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11 Attorneys for the Department of Child Safety

12 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

13 IN AND FOR THE COUNTY OF MARICOPA

14 In the matter of:

15 No. JD

16 **DCS'S MOTION FOR FINDINGS**
17 **REGARDING EXTENDED FOSTER**
18 **CARE UNDER A.R.S. § 8-829 (B)**

19 Person under 18 years of age.

20 (Honorable)

21 The Arizona Department of Child Safety, (hereinafter "Department" or "DCS"),
22 through undersigned counsel, based on the attached addendum and fully executed
23 voluntary agreement, hereby moves this Court for an order finding the following:

24 CHILD executed a voluntary agreement on DATE pursuant to A.R.S. § 8-
25 521.02(3); based on the addendum attached to this motion, CHILD meets criteria for
26 participation in the extended foster care program; that participation in the program is in
27 the child's best interest; and the Court has jurisdiction to make this finding under A.R.S. §
28 8-829(J).

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WHEREFORE, the Department respectfully requests that this court sign the attached order, and for such other and further relief as this Court deems just and proper.

RESPECTFULLY SUBMITTED this _____ day of _____, 2019.

MARK BRNOVICH
Attorney General

Assistant Attorney General

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Original of the foregoing filed
this _____ day of _____, 2019, to:

Clerk of the Court
Maricopa County Superior Court
Juvenile Division/Durango Facility
3131 West Durango
Phoenix, AZ 85009-6292

Copy of the foregoing hand-delivered
this _____ day of June, 2019, to:

Honorable

Copies of the foregoing e-mailed
this _____ day of June, 2019, to:

Guardian ad Litem for Child

Case Manager

HDM#8096371

1 MARK BRNOVICH
2 Attorney General

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11 Attorneys for the Department of Child Safety

12 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

13 IN AND FOR THE COUNTY OF MARICOPA

14 In the Matter of:

No. JD

ORDER

(Honorable)

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16
17 Person(s) under 18 years of age.

18
19 Based upon the motion, addendum report, and voluntary agreement filed by the
20 Department of Child Safety (DCS or the Department), the Court hereby finds as
21 follows:

- 22
- 23 1. The Court has jurisdiction to hear this motion and make findings under
24 A.R.S. § 8-202(J);
 - 25 2. (CHILD) turned 18 years of age on (DATE);
 - 26 3. (CHILD) executed a voluntary agreement pursuant to A.R.S. § 8-521.02(3)
27 on (DATE), which is within 120 days of today's date;
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- 4. Based on the addendum report, (CHILD) meets criteria for participation in the extended foster care program outlined in A.R.S. § 8-521.02;
- 5. Participation in the extended foster care program is in (CHILD'S) best interest.

ORDERED this _____ day of _____, 2019

JUDGE OF THE SUPERIOR COURT

House Engrossed Senate Bill

State of Arizona
 Senate
 Fifty-fourth Legislature
 First Regular Session
 2019

CHAPTER 262

SENATE BILL 1539

AN ACT

AMENDING SECTIONS 8-144, 8-201 AND 8-202, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 4, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-521.02; AMENDING SECTIONS 8-829 AND 8-841, ARIZONA REVISED STATUTES; RELATING TO CHILD SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 8-144, Arizona Revised Statutes, is amended to read:

8-144. Subsidy agreement; duration; amount; periodic review; confidentiality

A. The family entering into subsidized adoption and the department shall sign a subsidy agreement that contains a provision for periodic review as provided in subsection ~~C~~ **D** of this section before the final decree of adoption is issued, except as provided in subsection B of this section. Adoption subsidies may commence with the adoption placement or after the adoption decree, and will vary with the needs due to the special circumstances of the adopted child as well as the availability of other resources.

B. The adoption subsidy may continue **EITHER**:

1. Through the age of twenty-one if the individual is enrolled in and regularly attending school unless the person has received a high school diploma or certificate of equivalency.

2. **THROUGH THE AGE OF TWENTY, IF THE INDIVIDUAL IS ADOPTED AT SIXTEEN OR SEVENTEEN YEARS OF AGE AND IS ONE OR MORE OF THE FOLLOWING:**

(a) **COMPLETING SECONDARY EDUCATION OR AN EDUCATIONAL PROGRAM THAT LEADS TO AN EQUIVALENT CREDENTIAL OR IS ENROLLED IN AN INSTITUTION THAT PROVIDES POSTSECONDARY OR VOCATIONAL EDUCATION.**

(b) **EMPLOYED AT LEAST EIGHTY HOURS A MONTH.**

(c) **PARTICIPATING IN A PROGRAM OR ACTIVITY THAT PROMOTES EMPLOYMENT OR REMOVES BARRIERS TO EMPLOYMENT.**

(d) **UNABLE TO BE A FULL-TIME STUDENT OR TO BE EMPLOYED BECAUSE OF A DOCUMENTED MEDICAL CONDITION.**

C. The subsidy may be for special services only or for money payments, and either for a limited period or for a long term, or for any combination thereof. The amount of the subsidy shall not exceed the payments allowable under foster family care. A special service subsidy shall not exceed the reasonable fee for the service rendered in accordance with costs and procedures for authorization of services as determined by the department.

~~C~~ **D.** There shall be a periodic review as defined by the department to determine the appropriateness and reasonableness of all subsidies and to ascertain the need for continuing or adjusting the subsidy.

D. E. Notwithstanding subsection A of this section, an application may be made and granted on behalf of a child adopted pursuant to the laws of this state at any time for a new or increased adoption subsidy on documentation of an undiagnosed condition that existed before the finalization of the adoption.

E. F. All records regarding subsidized adoption shall be confidential and may be disclosed only in accordance with the rules of the department.

Sec. 2. Section 8-201, Arizona Revised Statutes, is amended to read:

8-201. Definitions

In this title, unless the context otherwise requires:

1. "Abandoned" means the failure of the parent to provide reasonable support and to maintain regular contact with the child, including providing normal supervision. Abandoned includes a judicial finding that a parent has made only minimal efforts to support and communicate with the child. Failure to maintain a normal parental relationship with the child without just cause for a period of six months constitutes prima facie evidence of abandonment.
2. "Abuse" means the infliction or allowing of physical injury, impairment of bodily function or disfigurement or the infliction of or allowing another person to cause serious emotional damage as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior and which emotional damage is diagnosed by a medical doctor or psychologist and is caused by the acts or omissions of an individual who has the care, custody and control of a child. Abuse includes:
 - (a) Inflicting or allowing sexual abuse pursuant to section 13-1404, sexual conduct with a minor pursuant to section 13-1405, sexual assault pursuant to section 13-1406, molestation of a child pursuant to section 13-1410, commercial sexual exploitation of a minor pursuant to section 13-3552, sexual exploitation of a minor pursuant to section 13-3553, incest pursuant to section 13-3608 or child sex trafficking pursuant to section 13-3212.
 - (b) Physical injury that results from permitting a child to enter or remain in any structure or vehicle in which volatile, toxic or flammable chemicals are found or equipment is possessed by any person for the purpose of manufacturing a dangerous drug as defined in section 13-3401.
 - (c) Unreasonable confinement of a child.
3. "Adult" means a person who is eighteen years of age or older.
4. "Adult court" means the appropriate justice court, municipal court or criminal division of the superior court that has jurisdiction to hear proceedings concerning offenses committed by juveniles as provided in sections 8-327 and 13-501.
5. "Award" or "commit" means to assign legal custody.
6. "Child", "youth" or "juvenile" means an individual who is under the age of eighteen years.
7. "Complaint" means a written statement of the essential facts constituting a public offense that is any of the following:
 - (a) Made on an oath before a judge or commissioner of the superior court or an authorized juvenile hearing officer.
 - (b) Made pursuant to section 13-3903.
 - (c) Accompanied by an affidavit of a law enforcement officer or employee that swears on information and belief to the accuracy of the complaint pursuant to section 13-4261.
8. "Criminal conduct allegation" means an allegation of conduct by a parent, guardian or custodian of a child or an adult member of the victim's household that, if true, would constitute any of the following:
 - (a) A violation of section 13-3623 involving child abuse.
 - (b) A felony offense that constitutes domestic violence as defined in section 13-3601.
 - (c) A violation of section 13-1404 or 13-1406 involving a minor.
 - (d) A violation of section 13-1405, 13-1410 or 13-1417.
 - (e) Any other act of abuse that is classified as a felony.
 - (f) An offense that constitutes domestic violence as defined in section 13-3601 and that involves a minor who is a victim of or was in imminent danger during the domestic violence.
9. "Custodian" means a person, other than a parent or legal guardian, who stands in loco parentis to the child or a person to whom legal custody of the child has been given by order of the juvenile court.
10. "DCS report" means a communication received by the centralized intake hotline that alleges child abuse or neglect and that meets the criteria for a report as prescribed in section 8-455.
11. "Delinquency hearing" means a proceeding in the juvenile court to determine whether a juvenile has committed a specific delinquent act as set forth in a petition.
12. "Delinquent act" means an act by a juvenile that if committed by an adult would be a criminal offense or a petty offense, a violation of any law of this state, or of another state if the act occurred in that state, or a law of the United States, or a violation of any law that can only be violated by a minor and that has been designated as a delinquent offense, or any ordinance of a city, county or political subdivision of this state defining crime. Delinquent act does not include an offense under section 13-501, subsection A or B if the offense is filed in

adult court. Any juvenile who is prosecuted as an adult or who is remanded for prosecution as an adult shall not be adjudicated as a delinquent juvenile for the same offense.

