

REFERENCE TITLE: child placement; relative search; notice

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1076

Introduced by
Senator Barto

AN ACT

AMENDING SECTION 8-514.07, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 4, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-530.03; RELATING TO CHILD WELFARE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 8-514.07. Kinship foster care; relative identification and
5 notification

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

11 B. THE SEARCH TO IDENTIFY ADULT RELATIVES OR PERSONS WITH A
12 SIGNIFICANT RELATIONSHIP WITH THE CHILD MUST INCLUDE:

- 13 1. INTERVIEWS WITH THE CHILD'S PARENT.
- 14 2. INTERVIEWS WITH THE CHILD.
- 15 3. INTERVIEWS WITH IDENTIFIED ADULT RELATIVES.
- 16 4. INTERVIEWS WITH OTHER PERSONS WHO ARE LIKELY TO HAVE INFORMATION
17 REGARDING THE LOCATION OF ADULT RELATIVES OR PERSONS WITH A SIGNIFICANT
18 RELATIONSHIP WITH THE CHILD.
- 19 5. COMPREHENSIVE SEARCHES OF DATABASES, INCLUDING:
 - 20 (a) EMPLOYMENT RECORDS.
 - 21 (b) VEHICLE REGISTRATION.
 - 22 (c) CHILD SUPPORT ENFORCEMENT RECORDS.
 - 23 (d) UTILITY ACCOUNTS.
 - 24 (e) PREVIOUS RESIDENTIAL ADDRESSES.
 - 25 (f) LAW ENFORCEMENT RECORDS.
 - 26 (g) STATE DEPARTMENT OF CORRECTIONS RECORDS.
- 27 6. ANY OTHER MEANS THAT ARE LIKELY TO IDENTIFY ADULT RELATIVES OR
28 PERSONS WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD.

29 ~~B.~~ C. WITHIN THIRTY DAYS AFTER THE CHILD IS REMOVED FROM THE
30 CHILD'S HOME, the department shall file with the court information
31 regarding attempts made pursuant to ~~subsection A of~~ this section or as
32 otherwise required by the court to identify and notify adult relatives of
33 the child and persons with a significant relationship with the child.

34 D. THE DEPARTMENT SHALL PROVIDE ADULT RELATIVES AND PERSONS WITH A
35 SIGNIFICANT RELATIONSHIP WITH THE CHILD WHO ARE IDENTIFIED THROUGH THE
36 SEARCH REQUIREMENTS OF THIS SECTION WITH THE FOLLOWING:

- 37 1. NOTICE AND INFORMATION THAT THE CHILD HAS BEEN OR IS BEING
38 REMOVED FROM THE CHILD'S PARENTAL CUSTODY.
- 39 2. NOTICE AND INFORMATION EXPLAINING THE OPTIONS AN ADULT RELATIVE
40 OR PERSON WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD HAS TO
41 PARTICIPATE IN THE CARE OR PLACEMENT OF THE CHILD.
- 42 3. NOTICE AND INFORMATION DESCRIBING FINANCIAL ASSISTANCE THAT IS
43 AVAILABLE FOR DEPENDENT CHILD CARE.

1 E. THE DEPARTMENT SHALL CONTINUE TO CONDUCT AN ONGOING SEARCH FOR
2 ADULT RELATIVES OR PERSONS WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD
3 UNTIL THE CHILD IS PLACED FOR ADOPTION OR A COURT ORDERS THE
4 DISCONTINUANCE OF AN ONGOING SEARCH.

5 F. IF AN ADULT RELATIVE OR PERSONS WITH A SIGNIFICANT RELATIONSHIP
6 WITH THE CHILD RECEIVE NOTICE UNDER THIS SECTION AND FAIL WITHIN SIX
7 MONTHS AFTER THE DATE OF NOTIFICATION TO DEMONSTRATE AN INTEREST IN
8 PROVIDING PLACEMENT FOR THE CHILD, THE DEPARTMENT MAY EXCLUDE THAT ADULT
9 RELATIVE OR PERSON FROM CONSIDERATION FOR PERMANENT PLACEMENT OF THE
10 CHILD.

11 Sec. 2. Title 8, chapter 4, article 4, Arizona Revised Statutes, is
12 amended by adding section 8-530.03, to read:

13 8-530.03. Child placement; preference for placement;
14 definition

15 A. THE DEPARTMENT SHALL PLACE A CHILD CONSISTENT WITH THE BEST
16 INTERESTS OF THE CHILD AND IN THE LEAST RESTRICTIVE PLACEMENT AVAILABLE.
17 ABSENT EVIDENCE TO THE CONTRARY, THE COURT MAY PRESUME THAT CONTINUING THE
18 CHILD'S PLACEMENT WITH THE CHILD'S CURRENT CAREGIVERS IS IN THE CHILD'S
19 BEST INTEREST. THE CHILD SHALL BE PLACED IN THE FOLLOWING ORDER OF
20 PRIORITY:

- 21 1. WITH A PARENT OF THE CHILD.
- 22 2. IN KINSHIP CARE WITH AN ADULT RELATIVE OF THE CHILD OR PERSONS
23 WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD.
- 24 3. IN A LICENSED FOSTER CARE HOME.
- 25 4. IN A GROUP FOSTER HOME.
- 26 5. IN A SPECIAL FOSTER HOME.
- 27 6. IN A RESIDENTIAL TREATMENT FACILITY.

28 B. FOR THE PURPOSES OF THIS SECTION, "PERSONS WITH A SIGNIFICANT
29 RELATIONSHIP" INCLUDES A FOSTER PARENT OR KINSHIP CAREGIVER WITH WHOM A
30 CHILD HAS RESIDED FOR NINE MONTHS OR MORE.