

State of Arizona
Senate
Fifty-first Legislature
Second Special Session
2014

CHAPTER 1

SENATE BILL 1001

AN ACT

AMENDING SECTION 5-572, ARIZONA REVISED STATUTES; CHANGING THE DESIGNATION OF TITLE 8, ARIZONA REVISED STATUTES, TO "CHILD SAFETY"; AMENDING SECTIONS 8-101, 8-106.01, 8-113, 8-141, 8-142, 8-161, 8-171, 8-201, 8-201.01, 8-202, 8-241, 8-242, 8-243.01, 8-271, 8-303, 8-304 AND 8-341.01, ARIZONA REVISED STATUTES; AMENDING TITLE 8, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 4; TRANSFERRING AND RENUMBERING SECTION 41-1969.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, CHAPTER 220, SECTION 5, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS SECTION 8-471; AMENDING SECTION 8-471, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 8, ARTICLE 1, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 41, CHAPTER 14, ARIZONA REVISED STATUTES, AS ARTICLE 5; TRANSFERRING AND RENUMBERING SECTIONS 8-651 AND 8-652, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 41, CHAPTER 14, ARTICLE 5, ARIZONA REVISED STATUTES, AS SECTIONS 41-2021 AND 41-2022, RESPECTIVELY; REPEALING THE CHAPTER HEADING OF FORMER TITLE 8, CHAPTER 8, ARIZONA REVISED STATUTES; CHANGING THE DESIGNATION OF TITLE 41, CHAPTER 14, ARTICLE 5, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT, TO "EARLY INTERVENTION PROGRAMS AND SERVICES FOR INFANTS AND TODDLERS"; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 9, ARTICLE 1, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 3; TRANSFERRING AND RENUMBERING SECTION 8-701, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARTICLE 3, ARIZONA REVISED STATUTES, AS SECTION 8-481; REPEALING THE CHAPTER HEADING OF FORMER TITLE 8, CHAPTER 9, ARIZONA REVISED

STATUTES; CHANGING THE DESIGNATION OF TITLE 8, CHAPTER 4, ARTICLE 3, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT, TO "HEALTHY FAMILIES PROGRAM"; AMENDING SECTION 8-481, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT; REPEALING TITLE 8, CHAPTER 11, ARIZONA REVISED STATUTES; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 4; REPEALING THE CHAPTER HEADING OF FORMER TITLE 8, CHAPTER 5, ARIZONA REVISED STATUTES; CHANGING THE DESIGNATION OF TITLE 8, CHAPTER 4, ARTICLE 4, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT, TO "CHILD WELFARE AND PLACEMENT"; AMENDING SECTION 8-501, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; REPEALING SECTION 8-502, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; AMENDING SECTIONS 8-503.01, 8-506, 8-506.01, 8-507, 8-512, 8-514.01, 8-514.03, 8-514.04, 8-514.05, 8-520, 8-521 AND 8-525, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 5, ARTICLE 2, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 5; AMENDING SECTIONS 8-531, 8-532 AND 8-533, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 5, ARTICLE 4, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 6; AMENDING SECTION 8-548.05, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 5, ARTICLE 5, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 7; REPEALING SECTION 8-550, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 6, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 36, ARIZONA REVISED STATUTES, AS CHAPTER 39; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 36, CHAPTER 39, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 1; TRANSFERRING AND RENUMBERING SECTIONS 8-551, 8-552, 8-553, 8-554, 8-555, 8-556, 8-557, 8-558, 8-560, 8-561, 8-564, 8-565, 8-566, 8-567 AND 8-568, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 36, CHAPTER 39, ARTICLE 1, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS SECTIONS 36-3901, 36-3902, 36-3903, 36-3904, 36-3905, 36-3906, 36-3907, 36-3908, 36-3909, 36-3910, 36-3911, 36-3912, 36-3913, 36-3914 AND 36-3915, RESPECTIVELY; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 7, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 25, ARIZONA REVISED STATUTES, AS CHAPTER 10; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 25, CHAPTER 10, ARIZONA REVISED STATUTES, AS ARTICLE 1; TRANSFERRING AND RENUMBERING SECTION 8-601, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 25, CHAPTER 10, ARTICLE 1, AS ADDED BY THIS ACT, AS SECTION 25-1401; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 10, ARTICLE 1, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 8; REPEALING THE CHAPTER HEADING OF FORMER TITLE 8, CHAPTER 10, ARIZONA REVISED STATUTES; CHANGING THE DESIGNATION OF TITLE 8, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT, TO "DEPENDENT CHILDREN"; REPEALING SECTION 8-800, ARIZONA REVISED STATUTES, AS TRANSFERRED

