

REFERENCE TITLE: kinship foster care; provisional license

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

HB 2376

Introduced by
Representatives Clodfelter: Engel, Mitchell, Payne, Udall

AN ACT

AMENDING SECTIONS 8-509 AND 8-514.03, ARIZONA REVISED STATUTES; RELATING
TO KINSHIP FOSTER CARE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-509, Arizona Revised Statutes, is amended to
3 read:

4 8-509. Licensing of foster homes; renewal of license;
5 provisional license; exemption from licensure;
6 immunization requirements

7 A. The department shall license and certify foster homes. Licenses
8 are valid for a period of two years.

9 B. EXCEPT AS PROVIDED IN SECTION 8-514.03, the department shall not
10 issue a license without satisfactory proof that the foster parent or
11 parents have completed six actual hours of approved initial foster parent
12 training as set forth in section 8-503 and that each foster parent and
13 each other adult member of the household has a valid fingerprint clearance
14 card issued pursuant to section 41-1758.07. The foster parent and each
15 other adult member of the household must certify on forms that are
16 provided by the department and that are notarized whether the foster
17 parent or other adult member of the household is awaiting trial on or has
18 ever been convicted of any of the criminal offenses listed in section
19 41-1758.07, subsections B and C in this state or similar offenses in
20 another state or jurisdiction.

21 C. The department shall not renew a license without satisfactory
22 proof that the foster parent or parents have completed twelve actual hours
23 of approved ongoing foster parent training during the two-year period of
24 licensure as set forth in section 8-503.

25 D. If the department determines that completing the training
26 required in subsections B and C of this section would be a hardship to the
27 foster parent or parents, the department may issue a provisional license
28 for a period not to exceed six months. A provisional license may not be
29 renewed OR MAY NOT BE EXTENDED EXCEPT AS PROVIDED IN SECTION 8-514.03.

30 E. Child welfare agencies that submit foster homes for licensing
31 shall conduct an investigation of the foster home pursuant to licensing
32 rules of the department. The department shall conduct investigations of
33 all other foster homes. If the foster home meets all requirements set by
34 the department, the agency shall submit an application stating the foster
35 home's qualifications to the department. The agency may also recommend
36 the types of licensing and certification to be granted to the foster home.

37 F. The department shall accept an adoptive home certification study
38 as a licensing home study if the study has been updated within the past
39 three months to include the information necessary to determine whether the
40 home meets foster care licensing standards.

41 G. This section does not apply if the child is placed in a home by
42 a means other than by court order and if the home does not receive
43 compensation from this state or any political subdivision of this state.

44 H. The department may not prohibit a person operating a licensed
45 foster home from applying for or receiving compensation as a foster home
46 parent due to employment with this state.

1 I. The department shall not require a foster parent to immunize the
2 foster parent's natural or adoptive children as a condition of foster home
3 licensure.

4 J. A licensee may modify the renewal date of a license issued
5 pursuant to this section by submitting an application for modification of
6 renewal date with the department on a form prescribed by the department.
7 The licensee must specify the new month of renewal on the
8 application. The modified renewal date must be before, but not more than
9 six months earlier than, the existing renewal date.

10 K. The foster care review board shall review the cases of children
11 placed by the department in foster homes licensed pursuant to this section
12 as required by section 8-515.03.

13 Sec. 2. Section 8-514.03, Arizona Revised Statutes, is amended to
14 read:

15 8-514.03. Kinship foster care; requirements; investigation;
16 report

17 A. The department shall establish kinship foster care services for
18 a child who has been removed from the child's home and is in the custody
19 of the department. The program shall promote the placement of the child
20 with the child's relative for kinship foster care.

21 B. A kinship foster care parent applicant who is not a licensed
22 foster care parent shall be at least eighteen years of age. The applicant
23 and each member of the applicant's household who is at least eighteen
24 years of age shall submit a full set of fingerprints to the department of
25 child safety for the purpose of obtaining a state and federal criminal
26 records check pursuant to section 41-1750 and Public Law 92-544. The
27 department of public safety may exchange this fingerprint data with the
28 federal bureau of investigation. The department of child safety shall
29 determine if the applicant is able to meet the child's health and safety
30 needs by conducting one or more home visits and interviewing the
31 applicant. The department of child safety may interview other household
32 members, review the applicant's personal and professional references and
33 conduct department of child safety central registry checks.

34 C. IF A KINSHIP FOSTER CARE HOME IS ACCEPTABLE TO THE DEPARTMENT
35 FOR PLACEMENT AND A CHILD IS PLACED IN THE HOME, THE DEPARTMENT SHALL
36 ISSUE A PROVISIONAL FOSTER HOME LICENSE TO THE KINSHIP FOSTER CARE PARENT
37 FOR A PERIOD OF SIX MONTHS. DURING THESE SIX MONTHS, THE KINSHIP FOSTER
38 CARE PARENT IS ELIGIBLE TO RECEIVE FULL FOSTER CARE BENEFITS, INCLUDING
39 THE FOSTER CARE MAINTENANCE PAYMENT.

40 D. WITHIN THE SIX-MONTH PERIOD DESCRIBED IN SUBSECTION C OF THIS
41 SECTION, THE KINSHIP FOSTER CARE PARENT SHALL COMPLETE THE FOLLOWING:

42 1. THE INITIAL FOSTER PARENT LICENSING TRAINING AS DESIGNED BY THE
43 DEPARTMENT FOR KINSHIP FOSTER CAREGIVERS.

