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ARIZONA SUPREME COURT

AMENDED PETITION TO AMEND
RULES 48.1, 50, 52, 53, 54, 55, 56, 57, 58,
59, 60, **61**, 62, AND 65 AND FORMS I, II,
AND III, RULES OF PROCEDURE FOR
THE JUVENILE COURT, AND TO ADD
FORM 1A, RULES OF PROCEDURE FOR
THE JUVENILE COURT

Arizona Supreme Court
No. R-09-0013

Pursuant to Rule 28, Rules of the Supreme Court, the Attorney General petitions this Court to amend Rules 48.1, 50, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, and 65 and Forms I, II, and III, Arizona Rules of Procedure for the Juvenile Court, to bring them into conformity with relevant statutes, procedural rules, and

case law and to make them more understandable to parents¹ in dependency, guardianship, and termination of parental rights actions. The Attorney General further petitions this Court to add Form 1A, Arizona Rules of Procedure for the Juvenile Court, which pertains to in-home interventions.² The Attorney General has amended this Petition to reflect changes to the proposed Forms as recommended by various Court personnel, judges, and juvenile-law practitioners.

I. Summary of Proposed Amendments to the Rules of Procedure.

Providing the Forms to parents in dependency, guardianship, and termination actions and in in-home interventions serves as a concrete reminder to the parent of his or her rights and responsibilities and ensures that the juvenile court provides all of the notices that it is required to provide at each hearing. Other than the Forms themselves, however, there is no mention of them or their proper use in the Arizona Rules of Procedure for the Juvenile Court. Consequently, the Attorney General proposes amending Rules 48.1, 50, 52, 53, 54, 55, 56, 57, 58, 59, 60, 62, and 65, Arizona Rules of Procedure for the Juvenile Court, to add the provision that, in addition to providing the specific verbal admonitions required by

1. For the purposes of this Petition, the term “parent” refers to a parent, guardian, or Indian custodian.

2. All of the references to the Arizona Rules of Procedure for the Juvenile Court are to the Rules as amended on an emergency basis effective September 26, 2008, pursuant to this Court’s order in petition number R-08-0020.

the Rules, the juvenile court may provide the parent with the appropriate Form and so note it on the record. (*See* Appendix A for the Attorney General’s proposed amendments to the Rules.)

In *Adrian E. v. Arizona Department of Economic Security*, the court of appeals noted that providing the Forms to parents in dependency, guardianship, and termination actions is a “useful process” that “conveys to the parent the importance of attending the itemized hearings, assists the parent in remembering the upcoming court dates, and memorializes that the parent has received the notice.” 215 Ariz. 96, 101, 158 P.3d 225, 230 (App. 2007). The court “urge[d] our juvenile courts to utilize a notice that conforms with” the Rules of Procedure for the Juvenile Court because of the “emphasis that notice receives in the courtroom” and because “if the notice contains incorrect or misleading information, that process only increases the risk that parents will rely upon any inaccuracies to their detriment.” *Id.* The Attorney General’s proposed amendments to the Rules of Procedure for the Juvenile Court would aid the court in properly utilizing the Forms and ensure that the Forms conform to Arizona law.

The Attorney General also proposes amending Rules 61 and 62, Arizona Rules of Procedure for the Juvenile Court, to reflect that the juvenile court may proceed with a guardianship adjudication hearing in a parent’s absence and establish a permanent guardianship if the parent fails to appear at the guardianship

pre-trial conference, settlement conference, or guardianship adjudication hearing. The amendments will bring the rules into conformity with the current version of Form II and practice in the juvenile court, which allows the court to proceed in the parent's absence if the parent fails to appear at hearings other than just the guardianship adjudication hearing. The amendment would also bring the rules into conformity with the rules that allow the court to proceed with a termination adjudication hearing in the parent's absence if the parent fails to appear at the initial hearing, pretrial conference, status conference, or termination adjudication hearing. *See* Rules 64(C), 65(C)(6)(c), and 66(D)(2), Ariz. R.P. Juv. Ct.

