

REFERENCE TITLE: **child placement; relative search; notice.**

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2313

Introduced by
Representatives Jones: Harris, McGarr, Senator Wadsack

AN ACT

AMENDING SECTIONS 8-514.07, 8-821, 8-823, 8-824 AND 8-842, ARIZONA REVISED STATUTES; 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; due diligence search

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 OF THE CHILD OR PERSONS
12 WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD MUST INCLUDE:

- 13 1. AN INTERVIEW WITH THE CHILD'S PARENT.
- 14 2. AN INTERVIEW 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 OF THE CHILD OR PERSONS WITH A
18 SIGNIFICANT RELATIONSHIP WITH THE CHILD.
- 19 5. A COMPREHENSIVE SEARCH OF DATABASES, INCLUDING:
 - 20 (a) EMPLOYMENT RECORDS.
 - 21 (b) VEHICLE REGISTRATION RECORDS.
 - 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 (h) ANY OTHER RECORDS THAT ARE LIKELY TO RESULT IN IDENTIFYING AND
28 LOCATING THE PERSON BEING SOUGHT.
- 29 6. THOROUGH INQUIRIES BY THE COURT OF THE PARTIES DURING CASE
30 HEARINGS.
- 31 7. ANY OTHER MEANS THAT ARE LIKELY TO IDENTIFY ADULT RELATIVES OF
32 THE CHILD OR PERSONS WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD.

33 ~~B.~~ C. WITHIN THIRTY DAYS AFTER THE CHILD IS TAKEN INTO TEMPORARY
34 CUSTODY AND AT EACH SUBSEQUENT HEARING, the department shall file with the
35 court ~~information~~ DOCUMENTATION regarding attempts made pursuant to
36 ~~subsection A~~ of this section or as otherwise required by the court to
37 identify and notify adult relatives of the child and persons with a
38 significant relationship with the child. THIS DOCUMENTATION SHALL
39 INCLUDE:

- 40 1. A NARRATIVE EXPLAINING THAT ADULT RELATIVES OF THE CHILD AND
41 PERSONS WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD HAVE ACCEPTED OR
42 REJECTED CONSIDERATION FOR THE CHILD'S PLACEMENT AND THE STATUS OF THE
43 DEPARTMENT'S EFFORTS TO CONSIDER EACH POTENTIAL PLACEMENT.

1 2. DOCUMENTATION OF UNRESPONSIVENESS FROM ADULT RELATIVES OF THE
2 CHILD AND PERSONS WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD WHO
3 RECEIVED NOTICE PURSUANT TO SUBSECTION D OF THIS SECTION.

4 D. UNLESS DOMESTIC VIOLENCE OR OTHER SAFETY CONCERNS EXIST, THE
5 DEPARTMENT SHALL PROVIDE NOTICE BY CERTIFIED MAIL TO ADULT RELATIVES OF
6 THE CHILD AND PERSONS WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD WHO
7 ARE IDENTIFIED THROUGH THE SEARCH REQUIREMENTS OF THIS SECTION. THE
8 NOTICE SHALL DO THE FOLLOWING:

9 1. SPECIFY THAT THE CHILD HAS BEEN OR IS BEING REMOVED FROM THE
10 CHILD'S PARENTAL CUSTODY.

11 2. EXPLAIN THE OPTIONS AN ADULT RELATIVE OF THE CHILD OR A PERSON
12 WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD HAS TO PARTICIPATE IN THE
13 CARE OR PLACEMENT OF THE CHILD.

14 3. EXPLAIN THAT FINANCIAL ASSISTANCE AND OTHER FORMS OF SUPPORT ARE
15 AVAILABLE TO ADULT RELATIVES OF THE CHILD AND PERSONS WITH A SIGNIFICANT
16 RELATIONSHIP WITH THE CHILD WITH WHOM THE CHILD IS PLACED.

17 4. DESCRIBE THE PROCESS FOR BECOMING A LICENSED FOSTER PARENT AND
18 THE ADDITIONAL SERVICES AND SUPPORT THAT ARE AVAILABLE FOR CHILDREN PLACED
19 IN APPROVED FOSTER HOMES.

20 5. EXPLAIN THE NEED TO RESPOND WITHIN THIRTY DAYS, THAT ANY
21 RESPONSE RECEIVED AFTER THIRTY DAYS MAY RESULT IN THE ADULT RELATIVE OF
22 THE CHILD OR THE PERSON WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD NOT
23 BEING CONSIDERED FOR PLACEMENT AND THAT FAILING TO RESPOND WILL MEAN A
24 HEIGHTENED STANDARD OF PROOF FOR ANY FUTURE ATTEMPT TO BECOME THE
25 PLACEMENT FOR THE CHILD.

