

MURPHY FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2622

(Reference to the HEALTH AND HUMAN SERVICES Committee amendment)

1 Page 2, line 16, strike "THE"; strike lines 17 through 21; line 22, strike "THAT  
2 THEY MAY BE CONSIDERED FOR PLACEMENT."

3 Page 3, between lines 29 and 30, insert:

4 "11. A STATEMENT THAT THE PARENT OR GUARDIAN MUST IMMEDIATELY PROVIDE  
5 TO THE DEPARTMENT THE NAMES, TYPE OF RELATIONSHIP AND ALL AVAILABLE  
6 INFORMATION NECESSARY TO LOCATE PERSONS RELATED TO THE CHILD OR WHO HAVE A  
7 SIGNIFICANT RELATIONSHIP WITH THE CHILD. IF THERE IS NOT SUFFICIENT  
8 INFORMATION AVAILABLE TO LOCATE A RELATIVE OR PERSON WITH A SIGNIFICANT  
9 RELATIONSHIP WITH THE CHILD, THE PARENT SHALL INFORM THE DEPARTMENT OF THIS  
10 FACT. IF THE PARENT OR GUARDIAN OBTAINS INFORMATION REGARDING THE EXISTENCE  
11 OR LOCATION OF A RELATIVE OR PERSON WITH A SIGNIFICANT RELATIONSHIP WITH THE  
12 CHILD THE PARENT OR GUARDIAN SHALL IMMEDIATELY PROVIDE THAT INFORMATION TO  
13 THE DEPARTMENT.

14 12. A STATEMENT THAT THE PARENT OR GUARDIAN MUST BE PREPARED TO  
15 PROVIDE TO THE COURT AT THE PRELIMINARY PROTECTIVE HEARING THE NAMES, TYPE OF  
16 RELATIONSHIP AND ALL AVAILABLE INFORMATION NECESSARY TO LOCATE PERSONS  
17 RELATED TO THE CHILD OR WHO HAVE A SIGNIFICANT RELATIONSHIP WITH THE CHILD."

18 Page 6, between lines 9 and 10, insert:

19 "7. SHALL ORDER THE PARENT OR GUARDIAN TO PROVIDE THE COURT THE NAMES,  
20 TYPE OF RELATIONSHIP AND ALL AVAILABLE INFORMATION NECESSARY TO LOCATE  
21 PERSONS RELATED TO THE CHILD OR WHO HAVE A SIGNIFICANT RELATIONSHIP WITH THE  
22 CHILD. IF THERE IS NOT SUFFICIENT INFORMATION AVAILABLE TO LOCATE A RELATIVE  
23 OR PERSON WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD, THE PARENT OR  
24 GUARDIAN SHALL INFORM THE COURT OF THIS FACT. THE COURT SHALL FURTHER ORDER  
25 THE PARENT OR GUARDIAN TO INFORM THE DEPARTMENT IMMEDIATELY IF THE PARENT OR  
26 GUARDIAN BECOMES AWARE OF INFORMATION RELATED TO THE EXISTENCE OR LOCATION OF  
27 A RELATIVE OR PERSON WITH A SIGNIFICANT RELATIONSHIP TO THE CHILD."

28 Renumber to conform

1 Page 6, line 16, strike "review evidence that" insert "DETERMINE WHETHER"

2 Strike lines 20 through 23

3 Renumber to conform

4 Page 8, between lines 5 and 6, insert:

5 "Sec. 4. Section 8-841, Arizona Revised Statutes, is amended to read:

6 8-841. Dependency petition; service; preliminary orders

7 A. Any interested party may file a petition to commence proceedings in  
8 the juvenile court alleging that a child is dependent.

9 B. The petition shall be verified and shall contain all of the  
10 following:

11 1. The name, age and address, if any, of the child on whose behalf the  
12 petition is brought.

13 2. The names and addresses, if known, of both parents and any guardian  
14 of the child.

15 3. A concise statement of the facts to support the conclusion that the  
16 child is dependent.

