

JUVENILE DEPENDENCY PETITION



PINAL COUNTY

**THE FORMS IN THIS PACKET CAN ONLY BE USED TO FILE A
DEPENDENCY PETITION. READ CAREFULLY**

INSTRUCTIONS AND FORMS
Provided as a Public Service by
AMANDA STANFORD
Clerk of the Superior Court

DEPENDENCY vs. GUARDIANSHIP IMPORTANT INFORMATION YOU NEED TO KNOW

THE FORMS IN THIS PACKET CAN ONLY BE USED TO FILE A DEPENDENCY PETITION. READ CAREFULLY below to understand some of the differences between Dependency and Guardianship and to make sure you are filing the petition most appropriate for the situation, both yours and that of the children involved.

1. DEPENDENCY VS. GUARDIANSHIP. What is the difference between dependency and guardianship?

A. DEPENDENCY

A dependency is a decision by the Juvenile Court that a child is in need of effective care and control and that all parents are unable or unwilling to provide proper care and control. Usually, a Dependency Petition is filed by the state because concerns about abuse or neglect have been reported to CPS and there is evidence of immediate danger to the child(ren). The parents may disagree with you filing a Dependency Petition to obtain legal decision-making of their child(ren).

You may file a dependency petition if you believe that there is no parent or guardian willing or able to provide proper care and control over a child.

Examples include:

- Child is abused or abandoned
- Child is neglected because parent or guardian abuses drugs or alcohol
- Parent or guardian is not able to meet the child's needs
- Parent or guardian is unable to provide the child with basic necessities such as suitable housing, food or necessary medical care.

A Dependency Petition may involve an investigation and report by CPS. It may also involve appointing attorneys for the parents and the child(ren), a temporary legal decision-making hearing, and possibly a pretrial conference and trial. If the Juvenile Court finds that the child is dependent because the parents are unable or unwilling to provide care, the court decides who will care for the child(ren). The Juvenile Court and CPS oversee the child(ren)'s care and services provided to the parents and the child(ren) in an effort to reunite the family.

A dependent child remains under the Court's control until the Court declares that a parent has become willing and able to provide proper parenting. An order of dependency from the Juvenile Court will last until the child turns 18 or the Court changes or dismisses it.

B. GUARDIANSHIP

A guardianship can be filed when someone other than the parent wants to be appointed by the Court to take over parental responsibilities *AND* either both living parents (whose parental rights have not been permanently severed [terminated or cut off] by court order) will consent to the guardianship *or* at least will not go to Court *to oppose* the appointment. Guardians take over parental responsibilities for making decisions regarding housing, medical care, and education, among other things, for as long as the guardianship lasts.

An adult may ask the Juvenile Court to appoint a legal guardian for a child when neither parent is going to be available (such as when the parents are to be deployed by the military, or perhaps the custodial parent is or is going to be incarcerated or in rehab, etc.), or is incapable or unwilling to provide for the child, and who after receiving notice of the Petition for appointment of a Guardian, will either give permission for the guardianship, *or at least will not go to court to object or disagree*. If either parent files papers with the court or shows up in court to object to a guardianship, it will not be granted.

An order of guardianship is good until the Court changes or dismisses it, the child turns 18, or

either parent files papers to terminate the guardianship. Guardianship is based on the parents' permission, or at least their failure to object to the guardianship. If *either* of the parents later changes his or her mind and lets the Court know that he or she objects to the guardianship, the Court has no choice but to end the guardianship, but may refer the matter for investigation as to whether a Dependency is needed.

Both dependency and guardianship may result in a person being appointed as a "guardian" for a minor (or minors), but there are important differences between Dependency and Guardianship.

2. A DEPENDENCY PETITION IS A LAWSUIT

Once you file the Dependency Petition, you have started a lawsuit. The Petition is processed by the Court according to the laws and Court rules that apply. The rights of all parties are protected, and it is your responsibility to comply with all Arizona Statutes and Rules of Court, which are available at most libraries.

A judicial officer (judge or commissioner) will review your Petition. If your Petition does not meet the requirements of the law, it will be dismissed and you will be notified of the dismissal.