26 E. THE DEPARTMENT SHALL CONTINUE TO CONDUCT AN ONGOING SEARCH FOR
27 ADULT RELATIVES OF THE CHILD OR PERSONS WITH A SIGNIFICANT RELATIONSHIP
28 WITH THE CHILD FOR SIX MONTHS FOLLOWING THE CHILD'S OUT-OF-HOME PLACEMENT,
29 EVEN IF THE CHILD'S FIRST PLACEMENT IS WITH AN ADULT RELATIVE OF THE CHILD
30 OR A PERSON WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD. THE
31 DEPARTMENT SHALL RESUME SEARCH EFFORTS IF ORDERED BY THE COURT, A CHANGE
32 IN THE CHILD'S PLACEMENT OCCURS OR A PARTY SHOWS THAT CONTINUING THE
33 SEARCH IS IN THE BEST INTEREST OF THE CHILD.

34 F. ON CONCLUSION OF THE DEPARTMENT'S DUE DILIGENCE SEARCH EFFORTS,
35 THE DEPARTMENT SHALL FILE WITH THE COURT DOCUMENTATION OF BOTH OF THE
36 FOLLOWING:

37 1. THE COMPLETED DUE DILIGENCE SEARCH EFFORTS. THIS DOCUMENTATION
38 SHALL INCLUDE:

39 (a) THE NAMES OF AND RELEVANT INFORMATION ABOUT ADULT RELATIVES OF
40 THE CHILD OR PERSONS WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD.

41 (b) STEPS TAKEN BY THE DEPARTMENT TO LOCATE AND CONTACT ADULT
42 RELATIVES OF THE CHILD OR PERSONS WITH A SIGNIFICANT RELATIONSHIP WITH THE
43 CHILD.

1 (c) RESPONSES RECEIVED FROM ADULT RELATIVES OF THE CHILD OR PERSONS
2 WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD.

3 (d) DATES OF EACH ATTEMPTED OR COMPLETED CONTACT WITH AN ADULT
4 RELATIVE OF THE CHILD OR A PERSON WITH A SIGNIFICANT RELATIONSHIP WITH THE
5 CHILD.

6 (e) REASONS WHY AN ADULT RELATIVE OF THE CHILD OR A PERSON WITH A
7 SIGNIFICANT RELATIONSHIP WITH THE CHILD WAS NOT CONSIDERED FOR TEMPORARY
8 OR PERMANENT PLACEMENT OF THE CHILD.

9 2. ALL EFFORTS FOR PLACEMENT OF THE CHILD THROUGH AN INTERSTATE
10 COMPACT AGREEMENT PURSUANT TO SECTION 8-548. THIS DOCUMENTATION SHALL
11 INCLUDE:

12 (a) THE NAMES OF ADULT RELATIVES OF THE CHILD OR PERSONS WITH A
13 SIGNIFICANT RELATIONSHIP WITH THE CHILD WHO WERE CONSIDERED FOR AN
14 INTERSTATE PLACEMENT.

15 (b) ANY PENDING PLACEMENT OF THE CHILD THROUGH AN INTERSTATE
16 COMPACT AGREEMENT.

17 (c) ALL POTENTIAL OUT-OF-STATE PLACEMENTS OUTSIDE OF AN INTERSTATE
18 COMPACT AGREEMENT AND THE REASONS SUCH PLACEMENTS HAVE NOT BEEN INITIATED.

19 G. IF AN OUT-OF-STATE PLACEMENT OPTION EXISTS AND THE DEPARTMENT
20 HAS FAILED TO FILE A REQUEST WITH THE RECEIVING STATE PURSUANT TO THE
21 REQUIREMENTS OF AN INTERSTATE COMPACT AGREEMENT PURSUANT TO SECTION 8-548,
22 THE COURT SHALL ENTER A FINDING THAT THE DEPARTMENT HAS NOT MADE A DUE
23 DILIGENCE SEARCH AND SHALL ORDER THE DEPARTMENT TO FILE A REQUEST WITH THE
24 RECEIVING STATE PURSUANT TO THE TERMS OF THE INTERSTATE COMPACT AGREEMENT.

