

**SUPERIOR COURT OF THE STATE OF ARIZONA  
PIMA COUNTY JUVENILE COURT  
PRELIMINARY PROTECTIVE HEARING  
ORDER**

Case Name: **Family** JC#

Hrg. date: **April 1, 2011** Hrg. Scheduled Time: **10:45 a.m.** Judicial Officer: **Suzanna S. Cuneo**

**1. COURT APPOINTED COUNSEL:**

Based on the financial statements, the Court appoints counsel and assesses costs as follows:

Party	Attorney	Appointed (Y/N)	Assessment	Monthly payment
Mother				
Father	David Waterman			
Father				
Child/Children	Bob Gary			
Other				

The Court advises the parent(s) that the appointment of counsel is effective for one year. The parent(s) will have to provide the attorney an updated Affidavit of Financial Status to be filed with the Request for Reappointment. The parent(s) is/are advised of the need to keep his/ her attorney and the Court informed of his/her/their residence at all times.

     Counsel have met with their clients prior to the hearing and have advised them of their rights pursuant to A.R.S. § 8-843

     The Court finds that the child/ren have been informed of and understand their right to attend all of the court hearings and speak to the judge.

**2. SERVICE:**

     Mother      Father      Father      Child(ren)'s attorney      Other: \_\_\_\_\_  
     Tribe      Tribe waives 10-day notice of hearing.

     The Court has inquired whether any party has reason to believe that any child at issue is subject to ICWA and the response was: \_\_\_\_\_ Applicable \_\_\_\_\_ Not Applicable \_\_\_\_\_ Not Determined.

     If the Indian status of any child is undetermined, IT IS ORDERED that the Petitioner obtain verification of the child's Indian status prior to the next hearing.

**Initial Hearing** set for **April 6, 2011 at 8:30 a.m.** before **Judge Cuneo** is

     affirmed as to \_\_\_\_\_

     vacated

     Reset for (date) \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. as to

     mother      father      Tribe      other: \_\_\_\_\_

**Published Initial Hearing** set for (date) \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. as to

     mother      father      John Doe      other: \_\_\_\_\_

**3. CLOSED HEARING**

The Court advises the parties of the right to request that all dependency, guardianship and termination hearings or trials be closed to the public.

A closed hearing is requested    yes    no

\_\_\_ The Court finds good cause for all or part of the proceedings to be closed. After consideration, the Court finds that an open hearing:

- \_\_\_ Is not in the minor(s) best interest
- \_\_\_ Would endanger the child’s physical or emotional well-being
- \_\_\_ Would endanger the safety of any other person
- \_\_\_ Detrimentally affects the privacy rights of the child, the child’s siblings, parents, guardians and caregivers and other persons
- \_\_\_ That all parties did not agree to allowing the proceedings to be open
- \_\_\_ The minor (if older than twelve) objects to hearing being open
- \_\_\_ An open proceeding could cause specific material harm to a criminal investigation.
- \_\_\_ Other \_\_\_\_\_

\_\_\_\_\_ **IT IS, THEREFORE, ORDERED that the hearing be closed.**

**The Court admonishes all attendees that they are prohibited by order of the Court from disclosing outside the hearing personally identifiable information about the child, the child’s siblings, parents, guardians, or caregivers and any others mentioned in the hearing.**

**A person who knowingly and voluntarily remains in the courtroom after the admonishment submits to the jurisdiction of the Court and shall abide by the orders of the Court prohibiting disclosure of that information. Failure to abide by the orders shall be deemed contempt of Court. Those found in contempt of Court could be fined or imprisoned. Personal identifiable information includes name, address, date of birth, social security number, tribal enrollment number, telephone or telefacsimile number, driver license number, place of employment, school identification or military identification or any other distinguishing characteristics that tend to identify a particular person.**

**4. PATERNITY:**

\_\_\_ Paternity **has/has not** been established in this case.

\_\_\_ Parents are ordered to cooperate with the Department to establish paternity as to \_\_\_\_\_

\_\_\_ There are/are no related cases: \_\_\_ Paternity \_\_\_ Dissolution \_\_\_ Other. Case No: \_\_\_\_\_

\_\_\_ The parties are ordered to file a Special Paternity action regarding \_\_\_\_\_

**5. DOCUMENTS REVIEWED:**

\_\_\_ DES case report \_\_\_ Admitted \_\_\_ DES case plan filed pursuant to A.R.S. §8-824(G)  
\_\_\_ Other \_\_\_\_\_

**6. PLACEMENT, VISITATION AND SERVICES:**

\_\_\_ Parents are requesting / waiving a review of temporary custody.

\_\_\_ **The Court has considered the protection of the child(ren) from abuse or neglect as its first priority.** THE COURT FINDS that continued temporary custody is clearly necessary to prevent abuse or neglect.

\_\_\_ As to siblings of the child who was neglected/abused, the court **finds/does not find** reasonable grounds independently exist to believe that temporary custody of \_\_\_\_\_ is clearly necessary.

\_\_\_ The child(ren) shall remain placed as set forth in the attached case plan summary.

\_\_\_ The child(ren) shall be placed with \_\_\_\_\_.

\_\_\_ The Department is attempting 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.

\_\_\_ The parents or guardians are ordered to provide the names, type of relationship, and all of the available information necessary to locate persons related to the child or who have a significant relationship with the child, including any absent parents. The parents or guardians are further ordered to inform the Department of Economic Security immediately if the parent or guardian becomes aware of new information related to the existence or location of a relative or person with a significant relationship to the child.