13. "Delinquent juvenile" means a child who is adjudicated to have committed a delinquent act.

14. "Department" means the department of child safety.

15. "Dependent child":

(a) Means a child who is adjudicated to be:

(i) In need of proper and effective parental care and control and who has no parent or guardian, or one who has no parent or guardian willing to exercise or capable of exercising such care and control.

(ii) Destitute or who is not provided with the necessities of life, including adequate food, clothing, shelter or medical care.

(iii) A child whose home is unfit by reason of abuse, neglect, cruelty or depravity by a parent, a guardian or any other person having custody or care of the child.

(iv) Under eight years of age and who is found to have committed an act that would result in adjudication as a delinquent juvenile or incorrigible child if committed by an older juvenile or child.

(v) Incompetent or not restorable to competency and who is alleged to have committed a serious offense as defined in section 13-706.

(b) Does not include a child who in good faith is being furnished Christian Science treatment by a duly accredited practitioner if none of the circumstances described in subdivision (a) of this paragraph exists.

16. "Detention" means the temporary confinement of a juvenile who requires secure care in a physically restricting facility that is completely surrounded by a locked and physically secure barrier with restricted ingress and egress for the protection of the juvenile or the community pending court disposition or as a condition of probation.

17. "Director" means the director of the department.

18. "Health professional" has the same meaning prescribed in section 32-3201.

19. "Incorrigible child" means a child who:

(a) Is adjudicated as a child who refuses to obey the reasonable and proper orders or directions of a parent, guardian or custodian and who is beyond the control of that person.

(b) Is habitually truant from school as defined in section 15-803, subsection C.

(c) Is a runaway from the child's home or parent, guardian or custodian.

(d) Habitually behaves in such a manner as to injure or endanger the morals or health of self or others.

(e) Commits any act constituting an offense that can only be committed by a minor and that is not designated as a delinquent act.

(f) Fails to obey any lawful order of a court of competent jurisdiction given in a noncriminal action.

20. "Independent living program" includes a residential program with supervision of less than twenty-four hours a day.

21. "Juvenile court" means the juvenile division of the superior court when exercising its jurisdiction over children in any proceeding relating to delinquency, dependency or incorrigibility.

22. "Law enforcement officer" means a peace officer, sheriff, deputy sheriff, municipal police officer or constable.

23. "Medical director of a mental health agency" means a psychiatrist, or licensed physician experienced in psychiatric matters, who is designated in writing by the governing body of the agency as the person in charge of the medical services of the agency, or a psychiatrist designated by the governing body to act for the director. The term includes the superintendent of the state hospital.

24. "Mental health agency" means any private or public facility that is licensed by this state as a mental health treatment agency, a psychiatric hospital, a psychiatric unit of a general hospital or a residential treatment center for emotionally disturbed children and that uses secure settings or mechanical restraints.

25. "Neglect" or "neglected" means:

(a) The inability or unwillingness of a parent, guardian or custodian of a child to provide that child with supervision, food, clothing, shelter or medical care if that inability or unwillingness causes unreasonable risk of harm to the child's health or welfare, except if the inability of a parent, guardian or custodian to provide services to meet the needs of a child with a disability or chronic illness is solely the result of the unavailability of reasonable services.

(b) Permitting a child to enter or remain in any structure or vehicle in which volatile, toxic or flammable chemicals are found or equipment is possessed by any person for the purposes of manufacturing a dangerous drug as defined in section 13-3401.

(c) A determination by a health professional that a newborn infant was exposed prenatally to a drug or substance listed in section 13-3401 and that this exposure was not the result of a medical treatment administered to the mother or the newborn infant by a health professional. This subdivision does not expand a health professional's duty to report neglect based on prenatal exposure to a drug or substance listed in section 13-3401

beyond the requirements prescribed pursuant to section 13-3620, subsection E. The determination by the health professional shall be based on one or more of the following:

- (i) Clinical indicators in the prenatal period including maternal and newborn presentation.
- (ii) History of substance use or abuse.
- (iii) Medical history.
- (iv) Results of a toxicology or other laboratory test on the mother or the newborn infant.

(d) Diagnosis by a health professional of an infant under one year of age with clinical findings consistent with fetal alcohol syndrome or fetal alcohol effects.

(e) Deliberate exposure of a child by a parent, guardian or custodian to sexual conduct as defined in section 13-3551 or to sexual contact, oral sexual contact or sexual intercourse as defined in section 13-1401, bestiality as prescribed in section 13-1411 or explicit sexual materials as defined in section 13-3507.

(f) Any of the following acts committed by the child's parent, guardian or custodian with reckless disregard as to whether the child is physically present:

- (i) Sexual contact as defined in section 13-1401.
- (ii) Oral sexual contact as defined in section 13-1401.
- (iii) Sexual intercourse as defined in section 13-1401.
- (iv) Bestiality as prescribed in section 13-1411.

26. "Newborn infant" means a child who is under thirty days of age.

27. "Petition" means a written statement of the essential facts that allege delinquency, incorrigibility or dependency.

28. "Prevention" means the creation of conditions, opportunities and experiences that encourage and develop healthy, self-sufficient children and that occur before the onset of problems.

29. "Protective supervision" means supervision that is ordered by the juvenile court of children who are found to be dependent or incorrigible.

30. "QUALIFIED YOUNG ADULT" MEANS A FORMER DEPENDENT CHILD WHO IS AT LEAST EIGHTEEN YEARS OF AGE AND NOT OVER TWENTY-ONE YEARS OF AGE, WHO MEETS THE CRITERIA FOR AN EXTENDED FOSTER CARE PROGRAM PURSUANT TO SECTION 8-521.02 AND WHO SIGNS A VOLUNTARY AGREEMENT TO PARTICIPATE IN THE PROGRAM.

~~30.~~ 31. "Referral" means a report that is submitted to the juvenile court and that alleges that a child is dependent or incorrigible or that a juvenile has committed a delinquent or criminal act.

~~31.~~ 32. "Secure care" means confinement in a facility that is completely surrounded by a locked and physically secure barrier with restricted ingress and egress.

~~32.~~ 33. "Serious emotional injury" means an injury that is diagnosed by a medical doctor or a psychologist and that does any one or a combination of the following:

(a) Seriously impairs mental faculties.

(b) Causes serious anxiety, depression, withdrawal or social dysfunction behavior to the extent that the child suffers dysfunction that requires treatment.

(c) Is the result of sexual abuse pursuant to section 13-1404, sexual conduct with a minor pursuant to section 13-1405, sexual assault pursuant to section 13-1406, molestation of a child pursuant to section 13-1410, child sex trafficking pursuant to section 13-3212, commercial sexual exploitation of a minor pursuant to section 13-3552, sexual exploitation of a minor pursuant to section 13-3553 or incest pursuant to section 13-3608.

~~33.~~ 34. "Serious physical injury" means an injury that is diagnosed by a medical doctor and that does any one or a combination of the following:

(a) Creates a reasonable risk of death.

(b) Causes serious or permanent disfigurement.

(c) Causes significant physical pain.

(d) Causes serious impairment of health.

(e) Causes the loss or protracted impairment of an organ or limb.

(f) Is the result of sexual abuse pursuant to section 13-1404, sexual conduct with a minor pursuant to section 13-1405, sexual assault pursuant to section 13-1406, molestation of a child pursuant to section 13-1410, child sex trafficking pursuant to section 13-3212, commercial sexual exploitation of a minor pursuant to section 13-3552, sexual exploitation of a minor pursuant to section 13-3553 or incest pursuant to section 13-3608.

~~34.~~ 35. "Shelter care" means the temporary care of a child in any public or private facility or home that is licensed by this state and that offers a physically nonsecure environment that is characterized by the absence of physically restricting construction or hardware and that provides the child access to the surrounding community.

36. "YOUNG ADULT ADMINISTRATIVE REVIEW" MEANS AN ADMINISTRATIVE REVIEW OF A VOLUNTARY EXTENDED FOSTER CARE CASE PLAN WITH THE QUALIFIED YOUNG ADULT, THE DEPARTMENT'S CASE SPECIALIST OR DESIGNEE, AN INDEPENDENT PARTY WHO IS NOT

RESPONSIBLE FOR THE CASE MANAGEMENT OF OR THE DELIVERY OF SERVICES TO THE QUALIFIED YOUNG ADULT AND ANY OTHER INDIVIDUAL THE YOUNG ADULT INVITES.

Sec. 3. Section 8-202, Arizona Revised Statutes, is amended to read:

8-202. Jurisdiction of juvenile court

A. The juvenile court has original jurisdiction over all delinquency proceedings brought under the authority of this title.

B. The juvenile court has exclusive original jurisdiction over all proceedings brought under the authority of this title except for delinquency proceedings.

C. The juvenile court may consolidate any matter, except that the juvenile court shall not consolidate any of the following:

1. A criminal proceeding that is filed in another division of superior court and that involves a child who is subject to the jurisdiction of the juvenile court.

2. A delinquency proceeding with any other proceeding that does not involve delinquency, unless the juvenile delinquency adjudication proceeding is not heard at the same time or in the same hearing as a nondelinquency proceeding.

D. The juvenile court has jurisdiction of proceedings to:

1. Obtain judicial consent to the marriage, employment or enlistment in the armed services of a child, if consent is required by law.

