



GENERATION JUSTICE

(602) 710-1135 • info@genjustice.org • www.genjustice.org

SB 1452 Summary

PURPOSE

Arizona's opioid crisis has created a tidal wave of substance-exposed newborns. These medically fragile infants have little or no representation in court, and few legal rights to be returned home safely or, in extreme cases, to be adopted. Consequently, foster care can become a life sentence. 1452 creates a Rocket Docket for infants 0-3 -- a streamlined process for resolving parental rights issues to safely reunite infants with their families or free them for adoption in 12 months.

KEY PROVISION 1

Aggravated Circumstances: In most instances, federal law requires Arizona to attempt to reunify infants who have been taken into state custody. Offending parents receive legal counsel, rehabilitation, counseling, transportation, and dozens of services to remedy their situations until the final disposition of a case, which routinely takes years.

Under federal law, however, the state does not have to provide services when aggravating circumstances exist. This provision lets courts move expeditiously in extreme circumstances of abuse, enabling a faster disposition of cases.

1452 requires DCS to use aggravating circumstances that already exist in Arizona law including parent abandonment of a child, repeat sexual abuse, and repeated physical assault. 1452 adds to the list of aggravating circumstances in-utero drug-exposure coupled with a long-standing history of drug abuse or crimes such as allowing the infant to ingest meth. 1452 does not change due process rights for parents.

KEY PROVISION 2

Family Search and Stability: 1452 requires DCS to expedite searches for relatives and determine suitability for placement in 30 days. It emphasizes placing infants with relatives in the first instance, or foster families in the second, who are willing to adopt with the goal of minimizing infant displacement.

If an infant has been living with a foster family for six months, the provision recognizes that the foster family essentially has become "kin," and the law presumes it is in the infant's best interest to stay. Judges retain discretion.

PRECEDENT

Rocket Dockets exist nationwide. All criminal courts are rocket dockets, essentially, because fundamental liberty interests are at stake. Here, too, the fundamental liberty interests of parents and infants are at stake.

BENEFITS

1452 serves the demands of justice by requiring the fair and consistent application of current law. 1452 reduces court backlogs and makes better use of scarce public resources. 1452 gives the legal system the tools it needs to expedite the cases of severely abused infants. Research confirms that age at the time of placement is the key predictor

of how well children do. Many researchers, including Elizabeth Bartholet, Harvard University Professor of Law and Director of the Child Advocacy Program, conclude that adoption by age 4-6 months is key. In addition, every year in care reduces the odds of adoption 25 percent. After 4 years, a child's statistical chances of being adopted from foster care are zero.