25 H. IF AN ADULT RELATIVE OF THE CHILD OR A PERSON WITH A SIGNIFICANT
26 RELATIONSHIP WITH THE CHILD RECEIVES NOTICE PURSUANT TO SUBSECTION D OF
27 THIS SECTION, EITHER FAILS TO RESPOND TO THE DEPARTMENT OR RESPONDS AND
28 DECLINES TO BE CONSIDERED AS PLACEMENT FOR THE CHILD AND LATER PETITIONS
29 THE COURT FOR A CHANGE IN PLACEMENT, THAT ADULT RELATIVE OF THE CHILD OR
30 PERSON WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD MUST PROVIDE
31 EVIDENCE THAT SUCH CHANGE IS IN THE CHILD'S BEST INTERESTS.

32 Sec. 2. Section 8-821, Arizona Revised Statutes, is amended to
33 read:

34 8-821. Taking into temporary custody; medical examination;
35 placement; interference; violation; classification;
36 definition

37 A. A child shall be taken into temporary custody only pursuant to
38 one of the following:

- 39 1. An order of the superior court.
- 40 2. Subsection ~~D~~ E of this section.
- 41 3. The consent of the child's parent or guardian.

42 B. The superior court, on a dependency petition filed by an
43 interested person, a peace officer, a child welfare investigator or a
44 child safety worker under oath or on a sworn statement or testimony by a
45 peace officer, a child welfare investigator or a child safety worker, may

1 issue an order authorizing the department to take temporary custody of a
2 child on finding that probable cause exists to believe that temporary
3 custody is clearly necessary to protect the child from suffering abuse or
4 neglect and it is contrary to the child's welfare to remain in the home.

5 C. If a child is taken into temporary custody pursuant to this
6 section, the child's sibling shall also be taken into temporary custody
7 only if independent probable cause exists to believe that temporary
8 custody is clearly necessary to protect the child from suffering abuse or
9 neglect.

10 D. IF A CHILD IS TAKEN INTO TEMPORARY CUSTODY PURSUANT TO THIS
11 SECTION, THE COURT SHALL ORDER THE DEPARTMENT TO INITIATE A DUE DILIGENCE
12 SEARCH PURSUANT TO SECTION 8-514.07.

13 ~~D.~~ E. A child may be taken into temporary custody without a court
14 order by a peace officer, a child welfare investigator or a child safety
15 worker if temporary custody is clearly necessary to protect the child
16 because exigent circumstances exist.

17 ~~E.~~ F. In determining if a child should be taken into temporary
18 custody, the court, peace officer, child welfare investigator or child
19 safety worker shall take into consideration as a paramount concern the
20 child's health and safety.

21 ~~F.~~ G. A person who takes a child into custody because an exigent
22 circumstance described in subsection ~~K~~ L, paragraph 2 of this section
23 exists shall immediately have the child examined by a physician who is
24 licensed pursuant to title 32, chapter 13 or 17 or a health care provider
25 who is licensed pursuant to title 32 and who has specific training in
26 evaluations of child abuse. After the examination the person shall
27 release the child to the custody of the parent or guardian of the child
28 unless the examination reveals abuse. Temporary custody of a child taken
29 into custody because an exigent circumstance described in subsection ~~K~~ L,
30 paragraph 2 of this section exists shall not exceed twelve hours.

31 ~~G.~~ H. A child who is taken into temporary custody pursuant to this
32 article shall not be held in a police station, jail or lockup where adults
33 or juveniles who are charged with or convicted of a crime are detained.

34 ~~H.~~ I. A child shall not remain in temporary custody for more than
35 seventy-two hours excluding Saturdays, Sundays and holidays unless a
36 dependency petition is filed.

37 ~~I.~~ J. To execute an order authorizing temporary custody, a peace
38 officer may use reasonable force to enter any building in which the person
39 named in the removal authorization is or is reasonably believed to be.

40 ~~J.~~ K. A person who knowingly interferes with the taking of a child
41 into temporary custody under this section is guilty of a class 2
42 misdemeanor.

1 ~~K~~ L. For the purposes of this section, "exigent circumstances"
2 means there is probable cause to believe that the child is likely to
3 suffer serious harm in the time it would take to obtain a court order for
4 removal and either of the following is true:

5 1. There is no less intrusive alternative to taking temporary
6 custody of the child that would reasonably and sufficiently protect the
7 child's health or safety.

8 2. Probable cause exists to believe that the child is a victim of
9 sexual abuse or abuse involving serious physical injury that can be
10 diagnosed only by a physician who is licensed pursuant to title 32,
11 chapter 13 or 17 or a health care provider who is licensed pursuant to
12 title 32 and who has specific training in evaluations of child abuse.

