

Conference Engrossed

**FILED**

**MICHELE REAGAN  
SECRETARY OF STATE**

State of Arizona  
Senate  
Fifty-third Legislature  
First Regular Session  
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**CHAPTER 338  
SENATE BILL 1360**

AN ACT

AMENDING SECTIONS 8-530.01, 8-846, 8-871, 8-872 AND 8-873, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 4, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-873.01; AMENDING SECTION 8-874, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 7, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1292; RELATING TO DEPARTMENT OF CHILD SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-530.01, Arizona Revised Statutes, is amended  
3 to read:

4 8-530.01. Placement of a child returning to foster care:  
5 notification

6 A. If a child who has been in foster care is returned to the  
7 child's home then removed again from the child's home, the department  
8 shall notify all foster homes in which the child previously resided that  
9 the child has been removed from the child's home, UNLESS THE PREVIOUS  
10 FOSTER HOME HAS SUBSTANTIATED OR OUTSTANDING ALLEGATIONS, REPORTS OR  
11 INVESTIGATIONS KNOWN BY THE DEPARTMENT.

12 B. The department shall place the child in a foster home in which  
13 the child has resided, unless the placement is not in the best interests  
14 of the child or none of the prior foster homes wants the placement. If  
15 the child has previously resided in more than one foster home, the  
16 department shall give preference for placement based on which placement is  
17 most recent.

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

20 8-846. Services provided to the child and family

21 A. Except as provided in subsections D, E and F of this section, if  
22 the child has been removed from the home, the court shall order the  
23 department to make reasonable efforts to provide services to the child and  
24 the child's parent.

25 B. If the court determines that services supplemental to those  
26 provided through the department are available from another source at no  
27 cost to this state, the court may order the services on agreement of the  
28 provider.

29 C. The court may employ an individual or individuals to facilitate  
30 collaboration between the parties and to ensure the delivery of  
31 court-ordered services. An employee acting in that capacity has access to  
32 all documents and information necessary to ensure service delivery  
33 regarding the child and the child's family without obtaining prior  
34 approval from the child, the child's family or the court. The employee  
35 may disclose documents and information the employee acquires, reviews or  
36 produces only as prescribed pursuant to section ~~41-1959~~ 8-807.

37 D. The court shall consider the following factors in determining  
38 whether reunification services are required to be provided. Reunification  
39 services are not required to be provided if the court finds by clear and  
40 convincing evidence that:

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

42 (a) A party to the action provides a verified affidavit that states  
43 that a reasonably diligent search has failed to identify and locate the  
44 parent within three months after the filing of the dependency petition or

1 the parent has expressed no interest in reunification with the child for  
2 at least three months after the filing of the dependency petition.

3 (b) The parent or guardian is suffering from a mental illness or  
4 mental deficiency of such magnitude that it renders the parent or guardian  
5 incapable of benefitting from the reunification services. This finding  
6 shall be based on competent evidence from a psychologist or physician that  
7 establishes that, even with the provision of reunification services, the  
8 parent or guardian is unlikely to be capable of adequately caring for the  
9 child within twelve months after the date of the child's removal from the  
10 home.

11 (c) The child previously has been removed and adjudicated dependent  
12 due to physical or sexual abuse. After the adjudication the child was  
13 returned to the custody of the parent or guardian and then subsequently  
14 removed within eighteen months due to additional physical or sexual abuse.

15 (d) The parent or guardian committed an act that constitutes a  
16 dangerous crime against children as defined in section 13-705 or caused a  
17 child to suffer serious physical injury or emotional injury or the parent  
18 or guardian knew or reasonably should have known that another person  
19 committed an act that constitutes a dangerous crime against children as  
20 defined in section 13-705 or caused a child to suffer serious physical  
21 injury or emotional injury.

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

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

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

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

32 (iii) The parent or guardian is unable to discharge parental  
33 responsibilities.

34 2. The parent or guardian of a child has been convicted of a  
35 dangerous crime against children as defined in section 13-705, murder or  
36 manslaughter of a child, or of sexual abuse of a child, sexual assault of  
37 a child, sexual conduct with a minor, molestation of a child, commercial  
38 sexual exploitation of a minor, sexual exploitation of a minor or luring a  
39 minor for sexual exploitation.

