

Maricopa County Juvenile Court Strategic Initiatives

Judge Colleen McNally



Arizona Judicial Branch Strategic Agenda and Juvenile Court Efforts

<u>Goal 1: Promoting Access to Justice</u>	<u>Goal 2: Protecting Children, Families, and Communities</u>	
<ul style="list-style-type: none"> JAX- Juvenile Access Exchange (DCPI) Walkaway Orders (DCPI) Early Notification (DCPI) Public Calendar Views (DCPI) 	<ul style="list-style-type: none"> Cradle to Crayons Family Treatment Court Crossover Youth Practice Model Juvenile Detention Alternative Initiative Evidence Based Practices CODY- Court Orientation to Dependent Youth 	
<u>Goal 3: Improving Court Processes to Better Serve the Public</u>	<u>Goal 4: Enhancing Professionalism within Arizona's Courts</u>	<u>Goal 5: Improving Communications and Community Participation</u>
<ul style="list-style-type: none"> Parent to Parent program (DCPI) Court Process Mapping (Casey JET) Improving Data Accuracy and Efficiency (DCPI) Downtown Dependency Pilot (DCPI) Integrated Court Information System - Next Generation (iCISng) 	<ul style="list-style-type: none"> Mediation Enhancement (DCPI) Training for Judges and Stakeholders to keep fidelity to best practices 	<ul style="list-style-type: none"> Juvenile Justice Steering Council Maricopa County Safe Reduction Workgroup(Casey JET) Cradle to Crayons Steering Committee Court and DCS leadership team meetings

The Arizona Judicial Branch Strategic Agenda can be found at: <http://www.azcourts.gov/AZ-Courts/Strategic-Agenda>

DCPI refers to projects funded by the Dependency Case Processing Initiative FY2017-FY2018

Casey JET refers to the Casey Family Programs Judicial Engagement Team

Definitions

<p>JAX (Juvenile Access Exchange): An information Portal for sharing reports and basic case/hearing information with trusted users through current JWA/iCIS access</p>	<p>Walkaway Orders: Providing clear written orders to parties at the end of each hearing</p>	<p>Early Notification: Verified notification to parents and counsel of Preliminary Protective Hearing accelerated to Team Decision Making meeting prior to removal (Currently occurring after petition is filed.)</p>	<p>Public Calendar Views: Technology improvement to allow parties and attorneys to plan next hearing before entering courtroom thus freeing up court time for substantive issues</p>
<p>Cradle to Crayons: The Maricopa County implementation of Safe Babies Court Teams for children from zero to three and their siblings. The use of best practices in services and in court orders to decrease time to permanency and incidents of subsequent maltreatment</p>	<p>Family Treatment Court: A problem-solving court for parents who are alleged to have substance abuse issues that increases reunification outcomes and engagement in treatment.</p>	<p>Crossover Youth Practice Model: Implementation of best practices for youth involved in both delinquency and dependency systems to raise expectations for joint case planning with all systems outside of courtroom and regain focus on child and family inside the courtroom.</p>	<p>Juvenile Detention Alternative Initiative: Statewide effort to improve outcomes for youth by using of evidence-based risk assessments and practices to inform detention decisions.</p>
<p>Evidence Based Practices: Implementing programs and services in juvenile justice that are demonstrated to reduce recidivism and improve other youth outcomes.</p>		<p>Court Orientation to Dependent Youth: Monthly sessions for kids in foster care to educate them about the dependency process and encourage their participation in court hearings.</p>	
<p>Parent to Parent program: Engaging parents who have successfully reunified with their children to act as peer mentors to parents who are entering the dependency system and to provide regular education sessions for parents.</p>	<p>Court Process Mapping: An electronic tool to describe the dependency process for use in training judges and system partners</p>	<p>Improving Data Accuracy and Efficiency: Coordinating the efforts of staff, RAPS and CTS to consistently enter and report data accurately for time standards and other measurement needs</p>	
<p>Downtown Dependency Pilot: Focus on safety at preliminary protective proceedings, set trials on dependencies within 90 days, improve emergency shelter review, and resolve permanency issues for long-stayers.</p>		<p>Integrated Court Information System - Next Generation (iCISng): Developing the next iteration of the court case management system.</p>	
<p>Mediation Enhancement: Training and coaching for mediation staff to improve engagement and participation by all parties to reduce time to permanency and implementing sustainable agreements.</p>		<p>Training for Judges and Stakeholders to keep fidelity to best practices in Juvenile Justice and Child Welfare:</p>	
<p>Juvenile Justice Steering Council: A multisystem stakeholder group that makes recommendations to the juvenile justice leadership and provides direction and oversight to workgroups such as JDAI, CYPM and other system improvement efforts.</p>	<p>Maricopa County Safe Reduction Workgroup: A multi-system collaboration to provide recommendations to DCS and the Court of system changes to reduce the number of kids in care and reduce time to permanency.</p>	<p>Cradle to Crayons Steering Committee: A community and stakeholder group that provides recommendations and guidance regarding the policies and procedures of the Court's efforts to improve outcomes for children from zero to three and their families.</p>	<p>Court and DCS leadership team meetings: Regular meetings between DCS Program Administrators, Juvenile Court Presiding Judge, and Court Administrators to discuss ongoing improvements in process and to solve any problems.</p>



