

REFERENCE TITLE: oversight committee; residential care; children

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
Second Regular Session  
2022

## **HB 2217**

Introduced by  
Representatives Butler: Fernandez B, Jermaine, Powers Hannley

AN ACT

ESTABLISHING THE INDEPENDENT OVERSIGHT COMMITTEE ON RESIDENTIAL CARE FACILITIES THAT PROVIDE SERVICES TO MIGRANT CHILDREN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Independent oversight committee on residential  
3 care facilities that provide services to migrant  
4 children; membership; duties; report; delayed  
5 repeal

6 A. The independent oversight committee on residential care  
7 facilities that provide services to migrant children is established. The  
8 department of health services shall provide staff support to the  
9 independent oversight committee.

10 B. The independent oversight committee consists of the following  
11 members:

12 1. Two members of the senate who are appointed by the president of  
13 the senate, one from each political party. The president of the senate  
14 shall designate one of the members as chairperson of the committee. The  
15 chairperson and the vice chairperson shall be from different political  
16 parties.

17 2. Two members of the house of representative who are appointed by  
18 the speaker of the house of representatives, one from each political  
19 party. The speaker of the house of representatives shall designate one of  
20 the members as vice chairperson of the committee. The chairperson and the  
21 vice chairperson shall be from different political parties.

22 3. The chairperson of the board of fingerprinting or the  
23 chairperson's designee.

24 4. The following members who are appointed by the governor:

25 (a) A representative of an organization that provides legal  
26 services to immigrant children and youth.

27 (b) A representative of an organization that provides advocacy for  
28 children rights.

29 (c) A representative of an organization that provides counseling to  
30 children or youth.

31 (d) A licensed social worker who has experience working with  
32 immigrant children or youth.

33 (e) Two members who have a valid teaching certificates and have at  
34 least five years' experience in teaching, at least one of whom has an  
35 endorsement in bilingual education, English as a second language or  
36 structured English immersion.

37 (f) One member who has experience in psychology.

38 (g) One member who has law enforcement experience.

39 (h) One member who is or was in the last five years employed with  
40 United States immigration and customs enforcement, the United States  
41 customs and border protection or the United States citizenship and  
42 immigration services.

43 (i) A licensed pediatrician in this state.

44 (j) One member who has experience or knowledge in the needs of  
45 children in foster care placements and who is not a state employee.

1 (k) A representative of one of the consulate offices for Mexico or  
2 a country in Central America.

3 C. The independent oversight committee shall:

4 1. Recommend improvements to delivering services in residential  
5 care facilities that provide services to migrant children, including  
6 medical care, counseling, case management, education, legal representation  
7 and recreation.

8 2. Review residential care facility records, including employee  
9 records, complaints filed and records of services provided to children in  
10 the facilities and data relating to the length of stay.

11 3. Make recommendations to the director of the department of health  
12 services and the legislature regarding laws, rules, policies, procedures  
13 and practices to ensure the protection of the rights of children in these  
14 residential care facilities.

15 D. On or before December 31, 2022 and December 31, 2023, the  
16 independent oversight committee shall issue a report with the committee's  
17 recommendations to the governor, the president of the senate, the speaker  
18 of the house of representatives, the chairpersons of the health and human  
19 services committees in the senate and the house of representatives, or  
20 their successor committees, and the director of the department of health  
21 services. The committee shall provide a copy of the reports to the  
22 secretary of state.

23 E. Subject to federal law, independent oversight committee members  
24 shall:

25 1. Have access to review:

26 (a) Employee information and records, including applications,  
27 reviews, employee investigations and outcomes relating to employee  
28 complaints, and any reports filed with the department of health services  
29 or a law enforcement agency relating to employees working at residential  
30 care facilities.

31 (b) Records regarding services and lengths of stay for children in  
32 residential care facilities.

33 2. Have the ability to tour residential care facilities with  
34 reasonable notice provided to the facility.

35 F. Any information relating to a child in a residential care  
36 facility shall be released to the independent oversight committee without  
37 designating personally identifiable information unless it is required for  
38 the official purposes of the committee. For purposes of this subsection,  
39 "personally identifiable information" means a person's name, address, date  
40 of birth, school identification number or other assigned number, country  
41 of birth, names and addresses of parents or next of kin or any other  
42 distinguishing characteristic that tends to identify a particular person.

1           G. Members of the independent oversight committee are not eligible  
2 to receive compensation, but members appointed by the governor are  
3 eligible for reimbursement of expenses pursuant to title 38, chapter 4,  
4 article 2, Arizona Revised Statutes.

5           H. This section is repealed from and after June 30, 2024.