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

43 E. The court shall consider any criminal prosecution relating to  
44 the offenses that led to the child's removal from the home and shall abide

1 by any orders of the criminal court. Information may be provided by law  
2 enforcement or the county attorney.

3 F. If a dependency petition was filed pursuant to section 8-873.01  
4 OR 8-874, subsection J, the court may direct the division not to provide  
5 reunification services to the child's parents unless the court finds by  
6 clear and convincing evidence that these services would be in the child's  
7 best interests.

8 Sec. 3. Section 8-871, Arizona Revised Statutes, is amended to  
9 read:

10 8-871. Permanent guardianship of a child

11 A. The court may establish a permanent guardianship between a child  
12 and the guardian if the prospective guardianship is in the child's best  
13 interests and all of the following apply:

14 1. The child has been adjudicated a dependent child OR IS THE  
15 SUBJECT OF A PENDING DEPENDENCY PETITION FILED BY THE DEPARTMENT. IF THE  
16 CHILD HAS NOT BEEN ADJUDICATED DEPENDENT, ALL PARTIES MUST CONSENT TO THE  
17 PERMANENT GUARDIANSHIP. IF THE CHILD HAS NOT BEEN ADJUDICATED DEPENDENT  
18 AND ANY PARTY OBJECTS TO A MOTION FOR PERMANENT GUARDIANSHIP, THE COURT  
19 MAY SCHEDULE A SETTLEMENT CONFERENCE OR MEDIATION OR MAY STRIKE THE MOTION  
20 AND PROCEED WITH THE DEPENDENCY PETITION.

21 2. The child has been in the custody of the prospective permanent  
22 guardian for at least nine months ~~as a dependent child~~. The court may  
23 waive this requirement for good cause.

24 3. If the child is in the custody of the ~~division~~ DEPARTMENT or  
25 agency, the ~~division~~ DEPARTMENT or agency has made reasonable efforts to  
26 reunite the parent and child and further efforts would be unproductive.  
27 The court may waive this requirement if it finds ~~that~~ ONE OR MORE OF THE  
28 FOLLOWING:

29 (a) Reunification efforts are not required by law. ~~or if~~

30 (b) Reunification of the parent and child is not in the child's  
31 best interests because the parent is unwilling or unable to properly care  
32 for the child.

33 (c) THE CHILD IS THE SUBJECT OF A PENDING DEPENDENCY PETITION AND  
34 THERE HAS BEEN NO ADJUDICATION OF DEPENDENCY.

35 4. The likelihood that the child would be adopted is remote or  
36 termination of parental rights would not be in the child's best interests.

37 B. The court may consider any adult, including a relative or foster  
38 parent, as a permanent guardian. An agency or institution may not be a  
39 permanent guardian. The court ~~shall~~ MAY appoint a person nominated by the  
40 child if the child is at least twelve years of age, unless the court finds  
41 that the appointment would not be in the child's best interests. The  
42 court shall consider the child's objection to the appointment of the  
43 person nominated as permanent guardian.

1 C. In proceedings for permanent guardianship, the court shall give  
2 primary consideration to the physical, mental and emotional needs AND  
3 SAFETY of the child.

4 D. Unless otherwise set forth in the final order of permanent  
5 guardianship, a permanent guardian is vested with all of the rights and  
6 responsibilities set forth in section 14-5209 relating to the powers and  
7 duties of a guardian of a minor, other than those rights and  
8 responsibilities of the birth or adoptive parent, if any, that are set  
9 forth in the decree of permanent guardianship.

10 E. At the guardianship hearing, or by notice filed after the  
11 appointment of a permanent guardian or a successor permanent guardian  
12 pursuant to section 8-874, the guardian may advise the court as to the  
13 identity and contact information of potential successor permanent  
14 guardians.

15 F. The ~~division~~ DEPARTMENT or agency shall not be responsible for  
16 the requirements pursuant to subsection A, paragraph 3 of this section for  
17 a petition concerning a child WHO IS not in the care, custody and control  
18 of the ~~division~~ DEPARTMENT or agency.

