

**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.

TERMINATION HEARING - COURT

Parties Present:

<party>

<party>

This is the time set for the **TERMINATION ADJUDICATION 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 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>.

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](#)

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 their rights and 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 at least 10 days have passed since notice was received <or the 10-day period was 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.

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 and to compel witness attendance.
- The Court determines that the <parent, guardian or Indian custodian> understands their rights.
- The Court advises <parent, guardian or Indian custodian> of the consequences of their plea.

- The Court determines that the plea of the <parent, guardian or Indian custodian> <was/was not> made knowingly, intelligently and voluntarily.

Testimony:

The Court hears preliminary motions made.

The Court determines that [Az.R.Evid. 615](#) <has/has not> been invoked.

Counsel identifies all witnesses and these witnesses were sworn and admonished regarding conduct in accord with [Az.R.Evid. 615](#).

Opening statements are heard.

The petitioner's case is heard.

If ICWA applies, the Court takes ICWA testimony pursuant to [Ariz. R.P. Juv. Ct. 353\(d\)\(1\)](#).

The respondent's case is heard.

Evidence is presented on behalf of the child.

Rebuttal testimony is heard.

Closing arguments are heard.

Findings and Orders:

- The Court, having considered the <motion/petition> dated <Date filed>, the testimony and evidence presented, the social study filed pursuant to [A.R.S. § 8-536](#) (if required), and the <plea> of the <parent, guardian or Indian custodian>, as well as the best interests of <child>, finds that the moving party/petitioner has not met the required burden of proof.

The Court, therefore, denies the <motion/petition> for termination of the parental rights. The Court orders DCS to submit a revised case plan prior to the next Review Hearing.

- 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.

Non-ICWA Findings:

- The Court, having considered the <motion/petition> dated <Date filed>, the testimony and evidence presented, including any substantiated finding of abuse or neglect from another state, the social study filed pursuant to [A.R.S. § 8-536](#) (if required), the <plea> of the <parent, guardian or Indian custodian>, as well as the best interests of <child>, finds by clear and convincing evidence 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/were> properly served with notice of these proceedings and <has/have> <failed to appear or admit/no contest>.
 - The following grounds for termination of parental rights have been proven by clear and convincing evidence: <specific grounds in support of termination with supporting facts>.
 - Finds by a preponderance of the evidence that termination of the parental rights would be in the best interests of <Child>.

ICWA: The Court determines that petitioner has proven all the above (non-ICWA findings), and in addition determines the following:

- Notice to the parent, Indian custodian, and Tribe has been given as required by federal law and at least 10 days have passed since notice was received or the parent, Indian custodian, and Tribe have waived the 10-day period.
- The parents were properly served with the notice of these proceedings (but failed to appear).
- 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 accordance with the placement preferences set forth in [25 USC § 1915](#) or there is good cause to deviate from these preferences as follows <insert basis for good cause finding>.

Additional Orders:

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

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

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

The Court appoints <Name of guardian> as guardian for <child>.

- The Court appoints <Name of 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>.

Dated: _____

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