2. In an action in which parental rights are terminated pursuant to chapter 4, article 5 or 11 of this title, change the name of a minor child who is the subject of the action. If the minor child who is the subject of the action is twelve years of age or older, the court shall consider the wishes of the child with respect to the name change.

E. The juvenile court has jurisdiction over both civil traffic violations and offenses listed in section 8-323, subsection B that are committed within the county by persons who are under eighteen years of age unless the presiding judge of the county declines jurisdiction of these cases. The presiding judge of the county may decline jurisdiction of civil traffic violations committed within the county by juveniles if the presiding judge finds that the declination would promote the more efficient use of limited judicial and law enforcement resources located within the county. If the presiding judge declines jurisdiction, juvenile civil traffic violations shall be processed, heard and disposed of in the same manner and with the same penalties as adult civil traffic violations.

F. The orders of the juvenile court under the authority of this chapter or chapter 3 or 4 of this title take precedence over any order of any other court of this state except the court of appeals and the supreme court to the extent that they are inconsistent with orders of other courts.

G. Except as provided in subsection H of this section, jurisdiction of a child that is obtained by the juvenile court in a proceeding under this chapter or chapter 3 or 4 of this title shall be retained by it, for the purposes of implementing the orders made and filed in that proceeding, until the child becomes eighteen years of age, unless terminated by order of the court before the child's eighteenth birthday.

H. If the state files a notice of intent to retain jurisdiction when proceedings are commenced pursuant to section 8-301, paragraph 1 or 2, the court shall retain jurisdiction over a juvenile who is at least seventeen years of age and who has been adjudicated a delinquent juvenile until the juvenile reaches nineteen years of age, unless before the juvenile's nineteenth birthday either:

1. Jurisdiction is terminated by order of the court.

2. The juvenile is discharged from the jurisdiction of the department of juvenile corrections pursuant to section 41-2820.

I. Persons who are under eighteen years of age shall be prosecuted in the same manner as adults if either:

1. The juvenile court transfers jurisdiction pursuant to section 8-327.

2. The juvenile is charged as an adult with an offense listed in section 13-501.

J. THE JUVENILE COURT HAS JURISDICTION TO MAKE THE INITIAL DETERMINATION PRESCRIBED IN SECTION 8-829 WHETHER THE VOLUNTARY PARTICIPATION OF A QUALIFIED YOUNG ADULT IN AN EXTENDED FOSTER CARE PROGRAM PURSUANT TO SECTION 8-521.02 IS IN THE YOUNG ADULT'S BEST INTERESTS.

Sec. 4. Title 8, chapter 4, article 4, Arizona Revised Statutes, is amended by adding section 8-521.02, to read:

8-521.02. Extended foster care program; requirements

A. THE DEPARTMENT MAY ESTABLISH AN EXTENDED FOSTER CARE PROGRAM FOR QUALIFIED YOUNG ADULTS. TO PARTICIPATE IN THE PROGRAM, A QUALIFIED YOUNG ADULT MUST MEET ALL OF THE FOLLOWING REQUIREMENTS:

1. HAVE BEEN IN THE CUSTODY OF THE DEPARTMENT AS A DEPENDENT CHILD WHEN THE YOUNG ADULT BECAME EIGHTEEN YEARS OF AGE.

2. BE EIGHTEEN, NINETEEN OR TWENTY YEARS OF AGE AND BE ONE OR MORE OF THE FOLLOWING:

(a) COMPLETING SECONDARY EDUCATION OR AN EDUCATIONAL PROGRAM LEADING TO AN EQUIVALENT CREDENTIAL OR BE ENROLLED IN AN INSTITUTION THAT PROVIDES POSTSECONDARY OR VOCATIONAL EDUCATION.

(b) EMPLOYED AT LEAST EIGHTY HOURS A MONTH.

(c) PARTICIPATING IN A PROGRAM OR ACTIVITY THAT PROMOTES EMPLOYMENT OR REMOVES BARRIERS TO EMPLOYMENT.

(d) UNABLE TO BE A FULL-TIME STUDENT OR TO BE EMPLOYED BECAUSE OF A DOCUMENTED MEDICAL CONDITION.

3. SIGN A VOLUNTARY EXTENDED FOSTER CARE AGREEMENT WITH THE DEPARTMENT ON OR AFTER THE QUALIFIED YOUNG ADULT'S EIGHTEENTH BIRTHDAY AND BEFORE THE YOUNG ADULT'S TWENTY-FIRST BIRTHDAY.

B. THE DEPARTMENT SHALL PROVIDE A PROGRESS REPORT EVERY SIX MONTHS TO THE YOUNG ADULT ADMINISTRATIVE REVIEW PANEL FOR EACH QUALIFIED YOUNG ADULT WHO PARTICIPATES IN THE EXTENDED FOSTER CARE PROGRAM.

C. THE YOUNG ADULT ADMINISTRATIVE REVIEW PANEL SHALL REVIEW, AT LEAST ONCE EVERY SIX MONTHS, THE QUALIFIED YOUNG ADULT'S VOLUNTARY EXTENDED FOSTER CARE CASE PLAN, INCLUDING THE SERVICES AND SUPPORTS PROVIDED AND NEEDED TO ASSIST THE YOUNG ADULT IN THE YOUNG ADULT'S SUCCESSFUL TRANSITION TO ADULTHOOD.

D. THE DEPARTMENT SHALL DEVELOP AND COORDINATE EDUCATIONAL CASE MANAGEMENT PLANS FOR A QUALIFIED YOUNG ADULT PARTICIPATING IN THE EXTENDED FOSTER CARE PROGRAM TO ASSIST THE QUALIFIED YOUNG ADULT TO ACCOMPLISH THE FOLLOWING:

1. GRADUATE FROM HIGH SCHOOL.

2. PASS THE STATEWIDE ASSESSMENT TO MEASURE PUPIL ACHIEVEMENT ADOPTED PURSUANT TO SECTION 15-741.

3. APPLY FOR POSTSECONDARY EDUCATION FINANCIAL ASSISTANCE.

4. APPLY FOR POSTSECONDARY EDUCATION.

5. COMPLETE POSTSECONDARY EDUCATION CLASSES.

Sec. 5. Section 8-829, Arizona Revised Statutes, is amended to read:

8-829. Judicial determinations; timing; documentation

A. If a child has been removed from the child's home, the court shall make protecting the child from abuse or neglect the first priority and shall make the following determinations within the following time periods:

1. In the court's first order that sanctions the removal, whether continuation of the child's residence in the home would be contrary to the welfare of the child. This order may be the temporary order that the court issues on the filing of a dependency petition.

2. At the preliminary protective hearing, whether the department made attempts to identify and assess placement with the child's grandparent or another member of the child's extended family including a person who has a significant relationship with the child.

3. Within sixty days after the child is removed from the child's home, whether reasonable efforts have been made to prevent removal of the child or whether it was reasonable to make no efforts to prevent removal of the child.

4. If the child is not placed with a grandparent or another member of the child's extended family including a person who has a significant relationship with the child within sixty days after the child is removed from the child's home, why such placement is not in the best interests of the child. The petitioner has the burden of presenting evidence that such placement is not in the child's best interests at the first court hearing thereafter.

5. Within twelve months after the child is removed from the child's home and once every twelve months thereafter, whether reasonable efforts have been made to finalize the existing permanency plan.

6. If the child is under three years of age, within six months after the child is removed from the child's home, whether reasonable efforts have been made to provide reunification services to the parent and whether a parent of a child who is under three years of age has substantially neglected or wilfully refused to participate in reunification services offered by the department.

B. WITHIN ONE HUNDRED TWENTY DAYS AFTER THE DEPARTMENT SUBMITS A QUALIFIED YOUNG ADULT'S SIGNED VOLUNTARY AGREEMENT TO PARTICIPATE IN AN EXTENDED FOSTER CARE PROGRAM PURSUANT TO SECTION 8-521.02, THE JUVENILE COURT SHALL DETERMINE WHETHER THE PARTICIPATION IS IN THE QUALIFIED YOUNG ADULT'S BEST INTEREST.

~~B.~~ **C.** The court shall make each determination described in subsection A **OR B** on a case-by-case basis and shall set forth in its written order the specific factual basis for each determination. In making its determination, the court shall consider documentation that is reasonably available at the time of the determination.

Sec. 6. Section 8-841, Arizona Revised Statutes, is amended to read:

8-841. Dependency petition; service; preliminary orders; hearing

A. THE DEPARTMENT OR any interested party may file a petition to commence proceedings in the juvenile court alleging that a child is dependent **EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION.**

B. AN INTERESTED PARTY MAY NOT FILE A DEPENDENCY PETITION CONCERNING A CHILD WHO HAS BEEN ADJUDICATED DELINQUENT AND IS UNDER THE JURISDICTION OF THE JUVENILE COURT, WHO IS AWAITING DELINQUENCY ADJUDICATION OR DISPOSITION OR WHO HAS BEEN RELEASED FROM THE DEPARTMENT OF JUVENILE CORRECTIONS WITHIN THE PREVIOUS SIX MONTHS, UNLESS BOTH OF THE FOLLOWING OCCUR:

1. THE INTERESTED PARTY CONTACTS THE DEPARTMENT PURSUANT TO SECTION 8-455 AT LEAST FOURTEEN DAYS BEFORE FILING THE PETITION AND PROVIDES THE DEPARTMENT WITH NOTICE OF THE INTENT TO FILE A PETITION PURSUANT TO THIS SUBSECTION, THE ALLEGATIONS CONTAINED IN THE PETITION AND THE FACTUAL BASIS SUPPORTING THE ALLEGATIONS.