19 Sec. 4. Section 8-872, Arizona Revised Statutes, is amended to  
20 read:

21 8-872. Permanent guardianship; procedure

22 A. Any party to a dependency proceeding OR A PENDING DEPENDENCY  
23 PROCEEDING may file a motion for permanent guardianship. The motion shall  
24 be verified by the person who files the motion and shall include the  
25 following:

26 1. The name, sex, residence and date and place of birth of the  
27 child.

28 2. The facts and circumstances supporting the grounds for permanent  
29 guardianship.

30 3. The name and address of the prospective guardian and a statement  
31 that the prospective guardian agrees to accept the duties and  
32 responsibilities of guardianship.

33 4. The basis for the court's jurisdiction.

34 5. The relationship of the child to the prospective guardian.

35 6. Whether the child is subject to the ~~federal~~ Indian child welfare  
36 act of 1978 (P.L. 95-608; 92 Stat. 3069; 25 United States Code sections  
37 1901 through 1963) and if so:

38 (a) The tribal affiliations of the child's parents.

39 (b) The specific actions the person who files the motion has taken  
40 to notify the parents' tribes and the results of those contacts, including  
41 the names, addresses, titles and telephone numbers of the persons  
42 contacted. The person shall attach to the motion as exhibits any  
43 correspondence with the tribes.

1 (c) The specific efforts that were made to comply with the  
2 placement preferences under the ~~federal~~ Indian child welfare act of 1978  
3 or the placement preferences of the appropriate Indian tribes.

4 7. The name, address, marital status and date of birth of the birth  
5 parents, if known.

6 B. The person who files the motion shall serve notice of the  
7 hearing and a copy of the motion on all parties as prescribed in rule 5(c)  
8 of the Arizona rules of civil procedure, including any person who has  
9 filed a petition to adopt or who has physical custody pursuant to a court  
10 order in a foster-adoptive placement. In addition to the requirements of  
11 rule 5(c) of the Arizona rules of civil procedure, the notice shall be  
12 sent by registered mail, return receipt requested, to any parent, Indian  
13 custodian and tribe of an Indian child as defined by the federal Indian  
14 child welfare act of 1978 (25 United States Code section 1903).

15 C. The person who files the motion shall provide a copy of the  
16 notice of hearing to the following persons if the person has not been  
17 served pursuant to subsection B of this section:

- 18 1. The child's current physical custodian.
- 19 2. Any foster parent with whom the child has resided within six  
20 months before the date of the hearing.
- 21 3. The prospective guardian if the guardian is not the current  
22 physical custodian.
- 23 4. Any other person the court orders to be provided notice.

24 D. In a proceeding for permanent guardianship, on the request of a  
25 parent, the court shall appoint counsel for any parent found to be  
26 indigent if the parent is not already represented by counsel. The court  
27 may also appoint one for the child if a guardian ad litem has not already  
28 been appointed.

29 E. Before a final hearing, the ~~division~~ DEPARTMENT, the agency or a  
30 person designated as an officer of the court shall conduct an  
31 investigation addressing the factors set forth in section 8-871, whether  
32 the prospective permanent guardian or guardians are fit and proper persons  
33 to become permanent guardians and whether the best interests of the child  
34 would be served by granting the permanent guardianship. The findings of  
35 this investigation shall be set forth in a written report provided to the  
36 court and all parties before the hearing. The court may require  
37 additional investigation if it finds that the welfare of the child will be  
38 served or if additional information is necessary to make an appropriate  
39 decision regarding the permanent guardianship. The court may charge a  
40 reasonable fee for this investigation pursuant to section 8-133, if  
41 performed by an officer of the court. THE COURT MAY WAIVE THE  
42 REQUIREMENTS OF THIS SUBSECTION FOR GOOD CAUSE.

43 F. BEFORE THE COURT MAY APPOINT A GUARDIAN, THE COURT SHALL REQUIRE  
44 THE PROSPECTIVE GUARDIAN TO FURNISH EITHER A VALID FINGERPRINT CLEARANCE  
45 CARD OR A FULL SET OF FINGERPRINTS TO ENABLE THE COURT TO DETERMINE THE

1 APPLICANT'S SUITABILITY AS GUARDIAN. IF THE PROSPECTIVE GUARDIAN DOES NOT  
2 SUBMIT A VALID FINGERPRINT CLEARANCE CARD, THE PROSPECTIVE GUARDIAN SHALL  
3 SUBMIT A FULL SET OF FINGERPRINTS TO THE COURT FOR THE PURPOSE OF  
4 OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION  
5 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY  
6 EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION.

