



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

FACT SHEET FOR H.B. 2486

parent-child relationship; restoration

Purpose

Allows the Department of Child Safety (DCS), the child, the child's parent or other outlined individuals, if a child's parent-child relationship has been terminated, to petition to have the child's parent-child relationship restored if outlined criteria apply.

Background

Current statute allows for any person or agency that has a legitimate interest in the welfare of a child, including a relative, a foster parent, a physician, DCS or a private licensed child welfare agency, to file a petition for the termination of the parent-child relationship. Evidence sufficient to justify the termination of the parent-child relationship must include any of the following, and in considering any of the following grounds, the court must also consider the best interests of the child: 1) the parent has abandoned the child; 2) the parent has neglected or willfully abused a child; 3) the parent is unable to discharge parental responsibilities because of mental illness, mental deficiency or a history of chronic abuse of dangerous drugs, controlled substances or alcohol and there are reasonable grounds to believe that the condition will continue for a prolonged indeterminate period; 4) the parent is deprived of civil liberties due to the conviction of a felony if the felony of which that parent was convicted is of such nature as to prove the unfitness of that parent to have future custody of the child; and 5) other statutorily outlined factors ([A.R.S. § 8-533](#)).

After the outlined petition has been filed, the clerk of the superior court must set a time and place for the initial hearing that must take place not sooner than 10 days after the completion of service of notice. At the initial hearing the court must instruct the parent that the failure to appear at the pretrial conference, status conference or termination adjudication hearing may result in an adjudication terminating the parent-child relationship. If a petition for terminating the parent-child relationship is contested, the court must hold a termination adjudication hearing within 90 days after the initial severance hearing. At the termination adjudication hearing, the court's findings with respect to grounds for termination must be based on clear and convincing evidence (A.R.S. §§ [8-535](#) and [8-537](#)).

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

Provisions

1. Allows DCS, the child, an Indian child's tribe, the child's attorney, the guardian ad litem or the child's parent, if a child's parent-child relationship has been terminated, to petition to have the child's parent-child relationship restored if all of the following apply:
 - a) the child is in the care or custody of DCS;

- b) the child has not achieved permanency, is unlikely to achieve permanency and is not in a preadoptive placement;
 - c) at least two years have passed since the parent-child relationship was terminated, unless there is a demonstration of good cause for an earlier filing; and
 - d) the dependency adjudication finding did not include, or the parent-child relationship was not terminated, because the parent committed or was found to have failed to protect a child from an act involving any of the following:
 - i. a serious physical injury;
 - ii. sexual abuse or sexual conduct with a minor;
 - iii. any conduct that resulted in the near death or death of a minor; or
 - iv. a dangerous crime against children.
2. Requires the good cause basis for an earlier filing to be included in the petition.
 3. Requires the petition for restoration of the parent-child relationship to include all of the following:
 - a) a statement explaining why the child is unlikely to obtain a permanent placement unless the child's parent-child relationship is restored;
 - b) the child's position on the restoration of the parent-child relationship;
 - c) the consent of the child's parent or parents to the restoration of the parent-child relationship; and
 - d) a statement explaining how the child's parent or parents have demonstrated the remediation necessary for restoration of the parent-child relationship, including the ability and willingness to properly care for the child.
 4. Requires DCS, if DCS is the petitioner, to include all of the following in the petition:
 - a) a report of an assessment conducted by DCS as to whether restoration of the parent-child relationship is in the best interests of the child; and
 - b) documentation of DCS's diligent efforts to locate a permanent placement for the child.
 5. Requires the court, on the filing of a petition for restoration of the parent-child relationship, if DCS is not the petitioner, to order DCS to conduct an assessment and submit a report to the court that includes both of the following:
 - a) whether restoration of the parent-child relationship is in the best interests of the child; and
 - b) a description of the diligent efforts DCS made to locate a permanent placement for the child.
 6. Requires DCS to establish policies and procedures for outlined assessments that assess the home and the parent's or parents' ability to ensure the physical, social, mental and emotional health and safety of the child.
 7. Requires the court, on completion of DCS's assessment, if the court finds by clear and convincing evidence that the restoration of the parent-child relationship is in the best interests of the child, including that the return of the child would not create a substantial risk of harm to the child's physical, social, mental or emotional health or safety, to order DCS to conduct a trial in-home placement of the child with the child's parent or parents.

FACT SHEET

H.B. 2486

Page 3

8. Requires DCS to provide an evaluation of the trial in-home placement to the court before the court may grant the petition for restoration of the parent-child relationship.
9. Requires DCS to establish trial in-home placement policies and procedures that include all of the following:
 - a) adequate supervision of the child and the child's parent or parents in the home;
 - b) frequent communication with the child and the child's parent or parents; and
 - c) an individualized transition plan.
10. Requires DCS to immediately terminate the trial in-home placement if there is a substantiated report of abuse or neglect of the child by the parent or parents or if DCS determines that the child's health, safety or well-being is threatened.
11. Requires DCS, if DCS terminates the trial in-home placement, to immediately notify the court and the child's attorney, the child's guardian ad litem or an Indian child's tribe.
12. Requires the court, after the trial in-home placement, to grant the petition if the court finds by clear and convincing evidence both that the child's parent or parents have demonstrated the remediation necessary for the restoration of the parent-child relationship, including the ability and willingness to properly care for the child, and that the restoration of the parent-child relationship is in the best interests of the child.
13. Requires the court, when making the best interest determination, to consider the child's position on the restoration of the parent-child relationship and any other relevant factors.
14. Allows, if a child has been adopted but the adoption had been disrupted and the child is returned to the legal care of DCS, the period of time that the child was adopted before the adoption disruption to be included as part of the outlined two-year time frame.
15. Stipulates that *achieved permanency* means that a child has not been adopted or is not the subject of guardianship.
16. Defines *parent-child* relationship as all rights, privileges, duties and obligations existing between parent and child, including inheritance rights.
17. Defines *department* and *parent*.
18. Becomes effective on the general effective date.

House Action

JUD	1/31/24	DPA	9-0-0-0
3 rd Read	2/22/24		57-0-2-0-1

Prepared by Senate Research
March 12, 2024
ZD/SB/cs