

State of Arizona
Senate
Fifty-first Legislature
Second Special Session
2014

SENATE BILL 1001

AN ACT

AMENDING SECTION 5-572, ARIZONA REVISED STATUTES; CHANGING THE DESIGNATION OF TITLE 8, ARIZONA REVISED STATUTES, TO "CHILD SAFETY"; AMENDING SECTIONS 8-101, 8-106.01, 8-113, 8-141, 8-142, 8-161, 8-171, 8-201, 8-201.01, 8-202, 8-241, 8-242, 8-243.01, 8-271, 8-303, 8-304 AND 8-341.01, ARIZONA REVISED STATUTES; AMENDING TITLE 8, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 4; TRANSFERRING AND RENUMBERING SECTION 41-1969.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, CHAPTER 220, SECTION 5, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS SECTION 8-471; AMENDING SECTION 8-471, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 8, ARTICLE 1, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 41, CHAPTER 14, ARIZONA REVISED STATUTES, AS ARTICLE 5; TRANSFERRING AND RENUMBERING SECTIONS 8-651 AND 8-652, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 41, CHAPTER 14, ARTICLE 5, ARIZONA REVISED STATUTES, AS SECTIONS 41-2021 AND 41-2022, RESPECTIVELY; REPEALING THE CHAPTER HEADING OF FORMER TITLE 8, CHAPTER 8, ARIZONA REVISED STATUTES; CHANGING THE DESIGNATION OF TITLE 41, CHAPTER 14, ARTICLE 5, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT, TO "EARLY INTERVENTION PROGRAMS AND SERVICES FOR INFANTS AND TODDLERS"; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 9, ARTICLE 1, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 3; TRANSFERRING AND RENUMBERING SECTION 8-701, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARTICLE 3, ARIZONA REVISED STATUTES, AS SECTION 8-481; REPEALING THE CHAPTER HEADING OF FORMER TITLE 8, CHAPTER 9, ARIZONA REVISED

STATUTES; CHANGING THE DESIGNATION OF TITLE 8, CHAPTER 4, ARTICLE 3, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT, TO "HEALTHY FAMILIES PROGRAM"; AMENDING SECTION 8-481, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT; REPEALING TITLE 8, CHAPTER 11, ARIZONA REVISED STATUTES; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 4; REPEALING THE CHAPTER HEADING OF FORMER TITLE 8, CHAPTER 5, ARIZONA REVISED STATUTES; CHANGING THE DESIGNATION OF TITLE 8, CHAPTER 4, ARTICLE 4, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT, TO "CHILD WELFARE AND PLACEMENT"; AMENDING SECTION 8-501, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; REPEALING SECTION 8-502, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; AMENDING SECTIONS 8-503.01, 8-506, 8-506.01, 8-507, 8-512, 8-514.01, 8-514.03, 8-514.04, 8-514.05, 8-520, 8-521 AND 8-525, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 5, ARTICLE 2, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 5; AMENDING SECTIONS 8-531, 8-532 AND 8-533, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 5, ARTICLE 4, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 6; AMENDING SECTION 8-548.05, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 5, ARTICLE 5, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 7; REPEALING SECTION 8-550, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 6, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 36, ARIZONA REVISED STATUTES, AS CHAPTER 39; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 36, CHAPTER 39, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 1; TRANSFERRING AND RENUMBERING SECTIONS 8-551, 8-552, 8-553, 8-554, 8-555, 8-556, 8-557, 8-558, 8-560, 8-561, 8-564, 8-565, 8-566, 8-567 AND 8-568, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 36, CHAPTER 39, ARTICLE 1, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS SECTIONS 36-3901, 36-3902, 36-3903, 36-3904, 36-3905, 36-3906, 36-3907, 36-3908, 36-3909, 36-3910, 36-3911, 36-3912, 36-3913, 36-3914 AND 36-3915, RESPECTIVELY; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 7, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 25, ARIZONA REVISED STATUTES, AS CHAPTER 10; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 25, CHAPTER 10, ARIZONA REVISED STATUTES, AS ARTICLE 1; TRANSFERRING AND RENUMBERING SECTION 8-601, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 25, CHAPTER 10, ARTICLE 1, AS ADDED BY THIS ACT, AS SECTION 25-1401; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 10, ARTICLE 1, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 8; REPEALING THE CHAPTER HEADING OF FORMER TITLE 8, CHAPTER 10, ARIZONA REVISED STATUTES; CHANGING THE DESIGNATION OF TITLE 8, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT, TO "DEPENDENT CHILDREN"; REPEALING SECTION 8-800, ARIZONA REVISED STATUTES, AS TRANSFERRED

BY THIS ACT; AMENDING SECTION 8-801, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; AMENDING SECTION 8-802, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, FIRST SPECIAL SESSION, CHAPTER 5, SECTION 1 AND AS TRANSFERRED BY THIS ACT; REPEALING SECTION 8-802, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, CHAPTER 220, SECTION 2 AND AS TRANSFERRED BY THIS ACT; AMENDING SECTIONS 8-803, 8-804, 8-806, 8-807, 8-808, 8-810, 8-811, 8-812, 8-814, 8-816, 8-817 AND 8-818, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 10, ARTICLE 2, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 9; AMENDING SECTIONS 8-821, 8-823, 8-824, 8-825 AND 8-830, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 10, ARTICLE 3, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 10; AMENDING SECTIONS 8-843, 8-845 AND 8-846, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 10, ARTICLE 4, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 11; AMENDING SECTION 8-862, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 10, ARTICLE 5, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 12; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 10, ARTICLE 6, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 13; AMENDING SECTIONS 8-881, 8-882, 8-883 AND 8-884, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 10, ARTICLE 7, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 14; AMENDING SECTION 8-891, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; AMENDING SECTIONS 12-692, 13-2929, 13-3620, 13-3623.01, 15-765, 15-825, 15-1181, 15-1204, 25-403.03, 25-807, 32-3271, 35-101, 35-148, 36-324, 36-558.01, 36-664, 36-698, 36-883, 36-1201, 36-2282, 36-2284, 36-2901, 36-2906, 36-2930, 36-2988, 36-3434, 36-3435, 36-3501 AND 36-3502, ARIZONA REVISED STATUTES; AMENDING SECTION 36-3903, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT; AMENDING SECTION 41-191.09, ARIZONA REVISED STATUTES; AMENDING SECTION 41-619.51, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, CHAPTER 128, SECTION 11; REPEALING SECTION 41-619.51, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, CHAPTER 129, SECTION 24; AMENDING SECTIONS 41-619.52, 41-619.53, 41-619.57, 41-621 AND 41-803, ARIZONA REVISED STATUTES; AMENDING SECTION 41-1005, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, FIRST SPECIAL SESSION, CHAPTER 10, SECTION 10; REPEALING LAWS 2013, CHAPTER 231, SECTION 3; REPEALING SECTION 41-1005, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, CHAPTER 231, SECTION 4; AMENDING SECTIONS 41-1092.02, 41-1376, 41-1380 AND 41-1750, ARIZONA REVISED STATUTES; AMENDING SECTION 41-1758, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, CHAPTER 128, SECTION 12 AND CHAPTER 174, SECTION 2; REPEALING SECTION 41-1758, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, CHAPTER 129, SECTION 25; AMENDING SECTION 41-1954, ARIZONA REVISED STATUTES; REPEALING SECTION 41-1969.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, FIRST SPECIAL SESSION, CHAPTER 5, SECTION 9; AMENDING SECTION 41-2021, ARIZONA REVISED STATUTES, AS

TRANSFERRED AND RENUMBERED BY THIS ACT; AMENDING SECTIONS 41-2501, 41-2636 AND 41-2752, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3024.06; AMENDING SECTIONS 41-3802, 41-3804, 43-613, 43-1505, 46-101 AND 46-134, ARIZONA REVISED STATUTES; TRANSFERRING AND RENUMBERING SECTION 46-139, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS SECTION 8-462; AMENDING SECTIONS 46-141, 46-295, 46-300.05, 46-803 AND 46-806, ARIZONA REVISED STATUTES; AMENDING LAWS 2012, CHAPTER 50, SECTION 1, AS AMENDED BY LAWS 2013, CHAPTER 220, SECTION 6; RELATING TO CHILD SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 5-572, Arizona Revised Statutes, is amended to
3 read:

4 5-572. Use of monies in state lottery fund; report

5 A. If there are any bonds or bond related obligations payable from the
6 state lottery revenue bond debt service fund, the state lottery revenue bond
7 debt service fund shall be secured by a first lien on the monies in the state
8 lottery fund after the payment of operating costs of the lottery, as
9 prescribed in section 5-555, subsection A, paragraph 1, until the state
10 lottery bond debt service fund contains sufficient monies to meet all the
11 requirements for the current period as required by the bond documents. Debt
12 service for revenue bonds issued pursuant to this chapter shall be paid first
13 from monies that would have otherwise been deposited pursuant to this section
14 in the state general fund. After the requirements for the current period
15 have been satisfied as required by the bond documents, the monies in the
16 state lottery fund shall be expended for the expenses of the commission
17 incurred in carrying out its powers and duties and in the operation of the
18 lottery.

19 B. Of the monies remaining in the state lottery fund each fiscal year
20 after appropriations and deposits authorized in subsection A of this section,
21 ten million dollars shall be deposited in the Arizona game and fish
22 commission heritage fund established by section 17-297.

23 C. Of the monies remaining in the state lottery fund each fiscal year
24 after appropriations and deposits authorized in subsections A and B of this
25 section, five million dollars shall be allocated to the department of
26 ~~economic security~~ CHILD SAFETY for the healthy families program established
27 by section ~~8-701~~ 8-481, four million dollars shall be allocated to the
28 Arizona board of regents for the Arizona area health education system
29 established by section 15-1643, three million dollars shall be allocated to
30 the department of health services to fund the teenage pregnancy prevention
31 programs established in Laws 1995, chapter 190, sections 2 and 3, two million
32 dollars shall be allocated to the department of health services for the
33 health start program established by section 36-697, two million dollars shall
34 be deposited in the disease control research fund established by section
35 36-274 and one million dollars shall be allocated to the department of health
36 services for the federal women, infants and children food program. The
37 allocations in this subsection shall be adjusted annually according to
38 changes in the GDP price deflator as defined in section 41-563 and the
39 allocations are exempt from the provisions of section 35-190 relating to
40 lapsing of appropriations. If there are not sufficient monies available
41 pursuant to this subsection, the allocation of monies for each program shall
42 be reduced on a pro rata basis.

43 D. If the state lottery director determines that monies available to
44 the state general fund may not equal eighty-four million one hundred fifty
45 thousand dollars in a fiscal year, the director shall not authorize deposits

1 to the Arizona game and fish commission heritage fund pursuant to subsection
2 B of this section until the deposits to the state general fund equal
3 eighty-four million one hundred fifty thousand dollars in a fiscal year.

4 E. Of the monies remaining in the state lottery fund each fiscal year
5 after appropriations and deposits authorized in subsections A through D of
6 this section, one million dollars or the remaining balance in the fund,
7 whichever is less, is appropriated to the department of economic security for
8 grants to nonprofit organizations, including faith based organizations, for
9 homeless emergency and transitional shelters and related support services.
10 The department of economic security shall submit a report on the amounts,
11 recipients, purposes and results of each grant to the governor, the speaker
12 of the house of representatives and the president of the senate on or before
13 December 31 of each year for the prior fiscal year and shall provide a copy
14 of this report to the secretary of state.

15 F. Of the monies remaining in the state lottery fund each fiscal year
16 after appropriations and deposits authorized in subsections A through E of
17 this section, and after a total of at least ninety-nine million six hundred
18 forty thousand dollars has been deposited in the state general fund, three
19 million five hundred thousand dollars shall be deposited in the Arizona
20 competes fund established by section 41-1545.01. The balance in the state
21 lottery fund remaining after deposits into the Arizona competes fund shall be
22 deposited in the university capital improvement lease-to-own and bond fund
23 established by section 15-1682.03, up to a maximum of eighty per cent of the
24 total annual payments of lease-to-own and bond agreements entered into by the
25 Arizona board of regents.

26 G. All monies remaining in the state lottery fund after the
27 appropriations and deposits authorized in this section shall be deposited in
28 the state general fund.

29 H. Except for monies expended for debt service of revenue bonds as
30 provided in subsection A of this section, monies expended under subsection A
31 of this section are subject to legislative appropriation.

32 Sec. 2. Heading change

33 The title heading of title 8, Arizona Revised Statutes, is changed from
34 "CHILDREN" to "CHILD SAFETY".

35 Sec. 3. Section 8-101, Arizona Revised Statutes, is amended to read:

36 8-101. Definitions

37 In this article, unless the context otherwise requires:

38 1. "Adult" means a person eighteen years of age or older.

39 2. "Agency" means a person other than the division licensed by the
40 division to place children for adoption, including an attorney or law firm.

41 3. "Agency placement adoption" means an adoption proceeding in which
42 one or more of the requisite consents are given to an agency pursuant to
43 section 8-107, subsection D, paragraph 1.

1 a direct placement adoption. The department shall provide a certificate
2 signed by the state registrar of vital statistics stating that a diligent
3 search has been made of the registry of notices of claims of paternity from
4 putative fathers listing all filings found or stating that no filing has been
5 found pertaining to the father of the child in question.

6 C. If the court determines the claimant is not the child's father it
7 shall notify the department of health services and shall order the department
8 to remove that person's name from the putative fathers registry.

9 D. If the mother denies that the putative father filing the notice of
10 a claim of paternity is the father, the department of health services shall
11 notify the putative father of his responsibility to establish paternity.

12 E. A putative father who does not file a notice of a claim of
13 paternity as required under this section waives his right to be notified of
14 any judicial hearing regarding the child's adoption and his consent to the
15 adoption is not required, unless he proves, by clear and convincing evidence,
16 both of the following:

17 1. It was not possible for him to file a notice of a claim of
18 paternity within the period of time specified in subsection B of this
19 section.

20 2. He filed a notice of a claim of paternity within thirty days after
21 it became possible for him to file.

22 F. Lack of knowledge of the pregnancy is not an acceptable reason for
23 failure to file. The fact that the putative father had sexual intercourse
24 with the mother is deemed to be notice to the putative father of the
25 pregnancy.

26 G. When a certificate provided pursuant to subsection B of this
27 section is received by the court, the division, a licensed adoption agency or
28 a licensed attorney participating or assisting in a direct placement adoption
29 from the department that lists filings of a putative father or fathers, the
30 putative father or fathers who filed timely notices of claims of paternity
31 and who have not previously been served shall be served with the notice
32 prescribed in section 8-106, subsection G. A putative father who fails to
33 file a paternity action pursuant to title 25, chapter 6, article 1 within
34 thirty days of completion of service of the notice prescribed in section
35 8-106 is barred from bringing or maintaining any action to assert any
36 interest in the child.

37 H. If in any adoption proceeding there is not a showing that a
38 putative father has consented to the adoption or has waived his rights
39 regarding the proposed adoption, the petitioner shall file with the court,
40 before the court enters a final decree of adoption, a certificate from the
41 department of health services signed by the state registrar of vital
42 statistics stating that a diligent search has been made of the registry of
43 notices of claims of paternity from putative fathers and that no filing has
44 been found pertaining to the father of the child in question.

1 Sec. 5. Section 8-113, Arizona Revised Statutes, is amended to read:

2 8-113. Removal from home; expedited hearings; probationary
3 period; rights and responsibilities; visitation
4 limitations

5 A. A child who has been placed in a certified adoptive home by any
6 agency or the division shall not be removed from the home except on order of
7 the juvenile court. The agency or the division may request a hearing for
8 removal before the juvenile court, and in those cases, a hearing shall be
9 held not less than ten days after notice has been given to the certified
10 prospective adoptive parent or parents.

11 B. This section does not prohibit prospective adoptive parents from
12 voluntarily returning any child to the placing agency or the division or does
13 not prevent the removal of a child pursuant to section 8-456 OR 8-821 ~~or~~
14 ~~8-802~~.

15 C. Pending the final adoption hearing, the child is subject to further
16 investigation by the division, an officer of the court or an agency that is
17 required to do the social study pursuant to section 8-105.

18 D. The court shall hold the hearing on the petition:

19 1. Within sixty days if the child has resided in the home of the
20 prospective adoptive parent or parents for at least one year immediately
21 preceding the filing of the petition for adoption. If the prospective
22 adoptive parent is the stepparent of the child, this requirement applies only
23 if the stepparent has been married to the birth or legal parent of the child
24 for at least one year.

25 2. Within ninety days if the child is under three years of age or has
26 resided in the home of the prospective adoptive parent or parents for at
27 least six months preceding the filing of the petition for adoption. If the
28 prospective adoptive parent is the stepparent of the child, this requirement
29 applies only if the stepparent has been married to the birth or legal parent
30 of the child for at least one year.

31 3. In all other cases, within six months after the filing of the
32 petition for adoption.

33 E. If subsection D, paragraph 1 or 2 of this section applies, the
34 petitioner shall file a notification of that fact with the petition to adopt.

35 F. The court shall postpone a hearing scheduled to be held pursuant to
36 subsection D of this section if the court has not received the results of the
37 criminal records check at least forty-eight hours before the final hearing.
38 The court shall reschedule the hearing within twenty-one days after receiving
39 the results.

40 G. The court or the petitioner may postpone the final hearing up to
41 sixty days in order to give notice to any interested party or for other good
42 cause.

1 H. The court shall hold an expedited hearing on a motion that is
2 supported by a sworn affidavit that the expedited hearing is in the child's
3 best interests and that any of the following is true:

4 1. The child is suffering from a chronically debilitating, progressive
5 or fatal disease as diagnosed by a licensed physician.

6 2. A prospective adoptive parent, birth parent or legal parent is
7 terminally ill, as diagnosed by a licensed physician.

8 3. The court finds other compelling reasons relating to the special
9 needs and welfare of the child to expedite the hearing.

10 I. During the probationary period or any extension, prospective
11 adoptive parents who have complied with the provisions of this chapter have
12 the following rights and responsibilities with respect to the child:

13 1. The right to physical custody of the child unless the child is
14 removed by order of the juvenile court after notice and a hearing.

15 2. The right to consent to necessary medical procedures for the child.

16 3. The right to consent to participation in social and athletic
17 activities for the child.

18 4. The responsibility to provide proper care and support for the child
19 in addition to that already provided by the placing agency or division.

20 5. The right to refuse visitation between the child and a birth parent
21 if that parent's rights have been terminated pending appeal unless the
22 juvenile court orders visitation.

23 6. On request, the right to be notified by the agency or the division
24 of and to participate in all meetings in which the division is making
25 decisions relating to the child in the prospective adoptive home.

26 7. On request, the right to notification from the agency or the
27 division of an appeal of the termination of the birth parent's parental
28 rights.

29 Sec. 6. Section 8-141, Arizona Revised Statutes, is amended to read:
30 8-141. Definitions; exception

31 A. In this article, unless the context otherwise requires:

32 1. "Adoption subsidy" means a grant that is provided to a child with
33 special needs and that has been applied for through the department.

34 2. "Agency" means the department or a child welfare agency ~~which~~ THAT
35 is authorized in its license issued by the department to place or care for
36 children in foster care.

37 3. "Application" means the completion of the department application
38 form with documentation of the child's special needs.

39 4. "Child" means any person who is under the age of eighteen years,
40 who is legally free for adoption and who otherwise may not be adopted because
41 the person has special needs.

42 ~~5. "Department" means the department of economic security.~~

43 ~~6.~~ 5. "Developmental disability" has the same meaning as provided in
44 section 36-551.

1 ~~7.~~ 6. "Emotional disturbance" means a condition which impedes the
2 child's ordinary developmental progress as defined by accepted psychiatric or
3 psychological standards and as diagnosed by one or more psychiatrists or
4 psychologists approved by the department.

5 ~~8.~~ 7. "Emotional ties" includes:

6 (a) Identification of the child as a member of the foster family.

7 (b) Identification by the foster family of the child as belonging to
8 that family.

9 (c) The likelihood that the child will not establish significant
10 emotional ties to another family if he is denied permanent placement with the
11 foster family.

12 ~~9.~~ 8. "High risk of physical or mental disease" means a potentially
13 debilitating condition as defined by accepted standards of the health service
14 profession and as certified by one or more health service providers approved
15 by the department.

16 ~~10.~~ 9. "High risk of severe emotional disturbance if removed from the
17 care of his foster parents" means the development of significant emotional
18 ties to the foster family as documented by the child's case manager and as
19 diagnosed by a psychiatrist or psychologist approved by the department.

20 ~~11.~~ 10. "Mental disability" means a lifelong condition which is
21 characterized by impaired intellectual development and impedes the ability to
22 function independently as defined by accepted national standards and as
23 certified by a psychologist, physician or child development specialist
24 approved by the department.

25 ~~12.~~ 11. "Physical disability" means one of the following conditions:

26 (a) A chronically debilitating, progressive or fatal disease which
27 requires assistance for the child in activities of daily living.

28 (b) The requirement of assistance of another person or mechanical
29 device for movement from place to place.

30 ~~13.~~ 12. "Racial or ethnic factors" means Black, Hispanic, Native
31 American, Asian or other heritage which may prevent a child from being
32 adopted by a family of similar racial or ethnic origin.

33 ~~14.~~ 13. "Special needs" means one or more of the following conditions
34 which existed before the finalization of adoption:

35 (a) Physical, mental or developmental disability.

36 (b) Emotional disturbance.

37 (c) High risk of physical or mental disease.

38 (d) High risk of developmental disability.

39 (e) Age of six or more years at the time of application for an
40 adoption subsidy.

41 (f) Sibling relationship.

42 (g) Racial or ethnic factors.

43 (h) High risk of severe emotional disturbance if removed from the care
44 of his foster parents.

45 (i) Any combination of the special needs described in this paragraph.

1 B. The condition described in subsection A, paragraph ~~14~~ 13,
2 subdivision (h), is not a special need unless the foster care relationship
3 existed before the foster adoption placement was made.

4 Sec. 7. Section 8-142, Arizona Revised Statutes, is amended to read:
5 8-142. Adoption subsidy program; funding; claims; limitation

6 A. The department ~~of economic security~~ shall establish and administer
7 an ongoing program of subsidized adoption. Adoption subsidies shall be
8 provided from monies appropriated to the department or made available to it
9 from other sources.

10 B. The department ~~of economic security~~ shall not pay claims for a
11 special services subsidy ~~which~~ THAT are submitted more than nine months after
12 the date of the service for which payment is claimed except as authorized by
13 rules of the department.

14 C. The department ~~of economic security~~ shall not consider an applicant
15 for a state adoption subsidy until the applicant has applied for all existing
16 federal eligibility categories under the title IV-E program.

17 D. The total amount that may be expended in any fiscal year by the
18 department ~~of economic security~~ for the adoption subsidy program shall not
19 exceed the amount appropriated in the general appropriations act for the
20 program and any monies granted by the federal government, together with
21 additional amounts appropriated for the program by any special legislative
22 appropriation. Transfers of monies between and among classes and programs
23 shall continue to be permitted in accordance with the provisions of section
24 35-173.

25 Sec. 8. Section 8-161, Arizona Revised Statutes, is amended to read:
26 8-161. Definitions

27 In this article, unless the context otherwise requires:

28 1. "Application" means the completion of the department application
29 form with documentation of the child's special needs and nonrecurring
30 expenses related to the adoption.

31 2. "Child" means a person who is under the age of eighteen years and
32 who is adopted in this state or placed for adoption from this state.

33 ~~3. "Department" means the department of economic security.~~

34 ~~4.~~ 3. "Nonrecurring adoption expenses" means reasonable and necessary
35 adoption fees, court costs, attorney fees and expenses which are directly
36 related to the legal process of adoption of a child with special needs
37 including costs relating to the adoption study, health and psychological
38 examinations, supervision of the placement before the adoption,
39 transportation and reasonable costs of lodging and food for the child or
40 adoptive parents which are incurred to complete the adoption process, meet
41 federal requirements and are not reimbursed by other sources.

42 ~~5.~~ 4. "Special needs" has the same meaning as provided in section
43 8-141.

1 Sec. 9. Section 8-171, Arizona Revised Statutes, is amended to read:

2 8-171. Definitions

3 In this article, unless the context otherwise requires:

4 1. "Adoption assistance" means payments, medical assistance or
5 benefits provided by an adoption assistance state pursuant to applicable
6 federal and state laws.

7 2. "Adoption assistance state" means a state that is a signatory to an
8 interstate adoption assistance compact.

9 ~~3. "Department" means the department of economic security.~~

10 ~~4.~~ 3. "State" means a state, district, commonwealth or territory of
11 the United States.

12 Sec. 10. Section 8-201, Arizona Revised Statutes, is amended to read:

13 8-201. Definitions

14 In this title, unless the context otherwise requires:

15 1. "Abandoned" means the failure of the parent to provide reasonable
16 support and to maintain regular contact with the child, including providing
17 normal supervision. Abandoned includes a judicial finding that a parent has
18 made only minimal efforts to support and communicate with the child. Failure
19 to maintain a normal parental relationship with the child without just cause
20 for a period of six months constitutes prima facie evidence of abandonment.

21 2. "Abuse" means the infliction or allowing of physical injury,
22 impairment of bodily function or disfigurement or the infliction of or
23 allowing another person to cause serious emotional damage as evidenced by
24 severe anxiety, depression, withdrawal or untoward aggressive behavior and
25 which emotional damage is diagnosed by a medical doctor or psychologist and
26 is caused by the acts or omissions of an individual ~~having~~ WHO HAS THE care,
27 custody and control of a child. Abuse includes:

28 (a) Inflicting or allowing sexual abuse pursuant to section 13-1404,
29 sexual conduct with a minor pursuant to section 13-1405, sexual assault
30 pursuant to section 13-1406, molestation of a child pursuant to section
31 13-1410, commercial sexual exploitation of a minor pursuant to section
32 13-3552, sexual exploitation of a minor pursuant to section 13-3553, incest
33 pursuant to section 13-3608 or child prostitution pursuant to section
34 13-3212.

35 (b) Physical injury that results from permitting a child to enter or
36 remain in any structure or vehicle in which volatile, toxic or flammable
37 chemicals are found or equipment is possessed by any person for the purpose
38 of manufacturing a dangerous drug as defined in section 13-3401.

39 (c) Unreasonable confinement of a child.

40 3. "Adult" means a person who is eighteen years of age or older.

41 4. "Adult court" means the appropriate justice court, municipal court
42 or criminal division of the superior court that has jurisdiction to hear
43 proceedings concerning offenses committed by juveniles as provided in
44 sections 8-327 and 13-501.

- 1 5. "Award" or "commit" means to assign legal custody.
2 6. "Child", "youth" or "juvenile" means an individual who is under the
3 age of eighteen years.
4 7. "Complaint" means a written statement of the essential facts
5 constituting a public offense that is any of the following:
6 (a) Made on an oath before a judge or commissioner of the superior
7 court or an authorized juvenile hearing officer.
8 (b) Made pursuant to section 13-3903.
9 (c) Accompanied by an affidavit of a law enforcement officer or
10 employee that swears on information and belief to the accuracy of the
11 complaint pursuant to section 13-4261.
12 8. "CRIMINAL CONDUCT ALLEGATION" MEANS AN ALLEGATION OF CONDUCT BY A
13 PARENT, GUARDIAN OR CUSTODIAN OF A CHILD OR AN ADULT MEMBER OF THE VICTIM'S
14 HOUSEHOLD THAT, IF TRUE, WOULD CONSTITUTE ANY OF THE FOLLOWING:
15 (a) A VIOLATION OF SECTION 13-3623 INVOLVING CHILD ABUSE.
16 (b) A FELONY OFFENSE THAT CONSTITUTES DOMESTIC VIOLENCE AS DEFINED IN
17 SECTION 13-3601.
18 (c) A VIOLATION OF SECTION 13-1404 OR 13-1406 INVOLVING A MINOR.
19 (d) A VIOLATION OF SECTION 13-1405, 13-1410 OR 13-1417.
20 (e) ANY OTHER ACT OF ABUSE THAT IS CLASSIFIED AS A FELONY.
21 (f) AN OFFENSE THAT CONSTITUTES DOMESTIC VIOLENCE AS DEFINED IN
22 SECTION 13-3601 AND THAT INVOLVES A MINOR WHO IS A VICTIM OF OR WAS IN
23 IMMINENT DANGER DURING THE DOMESTIC VIOLENCE.
24 ~~8-~~ 9. "Custodian" means a person, other than a parent or legal
25 guardian, who stands in loco parentis to the child or a person to whom legal
26 custody of the child has been given by order of the juvenile court.
27 ~~9-~~ 10. "Delinquency hearing" means a proceeding in the juvenile court
28 to determine whether a juvenile has committed a specific delinquent act as
29 set forth in a petition.
30 ~~10-~~ 11. "Delinquent act" means an act by a juvenile that if committed
31 by an adult would be a criminal offense or a petty offense, a violation of
32 any law of this state, or of another state if the act occurred in that state,
33 or a law of the United States, or a violation of any law that can only be
34 violated by a minor and that has been designated as a delinquent offense, or
35 any ordinance of a city, county or political subdivision of this state
36 defining crime. Delinquent act does not include an offense under section
37 13-501, subsection A or B if the offense is filed in adult court. Any
38 juvenile who is prosecuted as an adult or who is remanded for prosecution as
39 an adult shall not be adjudicated as a delinquent juvenile for the same
40 offense.
41 ~~11-~~ 12. "Delinquent juvenile" means a child who is adjudicated to have
42 committed a delinquent act.
43 ~~12-~~ 13. "Department" means the department of ~~economic security~~ CHILD
44 SAFETY.

1 ~~13-~~ 14. "Dependent child":
2 (a) Means a child who is adjudicated to be:
3 (i) In need of proper and effective parental care and control and who
4 has no parent or guardian, or one who has no parent or guardian willing to
5 exercise or capable of exercising such care and control.
6 (ii) Destitute or who is not provided with the necessities of life,
7 including adequate food, clothing, shelter or medical care.
8 (iii) A child whose home is unfit by reason of abuse, neglect, cruelty
9 or depravity by a parent, a guardian or any other person having custody or
10 care of the child.
11 (iv) Under eight years of age and who is found to have committed an
12 act that would result in adjudication as a delinquent juvenile or
13 incorrigible child if committed by an older juvenile or child.
14 (v) Incompetent or not restorable to competency and who is alleged to
15 have committed a serious offense as defined in section 13-706.
16 (b) Does not include a child who in good faith is being furnished
17 Christian Science treatment by a duly accredited practitioner if none of the
18 circumstances described in subdivision (a) of this paragraph exists.
19 ~~14-~~ 15. "Detention" means the temporary confinement of a juvenile who
20 requires secure care in a physically restricting facility that is completely
21 surrounded by a locked and physically secure barrier with restricted ingress
22 and egress for the protection of the juvenile or the community pending court
23 disposition or as a condition of probation.
24 16. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.
25 ~~15-~~ 17. "Health professional" has the same meaning prescribed in
26 section 32-3201.
27 ~~16-~~ 18. "Incorrigible child" means a child who:
28 (a) Is adjudicated as a child who refuses to obey the reasonable and
29 proper orders or directions of a parent, guardian or custodian and who is
30 beyond the control of that person.
31 (b) Is habitually truant from school as defined in section 15-803,
32 subsection C.
33 (c) Is a runaway from the child's home or parent, guardian or
34 custodian.
35 (d) Habitually behaves in such a manner as to injure or endanger the
36 morals or health of self or others.
37 (e) Commits any act constituting an offense that can only be committed
38 by a minor and that is not designated as a delinquent act.
39 (f) Fails to obey any lawful order of a court of competent
40 jurisdiction given in a noncriminal action.
41 ~~17-~~ 19. "Independent living program" includes a residential program
42 with supervision of less than twenty-four hours a day.
43 ~~18-~~ 20. "Juvenile court" means the juvenile division of the superior
44 court when exercising its jurisdiction over children in any proceeding
45 relating to delinquency, dependency or incorrigibility.

1 ~~19.~~ 21. "Law enforcement officer" means a peace officer, sheriff,
2 deputy sheriff, municipal police officer or constable.

3 ~~20.~~ 22. "Medical director of a mental health agency" means a
4 psychiatrist, or licensed physician experienced in psychiatric matters, who
5 is designated in writing by the governing body of the agency as the person in
6 charge of the medical services of the agency, or a psychiatrist designated by
7 the governing body to act for the director. The term includes the
8 superintendent of the state hospital.

9 ~~21.~~ 23. "Mental health agency" means any private or public facility
10 that is licensed by this state as a mental health treatment agency, a
11 psychiatric hospital, a psychiatric unit of a general hospital or a
12 residential treatment center for emotionally disturbed children and that uses
13 secure settings or mechanical restraints.

14 ~~22.~~ 24. "Neglect" or "neglected" means:

15 (a) The inability or unwillingness of a parent, guardian or custodian
16 of a child to provide that child with supervision, food, clothing, shelter or
17 medical care if that inability or unwillingness causes unreasonable risk of
18 harm to the child's health or welfare, except if the inability of a parent,
19 guardian or custodian to provide services to meet the needs of a child with a
20 disability or chronic illness is solely the result of the unavailability of
21 reasonable services.

22 (b) Permitting a child to enter or remain in any structure or vehicle
23 in which volatile, toxic or flammable chemicals are found or equipment is
24 possessed by any person for the purposes of manufacturing a dangerous drug as
25 defined in section 13-3401.

26 (c) A determination by a health professional that a newborn infant was
27 exposed prenatally to a drug or substance listed in section 13-3401 and that
28 this exposure was not the result of a medical treatment administered to the
29 mother or the newborn infant by a health professional. This subdivision does
30 not expand a health professional's duty to report neglect based on prenatal
31 exposure to a drug or substance listed in section 13-3401 beyond the
32 requirements prescribed pursuant to section 13-3620, subsection E. The
33 determination by the health professional shall be based on one or more of the
34 following:

35 (i) Clinical indicators in the prenatal period including maternal and
36 newborn presentation.

37 (ii) History of substance use or abuse.

38 (iii) Medical history.

39 (iv) Results of a toxicology or other laboratory test on the mother or
40 the newborn infant.

41 (d) Diagnosis by a health professional of an infant under one year of
42 age with clinical findings consistent with fetal alcohol syndrome or fetal
43 alcohol effects.

1 (e) Deliberate exposure of a child by a parent, guardian or custodian
2 to sexual conduct as defined in section 13-3551 or to sexual contact, oral
3 sexual contact or sexual intercourse as defined in section 13-1401,
4 bestiality as prescribed in section 13-1411 or explicit sexual materials as
5 defined in section 13-3507.

6 (f) Any of the following acts committed by the child's parent,
7 guardian or custodian with reckless disregard as to whether the child is
8 physically present:

9 (i) Sexual contact as defined in section 13-1401.

10 (ii) Oral sexual contact as defined in section 13-1401.

11 (iii) Sexual intercourse as defined in section 13-1401.

12 (iv) Bestiality as prescribed in section 13-1411.

13 ~~23-~~ 25. "Newborn infant" means a child who is under thirty days of
14 age.

15 ~~24-~~ 26. "Petition" means a written statement of the essential facts
16 that allege delinquency, incorrigibility or dependency.

17 ~~25-~~ 27. "Prevention" means the creation of conditions, opportunities
18 and experiences that encourage and develop healthy, self-sufficient children
19 and that occur before the onset of problems.

20 ~~26-~~ 28. "Protective supervision" means supervision that is ordered by
21 the juvenile court of children who are found to be dependent or incorrigible.

22 ~~27-~~ 29. "Referral" means a report that is submitted to the juvenile
23 court and that alleges that a child is dependent or incorrigible or that a
24 juvenile has committed a delinquent or criminal act.

25 30. "REPORT FOR INVESTIGATION" MEANS A REPORT PREPARED PURSUANT TO
26 SECTION 8-455, SUBSECTION D.

27 ~~28-~~ 31. "Secure care" means confinement in a facility that is
28 completely surrounded by a locked and physically secure barrier with
29 restricted ingress and egress.

30 ~~29-~~ 32. "Serious emotional injury" means an injury that is diagnosed
31 by a medical doctor or a psychologist and that does any one or a combination
32 of the following:

33 (a) Seriously impairs mental faculties.

34 (b) Causes serious anxiety, depression, withdrawal or social
35 dysfunction behavior to the extent that the child suffers dysfunction that
36 requires treatment.

37 (c) Is the result of sexual abuse pursuant to section 13-1404, sexual
38 conduct with a minor pursuant to section 13-1405, sexual assault pursuant to
39 section 13-1406, molestation of a child pursuant to section 13-1410, child
40 prostitution pursuant to section 13-3212, commercial sexual exploitation of a
41 minor pursuant to section 13-3552, sexual exploitation of a minor pursuant to
42 section 13-3553 or incest pursuant to section 13-3608.

43 ~~30-~~ 33. "Serious physical injury" means an injury that is diagnosed by
44 a medical doctor and that does any one or a combination of the following:

45 (a) Creates a reasonable risk of death.

- 1 (b) Causes serious or permanent disfigurement.
- 2 (c) Causes significant physical pain.
- 3 (d) Causes serious impairment of health.
- 4 (e) Causes the loss or protracted impairment of an organ or limb.
- 5 (f) Is the result of sexual abuse pursuant to section 13-1404, sexual
- 6 conduct with a minor pursuant to section 13-1405, sexual assault pursuant to
- 7 section 13-1406, molestation of a child pursuant to section 13-1410, child
- 8 prostitution pursuant to section 13-3212, commercial sexual exploitation of a
- 9 minor pursuant to section 13-3552, sexual exploitation of a minor pursuant to
- 10 section 13-3553 or incest pursuant to section 13-3608.

11 ~~31.~~ 34. "Shelter care" means the temporary care of a child in any
12 public or private facility or home that is licensed by this state and that
13 offers a physically nonsecure environment that is characterized by the
14 absence of physically restricting construction or hardware and that provides
15 the child access to the surrounding community.

16 Sec. 11. Section 8-201.01, Arizona Revised Statutes, is amended to
17 read:

18 8-201.01. Prohibitions

19 Notwithstanding any other provision of this chapter or chapter ~~10~~ 4,
20 ARTICLES 8, 9, 10, 11, 12, 13 AND 14 of this title:

21 1. A child who in good faith is being furnished Christian Science
22 treatment by a duly accredited practitioner shall not, for that reason alone,
23 be considered to be an abused, neglected or dependent child.

24 2. A child whose parent, guardian or custodian refuses to put the
25 child on a psychiatric medication or questions the use of a psychiatric
26 medication shall not be considered to be an abused, neglected or dependent
27 child for that reason alone.

28 Sec. 12. Section 8-202, Arizona Revised Statutes, is amended to read:

29 8-202. Jurisdiction of juvenile court

30 A. The juvenile court has original jurisdiction over all delinquency
31 proceedings brought under the authority of this title.

32 B. The juvenile court has exclusive original jurisdiction over all
33 proceedings brought under the authority of this title except for delinquency
34 proceedings.

35 C. The juvenile court may consolidate any matter, except that the
36 juvenile court shall not consolidate any of the following:

37 1. A criminal proceeding that is filed in another division of superior
38 court and that involves a child who is subject to the jurisdiction of the
39 juvenile court.

40 2. A delinquency proceeding with any other proceeding that does not
41 involve delinquency, unless the juvenile delinquency adjudication proceeding
42 is not heard at the same time or in the same hearing as a nondelinquency
43 proceeding.

1 D. The juvenile court has jurisdiction of proceedings to obtain
2 judicial consent to the marriage, employment or enlistment in the armed
3 services of a child, if consent is required by law.

4 E. The juvenile court has jurisdiction over both civil traffic
5 violations and offenses listed in section 8-323, subsection B that are
6 committed within the county by persons under eighteen years of age unless the
7 presiding judge of the county declines jurisdiction of these cases. The
8 presiding judge of the county may decline jurisdiction of civil traffic
9 violations committed within the county by juveniles if the presiding judge
10 finds that the declination would promote the more efficient use of limited
11 judicial and law enforcement resources located within the county. If the
12 presiding judge declines jurisdiction, juvenile civil traffic violations
13 shall be processed, heard and disposed of in the same manner and with the
14 same penalties as adult civil traffic violations.

15 F. The orders of the juvenile court under the authority of this
16 chapter or chapter ~~3,5~~ or ~~10~~ 4 of this title take precedence over any order
17 of any other court of this state except the court of appeals and the supreme
18 court to the extent that they are inconsistent with orders of other courts.

19 G. Except as otherwise provided by law, jurisdiction of a child that
20 is obtained by the juvenile court in a proceeding under this chapter or
21 chapter ~~3,5~~ or ~~10~~ 4 of this title shall be retained by it, for the purposes
22 of implementing the orders made and filed in that proceeding, until the child
23 becomes eighteen years of age, unless terminated by order of the court before
24 the child's eighteenth birthday.

25 H. Persons who are under eighteen years of age shall be prosecuted in
26 the same manner as adults if either:

27 1. The juvenile court transfers jurisdiction pursuant to section
28 8-327.

29 2. The juvenile is charged as an adult with an offense listed in
30 section 13-501.

31 Sec. 13. Section 8-241, Arizona Revised Statutes, is amended to read:
32 8-241. Fees on disposition

33 A. Notwithstanding section 8-243, the juvenile court shall order the
34 parent of a juvenile to pay a fee of not less than fifty dollars a month for
35 the supervision of the juvenile unless, after determining the inability of
36 the parent to pay the fee, the court orders payment of a lesser amount.

37 B. If:

38 1. The department of ~~economic security~~ CHILD SAFETY is the supervising
39 agency, all monies assessed pursuant to this section shall be ordered to be
40 paid and used as provided in section 8-243.01.

41 2. The juvenile probation office is the supervising agency, all monies
42 assessed pursuant to this section shall be ordered to be paid to the clerk of
43 the superior court. The clerk of the superior court shall pay all monies
44 collected from this fee to the county treasurer for deposit in the juvenile
45 probation fund to be used as provided in section 12-268. Any amount greater

1 than forty dollars of the fee assessed pursuant to this section shall only be
2 used to supplement monies currently used for the salaries of juvenile
3 probation and surveillance officers and for support of programs and services
4 of the superior court juvenile probation departments.

5 3. The department of juvenile corrections is the supervising agency,
6 all monies assessed pursuant to this section shall be ordered to be paid to
7 the department of juvenile corrections and shall be used to fund work
8 restitution programs for juveniles.

9 4. A person or another state agency or state institution is
10 responsible for supervision, all monies assessed pursuant to this section
11 shall be deposited, pursuant to sections 35-146 and 35-147, in the state
12 general fund.

13 C. If the juvenile was adopted or placed in permanent guardianship
14 after the juvenile was determined by the court to be a dependent child, the
15 juvenile court shall consider the totality of the child's circumstances and
16 the nature of the dependency. The juvenile court may waive all or part of
17 the fee prescribed by subsection A of this section if the juvenile court
18 determines extenuating circumstances exist.

19 Sec. 14. Section 8-242, Arizona Revised Statutes, is amended to read:
20 8-242. Evaluation and disposition of developmentally disabled
21 child

22 A. If evidence indicates that a child who is under the jurisdiction of
23 the court pursuant to this chapter, ~~or~~ chapter 3 or ~~10~~ CHAPTER 4, ARTICLES 8,
24 9, 10, 11, 12, 13 AND 14 of this title may be suffering from developmental
25 disabilities, the juvenile court shall order a study and report on the
26 child's condition.

27 B. If it appears from the study and the report that such child is
28 developmentally disabled and the child has been adjudicated dependent,
29 incorrigible or delinquent, the juvenile court shall hear the matter, and
30 such child shall be assigned by the juvenile court pursuant to section 8-341
31 or 8-845. If a developmentally disabled child is assigned by the juvenile
32 court to the department ~~of economic security~~, such assignment shall be
33 subject to the provisions of section 36-560.

34 C. If it appears from the study and report or hearing that the child
35 is not subject to assignment as a developmentally disabled child, the
36 juvenile court shall proceed in the manner as otherwise provided by this
37 chapter, ~~or~~ chapter 3 or ~~10~~ CHAPTER 4, ARTICLES 8, 9, 10, 11, 12, 13 AND 14
38 of this title.

39 Sec. 15. Section 8-243.01, Arizona Revised Statutes, is amended to
40 read:

41 8-243.01. Deposit of child support assessment monies

42 If a child, the child's estate or guardian, any other person or a
43 parent of a child in the custody of the department of ~~economic security~~ CHILD
44 SAFETY or a county juvenile probation office is assessed by the juvenile
45 court for the support of the child pursuant to section 8-241 or section

1 8-243, the department of ~~economic security~~ CHILD SAFETY shall deposit the
2 monies received in the children and family services training program fund
3 established pursuant to section 8-503.01.

4 Sec. 16. Section 8-271, Arizona Revised Statutes, is amended to read:
5 8-271. Definitions

6 In this article, unless the context otherwise requires:

7 1. "Dually adjudicated child" means a child who is found to be
8 dependent or temporarily subject to court jurisdiction pending an
9 adjudication of a dependency petition and who is alleged or found to have
10 committed a delinquent or incorrigible act.

11 2. "Entity" means the department of ~~economic security~~ CHILD SAFETY,
12 the department of juvenile corrections or a child welfare agency that has
13 been granted legal care, custody and control of a child by order of the
14 juvenile court and that is responsible for securing inpatient psychiatric
15 acute care services or residential treatment services for a child. Entity
16 includes a probation department or juvenile detention center that either
17 recommends or is ordered by the court to provide inpatient psychiatric acute
18 care services or residential treatment services for a child.

19 3. "Inpatient assessment" includes all of the following:

20 (a) The observation of a child's behavior while the child is in an
21 inpatient assessment facility.

22 (b) Psychological or psychiatric testing, if indicated.

23 (c) A determination as to whether a child needs inpatient psychiatric
24 acute care services and whether inpatient psychiatric acute care services are
25 the least restrictive available alternative.

26 (d) The administration of psychotropic medication and medication
27 monitoring, if necessary to complete the assessment or to prevent the child
28 from being a danger to self or others.

29 (e) A written report that summarizes the results of an inpatient
30 assessment, including specific recommendations for follow-up care.

31 (f) A psychiatric or psychological assessment, including a clinical
32 interview with a child.

33 (g) An explanation to a child of the least restrictive alternatives
34 available to meet the child's mental health needs.

35 (h) A determination as to whether the child may be suffering from a
36 mental disorder, is a danger to self or others or is persistently or acutely
37 disabled or gravely disabled, as defined in section 36-501.

38 (i) A review of a child's medical, social and psychological records,
39 if available.

40 4. "Level one behavioral health facility" means a behavioral health
41 service agency that is licensed by the department of health services and that
42 provides a structured treatment setting with twenty-four hour a day
43 supervision and an intensive treatment program.

- 1 5. "Outpatient assessment" includes all of the following:
2 (a) A psychiatric or psychological assessment, including a clinical
3 interview with a child.
4 (b) An explanation to a child of the least restrictive alternatives
5 available to meet the child's mental health needs if determined at the time
6 of the assessment.
7 (c) A determination as to whether the child may be suffering from a
8 mental disorder, is a danger to self or others or is persistently or acutely
9 disabled or gravely disabled.
10 (d) A review of a child's medical, social and psychological records,
11 if available.
12 (e) A determination as to whether the child needs an inpatient
13 assessment or inpatient psychiatric acute care services and whether an
14 inpatient assessment or inpatient psychiatric acute care services are the
15 least restrictive available alternative.
16 6. "Physician" means a person who is licensed pursuant to title 32,
17 chapter 13 or 17.
18 7. "Psychiatric acute care facility" or "inpatient assessment
19 facility" means a facility that is licensed by the department of health
20 services as a level one behavioral health facility and that provides
21 psychiatric acute care services.
22 8. "Psychiatric acute care services" means any of the following:
23 (a) Emergency or crisis behavioral health services.
24 (b) Psychiatric and psychological assessments and short-term intensive
25 behavioral health counseling and treatment for acute episodes or mental
26 disorders.
27 (c) Medication stabilization and twenty-four hour a day nursing care
28 for a child who suffers from acute psychiatric or mental disorders or who
29 needs to have a chronic mental illness stabilized.
30 9. "Psychiatrist" means a person who is licensed pursuant to title 32,
31 chapter 13 or 17.
32 10. "Psychologist" means a person who is licensed pursuant to title 32,
33 chapter 19.1.
34 11. "Residential treatment services" means services, other than
35 psychiatric acute care services, that are provided by a level one behavioral
36 health facility.
37 Sec. 17. Section 8-303, Arizona Revised Statutes, is amended to read:
38 8-303. Taking into temporary custody; interference; release;
39 separate custody; violation; classification
40 A. Except as provided in section 8-305, a juvenile taken into
41 temporary custody shall not be detained in a police station, jail or lockup
42 where adults charged with or convicted of a crime are detained.

1 B. A child shall be taken into temporary custody:
2 1. Pursuant to an order of the juvenile court.
3 2. Pursuant to a warrant issued according to the laws of arrest.
4 C. A juvenile may be taken into temporary custody:
5 1. By a peace officer pursuant to the laws of arrest, without a
6 warrant, if there are reasonable grounds to believe that the juvenile has
7 committed a delinquent act or the child is incorrigible.
8 2. By a peace officer if there are reasonable grounds to believe that
9 the child has run away from the child's parents, guardian or other custodian.
10 3. By a private person as provided by section 13-3884.
11 D. A peace officer shall take a juvenile into temporary custody
12 pursuant to the laws of arrest, with or without a warrant, when there are
13 reasonable grounds to believe that either:
14 1. The juvenile has committed a criminal act or a delinquent act which
15 if committed by an adult could be a felony or breach of the peace.
16 2. The juvenile has been apprehended in commission of a criminal act
17 or a delinquent act, which if committed by an adult would be a felony, or in
18 fresh pursuit.
19 E. A juvenile who is taken into temporary custody pursuant to
20 subsection D of this section may be released from temporary custody only to
21 the parents, guardian or custodian of the juvenile or to the juvenile court.
22 F. A person who knowingly interferes with the taking of a juvenile
23 into temporary custody under the provisions of this section is guilty of a
24 class 2 misdemeanor.
25 G. In determining if a child should be taken into custody under
26 subsection C of this section, the peace officer or child ~~protective services~~
27 ~~specialist~~ SAFETY WORKER may consider as a mitigating factor the
28 participation of the parent, guardian or custodian in the healthy families
29 program established by section ~~8-701~~ 8-481.
30 Sec. 18. Section 8-304, Arizona Revised Statutes, is amended to read:
31 8-304. Investigation of alleged acts of delinquency, dependency
32 and incorrigibility
33 A. The law enforcement officer having jurisdiction in the place in
34 which an act of delinquency or incorrigibility is alleged to have occurred
35 ~~shall have the responsibility~~ IS RESPONSIBLE for the complete investigation
36 surrounding the alleged commission of the act.
37 B. A ~~child protective services specialist of the~~ department ~~shall have~~
38 ~~the responsibility~~ INVESTIGATOR IS RESPONSIBLE for the complete investigation
39 of all complaints of alleged dependency, and a criminal conduct allegation
40 shall be investigated in cooperation with the appropriate law enforcement
41 agencies and according to the protocols established pursuant to section
42 8-817. The department shall be responsible for the disposition of such child
43 unless the matter requires the intervention of the court. ~~For the purposes~~
44 ~~of this subsection, "criminal conduct allegation" has the same meaning~~
45 ~~prescribed in section 8-801.~~

1 Sec. 19. Section 8-341.01, Arizona Revised Statutes, is amended to
2 read:

3 8-341.01. Residential treatment services

4 A. If at a disposition hearing or a subsequent hearing the court
5 orders a delinquent juvenile or incorrigible child to receive residential
6 treatment services, other than psychiatric acute care services as defined in
7 section 8-271, the placement must be supported by a written psychological,
8 psychiatric or medical evaluation recommending residential treatment
9 services. The court may waive the written evaluation for good cause shown.

10 B. If the court orders a child to receive residential treatment
11 services, the court shall find by clear and convincing evidence that both:

12 1. The child requires residential treatment services to address the
13 child's behavioral, psychological, social or mental health needs.

14 2. Available alternatives to residential treatment services were
15 considered, but that residential treatment services are the least restrictive
16 alternative.

17 C. The court shall review the child's continuing need for residential
18 treatment services at least every sixty days after the date of the treatment
19 order. The residential treatment facility shall submit a progress report to
20 the court at least five days before the review and shall provide copies of
21 its report to all parties, including the child's attorney and guardian ad
22 litem. The progress report shall include the recommendations of the child's
23 treatment facility and shall include at least the following:

24 1. The nature of the treatment provided, including any medications and
25 the child's current diagnosis.

26 2. The child's need for continued residential treatment services,
27 including the estimated length of the services.

28 3. A projected discharge date.

29 4. The level of care required by the child and the potential placement
30 options that are available to the child on discharge.

31 5. A statement from the medical or clinical director of the
32 residential treatment services facility or the director's designee as to
33 whether residential treatment services are necessary to meet the child's
34 needs and whether the facility that is providing the residential treatment
35 services to the child is the least restrictive available alternative.

36 D. On its own motion or the motion of a party, the court may hold an
37 expedited hearing to review the continued placement of the child in
38 residential treatment.

39 E. If the child is also found to be dependent or is temporarily
40 subject to court jurisdiction pending an adjudication of a dependency
41 petition, the probation department shall notify the department of ~~economic~~
42 ~~security~~ CHILD SAFETY that placement of the child for residential treatment
43 services is being recommended. The department shall receive copies of any
44 reports relating to the child's placement for residential treatment services.
45 The department may attend and participate in all hearings and any other

1 proceedings relating to the placement or continued placement for residential
2 treatment services.

3 Sec. 20. Title 8, Arizona Revised Statutes, is amended by adding
4 chapter 4, to read:

5 CHAPTER 4
6 DEPARTMENT OF CHILD SAFETY
7 ARTICLE 1. GENERAL PROVISIONS

8 8-451. Department; purpose

9 A. THE DEPARTMENT OF CHILD SAFETY IS ESTABLISHED.

10 B. THE PRIMARY PURPOSE OF THE DEPARTMENT IS TO PROTECT CHILDREN. TO
11 ACHIEVE THIS PURPOSE, THE DEPARTMENT SHALL DO AND FOCUS EQUALLY ON THE
12 FOLLOWING:

13 1. INVESTIGATE REPORTS OF ABUSE AND NEGLECT.

14 2. ASSESS, PROMOTE AND SUPPORT THE SAFETY OF A CHILD IN A SAFE AND
15 STABLE FAMILY OR OTHER APPROPRIATE PLACEMENT IN RESPONSE TO ALLEGATIONS OF
16 ABUSE OR NEGLECT.

17 3. WORK COOPERATIVELY WITH LAW ENFORCEMENT REGARDING REPORTS THAT
18 INCLUDE CRIMINAL CONDUCT ALLEGATIONS.

19 4. WITHOUT COMPROMISING CHILD SAFETY, COORDINATE SERVICES TO ACHIEVE
20 AND MAINTAIN PERMANENCY ON BEHALF OF THE CHILD, STRENGTHEN THE FAMILY AND
21 PROVIDE PREVENTION, INTERVENTION AND TREATMENT SERVICES PURSUANT TO THIS
22 CHAPTER.

23 8-452. Director; appointment; qualifications; compensation

24 A. THE GOVERNOR SHALL APPOINT THE DIRECTOR OF THE DEPARTMENT PURSUANT
25 TO SECTION 38-211. THE DIRECTOR SERVES AT THE PLEASURE OF THE GOVERNOR.

26 B. AT A MINIMUM, THE DIRECTOR SHALL HAVE:

27 1. ADMINISTRATIVE EXPERIENCE IN THE PROTECTION OF CHILDREN FROM
28 MALTREATMENT AND IN FAMILY SUPPORT SERVICES.

29 2. QUALIFICATIONS AND TRAINING THAT ENABLE THE DIRECTOR TO MANAGE THE
30 AFFAIRS OF THE DEPARTMENT.

31 C. THE DIRECTOR IS ELIGIBLE TO RECEIVE COMPENSATION PURSUANT TO
32 SECTION 38-611.

33 8-453. Powers and duties

34 A. THE DIRECTOR SHALL:

35 1. CARRY OUT THE PURPOSES OF THE DEPARTMENT PRESCRIBED IN SECTION
36 8-451.

37 2. PROVIDE TRANSPARENCY BY BEING OPEN AND ACCOUNTABLE TO THE PUBLIC
38 FOR THE ACTIONS OF THE DEPARTMENT.

39 3. DEVELOP A DATA SYSTEM THAT ENABLES PERSONS AND ENTITIES THAT ARE
40 CHARGED WITH A RESPONSIBILITY RELATING TO CHILD SAFETY TO ACCESS ALL RELEVANT
41 INFORMATION RELATING TO AN ABUSED, NEGLECTED OR ABANDONED CHILD AS PROVIDED
42 BY LAW.

43 4. SUBJECT TO TITLE 41, CHAPTER 4, ARTICLE 4 AND, AS APPLICABLE,
44 ARTICLES 5 AND 6, EMPLOY DEPUTY DIRECTORS AND OTHER KEY PERSONNEL BASED ON
45 QUALIFICATIONS THAT ARE PRESCRIBED BY THE DIRECTOR.

1 5. ADOPT RULES TO IMPLEMENT THE PURPOSES OF THE DEPARTMENT AND THE
2 DUTIES AND POWERS OF THE DIRECTOR.

3 6. PETITION, AS NECESSARY TO IMPLEMENT THE CASE PLAN ESTABLISHED UNDER
4 SECTION 8-824 OR 8-845, FOR THE APPOINTMENT OF A GUARDIAN OR A TEMPORARY
5 GUARDIAN UNDER TITLE 14, CHAPTER 5 FOR CHILDREN WHO ARE IN CUSTODY OF THE
6 DEPARTMENT PURSUANT TO COURT ORDER. PERSONS APPLYING TO BE GUARDIANS OR
7 TEMPORARY GUARDIANS UNDER THIS SECTION SHALL BE FINGERPRINTED. A FOSTER
8 PARENT OR CERTIFIED ADOPTIVE PARENT ALREADY FINGERPRINTED IS NOT REQUIRED TO
9 BE FINGERPRINTED AGAIN, IF THE FOSTER PARENT OR CERTIFIED ADOPTIVE PARENT IS
10 THE PERSON APPLYING TO BE THE GUARDIAN OR TEMPORARY GUARDIAN.

11 7. COOPERATE WITH OTHER AGENCIES OF THIS STATE, COUNTY AND MUNICIPAL
12 AGENCIES, FAITH-BASED ORGANIZATIONS AND COMMUNITY SOCIAL SERVICES AGENCIES,
13 IF AVAILABLE, TO ACHIEVE THE PURPOSES OF THIS CHAPTER.

14 8. EXCHANGE INFORMATION, INCLUDING CASE SPECIFIC INFORMATION, AND
15 COOPERATE WITH THE DEPARTMENT OF ECONOMIC SECURITY FOR THE ADMINISTRATION OF
16 THE DEPARTMENT OF ECONOMIC SECURITY'S PROGRAMS.

17 9. ADMINISTER CHILD WELFARE ACTIVITIES, INCLUDING:

18 (a) CROSS-JURISDICTIONAL PLACEMENTS PURSUANT TO SECTION 8-548.

19 (b) PROVIDING THE COST OF CARE OF:

20 (i) CHILDREN WHO ARE IN TEMPORARY CUSTODY, ARE THE SUBJECT OF A
21 DEPENDENCY PETITION OR ARE ADJUDICATED BY THE COURT AS DEPENDENT AND WHO ARE
22 IN OUT-OF-HOME PLACEMENT, EXCEPT STATE INSTITUTIONS.

23 (ii) CHILDREN WHO ARE VOLUNTARILY PLACED IN OUT-OF-HOME PLACEMENT
24 PURSUANT TO SECTION 8-806.

25 (iii) CHILDREN WHO ARE THE SUBJECT OF A DEPENDENCY PETITION OR ARE
26 ADJUDICATED DEPENDENT AND WHO ARE IN THE CUSTODY OF THE DEPARTMENT AND
27 ORDERED BY THE COURT PURSUANT TO SECTION 8-845 TO RESIDE IN AN INDEPENDENT
28 LIVING PROGRAM PURSUANT TO SECTION 8-521.

29 (c) PROVIDING SERVICES FOR CHILDREN PLACED IN ADOPTION.

30 10. FORMULATE POLICIES, PLANS AND PROGRAMS TO EFFECTUATE THE MISSIONS
31 AND PURPOSES OF THE DEPARTMENT.

32 11. MAKE CONTRACTS AND INCUR OBLIGATIONS WITHIN THE GENERAL SCOPE OF
33 THE DEPARTMENT'S ACTIVITIES AND OPERATIONS SUBJECT TO THE AVAILABILITY OF
34 FUNDS.

35 12. COORDINATE WITH, CONTRACT WITH OR ASSIST OTHER DEPARTMENTS,
36 AGENCIES AND INSTITUTIONS OF THIS STATE AND LOCAL AND FEDERAL GOVERNMENTS IN
37 THE FURTHERANCE OF THE DEPARTMENT'S PURPOSES, OBJECTIVES AND PROGRAMS.

38 13. ACCEPT AND DISBURSE GRANTS, MATCHING FUNDS AND DIRECT PAYMENTS FROM
39 PUBLIC OR PRIVATE AGENCIES FOR THE CONDUCT OF PROGRAMS THAT ARE CONSISTENT
40 WITH THE OVERALL PURPOSES AND OBJECTIVES OF THE DEPARTMENT.

41 14. COLLECT MONIES OWED TO THE DEPARTMENT.

42 15. ACT AS AN AGENT OF THE FEDERAL GOVERNMENT IN FURTHERANCE OF ANY
43 FUNCTIONS OF THE DEPARTMENT.

44 16. CARRY ON RESEARCH AND COMPILE STATISTICS RELATING TO THE CHILD
45 WELFARE PROGRAM THROUGHOUT THIS STATE, INCLUDING ALL PHASES OF DEPENDENCY.

1 17. COOPERATE WITH THE SUPERIOR COURT IN ALL MATTERS RELATED TO THIS
2 TITLE AND TITLE 13.

3 18. PROVIDE THE COST OF CARE AND TRANSITIONAL INDEPENDENT LIVING
4 SERVICES FOR A PERSON UNDER TWENTY-ONE YEARS OF AGE PURSUANT TO SECTION
5 8-521.01.

6 19. ENSURE THAT ALL CRIMINAL CONDUCT ALLEGATIONS AND REPORTS OF
7 IMMINENT RISK OF HARM ARE INVESTIGATED.

8 20. ENSURE THE DEPARTMENT'S COMPLIANCE WITH THE INDIAN CHILD WELFARE
9 ACT OF 1978 (P.L. 95-608; 92 STAT. 3069; 25 UNITED STATES CODE SECTIONS 1901
10 THROUGH 1963).

11 21. STRENGTHEN RELATIONSHIPS WITH TRIBAL CHILD PROTECTION AGENCIES OR
12 PROGRAMS.

13 B. THE DIRECTOR MAY:

14 1. TAKE ADMINISTRATIVE ACTION TO IMPROVE THE EFFICIENCY OF THE
15 DEPARTMENT.

16 2. CONTRACT WITH A PRIVATE ENTITY TO PROVIDE ANY FUNCTIONS OR SERVICES
17 PURSUANT TO THIS TITLE.

18 3. APPLY FOR, ACCEPT, RECEIVE AND EXPEND PUBLIC AND PRIVATE GIFTS OR
19 GRANTS OF MONEY OR PROPERTY ON THE TERMS AND CONDITIONS AS MAY BE IMPOSED BY
20 THE DONOR AND FOR ANY PURPOSE PROVIDED FOR BY THIS TITLE.