7 ~~F.~~ G. The person who files the motion has the burden of proof by  
8 clear and convincing evidence. In any proceeding involving a child who is  
9 subject to the ~~federal~~ Indian child welfare act of 1978, the person who  
10 files the motion has the burden of proof by beyond a reasonable doubt.

11 ~~G.~~ H. A court order vesting permanent guardianship with an  
12 individual divests the birth or adoptive parent of legal custody of or  
13 guardianship for the child but does not terminate the parent's rights. A  
14 court order for permanent guardianship does not affect the child's  
15 inheritance rights from and through the child's birth or adoptive parents.

16 ~~H.~~ I. On finding that grounds exist for a permanent guardianship,  
17 the court may incorporate into the final order provisions for visitation  
18 with the natural parents, siblings or other relatives of the child if this  
19 order would be in the child's best interests and any other provision that  
20 is necessary to rehabilitate the child or to provide for the child's  
21 continuing safety and well-being. The court may order a parent to  
22 contribute to the support of the child to the extent it finds the parent  
23 is able.

24 ~~I.~~ J. On the entry of the order establishing a permanent  
25 guardianship, the dependency action shall be dismissed. If the child was  
26 in the legal custody of the ~~division~~ DEPARTMENT during the dependency, the  
27 court may order the ~~division~~ DEPARTMENT to conduct the investigation and  
28 prepare the report for the first report and review hearing. IF THE CHILD  
29 WAS NOT IN THE LEGAL CUSTODY OF THE DEPARTMENT, THE COURT MAY ORDER THE  
30 CHILD'S ATTORNEY OR GUARDIAN AD LITEM TO FILE A REPORT FOR THE REPORT AND  
31 REVIEW HEARING. The court shall retain jurisdiction to enforce its final  
32 order of permanent guardianship. The court ~~shall cause~~ MAY ORDER a report  
33 and SHALL SET A review to be held within one year following the entry of  
34 the final order and may set such other and further proceedings as may be  
35 in the best interests of the child. Before a report and review hearing,  
36 the court may cause an investigation to be conducted of the facts and  
37 circumstances surrounding the welfare and best interests of the child and  
38 a written report to be filed with the court. The court may charge a  
39 reasonable fee for this investigation pursuant to section 8-133, if  
40 performed by an officer of the court.

41 ~~J.~~ K. The ~~division~~ DEPARTMENT or agency shall not be responsible  
42 for the requirements pursuant to subsections E, ~~H~~ and I AND J of this  
43 section for a motion concerning a child not in the care, custody and  
44 control of the ~~division~~ DEPARTMENT or agency.

1           ~~K~~. L. The court shall provide the guardian with written notice of  
2 the sibling information exchange program established pursuant to section  
3 8-543.

4           Sec. 5. Section 8-873, Arizona Revised Statutes, is amended to  
5 read:

6           8-873. Revocation of permanent guardianship

7           A. The child, a parent of the child, THE GUARDIAN OF THE CHILD or  
8 any party to the dependency proceeding may file a petition for the  
9 revocation of an order granting permanent guardianship if there is a  
10 significant change of circumstances, including:

11           1. The child's parent is able and willing to properly care for the  
12 child.

13           2. The child's permanent guardian is unable to properly care for  
14 the child.

15           B. The court shall appoint a guardian ad litem for the child in any  
16 proceeding for the revocation of permanent guardianship.

17           C. The court may revoke the order granting permanent guardianship  
18 OF A CHILD WHO PREVIOUSLY HAS BEEN ADJUDICATED A DEPENDENT CHILD if the  
19 party petitioning for revocation proves a change of circumstances by clear  
20 and convincing evidence and the revocation is in the child's best  
21 interest. WHEN MAKING THIS DETERMINATION, THE COURT SHALL CONSIDER ALL OF  
22 THE FOLLOWING:

23           1. THE CHILD'S POSITION ON THE REVOCATION OF THE GUARDIANSHIP IF  
24 THE CHILD IS AT LEAST TWELVE YEARS OF AGE.

