

REFERENCE TITLE: kinship foster care; fingerprint requirement

State of Arizona  
Senate  
Fifty-fifth Legislature  
Second Regular Session  
2022

## **SB 1528**

Introduced by  
Senators Alston: Bowie, Contreras, Gabaldon, Gonzales, Hatathlie, Marsh,  
Otondo, Quezada, Rios, Stahl Hamilton, Steele, Terán; Representative  
Solorio

AN ACT

AMENDING SECTIONS 8-501, 8-506 AND 8-509, ARIZONA REVISED STATUTES;  
RELATING TO CHILD PLACEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 8-501, Arizona Revised Statutes, is amended to  
3 read:  
4 8-501. Definitions  
5 A. In this article, unless the context otherwise requires:  
6 1. "Child developmental certified home" means a regular foster home  
7 that is licensed pursuant to section 8-509 and that is certified by the  
8 department of economic security pursuant to section 36-593.01.  
9 2. "Child welfare agency" or "agency":  
10 (a) Means:  
11 (i) Any agency or institution that is maintained by a person, firm,  
12 corporation, association or organization to receive children for care and  
13 maintenance or for twenty-four hour social, emotional or educational  
14 supervised care or who have been adjudicated as a delinquent or dependent  
15 child.  
16 (ii) Any institution that provides care for unmarried mothers and  
17 their children.  
18 (iii) Any agency that is maintained by this state, a political  
19 subdivision of this state or a person, firm, corporation, association or  
20 organization to place children or unmarried mothers in a foster home.  
21 (b) Does not include state operated institutions or facilities,  
22 detention facilities for children established by law, health care  
23 institutions that are licensed by the department of health services  
24 pursuant to title 36, chapter 4 or private agencies that exclusively  
25 provide children with social enrichment or recreational opportunities and  
26 that do not use restrictive behavior management techniques.  
27 3. "Division" or "department" means the department of child safety.  
28 4. "Former dependent child" means a person who was previously  
29 adjudicated a dependent child in a dependency proceeding that has been  
30 dismissed by order of the juvenile court.  
31 5. "Foster child" means a child placed in a foster home or child  
32 welfare agency.  
33 6. "Foster home" means a home that is maintained by any individual  
34 or individuals having the care or control of minor children, other than  
35 those related to each other by blood or marriage, or related to such  
36 individuals, or who are legal wards of such individuals.  
37 7. "Foster parent" means any individual or individuals maintaining  
38 a foster home.  
39 8. "Group foster home" means a licensed regular or special foster  
40 home that is suitable for placement of more than five minor children but  
41 not more than ten minor children.  
42 9. "KINSHIP FOSTER CARE" MEANS THE CARE AND SUPERVISION OF A FOSTER  
43 CHILD IN A FOSTER HOME IS PROVIDED BY A RELATIVE OR AN INDIVIDUAL WHO HAS  
44 A SIGNIFICANT RELATIONSHIP WITH THE CHILD.

1           ~~9.~~ 10. "Out-of-home placement" means the placing of a child in the  
2 custody of an individual or agency other than with the child's parent or  
3 legal guardian and includes placement in temporary custody pursuant to  
4 section 8-821, voluntary placement pursuant to section 8-806 or placement  
5 due to dependency actions.

6           ~~10.~~ 11. "Parent" means the natural or adoptive mother or father of  
7 a child.

8           ~~11.~~ 12. "Reason for leaving care" means one of the following:

- 9           (a) Reunification with a parent or primary caretaker.
- 10           (b) Living with another relative.
- 11           (c) Adoption by a relative.
- 12           (d) Adoption by a foster parent.
- 13           (e) Adoption by another person.
- 14           (f) Age of majority.
- 15           (g) Guardianship by a relative.
- 16           (h) Guardianship by another person.
- 17           (i) Transfer to another agency.
- 18           (j) Runaway.
- 19           (k) Death.

20           ~~12.~~ 13. "Receiving foster home" means a licensed foster home that  
21 is suitable for immediate placement of children when taken into custody or  
22 pending medical examination and court disposition.

23           ~~13.~~ 14. "Regular foster home" means a licensed foster home that is  
24 suitable for placement of not more than five minor children.

25           ~~14.~~ 15. "Relative" means a grandparent, great-grandparent, brother  
26 or sister of whole or half blood, aunt, uncle or first cousin.

27           ~~15.~~ 16. "Restrictive behavior management" means an intervention or  
28 procedure that attempts to guide, redirect, modify or manage behavior  
29 through the use of any of the following:

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

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

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

43           (ii) Mechanical restraint. For the purposes of this item,  
44 "mechanical restraint" means the use of any physical device to limit a  
45 child's movement and to prevent the child from causing harm to self or to

1 others. Mechanical restraint does not include devices such as  
2 orthopedically prescribed devices, surgical dressings or bandages,  
3 protective helmets or any other method that involves the physical holding  
4 of a child to conduct a routine physical examination or test or to protect  
5 the child from falling out of bed or to ~~permit~~ ALLOW the child to  
6 participate in activities in order to reduce the risk of physical harm to  
7 the child.

8 (iii) Physical restraint. For the purposes of this item, "physical  
9 restraint" means applying physical force to reduce or restrict a child's  
10 ability to freely move the child's arms, legs or head. Physical restraint  
11 does not include temporarily holding a child to ~~permit~~ ALLOW the child to  
12 participate in activities of daily living if this holding does not involve  
13 the risk of physical harm to the child.

