

Senate Engrossed

DCS; periodic review hearings

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SENATE BILL 1149

AN ACT

AMENDING SECTION 8-847, ARIZONA REVISED STATUTES; RELATING TO DEPENDENT CHILDREN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-847, Arizona Revised Statutes, is amended to
3 read:

4 8-847. Periodic review hearings; contested issues;
5 evidentiary hearings; procedures

6 A. After the disposition hearing, the court shall hold periodic
7 review hearings at least once every six months as required by federal law.

8 B. At a proceeding to review the disposition orders of the court,
9 the court shall provide the following persons notice of the review and the
10 right to participate in the proceeding:

11 1. The authorized agency charged with the child's care and custody.

12 2. Any foster parents in whose home the child resided within the
13 last six months or resides at present, except for those foster parents who
14 maintain a receiving foster home where the child has resided for ten days
15 or less. The petitioner shall provide the court with the names and
16 addresses of all foster parents who are entitled to notice pursuant to
17 statute.

18 3. A shelter care facility or receiving foster home where the child
19 resides or has resided within the last six months for more than ten days.
20 The petitioner shall provide the court with the names and addresses of all
21 shelter care facilities and receiving foster homes that are entitled to
22 notice pursuant to this paragraph.

23 4. The child's parent or guardian unless the parental rights of
24 that parent or guardian have been terminated by court action or unless the
25 parent has relinquished rights to the child to an agency or has consented
26 to the adoption of the child as provided in section 8-107.

27 5. The child, if twelve years of age or older.

28 6. The child's relative, as defined in section 8-501, if that
29 relative files a written notice of right of participation with the court.

30 7. A person permitted by the court to intervene as a party in the
31 dependency proceeding.

32 8. A physical custodian of the child within the preceding six
33 months.

34 9. Any person who has filed a petition to adopt or who has physical
35 custody pursuant to a court order in a foster-adoptive placement.

36 10. Any other person as the court may direct.

37 11. **IF THE CHILD IS A MEMBER OF AN INDIAN TRIBE, THE CHILD'S TRIBE.**

38 C. At the first periodic review hearing, the court shall consider
39 whether a parent of a child who is under three years of age has
40 substantially neglected or wilfully refused to participate in
41 reunification services offered by the department.

42 D. At any periodic review hearing, the court shall consider the
43 health and safety of the child as a paramount concern.

1 E. At any periodic review hearing the court shall determine:
2 1. Whether the department has identified and assessed placement of
3 the child with a relative or person who has a significant relationship
4 with the child.
5 2. Whether the parent or guardian has complied with the court order
6 pursuant to section 8-824, subsection ~~D~~ E, paragraph ~~6~~ 7 or PROVIDED THE
7 INFORMATION PRESCRIBED IN section 8-842, subsection B, paragraph 1.
8 F. If the court finds that a child is no longer dependent, before
9 it dismisses the proceeding the court shall provide notice of the sibling
10 information exchange program established pursuant to section 8-543 to the
11 following:
12 1. An adult who is the former dependent child in the proceeding for
13 whom the periodic review hearing is held.
14 2. A parent or guardian with legal custody of the former dependent
15 child for whom the periodic review hearing is held.
16 G. THE DEPARTMENT SHALL PROVIDE A REPORT TO THE COURT AND ALL OF
17 THE PARTIES AT LEAST FIFTEEN DAYS BEFORE ANY PERIODIC REVIEW HEARING THAT
18 PROVIDES ALL OF THE FOLLOWING INFORMATION:
19 1. THE PLACEMENT OF THE CHILD.
20 2. THE SERVICES BEING PROVIDED TO THE CHILD AND THE CHILD'S FAMILY,
21 INCLUDING THE CHILD'S EDUCATIONAL NEEDS.
22 3. THE PROGRESS MADE IN ACHIEVING THE CHILD'S CASE PLAN GOALS.
23 4. WHETHER THE CHILD CONTINUES TO BE DEPENDENT.
24 H. AT THE CONCLUSION OF A PERIODIC REVIEW HEARING, THE COURT SHALL
25 EITHER DISMISS THE PETITION AND RETURN THE CHILD TO THE CHILD'S PARENT IF
26 THE COURT FINDS THE CHILD IS NO LONGER DEPENDENT OR MAKE A FINDING THAT
27 THE CHILD CONTINUES TO BE DEPENDENT. IF THE COURT FINDS THAT THE CHILD
28 CONTINUES TO BE DEPENDENT, THE COURT SHALL DO ALL OF THE FOLLOWING:
29 1. ENTER ORDERS CONCERNING:
30 (a) THE PLACEMENT, CUSTODY AND EDUCATIONAL NEEDS OF THE CHILD.
31 (b) THE SERVICES TO BE PROVIDED TO THE FAMILY AND THE CHILD.
32 2. IF THE CHILD IS NOT PLACED WITH A PARENT, DETERMINE WHETHER THE
33 DEPARTMENT HAS IDENTIFIED AND ASSESSED WHETHER PLACEMENT OF THE CHILD WITH
34 A RELATIVE OR PERSON WHO HAS A SIGNIFICANT RELATIONSHIP WITH THE CHILD IS
35 POSSIBLE.
36 3. DETERMINE WHETHER THE PARENT HAS COMPLIED WITH AN ORDER ISSUED
37 PURSUANT TO SECTION 8-824, SUBSECTION E, PARAGRAPH 7.
38 4. SET THE NEXT PERIODIC REVIEW HEARING.
39 5. SET A PERMANENCY HEARING NOT LATER THAN TWELVE MONTHS AFTER THE
40 DATE THE CHILD WAS REMOVED FROM THE CHILD'S HOME.
41 6. ADVISE THE CHILD'S PARENT ON THE RECORD THAT THE PARENT'S
42 FAILURE TO ATTEND FURTHER PROCEEDINGS WITHOUT GOOD CAUSE OR THE PARENT'S
43 FAILURE TO PARTICIPATE IN REUNIFICATION SERVICES MAY RESULT IN THE
44 TERMINATION OF THE PARENT'S PARENTAL RIGHTS OR THE ESTABLISHMENT OF A
45 PERMANENT GUARDIANSHIP OF THE CHILD. THE COURT SHALL MAKE SPECIFIC