Maricopa County Juvenile Court, October 2016

Maricopa Superior Court Strategic Focus Area (SFA) and Juvenile Court Efforts

<u>SFA 1: Access to Justice Delivery</u>		<u>SFA 2: Procedural Fairness, Effective Case Management and Efficient Operations</u>	
<ul style="list-style-type: none"> • JAX- Juvenile Access Exchange (DCPI) • Walkaway Orders (DCPI) • Early Notification (DCPI) • Public Calendar Views (DCPI) • Parents for Parents Program (DCPI) • Court Process Mapping (Casey JET) • CODY- Court Orientation to Dependent Youth 		<ul style="list-style-type: none"> • Cradle to Crayons • Family Treatment Court • Crossover Youth Practice Model • Juvenile Detention Alternative Initiative • Evidence Based Practices • Improving Data Accuracy and Efficiency (DCPI) • Downtown Dependency Pilot (DCPI) • Mediation Enhancement (DCPI) 	
<u>SFA 3: Competent and Engaged Workforce</u>	<u>SFA 4: Branch Infrastructure: Technology, Facility, and Security</u>		<u>SFA 5: Judicial Branch Governance Accountability</u>
<ul style="list-style-type: none"> • Training for Judges and Stakeholders to keep fidelity to best practices 	<ul style="list-style-type: none"> • Integrated Court Information System - Next Generation (iCISng) 		<ul style="list-style-type: none"> • Juvenile Justice Steering Council • Maricopa County Safe Reduction Workgroup (Casey JET) • Cradle to Crayons Steering Committee • Court and DCS leadership team meetings

DCPI refers to projects funded by the Dependency Case Processing Initiative FY2017-FY2018
 Casey JET refers to the Casey Family Programs Judicial Engagement Team

Definitions

JAX (Juvenile Access Exchange): An information Portal for sharing reports and basic case/hearing information with trusted users through current JWA/iCIS access.		Walkaway Orders: Providing clear written orders to parties at the end of each hearing.		Early Notification: Verified notification to parents and counsel of Preliminary Protective Hearing accelerated to Team Decision Making meeting prior to removal. (Currently occurring after petition is filed.)	
Public Calendar Views: Technology improvement to allow parties and attorneys to plan next hearing before entering courtroom; thus freeing up court time for substantive issues.		Parents for Parents Program: Engaging parents who have successfully reunified with their children to act as peer mentors to parents who are entering the dependency system and to provide regular education sessions for parents.		Court Process Mapping: An electronic tool to describe the dependency process for use in training judges and system partners.	
Cradle to Crayons: The Maricopa County implementation of Safe Babies Court Teams for children from zero to three and their siblings. The use of best practices in services and in court orders to decrease time to permanency and incidents of subsequent maltreatment.		Family Treatment Court: A problem-solving court for parents who are alleged to have substance abuse issues that increases reunification outcomes and engagement in treatment.		Crossover Youth Practice Model: Implementation of best practices for youth involved in both delinquency and dependency systems to raise expectations for joint case planning with all systems outside of courtroom and regain focus on child and family inside the courtroom.	
Evidence Based Practices: Implementing programs and services in juvenile justice that are demonstrated to reduce recidivism and improve other youth outcomes.		Improving Data Accuracy and Efficiency: Coordinating the efforts of staff, RAPS and CTS to consistently enter and report data accurately for time standards and other measurement needs.		Downtown Dependency Pilot: Focus on safety at preliminary protective proceedings, set trials on dependencies within 90 days, improve emergency shelter review, and resolve permanency issues for long-stayers.	
Training for Judges and Stakeholders to keep fidelity to best practices in Juvenile Justice and Child Welfare:				Integrated Court Information System - Next Generation (iCISng): Developing the next iteration of the court case management system	
Juvenile Justice Steering Council: A multisystem stakeholder group that makes recommendations to the juvenile justice leadership and provides direction and oversight to workgroups such as JDAI, CYPM and other system improvement efforts.		Maricopa County Safe Reduction Workgroup: A multi-system collaboration to provide recommendations to DCS and the Court of system changes to reduce the number of kids in care and reduce time to permanency.		Cradle to Crayons Steering Committee: A community stakeholder group that provides recommendations and guidance regarding the policies and procedures of the Court's efforts to improve outcomes for children from zero to three and their families.	
				Court and DCS leadership team meetings: Regular meetings between DCS Program Administrators, Juvenile Court Presiding Judge, and Court Administrators to discuss ongoing improvements in process and to solve any problems.	