\_\_\_ (In ICWA cases) The Court has determined that the placement is in accordance with the placement preference in 25 U.S.C. § 1915, OR, that there is good cause to deviate from the preferences.

**Pursuant to A.R.S. §8-813(C),**

**THE COURT FINDS** that the visitation and services proposed in the attached case plan summary \_\_\_ as amended **are / are not** necessary and appropriate.

(If siblings are not placed together) **THE COURT ORDERS** that the Department shall arrange visitation or other ongoing contact between/among the siblings.

\_\_\_ **THE COURT FINDS** that Department \_\_\_ has \_\_\_ has not made arrangements for the assembly of the medical records of the child(ren), a medical assessment of the child(ren), the implementation of referrals and the communication of recommendations and results, as provided by law.

**IT IS THEREFORE ORDERED** that the petitioner make reasonable efforts to implement the visitation and services outlined in the case plan summary.

**7. CHILDREN’S SERVICES AND EDUCATION:**

\_\_\_\_\_The Court finds that the services proposed for the children in the preliminary protective hearing report are /are not necessary and appropriate and makes the following additional orders:

\_\_\_\_\_

\_\_\_\_\_The Department is ordered to follow the recommendations and implement the services identified in the 24-hour emergency response behavioral health assessment.

**Education Issues:**

1. Is the child in school (ages 6 and up)? Is the child enrolled in an early intervention/preschool program (ages 0-5)?

\_\_\_\_\_

2. Does the child have special needs?

\_\_\_\_\_

3. How will educational responsibilities be divided to ensure that the child’s educational needs are being met?

\_\_\_\_\_

\_\_\_\_\_

**8. REASONABLE EFFORTS FINDINGS:**

Pursuant to 42 U.S.C. 672(a)(1), the Court finds that:

\_\_\_\_\_The Department has made reasonable efforts to prevent the removal of the child(ren) and to reunify the family, including:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**OR**

\_\_\_\_\_It was reasonable to make no efforts to maintain the child in the home or to reunify the family based upon the following:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**OR**

\_\_\_\_\_The Department failed to make reasonable efforts to prevent removal and reunify the family.

(In ICWA cases):

The Court makes the following findings pursuant to 25 U.S.C. §1912 regarding a child placed out of the home:

\_\_\_\_ That active efforts were made prior to removal of the child to provide remedial services and rehabilitative programs designed to prevent the breakup of the family, and whether the efforts were successful.

\_\_\_\_ That there was *clear and convincing evidence*, including testimony of a qualified expert witness, that continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

**9. ADDITIONAL ORDERS:** (e.g., appointment of CASA, GAL, Protective Orders, Support)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**10. PLEA:**

**Mother** enters an \_\_\_ admission \_\_\_ denial \_\_\_ no contest to the \_\_\_ Petition \_\_\_ Amended Petition

**Father** enters an \_\_\_ admission \_\_\_ denial \_\_\_ no contest to the \_\_\_ Petition \_\_\_ Amended Petition

**Other (name)** \_\_\_\_\_ enters an \_\_\_ admission \_\_\_ denial \_\_\_ no contest to the \_\_\_ Petition \_\_\_ Amended Petition.

**11. FUTURE HEARINGS:**

\_\_\_\_ Status/Adjudication Hearing set on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.  
\_\_\_\_ Facilitated Settlement Conference set on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.  
\_\_\_\_ Disposition set on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.  
\_\_\_\_ Dependency Review set on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.  
\_\_\_\_\_  
\_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.  
\_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

**IT IS ORDERED** that the parents, caseworker and the respective attorneys be present at all future hearings

**12. NOTICE:**

**The Court provides the parents with the Notice to Parent in a Dependency Action:**

\_\_\_\_\_ **Mother** \_\_\_\_\_ **Father** \_\_\_\_\_ **Other**

**The Court provides the Notice to Children Over the Age of 12 to:**

**Counsel for Minor(s)**\_\_\_\_\_

**Child/Children:**\_\_\_\_\_

\_\_\_The Court informs the foster parent, shelter care facility, receiving foster home, pre-adoptive parent, or a member of the child’s extended family, with whom the Department has placed the child, of the right to be heard in any proceeding to be held with respect to the child.

\_\_\_A relative having been identified as a possible placement for the child and being present in court, the Court has notified the relative of their right to be heard in any proceeding with respect to the child.

**13. DISCLOSURE:**

The parties are ORDERED to comply with Rules 44 and 45, Rules of Procedure for the Juvenile Court. It is FURTHER ORDERED that the case managers disclose their reports as required by Rule 58 C, Rules of Procedure for the Juvenile Court, no later than fifteen (15) days prior to any scheduled Dependency Review. Objections to disclosed reports shall be made within five (5) days of receipt of the report.

Dated this 1<sup>st</sup> day of April, 2011

\_\_\_\_\_  
**Honorable Suzanna S. Cuneo**

Distribution for :

- \_\_\_ Caseworker
- \_\_\_ Attorney General
- \_\_\_ Attorney for Minor
- \_\_\_ Attorney for Mother
- \_\_\_ Attorney for Father
- \_\_\_ Other: FCRB
- \_\_\_ Gary Sundell
- \_\_\_ Dependency Coordinator
- \_\_\_ Dependency Staff