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

18 ~~16.~~ 17. "Special foster home" means a licensed foster home that is  
19 capable of handling not more than five minor children who require special  
20 care for physical, mental or emotional reasons or who have been  
21 adjudicated delinquent. Special foster home includes any home handling  
22 foster children aged twelve through seventeen.

23 B. A foster home or any classification of foster home defined in  
24 subsection A of this section includes a home having the care of persons  
25 who are under twenty-one years of age and the cost of whose care is  
26 provided pursuant to section 8-521.01.

27 Sec. 2. Section 8-506, Arizona Revised Statutes, is amended to  
28 read:

29 8-506. Denial, suspension or revocation of license; foster  
30 home; hearing; exception

31 A. The division may deny the application or suspend or revoke the  
32 license of any foster home for ~~wilful violation of~~ WILFULLY VIOLATING any  
33 provision of this article or ~~failure~~ FAILING to maintain the standards of  
34 the care prescribed by the division. Written notice of the grounds of the  
35 suspension or the proposed denial or revocation shall be given to the  
36 applicant or holder of the license. A copy of the written notice of the  
37 suspension or the proposed denial or revocation shall be forwarded to the  
38 agency that recommended the foster home for licensing. Within twenty-five  
39 days after the mailing date of the written notice of proposed denial,  
40 revocation or suspension, the applicant or holder may request a hearing in  
41 accordance with the rules of the division. If the hearing is requested it  
42 shall be held within ten days after the request, at which time the  
43 applicant or holder shall have the right to present testimony and confront  
44 witnesses.

1 B. A denial, suspension or revocation of a foster home license due  
2 to a failure to obtain or maintain a level I fingerprint clearance card as  
3 required by section 8-509, **SUBSECTION B** is not an appealable agency  
4 action.

5 Sec. 3. Section 8-509, Arizona Revised Statutes, is amended to  
6 read:

7 8-509. Licensing of foster homes; renewal of license;  
8 provisional license; exemption from licensure;  
9 immunization requirements

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

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

23 C. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, THE DEPARTMENT MAY  
24 ISSUE A LICENSE TO A FOSTER PARENT OR PARENTS WHO ARE PROVIDING KINSHIP  
25 FOSTER CARE, WHO PROVIDE SATISFACTORY PROOF OF HAVING COMPLETED SIX ACTUAL  
26 HOURS OF APPROVED INITIAL FOSTER PARENT TRAINING PURSUANT TO SECTION 8-503  
27 AND WHO HAVE BEEN APPROVED FOR PLACEMENT OF A FOSTER CHILD OR CHILDREN  
28 PURSUANT TO SECTIONS 8-514.02 AND 8-514.03, INCLUDING THE SUBMISSION BY  
29 THE FOSTER PARENT OR PARENTS AND EACH ADULT HOUSEHOLD MEMBER OF A FULL SET  
30 OF FINGERPRINTS TO OBTAIN A STATE AND FEDERAL CRIMINAL RECORDS CHECKS  
31 PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544. A LICENSE THAT IS  
32 ISSUED PURSUANT TO THIS SUBSECTION IS LIMITED TO THE SPECIFIC CHILD OR  
33 CHILDREN PLACED IN THE CARE OF THE KINSHIP FOSTER PARENT OR PARENTS BY THE  
34 DEPARTMENT. THE DEPARTMENT MAY MODIFY A LICENSE TO INCLUDE ADDITIONAL  
35 RELATED CHILDREN IN THE DEPARTMENT'S CARE, CUSTODY AND CONTROL.

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

40 ~~D.~~ E. If the department determines that completing the training  
41 required in subsections B, ~~and~~ C AND D of this section would be a hardship  
42 to the foster parent or parents, the department may issue a provisional  
43 license for a period not to exceed six months. A provisional license may  
44 not be renewed.

1           ~~F.~~ F. Child welfare agencies that submit foster homes for  
2 licensing shall conduct an investigation of the foster home pursuant to  
3 licensing rules of the department. The department shall conduct  
4 investigations of all other foster homes. If the foster home meets all  
5 requirements set by the department, the agency shall submit an application  
6 stating the foster home's qualifications to the department. The agency  
7 may also recommend the types of licensing and certification to be granted  
8 to the foster home.

9           ~~F.~~ G. The department shall accept an adoptive home certification  
10 study as a licensing home study if the study has been updated within the  
11 past three months to include the information necessary to determine  
12 whether the home meets foster care licensing standards.

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

16           ~~H.~~ I. The department may not prohibit a person operating a  
17 licensed foster home from applying for or receiving compensation as a  
18 foster home parent due to employment with this state.

19           ~~I.~~ J. The department shall not require a foster parent to immunize  
20 the foster parent's natural or adoptive children as a condition of foster  
21 home licensure.

22           ~~J.~~ K. A licensee may modify the renewal date of a license issued  
23 pursuant to this section by submitting an application for modification of  
24 renewal date with the department on a form prescribed by the department.  
25 The licensee must specify the new month of renewal on the  
26 application. The modified renewal date must be before, but not more than  
27 six months earlier than, the existing renewal date.

28           ~~K.~~ L. The foster care review board shall review the cases of  
29 children placed by the department in foster homes licensed pursuant to  
30 this section as required by section 8-515.03.