2. THE INTERESTED PARTY AFFIRMS IN THE PETITION THAT THE REQUIREMENTS OF PARAGRAPH 1 OF THIS SUBSECTION HAVE BEEN MET.

~~B.~~ **C.** The petition shall be verified and shall contain all of the following:

1. The name, age and address, if any, of the child on whose behalf the petition is brought.
2. The names and addresses, if known, of both parents and any guardian of the child.
3. A concise statement of the facts to support the conclusion that the child is dependent.
4. If the child was taken into temporary custody, the date and time the child was taken into custody.
5. Whether the department believes that an aggravating circumstance described in section 8-846, subsection D, paragraph 1 exists.
6. A statement whether the child is subject to the Indian child welfare act of 1978 (P.L. 95-608; 92 Stat. 3069; 25 United States Code sections 1901 through 1963).

~~C.~~ **D.** The person who files the petition shall have the petition and a notice served on:

1. The parents and any guardian of the child.
2. The child's guardian ad litem or attorney.
3. Any person who has filed a petition to adopt or who has physical custody pursuant to a court order in a foster-adoptive placement.

4. THE DEPARTMENT IF THE PETITION IS FILED PURSUANT TO SUBSECTION B OF THIS SECTION.

~~D.~~ **E.** The notice shall contain all of the following:

1. The name and address of the person to whom the notice is directed.
2. The date, time and place of the hearing on the petition.
3. The name of the child on whose behalf the petition has been filed.
4. A statement that the parent or guardian and the child are entitled to have an attorney present at the hearing and that, if the parent or guardian is indigent and cannot afford an attorney and wants to be represented by an attorney, one will be provided.
5. A statement that the parent or guardian must be prepared to provide to the court at the initial dependency hearing the names, the type of relationship and all available information necessary to locate persons who are related to the child or who have a significant relationship with the child.
6. A statement that the hearing may result in further proceedings for permanent guardianship or to terminate parental rights.

~~E.~~ **F.** The petition and notice shall be served on a parent or guardian as soon as possible after the petition is filed and at least five days before the initial dependency hearing if the parent or guardian did not attend the preliminary protective hearing. If a parent or guardian does attend the preliminary protective hearing, the petition and notice shall be served at the preliminary protective hearing.

~~F.~~ **G. EXCEPT AS PROVIDED IN SUBSECTION H OF THIS SECTION,** on the filing of the petition, the court may issue any temporary orders necessary to provide for the safety and welfare of the child.

H. IF A PETITION IS FILED PURSUANT TO SUBSECTION B OF THIS SECTION, THE COURT MAY NOT ISSUE ANY TEMPORARY ORDERS WITH RESPECT TO THE DEPARTMENT, INCLUDING PLACING THE CHILD IN THE DEPARTMENT'S LEGAL OR PHYSICAL CUSTODY, JOINING THE DEPARTMENT AS A PARTY OR ORDERING THE DEPARTMENT TO PROVIDE ANY SERVICES TO THE CHILD OR THE FAMILY, WITHOUT FIRST CONDUCTING A HEARING. AT THE HEARING, THE

COURT SHALL TAKE EVIDENCE ON THE REQUEST OF THE DEPARTMENT OR A PARTY. THE COURT SHALL PROVIDE THE DEPARTMENT AND A PARTY AT LEAST SEVENTY-TWO-HOURS WRITTEN OR ELECTRONIC NOTICE OF THE HEARING AND AN OPPORTUNITY TO BE HEARD AS TO ANY PROPOSED ORDERS. IF THE DEPARTMENT IS PROVIDED PROPER NOTICE AND FAILS TO APPEAR, THE COURT MAY PROCEED WITH THE HEARING.

**APPROVED BY THE GOVERNOR MAY 27, 2019.
FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 27, 2019.**

Proposed Rule 64(d)(4) (Service on Unknown Parents)

D. Service. Under the Regulations, if the motion or petition alleges or the court has reason to believe know the child at issue is an Indian child as defined by ICWA the Indian Child Welfare Act, in addition to service of process as required by this rule, notification shall be given to the parent, Indian custodian and the child's tribe or tribes. Notice shall be provided by registered or certified mail with return receipt requested. If the identity or location of the parent or Indian custodian cannot be determined, notice shall be given to the Secretary of the Interior by registered or certified mail and the Secretary of the Interior shall have fifteen (15) days after receipt to provide the requisite notice to the parent or Indian custodian and the tribe.

The notice shall advise the parent or Indian custodian and the tribe of their right to intervene. No hearing shall be held until at least ten (10) days after receipt of notice by the parent or Indian custodian and the tribe or the Secretary. The court shall grant up to twenty (20) additional days to prepare for the hearing if a request in made by the parent or Indian custodian or the tribe.

1. *Waiver.* The parent, Indian custodian or the child's tribe may waive the ten (10) day notice requirement for purposes of proceeding with the initial termination hearing within the time limit provided by state law.

2. *Motion.* The motion for termination and notice of hearing shall be served by the moving party upon the parties and any other person as provided by law, pursuant to Rule 5(c), Ariz. R. Civ. P. at least ten days prior to the initial termination hearing.

3. *Petition.* The petition for termination of parental rights and notice of hearing shall be served by the petitioner upon the parties and any other person as provided by law, pursuant to A.R.S. 8-535, in the manner provided for in Rules 4.1 or 4.1, Ariz. R. Civ. P.

4. *Unknown Parents.* An unknown parent is a parent whose identity is not known to the petitioner and cannot reasonably be determined. Service on an unknown parent of a petition for termination and notice of hearing, or a motion for termination and notice of hearing, is deemed complete upon a finding that (a) reasonable efforts have been made to determine the identity of the unknown parent, including questioning known parents about the identity of any other person who might be a child's biological parent; and (b) despite reasonable efforts, no other parent has been identified. A notarized affidavit filed with the court that complies with A.R.S. § 8-106(F) presumptively shows reasonable efforts. Service under this Rule 64(D)(4) only confers jurisdiction to terminate the rights of an unknown parent under A.R.S. § 8-533(b)(1), (b)(6), and (b)(9).

John Doe Publication Work Group

COMMITTEE ON JUVENILE COURTS



Goals for Juvenile Court

“[R]eview the current juvenile court rules to identify changes needed to ensure efficient juvenile court case processing and management”

“Expedite child dependency cases”



“Expedite court processes and procedures for adoptions”

WHAT IS “JOHN DOE PUBLICATION”?

- ✘ Dependency, guardianship, and termination cases.
- ✘ When a parent is unknown or unidentified.
- ✘ “John Doe” is named as a party to represent the unknown parent.
- ✘ “John Doe” is provided notice by publication in a newspaper.

WHAT IS “JOHN DOE PUBLICATION”?

THE DAILY TERRITORIAL

The Record Reporter
SINCE 1914

WHAT IS “JOHN DOE PUBLICATION”?

- ✘ Rarely (if ever) provides real notice.
- ✘ “[A] last resort, because it is virtually guaranteed not to provide a defendant with actual notice.” *JPMC Specialty Mortg., L.L.C. v. Das*, 2012 WL 652556, at *2 (N.J. Super. Ct. App. Div. Mar. 1, 2012).

REASONS FOR “JOHN DOE PUBLICATION”

- ✘ Due process though “constructive notice.”
- ✘ Tried and true. How we’ve always done it.

REASONS AGAINST

- ✘ Costs money.
- ✘ Uses scarce court and lawyer time.
- ✘ Delays permanency for children.
- ✘ Exposes children's personally identifying information.

DCS'S NOTICE OF HEARING ON DEPENDENCY PETITION
NO. JD37654

(Honorable Randall H. Warner)

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

In the Matter of:

NOT NAMED [REDACTED]

d.o.b. [REDACTED]/2019

Person under 18 years of age.

TO: [REDACTED] and JOHN DOE (a fictitious name), parents of the above-named child.

1. The Department of Child Safety has filed a Dependency Petition pursuant to Title 8, of the Arizona Revised Statutes, Rules 4.1 and 4.2 of the Arizona Rules of Civil Procedure and Rule 48(D) of the Rules of Procedure for the Juvenile Court.
2. The Court has set a hearing on the 23rd day of October, 2019 at 9:15 a.m., at the Maricopa County Superior Court, Juvenile Division/Durango Facility, 3131 West Durango, Phoenix, Arizona 85009-6292, before the Honorable Randall H. Warner for the purpose of determining whether any parent or guardian named herein is contesting the allegations in the Petition.
3. You and your child are entitled to have an attorney present at the hearing. You may hire your own attorney or, if you cannot afford an attorney and want to be represented by an attorney, one may be appointed by the Court.

Why keep a practice that is futile, costly, and delays permanency for children?

PROPOSED SOLUTIONS

× Option 1:

- + Keep “John Doe,” but find service complete on reasonable efforts to identify the parent.
- + Then terminate John Doe under for A.R.S. § 8-533(b) for:
 - × Abandonment—(b)(1)
 - × Failure to register with the Putative Father Registry—(b)(6)
 - × Identity of parent unknown—(b)(9).

PROPOSED SOLUTIONS

✘ Option 2:

- + Don't name a John Doe.
- + Department submits to the court proof of reasonable efforts to identify the parent.
- + Court finds there is no parent entitled to notice.
- + No need to terminate "John Doe" before adoption.

