

House Engrossed Senate Bill

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-ninth Legislature  
First Regular Session  
2009

CHAPTER 154

# **SENATE BILL 1246**

AN ACT

AMENDING SECTION 8-525, ARIZONA REVISED STATUTES; RELATING TO CHILD WELFARE  
AND PLACEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-525, Arizona Revised Statutes, is amended to  
3 read:

4 8-525. Open court proceedings; closure; records

5 A. Except as otherwise provided pursuant to this section, court  
6 proceedings relating to dependent children, permanent guardianship and  
7 termination of parental rights are open to the public.

8 B. At the first hearing in any dependency, permanent guardianship or  
9 termination of parental rights proceeding, the court shall ask the parties if  
10 there are any reasons the proceeding should be closed. For good cause shown,  
11 the court may order any proceeding to be closed to the public. In  
12 considering whether to close the proceeding to the public, the court shall  
13 consider:

14 1. Whether doing so is in the child's best interests.

15 2. Whether an open proceeding would endanger the child's physical or  
16 emotional well-being or the safety of any other person.

17 3. The privacy rights of the child, the child's siblings, parents,  
18 guardians and caregivers and any other person whose privacy rights the court  
19 determines need protection.

20 4. Whether all parties have agreed to allow the proceeding to be open.

21 5. If the child is at least twelve years of age and a party to the  
22 proceeding, the child's wishes.

23 6. WHETHER AN OPEN PROCEEDING COULD CAUSE SPECIFIC MATERIAL HARM TO A  
24 CRIMINAL INVESTIGATION.

25 C. SUBJECT TO THE REQUIREMENTS OF SUBSECTION B OF THIS SECTION AND  
26 SECTION 8-807, SUBSECTION F, PARAGRAPH 2, A COURT PROCEEDING RELATING TO  
27 CHILD ABUSE, ABANDONMENT OR NEGLECT THAT HAS RESULTED IN A FATALITY OR NEAR  
28 FATALITY IS OPEN TO THE PUBLIC.

29 ~~E~~ D. At the beginning of a hearing that is open to the public, the  
30 court shall do the following:

31 1. Admonish all attendees that they are prohibited from disclosing any  
32 information that may identify the child and the child's siblings, parents,  
33 guardians and caregivers, and any other person whose identity will be  
34 disclosed during the proceeding.

35 2. Explain contempt of court to all attendees and the possible  
36 consequences of violating an order of the court.

37 ~~D~~ E. A person who remains in the court after the admonition pursuant  
38 to subsection ~~E~~ D OF THIS SECTION must abide by the court's order  
39 prohibiting disclosure of that information. The court may find a person who  
40 fails to do so in contempt of court.

41 ~~E~~ F. The court may close an open proceeding at any time for good  
42 cause shown and after considering the factors prescribed in subsection B OF  
43 THIS SECTION.

44 ~~F~~ G. If a proceeding RELATING TO CHILD ABUSE, ABANDONMENT OR NEGLECT  
45 THAT HAS RESULTED IN A FATALITY OR NEAR FATALITY has been closed by the

1 court, any person may subsequently request that the court reopen a proceeding  
2 or a specific hearing to the public OR REQUEST A TRANSCRIPT BE MADE OF ANY  
3 PREVIOUSLY CLOSED PROCEEDING. In ruling on this request, the court shall  
4 consider the factors prescribed in subsection B OF THIS SECTION. IF THE  
5 COURT GRANTS A REQUEST FOR A TRANSCRIPT OF ANY CLOSED PROCEEDING, THE COURT  
6 SHALL REDACT FROM A TRANSCRIPT ANY INFORMATION THAT:

7 1. IS ESSENTIAL TO PROTECT THE PRIVACY, WELL-BEING OR SAFETY INTERESTS  
8 PRESCRIBED IN SUBSECTION B OF THIS SECTION.

9 2. PROTECTS THE IDENTITY AND SAFETY OF A PERSON WHO REPORTS CHILD  
10 ABUSE OR NEGLECT AND TO PROTECT ANY OTHER PERSON IF THE COURT BELIEVES THAT  
11 DISCLOSURE OF THE CPS INFORMATION WOULD BE LIKELY TO ENDANGER THE LIFE OR  
12 SAFETY OF ANY PERSON.

13 3. THE COURT HAS RECEIVED THAT IS CONFIDENTIAL BY LAW. THE COURT  
14 SHALL MAINTAIN THE CONFIDENTIALITY OF THE INFORMATION AS PRESCRIBED IN THE  
15 APPLICABLE LAW. THE PERSON WHO REQUESTED THE TRANSCRIPT SHALL PAY THE COST  
16 OF THE TRANSCRIPT.

17 H. ANY PERSON MAY REQUEST TO INSPECT COURT RECORDS OF A PROCEEDING  
18 INVOLVING THE DISCLOSURE OF CPS INFORMATION REGARDING A CASE OF CHILD ABUSE,  
19 ABANDONMENT OR NEGLECT THAT HAS RESULTED IN A FATALITY OR NEAR FATALITY. IN  
20 RULING ON THIS REQUEST, THE COURT SHALL CONSIDER THE FACTORS PRESCRIBED IN  
21 SUBSECTION B OF THIS SECTION. IF THE COURT GRANTS THE REQUEST, THE COURT  
22 SHALL REDACT ANY INFORMATION SUBJECT TO THE REQUIREMENTS OF SUBSECTIONS B AND  
23 G OF THIS SECTION AND SECTION 8-807, SUBSECTION F, PARAGRAPH 2.

APPROVED BY THE GOVERNOR JULY 13, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 13, 2009.

Passed the House June 26, 20 09,

by the following vote: 51 Ayes,

0 Nays, 9 Not Voting

Allen R. Frank  
Speaker of the House  
Pro Tempore

Sherman L. Syooce  
Chief Clerk of the House

Passed the Senate June 27, 20 09,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

Robert L. Quinn  
President of the Senate

Charmian Bellington  
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

S.B. 1246

SENATE CONCURS IN HOUSE  
AMENDMENTS AND FINAL PASSAGE

Passed the Senate June 29, 2009

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

Robert L. Brown  
President of the Senate

Chambers Bellinger  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

15<sup>th</sup> day of July, 2009

at 8:53 o'clock A. M.

Susan K. Myers  
Secretary to the Governor

Approved this 13<sup>th</sup> day of

July 2009

at 9:25 o'clock A. M.

Janice K. Brewer  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 13 day of July, 2009

S.B. 1246

at 3:20 o'clock P. M.

Ken Blumeth  
Secretary of State