



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

AMENDED
FACT SHEET FOR S.B. 1458

congregate care; dependent children; procedures

Purpose

Establishes procedures and processes before a dependent child who is under 12 years old may be placed, or continue to be placed, in a congregate care setting and modifies reporting requirements.

Background

The Department of Child Safety (DCS) must make available program and outcomes data in a downloadable format that is conducive to analysis on its website on a semiannual basis that includes the number and percentage of children who are in the care, custody and control of DCS at the end of the reporting period and in out-of-home placement, as categorized by: 1) age; 2) ethnicity; 3) case plan goal; 4) type of out-of-home placement, categorized by age; 5) the length of time in out-of-home placement of less than 30 days, 31 days to 12 consecutive months, 12 to 24 consecutive months and more than 24 consecutive months, including the median, average and range of the number of out-of-home placements; and 6) primary legal status, including voluntary placement for a child under 18 years old, voluntary placement for a child over 18 years old, temporary custody, free for adoption, adjudicated dependent, dually adjudicated or any other legal status ([A.R.S. § 8-526](#)).

If a child is taken into temporary custody, as part of the ongoing search for relatives, DCS must use due diligence in an initial search to identify and notify adult relatives of the child and persons with a significant relationship with the child within 30 days after the child is taken into temporary custody ([A.R.S. § 8-514.07](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

Prior to Placement in a Congregate Care Setting

1. Prohibits a shortage or lack of foster homes from being a reason for determining that the needs of a child cannot be met in a foster home.
2. Allows a dependent child who is under 12 years old to be placed in a congregate care setting only with the prior written approval of:
 - a) the Director of DCS (Director); or
 - b) if the Director is absent, a designee who reports to the Director and does not have authority over the placement of children.

3. Requires the written approval of the Director, or the Director's designee, to document that the placement is required for:
 - a) placing the child with the child's siblings or a parent who has been adjudicated the dependent child;
 - b) addressing the child's documented exceptional needs, which can only be met by a specifically identified congregate care provider; or
 - c) completing an evaluation of the child's placement needs.
4. Requires DCS, before seeking the Director's or the designee's approval for a congregate care placement, to:
 - a) initiate efforts to identify adult relatives or persons with a significant relationship with the child for possible placement;
 - b) assemble a family and permanency team for the child;
 - c) engage the child, if developmentally appropriate, the child's attorney, if one has been appointed, and members of the family and permanency team in making a placement recommendation;
 - d) conduct a preplacement visit to the congregate care setting, unless impracticable; and
 - e) document the family and permanency team's placement recommendations, including any alternatives considered.
5. Requires a family and permanency team to consist of:
 - a) the child, if developmentally appropriate;
 - b) appropriate biological family members, adult relatives and persons with a significant relationship to the child; and
 - c) the child's attorney, if one has been appointed, and other appropriate professionals, including medical or mental health providers, teachers or clergy.
6. Allows DCS to use previously established teams to support the child and the child's family as the child's family and permanency team.
7. Stipulates that if the child's needs cannot be met in a foster home or through placement with adult relatives or persons with a significant relationship to the child, the child and the child's permanency team must determine which setting will provide the most effective and appropriate level of care in the least restrictive environment.
8. Requires the Director, or the designee, to review the child's family and permanency team's placement recommendation before approving or disapproving the child's placement in a congregate care setting.
9. Requires a preplacement visit to a congregate care setting to include the child, if developmentally appropriate, the child's attorney, if one has been appointed, and members of the child's family and permanency team.

Continued Placement in a Congregate Care Setting (Placement)

10. Requires a qualified individual, within 30 days after placement, to work with the child and the child's attorney, family and permanency team to:
 - a) assess the child's strengths and needs using an age-appropriate, evidence-based, validated and functional assessment tool;
 - b) develop a list of child-specific short-term and long-term behavioral health goals;

