

House Engrossed

termination; parent-child relationship; service

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

HOUSE BILL 4042

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

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

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

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

14 1. That the parent has abandoned the child.

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

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

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

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

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

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

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

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

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

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

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

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

26 11. That all of the following are true:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 1. Schedule a pretrial conference or status conference.

26 2. Schedule the termination adjudication hearing.

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

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

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

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