

House Engrossed Senate Bill
foster care; children; parents; rights

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SENATE BILL 1186

AN ACT

AMENDING SECTIONS 8-529, 8-530, 8-803 AND 8-809, ARIZONA REVISED STATUTES;
AMENDING TITLE 8, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY
ADDING SECTION 8-809.01; 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 8-529, Arizona Revised Statutes, is amended to
3 read:

4 8-529. Children in foster care and kinship foster care;
5 rights

6 A. A child in foster CARE AND KINSHIP FOSTER care has the following
7 rights:

8 1. To appropriate care and treatment in the least restrictive
9 setting available that can meet the child's needs according to the best
10 judgment of the foster parent.

11 2. To live in a safe, healthy and comfortable placement where the
12 child can receive reasonable protection from harm and appropriate privacy
13 for personal needs and where the child is treated with respect.

14 3. TO BE PLACED WITH A RELATIVE WHEN SUCH PLACEMENT IS IN THE BEST
15 INTEREST OF THE CHILD.

16 4. TO BE PLACED WITH OR IN CLOSE PROXIMITY TO THE CHILD'S SIBLINGS
17 WHEN POSSIBLE AND TO VISIT AND HAVE CONTACT WITH SIBLINGS AND FAMILY
18 MEMBERS WHEN IT IS IN THE BEST INTEREST OF THE CHILD.

19 ~~5.~~ 5. To know why the child is in foster care and what will happen
20 to the child and to the child's family, including siblings, and case
21 plans.

22 ~~4.~~ 6. Whenever possible, to be placed with a foster family that can
23 accommodate the child's communication needs.

24 ~~5.~~ 7. To be disciplined in a manner that is appropriate to the
25 child's level of maturity AND NOT BE SUBJECTED TO PHYSICAL DISCIPLINE
26 METHODS.

27 ~~6.~~ 8. To attend community, school, EXTRACURRICULAR and religious
28 services and activities of the child's choice to the extent that it is
29 appropriate for the child, as planned and discussed with the child's
30 placement worker and caseworker and based on caregiver ability if
31 transportation is available through a responsible party.

32 ~~7.~~ 9. To go to school and receive an education that fits the
33 child's age and individual needs. IF REMAINING IN THE CHILD'S CURRENT
34 SCHOOL IS NOT IN THE CHILD'S BEST INTEREST, THE CHILD HAS THE RIGHT TO BE
35 ENROLLED IN THE LEAST RESTRICTIVE SCHOOL AVAILABLE.

36 ~~8.~~ 10. To training in personal care, hygiene and grooming.

37 ~~9.~~ 11. To clothing that fits comfortably and is adequate to protect
38 the child against natural elements such as rain, snow, wind, cold and sun.

39 ~~10.~~ 12. To have personal possessions at home ~~that are not offensive~~
40 ~~to the foster family~~ and to acquire additional possessions within
41 reasonable limits, as planned and discussed with the child's foster
42 parent, placement worker and caseworker, and based on caregiver ability.

