

**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. _____

PRELIMINARY PROTECTIVE HEARING

Parties Present:
<Enter Party>
<Enter Party>

This is the time set for the **PRELIMINARY PROTECTIVE HEARING** on a dependency petition filed <Date of petition filing>.

Open Proceedings:

The Court advises the parties that the proceeding is presumptively open to the public.

- 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>.

ICWA: The Court finds that, based upon the assertions of the parties, the Indian Child Welfare Act, [25 U.S.C. §1901](#) <Does/Does not> apply.

Service: The Court determines that service <Enter whether service complete> as to <Name of applicable parent/guardian>, <Enter applicable parent> of <Applicable child>.

- The Court finds that parent had notice of the hearing and that the notice advised of their rights and the consequences of not appearing at this hearing.

- The State of Arizona, by and through the Arizona Department of Economic Security, is authorized to initiate this dependency proceeding pursuant to Title 8 A.R.S.
- The Court has exclusive original jurisdiction over the subject matter pursuant to [A.R.S. §8-802](#), and venue is appropriate in <Enter county> County pursuant to [A.R.S. §8-206](#).
- The Court has jurisdiction over the <Enter applicable parent> and finds that service of process is complete as to the <Enter applicable parent> pursuant to [A.R.S. §8-841](#) and [AZ. R. Juv. Ct 48](#).
 - The Court orders** the <Petitioner/ ADES> to effectuate service by publication because the party cannot be reasonably located.

Notification and Right to be Heard:

- The Court determines that the <foster parents, pre adoptive parents, or members of the child's extended family with whom the child has been placed> <was or was not> <were or were not> notified of this hearing.
- The Court informs the <foster parents, pre-adoptive parents, or members of the child's extended family with whom the child has been placed> and/or <a relative identified as a possible placement for the child> of the right to be heard in any proceeding to be held with respect to the child.

Counsel: Appointment of counsel is made/affirmed at this time for the following:

<Applicable counsel>, <Select counsel type>;

<Applicable counsel>, <Select counsel type>;

The <Enter applicable parent> is to pay <Amount assessed per month> per month for the cost of counsel.

The <Enter applicable parent> is to pay <Amount assessed per month> per month for the cost of counsel.

The Court advises the parents that appointment is for one year and that new financial information will be required prior to reappointment after that time.

The Court confirms that the <Enter applicable parent> has/have met with their counsel and have been advised of their trial rights pursuant to [A.R.S. §8-843\(B\)](#), [A.R.S. §8-824\(D\)](#).

- Pursuant to ADES agreement with the dependency petition, **the Court orders** that ADES be substituted as the petitioner in this matter.

Documents Reviewed: The Court has received and reviewed the following documents:

<Enter names of specific documents. Include substantiated findings of abuse and neglect from another state>.

- The Court determines that ADES <has/has not> filed an initial case plan pursuant to [A.R.S. §8-824](#).

Paternity: Paternity for <Applicable child(ren)'s name> <Enter whether est.> by <Enter how est.>.

- The Court, therefore, orders <Applicable parent's name> to <Enter how paternity is to be established> so as to establish paternity in this matter.

Prehearing Conference: The Court <has/has not> received a report from the facilitator regarding the agreements reached at the Prehearing Conference.

Placement and Custody: The <Enter applicable parent> has <waived/requested> the Review of Temporary Custody hearing.

- Continued temporary custody <is/is not> clearly necessary to prevent abuse or neglect.
- Continuation of <child(ren)'s name(s)> in the home would be contrary to <his/her/their> welfare and placement would be in <his/her/their> best interests.
- The Court orders** that the child(ren) remain ward(s) of the Court in the legal care, custody and control of the Arizona Department of Economic Security.
- The Court affirms** placement as set forth in its placement orders.
- The child was placed pursuant to the standards of ICWA, [25 U.S.C. §1915](#).

Visitation: It is ordered that visitation shall be as follows: <Enter specific visitation agreements. If agreements are detailed in separate order, note that this is attached to this minute entry>.

Services: The Court finds that the services proposed <are/are not> appropriate, necessary, and reasonable to facilitate <Enter permanency plan>.