Improving the Lives of Arizona's Foster Children

Cradle to Crayons Child Welfare Center

October 03, 2016

Arizona has 2 options for placing a child into a family home setting

**Community
Foster Care**

A family who provides care for a child who they did not previously have a strong relationship with

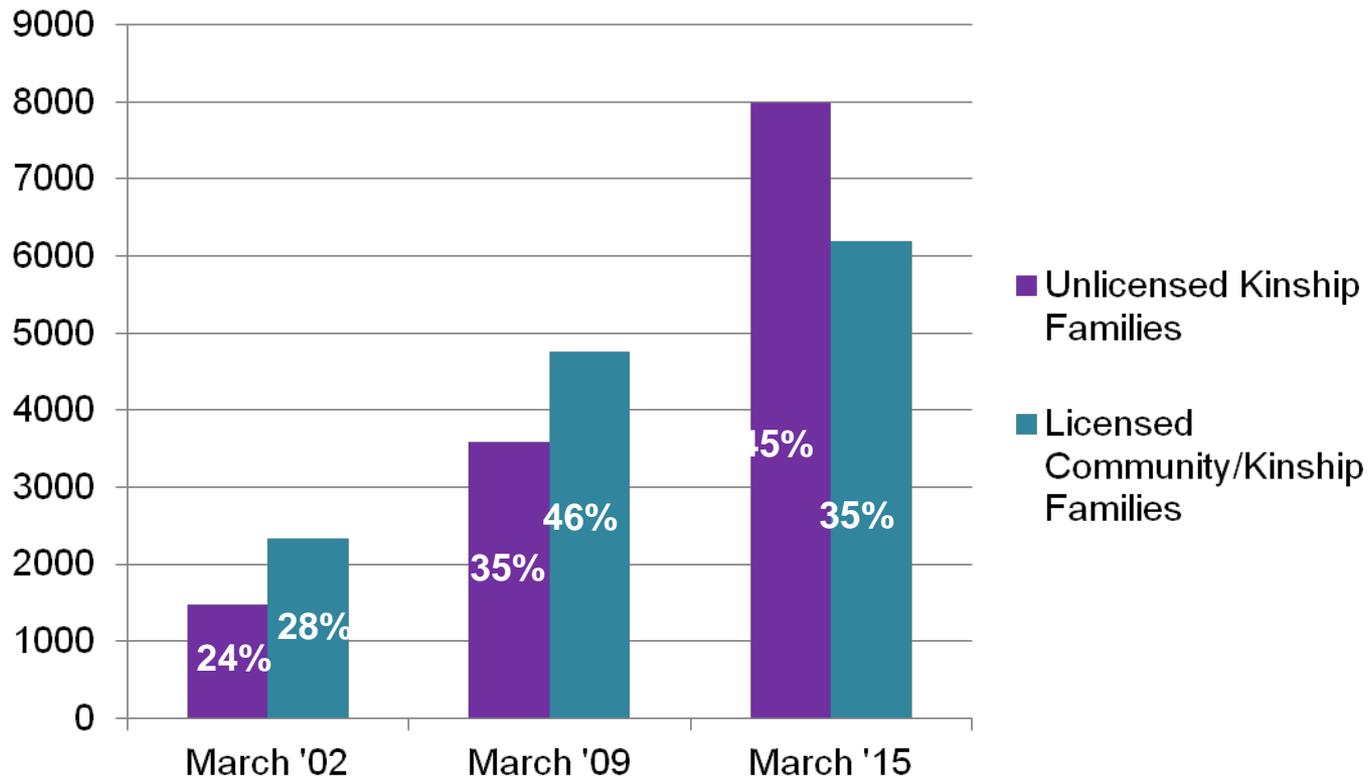
**Kinship
Foster Care**

A family who provides care to a child who is a relative or a child which they have a “relative” like relationship with. This can include teachers, family friends, coaches or clergy.

Once children are placed in to unlicensed Kinship homes, families can remain unlicensed or become licensed foster parents.