- 1 ~~11.~~ 13. To personal space, ~~in the foster home~~ preferably, in the
2 child's FOSTER HOME bedroom for storing clothing and belongings.
- 3 ~~12.~~ 14. To healthy foods in healthy portions that are appropriate
4 for the child's age.
- 5 ~~13.~~ 15. To comply with any approved visitation plan, and to have
6 any restrictions explained to the child in a manner and level of details
7 deemed age appropriate by the foster parent in agreement with the
8 caseworker and documented in the child's record.
- 9 ~~14.~~ 16. If the child is six years of age or older, to receive
10 contact information for the child's caseworker, attorney or advocate and
11 to speak with them in private if necessary.
- 12 17. TO BE REPRESENTED BY AN ATTORNEY IN ALL PROCEEDINGS INITIATED
13 PURSUANT TO THIS TITLE.
- 14 ~~15.~~ 18. To participate in age appropriate child's service planning
15 and permanency planning meetings and to be given a copy or summary of each
16 service plan and service plan review. The child may request someone to
17 participate on the child's behalf or to support the child in this
18 participation.
- 19 ~~16.~~ 19. To attend the child's court hearing and speak to the judge.
- 20 ~~17.~~ 20. To have the child's records and personal information kept
21 private and discussed only when it is about the child's care except the
22 foster parent shall have full access to the records to determine if the
23 child will be successful in the home. During the foster placement, if the
24 foster parent requests to view the record ~~upon~~ ON experiencing problems
25 with the child's adjustment, the full record shall be made available for
26 viewing by the foster parent.
- 27 21. TO RECEIVE MEDICAL, DENTAL, VISION AND MENTAL HEALTH SERVICES
28 AND TO BE INFORMED ABOUT DIAGNOSES AND TREATMENT OPTIONS AS IS
29 DEVELOPMENTALLY APPROPRIATE.
- 30 ~~18.~~ 22. To be free of unnecessary or excessive medication.
- 31 ~~19.~~ 23. To receive emotional, mental health or chemical dependency
32 treatment separately from adults who are receiving services, as planned
33 and discussed with the child's placement worker and caseworker, as is
34 financially reasonable for the foster parent.
- 35 ~~20.~~ 24. To report a violation of personal rights specified in this
36 section without fear of punishment, interference, coercion or retaliation,
37 except that an appropriate level of punishment may be applied if the child
38 is proven to have maliciously or wrongfully accused the foster parent.
- 39 ~~21.~~ 25. To be informed in writing of the name, address, telephone
40 number and purpose of the Arizona protection and advocacy system for
41 disability assistance.
- 42 ~~22.~~ 26. To understand and have a copy of the rights listed in this
43 section.

1 B. A child in foster CARE OR KINSHIP FOSTER care who is at least
2 ~~sixteen~~ FOURTEEN years of age has the following rights:

3 1. To attend preparation for adult living classes and activities as
4 appropriate to the child's case plan, as is financially reasonable for the
5 foster parent.

6 2. To a transition plan that includes career planning and
7 assistance with enrolling in an educational or vocational job training
8 program.

9 3. To be informed of educational opportunities, ~~before the child~~
10 ~~leaves foster care~~ INCLUDING INFORMATION REGARDING ASSISTANCE AND FUNDING
11 FOR POSTSECONDARY AND VOCATIONAL EDUCATION.

12 4. To assistance in obtaining an independent residency when the
13 child is too old to remain in foster care from the child's caseworker,
14 attorney or advocate.

15 5. To request a court hearing for a court to determine if the child
16 has the capacity to consent to medical care that is directly related to an
17 illness, disease, deformity or other physical malady.

18 6. To receive help with obtaining a driver license, social security
19 number, birth certificate or state identification card, ~~except that~~ AND
20 CREDIT REPORTS WITH ASSISTANCE IN INTERPRETING THE REPORTS AND RESOLVING
21 INACCURACIES IN THE REPORT. The foster parent shall have discretion to
22 determine if the child is responsible and mature enough to become a
23 licensed driver.

24 7. To receive necessary personal information within thirty days
25 after leaving foster care, including the child's birth certificate,
26 immunization records and information contained in the child's education
27 portfolio and health passport.

28 ~~C. This section does not establish any legally enforceable right or~~
29 ~~cause of action on behalf of any person.~~

30 8. TO PARTICIPATE IN OR REENTER EXTENDED FOSTER CARE WHEN THE CHILD
31 IS AT LEAST EIGHTEEN AND UNDER TWENTY-ONE YEARS OF AGE PURSUANT TO SECTION
32 8-521.02.

33 C. THE DEPARTMENT SHALL PROVIDE INFORMATION REGARDING A CHILD'S
34 RIGHTS PURSUANT TO THIS SECTION AND ASSISTANCE IN UNDERSTANDING AND
35 ENFORCING THESE RIGHTS TO EACH CHILD WHO ENTERS FOSTER CARE OR KINSHIP
36 FOSTER CARE OR WHEN THERE IS A CHANGE IN THE CHILD'S FOSTER CARE PLAN.
37 THE INFORMATION SHALL ALSO INCLUDE THE TELEPHONE NUMBER AND EMAIL ADDRESS
38 OF THE DEPARTMENT, THE CHILD'S ASSIGNED CASE MANAGER, THE DEPARTMENT'S
39 OFFICE OF THE OMBUDSMAN AND THE OMBUDSMAN-CITIZENS AIDE. A COPY OF THESE
40 RIGHTS SHALL BE POSTED IN A CONSPICUOUS PLACE IN ALL FOSTER CARE AND GROUP
41 HOMES.