13 Sec. 3. Section 8-823, Arizona Revised Statutes, is amended to
14 read:

15 8-823. Notice of taking into temporary custody

16 A. If a child is taken into temporary custody pursuant to this
17 article, the interested person, peace officer or child safety worker
18 taking the child into custody shall provide written notice within six
19 hours to the parent or guardian of the child, unless:

20 1. The parent or guardian is present when the child is taken into
21 custody, then written and verbal notice shall be provided immediately.

22 2. The residence of the parent or guardian is outside this state
23 and notice cannot be provided within six hours, then written notice shall
24 be provided within twenty-four hours.

25 3. The residence of the parent or guardian is not ascertainable,
26 then reasonable efforts shall be made to locate and notify the parent or
27 guardian of the child as soon as possible.

28 B. The written notice shall contain a signature line for the parent
29 or guardian to acknowledge receipt of both written and verbal notices.
30 The written and verbal notices shall contain the name of the person and
31 agency taking the child into custody, the location from which the child
32 was taken and all of the following information:

33 1. Specific reasons as to why the child is being removed. The
34 notice shall list the specific factors that caused the determination of
35 imminent danger.

36 2. Services that are available to the parent or guardian, including
37 a statement of parental rights and information on how to contact the
38 ombudsman-citizens aide's office and an explanation of the services that
39 office offers.

40 3. The date and time of the taking into custody.

41 4. The name and telephone number of the agency responsible for the
42 child.

43 5. A statement of the reasons for temporary custody of the child.

44 6. A statement that the child must be returned within seventy-two
45 hours excluding Saturdays, Sundays and holidays unless a dependency

1 petition is filed and a statement that a child in temporary custody for
2 examination ~~pursuant to~~ BECAUSE AN EXIGENT CIRCUMSTANCE DESCRIBED IN
3 section 8-821, subsection ~~D~~ L, paragraph 2 EXISTS must be returned within
4 twelve hours unless abuse or neglect is diagnosed.

5 7. One of the following:

6 (a) If a dependency petition has not been filed or if the
7 information prescribed in subdivision (b) is not available, a statement
8 that if a dependency petition is filed, the parent or guardian will be
9 provided a written notice ~~no~~ NOT later than twenty-four hours after the
10 petition is filed that contains the information prescribed in
11 subdivision (b).

12 (b) In all other cases, the date, time and place of the preliminary
13 protective hearing to be held pursuant to section 8-824 and the
14 requirements of subsection D of this section.

15 8. A statement of the right of the parent or guardian to counsel
16 and that counsel will be appointed pursuant to section 8-221 through the
17 juvenile court if a dependency petition is filed and the person is
18 indigent.

19 9. Information regarding the ability of the person about whom the
20 report was made to provide a verbal, telephonic or written response to the
21 allegations. A verbal response shall be included in the written report of
22 the investigation. A written response, including any documentation, shall
23 be included in the case file.

24 10. A statement that the hearing may result in further proceedings
25 to terminate parental rights.

26 11. A statement that the parent or guardian must immediately provide
27 to the department the names, the type of relationship and all available
28 information necessary to locate persons who are related to the child or
29 who have a significant relationship with the child. If there is not
30 sufficient information available to locate a relative or person with a
31 significant relationship with the child, the parent shall inform the
32 department of this fact. If the parent or guardian obtains information
33 regarding the existence or location of a relative or person with a
34 significant relationship with the child, the parent or guardian shall
35 immediately provide that information to the department.

36 12. A statement that the parent or guardian must be prepared to
37 provide to the court at the preliminary protective hearing the names, the
38 type of relationship and all available information necessary to locate
39 persons who are related to the child or who have a significant
40 relationship with the child.

41 C. The child safety worker shall provide the parent or guardian
42 with the notice even if the parent or guardian refuses to sign the
43 acknowledgment.

44 D. Immediately before the time of the preliminary protective
45 hearing, the persons described in section 8-824, subsection B shall meet

1 and attempt to reach an agreement about placement of the child, services
2 to be provided to the child, parent or guardian and visitation of the
3 child. The parties shall meet with their counsel, if any, before this
4 meeting. Consideration shall be given to the availability of reasonable
5 services to the parent or guardian and the child's health and safety shall
6 be a paramount concern. The persons described in section 8-824,
7 subsection C may attend the meeting to reach an agreement.

