



## ARIZONA STATE SENATE

### Fifty-First Legislature, Second Regular Session

#### AMENDED FACT SHEET FOR S.B. 1407

##### parental rights; termination; determinations

###### Purpose

Modifies certain court determinations, the timing of permanency hearings and evidence sufficient to justify termination of parental rights (TPR), depending on the age of the child.

###### Background

If, after an investigation, Child Protective Services (CPS) determines that a child is in imminent danger of abuse or neglect, the child may be removed from the home. Children who have been removed from home by CPS are placed in temporary out-of-home care, with a case plan goal of permanency for that child. Statute requires the court to make protecting the child from abuse or neglect the first priority. Within six months after a child under the age of three is removed from the home, the court is required to determine whether reasonable efforts have been made to provide reunification services to the parent and whether the parent of that child has substantially neglected or wilfully refused to participate in those reunification services (A.R.S. § 8-829).

Any person or agency with a legitimate interest in the welfare of a child, including relatives, foster parents, the Department of Economic Security (DES) or a private child welfare agency, may file a petition for TPR with the juvenile court. An order terminating parental rights removes all legal rights, privileges, duties and obligations the parent and the child have with respect to each other, except the right of the child to inherit and receive support from the parent. Evidence sufficient to justify TPR includes that a child who is under three years of age has been in an out of home placement for a cumulative total period of six months or longer pursuant to court order and the parent has substantially neglected or wilfully refused to remedy the circumstances that cause the child to be in an out-of-home placement, including refusal to participate in DES reunification services.

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

###### Provisions

1. Increases the age of the child, from three to five, for whom the court must determine the following within six months after the child is removed from the home:
  - a) whether reasonable efforts have been made to provide reunification services to the parent; and

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- b) whether the parent has substantially neglected or willfully refused to participate in reunification services offered by DES.
2. Increases the age of a child, from three to five, for whom the following is evidence sufficient to justify TPR:
  - a) the child has been in out-of-home placement for a cumulative period of six months or longer pursuant to a court order;
  - b) the agency responsible for the child has made a diligent effort to provide appropriate reunification services; and
  - c) the parent has substantially neglected or wilfully refused to remedy the circumstances that cause the child to be in an out-of-home placement.
3. Increases the age of a child, from three to five, for whom the court must hold a permanency hearing to determine the future permanent legal status of the child within six months after the child is removed from the home.
4. Permits the court to apply the above provisions to a child who is:
  - a) five years of age or older;
  - b) removed from the home; and
  - c) a sibling of the child under five years of age described above, if the court finds it is in the best interests of the sibling.
5. Specifies that the above requirements apply if the child was under five *at the time the dependency petition was filed*.
6. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

- Removes the emergency clause.

Senate Action

HHS            2/19/14    DP    6-0-1-0

Prepared by Senate Research

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AW/lS