42 D. IF A CHILD WHO IS IN FOSTER CARE OR KINSHIP FOSTER CARE BELIEVES
43 THAT THE CHILD'S RIGHTS UNDER THIS SECTION HAVE BEEN VIOLATED, THE CHILD
44 OR THE CHILD'S REPRESENTATIVE MAY:

1 1. FILE A COMPLAINT WITH THE DEPARTMENT, THE DEPARTMENT'S OFFICE OF
2 THE OMBUDSMAN OR THE OMBUDSMAN-CITIZENS AIDE PURSUANT TO SECTION 41-1376.
3 A FORMAL GRIEVANCE MAY BE INITIATED WITH THE OMBUDSMAN AT ANY TIME.

4 2. NOTIFY THE JUVENILE COURT IN THE CHILD'S ONGOING DEPENDENCY,
5 SEVERANCE OR ADOPTION PROCEEDING, EITHER ORALLY OR IN WRITING, THAT THE
6 CHILD'S RIGHTS ARE BEING VIOLATED AND REQUEST APPROPRIATE EQUITABLE
7 RELIEF. THE COURT SHALL ACT ON THE NOTIFICATION AS NECESSARY WITHIN ITS
8 DISCRETION TO PROMOTE THE BEST INTEREST OF THE CHILD.

9 E. THE RIGHTS PROVIDED IN THIS SECTION DO NOT ESTABLISH AN
10 INDEPENDENT CAUSE OF ACTION.

11 Sec. 2. Section 8-530, Arizona Revised Statutes, is amended to
12 read:

13 8-530. Foster parents and kinship foster care parents; rights

14 A. A foster PARENT OR KINSHIP FOSTER CARE parent in this state has
15 the following rights:

16 1. To be treated with consideration and respect for the foster
17 PARENT OR KINSHIP FOSTER CARE parent's personal dignity and privacy.

18 2. To be included as a valued member of the team that provides
19 services to the foster child, INCLUDING PARTICIPATION IN MEETINGS THAT
20 INVOLVE THE CHILD'S SERVICE TEAM.

21 3. To receive support services that assist the foster parent OR
22 KINSHIP FOSTER CARE PARENT to care for the child in the foster home,
23 including open and timely responses from agency personnel.

24 4. To be informed of all information regarding the child that will
25 impact the foster home or family life during the care of the foster child.

26 5. To contribute to the permanency plan for the child in the foster
27 home.

28 6. To have placement information kept confidential when it is
29 necessary to protect the foster parent OR KINSHIP FOSTER CARE PARENT and
30 the members of the foster parent's OR KINSHIP FOSTER CARE PARENT'S
31 household.

32 7. To be assisted in dealing with family loss and separation when a
33 child leaves the foster home.

34 8. To be informed of all agency policies and procedures that relate
35 to the foster parent's OR KINSHIP FOSTER CARE PARENT'S role as a foster
36 parent OR KINSHIP FOSTER CARE PARENT.

37 9. To receive training that will enhance the foster parent's OR
38 KINSHIP FOSTER CARE PARENT'S skills and ability to cope as a foster parent
39 OR KINSHIP FOSTER CARE PARENT.

40 10. TO REPORT A VIOLATION OF THE RIGHTS SPECIFIED IN THIS SECTION
41 WITHOUT FEAR OF PUNISHMENT, INTERFERENCE, COERCION OR RETALIATION.

42 ~~10.~~ 11. To be able to receive services and reach personnel on a
43 twenty-four hour, seven days per week basis.

44 ~~11.~~ 12. To be granted a reasonable plan for respite from the role
45 of foster parent OR KINSHIP FOSTER CARE PARENT.

1 ~~12.~~ 13. To confidentiality regarding issues that arise in the
2 foster home.

3 ~~13.~~ 14. To not be discriminated against on the basis of religion,
4 race, color, creed, sex, national origin, age or physical disability.