25           2. THE DURATION OF THE GUARDIANSHIP AND THE LEVEL OF CONTACT  
26 BETWEEN THE PARENT AND THE CHILD DURING THE GUARDIANSHIP.

27           3. ANY OTHER RELEVANT FACTOR.

28           D. THE COURT MAY REVOKE THE ORDER GRANTING PERMANENT GUARDIANSHIP  
29 OF A CHILD WHO HAS BEEN THE SUBJECT OF A DEPENDENCY PETITION BUT WHO HAS  
30 NOT BEEN ADJUDICATED A DEPENDENT CHILD AND ORDER THAT THE CHILD BE  
31 RETURNED TO THE CHILD'S PARENT IF ALL OF THE FOLLOWING ARE TRUE:

32           1. THE CHILD, PARENT OF THE CHILD, PARTY TO THE DEPENDENCY PETITION  
33 OR GUARDIAN PETITIONS THE COURT FOR REVOCATION.

34           2. THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT THE PARENT  
35 HAS REMEDIED THE GROUNDS ALLEGED IN THE GUARDIANSHIP MOTION.

36           3. THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT THE RETURN  
37 OF THE CHILD WOULD NOT CREATE A SUBSTANTIAL RISK OF HARM TO THE CHILD'S  
38 PHYSICAL, MENTAL OR EMOTIONAL HEALTH OR SAFETY. WHEN MAKING THIS  
39 DETERMINATION, THE COURT SHALL CONSIDER ALL OF THE FOLLOWING:

40           (a) THE CHILD'S POSITION ON THE REVOCATION OF THE GUARDIANSHIP IF  
41 THE CHILD IS AT LEAST TWELVE YEARS OF AGE.

42           (b) THE DURATION OF THE GUARDIANSHIP AND THE LEVEL OF CONTACT  
43 BETWEEN THE PARENT AND THE CHILD DURING THE GUARDIANSHIP.

44           (c) ANY OTHER RELEVANT FACTOR.

1 E. THE COURT MAY SET A CASE PLAN OF GUARDIANSHIP AFTER REVOCATION  
2 OF A PERMANENT GUARDIANSHIP EVEN THOUGH NO SUCCESSOR GUARDIAN HAS BEEN  
3 IDENTIFIED IF THE COURT HAS ORDERED THAT NO REUNIFICATION SERVICES BE  
4 PROVIDED TO THE CHILD'S PARENT.

5 Sec. 6. Title 8, chapter 4, article 12, Arizona Revised Statutes,  
6 is amended by adding section 8-873.01, to read:

7 8-873.01. Permanent guardianship dependency proceedings;  
8 reunification services

9 A. IF A DEPENDENCY PETITION IS FILED ON A PERMANENT GUARDIAN, THE  
10 COURT SHALL ORDER REUNIFICATION SERVICES IN THE PENDING DEPENDENCY  
11 PROCEEDING FOR THE PARENT WHOSE CHILD WAS PREVIOUSLY ADJUDICATED DEPENDENT  
12 RESULTING IN THE APPOINTMENT OF THE PERMANENT GUARDIAN IF, AFTER RECEIVING  
13 NOTICE, THE PARENT MEETS ALL OF THE FOLLOWING:

14 1. IS WILLING TO CARE FOR THE CHILD.

15 2. MAKES A WRITTEN OR ORAL REQUEST TO THE COURT TO PARTICIPATE IN  
16 REUNIFICATION SERVICES AT THE PARENT'S INITIAL APPEARANCE.

17 3. PROVES BY CLEAR AND CONVINCING EVIDENCE THAT THERE HAS BEEN A  
18 SIGNIFICANT CHANGE OF CIRCUMSTANCES THAT INDICATES THAT THE PARENT MAY BE  
19 ABLE TO CARE FOR THE CHILD AND THAT REUNIFICATION SERVICES ARE IN THE  
20 CHILD'S BEST INTERESTS.