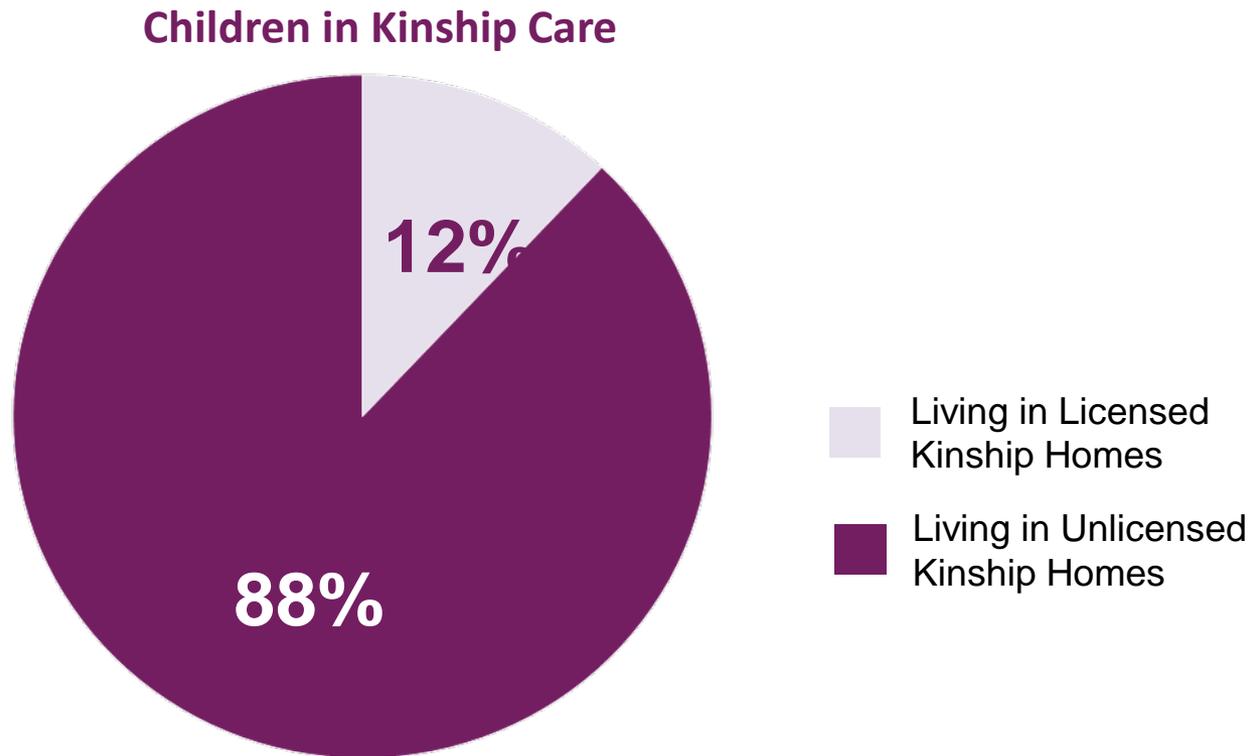
	Unlicensed Foster Parent	Licensed Foster Parent
Community Foster Care	N/A	<ul style="list-style-type: none"> •Family must meet the standards and training of licensure. •Family agrees to abide by all licensing rules. •Family works with DCS and a licensing agency.
Kinship Foster Care	<ul style="list-style-type: none"> •Family does not have to meet the standards of licensing. •Family works with DCS 	<ul style="list-style-type: none"> •Family must meet the standards and training of licensure. •Family agrees to abide by all licensing rules. •Family works with DCS and a licensing agency.

Arizona has significantly increased placing children in unlicensed kinship family homes



Nationally 28% of foster children are placed into kinship homes

The majority of kinship families are not yet licensed



Lack of awareness is the main reason families remain unlicensed.

Unlicensed Families have greater difficulty working with the courts and other systems.

- They are difficult to identify and reach.
- Case management is rare (expensive).
- They lack an understanding of expectations and context.
- They lack a community – they are isolated and overwhelmed.
- They often lack financial resources.

Placement decisions have a large financial impact.

