

Facts

Not all dependency cases begin with the removal of a child by the state. Private dependencies, for example, might involve a grandparent who wants the state to remove grandkids from their parent's home. Additionally, a petition may be filed if a juvenile does not have a suitable home to return to upon being released from detention. In all cases, a judge reviews the filed petition before proceeding with a dependency case.

According to Arizona law, a child can be dependent under these circumstances:

- The child's parent cannot or will not provide the necessities of life, including food, clothing, shelter or medical care.
- The child's parent cannot or will not control the child.
- The child is a victim of abuse, neglect, cruelty or depravity by the parent, guardian or any other person having custody of the child.
- A child less than eight years old has committed an act that would result in delinquency or incorrigibility for anyone older than eight.

In a dependency matter, the safety and protection of children is the Juvenile Court's ultimate goal. A dependency case is a civil case which focuses on the welfare of the child. Parents whose children are part of a dependency case may not necessarily be charged with a crime. Criminal cases are handled separately in adult court.

CPS

Child Protective Services

If a child has been found to be dependent, it is the responsibility of the Arizona Department of Economic Security Child Protective Services to provide the family with services, so that the family may be reunited as soon as possible. It is also CPS' responsibility to provide that child with food, clothing, shelter and medical care while the family works toward being reunited. Although the child may be found to be dependent, and the child is in the custody of CPS, the parent still has legal rights as a parent.

In a dependency case, CPS may ask parents to perform a variety of tasks to improve the family environment. Parenting or anger management classes, counseling, drug and alcohol testing may all be required.

Parent tips for working with CPS:

- Call the assigned caseworker every week.
- If unable to attend a scheduled appointment, notify the caseworker.
- Try to attend all scheduled parent-child visits. If unable to attend a parent-child visit, notify the caseworker as soon as possible.
- Keep a journal of all attempts to notify the caseworker.
- Questions or concerns about the case should be directed to the attorney.

Juvenile Dependency Cases

"Children are truly our greatest asset and we must protect them and ensure that they are in a stable and loving environment."

*-- Maurice Portley
Juvenile Court
Presiding Judge*



Superior Court of Arizona
Maricopa County Juvenile Court



Durango Facility
3125 W. Durango
Phx, AZ 85009-6292

Southeast Facility
1810 S. Lewis St.
Mesa, AZ, 85210-6234

The Juvenile Dependency Case Process

What happens first?

A dependency case starts when a petition is filed with Juvenile Court alleging that a child has been neglected or abused or does not have a parent willing or able to care for him or her.

Preliminary Protective Conference

- Arizona law says the court must hold this conference within 5 to 7 days after the child has been removed from the home. The conference is led by a Juvenile Court Facilitator.
- Generally, the people who attend this conference are the parents, their lawyer, a Child Protective Services caseworker, an attorney from the Attorney General's Office, any members of the child's family interested in the child's well being, and the Guardian Ad Litem.
- The child's current placement, services for both the parent and the child, and parent-child visitation will be discussed.

Preliminary Protective Hearing

- Parents who want the child to be returned to their custody immediately may request that the court address the issue at this hearing, which immediately follows the conference.
- A report on issues discussed at the conference will be provided to the judge, who will preside over the Preliminary Protective Hearing.
- The judge will issue a court order based on any agreements reached.
- The judge may rule on any unresolved matters.

What happens next?

Mediation

- If any disagreements remain after the Preliminary Protective Hearing, the case will move to mediation.
- During this meeting, a Juvenile Court mediator will give everyone a chance to talk about the child's welfare. Generally, the people who attend this meeting are the same people who have been attending all the court meetings. Other people may attend the hearing upon approval of the parties of the case. If an agreement is reached during the mediation, it will be made into a court order. The case may move to trial if an agreement is not reached.

Types of out of home placements

- **Shelter**— Usually a temporary solution until a more appropriate placement for the child can be found.
- **Emergency Receiving Home**— Homes usually used for very young children and infants.
- **Relative Placement**— Placement with a family member, upon approval from CPS.
- **Non-Relative Placement**— This type of placement, upon CPS approval, is typically with a friend of the family who has agreed to care for the child.
- **Licensed Foster Home**— Homes within the community run by adults licensed to care for dependent children.
- **Group Home or Therapeutic Group Home**— Placement in a home with a group of other children who are supervised by staff specially trained to care for children.

Adjudication (Trial)

All parents are entitled to a trial (called adjudication in Juvenile Court) if they so desire. Witnesses are called to testify and documents are presented as evidence. There are no juries in Juvenile Court. The judge makes the final decision about whether a child is dependent.

Disposition Hearing

The disposition hearing could be done early in the case if the parties are in agreement, but it must be held within 30 days after the judge finds the child dependent. At the disposition the judge will decide whether the child can go home or what services the parent needs in order to reunite the family. The judge may review any visitation issues and will establish a case plan.

Report and review hearing

A report and review hearing takes place about every 3 to 6 months after the judge rules the child is dependent. The judge may discuss the parent-child visits, any services the parent is receiving through CPS and the child's current living conditions, among other things. The judge may ask whether the dependency should be dismissed. If the dependency is dismissed, CPS, the attorneys and Juvenile Court would not be involved in the family's life anymore.

Initial Permanency Planning Hearing

- This hearing is held within one year after the child was removed from the home. The court must provide a permanent plan for the child at this time.
- At this hearing, all parties can discuss the best permanent plan for the child. Among the options are returning the child to the parent's care, continuing the child's placement in foster care, guardianship with a relative or proceeding with severance and adoption if efforts to reunite the family have failed.

Termination of parental rights

A dependency petition can be the first step toward the termination of the parent's rights. The state can move for termination of parental rights if the problems that led to the child's dependency are not resolved.

Legal roles in a dependency case

Assistant Attorney General (AAG) — Represents the interests of CPS and gives the caseworker legal advice regarding the case.

Counsel for the child — Counsel's role is to represent the child's best interests.

Guardian Ad Litem (GAL) — The GAL's role is to represent the best interests of the children independent of what the child, parent or CPS believes is best.

Legal Defender— Gives advice to the parent and to represent the parent's interests and desires in the dependency case.

Mediator— Makes sure all concerns are heard at a mediation session. The mediator does not take sides.

Private Attorney — Private attorneys may be hired or appointed from the Office of Court Appointed Counsel to serve as counsel for parent or child or as a Guardian Ad Litem.