8 E. If a dependency petition is filed by the department, the child
9 safety worker is responsible for delivering the notice of the preliminary
10 protective hearing prescribed in subsection B, paragraph 7 of this section
11 to the parent or guardian. In all other cases, the person who files the
12 dependency petition is responsible for delivery of this notice to the
13 parent or guardian. If the location of the parent or guardian is unknown,
14 the person who is responsible for serving this notice shall make
15 reasonable efforts to locate and notify the parent or guardian.

16 Sec. 4. Section 8-824, Arizona Revised Statutes, is amended to
17 read:

18 8-824. Preliminary protective hearing; probable cause;
19 appointment of counsel

20 A. The court shall hold a preliminary protective hearing to review
21 the taking into temporary custody of a child pursuant to section 8-821 not
22 fewer than five days nor more than seven days after the child is taken
23 into custody, excluding Saturdays, Sundays and holidays. If clearly
24 necessary to prevent abuse or neglect, to preserve the rights of a party
25 or for other good cause shown, the court may grant one continuance that
26 does not exceed five days.

27 B. The following persons shall be present at the preliminary
28 protective hearing:

- 29 1. The child's parents or guardian, unless they cannot be located
30 or they fail to appear in response to the notice.
- 31 2. Counsel for the parents if one has been requested or retained.
- 32 3. The child's guardian ad litem or attorney.
- 33 4. The child safety worker and additional representatives of the
34 department if requested by the department.
- 35 5. Counsel for the child safety worker.

36 C. If the court finds that it is in the best interests of the
37 child, the court may allow the following to be present at the preliminary
38 protective hearing:

- 39 1. The child.
- 40 2. Any relative or other interested person with whom the child is
41 or might be placed as described in section 8-845, subsection A.
- 42 3. Witnesses called by the parties.
- 43 4. An advocate or interested person as requested by the parent or
44 guardian.

1 5. Other persons who have knowledge of or an interest in the
2 welfare of the child.

3 D. At the hearing, the court shall advise the parent or guardian of
4 the following rights:

5 1. The right to counsel, including appointed counsel if the parent
6 or guardian is indigent.

7 2. The right to cross-examine all witnesses who are called to
8 testify against the parent or guardian.

9 3. The right to trial by court on the allegations in the petition.

10 4. The right to use the process of the court to compel the
11 attendance of witnesses.

12 E. At the hearing, the court:

13 1. Shall receive a report of any agreement reached pursuant to
14 section 8-823, subsection D. The report may be made orally.

15 2. Shall provide an opportunity for the child's parent or guardian,
16 if present, and any other person who has relevant knowledge, to provide
17 relevant testimony.

18 3. May limit testimony and evidence that is beyond the scope of the
19 removal of the child, the child's need for continued protection,
20 placement, visitation and services to be provided to the child and family.

21 4. May take into consideration as a mitigating factor the
22 participation of the parent or guardian in the healthy families program
23 established by section 8-481.

24 5. Shall take into consideration as a mitigating factor the
25 availability of reasonable services to the parent or guardian to prevent
26 or eliminate the need for removal of the child and the effort of the
27 parent or guardian to obtain and participate in these services.

28 6. Shall inform the child's parent or guardian that the hearing may
29 result in further proceedings to terminate parental rights.

30 7. Shall order the parent or guardian to provide the court with the
31 names, the type of relationship and all available information necessary to
32 locate persons who are related to the child or who have a significant
33 relationship with the child. If there is not sufficient information
34 available to locate a relative or person with a significant relationship
35 with the child, the parent or guardian shall inform the court of this
36 fact. The court shall further order the parent or guardian to inform the
37 department immediately if the parent or guardian becomes aware of
38 information related to the existence or location of a relative or person
39 with a significant relationship to the child.

40 8. Shall inform the parent that substantially neglecting or
41 wilfully refusing to remedy the circumstances that cause the child to be
42 in an out-of-home placement, including refusing to participate in
43 reunification services, is grounds for termination of parental rights to a
44 child.

1 9. Shall give paramount consideration to the health and safety of
2 the child.

3 10. Shall determine whether the department is attempting to identify
4 and assess placement of the child with a grandparent or another member of
5 the child's extended family including a person who has a significant
6 relationship with the child.

7 11. Shall inform a foster parent, a preadoptive parent or a member
8 of the child's extended family with whom the department has placed the
9 child of the right to be heard in any proceeding to be held with respect
10 to the child.

11 F. The petitioner has the burden of presenting evidence as to
12 whether there is probable cause to believe that continued temporary
13 custody is clearly necessary to prevent abuse or neglect pending the
14 hearing on the dependency petition.