Placement cost per child

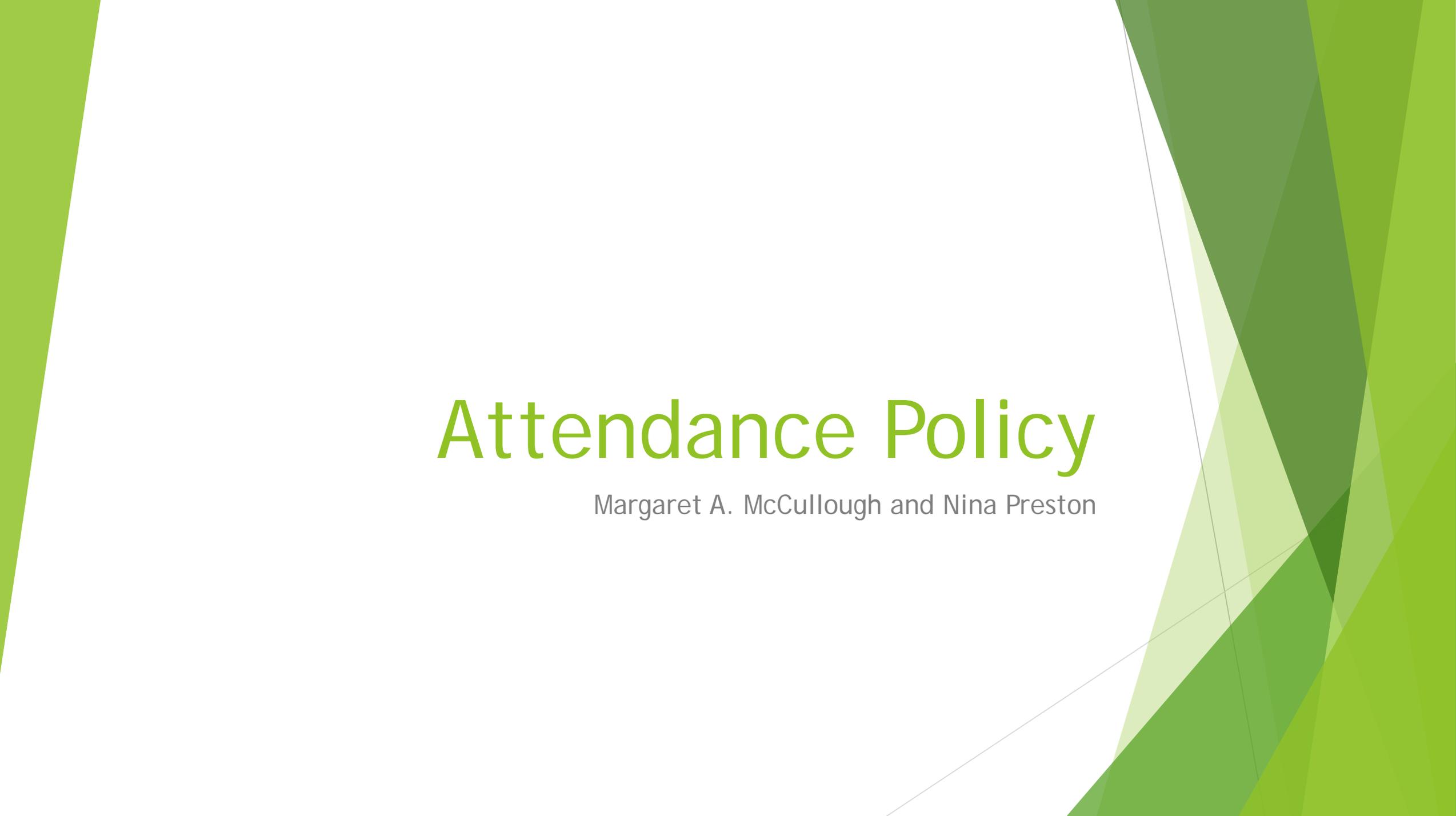
	Daily Cost	Yearly Cost
Unlicensed Kinship	\$1.51	\$552
Licensed Foster Care	\$21.60	\$7,884
Congregate Care	\$123.50	\$45,085

Seeing this opportunity . . . AASK set up this bi-lingual website:

<http://www.azfamilyresources.org>

The screenshot shows a web browser window with the URL <http://www.azfamilyresources.org>. The website header features the title "Arizona Family Resources" and a language selector for "English | Spanish". The main content area is a grid of eight service categories, each with a colored circular icon, a title, and a brief description:

- Welcome**: A welcome letter from Arizona Department of Child Safety Director Greg McKay.
- Basics**: General information about Foster Care (Who should I expect to hear from?, What do I do next?)
- Medical**: Information on the medical needs for children in care (Crisis, Immunization, Behavioral Health)
- Education**: Information about foster children in school (Registration, Documentation, Child Care)
- Legal**: Information about the foster care legal process. (Court process, What are my rights?)
- Resources**: External support resources (Child care, How to get documents, Financial Assistance, Emotional Support)
- Local**: Local resources sorted by Arizona County (Child care, Clothing, CASAs)
- Emergency**: What to do in the event of an emergency.

The background features abstract, overlapping geometric shapes in various shades of green, ranging from light lime to dark forest green. These shapes are primarily located on the left and right sides of the page, framing the central white area where the text is placed.

Attendance Policy

Margaret A. McCullough and Nina Preston

Attendance Policy (Flagstaff Unified School District) (Policy JE)

Be in school every day. Attendance is the number one school success factor!

FUSD High Schools strictly adhere to Arizona law (ARS-15-901(A)(1): Once a student has accrued absences that total 10% of the possible days in the school year (more than 18 days if the school year is 180 days), no matter whether the absences were excused or unexcused, all subsequent absences must be reported as unexcused. This rule applies across schools within a district if the student transfers.

...

Continuation of Flagstaff Unified School District Policy

Following are some other reasons that students miss school. These occasions are not excusable by a parent or guardian:

Ditching/Truant
Court Dates
Juvenile Detention/Probation
Runaway

.....