21 4. REIMBURSE DEPARTMENT VOLUNTEERS, DESIGNATED BY THE DIRECTOR, FOR
22 EXPENSES IN TRANSPORTING CLIENTS OF THE DEPARTMENT ON OFFICIAL BUSINESS.
23 VOLUNTEERS REIMBURSED FOR EXPENSES ARE NOT ELIGIBLE FOR WORKERS' COMPENSATION
24 UNDER TITLE 23, CHAPTER 6.

25 C. THE DEPARTMENT SHALL ADMINISTER INDIVIDUAL AND FAMILY SERVICES,
26 INCLUDING SECTIONS ON SERVICES TO CHILDREN AND YOUTH AND OTHER RELATED
27 FUNCTIONS IN FURTHERANCE OF SOCIAL SERVICE PROGRAMS UNDER THE SOCIAL SECURITY
28 ACT, AS AMENDED, TITLE IV, PARTS B AND E, GRANTS TO STATES FOR AID AND
29 SERVICES TO NEEDY FAMILIES WITH CHILDREN AND FOR CHILD-WELFARE SERVICES,
30 TITLE XX, GRANTS TO STATES FOR SERVICES AND OTHER RELATED FEDERAL ACTS AND
31 TITLES.

32 D. IF THE DEPARTMENT HAS RESPONSIBILITY FOR THE CARE, CUSTODY OR
33 CONTROL OF A CHILD OR IS PAYING THE COST OF CARE FOR A CHILD, THE DEPARTMENT
34 MAY SERVE AS REPRESENTATIVE PAYEE TO RECEIVE AND ADMINISTER SOCIAL SECURITY
35 AND VETERANS ADMINISTRATION BENEFITS AND OTHER BENEFITS PAYABLE TO THE CHILD.
36 NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE DEPARTMENT:

37 1. SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, ANY MONIES
38 IT RECEIVES TO BE RETAINED SEPARATE AND APART FROM THE STATE GENERAL FUND ON
39 THE BOOKS OF THE DEPARTMENT OF ADMINISTRATION.

40 2. MAY USE THESE MONIES TO DEFRAY THE COST OF CARE AND SERVICES
41 EXPENDED BY THE DEPARTMENT FOR THE BENEFIT, WELFARE AND BEST INTERESTS OF THE
42 CHILD AND INVEST ANY OF THE MONIES THAT THE DIRECTOR DETERMINES ARE NOT
43 NECESSARY FOR IMMEDIATE USE.

44 3. SHALL MAINTAIN SEPARATE RECORDS TO ACCOUNT FOR THE RECEIPT,
45 INVESTMENT AND DISPOSITION OF MONIES RECEIVED FOR EACH CHILD.

1 4. ON TERMINATION OF THE DEPARTMENT'S RESPONSIBILITY FOR THE CHILD,
2 SHALL RELEASE ANY MONIES REMAINING TO THE CHILD'S CREDIT PURSUANT TO THE
3 REQUIREMENTS OF THE FUNDING SOURCE OR, IN THE ABSENCE OF ANY REQUIREMENTS,
4 SHALL RELEASE THE REMAINING MONIES TO:

5 (a) THE CHILD, IF THE CHILD IS AT LEAST EIGHTEEN YEARS OF AGE OR IS
6 EMANCIPATED.

7 (b) THE PERSON WHO IS RESPONSIBLE FOR THE CHILD IF THE CHILD IS A
8 MINOR AND NOT EMANCIPATED.

9 E. SUBSECTION D OF THIS SECTION DOES NOT APPLY TO BENEFITS THAT ARE
10 PAYABLE TO OR FOR THE BENEFIT OF A CHILD RECEIVING SERVICES UNDER TITLE 36.

11 F. NOTWITHSTANDING ANY OTHER LAW, A STATE OR LOCAL GOVERNMENTAL AGENCY
12 OR A PRIVATE ENTITY IS NOT SUBJECT TO CIVIL LIABILITY FOR THE DISCLOSURE OF
13 INFORMATION THAT IS MADE IN GOOD FAITH TO THE DEPARTMENT PURSUANT TO THIS
14 SECTION.

15 G. NOTWITHSTANDING SECTION 41-192, THE DEPARTMENT MAY EMPLOY LEGAL
16 COUNSEL TO PROVIDE LEGAL ADVICE TO THE DIRECTOR. THE ATTORNEY GENERAL SHALL
17 REPRESENT THE DEPARTMENT IN ANY ADMINISTRATIVE OR JUDICIAL PROCEEDING
18 PURSUANT TO TITLE 41, CHAPTER 1, ARTICLE 5.

19 H. THE TOTAL AMOUNT OF STATE MONIES THAT MAY BE SPENT IN ANY FISCAL
20 YEAR BY THE DEPARTMENT FOR FOSTER CARE AS PROVIDED IN SUBSECTION A, PARAGRAPH
21 9, SUBDIVISION (b) OF THIS SECTION MAY NOT EXCEED THE AMOUNT APPROPRIATED OR
22 AUTHORIZED BY SECTION 35-173 FOR THAT PURPOSE. THIS SECTION DOES NOT IMPOSE
23 A DUTY ON AN OFFICER, AGENT OR EMPLOYEE OF THIS STATE TO DISCHARGE A
24 RESPONSIBILITY OR TO CREATE ANY RIGHT IN A PERSON OR GROUP IF THE DISCHARGE
25 OR RIGHT WOULD REQUIRE AN EXPENDITURE OF STATE MONIES IN EXCESS OF THE
26 EXPENDITURE AUTHORIZED BY LEGISLATIVE APPROPRIATION FOR THAT SPECIFIC
27 PURPOSE.

28 8-454. Department organization

29 A. THE DIRECTOR SHALL ORGANIZE THE DEPARTMENT TO BEST IMPLEMENT THE
30 FOLLOWING FUNCTIONS:

31 1. RECEIVING, ANALYZING AND EFFICIENTLY RESPONDING TO REPORTS OF
32 POSSIBLE ABUSE OR NEGLECT AS PROVIDED IN SECTION 8-455.

33 2. APPROPRIATELY INVESTIGATING THE REPORTS WHETHER OR NOT THEY INVOLVE
34 CRIMINAL CONDUCT ALLEGATIONS AS PROVIDED IN SECTION 8-456.

35 3. COORDINATING SERVICES NECESSARY FOR THE CHILD OR THE CHILD'S FAMILY
36 AS PROVIDED IN SECTION 8-457.

37 4. OVERSEEING ADOPTION PURSUANT TO CHAPTER 1 OF THIS TITLE AND FOSTER
38 CARE PURSUANT TO ARTICLE 4 OF THIS CHAPTER.

39 5. REVIEWING AND REPORTING THE ACTIONS OF THE DEPARTMENT TO ENSURE
40 THAT THE ACTIONS COMPLY WITH STATUTE AND THE RULES AND POLICIES OF THE
41 DEPARTMENT AND REPORTING SIGNIFICANT VIOLATIONS AS PROVIDED IN SECTION 8-458.

42 B. SUBJECT TO TITLE 41, CHAPTER 4, ARTICLE 4, THE DIRECTOR SHALL
43 EMPLOY:

1 1. A CHIEF OF THE OFFICE OF CHILD WELFARE INVESTIGATIONS. THE CHIEF
2 IS THE ADMINISTRATIVE HEAD OF THE OFFICE OF CHILD WELFARE INVESTIGATIONS AND
3 SHALL REPORT DIRECTLY TO THE DIRECTOR.

4 2. AN INSPECTOR GENERAL. THE INSPECTOR GENERAL IS THE ADMINISTRATIVE
5 HEAD OF THE INSPECTIONS BUREAU AND SHALL REPORT DIRECTLY TO THE DIRECTOR.

6 3. ADMINISTRATORS TO SERVE AS THE ADMINISTRATIVE HEADS OF THE OTHER
7 BUREAUS OF THE DEPARTMENT, WHO MAY REPORT DIRECTLY TO THE DEPUTY DIRECTOR.

8 8-455. Centralized intake hotline; purposes; report of possible
9 crime; report for investigation; risk assessment
10 tools; access to information; public awareness;
11 definition

12 A. THE DEPARTMENT SHALL OPERATE AND MAINTAIN A CENTRALIZED INTAKE
13 HOTLINE TO PROTECT CHILDREN BY RECEIVING AT ALL TIMES COMMUNICATIONS
14 CONCERNING SUSPECTED ABUSE OR NEGLECT. IF A PERSON COMMUNICATES SUSPECTED
15 ABUSE OR NEGLECT TO A DEPARTMENT EMPLOYEE OTHER THAN THROUGH THE HOTLINE, THE
16 EMPLOYEE SHALL REFER THE PERSON OR COMMUNICATION TO THE HOTLINE.

17 B. THE HOTLINE IS THE FIRST STEP IN THE SAFETY ASSESSMENT AND
18 INVESTIGATION PROCESS AND MUST BE OPERATED TO:

19 1. RECORD COMMUNICATIONS MADE CONCERNING SUSPECTED ABUSE OR NEGLECT.

20 2. IMMEDIATELY TAKE STEPS NECESSARY TO IDENTIFY AND LOCATE PRIOR
21 COMMUNICATIONS AND REPORTS FOR INVESTIGATION RELATED TO THE CURRENT
22 COMMUNICATION USING THE DEPARTMENT'S DATA SYSTEM AND THE CENTRAL REGISTRY
23 SYSTEM OF THIS STATE.

24 3. QUICKLY AND EFFICIENTLY PROVIDE INFORMATION TO A LAW ENFORCEMENT
25 AGENCY OR PREPARE A REPORT FOR INVESTIGATION AS REQUIRED BY THIS SECTION.

26 4. DETERMINE THE PROPER INITIAL PRIORITY LEVEL OF INVESTIGATION BASED
27 ON THE RISK ASSESSMENT AND DIRECT THE REPORT FOR INVESTIGATION TO THE
28 APPROPRIATE PART OF THE DEPARTMENT BASED ON THIS DETERMINATION.

29 C. IF A COMMUNICATION PROVIDES A REASON TO BELIEVE THAT A CRIMINAL
30 OFFENSE HAS BEEN COMMITTED, THE HOTLINE WORKER SHALL IMMEDIATELY PROVIDE THE
31 INFORMATION TO BOTH OF THE FOLLOWING:

32 1. THE APPROPRIATE LAW ENFORCEMENT AGENCY PURSUANT TO THE PROTOCOLS
33 DEVELOPED PURSUANT TO SECTION 8-817.

34 2. IF A REPORT FOR INVESTIGATION IS PREPARED AS REQUIRED IN SUBSECTION
35 D OF THIS SECTION AND THE SUSPECTED CRIMINAL OFFENSE IS A CRIMINAL CONDUCT
36 ALLEGATION, THE OFFICE OF CHILD WELFARE INVESTIGATIONS.

37 D. A HOTLINE WORKER SHALL PREPARE A REPORT FOR INVESTIGATION IF ALL OF
38 THE FOLLOWING ARE ALLEGED:

39 1. THE SUSPECTED CONDUCT WOULD CONSTITUTE ABUSE OR NEGLECT.

40 2. THE SUSPECTED VICTIM OF THE CONDUCT IS UNDER EIGHTEEN YEARS OF AGE.

41 3. THE SUSPECTED VICTIM OF THE CONDUCT IS A RESIDENT OF OR PRESENT IN
42 THIS STATE OR ANY ACT INVOLVED IN THE SUSPECTED ABUSE OR NEGLECT OCCURRED IN
43 THIS STATE.

1 4. THE PERSON SUSPECTED OF COMMITTING THE ABUSE OR NEGLECT IS THE
2 PARENT, GUARDIAN OR CUSTODIAN OF THE VICTIM OR AN ADULT MEMBER OF THE
3 VICTIM'S HOUSEHOLD.

4 E. ALL REPORTS FOR INVESTIGATION MUST BE INVESTIGATED AS PROVIDED IN
5 SECTION 8-456.

6 F. IF OTHERWISE REQUIRED BY:

7 1. SUBSECTION C OF THIS SECTION, INFORMATION MUST BE PROVIDED TO THE
8 APPROPRIATE LAW ENFORCEMENT AGENCY EVEN IF THE IDENTITY OR LOCATION OF THE
9 PERSON SUSPECTED OF ABUSE OR NEGLECT OR THE VICTIM OF THE ABUSE OR NEGLECT IS
10 NOT KNOWN.

11 2. SUBSECTION D OF THIS SECTION, A REPORT FOR INVESTIGATION MUST BE
12 PREPARED EVEN IF THE IDENTITY OR LOCATION OF THE PERSON SUSPECTED OF ABUSE OR
13 NEGLECT OR THE VICTIM OF THE ABUSE OR NEGLECT IS NOT KNOWN.

14 G. THE DEPARTMENT SHALL DEVELOP AND TRAIN HOTLINE WORKERS TO USE
15 UNIFORM RISK ASSESSMENT TOOLS TO DETERMINE:

16 1. WHETHER THE SUSPECTED CONDUCT CONSTITUTES ABUSE OR NEGLECT AND THE
17 SEVERITY OF THE SUSPECTED ABUSE OR NEGLECT.

18 2. WHETHER THE SUSPECTED ABUSE OR NEGLECT INVOLVES CRIMINAL CONDUCT,
19 EVEN IF THE COMMUNICATION DOES NOT RESULT IN THE PREPARATION OF A REPORT FOR
20 INVESTIGATION.

21 3. THE APPROPRIATE INVESTIGATIVE TRACK FOR REFERRAL BASED ON THE RISK
22 TO THE CHILD'S SAFETY.

23 H. A REPORT FOR INVESTIGATION MUST INCLUDE, IF AVAILABLE, ALL OF THE
24 FOLLOWING:

25 1. THE NAME, ADDRESS OR CONTACT INFORMATION FOR THE PERSON MAKING THE
26 COMMUNICATION.

27 2. THE NAME, ADDRESS AND OTHER LOCATION OR CONTACT INFORMATION FOR THE
28 PARENT, GUARDIAN OR CUSTODIAN OF THE CHILD OR OTHER ADULT MEMBER OF THE
29 CHILD'S HOUSEHOLD WHO IS SUSPECTED OF COMMITTING THE ABUSE OR NEGLECT.

30 3. THE NAME, ADDRESS AND OTHER LOCATION OR CONTACT INFORMATION FOR THE
31 CHILD.

32 4. THE NATURE AND EXTENT OF THE INDICATIONS OF THE CHILD'S ABUSE OR
33 NEGLECT, INCLUDING ANY INDICATION OF PHYSICAL INJURY.

34 5. ANY INFORMATION REGARDING POSSIBLE PRIOR ABUSE OR NEGLECT,
35 INCLUDING REFERENCE TO ANY COMMUNICATION OR REPORT FOR INVESTIGATION
36 INVOLVING THE CHILD, THE CHILD'S SIBLINGS OR THE PERSON SUSPECTED OF ABUSE OR
37 NEGLECT.

38 I. INFORMATION GATHERED THROUGH THE HOTLINE MUST BE MADE AVAILABLE TO
39 AN EMPLOYEE OF THE DEPARTMENT IN ORDER TO PERFORM THE EMPLOYEE'S DUTIES. THE
40 OFFICE OF CHILD WELFARE INVESTIGATIONS AND THE INSPECTIONS BUREAU MUST HAVE
41 IMMEDIATE ACCESS TO ALL RECORDS OF THE HOTLINE.

42 J. A REPRESENTATIVE OF THE:

43 1. OFFICE OF CHILD WELFARE INVESTIGATIONS MUST BE EMBEDDED IN THE
44 HOTLINE TO CARRY OUT THE PURPOSES OF SECTION 8-471.

1 SERVICES THAT ARE DESIGNED TO CORRECT UNRESOLVED PROBLEMS THAT WOULD INDICATE
2 A REASON TO ADJUDICATE THE CHILD DEPENDENT.

3 3. SUBMIT A WRITTEN REPORT OF THE INVESTIGATOR'S INVESTIGATION TO:

4 (a) THE DEPARTMENT'S CASE MANAGEMENT INFORMATION SYSTEM WITHIN A
5 REASONABLE AMOUNT OF TIME THAT DOES NOT EXCEED FORTY-FIVE DAYS AFTER RECEIPT
6 OF THE REPORT FOR INVESTIGATION EXCEPT AS PROVIDED IN SECTION 8-811. IF THE
7 INVESTIGATION INVOLVES ALLEGATIONS REGARDING A CHILD WHO AT THE TIME OF THE
8 ALLEGED INCIDENT WAS IN THE CUSTODY OF A CHILD WELFARE AGENCY LICENSED BY THE
9 DEPARTMENT UNDER THIS TITLE, A COPY OF THE REPORT AND ANY ADDITIONAL
10 INVESTIGATIVE OR OTHER RELATED REPORTS MUST BE PROVIDED TO THE BOARD OF
11 DIRECTORS OF THE AGENCY OR TO THE ADMINISTRATIVE HEAD OF THE AGENCY UNLESS
12 THE INCIDENT IS ALLEGED TO HAVE BEEN COMMITTED BY THE PERSON. THE DEPARTMENT
13 SHALL EXCISE ALL INFORMATION WITH REGARD TO THE IDENTITY OF THE SOURCE OF THE
14 REPORTS.

15 (b) THE APPROPRIATE COURT FORTY-EIGHT HOURS BEFORE A DEPENDENCY
16 HEARING PURSUANT TO A PETITION OF DEPENDENCY OR WITHIN TWENTY-ONE DAYS AFTER
17 A PETITION OF DEPENDENCY IS FILED, WHICHEVER IS EARLIER. ON RECEIPT OF THE
18 REPORT THE COURT SHALL MAKE THE REPORT AVAILABLE TO ALL PARTIES AND COUNSEL.

19 4. ACCEPT A CHILD INTO VOLUNTARY PLACEMENT PURSUANT TO SECTION 8-806.

20 5. IDENTIFY, PROMPTLY OBTAIN AND ABIDE BY COURT ORDERS THAT RESTRICT
21 OR DENY CUSTODY, VISITATION OR CONTACT BY A PARENT OR OTHER PERSON IN THE
22 HOME WITH THE CHILD AND NOTIFY APPROPRIATE PERSONNEL IN THE DEPARTMENT TO
23 PRECLUDE VIOLATIONS OF A COURT ORDER IN THE PROVISION OF ANY SERVICES.

24 E. IN CONDUCTING AN INVESTIGATION PURSUANT TO THIS SECTION, IF THE
25 INVESTIGATOR IS MADE AWARE THAT AN ALLEGATION OF ABUSE OR NEGLECT MAY ALSO
26 HAVE BEEN MADE IN ANOTHER STATE, THE INVESTIGATOR SHALL CONTACT THE
27 APPROPRIATE AGENCY IN THAT STATE TO ATTEMPT TO DETERMINE THE OUTCOME OF ANY
28 INVESTIGATION OF THAT ALLEGATION.

29 F. IF AN INVESTIGATION INDICATES A REASON TO BELIEVE THAT A CRIMINAL
30 OFFENSE HAS BEEN COMMITTED, THE INVESTIGATOR SHALL IMMEDIATELY PROVIDE THE
31 INFORMATION TO THE APPROPRIATE LAW ENFORCEMENT AGENCY AND THE OFFICE OF CHILD
32 WELFARE INVESTIGATIONS, UNLESS THE INFORMATION WAS PREVIOUSLY PROVIDED
33 PURSUANT TO SECTION 8-455.

34 G. FOR THE PURPOSES OF THIS SECTION, "INVESTIGATOR" MEANS AN EMPLOYEE
35 OF THE DEPARTMENT WHO INVESTIGATES ALLEGATIONS OF ABUSE OR NEGLECT PURSUANT
36 TO A REPORT FOR INVESTIGATION.

37 8-457. Service coordination function

38 A. THE DEPARTMENT MAY ARRANGE, PROVIDE AND COORDINATE PROGRAMS AND
39 SERVICES THAT PROTECT CHILDREN AND MAY PROVIDE PROGRAMS AND SERVICES THAT
40 ACHIEVE AND MAINTAIN PERMANENCY ON BEHALF OF THE CHILD, STRENGTHEN THE FAMILY
41 AND PROVIDE PREVENTION, INTERVENTION AND TREATMENT FOR ABUSED AND NEGLECTED
42 CHILDREN.

43 B. IF A CHILD AND THE CHILD'S FAMILY REQUIRE ASSISTANCE FROM THE
44 DEPARTMENT, ALL OF THE FOLLOWING APPLY:

45 1. THE HEALTH AND SAFETY OF THE CHILD IS THE PRIMARY CONCERN.

1 2. REASONABLE EFFORTS MUST BE MADE TO PROVIDE THE ASSISTANCE IN THE
2 METHOD THAT IS LEAST INTRUSIVE AND LEAST RESTRICTIVE TO THE FAMILY AND THAT
3 IS CONSISTENT WITH THE NEEDS OF THE CHILD.

4 3. REASONABLE EFFORTS MUST BE MADE TO DELIVER THE ASSISTANCE IN A
5 CULTURALLY APPROPRIATE MANNER AND AS CLOSE AS POSSIBLE TO THE HOME COMMUNITY
6 OF THE CHILD OR FAMILY REQUIRING ASSISTANCE.

7 C. IN ADDITION TO THE REQUIREMENTS OF FEDERAL LAW, THE CASE PLAN
8 SHALL:

9 1. SET APPROPRIATE TIME LIMITS ON THE SERVICES PROVIDED.

10 2. CLEARLY DESCRIBE THE ACTIONS THE DEPARTMENT MIGHT PURSUE IF THE
11 FAMILY:

12 (a) PARTICIPATES IN THE SERVICES OUTLINED IN THE CASE PLAN AND DOES
13 WHAT IS REQUIRED FOR THE CHILD TO BE SAFE IN THE HOME.

14 (b) DOES NOT PARTICIPATE IN THE SERVICES OUTLINED IN THE CASE PLAN AND
15 DOES NOT MAKE THE CHANGES REQUIRED FOR THE CHILD TO BE SAFE IN THE HOME.

16 D. THE DEPARTMENT SHALL ESTABLISH PROCEDURES TO ENSURE THAT
17 APPROPRIATE SERVICES HAVE BEEN INITIATED AS SCHEDULED.

18 E. IN DETERMINING IF A CASE SHOULD BE OPEN FOR ONGOING SERVICES, THE
19 DEPARTMENT SHALL CONSIDER AS THE PRIMARY FACTORS IF THERE EXISTS A PRESENT OR
20 FUTURE RISK OF HARM TO ANY CHILD IN THE FAMILY AND IF SERVICES CAN MITIGATE
21 THE IDENTIFIED RISKS. BASED ON THE INVESTIGATION OF THE CASE AND THE RESULTS
22 OF THE RISK ASSESSMENT, THE DEPARTMENT SHALL DETERMINE WHETHER TO CLOSE THE
23 CASE, OFFER VOLUNTARY CHILD SAFETY SERVICES OR OPEN A CASE FOR ONGOING
24 SERVICES.

25 F. IF A CASE WILL BE OPEN FOR ONGOING SERVICES, THE DEPARTMENT SHALL
26 DETERMINE IF THE SERVICES ARE TO BE PROVIDED IN ONE OF THE FOLLOWING WAYS:

27 1. THROUGH A VOLUNTARY AGREEMENT WITH THE DEPARTMENT.

28 2. PURSUANT TO A PETITION FOR IN-HOME INTERVENTION.

29 3. PURSUANT TO A PETITION FOR IN-HOME OR OUT-OF-HOME DEPENDENCE.

30 8-458. Inspections bureau; monitoring and evaluation; quality
31 assurance process

32 A. THE DIRECTOR SHALL ESTABLISH AN INSPECTIONS BUREAU TO DO BOTH OF
33 THE FOLLOWING:

34 1. ENSURE THAT DEPARTMENT POLICIES AND PROCEDURES ARE BEING FOLLOWED
35 BY ALL STAFF IN ACCORDANCE WITH FEDERAL AND STATE LAW.

36 2. PROMPTLY NOTIFY THE DIRECTOR OF DEPARTMENT ACTIONS THAT CONSTITUTE
37 A SIGNIFICANT VIOLATION OF POLICY OR STATE OR FEDERAL LAW.

38 B. THE INSPECTIONS BUREAU SHALL MONITOR SPECIFIC PROGRAMS AND SERVICES
39 AND SHALL CONTINUOUSLY IMPROVE THE PRACTICES OF THE DEPARTMENT. MONITORING
40 AND EVALUATION:

41 1. MAY BE BY FORMAL AUDITS, VARIOUS LEVELS OF INSPECTIONS, PROGRAM
42 EVALUATION AND ANY OTHER QUALITY ASSURANCE ACTIVITY DEEMED APPROPRIATE BY THE
43 DIRECTOR.

44 2. MUST INCLUDE SUGGESTIONS FOR POLICY CHANGES AND EVALUATION OF BEST
45 PRACTICES AND PROGRAMMING.

1 C. THE DEPARTMENT SHALL ESTABLISH A QUALITY ASSURANCE PROCESS AND
2 METHODOLOGY BY WHICH DATA-BASED DECISIONS ARE MADE. THIS PROCESS MUST
3 INCLUDE CONSISTENTLY MEASURING PROCESS OUTCOMES AND EXAMINING CURRENT
4 PRACTICES THROUGH QUALITY ASSURANCE ACTIVITIES. THE DEPARTMENT SHALL USE
5 THIS QUALITY ASSURANCE DATA TO ESTABLISH APPROPRIATE PROGRAMS AND IMPROVE
6 PRACTICES WITHIN THE DEPARTMENT.

7 D. IF POSSIBLE, THE INSPECTIONS BUREAU SHALL ATTEMPT TO CORRECT THE
8 PROBLEMS AT THE IMMEDIATE LEVEL BY COACHING, MENTORING AND TEACHING EMPLOYEES
9 WHO ARE PRESENT DURING THE INSPECTION.

10 E. THE INSPECTIONS BUREAU SHALL HAVE ACCESS TO ALL RECORDS AND
11 INFORMATION OF THE DEPARTMENT NECESSARY TO CARRY OUT THIS SECTION.

12 8-459. Community advisory committee; duties; membership

13 A. THE COMMUNITY ADVISORY COMMITTEE IS ESTABLISHED TO PROVIDE A
14 COMMUNITY FORUM:

15 1. TO INFORM THE DEPARTMENT, ANALYZE CURRENT LAW AND POLICY AND MAKE
16 RECOMMENDATIONS TO IMPROVE THE ABILITY OF THE DEPARTMENT TO INCREASE THE
17 SAFETY OF CHILDREN, RESPOND TO CHILD MALTREATMENT AND ENSURE THE WELL-BEING
18 OF AND TIMELY PERMANENCY FOR CHILDREN WHO ARE REFERRED TO AND INVOLVED IN THE
19 CHILD WELFARE SYSTEM.

20 2. FOR COLLABORATION AMONG STATE, LOCAL, COMMUNITY, TRIBAL, PUBLIC AND
21 PRIVATE STAKEHOLDERS IN CHILD WELFARE PROGRAMS AND SERVICES THAT ARE
22 ADMINISTERED BY THE DEPARTMENT.

23 3. TO IMPROVE COMMUNICATION BETWEEN MANDATORY REPORTERS AND THE
24 DEPARTMENT.

25 B. THE COMMITTEE CONSISTS OF ONE REPRESENTATIVE OF EACH OF THE
26 FOLLOWING WHO IS APPOINTED BY AND SERVES AT THE PLEASURE OF THE DIRECTOR:

27 1. CHILD WELFARE AGENCIES THAT DIRECTLY PROVIDE CONTRACTED SERVICES TO
28 CHILDREN AND THEIR FAMILIES.

29 2. CHILD ADVOCACY ORGANIZATIONS THAT DEAL WITH CHILD WELFARE SYSTEM
30 POLICY ISSUES.

31 3. CURRENT OR FORMER FOSTER OR ADOPTIVE PARENTS.

32 4. MEDICAL PROVIDERS, WITH A PREFERENCE FOR PEDIATRICIANS, WHO HAVE
33 EXPERIENCE IN DIAGNOSING AND TREATING INJURIES RELATED TO ABUSE AND NEGLECT.

34 5. VOLUNTEERS WITH THE FOSTER CARE REVIEW BOARD OR COURT APPOINTED
35 SPECIAL ADVOCATE PROGRAM.

36 6. PERSONS WITH AN ACADEMIC APPOINTMENT TO A STATE UNIVERSITY WHO
37 CONDUCT RESEARCH IN CHILD WELFARE SERVICES, CHILD MALTREATMENT OR CHILD ABUSE
38 OR NEGLECT.

39 7. THE COURTS. THE REPRESENTATIVE MUST BE INVOLVED IN CHILD WELFARE
40 ISSUES.

41 8. A RURAL AREA IN THIS STATE WHO HAS EXPERIENCE IN THE CHILD WELFARE
42 SYSTEM.

43 9. A NATIVE AMERICAN TRIBE OR NATION WHO HAS EXPERIENCE IN THE CHILD
44 WELFARE SYSTEM.

1 10. A CHILD ADVOCACY ORGANIZATION THAT ADVOCATES FOR OR REPRESENTS
2 CHILDREN WHO ARE VICTIMS OF CRIME.

3 11. PERSONS WHO HAVE EXPERIENCE WITH CHILDREN WITH SPECIAL NEEDS AND
4 THE CHILD WELFARE SYSTEM.

5 12. A LAW ENFORCEMENT AGENCY. THE REPRESENTATIVE MUST HAVE EXPERIENCE
6 WITH THE DEPARTMENT ON CASES THAT INVOLVE CRIMINAL CONDUCT ALLEGATIONS.

7 13. SCHOOLS. THE REPRESENTATIVE MUST HAVE EXPERIENCE IN THE CHILD
8 WELFARE SYSTEM.

9 14. A FAITH-BASED ORGANIZATION. THE REPRESENTATIVE MUST HAVE
10 EXPERIENCE IN THE CHILD WELFARE SYSTEM.

11 C. MEMBERS OF THE COMMITTEE ARE NOT ELIGIBLE TO RECEIVE COMPENSATION.

12 D. THE COMMITTEE SHALL MEET AT LEAST QUARTERLY AND SHALL FILE A REPORT
13 OF ITS ACTIVITIES AND RECOMMENDATIONS DURING EACH FISCAL YEAR WITH THE
14 DIRECTOR ON OR BEFORE AUGUST 15 FOLLOWING THE FISCAL YEAR. THE DIRECTOR
15 SHALL POST THE REPORT ON THE DEPARTMENT'S WEBSITE.

16 8-460. Acquisition of lands and buildings; lease-purchase
17 agreements; lease or sublease of lands or buildings

18 A. THE DIRECTOR MAY ACQUIRE FOR AND IN THE NAME OF THIS STATE BY GIFT,
19 GRANT, LEASE, LEASE-PURCHASE AGREEMENT OR OTHERWISE LANDS OR BUILDINGS FOR
20 THE PURPOSE OF PROVIDING OFFICE SPACE FOR THE DEPARTMENT AT PLACES THE
21 DIRECTOR FINDS NECESSARY AND SUITABLE, BUT LAND OR A BUILDING MAY NOT BE
22 ACQUIRED BY PURCHASE OR LEASE-PURCHASE WITHOUT THE PRIOR APPROVAL OF THE
23 JOINT COMMITTEE ON CAPITAL REVIEW AND AN APPROPRIATION OF MONIES BY THE
24 LEGISLATURE FOR THE ACQUISITION.

25 B. ANY LEASE-PURCHASE AGREEMENT RELATING TO LAND ACQUISITION, CAPITAL
26 PROJECTS, ENERGY SYSTEMS OR ENERGY MANAGEMENT SYSTEMS UNDER THIS SECTION
27 SHALL PROVIDE THAT:

28 1. THE OBLIGATION OF THIS STATE TO MAKE ANY PAYMENT UNDER THE
29 AGREEMENT IS A CURRENT EXPENSE OF THE DEPARTMENT, PAYABLE EXCLUSIVELY FROM
30 APPROPRIATED MONIES, AND IS NOT A GENERAL OBLIGATION INDEBTEDNESS OF THIS
31 STATE OR THE DEPARTMENT.

32 2. IF THE LEGISLATURE FAILS TO APPROPRIATE MONIES OR THE DEPARTMENT
33 FAILS TO ALLOCATE APPROPRIATED MONIES FOR ANY PERIODIC PAYMENT OR RENEWAL
34 TERM OF THE AGREEMENT, THE AGREEMENT TERMINATES AT THE END OF THE CURRENT
35 TERM AND THIS STATE AND THE DEPARTMENT ARE RELIEVED OF ANY SUBSEQUENT
36 OBLIGATION UNDER THE AGREEMENT.

37 3. THE AGREEMENT MUST BE REVIEWED AND APPROVED BY THE ATTORNEY GENERAL
38 AND THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION BEFORE THE AGREEMENT MAY
39 TAKE EFFECT.

40 4. THE AGREEMENT MUST BE REVIEWED AND APPROVED BY THE JOINT COMMITTEE
41 ON CAPITAL REVIEW BEFORE THE AGREEMENT TAKES EFFECT.

42 C. THE DEPARTMENT MAY COVENANT TO USE ITS BEST EFFORTS TO BUDGET,
43 OBTAIN, ALLOCATE AND MAINTAIN SUFFICIENT APPROPRIATED MONIES TO MAKE PAYMENTS
44 UNDER A LEASE-PURCHASE AGREEMENT, BUT THE AGREEMENT SHALL ACKNOWLEDGE THAT

1 APPROPRIATING STATE MONIES IS A LEGISLATIVE ACT AND IS BEYOND THE CONTROL OF
2 THE DEPARTMENT OR ANY OTHER PARTY TO THE AGREEMENT.

3 D. A LEASE-PURCHASE AGREEMENT UNDER THIS SECTION SHALL BE SUBMITTED TO
4 THE FOLLOWING ENTITIES:

5 1. THE ATTORNEY GENERAL TO REVIEW FOR COMPLIANCE WITH THE CONSTITUTION
6 AND LAWS OF THIS STATE. IF IN THE ATTORNEY GENERAL'S OPINION THE AGREEMENT
7 COMPLIES WITH THE CONSTITUTION AND LAWS, THE ATTORNEY GENERAL SHALL APPEND
8 THE ATTORNEY GENERAL'S CERTIFICATION TO THE AGREEMENT, RETURN IT TO THE
9 DEPARTMENT AND TRANSMIT A COPY TO THE JOINT COMMITTEE ON CAPITAL REVIEW. ON
10 REQUEST BY THE DIRECTOR THE ATTORNEY GENERAL MAY GIVE OTHER OPINIONS RELATING
11 TO THE AGREEMENT.

12 2. THE DIRECTOR OF THE ARIZONA DEPARTMENT OF ADMINISTRATION TO REVIEW
13 FOR COMPLIANCE WITH THE LAWS OF THIS STATE. IF IN THE DIRECTOR'S OPINION THE
14 AGREEMENT COMPLIES WITH THE LAWS OF THIS STATE, THE DIRECTOR SHALL APPEND THE
15 DIRECTOR'S CERTIFICATION TO THE AGREEMENT, RETURN IT TO THE DEPARTMENT AND
16 TRANSMIT A COPY TO THE JOINT COMMITTEE ON CAPITAL REVIEW.

17 E. A LEASE-PURCHASE AGREEMENT UNDER THIS SECTION SHALL BE REVIEWED AND
18 APPROVED BY THE JOINT COMMITTEE ON CAPITAL REVIEW BEFORE THE AGREEMENT TAKES
19 EFFECT.

20 F. THE DIRECTOR MAY LEASE OR SUBLEASE TO OTHERS AT FAIR RENTAL VALUE
21 ANY LAND OR BUILDING THAT IS ACQUIRED PURSUANT TO THIS SECTION. THE DIRECTOR
22 MAY LEASE OR SUBLEASE ANY BUILDING THAT IS ACQUIRED PURSUANT TO THIS SECTION
23 ON OTHER TERMS OR CONDITIONS IF THE LESSEE IS A STATE ENTITY OR POLITICAL
24 SUBDIVISION OF THIS STATE. ALL NET LEASE INCOME MUST BE CREDITED TO THE
25 DEPARTMENT'S OCCUPANCY APPROPRIATION.

26 G. A LEASE OR SUBLEASE TO OTHERS THAT IS GRANTED PURSUANT TO
27 SUBSECTION F OF THIS SECTION IS EXEMPT FROM SECTION 41-2752 AND IS NOT
28 SUBJECT TO TITLE 41, CHAPTER 23. THE DIRECTOR MAY PRIORITIZE LEASE OR
29 SUBLEASE TENANTS BASED ON THE NEEDS OF THE DEPARTMENT AND IN THE PUBLIC
30 INTEREST WITH PREFERENCE GIVEN TO THE FOLLOWING IN THE ORDER PROVIDED:

- 31 1. STATE ENTITIES.
- 32 2. POLITICAL SUBDIVISIONS.
- 33 3. COMMUNITY PARTNERS.

34 H. THE DEPARTMENT MAY PAY OR ADVANCE GROSS INITIAL AND ROUTINE LEASE
35 AND SUBLEASE RELATED EXPENDITURES. THE GROSS INITIAL AND ROUTINE
36 EXPENDITURES THAT ARE PAID OR ADVANCED MUST BE REIMBURSED TO THE DEPARTMENT
37 BEFORE THE NET LEASE INCOME IS CREDITED TO THE DEPARTMENT'S OCCUPANCY
38 APPROPRIATION PURSUANT TO SUBSECTION F OF THIS SECTION.

39 8-461. Child safety collections; fund; definition

40 A. IF A RECIPIENT OF PUBLIC ASSISTANCE HAS A PERSON WHO IS LEGALLY
41 RESPONSIBLE FOR THAT PERSON'S SUPPORT AND WHO IS PRESENTLY ABLE TO REIMBURSE
42 THE DEPARTMENT FOR PUBLIC ASSISTANCE PROVIDED, THE DEPARTMENT, THROUGH THE
43 ATTORNEY GENERAL OR COUNTY ATTORNEY, SHALL PROCEED IN THE FOLLOWING ORDER
44 AGAINST:

- 45 1. THE SPOUSE OF A RECIPIENT.

- 1 2. THE FORMER SPOUSE OF A RECIPIENT.
- 2 3. A FATHER OR MOTHER NOT PRESENTLY RECEIVING PUBLIC ASSISTANCE.
- 3 4. ANY OTHER LEGALLY RESPONSIBLE PERSON.
- 4 B. IF A RECIPIENT OF PUBLIC ASSISTANCE RECEIVES AN OVERPAYMENT OF
- 5 SUPPORT OR IS DETERMINED INELIGIBLE, THE DEPARTMENT MAY RECOVER THE SUPPORT
- 6 INCORRECTLY PAID DURING THAT TIME PERIOD. THE DEPARTMENT SHALL DEPOSIT
- 7 MONIES RECOVERED IN THE CHILD SAFETY COLLECTIONS FUND ESTABLISHED PURSUANT TO
- 8 THIS SECTION.
- 9 C. ON REQUEST OF THE DEPARTMENT, THE ATTORNEY GENERAL OR COUNTY
- 10 ATTORNEY SHALL COMMENCE AN ACTION IN THE SUPERIOR COURT IN THE COUNTY WHERE
- 11 THE RECIPIENT OF PUBLIC ASSISTANCE RESIDES OR IN THE SUPERIOR COURT IN
- 12 MARICOPA COUNTY, AGAINST THE PERSONS IN THE ORDER SPECIFIED IN SUBSECTION A
- 13 OF THIS SECTION, TO RECOVER THE ASSISTANCE GRANTED AND TO SECURE AN ORDER
- 14 REQUIRING PAYMENT OF AMOUNTS THAT BECAME DUE IN THE FUTURE FOR WHICH THE
- 15 PERSON IS LIABLE.
- 16 D. THE CHILD SAFETY COLLECTIONS FUND IS ESTABLISHED CONSISTING OF
- 17 MONIES RECEIVED PURSUANT TO THIS SECTION AND SECTION 41-2752. THE DEPARTMENT
- 18 SHALL ADMINISTER THE FUND. SUBJECT TO LEGISLATIVE APPROPRIATION, THE
- 19 DEPARTMENT SHALL USE FUND MONIES TO IMPROVE PUBLIC ASSISTANCE COLLECTION
- 20 ACTIVITIES. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
- 21 35-147, TWENTY-FIVE PER CENT OF THE MONIES COLLECTED PURSUANT TO THIS SECTION
- 22 IN THE CHILD SAFETY COLLECTIONS FUND AND SEVENTY-FIVE PER CENT OF THE MONIES
- 23 COLLECTED PURSUANT TO THIS SECTION IN THE STATE GENERAL FUND.
- 24 NOTWITHSTANDING THIS SUBSECTION, THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO
- 25 SECTIONS 35-146 AND 35-147, FIFTY PER CENT OF THE MONIES COLLECTED PURSUANT
- 26 TO SECTION 41-2752 IN THE CHILD SAFETY COLLECTIONS FUND AND THE REMAINING
- 27 FIFTY PER CENT OF THE MONIES COLLECTED PURSUANT TO SECTION 41-2752 SHALL BE
- 28 DEPOSITED IN THE STATE GENERAL FUND.
- 29 E. FOR THE PURPOSES OF THIS SECTION, "PUBLIC ASSISTANCE" MEANS MONIES
- 30 PAID BY THE DEPARTMENT TO OR FOR THE BENEFIT OF A DEPENDENT CHILD AND FOSTER
- 31 CARE MAINTENANCE PAID PURSUANT TO 42 UNITED STATES CODE SECTIONS 670 THROUGH
- 32 676.

33 ARTICLE 2. CRIMINAL CONDUCT ALLEGATION INVESTIGATIONS

34 Sec. 21. Section 41-1969.01, Arizona Revised Statutes, as amended by

35 Laws 2013, chapter 220, section 5, is transferred and renumbered for

36 placement in title 8, chapter 4, article 2, Arizona Revised Statutes, as

37 added by this act, as section 8-471 and, as so renumbered, is amended to

38 read:

39 8-471. Office of child welfare investigations; training;

40 responsibilities; annual report

41 A. ~~In addition to the powers and duties of the director pursuant to~~

42 ~~sections 41-1953 and 41-1954,~~ The director shall establish the office of

43 child welfare investigations within the department. The director is

44 responsible for the direction, operation and control of the office.

1 B. The duties of the office include investigating criminal conduct
2 allegations, coordinating with ~~child protective services~~ OTHER PARTS OF THE
3 DEPARTMENT and law enforcement, establishing task forces for the
4 investigation of criminal conduct and other duties as may be assigned by the
5 director.

6 C. The office shall employ child welfare investigators who have
7 received training to understand law enforcement's role in cases of criminal
8 child abuse or neglect and in social services offered by the department. The
9 office may employ research analysts and peace officers for the purpose of
10 obtaining an originating agency identification number to have direct access
11 to criminal history report information. Each person hired by the office is
12 an employee of the department, IS SUBJECT TO TITLE 41, CHAPTER 4, ARTICLE 4
13 and shall comply with the fingerprint requirements of section ~~41-1968~~ 8-802.

14 D. The department, in coordination with the Arizona peace officer
15 standards and training board, shall provide child welfare investigators with
16 training. The training shall be, at a minimum, in the following areas:

- 17 1. First responder training on responding to reports of child abuse.
- 18 2. Forensic interviewing and processes.
- 19 3. Child physical and sexual abuse investigation.
- 20 4. The protocols established pursuant to section 8-817.

21 5. Relevant law enforcement procedures, including the collection and
22 preservation of evidence.

23 6. A child's constitutional rights as a victim of a crime pursuant to
24 article II, section 2.1, Constitution of Arizona.

25 7. IMPACT AND INTERVENTION PRACTICES RELATED TO ADVERSE CHILDHOOD
26 EXPERIENCES, CULTURALLY AND LINGUISTICALLY APPROPRIATE SERVICE DELIVERY,
27 DOMESTIC VIOLENCE, FAMILY ENGAGEMENT, COMMUNICATION WITH SPECIAL POPULATIONS
28 AND TRAUMA INFORMED RESPONSES.

29 ~~7-~~ 8. Any other training as directed by the director.

30 E. A child welfare investigator shall:

- 31 1. Protect children.
- 32 2. Assess, respond to or investigate all criminal conduct allegations
33 ~~as defined in section 8-801~~, which shall be a priority, but not otherwise
34 exercise the authority of a peace officer.

35 3. ~~An investigator shall~~ Not interview a child without the prior
36 written consent of the parent, guardian or custodian of the child unless
37 either:

38 (a) The child initiates contact with the investigator.

39 (b) The child who is interviewed is the subject of, is the sibling of
40 or is living with the child who is the subject of an abuse or abandonment
41 investigation pursuant to paragraph 4, subdivision (b) of this subsection.

42 (c) The interview is conducted pursuant to the terms of the protocols
43 established pursuant to section 8-817.

44 4. After the receipt of any report or information pursuant to
45 paragraph 2 of this subsection, immediately do both of the following:

1 (a) Notify the appropriate municipal or county law enforcement agency
2 if they have not already been notified.

3 (b) Make a prompt and thorough investigation of the nature, extent and
4 cause of any condition that would tend to support or refute the report of
5 child abuse or neglect when investigating allegations pursuant to paragraph 2
6 of this subsection. A criminal conduct allegation shall be investigated with
7 the appropriate municipal or county law enforcement agency according to the
8 protocols established pursuant to section 8-817.

9 5. Take a child into temporary custody as provided in section 8-821.
10 Law enforcement officers shall cooperate with the department to remove a
11 child from the custody of the child's parents, guardian or custodian pursuant
12 to section 8-821. A child welfare investigator who is responding to or
13 investigating a report containing a criminal conduct allegation shall have
14 the primary responsibility for making the decision whether to take a child
15 into temporary custody.

16 6. Evaluate conditions created by the parents, guardian or custodian
17 that would support or refute the allegation that the child should be
18 adjudicated dependent. The investigator shall then determine whether any
19 child is in need of ~~protective~~ CHILD SAFETY services.

20 7. Identify, promptly obtain and abide by court orders that restrict
21 or deny custody, visitation or contact by a parent or other person in the
22 home with the child and notify appropriate personnel within the department to
23 preclude violations of a court order in the provision of any services.

24 8. On initial contact with the parent, guardian or custodian of a
25 child who is the subject of an investigation pursuant to this section,
26 provide the parent, guardian or custodian with the allegation received by the
27 department. This paragraph does not require the department to disclose
28 details or information that would compromise an ongoing criminal
29 investigation.

30 9. HAVE ACCESS TO ALL RECORDS AND INFORMATION OF THE DEPARTMENT
31 NECESSARY TO CARRY OUT THIS SECTION.

32 F. Unless a dependency petition is filed, a child shall not remain in
33 temporary custody for a period exceeding seventy-two hours, excluding
34 Saturdays, Sundays and holidays. If a petition is not filed, the child shall
35 be released to the child's parent, guardian or custodian.

36 G. In conducting an investigation pursuant to this section, if the
37 investigator is made aware that an allegation of abuse or neglect may also
38 have been made in another state, the investigator shall contact the
39 appropriate agency in that state to attempt to determine the outcome of any
40 investigation of that allegation.

41 H. The office of child welfare investigations shall submit ~~an annual~~
42 A report ~~on~~ BY AUGUST 15 EACH YEAR TO THE GOVERNOR, THE SPEAKER OF THE HOUSE
43 OF REPRESENTATIVES, THE PRESIDENT OF THE SENATE AND THE SECRETARY OF STATE
44 THAT INCLUDES THE FOLLOWING INFORMATION FOR THE MOST RECENTLY COMPLETED
45 FISCAL YEAR:

1 1. THE NUMBER OF REPORTS FOR INVESTIGATION THAT INVOLVE CRIMINAL
2 CONDUCT ALLEGATIONS.

3 2. THE NUMBER OF joint investigations conducted ~~during the year~~
4 pursuant to section 8-817.

5 3. FOR EACH CASE IN WHICH A JOINT INVESTIGATION DID NOT OCCUR PURSUANT
6 TO SECTION 8-817, THE REASONS WHY THE JOINT INVESTIGATION DID NOT OCCUR.

7 I. All records gathered or created by the department during an
8 investigation conducted under this section are confidential and shall be
9 protected and released as prescribed in section 8-807, except the department
10 shall not release records if the department determines that the release of
11 these records may compromise an ongoing investigation.

12 J. Notwithstanding any other law, the office of child welfare
13 investigations is not responsible for conducting the criminal investigation
14 of ~~the crimes listed in section 8-801~~ A CRIMINAL CONDUCT ALLEGATION.

15 Sec. 22. Transfer and renumber

16 Title 8, chapter 8, article 1, Arizona Revised Statutes, is transferred
17 and renumbered for placement in title 41, chapter 14, Arizona Revised
18 Statutes, as article 5. Sections 8-651 and 8-652, Arizona Revised Statutes,
19 are transferred and renumbered for placement in title 41, chapter 14, article
20 5, Arizona Revised Statutes, as sections 41-2021 and 41-2022, respectively.

21 Sec. 23. Heading change

22 A. The chapter heading of former title 8, chapter 8, Arizona Revised
23 Statutes, is repealed.

24 B. The article heading of title 41, chapter 14, article 5, Arizona
25 Revised Statutes, as transferred and renumbered by this act, is changed from
26 "GENERAL PROVISIONS" to "EARLY INTERVENTION PROGRAMS AND SERVICES FOR INFANTS
27 AND TODDLERS".

28 Sec. 24. Transfer and renumber

29 Title 8, chapter 9, article 1, Arizona Revised Statutes, is transferred
30 and renumbered for placement in title 8, chapter 4, Arizona Revised Statutes,
31 as added by this act, as article 3. Section 8-701, Arizona Revised Statutes,
32 is transferred and renumbered for placement in title 8, chapter 4, article 3,
33 Arizona Revised Statutes, as section 8-481.

34 Sec. 25. Heading change

35 A. The chapter heading of former title 8, chapter 9, Arizona Revised
36 Statutes, is repealed.

37 B. The article heading of title 8, chapter 4, article 3, Arizona
38 Revised Statutes, as transferred and renumbered by this act, is changed from
39 "GENERAL PROVISIONS" to "HEALTHY FAMILIES PROGRAM".

40 Sec. 26. Section 8-481, Arizona Revised Statutes, as transferred and
41 renumbered by this act, is amended to read:

42 8-481. Healthy families program; administration; consent;
43 access to records

44 A. The healthy families program is established in the department ~~of~~
45 ~~economic security~~. The program shall provide services to children under five

1 years of age and members of their families that are designed to prevent child
2 abuse or neglect and to promote child development and wellness. The program
3 also may provide these services to pregnant women and their families.

4 B. The department shall:

5 1. Develop standardized program eligibility criteria to be used for
6 identifying families in greatest need of program services.

7 2. Develop the following program functions:

8 (a) Comprehensive standardized risk assessment evaluation for newborns
9 and their families.

10 (b) A method to identify families that have the greatest need for
11 program services. The department shall establish a method of disclosing to
12 parents at the time of their admission to a hospital for childbirth that they
13 may be contacted regarding program services.

14 (c) Outreach services that are conducted primarily through
15 prescheduled home visits.

16 3. Establish methods that assist program participants to reduce
17 illiteracy, reduce dependency on welfare, encourage employment, encourage
18 self-sufficiency and encourage community involvement by program participants
19 through community service, employment or participation in religious or social
20 organizations.

21 4. Develop employment guidelines for program personnel that include
22 background checks for those personnel who will have direct contact with
23 pregnant women or families or who will have access to program participant
24 records. Employment guidelines shall include skill development in child
25 abuse and neglect detection and in the collection of relevant program data.

26 5. Track program costs.

27 6. Offer parents education on prenatal care.

28 7. Offer participants education on successful marriage.

29 8. Establish guidelines for requiring program participants to engage
30 in community service activities in exchange for benefits received from the
31 program. Participants shall be allowed to choose from a variety of community
32 and faith-based service providers that are under contract with the department
33 to provide community service opportunities or program services. Participants
34 shall be allowed and encouraged to engage in community services within their
35 own communities. Participants shall be allowed to fulfill the requirements
36 of this paragraph by providing community services to the program from which
37 they received services.

38 C. The goals of the healthy families program include:

39 1. Reducing child abuse and neglect.

40 2. Promoting child wellness and proper development.

41 3. Strengthening family relations.

42 4. Promoting family unity.

43 5. Reducing dependency on drugs and alcohol.

44 D. The healthy families program shall provide the following services
45 to program participants:

- 1 1. Informal counseling or emotional support services.
- 2 2. Assistance in developing parenting and coping skills.
- 3 3. Education on the importance of good nutritional habits to improve
4 the overall health of their children.
- 5 4. Education on developmental assessments so that early identification
6 of any learning disabilities, physical handicaps or behavioral health needs
7 are determined.
- 8 5. Education on the importance of preventative health care and the
9 need for screening examinations such as hearing and vision.
- 10 6. Assistance and encouragement to provide age appropriate
11 immunizations so that their children are immunized.
- 12 7. Assistance and encouragement to access comprehensive private and
13 public preschool and other school readiness programs.
- 14 8. Assistance in applying for private and public financial assistance
15 including employment services.
- 16 9. Assistance in accessing other applicable community and public
17 services including employment services.
- 18 E. Program participants shall be provided with the Arizona children
19 and families resource directory compiled under section 36-698 in order to
20 help them answer questions concerning early childhood development.
- 21 F. Program services shall not be provided under this section unless:
22 1. Participation in the program is initiated in response to a request
23 by the potential program participant.
- 24 2. A verbal explanation of the program is provided to program
25 participants, including an explanation of the rights and responsibilities of
26 both the participant and the program provider.
- 27 3. The written, informed consent of the program participants is
28 received. The consent form shall include at least a clear description of the
29 program, including the activities and information to be provided by the
30 program during prescheduled home visits, the number of expected home visits,
31 the right of program participants to terminate participation in the program
32 at any time, any responsibilities of the program participants, a statement
33 that a record will be made and maintained of the home visits and may be
34 available in future court proceedings and any other information that is
35 necessary to convey to the program participants a clear understanding of the
36 program.
- 37 G. The initial contact may be in person and at any convenient
38 location, except that if the contact occurs at the primary residence of the
39 potential program participant, the program personnel shall not enter the
40 residence during the initial contact without the permission of the potential
41 program participant.
- 42 H. If the potential program participant is a minor living with the
43 minor's parent or guardian, home visits shall not be provided under this
44 section without the additional written consent of the parent or guardian.

1 I. If any home visits are to be made by program personnel who are
2 required to report suspected abused or neglected children pursuant to title
3 13, chapter 36, the consent form shall also contain a clear and conspicuous
4 statement informing parents that the home visits will be made by a person who
5 is required to report any instances of suspected abuse or neglect of children
6 to ~~child protective services in~~ the department ~~of economic security~~ or its
7 successor.

8 J. Program participants have access to the records on their own family
9 at all times and have the right to correct any inaccurate information
10 included in the records. Records shall be retained for at least five years
11 after the participants' last involvement in the program. Program records are
12 not available to other government agencies or programs in the department
13 without specific prior written consent by the program participant for the
14 release of information in the program participant's records. Program
15 personnel shall not wilfully include defamatory information or maliciously
16 include derogatory information in the records. Program participants have a
17 right of action against any program personnel for the knowing or reckless
18 inclusion of defamatory information in the records.

19 K. This section does not prohibit a person from satisfying the
20 reporting requirements of section 13-3620 or from complying with a court
21 order to produce records.

22 Sec. 27. Repeal

23 Title 8, chapter 11, Arizona Revised Statutes, is repealed.

24 Sec. 28. Transfer and renumber

25 Title 8, chapter 5, article 1, Arizona Revised Statutes, is transferred
26 and renumbered for placement in title 8, chapter 4, Arizona Revised Statutes,
27 as added by this act, as article 4.

28 Sec. 29. Heading change

29 A. The chapter heading of former title 8, chapter 5, Arizona Revised
30 Statutes, is repealed.

31 B. The article heading of title 8, chapter 4, article 4, Arizona
32 Revised Statutes, as transferred and renumbered by this act, is changed from
33 "GENERAL PROVISIONS" to "CHILD WELFARE AND PLACEMENT".

34 Sec. 30. Section 8-501, Arizona Revised Statutes, as transferred by
35 this act, is amended to read:

36 8-501. Definitions

37 A. In this article, unless the context otherwise requires:

38 1. "Child welfare agency" or "agency":

39 (a) Means:

40 (i) Any agency or institution maintained by a person, firm,
41 corporation, association or organization to receive children for care and
42 maintenance or for twenty-four hour social, emotional or educational
43 supervised care or who have been adjudicated as a delinquent or dependent
44 child.

1 (ii) Any institution that provides care for unmarried mothers and
2 their children.

3 (iii) Any agency maintained by ~~the~~ THIS state, ~~or~~ a political
4 subdivision ~~thereof,~~ OF THIS STATE OR A person, firm, corporation,
5 association or organization to place children or unmarried mothers in a
6 foster home.

7 (b) Does not include state operated institutions or facilities,
8 detention facilities for children established by law, health care
9 institutions that are licensed by the department of health services pursuant
10 to title 36, chapter 4 or private agencies that exclusively provide children
11 with social enrichment or recreational opportunities and that do not use
12 restrictive behavior management techniques.

13 2. "Division" or "department" means the department of ~~economic~~
14 ~~security~~ CHILD SAFETY.

15 3. "Former dependent child" means a person who was previously
16 adjudicated a dependent child in a dependency proceeding that has been
17 dismissed by order of the juvenile court.

18 4. "Foster child" means a child placed in a foster home or child
19 welfare agency.

20 5. "Foster home" means a home maintained by any individual or
21 individuals having the care or control of minor children, other than those
22 related to each other by blood or marriage, or related to such individuals,
23 or who are legal wards of such individuals.

24 6. "Foster parent" means any individual or individuals maintaining a
25 foster home.

26 7. "Group foster home" means a licensed regular or special foster home
27 suitable for placement of more than five minor children but not more than ten
28 minor children.

29 8. "Out-of-home placement" means the placing of a child in the custody
30 of an individual or agency other than with the child's parent or legal
31 guardian and includes placement in temporary custody pursuant to section
32 8-821, subsection A or B, voluntary placement pursuant to section 8-806 or
33 placement due to dependency actions.

34 9. "Parent" means the natural or adoptive mother or father of a child.

35 10. "Reason for leaving care" means one of the following:

36 (a) Reunification with A parent or primary caretaker.

37 (b) Living with ~~other~~ ANOTHER relative.

38 (c) Adoption by A relative.

39 (d) Adoption by A foster parent.

40 (e) Adoption by another person.

41 (f) Age of majority.

42 (g) Guardianship by A relative.

43 (h) Guardianship by another person.

44 (i) Transfer to another agency.

45 (j) Runaway.

1 (k) Death.

2 11. "Receiving foster home" means a licensed foster home suitable for
3 immediate placement of children when taken into custody or pending medical
4 examination and court disposition.

5 12. "Regular foster home" means a licensed foster home suitable for
6 placement of not more than five minor children.

7 13. "Relative" means a grandparent, great-grandparent, brother or
8 sister of whole or half blood, aunt, uncle or first cousin.

9 14. "Restrictive behavior management" means an intervention or
10 procedure that attempts to guide, redirect, modify or manage behavior through
11 the use of any of the following:

12 (a) Physical force to cause a child to comply with a directive.
13 Physical force does not include physical escort. For the purposes of this
14 subdivision, "physical escort" means temporarily touching or holding a
15 child's hand, wrist, arm, shoulder or back to induce the child to walk to a
16 safe location.

17 (b) A device, action or medication to restrict the movement or normal
18 function of a child in order to control or change the child's behavior and
19 that includes:

20 (i) Chemical restraint. For the purposes of this item, "chemical
21 restraint" means the use of any psychoactive medication as a restraint to
22 control the child's behavior or to restrict the child's freedom of movement
23 and that is not a standard treatment for the child's medical or psychiatric
24 condition.

25 (ii) Mechanical restraint. For the purposes of this item, "mechanical
26 restraint" means the use of any physical device to limit a child's movement
27 and to prevent the child from causing harm to self or to others. Mechanical
28 restraint does not include devices such as orthopedically prescribed devices,
29 surgical dressings or bandages, protective helmets or any other method that
30 involves the physical holding of a child to conduct a routine physical
31 examination or test or to protect the child from falling out of bed or to
32 permit the child to participate in activities in order to reduce the risk of
33 physical harm to the child.

34 (iii) Physical restraint. For the purposes of this item, "physical
35 restraint" means applying physical force to reduce or restrict a child's
36 ability to freely move the child's arms, legs or head. Physical restraint
37 does not include temporarily holding a child to permit the child to
38 participate in activities of daily living if this holding does not involve
39 the risk of physical harm to the child.

40 (iv) Seclusion. For the purposes of this item, "seclusion" means
41 placing a child against the child's will in a room in which the child is
42 unable to open the door in order to prevent the child from doing harm to self
43 or others.

44 15. "Special foster home" means a licensed foster home capable of
45 handling not more than five minor children who require special care for

1 physical, mental or emotional reasons or who have been adjudicated
2 delinquent. Special foster home includes any home handling foster children
3 aged twelve through seventeen.

4 B. A foster home or any classification of foster home defined in
5 subsection A of this section includes a home having the care of persons who
6 are under twenty-one years of age and the cost of whose care is provided
7 pursuant to section 46-134, ~~subsection A,~~ paragraph ~~14~~ 12.

8 Sec. 31. Repeal

9 Section 8-502, Arizona Revised Statutes, as transferred by this act, is
10 repealed.

11 Sec. 32. Section 8-503.01, Arizona Revised Statutes, as transferred by
12 this act, is amended to read:

13 8-503.01. Children and family services training program fund;
14 purposes; status report; exemption from lapsing

15 A. The division shall establish a children and family services
16 training program fund consisting of monies received pursuant to sections
17 8-243.01 and 8-807. Subject to legislative appropriation, the fund monies
18 shall be used to enhance the collection of monies owed the department ~~of~~
19 ~~economic security~~ pursuant to section 8-243 and to administer a children and
20 family services training program for the training of child ~~protective~~
21 ~~services~~ SAFETY workers, public employees in related program services and
22 employees of child welfare agencies and community treatment programs that, in
23 the judgment of the director of the department, would benefit from staff
24 training. ~~However,~~ The department shall not use fund monies to pay any
25 portion of training program staff salaries and training program staff
26 expenses. The department shall use monies collected under section 8-807 only
27 to reimburse the department for the labor, editing and copying charges
28 related to that section.

29 B. The director shall include in the annual report ~~required under~~
30 ~~section 41-1960~~ a status report on and an evaluation of the children and
31 family services training program.

32 C. Ninety per cent of the monies collected under ~~the provisions of~~
33 this section shall be deposited in the children and family services training
34 program fund, not more than ten per cent of which shall be used to enhance
35 the collection of monies owed the department ~~of economic security~~ pursuant to
36 section 8-243. The remaining ten per cent of the monies collected shall be
37 deposited in the STATE general fund ~~of the state~~.

38 Sec. 33. Section 8-506, Arizona Revised Statutes, as transferred by
39 this act, is amended to read:

40 8-506. Denial, suspension or revocation of license; foster
41 home; hearing

42 The division may deny the application or suspend or revoke the license
43 of any foster home for wilful violation of any provision of this ~~chapter~~
44 ~~ARTICLE~~ or failure to maintain the standards of the care prescribed by the
45 division. Written notice of the grounds of the suspension or the proposed

1 denial or revocation shall be given ~~TO~~ the applicant or holder of the
2 license. A copy of the written notice of the suspension or the proposed
3 denial, ~~or~~ or revocation shall be forwarded to the agency that recommended the
4 foster home for licensing. Within twenty days after receipt of written
5 notice of proposed denial, revocation, ~~or~~ or suspension, the applicant or
6 holder may request a hearing in accordance with the rules of the division.
7 If the hearing is requested it shall be held within ten days of the request,
8 at which time the applicant or holder shall have the right to present
9 testimony and confront witnesses.

