

Senate Engrossed House Bill

child placement; relative search; notice.

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

## CHAPTER 87

# HOUSE BILL 2313

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 AVAILABLE RECORDS THAT ARE LIKELY TO  
20 HELP IDENTIFY AND LOCATE A PERSON BEING SOUGHT, INCLUDING:
  - 21 (a) EMPLOYMENT RECORDS.
  - 22 (b) VEHICLE REGISTRATION RECORDS.
  - 23 (c) CHILD SUPPORT ENFORCEMENT RECORDS.
  - 24 (d) UTILITY ACCOUNTS.
  - 25 (e) PREVIOUS RESIDENTIAL ADDRESSES.
  - 26 (f) LAW ENFORCEMENT RECORDS.
  - 27 (g) STATE DEPARTMENT OF CORRECTIONS RECORDS.
- 28 6. THOROUGH INQUIRIES BY THE COURT OF THE PARTIES DURING CASE  
29 HEARINGS.
- 30 7. ANY OTHER MEANS THE DEPARTMENT DEEMS LIKELY TO IDENTIFY ADULT  
31 RELATIVES OF THE CHILD OR PERSONS WITH A SIGNIFICANT RELATIONSHIP WITH THE  
32 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 INCLUDE  
39 A DETAILED NARRATIVE EXPLAINING THE DEPARTMENT'S EFFORTS TO CONSIDER EACH  
40 POTENTIAL PLACEMENT AND THE SPECIFIC OUTCOME.

41 D. THE DEPARTMENT SHALL PROVIDE NOTICE TO ADULT RELATIVES OF THE  
42 CHILD AND PERSONS WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD WHO ARE  
43 IDENTIFIED THROUGH THE SEARCH REQUIREMENTS OF THIS SECTION. THE NOTICE  
44 SHALL DO THE FOLLOWING:

- 1           1. SPECIFY THAT THE CHILD HAS BEEN OR IS BEING REMOVED FROM THE  
2 CHILD'S PARENTAL CUSTODY.
- 3           2. EXPLAIN THE OPTIONS AN ADULT RELATIVE OF THE CHILD OR A PERSON  
4 WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD HAS TO PARTICIPATE IN THE  
5 CARE OR PLACEMENT OF THE CHILD.
- 6           3. EXPLAIN THAT FINANCIAL ASSISTANCE AND OTHER FORMS OF SUPPORT ARE  
7 AVAILABLE TO ADULT RELATIVES OF THE CHILD AND PERSONS WITH A SIGNIFICANT  
8 RELATIONSHIP WITH THE CHILD WITH WHOM THE CHILD IS PLACED.
- 9           4. DESCRIBE THE PROCESS FOR BECOMING A LICENSED FOSTER PARENT AND  
10 THE ADDITIONAL SERVICES AND SUPPORT THAT ARE AVAILABLE FOR CHILDREN PLACED  
11 IN APPROVED FOSTER HOMES.
- 12          5. REQUIRE AN ADULT RELATIVE OF THE CHILD OR A PERSON WITH A  
13 SIGNIFICANT RELATIONSHIP WITH THE CHILD TO RESPOND WITHIN THIRTY DAYS  
14 AFTER RECEIVING NOTICE THAT THE CHILD HAS BEEN REMOVED FROM THE HOME.
- 15          E. IF THE CHILD IS NOT PLACED WITH AN ADULT RELATIVE OF THE CHILD  
16 OR PERSON WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD OR THE CHILD IS  
17 PLACED WITH AN ADULT RELATIVE OR PERSON WITH A SIGNIFICANT RELATIONSHIP  
18 WITH THE CHILD WHO IS UNABLE OR UNWILLING TO PROVIDE PERMANENT PLACEMENT  
19 FOR THE CHILD, THE DEPARTMENT SHALL CONTINUE TO CONDUCT AN ONGOING SEARCH  
20 FOR ADULT RELATIVES OF THE CHILD OR PERSONS WITH A SIGNIFICANT  
21 RELATIONSHIP WITH THE CHILD. THE DEPARTMENT SHALL ENGAGE IN SEARCH  
22 EFFORTS IF ORDERED BY THE COURT, A CHANGE IN THE CHILD'S PLACEMENT OCCURS  
23 OR A PARTY SHOWS THAT THE SEARCH IS IN THE BEST INTEREST OF THE CHILD.
- 24          F. THE DEPARTMENT SHALL FILE WITH THE COURT DOCUMENTATION OF BOTH  
25 OF THE FOLLOWING:
  - 26           1. THE COMPLETED DUE DILIGENCE SEARCH EFFORTS. THIS DOCUMENTATION  
27 SHALL INCLUDE:
    - 28           (a) THE NAMES OF AND RELEVANT INFORMATION ABOUT ADULT RELATIVES OF  
29 THE CHILD OR PERSONS WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD.
    - 30           (b) STEPS TAKEN BY THE DEPARTMENT TO LOCATE AND CONTACT ADULT  
31 RELATIVES OF THE CHILD OR PERSONS WITH A SIGNIFICANT RELATIONSHIP WITH THE  
32 CHILD.
    - 33           (c) RESPONSES RECEIVED FROM ADULT RELATIVES OF THE CHILD OR PERSONS  
34 WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD.
    - 35           (d) DATES OF EACH ATTEMPTED OR COMPLETED CONTACT WITH AN ADULT  
36 RELATIVE OF THE CHILD OR A PERSON WITH A SIGNIFICANT RELATIONSHIP WITH THE  
37 CHILD.
    - 38           (e) REASONS WHY AN ADULT RELATIVE OF THE CHILD OR A PERSON WITH A  
39 SIGNIFICANT RELATIONSHIP WITH THE CHILD WAS NOT CONSIDERED FOR TEMPORARY  
40 OR PERMANENT PLACEMENT OF THE CHILD.
  - 41           2. ALL EFFORTS FOR PLACEMENT OF THE CHILD THROUGH AN INTERSTATE  
42 COMPACT AGREEMENT PURSUANT TO SECTION 8-548. THIS DOCUMENTATION SHALL  
43 INCLUDE:

