

State of Arizona  
House of Representatives  
Forty-fifth Legislature  
First Regular Session  
2001

# HOUSE BILL 2555

AN ACT

AMENDING TITLE 8, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-515.05; RELATING TO FOSTER CARE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 8, chapter 5, article 1, Arizona Revised Statutes, is  
3 amended by adding section 8-515.05, to read:

4 8-515.05. Removal of child from foster parent's home;  
5 requirements; notification; review

6 A. UNLESS A CHILD IS REMOVED FROM A LICENSED FOSTER PARENT, EXCLUDING  
7 A SHELTER CARE PROVIDER AND RECEIVING FOSTER PARENT, TO PROTECT THE CHILD  
8 FROM HARM OR RISK OF HARM, TO PLACE A CHILD IN A PERMANENT PLACEMENT, TO  
9 REUNITE SIBLINGS, TO PLACE A CHILD IN A KINSHIP FOSTER HOME, TO PLACE A CHILD  
10 IN THE LEAST RESTRICTIVE SETTING, TO PLACE A CHILD IN A THERAPEUTIC SETTING  
11 OR TO PLACE A CHILD IN ACCORDANCE WITH THE INDIAN CHILD WELFARE ACT (TITLE 25  
12 UNITED STATES CODE SUBSECTION 1915), THE DEPARTMENT SHALL INFORM THE LICENSED  
13 FOSTER PARENT OF THE DEPARTMENT'S INTENT TO REMOVE A CHILD AND PLACE THE  
14 CHILD IN ANOTHER FOSTER CARE PLACEMENT. THE DEPARTMENT SHALL INFORM THE  
15 LICENSED FOSTER PARENT OF THE SPECIFIC REASON FOR THE CHILD'S PLANNED REMOVAL  
16 FROM THE LICENSED FOSTER PARENT.

17 B. IF THE LICENSED FOSTER PARENT DISAGREES WITH THE REMOVAL, THE  
18 LICENSED FOSTER PARENT SHALL INFORM THE DEPARTMENT WITHIN TWENTY-FOUR HOURS  
19 OF BEING INFORMED. IF THE LICENSED FOSTER PARENT DISAGREES WITH THE PLAN TO  
20 REMOVE THE CHILD AND PLACE THE CHILD IN ANOTHER FOSTER HOME PLACEMENT, THE  
21 DEPARTMENT SHALL CONVENE A CASE CONFERENCE TO REVIEW THE REASONS FOR THE  
22 REMOVAL. THE LICENSED FOSTER PARENT AND A MEMBER OF THE FOSTER CARE REVIEW  
23 BOARD WHO PARTICIPATES IN A REMOVAL REVIEW TEAM SHALL PARTICIPATE IN THE CASE  
24 CONFERENCE.

25 C. THE DEPARTMENT SHALL INFORM THE LICENSED FOSTER PARENT AND THE  
26 FOSTER CARE REVIEW BOARD OF THE TIME, DATE AND LOCATION OF THE CASE  
27 CONFERENCE TO REVIEW THE PLANNED REMOVAL. THE CASE CONFERENCE SHALL BE HELD  
28 WITHIN SEVENTY-TWO HOURS OF THE LICENSED FOSTER PARENT INFORMING THE  
29 DEPARTMENT THAT THE LICENSED FOSTER PARENT DISAGREES WITH THE PLANNED  
30 REMOVAL, EXCLUDING WEEKENDS AND HOLIDAYS. THE CHILD SHALL REMAIN IN THE  
31 CURRENT PLACEMENT PENDING THE OUTCOME OF THE CASE CONFERENCE.

32 D. IF, AS A RESULT OF THE CASE CONFERENCE, IT IS THE DEPARTMENT'S  
33 CONTINUED INTENT TO MOVE THE CHILD PURSUANT TO SUBSECTION A AND THE LICENSED  
34 FOSTER PARENT CONTINUES TO DISAGREE AND THE CHILD:

35 1. IS IN THE COURT ORDERED PHYSICAL CUSTODY OF THE LICENSED FOSTER  
36 PARENT, A FOSTER CARE REVIEW BOARD MEMBER SHALL PROVIDE A RECOMMENDATION TO  
37 THE COURT REGARDING THE REMOVAL OF THE CHILD BEFORE THE CHANGE OF PHYSICAL  
38 CUSTODY. THE CHILD SHALL REMAIN IN THE CURRENT PLACEMENT PENDING A COURT  
39 ORDER FOR REMOVAL.

40 2. IS NOT IN THE PHYSICAL CUSTODY OF THE LICENSED FOSTER PARENT, THE  
41 LICENSED FOSTER PARENT SHALL BE ADVISED OF THE DEPARTMENT'S CONFLICT  
42 RESOLUTION PROCESS. THE DEPARTMENT SHALL EXPEDITE THE CONFLICT RESOLUTION  
43 PROCESS. THE CHILD SHALL REMAIN IN THE CURRENT PLACEMENT PENDING THE OUTCOME  
44 OF THE CONFLICT RESOLUTION PROCESS.