

State of Arizona
House of Representatives
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 200

HOUSE BILL 2555

AN ACT

AMENDING TITLE 8, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-515.05; RELATING TO FOSTER CARE.

(TEXT OF BILL BEGINS ON NEXT PAGE)



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

2 Section 1. Title 8, chapter 5, article 1, Arizona Revised Statutes,
3 is amended by adding section 8-515.05, to read:

4 8-515.05. Removal of child from foster parent's home;
5 requirements; notification; review

6 A. UNLESS A CHILD IS REMOVED FROM A LICENSED FOSTER PARENT, EXCLUDING
7 A SHELTER CARE PROVIDER AND RECEIVING FOSTER PARENT, TO PROTECT THE CHILD
8 FROM HARM OR RISK OF HARM, TO PLACE A CHILD IN A PERMANENT PLACEMENT, TO
9 REUNITE SIBLINGS, TO PLACE A CHILD IN A KINSHIP FOSTER HOME, TO PLACE A CHILD
10 IN THE LEAST RESTRICTIVE SETTING, TO PLACE A CHILD IN A THERAPEUTIC SETTING
11 OR TO PLACE A CHILD IN ACCORDANCE WITH THE INDIAN CHILD WELFARE ACT (TITLE
12 25 UNITED STATES CODE SUBSECTION 1915), THE DEPARTMENT SHALL INFORM THE
13 LICENSED FOSTER PARENT OF THE DEPARTMENT'S INTENT TO REMOVE A CHILD AND PLACE
14 THE CHILD IN ANOTHER FOSTER CARE PLACEMENT. THE DEPARTMENT SHALL INFORM THE
15 LICENSED FOSTER PARENT OF THE SPECIFIC REASON FOR THE CHILD'S PLANNED REMOVAL
16 FROM THE LICENSED FOSTER PARENT.

17 B. IF THE LICENSED FOSTER PARENT DISAGREES WITH THE REMOVAL, THE
18 LICENSED FOSTER PARENT SHALL INFORM THE DEPARTMENT WITHIN TWENTY-FOUR HOURS
19 OF BEING INFORMED. IF THE LICENSED FOSTER PARENT DISAGREES WITH THE PLAN TO
20 REMOVE THE CHILD AND PLACE THE CHILD IN ANOTHER FOSTER HOME PLACEMENT, THE
21 DEPARTMENT SHALL CONVENE A CASE CONFERENCE TO REVIEW THE REASONS FOR THE
22 REMOVAL. THE LICENSED FOSTER PARENT AND A MEMBER OF THE FOSTER CARE REVIEW
23 BOARD WHO PARTICIPATES IN A REMOVAL REVIEW TEAM SHALL PARTICIPATE IN THE CASE
24 CONFERENCE.

25 C. THE DEPARTMENT SHALL INFORM THE LICENSED FOSTER PARENT AND THE
26 FOSTER CARE REVIEW BOARD OF THE TIME, DATE AND LOCATION OF THE CASE
27 CONFERENCE TO REVIEW THE PLANNED REMOVAL. THE CASE CONFERENCE SHALL BE HELD
28 WITHIN SEVENTY-TWO HOURS OF THE LICENSED FOSTER PARENT INFORMING THE
29 DEPARTMENT THAT THE LICENSED FOSTER PARENT DISAGREES WITH THE PLANNED
30 REMOVAL, EXCLUDING WEEKENDS AND HOLIDAYS. THE CHILD SHALL REMAIN IN THE
31 CURRENT PLACEMENT PENDING THE OUTCOME OF THE CASE CONFERENCE.

32 D. IF, AS A RESULT OF THE CASE CONFERENCE, IT IS THE DEPARTMENT'S
33 CONTINUED INTENT TO MOVE THE CHILD PURSUANT TO SUBSECTION A AND THE LICENSED
34 FOSTER PARENT CONTINUES TO DISAGREE AND THE CHILD:

35 1. IS IN THE COURT ORDERED PHYSICAL CUSTODY OF THE LICENSED FOSTER
36 PARENT, A FOSTER CARE REVIEW BOARD MEMBER SHALL PROVIDE A RECOMMENDATION TO
37 THE COURT REGARDING THE REMOVAL OF THE CHILD BEFORE THE CHANGE OF PHYSICAL
38 CUSTODY. THE CHILD SHALL REMAIN IN THE CURRENT PLACEMENT PENDING A COURT
39 ORDER FOR REMOVAL.

40 2. IS NOT IN THE PHYSICAL CUSTODY OF THE LICENSED FOSTER PARENT, THE
41 LICENSED FOSTER PARENT SHALL BE ADVISED OF THE DEPARTMENT'S CONFLICT
42 RESOLUTION PROCESS. THE DEPARTMENT SHALL EXPEDITE THE CONFLICT RESOLUTION
43 PROCESS. THE CHILD SHALL REMAIN IN THE CURRENT PLACEMENT PENDING THE OUTCOME
44 OF THE CONFLICT RESOLUTION PROCESS.

ON RECONSIDERATION

Passed the House March 13, 2001,

Passed the Senate April 12, 2001,

by the following vote: 33 Ayes,

by the following vote: 28 Ayes,

23 Nays, 4 Not Voting

1 Nays, 1 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

H.B. 2555

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State
this day of , 20 ,

at o'clock M.

Secretary of State

FAILED
Passed the House March 12, 2001,

Passed the Senate _____, 20____,

by the following vote: 22 Ayes,

by the following vote: _____ Ayes,

31 Nays, 7 Not Voting

Nays _____ Not Voting

Speaker of the House

President of the Senate

Norman L. Moore
Chief Clerk of the House

Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

~~_____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

Secretary to the Governor

Approved this _____ day of

~~_____ , 20____,~~

~~at _____ o'clock _____ M.~~

Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State
this _____ day of _____, 20____,

~~at _____ o'clock _____ M.~~

Secretary of State

H.B. 2555

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 18, 2001,

by the following vote: 38 Ayes,

20 Nays, 2 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

18 day of April, 2001,

at 11:34 o'clock A M.

[Signature]
Secretary to the Governor

Approved this 21 day of

April, 2001,

at 3:19 o'clock P M.

[Signature]
Governor of Arizona

H.B. 2555

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 23 day of April, 2001,

at 4:45 o'clock P M.

[Signature]
Secretary of State