IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF <Enter County>

Date:
Judicial Officer:
Deputy Clerk:

In the matter of: No.
FINAL GUARDIANSHIP OR SUCCESSOR GUARDIANSHIP HEARING

Parties Present:
<Enter party>
<Enter party>

This is the time set for the **FINAL GUARDIANSHIP OR SUCCESSOR GUARDIANSHIP HEARING** on a <motion / petition> for Permanent Guardianship filed <Date of petition filing>.

Open Proceedings:

☐ The Court determines that the proceeding is to remain open to the public and admonishes attendees that they shall not disclose identifying information about the child, siblings, parents, guardians or caregivers, or other persons identified in the proceeding. The Court explains contempt of court to all attendees and possible consequences of violating a court order.

☐ The Court orders that the proceeding be closed based on the following: <Enter reason(s) that proceeding should be closed>.

Documents Reviewed: The Court has received and reviewed the following documents: <Names of specific documents>. The Court determines that the investigation and report ordered by the Court <has / has not> been completed and provided to all parties.

ICWA: The Court finds that, based upon the assertions of the parties, the Indian Child Welfare Act, 25 U.S.C. §1901 et seq. <does / does not> apply.

Service and Jurisdiction:
The Court determines that service of the motion <Enter whether service complete> as to <Applicable parent/guardian>, <Enter applicable parent> of <Applicable child(ren)>.

☐ The Court finds that <Enter applicable parent> had notice of the hearing and that the notice advised of the consequences of not appearing at this hearing.

- ☐ The Court finds that <Enter applicable parent> <has / have> failed to appear without good cause.

- ☐ The parent, Indian custodian and the tribe have <Enter whether notice proper or waived>.

- ☐ The State of Arizona, by and through the Arizona Department of Economic Security, is authorized to initiate this dependency proceeding pursuant to A.R.S. §8-201 et seq. A.R.S. §8-501 et seq. and A.R.S. §8-802 et seq.

- ☐ The Court has exclusive original jurisdiction over the subject matter and the persons before it pursuant to A.R.S. §8-802, and venue is appropriate in <Enter county> County pursuant to A.R.S. §8-206.

Plea: The <Enter applicable parent> enters a plea of <Enter applicable plea> to the allegations contained in the <motion / petition>.

- ☐ The Court advises <Enter applicable parent> of their rights to: counsel; cross examine witnesses; trial by the Court on the motion / petition; use the process of the Court to compel witness attendance.

- ☐ The Court determines that the <Enter applicable parent> understands their rights.

- ☐ The Court advises the <Enter applicable parent> of the consequences of their plea of <Enter applicable plea>.

- ☐ The Court determines that the plea of <Enter applicable plea> made by <Enter applicable parent> <was / was not> made knowingly, intelligently and voluntarily.

- ☐ <IF PRESENT> The Court provides foster parents, pre-adoptive parents or a member of the child's extended family with whom the child has been placed and/or identified as a possible placement an opportunity to be heard.

Testimony:
<Any evidence and testimony presented before the Court>

- ☐ The Court takes ICWA testimony pursuant to AZ.R.Juv.Ct. 63.

Findings and Orders:

- ☐ The Court, having considered the <motion / petition> dated <Date filed>, the investigative report filed pursuant to A.R.S. §8-872(A),

the evidence and testimony presented, as well as the best interests of <Applicable child(ren)>, denies the <motion / petition> for Permanent Guardianship at this time.

☐ The Court, having considered the <motion / petition< dated <Date filed>, the investigative report filed pursuant to A.R.S. §8-872(A), the evidence and testimony presented, as well as the best interests of <Applicable child(ren)>, finds by <Enter burden of proof> that:

<Applicable child(ren)> <was a resident / were residents> of the State of Arizona at the time that the <motion / petition> was filed and, therefore, The Court has jurisdiction.

The <Enter applicable parent> <was / were> properly served with notice of these proceedings and <has / have> <Enter whether defaulting or admit / no contest>.

Guardianship is in the best interest of <Applicable child(ren)>.

<Applicable child(ren)> <has / have> been adjudicated dependent.

<Applicable child(ren)> <has / have> been in the custody of the prospective guardian for at least nine months. (If this is to be waived, state good cause)

ADES has made reasonable efforts to reunify the family but further efforts would be unproductive.

The likelihood of adoption is remote or the termination of the parental rights is not in the best interests of <Applicable child(ren)>.

The prospective guardian(s) <is / are> fit and proper.

Findings and Orders for Successor Guardianship:

☐ The Court, having considered the <Motion / Petition> for a Successor Guardianship filed <date motion or petition filed>, the evidence and testimony presented, as well as the best interests of the <applicable child(ren)> denies the <motion / petition> for a successor guardian.

