

Senate Engrossed

foster children; education; best interest

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SENATE BILL 1205

AN ACT

AMENDING SECTION 8-526, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 4, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 8-530.04 AND 8-530.05; RELATING TO FOSTER CHILDREN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-526, Arizona Revised Statutes, is amended to
3 read:

4 8-526. Child welfare; reporting requirements

5 A. The department shall make available program and outcomes data on
6 its website as provided in this section, in a format that can be
7 downloaded and that is conducive to analysis.

8 B. The department shall make available the following information on
9 a semiannual basis by September 30 for the period ending the prior June 30
10 and by March 31 for the period ending the prior December 31:

11 1. Success in meeting training requirements.

12 2. Caseloads for child safety workers.

13 3. The number of new reports and reports that have been closed.

14 4. The number of case-carrying caseworkers in each region.

15 5. The number of investigations by region.

16 6. The number of children being served in-home and the number of
17 children being served out-of-home by each region.

18 7. The total number of reports received, by major category and by
19 priority.

20 8. The number of reports not responded to, by priority, by county
21 and statewide.

22 9. The number of reports assigned for investigation by priority and
23 by major category, by county and statewide for the current and previous
24 reporting periods.

25 10. The number of reports for investigations completed by priority
26 and by major category, by county and statewide for the current and
27 previous reporting periods and as categorized by investigations that
28 resulted in:

29 (a) A substantiated report.

30 (b) A report currently proposed for substantiation.

31 (c) An unsubstantiated report.

32 11. The number of reports assigned for investigation that remain
33 open for investigation by priority and by major category, by county and
34 statewide for the current and previous reporting periods.

35 12. Of the number of children reported to the department, the
36 percentage of children placed in out-of-home care by county and statewide.

37 13. The number of newborn infants delivered to safe haven providers
38 pursuant to section 13-3623.01.

39 14. The number of children entering out-of-home care by county
40 during the reporting period, and the number and percentage of the children
41 entering out-of-home care by county during the reporting period who are
42 voluntary placements for children under eighteen years of age.

43 15. The number and percentage of children removed during the
44 reporting period, by county and statewide, who had been in out-of-home
45 care:

1 (a) Within the previous twelve months.

2 (b) Within the previous twenty-four months, excluding the children
3 included in subdivision (a) of this paragraph.

4 16. The number and percentage of children who have remained in a
5 shelter or receiving home for more than twenty-one consecutive days, by
6 the child's age group.

7 17. The total number of licensed foster homes, the number of
8 licensed foster homes considered kinship homes, the number of licensed
9 community foster homes and the number of available spaces in licensed
10 community foster homes.

11 18. The number of licensed foster homes that receive the required
12 visitation by licensing agency representatives pursuant to section 8-516.

13 19. The number of children placed in the care, custody and control
14 of the department at the end of the reporting period and the number of
15 these children who receive the required visitation by case managers
16 pursuant to section 8-516.

17 20. The number and percentage of children who are in the care,
18 custody and control of the department at the end of the reporting period
19 and who are in out-of-home placement and as categorized by:

20 (a) Age.

21 (b) Ethnicity.

22 (c) Case plan goal.

23 (d) Type of out-of-home placement, categorized by age.

24 (e) Length of time in out-of-home placement of less than thirty
25 days, thirty-one days to twelve consecutive months, twelve to twenty-four
26 consecutive months and more than twenty-four consecutive months, including
27 the median, average and range of the number of out-of-home placements.

28 (f) Primary legal status including voluntary placement for a child
29 under eighteen years of age, temporary custody, adjudicated dependent,
30 free for adoption, voluntary placement for a child over eighteen years of
31 age, dually adjudicated or any other legal status.

32 21. If the case plan is to return the child to the parent, the
33 percentage of parents who receive the required contact by case managers.

34 22. The number and percentage of children who left the custody of
35 the department during the reporting period by reason for leaving care and
36 as categorized by:

37 (a) Age.

38 (b) Ethnicity.

39 (c) Number of placements.

40 (d) Average length of time in care.

41 23. The number of children with a petition for termination of
42 parental rights granted and not granted during the reporting period by
43 county and statewide.