- The Court orders** the agency to provide reunification services.
- The Court orders** the parties to participate in the proposed services.
- As ADES is now substituting as the petitioner, **the Court orders** ADES to prepare a case plan consistent with the services proposed in this hearing.

Additional orders: <GAL and / or CASA appointment, Protective Orders, Support, etc.>

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

- The Court advises the <Enter applicable parent> of <his/her/their> rights and determines <his/her/their> understanding of these rights.
- The Court advises the <Enter applicable parent> that a Permanency Hearing will be held within one year from the child(ren)'s removal from their care. If significant progress toward the case plan of reunification has not occurred by the Permanency Hearing, the case plan goal will be changed.
- The Court determines that the plea of <Enter applicable plea> made by <Enter applicable parent> <was/was not> made knowingly, intelligently and voluntarily.
- The Court continues the child(ren) as temporary wards pending adjudication.

Adjudication: The Court, having considered the verified petition/amended petition dated <Date petition filed>, the reports filed and admitted into evidence, and the plea of <Enter applicable plea> of the <Enter applicable parent>, finds by <Enter burden of proof> that:

The child(ren), <Applicable child(ren)>, <is/are> dependent <If not as to all parties, state the name(s) and relationship(s) of specific party> as defined by [A.R.S. §8-201](#).

The Court, therefore, orders that <Applicable child(ren)> be made a ward(s) of the Court as a dependent child(ren) as to <Applicable parent(s)> and placed in the care, custody and control of the Arizona Department of Economic Security.

Disposition: The Court finds, after consideration of the health and safety of the child(ren), the goal of the placement, and the services offered to the family and the child(ren), that the goal of <Enter permanency plan> is appropriate at this time.

- The Court finds that it is contrary to the child(ren)'s best interests to remain in the home based on the following: <INSERT FACTUAL BASIS>.

Reasonable Efforts: The Court finds that <Enter reasonable effort finding> to prevent the removal of <Insert the name of the child(ren)> from the home and this finding is based upon the following facts: <Insert the factual basis for the reasonable efforts finding>.

Pursuant to ICWA standards:

- The Court has heard qualified expert testimony and finds by clear and convincing evidence that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts were unsuccessful; and that continued custody of the child(ren) by the parent(s)/guardian/Indian custodian is likely to result in serious emotional or physical damage to the child ([25 U.S.C. §1912](#)) or;

Future Hearings: The Court sets/affirms the following hearings:

- <Enter hearing type> as to <Enter applicable parent> is set for <Enter date, time and location of this hearing>.
- The Court vacates** the <Enter hearing type> set for <Enter date, time and location of this hearing>.
- The Court orders** that <Enter the names of all applicable parties, counsel and professionals who should be attending mediation> attend mediation set for <Enter date, time and location of mediation>.
- The Court admonishes the <Enter applicable parent> that:
 - Failure to attend future hearings without good cause shown may result in a finding that they have waived their legal rights and are deemed to have admitted the allegation(s) in the petition.
 - The hearing may go forward in their absence and may result in a finding of dependency, and the Court could make permanent orders by motion.

- Failure to appear in court or to participate in reunification services may result in the termination of their parental rights or the establishment of a permanent guardianship.
- If the child(ren) <is / are> under three years of age, the Court admonishes the <applicable parent> that the Court will review within six months after the child(ren)'s removal whether the <applicable parent> substantially neglecting or willfully refused to remedy the circumstances that caused the child(ren) to be in an out-of-home placement, including refusal to participate in reunification service. The Court further admonishes the <applicable parent> that substantially neglecting or willfully refusing to remedy the circumstances that caused the child(ren) to be in an out-of-home placement is grounds for termination of parental rights to the child(ren).
- The Court finds that the parent, guardian, or Indian custodian was advised of the consequences of their failure to attend future hearings or participate in reunification services.
- The Court orders notification to the foster parents, pre adoptive parents or members of the child's extended family with whom the child has been placed be effectuated by <Enter responsible party or manner by which notice to be provided>.

Dated: _____

<Judge/Commissioner/Hearing Officer> of the Superior Court