II. Summary of Proposed Amendments to the Forms.

A. General Amendments.

The Attorney General proposes the following general amendments to Forms I, II, and III:

- Adding a provision informing the parent that hearings are open to the public unless the juvenile court, for good cause, orders them closed. *See* A.R.S. § 8-525(B), as amended by Laws 2008, 2d Sess., ch. 278, § 2.
- Changing the order of the rights listed to advise the parent of the right to a trial before advising of the right to cross-examine witnesses at trial.
- Advising the parent that if he or she fails to attend certain hearings the court may go forward in the parent's absence and may terminate parental rights or

establish a permanent guardianship. *See* Rules 50(C)(5), 58(F)(6), 60(E)(4), 62(C)(7)(c), 63(D)(2), 65(C)(6)(c), and 66(D)(2), Ariz. R.P. Juv. Ct.

- Adding blank lines for the court to record the dates, times, and types of future hearings.
- Adding a signature line to memorialize that the parent has received and understood the information contained in each form.
- Changing the Form numbers from roman to arabic figures.
- Standardizing capitalization of “the Court.”
- Replacing passive voice with active voice.

B. Addition of Form 1A.

The Attorney General proposes adding Form 1A to address the specific notice requirements for in-home intervention cases. (*See* Appendix B for the proposed Form 1A.) After a dependency petition has been filed, the juvenile court may “allow[] the child to stay in the home under supervision of the department of economic security and the court” provided that certain criteria are met. Ariz. R.P. Juv. Ct. 48.1; *see also* A.R.S. §§ 8-891 and 8-892. Although the relevant rules and statutes do not require that the court provide the parent with any specific notice when it orders an in-home intervention, the relevant law provides that if the parent does not comply with the order’s treatment plan, the court may rescind the order, order the removal of the child, and set a dependency adjudication hearing. *See id.*

The Attorney General proposes advising the parent in Form 1A of his or her responsibilities in an in-home intervention and of the possible consequences of his or her failure to fulfill those responsibilities.

C. Amendments to Form I.

In addition to the general amendments discussed above in Subsection A, the Attorney General proposes adding language from A.R.S. § 8-824(E)(7) and Rule 50(C)(5) to reflect that the juvenile court is required to admonish the parent at the preliminary protective hearing that substantially neglecting or wilfully refusing to participate in reunification services will be grounds for terminating parental rights. (*See Appendix C for changes to Form I.*)

D. Amendments to Form II.

There are no amendments to Form II other than those discussed above in Subsection A. (*See Appendix D for amendments to Form II.*)

E. Amendments to Form III.

In addition to the general amendments discussed above in Subsection A, the Attorney General proposes amending Form III to reflect that the juvenile court may proceed with a termination adjudication hearing and terminate the parent's parental rights in his or her absence if he or she fails to appear at the initial termination hearing, termination pretrial conference, status conference, or termination adjudication hearing, in conformity with Rules 64(C), 65(C)(6)(c),

65(D), 66(D)(2), Arizona Rules of Procedure for the Juvenile Court; A.R.S. §§ 8-535(A) and (D), 8-537(C), and 8-863(C); and *Adrian E.*, 215 Ariz. at 100, 158 P.3d at 229. (*See* Appendix E for amendments to Form III.)

IV. Conclusion.

The Attorney General proposes that this Court amend Rules 48.1, 50, 52, 53, 54, 55, 56, 57, 58, 59, 60, 62, and 65 to include reference to the appropriate Form and its use at each specific hearing at which admonitions are required so that the use of the Forms can be clarified and standardized.

The Attorney General also proposes that this Court amend Rules 61 and 62 to bring the rules into conformity with the current version of Form II and practice in the juvenile court, which allows the court to proceed with a guardianship adjudication hearing when a parent fails to appear at the guardianship pre-trial conference, settlement conference, or guardianship adjudication hearing.

Further, the Attorney General proposes that this Court adopt Form 1A to advise the parent of his or her responsibilities in an in-home intervention and of the possible consequences of his or her failure to fulfill those responsibilities.

