

House Engrossed Senate Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

CHAPTER 147

SENATE BILL 1188

AN ACT

AMENDING SECTIONS 8-103 AND 8-526, ARIZONA REVISED STATUTES; RELATING TO
ADOPTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-103, Arizona Revised Statutes, is amended to
3 read:

4 8-103. Who may adopt

5 A. Any adult resident of this state, whether married, unmarried or
6 legally separated is eligible to qualify to adopt children. A husband and
7 wife may jointly adopt children.

8 B. PURSUANT TO RULES ADOPTED BY THE DIVISION, THE DIVISION OR ADOPTION
9 AGENCY SHALL PLACE A CHILD IN AN ADOPTIVE HOME THAT BEST MEETS THE SAFETY,
10 SOCIAL, EMOTIONAL, PHYSICAL AND MENTAL HEALTH NEEDS OF THE CHILD. OTHER
11 RELEVANT FACTORS FOR CONSIDERATION, IN NO ORDER OF PREFERENCE, SHALL INCLUDE:

12 1. THE MARITAL STATUS, LENGTH AND STABILITY OF THE MARITAL
13 RELATIONSHIP OF THE PROSPECTIVE ADOPTIVE PARENTS.

14 2. PLACEMENT WITH THE CHILD'S SIBLINGS PURSUANT TO SECTION 8-862.

15 3. ESTABLISHED RELATIONSHIPS BETWEEN THE CHILD AND THE PROSPECTIVE
16 ADOPTIVE FAMILY AS DESCRIBED IN SECTION 8-862, INCLUDING PLACEMENT WITH A
17 GRANDPARENT OR ANOTHER MEMBER OF THE CHILD'S EXTENDED FAMILY INCLUDING A
18 PERSON OR FOSTER PARENT WHO HAS A SIGNIFICANT RELATIONSHIP WITH THE CHILD.

19 4. THE PROSPECTIVE ADOPTIVE FAMILY'S ABILITY TO MEET THE CHILD'S
20 SAFETY, SOCIAL, EMOTIONAL, PHYSICAL AND MENTAL HEALTH NEEDS AND THE ABILITY
21 TO FINANCIALLY PROVIDE FOR THE CHILD.

22 5. THE WISHES OF THE CHILD WHO IS TWELVE YEARS OF AGE OR OLDER.

23 6. THE WISHES OF THE CHILD'S BIRTH PARENTS UNLESS THE RIGHTS OF THE
24 PARENT HAVE BEEN TERMINATED OR THE COURT HAS ESTABLISHED A CASE PLAN OF
25 SEVERANCE AND ADOPTION.

26 7. THE AVAILABILITY OF RELATIVES, THE CHILD'S CURRENT OR FORMER FOSTER
27 PARENTS OR OTHER SIGNIFICANT PERSONS TO PROVIDE SUPPORT TO THE PROSPECTIVE
28 ADOPTIVE FAMILY AND CHILD.

29 C. IF ALL RELEVANT FACTORS ARE EQUAL AND THE CHOICE IS BETWEEN A
30 MARRIED MAN AND WOMAN CERTIFIED TO ADOPT AND A SINGLE ADULT CERTIFIED TO
31 ADOPT, PLACEMENT PREFERENCE SHALL BE WITH A MARRIED MAN AND WOMAN.

32 D. IN EACH ADOPTION PROCEEDING, THE COURT SHALL MAKE FINDINGS ON THE
33 RECORD REGARDING THE BEST INTERESTS OF THE CHILD PURSUANT TO LAW.

34 Sec. 2. Section 8-526, Arizona Revised Statutes, is amended to read:

35 8-526. Child welfare; reporting requirements

36 A. The department shall compile the following information on a
37 semiannual basis ending March 31 and September 30 of each year:

38 1. The total number of reports received, by major category and by
39 priority. The report shall include a description of some of those incoming
40 communications determined not to meet the criteria of a report as chosen by a
41 random sample.

42 2. The number of reports not responded to, by priority, by county and
43 statewide. The report shall include a description of some of these cases as
44 chosen by random sample.

1 3. The number of reports assigned for investigation by priority and by
2 major category, by county and statewide for the current and previous
3 reporting periods.

4 4. The number of investigations completed by priority and by major
5 category, by county and statewide for the current and previous reporting
6 periods and as categorized by investigations that resulted in:

7 (a) A substantiated report.

8 (b) A report currently proposed for substantiation.

9 (c) An unsubstantiated report.

10 5. The number of reports assigned for investigation that remain open
11 for investigation by priority and by major category, by county and statewide
12 for the current and previous reporting periods.

13 6. Of the number of reports assigned for investigation, the percentage
14 of reports that resulted in a child being placed in out-of-home care by
15 county and statewide.

16 7. The number of newborn infants delivered to safe haven providers
17 pursuant to section 13-3623.01.

18 8. The number of children entering out-of-home care by county during
19 the reporting period, and the number and percentage of the children entering
20 out-of-home care by county during the reporting period who are voluntary
21 placements for children under eighteen years of age.

22 9. The number and percentage of children removed during the reporting
23 period, by county and statewide, who had been in out-of-home care:

24 (a) Within the previous twelve months.

25 (b) Within the previous twenty-four months, excluding the children
26 included in subdivision (a) of this paragraph.

27 10. The number and percentage of children who have remained in a
28 shelter or receiving home for more than twenty-one consecutive days, by the
29 child's age group.

30 11. The number and type of licensed foster homes and the number of
31 licensed and available spaces in those homes.

