of witnesses.

12 E. At the hearing, the court:

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

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

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

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

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

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

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

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

1 9. Shall give paramount consideration to the health and safety of
2 the child.

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

7 11. Shall inform a foster parent, a preadoptive parent, A RELATIVE
8 OF THE CHILD or ~~a member of the child's~~ AN extended family MEMBER with
9 whom the department has placed the child of the right to be heard in any
10 proceeding to be held with respect to the child.

11 12. SHALL PRESUME PLACEMENT OF THE CHILD WITH AN ADULT RELATIVE OF
12 THE CHILD, AN EXTENDED FAMILY MEMBER OR A PERSON WHO HAS A SIGNIFICANT
13 RELATIONSHIP WITH THE CHILD IS IN THE BEST INTEREST OF THE CHILD.

14 13. SHALL MAKE WRITTEN FINDINGS OF FACT AND CONCLUSIONS OF LAW ON
15 THE RECORD.

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

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

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

26 1. The reasons the child was removed from the parent's or
27 guardian's custody.

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

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

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

33 5. If the child is not placed with a ~~grandparent~~ RELATIVE OF THE
34 CHILD, AN EXTENDED FAMILY MEMBER OR ANOTHER INTERESTED PARTY, whether the
35 child has any relatives, EXTENDED FAMILY MEMBERS or other interested
36 parties as described in section 8-845, subsection A who may be able and
37 willing to take temporary custody.

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

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

1 8. If the placement of siblings together was not possible for all
2 or any of the siblings, efforts the department has made to facilitate
3 communications among siblings and a proposal for frequent visitation or
4 contact pursuant to subsection G of this section. If frequent visitation
5 or contact with siblings is not recommended, the department shall state
6 the reasons why this would be contrary to the child's or a sibling's
7 safety or well-being.

8 9. A proposal for visitation with the child's parents or guardian
9 and the results of any visitation that has occurred since the child was
10 removed. The requirements of this paragraph do not apply to a specific
11 parent or guardian if there is a court order relating to a criminal case
12 that prohibits that parent or guardian from contact with the child.
13 Before the department allows visitation it must first determine that there
14 are no court orders relating to any superior court criminal case that
15 prohibit the parent or guardian from contact with the child.

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

17 11. The department's efforts to identify, notify and assess adult
18 relatives of the child, **EXTENDED FAMILY MEMBERS** and persons with a
19 significant relationship with the child pursuant to section 8-514.07.

20 I. The parent or guardian shall state whether the parent or
21 guardian admits or denies the allegations in the petition filed pursuant
22 to section 8-841. If the parent or guardian admits or does not contest
23 the allegations in the petition, the court shall determine that the parent
24 or guardian understands the rights described in subsection D of this
25 section and that the parent or guardian knowingly, intelligently and
26 voluntarily waives these rights.

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

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

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

34 3. Determine **WHETHER** the tasks and services set forth in the case
35 plan are reasonable and necessary to carry out the case plan.

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

38 **8-842. Initial dependency hearing; deadlines**

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

1 B. At the initial dependency hearing, the court shall:
2 1. Determine ~~if~~ **WHETHER** the parent or guardian is providing the
3 court and the department with the names, the type of relationship and all
4 available information necessary to locate persons who are related to the
5 child or who have a significant relationship with the child.
6 2. Determine ~~that~~ **WHETHER** the department is conducting a due
7 diligence search pursuant to section 8-514.07 and attempting to identify
8 and assess placement of the child with ~~a grandparent or another member of~~
9 ~~the child's~~ **AN ADULT RELATIVE OF THE CHILD, AN** extended family ~~including~~
10 **MEMBER OR** a person who has a significant relationship with the child. **THE**
11 **COURT SHALL ORDER THAT THE CHILD BE PLACED WITH AN ADULT RELATIVE OF THE**
12 **CHILD, AN EXTENDED FAMILY MEMBER OR A PERSON WHO HAS A SIGNIFICANT**
13 **RELATIONSHIP WITH THE CHILD IF SUCH A PLACEMENT IS AVAILABLE AND IN THE**
14 **BEST INTEREST OF THE CHILD.**
15 3. If the child has siblings, determine ~~that~~ **WHETHER** the department
16 is attempting to identify and assess placement of the child with the
17 child's siblings if this is possible and is in the child's best interests.
18 4. **MAKE WRITTEN FINDINGS OF FACT AND CONCLUSIONS OF LAW ON THE**
19 **RECORD.**
20 C. **WITHIN FORTY-EIGHT HOURS AFTER THE INITIAL DEPENDENCY HEARING,**
21 **THE COURT SHALL ORDER THAT THE CHILD BE PLACED WITH AN ADULT RELATIVE OF**
22 **THE CHILD, AN EXTENDED FAMILY MEMBER OR A PERSON WHO HAS A SIGNIFICANT**
23 **RELATIONSHIP WITH THE CHILD IF SUCH A PLACEMENT IS AVAILABLE AND IN THE**
24 **BEST INTEREST OF THE CHILD.**
25 ~~e.~~ D. Unless the court has ordered in-home intervention, the
26 dependency adjudication hearing shall be completed within ninety days
27 after service of the dependency petition.