3. COURT-ORDERED STATE INVOLVEMENT

The Court may order a separate investigation into the facts of the case. CPS will be ordered to complete the investigation and file a report with the Court. CPS may also become a part of the case, which means providing services to the family (for example, counseling) and the supervision of the child or children for whom a Dependency is ordered becomes the State's responsibility as well as that of the placement.

4. APPOINTMENT OF COUNSEL

Filing a Dependency Petition does not mean the Court will assign you a free lawyer. It is your responsibility to either represent yourself, or hire your own lawyer. The Court may appoint an attorney for the child(ren) involved. If the child(ren)'s parents ask for an attorney and the Court determines they cannot afford one, the Court may appoint an attorney for the parents.

A NOTE ABOUT "CONSERVATORSHIP"

A minor generally needs a *conservator* if:

- The minor owns money or property or has annual income in excess of \$5,000 that requires management or protection, which cannot otherwise be provided.
- The minor has business affairs or assets which may be jeopardized (at risk of loss or damage) by his or her being a minor; and/or
- The Minor needs funds for his or her support and education and protection is necessary or desirable to obtain or provide those funds.

A NOTE ABOUT "LEGAL DECISION-MAKING"

Most people are more familiar with the term "legal decision-making" than either "dependency" or "guardianship". Arizona law (**Arizona Revised Statutes [A.R.S.] § 25-415**) allows for someone who stands "in loco parentis" (in the place of a parent) to the children, meaning someone who has been like a parent with whom the children have had a longstanding relationship, to file for legal decision-making. This is sometimes referred to as "third party legal decision-making", and may be used by relatives and non-relatives alike who meet all the requirements of the statute.

Arizona Superior Court, Pinal County

Private Juvenile Dependency Cover Sheet

CASE NUMBER JD 2

Judge _____

<p align="center">PETITIONER'S NAME and ADDRESS</p> Name: Relationship to Case: Address: City/State/Zip: Telephone:	<p align="center">MOTHER'S NAME and ADDRESS</p> Name: Address: City/State/Zip: Telephone: Attorney's Name and Address:
<p align="center">PETITIONER'S ATTORNEY'S NAME and ADDRESS:</p> Name/State Bar#: _____ Address: City/State/Zip: Telephone:	<p align="center">SPECIAL NEEDS IDENTIFICATION & COMMENTS</p> _____ Interpreter needed _____ (language) Comments: _____ _____ _____ _____
	<p>FEES: <input type="checkbox"/> PAID <input type="checkbox"/> NOT PAID - REASON:</p> <p><input type="checkbox"/> Political Subdivision/Government Agency <input type="checkbox"/> Deferred <input type="checkbox"/> Waived</p>

IS THIS AN AMERICAN INDIAN CHILD? YES NO

Tribal Affiliation _____ Enrollment#: _____

Mother DOB: _____ Tribal Affiliation _____ Enrollment# _____

Father DOB: _____ Tribal Affiliation _____ Enrollment# _____

NAMES OF CHILD(REN) & DOB

Current Mailing Address

Attorney Assigned

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

FATHER'S NAME AND ADDRESS

Name:

Address:

City/State/Zip:

Telephone:

Attorney's Name and Address:

Agencies involved (JPO or other, please specify)_____

To the best of my knowledge, all information is true and correct.

Attorney / Pro Per Signature

NOTICE

Effective September 8, 1992 and pursuant to Superior Court (Pinal County), Administrative Order No. 92-15, the Superior Court requires that a "Cover Sheet", which categorizes the cause of action, accompany any new action filed with the Superior Court in Pinal County. For this purpose, this form has been developed. The cover sheet will result in increased accuracy of courts records and statistics, and in reduced processing time for new case filings. Forms will be made available at the Clerk of the Superior Court's Filing Counter.

PLEASE DO NOT INCLUDE THIS FORM WITH CASES WHICH HAVE ALREADY BEEN FILED. This form can only be processed at the time of filing New Complaints and Petitions.

Thank you for assisting us with our efforts to improve service.