And finally, the Attorney General proposes that this Court amend Forms I, II, and III to bring them into conformity with recently amended statutes and rules that now require admonitions regarding the consequences of a parent's failure to participate in reunification services and advise parents that dependency,

termination, and guardianship hearings are open to the public unless the court finds good cause to close them. *See, e.g.*, Laws 2008, 2d Sess., ch. 198, § 1; A.R.S. §§ 8-525(B), 8-824(E)(7). Other changes proposed by the Attorney General clarify the wording and grammar in the Forms. The Attorney General proposes these amendments to ensure that parents have a clear understanding of their rights and responsibilities and the potential consequences of their failure to participate in services or attend specific future hearings. To delay in making the requested changes increases the risk that parents will rely on incorrect or misleading information in the current Forms to their detriment.

For all of the foregoing reasons, the Attorney General respectfully requests that this Court order the adoption of the proposed amendments to Rules 48.1, 50, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, and 65 and Forms I, II, and III, and the adoption of Form 1A, Arizona Rules of Procedure for the Juvenile Court.

Dated this __29th__ day of April, 2009.

Terry Goddard
Attorney General

by ____/s/_____
Dawn R. Williams,
Assistant Attorney General,
Patricia Trebesch,
Chief Counsel, Protective Services Section,
Mary O'Grady,
Solicitor General

APPENDIX A

**PROPOSED AMENDMENTS TO RULES 48.1,
50, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, AND 65**

**AMENDMENTS TO RULES 48.1, 50, 52, 53, 54, 55, 56, 57, 58, 59, 60,
61, 62, AND 65, ARIZONA RULES OF PROCEDURE FOR THE
JUVENILE COURT**

Rule 48.1. In-Home Intervention Hearings.

A. – B. [No change.]

C. Procedure. After the filing of a dependency petition, the court may order in-home intervention, whether or not it is requested, if the court makes all of the findings required by this rule. If the court orders in-home intervention, it may provide the parent, guardian or Indian custodian with a copy of Form 1A, request that the parent, guardian or Indian custodian sign and return a copy of the Form, and note on the record that the Form was provided.

Rule 50. Preliminary pProtective hHearing.

A. – B. [No change.]

C. Findings and orders. All findings and orders, including any agreements reached by the parties, shall be in the form of a signed order or contained in

a minute entry, and shall be provided to the parties at the conclusion of the hearing. The court shall:

1. [No change.]

2. [No change.]

3. [No change.]

4. [No change.]

5. Address the parent, guardian, or Indian custodian in open court and advise the parent, guardian ~~of~~ or Indian custodian that failure to attend the pretrial conference, the settlement conference ~~of~~ or the dependency adjudication hearing, without good cause shown, may result in a finding that the parent, guardian or Indian custodian has waived legal rights and is deemed to have admitted the allegations in the dependency petition. The court shall advise the parent, guardian or Indian custodian that the hearings may go forward in the absence of the parent, guardian or Indian custodian and may result in a finding of dependency based upon the record and evidence presented. The court shall also inform the parent that substantially neglecting or willfully refusing to remedy the circumstances that cause the child to be in an out-of-home placement, including refusing to participate in reunification services, is grounds for termination of parental rights to a child. The court shall make specific findings that it advised the parent, guardian or

Indian custodian of the consequences of failure to attend subsequent proceedings and participate in reunification services. The court may provide the parent, guardian or Indian custodian with a copy of Form 1, request that the parent, guardian or Indian custodian sign and return a copy of the Form, and note on the record that the Form was provided;

6. [No change.]

7. [No change.]

Rule 52. Initial dDependency hHearing.

A. – C. [No change.]

D. Findings and Orders. All findings and orders shall be in the form of a signed order or contained in a minute entry. At the conclusion of the initial hearing the court shall:

1. [No change.]

2. [No change.]

3. [No change.]

4. [No change.]

5. [No change.]
6. [No change.]
7. [No change.]
8. Address the parent, guardian or Indian custodian in open court and advise the parent, guardian or Indian custodian that failure to attend the pretrial conference, the settlement conference or the dependency adjudication hearing, without good cause shown, may result in a finding that the parent, guardian or Indian custodian has waived legal rights and is deemed to have admitted the allegations in the dependency petition. The court shall advise the parent, guardian or Indian custodian that the hearings may go forward in the absence of the parent, guardian or Indian custodian and may result in a finding of dependency based upon the record and evidence presented. The party shall also be advised that failure to participate in reunification services may result in the termination of parental rights or the establishment of a permanent guardianship of the child. The court shall make specific findings that it advised the parent, guardian or Indian custodian of the consequences of failure to attend subsequent proceedings and participate in reunification services. The court may provide the parent, guardian or Indian custodian with a copy of Form 1, request

that the parent, guardian or Indian custodian sign and return a copy of the Form, and note on the record that the Form was provided;

9. [No change.]