21 B. IF THE PARENT IS WILLING TO CARE FOR THE CHILD AND REQUESTS TO  
22 PARTICIPATE IN REUNIFICATION SERVICES, THE COURT SHALL SET A HEARING TO  
23 DETERMINE IF THERE HAS BEEN A SIGNIFICANT CHANGE OF CIRCUMSTANCES THAT  
24 INDICATES THAT THE PARENT MAY BE ABLE TO CARE FOR THE CHILD AND IF  
25 REUNIFICATION SERVICES ARE IN THE CHILD'S BEST INTERESTS.

26 C. IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT THERE  
27 HAS BEEN A SIGNIFICANT CHANGE OF CIRCUMSTANCES THAT INDICATES THAT THE  
28 PARENT MAY BE ABLE TO CARE FOR THE CHILD AND THAT REUNIFICATION SERVICES  
29 ARE IN THE CHILD'S BEST INTERESTS, THE COURT SHALL ORDER THE DEPARTMENT TO  
30 PROVIDE REUNIFICATION SERVICES TO THE PARENT.

31 Sec. 7. Section 8-874, Arizona Revised Statutes, is amended to  
32 read:

33 8-874. Appointment of successor permanent guardian

34 A. If a permanent guardian appointed pursuant to section 8-872 is  
35 unable or unwilling to continue to serve as permanent guardian, the  
36 permanent guardian, the division or an interested party may file a motion  
37 for appointment of a successor permanent guardian. The motion shall be  
38 verified by the person filing the motion and shall include the following:

39 1. The name, sex, address and date and place of birth of each child  
40 who is the subject of the motion.

41 2. The name and address of the permanent guardian.

42 3. The reason why the permanent guardian is no longer able or  
43 willing to serve as permanent guardian of the child.

44 4. The name and address of the proposed successor permanent  
45 guardian, if any.

1 B. If the motion identifies a proposed successor permanent  
2 guardian, the motion shall be accompanied by an affidavit by the proposed  
3 successor permanent guardian that states:

4 1. The relationship between the proposed successor permanent  
5 guardian and the child.

6 2. The proposed successor guardian's agreement to assume the duties  
7 and responsibilities of permanent guardian, including compliance with all  
8 court orders.

9 C. On the filing of a motion pursuant to subsection A of this  
10 section, the court shall:

11 1. Set a date for an initial guardianship review hearing within  
12 thirty days after the motion is filed.

13 2. Appoint an attorney for the child and appoint an attorney for  
14 the proposed successor guardian, if necessary. The court is not required  
15 to appoint an attorney for the parent of the child.

16 3. Enter temporary orders, which may include:

17 (a) Placing the child in the temporary custody of an individual or  
18 agency or the division and directing the division to provide necessary  
19 services as may be necessary for the safety and well-being of the child.

20 (b) Directing the division to complete a criminal records check and  
21 home study to determine the suitability of the proposed successor  
22 permanent guardian to serve as the permanent guardian of the child.

23 (c) Directing the division to conduct an investigation to determine  
24 whether dependency proceedings should be initiated.

25 D. The court shall order the person filing the motion to give  
26 notice of the hearing and to provide a copy of the motion together with  
27 the court's temporary orders to the permanent guardian, the division, the  
28 child's attorney, the child's parents and any other interested person as  
29 ordered by the court. The person filing the motion shall provide notice  
30 by first class mail unless the court orders that notice be given by other  
31 means. If the child is subject to the Indian child welfare act of 1978,  
32 the person filing the motion shall provide notice, pursuant to 25 United  
33 States Code section 1912, to the Indian parent, the Indian custodian and  
34 the child's tribe. If the identity or location of the Indian child's  
35 parent cannot be determined, the person filing the motion shall provide  
36 notice to the United States secretary of the interior pursuant to 25  
37 United States Code section 1912.

38 E. If the child is at least twelve years of age, the court shall  
39 consider the child's objection to the proposed successor permanent  
40 guardian.

