

8-543. Sibling information exchange program; definition

- A. The administrative office of the courts shall establish a sibling information exchange program to facilitate contact between a former dependent child and the child's sibling or siblings.
- B. The following persons may participate in the program:
1. An adult who is a former dependent child.
 2. A juvenile who is a former dependent child, through any of the following:
 - (a) The juvenile's adoptive parent.
 - (b) The Juvenile's guardian.
 - (c) The juvenile's biological parent if that person has legal custody of the child and is not a party to a pending dependency proceeding.
 3. The adult sibling of a former dependent child.
- C. A person participating in the program shall use a confidential intermediary who is certified pursuant to section 8-134. The confidential intermediary may access court, division and agency records. The confidential intermediary must keep confidential all information the intermediary obtains during the course of the investigation and may use this information only to arrange a contact or to share information between the person who initiates the search and the person who is the subject of the search. The confidential intermediary shall not contact any person who is under eighteen years of age.
- D. If a former dependent child does not wish to be contacted by the child's sibling or siblings the former dependent child may file an affidavit so stating with the court. If an affidavit is part of the court record, the confidential intermediary shall not make contact with the former dependent child unless the former dependent child withdraws the affidavit and grants permission in writing or the former dependent child has filed an affidavit stating that the former dependent child knows about the sibling or siblings and wishes to make contact with the sibling or siblings.
- E. The supreme court shall adopt rules necessary to implement the sibling information exchange program.
- F. For the purposes of this section, "sibling" includes a person who shares a common biological parent, stepparent or adoptive parent.

8-847. Periodic review hearings

A. After the disposition hearing, the court shall hold periodic review hearings at least once every six months as required by federal law.

B. At a proceeding to review the disposition orders of the court, the court shall provide the following persons notice of the review and the right to participate in the proceeding:

1. The authorized agency charged with the child's care and custody.
2. Any foster parents in whose home the child resided within the last six months or resides at present, except for those foster parents who maintain a receiving foster home where the child has resided for thirty days or less. The petitioner shall provide the court with the names and addresses of all foster parents who are entitled to notice pursuant to statute.
3. A shelter care facility or receiving foster home where the child resides or has resided within the last six months for more than thirty days. The petitioner shall provide the court with the names and addresses of all shelter care facilities and receiving foster homes that are entitled to notice pursuant to this paragraph.
4. The child's parent or guardian unless the parental rights of that parent or guardian have been terminated by court action or unless the parent has relinquished rights to the child to an agency or has consented to the adoption of the child as provided in section 8-107.
5. The child, if twelve years of age or older.
6. The child's relative, as defined in section 8-501, if that relative files a written notice of right of participation with the court.
7. A person permitted by the court to intervene as a party in the dependency proceeding.
8. A physical custodian of the child within the preceding six months.
9. Any person who has filed a petition to adopt or who has physical custody pursuant to a court order in a foster-adoptive placement.
10. Any other person as the court may direct.

C. At any periodic review hearing, the court shall consider the health and safety of the child as a paramount concern.

D. If the court finds that a child is no longer dependent, before it dismisses the proceeding the court shall provide notice of the sibling information exchange program established pursuant to section 8-543 to the following:

- 1. An adult who is the former dependent child in the proceeding for whom the periodic review hearing is held.**
- 2. A parent or guardian with legal custody of the former dependent child for whom the periodic review hearing is held.**

8-872. Permanent guardianship; procedure

A. Any party to a dependency proceeding may file a motion for permanent guardianship. The motion shall be verified by the person who files the motion and shall include the following:

1. The name, sex, residence and date and place of birth of the child.
2. The facts and circumstances supporting the grounds for permanent guardianship.
3. The name and address of the prospective guardian and a statement that the prospective guardian agrees to accept the duties and responsibilities of guardianship.
4. The basis for the court's jurisdiction.
5. The relationship of the child to the prospective guardian.
6. Whether the child is subject to the federal Indian child welfare act of 1978 (P.L. 95-608; 92 Stat. 3069; 25 United States Code sections 1901 through 1963) and if so:
 - (a) The tribal affiliations of the child's parents.
 - (b) The specific actions the person who files the motion has taken to notify the parents' tribes and the results of those contacts, including the names, addresses, titles and telephone numbers of the persons contacted. The person shall attach to the motion as exhibits any correspondence with the tribes.
 - (c) The specific efforts that were made to comply with the placement preferences under the federal Indian child welfare act of 1978 or the placement preferences of the appropriate Indian tribes.
7. The name, address, marital status and date of birth of the birth parents, if known.