10. [No change.]

E. [No change.]

Rule 53. Settlement Conference.

A. – C. [No change.]

D. Findings and Orders. All findings and orders shall be in the form of a signed order or contained in a minute entry. At the conclusion of the settlement conference, the court may:

1. [No change.]

2. [No change.]

3. [No change.]

4. Address the parent, guardian or Indian custodian in open court and advise the parent, guardian or Indian custodian that failure to attend

the pretrial conference or the dependency adjudication hearing, without good cause shown, may result in a finding that the parent, guardian or Indian custodian has waived legal rights and is deemed to have admitted the allegations in the dependency petition. The court shall advise the parent, guardian or Indian custodian that the hearings may go forward in the absence of the parent, guardian or Indian custodian and may result in a finding of dependency based upon the record and evidence presented. The party shall also be advised that failure to participate in reunification services may result in the termination of parental rights or the establishment of a permanent guardianship of the child. The court shall make specific findings that it advised the parent, guardian or Indian custodian of the consequences of failure to attend subsequent proceedings and participate in reunification services. The court may provide the parent, guardian or Indian custodian with a copy of Form 1, request that the parent, guardian or Indian custodian sign and return a copy of the Form, and note on the record that the Form was provided;

5. [No change.]

6. [No change.]

Rule 54. Pretrial eConference.

A. – B. [No change.]

C. Findings and Orders. All findings and orders shall be in the form of a signed order or contained in a minute entry. At the conclusion of the pretrial conference, the court may:

1. [No change.]

2. [No change.]

a. [No change.]

b. Address the parent, guardian or Indian custodian in open court and advise the parent, guardian or Indian custodian that failure to attend the dependency adjudication hearing, without good cause shown, may result in a finding that the parent, guardian or Indian custodian has waived legal rights and is deemed to have admitted the allegations in the dependency petition. The court shall advise the parent, guardian or Indian custodian that the hearings may go forward in the absence of the parent, guardian

or Indian custodian and may result in a finding of dependency based upon the record and evidence presented. The party shall also be advised that failure to participate in reunification services may result in the termination of parental rights or the establishment of a permanent guardianship of the child. The court shall make specific findings that it advised the parent, guardian or Indian custodian of the consequences of failure to attend subsequent proceedings and participate in reunification services. The court may provide the parent, guardian or Indian custodian with a copy of Form 1, request that the parent, guardian or Indian custodian sign and return a copy of the Form, and note on the record that the Form was provided;

c. [No change.]

d. [No change.]

Rule 55. Dependency Adjudication Hearing.

A. – D. [No change.]

E. Findings and Orders. All findings and orders shall be in the form of a signed order or contained in a minute entry. As to each parent, guardian or Indian custodian, based upon the record and evidence presented, the court shall:

1. [No change.]
2. [No change.]
3. [No change.]
4. [No change.]
5. [No change.]
6. Address the parent, guardian or Indian custodian in open court and advise the parent, guardian or Indian custodian that failure to attend further proceedings without good cause shown and failure to participate in reunification services may result in the termination of parental rights or the establishment of a permanent guardianship of the child, based upon the record and evidence presented. The court shall advise the parent, guardian or Indian custodian that the hearings may go forward in the absence of the parent, guardian or Indian custodian. The court shall make specific findings that it advised the parent, guardian or Indian custodian of the consequences of failure to attend

subsequent proceedings and participate in reunification services. The court may provide the parent, guardian or Indian custodian with a copy of Form 1, request that the parent, guardian or Indian custodian sign and return a copy of the Form, and note on the record that the Form was provided;

7. [No change.]

8. [No change.]

Rule 56. Disposition Hearing.