5 ~~14.~~ 15. To receive an evaluation on the foster parent's OR KINSHIP
6 FOSTER CARE PARENT'S performance.

7 ~~B. This section does not establish any legally enforceable right or
8 cause of action on behalf of any person.~~

9 16. TO BE NOTIFIED OF A CHILD RETURNING TO FOSTER CARE PURSUANT TO
10 SECTION 8-530.01 OR WHEN A CHILD WHO IS CURRENTLY PLACED IN FOSTER CARE OR
11 KINSHIP FOSTER CARE BECOMES AVAILABLE FOR ADOPTION.

12 B. THE DEPARTMENT SHALL PROVIDE INFORMATION REGARDING A FOSTER
13 PARENT'S OR KINSHIP FOSTER CARE PARENT'S RIGHTS PURSUANT TO THIS SECTION
14 AND ASSISTANCE IN UNDERSTANDING AND ENFORCING THESE RIGHTS TO EACH FOSTER
15 PARENT AND KINSHIP FOSTER CARE PARENT WHEN A CHILD IS PLACED IN A FOSTER
16 PARENT'S OR KINSHIP FOSTER CARE PARENT'S CARE OR WHEN THERE IS A CHANGE IN
17 THE CHILD'S FOSTER CARE OR KINSHIP FOSTER CARE PLAN. THE INFORMATION
18 SHALL INCLUDE THE TELEPHONE NUMBER AND EMAIL ADDRESS OF THE DEPARTMENT,
19 THE DEPARTMENT'S OFFICE OF THE OMBUDSMAN AND THE OMBUDSMAN-CITIZENS AIDE.

20 C. IF A FOSTER PARENT OR KINSHIP FOSTER CARE PARENT BELIEVES THAT
21 THE PERSON'S RIGHTS UNDER THIS SECTION HAVE BEEN VIOLATED, THE FOSTER
22 PARENT OR KINSHIP FOSTER CARE PARENT OR THE FOSTER PARENT'S OR KINSHIP
23 FOSTER CARE PARENT'S REPRESENTATIVE MAY FILE A COMPLAINT WITH THE
24 DEPARTMENT, THE DEPARTMENT'S OFFICE OF THE OMBUDSMAN OR THE
25 OMBUDSMAN-CITIZENS AIDE PURSUANT TO SECTION 41-1376. A FORMAL GRIEVANCE
26 MAY BE INITIATED WITH THE OMBUDSMAN AT ANY TIME. IF A FOSTER PARENT OR
27 KINSHIP FOSTER CARE PARENT OR A FOSTER PARENT'S OR KINSHIP FOSTER CARE
28 PARENT'S REPRESENTATIVE FILES A COMPLAINT PURSUANT TO THIS SUBSECTION, THE
29 PERSON MAY ALSO NOTIFY THE JUVENILE COURT AND ALL PARTIES TO THE CHILD'S
30 ONGOING DEPENDENCY, SEVERANCE OR ADOPTION PROCEEDING ORALLY OR IN WRITING
31 OF THE COMPLAINT.

32 D. THE RIGHTS PROVIDED IN THIS SECTION DO NOT ESTABLISH AN
33 INDEPENDENT CAUSE OF ACTION.

34 Sec. 3. Section 8-803, Arizona Revised Statutes, is amended to
35 read:

36 8-803. Limitation of authority; duty to inform

37 A. On initial contact with a parent, guardian or custodian under
38 investigation pursuant to this article, a child safety worker shall:

39 1. Inform the family, both verbally and in writing, making
40 reasonable efforts to receive written acknowledgement from the parent,
41 guardian, or custodian, of receipt of all of the following information:

42 ~~1.~~ (a) That the family is under investigation by the department.

43 ~~2.~~ (b) The specific complaint or allegation made against that
44 person.

1 ~~3.~~ (c) That the worker has no legal authority to compel the family
2 to cooperate with the investigation or to receive child safety services
3 offered pursuant to the investigation.

4 (d) THAT ABSENT A COURT ORDER, THE FAMILY MAY DENY THE WORKER ENTRY
5 INTO THE FAMILY'S HOME.