10 Sec. 34. Section 8-506.01, Arizona Revised Statutes, as transferred by
11 this act, is amended to read:

12 8-506.01. Denial, suspension, revocation or change of license;
13 child welfare agency; appeal

14 The division may deny the application or suspend or revoke the license
15 of any child welfare agency for the wilful violation of any provision of this
16 ~~chapter~~ ARTICLE or for failure to maintain the standards of the care
17 prescribed by the division. Written notice of the grounds of the suspension
18 or the proposed denial or revocation or any other material change in the
19 license status, including provisional status, shall be given ~~TO~~ the applicant
20 or holder of the license. Within twenty days after receipt of written notice
21 of a proposed denial, revocation, suspension or change, the applicant or
22 holder may request a hearing in accordance with title 41, chapter 6,
23 article 10. If the hearing is requested it shall be held within ten days of
24 the request, at which time the applicant or holder has the right to subpoena
25 witnesses, present testimony and confront witnesses.

26 Sec. 35. Section 8-507, Arizona Revised Statutes, as transferred by
27 this act, is amended to read:

28 8-507. Operation without license

29 A. When the division has reason to believe that an agency or foster
30 home is being conducted or maintained without a license, it shall make an
31 investigation, and, if necessary, the division shall take action to prevent
32 such continued operation.

33 B. If an agency provides treatment or permits restrictive behavior
34 techniques to be used, the agency shall obtain a license issued by the
35 department of health services pursuant to title 36, chapter 4 or a child
36 welfare agency license issued ~~by the department of economic security~~ pursuant
37 to this ~~chapter~~ ARTICLE.

38 C. The superior court shall have jurisdiction to issue an injunction
39 restraining the operation of a child welfare agency or foster home without a
40 license.

41 Sec. 36. Section 8-512, Arizona Revised Statutes, as transferred by
42 this act, is amended to read:

43 8-512. Comprehensive medical and dental care; guidelines

44 A. The department shall provide comprehensive medical and dental care,
45 as prescribed by rules of the department, for each child who is:

- 1 1. Placed in a foster home.
- 2 2. In the custody of the department and placed with a relative.
- 3 3. In the custody of the department and placed in a certified adoptive
- 4 home before the entry of the final order of adoption.
- 5 4. In the custody of the department and in an independent living
- 6 program as provided in section 8-521.
- 7 5. In the custody of a probation department and placed in foster care.
- 8 The department shall not provide this care if the cost exceeds funds
- 9 currently appropriated and available for that purpose.
- 10 B. On or before October 1, 2015, the department of ~~economic security~~
- 11 **CHILD SAFETY**, in collaboration with the department of health services and the
- 12 Arizona health care cost containment system administration, shall:
- 13 1. Determine the most efficient and effective way to provide
- 14 comprehensive medical, dental and behavioral health services, including
- 15 behavioral health diagnostic, evaluation and treatment services for children
- 16 who are provided care pursuant to subsection A of this section.
- 17 2. Determine the number of disruptions of placements in foster care by
- 18 age of child due to behavioral health management issues and the extent each
- 19 child is receiving behavioral health services.
- 20 3. Determine the number of adopted children who have entered foster
- 21 care due to the adoptive parents' inability to receive behavioral health
- 22 services to adequately meet the needs of the child and parents.
- 23 4. Submit a report of its recommendations for providing services
- 24 pursuant to this subsection to the governor, the speaker of the house of
- 25 representatives and the president of the senate and shall provide a copy of
- 26 its report to the secretary of state. The collaborative determination shall
- 27 consider an administratively integrated system.
- 28 C. The care may include:
- 29 1. A program of regular health examinations and immunizations
- 30 including as minimums:
- 31 (a) Vaccinations to prevent mumps, rubella, smallpox and polio.
- 32 (b) Tests for anemia, coccidioidomycosis and tuberculosis.
- 33 (c) Urinalysis, blood count and hemoglobin tests.
- 34 (d) Regular examinations for general physical health, hearing and
- 35 vision, including providing corrective devices when needed.
- 36 2. Inpatient and outpatient hospital care.
- 37 3. Necessary services of physicians, surgeons, psychologists and
- 38 psychiatrists.
- 39 4. Dental care consisting of at least oral examinations including
- 40 diagnostic radiographs, oral prophylaxis and topical fluoride applications,
- 41 restoration of permanent and primary teeth, pulp therapy, extraction when
- 42 necessary, fixed space maintainers where needed and other services for relief
- 43 of pain and infection.
- 44 5. Drug prescription service.

1 D. The facilities of any hospital or other institution within the
2 state, public or private, may be employed by the foster parent, relative,
3 certified adoptive parent, agency or division having responsibility for the
4 care of the child.

5 E. For inpatient hospital admissions and outpatient hospital services
6 on or after March 1, 1993, the department shall reimburse a hospital
7 according to the rates established by the Arizona health care cost
8 containment system administration pursuant to section 36-2903.01,
9 subsection G.

10 F. The department shall use the Arizona health care cost containment
11 system administration rates as identified in subsection E of this section for
12 any child eligible for services under this section.

13 G. A hospital bill is considered received for purposes of subsection I
14 of this section on initial receipt of the legible, error-free claim form by
15 the department if the claim includes the following error-free documentation
16 in legible form:

- 17 1. An admission face sheet.
- 18 2. An itemized statement.
- 19 3. An admission history and physical.
- 20 4. A discharge summary or an interim summary if the claim is split.
- 21 5. An emergency record, if admission was through the emergency room.
- 22 6. Operative reports, if applicable.
- 23 7. A labor and delivery room report, if applicable.

24 H. The department shall require that the hospital pursue other third
25 party payors before submitting a claim to the department. Payment received
26 by a hospital from the department is considered payment by the department of
27 the department's liability for the hospital bill. A hospital may collect any
28 unpaid portion of its bill from other third party payors or in situations
29 covered by title 33, chapter 7, article 3.

30 I. For inpatient hospital admissions and outpatient hospital services
31 rendered on and after October 1, 1997, the department shall pay a hospital's
32 rate established according to this section subject to the following:

33 1. If the hospital's bill is paid within thirty days of the date the
34 bill was received, the department shall pay ninety-nine per cent of the rate.

35 2. If the hospital's bill is paid after thirty days but within sixty
36 days of the date the bill was received, the department shall pay one hundred
37 per cent of the rate.

38 3. If the hospital's bill is paid any time after sixty days of the
39 date the bill was received, the department shall pay one hundred per cent of
40 the rate plus a fee of one per cent per month for each month or portion of a
41 month following the sixtieth day of receipt of the bill until the date of
42 payment.

43 J. For medical services other than those for which a rate has been
44 established pursuant to section 36-2903.01, subsection G, the department

1 shall pay according to the Arizona health care cost containment system capped
2 fee-for-service schedule adopted pursuant to section 36-2904, subsection K.

3 K. For any hospital or medical claims not covered under subsection E
4 or J of this section, the department shall establish and adopt a schedule
5 setting out maximum allowable fees that the department deems reasonable for
6 such services after appropriate study and analysis of usual and customary
7 fees charged by providers. The department shall not pay to any plan or
8 intermediary that portion of the cost of any service provided that exceeds
9 allowable charges prescribed by the department pursuant to this subsection.

10 L. The department shall not pay claims for services pursuant to this
11 section that are submitted more than one hundred eighty days after the date
12 of the service for which the payment is claimed.

13 M. The department may provide for payment through an insurance plan,
14 hospital service plan, medical service plan, or any other health service plan
15 authorized to do business in this state, fiscal intermediary or a combination
16 of such plans or methods. The state shall not be liable for and the
17 department shall not pay to any plan or intermediary any portion of the cost
18 of comprehensive medical and dental care in excess of funds appropriated and
19 available for such purpose at the time the plan or intermediary incurs the
20 expense for such care.

21 N. The total amount of state monies that may be spent in any fiscal
22 year by the department for comprehensive medical and dental care shall not
23 exceed the amount appropriated or authorized by section 35-173 for that
24 purpose. This section shall not be construed to impose a duty on an officer,
25 agent or employee of this state to discharge a responsibility or to create
26 any right in a person or group if the discharge or right would require an
27 expenditure of state monies in excess of the expenditure authorized by
28 legislative appropriation for that specific purpose.

29 Sec. 37. Section 8-514.01, Arizona Revised Statutes, as transferred by
30 this act, is amended to read:

31 8-514.01. Placement of developmentally disabled children

32 All foster placements of developmentally disabled children made by the
33 division shall be made to child developmental foster homes for
34 developmentally disabled children operated or licensed by the department OF
35 ECONOMIC SECURITY pursuant to title 36, chapter 5.1, article 3 ~~which~~ THAT
36 provide specialized programs for developmentally disabled children, except
37 that placements of developmentally disabled children to other types of foster
38 homes licensed pursuant to this article may be made, ~~when~~ IF the division
39 determines that such placement is in the best interests of the child.

40 Sec. 38. Section 8-514.03, Arizona Revised Statutes, as transferred by
41 this act, is amended to read:

42 8-514.03. Kinship foster care; requirements; investigation;
43 report

44 A. The department shall establish kinship foster care services for a
45 child who has been removed from the child's home and is in the custody of the

1 department. The program shall promote the placement of the child with the
2 child's relative for kinship foster care.

3 B. A kinship foster care parent applicant who is not a licensed foster
4 care parent shall be at least eighteen years of age. The applicant and each
5 member of the applicant's household who is at least eighteen years of age
6 shall submit a full set of fingerprints to the department OF CHILD SAFETY for
7 the purpose of obtaining a state and federal criminal records check pursuant
8 to section 41-1750 and Public Law 92-544. The department of public safety
9 may exchange this fingerprint data with the federal bureau of investigation.
10 The department OF CHILD SAFETY shall determine if the applicant is able to
11 meet the child's health and safety needs by conducting one or more home
12 visits and interviewing the applicant. The department of ~~economic security~~
13 CHILD SAFETY may interview other household members, review the applicant's
14 personal and professional references and conduct ~~child protective services~~
15 DEPARTMENT OF CHILD SAFETY central registry checks.

16 C. If the department determines that a kinship foster care placement
17 is not in the best interest of the child, the department shall provide
18 written notification to the applicant within fifteen business days. The
19 notice shall include the specific reason for denial, the applicant's right to
20 appeal and the process for reviewing the decision.

21 D. A kinship foster care parent may be eligible to receive the
22 following financial services for the child:

23 1. Full foster care benefits, including payment if the kinship foster
24 care parent becomes a licensed foster care home.

25 2. Temporary assistance for needy families cash assistance payments
26 for a child only case and supplemental financial support.

27 E. The department shall establish procedures for child welfare workers
28 to inform kinship foster care families about available financial and
29 nonfinancial services and eligibility requirements and shall assist the
30 families in completing the necessary application.

31 F. If a family declines to apply for financial services, the family
32 shall sign a statement indicating that the family declined services. The
33 statement does not prevent the family from making application in the future.
34 The worker shall provide a copy of the statement to the family.

35 G. The department shall provide nonfinancial services for a kinship
36 foster care parent through existing means or referral. Nonfinancial services
37 may include:

38 1. Family assessment.

39 2. Case management.

40 3. Child day care.

41 4. Housing search and relocation.

42 5. Parenting skills training.

43 6. Supportive intervention and guidance counseling.

44 7. Transportation.

45 8. Emergency services.

1 9. Parent aid services.

2 10. Respite services.

3 11. Additional services that the department determines are necessary to
4 meet the needs of the child and family.

5 H. The department of ~~economic security~~ CHILD SAFETY shall evaluate
6 biannually the performance of the kinship foster care program. On or before
7 November 1, the department shall submit a report to the speaker of the house
8 of representatives, the president of the senate and the governor and shall
9 provide a copy of this report to the secretary of state. The report shall
10 contain the following information:

11 1. The demographics and number of children placed with relative
12 caregivers.

13 2. The demographics of kinship foster caregivers.

14 3. The number of relative children per kinship foster care family.

15 4. The department's success at maintaining kinship foster care
16 placements.

17 5. The type of services provided to kinship foster care families.

18 6. The cost of services provided to kinship foster care families
19 compared to the cost of out-of-home placements.

20 7. Recommendations regarding program improvement.

21 Sec. 39. Section 8-514.04, Arizona Revised Statutes, as transferred by
22 this act, is amended to read:

23 8-514.04. Kinship care program; requirements

24 A. The kinship care program is established in the department ~~of~~
25 ~~economic security~~. The program shall:

26 1. Streamline, expedite and coordinate existing services and
27 referrals.

28 2. Preserve families.

29 3. ~~Help~~ Meet the protection, developmental, cultural and permanency
30 needs of children.

31 4. Enable families to sustain support for a child who cannot live with
32 the child's parents.

33 B. The department shall adopt rules to prescribe application and
34 eligibility requirements that provide an expedited process for kinship care
35 families to receive child only temporary assistance for needy families.

36 C. The department shall use existing measures for outreach and
37 marketing in order to facilitate community awareness regarding the program.

38 D. The department OF ECONOMIC SECURITY shall submit an amendment to
39 modify the temporary assistance for needy families state plan to the United
40 States department of health and human services. The amendment shall waive
41 the face-to-face requirement for relative caregivers applying for temporary
42 assistance for needy families, for a child only case.

43 E. Any kinship care family that applies for or receives cash
44 assistance under this section on behalf of a dependent child who is under
45 eighteen years of age shall conform to the requirements established pursuant

1 to sections 46-292 and 46-295 and department OF ECONOMIC SECURITY rule unless
2 the requirements have been modified pursuant to this section.

3 F. The department shall keep confidential information it obtains
4 pursuant to this section.

5 Sec. 40. Section 8-514.05, Arizona Revised Statutes, as transferred by
6 this act, is amended to read:

7 8-514.05. Foster care provider access to child health
8 information; consent to treatment

9 A. If a health plan, a health care provider licensed or certified
10 pursuant to title 32 or title XIX of the social security act or a health care
11 institution licensed pursuant to title 36, chapter 4 has provided or is
12 providing services to a child placed in out-of-home placement and has custody
13 or control of that child's medical or behavioral health records, the plan,
14 provider or institution must provide the following to the child's foster
15 parent, group home staff, foster home staff, relative or other person or
16 agency in whose care the child is currently placed pursuant to this article
17 or article ~~4~~ 6 of this chapter:

- 18 1. Medical records.
- 19 2. Behavioral health records.
- 20 3. Information relating to the child's condition and treatment.
- 21 4. The child's prescription and nonprescription drugs, medications,
22 durable medical equipment, devices and related information.

23 B. If a health plan, a health care provider licensed or certified
24 pursuant to title 32 or title XIX of the social security act or a health care
25 institution licensed pursuant to title 36, chapter 4 has provided or is
26 providing services to a child for whom the department is the legal guardian
27 or is providing foster care or substance abuse services and has custody or
28 control of that child's medical or behavioral health records, the plan,
29 provider or institution must provide the following to the department's
30 employees who are involved in the child's case management:

- 31 1. Medical records.
- 32 2. Behavioral health records.
- 33 3. Information relating to the child's condition and treatment.
- 34 4. The child's prescription and nonprescription drugs, medications,
35 durable medical equipment, devices and related information.

36 C. The foster parent, group home staff, foster home staff, relative or
37 other person or agency in whose care the child is currently placed pursuant
38 to this article or article ~~4~~ 6 of this chapter:

- 39 1. May give consent for the following:
 - 40 (a) Evaluation and treatment for emergency conditions that are not
41 life threatening.
 - 42 (b) Routine medical and dental treatment and procedures, including
43 early periodic screening diagnosis and treatment services, and services by
44 health care providers to relieve pain or treat symptoms of common childhood
45 illnesses or conditions.

- 1 2. Shall not consent to:
- 2 (a) General anesthesia.
- 3 (b) Surgery.
- 4 (c) Testing for the presence of the human immunodeficiency virus.
- 5 (d) Blood transfusions.
- 6 (e) Abortions.

7 Sec. 41. Section 8-520, Arizona Revised Statutes, as transferred by
8 this act, is amended to read:

9 8-520. Violations; classification

10 Any agency, society, association, institution or person, whether
11 incorporated or unincorporated, and any individual acting for or in its name,
12 which engages in caring for children or children and adults or of placing
13 children for care pursuant to this ~~chapter~~ ARTICLE, without having first
14 procured a license as a child welfare agency as provided in this ~~chapter~~
15 ARTICLE, or which knowingly fails or refuses to report as required by the
16 provisions of this ~~chapter~~ ARTICLE, or which knowingly obstructs or hinders
17 the division or its agents in inspection or investigation of the agency,
18 societies, associations, institutions or persons under its control or charge,
19 or any person knowingly violating any of the other provisions of this ~~chapter~~
20 ARTICLE is guilty of a class 2 misdemeanor unless another classification is
21 specifically prescribed in this ~~chapter~~ ARTICLE.

22 Sec. 42. Section 8-521, Arizona Revised Statutes, as transferred by
23 this act, is amended to read:

24 8-521. Independent living program; conditions; eligibility;
25 rules; case management unit; reports

26 A. The department or a licensed child welfare agency may establish an
27 independent living program for youths who are the subject of a dependency
28 petition or who are adjudicated dependent and are all of the following:

- 29 1. In the custody of the department, a licensed child welfare agency
30 or a tribal child welfare agency.
- 31 2. At least seventeen years of age.
- 32 3. Employed or full-time students.

33 B. The independent living program may consist of a residential program
34 of less than twenty-four hours' a day supervision for youths under the
35 supervision of the department through a licensed child welfare agency or a
36 foster home under contract with the department. Under the independent living
37 program the youth is not required to reside at a licensed child welfare
38 agency or foster home.

39 C. The director or the director's designee shall review and approve
40 any recommendation to the court that a youth in the custody of the department
41 be ordered to an independent living program.

42 D. For a youth to participate in an independent living program, the
43 court must order such a disposition pursuant to section 8-845.

44 E. The department ~~OF CHILD SAFETY~~, a licensed child welfare agency or
45 a tribal child welfare agency having custody of the youth shall provide the

1 cost of care as required by section 46-134 for each child placed in an
2 independent living program pursuant to this section, except that the monthly
3 amount provided shall not exceed the average monthly cost of purchased
4 services for the child in the three months immediately preceding placement in
5 an independent living program.

6 F. The department shall adopt rules pursuant to title 41, chapter 6 to
7 carry out this section.

8 G. The department shall provide quarterly progress reports to the
9 court and to local foster care review boards for each youth participating in
10 the independent living program.

11 H. The local foster care review boards shall review at least once
12 every six months the case of each youth participating in the independent
13 living program.

14 I. The department shall establish an educational case management unit
15 within the division consisting of two case managers to develop and coordinate
16 educational case management plans for youths participating in the independent
17 living program and to assist youths in the program to do the following:

- 18 1. Graduate from high school.
- 19 2. Pass the Arizona instrument to measure standards test.
- 20 3. Apply for postsecondary financial assistance.
- 21 4. Apply for postsecondary education.

22 J. The department shall prepare a report on or before March 1 of each
23 year that contains the following information for the previous calendar year:

- 24 1. The number of children in the program.
- 25 2. The number of children in the program by age and grade.
- 26 3. The number of children in the program by county of residence.
- 27 4. The number of children in the program who graduated from high
28 school.
- 29 5. The number of children in the program who received a general
30 equivalency diploma.

31 6. The number of children in the program enrolled in postsecondary
32 education.

33 K. The department shall submit a copy of the report prescribed in
34 subsection J of this section to the governor, the president of the senate,
35 the speaker of the house of representatives, ~~AND the secretary of state and~~
36 ~~the director of the Arizona state library, archives and public records.~~

37 Sec. 43. Section 8-525, Arizona Revised Statutes, as transferred by
38 this act, is amended to read:

39 8-525. Open court proceedings; closure; records

40 A. Except as otherwise provided pursuant to this section, court
41 proceedings relating to dependent children, permanent guardianship and
42 termination of parental rights are open to the public.

43 B. At the first hearing in any dependency, permanent guardianship or
44 termination of parental rights proceeding, the court shall ask the parties if
45 there are any reasons the proceeding should be closed. For good cause shown,

1 the court may order any proceeding to be closed to the public. In
2 considering whether to close the proceeding to the public, the court shall
3 consider:

- 4 1. Whether doing so is in the child's best interests.
- 5 2. Whether an open proceeding would endanger the child's physical or
6 emotional well-being or the safety of any other person.
- 7 3. The privacy rights of the child, the child's siblings, parents,
8 guardians and caregivers and any other person whose privacy rights the court
9 determines need protection.
- 10 4. Whether all parties have agreed to allow the proceeding to be open.
- 11 5. If the child is at least twelve years of age and a party to the
12 proceeding, the child's wishes.

13 6. Whether an open proceeding could cause specific material harm to a
14 criminal investigation.

15 C. Subject to the requirements of subsection B of this section and
16 section 8-807, subsection F, paragraph 2, a court proceeding relating to
17 child abuse, abandonment or neglect that has resulted in a fatality or near
18 fatality is open to the public.

19 D. At the beginning of a hearing that is open to the public, the court
20 shall do the following:

21 1. Admonish all attendees that they are prohibited from disclosing any
22 information that may identify the child and the child's siblings, parents,
23 guardians and caregivers, and any other person whose identity will be
24 disclosed during the proceeding.

25 2. Explain contempt of court to all attendees and the possible
26 consequences of violating an order of the court.

27 E. A person who remains in the court after the admonition pursuant to
28 subsection D of this section must abide by the court's order prohibiting
29 disclosure of that information. The court may find a person who fails to do
30 so in contempt of court.

31 F. The court may close an open proceeding at any time for good cause
32 shown and after considering the factors prescribed in subsection B of this
33 section.

34 G. If a proceeding relating to child abuse, abandonment or neglect
35 that has resulted in a fatality or near fatality has been closed by the
36 court, any person may subsequently request that the court reopen a proceeding
37 or a specific hearing to the public or request a transcript be made of any
38 previously closed proceeding. In ruling on this request, the court shall
39 consider the factors prescribed in subsection B of this section. The person
40 who requested the transcript shall pay the cost of the transcript. If the
41 court grants a request for a transcript of any closed proceeding, the court
42 shall redact from a transcript any information that:

- 43 1. Is essential to protect the privacy, well-being or safety interests
44 prescribed in subsection B of this section.

1 2. Protects the identity and safety of a person who reports child
2 abuse or neglect and ~~to protect~~ any other person if the court believes that
3 disclosure of the ~~EPS DCS~~ information would be likely to endanger the life or
4 safety of any person.

5 3. The court has received that is confidential by law. The court
6 shall maintain the confidentiality of the information as prescribed in the
7 applicable law.

8 H. Any person may request to inspect court records of a proceeding
9 involving the disclosure of ~~EPS DCS~~ information regarding a case of child
10 abuse, abandonment or neglect that has resulted in a fatality or near
11 fatality. In ruling on this request, the court shall consider the factors
12 prescribed in subsection B of this section. If the court grants the request,
13 the court shall redact any information subject to the requirements of
14 subsections B and G of this section and section 8-807, subsection F,
15 paragraph 2.

16 Sec. 44. Transfer and renumber

17 Title 8, chapter 5, article 2, Arizona Revised Statutes, is transferred
18 and renumbered for placement in title 8, chapter 4, Arizona Revised Statutes,
19 as added by this act, as article 5.

20 Sec. 45. Section 8-531, Arizona Revised Statutes, as transferred by
21 this act, is amended to read:

22 8-531. Definitions

23 In this article, unless the context otherwise requires:

24 1. "Abandonment" means the failure of a parent to provide reasonable
25 support and to maintain regular contact with the child, including providing
26 normal supervision. Abandonment includes a judicial finding that a parent
27 has made only minimal efforts to support and communicate with the child.
28 Failure to maintain a normal parental relationship with the child without
29 just cause for a period of six months constitutes prima facie evidence of
30 abandonment.

31 2. "Agency" means an agency licensed by the division to place children
32 for adoption.

33 3. "Child" means a person less than eighteen years of age.

34 4. "Custodian" means a person, other than a parent or legal guardian,
35 who stands in loco parentis to the child or a person to whom legal custody of
36 the child has been given by order of a court of competent jurisdiction.

37 5. "Custody" or "legal custody" means a status embodying all of the
38 following rights and responsibilities:

39 (a) The right to have physical possession of the child.

40 (b) The right and the duty to protect, train and discipline the child.

41 (c) The responsibility to provide the child with adequate food,
42 clothing, shelter, education and medical care, provided that such rights and
43 responsibilities shall be exercised subject to the powers, rights, duties and
44 responsibilities of the guardian of the person and subject to the residual

1 parental rights and responsibilities if they have not been terminated by
2 judicial decree.

3 6. "Division" means the department ~~of economic security~~.

4 7. "Guardian ad litem" means a person appointed by the court to
5 protect the interest of a minor or an incompetent in a particular case before
6 the court.

7 8. "Guardianship of the person" with respect to a minor means the duty
8 and authority to make important decisions in matters affecting the minor
9 including but not necessarily limited either in number or kind to:

10 (a) The authority to consent to marriage, to enlistment in the armed
11 forces of the United States and to major medical, psychiatric and surgical
12 treatment, to represent the minor in legal actions and to make other
13 decisions concerning the child of substantial legal significance.

14 (b) The authority and duty of reasonable visitation, except to the
15 extent that such right of visitation has been limited by court order.

16 (c) The rights and responsibilities of legal custody, except where
17 legal custody has been vested in another individual or in an authorized
18 agency.

19 (d) When the parent-child relationship has been terminated by judicial
20 decree with respect to the parents, or only living parent, or when there is
21 no living parent, the authority to consent to the adoption of the child and
22 to make any other decision concerning the child ~~which~~ THAT the child's
23 parents could make.

24 9. "Juvenile court" means the juvenile division of the superior court.

25 10. "Parent" means the natural or adoptive mother or father of a child.

26 11. "Parent-child relationship" includes all rights, privileges, duties
27 and obligations existing between parent and child, including inheritance
28 rights.

29 12. "Parties" includes the child, the petitioners and any parent of the
30 child required to consent to the adoption pursuant to section 8-106.

31 Sec. 46. Section 8-532, Arizona Revised Statutes, as transferred by
32 this act, is amended to read:

33 ~~8-532.~~ Jurisdiction; dependency based termination

34 A. The juvenile court shall have exclusive original jurisdiction over
35 petitions to terminate the parent-child relationship when the child involved
36 is present in ~~the~~ THIS state.

37 B. The juvenile court shall continue to have exclusive original
38 jurisdiction when the juvenile is in the legal custody of the juvenile court
39 although the physical placement of the child is in another state pursuant to
40 court order.

41 C. This article does not apply to termination proceedings conducted
42 pursuant to ~~chapter 10,~~ article ~~4-~~ 11 of this ~~title~~ CHAPTER except to the
43 extent prescribed in section 8-863.

1 Sec. 47. Section 8-533, Arizona Revised Statutes, as transferred by
2 this act, is amended to read:

3 8-533. Petition; who may file; grounds

4 A. Any person or agency that has a legitimate interest in the welfare
5 of a child, including, but not limited to, a relative, a foster parent, a
6 physician, the department ~~of economic security~~ or a private licensed child
7 welfare agency, may file a petition for the termination of the parent-child
8 relationship alleging grounds contained in subsection B of this section.

9 B. Evidence sufficient to justify the termination of the parent-child
10 relationship shall include any one of the following, and in considering any
11 of the following grounds, the court shall also consider the best interests of
12 the child:

13 1. That the parent has abandoned the child.

14 2. That the parent has neglected or wilfully abused a child. This
15 abuse includes serious physical or emotional injury or situations in which
16 the parent knew or reasonably should have known that a person was abusing or
17 neglecting a child.

18 3. That the parent is unable to discharge parental responsibilities
19 because of mental illness, mental deficiency or a history of chronic abuse of
20 dangerous drugs, controlled substances or alcohol and there are reasonable
21 grounds to believe that the condition will continue for a prolonged
22 indeterminate period.

23 4. That the parent is deprived of civil liberties due to the
24 conviction of a felony if the felony of which that parent was convicted is of
25 such nature as to prove the unfitness of that parent to have future custody
26 and control of the child, including murder of another child of the parent,
27 manslaughter of another child of the parent or aiding or abetting or
28 attempting, conspiring or soliciting to commit murder or manslaughter of
29 another child of the parent, or if the sentence of that parent is of such
30 length that the child will be deprived of a normal home for a period of
31 years.

32 5. That the potential father failed to file a paternity action within
33 thirty days of completion of service of notice as prescribed in section
34 8-106, subsection G.

35 6. That the putative father failed to file a notice of claim of
36 paternity as prescribed in section 8-106.01.

37 7. That the parents have relinquished their rights to a child to an
38 agency or have consented to the adoption.

39 8. That the child is being cared for in an out-of-home placement under
40 the supervision of the juvenile court, the division or a licensed child
41 welfare agency, that the agency responsible for the care of the child has
42 made a diligent effort to provide appropriate reunification services and that
43 one of the following circumstances exists:

44 (a) The child has been in an out-of-home placement for a cumulative
45 total period of nine months or longer pursuant to court order or voluntary

1 placement pursuant to section 8-806 and the parent has substantially
2 neglected or wilfully refused to remedy the circumstances that cause the
3 child to be in an out-of-home placement.

4 (b) The child who is under three years of age has been in an
5 out-of-home placement for a cumulative total period of six months or longer
6 pursuant to court order and the parent has substantially neglected or
7 wilfully refused to remedy the circumstances that cause the child to be in an
8 out-of-home placement, including refusal to participate in reunification
9 services offered by the department.

10 (c) The child has been in an out-of-home placement for a cumulative
11 total period of fifteen months or longer pursuant to court order or voluntary
12 placement pursuant to section 8-806, the parent has been unable to remedy the
13 circumstances that cause the child to be in an out-of-home placement and
14 there is a substantial likelihood that the parent will not be capable of
15 exercising proper and effective parental care and control in the near future.

16 9. That the identity of the parent is unknown and continues to be
17 unknown following three months of diligent efforts to identify and locate the
18 parent.

19 10. That the parent has had parental rights to another child terminated
20 within the preceding two years for the same cause and is currently unable to
21 discharge parental responsibilities due to the same cause.

22 11. That all of the following are true:

23 (a) The child was cared for in an out-of-home placement pursuant to
24 court order.

25 (b) The agency responsible for the care of the child made diligent
26 efforts to provide appropriate reunification services.

27 (c) The child, pursuant to court order, was returned to the legal
28 custody of the parent from whom the child had been removed.

29 (d) Within eighteen months after the child was returned, pursuant to
30 court order, the child was removed from that parent's legal custody, the
31 child is being cared for in an out-of-home placement under the supervision of
32 the juvenile court, the division or a licensed child welfare agency and the
33 parent is currently unable to discharge parental responsibilities.

34 C. Evidence considered by the court pursuant to subsection B of this
35 section shall include any substantiated allegations of abuse or neglect
36 committed in another jurisdiction.

37 D. In considering the grounds for termination prescribed in subsection
38 B, paragraph 8 or 11 of this section, the court shall consider the
39 availability of reunification services to the parent and the participation of
40 the parent in these services.

41 E. In considering the grounds for termination prescribed in subsection
42 B, paragraph 8 of this section, the court shall not consider the first sixty
43 days of the initial out-of-home placement pursuant to section 8-806 in the
44 cumulative total period.

1 F. The failure of an alleged parent who is not the child's legal
2 parent to take a test requested by the department or ordered by the court to
3 determine if the person is the child's natural parent is prima facie evidence
4 of abandonment unless good cause is shown by the alleged parent for that
5 failure.

6 Sec. 48. Transfer and renumber

7 Title 8, chapter 5, article 4, Arizona Revised Statutes, is transferred
8 and renumbered for placement in title 8, chapter 4, Arizona Revised Statutes,
9 as added by this act, as article 6.

10 Sec. 49. Section 8-548.05, Arizona Revised Statutes, as transferred by
11 this act, is amended to read:

12 8-548.05. Visitation, inspection and supervision

13 Any requirements for visitation, inspection or supervision of children,
14 homes, institutions or other agencies in another party state which may apply
15 under sections 8-501, 8-503 through 8-520 and 8-813 shall be deemed to be met
16 if performed pursuant to an agreement entered into by appropriate officers or
17 agencies of this state as contemplated by paragraph (b) of article V of the
18 interstate compact on the placement of children.

19 Sec. 50. Transfer and renumber

20 Title 8, chapter 5, article 5, Arizona Revised Statutes, is transferred
21 and renumbered for placement in title 8, chapter 4, Arizona Revised Statutes,
22 as added by this act, as article 7.

23 Sec. 51. Repeal

24 Section 8-550, Arizona Revised Statutes, as transferred by this act, is
25 repealed.

26 Sec. 52. Transfer and renumber

27 A. Title 8, chapter 6, Arizona Revised Statutes, is transferred and
28 renumbered for placement in title 36, Arizona Revised Statutes, as
29 chapter 39. Title 8, chapter 6, article 1, Arizona Revised Statutes, is
30 transferred and renumbered for placement in title 36, chapter 39, Arizona
31 Revised Statutes, as added by this act, as article 1. Sections 8-551, 8-552,
32 8-553, 8-554, 8-555, 8-556, 8-557, 8-558, 8-560, 8-561, 8-564, 8-565, 8-566,
33 8-567 and 8-568, Arizona Revised Statutes, are transferred and renumbered for
34 placement in title 36, chapter 39, article 1, Arizona Revised Statutes, as
35 sections 36-3901, 36-3902, 36-3903, 36-3904, 36-3905, 36-3906, 36-3907,
36 36-3908, 36-3909, 36-3910, 36-3911, 36-3912, 36-3913, 36-3914 and 36-3915,
37 respectively.

38 B. Title 8, chapter 7, Arizona Revised Statutes, is transferred and
39 renumbered for placement in title 25, Arizona Revised Statutes, as
40 chapter 10. Title 8, chapter 7, article 1, Arizona Revised Statutes, is
41 transferred and renumbered for placement in title 25, chapter 10, Arizona
42 Revised Statutes, as article 1. Section 8-601, Arizona Revised Statutes, is
43 transferred and renumbered for placement in title 25, chapter 10, article 1,
44 as added by this act, as section 25-1401.

1 C. Title 8, chapter 10, article 1, Arizona Revised Statutes, is
2 transferred and renumbered for placement in title 8, chapter 4, Arizona
3 Revised Statutes, as added by this act, as article 8.

4 Sec. 53. Heading change

5 A. The chapter heading of former title 8, chapter 10, Arizona Revised
6 Statutes, is repealed.

7 B. The article heading of title 8, chapter 4, article 8, Arizona
8 Revised Statutes, as transferred and renumbered by this act, is changed from
9 "PROTECTIVE SERVICES" to "DEPENDENT CHILDREN".

10 Sec. 54. Repeal

11 Section 8-800, Arizona Revised Statutes, as transferred by this act, is
12 repealed.

13 Sec. 55. Section 8-801, Arizona Revised Statutes, as transferred by
14 this act, is amended to read:

15 8-801. Definitions

16 In this ARTICLE AND ARTICLES 9, 10, 11, 12, 13 AND 14 OF THIS chapter,
17 unless the context otherwise requires:

18 ~~4.~~ 1. "Protective CHILD SAFETY services" means a specialized child
19 welfare program that is administered by the department as provided in this
20 chapter and that investigates allegations of and seeks to prevent, intervene
21 in and treat abuse, and neglect, to promote the well-being of the child in a
22 permanent home and to coordinate services to strengthen the family.

23 ~~1.~~ 2. "Child ~~protective services~~ SAFETY worker" or "worker" means a
24 person who has been selected by and trained under the requirements prescribed
25 by the department and who assists in carrying out the provisions of this
26 article.

27 ~~2. "Criminal conduct allegation" means an allegation of conduct by a~~
28 ~~parent, guardian or custodian of a child that, if true, would constitute any~~
29 ~~of the following:~~

30 ~~(a) A violation of section 13-3623 involving child abuse.~~

31 ~~(b) A felony offense that constitutes domestic violence as defined in~~
32 ~~section 13-3601.~~

33 ~~(c) A violation of section 13-1404 or 13-1406 involving a minor.~~

34 ~~(d) A violation of section 13-1405, 13-1410 or 13-1417.~~

35 ~~(e) Any other act of abuse that is classified as a felony.~~

36 ~~(f) An offense that constitutes domestic violence as defined in~~
37 ~~section 13-3601 and that involves a minor who is a victim of or was in~~
38 ~~imminent danger during the domestic violence.~~

39 3. "In-home intervention" means a program of services provided
40 pursuant to article ~~7~~ 14 of this chapter while the child is still in the
41 custody of the parent, guardian or custodian.

42 ~~5.~~ 4. "Relative" has the same meaning prescribed in section 8-501.

1 Sec. 56. Section 8-802, Arizona Revised Statutes, as amended by Laws
2 2013, first special session, chapter 5, section 1 and as transferred by this
3 act, is amended to read:

4 8-802. Child safety worker; fingerprint clearance cards;
5 interview requirements; temporary custody limit;
6 cooperation and coordination; alteration of files;
7 violation; classification

8 A. The department ~~of economic security~~ shall employ child ~~protective~~
9 ~~services~~ SAFETY workers. All persons who are employed as child ~~protective~~
10 ~~services~~ SAFETY workers shall have a valid fingerprint clearance card that is
11 issued pursuant to section 41-1758.07 or shall apply for a fingerprint
12 clearance card within seven working days of employment. A child ~~protective~~
13 ~~services~~ SAFETY worker shall certify on forms that are provided by the
14 department ~~of economic security~~ and that are notarized whether the worker is
15 awaiting trial on or has ever been convicted of any of the criminal offenses
16 listed in section 41-1758.07, subsections B and C in this state or similar
17 offenses in another state or jurisdiction.

18 ~~B. The department may cooperate with county agencies and community~~
19 ~~social services agencies to achieve the purposes of this chapter.~~

20 ~~C. Child protective services shall:~~

21 ~~1. Promote the safety and protection of children.~~

22 ~~2. Accept, screen and assess reports of abuse or neglect:~~

23 ~~(a) Pursuant to section 8-817.~~

24 ~~(b) In level I residential treatment centers or in level II or level~~
25 ~~III behavioral health residential agencies that are licensed by the~~
26 ~~department of health services.~~

27 ~~3. Receive reports of dependent, abused or abandoned children and be~~
28 ~~prepared to provide temporary foster care for these children on a twenty four~~
29 ~~hour basis.~~

30 ~~4. Receive from any source oral or written information regarding a~~
31 ~~child who may be in need of protective services.~~

32 B. A worker shall not interview a child without the prior written
33 consent of the parent, guardian or custodian of the child unless either:

34 ~~(a) 1. The child initiates contact with the worker.~~

35 ~~(b) 2. The child who is interviewed is the subject of or is the~~
36 ~~sibling of or living with the child who is the subject of an abuse or~~
37 ~~abandonment investigation pursuant to paragraph 5, subdivision (b) of this~~
38 ~~subsection SECTION 8-456.~~

39 ~~(c) 3. The interview is conducted pursuant to the terms of the~~
40 ~~protocols established pursuant to section 8-817.~~

41 ~~5. After the receipt of any report or information pursuant to~~
42 ~~paragraph 2, 3 or 4 of this subsection, immediately do all of the following:~~

43 ~~(a) Notify the municipal or county law enforcement agency and the~~
44 ~~office of child welfare investigations.~~

1 ~~(b) Make a prompt and thorough investigation. An investigation must~~
2 ~~determine the nature, extent and cause of any condition that would tend to~~
3 ~~support or refute the allegation that the child should be adjudicated~~
4 ~~dependent and the name, age and condition of other children in the home~~
5 ~~unless the report contains an allegation of criminal conduct that is being~~
6 ~~investigated by the office of child welfare investigations.~~

7 ~~(c) Assist the office of child welfare investigations as directed by~~
8 ~~the director of the department of economic security.~~

9 ~~6. Subject to section 41-1969.01, take a child into temporary custody~~
10 ~~as provided in section 8-821. Law enforcement officers shall cooperate with~~
11 ~~the department to remove a child from the custody of the child's parents,~~
12 ~~guardian or custodian when necessary.~~

13 ~~7. After investigation, evaluate conditions created by the parents,~~
14 ~~guardian or custodian that would support or refute the allegation that the~~
15 ~~child should be adjudicated dependent. The child protective services worker~~
16 ~~shall then determine whether any child is in need of protective services.~~

17 ~~8. Offer to the family of any child who is found to be a child in need~~
18 ~~of protective services those services that are designed to correct unresolved~~
19 ~~problems that would indicate a reason to adjudicate the child dependent.~~

20 ~~9. Submit a written report of the worker's investigation to:~~

21 ~~(a) The department's case management information system within a~~
22 ~~reasonable time period that does not exceed forty-five days after receipt of~~
23 ~~the initial information except as provided in section 8-811. If the~~
24 ~~investigation involves allegations regarding a child who at the time of the~~
25 ~~alleged incident was in the custody of a child welfare agency licensed by the~~
26 ~~department of economic security under this title, a copy of the report and~~
27 ~~any additional investigative or other related reports shall be provided to~~
28 ~~the board of directors of the agency or to the administrative head of the~~
29 ~~agency unless the incident is alleged to have been committed by the person.~~
30 ~~The department shall excise all information with regard to the identity of~~
31 ~~the source of the reports.~~

32 ~~(b) The appropriate court forty-eight hours before a dependency~~
33 ~~hearing pursuant to a petition of dependency or within twenty-one days after~~
34 ~~a petition of dependency is filed, whichever is earlier. On receipt of the~~
35 ~~report the court shall make the report available to all parties and counsel.~~

36 ~~10. Accept a child into voluntary placement pursuant to section 8-806.~~

37 ~~11. Make a good faith effort to promptly obtain and abide by court~~
38 ~~orders that restrict or deny custody, visitation or contact by a parent or~~
39 ~~other person in the home with the child. As part of the good faith effort,~~
40 ~~the child protective services worker shall ask the parent, guardian or~~
41 ~~custodian under investigation if a current court order exists.~~

42 ~~D. C.~~ A child shall not remain in temporary custody for a period
43 exceeding seventy-two hours, excluding Saturdays, Sundays and holidays,
44 unless a dependency petition is filed. If a petition is not filed and the
45 child is released to the child's parent, guardian or custodian, the worker

1 shall file a report of removal with the central registry within seventy-two
2 hours of the child's release. The report shall include:

3 1. The dates of previous referrals, investigations or temporary
4 custody.

5 2. The dates on which other children in the family have been taken
6 into temporary custody.

7 ~~E. D. The department shall provide child protective services workers~~
8 ~~who investigate reports of allegations of abuse and neglect with training in~~
9 ~~forensic interviewing and processes and the protocols established pursuant to~~
10 ~~section 8-817.~~ All child protective services SAFETY workers shall be trained
11 AND DEMONSTRATE COMPETENCY in ~~their~~:

12 1. THE duty to protect the legal rights of children and families from
13 the time of the initial contact through treatment. The training shall include
14 knowledge of a child's rights as a victim of crime. ~~The training for child~~
15 ~~protective services workers shall also include instruction on~~

16 2. The legal rights of parents.

17 3. IMPACT AND INTERVENTION PRACTICES RELATED TO ADVERSE CHILDHOOD
18 EXPERIENCES, CULTURALLY AND LINGUISTICALLY APPROPRIATE SERVICE DELIVERY,
19 DOMESTIC VIOLENCE, FAMILY ENGAGEMENT, COMMUNICATION WITH SPECIAL POPULATIONS
20 AND TRAUMA INFORMED RESPONSES.

21 ~~F. In conducting an investigation pursuant to this section, if the~~
22 ~~worker is made aware that an allegation of abuse or neglect may also have~~
23 ~~been made in another state, the worker shall contact the appropriate agency~~
24 ~~in that state to attempt to determine the outcome of any investigation of~~
25 ~~that allegation.~~

26 ~~G. The department of economic security shall develop an alternative~~
27 ~~response for designated reports.~~

28 E. ALL CHILD SAFETY WORKERS SHALL COOPERATE AND COORDINATE WITH THE
29 OFFICE OF CHILD WELFARE INVESTIGATIONS TO CARRY OUT THE PURPOSES OF SECTION
30 8-471.

31 F. ALL CHILD SAFETY WORKERS AND CHILD WELFARE INVESTIGATIONS WORKERS
32 SHALL COOPERATE AND COORDINATE WITH THE INSPECTIONS BUREAU TO CARRY OUT THE
33 PURPOSES OF SECTION 8-458.

34 G. ALL CHILD WELFARE INVESTIGATIONS WORKERS AND INSPECTIONS BUREAU
35 WORKERS SHALL COOPERATE AND COORDINATE WITH THE REST OF THE DEPARTMENT TO
36 ACHIEVE THE PURPOSES OF THIS TITLE.

37 H. Any person who alters a client file for the purpose of fraud or
38 misrepresentation is guilty of a class 2 misdemeanor.

39 Sec. 57. Repeal

40 Section 8-802, Arizona Revised Statutes, as amended by Laws 2013,
41 chapter 220, section 2 and as transferred by this act, is repealed.

1 Sec. 58. Section 8-803, Arizona Revised Statutes, as transferred by
2 this act, is amended to read:

3 8-803. Limitation of authority; duty to inform

4 A. On initial contact with a parent, guardian or custodian under
5 investigation pursuant to this article, a child ~~protective-services~~ SAFETY
6 worker shall inform the family, both verbally and in writing, making
7 reasonable efforts to receive written acknowledgement from the parent,
8 guardian, or custodian, of receipt of all of the following information:

9 1. That the family is under investigation by the department.

10 2. The specific complaint or allegation made against that person.

11 3. That the worker has no legal authority to compel the family to
12 cooperate with the investigation or to receive ~~protective~~ CHILD SAFETY
13 services offered pursuant to the investigation.

14 4. The worker's authority to petition the juvenile court for a
15 determination that a child is dependent.

16 ~~5. The person's right to participate in a mediation program in the
17 attorney general's office. The worker shall provide the telephone number of
18 the attorney general's office mediation program.~~

19 ~~6.~~ 5. The person's right to file a complaint with the
20 ~~ombudsman-citizen~~ OMBUDSMAN-CITIZENS aide pursuant to section 41-1376. The
21 worker shall provide the telephone number of the ~~ombudsman-citizen~~
22 OMBUDSMAN-CITIZENS aide.

23 ~~7.~~ 6. The person's right to appeal determinations made by ~~child~~
24 ~~protective-services~~ THE DEPARTMENT.

25 ~~8.~~ 7. Information outlining parental rights under the laws of the
26 state.

27 B. The child ~~protective-services~~ SAFETY worker shall also inform the
28 person about whom the report was made about that person's right to respond to
29 the allegations either verbally or in writing, including any documentation,
30 and to have this information considered in determining if the child is in
31 need of ~~protective~~ CHILD SAFETY services. The worker shall tell the person
32 that anything the person says or writes can be used in a court proceeding. If
33 the person makes a verbal response, the worker shall include the response in
34 the written report of the investigation. If the person makes a written
35 response, including any documentation, the worker shall include this response
36 and the documentation in the case file. Information provided in response to
37 the allegations shall be considered during the investigation by the worker.
38 The worker shall maintain the response and documentation in the case file and
39 provide this information to the court before a hearing or trial relating to
40 the dependency petition.

41 C. If the family declines to cooperate with the investigation or to
42 accept or to participate in the offered services, or if the worker otherwise
43 believes that the child should be adjudicated dependent, the worker may file
44 with the juvenile court a petition requesting that the child in need of
45 ~~protective~~ CHILD SAFETY services be adjudicated dependent.

1 D. Refusal to cooperate in the investigation or to participate in the
2 offered services does not constitute grounds for temporary custody of a child
3 except if there is a clear necessity for temporary custody as provided in
4 section 8-821.

5 Sec. 59. Section 8-804, Arizona Revised Statutes, as transferred by
6 this act, is amended to read:

7 8-804. Central registry; notification

8 A. The department ~~of economic security~~ shall maintain a central
9 registry of reports of child abuse and neglect that are substantiated and the
10 outcome of the investigation of these reports made under this article. A
11 finding made by a court pursuant to section 8-844, subsection C that a child
12 is dependent based on an allegation of abuse or neglect shall be recorded as
13 a substantiated finding of abuse or neglect. The department shall
14 incorporate duplicate reports on the same incident in the original report and
15 shall not classify duplicate reports as new reports.

16 B. The department shall conduct central registry background checks and
17 shall use the information contained in the central registry only for the
18 following purposes:

19 1. As a factor to determine qualifications for foster home licensing,
20 adoptive parent certification, child care home certification, registration of
21 unregulated child care homes with the child care resource and referral
22 system, and home and community based services certification for services to
23 children or vulnerable adults.

24 2. As a factor to determine qualifications for persons who are
25 employed or who are applying for employment with this state in positions that
26 provide direct service to children or vulnerable adults.

27 3. As a factor to determine qualifications for positions that provide
28 direct service to children or vulnerable adults for:

29 (a) Any person who applies for a contract with this state and that
30 person's employees.

31 (b) All employees of a contractor.

32 (c) A subcontractor of a contractor and the subcontractor's employees.

33 (d) Prospective employees of the contractor or subcontractor at the
34 request of the prospective employer.

35 4. Beginning August 1, 2013, to provide information to licensees that
36 do not contract with this state regarding persons who are employed or seeking
37 employment to provide direct services to children pursuant to title 36,
38 chapter 7.1.

39 5. To identify and review reports concerning individual children and
40 families, in order to facilitate the assessment of safety and risk.

41 6. To determine the nature and scope of child abuse and neglect in
42 this state and to provide statewide statistical and demographic information
43 concerning trends in child abuse and neglect.

44 7. To allow comparisons of this state's statistical data with national
45 data.

1 8. To comply with section 8-804.01, subsection B.

2 C. Beginning August 1, 2013, licensees that do not contract with the
3 state and that employ persons who provide direct services to children
4 pursuant to title 36, chapter 7.1 must submit to the department of ~~economic~~
5 ~~security~~ CHILD SAFETY in a manner prescribed by the department of ~~economic~~
6 ~~security~~ CHILD SAFETY information necessary to conduct central registry
7 background checks. The department of health services shall verify whether
8 licensees, pursuant to title 36, chapter 7.1, have complied with the
9 requirements of this subsection and any rules adopted by the department of
10 health services to implement this subsection.

11 D. If the department OF ECONOMIC SECURITY received a report before
12 September 1, 1999 and determined that the report was substantiated, the
13 department OF CHILD SAFETY shall maintain the report in the central registry
14 until eighteen years from the child victim's date of birth.

15 E. If the department OF ECONOMIC SECURITY OR THE DEPARTMENT OF CHILD
16 SAFETY received a report on or after September 1, 1999 and determined that
17 the report was substantiated, the department OF CHILD SAFETY shall maintain
18 the report in the central registry for A MAXIMUM OF twenty-five years after
19 the date of the report. IF THE DEPARTMENT OF CHILD SAFETY MAINTAINS REPORTS
20 IN THE CENTRAL REGISTRY FOR LESS THAN TWENTY-FIVE YEARS, THE DEPARTMENT SHALL
21 ADOPT RULES TO DESIGNATE THE LENGTH OF TIME IT MUST MAINTAIN THOSE REPORTS IN
22 THE CENTRAL REGISTRY.

23 F. The department shall annually purge reports and investigative
24 outcomes received pursuant to the time frames prescribed in subsections D and
25 E of this section.

26 G. Any person who was the subject of a ~~child-protective-services~~
27 DEPARTMENT investigation may request confirmation that the department has
28 purged information about the person pursuant to subsection F of this section.
29 On receipt of this request, the department shall provide the person with
30 written confirmation that the department has no record containing identifying
31 information about that person.

32 H. The department ~~of-economic-security~~ shall notify a person,
33 contractor or licensee identified in subsection B, paragraph 3, subdivisions
34 (a), (b) and (c) and subsection B, paragraph 4 of this section who is
35 disqualified because of a central registry check conducted pursuant to
36 subsection B of this section that the person may apply to the board of
37 fingerprinting for a central registry exception pursuant to section
38 41-619.57.

39 I. Before being employed in a position that provides direct services
40 to children or vulnerable adults pursuant to subsection B, paragraphs 3 and 4
41 or subsection C of this section, employees shall certify, under penalty of
42 perjury, on forms that are provided by the department ~~of-economic-security~~
43 whether an allegation of abuse or neglect was made against them and was
44 substantiated. The forms are confidential. If this certification does not
45 indicate a current investigation or a substantiated report of abuse or

1 neglect, the employee may provide direct services pending the findings of the
2 central registry check.

3 J. A person who is granted a central registry exception pursuant to
4 section 41-619.57 is not entitled to a contract, employment, licensure,
5 certification or other benefit because the person has been granted a central
6 registry exception.

7 K. An agency of ~~the~~ THIS state that conducts central registry
8 background checks as a factor to determine qualifications for positions that
9 provide direct ~~service~~ SERVICES to children or vulnerable adults shall
10 publish a list of disqualifying acts of substantiated abuse or neglect.

11 L. An agency of ~~the~~ THIS state that conducts central registry
12 background checks may provide information contained in the central registry
13 on all reports of child abuse and neglect that are substantiated and the
14 outcomes of the investigations of the reports to carry out the provisions of
15 this section. Identifying information regarding any person other than the
16 perpetrator ~~cannot~~ MAY NOT be released. Information received pursuant to
17 this section ~~cannot~~ MAY NOT be further disseminated unless authorized by law
18 or court order.

19 Sec. 60. Section 8-806, Arizona Revised Statutes, as transferred by
20 this act, is amended to read:

21 8-806. Voluntary placement; conditions; notice of placement;
22 time limit; rules

23 A. A child is eligible to be accepted into voluntary placement by a
24 ~~protective services~~ CHILD SAFETY worker on behalf of the department.

25 B. On acceptance of a child into voluntary placement, the worker must
26 prepare a notice of placement and file the notice in the case file of the
27 child.

28 C. A period of voluntary placement pursuant to this section shall not
29 exceed ninety days. A worker shall not accept a child into voluntary
30 placement for more than two periods within twenty-four consecutive months
31 unless a dependency petition is pending.

32 D. The department may accept a voluntary placement agreement only if
33 the department can provide necessary services that are likely to remedy the
34 circumstances that bring the child into care within the ninety day period and
35 one of the following applies:

36 1. The department plans to return the child to the parent, guardian or
37 custodian who signed the child into voluntary placement.

38 2. While the child is in voluntary placement, the parent, guardian or
39 custodian arranges a safe alternative placement for the child after the
40 voluntary placement.

41 E. A worker shall not accept a child into voluntary placement without
42 the written informed consent of the child's parent, guardian or custodian.
43 The department shall terminate voluntary placement on receipt of written
44 revocation of consent by the parent, guardian or custodian.

1 F. A worker shall not accept a child, age twelve or older and not
2 developmentally disabled, into voluntary placement without the written
3 informed consent of the child unless the department determines that voluntary
4 placement of the child is clearly necessary to prevent abuse.

5 G. The fact of voluntary placement does not constitute abandonment,
6 abuse or dependency as defined in this article and may not be used in a
7 judicial proceeding as an admission of criminal wrongdoing by that parent,
8 guardian or custodian.

9 H. The department shall adopt rules in accordance with title 41,
10 chapter 6 for the purpose of assessing parents for the full or partial cost
11 of voluntary placement.

12 I. The department must develop a case plan with the child's parent,
13 guardian or custodian within ten days of a child's voluntary placement as
14 follows:

15 1. The case plan shall establish the services necessary to promote the
16 safety of the child on the planned return of the child to the parent,
17 guardian, custodian or alternative placement.

18 2. The department shall provide, contract with a service provider to
19 provide or assist in accessing community resources to provide the services in
20 the case plan.

21 3. The department must share the case plan with the foster parent,
22 physical custodian or other voluntary placement provider of the child.

23 J. Before returning the child to a parent, guardian, custodian or
24 alternative placement, the department shall inform the parent, guardian,
25 custodian or alternative placement about available financial and nonfinancial
26 services and eligibility requirements and shall assist the parent, guardian,
27 custodian or alternative placement to complete the necessary applications.

28 Sec. 61. Section 8-807, Arizona Revised Statutes, as transferred by
29 this act, is amended to read:

30 8-807. DCS information; public record; use; confidentiality;
31 violation; classification; definitions

32 A. ~~EPS~~ DCS information shall be maintained by the department as
33 required by federal law as a condition of the allocation of federal monies to
34 this state. All exceptions for the public release of ~~EPS~~ DCS information
35 shall be construed as openly as possible under federal law.

36 B. The department, or a person who receives ~~EPS~~ DCS information
37 pursuant to this subsection, shall provide ~~EPS~~ DCS information to a federal
38 agency, a state agency, a tribal agency, a county or municipal agency, a law
39 enforcement agency, a prosecutor, an attorney or a guardian ad litem
40 representing a child victim of crime pursuant to article II, section 2.1,
41 Constitution of Arizona, a school, a community service provider, a contract
42 service provider or any other person that is providing services pursuant to
43 this ~~chapter~~ ARTICLE OR ARTICLE 9, 10, 11, 12, 13 OR 14 OF THIS CHAPTER:

44 1. To meet its duties to provide for the safety, permanency and
45 well-being of a child, provide services to a parent, guardian or custodian or

1 provide services to family members to strengthen the family pursuant to this
2 ~~chapter~~ ARTICLE OR ARTICLE 9, 10, 11, 12, 13 OR 14 OF THIS CHAPTER.

3 2. To enforce or prosecute any violation involving child abuse or
4 neglect.

5 3. To provide information to a defendant after a criminal charge has
6 been filed as required by an order of the criminal court.

7 C. The department shall disclose ~~CPS~~ DCS information to a court, a
8 party in a dependency or termination of parental rights proceeding or the
9 party's attorney, the foster care review board or a court appointed special
10 advocate for the purposes of and as prescribed in this title.

11 D. The department shall disclose ~~CPS~~ DCS information to a domestic
12 relations, family or conciliation court if the ~~CPS~~ DCS information is
13 necessary to promote the safety and well-being of children. The court shall
14 notify the parties that it has received the ~~CPS~~ DCS information.

15 E. A person or agent of a person who is the subject of ~~CPS~~ DCS
16 information shall have access to ~~CPS~~ DCS information concerning that person.

17 F. The department:

18 1. May provide ~~CPS~~ DCS information to confirm, clarify or correct
19 information concerning an allegation or actual instance of child abuse or
20 neglect that has been made public by sources outside the department.

21 2. Shall promptly provide ~~CPS~~ DCS information to the public regarding
22 a case of child abuse, abandonment or neglect that has resulted in a fatality
23 or near fatality as follows:

24 (a) The department shall provide preliminary information including at
25 a minimum:

26 (i) The name, age and city, town or general location of residence of
27 the child who has suffered a near fatality or fatality.

28 (ii) The fact that a child suffered a near fatality or fatality as the
29 result of abuse, abandonment or neglect.

30 (iii) The name, age and city, town or general location of residence of
31 the alleged perpetrator, if available.

32 (iv) Whether there have been reports, or any current or past cases, of
33 abuse, abandonment or neglect involving the child and the current alleged
34 abusive or neglectful parent, guardian or custodian.

35 (v) Actions taken by ~~child-protective-services~~ THE DEPARTMENT in
36 response to the fatality or near fatality of the child.

37 (vi) A detailed synopsis of prior reports or cases of abuse,
38 abandonment or neglect involving the child and the current alleged abusive or
39 neglectful parent, guardian or custodian and of the actions taken or
40 determinations made by ~~child-protective-services~~ THE DEPARTMENT in response
41 to these reports or cases.

42 (b) On request by any person, the department shall promptly provide
43 additional ~~CPS~~ DCS information to the requestor. Before releasing additional
44 ~~CPS~~ DCS information, the department shall promptly notify the county attorney
45 of any decision to release that information, and the county attorney shall

1 promptly inform the department if it believes the release would cause a
2 specific, material harm to a criminal investigation. After consulting with
3 the county attorney, pursuant to subdivision (c) of this paragraph, the
4 department shall produce to the requestor as much additional ~~EPS~~ DCS
5 information as promptly as possible about a case of child abuse, abandonment
6 or neglect that resulted in a fatality or near fatality.

7 (c) On request, the department shall continue to provide ~~EPS~~ DCS
8 information promptly to the public about a fatality or near fatality unless:

9 (i) After consultation with the county attorney, the county attorney
10 demonstrates that release of particular ~~EPS~~ DCS information would cause a
11 specific, material harm to a criminal investigation.

12 (ii) The release would violate subsection A or L of this section or
13 the privacy of victims of crime pursuant to article II, section 2.1,
14 subsection C, Constitution of Arizona.

15 (d) If any person believes that the county attorney has failed to
16 demonstrate that release would cause a specific, material harm to a criminal
17 investigation, that person may file an action in superior court pursuant to
18 title 39, chapter 1, article 2 and subsection J of this section and request
19 the court to review the ~~EPS~~ DCS information in camera and order disclosure.

20 3. May provide ~~EPS~~ DCS information to a person who is conducting bona
21 fide research, the results of which might provide ~~EPS~~ DCS information that is
22 beneficial in improving ~~child protective services~~ THE DEPARTMENT.

23 4. May provide access to ~~EPS~~ DCS information to the parent, guardian
24 or custodian of a child if the ~~EPS~~ DCS information is reasonably necessary to
25 promote the safety, permanency and well-being of the child.

26 G. The department shall disclose ~~EPS~~ DCS information to a county
27 medical examiner or an alternate medical examiner directing an investigation
28 into the circumstances surrounding a death pursuant to section 11-593.

29 H. Access to ~~EPS~~ DCS information in the central registry shall be
30 provided as prescribed in section 8-804.

31 I. To provide oversight of ~~child protective services~~ THE DEPARTMENT,
32 the department shall provide access to ~~EPS~~ DCS information to the following
33 persons, if the ~~EPS~~ DCS information is reasonably necessary for the person to
34 perform the person's official duties:

35 1. Federal or state auditors.

36 2. Persons conducting any accreditation deemed necessary by the
37 department.

38 3. A standing committee of the legislature or a committee appointed by
39 the president of the senate or the speaker of the house of representatives
40 for purposes of conducting investigations related to the legislative
41 oversight of the department ~~of economic security~~. This information shall not
42 be further disclosed unless a court has ordered the disclosure of this
43 information, the information has been disclosed in a public or court record,
44 or the information has been disclosed in the course of a public meeting or
45 court proceeding.

1 4. A legislator who requests ~~EPS~~ DCS information in the regular course
2 of the legislator's duties. This information shall not be further disclosed
3 unless a court has ordered the disclosure of this information, the
4 information has been disclosed in a public or court record, or the
5 information has been disclosed in the course of a public meeting or court
6 proceeding. To request a file pursuant to this paragraph:

7 (a) The legislator shall submit a written request for ~~EPS~~ DCS
8 information to the presiding officer of the body of which the state
9 legislator is a member. The request shall state the name of the person whose
10 case file is to be reviewed and any other information that will assist the
11 department in locating the file.

12 (b) The presiding officer shall forward the request to the department
13 within five working days of the receipt of the request.

14 (c) The department shall make the necessary arrangements for the
15 legislator to review the file at an office of the department, chosen by the
16 legislator, within ten working days.

17 (d) The legislator shall sign a form, consistent with the requirements
18 of this paragraph and paragraph 3 of this subsection, before reviewing the
19 file, that outlines the confidentiality laws governing ~~child-protective~~
20 ~~services~~ DEPARTMENT files and penalties for further release of the
21 information.

22 5. A citizen review panel as prescribed by federal law, a child
23 fatality review team as provided in title 36, chapter 35 and the office of
24 ombudsman-citizens aide.