- 1 24. The number and percentage of children with a case plan goal of
2 adoption and who are not placed in an adoptive home at the end of the
3 reporting period and as categorized by:
- 4 (a) Age.
 - 5 (b) Ethnicity.
 - 6 (c) Average length of time in care.
 - 7 (d) Legal status.
- 8 25. The number and percentage of children with a case plan goal of
9 adoption and who are placed in an adoptive home at the end of the
10 reporting period and as categorized by:
- 11 (a) Age.
 - 12 (b) Ethnicity.
 - 13 (c) Average length of time in out-of-home placement.
 - 14 (d) Length of time from change of case plan goal to adoptive
15 placement.
 - 16 (e) Legal status.
 - 17 (f) Marital status and relationship of the adoptive parent or
18 parents to the child.
- 19 26. The number of children whose adoptive placement was disrupted
20 during the reporting period and as categorized by:
- 21 (a) Age.
 - 22 (b) Ethnicity.
 - 23 (c) Cause of the disruption.
 - 24 (d) Marital status and relationship of the adoptive parent or
25 parents to the child.
- 26 27. The number of children whose adoptions were finalized during
27 the reporting period and as categorized by:
- 28 (a) Average length of time in out-of-home placement before adoptive
29 placement.
 - 30 (b) Average length of time in adoptive placement before the final
31 order of adoption.
 - 32 (c) Marital status and relationship of the adoptive parent or
33 parents to the child.
- 34 28. The number of children who died while in the custody of the
35 department by the county where the death occurred and as categorized by:
- 36 (a) The cause of death.
 - 37 (b) The type of out-of-home placement at the time of death.
- 38 29. The number of children with an open or active child safety
39 services case who died due to abuse, categorized by the person or persons
40 who had care or custody of the child at the time of the child's death as
41 follows:
- 42 (a) Biological parent or parents.
 - 43 (b) Other family member.
 - 44 (c) Adoptive parent or parents.
 - 45 (d) Foster care parent or parents.

1 (e) Other out-of-home care provider.

2 30. The number of children with an open or active child safety
3 services case who died due to abuse allegedly caused by an adult household
4 member who is not listed pursuant to paragraph 29 of this subsection.

5 31. The ratio of supervisors to specialists by region.

6 32. The source and use of federal monies in the department.

7 33. The source and use of state monies in the department.

8 34. INFORMATION REGARDING THE EDUCATIONAL PLACEMENT OF FOSTER
9 CHILDREN PURSUANT TO SECTION 8-530.04, INCLUDING:

10 (a) THE NUMBER OF BEST INTEREST EDUCATIONAL PLACEMENT
11 DETERMINATIONS CONDUCTED.

12 (b) THE NUMBER OF CHILDREN WHO ENTERED FOSTER CARE AND WHO DID NOT
13 RECEIVE A BEST INTEREST EDUCATIONAL PLACEMENT DETERMINATION.

14 (c) THE FINAL OUTCOME OF EACH BEST INTEREST EDUCATIONAL PLACEMENT
15 DETERMINATION.

16 C. Based on the data presented in each reporting period, the
17 department, in as brief a format as possible, shall describe three to five
18 major challenges the department faces in achieving the goal of safe,
19 permanent homes for abused and neglected children.

20 D. Within three months after the end of each reporting period the
21 department shall submit a written report in as brief a format as possible
22 to the governor, the president of the senate, the speaker of the house of
23 representatives, the chairperson of the house human services committee,
24 the chairperson of the senate family services committee, or their
25 successor committees, and the cochairpersons of the joint legislative
26 committee on children and family services. The department shall submit a
27 copy of the report to the secretary of state.

28 E. The department shall make available the following information on
29 an annual basis:

30 1. The percentage of substantiations upheld by the office of
31 administrative hearings.

32 2. The demographics and number of children placed with relative
33 caregivers.

34 3. The demographics of kinship foster caregivers.

35 4. The number of relative children per kinship foster care family.

36 5. The department's success at maintaining kinship foster care
37 placements.

38 6. The type and cost of services provided to kinship foster care
39 families by licensed and unlicensed caregivers.

40 7. The cost of services provided to kinship foster caregivers
41 compared to the cost of out-of-home placements.

