

House Engrossed

group foster homes; staffing requirement

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
Second Regular Session  
2024

# HOUSE BILL 2543

AN ACT

AMENDING SECTION 8-501, ARIZONA REVISED STATUTES; RELATING TO GROUP FOSTER HOMES.

(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 **AND THAT HAS AT LEAST TWO ADULT EMPLOYEES**  
42 **ON THE PREMISES AT ALL TIMES.**  
43 9. "Out-of-home placement" means the placing of a child in the  
44 custody of an individual or agency other than with the child's parent or  
45 legal guardian and includes placement in temporary custody pursuant to

1 section 8-821, voluntary placement pursuant to section 8-806 or placement  
2 due to dependency actions.

3 10. "Parent" means the natural or adoptive mother or father of a  
4 child.

5 11. "Reason for leaving care" means one of the following:

6 (a) Reunification with a parent or primary caretaker.

7 (b) Living with another relative.

8 (c) Adoption by a relative.

9 (d) Adoption by a foster parent.

10 (e) Adoption by another person.

11 (f) Age of majority.

12 (g) Guardianship by a relative.

13 (h) Guardianship by another person.

14 (i) Transfer to another agency.

15 (j) Runaway.

16 (k) Death.

17 12. "Receiving foster home" means a licensed foster home that is  
18 suitable for immediate placement of children when taken into custody or  
19 pending medical examination and court disposition.

20 13. "Regular foster home" means a licensed foster home that is  
21 suitable for placement of not more than five minor children.

22 14. "Relative" means a grandparent, great-grandparent, brother or  
23 sister of whole or half blood, aunt, uncle or first cousin.

24 15. "Restrictive behavior management" means an intervention or  
25 procedure that attempts to guide, redirect, modify or manage behavior  
26 through the use of any of the following:

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

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

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

40 (ii) Mechanical restraint. For the purposes of this item,  
41 "mechanical restraint" means the use of any physical device to limit a  
42 child's movement and to prevent the child from causing harm to self or to  
43 others. Mechanical restraint does not include devices such as  
44 orthopedically prescribed devices, surgical dressings or bandages,  
45 protective helmets or any other method that involves the physical holding

1 of a child to conduct a routine physical examination or test or to protect  
2 the child from falling out of bed or to ~~permit~~ ALLOW the child to  
3 participate in activities in order to reduce the risk of physical harm to  
4 the child.

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

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

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

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