25 J. A person who has been denied ~~EPS~~ DCS information regarding a
26 fatality or near fatality caused by abuse, abandonment or neglect pursuant to
27 subsection F, paragraph 2 or subsection L of this section may bring a special
28 action pursuant to section 39-121.02 in the superior court to order the
29 department to release that ~~EPS~~ DCS information. A legislator has standing to
30 bring or to join a special action regarding the release of ~~EPS~~ DCS
31 information or to challenge the redaction of released ~~EPS~~ DCS information.
32 The plaintiff shall provide notice to the county attorney, who has standing
33 and may participate in the action. The court shall review the requested
34 records in camera and order disclosure consistent with subsection A,
35 subsection F, paragraph 2 and subsection L of this section. The court shall
36 take reasonable steps to prevent any clearly unwarranted invasions of privacy
37 and protect the privacy and dignity of victims of crime pursuant to article
38 II, section 2.1, subsection C, Constitution of Arizona.

39 K. The department or a person who is not specifically authorized by
40 this section to obtain ~~EPS~~ DCS information may petition a judge of the
41 superior court to order the department to release ~~EPS~~ DCS information. The
42 plaintiff shall provide notice to the county attorney, who has standing and
43 may participate in the action. The court shall review the requested records
44 in camera and shall balance the rights of the parties who are entitled to
45 confidentiality pursuant to this section against the rights of the parties

1 who are seeking the release of the ~~EPS~~ DCS information. The court may
2 release otherwise confidential ~~EPS~~ DCS information only if the rights of the
3 parties seeking the ~~EPS~~ DCS information and any benefits from releasing the
4 ~~EPS~~ DCS information outweigh the rights of the parties who are entitled to
5 confidentiality and any harm that may result from releasing the ~~EPS~~ DCS
6 information. The court shall take reasonable steps to prevent any clearly
7 unwarranted invasions of privacy and protect the privacy and dignity of
8 victims of crime pursuant to article II, section 2.1, subsection C,
9 Constitution of Arizona.

10 L. Except as provided in subsection M of this section, before it
11 releases records under this section, the department shall take whatever
12 precautions it determines are reasonably necessary to protect the identity
13 and safety of a person who reports child abuse or neglect and to protect any
14 other person if the department believes that disclosure of the ~~EPS~~ DCS
15 information would be likely to endanger the life or safety of any person.
16 The department is not required by this section to disclose ~~EPS~~ DCS
17 information if the department demonstrates that disclosure would cause a
18 specific, material harm to a ~~child-protective-services~~ DEPARTMENT
19 investigation. The department is not required by this section to disclose
20 ~~EPS~~ DCS information if, in consultation with the county attorney, the county
21 attorney demonstrates that disclosure would cause a specific, material harm
22 to a criminal investigation.

23 M. A person who is the subject of an unfounded report or complaint
24 made pursuant to this ~~chapter~~ ARTICLE OR ARTICLE 9, 10, 11, 12, 13 OR 14 OF
25 THIS CHAPTER and who believes that the report or complaint was made in bad
26 faith or with malicious intent may petition a judge of the superior court to
27 order the department to release the ~~EPS~~ DCS information. The petition shall
28 specifically set forth reasons supporting the person's belief that the report
29 or complaint was made in bad faith or with malicious intent. The court shall
30 review the ~~EPS~~ DCS information in camera and the person filing the petition
31 shall be allowed to present evidence in support of the petition. If the court
32 determines that there is a reasonable question of fact as to whether the
33 report or complaint was made in bad faith or with malicious intent and that
34 disclosure of the identity of the person making the report or complaint would
35 not be likely to endanger the life or safety of the person making the report
36 or complaint, it shall provide a copy of the ~~EPS~~ DCS information to the
37 person filing the petition and the original ~~EPS~~ DCS information is subject to
38 discovery in a subsequent civil action regarding the making of the report or
39 complaint.

40 N. The department shall provide the person who conducts a forensic
41 medical evaluation with any records the person requests, including social
42 history and family history regarding the child, the child's siblings and the
43 child's parents or guardians.

44 O. The department shall provide ~~EPS~~ DCS information on request to a
45 prospective adoptive parent, foster parent or guardian, if the information

1 concerns a child the prospective adoptive parent, foster parent or guardian
2 seeks to adopt or provide care for.

3 P. If the department receives information that is confidential by law,
4 the department shall maintain the confidentiality of the information as
5 prescribed in the applicable law.

6 Q. A person may authorize the release of ~~CPS~~ DCS information about the
7 person but may not waive the confidentiality of ~~CPS~~ DCS information
8 concerning any other person.

9 R. The department may provide a summary of the outcome of a ~~child~~
10 ~~protective services~~ DEPARTMENT investigation to the person who reported the
11 suspected child abuse or neglect.

12 S. The department shall adopt rules to facilitate the accessibility of
13 ~~CPS~~ DCS information.

14 T. The department may charge a fee for copying costs required to
15 prepare ~~CPS~~ DCS information for release pursuant to this section.

16 U. A person who violates this section is guilty of a class 2
17 misdemeanor.

18 V. For the purposes of this section:

19 1. "~~CPS~~ DCS information" includes all information the department
20 gathers during the course of ~~a child protective services~~ AN investigation
21 conducted under this chapter from the time a file is opened and until it is
22 closed. ~~CPS~~ DCS information does not include information that is contained
23 in child welfare agency licensing records.

24 2. "Near fatality" means an act that, as certified by a physician,
25 including the child's treating physician, places a child in serious or
26 critical condition.

27 Sec. 62. Section 8-808, Arizona Revised Statutes, as transferred by
28 this act, is amended to read:

29 8-808. Parent assistance program

30 A. A parent assistance program is established in the administrative
31 office of the supreme court for the purpose of providing information to and
32 assisting parents or guardians in understanding the process of removal of a
33 child from the home. The administrative office of the supreme court shall
34 establish parent assistance offices in counties having a population of four
35 hundred thousand persons or more and shall provide twenty-four hour telephone
36 hot line access statewide.

37 B. The administrative office of the supreme court shall hire and
38 employ staff, subject to legislative appropriation, for purposes relating to
39 the functions of the parent assistance program.

40 C. The parent assistance program shall provide the following
41 information to parents or guardians:

42 1. The parents' or guardians' legal rights, including the right to
43 attend court or foster care review board hearings, and the child's legal
44 rights.

- 1 2. The means for accessing personnel who can provide information on:
2 (a) The well-being of the child who is removed from the home.
3 (b) The community resources that are available.

4 3. The procedures for requesting an attorney or a temporary custody
5 hearing and the consequences of failure to make the request.

6 D. The administrative office of the supreme court shall maintain
7 current statistics on the utilization of and types of calls received by the
8 parent assistance program. The administrative office of the supreme court
9 shall make the information available to the public on request and on the
10 administrative office of the supreme court's ~~web-site~~ WEBSITE.

11 E. The administrative office of the supreme court shall coordinate
12 efforts with the department ~~of economic security~~ to provide each parent or
13 guardian with written notice of the services offered by the parent assistance
14 program at the time initial contact is made with a family.

15 Sec. 63. Section 8-810, Arizona Revised Statutes, as transferred by
16 this act, is amended to read:

17 8-810. Missing children; notification; entry into databases

18 A. If ~~child protective services~~ THE DEPARTMENT receives a report made
19 pursuant to section 13-3620 or receives information during the course of
20 providing services that indicates a child is at risk of serious harm and the
21 child's location is unknown, ~~child protective services~~ THE DEPARTMENT shall
22 notify the appropriate law enforcement agency and provide the information
23 required to make the record entry into the Arizona crime information center
24 and the national crime information center missing person databases. This
25 includes information about the child and child's parent, guardian, custodian
26 or person of interest.

27 B. The appropriate law enforcement agency shall immediately enter the
28 information provided by ~~child protective services~~ THE DEPARTMENT pursuant to
29 subsection A of this section into the Arizona crime information center and
30 the national crime information center missing person databases.

31 Sec. 64. Section 8-811, Arizona Revised Statutes, as transferred by
32 this act, is amended to read:

33 8-811. Hearing process; definitions

34 A. The department shall notify a person who is alleged to have abused
35 or neglected a child that the department intends to substantiate the
36 allegation in the central registry pursuant to section 8-804 and of that
37 person's right:

- 38 1. To receive a copy of the report containing the allegation.
39 2. To a hearing before the entry into the central registry pursuant to
40 section ~~8-802~~ 8-456, subsection ~~C~~ D, paragraph ~~9~~ 3, subdivision (a).

41 B. The department shall send the notice prescribed in subsection A of
42 this section by first class mail no more than fourteen days after completion
43 of the investigation.

1 C. A request for a hearing on the proposed finding must be received by
2 the department within fourteen days after receipt of the notice.

3 D. The department shall not disclose any information related to the
4 investigation of the allegation except as provided in sections ~~8-802~~ 8-456,
5 8-807 and 13-3620.

6 E. If a request for a hearing is made pursuant to subsection C of this
7 section, the department shall conduct a review before the hearing. The
8 department shall provide an opportunity for the accused person to provide
9 written or verbal information to support the position that the department
10 should not substantiate the allegation. If the department determines that
11 there is no probable cause that the accused person engaged in the alleged
12 conduct, the department shall amend the information or finding in the report
13 and shall notify the person and a hearing shall not be held.

14 F. Notwithstanding section 41-1092.03, the notification prescribed in
15 subsection A of this section shall also state that if the department does not
16 amend the information or finding in the report as prescribed in subsection E
17 of this section within sixty days after it receives the request for a hearing
18 the person has a right to a hearing unless:

19 1. The person is a party in a civil, criminal or administrative
20 proceeding in which the allegations of abuse or neglect are at issue.

21 2. A court or administrative law judge has made findings as to the
22 alleged abuse or neglect.

23 3. A finding has been made by a court pursuant to section 8-844,
24 subsection C that a child is dependent based upon an allegation of abuse or
25 neglect.

26 G. If the department does not amend the information or finding in the
27 report as prescribed in subsection E of this section, the department shall
28 notify the office of administrative hearings of the request for a hearing no
29 later than five days after completion of the review. The department shall
30 forward all records, reports and other relevant information with the request
31 for hearing within ten days. The department shall redact the identity of the
32 reporting source before transmitting the information to the office of
33 administrative hearings.

34 H. The office of administrative hearings shall hold a hearing pursuant
35 to title 41, chapter 6, article 10, with the following exceptions:

36 1. A child who is the victim of or a witness to abuse or neglect is
37 not required to testify at the hearing.

38 2. A child's hearsay statement is admissible if the time, content and
39 circumstances of that statement are sufficiently indicative of its
40 reliability.

41 3. The identity of the reporting source of the abuse or neglect shall
42 not be disclosed without the permission of the reporting source.

43 4. The reporting source is not required to testify.

1 5. A written statement from the reporting source may be admitted if
2 the time, content and circumstances of that statement are sufficiently
3 indicative of its reliability.

4 6. If the person requesting the hearing fails to appear, the hearing
5 shall be vacated and a substantiated finding of abuse or neglect shall be
6 entered. On good cause shown, the hearing may be rescheduled if the request
7 is made within fifteen calendar days after the date of the notice vacating
8 the hearing for failure to appear.

9 I. On completion of the presentation of evidence, the administrative
10 law judge shall determine if probable cause exists to sustain the
11 department's finding that the parent, guardian or custodian abused or
12 neglected the child. If the administrative law judge determines that
13 probable cause does not exist to sustain the department's finding, the
14 administrative law judge shall order the department to amend the information
15 or finding in the report.

16 J. When the department is requested to verify pursuant to section
17 8-807, if the ~~child-protective-services~~ central registry contains a
18 substantiated report about a specific person, the department shall determine
19 if the report was taken after January 1, 1998. If the report was taken after
20 January 1, 1998, the department shall notify the requestor of the
21 substantiated finding. If the ~~child-protective-services~~ report was taken
22 before January 1, 1998, the department shall notify the person of the
23 person's right to request an administrative hearing. The department shall
24 not send this notification if the person was a party in a civil, criminal or
25 administrative proceeding in which the allegations of abuse or neglect were
26 at issue. The provisions of this section shall apply to the person's appeal.

27 K. The department shall provide the parent, guardian or custodian who
28 is the subject of the investigation and the person who reported the suspected
29 child abuse or neglect if that person is the child's parent, guardian or
30 custodian with a copy of the outcome of the investigation at one of the
31 following times:

32 1. If the report is unsubstantiated.

33 2. If probable cause exists that abuse or neglect has occurred but a
34 specific person is not identified as having abused or neglected the child.

35 3. After the time to request a hearing has lapsed pursuant to
36 subsection C of this section without the department receiving a request for a
37 hearing.

38 4. After a final administrative decision has been made pursuant to
39 section 41-1092.08.

40 L. For the purposes of this section:

41 1. "Amend the finding" means to change the finding from substantiated
42 to unsubstantiated.

43 2. "Amend the information" means to change information identifying the
44 accused of having abused or neglected a child.

1 Sec. 65. Section 8-812, Arizona Revised Statutes, as transferred by
2 this act, is amended to read:

3 8-812. Child safety expedited substance abuse treatment fund

4 A. The child ~~protective services~~ SAFETY expedited substance abuse
5 treatment fund is established consisting of monies appropriated by the
6 legislature. The department ~~of economic security~~ shall administer the fund.

7 B. Monies in the fund are exempt from the provisions of section 35-190
8 relating to lapsing of appropriations.

9 C. Monies in the fund shall be used to provide expedited substance
10 abuse treatment to parents or guardians with a primary goal of facilitating
11 family preservation or reunification, including, if necessary, services that
12 maintain the family unit in a substance abuse treatment setting. Fund monies
13 shall not be spent on behalf of a parent or guardian unless all of the
14 following are true:

15 1. The parent or guardian is a party to a dependency action concerning
16 a child of the parent or a child under the care of the guardian.

17 2. The parent or guardian is not eligible for benefits under title XIX
18 of the social security act (P.L. 89-97; 79 Stat. 344) or private insurance,
19 or the necessary substance abuse treatment service is not available under
20 title XIX of the social security act or private insurance.

21 3. The case plan provides for the child to either remain with or
22 return to the parent or guardian.

23 4. The treatment is necessary for the case plan to be accomplished.

24 D. The department ~~of economic security~~ shall give preference in using
25 fund monies to pay for treatment for parents or guardians who are parties in
26 cases that are part of any judicially or legislatively created program for
27 expedited proceedings in dependency determinations.

28 E. The fund is the payor of last resort for treatment. Fund monies
29 shall not be spent to pay for treatment if other monies are available to pay
30 for the treatment. If it is determined after fund monies are spent to pay
31 for treatment that other monies were available to pay for the treatment, the
32 department ~~of economic security~~ may seek to have the fund reimbursed for the
33 payment.

34 F. The department ~~of economic security~~ shall make the following
35 information available to the public on request and on the ~~department of~~
36 ~~economic security's web site~~ DEPARTMENT'S WEBSITE:

37 1. The number and percentage of parents and guardians who are offered
38 treatment paid for with fund monies and who complete treatment.

39 2. The number of cases and children who are able to remain with or are
40 returned to the custody of their parents or guardians as a result, in whole
41 or in part, of treatment paid for with fund monies.

42 3. The number of children who receive expedited permanent placement as
43 a result of the availability of services paid for with fund monies.

1 4. Data for cases that are part of expedited proceedings as described
2 in subsection D of this section.

3 G. The department ~~of economic security~~ shall provide services pursuant
4 to this section in collaboration with the department of health services.

5 H. A recipient of services that are paid for with fund monies shall
6 sign a written statement that is substantially in the following form:

7 By signing this document, I indicate my understanding of
8 the seriousness of my substance abuse problem and its effects on
9 my ability to parent my child or children. I understand that
10 this expedited substance abuse treatment program is paid for
11 with monies that were specifically provided to speed the
12 resolution of the case plan ~~to~~ THAT MAY return the child or
13 children to the parent. I acknowledge that successful
14 completion of this treatment program will be a significant
15 factor in my future relationship with my child or children, the
16 state of Arizona and ~~child protective services~~ THE DEPARTMENT OF
17 CHILD SAFETY. I fully intend to complete the substance abuse
18 treatment program as part of the case plan to obtain custody of
19 my child or children.

20 Sec. 66. Section 8-814, Arizona Revised Statutes, as transferred by
21 this act, is amended to read:

22 8-814. Permanent guardianship subsidy; offsets;
23 discontinuation; annual review; appeals; definition

24 A. The department ~~of economic security~~ shall establish and administer
25 an ongoing program of subsidized permanent guardianship. Subsidies shall be
26 provided from monies appropriated to the department or made available to it
27 from other sources for permanent guardianship purposes.

28 B. The department may provide a subsidy to an applicant on behalf of a
29 child subject to the requirements of this section.

30 C. An applicant is not eligible for a subsidy until the applicant
31 demonstrates that the child or a responsible person on behalf of the child
32 has applied for all benefits to which the child is entitled from other state
33 or federal programs.

34 D. The department shall determine the appropriate amount of the
35 subsidy, which shall not exceed the maintenance payment allowable for an
36 adoption subsidy pursuant to chapter 1, article 2 of this title. The amount
37 of the subsidy shall be offset by benefits received pursuant to the programs
38 described in subsection C of this section.

39 E. The department shall conduct an annual review of a subsidy to
40 determine that the permanent guardian continues to be eligible for the
41 subsidy and that the subsidy is for the appropriate amount.

42 F. A permanent guardian who is receiving a subsidy shall:

- 43 1. Cooperate with the department in the annual review process.
44 2. Notify the department in writing of any change:

1 (a) That would lead to discontinuance of the subsidy pursuant to
2 subsection G of this section.

3 (b) In benefits being received from programs described in subsection C
4 of this section within two weeks of the change.

5 (c) In address within two weeks of the change.

6 G. The department shall discontinue a subsidy if any of the following
7 occurs:

8 1. The permanent guardianship terminates.

9 2. The child dies or does not reside with the permanent guardian.

10 3. The child reaches eighteen years of age, except that the department
11 may continue the subsidy until the child's twenty-second birthday if the
12 child is enrolled in and regularly attending school and has not received a
13 high school diploma or certificate of equivalency.

14 4. The applicant fails to comply with any requirement in this section.

15 H. Any decision denying, reducing or terminating a permanent
16 guardianship subsidy is appealable pursuant to title 41, chapter 6 and
17 chapter 14, article 3.

18 I. Notwithstanding section 41-3102, this program does not include a
19 specific expiration date.

20 J. For the purposes of this section, "applicant" means a person who is
21 appointed as a permanent guardian pursuant to section 8-872 or as a
22 provisional or successor permanent guardian pursuant to section 8-874 and who
23 applies for a subsidy pursuant to this section.

24 Sec. 67. Section 8-816, Arizona Revised Statutes, as transferred by
25 this act, is amended to read:

26 8-816. Family builders program; services; program termination;
27 definitions

28 A. The family builders program is established in the department ~~of~~
29 ~~economic security~~. The department ~~shall~~ MAY implement the program through
30 collaborative partnerships between ~~child protective services~~ THE DEPARTMENT,
31 community social service agencies, family support programs and other
32 community organizations, which may include faith-based organizations, to
33 establish a system that, through referral to a network of contracted
34 neighborhood-based agencies, provides a variety of community-linked family
35 preservation and support services to assist families to prevent and remedy
36 conditions or circumstances that cause child abuse or neglect.

37 B. The department ~~shall~~ MAY contract with neighborhood-based agencies
38 and organizations to conduct family assessments, provide case management and
39 provide the necessary services to protect the child and support the family on
40 referral from the department.

41 C. During the initial contact with a family, the provider shall:

42 1. Verbally inform the prospective program participants that ~~child~~
43 ~~protective services~~ THE DEPARTMENT referred the family to the provider after
44 investigation of a report of abuse or neglect.

1 2. Verbally inform the prospective program participants that they do
2 not have to accept services.

3 3. Obtain the written, informed consent of the prospective program
4 participants who choose to accept the services offered. The consent form
5 shall include a description of the services offered and the rights and
6 responsibilities of the program participants and a statement that emphasizes
7 the voluntary nature of the program.

8 D. Contracts shall require that the provider establish a continuum of
9 services for families through written agreements with community agencies and
10 organizations to provide required services to families. The provider may
11 purchase or obtain without cost the services of any agency or organization
12 that may provide resources to assist the family.

13 E. Contracts shall require that the provider initiate a thorough
14 family assessment and necessary services within forty-eight hours, excluding
15 weekends and holidays, after the provider receives the referral from the
16 department.

17 F. The department shall provide information to the provider concerning
18 the current report and ~~may provide~~ any information from records it deems
19 appropriate. All information received by the provider regarding the report
20 of abuse or neglect and department records is subject to the confidentiality
21 requirements of section 8-807. Information in the records of the provider
22 concerning the families served by the program is available for the purposes
23 of evaluating the program.

24 G. On receipt of a referral from ~~child protective services~~ **THE**
25 **DEPARTMENT**, within forty-eight hours the provider shall attempt to contact
26 the family in person, initiate a family assessment with the consent of the
27 family and offer to assist the family to obtain the services that are
28 necessary to reduce or eliminate the causes for the initial information being
29 received by ~~child protective services~~ **THE DEPARTMENT** and other identified
30 needs of the family.

31 H. If at any time during the initial contact or during the course of
32 service delivery the provider determines that the child is in imminent danger
33 of abuse or neglect, the provider shall immediately report the case to the
34 department or the appropriate law enforcement agency, or both, for
35 appropriate action. In all cases the provider and any agency under
36 subcontract to the provider shall retain records of information on initial
37 and ongoing contact with the family and the final disposition of the case and
38 shall provide this information to the department.

39 I. A family who is offered services by the provider may refuse to
40 accept those services. The provider shall document the family's refusal of
41 services in the case record.

42 J. The provider shall conduct an assessment in the home and with the
43 family's participation shall develop an initial plan within thirty days based
44 on the family's needs. The provider shall assist the family in identifying
45 and providing appropriate services. The provider shall monitor the progress

1 made by the family based on the plan expectations and shall conduct home
2 visits to determine the safety of the child and any other children in the
3 home at the time of the visit.

4 K. The department shall require that the provider establish a local
5 advisory board composed of appropriate community representatives, including
6 representation from families in the community and local public agencies. The
7 local advisory board shall ensure that a continuum of services is provided
8 for families and shall provide oversight to the program.

9 L. The department shall identify goals, objectives and outcomes for
10 family builders programs.

11 M. If the department expands the program to new geographic areas, it
12 shall hold at least one informational meeting to inform potential providers
13 of the opportunity to bid on the contract. The department shall provide
14 adequate public notice of each meeting to potential providers in the same
15 manner as provided in section 41-2533.

16 N. The department shall develop performance standards for the
17 contracts, provide training to the provider or organization staff involved in
18 service delivery to these families regarding child abuse and neglect and
19 monitor the performance of the providers.

20 O. The program established by this section ends on July 1, ~~2010~~ 2024
21 pursuant to section 41-3102.

22 P. For the purposes of this section:

23 ~~1. "Department" means the department of economic security.~~

24 ~~2-~~ 1. "Provider" means a community social services agency, family
25 support program or community organization, including a faith-based
26 organization, that is awarded a contract by the department.

27 ~~3-~~ 2. "Services" includes:

28 (a) Family assessment.

29 (b) Case management.

30 (c) Child day care.

31 (d) Housing search and relocation.

32 (e) Parenting skills training.

33 (f) Supportive intervention and guidance counseling.

34 (g) Transportation.

35 (h) Emergency services.

36 (i) Intensive family preservation.

37 (j) Parent aide services.

38 (k) Respite services.

39 (l) Shelter services with parental consent.

40 (m) Additional services that the department determines are necessary
41 to meet the needs of the families.

1 Sec. 68. Section 8-817, Arizona Revised Statutes, as transferred by
2 this act, is amended to read:

3 8-817. Initial screening and safety assessment and
4 investigation protocols

5 A. The department shall develop, establish and implement initial
6 screening and safety assessment protocols in consultation with the attorney
7 general and statewide with county attorneys, chiefs of police, sheriffs,
8 medical experts, victims' rights advocates, domestic violence victim
9 advocates and mandatory reporters. Any initial screening and safety
10 assessment tools shall be based on sound methodology and shall ensure valid
11 and reliable responses. The department shall establish written policies and
12 procedures to implement the use of the initial screening and safety
13 assessment protocols.

14 B. To ensure thorough investigations of those accused of crimes
15 against children, in each county, the county attorney, in cooperation with
16 the sheriff, the chief law enforcement officer for each municipality in the
17 county and the department shall develop, adopt and implement protocols to
18 guide the conduct of investigations of allegations involving criminal
19 conduct. The protocols shall include:

20 1. The process for notification of receipt of criminal conduct
21 allegations.

22 2. The standards for interdisciplinary investigations of specific
23 types of abuse and neglect, including timely forensic medical evaluations.

24 3. The standards for interdisciplinary investigations involving native
25 American children in compliance with the Indian child welfare act.

26 4. Procedures for sharing information and standards for the timely
27 disclosure of information.

28 5. Procedures for coordination of screening, response and
29 investigation with other involved professional disciplines and notification
30 of case status and standards for the timely disclosure of related
31 information.

32 6. The training required for the involved child ~~protective services~~
33 SAFETY workers, law enforcement officers and prosecutors to execute the
34 investigation protocols, including forensic interviewing skills.

35 7. The process to ensure review of and compliance with the
36 investigation protocols and the reporting of activity under the protocols.

37 8. Procedures for annual reports to be transmitted within forty-five
38 days after the end of each fiscal year independently from ~~child protective~~
39 ~~services~~ THE DEPARTMENT and each county attorney to the governor, the speaker
40 of the house of representatives and the president of the senate and a copy of
41 this report to be provided to the secretary of state. Each agency must
42 submit a separate report. Each report made pursuant to this paragraph must
43 be independently prepared and submitted without any input from or
44 communication with the other reporting entities. Each report is a public
45 document and shall include:

1 (a) The number of criminal conduct allegations investigated and how
2 many of these investigations were conducted jointly pursuant to the
3 investigation protocols established in this subsection.

4 (b) Information from each county attorney regarding the number of
5 cases presented for review, the number of persons charged in those cases, the
6 reasons why charges were not pursued and the disposition of these cases.

7 (c) The reasons why a joint investigation did not take place.

8 9. Procedures for dispute resolution.

9 C. The department shall cooperate with the county attorney and the
10 appropriate law enforcement agency pursuant to the investigation protocols
11 adopted in this section. In instances of criminal conduct against a child,
12 the department shall protect the victim's rights of the children in its
13 custody against harassment, intimidation and abuse, as applicable, pursuant
14 to article II, section 2.1, Constitution of Arizona.

15 D. The county attorney and the law enforcement agency shall cooperate
16 with the department pursuant to the investigation protocols adopted in this
17 section.

18 Sec. 69. Section 8-818, Arizona Revised Statutes, as transferred by
19 this act, is amended to read:

20 8-818. Child safety services; financial and program
21 accountability

22 A. The department, the office of strategic planning and budgeting and
23 the joint legislative budget committee shall develop a financial and program
24 accountability reporting system for ~~child protective services~~ THE DEPARTMENT.

25 B. The accountability reporting system shall include the following
26 accountability factors:

27 1. Success in meeting training requirements.

28 2. Caseloads for child ~~protective services~~ SAFETY workers.

29 3. The number of new cases, cases that remain open and cases that have
30 been closed.

31 4. The ratio of child ~~protective services~~ SAFETY workers to immediate
32 supervisors.

33 5. Employee turnover, including a breakdown of employees who remain
34 with the department and employees who leave the department.

35 6. The source and use of federal monies in ~~child protective services~~
36 THE DEPARTMENT.

37 7. The source and use of state monies in ~~child protective services~~ THE
38 DEPARTMENT.

39 8. Any additional factor deemed necessary by the department, office
40 and committee.

41 C. The department shall issue a financial and program accountability
42 report to the governor and the chairpersons of the house of representatives
43 appropriations and human services committees and the senate appropriations
44 and family services committees, or their successor committees, on or before
45 February 1 and August 1 of each year.

1 D. ~~The department shall issue the first financial and program~~
2 ~~accountability report on or before August 1, 2004.~~ In developing the
3 financial and program accountability reporting system, the department, the
4 office of strategic planning and budgeting and the joint legislative budget
5 committee shall review the current reporting requirements of the department
6 to eliminate duplication of reporting requirements and to coordinate
7 reporting requirements. The department, the office of strategic planning and
8 budgeting and the joint legislative budget committee shall also review the
9 current information processing capabilities to report timely and accurate
10 information. ~~On or before July 1, 2004, the department shall report to the~~
11 ~~governor and the chairpersons of the house of representatives appropriations~~
12 ~~and human services committees and the senate appropriations and family~~
13 ~~services committees the measures to be used to report the accountability~~
14 ~~factors, including a definition of and the methods for determining these~~
15 ~~measures.~~

16 Sec. 70. Transfer and renumber

17 Title 8, chapter 10, article 2, Arizona Revised Statutes, is
18 transferred and renumbered for placement in title 8, chapter 4, Arizona
19 Revised Statutes, as added by this act, as article 9.

20 Sec. 71. Section 8-821, Arizona Revised Statutes, as transferred by
21 this act, is amended to read:

22 8-821. Taking into temporary custody; medical examination;
23 placement; interference; classification

24 A. A child shall be taken into temporary custody in proceedings to
25 declare a child a temporary ward of the court to protect the child, pursuant
26 to an order of the juvenile court on a petition by an interested person, a
27 peace officer or a child ~~protective services~~ SAFETY worker under oath that
28 reasonable grounds exist to believe that temporary custody is clearly
29 necessary to protect the child from suffering abuse or neglect. If a child
30 is taken into temporary custody pursuant to this section, the child's sibling
31 shall also be taken into temporary custody only if reasonable grounds
32 independently exist to believe that temporary custody is clearly necessary to
33 protect the child from suffering abuse or neglect.

34 B. A child may be taken into temporary custody by a peace officer or a
35 child ~~protective services~~ SAFETY worker if temporary custody is clearly
36 necessary to protect the child because probable cause exists to believe that
37 the child is either:

- 38 1. A victim or will imminently become a victim of abuse or neglect.
- 39 2. Suffering serious physical or emotional injury that can only be
40 diagnosed by a medical doctor or psychologist.
- 41 3. Physically injured as a result of living on premises where
42 dangerous drugs or narcotic drugs are being manufactured. For the purposes
43 of this paragraph, "dangerous drugs" and "narcotic drugs" have the same
44 ~~meaning~~ MEANINGS prescribed in section 13-3401.

1 4. Reported by ~~child protective services~~ THE DEPARTMENT to be a
2 missing child at risk of serious harm.

3 C. In determining if a child should be taken into temporary custody,
4 the interested person, peace officer or child ~~protective services~~ SAFETY
5 worker shall take into consideration:

6 1. As a paramount concern the child's health and safety.

7 2. Whether the parent is willing to participate in any services that
8 are offered to ~~them~~ THE PARENT.

9 D. A person who takes a child into custody pursuant to subsection B,
10 paragraph 2 of this section shall immediately have the child examined by a
11 medical doctor or psychologist. After the examination the person shall
12 release the child to the custody of the parent or guardian of the child
13 unless the examination reveals abuse or neglect. Temporary custody of a
14 child taken into custody pursuant to subsection B, paragraph 2 of this
15 section shall not exceed twelve hours.

16 E. A child who is taken into temporary custody pursuant to this
17 article shall not be detained in a police station, jail or lockup where
18 adults charged with or convicted of a crime are detained.

19 F. A child shall not remain in temporary custody for more than
20 seventy-two hours excluding Saturdays, Sundays and holidays unless a
21 dependency petition is filed.

22 G. A person who knowingly interferes with the taking of a child into
23 temporary custody under this section is guilty of a class 2 misdemeanor.

24 Sec. 72. Section 8-823, Arizona Revised Statutes, as transferred by
25 this act, is amended to read:

26 8-823. Notice of taking into temporary custody

27 A. If a child is taken into temporary custody pursuant to this
28 article, the interested person, peace officer or child ~~protective services~~
29 SAFETY worker taking the child into custody shall provide written notice
30 within six hours to the parent or guardian of the child, unless:

31 1. The parent or guardian is present when the child is taken into
32 custody, then written and verbal notice shall be provided immediately.

33 2. The residence of the parent or guardian is outside this state and
34 notice cannot be provided within six hours, then written notice shall be
35 provided within twenty-four hours.

36 3. The residence of the parent or guardian is not ascertainable, then
37 reasonable efforts shall be made to locate and notify the parent or guardian
38 of the child as soon as possible.

39 B. The written notice shall contain a signature line for the parent or
40 guardian to acknowledge receipt of both written and verbal notices. The
41 written and verbal notices shall contain the name of the person and agency
42 taking the child into custody, the location from which the child was taken
43 and all of the following information:

1 1. Specific reasons as to why the child is being removed. The notice
2 shall list the specific factors that caused the determination of imminent
3 danger.

4 2. Services that are available to the parent or guardian, including a
5 statement of parental rights and information on how to contact the
6 ombudsman-citizens aide's office and an explanation of the services that
7 office offers.

8 3. The date and time of the taking into custody.

9 4. The name and telephone number of the agency responsible for the
10 child.

11 5. A statement of the reasons for temporary custody of the child.

12 6. A statement that the child must be returned within seventy-two
13 hours excluding Saturdays, Sundays and holidays unless a dependency petition
14 is filed and a statement that a child in temporary custody for examination
15 pursuant to section 8-821, subsection B, paragraph 2 must be returned within
16 twelve hours unless abuse or neglect is diagnosed.

17 7. One of the following:

18 (a) If a dependency petition has not been filed or if the information
19 prescribed in subdivision (b) is not available, a statement that if a
20 dependency petition is filed, the parent or guardian will be provided a
21 written notice no later than twenty-four hours after the petition is filed
22 that contains the information prescribed in subdivision (b).

23 (b) In all other cases, the date, time and place of the preliminary
24 protective hearing to be held pursuant to section 8-824 and the requirements
25 of subsection D of this section.

26 8. A statement of the right of the parent or guardian to counsel and
27 that counsel will be appointed pursuant to section 8-221 through the juvenile
28 court if a dependency petition is filed and the person is indigent.

29 9. Information regarding the ability of the person about whom the
30 report was made to provide a verbal, telephonic or written response to the
31 allegations. A verbal response shall be included in the written report of
32 the investigation. A written response, including any documentation, shall be
33 included in the case file.

34 10. A statement that the hearing may result in further proceedings to
35 terminate parental rights.

36 11. A statement that the parent or guardian must immediately provide to
37 the department the names, the type of relationship and all available
38 information necessary to locate persons who are related to the child or who
39 have a significant relationship with the child. If there is not sufficient
40 information available to locate a relative or person with a significant
41 relationship with the child, the parent shall inform the department of this
42 fact. If the parent or guardian obtains information regarding the existence
43 or location of a relative or person with a significant relationship with the
44 child, the parent or guardian shall immediately provide that information to
45 the department.

1 C. If the court finds that it is in the best interests of the child,
2 the court may allow the following to be present at the preliminary protective
3 hearing:

- 4 1. The child.
- 5 2. Any relative or other interested person with whom the child is or
6 might be placed as described in section 8-845, subsection A.
- 7 3. Witnesses called by the parties.
- 8 4. An advocate or interested person as requested by the parent or
9 guardian.
- 10 5. Other persons who have knowledge of or an interest in the welfare
11 of the child.

12 D. At the hearing, the court shall advise the parent or guardian of
13 the following rights:

- 14 1. The right to counsel, including appointed counsel if the parent or
15 guardian is indigent.
- 16 2. The right to cross-examine all witnesses who are called to testify
17 against the parent or guardian.
- 18 3. The right to trial by court on the allegations in the petition.
- 19 4. The right to use the process of the court to compel the attendance
20 of witnesses.

21 E. At the hearing, the court:

- 22 1. Shall receive a report of any agreement reached pursuant to section
23 8-823, subsection D. The report may be made orally.
- 24 2. Shall provide an opportunity for the child's parent or guardian, if
25 present, and any other person who has relevant knowledge, to provide relevant
26 testimony.
- 27 3. May limit testimony and evidence that is beyond the scope of the
28 removal of the child, the child's need for continued protection, placement,
29 visitation and services to be provided to the child and family.
- 30 4. May take into consideration as a mitigating factor the
31 participation of the parent or guardian in the healthy families program
32 established by section ~~8-701~~ 8-481.
- 33 5. Shall take into consideration as a mitigating factor the
34 availability of reasonable services to the parent or guardian to prevent or
35 eliminate the need for removal of the child and the effort of the parent or
36 guardian to obtain and participate in these services.
- 37 6. Shall inform the child's parent or guardian that the hearing may
38 result in further proceedings to terminate parental rights.
- 39 7. Shall order the parent or guardian to provide the court with the
40 names, the type of relationship and all available information necessary to
41 locate persons who are related to the child or who have a significant
42 relationship with the child. If there is not sufficient information
43 available to locate a relative or person with a significant relationship with
44 the child, the parent or guardian shall inform the court of this fact. The
45 court shall further order the parent or guardian to inform the department

1 immediately if the parent or guardian becomes aware of information related to
2 the existence or location of a relative or person with a significant
3 relationship to the child.

4 8. Shall inform the parent that substantially neglecting or wilfully
5 refusing to remedy the circumstances that cause the child to be in an
6 out-of-home placement, including refusing to participate in reunification
7 services, is grounds for termination of parental rights to a child.

8 9. Shall give paramount consideration to the health and safety of the
9 child.

10 10. Shall determine whether the department is attempting to identify
11 and assess placement of the child with a grandparent or another member of the
12 child's extended family including a person who has a significant relationship
13 with the child.

14 11. Shall inform a foster parent, a preadoptive parent or a member of
15 the child's extended family with whom the department has placed the child of
16 the right to be heard in any proceeding to be held with respect to the child.

17 F. The petitioner has the burden of presenting evidence as to whether
18 there is probable cause to believe that continued temporary custody is
19 clearly necessary to prevent abuse or neglect pending the hearing on the
20 dependency petition.

21 G. The department must make reasonable efforts to place a child with
22 siblings and, if that is not possible, to maintain frequent visitation or
23 other ongoing contact between all siblings.

24 H. If the child is in the temporary custody of the department, the
25 department shall submit not later than the day before the hearing a written
26 report to the court and the parties that states:

27 1. The reasons the child was removed from the parent's or guardian's
28 custody.

29 2. Any services that have been provided to the child or the child's
30 parent or guardian to prevent removal.

31 3. The need, if any, for continued temporary custody.

32 4. The types of service needed to facilitate the return of the child
33 to the custody of the child's parents or guardian.

34 5. If the child is not placed with a grandparent, whether the child
35 has any relatives or other interested parties as described in section 8-845,
36 subsection A who may be able and willing to take temporary custody.

37 6. Any services that are requested by the parent or guardian but that
38 are not provided and the reasons the services were not provided.

39 7. What efforts the department has made to place siblings together,
40 and if they are not placed together, the specific reasons why this did not
41 occur.

42 8. If the placement of siblings together was not possible for all or
43 any of the siblings, efforts the department has made to facilitate
44 communications among siblings and a proposal for frequent visitation or
45 contact pursuant to subsection G of this section. If frequent visitation or

1 contact with siblings is not recommended, the department shall state the
2 reasons why this would be contrary to the child's or a sibling's safety or
3 well-being.

4 9. A proposal for visitation with the child's parents or guardian and
5 the results of any visitation that has occurred since the child was removed.
6 The requirements of this paragraph do not apply to a specific parent or
7 guardian if there is a court order relating to a criminal case that prohibits
8 that parent or guardian from contact with the child. Before the department
9 allows visitation it must first determine that there are no court orders
10 relating to any superior court criminal case that prohibit the parent or
11 guardian from contact with the child.

12 10. A proposed case plan for services to the family.

13 I. The parent or guardian shall state whether the parent or guardian
14 admits or denies the allegations in the petition filed pursuant to section
15 8-841. If the parent or guardian admits or does not contest the allegations
16 in the petition, the court shall determine that the parent or guardian
17 understands the rights described in subsection D of this section and that the
18 parent or guardian knowingly, intelligently and voluntarily waives these
19 rights.

20 J. At the hearing, if the child is not returned to the parent or
21 guardian, the court shall:

22 1. Enter orders regarding the placement of the child pending the
23 determination of the dependency petition and visitation, if any.

24 2. If a relative is identified as a possible placement for the child,
25 notify the relative of the right to be heard in any proceeding to be held
26 with respect to the child.

27 3. Determine if the tasks and services set forth in the case plan are
28 reasonable and necessary to carry out the case plan.

29 Sec. 74. Section 8-825, Arizona Revised Statutes, as transferred by
30 this act, is amended to read:

31 8-825. Court determinations in preliminary protective hearing

32 A. The court's determination in the preliminary protective hearing may
33 be based on evidence that is hearsay, in whole or in part, in the following
34 forms:

35 1. The allegations of the petition.

36 2. An affidavit.

37 3. Sworn testimony.

38 4. The written reports of expert witnesses.

39 5. The department's written reports if the ~~protective services~~ CHILD
40 SAFETY worker is present and available for cross-examination.

41 6. Documentary evidence without foundation if there is a substantial
42 basis for believing the foundation will be available at the dependency
43 hearing and the document is otherwise admissible.

1 D. The department shall provide information to the provider concerning
2 the current report and may provide any information from records it deems
3 appropriate. All information received by the provider regarding the report
4 of abuse or neglect and department records is subject to the confidentiality
5 requirements of section 8-807. Information in the records of the provider
6 concerning the families served by the program is available for the purposes
7 of evaluating the program.

8 E. If at any time during the course of service delivery the provider
9 determines that the child is in imminent danger of abuse or neglect, the
10 provider shall immediately report the case to the department or the
11 appropriate law enforcement agency, or both, for appropriate action. In all
12 cases the provider and any agency under subcontract to the provider shall
13 retain records of information on initial and ongoing contact with the family
14 and the final disposition of the case and shall provide this information to
15 the department.

16 F. The department shall require that the provider establish a local
17 advisory board composed of appropriate community representatives, including
18 representation from families in the community and local public agencies. The
19 local advisory board shall ensure that a continuum of services is provided
20 for families and shall provide oversight to the program.

21 G. The department shall develop performance standards for the
22 contracts, provide training to the provider or organization staff involved in
23 service delivery to these families regarding child abuse and neglect and
24 monitor the performance of the providers.

25 H. The contract entered into pursuant to this section shall be for a
26 term of ten years. The program established by this section ends on July 1,
27 2014 pursuant to section 41-3102.

28 I. For the purposes of this section:

29 ~~1. "Department" means the department of economic security.~~

30 ~~2.~~ 1. "Provider" means a community or faith-based provider that is
31 awarded a contract by the department.

32 ~~3.~~ 2. "Services" includes:

33 (a) Family assessment.

34 (b) Case management.

35 (c) Child day care.

36 (d) Housing search and relocation.

37 (e) Parenting skills training.

38 (f) Supportive intervention and guidance counseling.

39 (g) Transportation.

40 (h) Emergency services.

41 (i) Intensive family preservation.

42 (j) Parent aide services.

43 (k) Residential drug treatment services.

44 (l) Additional services that the department determines are necessary
45 to meet the needs of the families.

1 Sec. 76. Transfer and renumber
2 Title 8, chapter 10, article 3, Arizona Revised Statutes, is
3 transferred and renumbered for placement in title 8, chapter 4, Arizona
4 Revised Statutes, as added by this act, as article 10.

5 Sec. 77. Section 8-843, Arizona Revised Statutes, as transferred by
6 this act, is amended to read:

7 8-843. Initial dependency hearing; rights

8 A. At any dependency hearing, the court's primary consideration shall
9 be the protection of a child from abuse or neglect.

10 B. At the initial dependency hearing, the court shall ensure that the
11 parent or guardian has been advised of the following rights:

12 1. The right to counsel, including appointed counsel if the parent or
13 guardian is indigent.

14 2. The right to trial by the court on the allegations in the petition.

15 3. The right to cross-examine all witnesses that are called to testify
16 against the parent or guardian.

17 4. The right to use the process of the court to compel the attendance
18 of witnesses.

19 C. If the parent or guardian admits or does not contest the
20 allegations in the petition, the court shall determine that the parent or
21 guardian understands the rights described in subsection ~~A~~ B of this section
22 and that the parent or guardian knowingly, intelligently and voluntarily
23 waives these rights.

24 D. If the parent or guardian denies the allegations in the petition,
25 the court shall set the settlement conference, pretrial conference or
26 mediation prescribed in section 8-844.

27 E. The court shall also determine if reasonable efforts were made to
28 prevent or eliminate the need for removal of a child from the child's home
29 and if services are available that would eliminate the need for continued
30 removal. If the child is:

31 1. In the custody of the department, the court shall order the
32 department to make reasonable efforts to provide services to the child and
33 parent to facilitate the reunification of the family, except as provided in
34 section 8-846.

35 2. Not in the custody of the department and the department is not a
36 party, the court may direct the parties to participate in reasonable services
37 that will facilitate reunification of the family or another permanent plan
38 for the child. The court shall not require the department to provide
39 services pursuant to this paragraph.

40 F. Notwithstanding any other provision of this section, the court may
41 stay the proceedings and order in-home intervention as provided in article
42 ~~7~~ 14 of this chapter.

1 Sec. 78. Section 8-845, Arizona Revised Statutes, as transferred by
2 this act, is amended to read:

3 8-845. Disposition hearing

4 A. After receiving and considering the evidence on the proper
5 disposition of the case, the court may enter orders awarding a dependent
6 child as follows:

7 1. To the care of the child's parents, subject to the supervision of
8 the department ~~of economic security~~.

9 2. To a grandparent or another member of the child's extended family
10 including a person who has a significant relationship with the child, unless
11 the court has determined that such placement is not in the child's best
12 interests.

13 3. To a suitable institution.

14 4. To an association willing to receive the child.

15 5. To a reputable citizen of good moral character.

16 6. To an appropriate public or private agency licensed to care for
17 children.

18 7. To a suitable school.

19 8. To supervision under the independent living program established
20 pursuant to section 8-521.

21 9. To any adult as a permanent guardian pursuant to article ~~5- 12~~ of
22 this chapter.

23 B. In reviewing the status of the child and in determining its order
24 of disposition, the court shall consider the health and safety of the child
25 as a paramount concern and the following criteria:

26 1. The goals of the placement and the appropriateness of the case
27 plan.

28 2. The services that have been offered to reunite the family.

29 3. If returning the child home is not likely, the efforts that have
30 been or should be made to evaluate or plan for other permanent placement
31 plans.

32 4. The efforts that have been made or should be made to place the
33 child with the child's siblings or to provide frequent visitation or contact
34 when placement with siblings has not been possible.

35 C. The court shall review the permanent plan that has been established
36 for the child. In reviewing the status of the child, the court, insofar as
37 possible, shall seek to reunite the family. If the court does not order
38 reunification of the family, The court shall order a plan of adoption or
39 another permanent plan that is in the child's best interest and that takes
40 into consideration the placement of the child with siblings or that provides
41 for frequent visitation or contact ~~amongst~~ BETWEEN siblings unless the court
42 determines that either the placement with the siblings or the visitation or
43 contact would be contrary to the child's or a sibling's safety or well-being.

1 D. Notwithstanding subsection C of this section, reasonable efforts to
2 place a child for adoption may be made concurrently with reasonable efforts
3 to reunify the family.

4 Sec. 79. Section 8-846, Arizona Revised Statutes, as transferred by
5 this act, is amended to read:

6 8-846. Services provided to the child and family

7 A. Except as provided in subsections B and C and D of this section, if
8 the child has been removed from the home, the court shall order the
9 department to make reasonable efforts to provide services to the child and
10 the child's parent.

11 B. The court shall consider the following factors ~~and~~ IN DETERMINING
12 WHETHER REUNIFICATION SERVICES ARE REQUIRED TO BE PROVIDED. Reunification
13 services are not required to be provided if the court finds by clear and
14 convincing evidence that:

15 1. One or more of the following aggravating circumstances exist:

16 (a) A party to the action provides a verified affidavit that states
17 that a reasonably diligent search has failed to identify and locate the
18 parent within three months after the filing of the dependency petition or the
19 parent has expressed no interest in reunification with the child for at least
20 three months after the filing of the dependency petition.

21 (b) The parent or guardian is suffering from a mental illness or
22 mental deficiency of such magnitude that it renders the parent or guardian
23 incapable of benefitting from the reunification services. This finding shall
24 be based on competent evidence from a psychologist or physician that
25 establishes that, even with the provision of reunification services, the
26 parent or guardian is unlikely to be capable of adequately caring for the
27 child within twelve months after the date of the child's removal from the
28 home.

29 (c) The child previously has been removed and adjudicated dependent
30 due to physical or sexual abuse. After the adjudication the child was
31 returned to the custody of the parent or guardian and then subsequently
32 removed within eighteen months due to additional physical or sexual abuse.

33 (d) ~~A child is the victim of~~ THE PARENT OR GUARDIAN COMMITTED AN ACT
34 THAT CONSTITUTES A DANGEROUS CRIME AGAINST CHILDREN AS DEFINED IN SECTION
35 13-705 OR CAUSED A CHILD TO SUFFER serious physical INJURY or emotional
36 injury ~~by the parent or guardian or by any person known by the parent or~~
37 ~~guardian, if~~ OR the parent or guardian knew or reasonably should have known
38 that ~~the~~ ANOTHER person ~~was abusing the child~~ COMMITTED AN ACT THAT
39 CONSTITUTES A DANGEROUS CRIME AGAINST CHILDREN AS DEFINED IN SECTION 13-705
40 OR CAUSED A CHILD TO SUFFER SERIOUS PHYSICAL INJURY OR EMOTIONAL INJURY.

41 (e) The parent's rights to another child have been terminated, the
42 parent has not successfully addressed the issues that led to the termination
43 and the parent is unable to discharge parental responsibilities.

1 (f) After a finding that a child is dependent, all of the following
2 are true:

3 (i) A child has been removed from the parent or guardian on at least
4 two previous occasions.

5 (ii) Reunification services were offered or provided to the parent or
6 guardian after the removal.

7 (iii) The parent or guardian is unable to discharge parental
8 responsibilities.

9 2. The parent or guardian of a child has been convicted of **A DANGEROUS**
10 **CRIME AGAINST CHILDREN AS DEFINED IN SECTION 13-705**, murder or manslaughter
11 of a child, or of sexual abuse of a child, sexual assault of a child, sexual
12 conduct with a minor, molestation of a child, commercial sexual exploitation
13 of a minor, sexual exploitation of a minor, or luring a minor for sexual
14 exploitation.

15 3. The parent or guardian of a child has been convicted of aiding or
16 abetting or attempting, conspiring or soliciting to commit any of the crimes
17 listed in paragraph 2 of this subsection.

18 C. The court shall consider any criminal prosecution relating to the
19 offenses which led to the child's removal from the home and **SHALL ABIDE BY**
20 any orders of the criminal court. Information may be provided by law
21 enforcement or the county attorney.

22 D. If a dependency petition was filed pursuant to section 8-874,
23 subsection J, the court may direct the division not to provide reunification
24 services to the child's parents unless the court finds by clear and
25 convincing evidence that these services would be in the child's best
26 interests.

27 Sec. 80. Transfer and renumber

28 Title 8, chapter 10, article 4, Arizona Revised Statutes, is
29 transferred and renumbered for placement in title 8, chapter 4, Arizona
30 Revised Statutes, as added by this act, as article 11.

31 Sec. 81. Section 8-862, Arizona Revised Statutes, as transferred by
32 this act, is amended to read:

33 **8-862. Permanency hearing**

34 A. The court shall hold a permanency hearing to determine the future
35 permanent legal status of the child:

36 1. Within thirty days after the disposition hearing if the court does
37 not order reunification services.

38 2. Within six months after a child who is under three years of age is
39 removed from the child's home. The court shall not continue that permanency
40 hearing beyond six months after the child who is under three years of age is
41 removed from the child's home unless the party who is seeking the continuance
42 shows that the determination prescribed in section 8-829, subsection A,
43 paragraph 6 has been made or will be made within the time prescribed in that
44 paragraph.

1 3. In all other cases, within twelve months after the child is removed
2 from the child's home. The court shall not continue the permanency hearing
3 beyond twelve months after the child is removed from the child's home unless
4 the party who is seeking the continuance shows that the determination
5 prescribed in section 8-829, subsection A, paragraph 5 has been made or will
6 be made within the time prescribed in that paragraph.

7 B. At the permanency hearing, the court shall determine:

8 1. Whether termination of parental rights, adoption, permanent
9 guardianship pursuant to section 8-872 or some other permanent legal status
10 is the most appropriate plan for the child and shall order the plan to be
11 accomplished within a specified period of time.

12 2. Whether reasonable efforts have been made to finalize the
13 permanency plan in effect.

14 3. What efforts have been made in the permanency plan to place the
15 child with the child's siblings or to provide frequent visitation or contact,
16 unless the court had already determined that placement with all or any
17 siblings or visitation or contact is not possible or would be contrary to the
18 child's or a sibling's safety or well-being.

19 C. If the court determines that the child should remain in out-of-home
20 placement longer than eighteen months from the date of the permanency order,
21 the court shall conduct a review of the order at least once each year. After
22 reviewing the order, the court may reaffirm the order or direct other
23 disposition of the child.

24 D. If the court determines that the termination of parental rights is
25 clearly in the best interests of the child, the court shall:

26 1. Order the department or the child's attorney or guardian ad litem
27 to file within ten days after the permanency hearing a motion alleging one or
28 more of the grounds prescribed in section 8-533 for termination of parental
29 rights. The party who files the motion has the burden of presenting evidence
30 at the termination hearing to prove the allegations in the motion.

31 2. Set a date for an initial hearing on the motion for termination of
32 parental rights within thirty days after the permanency hearing. If the
33 termination is contested at the initial hearing, the court shall set a date
34 for the trial on termination of parental rights within ninety days after the
35 permanency hearing.

36 E. The department shall make reasonable efforts to place the child in
37 a timely manner in accordance with the permanency plan and to complete
38 whatever steps are necessary to finalize the permanent placement of the
39 child.

40 F. If the court determines that permanent guardianship is clearly in
41 the best interests of the child, the court shall:

42 1. Order the department or the child's attorney or guardian ad litem
43 to file within ten days after the permanency hearing a motion alleging the
44 grounds prescribed in section 8-871 for permanent guardianship. The party

1 who files the motion has the burden of presenting evidence at the hearing to
2 prove the allegations in the motion.

3 2. Set a date for an initial hearing on the motion for permanent
4 guardianship within thirty days after the permanency hearing. If the
5 permanent guardianship is contested at the initial hearing, the court shall
6 set a date for the trial on the permanent guardianship within ninety days
7 after the permanency hearing.

8 G. Evidence considered by the court in making a decision pursuant to
9 this section also shall include any substantiated allegations of abuse or
10 neglect committed in another jurisdiction.

11 H. If the court determines that termination of parental rights or
12 permanent guardianship is clearly in the best interest of the child and the
13 child has been placed in a prospective permanent placement, unless the action
14 is required by federal law, state law or regulation, any action that is
15 inconsistent with the case plan of severance and adoption, including removal
16 of the child from that placement, may occur only by court order or if the
17 prospective permanent placement requests the child's removal. If a motion to
18 change the case plan or for removal of a child is filed, a copy of the motion
19 must be provided to the prospective permanent placement at least fifteen days
20 before a hearing on the motion. If the prospective permanent placement does
21 not appear at a hearing on a motion for removal, the court may not take any
22 action on the motion unless the court finds that good faith efforts were made
23 to provide a copy of the motion to the prospective permanent placement. The
24 prospective permanent placement has the right to be heard in the proceeding.
25 This right does not require that the prospective permanent placement be made
26 a party to the proceeding solely on the basis of that right. This subsection
27 does not apply to any removal pursuant to section ~~8-802~~ 8-456 or 8-821. If
28 the child is an Indian child as defined pursuant to the Indian child welfare
29 act (25 United States Code section 1903), the court and the parties must
30 comply with all applicable requirements of that act. For the purposes of
31 this subsection, a prospective permanent placement includes:

32 1. A grandparent or another member of the child's extended family
33 including a person who has a significant relationship with the child.

34 2. A person or persons with an expressed interest in being the
35 permanent placement for the child in a certified adoptive home where the
36 child resides, a home that is a permanent placement for a sibling of the
37 child or a licensed family foster home where the child resides.

38 I. This section does not prevent the department from presenting for
39 the court's consideration a grandparent or another member of the child's
40 extended family including a person who has a significant relationship with
41 the child and who has not been identified as a prospective permanent
42 placement for the child before the child's placement with a prospective
43 permanent placement.

1 Sec. 82. Transfer and renumber

2 A. Title 8, chapter 10, article 5, Arizona Revised Statutes, is
3 transferred and renumbered for placement in title 8, chapter 4, Arizona
4 Revised Statutes, as added by this act, as article 12.

5 B. Title 8, chapter 10, article 6, Arizona Revised Statutes, is
6 transferred and renumbered for placement in title 8, chapter 4, Arizona
7 Revised Statutes, as added by this act, as article 13.

8 Sec. 83. Section 8-881, Arizona Revised Statutes, as transferred by
9 this act, is amended to read:

10 8-881. Coordination of substance abuse treatment; contracting
11 for services; joint substance abuse treatment fund

12 A. The department of ~~economic security~~ CHILD SAFETY in partnership
13 with the department of health services as joint administrators of the joint
14 substance abuse treatment fund shall coordinate the provision of services to:

15 1. Parents, guardians or custodians whose substance abuse is a
16 significant barrier to maintaining, preserving or reunifying the family.

17 2. Recipients of temporary assistance for needy families whose
18 substance abuse is a significant barrier to maintaining or obtaining
19 employment.

20 B. This coordination effort shall include all of the following:

21 1. The development of programs in communities for the provision of
22 services to qualified persons who suffer from substance abuse.

23 2. The requirements for contractors who provide services in
24 communities for qualified persons who suffer from substance abuse.

25 3. The method of evaluating community programs.

26 C. The department ~~of economic security~~ may contract for services
27 prescribed in this article.

28 D. The joint substance abuse treatment fund is established. The
29 director of the department of ~~economic security~~ CHILD SAFETY and the director
30 of the department of health services shall jointly administer the fund.
31 Monies in the fund are continuously appropriated for the purposes prescribed
32 in this article and are exempt from the provisions of section 35-190 relating
33 to ~~the~~ lapsing of appropriations. Of the fund monies, the directors shall
34 not use more than:

35 1. Five per cent for program development costs.

36 2. Ten per cent for evaluation of community programs pursuant to
37 section 8-884.

38 Sec. 84. Section 8-882, Arizona Revised Statutes, as transferred by
39 this act, is amended to read:

40 8-882. Program development

41 In assisting development of community programs, the department of
42 ~~economic security~~ CHILD SAFETY in partnership with the department of health
43 services as joint administrators of the fund shall consider the following
44 issues:

1 1. The determination of eligibility and a screening process to
2 identify:

3 (a) A parent, guardian or custodian of a child who is named in a
4 report to ~~child protective services~~ THE DEPARTMENT as a victim of abuse or
5 neglect and whose substance abuse is a significant barrier to maintaining,
6 preserving or reunifying the family.

7 (b) A person whose substance abuse is a significant barrier to
8 maintaining or obtaining employment if the person is receiving cash
9 assistance pursuant to title 46, chapter 2, article 5.

10 2. Training and technical assistance to be provided to communities for
11 the development and provision of the programs.

12 3. Collaboration among and integration with public and private
13 agencies, programs, service providers, advocates and consumers.

14 4. Coordination and integration of funding sources to meet prevention,
15 treatment and other service needs.

16 5. The scope of services to be provided that are family centered and
17 that fit within the following categories:

18 (a) Substance abuse screening and assessment.

19 (b) Treatment referral.

20 (c) Treatment services.

21 (d) Aftercare.

22 (e) Service coordination.

23 (f) Other services necessary to achieve the outcome goals identified
24 in section 8-884.

25 6. Procedures for sharing information to assure the well-being of a
26 child and the person being treated while maintaining confidentiality as
27 otherwise prescribed by statute. These procedures shall include requirements
28 for treatment providers to keep any court timely informed of the nature and
29 status of treatment for a parent, guardian or custodian of a child who is the
30 subject of a dependency action before the court.

31 Sec. 85. Section 8-883, Arizona Revised Statutes, as transferred by
32 this act, is amended to read:

33 8-883. Requirements for contractors

34 In developing the requirements for contractors who provide prevention
35 and treatment of substance abuse in communities, the department of ~~economic~~
36 ~~security~~ CHILD SAFETY in partnership with the department of health services
37 as joint administrators of the fund shall:

38 1. Prescribe that contractors shall develop and implement the program
39 through collaboration with representatives of the community served so that
40 services are provided in a comprehensive and integrated manner that is
41 responsive to cultural, demographic and geographic diversity.

42 2. Require contractors to specify what outcomes they are addressing,
43 consistent with the requirements prescribed in section 8-884, and how these
44 outcomes will be achieved.

1 3. Require contractors to cooperate with the evaluation prescribed in
2 section 8-884.

3 4. Prescribe any other requirements necessary to meet the outcome
4 goals identified in section 8-884.

5 Sec. 86. Section 8-884, Arizona Revised Statutes, as transferred by
6 this act, is amended to read:

7 8-884. Evaluation of community programs

8 A. In developing the method of evaluating community substance abuse
9 prevention and treatment programs, the department of ~~economic security~~ CHILD
10 SAFETY in partnership with the department of health services as joint
11 administrators of the fund shall prescribe evaluation factors that are
12 consistent with the following outcome goals:

13 1. Increase the availability, timeliness and accessibility of
14 substance abuse treatment to improve child safety, family stability and
15 permanency for children in foster care or other out-of-home placement, with a
16 preference for reunification with a child's birth family.

17 2. Increase the availability, timeliness and accessibility of
18 substance abuse treatment to persons receiving temporary assistance for needy
19 families to achieve self-sufficiency through employment.

20 3. Increase the availability, timeliness and accessibility of
21 substance abuse treatment to promote recovery from alcohol and drug problems.

22 B. The department of ~~economic security~~ CHILD SAFETY shall retain a
23 person to evaluate the performance of the contractor for each community
24 program according to the factors developed pursuant to subsection A OF THIS
25 SECTION. The person shall report at least every three months to the
26 department and each contractor on the performance of each contractor.
27 Annually by November 1, the person shall prepare and deliver to the
28 legislature a statewide report concerning the prior fiscal year.

29 Sec. 87. Transfer and renumber

30 Title 8, chapter 10, article 7, Arizona Revised Statutes, is
31 transferred and renumbered for placement in title 8, chapter 4, Arizona
32 Revised Statutes, as added by this act, as article 14.

33 Sec. 88. Section 8-891, Arizona Revised Statutes, as transferred by
34 this act, is amended to read:

35 8-891. In-home intervention

36 A. After the filing of a dependency petition, the court may order
37 in-home intervention if all of the following are true:

38 1. The child has not been removed pursuant to article ~~2- 9~~ of this
39 chapter.

40 2. In-home intervention appears likely to resolve the risk issues
41 described in paragraph 4 OF THIS SUBSECTION.

42 3. The parent, guardian or custodian agrees to a case plan and
43 participation in services.

1 4. One of the following conditions ~~exist~~ EXISTS:

2 (a) The child is at risk of harm due to the inability or unwillingness
3 of the parent, guardian or custodian to provide food, clothing, shelter or
4 medical care.

5 (b) The parent, guardian or custodian is unable to provide proper
6 care, control and supervision of the child.

7 B. The in-home intervention order may include a training or treatment
8 plan for the parent, guardian or custodian and the child.

9 C. The in-home intervention shall include a specific time for
10 completion of the in-home intervention, which shall not exceed one year
11 without review and approval by the court. The court shall dismiss the
12 dependency petition if the specific time for completion of the in-home
13 intervention has expired without being extended by the court and a dependency
14 adjudication hearing has not been set as provided in section 8-892.