A. – D. [No change.]

E. Findings and Orders. All findings and orders shall be in the form of a signed order or contained in a minute entry. The court shall determine the appropriate case plan and shall:

1. [No change.]

2. [No change.]

3. [No change.]

4. [No change.]

5. Address the parent, guardian or Indian custodian in open court and advise the parent, guardian or Indian custodian that failure to attend further proceedings without good cause shown and failure to participate in reunification services may result in the termination of parental rights or the establishment of a permanent guardianship of the child, based upon the record and evidence presented. The court shall advise the parent, guardian or Indian custodian that the hearings may go forward in the absence of the parent, guardian or Indian custodian. The court shall make specific findings that it advised the parent, guardian or Indian custodian of the consequences of failure to attend subsequent proceedings and participate in reunification services. The court may provide the parent, guardian or Indian custodian with a copy of Form 1, request that the parent, guardian or Indian custodian sign and return a copy of the Form, and note on the record that the Form was provided;

6. [No change.]

7. [No change.]

8. [No change.]

Rule 57. Provision of Reunification Services Hearing.

A. – B. [No change.]

C. Findings and Orders. All findings shall be in writing, in the form of a minute entry or order. If the court finds, by clear and convincing evidence, that reunification efforts are not required, the court shall:

1. [No change.]
2. [No change.]
3. [No change.]
4. [No change.]
5. Address the parent, guardian or Indian custodian in open court and advise the parent, guardian or Indian custodian that failure to attend further proceedings without good cause shown may result in the termination of parental rights or the establishment of a permanent guardianship of the child, based upon the record and evidence presented. The court shall advise the parent, guardian or Indian custodian that the hearings may go forward in the absence of the parent, guardian or Indian custodian. The court shall make specific

findings that it advised the parent, guardian or Indian custodian of the consequences of failure to attend subsequent proceedings. The court may provide the parent, guardian or Indian custodian with a copy of Form 1, request that the parent, guardian or Indian custodian sign and return a copy of the Form, and note on the record that the Form was provided;

6. [No change.]

7. [No change.]

Rule 58. Review Hearing.

A. – E. [No change.]

F. Findings and Orders. All ~~F~~findings and orders shall be in the form of a signed order or contained in a minute entry. At the conclusion of the hearing, the court shall:

1. [No change.]

2. [No change.]

3. [No change.]
4. [No change.]
5. [No change.]
6. Address the parent, guardian or Indian custodian in open court and advise the parent, guardian or Indian custodian that failure to attend further proceedings without good cause shown and failure to participate in reunification services, if appropriate, may result in the termination of parental rights or the establishment of a permanent guardianship of the child, based upon the record and evidence presented. The court shall advise the parent, guardian or Indian custodian that the hearings may go forward in the absence of the parent, guardian or Indian custodian. The court shall make specific findings that it advised the parent, guardian or Indian custodian of the consequences of failure to attend subsequent proceedings and participate in reunification services. The court may provide the parent, guardian or Indian custodian with a copy of Form 1, request that the parent, guardian or Indian custodian sign and return a copy of the Form, and note on the record that the Form was provided;
7. [No change.]

8. [No change.]

Rule 59. Return of the Child.

A. – D. [No change.]

E. Findings and Orders. All findings and orders shall be in the form of a signed order or contained in a minute entry. The court shall:

1. [No change.]
2. [No change.]
3. [No change.]
4. Address the parent, guardian or Indian custodian in open court and advise the parent, guardian or Indian custodian that failure to attend further proceedings without good cause shown and failure to participate in reunification services may result in the termination of parental rights or the establishment of a permanent guardianship of the child, based upon the record and evidence presented. The court shall advise the parent, guardian or Indian custodian that the hearings may go forward in the absence of the parent, guardian or Indian custodian.

The court shall make specific findings that it advised the parent, guardian or Indian custodian of the consequences of failure to attend subsequent proceedings and participate in reunification services. The court may provide the parent, guardian or Indian custodian with a copy of Form 1, request that the parent, guardian or Indian custodian sign and return a copy of the Form, and note on the record that the Form was provided;

5. [No change.]

6. [No change.]

Rule 60. Permanency ~~h~~Hearing.