1 (a) THE NAMES OF ADULT RELATIVES OF THE CHILD OR PERSONS WITH A  
2 SIGNIFICANT RELATIONSHIP WITH THE CHILD WHO WERE CONSIDERED FOR AN  
3 INTERSTATE PLACEMENT.

4 (b) ANY PENDING PLACEMENT OF THE CHILD THROUGH AN INTERSTATE  
5 COMPACT AGREEMENT.

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

8 G. IF AN OUT-OF-STATE PLACEMENT OPTION EXISTS AND THE DEPARTMENT  
9 HAS FAILED TO FILE A REQUEST WITH THE RECEIVING STATE PURSUANT TO THE  
10 REQUIREMENTS OF AN INTERSTATE COMPACT AGREEMENT PURSUANT TO SECTION 8-548,  
11 THE COURT SHALL ENTER A FINDING THAT THE DEPARTMENT HAS NOT MADE A DUE  
12 DILIGENCE SEARCH AND SHALL ORDER THE DEPARTMENT TO FILE A REQUEST WITH THE  
13 RECEIVING STATE PURSUANT TO THE TERMS OF THE INTERSTATE COMPACT AGREEMENT.

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

16 8-821. Taking into temporary custody; medical examination;  
17 placement; interference; violation; classification;  
18 definition

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

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

24 B. The superior court, on a dependency petition filed by an  
25 interested person, a peace officer, a child welfare investigator or a  
26 child safety worker under oath or on a sworn statement or testimony by a  
27 peace officer, a child welfare investigator or a child safety worker, may  
28 issue an order authorizing the department to take temporary custody of a  
29 child on finding that probable cause exists to believe that temporary  
30 custody is clearly necessary to protect the child from suffering abuse or  
31 neglect and it is contrary to the child's welfare to remain in the home.

32 C. If a child is taken into temporary custody pursuant to this  
33 section, the child's sibling shall also be taken into temporary custody  
34 only if independent probable cause exists to believe that temporary  
35 custody is clearly necessary to protect the child from suffering abuse or  
36 neglect.

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

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

44 ~~E~~ F. In determining if a child should be taken into temporary  
45 custody, the court, peace officer, child welfare investigator or child

1 safety worker shall take into consideration as a paramount concern the  
2 child's health and safety.

3 ~~F.~~ G. A person who takes a child into custody because an exigent  
4 circumstance described in subsection ~~K~~ L, paragraph 2 of this section  
5 exists shall immediately have the child examined by a physician who is  
6 licensed pursuant to title 32, chapter 13 or 17 or a health care provider  
7 who is licensed pursuant to title 32 and who has specific training in  
8 evaluations of child abuse. After the examination the person shall  
9 release the child to the custody of the parent or guardian of the child  
10 unless the examination reveals abuse. Temporary custody of a child taken  
11 into custody because an exigent circumstance described in subsection ~~K~~ L,  
12 paragraph 2 of this section exists shall not exceed twelve hours.