Any classroom assignments coming due during a period of unexcused absence will be recorded as a zero in the teacher's record book.

Aug. 19, 2016 - email

Absence verifications: Site administrations and attendance clerks

After review the new absence guidelines from the state and reading the student handbook it has come to our attention that some interpretation is necessary. ARS 15-901(A)(1) states "The Department of Education defines an excused absence as being an absence due to illness, doctor appointment, bereavement, *family emergencies* and out-of-school suspensions." With that being said the secondary student handbook reads... "following are some other reasons that students miss school. These occasions are *not excusable by a parent or guardian*: ditching/truant, *court dates*, juvenile detention/probation or runaway". It would be appropriate for the *site administration* to excuse the court appearance as a *family emergency*.

...

Thank you!
Mary K Walton, M.Ed.
Assistant Superintendent, Curriculum & Instruction
Flagstaff Unified School District
mwalton@fUSD1.org
928-527-6020

DOE has been granted authority by A.R.S. §15-901(A)(1) to identify excused absences. [A.R.S. §15-901(A)(1), “excused absences shall be identified by the Department of Education...”]

DOE establishes Guidelines to “inform district schools and charter schools when an absence shall be considered excused.”

Excerpts from e-mail dated September, 2016, from Lyle Friesen, Deputy Associate Superintendent, School Finance

EX-1 was revised too quickly in FY2016, creating certain unintended consequences, including not allowing time for LEAs to implement necessary changes in their Student Information Systems.

Superintendent Douglas intends to review and reissue EX-1 with an effective date of 7/1/2017 or later.

ADE staff members have met with representatives from school districts and charter schools to gain an understanding of LEAs' concerns regarding EX-1, and are currently reviewing the EX-1 guideline in light of these issues.

Continuation of email from Mr. Friesen

ADE plans to revise EX-1 to address these concerns, and will review the new draft with LEA representatives. Following these discussions, a new draft EX-1 will be presented to Superintendent Douglas for her approval. She intends to decide on a course that lessens the administrative burden on LEAs while serving Arizona's students. Please expect a revised version of EX-1 before the end of this year

...

For FY2017, it is a local decision whether the 10% threshold in EX-1 is applied to all absences or only out of school suspensions. The FY 2016 revisions of EX-1 are currently suspended. Please find the 2009 version of EX-1 on the School Finance External Guidance webpage.

It is extremely important to the judicial branch, specifically the juvenile courts, that court appearances constitute an excused absence. Minors are required to make court appearances for a variety of reasons—e.g. child is :

- ▶ subject of adoption,
- ▶ witness in a criminal, civil or domestic relations case,
- ▶ subject of a dependency petition, involved in the juvenile delinquency/probation system.

October 5, 2016

Lyle Friesen
Deputy Associate Superintendent
School Finance
1525 W. Jefferson Street
Phoenix, Arizona 85007

Dear Mr. Friesen:

The Committee on Juvenile Courts is comprised of Presiding Juvenile Judges from each county in the state, representatives of the Arizona Office of the Courts, a representative of the County Directors of Juvenile Court services, and members of the public.

We were recently informed that EX-1, as revised in 2016, is currently suspended and a new draft is expected to be approved before the end of this year. Our understanding is that the suspended Guideline excluded "court dates" as an excused absence or could be interpreted as excluding court dates as an excused absence.

We are urging the Department of Education to include "court dates" as an excusable absence.

Minors are required to make court appearances for a variety of reasons. A child could be a victim in a criminal case and under subpoena requiring an appearance. A child may be the subject of an adoption or want to witness the adoption of a sibling. A child could be a witness in a criminal, civil or domestic relations case. A child may be a dependent child who has been neglected, abused or abandoned and wants to have input on their placement, services or visitation with parents or extended family. A child could be facing delinquent charges or already be on probation and attending review hearings to ensure compliance with probation terms and an appearance is required.

The Arizona Juvenile Court system is actively working to assist a child to become a law abiding, productive member of society. Education and graduation from high school are extremely important goals of the Juvenile Court system.

Therefore, again, we urge the Department of Education to include "court dates" as an excusable absence.

Sincerely,

Revised: 11/18/09	ARIZONA DEPARTMENT OF EDUCATION GUIDELINES & PROCEDURES	NO. EX-1
SUPERSEDES: 02/26/09		SHEET 1 of 2
SUBJECT: SCHOOL FINANCE - EXCUSED ABSENCES		FILING INSTRUCTIONS (Guidelines & Procedures Manual) Section: External As item: EX-1

I. PURPOSE

The purpose of this guideline is to inform district schools and charter schools when an absence shall be considered excused.