A. – D. [No change.]

E. Findings and Orders. All findings and orders shall be in the form of a signed order or contained in a minute entry. The court shall make findings based upon the evidence presented and shall:

1. [No change.]

2. [No change.]
3. [No change.]
4. Address the parent, guardian or Indian custodian in open court and advise the parent, guardian or Indian custodian that failure to attend further proceedings without good cause shown and failure to participate in reunification services, if appropriate, may result in the termination of parental rights or the establishment of a permanent guardianship of the child, based upon the record and evidence presented. The court shall advise the parent, guardian or Indian custodian that the hearings may go forward in the absence of the parent, guardian or Indian custodian. The court shall make specific findings that it advised the parent, guardian or Indian custodian of the consequences of failure to attend subsequent proceedings and participate in reunification services. The court may provide the parent, guardian or Indian custodian with a copy of Form 2 (if the permanent plan is guardianship) or Form 3 (if the permanent plan is termination of parental rights), request that the parent, guardian or Indian custodian sign and return a copy of the Form, and note on the record that the Form was provided;

5. [No change.]

6. [No change.]

7. [No change.]

Rule 61. Motion, Notice of Hearing, Service of Process and Orders for Permanent Guardianship.

A. [No change.]

B. Notice of Hearing. A notice of hearing shall accompany the motion for permanent guardianship and shall advise the parent, guardian or Indian custodian of the location, date and time of the initial guardianship hearing. In addition to the information required by law, the notice of hearing shall advise the parent, guardian or Indian custodian that failure to appear at the initial guardianship hearing, guardianship pre-trial conference, settlement conference, or guardianship adjudication hearing without good cause shown may result in a finding that the parent, guardian or Indian custodian has waived legal rights and is deemed to have admitted the allegations in the motion for guardianship. The notice shall advise the parent, guardian or Indian custodian that the guardianship adjudication hearing may go forward

in the absence of the parent, guardian or Indian custodian and may result in the establishment of a permanent guardianship based upon the record and evidence presented. In addition to service of the notice of hearing upon the parties, a copy of the notice of hearing shall also be provided to the following persons:

1. – 4. [No change.]

C. – D. [No change.]

Rule 62. Initial Guardianship Hearing.

A. – C. [No change.]

D. Findings and Orders. All findings and orders shall be in the form of a signed order or contained in a minute entry. At the conclusion of the hearing, the court shall:

1. [No change.]
2. [No change.]
3. [No change.]

4. Address the parent, guardian or Indian custodian in open court and advise the parent, guardian or Indian custodian that failure to appear at the guardianship pre-trial conference, settlement conference, or guardianship adjudication hearing, without good cause shown, may result in a finding that the parent, guardian or Indian custodian has waived legal rights and is deemed to have admitted the allegations in the motion for guardianship. The court shall advise the parent, guardian or Indian custodian that the guardianship adjudication hearing may go forward in the absence of the parent, guardian or Indian custodian and may result in the establishment of a permanent guardianship based upon the record and evidence presented. The court shall make specific findings that it advised the parent, guardian or Indian custodian of the consequences of failure to attend subsequent proceedings. The court may provide the parent, guardian or Indian custodian with a copy of Form 2, request that the parent, guardian or Indian custodian sign and return a copy of the Form, and note on the record that the Form was provided;

5. [No change.]

6. [No change.]

Rule 65. Initial Termination Hearing.

A. – C. [No change.]

D. Findings and Orders. All findings and orders shall be in the form of a signed order or contained in a minute entry. At the conclusion of the hearing, the court shall:

1. [No change.]
2. [No change.]
3. Address the parent, guardian or Indian custodian in open court and advise the parent, guardian or Indian custodian that failure to appear at the pretrial conference, status conference or termination adjudication hearing, without good cause shown, may result in a finding that the parent, guardian or Indian custodian has waived legal rights, and is deemed to have admitted the allegations in the motion or petition for termination. The court shall advise the parent, guardian or Indian custodian that the termination adjudication hearings may go forward in the absence of the parent, guardian or Indian custodian and may

result in the termination of parental rights based upon the record and evidence presented. The court shall make specific findings that it advised the parent, guardian or Indian custodian of the consequences of failure to attend subsequent proceedings. The court may provide the parent, guardian or Indian custodian with a copy of Form 3, request that the parent, guardian or Indian custodian sign and return a copy of the Form, and note on the record that the Form was provided;

4. [No change.]
5. [No change.]