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

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

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

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

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

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

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

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

39 8-823. Notice of taking into temporary custody

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

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

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

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

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

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

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

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

20           4. The name and telephone number of the agency responsible for the  
21 child.

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

23           6. A statement that the child must be returned within seventy-two  
24 hours excluding Saturdays, Sundays and holidays unless a dependency  
25 petition is filed and a statement that a child in temporary custody for  
26 examination ~~pursuant to~~ BECAUSE AN EXIGENT CIRCUMSTANCE DESCRIBED IN  
27 section 8-821, subsection ~~D~~ L, paragraph 2 EXISTS must be returned within  
28 twelve hours unless abuse or neglect is diagnosed.

29           7. One of the following:

30           (a) If a dependency petition has not been filed or if the  
31 information prescribed in subdivision (b) is not available, a statement  
32 that if a dependency petition is filed, the parent or guardian will be  
33 provided a written notice ~~no~~ NOT later than twenty-four hours after the  
34 petition is filed that contains the information prescribed in  
35 subdivision (b).

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

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

43           9. Information regarding the ability of the person about whom the  
44 report was made to provide a verbal, telephonic or written response to the  
45 allegations. A verbal response shall be included in the written report of

1 the investigation. A written response, including any documentation, shall  
2 be included in the case file.

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

5 11. A statement that the parent or guardian must immediately provide  
6 to the department the names, the type of relationship and all available  
7 information necessary to locate persons who are related to the child or  
8 who have a significant relationship with the child. If there is not  
9 sufficient information available to locate a relative or person with a  
10 significant relationship with the child, the parent shall inform the  
11 department of this fact. If the parent or guardian obtains information  
12 regarding the existence or location of a relative or person with a  
13 significant relationship with the child, the parent or guardian shall  
14 immediately provide that information to the department.

15 12. A statement that the parent or guardian must be prepared to  
16 provide to the court at the preliminary protective hearing the names, the  
17 type of relationship and all available information necessary to locate  
18 persons who are related to the child or who have a significant  
19 relationship with the child.

20 C. The child safety worker shall provide the parent or guardian  
21 with the notice even if the parent or guardian refuses to sign the  
22 acknowledgment.

23 D. Immediately before the time of the preliminary protective  
24 hearing, the persons described in section 8-824, subsection B shall meet  
25 and attempt to reach an agreement about placement of the child, services  
26 to be provided to the child, parent or guardian and visitation of the  
27 child. The parties shall meet with their counsel, if any, before this  
28 meeting. Consideration shall be given to the availability of reasonable  
29 services to the parent or guardian and the child's health and safety shall  
30 be a paramount concern. The persons described in section 8-824,  
31 subsection C may attend the meeting to reach an agreement.

32 E. If a dependency petition is filed by the department, the child  
33 safety worker is responsible for delivering the notice of the preliminary  
34 protective hearing prescribed in subsection B, paragraph 7 of this section  
35 to the parent or guardian. In all other cases, the person who files the  
36 dependency petition is responsible for delivery of this notice to the  
37 parent or guardian. If the location of the parent or guardian is unknown,  
38 the person who is responsible for serving this notice shall make  
39 reasonable efforts to locate and notify the parent or guardian.

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

42 8-824. Preliminary protective hearing; probable cause;  
43 appointment of counsel

44 A. The court shall hold a preliminary protective hearing to review  
45 the taking into temporary custody of a child pursuant to section 8-821 not

1 fewer than five days nor more than seven days after the child is taken  
2 into custody, excluding Saturdays, Sundays and holidays. If clearly  
3 necessary to prevent abuse or neglect, to preserve the rights of a party  
4 or for other good cause shown, the court may grant one continuance that  
5 does not exceed five days.

6 B. The following persons shall be present at the preliminary  
7 protective hearing:

8 1. The child's parents or guardian, unless they cannot be located  
9 or they fail to appear in response to the notice.

10 2. Counsel for the parents if one has been requested or retained.

11 3. The child's guardian ad litem or attorney.

12 4. The child safety worker and additional representatives of the  
13 department if requested by the department.

14 5. Counsel for the child safety worker.

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

18 1. The child.

19 2. Any relative or other interested person with whom the child is  
20 or might be placed as described in section 8-845, subsection A.

21 3. Witnesses called by the parties.

22 4. An advocate or interested person as requested by the parent or  
23 guardian.

24 5. Other persons who have knowledge of or an interest in the  
25 welfare of the child.