II. GUIDELINE

- A. Pursuant to A.R.S. §15-901(A)(2), "...excused absences shall be identified by the Department of Education...". The Department of Education defines an excused absence as being an absence due to illness, doctor appointment, bereavement, family emergencies and out-of-school suspensions not to exceed 10% of the instructional days scheduled for the school year. The Department of Education delegates the decision of family vacations as an excused absence to individual school districts and charter holders.
- B. Pursuant to A.R.S. §15-806, "the governing board of each school district shall adopt a policy governing the excuse of students for religious purposes. The policy may permit a student to be excused from school attendance for religious purposes, including participation in religious exercises or religious instruction. If the policy permits a student to be excused for religious purposes, the policy shall stipulate the conditions under which the excuse will be granted." Pursuant to A.R.S. §15-806(1) and (2) these conditions will include at least a written consent from the person who has legal custody of the student and the religious instruction or exercises must take place at a suitable place away from school property. Pursuant to Op.Atty.Gen. No. R76-292, the total number of days of excused absences for religious purposes shall be reasonable and not abused.
- C. Pursuant to A.R.S. §15-902(C), a district or charter may apply to the Arizona Department of Education for an adjustment when excessive absences occur that are a result of a widespread illness, adverse weather conditions, a concentrated refusal by students to attend classes which extends to three or more consecutive instructional days, threats of violence against school property, school personnel or students for any period of one day or more, or school closure due to situations affecting the safety of persons or property resulting from fire, flooding or floodwater, an earthquake, a hazardous material event or other causes if approved by the department of education.

Revised: 11/18/09	ARIZONA DEPARTMENT OF EDUCATION GUIDELINES & PROCEDURES	NO. EX-1
SUPERSEDES: 02/26/09		SHEET 2 of 2
SUBJECT: SCHOOL FINANCE - EXCUSED ABSENCES		FILING INSTRUCTIONS (Guidelines & Procedures Manual) Section: External As item: EX-1

- D. Pursuant to A.R.S. §15-902(E), a district or charter may also apply to the Arizona Department of Education for absence approval for students with chronic health problems if the district or charter is providing services to the students during their absences.
- E. Pursuant to A.R.S. §15-803(A)(2), in order for any of the above absences to be excused, a child who is under 16 years of age must be accompanied by a parent, guardian, or authorized person.

III. Procedure

In order for absences relating to illness, doctor appointment, bereavement, family emergencies, or district approved family vacation to be counted as excused absences, the school must be notified of the absence prior to the absence or when the absence occurs by the parent or legal guardian who has custody of the student. The school will document on paper or paperless format the date and reason for the absence. The documented record shall be maintained for not more than four (4) years.

In order for a district or charter to apply to ADE for the exclusion of excess absences due to widespread illness, adverse weather conditions, or a concentrated refusal by students to attend classes exceeding three days, the districts and charters shall apply for an adjusted ADM, and if approved, will be reflected on the ADMS 46-1 and the ADMS 40-2 Report.

If an absence occurs relating to any other term or condition that is not specifically designated herein, the absence shall be counted as unexcused. Students absent for ten (10) consecutive school days, except for excused absences identified herein, shall be withdrawn from the school, pursuant to A.R.S. §15-901 (A)(2).

*If you have any questions or comments concerning the interpretation or clarification of these guidance statements, please contact the Office of Legislative Guidelines (602)542-0384.

Revised: 12/02/2015	ARIZONA DEPARTMENT OF EDUCATION GUIDELINES & PROCEDURES	NO. EX - 1
Supersedes: 02/26/09		SHEET 1 of 2
SUBJECT: School Finance- Excused Absences		FILING INSTRUCTIONS (Guidelines & Procedures Manual) Section: External As item: EX - 1

I. PURPOSE

The purpose of this guideline is to inform district schools and charter schools when an absence shall be considered excused.

II. GUIDELINE

- A. Pursuant to A.R.S. §15-901(A)(1), "...excused absences shall be identified by the Department of Education...". The Department of Education defines an excused absence as being an absence due to illness, doctor appointment, bereavement, family emergencies and out-of-school suspensions. Absences due to out-of-school suspension shall be reported as unexcused when the total number of absences for all reasons exceed 10% of the instructional days for the school year. The Department of Education delegates the decision of family vacations as an excused absence to individual school districts and charter holders.
- B. Pursuant to A.R.S. §15-803(A), in order for any of the above absences to be excused, a child who is under 16 years of age must be accompanied by a parent, guardian, or authorized person.
- C. Pursuant to A.R.S. 15-805(B) an attendance officer may issue a citation to the guardian or the child that is in violation of A.R.S. 15-803. A student that violates district attendance policies and is violation of the laws is considered habitually truant.
- D. Pursuant to A.R.S. §15-806, "the governing board of each school district shall adopt a policy governing the excuse of students for religious purposes. The policy may permit a student to be excused from school attendance for religious purposes, including participation in religious exercises or religious instruction. If the policy permits a student to be excused for religious purposes, the policy shall stipulate the conditions under which the excuse will be granted." Pursuant to A.R.S. §15-806(1) and (2) these conditions will include at least a written consent from the person who has legal custody of the student and the religious instruction or exercises must take place at a suitable place away from school property. Pursuant to Op.Atty.Gen. No.