- c) determine whether the needs of the child can be met in a foster home or through placement with adult relatives or persons with a significant relationship to the child.
11. Requires the qualified individual, if it is determined that the child should not be placed in a foster home or with an adult relative or a person with a significant relationship, to specify:
 - a) the reasons why the needs of the child cannot be met; and
 - b) why the placement in a congregate care setting will provide the child with the most effective and appropriate level of care in the least restrictive environment and how it is consistent with the child's short-term and long-term goals.
12. Requires DCS, within 30 days after placement, to document the child's case plan, including:
 - a) evidence of DCS's ongoing efforts to identify potential placement with an adult relative or other persons with a significant relationship to the child;
 - b) DCS's reasonable and good faith efforts to identify and include individuals on the child's team and in the child's family and permanency team;
 - c) any evidence demonstrating that the parents the child was removed from provided input on the members of the child's family and permanency team;
 - d) contact information for the child's family and permanency team and other adult family members and adults with a significant relationship to the child outside of the child's team;
 - e) evidence that meetings with the child's family and permanency team, including assessment meetings, are held at a time and place that is convenient for the child's family;
 - f) evidence that the assessment was conducted with the child's family and permanency team;
 - g) information regarding the placement preferences of the child's family and permanency team, which must recognize a preference for a placement with the child's siblings unless that placement is contrary to the child's best interests; and
 - h) reasons why the preferences of the child and the child's family and permanency team were not recommended if those preferences are not recommended by the qualified individual.
13. Requires the court, within 60 days after placement, to conduct a hearing to:
 - a) consider the qualified individual's assessment, determination and documentation;
 - b) determine whether the needs of the child can be met in a foster home or through placement with adult relatives or persons with a significant relationship to the child;
 - c) determine whether the child's placement in a congregate care setting provides a more effective and appropriate level of care for the child in the least restrictive environment and is consistent with the child's short-term and long-term goals; and
 - d) approve or disapprove the continued congregate care placement.
14. Requires DCS, at each status review and permanency hearing after placement, to submit the following to the court:
 - a) evidence of ongoing assessments that continue to show the child's needs cannot be met in a foster home or through placement with an adult relative or a person with a significant relationship to the child;
 - b) evidence that placement continues to be the most effective and appropriate level of care for the child in the least restrictive environment and is consistent with the child's short-term and long-term goals;
 - c) documentation of the child's specific treatment or service needs being addressed in the congregate care placement and the length of time the child is expected to require the treatment or service; and

- d) documentation of DCS's efforts to prepare the child to return home or be placed with an adult relative, a person with a significant relationship to the child, a foster family, a legal guardian or an adoptive parent.
15. Requires the court, at each status review and permanency hearing held after placement, to:
- a) consider the evidence and documentation provided by DCS;
 - b) make a finding as to whether the needs of the child can be met in a foster home or through placement with adult relatives or persons with a significant relationship to the child;
 - c) determine whether the continued placement provides the most effective and appropriate level of care for the child in the least restrictive environment and is consistent with the child's short-term and long-term goals; and
 - d) approve or disapprove the child's continued congregate care placement.
16. Requires DCS, if a child is placed in a congregate care setting for more than six consecutive or nonconsecutive months, to submit a report to the court every 30 days consisting of:
- a) updated evidence and documentation; and
 - b) a request from the Director, or designee, for court approval of the continued placement of the child in the child's current congregate care placement.
17. Requires the court, on receipt of the report, to:
- a) consider the evidence and documentation submitted by DCS;
 - b) determine whether the continued placement is consistent with the child's short-term and long-term goals and provides the most effective and appropriate level of care for the child in the least restrictive environment; and
 - c) approve the child's continued congregate care placement or set a hearing to further consider the child's placement.
18. Allows DCS to vacate the hearing, as prescribed, if the child is removed from congregate care and placed with an adult relative or a person with a significant relationship to the child within 60 days of placement.

Miscellaneous

19. Adds, to the information that DCS must report and make available online, the number and percentage of dependent children who are under 12 years old and experienced a congregate care placement during the current reporting period and as categorized by:
- a) age;
 - b) ethnicity;
 - c) sex;
 - d) type of congregate care placement;
 - e) reason for congregate care placement;
 - f) length of time in congregate care placement of less than 30 days, 31 days to 12 consecutive months, 12 to 24 consecutive months and more than 24 consecutive months, including the median, average and range of the number of out-of-home placements;
 - g) the number of Director or designee approvals sought and received for placement in congregate care; and
 - h) the number of court approvals sought and received for placement in congregate care.

20. Expands the reported the number and percentages of children who are in DCS care, custody and control at the end of the reporting period and who are in out-of-home placement information to include:
 - a) as categorized by sex; and
 - b) as categorized by ethnicity, for the type of out-of-home placement categorization.
21. Defines *child* as a dependent child who is under 12 years old.
22. Defines *congregate care* as a facility that is operated by a child welfare agency, licensed by DCS, to provide 24-hour group care to unrelated children, including shelter care facilities intended to provide short-term care for children and residential group care facilities that are intended to provide care for children for longer periods of time, excluding a qualified residential treatment program.
23. Defines a *qualified residential treatment program* as a qualified residential treatment program that serves children with specific treatment needs who need short-term out-of-home placement and that qualifies for funding under the Family First Prevention Services Act.
24. Defines a *qualified individual* as an objective licensed mental health professional who has at least two years' experience working with dependent children, is not an employee of DCS and is not affiliated with any placement setting in which children are placed by DCS.
25. Makes conforming changes.
26. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

1. Adds a designee of the Director as an alternative to the Director.
2. Allows, if the Director is absent, a designee who reports to the Director and does not have authority over the placement of children to provide the written approval required before a child may be placed in a congregate care setting.
3. Specifies that a child's permanency team includes the child's attorney if an attorney has been appointed.
4. Requires DCS to categorize by sex, rather than gender, when reporting the number and percentage of dependent children who are under 12 years old and have experienced congregate care placement or are in out-of-home placement.

Senate Action

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