15 Sec. 89. Section 12-692, Arizona Revised Statutes, is amended to read:

16 12-692. Shoplifting by unemancipated minor; liability of parent
17 or guardian; foster parents

18 A. The parents or legal guardians having custody or control of an
19 unemancipated minor who commits shoplifting as defined by section 13-1805 are
20 civilly liable to the owner of the obtained goods for all of the following:

21 1. A penalty in the amount of the retail value of the obtained goods.

22 2. An additional penalty of not less than one hundred dollars nor more
23 than one hundred dollars plus the actual damages to the owner.

24 B. Foster parents are not liable under subsection A of this section
25 for the acts of children placed with them pursuant to title 8, chapter ~~5- 4~~,
26 ARTICLE 4 OR 5.

27 Sec. 90. Section 13-2929, Arizona Revised Statutes, is amended to
28 read:

29 13-2929. Unlawful transporting, moving, concealing, harboring
30 or shielding of unlawful aliens; vehicle
31 impoundment; exception; classification

32 A. It is unlawful for a person who is in violation of a criminal
33 offense to:

34 1. Transport or move or attempt to transport or move an alien in this
35 state, in furtherance of the illegal presence of the alien in the United
36 States, in a means of transportation if the person knows or recklessly
37 disregards the fact that the alien has come to, has entered or remains in the
38 United States in violation of law.

39 2. Conceal, harbor or shield or attempt to conceal, harbor or shield
40 an alien from detection in any place in this state, including any building or
41 any means of transportation, if the person knows or recklessly disregards the
42 fact that the alien has come to, has entered or remains in the United States
43 in violation of law.

1 3. Encourage or induce an alien to come to or reside in this state if
2 the person knows or recklessly disregards the fact that such coming to,
3 entering or residing in this state is or will be in violation of law.

4 B. A means of transportation that is used in the commission of a
5 violation of this section is subject to mandatory vehicle immobilization or
6 impoundment pursuant to section 28-3511.

7 C. A law enforcement official or agency of this state or a county,
8 city, town or other political subdivision of this state may not consider
9 race, color or national origin in the enforcement of this section except to
10 the extent permitted by the United States or Arizona Constitution.

11 D. In the enforcement of this section, an alien's immigration status
12 may be determined by:

13 1. A law enforcement officer who is authorized by the federal
14 government to verify or ascertain an alien's immigration status.

15 2. The United States immigration and customs enforcement or the United
16 States customs and border protection pursuant to 8 United States Code section
17 1373(c).

18 E. This section does not apply to a child ~~protective services~~ SAFETY
19 worker acting in the worker's official capacity or a person who is acting in
20 the capacity of a first responder, an ambulance attendant or an emergency
21 medical technician and who is transporting or moving an alien in this state
22 pursuant to title 36, chapter 21.1.

23 F. A person who violates this section is guilty of a class 1
24 misdemeanor and is subject to a fine of at least one thousand dollars, except
25 that a violation of this section that involves ten or more illegal aliens is
26 a class 6 felony and the person is subject to a fine of at least one thousand
27 dollars for each alien who is involved.

28 Sec. 91. Section 13-3620, Arizona Revised Statutes, is amended to
29 read:

30 13-3620. Duty to report abuse, physical injury, neglect and
31 denial or deprivation of medical or surgical care or
32 nourishment of minors; medical records; exception;
33 violation; classification; definitions

34 A. Any person who reasonably believes that a minor is or has been the
35 victim of physical injury, abuse, child abuse, a reportable offense or
36 neglect that appears to have been inflicted on the minor by other than
37 accidental means or that is not explained by the available medical history as
38 being accidental in nature or who reasonably believes there has been a denial
39 or deprivation of necessary medical treatment or surgical care or nourishment
40 with the intent to cause or allow the death of an infant who is protected
41 under section 36-2281 shall immediately report or cause reports to be made of
42 this information to a peace officer or to ~~child protective services in~~
43 the department of ~~economic security~~ CHILD SAFETY, except if the report concerns a
44 person who does not have care, custody or control of the minor, the report
45 shall be made to a peace officer only. A member of the clergy, a christian

1 science practitioner or a priest who has received a confidential
2 communication or a confession in that person's role as a member of the
3 clergy, AS a christian science practitioner or AS a priest in the course of
4 the discipline enjoined by the church to which the member of the clergy, THE
5 christian science practitioner or THE priest belongs may withhold reporting
6 of the communication or confession if the member of the clergy, THE christian
7 science practitioner or THE priest determines that it is reasonable and
8 necessary within the concepts of the religion. This exemption applies only
9 to the communication or confession and not to personal observations the
10 member of the clergy, THE christian science practitioner or THE priest may
11 otherwise make of the minor. For the purposes of this subsection, "person"
12 means:

13 1. Any physician, physician's assistant, optometrist, dentist,
14 osteopath, chiropractor, podiatrist, behavioral health professional, nurse,
15 psychologist, counselor or social worker who develops the reasonable belief
16 in the course of treating a patient.

17 2. Any peace officer, child welfare investigator, child ~~protective~~
18 ~~services~~ SAFETY worker, member of the clergy, priest or christian science
19 practitioner.

20 3. The parent, stepparent or guardian of the minor.

21 4. School personnel or domestic violence victim advocates who develop
22 the reasonable belief in the course of their employment.

23 5. Any other person who has responsibility for the care or treatment
24 of the minor.

25 B. A report is not required under this section either:

26 1. For conduct prescribed by sections 13-1404 and 13-1405 if the
27 conduct involves only minors who are fourteen, fifteen, sixteen or seventeen
28 years of age and there is nothing to indicate that the conduct is other than
29 consensual.

30 2. If a minor is of elementary school age, the physical injury occurs
31 accidentally in the course of typical playground activity during a school
32 day, occurs on the premises of the school that the minor attends and is
33 reported to the legal parent or guardian of the minor and the school
34 maintains a written record of the incident.

35 C. If a physician, psychologist or behavioral health professional
36 receives a statement from a person other than a parent, stepparent, guardian
37 or custodian of the minor during the course of providing sex offender
38 treatment that is not court ordered or that does not occur while the offender
39 is incarcerated in the state department of corrections or the department of
40 juvenile corrections, the physician, psychologist or behavioral health
41 professional may withhold the reporting of that statement if the physician,
42 psychologist or behavioral health professional determines it is reasonable
43 and necessary to accomplish the purposes of the treatment.

1 D. Reports shall be made immediately either electronically or by
2 telephone. The reports shall contain the following information, if known:

3 1. The names and addresses of the minor and the minor's parents or the
4 person or persons having custody of the minor.

5 2. The minor's age and the nature and extent of the minor's abuse,
6 child abuse, physical injury or neglect, including any evidence of previous
7 abuse, child abuse, physical injury or neglect.

8 3. Any other information that the person believes might be helpful in
9 establishing the cause of the abuse, child abuse, physical injury or neglect.

10 E. A health care professional who is regulated pursuant to title 32
11 and who, after a routine newborn physical assessment of a newborn infant's
12 health status or following notification of positive toxicology screens of a
13 newborn infant, reasonably believes that the newborn infant may be affected
14 by the presence of alcohol or a drug listed in section 13-3401 shall
15 immediately report this information, or cause a report to be made, to ~~child~~
16 ~~protective services in~~ the department of ~~economic security~~ CHILD SAFETY. For
17 the purposes of this subsection, "newborn infant" means a newborn infant who
18 is under thirty days of age.

19 F. Any person other than one required to report or cause reports to be
20 made under subsection A of this section who reasonably believes that a minor
21 is or has been a victim of abuse, child abuse, physical injury, a reportable
22 offense or neglect may report the information to a peace officer or to ~~child~~
23 ~~protective services in~~ the department of ~~economic security~~ CHILD SAFETY,
24 except if the report concerns a person who does not have care, custody or
25 control of the minor, the report shall be made to a peace officer only.

26 G. A person who has custody or control of medical records of a minor
27 for whom a report is required or authorized under this section shall make the
28 records, or a copy of the records, available to a peace officer, child
29 welfare investigator or child ~~protective services~~ SAFETY worker investigating
30 the minor's neglect, child abuse, physical injury or abuse on written request
31 for the records signed by the peace officer, child welfare investigator or
32 child ~~protective services~~ SAFETY worker. Records disclosed pursuant to this
33 subsection are confidential and may be used only in a judicial or
34 administrative proceeding or investigation resulting from a report required
35 or authorized under this section.

36 H. When reports are received by a peace officer, the officer shall
37 immediately notify ~~child protective services in~~ the department of ~~economic~~
38 ~~security and make the information available to~~ child ~~protective services~~
39 SAFETY. Notwithstanding any other statute, when ~~child protective services~~
40 THE DEPARTMENT receives these reports, it shall immediately notify a peace
41 officer in the appropriate jurisdiction ~~and the office of child welfare~~
42 ~~investigations in the department of economic security~~.

43 I. Any person who is required to receive reports pursuant to
44 subsection A of this section may take or cause to be taken photographs of the

1 minor and the vicinity involved. Medical examinations of the involved minor
2 may be performed.

3 J. A person who furnishes a report, information or records required or
4 authorized under this section, or a person who participates in a judicial or
5 administrative proceeding or investigation resulting from a report,
6 information or records required or authorized under this section, is immune
7 from any civil or criminal liability by reason of that action unless the
8 person acted with malice or unless the person has been charged with or is
9 suspected of abusing or neglecting the child or children in question.

10 K. Except for the attorney client privilege or the privilege under
11 subsection L of this section, no privilege applies to any:

12 1. Civil or criminal litigation or administrative proceeding in which
13 a minor's neglect, dependency, abuse, child abuse, physical injury or
14 abandonment is an issue.

15 2. Judicial or administrative proceeding resulting from a report,
16 information or records submitted pursuant to this section.

17 3. Investigation of a minor's child abuse, physical injury, neglect or
18 abuse conducted by a peace officer or ~~child protective services in~~ the
19 department of ~~economic security~~ CHILD SAFETY.

20 L. In any civil or criminal litigation in which a child's neglect,
21 dependency, physical injury, abuse, child abuse or abandonment is an issue, a
22 member of the clergy, a christian science practitioner or a priest shall not,
23 without his consent, be examined as a witness concerning any confession made
24 to him in his role as a member of the clergy, a christian science
25 practitioner or a priest in the course of the discipline enjoined by the
26 church to which he belongs. This subsection does not discharge a member of
27 the clergy, a christian science practitioner or a priest from the duty to
28 report pursuant to subsection A of this section.

29 M. If psychiatric records are requested pursuant to subsection G of
30 this section, the custodian of the records shall notify the attending
31 psychiatrist, who may excise from the records, before they are made
32 available:

33 1. Personal information about individuals other than the patient.

34 2. Information regarding specific diagnosis or treatment of a
35 psychiatric condition, if the attending psychiatrist certifies in writing
36 that release of the information would be detrimental to the patient's health
37 or treatment.

38 N. If any portion of a psychiatric record is excised pursuant to
39 subsection M of this section, a court, on application of a peace officer,
40 child welfare investigator or child ~~protective services~~ SAFETY worker, may
41 order that the entire record or any portion of the record that contains
42 information relevant to the reported abuse, child abuse, physical injury or
43 neglect be made available to the peace officer, child welfare investigator or
44 child ~~protective services~~ SAFETY worker investigating the abuse, child abuse,
45 physical injury or neglect.

1 0. A person who violates this section is guilty of a class 1
2 misdemeanor, except if the failure to report involves a reportable offense,
3 the person is guilty of a class 6 felony.

4 P. For the purposes of this section:

- 5 1. "Abuse" has the same meaning prescribed in section 8-201.
- 6 2. "Child abuse" means child abuse pursuant to section 13-3623.
- 7 3. "Neglect" has the same meaning prescribed in section 8-201.
- 8 4. "Reportable offense" means any of the following:

9 (a) Any offense listed in chapters 14 and 35.1 of this title or
10 section 13-3506.01.

11 (b) Surreptitious photographing, videotaping, filming or digitally
12 recording or viewing a minor pursuant to section 13-3019.

13 (c) Child prostitution pursuant to section 13-3212.

14 (d) Incest pursuant to section 13-3608.

15 Sec. 92. Section 13-3623.01, Arizona Revised Statutes, is amended to
16 read:

17 13-3623.01. Safe haven for newborn infants; definitions

18 A. A person is not guilty of abuse of a child pursuant to section
19 13-3623, subsection B solely for leaving an unharmed newborn infant with a
20 safe haven provider.

21 B. A fire station and a health care institution that is classified by
22 the department of health services pursuant to section 36-405 as a general
23 hospital or a rural general hospital shall post a notice that it accepts a
24 newborn infant pursuant to this section. The notice shall be placed on the
25 exterior of the building in a location that is noticeable to the public. The
26 words "baby safe haven" shall be printed in bold-faced capital letters that
27 are not less than two inches in height. The notice may include an
28 identifying logo. A fire station or hospital that does not post a notice as
29 prescribed by this subsection is not subject to civil liability. A notice
30 that is valid before ~~the effective date of the amendment to this section~~
31 ~~SEPTEMBER 30, 2009~~ remains valid after ~~the effective date of the amendment to~~
32 ~~this section~~ ~~SEPTEMBER 30, 2009~~.

33 C. If a parent or agent of a parent voluntarily delivers the parent's
34 newborn infant to a safe haven provider, the safe haven provider shall take
35 custody of the newborn infant if both of the following are true:

- 36 1. The parent did not express an intent to return for the newborn
37 infant.
- 38 2. The safe haven provider reasonably believes that the child is a
39 newborn infant.

40 D. The safe haven provider shall comply with the requirements of
41 section 8-528 and report the receipt of a newborn infant to ~~child protective~~
42 ~~services~~ of the department of ~~economic security~~ CHILD SAFETY as soon as
43 practicable after taking custody of the newborn infant. ~~Child protective~~
44 ~~services~~ THE DEPARTMENT shall report the number of newborn infants delivered
45 to safe haven providers pursuant to section 8-526.

1 E. A parent or agent of a parent who leaves a newborn infant with a
2 safe haven provider may remain anonymous, and the safe haven provider shall
3 not require the parent or agent to answer any questions. A safe haven
4 provider shall offer written information about information and referral
5 organizations.

6 F. A safe haven provider who receives a newborn infant pursuant to
7 this section is not liable for any civil or other damages for any act or
8 omission by the safe haven provider in maintaining custody of the newborn
9 infant if the safe haven provider acts in good faith without gross
10 negligence.

11 G. This section does not preclude the prosecution of the person for
12 any offense based on any act not covered by this section.

13 H. For the purposes of this section:

14 1. "Newborn infant" means an infant who is seventy-two hours old or
15 younger.

16 2. "Safe haven provider" means any of the following:

17 (a) A firefighter who is on duty.

18 (b) An emergency medical technician who is on duty.

19 (c) A health care institution that is classified by the department of
20 health services pursuant to section 36-405 as a general hospital or a rural
21 general hospital. The parent or agent must deliver the newborn infant to a
22 medical staff member at the health care institution.

23 (d) A staff member or volunteer at any of the following that posts a
24 public notice that it is willing to accept a newborn infant pursuant to this
25 section:

26 (i) A private child welfare agency licensed pursuant to title 8,
27 chapter ~~5-4~~, article ~~1-4~~.

28 (ii) An adoption agency licensed pursuant to section 8-126.

29 (iii) A church. For the purposes of this item, "church" means a
30 building that is erected or converted for use as a church, where services are
31 regularly convened, that is used primarily for religious worship and
32 schooling and that a reasonable person would conclude is a church by reason
33 of design, signs or architectural or other features.

34 Sec. 93. Section 15-765, Arizona Revised Statutes, is amended to read:

35 15-765. Special education in rehabilitation, corrective or
36 other state and county supported institutions,
37 facilities or homes

38 A. For the purposes of this section and section 15-764, children with
39 disabilities who are being provided with special education in rehabilitation,
40 corrective or other state and county supported institutions or facilities are
41 the responsibility of that institution or facility, including children with
42 disabilities who are not enrolled in a residential program and who are being
43 furnished with daily transportation. Special education programs at the
44 institution or facility shall conform to the conditions and standards
45 prescribed by the director of the division of special education.

1 B. Notwithstanding subsection A of this section, the department of
2 economic security, THE DEPARTMENT OF CHILD SAFETY or the department of health
3 services may request on behalf of a school-age child with a disability
4 residing in a residential facility or foster home operated or supported by
5 the department of economic security, THE DEPARTMENT OF CHILD SAFETY or the
6 department of health services that the school district in which the facility
7 or home is located enroll the school-age child in the district, subject to
8 section 15-825. The school district, on the request by the department of
9 economic security, THE DEPARTMENT OF CHILD SAFETY or the department of health
10 services, shall enroll the child and provide any necessary special education
11 and related services, subject to section 15-766. A school district in which
12 a child with a disability is enrolled shall coordinate the development of an
13 individualized education program with the development of an individual
14 program or treatment plan. The provision of special education and related
15 services to a child with a disability may be subject to subsection D of this
16 section.

17 C. Before any placement is made in facilities described in this
18 section, the school district of residence shall ensure that a full continuum
19 of alternative placements is available to meet the needs of children with
20 disabilities and that the proposed placement is the least restrictive
21 environment in which appropriate education services can be provided to the
22 child.

23 D. A school district or county school superintendent may contract
24 with, and make payments to, other public or private schools, institutions and
25 agencies approved by the division of special education, within or without the
26 school district or county, for the education of and provision of services to
27 children with disabilities if section 15-766 and the conditions and standards
28 prescribed by the division of special education have been met and if unable
29 to provide satisfactory education and services through its own facilities and
30 personnel in accordance with the rules prescribed by the state board of
31 education as provided in section 15-213. No school district may contract or
32 make payments under the authority of this section or section 15-764 or any
33 other provisions of law for the residential or educational costs of placement
34 of children with disabilities in an approved private special education
35 school, institution or agency unless the children are evaluated and placed by
36 a school district. The following special provisions apply in order to
37 qualify for the group B ED-P weight:

38 1. If the child is placed in a private special education program, the
39 chief administrative official of the school district or county or other
40 person designated by the school district or county as responsible for special
41 education shall verify that the pupil is diagnosed with an emotional
42 disability as defined in section 15-761, that no appropriate program exists
43 within the school district or county, as applicable, and that no program can
44 feasibly be instituted by the school district or county, as applicable.

1 2. If the child is placed in a special program that provides intensive
2 services within a school district, the chief administrative official of the
3 school district or county or other person as designated by the school
4 district or county as responsible for special education shall verify that the
5 pupil placed in such a program is diagnosed with an emotional disability as
6 defined in section 15-761 and that appropriate services cannot be provided in
7 traditional resource and self-contained special education classes.

8 E. When a state placing agency initially places a pupil in a private
9 residential facility, the home school district must conduct an evaluation
10 pursuant to section 15-766 or review the educational placement of a pupil who
11 has previously been determined eligible for special education services. The
12 school district shall notify the appropriate state placing agency when a
13 child requires an evaluation for possible receipt of services provided by
14 that agency or a residential special education placement. The school
15 district and the state agency shall jointly evaluate the child, including
16 consideration of relevant information from additional sources, including
17 probation or parole officers, caseworkers, guardians ad litem and court
18 appointed special advocates.

19 F. If the child is not eligible for special education or does not
20 require residential special education placement, sections 15-1182 and 15-1183
21 apply.

22 G. If the individualized education program team determines that a
23 residential special education placement is the least restrictive environment
24 in which an appropriate educational program can be provided, the home school
25 district shall submit the following documentation to the department of
26 education:

27 1. A residential special education voucher application signed by
28 designated representatives of the state placing agency, as defined in section
29 15-1181, and the home school district, respectively.

30 2. The educational reasons for recommending the residential special
31 education placement, including an evaluation or addendum to the evaluation
32 that describes the instructional and behavioral interventions that were
33 previously attempted and the educational reasons for recommending the
34 residential special education placement, including documentation that the
35 nature or severity of the disability is such that education in a less
36 restrictive environment is not appropriate.

37 3. Exit criteria as required in subsection K of this section.

38 4. That prior written notice for a change in the child's placement was
39 provided.

40 H. If a residential special education placement is required by the
41 child's individualized education program, the educational component of the
42 residential facility shall be one that is approved by the department of
43 education for the specific special education services required.

44 I. The residential component of the facility in which the residential
45 special education placement is made shall be licensed by the department of

1 economic security, THE DEPARTMENT OF CHILD SAFETY or the department of health
2 services, whichever is appropriate.

3 J. Following and in accordance with the consensus decision of the
4 individualized education program team as prescribed in section 15-766, a
5 residential special education placement shall be made by the school district
6 and the appropriate state agency. The individualized education program team
7 shall determine whether a residential special education placement is
8 necessary. The state placing agency shall consider the recommendations of
9 the individualized education program team in selecting the specific
10 residential facility. The department of education shall enter into
11 interagency services agreements with the department of economic security, THE
12 DEPARTMENT OF CHILD SAFETY or the department of health services to establish
13 a mechanism for resolving disputes if the school district and the department
14 of economic security, THE DEPARTMENT OF CHILD SAFETY or the department of
15 health services cannot mutually agree on the specific residential placement
16 to be made. Dispute resolution procedures may not be used to deny or delay
17 residential special education placement.

18 K. The individualized education program for any child who requires
19 residential special education placement must include exit criteria that
20 indicate when the educational placement of the child shall be reviewed to
21 determine whether the child can be moved to a less restrictive placement.

22 L. All noneducational and nonmedical costs incurred by the placement
23 of a child with a disability in a private or public school program and
24 concurrent out-of-home care program shall be paid by the department of
25 economic security for those children eligible to receive services through the
26 division of developmental disabilities ~~or the administration for children,~~
27 ~~youth and families of the department of economic security,~~ BY THE DEPARTMENT
28 OF CHILD SAFETY FOR THE CHILDREN FOR WHICH IT HAS LEGAL RESPONSIBILITY and by
29 the department of health services for those children eligible to receive
30 services through the division of behavioral health in the department of
31 health services or children's rehabilitation services. ~~Nothing in~~ This
32 section ~~is intended to~~ DOES NOT prevent or limit the department of health
33 services, THE DEPARTMENT OF CHILD SAFETY and the department of economic
34 security from joint case management of any child who qualifies for services
35 from ~~both~~ TWO OR MORE OF THESE agencies or from sharing the noneducational
36 costs of providing those services. The educational costs incurred by the
37 placement of a child with a disability in an out-of-home care facility shall
38 be paid as follows:

39 1. Through a residential special education placement voucher as
40 provided in section 15-1184 if the child is determined to require a
41 residential special education placement as defined in section 15-761.

42 2. Through an initial or continuing residential education voucher if a
43 child is placed in a private residential facility by a state placing agency,
44 as defined in section 15-1181, for care, treatment and safety reasons and the
45 child needs educational services while in that placement.

1 3. Through a certificate of educational convenience if the child is
2 attending a public school not within the child's school district of residence
3 as provided in section 15-825.

4 4. By the home school district, pursuant to a contract with a public
5 or private school as provided in subsection D of this section, if the home
6 school district is unable to provide satisfactory education and services
7 through its own facilities and personnel.

8 M. The department of economic security, **THE DEPARTMENT OF CHILD SAFETY**
9 or the department of health services, whichever is appropriate, shall
10 determine if the child placed for purposes of special education in a private
11 or public school and concurrent out-of-home care is covered by an insurance
12 policy that provides for inpatient or outpatient child or adolescent
13 psychiatric treatment. The appropriate state agency may only pay charges for
14 treatment costs that are not covered by an insurance policy. Notwithstanding
15 any other law, the appropriate state agency may pay for placement costs of
16 the child before the verification of applicable insurance coverage. On the
17 depletion of insurance benefits, the appropriate state agency shall resume
18 payment for all noneducational and nonmedical costs incurred in the treatment
19 of the child. The appropriate state agency may request the child's family to
20 contribute a voluntary amount toward the noneducational and nonmedical costs
21 incurred as a result of residential placement of the child. The amount that
22 the appropriate state agency requests the child's family to contribute shall
23 be based on guidelines in the rules of the appropriate state agency governing
24 the determination of contributions by parents and estates. ~~Nothing in~~ This
25 subsection ~~shall be construed to~~ **DOES NOT** require parents to incur any costs
26 for required special education and related services or shall be construed to
27 result in a reduction in lifetime insurance benefits available for a child
28 with a disability.

29 N. If appropriate services are offered by the school district and the
30 parent or the child chooses for the child to attend a private facility,
31 either for day care or for twenty-four hour care, neither the school district
32 nor the respective agency is obligated to assume the cost of the private
33 facility. If residential twenty-four hour care is necessitated by factors
34 such as the child's home condition and is not related to the special
35 educational needs of the child, the agency responsible for the care of the
36 child is not required to pay any additional costs of room and board and
37 nonmedical expenses pursuant to this section.

38 Sec. 94. Section 15-825, Arizona Revised Statutes, is amended to read:
39 15-825. Certificate of educational convenience; issuance;
40 effect on enrollment records

41 A. A pupil who is precluded by distance or lack of adequate
42 transportation facilities from attending a school in the school district or
43 county of the pupil's residence or who resides in unorganized territory may
44 apply to the county school superintendent for a certificate of educational
45 convenience. If it appears to the county school superintendent that it is

1 not feasible for the pupil to attend a school in the school district or
2 county of residence, the county school superintendent shall issue a
3 certificate authorizing the pupil to attend a school in an adjoining school
4 district or county, whether within or without this state. If a certificate
5 of educational convenience is issued as provided in this subsection, the
6 school enrollment of a pupil is as follows:

7 1. The school enrollment of a pupil who is precluded from attending a
8 school in this state and who must attend school in another state, when
9 certified to the county school superintendent by the official in charge of
10 the school attended, is deemed for the purpose of determining student count
11 to be enrollment in the school of the county or school district of the
12 student's residence.

13 2. The school enrollment of a pupil from unorganized territory or from
14 another school district is deemed for the purpose of determining student
15 count to be enrollment in the school district of actual attendance.

16 B. The county school superintendent of any county in which a pupil is
17 placed as described in this subsection shall issue a certificate of
18 educational convenience for the pupil to attend school in the school district
19 or adjoining school district to that in which the pupil is placed by an
20 agency of this state or a state or federal court of competent jurisdiction in
21 one of the following:

22 1. A state rehabilitation or corrective institution.

23 2. A foster home or child care agency or institution which is licensed
24 and supervised by the department of ~~economic security~~ CHILD SAFETY or the
25 department of health services.

26 3. A residential facility operated or supported by the department of
27 economic security or the department of health services.

28 4. Under the supervision of the department of juvenile corrections in
29 a residence pursuant to the interstate compact on juveniles. Notwithstanding
30 section 41-1959, the placing agency, department or institution shall provide
31 the school district of attendance with the necessary information to enable
32 the district to obtain a certificate of educational convenience pursuant to
33 this subsection.

34 C. A pupil attending school under a certificate of educational
35 convenience issued pursuant to subsection B of this section is deemed for the
36 purpose of determining student count to be enrolled in the school district of
37 attendance. The county school superintendent of any county shall not issue a
38 certificate of educational convenience as provided in subsection B of this
39 section if the pupil is placed in the same district of the pupil's parents'
40 or legal guardians' residence or if the pupil is placed without a court order
41 and the pupil's parents or legal guardians are not residents of this state.

42 D. If a certificate of educational convenience is issued as provided
43 in subsection B of this section, or for a pupil whose parent or guardian is
44 employed and domiciled by a state institution as prescribed by section
45 15-976, tuition may be charged as follows:

1 1. For group B children with disabilities:

2 (a) Who are from unorganized territory, whose parent or guardian is
3 employed by a state institution as prescribed by section 15-976 or who have
4 been issued a certificate of educational convenience pursuant to subsection B
5 of this section, the superintendent of public instruction shall reimburse the
6 district of attendance for the excess costs as provided in section 15-824,
7 subsection E, paragraph 4.

8 (b) Who are from another school district, the school district of
9 residence shall reimburse the district of attendance for the excess costs as
10 provided in section 15-824, subsection E, paragraph 4.

11 2. For pupils who are precluded from attending a school in this state
12 and who must attend a school in another state:

13 (a) If the pupil resides in a school district in this state, the
14 district of residence shall pay the amount charged by the district of
15 attendance.

16 (b) If the pupil resides in unorganized territory, the superintendent
17 of public instruction shall pay the amount charged by the district of
18 attendance.

19 E. The county school superintendent who issues a certificate of
20 educational convenience shall notify the superintendent of public instruction
21 of the issuance of the certificate. The superintendent of public instruction
22 shall draw a warrant in favor of the school district of actual attendance for
23 the amount charged, whether for common or high school attendance, as provided
24 in section 15-824.

25 F. The total amount of state monies that may be spent in any fiscal
26 year by the superintendent of public instruction for certificates of
27 educational convenience shall not exceed the amount appropriated or
28 authorized by section 35-173 for that purpose. This section ~~shall~~ DOES not
29 ~~be construed to~~ impose a duty on an officer, agent or employee of this state
30 to discharge a responsibility or to create any right in a person or group if
31 the discharge or right would require an expenditure of state monies in excess
32 of the expenditure authorized by legislative appropriation for that specific
33 purpose.

34 Sec. 95. Section 15-1181, Arizona Revised Statutes, is amended to
35 read:

36 15-1181. Definitions

37 In this article, unless the context otherwise requires:

38 1. "Child" means a person who is at least three years of age by
39 September 1 of the current year but who is under twenty-two years of age.

40 2. "Foster parent" means a person who may serve as the parent of a
41 child with disabilities if that person has an ongoing, long-term parental
42 relationship with the child, is willing to make educational decisions for the
43 child and has no personal interest that would conflict with the interests of
44 the child.

45 3. "Fund" means the special education fund.

- 1 4. "Home school district" has the same meaning prescribed in section
2 15-761.
- 3 5. "Individualized education program" has the same meaning prescribed
4 in section 15-761.
- 5 6. "Parent" means the natural or adoptive parent of a child, the legal
6 guardian of a child, a relative with whom a child resides and who is acting
7 as the parent of that child or a surrogate parent who has been appointed for
8 a child pursuant to section 15-763.01. Parent does not mean this state if
9 the child is a ward of the state.
- 10 7. "Place" or "placement" means placement of a child in a private
11 residential facility for residential special education placement as defined
12 in section 15-761 or by a state placing agency for care, safety or treatment
13 reasons.
- 14 8. "Private residential facility" means a private facility that is
15 licensed by the department of economic security or department of health
16 services and to which one of the following also applies:
- 17 (a) For special education placements, the facility has been approved
18 by the division of special education pursuant to section 15-765 for the
19 purpose of providing special education and related services.
- 20 (b) For other than special education placements, the facility has been
21 accredited by the north central association of colleges and secondary
22 schools, except that private facilities applying for initial approval as a
23 private school are not required to receive accreditation until three years
24 after the date of initial approval as long as continual progress toward
25 accreditation is maintained.
- 26 9. "Related services" means related services as defined in section
27 15-761.
- 28 10. "Residential special education placement" has the same meaning
29 prescribed in section 15-761.
- 30 11. "Special education" has the same meaning prescribed in section
31 15-761.
- 32 12. "State placing agency" means the department of juvenile
33 corrections, the department of economic security, [THE DEPARTMENT OF CHILD](#)
34 [SAFETY](#), the department of health services or the administrative office of the
35 court.
- 36 Sec. 96. Section 15-1204, Arizona Revised Statutes, is amended to
37 read:
- 38 15-1204. [Voucher; application; approval; requirements; budgets;](#)
39 [prohibited uses; advances](#)
- 40 A. When an institution decides to place a person in an institutional
41 special education program, the institution, upon application to and approval
42 by the division of special education, shall have a permanent special
43 education institutional voucher issued pursuant to this article to pay the
44 special education instructional costs of the person at the institution.

1 B. When an institution decides to place a person who resides in the
2 institution in a school special education program, the school, upon
3 application to and approval by the division of special education, shall have
4 a permanent special education institutional voucher issued pursuant to this
5 article to pay the special education instructional costs of the person in the
6 school.

7 C. No person residing in an institution and attending a school may
8 have a certificate of educational convenience issued pursuant to section
9 15-825, subsection A.

10 D. The director of the division of special education shall develop
11 requirements for the approval of vouchers, pursuant to this section,
12 including the requirement that the person be educationally evaluated.

13 E. If approved, the voucher, in an amount not exceeding the sum of the
14 following, shall be paid directly to the institution or deposited with the
15 county treasurer to the credit of the school, with notice to the county
16 school superintendent:

17 1. For group A, the base level multiplied by two.

18 2. For group B, the sum of the base for kindergarten through eight and
19 the support level weight for the category, multiplied by the base level.

20 3. For both group A and group B, one hundred dollars for capital
21 outlay costs and fifty dollars for transportation costs.

22 F. The budget format developed cooperatively between the department of
23 ~~economic security~~ CHILD SAFETY and the department of education pursuant to
24 section 8-503 shall be used by the institutions to determine and segregate
25 residential costs from educational instructional costs.

26 G. If sufficient appropriated monies are available and upon a showing
27 by an institution that additional state monies are necessary for current
28 expenses, an advance apportionment of state aid may be paid to an
29 institution. In no event shall an institution have received more than
30 three-fourths of its total apportionment under this section before May 1 of
31 the fiscal year. Early payments pursuant to this subsection must be approved
32 by the state treasurer, the director of the department of administration and
33 the superintendent of public instruction.

34 H. Notwithstanding subsection G of this section, when making the April
35 payment to an institution, the department of education may include an
36 additional amount based on an estimate of monies payable to the institution
37 in May. Before the department of education apportions monies to the
38 institution in June, it shall adjust the June payment to account for any
39 discrepancies between the monies actually paid in April and May and the
40 amount which should have been paid. If an overpayment in May exceeds the
41 total amount payable in June, the institution shall refund to the department
42 of education an amount equal to the overpayment within sixty days of
43 notification of the overpayment. If the overpayment is not refunded within
44 sixty days by the institution, the superintendent of public instruction shall
45 reduce the state aid entitlement to the institution for the succeeding fiscal

1 year to recover any overpayment of state aid received during the current
2 fiscal year.

3 I. Any special education institutional voucher issued pursuant to this
4 article shall not be used in any school or institution that discriminates on
5 the basis of race, religion, creed, color or national origin.

6 J. The state board of education may withhold state aid from an
7 institution for noncompliance with any applicable statute or any applicable
8 rule adopted by the state board.

9 Sec. 97. Section 25-403.03, Arizona Revised Statutes, is amended to
10 read:

11 25-403.03. Domestic violence and child abuse

12 A. Notwithstanding subsection D of this section, joint legal
13 decision-making shall not be awarded if the court makes a finding of the
14 existence of significant domestic violence pursuant to section 13-3601 or if
15 the court finds by a preponderance of the evidence that there has been a
16 significant history of domestic violence.

17 B. The court shall consider evidence of domestic violence as being
18 contrary to the best interests of the child. The court shall consider the
19 safety and well-being of the child and of the victim of the act of domestic
20 violence to be of primary importance. The court shall consider a
21 perpetrator's history of causing or threatening to cause physical harm to
22 another person.

23 C. To determine if a person has committed an act of domestic violence
24 the court, subject to the rules of evidence, shall consider all relevant
25 factors including the following:

- 26 1. Findings from another court of competent jurisdiction.
- 27 2. Police reports.
- 28 3. Medical reports.
- 29 4. ~~Child protective services~~ Records OF THE DEPARTMENT OF CHILD
30 SAFETY.
- 31 5. Domestic violence shelter records.
- 32 6. School records.
- 33 7. Witness testimony.

34 D. If the court determines that a parent who is seeking sole or joint
35 legal decision-making has committed an act of domestic violence against the
36 other parent, there is a rebuttable presumption that an award of sole or
37 joint legal decision-making to the parent who committed the act of domestic
38 violence is contrary to the child's best interests. This presumption does
39 not apply if both parents have committed an act of domestic violence. For
40 the purposes of this subsection, a person commits an act of domestic violence
41 if that person does any of the following:

- 42 1. Intentionally, knowingly or recklessly causes or attempts to cause
43 sexual assault or serious physical injury.
- 44 2. Places a person in reasonable apprehension of imminent serious
45 physical injury to any person.

1 3. Engages in a pattern of behavior for which a court may issue an ex
2 parte order to protect the other parent who is seeking child custody or to
3 protect the child and the child's siblings.

4 E. To determine if the parent has rebutted the presumption the court
5 shall consider all of the following:

6 1. Whether the parent has demonstrated that being awarded sole or
7 joint legal decision-making or substantially equal parenting time is in the
8 child's best interests.

9 2. Whether the parent has successfully completed a batterer's
10 prevention program.

11 3. Whether the parent has successfully completed a program of alcohol
12 or drug abuse counseling, if the court determines that counseling is
13 appropriate.

14 4. Whether the parent has successfully completed a parenting class, if
15 the court determines that a parenting class is appropriate.

16 5. If the parent is on probation, parole or community supervision,
17 whether the parent is restrained by a protective order that was granted after
18 a hearing.

19 6. Whether the parent has committed any further acts of domestic
20 violence.

21 F. If the court finds that a parent has committed an act of domestic
22 violence, that parent has the burden of proving to the court's satisfaction
23 that parenting time will not endanger the child or significantly impair the
24 child's emotional development. If the parent meets this burden to the
25 court's satisfaction, the court shall place conditions on parenting time that
26 best protect the child and the other parent from further harm. The court
27 may:

28 1. Order that an exchange of the child must occur in a protected
29 setting as specified by the court.

30 2. Order that an agency specified by the court must supervise
31 parenting time. If the court allows a family or household member to
32 supervise parenting time, the court shall establish conditions that this
33 person must follow during parenting time.

34 3. Order the parent who committed the act of domestic violence to
35 attend and complete, to the court's satisfaction, a program of intervention
36 for perpetrators of domestic violence and any other counseling the court
37 orders.

38 4. Order the parent who committed the act of domestic violence to
39 abstain from possessing or consuming alcohol or controlled substances during
40 parenting time and for twenty-four hours before parenting time.

41 5. Order the parent who committed the act of domestic violence to pay
42 a fee for the costs of supervised parenting time.

43 6. Prohibit overnight parenting time.

44 7. Require a bond from the parent who committed the act of domestic
45 violence for the child's safe return.

1 8. Order that the address of the child and the other parent remain
2 confidential.

3 9. Impose any other condition that the court determines is necessary
4 to protect the child, the other parent and any other family or household
5 member.

6 G. The court shall not order joint counseling between a victim and the
7 perpetrator of domestic violence. The court may provide a victim with
8 written information about available community resources related to domestic
9 violence.

10 H. The court may request or order the services of ~~the division of~~
11 ~~children and family services in~~ the department of ~~economic security~~ CHILD
12 SAFETY if the court believes that a child may be the victim of child abuse or
13 neglect as defined in section 8-201.

14 I. In determining whether the absence or relocation of a parent shall
15 be weighed against that parent in determining legal decision-making or
16 parenting time, the court may consider whether the absence or relocation was
17 caused by an act of domestic violence by the other parent.

18 Sec. 98. Section 25-807, Arizona Revised Statutes, is amended to read:

19 25-807. Precedence of maternity and paternity proceedings;
20 delay for paternity tests; court order; evidentiary
21 use; alternative tests; out-of-state orders; immunity

22 A. Proceedings to establish maternity and paternity have precedence
23 over other civil proceedings. The case shall be set for trial within sixty
24 days from the filing of an answer by the respondent.

25 B. A delay in determining paternity in an action commenced before the
26 birth of the child shall be granted until after the birth of the child for
27 purposes of paternity tests if any party to the proceedings requests.

28 C. The court, on its own motion or on motion of any party to the
29 proceedings, shall order the mother, her child or children and the alleged
30 father to submit to genetic testing and shall direct that inherited
31 characteristics to determine parentage, including blood and tissue type, be
32 determined by appropriate testing procedures conducted by an accredited
33 laboratory. If the mother is unavailable or fails to cooperate by refusing
34 to submit to genetic testing, testing of the alleged father and child or
35 children may be appropriate. An expert duly qualified as an examiner of
36 genetic markers shall be agreed on by the parties or appointed by the court
37 to analyze and interpret the results and report to the court.

38 D. If the results of the genetic tests indicate that the likelihood of
39 the alleged father's paternity is ninety-five per cent or greater, the
40 alleged father is presumed to be the parent of the child and the party
41 opposing the establishment of the alleged father's paternity shall establish
42 by clear and convincing evidence that the alleged father is not the father of
43 the child.

44 E. The examiner's report shall be admitted at trial unless a timely
45 written challenge to the examiner's report is filed with the court within

1 twenty days of the date the report was filed with the court. If the results
2 of the examiner's report have been challenged and on the reasonable request
3 of a party, the court shall order an additional test to be made by the same
4 laboratory or an independent laboratory at the expense of the party
5 requesting additional testing.

6 F. If a timely written challenge is not filed pursuant to subsection
7 E, the examiner's report is admissible in evidence without the need for
8 foundation testimony or other proof of authenticity or accuracy.

9 G. The court, on application of either party, shall determine the
10 proportion and time in which the initial test costs shall be paid.

11 H. On motion of a party to the proceedings, the court may order that
12 experts perform alternative or additional tests including medical, scientific
13 and genetic tests.

14 I. Either party may apply for summary judgment on the issue of
15 paternity.

16 J. A state or local agency in this state, including the department of
17 economic security, [THE DEPARTMENT OF CHILD SAFETY](#), the state department of
18 corrections and any other correctional facility that has custody of a person
19 who is the subject of the genetic testing order, shall treat a genetic
20 testing order issued in another state that appears to be in good order as if
21 it were issued by a court of this state.

22 K. Notwithstanding any other law, an agency, agency employee or agency
23 contractor that acts in good faith to cooperate in obtaining genetic testing
24 samples under this section is not subject to civil or criminal liability.

25 Sec. 99. Section 32-3271, Arizona Revised Statutes, is amended to
26 read:

27 [32-3271. Exceptions to licensure: jurisdiction](#)

28 A. This chapter does not apply to:

29 1. A person who is currently licensed, certified or regulated pursuant
30 to another chapter of this title and who provides services within the
31 person's scope of practice if the person does not claim to be licensed
32 pursuant to this chapter.

33 2. A person who is not a resident of this state if the person:

34 (a) Performs behavioral health services in this state for not more
35 than ninety days in any one calendar year as prescribed by board rule.

36 (b) Is authorized to perform these services pursuant to the laws of
37 the state or country in which the person resides or pursuant to the laws of a
38 federally recognized tribe.

39 (c) Informs the client of the limited nature of these services and
40 that the person is not licensed in this state.

41 3. A rabbi, priest, minister or member of the clergy of any religious
42 denomination or sect if the activities and services that person performs are
43 within the scope of the performance of the regular or specialized ministerial
44 duties of an established and legally recognizable church, denomination or

1 sect and the person performing the services remains accountable to the
2 established authority of the church, denomination or sect.

3 4. A member run self-help or self-growth group if no member of the
4 group receives direct or indirect financial compensation.

5 5. A behavioral health technician or behavioral health
6 paraprofessional who is employed by an agency licensed by the department of
7 health services.

8 6. A person contracting with the supreme court or a person employed by
9 or contracting with an agency under contract with the supreme court who is
10 otherwise ineligible to be licensed or who is in the process of applying to
11 be licensed under this chapter as long as that person is in compliance with
12 the supreme court contract conditions regarding professional counseling
13 services and practices only under supervision.

14 7. A person who is employed by the department of economic security **OR**
15 **THE DEPARTMENT OF CHILD SAFETY** and who practices social work, marriage and
16 family therapy, substance abuse counseling, counseling and case management
17 within the scope of the person's job duties and under direct supervision by
18 the **EMPLOYER** department ~~of economic security~~.

19 8. A student, intern or trainee who is pursuing a course of study in
20 social work, counseling, marriage and family therapy, substance abuse
21 counseling or case management in a regionally accredited institution of
22 higher education or training institution if the person's activities are
23 performed under qualified supervision and are part of the person's supervised
24 course of study.

25 9. A person who is practicing social work, counseling and case
26 management and who is employed by an agency licensed by the department of
27 economic security.

28 10. A paraprofessional employed by the department of economic security
29 or by an agency licensed by the department of economic security.

30 11. A christian science practitioner if all of the following are true:

31 (a) The person is not providing psychotherapy.

32 (b) The activities and services the person performs are within the
33 scope of the performance of the regular or specialized duties of a christian
34 science practitioner.

35 (c) The person remains accountable to the established authority of the
36 practitioner's church.

37 12. A person who is not providing psychotherapy.

38 B. A person who provides services pursuant to subsection A, paragraph
39 2 is deemed to have agreed to the jurisdiction of the board and to be bound
40 by the laws of this state.

41 Sec. 100. Section 35-101, Arizona Revised Statutes, is amended to
42 read:

43 **35-101. Definitions**

44 In this chapter, unless the context otherwise requires:

- 1 1. "Allotment" means the allocation of an appropriation or other fund
2 source over a full fiscal year within a budget program or expenditure class.
3 2. "Annual budget unit" means the following agencies:
4 (a) The department of education.
5 (b) The Arizona board of regents.
6 (c) Arizona state university.
7 (d) Arizona state university west campus.
8 (e) Arizona state university east campus.
9 (f) The university of Arizona.
10 (g) Northern Arizona university.
11 (h) The school facilities board.
12 (i) The department of economic security.
13 (j) The state department of corrections.
14 (k) The department of juvenile corrections.
15 (l) The Arizona health care cost containment system.
16 (m) The department of health services.
17 (n) The department of administration.
18 (o) The department of transportation.
19 (p) The judiciary, including the supreme court, the court of appeals
20 and the superior court.
21 (q) THE DEPARTMENT OF CHILD SAFETY.
22 3. "Authorized agent" means a commercial enterprise contracted to
23 process transactions on behalf of a state agency.
24 4. "Biennial budget unit" means any department, commission, board,
25 institution or other agency of the state organization receiving, expending or
26 disbursing state funds or incurring obligations against the state that is not
27 an annual budget unit.
28 5. "Budget estimates" means statements with accompanying explanations,
29 as provided by this chapter, in which a budget unit states its financial
30 requirements and requests appropriations.
31 6. "Budget program" means functions and activities of a budget unit or
32 within a budget unit that are preplanned to fulfill a distinct mission.
33 7. "Budget unit" means any department, commission, board, institution
34 or other agency of the state organization receiving, expending or disbursing
35 state funds or incurring obligations against the state. Budget unit includes
36 the annual budget units and biennial budget units.
37 8. "Cardholder" means any person:
38 (a) Named on the face of a credit card to whom or for whose benefit
39 the credit card is issued by an issuer.
40 (b) In possession of a credit card with the consent of the person to
41 whom the credit card was issued.
42 9. "Claim" means a demand against the state for payment for either:
43 (a) Goods delivered or, in the case of highway construction, goods or
44 facilities to be delivered by the federal government.
45 (b) Services performed.

1 10. "Convenience fee" means an additional fee that is imposed by an
2 authorized agent on a web-based or voice response portal transaction for the
3 acceptance of a credit card that would not be charged if the same transaction
4 were completed by an alternate method of payment.

5 11. "Credit card" means:

6 (a) Any instrument or device, whether known as a credit card, charge
7 card, credit plate, courtesy card or identification card or by any other
8 name, issued with or without a fee by an issuer for the use of the cardholder
9 in obtaining money, goods, services or anything else of value, either on
10 credit or in possession or in consideration of an undertaking or guaranty by
11 the issuer of the payment of a check drawn by the cardholder, on a promise to
12 pay in part or in full at a future time, whether or not all or any part of
13 the indebtedness represented by this promise to make deferred payment is
14 secured or unsecured.

15 (b) Any debit card, electronic benefit transfer card or other access
16 instrument or device, other than a check that is signed by the holder or
17 other authorized signatory on the deposit account, that draws monies from a
18 deposit account in order to obtain money, goods, services or anything else of
19 value.

20 (c) Any stored value card, smart card or other instrument or device
21 that enables a person to obtain goods, services or anything else of value
22 through the use of value stored on the instrument or device.

23 (d) The number assigned to an instrument or device described in
24 subdivision (a), (b) or (c) of this paragraph even if the physical instrument
25 or device is not used or presented.

26 12. "Discount fee" means the fee calculated and charged by the credit
27 card issuer or a financial institution pursuant to an agreement for the
28 processing of any credit card transaction.

29 13. "Encumbrance" means an obligation in the form of any purchase
30 order, contract or other commitment which is chargeable to an appropriation
31 or any other authorized fund source and for which a part of the fund source
32 is reserved. It ceases to be an encumbrance when paid or canceled.

33 14. "Expenditure class" means one of the kinds of expenditure denoting
34 a class of services or commodities purchased or properties acquired as
35 specified in the classification of expenditures prescribed by the director of
36 the department of administration for use in expenditure accounting, in making
37 budget estimates and in the budget reports and budgets.

38 15. "Issuer" means any business organization, state agency or financial
39 institution, or its duly authorized agent, that issues a credit card.

40 16. "Prepayment" means the payment of a claim before receiving the
41 goods or services.

42 17. "Processing fee" means a fee charged by an entity other than a
43 credit card issuer or the processing financial institution to process a
44 credit card transaction.

1 18. "Purchase order" means a document that is signed by the appropriate
2 agency authorized signatory, that requests a vendor to deliver described
3 goods or services at a specific price and that on delivery and acceptance of
4 the goods or services by this state becomes an obligation of this state.

5 19. "Transaction amount" means the total amount due to the state for
6 any goods, service or license or anything else of value.

7 Sec. 101. Section 35-148, Arizona Revised Statutes, is amended to
8 read:

9 35-148. Payment for interagency services as credit to account
10 of agency; transfer of miscellaneous state monies to
11 general fund; exceptions

12 A. Interagency service agreements entered into between budget units
13 may provide for reimbursement for services performed or advancement of funds
14 for services to be performed. In either instance, monies received by the
15 budget unit performing the services shall be credited to its appropriation
16 account for its use in performing the services. If funds are advanced, the
17 agency performing the services shall make an accounting of expenditures and
18 return any advances not used to the appropriation account of the advancing
19 agency.

20 B. Except as provided in subsection A of this section, when money
21 belonging to the state comes into the possession of a state officer, by
22 recovery at law or otherwise, and no provision of law exists for the
23 disposition of such money, it shall be deposited, pursuant to sections 35-146
24 and 35-147, in the state general fund.

25 C. The provisions of this section shall not apply to money realized
26 from the sale of personal property or from the sale of real property or
27 improvements thereon by the Arizona board of regents, or by educational
28 institutions under the control of the Arizona board of regents, **THE**
29 **DEPARTMENT OF CHILD SAFETY** or the department of economic security.

30 Sec. 102. Section 36-324, Arizona Revised Statutes, is amended to
31 read:

32 36-324. Vital records; copies; access

33 A. On written request, a local registrar, a deputy local registrar or
34 the state registrar shall issue a certified copy of a registered certificate,
35 except the portion of the certificate that contains medical information, to
36 any person determined to be eligible to receive the certified copy pursuant
37 to criteria prescribed by rules.

38 B. A certified copy of a registered certificate has the same status as
39 the registered certificate.

40 C. The United States public health service may receive copies,
41 microfilm and other information from the state registrar to prepare national
42 vital statistics subject to the following limitations:

43 1. The United States public health service bears the cost of preparing
44 and transmitting the copies, microfilm and other information.

1 2. The copies, microfilm and other information are used for
2 statistical purposes and the United States public health service assures a
3 person's anonymity.

4 D. In child support cases under 42 United States Code sections 651
5 through 669, ~~in child welfare cases under title 8~~ or in public benefit
6 matters under chapter 29 of this title or title 46, the state registrar shall
7 provide copies of or access to vital records without charge to the department
8 of economic security or its attorneys. **IN CHILD WELFARE CASES UNDER TITLE 8,**
9 **THE STATE REGISTRAR SHALL PROVIDE COPIES OF OR ACCESS TO VITAL RECORDS**
10 **WITHOUT CHARGE TO THE DEPARTMENT OF CHILD SAFETY OR ITS ATTORNEYS.** A vital
11 record obtained as authorized in this section must be used only for official
12 purposes and, if used in a public proceeding, must be sealed by the court or
13 hearing officer.

14 E. The state registrar shall provide a copy of or access to a vital
15 record to a government agency for its official purposes.

16 Sec. 103. Section 36-558.01, Arizona Revised Statutes, is amended to
17 read:

18 36-558.01. Operation, support and supervision of foster homes;
19 duties of department

20 A. The department shall operate directly or support and supervise
21 child developmental foster homes and foster homes licensed pursuant to title
22 8, chapter ~~5~~ 4, article ~~1~~ 4 to provide specialized foster care to
23 developmentally disabled persons. Such homes shall be operated for persons
24 placed pursuant to sections 8-514.01 and 8-845 and for appropriate placements
25 for persons for whom application for residential services has been made to
26 the department.

27 B. In furtherance of its responsibility pursuant to subsection A **OF**
28 **THIS SECTION**, the department shall recruit, license and support such homes in
29 accordance with ~~the provisions of~~ this chapter, maintain regular supervision
30 of such homes and such placements, conduct training programs for the staff of
31 such homes and develop the program and service standards for developmentally
32 disabled persons to be placed in such homes.

33 C. Foster homes supported by the department shall be paid for each
34 developmentally disabled person placed in the home an amount determined by
35 the department based on the type of developmental disability and the
36 consequent need for programs and services of each person so placed.

37 Sec. 104. Section 36-664, Arizona Revised Statutes, is amended to
38 read:

39 36-664. Confidentiality; exceptions

40 A. A person who obtains communicable disease related information in
41 the course of providing a health service or obtains that information from a
42 health care provider pursuant to an authorization shall not disclose or be
43 compelled to disclose that information except to the following:

44 1. The protected person or, if the protected person lacks capacity to
45 consent, the protected person's health care decision maker.

1 2. The department or a local health department for purposes of
2 notifying a good Samaritan pursuant to subsection E of this section.

3 3. An agent or employee of a health facility or health care provider
4 to provide health services to the protected person or the protected person's
5 child or for billing or reimbursement for health services.

6 4. A health facility or health care provider, in relation to the
7 procurement, processing, distributing or use of a human body or a human body
8 part, including organs, tissues, eyes, bones, arteries, blood, semen, milk or
9 other body fluids, for use in medical education, research or therapy or for
10 transplantation to another person.

11 5. A health facility or health care provider, or an organization,
12 committee or individual designated by the health facility or health care
13 provider, that is engaged in the review of professional practices, including
14 the review of the quality, utilization or necessity of medical care, or an
15 accreditation or oversight review organization responsible for the review of
16 professional practices at a health facility or by a health care provider.

17 6. A private entity that accredits the health facility or health care
18 provider and with whom the health facility or health care provider has an
19 agreement requiring the agency to protect the confidentiality of patient
20 information.

21 7. A federal, state, county or local health officer if disclosure is
22 mandated by federal or state law.

23 8. A federal, state or local government agency authorized by law to
24 receive the information. The agency is authorized to redisclose the
25 information only pursuant to this article or as otherwise permitted by law.

26 9. An authorized employee or agent of a federal, state or local
27 government agency that supervises or monitors the health care provider or
28 health facility or administers the program under which the health service is
29 provided. An authorized employee or agent includes only an employee or agent
30 who, in the ordinary course of business of the government agency, has access
31 to records relating to the care or treatment of the protected person.

32 10. A person, health care provider or health facility to which
33 disclosure is ordered by a court or administrative body pursuant to section
34 36-665.

35 11. The industrial commission or parties to an industrial commission of
36 Arizona claim pursuant to section 23-908, subsection D and section
37 23-1043.02.

38 12. Insurance entities pursuant to section 20-448.01 and third party
39 payors or the payors' contractors.

40 13. Any person or entity as authorized by the patient or the patient's
41 health care decision maker.

42 14. A person or entity as required by federal law.

43 15. The legal representative of the entity holding the information in
44 order to secure legal advice.

1 16. A person or entity for research only if the research is conducted
2 pursuant to applicable federal or state laws and regulations governing
3 research.

4 17. A person or entity that provides services to the patient's health
5 care provider, as defined in section 12-2291, and with whom the health care
6 provider has a business associate agreement that requires the person or
7 entity to protect the confidentiality of patient information as required by
8 the health insurance portability and accountability act privacy standards,
9 45 Code of Federal Regulations part 164, subpart E.

10 B. At the request of the department of ~~economic security~~ CHILD SAFETY
11 and in conjunction with the placement of children in foster care or for
12 adoption or court-ordered placement, a health care provider shall disclose
13 communicable disease information, including HIV-related information, to the
14 department of ~~economic security~~ CHILD SAFETY.

15 C. A state, county or local health department or officer may disclose
16 communicable disease related information if the disclosure is any of the
17 following:

- 18 1. Specifically authorized or required by federal or state law.
- 19 2. Made pursuant to an authorization signed by the protected person or
20 the protected person's health care decision maker.
- 21 3. Made to a contact of the protected person. The disclosure shall be
22 made without identifying the protected person.
- 23 4. For the purposes of research as authorized by state and federal
24 law.

25 D. The director may authorize the release of information that
26 identifies the protected person to the national center for health statistics
27 of the United States public health service for the purposes of conducting a
28 search of the national death index.

29 E. The department or a local health department shall disclose
30 communicable disease related information to a good Samaritan who submits a
31 request to the department or the local health department. The request shall
32 document the occurrence of the accident, fire or other life-threatening
33 emergency and shall include information regarding the nature of the
34 significant exposure risk. The department shall adopt rules that prescribe
35 standards of significant exposure risk based on the best available medical
36 evidence. The department shall adopt rules that establish procedures for
37 processing requests from good Samaritans pursuant to this subsection. The
38 rules shall provide that the disclosure to the good Samaritan shall not
39 reveal the protected person's name and shall be accompanied by a written
40 statement that warns the good Samaritan that the confidentiality of the
41 information is protected by state law.

42 F. An authorization to release communicable disease related
43 information shall be signed by the protected person or, if the protected
44 person lacks capacity to consent, the protected person's health care decision
45 maker. An authorization shall be dated and shall specify to whom disclosure

1 is authorized, the purpose for disclosure and the time period during which
2 the release is effective. A general authorization for the release of medical
3 or other information, including communicable disease related information, is
4 not an authorization for the release of HIV-related information unless the
5 authorization specifically indicates its purpose as an authorization for the
6 release of confidential HIV-related information and complies with the
7 requirements of this section.

8 G. A person to whom communicable disease related information is
9 disclosed pursuant to this section shall not disclose the information to
10 another person except as authorized by this section. This subsection does
11 not apply to the protected person or a protected person's health care
12 decision maker.

13 H. This section does not prohibit the listing of communicable disease
14 related information, including acquired immune deficiency syndrome,
15 HIV-related illness or HIV infection, in a certificate of death, autopsy
16 report or other related document that is prepared pursuant to law to document
17 the cause of death or that is prepared to release a body to a funeral
18 director. This section does not modify a law or rule relating to access to
19 death certificates, autopsy reports or other related documents.

20 I. If a person in possession of HIV-related information reasonably
21 believes that an identifiable third party is at risk of HIV infection, that
22 person may report that risk to the department. The report shall be in
23 writing and include the name and address of the identifiable third party and
24 the name and address of the person making the report. The department shall
25 contact the person at risk pursuant to rules adopted by the department. The
26 department employee making the initial contact shall have expertise in
27 counseling persons who have been exposed to or tested positive for HIV or
28 acquired immune deficiency syndrome.

29 J. Except as otherwise provided pursuant to this article or subject to
30 an order or search warrant issued pursuant to section 36-665, a person who
31 receives HIV-related information in the course of providing a health service
32 or pursuant to a release of HIV-related information shall not disclose that
33 information to another person or legal entity or be compelled by subpoena,
34 order, search warrant or other judicial process to disclose that information
35 to another person or legal entity.

36 K. This section and sections 36-663, 36-666, 36-667 and 36-668 do not
37 apply to persons or entities subject to regulation under title 20.

38 Sec. 105. Section 36-698, Arizona Revised Statutes, is amended to
39 read:

40 36-698. Arizona children and families resource directory;
41 distribution

42 A. The department of health services shall develop the Arizona
43 children and families resource directory. The directory shall include a list
44 of private and public organizations and providers that specialize in early
45 childhood development and the services included in section ~~8-701~~ 8-481,

1 subsection D. The purpose of the directory is to enable parents to obtain
2 information that is critical to the development of their young children
3 without relying on public programs.

4 B. The department shall distribute the directory to hospitals for
5 distribution to the families of any newly born child to help these families
6 answer questions concerning early childhood development.

7 C. The department of health services shall distribute the directory to
8 the department of ~~economic security~~ CHILD SAFETY for distribution to program
9 participants in the healthy families ~~pilot~~ program pursuant to section ~~8-701~~
10 ~~8-481~~.

11 D. The department may provide the directory to other persons or
12 organizations that request copies and may charge a fee to cover the
13 department's costs to prepare these copies.

14 Sec. 106. Section 36-883, Arizona Revised Statutes, is amended to
15 read:

16 36-883. Standards of care; rules; classifications

17 A. The director of the department of health services shall prescribe
18 reasonable rules regarding the health, safety and well-being of the children
19 to be cared for in a child care facility. These rules shall include
20 standards for the following:

21 1. Adequate physical facilities for the care of children such as
22 building construction, fire protection, sanitation, sleeping facilities,
23 isolation facilities, toilet facilities, heating, ventilation, indoor and
24 outdoor activity areas and, if provided by the facility, transportation
25 safely to and from the premises.

26 2. Adequate staffing per number and age groups of children by persons
27 qualified by education or experience to meet their respective
28 responsibilities in the care of children.

29 3. Activities, toys and equipment to enhance the development of each
30 child.

31 4. Nutritious and well-balanced food.

32 5. Encouragement of parental participation.

33 6. Exclusion of any person from the facility whose presence may be
34 detrimental to the welfare of children.

35 B. The department shall adopt rules pursuant to title 41, chapter 6
36 and section 36-115.

37 C. Any rule that relates to educational activities, physical
38 examination, medical treatment or immunization shall include appropriate
39 exemptions for children whose parents object on the ground that it conflicts
40 with the tenets and practices of a recognized church or religious
41 denomination of which the parent or child is an adherent or member.

42 D. The department of health services shall conduct a comprehensive
43 review of its rules at least once every two years. Before conducting this
44 review, the department shall consult with agencies and organizations that are

1 knowledgeable about the provision of child care facilities to children
2 including:

- 3 1. The department of economic security.
- 4 2. The department of education.
- 5 3. The state fire marshal.
- 6 4. The league of Arizona cities and towns.
- 7 5. Citizen groups.
- 8 6. Licensed child care facility representatives.

9 **7. THE DEPARTMENT OF CHILD SAFETY.**

10 E. The department shall designate appropriate classifications and
11 establish corresponding standards pertaining to the type of care
12 offered. These classifications shall include:

- 13 1. Facilities offering infant care.
- 14 2. Facilities offering specific educational programs.
- 15 3. Facilities offering evening and nighttime care.

16 F. Rules for the operation of child care facilities shall be stated in
17 a way that clearly states the purpose of each rule.

18 Sec. 107. Section 36-1201, Arizona Revised Statutes, is amended to
19 read:

20 36-1201. Juvenile group homes; service contracts; registry;
21 definitions

22 A. State agencies that contract directly with group homes or regional
23 behavioral health authorities that, as part of their contracts with the
24 department of health services, subcontract with group homes shall require in
25 each contract awarded, renewed or amended the following minimum provisions:

26 1. The group home shall provide a safe, clean and humane environment
27 for the residents.

28 2. The group home is responsible for the supervision of the residents
29 while in the group home environment or while residents are engaged in any
30 off-site activities organized or sponsored by and under the direct
31 supervision and control of the group home or affiliated with the group home.