ARIZONA STATUTE

- ✘ Adoption—A.R.S. § 8-106.
- ✘ Fathers entitled to notice of adoption:
 - + Paternity established.
 - + Other potential fathers identified by mother.
- ✘ A father's consent is required only if paternity is established.

ARIZONA STATUTE

- ✘ No Arizona statute requires
 - + Naming a “John Doe” or
 - + Serving “John Doe.”
 - + Simply a creature of practice.

Is John Doe Publication
constitutionally required?

RIGHTS OF UNKNOWN PARENTS?

✘ US Supreme Court:

- + Father who failed to file with the putative father registry did not have an “absolute right to notice and an opportunity to be heard before the child may be adopted.” *Lehr v. Robertson*, 463 U.S. 248, 250 (1983).

RIGHTS OF UNKNOWN PARENTS?

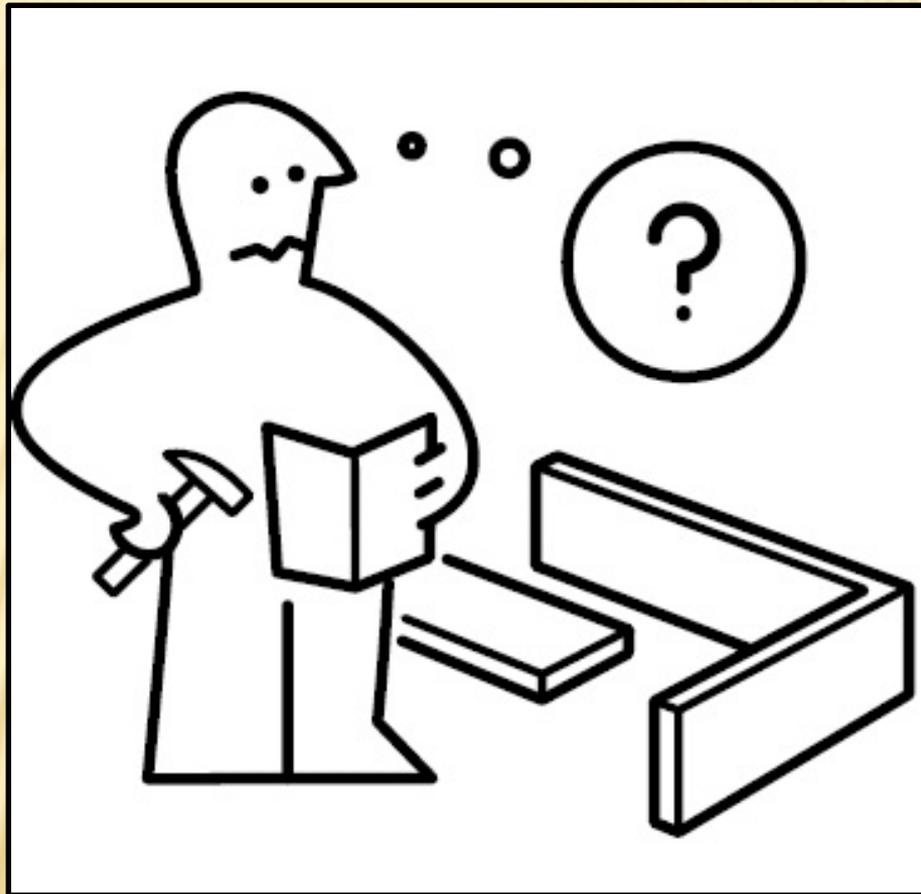
✘ Arizona Supreme Court:

- + “[A]n unwed father’s parental rights do not attain fundamental constitutional status unless he takes significant steps to create a parental relationship.”
Matter of Appeal in Pima Cty. Juvenile Severance Action No. S-114487, 179 Ariz. 86, 94, 876 P.2d 1121, 1129 (1994).

NEXT STEPS/CHALLENGES

- ✘ Green light to draft rule changes.
- ✘ DCS buy-in.
- ✘ Is legislation required? We don't think so.
- ✘ Incorporate into rule revision process?

QUESTIONS OR COMMENTS?



ARIZONA SUPERIOR COURT IN PIMA COUNTY
JUVENILE DIVISION

FILED
GARY L. HARRISON
CLERK, SUPERIOR COURT
19 JUN 12 AM 10:19

IN THE MATTER OF:

ADMINISTRATIVE ORDER
NO. 2019-01

J. GARCIA, DEPUTY CLERK

ASSIGNING B CASE NUMBERS
AT THE TIME MOTIONS/AFFIDAVITS/
PETITIONS ARE FILED WITH THE CLERK'S
OFFICE

Administrative Order

WHEREAS, pursuant to A.R.S. §8-114 (B), a person who wishes to pay expenses that exceed one thousand dollars on behalf of a birth parent must file a motion and an affidavit with the court to request approval. The Court is required to hold a hearing unless waived for good cause.

WHEREAS, the Court is mandated by law to determine that all expenses paid to a birth parent that exceed one thousand dollars are reasonable and necessary. To do so, all filings must be readily available for review by the Court.

IT IS ORDERED, that any motion/petition/affidavit filed in compliance with A.R.S. §§ 8-109 or 8-114, shall be captioned as follows:

Prior to the Birth:

IN RE THE MATTER OF UNBORN BABY (BOY OR GIRL IF KNOWN)

Post-birth:

IN RE THE MATTER OF BABY GIRL/BOY FOLLOWED BY THE LAST NAME OF THE CHILD

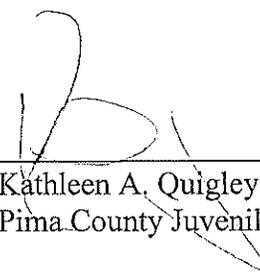
IT IS ORDERED, that the Clerk of the Superior Court shall assign a B number to all requests for approval of birth parent living expenses whether it is filed in advance of the birth or after.

IT IS FURTHER ORDERED that it is the responsibility of the filing party that every pleading filed pertaining to the minor child, whether born or unborn, and identified as a potential adoptee, shall be filed under the same B number, including the Petition to adopt said minor child, filed pursuant to A.R.S. §8-109.

IT IS FURTHER ORDERED that it is the responsibility of the filing party to modify the caption after the birth of the child. Following the birth of the child, a motion and order to amend the caption must be submitted to the court.

IT IS FURTHER ORDERED that if an adoption will not be pursued under the assigned B number, the attorney who represents the adoptive parent(s), a self-represented litigant, or the agency that filed the motion/petition/affidavit filed in compliance with A.R.S. §§ 8-109 or 8-114, shall file a motion and order to request that the case be closed and shall include the basis for that request.

DATED this 12 day of June, 2019.



Kathleen A. Quigley, Presiding Judge
Pima County Juvenile Court Center

cc: Hon. Kyle Bryson, Presiding Superior Court Judge
Hon. Kathleen Quigley Presiding Juvenile Court Judge
Hon. Kellie Johnson, Adoption Judge
Tina Mattison, Deputy Court Administrator, Juvenile Court
Gary Harrison, Pima County Clerk of the Court
Ray Rivas, Director, Clerk of the Juvenile Court

Steven C. Hirdes, Ed.D.
Psychologist
4801 South Lakeshore Drive, Suite 206
Tempe, Arizona 85282
(480) 345-7755

PSYCHOLOGICAL UPDATE

Name: [REDACTED]
DOB: [REDACTED]
CA: [REDACTED]
Sex: [REDACTED]
Referral Agency: Gila County Juvenile Court
Probation Officer: Sabrina Falquez
SWID #: [REDACTED]
Examiner: Steven C. Hirdes, Ed.D.
Date of Evaluation: [REDACTED]

REASON FOR REFERRAL

[REDACTED] was referred by the court for a further assessment of his psychological status, with a request for an update of his condition as related to possible treatment options.

The child was provided a copy of rights, as well as procedures. Additionally provided was a verbal explanation of these rights and procedures. [REDACTED] was informed as to the confidentiality limits.

This report is for professional use only. It should not be given to the examinee or the guardians of the examinee without direct consent from this examiner.

BACKGROUND INFORMATION

CHECKLIST OF ESSENTIAL SERVICES

This checklist applies to all children ages birth to 5 who are subject to a dependency case. It should be completed and filed with the court as an attachment to the Court Report, Permanency Planning Report or Addendum Report prior to EACH hearing (including all Report and Review, Status and Permanency hearings).

Child's Name:	JD#	Name of Person Filling In Checklist & Date:
Child's DOB:	Age: ___ Yrs. ___ Mos.	Date of Hearing:

DCS CASE MANAGER RESPONSIBILITIES | Within 30 Days of Placement

72-Hour Rapid Response Referral: YES **Date:** _____ NO (Maricopa: Mercy Care AZ, dispatch@crisisnetwork.org; Cochise, Graham, Greenlee, La Paz, Pima, Pinal, Santa Cruz & Yuma: Arizona Complete Health, AzCHDCSRR@azcompletehealth.com; Apache, Coconino, Gila, Mohave, Navajo & Yavapai: Steward Health Choice, UrgentResponseDispatch@crisisnetwork.org)

Current Placement: Kinship Foster Care In-Home Dependency Other

Case Plan Goal: Reunification Severance/Adoption Remain with Family

If non-relative placement, date of last inquiry for appropriate kin: ___ / ___ / ___ Follow-up dates: _____

Concurrent Plan: Severance/Adoption: Kinship Non-Kinship

Case manager follow-up with caregiver/foster parent to assure all necessary medical, dental and nutritional appointments are made and attended (note follow-up dates and results): _____

Initial Progress Mediation date: ___ / ___ / ___ **Initial Child & Family Team (CFT) meeting date:** ___ / ___ / ___

SOCIAL / EMOTIONAL / BEHAVIORAL Are the attachment and emotional needs of this baby being met?