15 G. The department must make reasonable efforts to place a child
16 with siblings and, if that is not possible, to maintain frequent
17 visitation or other ongoing contact between all siblings.

18 H. If the child is in the temporary custody of the department, the
19 department shall submit not later than the day before the hearing a
20 written report to the court and the parties that states:

21 1. The reasons the child was removed from the parent's or
22 guardian's custody.

23 2. Any services that have been provided to the child or the child's
24 parent or guardian to prevent removal.

25 3. The need, if any, for continued temporary custody.

26 4. The types of service needed to facilitate the return of the
27 child to the custody of the child's parents or guardian.

28 5. If the child is not placed with a grandparent, whether the child
29 has any relatives or other interested parties as described in section
30 8-845, subsection A who may be able and willing to take temporary custody.

31 6. Any services that are requested by the parent or guardian but
32 that are not provided and the reasons the services were not provided.

33 7. What efforts the department has made to place siblings together,
34 and if they are not placed together, the specific reasons why this did not
35 occur.

36 8. If the placement of siblings together was not possible for all
37 or any of the siblings, efforts the department has made to facilitate
38 communications among siblings and a proposal for frequent visitation or
39 contact pursuant to subsection G of this section. If frequent visitation
40 or contact with siblings is not recommended, the department shall state
41 the reasons why this would be contrary to the child's or a sibling's
42 safety or well-being.

43 9. A proposal for visitation with the child's parents or guardian
44 and the results of any visitation that has occurred since the child was
45 removed. The requirements of this paragraph do not apply to a specific

1 parent or guardian if there is a court order relating to a criminal case
2 that prohibits that parent or guardian from contact with the child.
3 Before the department allows visitation it must first determine that there
4 are no court orders relating to any superior court criminal case that
5 prohibit the parent or guardian from contact with the child.

6 10. A proposed case plan for services to the family.

7 11. THE DEPARTMENT'S EFFORTS TO IDENTIFY, NOTIFY AND ASSESS ADULT
8 RELATIVES OF THE CHILD AND PERSONS WITH A SIGNIFICANT RELATIONSHIP WITH
9 THE CHILD PURSUANT TO SECTION 8-514.07.

10 I. The parent or guardian shall state whether the parent or
11 guardian admits or denies the allegations in the petition filed pursuant
12 to section 8-841. If the parent or guardian admits or does not contest
13 the allegations in the petition, the court shall determine that the parent
14 or guardian understands the rights described in subsection D of this
15 section and that the parent or guardian knowingly, intelligently and
16 voluntarily waives these rights.

17 J. At the hearing, if the child is not returned to the parent or
18 guardian, the court shall:

19 1. Enter orders regarding the placement of the child pending the
20 determination of the dependency petition and visitation, if any.

21 2. If a relative is identified as a possible placement for the
22 child, notify the relative of the right to be heard in any proceeding to
23 be held with respect to the child.

24 3. Determine if the tasks and services set forth in the case plan
25 are reasonable and necessary to carry out the case plan.

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

28 8-842. Initial dependency hearing; deadlines

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

34 B. At the initial dependency hearing, the court shall:

35 1. ~~Order~~ DETERMINE IF the parent or guardian ~~to provide~~ IS
36 PROVIDING the court AND THE DEPARTMENT with the names, the type of
37 relationship and all available information necessary to locate persons who
38 are related to the child or who have a significant relationship with the
39 child. ~~If there is not sufficient information available to locate a~~
40 ~~relative or person with a significant relationship with the child, the~~
41 ~~parent or guardian shall inform the court of this fact. The court shall~~
42 ~~order the parent or guardian to inform the department immediately if the~~
43 ~~parent or guardian becomes aware of information related to the existence~~
44 ~~or location of a relative or person with a significant relationship with~~
45 ~~the child.~~

1 2. Determine that the department is **CONDUCTING A DUE DILIGENCE**
2 **SEARCH PURSUANT TO SECTION 8-514.07 AND** attempting to identify and assess
3 placement of the child with a grandparent or another member of the child's
4 extended family including a person who has a significant relationship with
5 the child.

6 3. If the child has siblings, determine that the department is
7 attempting to identify and assess placement of the child with the child's
8 siblings if this is possible and is in the child's best interests.

9 C. Unless the court has ordered in-home intervention, the
10 dependency adjudication hearing shall be completed within ninety days
11 after service of the dependency petition.