32 3. All group home contractors shall be licensed by either the
33 department of health services or the department of economic security.

34 4. The award of a group home contract from an appropriate contracting
35 authority is not a guarantee that children will be placed at the group home.

36 5. A license violation by the group home that is not corrected
37 pursuant to this section may also be considered a contract violation.

38 6. State agencies and regional behavioral health authorities may share
39 information regarding group home contractors. The shared information shall
40 not include information that personally identifies residents of group homes.

41 7. The following contract remedies:

42 (a) A schedule of financial sanctions in an amount of up to five
43 hundred dollars per violation that the contracting authority, after
44 completing an investigation, may assess against the group home contractor for
45 a substantiated contract violation relating to the health, care or safety of

1 a resident or the safety of a neighbor. A financial sanction may be imposed
2 for a contract violation related to the safety of a neighbor only if the
3 conduct that constitutes the violation would be sufficient to form the basis
4 for a civil cause of action for damages on the part of the neighbor whether
5 or not such a civil action has been filed. These sanctions may be imposed by
6 either deducting the amount of the sanction from any payment due or
7 withholding future payments. The deduction or withholding may occur after
8 any hearing available to the contractor.

9 (b) The contracting authority's right to remove residents from the
10 group home or suspend new placements to the group home until the contracting
11 violation is corrected.

12 (c) The contracting authority's right to cancel the contract.

13 8. Within ten business days after the contracting authority receives a
14 complaint relating to a group home the contracting authority shall notify the
15 group home provider and either initiate an investigation or refer the
16 investigation to the licensing authority. If any complaint concerns an
17 immediate threat to the health and safety of a child, the complaint shall be
18 immediately referred to the licensing authority. If the contracting
19 authority determines that a violation has occurred, it shall:

20 (a) Notify all other contracting authorities of the violation.

21 (b) Coordinate a corrective action plan consistent with the severity
22 of the violation.

23 (c) Require the corrective action plan to be implemented within ninety
24 days.

25 9. If a licensing deficiency is not corrected in a timely manner to
26 the satisfaction of the licensing authority, the contracting authority may
27 cancel the contract immediately on notice to the group home and may remove
28 the residents.

29 10. A person may bring a complaint against any state agency that
30 violates this section pursuant to title 41, chapter 6, article 6 or 10, as
31 applicable. In addition to any costs or fees awarded to a person resulting
32 from a complaint of a violation of this section, the agency shall revert the
33 sum of five thousand dollars from its general fund operating appropriation to
34 the state treasurer for deposit in the state general fund for each violation
35 that is upheld by an administrative law judge or hearing officer. The
36 legislature shall appropriate monies that revert under this section to a
37 similar program that provides direct services to children.

38 B. When a licensing authority has determined that a license violation
39 has occurred or is occurring, the licensing authority shall notify the
40 appropriate contracting authority of the licensing violation.

41 C. A group home's record of contract violations and licensing
42 violations may be considered by any contracting authority when it evaluates
43 any request for proposals.

44 D. ~~By January 1, 2002,~~ The department of health services shall
45 establish a central registry of juvenile group homes licensed by this state.

1 Each agency that is subject to the requirements of this section shall provide
2 updated information for the registry to the department of health services
3 every six months. The registry shall include the following information
4 regarding each group home:

5 1. The location of the group home, including satellite facilities.

6 2. The number of residents at the group home and its satellite
7 facilities.

8 3. The current, updated emergency contacts for the group home and its
9 satellite facilities.

10 4. The current, updated contacts for the group home's licensing
11 authority.

12 E. If the municipality in which a group home is located requests the
13 department of health services to provide information from the registry, the
14 department shall provide the information every six months to the
15 municipality.

16 F. For the purposes of this article:

17 1. "Contract violation" means a licensing violation or a failure of
18 the group home to comply with those provisions of its contract relating to
19 subsection A, paragraphs 1, 2 and 3 of this section.

20 2. "Contracting authority" means a regional behavioral health
21 authority or the state agency or its division, office, section, bureau or
22 program that is responsible for the administration and monitoring of
23 contracts with group homes.

24 3. "Group home" means a residential facility that is licensed to serve
25 more than four minors at any one time, that is licensed by the department of
26 health services pursuant to chapter 4 of this title or section 36-591,
27 subsection B or by the department of ~~economic security~~ CHILD SAFETY pursuant
28 to title 8, chapter ~~5- 4~~, article ~~1- 4~~ and that provides services pursuant to
29 a contract for minors determined to be dependent as defined in section 8-201
30 or delinquent or incorrigible pursuant to section 8-341, or for minors with
31 developmental disabilities, mental health or substance abuse needs. Group
32 home does not include hospitals, nursing homes, child crisis and domestic
33 violence shelters, adult homes, foster homes, facilities subject to any
34 transient occupancy tax or behavioral health service agencies that provide
35 twenty-four hour or continuous physician availability.

36 4. "Licensing authority" means the state agency or its division,
37 office, section, bureau or program that is responsible for licensing group
38 homes.

39 5. "Licensing violation" means a determination by the licensing
40 authority that the group home is not in compliance with licensing
41 requirements as prescribed in statute or rule.

42 6. "Neighbor" means a person residing within a one-quarter mile radius
43 of the group home.

44 7. "Resident" means any person who is placed in a group home pursuant
45 to a contract with a contracting authority.

1 Sec. 108. Section 36-2282, Arizona Revised Statutes, is amended to
2 read:

3 36-2282. Duty to inform; reports of denial or deprivation;
4 disciplinary action prohibited; report to department
5 of child safety

6 A. Any health care institution with a perinatal, obstetrical or
7 pediatric unit shall inform its administrators and other employees associated
8 with the perinatal, obstetrical or pediatric unit of:

9 1. Their duty pursuant to section 13-3620 to report any denial or
10 deprivation of necessary medical treatment or surgical care or nourishment
11 with the intent to cause or allow the death of the infant.

12 2. Their right to make a report free from any disciplinary action by
13 the health care institution.

14 3. A full description of the manner in which a report is to be made.

15 B. A health care institution shall not take or threaten to take any
16 disciplinary action against any employee in retaliation for the employee
17 making a report pursuant to section 13-3620.

18 C. A health care institution as specified in subsection A of this
19 section shall report all suspected incidents of denial or deprivation of
20 medically necessary treatment, surgical care or nourishment with the intent
21 to cause or allow the death of the infant to the ~~child protective services~~
22 ~~program of the~~ department of ~~economic security~~ CHILD SAFETY as each incident
23 occurs.

24 Sec. 109. Section 36-2284, Arizona Revised Statutes, is amended to
25 read:

26 36-2284. Infant care review committee

27 A. All health care institutions that provide health care services to
28 infants are encouraged to establish infant care review committees to assist
29 the institutions in delivering health care and related services to infants
30 and in complying with sections 36-2281 and 36-2283. Two or more health care
31 institutions may establish a joint infant care review committee.

32 B. If any health care institution does not have an infant care review
33 committee, the department of health services may establish an infant care
34 review committee for one or more such institutions.

35 C. All proceedings, records and materials prepared in connection with
36 reviews by an infant care review committee are confidential and are not
37 subject to discovery, except that:

38 1. The findings and recommendations of the infant care review
39 committee may be recorded in the infant's medical record.

40 2. The following information shall be provided on request to the
41 infant's attending or consulting physicians, the infant's parents, legal
42 guardian or custodian or the ~~child protective services program of the~~
43 department of ~~economic security~~ CHILD SAFETY:

44 (a) The infant's medical record number.

45 (b) The date and time of the review.

1 (c) A list of all persons presenting information to the committee.

2 (d) A list of all persons, including committee members, present during
3 the deliberations of the committee.

4 (e) The recommendations of the committee.

5 D. A person present during deliberations of the infant care review
6 committee or having access to its records shall not be subpoenaed to testify
7 in any judicial or quasi-judicial proceeding as to the nature of the
8 discussions held or to the opinions or statements of any person expressed
9 during the proceedings.

10 E. This section shall not be construed to affect any patient's claim
11 to privilege or privacy or to prevent the subpoena of a patient's medical
12 records if they are otherwise subject to discovery or to restrict the powers
13 and duties of the director pursuant to this chapter with respect to records
14 and information ~~which~~ THAT are not subject to this section. In any legal
15 action brought against a health care institution alleging negligence for
16 failure to adequately conduct an infant care review committee,
17 representatives of the institution are permitted to testify as to whether
18 there was an infant care review committee review concerning the subject
19 matter being litigated. The contents and records of the infant care review
20 committee proceedings are fully confidential and inadmissible as evidence in
21 any court of law except as provided in subsection C of this section.

22 F. A person who, ~~in good faith and without malice,~~ takes any action
23 or makes any recommendation as a member, agent or employee of a health care
24 institution infant care review committee, or who furnishes any records,
25 information or assistance to such a committee, is not subject to criminal
26 liability or liability for civil damages or for any legal action in
27 consequence thereof, nor shall the institution or institutions ~~which~~ THAT
28 established the committee or its officers, directors, employees or agents be
29 liable for the activities of any such person. This subsection ~~shall~~ DOES not
30 ~~be construed to~~ relieve any person of liability arising from treatment of a
31 patient.

32 G. Any publication by any person of the proceedings of an infant care
33 review committee or of the records or materials prepared in connection with
34 the review by an infant care review committee shall be made only for the
35 purposes provided in subsection C of this section or for research or
36 statistical purposes authorized by the health care institution. Except as
37 provided in subsection C of this section, the identity of any patient whose
38 condition, care or treatment is mentioned in such proceedings, records or
39 materials shall be kept confidential.

40 Sec. 110. Section 36-2901, Arizona Revised Statutes, is amended to
41 read:

42 36-2901. Definitions

43 In this article, unless the context otherwise requires:

44 1. "Administration" means the Arizona health care cost containment
45 system administration.

1 2. "Administrator" means the administrator of the Arizona health care
2 cost containment system.

3 3. "Contractor" means a person or entity that has a prepaid capitated
4 contract with the administration pursuant to section 36-2904 to provide
5 health care to members under this article either directly or through
6 subcontracts with providers.

7 4. "Department" means the department of economic security.

8 5. "Director" means the director of the Arizona health care cost
9 containment system administration.

10 6. "Eligible person" means any person who is:

11 (a) Any of the following:

12 (i) Defined as mandatorily or optionally eligible pursuant to title
13 XIX of the social security act as authorized by the state plan.

14 (ii) Defined in title XIX of the social security act as an eligible
15 pregnant woman with a family income that does not exceed one hundred fifty
16 per cent of the federal poverty guidelines, as a child under the age of six
17 years and whose family income does not exceed one hundred thirty-three per
18 cent of the federal poverty guidelines or as children who have not attained
19 nineteen years of age and whose family income does not exceed one hundred
20 thirty-three per cent of the federal poverty guidelines.

21 (iii) Under twenty-six years of age and who was in the custody of the
22 department of ~~economic security~~ CHILD SAFETY pursuant to title 8, chapter 5
23 ~~or 10~~ 4 when the person became eighteen years of age.

24 (iv) Defined as eligible pursuant to section 36-2901.01.

25 (v) Defined as eligible pursuant to section 36-2901.04.

26 (vi) Defined as eligible pursuant to section 36-2901.07.

27 (b) A full-time officer or employee of this state or of a city, town
28 or school district of this state or other person who is eligible for
29 hospitalization and medical care under title 38, chapter 4, article 4.

30 (c) A full-time officer or employee of any county in this state or
31 other persons authorized by the county to participate in county medical care
32 and hospitalization programs if the county in which such officer or employee
33 is employed has authorized participation in the system by resolution of the
34 county board of supervisors.

35 (d) An employee of a business within this state.

36 (e) A dependent of an officer or employee who is participating in the
37 system.

38 (f) Not enrolled in the Arizona long-term care system pursuant to
39 article 2 of this chapter.

40 (g) Defined as eligible pursuant to section 1902(a)(10)(A)(ii)(XV) and
41 (XVI) of title XIX of the social security act and who meets the income
42 requirements of section 36-2929.

43 7. "Graduate medical education" means a program, including an approved
44 fellowship, that prepares a physician for the independent practice of
45 medicine by providing didactic and clinical education in a medical discipline

1 to a medical student who has completed a recognized undergraduate medical
2 education program.

3 8. "Malice" means evil intent and outrageous, oppressive or
4 intolerable conduct that creates a substantial risk of tremendous harm to
5 others.

6 9. "Member" means an eligible person who enrolls in the system.

7 10. "Modified adjusted gross income" has the same meaning prescribed in
8 42 United States Code section 1396a(e)(14).

9 11. "Noncontracting provider" means a person who provides health care
10 to members pursuant to this article but not pursuant to a subcontract with a
11 contractor.

12 12. "Physician" means a person licensed pursuant to title 32, chapter
13 13 or 17.

14 13. "Prepaid capitated" means a mode of payment by which a health care
15 contractor directly delivers health care services for the duration of a
16 contract to a maximum specified number of members based on a fixed rate per
17 member notwithstanding:

18 (a) The actual number of members who receive care from the contractor.

19 (b) The amount of health care services provided to any member.

20 14. "Primary care physician" means a physician who is a family
21 practitioner, general practitioner, pediatrician, general internist, or
22 obstetrician or gynecologist.

23 15. "Primary care practitioner" means a nurse practitioner certified
24 pursuant to title 32, chapter 15 or a physician assistant certified pursuant
25 to title 32, chapter 25. This paragraph does not expand the scope of
26 practice for nurse practitioners as defined pursuant to title 32, chapter 15,
27 or for physician assistants as defined pursuant to title 32, chapter 25.

28 16. "Section 1115 waiver" means the research and demonstration waiver
29 granted by the United States department of health and human services.

30 17. "Special health care district" means a special health care district
31 organized pursuant to title 48, chapter 31.

32 18. "State plan" has the same meaning prescribed in section 36-2931.

33 19. "System" means the Arizona health care cost containment system
34 established by this article.

35 Sec. 111. Section 36-2906, Arizona Revised Statutes, is amended to
36 read:

37 36-2906. Qualified plan health services contracts; proposals;
38 administration

39 A. The administration shall:

40 1. Supervise the administrator.

41 2. Review the proposals.

42 3. Award contracts.

43 B. The director shall prepare and issue a request for proposal,
44 including a proposed contract format, in each of the counties of this state,
45 at least once every five years, to qualified group disability insurers,

1 hospital and medical service corporations, health care services organizations
2 and any other qualified public or private persons, including county-owned and
3 operated health care facilities. The contracts shall specify the
4 administrative requirements, the delivery of medically necessary services and
5 the subcontracting requirements.

6 C. The director shall adopt rules regarding the request for proposal
7 process that provide:

8 1. For definition of proposals in the following categories subject to
9 the following conditions:

10 (a) Inpatient hospital services.

11 (b) Outpatient services, including emergency dental care, and early
12 and periodic health screening and diagnostic services for children.

13 (c) Pharmacy services.

14 (d) Laboratory, x-ray and related diagnostic medical services and
15 appliances.

16 2. Allowance for the adjustment of such categories by expansion,
17 deletion, segregation or combination in order to secure the most financially
18 advantageous proposals for the system.

19 3. An allowance for limitations on the number of high risk persons
20 that must be included in any proposal.

21 4. For analysis of the proposals for each geographic service area as
22 defined by the director to ensure the provision of health and medical
23 services that are required to be provided throughout the geographic service
24 area pursuant to section 36-2907.

25 5. For the submittal of proposals by a group disability insurer, A
26 hospital and medical service corporation, A health care services organization
27 or any other qualified public or private person intending to submit a
28 proposal pursuant to this section. Each qualified proposal shall be entered
29 with separate categories for the distinct groups of persons to be covered by
30 the proposed contracts, as set forth in the request for proposal.

31 6. For the procurement of reinsurance for expenses incurred by any
32 contractor or member of the system in providing services in excess of amounts
33 specified by the director in any contract year. The director shall adopt
34 rules to provide that the administrator may specify guidelines on a case by
35 case basis for the types of care and services that may be provided to a
36 person whose care is covered by reinsurance. The rules shall provide that if
37 a contractor does not follow specified guidelines for care or services and if
38 the care or services could be provided pursuant to the guidelines at a lower
39 cost the contractor is entitled to reimbursement as if the care or services
40 specified in the guidelines had been provided.

41 7. For the awarding of contracts to contractors with qualified
42 proposals determined to be the most advantageous to the state for each of the
43 counties in this state. A contract may be awarded that provides services
44 only to persons defined as eligible pursuant to section 36-2901, paragraph 6,
45 subdivision (b), (c), (d) or (e). The director may provide by rule a second

1 round competitive proposal procedure for the director to request voluntary
2 price reduction of proposals from only those that have been tentatively
3 selected for award, before the final award or rejection of proposals.

4 8. For the requirement that any proposal in a geographic service area
5 provide for the full range of system covered services.

6 9. For the option of the administration to waive the requirement in
7 any request for proposal or in any contract awarded pursuant to a request for
8 proposal for a subcontract with a hospital for good cause in a county or area
9 including but not limited to situations when such hospital is the only
10 hospital in the health service area. In any situation where the subcontract
11 requirement is waived, no hospital may refuse to treat members of the system
12 admitted by primary care physicians or primary care practitioners with
13 hospital privileges in that hospital. In the absence of a subcontract, the
14 reimbursement level shall be at the levels specified in section 36-2904,
15 subsection H or I.

16 D. Reinsurance may be obtained against expenses in excess of a
17 specified amount on behalf of any individual for system covered emergency or
18 inpatient services either through the purchase of a reinsurance policy or
19 through a system self-insurance program as determined by the director.
20 Reinsurance, subject to the approval of the director, may be obtained against
21 expenses in excess of a specified amount on behalf of any individual for
22 outpatient services either through the purchase of a reinsurance policy or
23 through a system self-insurance program as determined by the director.

24 E. Notwithstanding the other provisions of this section, the
25 administration may procure, provide or coordinate system covered services by
26 interagency agreement with authorized agencies of this state or with a
27 federal agency for distinct groups of eligible persons, including persons
28 eligible for children's rehabilitative services THROUGH THE DEPARTMENT OF
29 ECONOMIC SECURITY and persons eligible for comprehensive medical and dental
30 program services through the department of ~~economic security~~ CHILD SAFETY.

31 F. Contracts shall be awarded as otherwise provided by law, except
32 that in no event may a contract be awarded to any respondent that will cause
33 the system to lose any federal monies to which it is otherwise entitled.

34 G. After contracts are awarded pursuant to this section, the director
35 may negotiate with any successful proposal respondent for the expansion or
36 contraction of services or service areas if there are unnecessary gaps or
37 duplications in services or service areas.

38 Sec. 112. Section 36-2930, Arizona Revised Statutes, is amended to
39 read:

40 36-2930. Prescription drug rebate fund; exemption; definition

41 A. The prescription drug rebate fund is established consisting of
42 prescription drug rebate collections, interest from prescription drug rebate
43 late payments and federal monies made available to this state for the
44 operation of the Arizona health care cost containment system prescription
45 drug rebate program. The administration shall administer the fund.

1 Nonfederal monies in the fund are subject to annual legislative
2 appropriation. Federal monies in the fund are continuously appropriated and
3 are exempt from the provisions of section 35-190 relating to the lapsing of
4 appropriations.

5 B. Monies in the fund shall be used to return the federal share of
6 prescription drug rebate collections and interest from late payments to the
7 centers for medicare and medicaid services by offsetting future federal
8 draws, to pay for the administrative costs of the prescription drug rebate
9 program and as the nonfederal share for payments to contractors or providers
10 in the administration's medical services programs. The nonfederal share of
11 prescription drug rebate collections and interest from late payments include
12 rebates relating to programs administered by the department of economic
13 security, [THE DEPARTMENT OF CHILD SAFETY](#), the department of health services
14 and other governmental entities that contribute to the nonfederal share for
15 prescription drugs.

16 C. For the purposes of this section, "administrative costs of the
17 prescription drug rebate program" includes:

- 18 1. Payments to the prescription drug rebate vendor.
- 19 2. Administrative costs of the administration in support of the
20 prescription drug rebate program.

21 Sec. 113. Section 36-2988, Arizona Revised Statutes, is amended to
22 read:

23 [36-2988. Delivery of services; health plans; requirements](#)

24 A. To the extent possible, the administration shall use contractors
25 that have a contract with the administration pursuant to article 1 of this
26 chapter or qualifying plans to provide services to members who qualify for
27 the program.

28 B. The administration has full authority to amend existing contracts
29 awarded pursuant to article 1 of this chapter.

30 C. As determined by the director, reinsurance may be provided against
31 expenses in excess of a specified amount on behalf of any member for covered
32 emergency services, inpatient services or outpatient services in the same
33 manner as reinsurance provided under article 1 of this chapter. Subject to
34 the approval of the director, reinsurance may be obtained against expenses in
35 excess of a specified amount on behalf of any member.

36 D. Notwithstanding any other law, the administration may procure,
37 provide or coordinate covered services by interagency agreement with
38 authorized agencies of this state for distinct groups of members, including
39 persons eligible for children's rehabilitative services [THROUGH THE](#)
40 [DEPARTMENT OF ECONOMIC SECURITY](#) and members eligible for comprehensive
41 medical and dental benefits through the department of ~~economic security~~ [CHILD](#)
42 [SAFETY](#).

1 E. After contracts are awarded pursuant to this section, the director
2 may negotiate with any successful bidder for the expansion or contraction of
3 services or service areas.

4 F. Payments to contractors shall be made monthly and may be subject to
5 contract provisions requiring the retention of a specified percentage of the
6 payment by the director, a reserve fund or any other contract provisions by
7 which adjustments to the payments are made based on utilization efficiency,
8 including incentives for maintaining quality care and minimizing unnecessary
9 inpatient services. Reserve monies withheld from contractors shall be
10 distributed to providers who meet performance standards established by the
11 director. Any reserve fund established pursuant to this subsection shall be
12 established as a separate account within the Arizona health care cost
13 containment system.

14 G. The director may negotiate at any time with a hospital on behalf of
15 a contractor for inpatient hospital services and outpatient hospital services
16 provided pursuant to the requirements specified in section 36-2904.

17 H. A contractor may require that subcontracting providers or
18 noncontracting providers be paid for covered services, other than hospital
19 services, according to the capped fee-for-service schedule adopted by the
20 administration or at lower rates as may be negotiated by the contractor.

21 I. A school district may perform outreach and information activities
22 that relate to this article, with permission of the school principal and
23 school district. The administration and contractors may collaborate with
24 entities such as community based organizations, faith based organizations,
25 schools and school districts for outreach and information activities related
26 to this article. Outreach and information activities shall not include
27 delivery of services, screening activities, eligibility determination or
28 enrollment related to this article. Outreach and information activities
29 include promotion of health care coverage, participation in school events and
30 distribution of applications and materials to pupils and their families.
31 Outreach and information activities performed by the administration,
32 contractors or a school district shall not reduce or interfere with classroom
33 instruction time.

34 J. The administration is exempt from the procurement code pursuant to
35 section 41-2501.

36 Sec. 114. Section 36-3434, Arizona Revised Statutes, is amended to
37 read:

38 36-3434. Current service delivery system; continuation

39 Nothing in this article relieves the state department of corrections,
40 the department of economic security, **THE DEPARTMENT OF CHILD SAFETY**, the
41 department of education, the Arizona health care cost containment system or
42 the Arizona supreme court from any current responsibility as prescribed by
43 state or federal law.

- 1 B. The director of the department of health services shall appoint the
2 following members to serve staggered three year terms:
- 3 1. A medical examiner who is a forensic pathologist.
 - 4 2. A maternal and child health specialist involved with the treatment
5 of native Americans.
 - 6 3. A representative of a private nonprofit organization of tribal
7 governments in this state.
 - 8 4. A representative of the Navajo tribe.
 - 9 5. A representative of the United States military family advocacy
10 program.
 - 11 6. A representative of a statewide prosecuting attorneys advisory
12 council.
 - 13 7. A representative of a statewide law enforcement officers advisory
14 council who is experienced in child homicide investigations.
 - 15 8. A representative of an association of county health officers.
 - 16 9. A child advocate who is not employed by or an officer of this state
17 or a political subdivision of this state.
 - 18 10. A public member. If local teams are formed pursuant to this
19 article, the director of the department of health services shall select this
20 member from one of those local teams.
- 21 C. The team shall:
- 22 1. Develop a child fatalities data collection system.
 - 23 2. Provide training to cooperating agencies, individuals and local
24 child fatality review teams on the use of the child fatalities data system.
 - 25 3. Conduct an annual statistical report on the incidence and causes of
26 child fatalities in this state during the past fiscal year and submit a copy
27 of this report, including its recommendations for action, to the governor,
28 the president of the senate and the speaker of the house of representatives
29 on or before November 15 of each year.
 - 30 4. Encourage and assist in the development of local child fatality
31 review teams.
 - 32 5. Develop standards and protocols for local child fatality review
33 teams and provide training and technical assistance to these teams.
 - 34 6. Develop protocols for child fatality investigations, including
35 protocols for law enforcement agencies, prosecutors, medical examiners,
36 health care facilities and social service agencies.
 - 37 7. Study the adequacy of statutes, ordinances, rules, training and
38 services to determine what changes are needed to decrease the incidence of
39 preventable child fatalities and, as appropriate, take steps to implement
40 these changes.
 - 41 8. Provide case consultation on individual cases to local teams if
42 requested.
 - 43 9. Educate the public regarding the incidence and causes of child
44 fatalities as well as the public's role in preventing these deaths.
 - 45 10. Designate a team chairperson.

1 11. Develop and distribute an informational brochure that describes the
2 purpose, function and authority of a team. The brochure shall be available
3 at the offices of the department of health services.

4 12. Evaluate the incidence and causes of maternal fatalities associated
5 with pregnancy in this state. For the purposes of this paragraph, "maternal
6 fatalities associated with pregnancy" means the death of a woman while she is
7 pregnant or within one year after the end of her pregnancy.

8 13. Inform the governor and the legislature of the need for specific
9 recommendations regarding unexplained infant death.

10 14. Periodically review the infant death investigation checklist
11 developed by the department of health services pursuant to section 36-3506.
12 In reviewing the checklist, the review team shall consider guidelines
13 endorsed by national infant death organizations.

14 D. Team members are not eligible to receive compensation, but members
15 appointed pursuant to subsection B are eligible for reimbursement of expenses
16 pursuant to title 38, chapter 4, article 2.

17 E. The department of health services shall provide professional and
18 administrative support to the team.

19 F. Notwithstanding subsections C and D of this section, this section
20 ~~shall~~ DOES not ~~be construed to~~ require expenditures above the revenue
21 available from the child fatality review fund.

22 Sec. 117. Section 36-3502, Arizona Revised Statutes, is amended to
23 read:

24 36-3502. Local teams; membership; duties

25 A. If local child fatality teams are organized, they shall abide by
26 the standards and protocol for local child fatality review teams developed by
27 the state team and must have prior authorization from the state team to
28 conduct fatality reviews. Local teams shall be composed of the head of the
29 following departments, agencies or associations, or that person's designee:

30 1. County medical examiner.

31 2. ~~Child protective services office of the~~ Department of ~~economic~~
32 ~~security~~ CHILD SAFETY.

33 3. County health department.

34 B. The chairperson of the state child fatality review team shall
35 appoint the following members of the local team:

36 1. A domestic violence specialist.

37 2. A psychiatrist or psychologist licensed in this state.

38 3. A pediatrician certified by the American board of pediatrics or a
39 family practice physician certified by the American board of family
40 practice. The pediatrician or family practice physician shall also be
41 licensed in this state.

42 4. A person from a local law enforcement agency.

43 5. A person from a local prosecutors office.

44 6. A parent.

- 1 C. If local child fatality teams are authorized, they shall:
2 1. Designate a team chairperson who shall review the death
3 certificates of all children who die within the team's jurisdiction and call
4 meetings of the team when necessary.
5 2. Assist the state team in collecting data on child fatalities.
6 3. Submit written reports to the state team as directed by that
7 team. These reports shall include nonidentifying information on individual
8 cases and steps taken by the local team to implement necessary changes and
9 improve the coordination of services and investigations.

10 Sec. 118. Section 36-3903, Arizona Revised Statutes, as transferred
11 and renumbered by this act, is amended to read:

12 36-3903. License fee

13 A. The fee for a children's camp license issued by the department of
14 health services shall be one hundred dollars for the first license and
15 twenty-five dollars for each renewal of the license thereafter. All funds
16 collected from this source shall be deposited, pursuant to sections 35-146
17 and 35-147, in the state general fund.

18 B. A county to which the department of health services has delegated
19 powers and duties pursuant to section ~~8-568~~ 36-3915 may charge and collect a
20 license fee. A county shall not charge a fee in excess of the cost of
21 providing the service for which the fee is charged. The county shall
22 transmit fees collected pursuant to this subsection to the county treasurer.

23 Sec. 119. Section 41-191.09, Arizona Revised Statutes, is amended to
24 read:

25 41-191.09. Attorney general legal services cost allocation
26 fund; contributions; annual report; exemptions

27 A. The attorney general legal services cost allocation fund is
28 established for the purpose of reimbursing the department of law for general
29 agency counsel. Monies in the fund are subject to legislative appropriation.
30 The attorney general shall administer the fund.

31 B. Except as provided in subsection E of this section, each state
32 agency or department may be charged for general agency counsel provided by
33 the department of law. The amount, if any, shall be specified annually in
34 the general appropriations act.

35 C. On or before September 1 of each year, each state agency or
36 department shall submit to the joint legislative budget committee for review
37 a report identifying the funding sources for the monies to be deposited
38 pursuant to this section. The funding sources may not include the state
39 general fund, federal funds or other funds that are legally restricted from
40 making such payments.

41 D. A claim for the legal services cost allocation payment shall be
42 submitted according to the fund source to the department of administration
43 for deposit in the attorney general legal services cost allocation fund.

- 1 E. The following agencies are exempt from this section:
2 1. The department of water resources.
3 2. The residential utility consumer office.
4 3. The industrial commission.
5 4. The universities and the Arizona board of regents.
6 5. The auditor general.
7 6. The corporation commission.
8 7. The office of the governor.
9 8. The department of law.
10 9. The house of representatives.
11 10. The senate.
12 11. The joint legislative budget committee.
13 12. The Arizona state library, archives and public records.
14 13. The legislative council.
15 14. The department of administration risk management fund.
16 15. The department of transportation.
17 16. The Arizona game and fish department.
18 17. The department of economic security.
19 18. The Arizona health care cost containment system.
20 19. The superior court.
21 20. The court of appeals.
22 21. The supreme court.
23 22. The Arizona department of agriculture and councils that receive
24 administrative and budgetary services from the Arizona department of
25 agriculture.
26 23. All self-supporting regulatory agencies as determined pursuant to
27 section 35-143.01.
28 24. The Arizona commerce authority.
29 25. THE DEPARTMENT OF CHILD SAFETY.
30 F. Monies in the attorney general legal services cost allocation fund
31 are exempt from lapsing to the state general fund at the end of each fiscal
32 year.
33 Sec. 120. Section 41-619.51, Arizona Revised Statutes, as amended by
34 Laws 2013, chapter 128, section 11, is amended to read:
35 41-619.51. Definitions
36 In this article, unless the context otherwise requires:
37 1. "Agency" means the supreme court, the department of economic
38 security, THE DEPARTMENT OF CHILD SAFETY, the department of education, the
39 department of health services, the department of juvenile corrections, the
40 department of emergency and military affairs, the department of
41 transportation, the state real estate department or the board of examiners of
42 nursing care institution administrators and assisted living facility
43 managers.
44 2. "Board" means the board of fingerprinting.

1 3. "Central registry exception" means notification to the department
2 of economic security or the department of health services, as appropriate,
3 pursuant to section 41-619.57 that the person is not disqualified because of
4 a central registry check conducted pursuant to section 8-804.

5 4. "Expedited review" means an examination, in accordance with board
6 rule, of the documents an applicant submits by the board or its hearing
7 officer without the applicant being present.

8 5. "Good cause exception" means the issuance of a fingerprint
9 clearance card to an employee pursuant to section 41-619.55.

10 6. "Person" means a person who is required to be fingerprinted
11 pursuant to this article or who is subject to a central registry check and
12 any of the following:

- 13 (a) Section 8-105.
- 14 (b) Section 8-322.
- 15 (c) Section 8-509.
- 16 (d) Section 8-802.
- 17 (e) Section 8-804.
- 18 (f) Section 8-804.01.
- 19 (g) Section 15-183.
- 20 (h) Section 15-534.
- 21 (i) Section 15-782.02.
- 22 (j) Section 15-1330.
- 23 (k) Section 15-1881.
- 24 (l) Section 17-215.
- 25 (m) Section 26-103.
- 26 (n) Section 32-2108.01.
- 27 (o) Section 32-2123.
- 28 (p) Section 32-2371.
- 29 (q) Section 32-2372.
- 30 (r) Section 36-207.
- 31 (s) Section 36-411.
- 32 (t) Section 36-425.03.
- 33 (u) Section 36-446.04.
- 34 (v) Section 36-594.01.
- 35 (w) Section 36-594.02.
- 36 (x) Section 36-882.
- 37 (y) Section 36-883.02.
- 38 (z) Section 36-897.01.
- 39 (aa) Section 36-897.03.
- 40 (bb) Section 36-3008.
- 41 (cc) Section 41-619.53.
- 42 (dd) Section 41-1964.
- 43 (ee) Section 41-1967.01.
- 44 (ff) Section 41-1968.
- 45 (gg) Section 41-1969.

1 (hh) Section 41-2814.

2 (ii) Section 46-141, subsection A.

3 (jj) Section 46-321.

4 Sec. 121. Repeal

5 Section 41-619.51, Arizona Revised Statutes, as amended by Laws 2013,
6 chapter 129, section 24, is repealed.

7 Sec. 122. Section 41-619.52, Arizona Revised Statutes, is amended to
8 read:

9 41-619.52. Board of fingerprinting; organization; meetings

10 A. The board of fingerprinting is established consisting of the
11 following members:

12 1. A representative of the supreme court who is appointed by the chief
13 justice of the supreme court.

14 2. A representative of the department of economic security who is
15 appointed by the director of the department of economic security.

16 3. A representative of the department of education who is appointed by
17 the superintendent of public instruction.

18 4. A representative of the department of health services who is
19 appointed by the director of the department of health services.

20 5. A representative of the department of juvenile corrections who is
21 appointed by the director of the department of juvenile corrections.

22 6. A REPRESENTATIVE OF THE DEPARTMENT OF CHILD SAFETY WHO IS APPOINTED
23 BY THE DIRECTOR OF THE DEPARTMENT OF CHILD SAFETY.

24 B. At its initial meeting and annually thereafter, the board shall
25 elect a chairperson and vice-chairperson from among its members and any other
26 officers that are deemed necessary or advisable.

27 C. The board shall meet at least once each calendar quarter and
28 additionally as the chairperson deems necessary. A majority of the members
29 constitutes a quorum for the transaction of business.

30 D. Board members:

31 1. Serve at the pleasure of the appointing authority.

32 2. Are not eligible for compensation but are eligible for
33 reimbursement of expenses pursuant to title 38, chapter 4, article 2.

34 3. Shall have a valid fingerprint clearance card issued pursuant to
35 section 41-1758.07.

36 E. The chief justice, the superintendent of public instruction or a
37 department director may designate an alternate member to represent a member
38 who is appointed pursuant to subsection A by the chief justice, the
39 superintendent of public instruction or a department director, respectively.

40 Sec. 123. Section 41-619.53, Arizona Revised Statutes, is amended to
41 read:

42 41-619.53. Board of fingerprinting; powers and duties;
43 personnel; liability

44 A. The board of fingerprinting shall:

1 1. Determine good cause exceptions pursuant to section 41-619.55 and
2 central registry exceptions pursuant to section 41-619.57. The board may
3 appoint a hearing officer to recommend that an applicant be granted or denied
4 a good cause exception or central registry exception after the hearing
5 officer conducts an expedited review, a good cause exception hearing or a
6 central registry exception hearing.

7 2. Adopt rules to implement this article, including rules to establish
8 good cause exceptions for the issuance of fingerprint clearance cards
9 pursuant to sections 41-1758.03 and 41-1758.07 and central registry
10 exceptions pursuant to section 8-804. This rule making is exempt from the
11 requirements of chapter 6 of this title.

12 3. Administer and enforce this article and rules adopted pursuant to
13 this article.

14 4. Furnish a copy of its rules, on request, to all applicants who
15 petition the board for a good cause exception pursuant to sections 41-1758.03
16 and 41-1758.07 or a central registry exception pursuant to section 8-804 and,
17 on request, to licensees, contract providers and state agencies.

18 5. Establish fees.

19 B. In order to grant a good cause exception or a central registry
20 exception, a majority plus an additional member, of the members present, must
21 vote to approve the application. If the board grants a good cause exception,
22 the board shall request in writing that the department of public safety issue
23 a card to the applicant. If the board grants a central registry exception,
24 the board shall notify **THE DEPARTMENT OF CHILD SAFETY**, the department of
25 economic security or the department of health services, as appropriate, in
26 writing.

27 C. Subject to chapter 4, article 4 of this title, the board may employ
28 clerical, professional and technical personnel subject to fee monies that are
29 collected and to the budget that is approved by the board members and shall
30 prescribe personnel duties and determine personnel compensation. Personnel
31 employed by the board must have a valid fingerprint clearance card issued
32 pursuant to section 41-1758.07. If the applicant is denied a fingerprint
33 clearance card, in order to be employed by the board, the board must grant a
34 good cause exception pursuant to this article by a unanimous vote.

35 D. In making any recommendation to the board to grant or deny a good
36 cause exception or central registry exception, the hearing officer shall
37 consider all of the reasons and criteria prescribed in section 41-619.55,
38 subsection E or section 41-619.57, subsection E.

39 E. Members and employees of the board are not liable for acts done or
40 actions taken by any board member or employee if the members or employees act
41 in good faith following the requirements of this article.

1 Sec. 124. Section 41-619.57, Arizona Revised Statutes, is amended to
2 read:

3 41-619.57. Central registry exceptions; expedited review;
4 hearing

5 A. The board shall determine central registry exceptions for each
6 substantiated report pursuant to section 8-804. The board shall determine a
7 central registry exception after an expedited review or after a central
8 registry exception hearing. The board shall conduct an expedited review
9 within twenty days after receiving an application for a central registry
10 exception.

11 B. Within forty-five days after conducting an expedited review, the
12 board shall hold a central registry exception hearing if the board determines
13 that the applicant does not qualify for a central registry exception under an
14 expedited review but is qualified to apply for a central registry exception
15 and the applicant submits an application for a central registry exception
16 within the time limits prescribed by rule.

17 C. When determining whether a person is eligible to receive a central
18 registry exception pursuant to section 8-804, the board shall consider
19 whether the person has shown to the board's satisfaction that the person is
20 successfully rehabilitated and is not a recidivist. Before granting a
21 central registry exception under expedited review, the board shall consider
22 all of the criteria listed in subsection E of this section.

23 D. The following persons shall be present during central registry
24 exception hearings:

- 25 1. The board or its hearing officer.
- 26 2. The person who requested the central registry exception hearing.
27 The person may be accompanied by a representative at the hearing.

28 E. The board may grant a central registry exception at a hearing if
29 the person shows to the board's satisfaction that the person is successfully
30 rehabilitated and is not a recidivist. The board may consider the person's
31 criminal record in determining if a person has been successfully
32 rehabilitated. If the applicant fails to appear at the hearing without good
33 cause, the board may deny a central registry exception. The board shall
34 grant or deny a central registry exception within eighty days after the
35 central registry exception hearing. Before granting a central registry
36 exception at a hearing the board shall consider all of the following in
37 accordance with board rule:

- 38 1. The extent of the person's central registry records.
- 39 2. The length of time that has elapsed since the abuse or neglect
40 occurred.
- 41 3. The nature of the abuse or neglect.
- 42 4. Any applicable mitigating circumstances.
- 43 5. The degree to which the person participated in the abuse or
44 neglect.

1 6. The extent of the person's rehabilitation, including:
2 (a) Evidence of positive action to change the person's behavior, such
3 as completion of counseling or a drug treatment, domestic violence or
4 parenting program.
5 (b) Personal references attesting to the person's rehabilitation.
6 F. If the board grants a central registry exception to a person, the
7 board shall notify **THE DEPARTMENT OF CHILD SAFETY**, the department of economic
8 security or the department of health services, as appropriate, in writing.
9 G. A person who is granted a central registry exception is not
10 entitled to have the person's report and investigation outcome purged from
11 the central registry except as required pursuant to section 8-804,
12 subsections ~~D- F~~ and ~~E- G~~.
13 H. Pending the outcome of a central registry exception determination,
14 a central registry exception applicant may not provide direct services to
15 children pursuant to title 36, chapter 7.1.
16 I. The board is exempt from chapter 6, article 10 of this title.
17 Sec. 125. Section 41-621, Arizona Revised Statutes, is amended to
18 read:
19 41-621. Purchase of insurance; coverage; limitations;
20 exclusions; definitions
21 A. The department of administration shall obtain insurance against
22 loss, to the extent it is determined necessary and in the best interests of
23 the state as provided in subsection F of this section, on the following:
24 1. All state owned buildings, including those of the universities,
25 excluding buildings of community colleges, whether financed in whole or in
26 part by state monies or buildings in which the state has an insurable
27 interest as determined by the department of administration.
28 2. Contents in any buildings owned, leased or rented, in whole or in
29 part, by or to the state, excluding buildings of community colleges, and
30 reported to the department of administration.
31 3. The state and its departments, agencies, boards and commissions and
32 all officers, agents and employees thereof and such others as may be
33 necessary to accomplish the functions or business of the state and its
34 departments, agencies, boards and commissions against liability for acts or
35 omissions of any nature while acting in authorized governmental or
36 proprietary capacities and in the course and scope of employment or
37 authorization except as prescribed by this chapter.
38 4. All personal property reported to the department of administration,
39 including vehicles and aircraft owned by the state and its departments,
40 agencies, boards and commissions and all non-owned personal property which is
41 under the clear responsibility of this state because of written leases or
42 other written agreements.
43 5. The state and its departments, agencies, boards and commissions
44 against casualty, use and occupancy and liability losses of every nature
45 except as prescribed by this chapter.

- 1 6. Workers' compensation and employers' liability insurance.
- 2 7. Design and construction of buildings, roads, environmental
3 remediations and other construction projects.
- 4 8. Other exposures to loss where insurance may be required to protect
5 this state and its departments, agencies, boards and commissions and all
6 officers, agents and employees acting in the course and scope of employment
7 or authorization except as prescribed by this chapter.
- 8 B. To the extent it is determined necessary and in the best interests
9 of the state, the department of administration shall obtain insurance or
10 provide for state self-insurance against property damage caused by clients
11 and liability coverage resulting from the direct or incidental care of
12 clients participating in programs of the state and its departments, agencies,
13 boards or commissions relating to custodial care. The insurable programs
14 shall include foster care, programs for the developmentally disabled, an
15 independent living program pursuant to section 8-521 and respite-sitter
16 service programs. The department shall obtain insurance or provide for state
17 self-insurance pursuant to this subsection to protect the clients
18 participating in these programs and individual providers of these program
19 services on behalf of the state and its departments, agencies, boards or
20 commissions. The insurance provided under this subsection does not include
21 medical or workers' compensation coverage for providers. The department may
22 include in its annual budget request pursuant to section 41-622, subsection D
23 a charge for the insurance or self-insurance provided in this subsection. To
24 assist in carrying out the provisions of this subsection, the department
25 shall establish a seven member advisory board in accordance with the
26 following provisions:
- 27 1. The board shall consist of three members appointed by the director
28 of the department of administration, at least one of whom shall be a foster
29 parent, ~~two members~~ ONE MEMBER appointed by the director of the department of
30 economic security, ONE MEMBER APPOINTED BY THE DIRECTOR OF THE DEPARTMENT OF
31 CHILD SAFETY, one member appointed by the director of the state department of
32 corrections, and one member appointed by the administrative director of the
33 courts.
- 34 2. The board shall elect a chairman from among its members.
- 35 3. The board shall hold at least two meetings a year or shall meet at
36 the call of the chairman.
- 37 4. Board members shall serve for three year terms.
- 38 5. Board members are not eligible to receive compensation but are
39 eligible for reimbursement of expenses pursuant to title 38, chapter 4,
40 article 2.
- 41 6. The board shall provide advice to the department regarding coverage
42 and administration of the provisions of this subsection and shall assist the
43 department in coordinating its activities pursuant to this subsection with
44 state departments, agencies, boards and commissions.

1 C. The department of administration may obtain insurance against loss,
2 to the extent it is determined necessary and in the best interests of the
3 state as provided in subsection F of this section for the professional
4 liability of individual physicians and psychiatrists who provide services
5 under a contract with the state department of corrections. Coverage is
6 limited to acts and omissions committed inside a state department of
7 corrections facility while in the performance of the contract and to
8 individual physicians and psychiatrists who demonstrate to the satisfaction
9 of the state department of corrections that they cannot otherwise obtain
10 professional liability coverage for the services required by the contract.
11 The director of the department of administration may impose on the state
12 department of corrections a deductible for each loss that arises out of a
13 professional liability claim pursuant to this subsection. Any changes in
14 deductible amounts established by the director shall be subject to review by
15 the joint legislative budget committee.

16 D. The department of administration may obtain property, liability,
17 disability or workers' compensation insurance, self-insure or develop risk
18 retention pools to provide for payment of property loss or casualty claims or
19 disability insurance claims against contractors of this state with the
20 approval of the joint legislative budget committee. With respect to
21 insurance, self-insurance or risk retention pools for contractors licensed
22 and contracted to do work for this state, the coverage afforded applies with
23 respect to the conduct of the business entity of that contractor. The pool
24 is available to all contractors regardless of the amount that the state
25 contracted work bears in relation to the amount of nonstate contracted work.
26 The contractor shall be terminated from the pool if the contractor ceases to
27 be a state contractor.

28 E. The department of administration may determine, in the best
29 interests of the state, that state self-insurance is necessary or desirable
30 and, if that decision is made, shall provide for state self-insurance for
31 losses arising out of state property, liability or workers' compensation
32 claims prescribed by subsection A of this section. If the department of
33 administration provides state self-insurance, such coverage shall be excess
34 over any other valid and collectible insurance. The director of the
35 department of administration may impose on state departments, agencies,
36 boards and commissions a deductible for each loss that arises out of a
37 property, liability or workers' compensation loss pursuant to this
38 subsection. Any changes in deductible amounts established by the director
39 shall be subject to review by the joint legislative budget committee.

40 F. In carrying out the provisions of this chapter, the department of
41 administration shall establish and provide the state with some or all of the
42 necessary risk management services, or shall contract for risk management
43 services pursuant to chapter 23 of this title, as the director of the
44 department of administration deems necessary in the best interest of the
45 state, and may, in addition to other specifications of such coverage as

1 deemed necessary, determine self-insurance to be established. The provisions
2 of chapter 23 of this title shall not apply to the department of
3 administration's procurement of insurance to cover losses arising out of
4 state property or liability claims prescribed in subsections A and D of this
5 section or excess loss insurance for the state's workers' compensation
6 liability for individual or aggregate claims, or both, in such amounts and at
7 such primary retention levels as the department of administration deems in
8 the best interest of the state. In purchasing insurance to cover losses
9 arising out of state property or liability claims prescribed by subsection A
10 of this section, the department of administration is not subject to the
11 provisions of title 20, chapter 2, article 5.

12 G. No successful bidder for risk management services pursuant to this
13 section shall be entitled to receive directly or indirectly any sales
14 commission, contingent commission, excess profit commission, or other
15 commissions, or anything of value, as payment for the risk management
16 services except those amounts received directly from this state as payment
17 for the risk management services.

18 H. The department of administration shall pay for purchased risk
19 management services, premiums for insurance on state property and state
20 liability and workers' compensation pursuant to the provisions of this
21 chapter.

22 I. A state officer, agent or employee acting in good faith, without
23 wanton disregard of his statutory duties and under the authority of an
24 enactment that is subsequently declared to be unconstitutional, invalid or
25 inapplicable is not personally liable for an injury or damage caused thereby
26 except to the extent that he would have been personally liable had the
27 enactment been constitutional, valid and applicable.

28 J. A state officer, agent or employee, except as otherwise provided by
29 statute, is not personally liable for an injury or damage resulting from his
30 act or omission in a public official capacity where the act or omission was
31 the result of the exercise of the discretion vested in him if the exercise of
32 the discretion was done in good faith without wanton disregard of his
33 statutory duties.

34 K. The state and its departments, agencies, boards and commissions are
35 immune from liability for losses arising out of a judgment for willful and
36 wanton conduct resulting in punitive or exemplary damages.

37 L. The following exclusions shall apply to subsections A, B and E of
38 this section:

39 1. Losses against this state and its departments, agencies, boards and
40 commissions that arise out of and are directly attributable to an act or
41 omission determined by a court to be a felony by a person who is provided
42 coverage pursuant to this article unless the state knew of the person's
43 propensity for that action, except those acts arising out of the operation or
44 use of a motor vehicle.

45 2. Losses arising out of contractual breaches.

1 M. If self-insurance coverage is determined to exist, the attorney
2 general, with funds provided by the department of administration, shall
3 provide for the defense, either through his office or by appointment of
4 outside legal counsel, of the state and its departments, agencies, boards and
5 commissions and all officers, agents and employees thereof and such others as
6 are insured by the department of administration for or on account of their
7 acts or omissions covered pursuant to this chapter. All state departments,
8 agencies, boards and commissions, all officers, agents and employees thereof
9 and such others as are insured by the department of administration shall
10 cooperate fully with the attorney general and department of administration in
11 the defense of claims arising pursuant to this chapter.

12 N. A claim for liability damages made pursuant to this chapter may be
13 settled and payment made up to the amount of twenty-five thousand dollars or
14 such higher limit as may be established by the joint legislative budget
15 committee with the approval of the director of the department of
16 administration. A claim over the amount of twenty-five thousand dollars up
17 to fifty thousand dollars or such higher limit as may be established by the
18 joint legislative budget committee may be settled and payment made with the
19 approval of the director of the department of administration and the attorney
20 general. Any claim over the amount of fifty thousand dollars or such higher
21 limit as may be established by the joint legislative budget committee may be
22 settled and payment made with the approval of the director of the department
23 of administration, the attorney general and the joint legislative budget
24 committee. If it is in the best interest of this state, the joint
25 legislative budget committee may establish higher settlement limits. Any
26 settlements involving amounts in excess of fifty thousand dollars or such
27 higher limit as may be established by the joint legislative budget committee
28 shall be approved by the department of administration, the attorney general
29 and the joint legislative budget committee pursuant to the authority granted.
30 The settlement of liability claims shall be solely the authority of the
31 department of administration, the attorney general and the joint legislative
32 budget committee. No state department, agency, board or commission or any
33 officer, agent or employee of this state may voluntarily make any payment,
34 assume any obligation, incur any expense or maintain the individual right of
35 consent for liability claims made pursuant to this chapter except as provided
36 by this section.

37 0. Neither the authority provided by this section to insure, nor the
38 exercise of such authority, shall:

39 1. Impose any liability on this state or the departments, agencies,
40 boards and commissions or any officers, agents and employees of this state
41 unless such liability otherwise exists.

42 2. Impair any defense this state or the departments, agencies, boards
43 and commissions or any officers, agents and employees of this state otherwise
44 may have.

1 P. The department of administration shall pay, on behalf of any state
2 officer, agent or employee, any damages, excluding punitive damages, for
3 which the officer, agent or employee becomes legally responsible if the acts
4 or omissions resulting in liability were within the officer's, agent's or
5 employee's course and scope of employment. The department of administration
6 may pay for all damages however designated which the officer, agent or
7 employee becomes legally responsible for if the acts or omissions resulting
8 in liability are determined by the director of the department of
9 administration to be within the person's course and scope of employment.

10 Q. The department of administration shall adopt such rules as are
11 deemed necessary to carry out, implement and limit the provisions of this
12 chapter.

13 R. For the purposes of determining whether a state officer, agent or
14 employee is entitled to coverage under this chapter, "within the course and
15 scope of employment or authorization" means:

16 1. The acts or omissions that the state officer, agent or employee is
17 employed or authorized to perform.

18 2. The acts or omissions of the state officer, agent or employee occur
19 substantially within the authorized time and space limit.

20 3. The acts or omissions are activated at least in part by a purpose
21 to serve this state or its departments, agencies, boards or commissions.

22 S. To the extent it is determined necessary and in the best interest
23 of this state, the department of administration may obtain design and
24 construction insurance or provide for self-insurance against property damage
25 caused by this state, its departments, agencies, boards and commissions and
26 all officers and employees of this state in connection with the construction
27 of public works projects. Workers' compensation liability insurance may be
28 purchased to cover both general contractors and subcontractors doing work on
29 a specific contracted work site. The department may include in its annual
30 budget request, pursuant to section 41-622, subsection D, the cost of the
31 insurance purchased or provided. In connection with the construction of
32 public works projects, the department of administration may also use an
33 owner-controlled or wrap-up insurance program if all of the following
34 conditions are met:

35 1. The total cost of the project is over fifty million dollars.

36 2. The program maintains completed operations coverage for a term
37 during which coverage is reasonably commercially available as determined by
38 the director of the department of insurance, but in no event for less than
39 three years.

40 3. Bid specifications clearly specify for all bidders the insurance
41 coverage provided under the program and the minimum safety requirements that
42 shall be met.

43 4. The program does not prohibit a contractor or subcontractor from
44 purchasing any additional insurance coverage that a contractor believes is
45 necessary for protection from any liability arising out of the contract. The

1 cost of the additional insurance shall not be passed through to this state on
2 a contract bid.

3 5. The program does not include surety insurance.

4 T. The state may purchase an owner-controlled or wrap-up policy that
5 has a deductible or self-insured retention as long as the deductible or
6 self-insured retention does not exceed one million dollars.

7 U. For the purposes of subsections S and T of this section:

8 1. "Owner-controlled or wrap-up insurance" means a series of insurance
9 policies issued to cover this state and all of the contractors,
10 subcontractors, architects and engineers on a specified contracted work site
11 for purposes of general liability, property damage and workers' compensation.

12 2. "Specific contracted work site" means construction being performed
13 at one site or a series of contiguous sites separated only by a street,
14 roadway, waterway or railroad right-of-way, or along a continuous system for
15 the provision of water and power.

16 V. Notwithstanding any other statute the department of administration
17 may:

18 1. Limit the liability of a person who contracts to provide goods,
19 software or other services to this state.

20 2. Allow the person to disclaim incidental or consequential damages.

21 3. Indemnify or hold harmless any party to the contract.

22 Sec. 126. Section 41-803, Arizona Revised Statutes, is amended to
23 read:

24 41-803. Operation of state motor vehicle fleet; public service
25 announcements; energy conservation; alternative and
26 clean burning fuels; definitions

27 A. The director shall operate a motor vehicle fleet for all state
28 owned motor vehicles for the purpose of providing transportation for state
29 officers and employees, except those officers and employees of any agency or
30 department excluded by subsection E of this section. The director shall make
31 fleet motor vehicles available to state agencies and departments on the
32 request of the chosen representative for that agency or department.

33 B. The director may adopt rules necessary for the administration of
34 the motor vehicle fleet. State agencies and departments, including agencies
35 and departments listed in subsection E of this section, may accept
36 compensation for placing public service announcements on state owned motor
37 vehicles, and monies received shall be deposited, pursuant to sections 35-146
38 and 35-147, in the state general fund. The agency or department director
39 shall determine the appropriateness of the announcements, may exempt any
40 vehicles that are not suitable for advertising and may contract with private
41 parties for design and placement of the announcements.

42 C. The director shall provide for detailed cost, operation,
43 maintenance, mileage and custody records for each state owned vehicle. On or
44 before August 1 of each year, all state agencies and departments, including
45 those listed in subsection E of this section, shall make information

1 available to the director regarding vehicle cost, operation, maintenance and
2 mileage and other information as established by the director in policies and
3 procedures for the purposes of the report prescribed in subsection R of this
4 section.

5 D. Each state department and agency shall pay from available monies
6 the cost of motor vehicle services received from the state motor vehicle
7 fleet at a rate determined by the director.

8 E. The following departments and agencies are excluded from
9 participation in the state motor vehicle fleet:

- 10 1. Department of public safety.
- 11 2. Department of transportation.
- 12 3. Department of economic security.
- 13 4. State department of corrections.
- 14 5. Universities and community colleges.
- 15 6. Arizona state schools for the deaf and the blind.
- 16 7. Cotton research and protection council.
- 17 8. Arizona commerce authority.
- 18 9. DEPARTMENT OF CHILD SAFETY.

19 F. The director shall appoint a person in the office of the director
20 who is the state motor vehicle fleet alternative fuel and clean burning fuel
21 coordinator. The coordinator shall develop, implement, document, monitor and
22 modify as necessary a statewide alternative fuels plan in consultation with
23 all state agencies and departments that are subject to the alternative fuel
24 and clean burning fuel requirements prescribed in this section or any other
25 law. The approval of the coordinator is required for all acquisitions of
26 vehicles pursuant to this section, except for acquisitions by community
27 college districts.

28 G. Purchases of all new motor vehicles that primarily operate in
29 counties with a population of more than two hundred fifty thousand persons
30 and that have a gross vehicle weight of eight thousand five hundred pounds or
31 less, including those agency motor vehicle fleets listed in subsection E of
32 this section, shall meet the following minimum requirements for vehicles:

- 33 1. For model year 1997, ten per cent of new motor vehicles purchased
34 shall be capable of operating on alternative fuels.
- 35 2. For model year 1998, fifteen per cent of new motor vehicles
36 purchased shall be capable of operating on alternative fuels.
- 37 3. For model year 1999, twenty-five per cent of new motor vehicles
38 purchased shall be capable of operating on alternative fuels.
- 39 4. For model year 2000, fifty per cent of new motor vehicles purchased
40 shall be capable of operating on alternative fuels.
- 41 5. For model year 2001 and all subsequent model years, seventy-five
42 per cent of new motor vehicles purchased shall be capable of operating on
43 alternative fuels or clean burning fuels.

1 H. Purchases of new alternative fuel and clean burning fuel vehicles
2 that have a gross vehicle weight of eight thousand five hundred pounds or
3 less shall meet the following minimum requirements for vehicles that
4 primarily operate in counties with a population of more than one million two
5 hundred thousand persons:

6 1. For model year 2000, forty per cent of new alternative fuel and
7 clean burning fuel vehicles purchased shall comply with the United States
8 environmental protection agency standards for low emission vehicles pursuant
9 to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

10 2. For model year 2001, fifty per cent of new alternative fuel and
11 clean burning fuel vehicles purchased shall comply with the United States
12 environmental protection agency standards for low emission vehicles pursuant
13 to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

14 3. For model year 2002, sixty per cent of new alternative fuel and
15 clean burning fuel vehicles purchased shall comply with the United States
16 environmental protection agency standards for low emission vehicles pursuant
17 to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

18 4. For model year 2003, seventy per cent of new alternative fuel and
19 clean burning fuel vehicles purchased shall comply with the United States
20 environmental protection agency standards for low emission vehicles pursuant
21 to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

22 I. The coordinator may waive the requirements of subsection G of this
23 section for any state agency on receipt of certification supported by
24 evidence acceptable to the coordinator that:

25 1. The agency's vehicles will be operating primarily in an area in
26 which neither the agency nor a supplier has established or can reasonably be
27 expected to establish a central refueling station for alternative fuels or
28 clean burning fuels.

29 2. The agency is unable to acquire or be provided equipment or
30 refueling facilities necessary to operate vehicles using alternative fuels or
31 clean burning fuels at a projected cost that is reasonably expected to result
32 in net costs of no greater than thirty per cent more than the net costs
33 associated with the continued use of traditional gasoline or diesel fuels
34 measured over the expected useful life of the equipment or facilities
35 supplied. Applications for waivers shall be filed with the department of
36 environmental quality pursuant to section 49-412. An entity that receives a
37 waiver pursuant to this section shall retrofit fleet heavy-duty diesel
38 vehicles with a gross vehicle weight of eight thousand five hundred pounds or
39 more that were manufactured in or before model year 1993 and that are the
40 subject of the waiver with a technology that is effective at reducing
41 particulate emissions at least twenty-five per cent or more and that has been
42 approved by the United States environmental protection agency pursuant to the
43 urban bus engine retrofit/rebuild program. The entity shall comply with the
44 implementation schedule pursuant to section 49-555.

1 J. The department of administration, through the coordinator, may
2 acquire or be provided equipment or refueling facilities necessary to operate
3 such vehicles using alternative fuels or clean burning fuels:

- 4 1. By purchase or lease as authorized by law.
- 5 2. By gift or loan of the equipment or facilities.
- 6 3. By gift or loan of the equipment or facilities or any other
7 arrangement pursuant to a service contract for the supply of alternative
8 fuels or clean burning fuels.

9 K. The coordinator and the governor's ~~energy~~ office **OF ENERGY POLICY**
10 shall develop and implement a vehicle fleet energy conservation plan for the
11 purposes of reducing vehicle fuel consumption and to encourage and
12 progressively increase the use of alternative fuels and clean burning fuels
13 in state owned vehicles. The plans shall include:

14 1. A timetable by which fleet vehicles shall be replaced with vehicles
15 that have demonstrated high fuel economy estimates within their vehicle
16 class.

17 2. A timetable for increasing the use of alternative fuels and clean
18 burning fuels in fleet vehicles either through purchase or conversion. The
19 timetable shall reflect the following schedule and percentage of vehicles
20 which operate on alternative fuels or clean burning fuels:

21 (a) Not less than forty per cent of the total fleet by December 31,
22 1995, except for community college districts. Community college districts
23 shall comply by December 31, 2002.

24 (b) Not less than ninety per cent of the total fleet operating
25 primarily in counties with populations exceeding one million two hundred
26 thousand persons according to the most recent federal decennial census by
27 December 31, 1997, except for community college districts. Community college
28 districts shall comply by December 31, 2004.

29 3. Options for increasing, whenever possible, the use of vehicles that
30 have the capability to use available alternative fuels or clean burning
31 fuels, or vehicles that may be economically converted, if needed, for the use
32 of alternative fuels or clean burning fuels.

33 4. Options for the use of demonstrated innovative technologies that
34 promote energy conservation and reduced fuel consumption.

35 5. Methods that promote efficient trip planning and state vehicle use.

36 6. Car pooling and van pooling for agency employees for commuting and
37 job related travel.

38 L. The coordinator shall identify specific vehicle models within each
39 vehicle class that would meet the demands of each state agency and that
40 demonstrate a high degree of fuel economy. Vehicle classes and fuel economy
41 comparisons shall be based on United States department of energy and United
42 States environmental protection agency data pursuant to title 15 United
43 States Code sections 2003 through 2006. For the use of an alcohol fueled
44 vehicle, the state agency shall demonstrate to the director that the fuel for

1 the vehicle is available within a ten mile radius of the primary home base of
2 that vehicle.

3 M. Subsections G, H, I, J, K, L, N, O and P of this section do not
4 apply to the purchase or lease of the following:

- 5 1. A vehicle to be used primarily for criminal law enforcement.
- 6 2. A motorcycle.
- 7 3. An all-terrain vehicle.
- 8 4. An ambulance.
- 9 5. A fire truck, a fire engine or any other fire suppression
10 apparatus.

11 N. Any contract for conversion of vehicles to alternative fuels
12 pursuant to this section shall be entered into by competitive sealed
13 proposals pursuant to section 41-2534.

14 O. If everything else is equal, when contracting for vehicles to
15 satisfy the requirements prescribed in this section, preference shall be
16 given to vehicles with the lowest emissions levels.