- Does the baby exhibit any red flags for emotional / health problems? Excessive fussiness
 Chronic sleeping or feeding disturbances Inconsolable crying Feeding challenges
 Substance exposure Experienced family violence Suspected developmental delay / autism spectrum
 Multiple foster care placements Failure to Thrive Other: _____

2. Has the baby demonstrated attachment to a caregiver? Yes No **Name:** _____
As evidenced by:

3. Has the child had more than one placement? Yes No If yes, when and why?

4. Is parenting time being provided in a developmentally appropriate way? Yes No
Frequency: _____ **Duration:** _____ **Location:** _____
 Who is providing transportation? _____ Is foster parent present to comfort child? Yes No
 Are parenting skills being increased? Yes No

5. Is this child receiving behavioral health services? Yes **Provider:** _____
 No **Why not?** _____
 Referred for ___ BH Birth to 5 Assessment ___ ASQ3 ___ ASQ-SE **Provider:** _____
 Was AzEIP screening referral indicated? Yes No Should AzEIP be considered in the future? Yes No

HEALTH / DEVELOPMENT – Within 30 Days:

6. Obtained medical / dental / birth records / birth certificate / Social Security number? Yes No
If no, date of last request: _____ If yes, copies given to caregiver? Yes No

7. Requested immunization history (records or ASIIS)? Yes No
Copies given to foster parents and primary care provider? Yes No

8. List any health problems and risks identified in the baby's birth and medical records (e.g. low birth weight, prematurity, prenatal exposure to toxic substances): _____

9. Does the baby/child have any of the following health problems? Substance exposure
 Fetal Alcohol Syndrome Failure to Thrive Hearing and vision problems Sensory Issues
 Respiratory Issues / Asthma Ear Infections Allergies Feeding Issues Cavities
 Congenital infections - HIV, hepatitis, syphilis Other: _____
How are the issues being addressed? _____

10. Child must receive EPSDT (Early Periodic Screening Diagnosis & Treatment) within 7 days of placement and at the following ages. Enter date of initial pediatric appointment and follow-up appointments:

2-4 days ___/___/___ 1 mo ___/___/___ 2mo ___/___/___ 4mo ___/___/___ 6mo ___/___/___

9mo ___/___/___ 12 mo ___/___/___ 15 mo ___/___/___ 18 mo ___/___/___

2 yrs. ___/___/___ 3 yrs. ___/___/___ 4 yrs. ___/___/___ Vision exam required? Yes No
If yes, date:

11. Child must have initial pediatric dental exam within 30 days of placement (after age 1): ___/___/___

And every 6 months for follow-up visits (enter dates): ___/___/___; ___/___/___; ___/___/___

CAREGIVER RESOURCES

What resources are available to enhance this baby's healthy development and prospects for permanency?

12. Have the baby and caregiver been referred to Early Head Start or another quality early childhood program?
Program: _____

13. Is the baby enrolled in childcare? Yes No If yes, where? _____
How many hours in childcare a day? _____ Are there any concerns? _____

14. Has the caregiver been given Neurosequential Model in Caregiving webinar information? Yes No
List any other advanced training / resources offered:

15. Has a public health nurse home visitor been referred? Yes No

EXTENDED FOSTER CARE FOR YOUTH

Beyond Age 18



FAAZ YOUNG ADULT LEADERSHIP BOARD

Turning 18 in foster care without a stable permanent home can be discouraging, as young people are suddenly faced with the responsibility of managing everything alone, including housing, finances, health, education, and relationships.

The Fostering Advocates Arizona (FAAZ) Young Adult Leadership Board represents a diverse network of foster care alumni and they have identified the need for stronger transitional support for young people aging out of foster care beyond age 18. This policy brief describes extended care and makes recommendations for improvements to anyone involved with a young adult who is living in foster care or who has left foster care including the Arizona Department of Child Safety (DCS), policy makers, foster parents, group home staff, kinship caregivers, judges, judicial officers, attorneys, guardians ad litem, Foster Care Review Board members, Court Appointed Special Advocates, and contract providers.

The FFAZ Board acknowledges and appreciates the current emphasis that the DCS has placed in their FY19 Strategic Deployment Plan to "Increase successful transition to adulthood of all children 14+ while in foster care." Working toward this goal, DCS is currently engaged in efforts to improve staff training, practices and policies to be more supportive and engaging with youth. State legislation is also moving forward to allow DCS to meet federal requirements for case management and oversight that will allow additional federal funds to support extended care programming. The FFAZ Board trusts that the identified strategies for improvement will help advance better outcomes for young people transitioning from foster care.

TOP 5 BENEFITS OF VOLUNTARY EXTENDED CARE

*According to FFAZ
Young Adult Leadership
Board Who Have
Experienced It*

1

SUPPORT

Identify goals
Explore interests
and passions

2

EDUCATION

Program information
Scholarship assistance
Application guidance

3

FINANCES

Help with living
expenses
Money management

4

EMPLOYMENT

Resume writing
Job application support

5

COMMUNITY

Connect with mentors
Network with alumni

Young Adults Who Leave Foster Care Face Large Challenges

Turning 18 in foster care is overwhelming. Young adults possess the natural inclination to be independent, away from state supervision. However, most are not equipped to manage life completely on their own. Research finds that young adults who transition from foster care at age 18 benefit from continued assistance, supportive relationships, and practice with decision-making.



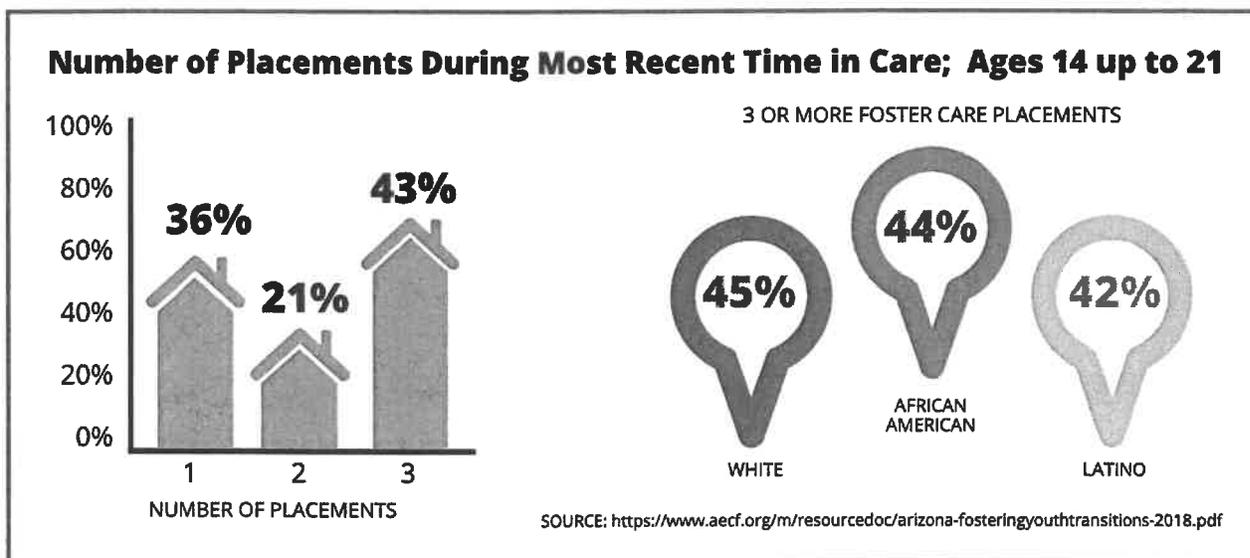
More than half (52%) of Arizona's young people turning 18 in foster care were living in a group home or institutional placement, which is the least optimal place for an emerging adultⁱⁱ. A group home is often abnormally restrictive and can interfere with a young person's development and ability to form healthy relationships and familial connections.ⁱⁱⁱ



Experiences while in foster care, including frequent moves can lead to worse outcomes for youth. 43% of youth ages 14+ in foster care experienced more than 3 placements during their most recent time in care.^{iv}



Despite the goal for all children in foster care to be reunified, placed with a relative, a guardian or adopted, every year more than 900 young adults "age out" of foster care in Arizona without legal permanency.



Voluntary Extended Care Can Help

For those young people who turn 18 while in foster care without a permanent home, DCS can provide voluntary extended care and services up to age 21. Voluntary extended care offers the support of a DCS Case Specialist and a variety of housing options. Participating young adults may continue to reside in the home of their foster parent or in a group home, or they may be offered an Independent Living Subsidy which provides a modest monthly stipend to support their transition from a structured living environment to an alternative living arrangement such as an apartment or college dormitory. In order for the young person to be eligible for extended care, they must actively be:^v

- ✓ completing a high school diploma or GED;
- ✓ enrolled in a postsecondary or vocational education institution;
- ✓ participating in a program or activity designed to promote or remove barriers to employment;
- ✓ employed for at least 80 hours per month; or
- ✓ unable to be a full-time student or be employed because of a medical condition

Unfortunately for the majority of young people, their DCS Case Specialist determines they do not meet the eligibility guidelines or the young adult does not elect to stay in care. At age 18, many young adults report having "system fatigue" and want their foster care experience to end as soon as possible. Others have expressed confusion or a lack of understanding of how the services work, what the benefits are, and what is required of them.