42 8. The number of children and families, by district, receiving
43 services through the housing assistance program during the previous fiscal
44 year.

1 9. The total amount of money spent on the housing assistance
2 program by region.

3 10. A programmatic and fiscal evaluation of the effectiveness of
4 the housing assistance program that includes the amount of foster care
5 expenditures avoided.

6 11. The number of children in the independent living program by
7 age, county and education status.

8 12. Beginning with the 2022 data period, the statewide number of
9 children in substantiated reports for investigation that are received in
10 the twelve months before the current annual reporting period and that
11 allege neglect as defined in section 8-201, paragraph 25, ~~subsection~~
12 **SUBDIVISION** (c) and the number of children in these reports who were:

13 (a) Removed within thirty days after the date the report is
14 received.

15 (b) Removed within six months after the date the report is
16 received.

17 F. The department shall make available the following information on
18 a monthly basis:

19 1. Operations and workforce data measures that include:

20 (a) Staff vacancy levels by position category and turnover.

21 (b) New hires, separations, turnover and voluntary attrition
22 delineated by field position, safety specialists, hotline staff,
23 caseworkers in training, program, program supervisors, case aides, office
24 of child welfare investigations staff and administrative staff.

25 (c) Hotline performance.

26 (d) Reports received by maltreatment type, priority and response
27 time.

28 (e) Inactive cases by disposition.

29 (f) Open reports.

30 (g) Entries and exits from the foster care population by exit type.

31 (h) Support service provision.

32 (i) Demographics, placement types and case plan goals of the foster
33 care population.

34 (j) The number and type of licensed foster homes that leave the
35 foster care system and the reason for the exit.

36 2. Financial data that compares total expenditures each month and
37 year-to-date as compared to prior year totals, appropriation totals and
38 projected expenditure totals, delineated by appropriation and appropriated
39 fund source.

40 G. The department shall make the information required pursuant to
41 subsection F of this section available within sixty days after the end of
42 the applicable reporting period.

43 H. The department shall notify the president of the senate, the
44 speaker of the house of representatives, the director of the joint
45 legislative budget committee and the director of the governor's office of

1 strategic planning and budgeting when an update is made on information
2 that must be made available pursuant to subsection B or F of this section.

3 Sec. 2. Title 8, chapter 4, article 4, Arizona Revised Statutes, is
4 amended by adding sections 8-530.04 and 8-530.05, to read:

5 8-530.04. Educational placement; best interest of child;
6 transportation

7 A. WITHIN FIVE DAYS AFTER A CHILD ENTERS FOSTER CARE OR IF A
8 CHILD'S PLACEMENT CHANGES, THE CHILD, IF APPROPRIATE, THE CHILD'S
9 CASEWORKER, THE CHILD'S PARENT, GUARDIAN, CUSTODIAN, CAREGIVER OR FOSTER
10 PARENT AND REPRESENTATIVES FROM THE LOCAL EDUCATION AGENCY OR THE CHILD'S
11 SCHOOL OF ORIGIN SHALL DETERMINE IF IT IS IN THE CHILD'S BEST INTEREST TO
12 REMAIN IN THE CHILD'S SCHOOL OF ORIGIN. THE DECISION SHALL BE BASED ON
13 ALL FACTORS RELATING TO THE CHILD'S BEST INTEREST, INCLUDING CONSIDERATION
14 OF THE CHILD'S UNIQUE EDUCATIONAL NEEDS, APPROPRIATENESS OF THE CURRENT
15 EDUCATIONAL SETTING AND THE PROXIMITY TO THE SCHOOL IN WHICH THE CHILD IS
16 ENROLLED AT THE TIME OF PLACEMENT. THE DEPARTMENT SHALL ENSURE
17 TRANSPORTATION FOR THE CHILD DURING THE BEST INTEREST EDUCATIONAL
18 PLACEMENT DETERMINATION PROCESS. IF IT IS DETERMINED THAT THE SCHOOL OF
19 ORIGIN IS NOT IN THE BEST INTEREST OF THE CHILD, THE NEW EDUCATIONAL
20 INSTITUTION SHALL BE INCLUDED IN THE DETERMINATION PROCESS.