44 2. OTHER FOSTER HOME LICENSING REQUIREMENTS THAT HAVE NOT
45 PREVIOUSLY BEEN ACHIEVED, EXCEPT THAT THE DEPARTMENT MAY WAIVE ANY

1 NONSAFETY LICENSING REQUIREMENT IF COMPLIANCE WITH THE NONSAFETY
2 REQUIREMENT WOULD BE A HARDSHIP ON THE KINSHIP FOSTER CARE PARENT.

3 E. THE DEPARTMENT MAY EXTEND A PROVISIONAL LICENSE ISSUED PURSUANT
4 TO SUBSECTION C OF THIS SECTION IF BOTH OF THE FOLLOWING ARE TRUE:

5 1. THE DEPARTMENT DETERMINES THAT A KINSHIP FOSTER CARE PARENT IS
6 MEETING THE CHILD'S HEALTH AND SAFETY NEEDS.

7 2. THE KINSHIP FOSTER CARE PARENT OR ANY OTHER ADULT RESIDENT IN
8 THE CHILD'S HOUSEHOLD:

9 (a) HAS BEEN DENIED A FINGERPRINT CLEARANCE CARD PURSUANT TO TITLE
10 41, CHAPTER 12, ARTICLE 3.1.

11 (b) IS ELIGIBLE PURSUANT TO SECTION 41-1758.07, SUBSECTION C TO
12 PETITION THE BOARD OF FINGERPRINTING FOR A GOOD CAUSE EXCEPTION.

13 (c) PROVIDES DOCUMENTATION THAT THE KINSHIP FOSTER CARE PARENT OR
14 OTHER ADULT HAS APPLIED FOR A GOOD CAUSE EXCEPTION PURSUANT TO SECTION
15 41-619.55 AND IS AWAITING A DECISION.

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

21 ~~D.~~ G. ~~A~~ IF A KINSHIP CARE FOSTER PARENT HAS NOT AGREED TO A
22 PROVISIONAL LICENSE OR FULFILLED THE REQUIREMENTS FOR A FOSTER CARE
23 LICENSE PURSUANT TO THIS SECTION, THE kinship foster care parent may be
24 eligible to receive ~~the following financial services for the child:~~

25 ~~1. Full foster care benefits, including payment if the kinship~~
26 ~~foster care parent becomes a licensed foster care home.~~

27 ~~2.~~ temporary assistance for needy families cash assistance payments
28 for a child only case and supplemental financial support.

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

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

38 ~~F.~~ J. The department shall provide nonfinancial services for a
39 kinship foster care parent through existing means or referral.
40 Nonfinancial services may include:

- 41 1. Family assessment.
- 42 2. Case management.
- 43 3. Child day care.
- 44 4. Housing search and relocation.
- 45 5. Parenting skills training.
- 46 6. Supportive intervention and guidance counseling.

- 1 7. Transportation.
- 2 8. Emergency services.
- 3 9. Parent aid services.
- 4 10. Respite services.
- 5 11. Additional services that the department determines are necessary
- 6 to meet the needs of the child and family.
- 7 ~~H.~~ K. The department of child safety shall evaluate ~~biamnually~~
- 8 **ANNUALLY** the performance of the kinship foster care program. On or before
- 9 November 1, the department shall submit a report to the speaker of the
- 10 house of representatives, the president of the senate and the governor and
- 11 shall provide a copy of this report to the secretary of state. The report
- 12 shall contain the following information **DIFFERENTIATED BY LICENSED AND**
- 13 **UNLICENSED KINSHIP FOSTER CAREGIVERS:**
- 14 1. The demographics and number of children placed with ~~relative~~
- 15 **KINSHIP FOSTER** caregivers.
- 16 2. The demographics of kinship foster caregivers.
- 17 3. The number of relative children per kinship foster care family.
- 18 4. The department's success at maintaining kinship foster care
- 19 placements.
- 20 5. The type of services provided to kinship foster care families.
- 21 6. The cost of services provided to kinship foster care families
- 22 compared to the cost of out-of-home placements.
- 23 7. Recommendations regarding program improvement.
- 24 Sec. 3. Unlicensed kinship foster care parent; option;
- 25 benefits
- 26 A. On or before October 1, 2018, the department of child safety
- 27 shall do both of the following:
- 28 1. Determine if any kinship foster care parent who is not licensed
- 29 pursuant to section 8-514.03, Arizona Revised Statutes, as amended by this
- 30 act, and with whom a child has been placed agrees to apply for a foster
- 31 home license and work to meet the requirements for the license as provided
- 32 in section 8-514.03, Arizona Revised Statutes, as amended by this act, on
- 33 or before June 30, 2019.
- 34 2. Issue a provisional license pursuant to section 8-514.03,
- 35 Arizona Revised Statutes, as amended by this act, to any kinship foster
- 36 care parent who agrees to the requirements of paragraph 1 of this
- 37 subsection.
- 38 B. If the department issues a provisional license to a kinship
- 39 foster care parent as provided in subsection A of this section, the
- 40 kinship foster care parent is eligible to receive full foster care
- 41 benefits, including the foster care maintenance payment.