

Senate Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Fifty-first Legislature
Second Regular Session
2014

CHAPTER 246

SENATE BILL 1309

AN ACT

AMENDING TITLE 8, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-209; AMENDING SECTION 8-846, ARIZONA REVISED STATUTES; RELATING TO CHILDREN.

(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 2, article 1, Arizona Revised Statutes, is
3 amended by adding section 8-209, to read:

4 8-209. Juvenile court facilities; juvenile shelters; treatment
5 services

6 IF APPROPRIATE FACILITIES ARE AVAILABLE TO THE JUVENILE COURT, THE
7 PRESIDING JUDGE OF THE SUPERIOR COURT MAY ENTER INTO AN AGREEMENT FOR THE USE
8 OF THOSE FACILITIES BY A PROVIDER OF JUVENILE SHELTER OR TREATMENT SERVICES.

9 Sec. 2. Section 8-846, Arizona Revised Statutes, is amended to read:

10 8-846. Services provided to the child and family

11 A. Except as provided in subsections ~~B and C~~ and D, E AND F of this
12 section, if the child has been removed from the home, the court shall order
13 the department to make reasonable efforts to provide services to the child
14 and the child's parent.

15 B. IF THE COURT DETERMINES THAT SERVICES SUPPLEMENTAL TO THOSE
16 PROVIDED THROUGH THE DEPARTMENT ARE AVAILABLE FROM ANOTHER SOURCE AT NO COST
17 TO THIS STATE, THE COURT MAY ORDER THE SERVICES ON AGREEMENT OF THE PROVIDER.

18 C. THE COURT MAY EMPLOY AN INDIVIDUAL OR INDIVIDUALS TO FACILITATE
19 COLLABORATION BETWEEN THE PARTIES AND TO ENSURE THE DELIVERY OF COURT-ORDERED
20 SERVICES. AN EMPLOYEE ACTING IN THAT CAPACITY HAS ACCESS TO ALL DOCUMENTS
21 AND INFORMATION NECESSARY TO ENSURE SERVICE DELIVERY REGARDING THE CHILD AND
22 THE CHILD'S FAMILY WITHOUT OBTAINING PRIOR APPROVAL FROM THE CHILD, THE
23 CHILD'S FAMILY OR THE COURT. THE EMPLOYEE MAY DISCLOSE DOCUMENTS AND
24 INFORMATION THE EMPLOYEE ACQUIRES, REVIEWS OR PRODUCES ONLY AS PRESCRIBED
25 PURSUANT TO SECTION 41-1959.

26 ~~B-~~ D. The court shall consider the following factors and
27 reunification services are not required to be provided if the court finds by
28 clear and convincing evidence that:

29 1. One or more of the following aggravating circumstances exist:

30 (a) A party to the action provides a verified affidavit that states
31 that a reasonably diligent search has failed to identify and locate the
32 parent within three months after the filing of the dependency petition or the
33 parent has expressed no interest in reunification with the child for at least
34 three months after the filing of the dependency petition.

35 (b) The parent or guardian is suffering from a mental illness or
36 mental deficiency of such magnitude that it renders the parent or guardian
37 incapable of benefitting from the reunification services. This finding shall
38 be based on competent evidence from a psychologist or physician that
39 establishes that, even with the provision of reunification services, the
40 parent or guardian is unlikely to be capable of adequately caring for the
41 child within twelve months after the date of the child's removal from the
42 home.

43 (c) The child previously has been removed and adjudicated dependent
44 due to physical or sexual abuse. After the adjudication the child was

1 returned to the custody of the parent or guardian and then subsequently
2 removed within eighteen months due to additional physical or sexual abuse.

3 (d) A child is the victim of serious physical or emotional injury by
4 the parent or guardian or by any person known by the parent or guardian, if
5 the parent or guardian knew or reasonably should have known that the person
6 was abusing the child.

7 (e) The parent's rights to another child have been terminated, the
8 parent has not successfully addressed the issues that led to the termination
9 and the parent is unable to discharge parental responsibilities.

10 (f) After a finding that a child is dependent, all of the following
11 are true:

12 (i) A child has been removed from the parent or guardian on at least
13 two previous occasions.

14 (ii) Reunification services were offered or provided to the parent or
15 guardian after the removal.

16 (iii) The parent or guardian is unable to discharge parental
17 responsibilities.

18 2. The parent or guardian of a child has been convicted of murder or
19 manslaughter of a child, or of sexual abuse of a child, sexual assault of a
20 child, sexual conduct with a minor, molestation of a child, commercial sexual
21 exploitation of a minor, sexual exploitation of a minor, or luring a minor
22 for sexual exploitation.

23 3. The parent or guardian of a child has been convicted of aiding or
24 abetting or attempting, conspiring or soliciting to commit any of the crimes
25 listed in paragraph 2 of this subsection.

26 ~~E.~~ E. The court shall consider any criminal prosecution relating to
27 the offenses ~~which~~ THAT led to the child's removal from the home and any
28 orders of the criminal court. Information may be provided by law enforcement
29 or the county attorney.

30 ~~D.~~ F. If a dependency petition was filed pursuant to section 8-874,
31 subsection J, the court may direct the division not to provide reunification
32 services to the child's parents unless the court finds by clear and
33 convincing evidence that these services would be in the child's best
34 interests.

APPROVED BY THE GOVERNOR APRIL 30, 2014.

FILE IN THE OFFICE OF THE SECRETARY OF STATE APRIL 30, 2014.

Passed the House April 23, 2014,

by the following vote: 54 Ayes,

0 Nays, 6 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate February 27, 2014,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

[Signature]
President of the Senate

Susan Owens
Assistant Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

24 day of April, 2014,

at 9:25 o'clock A M.

Michaila Howard
Secretary to the Governor

Approved this 30 day of

April, 2014,

at 11:13 o'clock A M.

Janice K. Brewer
Governor of Arizona

S.B. 1309

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 30th day of April, 2014,

at 4:26 o'clock P M.
[Signature]
Secretary of State