21 B. WITHIN TWO DAYS AFTER IT IS DETERMINED THAT A CHANGE OF
22 EDUCATIONAL PLACEMENT IS IN THE BEST INTEREST OF THE CHILD, THE NEW
23 EDUCATIONAL INSTITUTION SHALL ENROLL THE CHILD AND THE CHILD'S SCHOOL OF
24 ORIGIN SHALL TRANSFER THE CHILD'S EDUCATION RECORDS TO THE CHILD'S NEW
25 EDUCATIONAL INSTITUTION WITHIN TWO DAYS AFTER NOTICE OF THE CHILD'S CHANGE
26 IN EDUCATIONAL PLACEMENT. A CHILD SHALL BE IMMEDIATELY ENROLLED IN THE
27 NEW EDUCATIONAL INSTITUTION EVEN IF THE CHILD DOES NOT POSSESS THE RECORDS
28 NORMALLY REQUIRED FOR ENROLLMENT IN THE CHILD'S NEW EDUCATIONAL
29 INSTITUTION OR OWES ANY OUTSTANDING FINES OR FEES TO THE SCHOOL OF ORIGIN.

30 C. THE DEPARTMENT AND EDUCATIONAL AGENCY SHALL JOINTLY ENSURE THAT
31 A CHILD RECEIVES TRANSPORTATION TO THE EDUCATIONAL INSTITUTION DETERMINED
32 TO BE IN THE CHILD'S BEST INTEREST, INCLUDING A CHARTER SCHOOL OR
33 EDUCATIONAL INSTITUTION LOCATED OUTSIDE OF THE CHILD'S CURRENT SCHOOL
34 DISTRICT. IN ENSURING A CHILD RECEIVES TRANSPORTATION TO THE EDUCATIONAL
35 INSTITUTION DETERMINED TO BE IN THE CHILD'S BEST INTEREST, THE DEPARTMENT
36 MAY COORDINATE WITH THE DEPARTMENT OF EDUCATION AND LOCAL EDUCATION
37 AGENCIES AND ENTER INTO NECESSARY INFORMATION SHARING, DATA SHARING AND
38 FINANCIAL AGREEMENTS. A SCHOOL DISTRICT MAY CROSS SCHOOL DISTRICT
39 BOUNDARIES WHEN TRANSPORTING A STUDENT PURSUANT TO THIS SECTION. THE
40 DEPARTMENT OR EDUCATIONAL AGENCY MAY PROVIDE FINANCIAL ASSISTANCE TO THE
41 CHILD'S CAREGIVER OR OTHER APPROVED ADULT FOR TRANSPORTATION IF THE
42 DEPARTMENT AND THE CHILD'S NEW EDUCATIONAL INSTITUTION ARE UNABLE TO
43 TRANSPORT THE CHILD.

1 8-530.05. Transportation; dispute resolution

2 A. THE DEPARTMENT OF CHILD SAFETY AND THE DEPARTMENT OF EDUCATION
3 SHALL ADOPT A CLEAR, WRITTEN ARBITRATION PROCESS FOR PROMPT RESOLUTION OF
4 DISPUTES BETWEEN THE DEPARTMENT OF CHILD SAFETY, LOCAL EDUCATIONAL
5 AGENCIES AND THE DEPARTMENT OF EDUCATION REGARDING THE ARRANGEMENT FOR AND
6 FUNDING OF A CHILD'S TRANSPORTATION TO A SCHOOL DETERMINED TO BE IN THE
7 BEST INTEREST OF THE CHILD PURSUANT TO SECTION 8-530.04.

8 B. THE ARBITRATION PROCESS SHALL INCLUDE PROVISIONS TO ENSURE
9 TRANSPORTATION TO THE SCHOOL OF ORIGIN OR CURRENT EDUCATIONAL PLACEMENT IF
10 A PRIOR BEST INTEREST DETERMINATION HAS BEEN MADE UNTIL THE DISPUTE IS
11 RESOLVED.

12 C. A DECISION RESOLVING A DISPUTE PURSUANT TO THIS SECTION SHALL BE
13 MADE WITHIN TEN BUSINESS DAYS AFTER RECEIPT OF THE DISPUTE.