B. The person who files the motion shall serve notice of the hearing and a copy of the motion on all parties as prescribed in rule 5(c) of the Arizona rules of civil procedure, including any person who has filed a petition to adopt or who has physical custody pursuant to a court order in a foster-adoptive placement. In addition to the requirements of rule 5(c) of the Arizona rules of civil procedure, the notice shall be sent by registered mail, return receipt requested, to any parent, Indian custodian and tribe of an Indian child as defined by the federal Indian child welfare act of 1978 (25 United States Code section 1903).

C. The person who files the motion shall provide a copy of the notice of hearing to the following persons if the person has not been served pursuant to subsection B of this section:

1. The child's current physical custodian.
2. Any foster parent with whom the child has resided within six months before the date of the hearing.
3. The prospective guardian if the guardian is not the current physical custodian.
4. Any other person the court orders to be provided notice.

D. In a proceeding for permanent guardianship, on the request of a parent, the court shall appoint counsel for any parent found to be indigent if the parent is not already represented by counsel. The court may also appoint one for the child if a guardian ad litem has not already been appointed.

E. Before a final hearing, the division, the agency or a person designated as an officer of the court shall conduct an investigation addressing the factors set forth in section 8-871, whether the prospective permanent guardian or guardians are fit and proper persons to become permanent guardians and whether the best interests of the child would be served by granting the permanent guardianship. The findings of this investigation shall be set forth in a written report provided to the court and all parties before the hearing. The court may require additional investigation if it finds that the welfare of the child will be served or if additional information is necessary to make an appropriate decision regarding the permanent

guardianship. The court may charge a reasonable fee for this investigation pursuant to section 8-133, if performed by an officer of the court.

F. The person who files the motion has the burden of proof by clear and convincing evidence. In any proceeding involving a child who is subject to the federal Indian child welfare act of 1978, the person who files the motion has the burden of proof by beyond a reasonable doubt.

G. A court order vesting permanent guardianship with an individual divests the birth or adoptive parent of legal custody of or guardianship for the child but does not terminate the parent's rights. A court order for permanent guardianship does not affect the child's inheritance rights from and through the child's birth or adoptive parents.

H. On finding that grounds exist for a permanent guardianship, the court may incorporate into the final order provisions for visitation with the natural parents, siblings or other relatives of the child if this order would be in the child's best interests and any other provision that is necessary to rehabilitate the child or to provide for the child's continuing safety and well-being. The court may order a parent to contribute to the support of the child to the extent it finds the parent is able.

I. On the entry of the order establishing a permanent guardianship, the dependency action shall be dismissed. If the child was in the legal custody of the division during the dependency, the court may order the division to conduct the investigation and prepare the report for the first report and review hearing. The court shall retain jurisdiction to enforce its final order of permanent guardianship. The court shall cause a report and review to be held within one year following the entry of the final order and may set such other and further proceedings as may be in the best interests of the child. Before a report and review hearing, the court may cause an investigation to be conducted of the facts and circumstances surrounding the welfare and best interests of the child and a written report to be filed with the court. The court may charge a reasonable fee for this investigation pursuant to section 8-133, if performed by an officer of the court.

J. The division or agency shall not be responsible for the requirements pursuant to subsections E, H and I of this section for a motion concerning a child not in the care, custody and control of the division or agency.

K. The court shall provide the guardian with written notice of the sibling information exchange program established pursuant to section 8-543.