6 (e) THAT THE FAMILY HAS THE RIGHT TO SEEK THE ADVICE OF AN ATTORNEY
7 AND TO HAVE AN ATTORNEY PRESENT WHEN QUESTIONED BY A WORKER.

8 (f) THAT ANYTHING THE PERSON SAYS OR WRITES MAY BE USED IN A COURT
9 PROCEEDING.

10 (g) THAT THE FAMILY MAY REFUSE TO DO ANY OF THE FOLLOWING:

11 (i) SIGN A RELEASE OF INFORMATION DOCUMENT.

12 (ii) CONSENT TO TAKE A DRUG OR ALCOHOL TEST.

13 (iii) SUBMIT TO A MENTAL HEALTH EVALUATION.

14 ~~4.~~ (h) The worker's authority to petition the juvenile court for a
15 determination that a child is dependent.

16 ~~5.~~ (i) The person's right to file a complaint with the
17 ombudsman-citizens aide pursuant to section 41-1376. The worker shall
18 provide the telephone number AND EMAIL ADDRESS of the ombudsman-citizens
19 aide.

20 ~~6.~~ (j) The person's right to appeal determinations made by the
21 department.

22 ~~7.~~ (k) Information outlining parental rights under the laws of the
23 state.

24 2. PROVIDE INFORMATION TO THE FAMILY ABOUT THE INVESTIGATION AND
25 CHILD SAFETY DECISION-MAKING PROCESS, DOCUMENT THAT THIS INFORMATION HAS
26 BEEN PROVIDED AND MAKE REASONABLE EFFORTS TO RECEIVE WRITTEN
27 ACKNOWLEDGEMENT OF RECEIPT OF THIS INFORMATION. IF THE WORKER'S
28 REASONABLE EFFORTS TO OBTAIN WRITTEN ACKNOWLEDGEMENT OF RECEIPT OF THE
29 INFORMATION ARE UNSUCCESSFUL, THE WORKER SHALL DOCUMENT THE REASON WHY
30 EFFORTS TO OBTAIN WRITTEN ACKNOWLEDGEMENT WERE UNSUCCESSFUL.

31 B. The child safety worker shall also inform the person about whom
32 the report was made about that person's right to respond to the
33 allegations either verbally or in writing, including any documentation,
34 and to have this information considered in determining if the child is in
35 need of child safety services. The worker shall tell the person that
36 anything the person says or writes can be used in a court proceeding. If
37 the person makes a verbal response, the worker shall include the response
38 in the written report of the investigation. If the person makes a written
39 response, including any documentation, the worker shall include this
40 response and the documentation in the case file. Information provided in
41 response to the allegations shall be considered during the investigation
42 by the worker. The worker shall maintain the response and documentation
43 in the case file and provide this information to the court before a
44 hearing or trial relating to the dependency petition.

1 C. If the family declines to cooperate with the investigation or to
2 accept or to participate in the offered services, or if the worker
3 otherwise believes that the child should be adjudicated dependent, the
4 worker may file with the juvenile court a petition requesting that the
5 child in need of child safety services be adjudicated dependent.

6 D. Refusal to cooperate in the investigation or to participate in
7 the offered services does not constitute grounds for temporary custody of
8 a child except if there is a clear necessity for temporary custody as
9 provided in section 8-821.

10 Sec. 4. Section 8-809, Arizona Revised Statutes, is amended to
11 read:

12 8-809. Parents' rights; information on website; rule changes

13 A. The department shall provide on its website information on
14 parents' rights PURSUANT TO SECTION 8-809.01 and other information to
15 assist parents and guardians in understanding the process of removal of a
16 child from the home.

17 B. The department shall provide on its home page a conspicuous link
18 to the information prescribed in subsection A of this section.

19 C. The department shall publish on its website any final rule
20 within ten days after the department files the final rule with the
21 secretary of state.

22 Sec. 5. Title 8, chapter 4, article 8, Arizona Revised Statutes, is
23 amended by adding section 8-809.01, to read:

24 8-809.01. Parent, guardian or custodian; rights

25 A. ON INITIAL CONTACT WITH A CHILD SAFETY WORKER, A PARENT,
26 GUARDIAN OR CUSTODIAN UNDER INVESTIGATION FOR AN ALLEGATION OF ABUSE OR
27 NEGLECT HAS THE FOLLOWING RIGHTS:

28 1. TO BE INFORMED OF THE SPECIFIC COMPLAINT OR ALLEGATION AGAINST
29 THAT PERSON AND THAT ANY RESPONSES TO THE COMPLAINT OR ALLEGATION MAY BE
30 USED IN A SUBSEQUENT COURT PROCEEDING.