“ For me I was afraid because I didn’t have the parental guidance that most kids had. But with extended care I knew that someone had my back, that I had something to lean on.”

– Jesus, Student at ASU

“ Before I turned 18, I had never worked before or lived on my own, so I think it would have been harder to do without support like the subsidy and having my case manager there.”

– Nikki, ASU Alumni & Licensed Benefits Advisor



The Number of Participants in Extended Care has Dropped

Nearly 2,670 youth exited care from FFY 2015 through 2017 on or after their 18th birthday. However, only 845 youth were in extended care through a Voluntary Extended Care Placement Agreement on September 30th, 2017.^{vi} Additionally, from 2016 to 2017, there was a 15% decrease in the number of young people receiving the Independent Living Subsidy (from 892 youth to 755 youth).^{vii}

DCS offers an avenue for young adults who decide to exit foster care at or after age 18 to “re-enter” into voluntary extended care at any point up to their 21st birthday. Yet, only 45 total young adults re-entered care in 2017 and 2018; 49% of those who requested re-entry.^{viii}

Young People do Better with Extended Care

While some young people are extraordinarily resilient and able to navigate through the trauma and challenges they faced while in foster care, national data tells us that foster care alumni experience poor long-term outcomes at a much higher rate than their peers in the general population when they are disconnected. A Chapin Hall study^{ix} found that those youth who stayed in foster care after 18 were 2.5 times less likely to report homelessness than those who left and those who received extended care were also more likely to have a high school diploma, attend college and have access to food and emotional support.

Failure to engage young adults in extended care can be a great personal cost and consequence to the individual; the financial costs to public programs and society is substantial as well. A comprehensive analysis of national data explored the economic costs associated with the disparate outcomes for young people who age out of foster care in four areas: education, early parenthood, homelessness and incarceration. The study concluded that extended care and support in these domains would significantly improve outcomes and reduce costs to society by \$4.1 billion nationally.^x

OUTCOMES FOR YOUNG PEOPLE AGING OUT OF FOSTER CARE



Lower rates of high school graduation and reduced lifetime earnings



Higher rates of early parenthood, resulting in a loss of income, increased medical expenses and an increased likelihood their child will be in foster care



More likely to experience homelessness and need access to homeless shelters



Higher rates of juvenile and adult incarceration and recidivism

A Call to Action

Arizona should take decisive action to encourage young people to commit to extended care and to better assist them with the skills and supports they need to be successful adults. Specific recommendations from the voices of young adults that have experienced foster care in Arizona include:



Increase DCS Case Specialists Accessibility & Expertise:

A young adult's relationship with their DCS Case Specialist is a critical piece in their decision to participate in voluntary extended care. Better training is required to ensure DCS Case Specialists have the knowledge to clearly explain the benefits of voluntary extended care, assist young people in meeting their eligibility commitment and help them to cultivate a network of supportive relationships with mentors, coaches, employers and other caring adults.^{xi} DCS Case Specialists should have case loads of no more than 25 transition age youth to give them the accessibility and time for meaningful and regular contact in person, by phone and text.

Allow Young Adults to Evolve & Grow:

Brain development research affirms that the adolescent brain is not fully developed until around age 25; mistakes and risk-taking are a natural part of growing up. DCS should provide age-appropriate training, guidance and support while allowing young adults to make decisions and learn from their mistakes. Individual case planning must be responsive to their evolving plans for housing, education and employment; mistakes should be reasonably tolerated and not result in automatic expulsion from extended care programming.

Expand Available Affordable Housing Options:

To decrease the incidence of homelessness and enable their growing independence, young people in extended care or exiting care at age 18 need access to supportive and affordable housing options such as supervised independent living apartments, semi-supervised apartments, scattered site housing, host homes, college dorms, and specialized housing for pregnant and parenting young people. DCS should enhance efforts with public housing programs and community stakeholders to expand the number of safe, affordable housing units for young adults exiting foster care.

Raise the Independent Living Subsidy:

The Independent Living Subsidy does not reflect the cost of living and does not consider the young persons' individual financial need. In Arizona, the average monthly cost of living is estimated to be \$2,098^{xii}; the subsidy starts at \$715 and is reduced every 6 months by \$50 to \$315 at age 21. The Independent Living Subsidy needs to better reflect the young adults' life circumstances to help ensure stability.

Adjust Re-Entry Policies:

For young adults who have left care after turning 18, there is the ability to re-enter care, but there are too many hoops that a youth must jump through to get accepted back into care. DCS policy states that young adults who wish to re-enter care must demonstrate at least two consecutive months of active participation in a case plan including educational, vocational, employment or employment readiness activities. This may be more than a young adult is capable of when desperate for help due housing instability and/or mental or physical health challenges. DCS should expedite re-entry overall, however, immediate re-entry should be provided for young adults who are experiencing homelessness, domestic violence, sex trafficking or any other situation imposing a risk to safety.

^{xi}SB 1539 – Extended Foster Care Program, as of February 21, 2019.

^{xii}Arizona Department of Child Safety, Semi Annual Child Welfare Report, September 2018

^{xiii}The Road to Adulthood: Aligning Child Welfare Practices with Adolescent Brain Development"; 2017, Annie E. Casey Foundation

^{xiv}<https://www.aecf.org/blog/first-of-its-kind-national-data-track-troubling-outcomes-of-youth-transitioning>

^{xv}Ariz. Admin. Code R21-5-205

^{xvi}Arizona Department of Child Safety, Child Welfare Reporting Requirements, Semi-Annual Report April 1, 2017 to September 30, 2017.

^{xvii}Arizona Department of Child Safety, Child and Family Services Annual Progress and Services Report for FFY 2019.

^{xviii}Email from Arizona Children's Association to Children's Action, March 6, 2019

^{xix}Courtney, M.E., Okpych, N.J., Charles, P., Mikell, D., Stevenson, B., Park, K., Kindle B., Harty, J., & Feng, H. (2016). Findings from the California Youth Transitions to Adulthood Study (CalYOUTH0: Conditions of Youth at age 19. Chicago, IL: Chapin Hall at the University of Chicago.

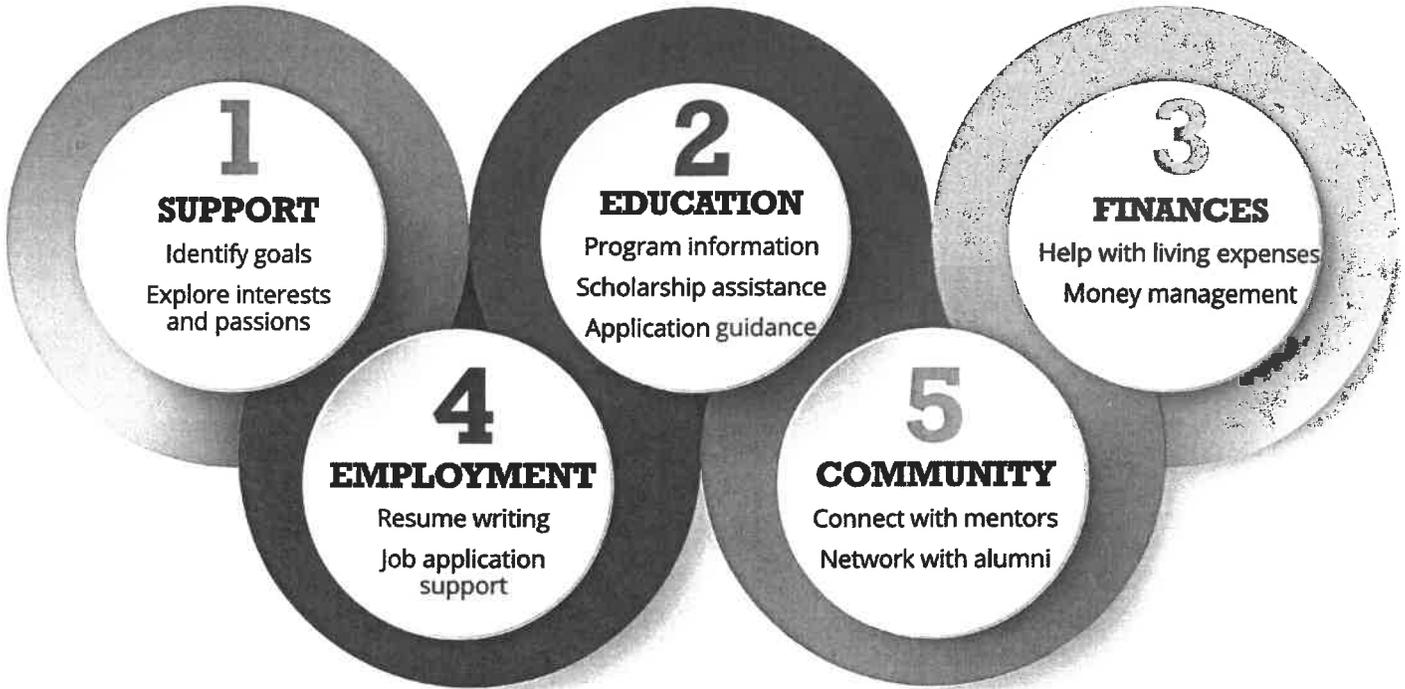
^{xx}Future Savings; The Economic Potential of Successful Transitions from Foster Care to Adulthood. Jim Casey Youth Opportunities Initiative, 2019.