BY THIS ACT; AMENDING SECTION 8-801, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; AMENDING SECTION 8-802, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, FIRST SPECIAL SESSION, CHAPTER 5, SECTION 1 AND AS TRANSFERRED BY THIS ACT; REPEALING SECTION 8-802, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, CHAPTER 220, SECTION 2 AND AS TRANSFERRED BY THIS ACT; AMENDING SECTIONS 8-803, 8-804, 8-806, 8-807, 8-808, 8-810, 8-811, 8-812, 8-814, 8-816, 8-817 AND 8-818, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 10, ARTICLE 2, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 9; AMENDING SECTIONS 8-821, 8-823, 8-824, 8-825 AND 8-830, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 10, ARTICLE 3, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 10; AMENDING SECTIONS 8-843, 8-845 AND 8-846, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 10, ARTICLE 4, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 11; AMENDING SECTION 8-862, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 10, ARTICLE 5, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 12; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 10, ARTICLE 6, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 13; AMENDING SECTIONS 8-881, 8-882, 8-883 AND 8-884, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 10, ARTICLE 7, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 14; AMENDING SECTION 8-891, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; AMENDING SECTIONS 12-692, 13-2929, 13-3620, 13-3623.01, 15-765, 15-825, 15-1181, 15-1204, 25-403.03, 25-807, 32-3271, 35-101, 35-148, 36-324, 36-558.01, 36-664, 36-698, 36-883, 36-1201, 36-2282, 36-2284, 36-2901, 36-2906, 36-2930, 36-2988, 36-3434, 36-3435, 36-3501 AND 36-3502, ARIZONA REVISED STATUTES; AMENDING SECTION 36-3903, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT; AMENDING SECTION 41-191.09, ARIZONA REVISED STATUTES; AMENDING SECTION 41-619.51, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, CHAPTER 128, SECTION 11; REPEALING SECTION 41-619.51, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, CHAPTER 129, SECTION 24; AMENDING SECTIONS 41-619.52, 41-619.53, 41-619.57, 41-621 AND 41-803, ARIZONA REVISED STATUTES; AMENDING SECTION 41-1005, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, FIRST SPECIAL SESSION, CHAPTER 10, SECTION 10; REPEALING LAWS 2013, CHAPTER 231, SECTION 3; REPEALING SECTION 41-1005, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, CHAPTER 231, SECTION 4; AMENDING SECTIONS 41-1092.02, 41-1376, 41-1380 AND 41-1750, ARIZONA REVISED STATUTES; AMENDING SECTION 41-1758, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, CHAPTER 128, SECTION 12 AND CHAPTER 174, SECTION 2; REPEALING SECTION 41-1758, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, CHAPTER 129, SECTION 25; AMENDING SECTION 41-1954, ARIZONA REVISED STATUTES; REPEALING SECTION 41-1969.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, FIRST SPECIAL SESSION, CHAPTER 5, SECTION 9; AMENDING SECTION 41-2021, ARIZONA REVISED STATUTES, AS

TRANSFERRED AND RENUMBERED BY THIS ACT; AMENDING SECTIONS 41-2501, 41-2636 AND 41-2752, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3024.06; AMENDING SECTIONS 41-3802, 41-3804, 43-613, 43-1505, 46-101 AND 46-134, ARIZONA REVISED STATUTES; TRANSFERRING AND RENUMBERING SECTION 46-139, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS SECTION 8-462; AMENDING SECTIONS 46-141, 46-295, 46-300.05, 46-803 AND 46-806, ARIZONA REVISED STATUTES; AMENDING LAWS 2012, CHAPTER 50, SECTION 1, AS AMENDED BY LAWS 2013, CHAPTER 220, SECTION 6; RELATING TO CHILD SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 5-572, Arizona Revised Statutes, is amended to
3 read:

4 5-572. Use of monies in state lottery fund; report

5 A. If there are any bonds or bond related obligations payable from the
6 state lottery revenue bond debt service fund, the state lottery revenue bond
7 debt service fund shall be secured by a first lien on the monies in the state
8 lottery fund after the payment of operating costs of the lottery, as
9 prescribed in section 5-555, subsection A, paragraph 1, until the state
10 lottery bond debt service fund contains sufficient monies to meet all the
11 requirements for the current period as required by the bond documents. Debt
12 service for revenue bonds issued pursuant to this chapter shall be paid first
13 from monies that would have otherwise been deposited pursuant to this section
14 in the state general fund. After the requirements for the current period
15 have been satisfied as required by the bond documents, the monies in the
16 state lottery fund shall be expended for the expenses of the commission
17 incurred in carrying out its powers and duties and in the operation of the
18 lottery.

