

**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. _____

INITIAL IN-HOME INTERVENTION HEARING

Parties Present:

<Party>

<Party>

This is the time set for the **INITIAL IN-HOME INTERVENTION HEARING** on a petition filed <date of in-home intervention dependency 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 must not disclose identifying information (including posts 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 the 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, based upon the assertions of the parties, the Indian Child Welfare Act, [25 USC § 1901](#), <may/does/does not> apply.

Service: The Court determines that service <is/is not> complete as to <parent, guardian, or Indian custodian>.

- The Court finds that <parent, guardian, or Indian custodian> had notice of the hearing and was advised of their rights and the consequences of not appearing at this hearing.
- The Court confirms that <parent, guardian, or Indian custodian> has met with their counsel and has been advised of their trial rights pursuant to [A.R.S. § 8-843\(B\)](#).

- The Court finds that counsel/Guardian ad Litem met with the child and that the child understands their right to attend all Court hearings and speak to the judge. [A.R.S. § 8-221\(H\), Ariz. R.P. Juv. Ct. 306](#)
- The Court orders counsel/Guardian ad Litem to meet with the child no later than 14 days after this hearing and advise them of their rights. [A.R.S. § 8-par\(H\),
http://westlaw.com/find/default.wl?rs=da3.0&vr=2.0&cite=AZJUVCTR306&sp=AZWendell-1001](#) Ariz. R.P. Juv. Ct. 306
- The Court finds extraordinary circumstances exist and modifies the duty of counsel/Guardian ad Litem to meet with the child as follows:

_____.
- The State of Arizona, by and through the Arizona Department of Child Safety, is authorized to initiate this dependency proceeding pursuant to [Title 8 A.R.S.](#).
- The Court has exclusive original jurisdiction over the subject matter and venue is appropriate in <County name> County pursuant to [http://westlaw.com/find/default.wl?rs=da3.0&vr=2.0&cite=AZSTT8&sp=AZWendell-1001](#) Title 8 A.R.S..
- The Court has jurisdiction over the <name of 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. 328 and 329](#).

Counsel:

Appointment of counsel is made/affirmed for the following:

- <Counsel>, <attorney/Guardian ad Litem> for <child>;
- <Counsel>, <attorney/Guardian ad Litem> for <parent, guardian, or Indian custodian>;
- <Counsel>, <attorney/Guardian ad Litem> for <parent, guardian, or Indian custodian>.

<Parent, guardian, or Indian custodian> is to pay <monthly assessment> per month for the cost of counsel.

<Parent, guardian, or Indian custodian> is to pay <monthly assessment> per month for the cost of counsel.

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

Documents Reviewed:

The Court has received and reviewed <documents reviewed>.

Plea and Findings:

The Court finds that:

- The child has not been removed pursuant to Article 9, [Chapter 4, Title 8 of the Arizona Revised Statutes](#).
- In-home intervention appears likely to resolve the risk issue(s) described above.
- <Parent, guardian or Indian custodian> agrees to a case plan and to participate in services.
- One of the following conditions exists:
 - The child is at risk of harm due to the inability or unwillingness of <parent, guardian or Indian custodian> to provide food, clothing, shelter or medical care.
 - <Parent, guardian or Indian custodian> is unable to provide the proper care, control and supervision of the child.
- The Court has considered the child’s safety as a paramount concern.
- <Parent, guardian or Indian custodian> has not agreed to the case plan and to participate in services. The Court, therefore, orders the petitioner to file an amended dependency petition.

Orders:

- The Court orders that <parent, guardian or Indian custodian> participate in the following: <specific training or treatment plans for the parent>.
- The Court orders that the in-home intervention must be completed by <date no later than 1-year after current date>.

Future Hearings:

The Court sets/affirms the following hearings:

- An In-Home Intervention Review Hearing is set for <date, time and location of this hearing>.

The petitioner must file a status report with recommendations at least two weeks prior to the In-Home Intervention Review Hearing.

Admonition:

- The Court admonishes <parent, guardian or Indian custodian> that:
 - Should they violate the in-home intervention order, the Court may take whatever steps it deems necessary to obtain compliance or may rescind the order and set the Dependency Adjudication Hearing;
 - 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 Court finds that <parent, guardian, or Indian custodian> was advised of the consequences of their failure to attend future hearings or participate in the in-home intervention services.

- A copy of Form 2 has been signed by <parent, guardian, or Indian custodian> and returned to the Court file.

Dated: _____

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

PRELIMINARY PROTECTIVE HEARING - DCS CASES

In today's hearing, we will address and decide if your child should remain out of your home at this time and enter orders about where he/she is placed, the visits that should occur, and the types of services that your family may be offered and need to participate in.

[Note: a parent's voluntary participation in services and effort to obtain and participate in those services may be a mitigating factor to take into consideration at a dependency adjudication under A.R.S. § 8-844(B), so the Court may consider advising the part to speak with their attorney about starting in services.]

Source: [45 CFR § 1356](#), [42 USC § 672](#), [25 USC § 1912](#), [25 USC § 1913](#), [25 USC § 1915](#), [A.R.S. § 8-525](#), [A.R.S. § 8-815](#), [A.R.S. § 8-824](#) - [A.R.S. § 8-829](#), [A.R.S. § 8-843](#), [A.R.S. § 8-846](#); [Ariz. R.P. Juv. Ct. 305](#), [Ariz. R.P. Juv. Ct. 310 - 312](#), [Ariz. R.P. Juv. Ct. 320 – 321](#), [Ariz. R.P. Juv. Ct. 332 - 335](#)

At any dependency hearing, the Court's primary consideration must be the protection of the child from abuse or neglect. [A.R.S. § 8-843\(A\)](#), [Ariz. R.P. Juv. Ct. 325](#)

The Court's priority at temporary custody hearings is the protection of the child from abuse or neglect. [A.R.S. § 8-829\(A\)](#)

The purpose of the hearing is to determine whether continued temporary custody is necessary and to enter appropriate orders as to custody, placement, visitation and provision of services. [Ariz. R.P. Juv. Ct. 325](#)

NOTE: If the court entered temporary orders upon the filing of a dependency petition regarding the child's out-of-home placement, the court cannot review any *ex parte* removal order entered prior to the petition. [Dep't of Child Safety v. Stocking-Tate, 247 Ariz. 108, 114, ¶ 15 \(App. 2019\)](#)

PRELIMINARIES:

1. Call the case – identify the case number, case name, and the nature of the hearing.
2. Inform parties that this is the time and date set for the Preliminary Protective Hearing. These hearings are presumptively open. They can be closed for good cause shown. By being present you are subjecting yourself to the jurisdiction of the court and you are not to reveal any identifying information concerning this matter, which would include not posting anything on social media regarding the matter.