41 F. At the hearing, if the court finds that the proposed successor  
42 permanent guardian is suitable to assume the responsibilities of permanent  
43 guardian and that appointment would be in the child's best interests, the  
44 court shall grant the motion, terminate the appointment of the current

1 permanent guardian and enter any other orders as may be necessary for the  
2 safety and well-being of the child, including:

3 1. Appointing the proposed successor permanent guardian as a  
4 provisional permanent guardian of the child for a period not to exceed  
5 nine months and setting a hearing to determine whether the appointment  
6 should be made permanent.

7 2. Appointing the proposed successor permanent guardian as  
8 permanent guardian of the child if the court finds by clear and convincing  
9 evidence that the proposed successor permanent guardian is suitable to  
10 serve as the child's permanent guardian and that the appointment would be  
11 in the child's best interests.

12 3. Directing the division to monitor the placement during the  
13 period of provisional appointment and to provide necessary services to  
14 support the provisional placement, including assisting the provisional  
15 permanent guardian to make an application for guardianship subsidy and  
16 other available benefits.

17 G. If the court enters an order appointing a successor permanent  
18 guardian, the court shall set a review hearing within one year after the  
19 appointment and may order the division or an agency to conduct an  
20 investigation and submit a written report before the hearing.

21 H. A successor permanent guardian is vested with all of the rights  
22 and responsibilities prescribed in section 14-5209 relating to the powers  
23 and duties of a guardian of a minor, other than those rights and  
24 responsibilities of a birth or adoptive parent prescribed in the order  
25 appointing the successor permanent guardian.

26 I. The order appointing the successor permanent guardian may  
27 provide for contact between the child and the natural or adoptive parents,  
28 siblings and other relatives or kin if contact is in the child's best  
29 interests. The court may order the parent to contribute to the support of  
30 the child and to pay any costs for visitation to the extent it finds the  
31 parent able to contribute.

32 J. If the motion to appoint a successor permanent guardian does not  
33 comply with this section, or if the court does not appoint a provisional  
34 or permanent successor permanent guardian, the court may order the  
35 ~~division~~ DEPARTMENT or the child's attorney to file a dependency petition  
36 regarding the child and may enter temporary orders that are necessary for  
37 the safety and well-being of the child. In these cases, the court may  
38 direct the ~~division~~ DEPARTMENT not to provide reunification services to  
39 the child's ~~parents~~ PARENT unless the court finds by clear and convincing  
40 evidence THAT THERE HAS BEEN A SIGNIFICANT CHANGE OF CIRCUMSTANCES THAT  
41 INDICATES THAT THE PARENT MAY BE ABLE TO CARE FOR THE CHILD AND that ~~it~~  
42 REUNIFICATION SERVICES FOR THE PARENT would be in the child's best  
43 interests. THE COURT SHALL SET A HEARING TO MAKE THIS DETERMINATION IF,  
44 AFTER RECEIVING NOTICE, THE PARENT MEETS BOTH OF THE FOLLOWING:

1 1. IS WILLING TO CARE FOR THE CHILD.  
2 2. MAKES A WRITTEN OR ORAL REQUEST TO THE COURT TO PARTICIPATE IN  
3 REUNIFICATION SERVICES AT THE PARENT'S INITIAL APPEARANCE.

4 K. THE COURT MAY ORDER THAT THE CASE PLAN OF GUARDIANSHIP REMAIN IN  
5 PLACE EVEN THOUGH NO SUCCESSOR GUARDIAN HAS BEEN IDENTIFIED IF THE COURT  
6 HAS ORDERED THAT NO REUNIFICATION SERVICES BE PROVIDED TO THE CHILD'S  
7 PARENT.

8 Sec. 8. Title 41, chapter 7, article 12, Arizona Revised Statutes,  
9 is amended by adding section 41-1292, to read:

10 41-1292. Joint legislative oversight committee on the  
11 department of child safety; committee termination

12 A. THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON THE DEPARTMENT OF  
13 CHILD SAFETY IS ESTABLISHED CONSISTING OF THE FOLLOWING MEMBERS:

14 1. THE CHAIRPERSON OF THE SENATE COMMITTEE THAT ADDRESSES CHILD  
15 SAFETY ISSUES.

16 2. THE CHAIRPERSON OF THE HOUSE OF REPRESENTATIVES COMMITTEE THAT  
17 ADDRESSES CHILD SAFETY ISSUES.

