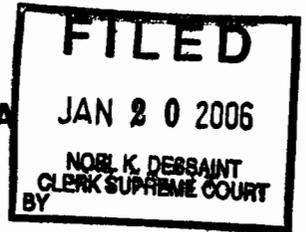


IN THE SUPREME COURT OF THE STATE OF ARIZONA

Supreme Court No. R-05-0020



ORDER AMENDING RULE 19.1, RULES OF PROCEDURE FOR THE JUVENILE COURT

IT IS ORDERED Amending Rule 19.1, Rules of Procedure for the Juvenile Court, as shown on the attachment hereto,* effective on March 1, 2006.

DATED in the City of Phoenix, Arizona at the Arizona Courts Building, this 20th day of January, 2006.

For the Court:



Ruth V. McGregor
Chief Justice

* Changes or additions to text are indicated by underlining and deletions from text are indicated by ~~strikeouts~~.

RULES OF PROCEDURE FOR THE JUVENILE COURT

Rule 19.1 Mandatory Judicial Determinations; Determinations Required Under Title IV-E of the Social Security Act

If a child has been removed from the child's home by state authority in a delinquency proceeding, the court shall make protecting the child from abuse or neglect the first priority. In the court's first order that sanctions the removal of a child, the court shall determine whether continuation of the child's residence in the home would be contrary to the welfare of the child.

Notwithstanding the foregoing, the following procedures shall be employed where the Juvenile Court has entered into signed agreements to obtain reimbursement under Title IV-E of the Social Security Act as implemented by the Adoption and Safe Families Act of 1997 (ASFA), Pub. L. No. 105-89 (42 U.S.C. § §671(a)(15) through 672(a)(1)) and the implementing regulations of the Department of Health and Human Services (45 C.F.R. § 1356.21) and a juvenile is removed from his or her home or continues in a court-sanctioned placement out of the home in a delinquency case and receives services that are eligible for federal reimbursement:

(1) Priority upon Removal from Juvenile's Home. If a juvenile is removed from his or her home in a delinquency proceeding, the court shall make protecting the juvenile from abuse or neglect the first priority.

(2) Contrary to the Welfare Determination. In the first order that sanctions removal of a juvenile from the juvenile's home, the court shall include

a determination as to whether continuation of the juvenile's residence in the home would be contrary to the juvenile's welfare. This determination must be based upon case specific information described in the court order, signed by the judge.

(3) Judicial Determination of Reasonable Efforts to Prevent a Juvenile's Removal from the Home. Within sixty days after the juvenile was removed from the juvenile's home, the court shall determine whether reasonable efforts were made or whether it was reasonable to make no efforts to prevent removal of the juvenile.

(4) Periodic Judicial Reviews. After the disposition hearing, the court shall conduct periodic reviews no less frequently than once every six months in order to determine the safety of the juvenile, the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress which has been made toward alleviating or mitigating the causes necessitating out of home placement, and to project a likely date by which the juvenile may be returned to and safely maintained in the home or placed for adoption or legal guardianship.

(5) Judicial Determination of Reasonable Efforts to Finalize a Permanency Plan. Within twelve months after the juvenile is removed from the juvenile's home, and at least once every twelve months thereafter, the court shall determine whether reasonable efforts have been made to finalize the existing permanency plan. The probation department shall file a report outlining

the efforts made to finalize the permanency plan that is then in effect before the time by which the judicial determination must be made.

(6) Basis and Legal Effect of Title IV-E Judicial Determinations.

Title IV-E judicial determinations may be based upon written or oral information received by the court. Title IV-E judicial determinations shall not be given any effect in any other court proceedings.