

## SB1079: REQUIRING TIMELY COURT HEARINGS FOR KIDS IN FOSTER CARE

Frequent and unnecessary delays in the court cases of Arizona’s foster children add years to a child’s time in state care. Each court continuance delays permanency for a child up to four months.<sup>1</sup> Timely hearings are a matter of due process for all parties and delays are costly to families, children, and taxpayers alike. Senate Bill 1079 requires attorneys and courts to comply with statutory timelines that help children exit care in a timely manner.

### KEY ELEMENTS

In a 2021 U.S. Department of Health and Human Services report, Arizona failed to meet federal permanency goals due to unnecessary court delays.<sup>2</sup> The report noted that trial continuances added significantly to the time children spend in care.<sup>3</sup>

Adhering to court timelines improves rates of reunification and adoption.<sup>4</sup>

For children needing adoption, the odds of adoption decrease 22% each year.<sup>5</sup> Streamlining their court cases is critical to improving their odds of adoption and reducing the aging out epidemic.

### SENATE BILL 1079

- Codifies existing court timeframes and continuance standards found in Juvenile Court Rules.
- Limits unnecessary court delays by requiring a party to show “extraordinary circumstances” for a continuance over 30 days, such as acts or omissions that are unforeseen or unavoidable.
- Prohibits lengthy trial continuances unless the court makes a written finding that substantial evidence exists that the continuance serves the child.

When we met Emily,\* she looked like a typical teen with pink highlights and a Billie Eilish t-shirt. But unlike most teens, Emily had been in foster care since she was four. Due to court delays, she wasn’t free for adoption until she was eight, giving her virtually no chance at a family. Still in foster care at 16, Emily had moved 40-plus times. Federal law requires children to have permanent homes as soon as possible, but according to a 2021 U.S. Department of Health and Human Services review, *“No state achieved substantial conformity with the permanency outcome.”* According to HHS, failure comes down to an excess number of court delays.

\*Details have been changed to protect the child’s identity.

[genjustice.org](https://genjustice.org)

<sup>1</sup>Alicia Summers, “Exploring the Relationship Between Hearing Quality and Case Outcomes in New York,” *New York State Unified Court System Child Welfare Improvement Project* (2017).

<sup>2</sup>“CFSR Round 3 Report for Legal and Judicial Communities,” *U.S. Department of Health and Human Services* (2021).

<sup>3</sup>Ibid; “Child and Family Services Review: Program Improvement Plan,” *Arizona Department of Child Safety* (Reissued 2017).

<sup>4</sup>Summers (2017).

<sup>5</sup>Andrew E. Zinn and Jack Slowriver, “Expediting Permanency: Legal Representation for Foster Children in Palm Beach County,” *Chapin Hall Center for Children* (2008).