Child's Name: _____ Birth Date: _____
Gender: Male Female

Address: _____

Child's Name: _____ Birth Date: _____
Gender: Male Female

Address: _____

Child's Name: _____ Birth Date: _____
Gender: Male Female

Address: _____

3. INFORMATION ABOUT THE PARENT OR CURRENT LEGAL GUARDIANS OF THE CHILD(REN):

Name: _____ Relationship to Child: _____

Address: _____
Street

City

State

Zip Code

Name: _____ Relationship to Child: _____

Address: _____
Street

City

State

Zip Code

Name: _____ Relationship to Child: _____

Address: _____
Street

City

State

Zip Code

Name: _____ Relationship to Child: _____

Address: _____
Street

City

State

Zip Code

4. CHILD'S CURRENT LIVING ARRANGEMENT:

A. The Child(ren) is/are Currently Living With:

Name: _____ Relationship to Child: _____

Address: _____
Street

City

State

Zip Code

Name: _____ Relationship to Child: _____

Address: _____

Street

City

State

Zip Code

Name: _____ Relationship to Child: _____

Address: _____

Street

City

State

Zip Code

B. The Child(ren) has/have been living there since (give approximate date): _____

C. The Child(ren) is now living in the State of Arizona, Pinal County Yes or No.

5. **CHILD(REN) IS DEPENDENT.** The Petitioner believes the child(ren) is/are dependent within the provisions of A.R.S. 8-201.11, in that the child(ren) is/are in need of proper and effective parental care and control and has no parent or guardian willing to exercise or capable of exercising such care and control, or whose home is unfit by reason of abuse, neglect, cruelty, or depravity, as stated below:

A. The mother is unable or incapable of providing care for the child for the following reasons (**provide specifics**):

B. The father is unable or incapable of providing care for the child for the following reasons (**provide specifics**):

6. **PERSONS WITH KNOWLEDGE ABOUT THE ALLEGATIONS.** The following persons can be contacted concerning the above allegations:

Name: _____ Relationship to Child: _____

Telephone Numbers: _____

Address: _____

Street

City

State

Zip Code

Name: _____ Relationship to Child: _____

Telephone Numbers: _____

Address: _____

Street

City

State

Zip Code

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

In the Matter of:

CASE NUMBER: _____

SUPPLEMENTAL ORDERS

Person(s) under the age of 18 years

HONORABLE: _____

**FAILURE TO COMPLY WITH THESE ORDERS MAY RESULT IN THE COURT FINDING
YOU IN CONTEMPT OF COURT**

- It is Ordered that, pending the hearing, the child(ren) is/are made temporary ward(s) of the Court, committed to care, legal decision-making and control of the Arizona Department of Child Safety.
- It is Ordered, pursuant to Rule 22.1, R.P.J.C., referring this matter to the CASA Program Coordinator to determine the appropriateness of an appointment of an advocate for the child(ren).
- It is Ordered that the Foster Care Review Board review this matter within six months of out-of-home placement and at least every six months thereafter as long as the child(ren) remains in out-of-home care to determine what efforts have been made by the Arizona Department of Child Safety to carry out the plan for permanent placement. The review period for out-of-home placement includes time the above names child(ren) has been in voluntary out-of-home placement.
- It is Ordered that no person shall remove or cause the removal of the child(ren) from the State of Arizona without prior written approval of the Arizona Department of Child Safety.
- It is Ordered that the Arizona Department of Child Safety be authorized to consent for the child(ren) to leave the jurisdiction of the Court for travel within the United States for a period not to exceed thirty (30) days.
- It is Ordered that the child(ren) is/are placed in the temporary physical legal decision-making of:

Who is authorized to consent for all routine medical treatment, dental procedures, and social and educational activated for the child(ren).
- It is Ordered that the Arizona Department of Child Safety be authorized to consent to all surgical procedures, psychological/psychiatric evaluations, and therapy for child(ren).
- The Court Finds, at this time, that continuation of the child(ren) in the home would be contrary to the welfare of the child(ren) based upon the contents of the verified petition alleging: (check all that apply)
 - Risk of abuse or neglect of the child(ren)
 - Abandonment of the child(ren)

- Unfitness of the home environment for the children(ren)
 - Unwillingness or inability of the parents to care for the child(ren)
 - Substance abuse issues
 - Mental health issues
 - Incarceration of the parent
 - Domestic violence
 - Other: _____
-
-

- It is Ordered that _____ have no contact of any kind, including but not limited to personal contact, contact by telephone, or contact by letter or message with the minor child(ren) pending further order of the Court.
- It is Ordered that _____ neither allow nor facilitate contact of any kind, including but not limited to personal contact, contact by telephone or contact by letter or message between _____ and the minor child(ren) pending further order of the Court.