31 2. TO REFUSE TO COOPERATE WITH THE INVESTIGATION OR RECEIVE CHILD
32 SAFETY SERVICES OFFERED PURSUANT TO THE INVESTIGATION. A CHILD MAY NOT BE
33 TEMPORARILY REMOVED BASED SOLELY ON A PARENT'S, GUARDIAN'S OR CUSTODIAN'S
34 REFUSAL TO COOPERATE WITH THE INVESTIGATION.

35 3. UNLESS OTHERWISE ORDERED BY THE COURT, TO DENY THE WORKER ENTRY
36 INTO THE PARENT'S, GUARDIAN'S OR CUSTODIAN'S HOME.

37 4. TO RESPOND TO ALLEGATIONS EITHER VERBALLY OR IN WRITING AND TO
38 HAVE THIS INFORMATION CONSIDERED IN DETERMINING IF THE CHILD REQUIRES
39 CHILD SAFETY SERVICES.

40 5. TO REPORT A VIOLATION OF THE RIGHTS SPECIFIED IN THIS SECTION
41 WITHOUT FEAR OF PUNISHMENT, INTERFERENCE, COERCION OR RETALIATION.

42 6. TO APPEAL DETERMINATIONS MADE BY THE DEPARTMENT.

43 7. TO SEEK THE ADVICE OF AN ATTORNEY AND TO HAVE AN ATTORNEY
44 PRESENT WHEN QUESTIONED BY A WORKER.

1 8. UNLESS OTHERWISE ORDERED BY THE COURT, TO REFUSE TO DO ANY OF
2 THE FOLLOWING:

- 3 (a) SIGN A RELEASE OF INFORMATION DOCUMENT.
- 4 (b) CONSENT TO TAKE A DRUG OR ALCOHOL TEST.
- 5 (c) SUBMIT TO A MENTAL HEALTH EVALUATION.

6 9. TO RECEIVE INFORMATION ABOUT THE INVESTIGATION AND THE
7 DEPARTMENT'S DECISION-MAKING PROCESS.

8 10. TO BE INFORMED BOTH VERBALLY AND IN WRITING OF THESE RIGHTS AND
9 ANY PARENTAL RIGHTS UNDER STATE LAW AND TO PROVIDE WRITTEN ACKNOWLEDGEMENT
10 OF RECEIPT OF THESE RIGHTS.

11 B. IF A CHILD SAFETY WORKER HAS PROBABLE CAUSE TO BELIEVE THAT
12 EXIGENT CIRCUMSTANCES EXIST THAT PRESENT AN IMMINENT DANGER TO THE CHILD,
13 THE WORKER SHALL TAKE ALL LAWFUL MEASURES TO PROTECT THE CHILD PURSUANT TO
14 SECTIONS 8-821 AND 8-822 BEFORE PROVIDING THE NOTICE OF RIGHTS PURSUANT TO
15 SUBSECTION A OF THIS SECTION.

16 C. UNLESS PARENTAL RIGHTS HAVE BEEN TERMINATED, EXIGENT
17 CIRCUMSTANCES EXIST OR AS OTHERWISE ORDERED BY THE COURT, A PARENT,
18 GUARDIAN OR CUSTODIAN WHOSE CHILD IS PLACED IN THE DEPARTMENT'S CUSTODY
19 HAS THE FOLLOWING RIGHTS:

20 1. TO NOT HAVE THE CHILD TAKEN INTO DEPARTMENT CUSTODY WITHOUT THE
21 DEPARTMENT PROVIDING THE REASONS FOR REMOVAL AND INFORMATION SUPPORTING
22 THE REMOVAL.

23 2. TO THE EXTENT PRACTICABLE, BE IMMEDIATELY NOTIFIED VERBALLY OR
24 IN WRITING THAT THE CHILD WAS TAKEN INTO CUSTODY.