17 4. If the child was taken into temporary custody, the date and time  
18 the child was taken into custody.

19 5. A statement whether the child is subject to the Indian child  
20 welfare act of 1978 (P.L. 95-608; 92 Stat. 3069; 25 United States Code  
21 sections 1901 through 1963).

22 C. The person who files the petition shall have the petition and a  
23 notice served on:

24 1. The parents and any guardian of the child.

25 2. The child's guardian ad litem or attorney.

26 3. Any person who has filed a petition to adopt or who has physical  
27 custody pursuant to a court order in a foster-adoptive placement.

28 D. The notice shall contain all of the following:

29 1. The name and address of the person to whom the notice is directed.

30 2. The date, time and place of the hearing on the petition.

31 3. The name of the child on whose behalf the petition has been filed.

1           4. A statement that the parent or guardian and the child are entitled  
2 to have an attorney present at the hearing and that, if the parent or  
3 guardian is indigent and cannot afford an attorney and wants to be  
4 represented by an attorney, one will be provided.

5           5. A STATEMENT THAT THE PARENT OR GUARDIAN MUST BE PREPARED TO PROVIDE  
6 TO THE COURT AT THE INITIAL DEPENDENCY HEARING THE NAMES, TYPE OF  
7 RELATIONSHIP AND ALL AVAILABLE INFORMATION NECESSARY TO LOCATE PERSONS  
8 RELATED TO THE CHILD OR WHO HAVE A SIGNIFICANT RELATIONSHIP WITH THE CHILD.

9           ~~5.~~ 6. A statement that the hearing may result in further proceedings  
10 for permanent guardianship or to terminate parental rights.

11           E. The petition and notice shall be served on a parent or guardian as  
12 soon as possible after the petition is filed and at least five days before  
13 the initial dependency hearing if the parent or guardian did not attend the  
14 preliminary protective hearing. If a parent or guardian does attend the  
15 preliminary protective hearing, the petition and notice shall be served at  
16 the preliminary protective hearing.

17           F. On the filing of the petition, the court may issue any temporary  
18 orders necessary to provide for the safety and welfare of the child.

19           Sec. 5. Section 8-842, Arizona Revised Statutes, is amended to read:

20           8-842. Initial dependency and dependency adjudication hearings;  
21                                   deadlines

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

27           B. AT THE INITIAL DEPENDENCY HEARING, THE COURT SHALL:

28           1. ORDER THE PARENT OR GUARDIAN TO PROVIDE THE COURT THE NAMES, TYPE  
29 OF RELATIONSHIP AND ALL AVAILABLE INFORMATION NECESSARY TO LOCATE PERSONS  
30 RELATED TO THE CHILD OR WHO HAVE A SIGNIFICANT RELATIONSHIP WITH THE CHILD.  
31 IF THERE IS NOT SUFFICIENT INFORMATION AVAILABLE TO LOCATE A RELATIVE OR  
32 PERSON WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD, THE PARENT OR GUARDIAN

1 SHALL INFORM THE COURT OF THIS FACT. THE COURT SHALL ORDER THE PARENT OR  
2 GUARDIAN TO INFORM THE DEPARTMENT IMMEDIATELY IF THE PARENT OR GUARDIAN  
3 BECOMES AWARE OF INFORMATION RELATED TO THE EXISTENCE OR LOCATION OF A  
4 RELATIVE OR PERSON WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD.

5 2. DETERMINE THAT THE DEPARTMENT IS ATTEMPTING TO IDENTIFY AND ASSESS  
6 PLACEMENT OF THE CHILD WITH A GRANDPARENT OR ANOTHER MEMBER OF THE CHILD'S  
7 EXTENDED FAMILY INCLUDING A PERSON WHO HAS A SIGNIFICANT RELATIONSHIP WITH  
8 THE CHILD.