17 P. The departments and agencies excluded from participation in the
18 state motor vehicle fleet pursuant to subsection E of this section shall
19 develop and implement a program for alternative fuels and clean burning fuels
20 and fuel economy for their motor vehicle fleets substantially similar to the
21 standards set forth in this section, and the program shall be submitted to
22 the coordinator for review.

23 Q. All agencies, including those listed in subsection E of this
24 section, shall comply with the plan developed and implemented by the
25 coordinator pursuant to subsection F of this section.

26 R. On or before November 1 of each year, the director shall submit a
27 report to the governor, the speaker of the house of representatives, the
28 president of the senate, the governor's office of strategic planning and
29 budgeting and the joint legislative budget committee concerning the use of
30 alternative fuels and clean burning fuels in the state motor vehicle
31 fleet. The report shall include at least the following:

- 32 1. The number of state fleet vehicles.
- 33 2. The number of state fleet vehicles used primarily in Maricopa
34 county.
- 35 3. The number of state fleet vehicles capable of using alternative
36 fuels or clean burning fuels.
- 37 4. Progress on compliance with federal and state guidelines mandating
38 the conversion of state fleet vehicles to alternatively fueled vehicles.
- 39 5. Alternative fuels and clean burning fuels usage data.
- 40 6. Information received from state agencies pursuant to subsection C
41 of this section.
- 42 7. Information gathered from local offices of federal agencies
43 regarding progress made toward implementing the federal mandates relating to
44 the conversion of motor vehicle fleets to alternative fuels or clean burning
45 fuels pursuant to subsection G of this section.

1 S. If the requirements of subsections G, H and K of this section are
2 met by the use of clean burning fuel, vehicle equivalents under those
3 requirements shall be calculated as follows:

4 1. One vehicle equivalent for every four hundred fifty gallons of neat
5 biodiesel or two thousand two hundred fifty gallons of a diesel fuel
6 substitute prescribed in section 1-215, paragraph 7, subdivision (b) in
7 vehicles with a gross vehicle weight rating of at least eighty-five hundred
8 pounds.

9 2. One vehicle equivalent for every five hundred thirty gallons of the
10 fuel prescribed in section 1-215, paragraph 7, subdivision (d).

11 T. For the purposes of this section:

12 1. "Alternative fuels" has the same meaning prescribed in section
13 1-215.

14 2. "Clean burning fuels" has the same meaning prescribed in section
15 1-215.

16 3. "New motor vehicle" means an original equipment manufactured
17 vehicle, a converted original equipment manufactured vehicle or an original
18 equipment manufactured vehicle that will be converted.

19 Sec. 127. Section 41-1005, Arizona Revised Statutes, as amended by
20 Laws 2013, first special session, chapter 10, section 10, is amended to read:

21 41-1005. Exemptions

22 A. This chapter does not apply to any:

23 1. Rule that relates to the use of public works, including streets and
24 highways, under the jurisdiction of an agency if the effect of the order is
25 indicated to the public by means of signs or signals.

26 2. Order or rule of the Arizona game and fish commission ~~adopted~~
27 ~~pursuant to section 5-321 or 5-327 that establishes a fee or section 17-333~~
28 ~~that establishes a license classification, fee or application fee.~~ THAT DOES
29 THE FOLLOWING:

30 (a) OPENS, CLOSSES OR ALTERS SEASONS OR ESTABLISHES BAG OR POSSESSION
31 LIMITS FOR WILDLIFE.

32 (b) ESTABLISHES A FEE PURSUANT TO SECTION 5-321, 5-322 OR 5-327.

33 (c) ESTABLISHES A LICENSE CLASSIFICATION, FEE OR APPLICATION FEE
34 PURSUANT TO TITLE 17, CHAPTER 3, ARTICLE 2.

35 3. Rule relating to section 28-641 or to any rule regulating motor
36 vehicle operation that relates to speed, parking, standing, stopping or
37 passing enacted pursuant to title 28, chapter 3.

38 4. Rule concerning only the internal management of an agency that does
39 not directly and substantially affect the procedural or substantive rights or
40 duties of any segment of the public.

41 5. Rule that only establishes specific prices to be charged for
42 particular goods or services sold by an agency.

43 6. Rule concerning only the physical servicing, maintenance or care of
44 agency owned or operated facilities or property.

- 1 7. Rule or substantive policy statement concerning inmates or
2 committed youths of a correctional or detention facility in secure custody or
3 patients admitted to a hospital, if made by the state department of
4 corrections, the department of juvenile corrections, the board of executive
5 clemency or the department of health services or a facility or hospital under
6 the jurisdiction of the state department of corrections, the department of
7 juvenile corrections or the department of health services.
- 8 8. Form whose contents or substantive requirements are prescribed by
9 rule or statute, and instructions for the execution or use of the form.
- 10 9. Capped fee-for-service schedule adopted by the Arizona health care
11 cost containment system administration pursuant to title 36, chapter 29.
- 12 10. Fees prescribed by section 6-125.
- 13 11. Order of the director of water resources adopting or modifying a
14 management plan pursuant to title 45, chapter 2, article 9.
- 15 12. Fees established under section 3-1086.
- 16 13. Fee-for-service schedule adopted by the department of ~~economic~~
17 ~~security~~ CHILD SAFETY pursuant to section 8-512.
- 18 14. Fees established under sections 41-2144 and 41-2189.
- 19 15. Rule or other matter relating to agency contracts.
- 20 16. Fees established under section 32-2067 or 32-2132.
- 21 17. Rules made pursuant to section 5-111, subsection A.
- 22 18. Rules made by the Arizona state parks board concerning the
23 operation of the Tonto natural bridge state park, the facilities located in
24 the Tonto natural bridge state park and the entrance fees to the Tonto
25 natural bridge state park.
- 26 19. Fees or charges established under section 41-511.05.
- 27 20. Emergency medical services protocols except as provided in section
28 36-2205, subsection B.
- 29 21. Fee schedules established pursuant to section 36-3409.
- 30 22. Procedures of the state transportation board as prescribed in
31 section 28-7048.
- 32 23. Rules made by the state department of corrections.
- 33 24. Fees prescribed pursuant to section 32-1527.
- 34 25. Rules made by the department of economic security pursuant to
35 section 46-805.
- 36 26. Schedule of fees prescribed by section 23-908.
- 37 27. Procedure that is established pursuant to title 23, chapter 6,
38 article 6.
- 39 28. Rules, administrative policies, procedures and guidelines adopted
40 for any purpose by the Arizona commerce authority pursuant to chapter 10 of
41 this title if the authority provides, as appropriate under the circumstances,
42 for notice of an opportunity for comment on the proposed rules,
43 administrative policies, procedures and guidelines.

1 29. Rules made by a marketing commission or marketing committee
2 pursuant to section 3-414.

3 30. Administration of public assistance program monies authorized for
4 liabilities that are incurred for disasters declared pursuant to sections
5 26-303 and 35-192.

6 31. User charges, tolls, fares, rents, advertising and sponsorship
7 charges, services charges or similar charges established pursuant to section
8 28-7705.

9 32. Administration and implementation of the hospital assessment
10 pursuant to section 36-2901.08, except that the Arizona health care cost
11 containment system administration must provide notice and an opportunity for
12 public comment at least thirty days before establishing or implementing the
13 administration of the assessment.

14 B. Notwithstanding subsection A, paragraph 22 of this section, at such
15 time as the federal highway administration authorizes the privatization of
16 rest areas, the state transportation board shall make rules governing the
17 lease or license by the department of transportation to a private entity for
18 the purposes of privatization of a rest area.

19 C. Coincident with the making of a final rule pursuant to an exemption
20 from the applicability of this chapter under this section, another statute or
21 session law, the agency shall file a copy of the rule with the secretary of
22 state for publication pursuant to section 41-1012 and provide a copy to the
23 council.

24 D. Unless otherwise required by law, articles 2, 3, 4 and 5 of this
25 chapter do not apply to the Arizona board of regents and the institutions
26 under its jurisdiction, except that the Arizona board of regents shall make
27 policies or rules for the board and the institutions under its jurisdiction
28 that provide, as appropriate under the circumstances, for notice of and
29 opportunity for comment on the policies or rules proposed.

30 E. Unless otherwise required by law, articles 2, 3, 4 and 5 of this
31 chapter do not apply to the Arizona state schools for the deaf and the blind,
32 except that the board of directors of all the state schools for the deaf and
33 the blind shall adopt policies for the board and the schools under its
34 jurisdiction that provide, as appropriate under the circumstances, for notice
35 of and opportunity for comment on the policies proposed for adoption.

36 F. Unless otherwise required by law, articles 2, 3, 4 and 5 of this
37 chapter do not apply to the state board of education, except that the state
38 board of education shall adopt policies or rules for the board and the
39 institutions under its jurisdiction that provide, as appropriate under the
40 circumstances, for notice of and opportunity for comment on the policies or
41 rules proposed for adoption. In order to implement or change any rule, the
42 state board of education shall provide at least two opportunities for public
43 comment.

1 Sec. 128. Repeal
2 Laws 2013, chapter 231, section 3 is repealed.

3 Sec. 129. Repeal
4 Section ~~41-1005~~, Arizona Revised Statutes, as amended by Laws 2013,
5 chapter 231, section 4, is repealed.

6 Sec. 130. Section 41-1092.02, Arizona Revised Statutes, is amended to
7 read:

8 ~~41-1092.02.~~ Appealable agency actions; application of
9 procedural rules; exemption from article

10 A. This article applies to all contested cases as defined in section
11 41-1001 and all appealable agency actions, except contested cases with or
12 appealable agency actions of:

- 13 1. The state department of corrections.
- 14 2. The board of executive clemency.
- 15 3. The industrial commission of Arizona.
- 16 4. The Arizona corporation commission.
- 17 5. The Arizona board of regents and institutions under its
18 jurisdiction.
- 19 6. The state personnel board.
- 20 7. The department of juvenile corrections.
- 21 8. The department of transportation.
- 22 9. The department of economic security except as provided in ~~sections~~
23 ~~8-506.01, 8-811 and~~ SECTION 46-458.
- 24 10. The department of revenue regarding:
 - 25 (a) Income tax or withholding tax.
 - 26 (b) Any tax issue related to information associated with the reporting
27 of income tax or withholding tax unless the taxpayer requests in writing that
28 this article apply and waives confidentiality under title 42, chapter 2,
29 article 1.
- 30 11. The board of tax appeals.
- 31 12. The state board of equalization.
- 32 13. The state board of education, but only in connection with contested
33 cases and appealable agency actions related to applications for issuance or
34 renewal of a certificate and discipline of certificate holders pursuant to
35 sections 15-203, 15-534, 15-534.01, 15-535, 15-545 and 15-550.
- 36 14. The board of fingerprinting.
- 37 15. **THE DEPARTMENT OF CHILD SAFETY EXCEPT AS PROVIDED IN SECTIONS**
38 **8-506.01 AND 8-811.**

39 B. Unless waived by all parties, an administrative law judge shall
40 conduct all hearings under this article, and the procedural rules set forth
41 in this article and rules made by the director apply.

42 C. Except as provided in subsection A of this section:

- 43 1. A contested case heard by the office of administrative hearings
44 regarding taxes administered under title 42 shall be subject to the
45 provisions under section 42-1251.

1 2. A final decision of the office of administrative hearings regarding
2 taxes administered under title 42 may be appealed by either party to the
3 director of the department of revenue, or a taxpayer may file and appeal
4 directly to the board of tax appeals pursuant to section 42-1253.

5 D. Except as provided in subsections A, B, E, F and G of this section
6 and notwithstanding any other administrative proceeding or judicial review
7 process established in statute or administrative rule, this article applies
8 to all appealable agency actions and to all contested cases.

9 E. Except for a contested case or an appealable agency action
10 regarding unclaimed property, sections 41-1092.03, 41-1092.08 and 41-1092.09
11 do not apply to the department of revenue.

12 F. The board of appeals established by section 37-213 is exempt from:

13 1. The time frames for hearings and decisions provided in section
14 41-1092.05, subsection A, section 41-1092.08 and section 41-1092.09.

15 2. The requirement in section 41-1092.06, subsection A to hold an
16 informal settlement conference at the appellant's request if the sole subject
17 of an appeal pursuant to section 37-215 is the estimate of value reported in
18 an appraisal of lands or improvements.

19 G. Auction protest procedures pursuant to title 37, chapter 2, article
20 4.1 are exempt from this article.

21 Sec. 131. Section 41-1376, Arizona Revised Statutes, is amended to
22 read:

23 41-1376. Powers and duties

24 A. The ombudsman-citizens aide shall:

25 1. Investigate the administrative acts of agencies pursuant to section
26 41-1377, subsections A and B except as provided in section 41-1377,
27 subsections C, D and E. The ombudsman-citizens aide shall investigate the
28 administrative acts of an agency without regard to the finality of the
29 administrative act.

30 2. Annually before January 1 prepare a written report to the governor,
31 the legislature and the public that contains a summary of the
32 ombudsman-citizens aide's activities during the previous fiscal year. The
33 ombudsman-citizens aide shall semiannually present this report before the
34 legislative council. This report shall include:

35 (a) The ombudsman-citizens aide's mission statement.

36 (b) The number of matters that were within each of the categories
37 specified in section 41-1379, subsection B.

38 (c) Legislative issues affecting the ombudsman-citizens aide.

39 (d) Selected case studies that illustrate the ombudsman-citizens
40 aide's work and reasons for complaints.

41 (e) Ombudsman-citizens aide's contact statistics.

42 (f) Ombudsman-citizens aide's staff.

43 3. Before conducting the first investigation adopt rules that ensure
44 that confidential information that is gathered will not be disclosed.

1 4. Appoint a deputy ombudsman and prescribe the duties of employees
2 or, subject to appropriation, contract for the services of independent
3 contractors necessary to administer the duties of the office of
4 ombudsman-citizens aide. All staff serves at the pleasure of the
5 ombudsman-citizens aide, and they are exempt from chapter 4, articles 5 and 6
6 of this title. All staff shall be subject to the conflict of interest
7 provisions of title 38, chapter 3, article 8.

8 5. Before conducting the first investigation, adopt rules that
9 establish procedures for receiving and processing complaints, including
10 guidelines to ensure each complainant has exhausted all reasonable
11 alternatives within the agency, conducting investigations, incorporating
12 agency responses into recommendations and reporting findings.

13 6. Notify the chief executive or administrative officer of the agency
14 in writing of the intention to investigate unless notification would unduly
15 hinder the investigation or make the investigation ineffectual.

16 7. Appoint an assistant to help the ombudsman-citizens aide
17 investigate complaints relating to ~~child protective services in~~ the
18 department of ~~economic security~~ CHILD SAFETY. The assistant shall have
19 expertise in ~~child protective services~~ THE DEPARTMENT OF CHILD SAFETY
20 procedures and laws. Notwithstanding any law to the contrary, the
21 ombudsman-citizens aide and the assistant have access to ~~child protective~~
22 ~~services~~ THE DEPARTMENT OF CHILD SAFETY records and to any automated case
23 management system used by ~~child protective services in~~ the department of
24 ~~economic security~~ CHILD SAFETY.

25 B. After the conclusion of an investigation and notice to the head of
26 the agency pursuant to section 41-1379, the ombudsman-citizens aide may
27 present the ombudsman-citizens aide's opinion and recommendations to the
28 governor, the legislature, the office of the appropriate prosecutor or the
29 public, or any combination of these persons. The ombudsman-citizens aide
30 shall include in the opinion the reply of the agency, including those issues
31 that were resolved as a result of the ombudsman-citizens aide's preliminary
32 opinion or recommendation.

33 Sec. 132. Section 41-1380, Arizona Revised Statutes, is amended to
34 read:

35 41-1380. Ombudsman-citizens aide protections

36 A. A civil action may not be brought against the ombudsman-citizens
37 aide or the staff of the ombudsman-citizens aide for any action or omission
38 in performing the duties under this article except for gross negligence or
39 intentional wrongful acts or omissions except as provided in title 38,
40 chapter 3, article 8.

41 B. A proceeding or decision of the ombudsman-citizens aide may be
42 reviewed in superior court only to determine if it is contrary to this
43 article.

1 C. The ombudsman-citizens aide and the staff of the ombudsman-citizens
2 aide shall not be required to testify in court regarding matters that come to
3 their attention in the exercise of their duties except as may be necessary to
4 enforce this article.

5 D. Records and files maintained by the ombudsman-citizens aide are not
6 public records and are exempt from title 39, chapter 1. The information
7 contained in these records and files that were prepared pursuant to an
8 investigation conducted under this article are not subject to disclosure
9 except to the attorney general or any county attorney in connection with an
10 investigation that has been referred to the attorney general or a county
11 attorney pursuant to section 41-1379. For the purposes of this subsection,
12 "records and files" means all information the department of ~~economic security~~
13 ~~CHILD SAFETY~~ and the office of the ombudsman-citizens aide ~~gathers~~ GATHER
14 during the course of a ~~child-protective-services~~ DEPARTMENT OF CHILD SAFETY
15 investigation conducted under this article from the time a file is opened ~~and~~
16 until it is closed. Records and files do not include information that is
17 contained in child welfare agency licensing records.

18 Sec. 133. Section 41-1750, Arizona Revised Statutes, is amended to
19 read:

20 41-1750. Central state repository; department of public safety;
21 duties; funds; accounts; definitions

22 A. The department is responsible for the effective operation of the
23 central state repository in order to collect, store and disseminate complete
24 and accurate Arizona criminal history records and related criminal justice
25 information. The department shall:

26 1. Procure from all criminal justice agencies in this state accurate
27 and complete personal identification data, fingerprints, charges, process
28 control numbers and dispositions and such other information as may be
29 pertinent to all persons who have been charged with, arrested for, convicted
30 of or summoned to court as a criminal defendant for a felony offense or an
31 offense involving domestic violence as defined in section 13-3601 or a
32 violation of title 13, chapter 14 or title 28, chapter 4.

33 2. Collect information concerning the number and nature of offenses
34 known to have been committed in this state and of the legal steps taken in
35 connection with these offenses, such other information that is useful in the
36 study of crime and in the administration of criminal justice and all other
37 information deemed necessary to operate the statewide uniform crime reporting
38 program and to cooperate with the federal government uniform crime reporting
39 program.

40 3. Collect information concerning criminal offenses that manifest
41 evidence of prejudice based on race, color, religion, national origin, sexual
42 orientation, gender or disability.

43 4. Cooperate with the central state repositories in other states and
44 with the appropriate agency of the federal government in the exchange of
45 information pertinent to violators of the law.

1 5. Ensure the rapid exchange of information concerning the commission
2 of crime and the detection of violators of the law among the criminal justice
3 agencies of other states and of the federal government.

4 6. Furnish assistance to peace officers throughout this state in crime
5 scene investigation for the detection of latent fingerprints and in the
6 comparison of latent fingerprints.

7 7. Conduct periodic operational audits of the central state repository
8 and of a representative sample of other agencies that contribute records to
9 or receive criminal justice information from the central state repository or
10 through the Arizona criminal justice information system.

11 8. Establish and enforce the necessary physical and system safeguards
12 to ensure that the criminal justice information maintained and disseminated
13 by the central state repository or through the Arizona criminal justice
14 information system is appropriately protected from unauthorized inquiry,
15 modification, destruction or dissemination as required by this section.

16 9. Aid and encourage coordination and cooperation among criminal
17 justice agencies through the statewide and interstate exchange of criminal
18 justice information.

19 10. Provide training and proficiency testing on the use of criminal
20 justice information to agencies receiving information from the central state
21 repository or through the Arizona criminal justice information system.

22 11. Operate and maintain the Arizona automated fingerprint
23 identification system established by section 41-2411.

24 12. Provide criminal history record information to the fingerprinting
25 division for the purpose of screening applicants for fingerprint clearance
26 cards.

27 B. The director may establish guidelines for the submission and
28 retention of criminal justice information as deemed useful for the study or
29 prevention of crime and for the administration of criminal justice.

30 C. The chief officers of criminal justice agencies of this state or
31 its political subdivisions shall provide to the central state repository
32 fingerprints and information concerning personal identification data,
33 descriptions, crimes for which persons are arrested, process control numbers
34 and dispositions and such other information as may be pertinent to all
35 persons who have been charged with, arrested for, convicted of or summoned to
36 court as criminal defendants for felony offenses or offenses involving
37 domestic violence as defined in section 13-3601 or violations of title 13,
38 chapter 14 or title 28, chapter 4 that have occurred in this state.

39 D. The chief officers of law enforcement agencies of this state or its
40 political subdivisions shall provide to the department such information as
41 necessary to operate the statewide uniform crime reporting program and to
42 cooperate with the federal government uniform crime reporting program.

43 E. The chief officers of criminal justice agencies of this state or
44 its political subdivisions shall comply with the training and proficiency

1 testing guidelines as required by the department to comply with the federal
2 national crime information center mandates.

3 F. The chief officers of criminal justice agencies of this state or
4 its political subdivisions also shall provide to the department information
5 concerning crimes that manifest evidence of prejudice based on race, color,
6 religion, national origin, sexual orientation, gender or disability.

7 G. The director shall authorize the exchange of criminal justice
8 information between the central state repository, or through the Arizona
9 criminal justice information system, whether directly or through any
10 intermediary, only as follows:

11 1. With criminal justice agencies of the federal government, Indian
12 tribes, this state or its political subdivisions and other states, on request
13 by the chief officers of such agencies or their designated representatives,
14 specifically for the purposes of the administration of criminal justice and
15 for evaluating the fitness of current and prospective criminal justice
16 employees.

17 2. With any noncriminal justice agency pursuant to a statute,
18 ordinance or executive order that specifically authorizes the noncriminal
19 justice agency to receive criminal history record information for the purpose
20 of evaluating the fitness of current or prospective licensees, employees,
21 contract employees or volunteers, on submission of the subject's fingerprints
22 and the prescribed fee. Each statute, ordinance, or executive order that
23 authorizes noncriminal justice agencies to receive criminal history record
24 information for these purposes shall identify the specific categories of
25 licensees, employees, contract employees or volunteers, and shall require
26 that fingerprints of the specified individuals be submitted in conjunction
27 with such requests for criminal history record information.

28 3. With the board of fingerprinting for the purpose of conducting good
29 cause exceptions pursuant to section 41-619.55 and central registry
30 exceptions pursuant to section 41-619.57.

31 4. With any individual for any lawful purpose on submission of the
32 subject of record's fingerprints and the prescribed fee.

33 5. With the governor, if the governor elects to become actively
34 involved in the investigation of criminal activity or the administration of
35 criminal justice in accordance with the governor's constitutional duty to
36 ensure that the laws are faithfully executed or as needed to carry out the
37 other responsibilities of the governor's office.

38 6. With regional computer centers that maintain authorized
39 computer-to-computer interfaces with the department, that are criminal
40 justice agencies or under the management control of a criminal justice agency
41 and that are established by a statute, ordinance or executive order to
42 provide automated data processing services to criminal justice agencies
43 specifically for the purposes of the administration of criminal justice or
44 evaluating the fitness of regional computer center employees who have access

1 to the Arizona criminal justice information system and the national crime
2 information center system.

3 7. With an individual who asserts a belief that criminal history
4 record information relating to the individual is maintained by an agency or
5 in an information system in this state that is subject to this section. On
6 submission of fingerprints, the individual may review this information for
7 the purpose of determining its accuracy and completeness by making
8 application to the agency operating the system. Rules adopted under this
9 section shall include provisions for administrative review and necessary
10 correction of any inaccurate or incomplete information. The review and
11 challenge process authorized by this paragraph is limited to criminal history
12 record information.

13 8. With individuals and agencies pursuant to a specific agreement with
14 a criminal justice agency to provide services required for the administration
15 of criminal justice pursuant to that agreement if the agreement specifically
16 authorizes access to data, limits the use of data to purposes for which given
17 and ensures the security and confidentiality of the data consistent with this
18 section.

19 9. With individuals and agencies for the express purpose of research,
20 evaluative or statistical activities pursuant to an agreement with a criminal
21 justice agency if the agreement specifically authorizes access to data,
22 limits the use of data to research, evaluative or statistical purposes and
23 ensures the confidentiality and security of the data consistent with this
24 section.

25 10. With the auditor general for audit purposes.

26 11. With central state repositories of other states for noncriminal
27 justice purposes for dissemination in accordance with the laws of those
28 states.

29 12. On submission of the fingerprint card, with the department of
30 ~~economic security~~ CHILD SAFETY to provide criminal history record information
31 on prospective adoptive parents for the purpose of conducting the preadoption
32 certification investigation under title 8, chapter 1, article 1 if the
33 department of economic security is conducting the investigation, or with an
34 agency or a person appointed by the court, if the agency or person is
35 conducting the investigation. Information received under this paragraph
36 shall only be used for the purposes of the preadoption certification
37 investigation.

38 13. With the department of ~~economic security~~ CHILD SAFETY and the
39 superior court for the purpose of evaluating the fitness of custodians or
40 prospective custodians of juveniles, including parents, relatives and
41 prospective guardians. Information received under this paragraph shall only
42 be used for the purposes of that evaluation. The information shall be
43 provided on submission of either:

44 (a) The fingerprint card.

45 (b) The name, date of birth and social security number of the person.

- 1 14. On submission of a fingerprint card, provide criminal history
2 record information to the superior court for the purpose of evaluating the
3 fitness of investigators appointed under section 14-5303 or 14-5407,
4 guardians appointed under section 14-5206 or 14-5304, or conservators
5 appointed under section 14-5401.
- 6 15. With the supreme court to provide criminal history record
7 information on prospective fiduciaries pursuant to section 14-5651.
- 8 16. With the department of juvenile corrections to provide criminal
9 history record information pursuant to section 41-2814.
- 10 17. On submission of the fingerprint card, provide criminal history
11 record information to the Arizona peace officer standards and training board
12 or a board certified law enforcement academy to evaluate the fitness of
13 prospective cadets.
- 14 18. With the internet sex offender web site database established
15 pursuant to section 13-3827.
- 16 19. With licensees of the United States nuclear regulatory commission
17 for the purpose of determining whether an individual should be granted
18 unescorted access to the protected area of a commercial nuclear generating
19 station on submission of the subject of record's fingerprints and the
20 prescribed fee.
- 21 20. With the state board of education for the purpose of evaluating the
22 fitness of a certificated teacher or administrator or an applicant for a
23 teaching or an administrative certificate provided that the state board of
24 education or its employees or agents have reasonable suspicion that the
25 certificated person engaged in conduct that would be a criminal violation of
26 the laws of this state or was involved in immoral or unprofessional conduct
27 or that the applicant engaged in conduct that would warrant disciplinary
28 action if the applicant were certificated at the time of the alleged conduct.
29 The information shall be provided on the submission of either:
- 30 (a) The fingerprint card.
- 31 (b) The name, date of birth and social security number of the person.
- 32 21. With each school district and charter school in this state. The
33 state board of education and the state board for charter schools shall
34 provide the department of public safety with a current list of e-mail
35 addresses for each school district and charter school in this state and shall
36 periodically provide the department of public safety with updated e-mail
37 addresses. If the department of public safety is notified that a person who
38 is required to have a fingerprint clearance card to be employed by or to
39 engage in volunteer activities at a school district or charter school has
40 been arrested for or convicted of an offense listed in section 41-1758.03,
41 subsection B or has been arrested for or convicted of an offense that amounts
42 to unprofessional conduct under section 15-550, the department of public
43 safety shall notify each school district and charter school in this state
44 that the person's fingerprint clearance card has been suspended or revoked.

1 22. With ~~the child protective services division of~~ the department of
2 ~~economic security~~ CHILD SAFETY as provided by law, which currently is the
3 Adam Walsh child protection and safety act of 2006 (42 United States Code
4 section 16961), for the purposes of investigating or responding to reports of
5 child abuse, neglect or exploitation. Information received pursuant to this
6 paragraph from the national crime information center, the interstate
7 identification index and the Arizona criminal justice information system
8 network shall only be used for the purposes of investigating or responding as
9 prescribed in this paragraph. The information shall be provided on
10 submission to the department of public safety of either:

11 (a) The fingerprints of the person being investigated.

12 (b) The name, date of birth and social security number of the person.

13 23. With a nonprofit organization that interacts with children or
14 vulnerable adults for the lawful purpose of evaluating the fitness of all
15 current and prospective employees, contractors and volunteers of the
16 organization. The criminal history record information shall be provided on
17 submission of the applicant fingerprint card and the prescribed fee.

18 H. The director shall adopt rules necessary to execute this section.

19 I. The director, in the manner prescribed by law, shall remove and
20 destroy records that the director determines are no longer of value in the
21 detection or prevention of crime.

22 J. The director shall establish a fee in an amount necessary to cover
23 the cost of federal noncriminal justice fingerprint processing for criminal
24 history record information checks that are authorized by law for noncriminal
25 justice employment, licensing or other lawful purposes. An additional fee
26 may be charged by the department for state noncriminal justice fingerprint
27 processing. Fees submitted to the department for state noncriminal justice
28 fingerprint processing are not refundable.

29 K. The director shall establish a fee in an amount necessary to cover
30 the cost of processing copies of department reports, eight by ten inch black
31 and white photographs or eight by ten inch color photographs of traffic
32 accident scenes.

33 L. Except as provided in subsection O of this section, each agency
34 authorized by this section may charge a fee, in addition to any other fees
35 prescribed by law, in an amount necessary to cover the cost of state and
36 federal noncriminal justice fingerprint processing for criminal history
37 record information checks that are authorized by law for noncriminal justice
38 employment, licensing or other lawful purposes.

39 M. A fingerprint account within the records processing fund is
40 established for the purpose of separately accounting for the collection and
41 payment of fees for noncriminal justice fingerprint processing by the
42 department. Monies collected for this purpose shall be credited to the
43 account, and payments by the department to the United States for federal
44 noncriminal justice fingerprint processing shall be charged against the
45 account. Monies in the account not required for payment to the United States

1 shall be used by the department in support of the department's noncriminal
2 justice fingerprint processing duties. At the end of each fiscal year, any
3 balance in the account not required for payment to the United States or to
4 support the department's noncriminal justice fingerprint processing duties
5 reverts to the state general fund.

6 N. A records processing fund is established for the purpose of
7 separately accounting for the collection and payment of fees for department
8 reports and photographs of traffic accident scenes processed by the
9 department. Monies collected for this purpose shall be credited to the fund
10 and shall be used by the department in support of functions related to
11 providing copies of department reports and photographs. At the end of each
12 fiscal year, any balance in the fund not required for support of the
13 functions related to providing copies of department reports and photographs
14 reverts to the state general fund.

15 O. The department of ~~economic security~~ CHILD SAFETY may pay from
16 appropriated monies the cost of federal fingerprint processing or federal
17 criminal history record information checks that are authorized by law for
18 employees and volunteers of the department, guardians pursuant to section
19 ~~46-134~~ 8-453, subsection A, paragraph ~~15~~ 7, the licensing of foster parents
20 or the certification of adoptive parents.

21 P. The director shall adopt rules that provide for:

- 22 1. The collection and disposition of fees pursuant to this section.
- 23 2. The refusal of service to those agencies that are delinquent in
24 paying these fees.

25 Q. The director shall ensure that the following limitations are
26 observed regarding dissemination of criminal justice information obtained
27 from the central state repository or through the Arizona criminal justice
28 information system:

29 1. Any criminal justice agency that obtains criminal justice
30 information from the central state repository or through the Arizona criminal
31 justice information system assumes responsibility for the security of the
32 information and shall not secondarily disseminate this information to any
33 individual or agency not authorized to receive this information directly from
34 the central state repository or originating agency.

35 2. Dissemination to an authorized agency or individual may be
36 accomplished by a criminal justice agency only if the dissemination is for
37 criminal justice purposes in connection with the prescribed duties of the
38 agency and not in violation of this section.

39 3. Criminal history record information disseminated to noncriminal
40 justice agencies or to individuals shall be used only for the purposes for
41 which it was given. Secondary dissemination is prohibited unless otherwise
42 authorized by law.

43 4. The existence or nonexistence of criminal history record
44 information shall not be confirmed to any individual or agency not authorized
45 to receive the information itself.

1 5. Criminal history record information to be released for noncriminal
2 justice purposes to agencies of other states shall only be released to the
3 central state repositories of those states for dissemination in accordance
4 with the laws of those states.

5 6. Criminal history record information shall be released to
6 noncriminal justice agencies of the federal government pursuant to the terms
7 of the federal security clearance information act (P.L. 99-169).

8 R. This section and the rules adopted under this section apply to all
9 agencies and individuals collecting, storing or disseminating criminal
10 justice information processed by manual or automated operations if the
11 collection, storage or dissemination is funded in whole or in part with
12 monies made available by the law enforcement assistance administration after
13 July 1, 1973, pursuant to title I of the crime control act of 1973, and to
14 all agencies that interact with or receive criminal justice information from
15 or through the central state repository and through the Arizona criminal
16 justice information system.

17 S. This section does not apply to criminal history record information
18 contained in:

19 1. Posters, arrest warrants, announcements or lists for identifying or
20 apprehending fugitives or wanted persons.

21 2. Original records of entry such as police blotters maintained by
22 criminal justice agencies, compiled chronologically and required by law or
23 long-standing custom to be made public if these records are organized on a
24 chronological basis.

25 3. Transcripts or records of judicial proceedings if released by a
26 court or legislative or administrative proceedings.

27 4. Announcements of executive clemency or pardon.

28 5. Computer databases, other than the Arizona criminal justice
29 information system, that are specifically designed for community notification
30 of an offender's presence in the community pursuant to section 13-3825 or for
31 public informational purposes authorized by section 13-3827.

32 T. Nothing in this section prevents a criminal justice agency from
33 disclosing to the public criminal history record information that is
34 reasonably contemporaneous to the event for which an individual is currently
35 within the criminal justice system, including information noted on traffic
36 accident reports concerning citations, blood alcohol tests or arrests made in
37 connection with the traffic accident being investigated.

38 U. In order to ensure that complete and accurate criminal history
39 record information is maintained and disseminated by the central state
40 repository:

41 1. The arresting authority shall take legible ten-print fingerprints
42 of all persons who are arrested for offenses listed in subsection C of this
43 section including persons who are arrested and released pursuant to section
44 13-3903, subsection C. The arresting authority may transfer an arrestee to a
45 booking agency for ten-print fingerprinting. The arresting authority or

1 booking agency shall obtain a process control number and provide to the
2 person fingerprinted a document that indicates proof of the fingerprinting
3 and that informs the person that the document must be presented to the court.

4 2. The mandatory fingerprint compliance form shall contain the
5 following information:

6 (a) Whether ten-print fingerprints have been obtained from the person.

7 (b) Whether a process control number was obtained.

8 (c) The offense or offenses for which the process control number was
9 obtained.

10 (d) Any report number of the arresting authority.

11 (e) Instructions on reporting for ten-print fingerprinting, including
12 available times and locations for reporting for ten-print fingerprinting.

13 (f) Instructions that direct the person to provide the form to the
14 court at the person's next court appearance.

15 3. Within ten days after a person is fingerprinted, the arresting
16 authority or agency that took the fingerprints shall forward the fingerprints
17 to the department in the manner or form required by the department.

18 4. On the issuance of a summons for a defendant who is charged with an
19 offense listed in subsection C of this section, the summons shall direct the
20 defendant to provide ten-print fingerprints to the appropriate law
21 enforcement agency.

22 5. At the initial appearance or on the arraignment of a summoned
23 defendant who is charged with an offense listed in subsection C of this
24 section, if the person does not present a completed mandatory fingerprint
25 compliance form to the court or if the court has not received the process
26 control number, the court shall order that within twenty calendar days the
27 defendant be ten-print fingerprinted at a designated time and place by the
28 appropriate law enforcement agency.

29 6. If the defendant fails to present a completed mandatory fingerprint
30 compliance form or if the court has not received the process control number,
31 the court, on its own motion, may remand the defendant into custody for
32 ten-print fingerprinting. If otherwise eligible for release, the defendant
33 shall be released from custody after being ten-print fingerprinted.

34 7. In every criminal case in which the defendant is incarcerated or
35 fingerprinted as a result of the charge, an originating law enforcement
36 agency or prosecutor, within forty days of the disposition, shall advise the
37 central state repository of all dispositions concerning the termination of
38 criminal proceedings against an individual arrested for an offense specified
39 in subsection C of this section. This information shall be submitted on a
40 form or in a manner required by the department.

41 8. Dispositions resulting from formal proceedings in a court having
42 jurisdiction in a criminal action against an individual who is arrested for
43 an offense specified in subsection C of this section or section 8-341,
44 subsection V shall be reported to the central state repository within forty

1 days of the date of the disposition. This information shall be submitted on
2 a form or in a manner specified by rules approved by the supreme court.

3 9. The state department of corrections or the department of juvenile
4 corrections, within forty days, shall advise the central state repository
5 that it has assumed supervision of a person convicted of an offense specified
6 in subsection C of this section or section 8-341, subsection V, paragraph 3.
7 The state department of corrections or the department of juvenile corrections
8 shall also report dispositions that occur thereafter to the central state
9 repository within forty days of the date of the dispositions. This
10 information shall be submitted on a form or in a manner required by the
11 department of public safety.

12 10. Each criminal justice agency shall query the central state
13 repository before dissemination of any criminal history record information to
14 ensure the completeness of the information. Inquiries shall be made before
15 any dissemination except in those cases in which time is of the essence and
16 the repository is technically incapable of responding within the necessary
17 time period. If time is of the essence, the inquiry shall still be made and
18 the response shall be provided as soon as possible.

19 V. The director shall adopt rules specifying that any agency that
20 collects, stores or disseminates criminal justice information that is subject
21 to this section shall establish effective security measures to protect the
22 information from unauthorized access, disclosure, modification or
23 dissemination. The rules shall include reasonable safeguards to protect the
24 affected information systems from fire, flood, wind, theft, sabotage or other
25 natural or man-made hazards or disasters.

26 W. The department shall make available to agencies that contribute to,
27 or receive criminal justice information from, the central state repository or
28 through the Arizona criminal justice information system a continuing training
29 program in the proper methods for collecting, storing and disseminating
30 information in compliance with this section.

31 X. Nothing in this section creates a cause of action or a right to
32 bring an action including an action based on discrimination due to sexual
33 orientation.

34 Y. For the purposes of this section:

35 1. "Administration of criminal justice" means performance of the
36 detection, apprehension, detention, pretrial release, posttrial release,
37 prosecution, adjudication, correctional supervision or rehabilitation of
38 criminal offenders. Administration of criminal justice includes enforcement
39 of criminal traffic offenses and civil traffic violations, including parking
40 violations, when performed by a criminal justice agency. Administration of
41 criminal justice also includes criminal identification activities and the
42 collection, storage and dissemination of criminal history record information.

43 2. "Administrative records" means records that contain adequate and
44 proper documentation of the organization, functions, policies, decisions,
45 procedures and essential transactions of the agency and that are designed to

1 furnish information to protect the rights of this state and of persons
2 directly affected by the agency's activities.

3 3. "Arizona criminal justice information system" or "system" means the
4 statewide information system managed by the director for the collection,
5 processing, preservation, dissemination and exchange of criminal justice
6 information and includes the electronic equipment, facilities, procedures and
7 agreements necessary to exchange this information.

8 4. "Central state repository" means the central location within the
9 department for the collection, storage and dissemination of Arizona criminal
10 history records and related criminal justice information.

11 5. "Criminal history record information" and "criminal history record"
12 means information that is collected by criminal justice agencies on
13 individuals and that consists of identifiable descriptions and notations of
14 arrests, detentions, indictments and other formal criminal charges, and any
15 disposition arising from those actions, sentencing, formal correctional
16 supervisory action and release. Criminal history record information and
17 criminal history record do not include identification information to the
18 extent that the information does not indicate involvement of the individual
19 in the criminal justice system or information relating to juveniles unless
20 they have been adjudicated as adults.

21 6. "Criminal justice agency" means either:

22 (a) A court at any governmental level with criminal or equivalent
23 jurisdiction, including courts of any foreign sovereignty duly recognized by
24 the federal government.

25 (b) A government agency or subunit of a government agency that is
26 specifically authorized to perform as its principal function the
27 administration of criminal justice pursuant to a statute, ordinance or
28 executive order and that allocates more than fifty per cent of its annual
29 budget to the administration of criminal justice. This subdivision includes
30 agencies of any foreign sovereignty duly recognized by the federal
31 government.

32 7. "Criminal justice information" means information that is collected
33 by criminal justice agencies and that is needed for the performance of their
34 legally authorized and required functions, such as criminal history record
35 information, citation information, stolen property information, traffic
36 accident reports, wanted persons information and system network log searches.
37 Criminal justice information does not include the administrative records of a
38 criminal justice agency.

39 8. "Disposition" means information disclosing that a decision has been
40 made not to bring criminal charges or that criminal proceedings have been
41 concluded or information relating to sentencing, correctional supervision,
42 release from correctional supervision, the outcome of an appellate review of
43 criminal proceedings or executive clemency.

1 9. "Dissemination" means the written, oral or electronic communication
2 or transfer of criminal justice information to individuals and agencies other
3 than the criminal justice agency that maintains the information.
4 Dissemination includes the act of confirming the existence or nonexistence of
5 criminal justice information.

6 10. "Management control":

7 (a) Means the authority to set and enforce:

8 (i) Priorities regarding development and operation of criminal justice
9 information systems and programs.

10 (ii) Standards for the selection, supervision and termination of
11 personnel involved in the development of criminal justice information systems
12 and programs and in the collection, maintenance, analysis and dissemination
13 of criminal justice information.

14 (iii) Policies governing the operation of computers, circuits and
15 telecommunications terminals used to process criminal justice information to
16 the extent that the equipment is used to process, store or transmit criminal
17 justice information.

18 (b) Includes the supervision of equipment, systems design, programming
19 and operating procedures necessary for the development and implementation of
20 automated criminal justice information systems.

21 11. "Process control number" means the Arizona automated fingerprint
22 identification system number that attaches to each arrest event at the time
23 of fingerprinting and that is assigned to the arrest fingerprint card,
24 disposition form and other pertinent documents.

25 12. "Secondary dissemination" means the dissemination of criminal
26 justice information from an individual or agency that originally obtained the
27 information from the central state repository or through the Arizona criminal
28 justice information system to another individual or agency.

29 13. "Sexual orientation" means consensual homosexuality or
30 heterosexuality.

31 14. "Subject of record" means the person who is the primary subject of
32 a criminal justice record.

33 Sec. 134. Section 41-1758, Arizona Revised Statutes, as amended by
34 Laws 2013, chapter 128, section 12 and chapter 174, section 2, is amended to
35 read:

36 41-1758. Definitions

37 In this article, unless the context otherwise requires:

38 1. "Agency" means the supreme court, the department of economic
39 security, **THE DEPARTMENT OF CHILD SAFETY**, the department of education, the
40 department of health services, the department of juvenile corrections, the
41 department of emergency and military affairs, the department of
42 transportation, the state real estate department, the board of fingerprinting
43 or the board of examiners of nursing care institution administrators and
44 assisted living facility managers.

1 2. "Division" means the fingerprinting division in the department of
2 public safety.

3 3. "Electronic or internet-based fingerprinting services" means a
4 secure system for digitizing applicant fingerprints and transmitting the
5 applicant data and fingerprints of a person or entity submitting fingerprints
6 to the department of public safety for any authorized purpose under this
7 title. For the purposes of this paragraph, "secure system" means a system
8 that complies with the information technology security policy approved by the
9 department of public safety.

10 4. "Good cause exception" means the issuance of a fingerprint
11 clearance card to an employee pursuant to section 41-619.55.

12 5. "Person" means a person who is required to be fingerprinted
13 pursuant to any of the following:

- 14 (a) Section 8-105.
- 15 (b) Section 8-322.
- 16 (c) Section 8-509.
- 17 (d) Section 8-802.
- 18 (e) Section 15-183.
- 19 (f) Section 15-503.
- 20 (g) Section 15-512.
- 21 (h) Section 15-534.
- 22 (i) Section 15-782.02.
- 23 (j) Section 15-1330.
- 24 (k) Section 15-1881.
- 25 (l) Section 17-215.
- 26 (m) Section 26-103.
- 27 (n) Section 32-2108.01.
- 28 (o) Section 32-2123.
- 29 (p) Section 32-2371.
- 30 (q) Section 32-2372.
- 31 (r) Section 36-207.
- 32 (s) Section 36-411.
- 33 (t) Section 36-425.03.
- 34 (u) Section 36-446.04.
- 35 (v) Section 36-594.01.
- 36 (w) Section 36-594.02.
- 37 (x) Section 36-882.
- 38 (y) Section 36-883.02.
- 39 (z) Section 36-897.01.
- 40 (aa) Section 36-897.03.
- 41 (bb) Section 36-3008.
- 42 (cc) Section 41-619.52.
- 43 (dd) Section 41-619.53.
- 44 (ee) Section 41-1964.
- 45 (ff) Section 41-1967.01.

1 (gg) Section 41-1968.

2 (hh) Section 41-1969.

3 (ii) Section 41-2814.

4 (jj) Section 46-141, subsection A.

5 (kk) Section 46-321.

6 6. "Vulnerable adult" has the same meaning prescribed in section
7 13-3623.

8 Sec. 135. Repeal

9 Section 41-1758, Arizona Revised Statutes, as amended by Laws 2013,
10 chapter 129, section 25, is repealed.

11 Sec. 136. Section 41-1954, Arizona Revised Statutes, is amended to
12 read:

13 41-1954. Powers and duties

14 A. In addition to the powers and duties of the agencies listed in
15 section 41-1953, subsection E, the department shall:

16 1. Administer the following services:

17 (a) Employment services, ~~which shall include~~ INCLUDING manpower
18 programs and work training, field operations, technical services,
19 unemployment compensation, community work and training and other related
20 functions in furtherance of programs under the social security act, as
21 amended, the Wagner-Peyser act, as amended, the federal unemployment tax act,
22 as amended, 33 United States Code, the family support act of 1988
23 (P.L. 100-485) and other related federal acts and titles.

24 (b) Individual and family services, which shall include a section on
25 aging, services to children, youth and adults and other related functions in
26 furtherance of social service programs under the social security act, as
27 amended, title IV, EXCEPT PARTS B AND E, grants to states for aid and
28 services to needy families with children and for child-welfare services,
29 title XX, grants to states for services, the older Americans act, as amended,
30 the family support act of 1988 (P.L. 100-485) and other related federal acts
31 and titles.

32 (c) Income maintenance services, ~~which shall include~~ INCLUDING
33 categorical assistance programs, special services unit, child support
34 collection services, establishment of paternity services, maintenance and
35 operation of a state case registry of child support orders, a state directory
36 of new hires, a support payment clearinghouse and other related functions in
37 furtherance of programs under the social security act, title IV, grants to
38 states for aid and services to needy families with children and for
39 child-welfare services, title XX, grants to states for services, as amended,
40 and other related federal acts and titles.

41 (d) Rehabilitation services, ~~which shall include~~ INCLUDING vocational
42 rehabilitation services and sections for the blind and visually impaired,
43 communication disorders, correctional rehabilitation and other related
44 functions in furtherance of programs under the vocational rehabilitation act,

1 as amended, the Randolph-Sheppard act, as amended, and other related federal
2 acts and titles.

3 (e) Administrative services, ~~which shall include~~ INCLUDING the
4 coordination of program evaluation and research, interagency program
5 coordination and in-service training, planning, grants, development and
6 management, information, legislative liaison, budget, licensing and other
7 related functions.

8 (f) Manpower planning, ~~which shall include~~ INCLUDING a state manpower
9 planning council for the purposes of the federal-state-local cooperative
10 manpower planning system and other related functions in furtherance of
11 programs under the comprehensive employment and training act of 1973, as
12 amended, and other related federal acts and titles.

13 (g) Economic opportunity services, ~~which shall include~~ INCLUDING the
14 furtherance of programs prescribed under the economic opportunity act of
15 1967, as amended, and other related federal acts and titles.

16 (h) Intellectual disability and other developmental disability
17 programs, with emphasis on referral and purchase of services. The program
18 shall include educational, rehabilitation, treatment and training services
19 and other related functions in furtherance of programs under the
20 developmental disabilities services and facilities construction act, Public
21 Law 91-517, and other related federal acts and titles.

22 (i) Nonmedical home and community based services and functions,
23 including department designated case management, housekeeping services, chore
24 services, home health aid, personal care, visiting nurse services, adult day
25 care or adult day health, respite sitter care, attendant care, home delivered
26 meals and other related services and functions.

27 2. Provide a coordinated system of initial intake, screening,
28 evaluation and referral of persons served by the department.

29 3. Adopt rules it deems necessary or desirable to further the
30 objectives and programs of the department.

31 4. Formulate policies, plans and programs to effectuate the missions
32 and purposes of the department.

33 5. Employ, ~~AND~~ AND determine the conditions of employment and prescribe
34 the duties and powers of administrative, professional, technical,
35 secretarial, clerical and other persons subject to chapter 4, article 4 and,
36 as applicable, article 5 of this title as may be necessary in the performance
37 of its duties, contract for the services of outside advisors, consultants and
38 aides as may be reasonably necessary and reimburse department volunteers,
39 designated by the director, for expenses in transporting clients of the
40 department on official business.

41 6. Make contracts and incur obligations within the general scope of
42 its activities and operations subject to the availability of funds.

43 7. Contract with or assist other departments, agencies and
44 institutions of the state, local and federal governments in the furtherance
45 of its purposes, objectives and programs.

1 8. Be designated as the single state agency for the purposes of
2 administering and in furtherance of each federally supported state plan.

3 9. Accept and disburse grants, matching funds and direct payments from
4 public or private agencies for the conduct of programs that are consistent
5 with the overall purposes and objectives of the department.

6 10. Provide information and advice on request by local, state and
7 federal agencies and by private citizens, business enterprises and community
8 organizations on matters within the scope of its duties subject to the
9 departmental rules on the confidentiality of information.

10 11. Establish and maintain separate financial accounts as required by
11 federal law or regulations.

12 12. Advise and make recommendations to the governor and the legislature
13 on all matters concerning its objectives.

14 13. Have an official seal that shall be judicially noticed.

15 14. Annually estimate the current year's population of each county,
16 city and town in this state, using the periodic census conducted by the
17 United States department of commerce, or its successor agency, as the basis
18 for such estimates and deliver such estimates to the economic estimates
19 commission before December 15.

20 15. Estimate the population of any newly annexed areas of a political
21 subdivision as of July 1 of the fiscal year in which the annexation occurs
22 and deliver such estimates as promptly as is feasible after the annexation
23 occurs to the economic estimates commission.

24 16. Establish and maintain a statewide program of services for persons
25 who are both hearing impaired and visually impaired and coordinate
26 appropriate services with other agencies and organizations to avoid
27 duplication of these services and to increase efficiency. The department of
28 economic security shall enter into agreements for the utilization of the
29 personnel and facilities of the department of economic security, the
30 department of health services and other appropriate agencies and
31 organizations in providing these services.

32 17. Establish and charge fees for deposit in the department of economic
33 security prelayoff assistance services fund to employers who voluntarily
34 participate in the services of the department that provide job service and
35 retraining for persons who have been or are about to be laid off from
36 employment. The department shall charge only those fees necessary to cover
37 the costs of administering the job service and retraining services.

38 18. Establish a focal point for addressing the issue of hunger in
39 Arizona and provide coordination and assistance to public and private
40 nonprofit organizations that aid hungry persons and families throughout this
41 state. Specifically such activities shall include:

42 (a) Collecting and disseminating information regarding the location
43 and availability of surplus food for distribution to needy persons, the
44 availability of surplus food for donation to charity food bank organizations,
45 and the needs of charity food bank organizations for surplus food.

1 (b) Coordinating the activities of federal, state, local and private
2 nonprofit organizations that provide food assistance to the hungry.

3 (c) Accepting and disbursing federal monies, and any state monies
4 appropriated by the legislature, to private nonprofit organizations in
5 support of the collection, receipt, handling, storage and distribution of
6 donated or surplus food items.

7 (d) Providing technical assistance to private nonprofit organizations
8 that provide or intend to provide services to the hungry.

9 (e) Developing a state plan on hunger that, at a minimum, identifies
10 the magnitude of the hunger problem in this state, the characteristics of the
11 population in need, the availability and location of charity food banks and
12 the potential sources of surplus food, assesses the effectiveness of the
13 donated food collection and distribution network and other efforts to
14 alleviate the hunger problem, and recommends goals and strategies to improve
15 the status of the hungry. The state plan on hunger shall be incorporated
16 into the department's state comprehensive plan prepared pursuant to section
17 41-1956.

18 (f) Establishing a special purpose advisory council on hunger pursuant
19 to section 41-1981.

20 19. Establish an office to address the issue of homelessness and to
21 provide coordination and assistance to public and private nonprofit
22 organizations that prevent homelessness or aid homeless individuals and
23 families throughout this state. These activities shall include:

24 (a) Promoting and participating in planning for the prevention of
25 homelessness and the development of services to homeless persons.

26 (b) Identifying and developing strategies for resolving barriers in
27 state agency service delivery systems that inhibit the provision and
28 coordination of appropriate services to homeless persons and persons in
29 danger of being homeless.

30 (c) Assisting in the coordination of the activities of federal, state
31 and local governments and the private sector that prevent homelessness or
32 provide assistance to homeless people.

33 (d) Assisting in obtaining and increasing funding from all appropriate
34 sources to prevent homelessness or assist in alleviating homelessness.

35 (e) Serving as a clearinghouse on information regarding funding and
36 services available to assist homeless persons and persons in danger of being
37 homeless.

38 (f) Developing an annual state comprehensive homeless assistance plan
39 to prevent and alleviate homelessness.

40 (g) Submitting an annual report to the governor, the president of the
41 senate and the speaker of the house of representatives on the status of
42 homelessness and efforts to prevent and alleviate homelessness.

43 20. Cooperate with the Arizona-Mexico commission in the governor's
44 office and with researchers at universities in this state to collect data and
45 conduct projects in the United States and Mexico on issues that are within

1 the scope of the department's duties and that relate to quality of life,
2 trade and economic development in this state in a manner that will help the
3 Arizona-Mexico commission to assess and enhance the economic competitiveness
4 of this state and of the Arizona-Mexico region.

5 21. EXCHANGE INFORMATION, INCLUDING CASE SPECIFIC INFORMATION, AND
6 COOPERATE WITH THE DEPARTMENT OF CHILD SAFETY FOR THE ADMINISTRATION OF THE
7 DEPARTMENT OF CHILD SAFETY'S PROGRAMS.

8 B. If the department of economic security has responsibility for the
9 care, custody or control of a child or is paying the cost of care for a
10 child, it may serve as representative payee to receive and administer social
11 security and United States department of veterans affairs benefits and other
12 benefits payable to such child. Notwithstanding any law to the contrary, the
13 department of economic security:

14 1. Shall deposit, pursuant to sections 35-146 and 35-147, such monies
15 as it receives to be retained separate and apart from the state general fund
16 on the books of the department of administration.

17 2. May use such monies to defray the cost of care and services
18 expended by the department of economic security for the benefit, welfare and
19 best interests of the child and invest any of the monies that the director
20 determines are not necessary for immediate use.

21 3. Shall maintain separate records to account for the receipt,
22 investment and disposition of funds received for each child.

23 4. On termination of the department of economic security's
24 responsibility for the child, shall release any funds remaining to the
25 child's credit in accordance with the requirements of the funding source or
26 in the absence of such requirements shall release the remaining funds to:

27 (a) The child, if the child is at least eighteen years of age or is
28 emancipated.

29 (b) The person responsible for the child if the child is a minor and
30 not emancipated.

31 C. Subsection B of this section does not pertain to benefits payable
32 to or for the benefit of a child receiving services under title 36.

33 D. Volunteers reimbursed for expenses pursuant to subsection A,
34 paragraph 5 of this section are not eligible for workers' compensation under
35 title 23, chapter 6.

36 E. In implementing the temporary assistance for needy families program
37 pursuant to Public Law 104-193, the department shall provide for cash
38 assistance to two parent families if both parents are able to work only on
39 documented participation by both parents in work activities described in
40 title 46, chapter 2, article 5, except that payments may be made to families
41 who do not meet the participation requirements if:

42 1. It is determined on an individual case basis that they have
43 emergency needs.

44 2. The family is determined to be eligible for diversion from
45 long-term cash assistance pursuant to title 46, chapter 2, article 5.

1 F. The department shall provide for cash assistance under temporary
2 assistance for needy families pursuant to Public Law 104-193 to two parent
3 families for no longer than six months if both parents are able to work,
4 except that additional assistance may be provided on an individual case basis
5 to families with extraordinary circumstances. The department shall establish
6 by rule the criteria to be used to determine eligibility for additional cash
7 assistance.

8 G. The department shall adopt the following discount medical payment
9 system for persons who the department determines are eligible and who are
10 receiving rehabilitation services pursuant to subsection A, paragraph 1,
11 subdivision ~~(d)~~ (c) of this section:

12 1. For inpatient hospital admissions and outpatient hospital services
13 the department shall reimburse a hospital according to the rates established
14 by the Arizona health care cost containment system administration pursuant to
15 section 36-2903.01, subsection G.

16 2. The department's liability for a hospital claim under this
17 subsection is subject to availability of funds.

18 3. A hospital bill is considered received for purposes of paragraph 5
19 of this subsection on initial receipt of the legible, error-free claim form
20 by the department if the claim includes the following error-free
21 documentation in legible form:

22 (a) An admission face sheet.

23 (b) An itemized statement.

24 (c) An admission history and physical.

25 (d) A discharge summary or an interim summary if the claim is split.

26 (e) An emergency record, if admission was through the emergency room.

27 (f) Operative reports, if applicable.

28 (g) A labor and delivery room report, if applicable.

29 4. The department shall require that the hospital pursue other
30 third-party payors before submitting a claim to the department. Payment
31 received by a hospital from the department pursuant to this subsection is
32 considered payment by the department of the department's liability for the
33 hospital bill. A hospital may collect any unpaid portion of its bill from
34 other third party payors or in situations covered by title 33, chapter 7,
35 article 3.

36 5. For inpatient hospital admissions and outpatient hospital services
37 rendered on and after October 1, 1997, if the department receives the claim
38 directly from the hospital, the department shall pay a hospital's rate
39 established according to this section subject to the following:

40 (a) If the hospital's bill is paid within thirty days of the date the
41 bill was received, the department shall pay ninety-nine per cent of the rate.

42 (b) If the hospital's bill is paid after thirty days but within sixty
43 days of the date the bill was received, the department shall pay one hundred
44 per cent of the rate.

1 (c) If the hospital's bill is paid any time after sixty days of the
2 date the bill was received, the department shall pay one hundred per cent of
3 the rate plus a fee of one per cent per month for each month or portion of a
4 month following the sixtieth day of receipt of the bill until the date of
5 payment.

6 6. For medical services other than those for which a rate has been
7 established pursuant to section 36-2903.01, subsection G, the department
8 shall pay according to the Arizona health care cost containment system capped
9 fee-for-service schedule adopted pursuant to section 36-2904, subsection K or
10 any other established fee schedule the department determines reasonable.

11 H. The department shall not pay claims for services pursuant to this
12 section that are submitted more than nine months after the date of service
13 for which the payment is claimed.

14 I. To assist in the location of persons or assets for the purpose of
15 establishing paternity, establishing, modifying or enforcing child support
16 obligations and other related functions, the department has access, including
17 automated access if the records are maintained in an automated database, to
18 records of state and local government agencies, including:

- 19 1. Vital statistics, including records of marriage, birth and divorce.
- 20 2. State and local tax and revenue records, including information on
21 residence address, employer, income and assets.
- 22 3. Records concerning real and titled personal property.
- 23 4. Records of occupational and professional licenses.
- 24 5. Records concerning the ownership and control of corporations,
25 partnerships and other business entities.
- 26 6. Employment security records.
- 27 7. Records of agencies administering public assistance programs.
- 28 8. Records of the motor vehicle division of the department of
29 transportation.
- 30 9. Records of the state department of corrections.
- 31 10. Any system used by a state agency to locate a person for motor
32 vehicle or law enforcement purposes, including access to information
33 contained in the Arizona criminal justice information system.

34 J. Notwithstanding subsection I of this section, the department or its
35 agents shall not seek or obtain information on the assets of an individual
36 unless paternity is presumed pursuant to section 25-814 or established.

37 K. Access to records of the department of revenue pursuant to
38 subsection I of this section shall be provided in accordance with section
39 42-2003.

40 L. The department also has access to certain records held by private
41 entities with respect to child support obligors or obligees, or individuals
42 against whom such an obligation is sought. The information shall be obtained
43 as follows:

1 1. In response to a child support subpoena issued by the department
2 pursuant to section 25-520, the names and addresses of these persons and the
3 names and addresses of the employers of these persons, as appearing in
4 customer records of public utilities and cable television companies.

5 2. Information on these persons held by financial institutions.

6 M. Pursuant to department rules, the department may compromise or
7 settle any support debt owed to the department if the director or an
8 authorized agent determines that it is in the best interest of the state and
9 after considering each of the following factors:

10 1. The obligor's financial resources.

11 2. The cost of further enforcement action.

12 3. The likelihood of recovering the full amount of the debt.

13 N. Notwithstanding any law to the contrary, a state or local
14 governmental agency or private entity is not subject to civil liability for
15 the disclosure of information made in good faith to the department pursuant
16 to this section.

17 Sec. 137. Repeal

18 Section ~~41-1969.01~~, Arizona Revised Statutes, as amended by Laws 2013,
19 first special session, chapter 5, section 9, is repealed.

20 Sec. 138. Section 41-2021, Arizona Revised Statutes, as transferred
21 and renumbered by this act, is amended to read:

22 ~~41-2021~~. Definitions

23 In this ~~chapter~~ ARTICLE, unless the context otherwise requires:

24 1. "Early intervention programs and services" means developmental
25 services ~~which~~ THAT are provided under public supervision at no cost, except
26 if federal or state law provides for a system of payments by families, and
27 ~~which~~ THAT are designed to meet one or more of an infant's or toddler's
28 developmental needs.

29 2. "Infants and toddlers" means children from birth to thirty-six
30 months of age who need early intervention programs and services because they
31 have either of the following:

32 (a) A developmental need as evidenced by experiencing developmental
33 delays, as measured by appropriate diagnostic instruments and procedures, in
34 one or more of the following areas:

35 (i) Cognitive development.

36 (ii) Physical development.

37 (iii) Language and speech development.

38 (iv) Psychosocial development.

39 (v) Self-help skills.

40 (b) A diagnosed physical or mental condition ~~which~~ THAT has a high
41 probability of resulting in developmental delays.

42 3. "Interagency coordinating council for infants and toddlers" means
43 the council established by order of the governor in accordance with federal
44 law.

1 Sec. 139. Section 41-2501, Arizona Revised Statutes, is amended to
2 read:

3 41-2501. Applicability

4 A. This chapter applies only to procurements initiated after
5 January 1, 1985 unless the parties agree to its application to procurements
6 initiated before that date.

7 B. This chapter applies to every expenditure of public monies,
8 including federal assistance monies except as otherwise specified in section
9 41-2637, by this state, acting through a state governmental unit as defined
10 in this chapter, under any contract, except that this chapter does not apply
11 to either grants as defined in this chapter, or contracts between this state
12 and its political subdivisions or other governments, except as provided in
13 chapter 24 of this title and in article 10 of this chapter. This chapter
14 also applies to the disposal of state materials. This chapter and rules
15 adopted under this chapter do not prevent any state governmental unit or
16 political subdivision from complying with the terms of any grant, gift,
17 bequest or cooperative agreement.

18 C. All political subdivisions and other local public agencies of this
19 state may adopt all or any part of this chapter and the rules adopted
20 pursuant to this chapter.

21 D. Notwithstanding any other law, section 41-2517 applies to any
22 agency as defined in section 41-1001, including the office of the governor.