APPENDIX B

FORM 1A

FORM 1A
Notice to Parent in In-Home Intervention Action

You are a party in an in-home intervention action. The Court will make decisions about the care and custody of your child until you demonstrate that you are able to do so. Except as otherwise provided by law, court hearings relating to dependent children are open to the public. You may request that the hearings be closed, and the Court may order them closed for good cause.

If the Court orders the in-home intervention, the Court will order services for you. You must participate in these services. The Court's in-home intervention order will include a specific time for you to complete the in-home intervention services, and that time cannot exceed one year without review and approval by the Court.

If you violate the in-home intervention orders made by the Court, including failing or refusing to participate in services, the Court may take whatever steps it deems necessary to obtain your compliance, may remove your child from your care, or may rescind the in-home intervention order and set an adjudication hearing on the dependency petition.

The Court will presume that you understand the contents of this notice unless you tell the Court at today's hearing that you do not understand this notice.

Next Hearing Type:

Date & Time:

Judicial Officer:

At:

[address of court facility]

My signature confirms that I have received a copy of this document on this date.

Parent's Signature

Printed Name

Date

APPENDIX C

FORM I

FORM I 1
Notice to Parent in Dependency Action

(~~To be given to parent at each dependency hearing prior to adjudication and noted on the record.~~)

You are a party in a dependency case. If the eCourt determines that your child is dependent, then ~~this~~ the Court will make decisions about the care and custody of your child until you demonstrate that you are able to do so. Except as otherwise provided by law, court hearings relating to dependent children are open to the public. You may request that the hearings be closed, and the Court may order them closed for good cause.

If you cannot be reunited ~~re-united~~ with your child within legal time frames ~~time frames~~, the Court may terminate your parental rights ~~may be terminated~~ and your child may be adopted, or the Court may appoint a permanent guardian ~~may be appointed~~ for your child.

As a parent or Indian custodian in a dependency case, your legal rights include:

1. The right to counsel, including court appointed counsel if you are indigent;
2. The right to trial by the Court on the allegations in the dependency petition ~~The right to cross-examine witnesses who are called to testify against you;~~
3. The right to cross-examine witnesses who are called to testify against you ~~The right to trial by the court on the allegations in the dependency petition;~~ and
4. The right to use the process of the court to compel the attendance of witnesses.

As part of this case, there will be additional ~~several~~ court hearings. You are required to ~~appear for~~ attend all court hearings. If you cannot attend a court hearing, you must prove to the eCourt that you ~~did not appear for~~ had good cause for not attending. If you fail to ~~appear without good cause for~~ attend the Pre-trial Conference, Settlement Conference, or Dependency Adjudication Hearing without good cause, the eCourt may determine that you have waived your legal rights; and admitted the allegations ~~of~~ dependency in the dependency petition. The Court may go forward with the

Dependency Adjudication Hearing in your absence and may rule that your child is dependent based on the record and evidence presented.

You must also actively participate in reunification services if they are offered to you. Substantially neglecting or wilfully refusing to remedy the circumstances that cause your child to be in an out-of-home placement, including refusing to participate in reunification services, will be grounds for terminating your parental rights to your child. If you do not participate in reunification services, or fail to attend further proceedings without good cause, the Court may terminate your parental rights ~~may be terminated~~ or appoint a permanent guardian ~~may be appointed~~ for your child.

~~It will be~~ The Court will ~~presumed~~ that you understand the contents of this notice unless you tell the eCourt at today's hearing that you do not understand this notice.

Next hearing type: _____,
Date: _____, Time: _____,
Judicial Officer: _____
Address of court facility: _____

<u>Next Hearing Type:</u>	<u>Date & Time:</u>	<u>Judicial Officer:</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

At: _____
[address of court facility]

My signature confirms that I have received a copy of this document on this date.