9 ~~B.~~ C. The court may continue the initial dependency hearing for good  
10 cause, but, unless the court has ordered in-home intervention, the dependency  
11 adjudication hearing shall be completed within ninety days after service of  
12 the dependency petition. The time limit for completing the dependency  
13 adjudication hearing may be extended for up to thirty days if the court finds  
14 good cause or in extraordinary cases as prescribed by the supreme court by  
15 rule.

16 Sec. 6. Section 8-847, Arizona Revised Statutes, is amended to read:

17 8-847. Periodic review hearings

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

20 B. At a proceeding to review the disposition orders of the court, the  
21 court shall provide the following persons notice of the review and the right  
22 to participate in the proceeding:

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

24 2. Any foster parents in whose home the child resided within the last  
25 six months or resides at present, except for those foster parents who  
26 maintain a receiving foster home where the child has resided for thirty days  
27 or less. The petitioner shall provide the court with the names and addresses  
28 of all foster parents who are entitled to notice pursuant to statute.

29 3. A shelter care facility or receiving foster home where the child  
30 resides or has resided within the last six months for more than thirty  
31 days. The petitioner shall provide the court with the names and addresses of

1 all shelter care facilities and receiving foster homes that are entitled to  
2 notice pursuant to this paragraph.

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

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

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

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

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

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

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

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

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

22 E. AT ANY PERIODIC REVIEW HEARING THE COURT SHALL DETERMINE:

23 1. WHETHER THE DEPARTMENT HAS IDENTIFIED AND ASSESSED PLACEMENT OF THE  
24 CHILD WITH A RELATIVE OR PERSON WHO HAS A SIGNIFICANT RELATIONSHIP WITH THE  
25 CHILD.

26 2. WHETHER THE PARENT OR GUARDIAN HAS COMPLIED WITH THE COURT ORDER  
27 PURSUANT TO SECTION 8-824, SUBSECTION D, PARAGRAPH 6 OR SECTION 8-842  
28 SUBSECTION B, PARAGRAPH 1.

29 ~~E.~~ F. If the court finds that a child is no longer dependent, before  
30 it dismisses the proceeding the court shall provide notice of the sibling  
31 information exchange program established pursuant to section 8-543 to the  
32 following:

1           1. An adult who is the former dependent child in the proceeding for  
2 whom the periodic review hearing is held.

3           2. A parent or guardian with legal custody of the former dependent  
4 child for whom the periodic review hearing is held.

5           Sec. 7. Section 8-862, Arizona Revised Statutes, is amended to read:

6           8-862. Permanency hearing

7           A. The court shall hold a permanency hearing to determine the future  
8 permanent legal status of the child:

9           1. Within thirty days after the disposition hearing if the court does  
10 not order reunification services.

11           2. Within six months after a child who is under three years of age is  
12 removed from the child's home. The court shall not continue that permanency  
13 hearing beyond six months after the child who is under three years of age is  
14 removed from the child's home unless the party who is seeking the continuance  
15 shows that the determination prescribed in section 8-829, subsection A,  
16 paragraph 6 has been made or will be made within the time prescribed in that  
17 paragraph.

18           3. In all other cases, within twelve months after the child is removed  
19 from the child's home. The court shall not continue the permanency hearing  
20 beyond twelve months after the child is removed from the child's home unless  
21 the party who is seeking the continuance shows that the determination  
22 prescribed in section 8-829, subsection A, paragraph 5 has been made or will  
23 be made within the time prescribed in that paragraph.

24           B. At the permanency hearing, the court shall determine:

25           1. Whether termination of parental rights, adoption, permanent  
26 guardianship pursuant to section 8-872 or some other permanent legal status  
27 is the most appropriate plan for the child and shall order the plan to be  
28 accomplished within a specified period of time.

29           2. Whether reasonable efforts have been made to finalize the  
30 permanency plan in effect.

31           C. If the court determines that the child should remain in out-of-home  
32 placement longer than eighteen months from the date of the permanency order,

1 the court shall conduct a review of the order at least once each year. After  
2 reviewing the order, the court may reaffirm the order or direct other  
3 disposition of the child.