SUPPLEMENTAL APPOINTMENT OF COUNSEL

Where there are allegations of sexual abuse and/or criminal matters arising from the allegations of the petition:

- It is Ordered appointing _____ as counsel/guardian ad litem for the child(ren) with the authority to represent the child(ren) in any criminal matters arising out of the allegations of the petition, which requires the personal appearance of the child(ren).

THE RESPONSIBILITY AND AUTHORITY OF THE ATTORNEY/GUARDIAN AD LITEM IN ANY CRIMINAL PROCEEDING SHALL INCLUDE, AT A MINIMUM, THE FOLLOWING:

1. To explain, in language understood by the child(ren), all legal proceedings in which the child(ren) will be involved and to familiarize the child(ren) with the setting and environment in which the legal proceeding will take place;
2. To assist the child(ren) in coping with the emotional impact of the alleged offense and any subsequent criminal proceedings in which the child(ren) is involved, and to protect the child(ren) from unnecessary psychological or emotional stress and trauma resulting from the criminal proceedings or procedures;
3. To accompany the child(ren) during any interview, deposition, hearing, or other proceeding in criminal court;
4. To prevent, when possible, harassment, intimidation, or duplicative procedures. In this regard, the attorney/guardian ad litem may file, when appropriate, motions, for protective orders on behalf of the child(ren) seeking to eliminate or restrict any hearing, interview, procedure, or proceeding to which the child(ren) might be subjected; and
5. To contact, as soon as possible after appointment, the Court in which related criminal proceedings are pending and the County Attorney’s Office to inform same of their appointment as attorney/guardian ad litem.

DONE IN OPEN COURT this _____ day of _____, 20____.

(Judge/Commissioner of the Superior Court)

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

In the Matter of:

CASE NUMBER: JD2

TEMPORARY ORDERS

Person(s) under the age of 18 years

HONORABLE: _____

A verified dependency petition has been filed with the court. It appearing that the interest of the child(ren) will require immediate action,

IT IS HEREBY ORDERED ENTERING THE FOLLOWING TEMPORARY ORDERS:

A. DELIVERY AND SERVICE OF DOCUMENTS:

1. The Petitioner shall forthwith serve a copy of these orders on all parents and legal guardians within 24 hours of the petition being filed. If the location of the parents or legal guardian is unknown, the Petitioner shall make reasonable effort to locate and notify the parents or legal guardian.
2. The Petitioner is ordered to comply with A.R.S. §8-823(A) if applicable.
3. The Petitioner is further ordered to serve a copy of the petition, the completed intake form and these orders upon the Arizona Department of Child Safety (hereafter DCS) – Child Protective Services (C.P.S.), within 24 hours, by delivering said documents to the District Office Program Manager or designee, at: 555 W Main Ave, Casa Grande AZ 85122. Phone Number: 520.858.8880
4. The Petitioner shall have copies of the Dependency Petition available at the Preliminary Protective hearing to serve on the parents pursuant to A.R.S. §8-841(E).
5. Failure of the Petitioner to serve a copy of the Petition on the parents at the hearing, or by process server, may result in dismissal of the Petition and dissolution of the Temporary Orders.

B. LEGAL DECISION-MAKING AND PLACEMENT

1. The child(ren) is/are adjudged a temporary ward of the Pinal County Juvenile Court pursuant to A.R.S. §8-821.
2. Temporary legal decision-making is hereby awarded to/affirmed with _____ and temporary physical legal decision-making of the child is hereby awarded to/affirmed with _____, who shall cooperate with representative of DCS and counsel for the child(ren) and allow them access to the child(ren) upon request. The child(ren) shall not be removed from the State of Arizona unless so ordered by the court.
3. _____ may authorize or give consent to medical care, hospitalization or immunization necessary for the health and welfare of the above named child(ren), such authorization to be made upon the recommendation of a licensed and reputable physician.

C. COURT HEARINGS

1. Pursuant to A.R.S. §8-824, IT IS HEREBY ORDERED setting Preliminary Protective Hearing to review the taking of the child into temporary legal decision-making on the _____ day of _____, _____, at _____ o'clock AM / PM at the Pinal County Superior Courthouse, 971 N Jason Lopez Circle, Bldg A, Florence, AZ 85132, before the:

Honorable

2. At the Preliminary Protective Hearing, the Court will enter orders regarding the placement of the child(ren), the services needed to be provided to the child(ren) and the family to achieve reunification, and if applicable, the visitation to be provided to the parents.