Parent's Signature Printed Name Date

APPENDIX D

FORM II

FORM H 2
Notice to Parent in Guardianship Action

~~(To be given to parent at permanency hearing if guardianship is ordered and each subsequent hearing until adjudication and noted on the record)~~

You are a party in a guardianship action. If the Court determines that guardianship would be in your child's best interests, If you cannot be reunited with your child within legal time frames, your parental rights may be terminated and your child may be adopted, or the Court may appoint a permanent guardian may be appointed for your child. Except as otherwise provided by law, court hearings relating to dependent children are open to the public. You may request that the hearings be closed, and the Court may order them closed for good cause.

As a parent or Indian custodian in a guardianship case, your legal rights include:

1. The right to counsel, including court appointed counsel if you are indigent;
2. The right to trial by the Court on the allegations in the guardianship motion ~~The right to cross-examine witnesses who are called to testify against you;~~
3. The right to cross-examine witnesses who are called to testify against you ~~The right to trial by the court on the allegations in the dependency petition;~~ and
4. The right to use the process of the court to compel the attendance of witnesses.

You are required to ~~appear for~~ attend all guardianship hearings. If you cannot attend a court hearing, you must prove to the eCourt that you ~~did not appear for~~ had good cause for not attending. If you fail to ~~appear without good cause for~~ attend the Initial Guardianship Hearing, Pre-trial Conference, Settlement Conference, or Guardianship Adjudication Hearing without good cause, the eCourt may determine that you have waived your legal rights, and admitted the legal basis for allegations in the motion for guardianship. The Court may go forward with the Guardianship Adjudication Hearing in your absence, and the court may establish a guardianship for your child based on the record and evidence presented.

~~It will be~~ The Court will presumed that you understand the contents of this notice unless you tell the ~~e~~Court at today's hearing that you do not understand this notice.

Next hearing type: _____,
Date: _____, Time: _____,
Judicial Officer: _____
Address of court facility: _____

<u>Next Hearing Type:</u>	<u>Date & Time:</u>	<u>Judicial Officer:</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

At: _____
[address of court facility]

My signature confirms that I have received a copy of this document on this date.

Parent's Signature Printed Name Date

APPENDIX E

FORM III

FORM III 3
Notice to Parent in Termination Action

~~(To be given to parent at permanency hearing if termination is ordered and each subsequent hearing until termination adjudication and noted on the record)~~

You are a party in a termination action. If the Court determines that termination of your parental rights would be in your child's best interests, If you cannot be re-united with your child within legal time frames, the Court may terminate your parental rights and your child may be adopted, or a permanent guardian may be appointed for your child. Except as otherwise provided by law, court hearings relating to dependent children are open to the public. You may request that the hearings be closed, and the Court may order them closed for good cause.

As a parent or Indian custodian in a termination action, your legal rights include:

1. The right to counsel, including court appointed counsel if you are indigent;
2. The right to trial by the Court on the allegations in the termination motion or petition ~~The right to cross-examine witnesses who are called to testify against you;~~
3. The right to cross-examine witnesses who are called to testify against you ~~The right to trial by the court on the allegations in the dependency petition;~~ and
4. The right to use the process of the court to compel the attendance of witnesses.

You are required to ~~appear for~~ attend all termination hearings. If you cannot attend a court hearing, you must prove to the eCourt that you ~~did not appear for~~ had good cause for not attending. If you fail to ~~appear without good cause for attend~~ the Initial Termination Hearing, Termination Pre-trial Conference, Termination Settlement Status Conference, or Termination Adjudication Hearing without good cause, the eCourt may determine that you have waived your legal rights, and admitted the grounds alleged in the motion/petition for termination. The Court may go forward with the Termination Adjudication Hearing in your absence and may terminate your parental rights to your child based on the record and evidence presented.

~~It will be~~ The Court will presumed that you understand the contents of this notice unless you tell the eCourt at today's hearing that you do not understand this notice.

Next hearing type: _____,
Date: _____, Time: _____,
Judicial Officer: _____
Address of court facility: _____

<u>Next Hearing Type:</u>	<u>Date & Time:</u>	<u>Judicial Officer:</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

At: _____
 [address of court facility]

My signature confirms that I have received a copy of this document on this date.

_____	_____	_____
<u>Parent's Signature</u>	<u>Printed Name</u>	<u>Date</u>