

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

Date:
Judicial Officer:
Deputy Clerk:

In the matter of: _____ No. _____

DEPENDENCY ADJUDICATION HEARING

Parties Present:

<party>
<party>

This is the time set for the **DEPENDENCY ADJUDICATION HEARING** on a dependency petition 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 must not disclose identifying information (which includes posting anything on social media or the internet) 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: <reason(s) that proceeding should be closed>.

ICWA: The Court finds that the Indian Child Welfare Act <does/does not> apply.

Attorney/GAL Contact with Child Client:

- The Court confirms that the <Attorney/GAL> for the child <has/has not> met with his/her client(s) before this hearing. [A.R.S. § 8-221\(H\)](#), [Ariz. R.P. Juv. Ct. 306](#)

Parent not present:

- <Name of applicable parent>, <parent, guardian or Indian custodian> is not present.
- The Court determines that <Name of applicable parent>, <parent, guardian or Indian custodian> was properly served and advised of the consequences of their failure to appear pursuant to [A.R.S. § 8-826](#).

- The Court determines that this absence is voluntary and finds that <Name of applicable parent>, <parent, guardian or Indian custodian> has waived his/her legal rights and is deemed to have admitted the allegations of the petition.

Documents Reviewed: The Court has received and reviewed the following documents: <names of specific documents. Include any substantiated finding of abuse or neglect from another state>.

Testimony: Note any preliminary motions, whether [Az.R.Evid.615](#) is invoked, cases presented including testimony, evidence, rebuttal and closing arguments.

Jurisdiction:

The State of Arizona, by and through the Arizona Department of Child Safety, 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.

This Court has exclusive original jurisdiction over the subject matter pursuant to <http://westlaw.com/find/default.wl?rs=da3.0&vr=2.0&cite=AZSTS8-802&sp=AZWendell-1001>[A.R.S. § 8-802](#) and venue is appropriate in <county> County pursuant to [A.R.S. § 8-206](#).

This Court has jurisdiction over the <parent, guardian or Indian custodian> and finds that service of process is complete as to the <parent, guardian or Indian custodian> pursuant to [A.R.S. § 8-841](#) and [Ariz. R.P. Juv. Ct. 338\(h\)\(1\)](#).

The Court has considered the availability of reasonable services to the parent/guardian/Indian custodian to prevent or eliminate the need for removal of the child and the effort of the parent or guardian to obtain and participate in these services.

Adjudication: The petitioner <has/has not> proven the allegations in the <amended> dependency petition by a preponderance of the evidence.

NOTE: Per [Valerie M. v. Ariz. Dep't of Econ. Sec., 219 Ariz. 331 \(2009\)](#), the state law burdens apply to the dependency grounds.

- The Court finds that <Name of applicable parent>, <parent, guardian or Indian custodian>, understands and knowingly, intelligently and voluntarily waives their rights to a trial regarding the allegations contained in the dependency petition.
- The Court finds that the following is the factual basis for the dependency: <factual basis for dependency finding>.

- The Court finds that the child, <name of applicable child> is/are dependent as to <Name of applicable parent>, <parent, guardian or Indian custodian>, pursuant to [A.R.S. § 8-201](#).
- The Court does not find that the child is/are dependent and, therefore, the Court orders that the dependency petition be dismissed.
- If ICWA applies, the Court finds <name of qualified expert witness> is a qualified expert witness pursuant to ICWA. Pursuant to [25 USC § 1912](#), the Court 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. The Court further finds by clear and convincing evidence, including testimony from a qualified expert witness, that continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. The Court finds that placement complies with ICWA placement preferences or good cause to deviate from the preferences is shown.
- The Court, therefore, orders that <Insert the name of the applicable child> be made a ward(s) of the Court as a dependent child as to <Name of parent> and placed in the care, custody and control of the Arizona Department of Child Safety.
- [IF PRESENT] The Court provides foster parents, shelter care facility, receiving foster home, pre-adoptive parents or a member of the child's extended family with whom the child has been placed an opportunity to be heard.

Disposition:

The Court takes evidence regarding the goal of the case plan, the placement of the child, services offered to reunite the family and whether reunification efforts would be reasonable.

The Court finds, after consideration of the health and safety of the child, the goal of the placement, and the services offered to the family and the child, that the goal of <permanency plan> is appropriate and in the child's best interest at this time. <factual basis pursuant to [Ariz. R.P. Juv. Ct. 340](#) if plan other than reunification is endorsed.>

Services:

The Court finds that the services proposed in the case plan <are/are not> necessary and appropriate.

The Court orders DCS to make reasonable efforts to provide the services necessary and appropriate to facilitate <permanency plan>.

- The Court determines that the concurrent plan of <plan> is appropriate.

- The Court finds DCS has made reasonable efforts to place siblings together or establish a plan for frequent visitation between siblings, unless frequent visitation or ongoing contact between siblings is contrary to the child's safety or well-being.
 - The Court finds that the child's placement with siblings would be contrary to the child's or a sibling's safety or well-being.
 - The Court finds that visitation and/or contact would be contrary to the child's or a sibling's safety or well-being.
- Following consideration of the evidence presented and/or the testimony given, the Court orders the termination of reunification efforts due to the fact(s) that:
 - Reasonable search has failed to locate parent.
 - The parent's mental illness is of such magnitude that they would not benefit from reunification efforts.
 - The child was previously removed/adjudicated dependent twice due to physical/sexual abuse within the past eighteen months.
 - The parent was convicted of manslaughter of another of their children or conspiring to do the like.
 - The child suffered serious physical/emotional injury.
 - The parent's rights to another child have been terminated and the parent has not addressed the issues that prompted this termination.
 - After the finding of dependency, found that the child had been removed on at least two previous occasions, reunification services were provided upon removal and that the parent was unable to discharge parental responsibilities.
- The Court orders DCS to prepare a permanent case plan including all dispositional orders.
- The Court orders that active efforts be made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family.

Placement and Custody:

The Court orders that the child remain a ward of the Court in the legal care, custody and control of the Arizona Department of Child Safety.

The Court affirms placement as set forth in its placement orders.

- The child was placed pursuant to ICWA standards. [25 USC § 1915](#)
- There is good cause to deviate from the placement preferences pursuant to ICWA requirements. <list reasons for good cause and factors considered> [25 CFR § 23.131](#), [Ariz. R.P. Juv. Ct. 321](#).

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

- <hearing type> as to <parent, guardian or Indian custodian> is set for <Date, time and location of this hearing>.
- The Court vacates the <hearing type> set for <date/time/location>.
- The Court admonishes the <parent, guardian or Indian custodian> that:
 - Failure to attend further proceedings may result in proceedings going forward in their absence;
 - Failure to participate in reunification services may result in termination of parental rights or the establishment of a permanent guardianship.
- The Court reads to and provides the parent, guardian or Indian custodian with a copy of Form 1, requests that the parent, guardian or Indian custodian sign and return a copy of Form 1 and notes on the record that Form 1 was provided.
- 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 a member of the child’s extended family with whom the child has been placed be effectuated by <responsible party or manner by which to be provided.>

Dated: _____

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