

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

Case Name: **JD**

Removal Date:

Hearing Date: Scheduled Time:

Judicial Officer:

**1. COURT APPOINTED COUNSEL:**

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

| <b>Party</b>     | <b>Attorney</b> | <b>Appointed<br/>(Y/N)</b> | <b>Assessment</b> | <b>Monthly<br/>payment</b> |
|------------------|-----------------|----------------------------|-------------------|----------------------------|
| <b>Mother</b>    |                 |                            |                   |                            |
| <b>Mother</b>    |                 |                            |                   |                            |
| <b>Father</b>    |                 |                            |                   |                            |
| <b>Father</b>    |                 |                            |                   |                            |
| <b>Child/ren</b> |                 |                            |                   |                            |
|                  |                 |                            |                   |                            |
|                  |                 |                            |                   |                            |
| <b>Other</b>     |                 |                            |                   |                            |

**THE PARTIES ARE ORDERED** to give their contact information to their attorneys, and to make good-faith efforts to have regular communications with their attorneys throughout the case, including within a reasonable time before any substantive hearing. Parent(s) is/are ordered to keep his/her attorney and the DCS caseworker informed of any changes to their address, phone number, or email address.

**THE COURT FINDS** counsel has complied with their obligations to communicate with their client prior to the hearing

**Children:** \_\_\_\_\_  
**Mother:** \_\_\_\_\_  
**Mother:** \_\_\_\_\_  
**Father:** \_\_\_\_\_  
**Father:** \_\_\_\_\_  
**Other:** \_\_\_\_\_

**2. CLOSED HEARING**

The Court asks the parties if there are any reasons the proceedings should be closed to the public.

A closed hearing is requested \_\_\_ Yes \_\_\_ No

\_\_\_ After consideration, the Court finds good cause to close the proceedings because 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.
- \_\_\_ Detrimentially 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.**

**Personal identifiable information includes name, address, date of birth, social security number, tribal enrollment number, telephone number, driver license number, place of employment, school identification or military identification or any other distinguishing characteristics that tend to identify a particular person.**

**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 incarcerated at the Pima County Jail.**

**3. SERVICE:**

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

**4. JURISDICTION:**

**THE COURT FINDS:**

**(a) State:**

\_\_\_ it has jurisdiction over the persons and subject matter pursuant to A.R.S. § 8-202(B); or

\_\_\_ it has temporary emergency jurisdiction pursuant to the UCCJEA A.R.S. §25-1034. (Including ICWA cases when a Tribal Court has issued a custody order for a child.)

**(b) ICWA:**

**Exclusive Jurisdiction for Tribe/Nation, based on residence/domicile.**

\_\_\_ **The Court was advised that the** Indian Tribe may have jurisdiction or has exclusive jurisdiction because:

\_\_\_\_\_ the Indian child’s parent/s is/are married and reside or are domiciled on the reservation.

**OR**

\_\_\_\_\_ because the Indian child’s parent/s is/are not married, and the custodial parent resides or is domiciled on the reservation pursuant to § 1911(a) and 25 U.S.C. § 23.2.

\_\_\_\_\_ **THEREFORE, THE COURT FINDS** that it has temporary emergency jurisdiction pursuant to A.R.S. §25-1034; and

\_\_\_\_\_ **IT IS ORDERED** that the Petitioner shall work with the parties and the tribe/nation to determine whether the tribe/nation has exclusive jurisdiction and advise the Court by the next hearing.

**5. ICWA Inquiry:**

\_\_\_\_\_ The Court inquires whether any party or participant knows or has reason to know under 25 C.F.R § 23.107 that any child at issue is an Indian child and is an enrolled member of a Tribe or eligible for membership and a biological parent is a tribal member. *(e.g., Is there any Native American heritage in the family? (Not based solely on a DNA test.) Are there family members enrolled or affiliated with a Tribe? Is there any family who has lived on a Reservation or participated in cultural activities? Are there any family members that had a case in Tribal Court or another Court where ICWA applied? Is there any other reason to believe the child/ren might be an Indian Child?)*

The response was:

Yes (List name/s of Tribe/s)\_\_\_\_\_ (GO TO (a) & (b) immediately below)

Reason to Know (List name/s of Tribe/s)\_\_\_\_\_ (GO TO (d) below)

Undetermined (GO TO (e) below.)

No; therefore, the COURT FINDS ICWA does not apply. (Go to Section 6. *Paternity.*)

(a) ***Notification.***

\_\_\_ **THE COURT FINDS** pursuant to 25 C.F.R. § 23.111(b) (1-3), that Petitioner \_\_\_\_\_ made efforts **OR** \_\_\_\_\_ made NO efforts to notify an identified Tribe(s), Parent/s, and Indian Custodian about this proceeding.

(b) ***ICWA Applies.***

\_\_\_ **THE COURT FINDS THAT** ICWA applies for child/ren:\_\_\_\_\_

\_\_\_\_\_ **IT IS ORDERED** that the Petitioner notify the Parent/s, Indian Custodian, the child/ren’s Tribe/s, or the Secretary of the Interior by registered or certified mail.