18 3. TWO MEMBERS OF THE SENATE WHO ARE APPOINTED BY THE PRESIDENT OF  
19 THE SENATE AND WHO ARE MEMBERS OF DIFFERENT POLITICAL PARTIES.

20 4. TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES WHO ARE APPOINTED BY  
21 THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND WHO ARE MEMBERS OF  
22 DIFFERENT POLITICAL PARTIES.

23 B. THE CHAIRPERSON OF THE SENATE COMMITTEE THAT ADDRESSES CHILD  
24 SAFETY ISSUES AND THE CHAIRPERSON OF THE HOUSE OF REPRESENTATIVES  
25 COMMITTEE THAT ADDRESSES CHILD SAFETY ISSUES SHALL SERVE AS  
26 COCHAIRPERSONS.

27 C. THE COMMITTEE SHALL MEET AT LEAST BIANNUALLY, AND A MAJORITY OF  
28 THE MEMBERS CONSTITUTES A QUORUM FOR THE TRANSACTION OF BUSINESS.

29 D. THE COMMITTEE SHALL REVIEW:

30 1. THE DEPARTMENT'S IMPLEMENTATION OF POLICY AND PROCEDURES AND  
31 PROGRAM EFFECTIVENESS.

32 2. ALL REPORTS ON PROGRAM OUTCOMES RELEASED BY THE DEPARTMENT TO  
33 THE LEGISLATURE FOR TRENDS AND AREAS FOR STATUTORY IMPROVEMENT AND AUDITS  
34 ISSUED BY THE OFFICE OF THE AUDITOR GENERAL RELATED TO THE DEPARTMENT.

35 3. POLICIES AND PROCEDURES RELATING TO GUARDIANSHIPS AND DEPENDENCY  
36 PROCEEDINGS.

37 4. THE COMMITTEE ESTABLISHED BY THIS SECTION ENDS ON JULY 1, 2025  
38 PURSUANT TO SECTION 41-3103.

39 Sec. 9. Department of child safety; review of reporting  
40 requirements

41 On or before December 31, 2017, the department of child safety shall  
42 do all of the following:

43 1. Post the proposed consolidated report generated from the  
44 recommendations required by Laws 2014, second special session, chapter 1,  
45 section 160 on the department's website.

1           2. Hold meetings with stakeholders to discuss potential reports on  
2 longer metric outcome data in addition to any other reports prescribed by  
3 law.

4           3. Identify metrics, if any, that stakeholders want but that have  
5 been omitted from the reports prepared by the department.

6           4. Submit a report to the joint legislative budget committee and  
7 the joint legislative oversight committee on the department of child  
8 safety established by section 41-1292, Arizona Revised Statutes, as added  
9 by this act, on all of the following:

10           (a) The implementation of the new reporting structure.

11           (b) The outcome of stakeholder meetings.

12           (c) The identification of new metrics.

**APPROVED BY THE GOVERNOR MAY 22, 2017.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 22, 2017.**



Passed the House April 17, 20 17,

Passed the Senate February 20, 20 17,

by the following vote: 57 Ayes,

by the following vote: 29 Ayes,

1 Nays, 1 Not Voting  
[Signature]  
Speaker of the House

0 Nays, 1 Not Voting  
[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~~

S.B. 1360

~~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~~

HOUSE FINAL PASSAGE  
as per Joint Conference

Passed the House May 9, 2017,  
by the following vote: 49 Ayes,

6 Nays, 5 Not Voting

[Signature]  
Speaker of the House  
*Pro Tempore*

[Signature]  
Chief Clerk of the House

SENATE FINAL PASSAGE  
as per Joint Conference

Passed the Senate April 27, 2017,  
by the following vote: 27 Ayes,

0 Nays, 3 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor  
this 10<sup>th</sup> day of May, 2017,  
at 6:20 o'clock P M.

[Signature]  
Secretary to the Governor

Approved this 22<sup>nd</sup> day of  
May, 2017,  
at 4:42 o'clock P. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this 22 day of May, 2017,  
at 10:34 o'clock P M.

[Signature]  
Secretary of State

S.B. 1360