

**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.

FINAL GUARDIANSHIP OR SUCCESSOR GUARDIANSHIP HEARING

Parties Present:

<party>

<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 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>.

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 USC § 1901](#) et seq. <does/does not> apply.

Service and Jurisdiction:

The Court determines that service of the motion <whether service complete> as to <Applicable parent/guardian>, <parent, guardian or Indian custodian> of <child>.

- The Court finds that <parent, guardian or Indian custodian> had notice of the hearing and that the notice advised of the consequences of not appearing at this hearing.

- The Court finds that <parent, guardian or Indian custodian> <has/have> failed to appear without good cause.
- The parent, Indian custodian and the Tribe have <whether notice proper>.
- 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.
- 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 <county> County pursuant to [A.R.S. § 8-206](#).

Plea: The <parent, guardian or Indian custodian> s a plea of <plea> to the allegations contained in the <motion/petition>.

- The Court advises <parent, guardian or Indian custodian> 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 <parent, guardian or Indian custodian> understands their rights.
- The Court advises the <parent, guardian or Indian custodian> of the consequences of their plea of <plea>.
- The Court determines that the plea of <plea> made by <parent, guardian or Indian custodian> <was/was not> made knowingly, intelligently and voluntarily.
- <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 and/or identified as a possible placement an opportunity to be heard.
- 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\(H\)](#)

Testimony:

<Any evidence and testimony presented before the Court>

- The Court takes ICWA testimony pursuant to [Ariz. R.P. Juv. Ct. 346\(c\)\(2\)](#).

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 <child>, 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 <child>, finds by <burden of proof> that:

<child> was a resident of the State of Arizona at the time that the <motion/petition> was filed and, therefore, the Court has jurisdiction.

The <parent, guardian or Indian custodian> was properly served with notice of these proceedings and has <plea/defaulted>.

- FINAL GUARDIANSHIP:** 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.

Guardianship is in the best interest of <child>.

<child> <has/have> been adjudicated dependent or that the parties have agreed to the guardianship prior to an adjudication of dependency.

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

DCS 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 <child>.

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> 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> finds by <burden of proof> that:
1. A guardianship of <child name> 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, DCS of Child Safety, 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's best interests.

ICWA: Pursuant to ICWA standards, the Court finds beyond a reasonable doubt that:

- Notice to the parent, Indian custodian, and Tribe has been given in accordance with federal law;
- 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, as testified by a qualified expert witness;
- The placement is in accord with the placement preferences set forth in [25 USC § 1915](#) or there is good cause to deviate from these preferences <State specific factors considered and basis for good cause finding>.

The Court, therefore, orders appointing <Prospective guardian(s) / Prospective Successor Permanent Guardian(s)> as <Permanent Guardian(s) / Successor Permanent Guardian(s)> of <child> 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 and parenting time will be at the discretion of the child'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)> must 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>, <parent, guardian or Indian custodian>, must 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 Child Safety must investigate the facts and circumstances surrounding the child's welfare and best interests and must file a written report with the Court prior to the Guardianship Review Hearing.

The Court orders that the Court will 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 <child> 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 or parenting time will be at the discretion of the child'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)> must 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>, <parent, guardian or Indian custodian>, must 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>. DCS must monitor the placement and provide necessary services. DCS must investigate the facts and circumstances surrounding the welfare and best interests of the child and must file a written report with the Court prior to the Provisional Successor Permanent Guardianship Review Hearing.

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

- The Court vacates the <hearing type> set for <date, time and location of this hearing>.

The Court orders that the dependency action as to <child> in the Cause No. <Applicable JD#> be dismissed. The Arizona Department of Child Safety 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