(c) ***Intervention.***

**IT IS ORDERED** that \_\_\_\_\_ Tribe/Nation/Indian Community is intervened as a party.

(GO TO (g) *Imminent Harm*)

(d) ***Reason to Know ICWA Applies.***

\_\_\_\_\_ List name/s of child/ren for which Reason to Know ICWA applies:\_\_\_\_\_

**IT IS ORDERED** that the Petitioner notify the Parent/s, Indian Custodian, the child/ren’s Tribe/s, or the Secretary of the Interior by registered or certified mail.

The Petitioner must use due diligence to identify and work with all Tribes in which there is reason to know. Petitioner must treat the child as an Indian Child, unless and until it is determined on the record that the child does not meet the “Indian Child” definition. 25 C.F.R § 23.107(a)(2).

(GO TO (g) *Imminent Harm*)

(e) *Undetermined.*

\_\_\_\_\_ **THE COURT FINDS THAT ICWA** \_\_\_\_\_ is undetermined for \_\_\_\_\_  
\_\_\_\_\_ (children)

\_\_\_\_\_ **IT IS ORDERED** that the Petitioner is to notify the Tribe/s to determine whether the child/ren may be a member, or eligible for membership and obtain verification of the child/ren’s Indian status prior to the next hearing.

\_\_\_\_\_ **IS FURTHER ORDERED** that the Parent/s or Indian Custodian provide the following information to the Petitioner: \_\_\_\_\_  
\_\_\_\_\_.

(FOR UNDETERMINED, GO TO Section 6, *Paternity*)

(f) *Judicial Assignment.* If response was ‘Yes’ or there is a ‘Reason to Know’ ICWA applies, and this case is not assigned to an ICWA Judge,

**ORDER** the case be reassigned to ICWA Court Judge \_\_\_\_\_.

(g) **Imminent Harm Findings:**

**THE COURT FINDS:**

\_\_\_\_\_ The child/ren was/were removed from the physical custody of the Parent/s/Indian Custodian after a finding by a court that there was the risk of imminent physical damage or harm to the Indian child/ren, pursuant to the requirements of ICWA 25 U.S.C.A. § 1922, 25 C.F.R. § 23.113, and AZ ST JUV CT Rule 47.3.

**OR**

\_\_\_\_\_ The child/ren was/were removed on an emergency basis pursuant to 25 C.F.R. § 23.113 **AND imminent harm findings were made in the temporary orders.**

**OR**



**6. PATERNITY:**

**THE COURT FINDS:**

| Paternity | Minor/Father | Birth Certificate | Marriage | DNA | Other |
|-----------|--------------|-------------------|----------|-----|-------|
| Y/N       |              |                   |          |     |       |
| Y/N       |              |                   |          |     |       |
| Y/N       |              |                   |          |     |       |

Additional orders regarding paternity:

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\_\_\_ **IT IS ORDERED** that SP/D case # \_\_\_\_\_ is consolidated with this matter for hearing purposes only.

\_\_\_ In SP/D case # current child support is modified to zero. Any arrearage orders shall remain in effect.

**IT IS ORDERED:**

\_\_\_ Parent/s are to cooperate with the Department of Child Safety to establish Paternity.

\_\_\_ Paternity be established through DNA testing.

\_\_\_ Authorizing the execution of affidavits of paternity.

**7. DOCUMENTS REVIEWED:**

\_\_\_ DCS case report \_\_\_\_\_ Admitted \_\_\_\_\_ DCS case plan filed pursuant to A.R.S. §8-823(D)

\_\_\_ Other \_\_\_\_\_

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

\_\_\_ **THE COURT HAS BEEN ADVISED OF THE RESULTS OF THE PRE-HEARING CONFERENCE**

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

Mother: \_\_\_\_\_

Mother: \_\_\_\_\_

Other: \_\_\_\_\_

Father: \_\_\_\_\_ Father: \_\_\_\_\_

\_\_\_ Parents request a review of temporary custody. (See future date section for hearing date).

Mother: \_\_\_\_\_  
Mother: \_\_\_\_\_

Other: \_\_\_\_\_  
Father: \_\_\_\_\_      Father: \_\_\_\_\_

**The Court has considered the protection of the child/ren from abuse or neglect as its first priority.**

\_\_\_ **THE COURT FINDS** there is probable cause to believe continued temporary custody is clearly necessary to prevent abuse or neglect.

**IT IS ORDERED:**

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

\_\_\_ The child/ren shall be placed with \_\_\_\_\_  
\_\_\_\_\_

Are any of the children in a “receiving foster home” sometimes referred to as “shelter care?”