4 D. If the court determines that the termination of parental rights is  
5 clearly in the best interests of the child, the court shall:

6 1. Order the department or the child's attorney or guardian ad litem  
7 to file within ten days after the permanency hearing a motion alleging one or  
8 more of the grounds prescribed in section 8-533 for termination of parental  
9 rights. The party who files the motion has the burden of presenting evidence  
10 at the termination hearing to prove the allegations in the motion.

11 2. Set a date for an initial hearing on the motion for termination of  
12 parental rights within thirty days after the permanency hearing. If the  
13 termination is contested at the initial hearing, the court shall set a date  
14 for the trial on termination of parental rights within ninety days after the  
15 permanency hearing.

16 E. The department shall make reasonable efforts to place the child in  
17 a timely manner in accordance with the permanency plan and to complete  
18 whatever steps are necessary to finalize the permanent placement of the  
19 child.

20 F. If the court determines that permanent guardianship is clearly in  
21 the best interests of the child, the court shall:

22 1. Order the department or the child's attorney or guardian ad litem  
23 to file within ten days after the permanency hearing a motion alleging the  
24 grounds prescribed in section 8-871 for permanent guardianship. The party  
25 who files the motion has the burden of presenting evidence at the hearing to  
26 prove the allegations in the motion.

27 2. Set a date for an initial hearing on the motion for permanent  
28 guardianship within thirty days after the permanency hearing. If the  
29 permanent guardianship is contested at the initial hearing, the court shall  
30 set a date for the trial on the permanent guardianship within ninety days  
31 after the permanency hearing.

1           G. Evidence considered by the court in making a decision pursuant to  
2 this section also shall include any substantiated allegations of abuse or  
3 neglect committed in another jurisdiction.

4           H. IF THE COURT DETERMINES THAT TERMINATION OF PARENTAL RIGHTS OR  
5 PERMANENT GUARDIANSHIP IS CLEARLY IN THE BEST INTEREST OF THE CHILD AND THE  
6 CHILD HAS BEEN PLACED IN A PROSPECTIVE PERMANENT PLACEMENT, REMOVAL OF THE  
7 CHILD FROM THAT PLACEMENT MAY OCCUR ONLY BY COURT ORDER EXCEPT FOR REMOVAL  
8 PURSUANT TO SECTIONS 8-802 OR 8-821. FOR PURPOSES OF THIS SUBSECTION A  
9 PROSPECTIVE PERMANENT PLACEMENT INCLUDES:

10           1. A GRANDPARENT OR ANOTHER MEMBER OF THE CHILD'S EXTENDED FAMILY  
11 INCLUDING A PERSON WHO HAS A SIGNIFICANT RELATIONSHIP WITH THE CHILD.

12           2. A PERSON OR PERSONS WITH AN EXPRESSED INTEREST IN BEING THE  
13 PERMANENT PLACEMENT FOR THE CHILD IN A CERTIFIED ADOPTIVE HOME WHERE THE  
14 CHILD RESIDES, A HOME THAT IS A PERMANENT PLACEMENT FOR A SIBLING OF THE  
15 CHILD OR A LICENSED FAMILY FOSTER HOME WHERE THE CHILD RESIDES.

16           I. THIS SECTION DOES NOT PREVENT THE DEPARTMENT FROM PRESENTING FOR  
17 THE COURT'S CONSIDERATION A GRANDPARENT OR ANOTHER MEMBER OF THE CHILD'S  
18 EXTENDED FAMILY INCLUDING A PERSON WHO HAS A SIGNIFICANT RELATIONSHIP WITH  
19 THE CHILD AND WHO HAS NOT BEEN IDENTIFIED AS A PROSPECTIVE PERMANENT  
20 PLACEMENT FOR THE CHILD BEFORE THE CHILD'S PLACEMENT WITH A PROSPECTIVE  
21 PERMANENT PLACEMENT.

22           Sec. 8. Delayed effective date

23           This act is effective from and after December 31, 2009."

24 Amend title to conform

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