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

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

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

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

33 4. The right to use the process of the court to compel the  
34 attendance of witnesses.

35 E. At the hearing, the court:

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

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

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



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

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

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

10          7. Shall order the parent or guardian to provide the court with the  
11 names, the type of relationship and all available information necessary to  
12 locate persons who are related to the child or who have a significant  
13 relationship with the child. If there is not sufficient information  
14 available to locate a relative or person with a significant relationship  
15 with the child, the parent or guardian shall inform the court of this  
16 fact. The court shall further order the parent or guardian to inform the  
17 department immediately if the parent or guardian becomes aware of  
18 information related to the existence or location of a relative or person  
19 with a significant relationship to the child.

20          8. Shall inform the parent that substantially neglecting or  
21 wilfully refusing to remedy the circumstances that cause the child to be  
22 in an out-of-home placement, including refusing to participate in  
23 reunification services, is grounds for termination of parental rights to a  
24 child.

25          9. Shall give paramount consideration to the health and safety of  
26 the child.

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

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

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

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

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

- 1           1. The reasons the child was removed from the parent's or  
2 guardian's custody.
- 3           2. Any services that have been provided to the child or the child's  
4 parent or guardian to prevent removal.
- 5           3. The need, if any, for continued temporary custody.
- 6           4. The types of service needed to facilitate the return of the  
7 child to the custody of the child's parents or guardian.
- 8           5. If the child is not placed with a grandparent, whether the child  
9 has any relatives or other interested parties as described in section  
10 8-845, subsection A who may be able and willing to take temporary custody.
- 11           6. Any services that are requested by the parent or guardian but  
12 that are not provided and the reasons the services were not provided.
- 13           7. What efforts the department has made to place siblings together,  
14 and if they are not placed together, the specific reasons why this did not  
15 occur.
- 16           8. If the placement of siblings together was not possible for all  
17 or any of the siblings, efforts the department has made to facilitate  
18 communications among siblings and a proposal for frequent visitation or  
19 contact pursuant to subsection G of this section. If frequent visitation  
20 or contact with siblings is not recommended, the department shall state  
21 the reasons why this would be contrary to the child's or a sibling's  
22 safety or well-being.
- 23           9. A proposal for visitation with the child's parents or guardian  
24 and the results of any visitation that has occurred since the child was  
25 removed. The requirements of this paragraph do not apply to a specific  
26 parent or guardian if there is a court order relating to a criminal case  
27 that prohibits that parent or guardian from contact with the child.  
28 Before the department allows visitation it must first determine that there  
29 are no court orders relating to any superior court criminal case that  
30 prohibit the parent or guardian from contact with the child.
- 31           10. A proposed case plan for services to the family.
- 32           11. THE DEPARTMENT'S EFFORTS TO IDENTIFY, NOTIFY AND ASSESS ADULT  
33 RELATIVES OF THE CHILD AND PERSONS WITH A SIGNIFICANT RELATIONSHIP WITH  
34 THE CHILD PURSUANT TO SECTION 8-514.07.
- 35           I. The parent or guardian shall state whether the parent or  
36 guardian admits or denies the allegations in the petition filed pursuant  
37 to section 8-841. If the parent or guardian admits or does not contest  
38 the allegations in the petition, the court shall determine that the parent  
39 or guardian understands the rights described in subsection D of this  
40 section and that the parent or guardian knowingly, intelligently and  
41 voluntarily waives these rights.
- 42           J. At the hearing, if the child is not returned to the parent or  
43 guardian, the court shall:
  - 44           1. Enter orders regarding the placement of the child pending the  
45 determination of the dependency petition and visitation, if any.

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

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

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

8           8-842. Initial dependency hearing; deadlines

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

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

15           1. ~~Order~~ DETERMINE IF the parent or guardian ~~to provide~~ IS  
16 PROVIDING the court AND THE DEPARTMENT with the names, the type of  
17 relationship and all available information necessary to locate persons who  
18 are related to the child or who have a significant relationship with the  
19 child. ~~If there is not sufficient information available to locate a~~  
20 ~~relative or person with a significant relationship with the child, the~~  
21 ~~parent or guardian shall inform the court of this fact. The court shall~~  
22 ~~order the parent or guardian to inform the department immediately if the~~  
23 ~~parent or guardian becomes aware of information related to the existence~~  
24 ~~or location of a relative or person with a significant relationship with~~  
25 ~~the child.~~

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

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

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

APPROVED BY THE GOVERNOR APRIL 18, 2023.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2023.