1 FINDINGS THAT THE COURT ADVISED THE PARENT OF THE CONSEQUENCES OF THE
2 PARENT'S FAILURE TO ATTEND AND PARTICIPATE IN SUBSEQUENT HEARINGS.

3 I. ALL FINDINGS MADE BY THE COURT SHALL BE MADE IN A WRITTEN AND
4 SIGNED MINUTE ENTRY OR ORDER.

5 J. ANY PARTY SEEKING AN EVIDENTIARY HEARING ON ANY CONTESTED ISSUE
6 SHALL FILE A MOTION REQUESTING THAT THE MATTER BE SET FOR AN EVIDENTIARY
7 HEARING. THE MOTION SHALL IDENTIFY CONTESTED ISSUES TO BE CONSIDERED AT
8 THE EVIDENTIARY HEARING, THE NAMES AND ADDRESSES OF ALL WITNESSES AND THE
9 ESTIMATED TIME THE PARTIES WILL NEED TO PRESENT EVIDENCE. ON RECEIVING
10 THE MOTION, THE COURT MAY RESET THE PERIODIC REVIEW HEARING TO PROVIDE
11 SUFFICIENT TIME FOR AN EVIDENTIARY HEARING OR THE COURT MAY PROCEED WITH
12 THE SCHEDULED PERIODIC REVIEW HEARING.

13 K. AT AN EVIDENTIARY HEARING SET PURSUANT TO SUBSECTION J OF THIS
14 SECTION, THE COURT SHALL CONSIDER ANY SAFETY PLAN AS WELL AS ANY OTHER
15 SAFETY ISSUES THAT MIGHT PREVENT THE CHILD'S RETURN TO A PARENT OR THAT
16 MAY AFFECT THE CHILD'S PLACEMENT. THE COURT SHALL ADDRESS ANY
17 RECOMMENDATIONS OF THE FOSTER CARE REVIEW BOARD ON THE RECORD PURSUANT TO
18 SECTION 8-515.03. ANY EVIDENCE THE PARTIES WISH THE COURT TO CONSIDER AT
19 THE EVIDENTIARY HEARING SHALL BE MARKED BY THE COURT AND ADMITTED BEFORE
20 THE CONCLUSION OF THE HEARING. ABSENT ANY PARTY'S OBJECTION, THE COURT
21 MAY CONSIDER THE FOLLOWING EVIDENCE AT THE EVIDENTIARY HEARING:

22 1. THE ORAL OR WRITTEN REPORTS OF THE PARTIES.

23 2. ANY DOCUMENTS THAT ARE ENTERED INTO EVIDENCE AT ANY PRIOR
24 PROCEEDINGS.

25 3. ANY DOCUMENTS THAT ARE AGREED ON BY THE PARTIES.