



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

FACT SHEET FOR S.B. 1069

juvenile dependency; child placement

Purpose

Modifies various requirements and procedures relating to juvenile dependency, guardianship and adoption hearings.

Background

Current statute allows the court to establish a permanent guardianship proceeding between a child and the guardian if the prospective guardianship is in the child's best interest and certain requirements have been met, including that the child has been adjudicated a dependent child or is the subject of a pending dependency petition filed by the Department of Child Safety (DCS). If the child has not been adjudicated dependent, all parties must consent to the permanent guardianship ([A.R.S. § 8-871](#)).

The court is required to hold a final adoption hearing in as informal a manner as the requirements of due process and fairness permit. The court is required to only allow persons who have a direct interest in the case to attend the hearing, and attendees are prohibited from disclosing any information about the hearing ([A.R.S. § 8-115](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Allows the court to establish permanent guardianship of a child if the dependency petition is filed by a person other than DCS and notice of the hearing has been served on all parties and no party objects.
2. Requires the court, if a child is the subject of a pending dependency petition not filed by DCS, to notify DCS of the motion for permanent guardianship not later than 14 court days after the motion is filed.
3. Allows DCS to conduct an investigation into the allegations contained in the dependency petition.
4. Requires DCS to inform the court and parties of its position on the guardianship within 10 court days from the court's notification.
5. Allows DCS, if it objects to the motion, to take necessary action to protect the health and safety of the child who is the subject of the guardianship motion, including moving to intervene in the dependency action or filing a separate dependency petition.

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6. Requires DCS, the agency or a person designated as an officer of the court to provide a guardianship report to the court not later than 10 days following the court's order to provide the report.
7. Allows invited guests of the adoptive family to attend a final adoption hearing.
8. Removes the prohibition against final adoption hearing attendees from disclosing information about the hearing.
9. Allows out-of-court statements or nonverbal conduct of a minor regarding acts of abuse or neglect to be admissible in guardianship proceedings.
10. Specifies that court proceedings relating to dependency, guardianship and termination of parental rights may be open to the public or closed for good cause, unless requirements for termination adjudication hearings necessitate otherwise.
11. Allows notice of permanent guardianship and termination of parental rights hearings to be provided through certified mail in addition to registered mail.
12. Requires an attorney to be appointed in all delinquency proceedings that are commenced with a petition or that may involve detention, rather than all delinquency proceedings.
13. Specifies that the attorney is required to represent the child through dismissal, rather than through permanency, in a dependency proceeding.
14. Makes technical and conforming changes.
15. Becomes effective on the general effective date.

Prepared by Senate Research

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