Yes \_\_\_\_\_      No \_\_\_\_\_

If yes,

\_\_\_ **IT IS THEREFORE ORDERED** pursuant to A.R.S. § 8-515, that if it appears that a child will be in a receiving foster home for more than three-weeks, the Assistant Attorney General on behalf of the Department of Child Safety shall file a notice with the Court copied to all parties at least five business days prior to the three-week deadline indicating: (1) the date on which the child will be in the receiving home for a period of three weeks; and (2) that judicial review of the child’s placement is necessary and that a hearing may be required on an expedited basis.

**(If siblings are not placed together):**

**THE COURT ORDERS** that the Department of Child Safety shall make reasonable efforts for frequent visitation or other ongoing contact between all siblings.

\_\_\_ 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 Department of Child Safety 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.

\_\_\_ Based on the PPH Report and any other evidence, DCS **has identified and assessed** \_\_\_ **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, within 10 days 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 Child Safety 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.

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

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

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

\_\_\_ The Department of Child Safety is ordered to follow the recommendations and implement the services identified in the 72-hour rapid response behavioral health assessment.

**THE COURT FINDS** that the Department of Child Safety \_\_\_ has \_\_\_ has not made arrangements for the assembly of the medical records for 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.

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

**THE COURT FINDS** that the parenting time/visitation (for relatives/kinship) and services proposed in the attached case plan summary as amended **are / are not** necessary and appropriate.

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

**10. REASONABLE EFFORTS FINDINGS:**

Pursuant to 42 U.S.C. 672(a)(1), **THE COURT FINDS THAT:**

\_\_\_ Department of Child Safety 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/ren in the home or to reunify the family based upon the following:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**OR**

\_\_\_ Department of Child Safety failed to make reasonable efforts to prevent removal and reunify the family.

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

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

**12. PLEA:**

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

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

**Father** 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 a/an  
\_\_\_\_\_ admission \_\_\_ denial \_\_\_ no contest to the \_\_\_ Petition

**13. FUTURE HEARINGS:**

**Initial Hearing completed:** for  Mother \_\_\_\_  Mother \_\_\_\_  Father \_\_\_\_  Father \_\_\_\_

**Initial Hearing reset:** set on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. for  Mother \_\_\_\_  
 Mother \_\_\_\_  Father \_\_\_\_  Father \_\_\_\_  Tribe \_\_\_\_\_  Guardian \_\_\_\_\_ before the  
Hon. \_\_\_\_\_.

**Published Initial Hearing:** set on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. for  Mother \_\_\_\_  
 Mother \_\_\_\_  Father \_\_\_\_  Father \_\_\_\_  John Doe \_\_\_\_\_  Other: \_\_\_\_\_

Facilitated Settlement Conference set for Mother set on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. before the  
Hon. \_\_\_\_\_, before Mediator \_\_\_\_\_.

PTC/Status/Adjudication Hearing for Mother set on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. before the  
Hon. \_\_\_\_\_.  Vacated upon attendance

Facilitated Settlement Conference set for Father \_\_\_\_\_ set on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.  
before the Hon. \_\_\_\_\_, before Mediator \_\_\_\_\_.

PTC/Status/Adjudication Hearing for Father set on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. before the  
Hon. \_\_\_\_\_.  Vacated upon attendance

Facilitated Settlement Conference set for Father \_\_\_\_\_ set on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.  
before the Hon. \_\_\_\_\_, before Mediator \_\_\_\_\_.

PTC/Status/Adjudication Hearing for Father set on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. before the  
Hon. \_\_\_\_\_.  Vacated upon attendance

Facilitated Settlement Conference set for Father \_\_\_\_\_ set on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.  
before the Hon. \_\_\_\_\_, before Mediator \_\_\_\_\_.

PTC/Status/Adjudication Hearing for Father set on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. before the  
Hon. \_\_\_\_\_.  Vacated upon attendance

Dependency Review set on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

Permanency Hearing set on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

ICWA Adjudication Testimony Hearing set on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

Other hearings:

\_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

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

**14. 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.

**15. NOTICE/ORAL ADMONISHMENT:**

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

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

\_\_\_\_\_ **THE COURT FINDS** that the Parent(s)/Indian Custodian understands their rights, responsibilities, and the consequences of failing to appear without good cause and failing to participate in or benefit from services.

\_\_\_\_\_ **IT IS ORDERED** that the parents sign a copy of the Notice to Parent and return a copy to their attorney so that it may be filed in the court’s legal file.

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

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

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

Dated this \_\_\_\_ day of \_\_\_\_\_, 202\_\_

\_\_\_\_\_  
HONORABLE

**Distribution for:**

- \_\_\_DCS:
- \_\_\_Caseworker:
- \_\_\_Court and Calendar Services
- \_\_\_Attorney General:
- \_\_\_Attorney for Minor/s:
- \_\_\_Attorney for Mother:
- \_\_\_Attorney for Mother:

- \_\_\_Attorney for Father:
- \_\_\_Attorney for Father:
- \_\_\_Legal Guardian/Indian Custodian
- \_\_\_Tribe/s:
- \_\_\_Other: FCRB
- \_\_\_Assessments
- \_\_\_Consolidation Clerk

*Revised 03/02/22*