23 E. The Arizona board of regents and the legislative and judicial
24 branches of state government are not subject to this chapter except as
25 prescribed in subsection F of this section.

26 F. The Arizona board of regents and the judicial branch shall adopt
27 rules prescribing procurement policies and procedures for themselves and
28 institutions under their jurisdiction. The rules must be substantially
29 equivalent to the policies and procedures prescribed in this chapter.

30 G. The Arizona state lottery commission is exempt from this chapter
31 for procurement relating to the design and operation of the lottery or
32 purchase of lottery equipment, tickets and related materials. The executive
33 director of the Arizona state lottery commission shall adopt rules
34 substantially equivalent to the policies and procedures in this chapter for
35 procurement relating to the design and operation of the lottery or purchase
36 of lottery equipment, tickets or related materials. All other procurement
37 shall be as prescribed by this chapter.

38 H. The Arizona health care cost containment system administration is
39 exempt from this chapter for provider contracts pursuant to section 36-2904,
40 subsection A and contracts for goods and services, including program
41 contractor contracts pursuant to title 36, chapter 29, articles 2 and 3. All
42 other procurement, including contracts for the statewide administrator of the
43 program pursuant to section 36-2903, subsection B, shall be as prescribed by
44 this chapter.

1 I. Arizona industries for the blind is exempt from this chapter for
2 purchases of finished goods from members of national industries for the blind
3 and for purchases of raw materials for use in the manufacture of products for
4 sale pursuant to section 41-1972. All other procurement shall be as
5 prescribed by this chapter.

6 J. Arizona correctional industries is exempt from this chapter for
7 purchases of raw materials, components and supplies that are used in the
8 manufacture or production of goods or services for sale entered into pursuant
9 to section 41-1622. All other procurement shall be as prescribed by this
10 chapter.

11 K. The state transportation board and the director of the department
12 of transportation are exempt from this chapter other than section 41-2586 for
13 the procurement of construction or reconstruction, including engineering
14 services, of transportation facilities or highway facilities and any other
15 services that are directly related to land titles, appraisals, real property
16 acquisition, relocation, property management or building facility design and
17 construction for highway development and that are required pursuant to title
18 28, chapter 20.

19 L. The Arizona highways magazine is exempt from this chapter for
20 contracts for the production, promotion, distribution and sale of the
21 magazine and related products and for contracts for sole source creative
22 works entered into pursuant to section 28-7314, subsection A, paragraph 5.
23 All other procurement shall be as prescribed by this chapter.

24 M. The secretary of state is exempt from this chapter for contracts
25 entered into pursuant to section 41-1012 to publish and sell the
26 administrative code. All other procurement shall be as prescribed by this
27 chapter.

28 N. This chapter is not applicable to contracts for professional
29 witnesses if the purpose of such contracts is to provide for professional
30 services or testimony relating to an existing or probable judicial proceeding
31 in which this state is or may become a party or to contract for special
32 investigative services for law enforcement purposes.

33 O. The head of any state governmental unit, in relation to any
34 contract exempted by this section from this chapter, has the same authority
35 to adopt rules, procedures or policies as is delegated to the director
36 pursuant to this chapter.

37 P. Agreements negotiated by legal counsel representing this state in
38 settlement of litigation or threatened litigation are exempt from this
39 chapter.

40 Q. This chapter is not applicable to contracts entered into by the
41 department of economic security:

42 1. With a provider licensed or certified by an agency of this state to
43 provide child day care services ~~or with a provider of family foster care~~
44 ~~pursuant to section 8-503 or 36-554.~~

1 2. With area agencies on aging created pursuant to the older Americans
2 act of 1965 (P.L. 89-73; 79 Stat. 218; 42 United States Code sections 3001
3 through 3058ee).

4 3. For services pursuant to title 36, chapter 29, article 2.

5 4. With an eligible entity as defined by Public Law 105-285, section
6 673(1)(a)(i), as amended, for designated community services block grant
7 program monies and any other monies given to the eligible entity that
8 accomplishes the purpose of Public Law 105-285, section 672.

9 R. The department of health services may not require that persons with
10 whom it contracts follow this chapter for the purposes of subcontracts
11 entered into for the provision of the following:

12 1. Mental health services pursuant to section 36-189, subsection B.

13 2. Services for the seriously mentally ill pursuant to title 36,
14 chapter 5, article 10.

15 3. Drug and alcohol services pursuant to section 36-141.

16 4. Domestic violence services pursuant to title 36, chapter 30,
17 article 1.

18 S. The department of health services is exempt from this chapter for
19 contracts for services of physicians at the Arizona state hospital.

20 T. Contracts for goods and services approved by the board of trustees
21 of the public safety personnel retirement system are exempt from this
22 chapter.

23 U. The Arizona department of agriculture is exempt from this chapter
24 with respect to contracts for private labor and equipment to effect cotton or
25 cotton stubble plow-up pursuant to rules adopted under title 3, chapter 2,
26 article 1.

27 V. The Arizona state parks board is exempt from this chapter for
28 purchases of guest supplies and items for resale such as food, linens, gift
29 items, sundries, furniture, china, glassware and utensils for the facilities
30 located in the Tonto natural bridge state park.

31 W. The Arizona state parks board is exempt from this chapter for the
32 purchase, production, promotion, distribution and sale of publications,
33 souvenirs and sundry items obtained and produced for resale.

34 X. The Arizona state schools for the deaf and the blind are exempt
35 from this chapter for the purchase of textbooks and when purchasing products
36 through a cooperative that is organized and operates in accordance with state
37 law if such products are not available on a statewide contract and are
38 related to the operation of the schools or are products for which special
39 discounts are offered for educational institutions.

40 Y. Expenditures of monies in the morale, welfare and recreational fund
41 established by section 26-153 are exempt from this chapter.

42 Z. Notwithstanding section 41-2534, the director of the state
43 department of corrections may contract with local medical providers in
44 counties with a population of less than four hundred thousand persons

1 according to the most recent United States decennial census for the following
2 purposes:

3 1. To acquire hospital and professional medical services for inmates
4 who are incarcerated in state department of corrections facilities that are
5 located in those counties.

6 2. To ensure the availability of emergency medical services to inmates
7 in all counties by contracting with the closest medical facility that offers
8 emergency treatment and stabilization.

9 AA. The department of environmental quality is exempt from this
10 chapter for contracting for procurements relating to the water quality
11 assurance revolving fund program established pursuant to title 49, chapter 2,
12 article 5. The department shall engage in a source selection process that is
13 similar to the procedures prescribed by this chapter. The department may
14 contract for remedial actions with a single selection process. The exclusive
15 remedy for disputes or claims relating to contracting pursuant to this
16 subsection is as prescribed by article 9 of this chapter and the rules
17 adopted pursuant to that article. All other procurement by the department
18 shall be as prescribed by this chapter.

19 BB. The motor vehicle division of the department of transportation is
20 exempt from this chapter for third-party authorizations pursuant to title 28,
21 chapter 13, only if all of the following conditions exist:

22 1. The division does not pay any public monies to an authorized third
23 party.

24 2. Exclusivity is not granted to an authorized third party.

25 3. The director has complied with the requirements prescribed in title
26 28, chapter 13 in selecting an authorized third party.

27 CC. This section does not exempt third-party authorizations pursuant
28 to title 28, chapter 13 from any other applicable law.

29 DD. The state forester is exempt from this chapter for purchases and
30 contracts relating to wildland fire suppression and pre-positioning equipment
31 resources and for other activities related to combating wildland fires and
32 other unplanned risk activities, including fire, flood, earthquake, wind and
33 hazardous material responses. All other procurement by the state forester
34 shall be as prescribed by this chapter.

35 EE. The cotton research and protection council is exempt from this
36 chapter for procurements.

37 FF. Expenditures of monies in the Arizona agricultural protection fund
38 established by section 3-3304 are exempt from this chapter.

39 GG. The Arizona commerce authority is exempt from this chapter, except
40 article 10 for the purpose of cooperative purchases. The authority shall
41 adopt policies, procedures and practices, in consultation with the department
42 of administration, that are similar to and based on the policies and
43 procedures prescribed by this chapter for the purpose of increased public
44 confidence, fair and equitable treatment of all persons engaged in the
45 process and fostering broad competition while accomplishing flexibility to

1 achieve the authority's statutory requirements. The authority shall make its
2 policies, procedures and practices available to the public. The authority
3 may exempt specific expenditures from the policies, procedures and practices.

4 HH. The Arizona exposition and state fair board is exempt from this
5 chapter for contracts for professional entertainment.

6 II. This chapter does not apply to the purchase of water, gas or
7 electric utilities.

8 JJ. This chapter does not apply to professional certifications,
9 professional memberships and conference registrations.

10 KK. THIS CHAPTER DOES NOT APPLY TO CONTRACTS ENTERED INTO BY THE
11 DEPARTMENT OF CHILD SAFETY:

12 1. WITH A PROVIDER OF FAMILY FOSTER CARE PURSUANT TO SECTION 8-503 OR
13 36-554.

14 2. WITH AN ELIGIBLE ENTITY AS DEFINED BY PUBLIC LAW 105-285, SECTION
15 673(1)(A)(I), AS AMENDED, FOR DESIGNATED COMMUNITY SERVICES BLOCK GRANT
16 PROGRAM MONIES AND ANY OTHER MONIES GIVEN TO THE ELIGIBLE ENTITY THAT
17 ACCOMPLISHES THE PURPOSE OF PUBLIC LAW 105-285, SECTION 672.

18 Sec. 140. Section 41-2636, Arizona Revised Statutes, is amended to
19 read:

20 41-2636. Procurement from Arizona industries for the blind,
21 certified nonprofit agencies that serve individuals
22 with disabilities and Arizona correctional
23 industries; definitions

24 A. The director shall appoint a state set-aside committee to determine
25 those materials and services that are provided, manufactured, produced and
26 offered for sale by Arizona industries for the blind, certified nonprofit
27 agencies that serve individuals with disabilities and Arizona correctional
28 industries and that satisfy the requirements of state governmental units and
29 to establish a fair market price for all approved materials and services
30 offered for sale that meet these requirements. Membership shall include the
31 assistant director for rehabilitation services in the department of economic
32 security or the assistant director's designee and a private sector
33 businessperson appointed by the governor who contracts or employs persons
34 with disabilities in the private sector. At each quarterly meeting the
35 director shall report on new procurement requests or renewal of existing
36 procurement requests for state purchases from lists supplied by set-aside
37 providers and that are within the capability of and that can be supplied by
38 the entities that are prescribed in this section. To qualify for set-aside
39 contracts, certified nonprofit agencies must maintain an employment ratio of
40 at least sixty per cent of program employees with significant disabilities.

41 B. Materials and services from Arizona correctional industries shall
42 be presented to the committee for approval. Office products, vinyl binders
43 and furniture refurbishing services shall be exempt from this article. State
44 governmental units shall purchase office products, vinyl binders and

1 furniture from Arizona correctional industries if each of the following
2 applies:

3 1. Such materials and services are readily available.

4 2. Such materials and services are capable of timely delivery.

5 3. Such materials and services are of equal quality and price for
6 these same materials and services in the private sector.

7 C. State governmental units shall purchase approved materials and
8 services if such materials and services are readily available.

9 D. Notwithstanding the requirements of section 41-2532, state
10 governmental units and local public procurement units may purchase or
11 contract for any products, materials and services directly from Arizona
12 industries for the blind, certified nonprofit agencies that serve individuals
13 with disabilities and Arizona correctional industries without competitive
14 bidding if the delivery and quality of the products, materials or services
15 meet the unit's reasonable requirements.

16 E. All state governmental units shall endeavor to set aside at least
17 one per cent of their new purchases or contracts for any products, materials
18 and services from the entities that are prescribed in subsection D of this
19 section, except for contracts for care and services for clients of **THE**
20 **DEPARTMENT OF CHILD SAFETY**, the department of economic security or the
21 department of health services. The department shall communicate with each
22 state governmental unit regarding its responsibility to comply with this
23 subsection. The committee shall meet quarterly to report progress in
24 increasing state governmental purchases or contracts with the entities that
25 are prescribed in subsection D of this section. The committee shall compile
26 quarterly reports detailing new purchases or contracts that are entered into
27 pursuant to this subsection to the director, each committee member, the
28 governor, the president of the senate and the speaker of the house of
29 representatives.

30 F. The committee shall meet during the first month of each fiscal year
31 to determine which articles, products or services Arizona correctional
32 industries, certified nonprofit agencies that serve individuals with
33 disabilities and Arizona industries for the blind should continue to
34 manufacture for state use, to advise such agencies and industries of any
35 changes in specifications and to identify new articles or products that
36 should be manufactured or could be eligible for procurement.

37 G. For the purposes of this section:

38 1. "Certified nonprofit agency that serves individuals with
39 disabilities" means a nonprofit activity center that serves individuals with
40 significant disabilities and that satisfies all of the following:

41 (a) Is organized under the laws of this state or another state, is
42 operated in the interest of disabled individuals and the net income of which
43 does not inure in whole or in part to the benefit of any shareholder or other
44 individual.

1 (b) Complies with any applicable occupational health and safety
2 standard required by the laws of the United States and this state.

3 2. "Disabled individual" means an individual who, because of the
4 nature of the individual's disabilities, is not able to fully participate in
5 competitive employment and for whom specialized employment and training ~~is~~
6 ARE necessary by a qualified nonprofit organization through the department of
7 economic security or the department of health services.

8 Sec. 141. Section 41-2752, Arizona Revised Statutes, is amended to
9 read:

10 41-2752. State competition with private enterprise prohibited;
11 exceptions

12 A. A state agency shall not engage in the manufacturing, processing,
13 sale, offering for sale, rental, leasing, delivery, dispensing, distributing
14 or advertising of goods or services to the public that are also offered by
15 private enterprise unless specifically authorized by law other than
16 administrative law and executive orders.

17 B. A state agency shall not offer or provide goods or services to the
18 public for or through another state agency or a local agency, including by
19 intergovernmental or interagency agreement, in violation of this section or
20 section 41-2753.

21 C. The restrictions on activities that compete with private enterprise
22 contained in this section do not apply to:

23 1. The development, operation and management of state parks,
24 historical monuments and hiking or equestrian trails.

25 2. Correctional industries established and operated by the state
26 department of corrections if the prices charged for products sold by the
27 correctional industries are not less than the actual cost of producing and
28 marketing the product plus a reasonable allowance for overhead and
29 administrative costs.

30 3. The Arizona office of tourism.

31 4. The Arizona highways magazine, operated by the department of
32 transportation.

33 5. Printing and distributing information to the public if the agency
34 is otherwise authorized to do so, and printing or copying public records or
35 other material relating to the public agency's public business and recovering
36 through fees and charges the costs of such printing, copying and
37 distributing.

38 6. The department of public safety.

39 7. The construction, maintenance and operation of state transportation
40 facilities.

41 8. The development, distribution, maintenance, support, licensing,
42 leasing or sale of computer software by the department of transportation.

43 9. Agreements executed by the Arizona health care cost containment
44 system administration with other states to design, develop, install and

1 operate information technology systems and related services or other
2 administrative services pursuant to section 36-2925.

3 10. Agreements executed by the department of economic security with
4 other states to design, develop, install and operate support collection
5 technology systems and related services. The department shall deposit,
6 pursuant to sections 35-146 and 35-147, monies received pursuant to this
7 paragraph in the public assistance collections fund established by section
8 46-295.

9 11. Educational, vocational, treatment, training or work programs of
10 the department of juvenile corrections and contracts between the department
11 of juvenile corrections and this state, a political subdivision of this state
12 or a private entity in order to provide employment or vocational educational
13 experience.

14 12. The aflatoxin control technologies of the cotton research and
15 protection council.

16 13. The lease or sublease of lands or buildings by the department of
17 economic security pursuant to section 41-1958.

18 14. The Arizona commerce authority.

19 15. The Arizona game and fish commission, but only for the sale of
20 goods or services and not firearms.

21 16. THE LEASE OR SUBLEASE OF LANDS OR BUILDINGS BY THE DEPARTMENT OF
22 CHILD SAFETY PURSUANT TO SECTION 8-460.

23 17. AGREEMENTS EXECUTED BY THE DEPARTMENT OF CHILD SAFETY WITH OTHER
24 STATES TO DESIGN, DEVELOP, INSTALL AND OPERATE SUPPORT COLLECTION TECHNOLOGY
25 SYSTEMS AND RELATED SERVICES. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO
26 SECTIONS 35-146 AND 35-147, MONIES RECEIVED PURSUANT TO THIS PARAGRAPH IN THE
27 CHILD SAFETY COLLECTIONS FUND ESTABLISHED BY SECTION 8-461.

28 D. The restrictions on activities that compete with private enterprise
29 contained in subsection A of this section do not apply to community colleges
30 and universities under the jurisdiction of a governing board.

31 Sec. 142. Title 41, chapter 27, article 2, Arizona Revised Statutes,
32 is amended by adding section 41-3024.06, to read:

33 41-3024.06. Department of child safety: termination July 1,
34 2024

35 A. THE DEPARTMENT OF CHILD SAFETY TERMINATES ON JULY 1, 2024.

36 B. TITLE 8, CHAPTER 4 IS REPEALED ON JANUARY 1, 2025.

37 Sec. 143. Section 41-3802, Arizona Revised Statutes, is amended to
38 read:

39 41-3802. Human rights committee on children, youth and families

40 A. The human rights committee on children, youth and families is
41 established in the department of ~~economic security~~ CHILD SAFETY to promote
42 the rights of persons who receive services from the division of children,
43 youth and families in the department.

1 B. Notwithstanding section 8-807, the department shall disclose
2 confidential information and records to the committee established pursuant to
3 this section or designated pursuant to subsection C, subject to the
4 requirements of section 41-3804 and applicable federal law.

5 C. The director of the department ~~of economic security~~ may designate a
6 citizen review panel, multidisciplinary case consultation team or other
7 oversight entity as the human rights committee on children, youth and
8 families if the panel or entity meets the requirements of this section.

9 D. The committee shall be organized pursuant to this section and the
10 requirements of section 41-3804.

11 E. The director of the department ~~of economic security~~ may establish
12 additional committees for each district office established pursuant to
13 section 41-1961 or to oversee the activities of any service provider.

14 F. Each human rights committee established pursuant to this section
15 shall consist of at least seven and not more than fifteen members appointed
16 by the director of the department of economic security with expertise in at
17 least one of the following areas:

- 18 1. Psychology.
- 19 2. Law.
- 20 3. Medicine.
- 21 4. Education.
- 22 5. Special education.
- 23 6. Social work.

24 G. Each human rights committee shall include at least two parents of
25 children who receive services from the ~~division of children, youth and~~
26 ~~families~~ DEPARTMENT. If a report of abuse has been substantiated against a
27 parent, that parent shall not serve on a human rights committee.

28 Sec. 144. Section 41-3804, Arizona Revised Statutes, is amended to
29 read:

30 41-3804. Human rights committees; membership; duties; client
31 information; violation; classification

32 A. Subject to the approval of the appropriate department director,
33 each committee established pursuant to this article shall adopt guidelines
34 that govern its operation, including terms of members, quorum and attendance
35 requirements and removal of a committee member if necessary. Each committee
36 shall adopt these guidelines by majority vote within the first three months
37 of its formation. These guidelines shall not conflict with this article.
38 The director of the appropriate department shall approve the guidelines
39 unless they are inconsistent with the department's statutes, policies,
40 procedures or rules, or if the guideline does not promote participation by
41 all interested members of the community that the committee serves. In
42 addition to the procedures in the guidelines, each human rights committee
43 must approve the removal of any committee member on majority vote of the
44 committee.

1 B. Employees of the department of economic security, THE DEPARTMENT OF
2 CHILD SAFETY and the department of health services may serve on a committee
3 only as nonvoting members whose presence is not counted for the purpose of
4 determining a quorum.

5 C. Advocacy groups, local advisory councils, committee members and the
6 director of the appropriate department may submit names of candidates to fill
7 committee vacancies. The appropriate director shall appoint a person to fill
8 a vacancy subject to the approval of the committee.

9 D. Each committee shall meet at least quarterly each calendar year.

10 E. Each committee shall provide independent oversight to:

11 1. Ensure that the rights of clients are protected.

12 2. Provide research in that committee's field.

13 3. Review incidents of possible abuse, neglect or denial of a client's
14 rights.

15 F. Each committee shall submit written objections to specific problems
16 or violations of client rights by department employees or service providers
17 to the director of the appropriate department for review.

18 G. Each committee shall issue an annual report of its activities and
19 recommendations for changes to the director of the appropriate department.

20 H. A committee may request from the appropriate department the
21 services of a consultant or department employee to advise it on specific
22 issues. The consultant may be a member of another human rights committee, a
23 department employee or a service provider. Subject to the availability of
24 monies, the appropriate department shall assume the cost of the consultant. A
25 consultant shall not participate in committee votes.

26 I. Subject to federal law, committee members and consultants have
27 access to client information and records maintained by the appropriate
28 department, provider or regional behavioral health authorities to the extent
29 necessary to conduct committee duties. Each person who receives information
30 or records pursuant to this subsection shall maintain the information or
31 records as confidential and sign an agreement to comply with all
32 confidentiality requirements. Any client information or records shall be
33 released to the committee without the designation of personally identifiable
34 information unless the personally identifiable information is required for
35 the official purposes of the committee. "Personally identifiable
36 information" includes name, address, date of birth, social security number,
37 tribal enrollment number, telephone or telefacsimile number, driver license
38 number, places of employment or school identification or military
39 identification number or any other distinguishing characteristic that tends
40 to identify a particular person. A violation of this subsection is a class 2
41 misdemeanor.

42 J. If a committee's request for information or records from a
43 department is denied, the committee may request in writing that the director
44 of the appropriate department review this decision. The agency director or
45 designee shall conduct the review within five business days after receiving

1 the request for review. The agency shall bear the costs of conducting the
2 review. A final agency decision made pursuant to this subsection is subject
3 to judicial review pursuant to title 12, chapter 7, article 6. The agency
4 shall not release any information or records during the period an appeal may
5 be filed or is pending.

6 K. Confidential records and information received by the committee or
7 its consultant are subject to the same provisions concerning subpoenas,
8 discovery and use in legal actions as are the original records and
9 information.

10 L. Any person who, in good faith and without malice and in connection
11 with duties or functions of a committee established pursuant to this article,
12 takes an action or makes a decision or recommendation as a member or agent of
13 a committee or who furnishes records, information or assistance that is
14 related to the duties of a committee is not subject to liability for civil
15 damages in consequence of that action. The court shall determine the
16 presence of malice by clear and convincing evidence.

17 Sec. 145. Section 43-613, Arizona Revised Statutes, is amended to
18 read:

19 43-613. Contribution to child abuse prevention fund

20 A. Unless not required pursuant to subsection B of this section, the
21 department shall provide a space on the individual income tax return form in
22 which the taxpayer may designate an amount of the taxpayer's refund as a
23 voluntary contribution to the child abuse prevention fund established under
24 section 8-550.01.

25 B. After subtracting any setoff for debts pursuant to section 42-1122
26 the department of revenue shall subtract the designated amount from the
27 refund due the taxpayer and transfer it to the department of ~~economic~~
28 ~~security~~ CHILD SAFETY for credit to the fund. The department of ~~economic~~
29 ~~security~~ CHILD SAFETY shall separately account for the monies in the fund
30 derived from contributions under this section and notify the department of
31 revenue if such monies exceed ten million dollars. If ~~such~~ THESE monies do
32 exceed ten million dollars on June 30, this section does not apply and the
33 department of revenue shall not provide the space otherwise required by this
34 section on the tax return for that taxable year.

35 C. The taxpayer may also donate any amount to the child abuse
36 prevention fund, in lieu of or in addition to the designated portion of the
37 income tax refund, by an appropriate indication on the return and by
38 including that amount with the return.

39 Sec. 146. Section 43-1505, Arizona Revised Statutes, is amended to
40 read:

41 43-1505. Special provisions; corporate donations for displaced
42 students and students with disabilities; definition

43 A. A school tuition organization that receives contributions for the
44 purposes of section 20-224.07 or 43-1184 must use at least ninety per cent of

1 those contributions to provide educational scholarships or tuition grants to
2 qualified students to whom any of the following applies:

3 1. Received a grant or scholarship under title 15, chapter 8, article
4 1.2 or 8 in order to attend a qualified school during the 2008-2009 academic
5 year.

6 2. Attended a governmental primary or secondary school as a full-time
7 student as defined in section 15-901 or attended a preschool program that
8 offers services to students with disabilities at a governmental school for at
9 least ninety days of the prior fiscal year or one full semester and
10 transferred from a governmental school to a qualified school.

11 3. Enrolled in a qualified school in a kindergarten program or a
12 preschool program that offers services to students with disabilities.

13 4. Is the dependent of a member of the armed forces of the United
14 States who is stationed in this state pursuant to military orders.

15 5. Qualified for an educational scholarship or tuition grant under
16 paragraph 1, 2, 3 or 4 of this subsection if the qualified student continues
17 to attend a qualified school in a subsequent year.

18 B. The amount of an educational scholarship or a tuition grant that is
19 issued by a school tuition organization under this section shall not exceed
20 the cost of tuition for the student to attend the qualified school or ninety
21 per cent of the amount of state aid that otherwise would be computed for the
22 student as provided in title 15, chapter 9, article 5, whichever is less. On
23 request from a school tuition organization, the department of education shall
24 provide to the school tuition organization in a timely manner the amount
25 computed for the student under this subsection that represents the ninety per
26 cent limitation prescribed in this subsection.

27 C. A school tuition organization shall require that student
28 beneficiaries use the educational scholarships or tuition grants on a
29 full-time basis. If a child leaves the school before completing an entire
30 school year, the school shall refund a prorated amount of the educational
31 scholarship or tuition grant to the school tuition organization that issued
32 the scholarship or grant. The school tuition organization shall allocate any
33 refunds it receives under this subsection for educational scholarships or
34 tuition grants.

35 D. Qualified students who receive an educational scholarship or
36 tuition grant under this section shall be allowed to attend any qualified
37 school of their custodians' choice.

38 E. For the purposes of this section, "qualified student" means a
39 student who has been either:

40 1. Placed in foster care pursuant to title 8, chapter ~~5~~ 4 at any time
41 before the student graduates from high school or obtains a general
42 equivalency diploma.

43 2. Identified as having a disability under section 504 of the
44 rehabilitation act (29 United States Code section 794) or identified at any
45 time by a school district as a child with a disability as defined in section

1 15-761 or a child with a disability who is eligible to receive services from
2 a school district under section 15-763.

3 Sec. 147. Section 46-101, Arizona Revised Statutes, is amended to
4 read:

5 46-101. Definitions

6 In this title, unless the context otherwise requires:

7 1. "Aid to families with dependent children" means assistance granted
8 under section 403 of title IV of the social security act as it existed before
9 August 22, 1996.

10 2. "Applicant" means a person who has applied for assistance or
11 services under this title, or a person who has applied for assistance or
12 services under this title and who has custody of a dependent child.

13 3. "Assistance" means payments in cash or kind to or on behalf of a
14 person or persons in need as provided for in this title.

15 4. "Assistance unit" means those members of a needy family, as
16 prescribed by the department in rule, or a child only case, that meets the
17 nonfinancial eligibility criteria for cash assistance and whose needs and
18 other circumstances are considered as a whole to determine a cash assistance
19 benefit amount.

20 5. "Cash assistance" means temporary assistance for needy families
21 paid to a recipient for the purpose of meeting basic living expenses as
22 defined by the department.

23 6. "Child care personnel" means any person who supervises children in
24 a day care home or center that receives child care food program monies under
25 this article.

26 7. "Child only case" means a case in which the eligible dependent
27 child is in the legal custody of the department OF CHILD SAFETY and placed in
28 foster care, ~~as defined in section 8-501,~~ with an unrelated adult or with a
29 nonparent relative who is not receiving cash assistance.

30 8. "Dependent child" means a needy child who has been deprived of
31 parental support or care by reason of the death, unemployment of the
32 supporting parent as defined and prescribed by the rules of the department,
33 continued absence from the home, or physical or mental incapacity of a
34 parent, and whose relatives who are responsible under the law for the child's
35 support are not able to provide adequate care and support of the child
36 without public assistance, and who is living with his father, mother,
37 grandfather, grandmother, brother, sister, stepfather, stepmother,
38 stepbrother, stepsister, uncle, aunt, niece, nephew or cousin in a place of
39 residence maintained by one or more of such relatives as his or their own
40 home or who is in the legal custody of the department OF CHILD SAFETY and
41 placed in a foster home or with an unrelated adult as a recipient of
42 temporary assistance for needy families. Such dependent child must be under
43 ~~the age of~~ eighteen years OF AGE or, if eighteen, must be a full-time student
44 in a high school, or in the equivalent level of vocational or technical

1 training, and shall be reasonably expected to complete the program before
2 reaching age nineteen.

3 9. "Director" means the director of the department of economic
4 security.

5 10. "Domestic violence" means battered or subject to extreme cruelty as
6 defined in section 408(a)(7)(C)(iii) of the social security act.

7 11. "Employment plan" means an agreement between the department and the
8 cash assistance recipient regarding the participant's work activities and
9 services provided by the department.

10 12. "Federal poverty level" means the poverty guidelines that are
11 issued by the United States department of health and human services pursuant
12 to section 673(2) of the omnibus budget reconciliation act of 1981 and that
13 are reported annually in the federal register.

14 13. "Head of household" means a dependent child's parent or the spouse
15 of the parent, or the dependent child's nonparent relative or spouse of the
16 nonparent relative, who receives cash assistance for himself and on behalf of
17 the dependent child or only on behalf of the dependent child.

18 14. "Homestead property" means a home owned and occupied by the
19 applicant or recipient, or his spouse.

20 15. "Jobs program" means services established by the department to
21 ensure that participants comply with work requirements as prescribed in
22 Public Law 104-193.

23 16. "Needy family":

24 (a) Means a family that resides in the same home and includes a
25 dependent child, one or more of the dependent child's parents and nonparent
26 relatives of the dependent child and their spouses who meet financial cash
27 assistance eligibility criteria established by this title and by department
28 rule.

29 (b) Does not include a child only case.

30 17. "Nonparent relative" means a dependent child's grandfather,
31 grandmother, brother, sister, stepfather, stepmother, stepbrother,
32 stepsister, uncle, aunt, niece, nephew or cousin and includes a permanent
33 guardian who is appointed pursuant to section 8-872.

34 18. "Participant" means a recipient of cash assistance engaged in work
35 activities through the JOBS program.

36 19. "Personal responsibility declaration" means a document that is
37 prescribed by the department and in which the applicant acknowledges
38 understanding of the applicant's personal responsibility.

39 20. "Recipient" means a person who receives assistance or services
40 under the provisions of this title.

41 21. "Services" includes social casework, rehabilitation counseling and
42 similar services rendered to a person or persons in need as provided for in
43 this title.

1 22. "Sponsor" means any political subdivision of this state, any
2 federally recognized Indian tribe, any military base or any other person,
3 partnership, corporation or association contracting with this state to
4 provide assistance in the distribution of child care food program monies
5 pursuant to this article.

6 23. "State department" or "department" means the department of economic
7 security.

8 24. "Temporarily deferred" means the postponement of work activities.

9 25. "Temporary assistance for needy families" means assistance granted
10 under section 403 of title IV of the social security act as it exists after
11 August 21, 1996.

12 26. "Vendor payment" means any payment to a person other than the
13 recipient on his behalf.

14 27. "Work activities" means the following activities that are countable
15 toward the federal work participation rate as prescribed in Public Law
16 104-193, section 407 (1996):

- 17 (a) Unsubsidized employment.
- 18 (b) Subsidized private or public employment.
- 19 (c) Work experience.
- 20 (d) On-the-job training.
- 21 (e) Job search and job readiness assistance.
- 22 (f) Community service programs.
- 23 (g) Vocational educational training.
- 24 (h) Job skills training directly related to employment.
- 25 (i) Education directly related to employment in the case of a
26 recipient who has not received a high school diploma or a certificate of high
27 school equivalency.
- 28 (j) Satisfactory attendance at secondary school or in a course of
29 study leading to a certificate of general equivalency, in the case of a
30 recipient who has not completed secondary school or received such a
31 certificate.

32 Sec. 148. Section 46-134, Arizona Revised Statutes, is amended to
33 read:

34 46-134. Powers and duties; expenditure; limitation

35 ~~A.~~ The state department shall:

36 1. Administer all forms of public relief and assistance except those
37 that by law are administered by other departments, agencies or boards.

38 ~~2. Administer child welfare activities, including:~~

39 ~~(a) Importation of children.~~

40 ~~(b) Licensing and supervising private and local public child caring
41 agencies and institutions.~~

42 ~~(c) Providing the cost of care of:~~

43 ~~(i) Children who are in temporary custody, are the subject of a
44 dependency petition or are adjudicated by the court as dependent and who are
45 in out-of-home placement, except state institutions.~~

1 ~~(ii) Children who are voluntarily placed in out of home placement~~
2 ~~pursuant to section 8-806.~~

3 ~~(iii) Children who are the subject of a dependency petition or are~~
4 ~~adjudicated dependent and who are in the custody of the department and~~
5 ~~ordered by the court pursuant to section 8-845 to reside in an independent~~
6 ~~living program pursuant to section 8-521.~~

7 ~~(d) Providing services for children placed in adoption.~~

8 ~~(e) Providing the cost of care of unwed mothers who are under the age~~
9 ~~of eighteen years during the period of their pregnancy and confinement in~~
10 ~~foster family homes or institutions and when determined by the department to~~
11 ~~be economically eligible. Costs of hospitalization and medical expenses~~
12 ~~attendant to the care of the mother and child shall be excluded from any~~
13 ~~payments made under this subdivision.~~

14 ~~3. For the purposes of paragraph 2, subdivision (c), develop and~~
15 ~~implement in conjunction with the department of education and the department~~
16 ~~of juvenile corrections a uniform budget format to be submitted by licensed~~
17 ~~child welfare agencies and approved private special education schools. The~~
18 ~~budget format shall be developed in such a manner that, at a minimum,~~
19 ~~residential and educational instructional costs are separate and distinct~~
20 ~~budgetary items.~~

21 ~~4.~~ 2. Develop a section of rehabilitation for the visually impaired
22 that shall include a sight conservation section, a vocational rehabilitation
23 section in accordance with the federal vocational rehabilitation act, a
24 vending stand section in accordance with the federal Randolph-Sheppard act
25 and an adjustment service section that shall include rehabilitation teaching
26 and other social services deemed necessary, and shall cooperate with similar
27 agencies already established. The administrative officer and staff of the
28 section for the blind and visually impaired shall be employed only in the
29 work of that section.

30 ~~5.~~ 3. Assist other departments, agencies and institutions of the
31 state and federal governments, when requested, by performing services in
32 conformity with the purposes of this title.

33 ~~6.~~ 4. Act as agent of the federal government in furtherance of any
34 functions of the state department.

35 ~~7.~~ 5. Carry on research and compile statistics relating to the entire
36 public welfare program throughout this state, including all phases of
37 dependency and defectiveness.

38 ~~8.~~ 6. Cooperate with the superior court in cases of delinquency and
39 related problems.

40 ~~9.~~ 7. Develop plans in cooperation with other public and private
41 agencies for the prevention and treatment of conditions giving rise to public
42 welfare and social security problems.

43 ~~10.~~ 8. Make necessary expenditures in connection with the duties
44 specified in paragraphs 5, 6, 7, ~~8, 9, 15, 16 and 17~~ 13 AND 14 OF THIS
45 SUBSECTION.

1 ~~11.~~ 9. Have the power to apply for, accept, receive and expend public
2 and private gifts or grants of money or property on the terms and conditions
3 as may be imposed by the donor and for any purpose provided for by this
4 chapter.

5 ~~12.~~ 10. Make rules, and take action necessary or desirable to carry
6 out the provisions of this title, that are not inconsistent with this title.

7 ~~13.~~ 11. Administer any additional welfare functions required by law.

8 ~~14.~~ 12. Provide the cost of care and transitional independent living
9 services for a person under twenty-one years of age pursuant to section
10 8-521.01.

11 ~~15. Petition, as necessary to implement the case plan established under~~
12 ~~section 8-824 or 8-845, for the appointment of a guardian or a temporary~~
13 ~~guardian under title 14, chapter 5 for children who are in custody of the~~
14 ~~department pursuant to court order. Persons applying to be guardians or~~
15 ~~temporary guardians under this section shall be fingerprinted. A foster~~
16 ~~parent or certified adoptive parent already fingerprinted is not required to~~
17 ~~be fingerprinted again if he is the person applying to be the guardian or~~
18 ~~temporary guardian.~~

19 ~~16.~~ 13. If a tribal government elects to operate a cash assistance
20 program in compliance with the requirements of the United States department
21 of health and human services, with the review of the joint legislative budget
22 committee, provide matching monies at a rate that is consistent with the
23 applicable fiscal year budget and that is not more than the state matching
24 rate for the aid to families with dependent children program as it existed on
25 July 1, 1994.

26 ~~17.~~ 14. Furnish a federal, state or local law enforcement officer, at
27 the request of the officer, with the current address of any recipient if the
28 officer furnishes the agency with the name of the recipient and notifies the
29 agency that the recipient is a fugitive felon or a probation, parole or
30 community supervision violator or has information that is necessary for the
31 officer to conduct the official duties of the officer and the location or
32 apprehension of the recipient is within these official duties.

33 ~~18.~~ 15. In conjunction with Indian tribal governments, request a
34 federal waiver from the United States department of agriculture that will
35 allow tribal governments that perform eligibility determinations for
36 temporary assistance for needy families programs to perform the food stamp
37 eligibility determinations for persons who apply for services pursuant to
38 section 36-2901, paragraph 6, subdivision (a). If the waiver is approved,
39 the state shall provide the state matching monies for the administrative
40 costs associated with the food stamp eligibility based on federal guidelines.
41 As part of the waiver, the department shall recoup from a tribal government
42 all federal fiscal sanctions that result from inaccurate eligibility
43 determinations.

~~B. The total amount of state monies that may be spent in any fiscal year by the state department for foster care as provided in subsection A, paragraph 2, subdivision (c) of this section shall not exceed the amount appropriated or authorized by section 35-173 for that purpose. This section shall not be construed to impose a duty on an officer, agent or employee of this state to discharge a responsibility or to create any right in a person or group if the discharge or right would require an expenditure of state monies in excess of the expenditure authorized by legislative appropriation for that specific purpose.~~

Sec. 149. Transfer and renumber

Section 46-139, Arizona Revised Statutes, is transferred and renumbered for placement in title 8, chapter 4, article 1, Arizona Revised Statutes, as added by this act, as section 8-462.

Sec. 150. Section 46-141, Arizona Revised Statutes, is amended to read:

46-141. Criminal record information checks; fingerprinting employees and applicants; definition

A. Each license granted by the department of economic security **OR THE DEPARTMENT OF CHILD SAFETY** and each contract entered into between the department of economic security **OR THE DEPARTMENT OF CHILD SAFETY** and any contract provider for the provision of services to juveniles or vulnerable adults shall provide that, as a condition of employment, personnel who are employed by the licensee or contractor, whether paid or not, and who are required or allowed to provide services directly to juveniles or vulnerable adults shall have a valid fingerprint clearance card issued pursuant to section 41-1758.07 or shall apply for a fingerprint clearance card within seven working days of employment.

B. The licensee or contractor shall assume the costs of fingerprint checks and may charge these costs to its fingerprinted personnel. The department **OF ECONOMIC SECURITY OR THE DEPARTMENT OF CHILD SAFETY** may allow all or part of the costs of fingerprint checks to be included as an allowable cost in a contract.

C. A service contract or license with any contract provider or licensee that involves the employment of persons who have contact with juveniles or vulnerable adults shall provide that the contract or license may be canceled or terminated immediately if a person certifies pursuant to subsections F and G of this section that the person is awaiting trial on or has been convicted of any of the offenses listed in subsections F and G of this section in this state or similar offenses in another state or jurisdiction or if the person does not possess or is denied issuance of a valid fingerprint clearance card.

D. A contract provider or licensee may avoid cancellation or termination of the contract or license under subsection C of this section if a person who does not possess or has been denied issuance of a valid fingerprint clearance card or who certifies pursuant to subsections F and G

1 of this section that the person has been convicted of or is awaiting trial on
2 any of the offenses listed in section 41-1758.07, subsection B is immediately
3 prohibited from employment or service with the contract provider or licensee
4 in any capacity requiring or allowing contact with juveniles or vulnerable
5 adults.

6 E. A contract provider or licensee may avoid cancellation or
7 termination of the contract or license under subsection C of this section if
8 a person who does not possess or has been denied issuance of a valid
9 fingerprint clearance card or who certifies pursuant to subsections F and G
10 of this section that the person has been convicted of or is awaiting trial on
11 any of the offenses listed in section 41-1758.07, subsection C is immediately
12 prohibited from employment or service with the contract provider or licensee
13 in any capacity requiring contact with juveniles or vulnerable adults unless
14 the person is granted a good cause exception pursuant to section 41-619.55.

15 F. Personnel who are employed by any contract provider or licensee,
16 whether paid or not, and who are required or allowed to provide services
17 directly to juveniles or vulnerable adults shall certify on forms provided by
18 the department of economic security **OR THE DEPARTMENT OF CHILD SAFETY** and
19 notarized whether they are awaiting trial on or have ever been convicted of
20 any of the criminal offenses listed in section 41-1758.07, subsections B and
21 C in this state or similar offenses in another state or jurisdiction.

22 G. Personnel who are employed by any contract provider or licensee,
23 whether paid or not, and who are required or allowed to provide services
24 directly to juveniles shall certify on forms provided by the department of
25 economic security **OR THE DEPARTMENT OF CHILD SAFETY** and notarized whether
26 they have ever committed any act of sexual abuse of a child, including sexual
27 exploitation and commercial sexual exploitation, or any act of child abuse.

28 H. Federally recognized Indian tribes or military bases may submit and
29 the department of economic security **AND THE DEPARTMENT OF CHILD SAFETY** shall
30 accept certifications that state that personnel who are employed or who will
31 be employed during the contract term have not been convicted of, have not
32 admitted committing or are not awaiting trial on any offense under subsection
33 F of this section.

34 I. A person who applies to the department of economic security **OR THE**
35 **DEPARTMENT OF CHILD SAFETY** for a license or certificate or for paid or unpaid
36 employment, including contract services, and who will provide direct services
37 to juveniles or vulnerable adults shall submit a full set of fingerprints to
38 the department for the purpose of obtaining a state and federal criminal
39 records check pursuant to section 41-1750 and Public Law 92-544. The
40 department of public safety may exchange this fingerprint data with the
41 federal bureau of investigation. This subsection does not apply to those
42 persons who are subject to section 8-105, 8-509, 8-802 or 41-1968 or
43 subsection A of this section.

1 J. The special services unit of the department of economic security
2 AND EMPLOYEES OF THE DEPARTMENT OF CHILD SAFETY may use the department of
3 public safety automated system to update all criminal history record
4 information in order to ensure, to the maximum extent reasonably possible,
5 complete disposition information. The department of economic security OR THE
6 DEPARTMENT OF CHILD SAFETY may deny employment or issuance or renewal of the
7 contract or license applied for in these cases if it determines that the
8 criminal history record information indicates that such employee, applicant
9 or contractor is not qualified or suitable.

10 K. Volunteers who provide services to juveniles or vulnerable adults
11 under the direct visual supervision of the contractor's or licensee's
12 employees are exempt from the fingerprinting requirements of this section.

13 L. The department of economic security OR THE DEPARTMENT OF CHILD
14 SAFETY shall notify the department of public safety if the department of
15 economic security OR THE DEPARTMENT OF CHILD SAFETY receives credible
16 evidence that a person who possesses a valid fingerprint clearance card
17 pursuant to subsection A of this section either:

18 1. Is arrested for or charged with an offense listed in section
19 41-1758.07, subsection B or C.

20 2. Falsified information on the form required by subsection F of this
21 section.

22 M. For the purposes of this section, "vulnerable adult" has the same
23 meaning prescribed in section 46-451.

24 Sec. 151. Section 46-295, Arizona Revised Statutes, is amended to
25 read:

26 46-295. Recovery of public assistance from legally responsible
27 persons; fund

28 A. If a recipient of public assistance has a person who is legally
29 responsible for that person's support and who is presently able to reimburse
30 the department for public assistance provided, the department, through the
31 attorney general or county attorney, shall proceed in the following order
32 against:

33 1. The spouse of a recipient.

34 2. The former spouse of a recipient.

35 3. A father or mother not presently receiving public assistance.

36 4. Any other legally responsible person.

37 B. If a recipient of public assistance receives an overpayment of
38 support or is determined ineligible pursuant to section 46-292 or 46-293, the
39 department may recover the support incorrectly paid during that time period.
40 The department shall deposit monies recovered in the public assistance
41 collections fund established pursuant to this section.

42 C. On request of the department, the attorney general or county
43 attorney shall commence an action in the superior court in the county where
44 the recipient of public assistance resides or in the superior court in
45 Maricopa county, against the persons in the order specified in subsection A

1 of this section, to recover the assistance granted and to secure an order
2 requiring payment of amounts that become due in the future for which the
3 person is liable.

4 D. The public assistance collections fund is established consisting of
5 monies received pursuant to this section and section 41-2752. The department
6 shall administer the fund. Subject to legislative appropriation, the
7 department shall use fund monies to improve public assistance collection
8 activities. The department shall deposit, pursuant to sections 35-146 and
9 35-147, twenty-five per cent of the monies collected pursuant to this section
10 in the public assistance collections fund and seventy-five per cent of the
11 monies collected pursuant to this section in the state general fund.
12 Notwithstanding this subsection, pursuant to sections 35-146 and 35-147, the
13 department shall deposit fifty per cent of the monies collected pursuant to
14 section 41-2752 in the public assistance fund and the remaining fifty per
15 cent of the monies collected pursuant to section 41-2752 shall be deposited
16 in the state general fund.

17 ~~E. For the purposes of this section, "public assistance" includes~~
18 ~~monies paid by the department to or for the benefit of a dependent child and~~
19 ~~foster care maintenance paid pursuant to 42 United States Code sections 670~~
20 ~~through 676.~~

21 Sec. 152. Section 46-300.05, Arizona Revised Statutes, is amended to
22 read:

23 46-300.05. Substance abuse treatment

24 A. The department of economic security may provide **MONIES APPROPRIATED**
25 **FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES TO THE DEPARTMENT OF CHILD SAFETY**
26 **TO PROVIDE** substance abuse treatment pursuant to title 8, chapter ~~10~~ 4,
27 article ~~6 with monies appropriated for temporary assistance for needy~~
28 ~~families~~ 13. Treatment services for which these monies may be used include:

- 29 1. Program development pursuant to section 8-882.
- 30 2. Integration of program activities.
- 31 3. Provision of unfunded services to provide a recipient a
32 comprehensive treatment program.
- 33 4. Evaluation of the effectiveness of treatment services for
34 recipients of the services.

35 B. Monies provided pursuant to this section:

- 36 1. Shall be used to supplement and not to supplant other revenues
37 available for funding substance abuse prevention, treatment and other service
38 needs.
- 39 2. Shall not be used for medical treatment.

40 C. The department of economic security in partnership with the
41 department of health services as joint administrators of the fund shall amend
42 the state plan for temporary assistance for needy families as necessary to
43 ~~provide the services prescribed by~~ **USE TEMPORARY ASSISTANCE FOR NEEDY**
44 **FAMILIES MONIES PROVIDED IN** this section.

1 Sec. 153. Section 46-803, Arizona Revised Statutes, is amended to
2 read:

3 46-803. Eligibility for child care assistance

4 A. The department shall provide child care assistance to eligible
5 families who are attempting to achieve independence from the cash assistance
6 program and who need child care assistance in support of and as specified in
7 their personal responsibility agreement pursuant to chapters 1 and 2 of this
8 title.

9 B. The department shall provide child care assistance to eligible
10 families who are transitioning off of cash assistance due to increased
11 earnings or child support income in order to accept or maintain employment.
12 Eligible families must request this assistance within six months after the
13 cash assistance case closure. Child care assistance may be provided for up
14 to twenty-four months after the case closure and shall cease whenever the
15 family income exceeds one hundred sixty-five per cent of the federal poverty
16 level.

17 C. The department shall provide child care assistance to eligible
18 families who are diverted from cash assistance pursuant to section 46-298 in
19 order to obtain or maintain employment. Child care assistance may be
20 provided for up to twenty-four months after the case closure and shall cease
21 whenever the family income exceeds one hundred sixty-five per cent of the
22 federal poverty level.

23 D. The department may provide child care assistance to support
24 eligible families with incomes of one hundred sixty-five per cent or less of
25 the federal poverty level to accept or maintain employment. Priority for
26 this child care assistance shall be given to families with incomes of one
27 hundred per cent or less of the federal poverty level.

28 E. The department may provide child care assistance to families
29 referred by ~~child protective services~~ THE DEPARTMENT OF CHILD SAFETY and to
30 children in foster care pursuant to title 8, chapter ~~5- 4~~ to support child
31 protection.

32 F. The department may provide child care assistance to special
33 circumstance families whose incomes are one hundred sixty-five per cent or
34 less of the federal poverty level and who are unable to provide child care
35 for a portion of a twenty-four hour day due to a crisis situation of domestic
36 violence or homelessness, or a physical, mental, emotional or medical
37 condition, participation in a drug treatment or drug rehabilitation program
38 or court ordered community restitution. Priority for this child care
39 assistance shall be given to families with incomes of one hundred per cent or
40 less of the federal poverty level.

41 G. In lieu of the employment activity required in subsection B, C or D
42 of this section, the department may allow eligible families with teenaged
43 custodial parents under twenty years of age to complete a high school diploma
44 or its equivalent or engage in remedial education activities reasonably
45 related to employment goals.

1 H. The department may provide supplemental child care assistance for
2 department approved education and training activities if the eligible parent,
3 legal guardian or caretaker relative is working at least a monthly average of
4 twenty hours per week and this education and training are reasonably related
5 to employment goals. The eligible parent, legal guardian or caretaker
6 relative must demonstrate satisfactory progress in the education or training
7 activity.

8 I. Beginning March 12, 2003, the department shall establish waiting
9 lists for child care assistance and prioritize child care assistance for
10 different eligibility categories in order to manage within appropriated and
11 available monies. Priority of children on the waiting list shall start with
12 those families at one hundred per cent of the federal poverty level and
13 continue with each successive ten per cent increase in the federal poverty
14 level until the maximum allowable federal poverty level of one hundred
15 sixty-five per cent. Priority shall be given regardless of time spent on the
16 waiting list.

17 J. The department shall establish criteria for denying, reducing or
18 terminating child care assistance that include:

19 1. Whether there is a parent, legal guardian or caretaker relative
20 available to care for the child.

21 2. Financial or programmatic eligibility changes or ineligibility.

22 3. Failure to cooperate with the requirements of the department to
23 determine or redetermine eligibility.

24 4. Hours of child care need that fall within the child's compulsory
25 academic school hours.

26 5. Reasonably accessible and available publicly funded early childhood
27 education programs.

28 6. Whether an otherwise eligible family has been sanctioned and cash
29 assistance has been terminated pursuant to chapter 2 of this title.

30 7. Other circumstances of a similar nature.

31 8. Whether sufficient monies exist for the assistance.

32 K. Families receiving child care assistance under subsection D or F of
33 this section are also subject to the following requirements for ~~such~~ THAT
34 child care assistance:

35 1. Each child is limited to no more than sixty cumulative months of
36 child care assistance. The department may provide an extension if the family
37 can prove that the family is making efforts to improve skills and move
38 towards self-sufficiency.

39 2. Families are limited to no more than six children receiving child
40 care assistance.

41 3. Copayments shall be imposed for all children receiving child care
42 assistance. Copayments for each child may be higher for the first child in
43 child care than for additional children in child care.

1 L. The department shall review each case at least once a year to
2 evaluate eligibility for child care assistance.

3 M. The department shall report on December 31 and June 30 of each year
4 to the joint legislative budget committee the total number of families who
5 applied for child care assistance and the total number of families who were
6 denied assistance under this section because the parents, legal guardians or
7 caretaker relatives who applied for assistance were not citizens or legal
8 residents of the United States or were not otherwise lawfully present in the
9 United States.

10 N. This section shall be enforced without regard to race, religion,
11 gender, ethnicity or national origin.

12 O. The department shall refer all child care subsidy recipients to
13 child support enforcement and to local workforce services and provide
14 information on the earned income tax credit.

15 Sec. 154. Section 46-806, Arizona Revised Statutes, is amended to
16 read:

17 46-806. Choice of child care providers

18 The department shall allow parental choice of child care providers for
19 families, except that those families referred by ~~child protective services~~
20 THE DEPARTMENT OF CHILD SAFETY or children in foster care pursuant to title
21 8, chapter ~~5- 4~~ may not receive child care assistance to use uncertified
22 relative providers.

23 Sec. 155. Laws 2012, chapter 50, section 1, as amended by Laws 2013,
24 chapter 220, section 6, is amended to read:

25 Section 1. Child safety oversight committee; membership;
26 duties; delayed repeal

27 A. The child ~~protective services~~ SAFETY oversight committee is
28 established consisting of the following members:

29 1. Two members of the house of representatives who are appointed by
30 the speaker of the house of representatives and who are not members of the
31 same political party. The speaker of the house of representatives shall
32 designate one of these members to serve as cochairperson of the committee.

33 2. Two members of the senate who are appointed by the president of the
34 senate and who are not members of the same political party. The president of
35 the senate shall designate one of these members to serve as cochairperson of
36 the committee.

37 3. The director of the department of ~~economic security~~ CHILD SAFETY or
38 the director's designee.

39 4. One member of a law enforcement agency in this state. The speaker
40 of the house of representatives shall appoint this member.

41 5. One child ~~protective services case~~ SAFETY worker or administrator
42 with child ~~protective services case~~ SAFETY worker knowledge who is appointed
43 by the director of the department of ~~economic security~~ CHILD SAFETY.

44 6. One foster parent who is appointed by the director of the
45 department of ~~economic security~~ CHILD SAFETY.

1 7. One guardian ad litem who is appointed by the director of the
2 administrative office of the courts.

3 8. One former foster child who is appointed by the president of the
4 senate.

5 9. One representative from a foster care licensing agency who is
6 appointed by the speaker of the house of representatives.

7 10. One public member who has significant experience with child
8 ~~protective services~~ SAFETY who is appointed by the president of the senate.

9 11. ONE REPRESENTATIVE OF A NATIVE AMERICAN TRIBE OR NATION WHO IS
10 APPOINTED BY THE PRESIDENT OF THE SENATE.

11 B. The ~~study~~ OVERSIGHT committee shall:

12 1. Identify the responsibilities and scope of THE DEPARTMENT OF CHILD
13 SAFETY, its statutory mandates, ~~and department of economic security~~ policies
14 and procedures ~~relating to that agency~~.

15 2. Identify areas for statutory improvement in the child ~~protective~~
16 ~~services~~ SAFETY system and recommend statutory and administrative changes.

17 3. Monitor ~~child protective services~~ DEPARTMENT program effectiveness
18 and recommend any statutory efficiencies that further the purpose to protect
19 children.

20 4. Review all semiannual reports on program outcomes released by ~~child~~
21 ~~protective services~~ THE DEPARTMENT to the legislature for trends and areas
22 for statutory improvement.

23 5. MAKE RECOMMENDATIONS ON THE MEMBERSHIP AND DUTIES OF ANY FUTURE
24 LEGISLATIVE COMMITTEE TO OVERSEE THE DEPARTMENT OF CHILD SAFETY.

25 ~~5-~~ 6. On or before December 15, ~~2014~~ 2015, submit a report of its
26 findings and recommendations to the governor, the speaker of the house of
27 representatives and the president of the senate, and provide a copy of its
28 report to the secretary of state.

29 C. Committee members are not eligible to receive compensation or
30 reimbursement of expenses.

31 D. This section is repealed from and after December 31, 2015.

32 Sec. 156. Family assessment protocols

33 The department of child safety shall examine the necessity of and
34 requirements for protocols for not conducting a full investigation, but
35 taking measures to prevent future risk of harm to the child in cases not
36 involving criminal conduct and in which there is a reasonable belief that the
37 child is currently safe. The department shall seek input from the child
38 safety oversight committee and hold public meetings to obtain community
39 comment on any recommended protocols. The department shall report its
40 recommendations concerning the protocols and any suggested legislation to the
41 speaker of the house of representatives and the president of the senate on or
42 before July 1, 2015.

1 Sec. 157. Succession

2 A. As provided by this act, the department of child safety succeeds to
3 the authority, powers, duties and responsibilities of the department of
4 economic security as to those functions that are specifically enumerated in
5 this act.

6 B. This act does not alter the effect of any actions that were taken
7 or impair the valid obligations of the department of economic security in
8 existence before the effective date of this act.

9 C. Administrative rules and orders that were adopted by the department
10 of economic security continue in effect until superseded by administrative
11 action by the department of child safety.

12 D. All administrative matters, contracts and judicial and
13 quasi-judicial actions that are related to the functions that are
14 specifically enumerated in this act, whether completed, pending or in
15 process, of the department of economic security on the effective date of this
16 act are transferred to and retain the same status with the department of
17 child safety.

18 E. All certificates, licenses, registrations, permits and other
19 indicia of qualification and authority that were issued by the department of
20 economic security and that are related to the functions that are specifically
21 enumerated in this act retain their validity as provided by law.

22 F. All equipment, records, furnishings and other property, all data
23 and investigative findings and all appropriated monies that remain unexpended
24 and unencumbered on the effective date of this act of the department of
25 economic security that are related to the functions that are specifically
26 enumerated in this act, are transferred to the department of child safety.

27 G. All personnel who are under the state personnel system, who are
28 employed by the department of economic security and who perform functions
29 that are specifically enumerated in this act or who perform functions in
30 support of or in furtherance of those enumerated in this act are transferred
31 to comparable positions and pay classifications in the respective
32 administrative units of the department of child safety on the effective date
33 of this act.

34 Sec. 158. Exemption from rulemaking

35 A. For the purposes of this act, the department of child safety is
36 exempt from the rulemaking requirements of title 41, chapter 6, Arizona
37 Revised Statutes, for eighteen months after the effective date of this act,
38 except that at least thirty days before a rule is adopted or amended, the
39 department shall:

40 1. Post the proposed rules on the department's website.

41 2. Provide notice to the governor, the speaker of the house of
42 representatives, the president of the senate and the co-chairpersons of the
43 child safety oversight committee.

44 3. Provide public notice and an opportunity for public comment on any
45 proposed rules in writing and at two or more public hearings.

1 B. The exemption prescribed in subsection A of this section does not
2 apply to rules adopted pursuant to section 8-804, subsection E, Arizona
3 Revised Statutes, as amended by this act.

4 C. The department of economic security is exempt from the rulemaking
5 requirements of title 41, chapter 6, Arizona Revised Statutes, for one year
6 after the effective date of this act to make only those amendments to the
7 department's rules necessitated by the transfer of child protective services
8 to the department of child safety, except that at least thirty days before a
9 rule is adopted or amended, the department shall:

10 1. Post the proposed rules on the department's website.

11 2. Provide notice to the governor, the speaker of the house of
12 representatives, the president of the senate and the co-chairpersons of the
13 child safety oversight committee

14 3. Provide public notice and an opportunity for public comment on any
15 proposed rules in writing and at two or more public hearings.

16 Sec. 159. External review and recommendations; child safety
17 services

18 A. The auditor general shall engage an independent consultant with
19 expertise in child welfare system planning and operations to examine the
20 current child safety system and consider best practices to improve the
21 delivery of services in this state and to provide consultation on the
22 effective establishment of the new department of child safety with a focus on
23 implementation challenges, including all of the following:

24 1. Developing a strategic direction that ensures child safety and
25 establishes protocols for services after an investigation.

26 2. Creating accountability mechanisms, including the capacity to
27 produce accurate data on performance and outcome measures, use of the data
28 for performance management, processes for continuous quality review,
29 mechanisms for qualitative review of system functioning and outcomes for
30 children, youth and families.

31 3. Strategies for community engagement, including engagement with
32 families, youth and service providers.

33 4. The need for and frequency of regular, periodic performance
34 evaluations and the recommended areas for future reviews of the department of
35 child safety by an independent outside evaluator.

36 B. The auditor general shall consider, in its decision to enter into a
37 contract with an independent consultant, the consultant's history of working
38 with states or counties in evaluating its operations for child welfare and
39 child safety services, the satisfaction of the states or counties with the
40 work of the consultant, the knowledge of the consultant's staff or
41 contractors in child welfare reform and operations, the consultant's
42 knowledge of related laws governing child welfare services and the
43 consultant's knowledge of evidence-based and promising best practices in
44 child welfare services.

1 C. On or before July 1, 2015, the consultant shall submit a report of
2 its work, including findings and recommendations, to the governor, the
3 president of the senate, the speaker of the house of representatives and the
4 cochairpersons of the child safety oversight committee and shall provide a
5 copy of its report to the secretary of state.

6 Sec. 160. Child welfare; report; accountability factors

7 On or before September 1, 2016, the director of the joint legislative
8 budget committee, the director of the governor's office of strategic planning
9 and budgeting and the director of the department of child safety shall make
10 to the governor, the president of the senate and the speaker of the house of
11 representatives recommendations for consolidating into one comprehensive
12 report the child welfare report required by section 8-526, Arizona Revised
13 Statutes, the financial and program accountability report for the department
14 required by section 8-818, Arizona Revised Statutes, as amended by this act,
15 and other child welfare reports prepared by the department. The report shall
16 consider the frequency of reporting as part of the recommendations. The
17 joint legislative budget committee, the governor's office of strategic
18 planning and budgeting and the department of child safety may solicit input
19 from stakeholder groups, including the community advisory committee
20 established by section 8-459, Arizona Revised Statutes, as added by this act,
21 for the report. The report must also address the merit of adding the
22 following accountability factors:

23 1. The average duration of time from when a child enters emergency and
24 residential placement to the initial court case associated with that child.

25 2. The number of children moved from emergency and residential
26 placement to foster care, delineated by major age groupings.

27 3. The number of department of child safety staff hired or leaving by
28 type, specifically the caseworkers' classification level from one through
29 four.

30 4. The number of new and closed foster care receiving homes, including
31 the total available placements by age groupings of infants, children who are
32 one through five years of age, children who are six through twelve years of
33 age and teen children who are twelve through eighteen years of age.

34 5. Cohort and behavioral health data.

35 6. The number and percentage of cases in which the substance abuse of
36 a parent or guardian of a child is a significant factor in the abuse, neglect
37 or dependency of the child.

38 7. Appropriate outcome measures to assess the effectiveness and
39 efficiency of the office of child welfare investigations.

40 Sec. 161. Conveyance of buildings

41 The department of economic security shall convey to the department of
42 child safety ownership of the land and building located at 1717 West
43 Jefferson Street in Phoenix. The department of economic security shall
44 convey ownership of other land and buildings as deemed appropriate to the
45 department of child safety. By January 1, 2015, the department of economic

1 security and the department of child safety shall submit a joint report to
2 the joint committee on capital review listing all land and buildings owned by
3 the department of economic security in which the department of child safety
4 is present and their recommendation as to which agency should maintain or
5 receive ownership. The joint committee on capital review shall review the
6 report and approve any transfers of ownership.

7 Sec. 162. Purpose of department of child safety

8 Pursuant to section 41-2955, subsection E, Arizona Revised Statutes,
9 the purpose of the department of child safety is to protect children as
10 provided in section 8-451, Arizona Revised Statutes, as added by this act.

11 Sec. 163. Emergency

12 This act is an emergency measure that is necessary to preserve the
13 public peace, health or safety and is operative immediately as provided by
14 law.