25 3. TO RECEIVE INFORMATION ON THE SERVICES AVAILABLE TO THE CHILD,
26 PARENT, GUARDIAN OR CUSTODIAN AND THE DEPENDENCY PROCESS AND TIMELINES.

27 4. TO HAVE AN ATTORNEY PRESENT OR AN ATTORNEY APPOINTED BY THE
28 COURT AT ALL COURT PROCEEDINGS.

29 5. TO BE TIMELY NOTIFIED OF THE DATE, TIME AND LOCATION OF ALL
30 HEARINGS AND TO PARTICIPATE IN ALL HEARINGS.

31 6. WHENEVER POSSIBLE, TO PARTICIPATE IN THE DEVELOPMENT OF A CASE
32 PLAN.

33 7. TO RECEIVE SERVICES IF THE CHILD HAS BEEN REMOVED FROM THE HOME,
34 INCLUDING SERVICES THAT FACILITATE REUNIFICATION OF THE FAMILY.

35 8. TO MAINTAIN CONTACT WITH THE CHILD UNLESS IT IS DETERMINED BY
36 THE DEPARTMENT OR COURT TO BE HARMFUL TO THE CHILD'S SAFETY OR WELL-BEING.

37 9. TO BE CONSULTED ABOUT THE CHILD'S MEDICAL CARE, EDUCATION AND
38 GROOMING.

39 10. TO REQUEST THAT THE CHILD BE RETURNED IF THE COURT FINDS BY A
40 PREPONDERANCE OF THE EVIDENCE THAT THE RETURN OF THE CHILD WOULD NOT
41 CREATE A SUBSTANTIAL RISK OF HARM TO THE CHILD'S PHYSICAL, MENTAL OR
42 EMOTIONAL HEALTH OR SAFETY.

43 D. THE DEPARTMENT SHALL PROVIDE INFORMATION REGARDING A PARENT'S,
44 GUARDIAN'S OR CUSTODIAN'S RIGHTS PURSUANT TO THIS SECTION AND ASSISTANCE
45 IN UNDERSTANDING AND ENFORCING THESE RIGHTS TO EACH PARENT, GUARDIAN AND

1 CUSTODIAN ON INITIAL CONTACT WITH A CHILD SAFETY WORKER OR WHEN THERE IS A
2 CHANGE IN THE CHILD'S CASE PLAN. THE INFORMATION SHALL INCLUDE THE
3 TELEPHONE NUMBER AND EMAIL ADDRESS OF THE DEPARTMENT, THE DEPARTMENT'S
4 OFFICE OF THE OMBUDSMAN AND THE OMBUDSMAN-CITIZEN AIDE.

5 E. IF A PARENT, GUARDIAN OR CUSTODIAN BELIEVES THAT THE PERSON'S
6 RIGHTS UNDER THIS SECTION HAVE BEEN VIOLATED, THE PARENT, GUARDIAN OR
7 CUSTODIAN OR THE PERSON'S REPRESENTATIVE MAY:

8 1. FILE A COMPLAINT WITH THE DEPARTMENT, THE DEPARTMENT'S OFFICE OF
9 THE OMBUDSMAN OR THE OMBUDSMAN-CITIZENS AIDE PURSUANT TO SECTION 41-1376.
10 A FORMAL GRIEVANCE MAY BE INITIATED WITH THE OMBUDSMAN AT ANY TIME.

11 2. NOTIFY THE JUVENILE COURT IN THE CHILD'S ONGOING DEPENDENCY OR
12 SEVERANCE PROCEEDING, EITHER ORALLY OR IN WRITING, THAT THE PARENT'S,
13 GUARDIAN'S OR CUSTODIAN'S RIGHTS ARE BEING VIOLATED AND REQUEST
14 APPROPRIATE EQUITABLE RELIEF. THE COURT SHALL ACT ON THE NOTIFICATION AS
15 NECESSARY WITHIN ITS DISCRETION TO PROMOTE THE BEST INTEREST OF THE CHILD.

16 F. THE RIGHTS PROVIDED IN THIS SECTION DO NOT ESTABLISH AN
17 INDEPENDENT CAUSE OF ACTION.