

**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 TERMINATION HEARING**

**Parties Present:**

<party>

<party>

This is the time set for the **INITIAL TERMINATION HEARING** on a <motion/petition> for termination of parental rights filed <date of motion/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 the 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>.

**Attorney/GAL Contact with Child Client:**

- 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](#)
- The child has been informed of and understands their right to attend their Court hearings and speak to the judge.

**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 orders the petitioner to complete service and continues the hearing to <date, time and location of continued Initial Termination Hearing. May also want to include the continued hearing information under "Future Hearings" section of this minute entry.>
- 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 and whether the 10-day period is waived>.
- 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 pursuant to [A.R.S. § 8-802](#), and venue is appropriate in <county> **County** pursuant to [A.R.S. § 8-206](#).

**Counsel:**

Appointment of counsel is made/affirmed for the following:

<Applicable counsel>, <counsel type>;  
<Applicable counsel>, <counsel type>;  
<Applicable counsel>, <counsel type>.

The <parent, guardian or Indian custodian> is to pay <Amount assessed per month> per month for the cost of counsel.

The <parent, guardian or Indian custodian> is to pay <Amount assessed per month> per month for the cost of counsel.

**Parental Admonition:**

The Court admonishes the <parent, guardian or Indian custodian> 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 motion/petition.

- The Termination Adjudication Hearing may go forward in their absence and may result in the termination of their parental rights.
- The Court finds that the <parent, guardian or Indian custodian> was advised of the consequences of their failure to appear.
- The Court reads to and provides the parent, guardian or Indian custodian with a copy of Form 4, and requests that the parent, guardian or Indian custodian sign and return a copy of the form and note on the record that the form was provided.

**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 and the right to a trial by a judge.
- 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><plea>.
- The Court determines that the plea of the <parent, guardian or Indian custodian> <was/was not> made knowingly, intelligently and voluntarily.
- Because the parent has denied the allegations made in the privately filed petition for termination of parental rights, the Court orders <Name of applicable agency> to complete a social study. The Court assesses the cost of this social study to <Name of applicable party>.
- 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.

**Testimony:**

<Evidence and testimony presented before the Court>

The Court has also considered any substantiated finding of abuse or neglect from another state.

- The Court takes ICWA testimony pursuant to [Ariz. R.P. Juv. Ct. 353\(d\)\(1\)](#).

## Findings and Orders:

- The Court, having considered the <motion/petition> dated <Date filed>, the testimony presented, the social study filed pursuant to [A.R.S. § 8-536](#), and the <plea> of the <parent, guardian or Indian custodian>, as well as the best interests of <child>, denies the <motion/petition> for Termination of the Parental Rights at this time. The Court orders DCS to submit a revised case plan prior to the next Review Hearing.
- The <parent, guardian or Indian custodian>, having denied the allegations of the <motion/petition> filed on <Date of motion/petition filing>, the Court sets this matter for MEDIATION on <Date, time and location of this hearing>;  
PRETRIAL CONFERENCE on <Date, time and location of this hearing> before the Honorable <Name of Judge/Commissioner/Hearing Officer>.
- The Court, having considered the <motion/petition> dated <Date filed>, the testimony presented, the social study filed pursuant to [A.R.S. § 8-536](#), the plea of <plea> made by the <parent, guardian or Indian custodian>, as well as the best interests of <child>, finds by <burden of proof> that:

<Child> <was a resident/were residents> of the State of Arizona at the time that the <motion/petition> was filed. The Court has jurisdiction.

The <parent, guardian or Indian custodian> <was/were> properly served with notice of these proceedings and <has/have> <whether they failed to appear or admitted / did not contest>.

The following grounds for termination of parental rights have been proven by clear and convincing evidence: <specific grounds in support of termination with factual findings for each>.

Petitioner has proven by a preponderance of the evidence that termination of the parental rights would be in the best interests of <child>.

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.

## ICWA: The Court determines that:

- Notice to the parent or Indian custodian and the Tribe has been given pursuant to ICWA and at least 10 days have passed since receipt of notice or the parent, Indian custodian, or Tribe has waived the 10-day notice period;

- Pursuant to [25 USC § 1912](#), the Court is satisfied (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 evidence beyond a reasonable doubt, 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 placement is in accord with the placement preferences set forth in [25 USC §1915](#) or there is good cause to deviate from these preferences. <list factors considered and basis for good cause finding>

**The Court, therefore, orders** terminating the parental rights of <Name of applicable parent>, as to <his/her> child <child>.

- The Court appoints <Name of applicable guardian> as guardian for <child> and vests legal custody of <child> in <Applicable person or authorized agency>.

The Court orders that <Applicable person or authorized agency> must be responsible for the financial support of <child>.

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

- The <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 and location of this hearing>.
- The Court admonishes the <parent, guardian or Indian custodian> that:
  - Failure to attend further proceedings without good cause may result in finding that the parent has waived legal rights and is deemed to have admitted the allegations in the motion/petition for termination;
  - Failure to attend further proceedings may result in proceedings going forward in their absence;
  - Failure to participate in reunification services may result in the termination of their parental rights.
  - The Court may read to and provide the parent, guardian or Indian custodian with a copy of Form 4, request that the parent, guardian or Indian custodian sign and return a copy of the form and note on the record that the form was provided.
- The Court finds that the parent, guardian, or Indian custodian was advised of the consequences of their failure to appear.

Dated: \_\_\_\_\_

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