R76-292, the total number of days of excused absences for religious purposes shall be reasonable and not abused.

III. Procedure

In order for absences relating to illness, doctor appointment, bereavement, family emergencies, or district approved family vacation to be counted as excused absences, the school must be notified of the absence prior to the absence or when the absence occurs by the parent or legal guardian who has custody of the student. The school will document on paper or paperless format the date and reason for the absence. The documented record shall be maintained for not more than four (4) years.

If an absence occurs relating to any other term or condition that is not specifically designated herein, the absence shall be counted as unexcused. Students absent for ten (10) consecutive school days, except for excused absences identified herein, shall be withdrawn from the school, pursuant to A.R.S. §15-901 (A)(2). The governing board may take disciplinary action that may lead to expulsion pursuant to A.R.S 15-342.

Districts and charters are no longer required to submit for absence adjustments for excessive absences that occur as a result of widespread illness, adverse weather, or situations that affecting the safety of persons or property. The Department of Education is to be notified of calendar changes resulting from the above conditions using the [Calendar Change Request form](#).

Districts and charters no longer need to apply to the Department of Education for chronic health problem exceptions. Documentation pertaining to chronic health problems should be retained by districts and charters. The documented records shall be maintained for not more than four (4) years.

*If you have any questions or comments concerning the interpretation or clarification of these guidance statements, please contact School Finance: SchoolFinance@azed.gov or call 602-542-5695.

Washington Law on Reinstatement of Parental Rights

Permits a child to petition the juvenile court to reinstate previously terminated parental rights if all of the following are true:

- Child was previously found to be dependent
- Child's parent's rights were terminated at least three years prior
- Child is at least 12 years old and has not achieved or sustained permanency

Requires clear and convincing evidence that the child has not achieved or sustained permanency, is not likely to imminently do so, and that reinstatement is in the child's best interests. Outlines factors to consider the best interests of the child that include:

- Whether the parent whose rights are to be reinstated is a fit parent and has remedied his or her deficits as provided in the record of the prior termination proceedings and prior termination order;
- the age and maturity of the child, and the ability of the child to express his or her preference;
- whether the reinstatement of parental rights will present a risk to the child's health, welfare, or safety; and
- other material changes in circumstances, if any, that may have occurred which warrant the granting of the petition

If the court conditionally grants the petition, a temporary order of reinstatement must be entered and the case continued for six months. During this time the child shall be placed with the parent and DCS shall develop a permanency plan for the child reflecting the reunification and provide transitions services as appropriate.

If the child is removed from the parent due to abuse or neglect during the six month period, the court must dismiss the petition if the allegations are proven by a preponderance of the evidence. If after six months the placement with the parent has been successful, the court shall dismiss the dependency and enter a final order of reinstatement of parental rights. Retroactive and applicable to any child under the jurisdiction of the juvenile court at the time of the hearing.

2017-08: Permanent Guardianship; procedure

Background:

Over the past several years Arizona has seen a high volume of children become the subject of dependency petitions following their removal from home by the Department of Child Safety. The path to permanency may involve reunification with family or severance followed possibly by adoption or permanent guardianship. Currently in Maricopa County, 47% of the juvenile court's work involves voluntary guardianships granted under Title 14 while 40% of the cases are dependencies. A dependency may be resolved by reunification, severance of parental rights, or a Title 8 guardianship.

A Title 14 guardianship does not require a dependency adjudication and is considered "reversible" since the parent who consents to the guardianship may revoke it at any time; as such, DCS is often hesitant to agree to Title 14 guardianships due to the lack of court oversight of the case. Title 8 guardianships require an initial dependency finding and court action must be taken to reverse this order and return the child. Parents are often hesitant to stipulate to a dependency out of fear of being placed on the central registry.

Solution:

2017-08 expands the ability of the court to grant a permanent guardianship under Title 8 prior to an adjudication of dependency and increases safeguards for children by requiring background checks for non-relatives seeking permanent guardianship.

Provisions:

- Permits the court to establish a permanent guardianship under Title 8 prior to an adjudication of dependency for a child who is the subject of a dependency petition.
- Requires applicants for permanent guardianship submit a valid fingerprint clearance card or full set of fingerprints to the court for purposes of obtaining a criminal background check.
- Allows, instead of requires, the court to appoint a permanent guardian nominated by a child who is at least twelve years of age.