32 12. The number and type of licensed foster homes that leave the foster
33 care system and the reason for the exit.

34 13. The number of licensed foster homes that receive the required
35 visitation by case managers pursuant to section 8-516.

36 14. The number of children placed in the care, custody and control of
37 the department at the end of the reporting period and the number of these
38 children who receive the required visitation by case managers pursuant to
39 section 8-516.

40 15. The number and percentage of children who are in the care, custody
41 and control of the department at the end of the reporting period and who are
42 in out-of-home placement and as categorized by:

43 (a) Age.

44 (b) Ethnicity.

45 (c) Case plan goal.

1 (d) Type of out-of-home placement, categorized by age.

2 (e) Length of time in out-of-home placement of less than thirty days,
3 thirty-one days to twelve consecutive months, twelve to twenty-four
4 consecutive months and more than twenty-four consecutive months, including
5 the median, average and range of the number of out-of-home placements.

6 (f) Primary legal status including voluntary placement for a child
7 under eighteen years of age, temporary custody, adjudicated dependent, free
8 for adoption, voluntary placement for a child over eighteen years of age,
9 dually adjudicated or any other legal status.

10 16. If the case plan is to return the child to the parent, the
11 percentage of parents who receive the required contact by case managers.

12 17. The number and percentage of children who left the custody of the
13 department during the reporting period by reason for leaving care and as
14 categorized by:

15 (a) Age.

16 (b) Ethnicity.

17 (c) Number of placements.

18 (d) Average length of time in care.

19 18. The number of children with a petition for termination of parental
20 rights granted and not granted during the reporting period by county and
21 statewide.

22 19. The number and percentage of children with a case plan goal of
23 adoption and who are not placed in an adoptive home at the end of the
24 reporting period and as categorized by:

25 (a) Age.

26 (b) Ethnicity.

27 (c) Average length of time in care.

28 (d) Legal status.

29 20. The number and percentage of children with a case plan goal of
30 adoption and who are placed in an adoptive home at the end of the reporting
31 period and as categorized by:

32 (a) Age.

33 (b) Ethnicity.

34 (c) Average length of time in out-of-home placement.

35 (d) Length of time from change of case plan goal to adoptive
36 placement.

37 (e) Legal status.

38 (f) MARITAL STATUS AND RELATIONSHIP OF THE ADOPTIVE PARENT OR PARENTS
39 TO THE CHILD.

40 21. THE NUMBER OF CHILDREN WHOSE ADOPTIVE PLACEMENT WAS DISRUPTED
41 DURING THE REPORTING PERIOD AND AS CATEGORIZED BY:

42 (a) AGE.

43 (b) ETHNICITY.

44 (c) CAUSE OF THE DISRUPTION.

1 (d) MARITAL STATUS AND RELATIONSHIP OF THE ADOPTIVE PARENT OR PARENTS
2 TO THE CHILD.

3 ~~21.~~ 22. The number of children whose adoptions were finalized during
4 the reporting period and as categorized by:

5 (a) Average length of time in out-of-home placement before adoptive
6 placement.

7 (b) Average length of time in adoptive placement before the final
8 order of adoption.

9 (c) MARITAL STATUS AND RELATIONSHIP OF THE ADOPTIVE PARENT OR PARENTS
10 TO THE CHILD.

11 ~~22.~~ 23. The number of children who died while in the custody of the
12 department by the county where the death occurred and as categorized by:

13 (a) The cause of death.

14 (b) The type of out-of-home placement at the time of death.

15 ~~23.~~ 24. The number of children with an open or active child protective
16 services case who died due to abuse, categorized by the person or persons who
17 had care or custody of the child at the time of the child's death as follows:

18 (a) Biological parent or parents.

19 (b) Other family member.

20 (c) Adoptive parent or parents.

21 (d) Foster care parent or parents.

22 (e) Other out-of-home care provider.

23 ~~24.~~ 25. The number of children with an open or active child protective
24 services case who died due to abuse allegedly caused by an adult household
25 member who is not listed pursuant to paragraph ~~23~~ 24 of this subsection.

26 B. Based on the data presented in each reporting period, the
27 department, in as brief a format as possible, shall describe three to five
28 major challenges the department faces in achieving the goal of safe,
29 permanent homes for abused and neglected children.

30 C. Within three months after the end of each reporting period the
31 department shall submit a written report in as brief a format as possible to
32 the governor, the president of the senate, the speaker of the house of
33 representatives, the chairperson of the house human services committee, the
34 chairperson of the senate family services committee, or their successor
35 committees, and the cochairpersons of the joint legislative committee on
36 children and family services. The department shall submit a copy of the
37 report to the secretary of state and the director of the Arizona state
38 library, archives and public records.

APPROVED BY THE GOVERNOR APRIL 18, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2011.

Passed the House April 7, 2011,

by the following vote: 37 Ayes,
20 Nays, 3 Not Voting

[Signature]
Speaker of the House
Cheryl Laube
Chief Clerk of the House

Passed the Senate March 8, 2011,

by the following vote: 20 Ayes,
10 Nays, 0 Not Voting

[Signature]
President of the Senate
Chapman Ballester
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~~

S.B. 1188

~~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~~

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 12, 20 11

by the following vote: 19 Ayes,

10 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

12 day of April, 20 11

at 3:30 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 18th day of

April

at 10:25 o'clock A. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 18th day of April, 20 11

S.B. 1188

at 12:19 o'clock P. M.

[Signature]
Secretary of State