If temporary legal decision-making of the child(ren) in the petition is contested by a parent or legal guardian, the Petitioner will have the burden of presenting evidence that there is probable cause to believe that temporary legal decision-making is clearly necessary to prevent abuse and neglect, pending a hearing on the Dependency Petition.

3. Pursuant to A.R.S. §8-823(C), IT IS HEREBY ORDERED setting a Pre-Hearing Conference to attempt to reach an agreement about the placement of the child(ren), services to be provided to the child(ren), parent or guardian and visitation of the child(ren) on the _____ day of _____, _____, at _____ o'clock AM / PM at the Pinal County Superior Courthouse, 971 N Jason Lopez Circle, Bldg A, Florence, AZ 85132, before the:

Honorable

4. The Petitioner, grandparents or guardians shall appear at the above Preliminary Protective Hearing and Pre-Hearing Conference. Failure to appear may result in the hearing proceeding in the absence of the party.

5. IT IS FURTHER ORDERED that an initial hearing on the Petition is set on the _____ day of _____, _____, at _____ o'clock AM / PM, before the:

Honorable

6. The Petitioner and parents and/or guardians shall appear at all court hearings and trials. Failure to appear may result in the hearing proceeding in the absence of that party and could result in a default judgment being entered against such party.

D. COUNSEL AND F.C.R.B.

1. Parents and legal guardians of the child(ren) have the right to have legal counsel represent them in this matter. Counsel will be appointed by the Court for parents and legal guardians who demonstrate a lack of financial ability to retain their own attorney or the parents may retain an attorney of their choosing. If the parent(s) desire to use the service of a court appointed attorney and believe they qualify for a court appointed attorney, the attorney(s) for the parent(s) is/are:

For the Mother _____ Telephone _____
For the Father _____ Telephone _____

Parents are to contact their attorneys and arrange an appointment to meet before the Preliminary Protective Hearing. At the hearing, the parents retaining court appointed counsel will be required to complete a financial affidavit and may be assessed for attorney fees.

2. _____, is appointed to represent the child(ren).
3. The Foster Care Review Board shall review, prior to the expiration of six months, the case of each child listed in the petition who is in an out-of-home placement (including relative care). The six month time period for review of out-of-home placement shall include any time a child was in voluntary placement as well as the time the child has been in an out-of-home placement as a dependent or temporary ward of the court.

E. INVESTIGATION AND DISCLOSURE

1. DCS shall review a copy of the petition, the completed intake form and these orders completed by the Petitioner, and shall conduct a CPS background check of the Petitioner(s), parent(s) or legal guardian and all other adults in the child's home. DCS shall provide a written report of its findings to the Dependency Coordinator by 12 noon of the day prior to the Preliminary Protective Hearing for distribution.
2. DCS Child Safety Investigator shall appear at the Preliminary Protective Hearing and shall complete an investigation within the times specified by the Court at the hearing.
3. At the Preliminary Protective Hearing, the Court will determine whether to order DCS to provide further services and/or intervention and appear at the next hearing or to relieve DCS of any further responsibility in the case.
4. Any and all persons having knowledge or information concerning the health and welfare of the above-named minor child(ren) shall furnish to DCS any and all information, documents, records or reports in their possession or under their control in regard to said child(ren) upon request of the assigned caseworker.
5. DCS may disclose otherwise confidential information, including, but not limited to, and court reports and reports of experts, to all parties prior to any hearing.
6. All parties shall disclose all exhibits and names of witnesses within a reasonable period of time of learning of the existence of such witnesses and exhibits.
7. The parties shall notify the Court, counsel and CASA seven (7) working days prior to any proposed change in the child(ren) placement, including foster placement.
8. The parties shall notify the Court and the other parties within forty-eight (48) hours of the learning of any allegations of abuse or neglect involving the child(ren).

DATED this ____ day of _____, _____.

(JUDGE, PINAL COUNTY SUPERIOR COURT)

Mailed/Distributed copy(s): _____.

cc: CASA – Dependency Coordinator