☐ The Court, having considered the <motion / petition> dated <date motion or petition filed>, the evidence and testimony presented, as well as the best interests of the <applicable child(ren)> finds by <burden of proof> that:

1. A guardianship of the <child(ren> was previously granted on <date>.
2. The permanent guardian(s) <is/are> no longer able or no longer willing to continue to serve as permanent guardian(s).
3. Notice has been provided to the permanent guardian, the Department of Economic Security, the child's attorney, the child's parents and other interested parties, including required ICWA notification.
4. The proposed successor guardian is suitable to assume the responsibilities of permanent successor guardian.
5. Appointment of a permanent successor guardian is in the minor child(ren)'s best interests.

ICWA: Pursuant to ICWA standards, The Court determines that:

☐ Notice to the tribe has been given;

☐ A qualified expert has testified in support of guardianship;

☐ Active efforts have been made to prevent the breakup of the Indian family but these efforts were unsuccessful;

☐ Continued custody by the parent would likely result in serious emotional or physical damage to the child(ren);

☐ The placement is in accord with the placement preferences set forth in 25 U.S.C. §21-1915 or there is good cause to deviate from these preferences.

The Court, therefore, orders appointing <Prospective guardian(s) / Prospective Successor Permanent Guardian(s)> as <Permanent Guardian(s) / Successor Permanent Guardian(s)> of <Applicable child(ren)> and vesting <Prospective guardian(s) / Prospective Successor Permanent Guardian(s)> with all of the rights and responsibilities set forth in A.R.S. §14-5209, relating to the powers and duties of a guardian of a minor, other than those which may be set for the parents herein.

The Court orders that visitation shall be at the discretion of the child(ren)'s <Permanent Guardian(s) / Successor Permanent Guardian(s)> unless otherwise set forth in the form of order..

The Court orders that letters of <Permanent Guardianship / Successor Permanent Guardianship> be issued to the <Permanent Guardian(s) / Successor Permanent Guardian(s)> without restriction. The <Permanent Guardian(s) / Successor Permanent Guardian(s)> shall immediately notify the Court of any address

change and is/are responsible for the costs resulting from their failure to notify the Court.

☐ The Court orders that <Name of applicable parent(s)>, <Enter applicable parent>, shall pay support to <Prospective Guardian(s) / Prospective Successor Permanent Guardian(s)> in the amount of $<dollar amount> each month.

The Court orders that a Guardianship Review Hearing be held on <Date, time, place of the hearing> before the Honorable <Applicable judge/commissioner>. The Arizona Department of Economic Security shall conduct an investigation of the facts and circumstances surrounding the welfare and best interests of the child(ren) and shall file a written report with the Court prior to the Guardianship Review Hearing.

The Court orders that the Court shall retain jurisdiction of the guardianship to enforce its final order of <Permanent Guardianship / Successor Permanent Guardianship>.

Provisional Successor Permanent Guardian

The Court, therefore, orders appointing <Prospective Provisional Successor Permanent Guardian(s)> as Provisional Successor Permanent Guardian(s) of <Applicable child(ren)> for a period of time not to exceed nine (9) months and vesting <Prospective Provisional Successor Permanent Guardian(s)> with all of the rights and responsibilities set forth in A.R.S. §14-5209, relating to the powers and duties of a guardian of a minor, other than those which may be set for the parents herein.

The Court orders that visitation shall be at the discretion of the child(ren)'s Provisional Successor Permanent Guardian(s) unless otherwise set forth in the form of order..

The Court orders that letters of Provisional Successor Permanent Guardianship be issued to the <Provisional Successor Permanent Guardian(s)> without restriction. The <Provisional Successor Permanent Guardian(s)> shall immediately notify the Court of any address change and is/are responsible for the costs resulting from their failure to notify the Court.

☐ The Court orders that <Name of applicable parent(s)>, <Enter applicable parent>, shall pay support to <Provisional Successor Permanent Guardian(s)> in the amount of $<dollar amount> each month.

The Court orders that a Provisional Permanent Successor Guardianship Review Hearing be held within nine (9) months on <date, time, place of hearing> before the Honorable <Judge / Commissioner>. The Department of Economic Security shall monitor the placement and provide necessary services. The Department of Economic Security shall conduct an investigation of the facts and circumstances surrounding the welfare and best interests of the child(ren) and shall file a written report with the Court prior to the Provisional Successor Permanent Guardianship Review Hearing.

The Court orders that the Court shall retain jurisdiction of the guardianship to enforce its final order of Provisional Successor Permanent Guardianship.

The Court orders that the dependency action as to <Applicable child(ren)> in the Cause No. <Applicable JD#> be dismissed. The Arizona Department of Economic Security is relieved of all further responsibility in the matter other than its obligation to investigate and file a written report with the Court prior to the Guardianship Review Hearing.

The Court orders that the Foster Care Review Board is relieved of all further responsibilities in this matter.

Dated: _____
<Judge / Commissioner / Hearing Officer> of the Superior Court