^{xxi}Foster Care to 21: Doing It Right. Jim Casey Youth Opportunities Initiative, 2011.

^{xxii}Economic Policy Institute, March 2018. Based on 2017 cost of living not including health care, child care costs and taxes. <https://www.epi.org/resources/budget/>

TOP 5 BENEFITS OF VOLUNTARY CARE

According to Young Adults Who Have Experienced It



GET ENROLLED! EMAIL OR CALL

If you are not already enrolled in the Arizona Department of Child Safety's Voluntary Extended Care Program, are between the ages of 18 and 20 years old and were in Arizona foster care on your 18th birthday, you can get information about eligibility and supports available by calling Arizona's Children Association **(480) 247-1413** or email **YAS@arizonaschildren.org**

If you are currently in Arizona foster care and need more information about eligibility, programs or services offered, talk with your DCS Case Specialist.

**FOSTERING
ADVOCATES**
Youth. Speak. Change. ARIZONA

fosteringadvocatesarizona.org

**FOSTERING
ADVOCATES**
Youth. Speak. Change. ARIZONA

Have you

HEARD?!

RESOURCES FOR YOUTH AGING OUT OF FOSTER CARE ARE HERE!

YOU'RE EXCITED and maybe a little nervous about leaving foster care, right? Fostering Advocates Arizona is here to help guide the way with resources that support your transition to adulthood. Here's a sample of what you'll find on our site.

AVAILABLE PROGRAMS learn more about support programs offered through the State of Arizona and how to apply.



EDUCATION

EDUCATION programs, scholarships and training available to foster care youth.

FAMILY FINDING resources to reconnect with bio parents, grandparents, siblings and other family members.

**Family
Finding**

**VITAL
DOCS**

VITAL DOCUMENTS learn how to obtain your medical, educational, and personal identity records.

SIGN UP FOR OUR E-NEWS ON OUR WEBSITE

www.fosteringadvocatesarizona.org



ALL OF OUR RESOURCES ARE YOUR RESOURCES!

Download them by clicking on the PDF library at the bottom of our homepage.

Share them!  



I speak change.

BLOG stories shared by peers in foster care, scholarship alerts and trending news.

OPPORTUNITY PASSPORT

LEARN ABOUT financial literacy and a matched savings program you may be eligible for.

Employment & Training

EXPLORE training and employment services available to you. Be sure to download our "3 Steps for Your Job Hunt" infographic.

SIGN UP FOR OUR E-NEWS ON OUR WEBSITE
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**FOSTERING
ADVOCATES**
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For more information or to get involved, contact us:
Children's Action Alliance, 4001 N. 3rd St. #160, Phx, AZ 85012

Together, we can keep the promise of a "forever family" alive for thousands of children and their families.



Judge Christopher R. Foley

WHAT ARE THEY SAYING...

"Jockey Being Family is a wonderful and generous program that I am personally proud to be associated with. The backpacks make the children's special day all the more special. It's also nice to include the parents and siblings. On top of that you make the process so seamless."

Judge David M. Reddy, WI



WHO CAN SIGN UP?

Judges finalizing adoptions
Agencies finalizing adoptions

ENROLL TODAY!

www.backpacks.jockeybeingfamily.com

For more information, please email:

jbfnfo@jockey.com

Our non-profit partners



CASE. nurture.
inspire. empower.



FAMILY IS EVERYTHING!

Our Jockey family is committed to keeping adoptive families strong, successful and together forever.

SUPPORT OUR GOALS BY HELPING US:

- Ensure every adopted child receives a personalized backpack, and every parent receives a JBF parent tote with valuable post-adoption support resources.

ULTIMATE GOAL

That every child adopted receives a Jockey Being Family backpack.

Judges and legal professionals are essential to encouraging the use of these services.

Backpacks can:

Ship directly to the agency
Ship to the courthouse for adoption day



Our Foundation's Mission

At Jockey Being Family, we support and strengthen adoptive families by providing professional, personalized services on both local and national levels. We believe that every child deserves to grow up with a loving family in a forever home.

"One joyful adoption is one life changed."

JOCKEY BEING FAMILY

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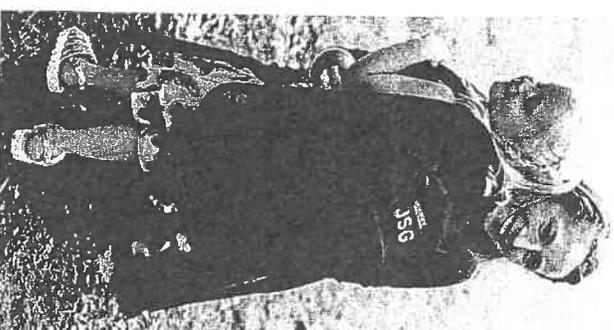


JOCKEY BEING FAMILY.

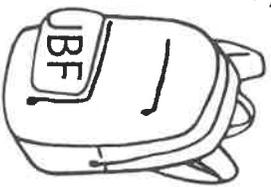
Strengthening Adoptive Families

Our gift to you

FREE JBF BACKPACKS
and post-adoption support resources
for adoptive families



Adoption is not a single event but a lifelong journey!



Jockey Being Family Backpack® Program

Post-adoption services are essential to offer families the guidance and diversified support they need to thrive.

Since 2005 Jockey Being Family has been providing FREE backpacks personalized with the child's initials on them to newly adopted families. Each backpack includes a comfy blanket and the coveted Jockey Being Family® teddy bear. For many children, these are the first belongings of their own. Most importantly, parents receive a JBF parent tote with valuable post-adoption resources to help them navigate through their adoption journey.

Our signature backpack program offers adoption agencies—and now judges and legal professionals—an invaluable opportunity to talk to families and help identify issues early on so they don't reach a breaking point where the adoption fails. Statistics show that *1 in every 10 adoptions fail sending a child back into our foster care system. Jockey Being Family believes **ONE FAILED ADOPTION IS ONE TOO MANY!**

Make a difference in the life of an adoptive family

JOCKEY BEING FAMILY HAS GIVEN:

- 9,000 personalized backpacks to adopted children in Wisconsin alone
- 35,000 personalized backpacks to adopted children nationwide

JOCKEY BEING FAMILY HAS IMPACTED:

- 330,000 families in the U.S. and Canada

The reactions are heartwarming and the impact on these adoptive families is priceless!

JOCKEY BEING FAMILY GROWTH:

- In 2019, we expanded the JBF backpack program to invite judges and legal professionals finalizing adoptions to order backpacks for their families and have them shipped directly to the courtrooms, which enables us to reach more adoptive families

- 10,000 personalized backpacks are anticipated to be given to adopted children in 2019

Post-permanency (adoption) support programs are vital to helping preserve families

About Jockey Being Family

JOCKEY BEING FAMILY FOUNDATION, LTD.

Jockey Being Family (JBF) is a non-profit, 501(c)(3) organization that was formed to strengthen adoptive families for successful futures. Founded by Debra S. Waller, Chairman and CEO of Jockey International, Inc., who herself was adopted as an infant into a loving home. Jockey believes in the potential of every family to create lifelong experiences of growth and comfort, which is why we created this cause initiative.

Every family deserves the support and resources that are vital for them to remain strong and successful together. Jockey Being Family connects adopted families with education and resources to help prevent failed adoptions.

Jockey through Jockey Being Family has an opportunity to make a significant impact on the adoption community as we all work towards supporting an adoption-friendly world.





**JOCKEY
BEING FAMILY.**

Strengthening Adoptive Families

Join our

Backpack Program

Our signature backpack program provides newly adopted children with their own backpacks personalized with their initials and filled with a Jockey Being Family® bear and blanket. For many children that have gone through the child welfare system this is the first time that they have had something with their initials on it, and something to call their own.

Post-adoption services are critical to helping many adoptive families thrive and grow. This is why we provide parents with a tote that contains valuable post-adoption resources to help keep families strong and together forever. Now, Judges finalizing adoptions can order backpacks for their newly adopted families and have them shipped directly to the courthouse for Adoption Day!

Sign up today at www.backpacks.jockeybeingfamily.com

Learn more at www.jockeybeingfamily.com

Believe



Love



Educate



Support



Strengthen



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**Committee on Juvenile Courts
Legislative Update August 2019**

2020-01: juvenile; restoration of rights; set aside; destruction of records

The juvenile court may, for good cause, modify any monetary obligation imposed by the court except for victim restitution, including after a person's 18th birthday.

Removes references to "gun" in the juvenile restoration of rights statute and clarifies that a person may have the right to possess or carry a firearm restored by the court where the person was adjudicated delinquent, rather than by the judge or judge's successor. Requires the clerk of court, rather than an applicant or applicant's attorney, to forward an application for restoration of gun rights to the county attorney for a person previously adjudicated delinquent. Prohibits the clerk from charging a fee for the application.

Tasks the clerk of court with notifying the Department of Public Safety if the court orders destruction of a juvenile court record.

Removes an offense for which there was a finding of "sexual motivation" from the list of exclusions for setting aside an adjudication.

2020-03: long term order of protection

Permits the court to issue an order of protection for a period of eighty-four months if the court finds such an order is necessary for the protection of the alleged victim and other specifically designated persons and is proper under the circumstances.

2020-04: child support; termination of parental rights

Terminates a person's obligation to provide child support concurrently with an order terminating the person's parental rights, rather than upon a final order of adoption.