19 B. Of the monies remaining in the state lottery fund each fiscal year
20 after appropriations and deposits authorized in subsection A of this section,
21 ten million dollars shall be deposited in the Arizona game and fish
22 commission heritage fund established by section 17-297.

23 C. Of the monies remaining in the state lottery fund each fiscal year
24 after appropriations and deposits authorized in subsections A and B of this
25 section, five million dollars shall be allocated to the department of
26 ~~economic security~~ CHILD SAFETY for the healthy families program established
27 by section ~~8-701~~ 8-481, four million dollars shall be allocated to the
28 Arizona board of regents for the Arizona area health education system
29 established by section 15-1643, three million dollars shall be allocated to
30 the department of health services to fund the teenage pregnancy prevention
31 programs established in Laws 1995, chapter 190, sections 2 and 3, two million
32 dollars shall be allocated to the department of health services for the
33 health start program established by section 36-697, two million dollars shall
34 be deposited in the disease control research fund established by section
35 36-274 and one million dollars shall be allocated to the department of health
36 services for the federal women, infants and children food program. The
37 allocations in this subsection shall be adjusted annually according to
38 changes in the GDP price deflator as defined in section 41-563 and the
39 allocations are exempt from the provisions of section 35-190 relating to
40 lapsing of appropriations. If there are not sufficient monies available
41 pursuant to this subsection, the allocation of monies for each program shall
42 be reduced on a pro rata basis.

43 D. If the state lottery director determines that monies available to
44 the state general fund may not equal eighty-four million one hundred fifty
45 thousand dollars in a fiscal year, the director shall not authorize deposits
46 to the Arizona game and fish commission heritage fund pursuant to subsection

1 B of this section until the deposits to the state general fund equal
2 eighty-four million one hundred fifty thousand dollars in a fiscal year.

3 E. Of the monies remaining in the state lottery fund each fiscal year
4 after appropriations and deposits authorized in subsections A through D of
5 this section, one million dollars or the remaining balance in the fund,
6 whichever is less, is appropriated to the department of economic security for
7 grants to nonprofit organizations, including faith based organizations, for
8 homeless emergency and transitional shelters and related support services.
9 The department of economic security shall submit a report on the amounts,
10 recipients, purposes and results of each grant to the governor, the speaker
11 of the house of representatives and the president of the senate on or before
12 December 31 of each year for the prior fiscal year and shall provide a copy
13 of this report to the secretary of state.

14 F. Of the monies remaining in the state lottery fund each fiscal year
15 after appropriations and deposits authorized in subsections A through E of
16 this section, and after a total of at least ninety-nine million six hundred
17 forty thousand dollars has been deposited in the state general fund, three
18 million five hundred thousand dollars shall be deposited in the Arizona
19 competes fund established by section 41-1545.01. The balance in the state
20 lottery fund remaining after deposits into the Arizona competes fund shall be
21 deposited in the university capital improvement lease-to-own and bond fund
22 established by section 15-1682.03, up to a maximum of eighty per cent of the
23 total annual payments of lease-to-own and bond agreements entered into by the
24 Arizona board of regents.

25 G. All monies remaining in the state lottery fund after the
26 appropriations and deposits authorized in this section shall be deposited in
27 the state general fund.

28 H. Except for monies expended for debt service of revenue bonds as
29 provided in subsection A of this section, monies expended under subsection A
30 of this section are subject to legislative appropriation.

31 Sec. 2. Heading change

32 The title heading of title 8, Arizona Revised Statutes, is changed from
33 "CHILDREN" to "CHILD SAFETY".

34 Sec. 3. Section 8-101, Arizona Revised Statutes, is amended to read:

35 8-101. Definitions

36 In this article, unless the context otherwise requires:

37 1. "Adult" means a person eighteen years of age or older.

38 2. "Agency" means a person other than the division licensed by the
39 division to place children for adoption, including an attorney or law firm.

40 3. "Agency placement adoption" means an adoption proceeding in which
41 one or more of the requisite consents are given to an agency pursuant to
42 section 8-107, subsection D, paragraph 1.

43 4. "Child" means any person under eighteen years of age.

44 5. "Custody" means a status embodying all of the following rights and
45 responsibilities:

46 (a) The right to have the physical possession of the child.

1 (b) The right and the duty to protect, train and discipline the child.

2 (c) The responsibility to provide the child with food, shelter,
3 education and health care, and the authority to consent to surgery or other
4 extraordinary medical care in an emergency.

5 6. "Direct placement adoption" means an adoption proceeding in which
6 one or more of the requisite consents are given to a particular person
7 pursuant to section 8-107, subsection D, paragraph 2.

8 7. "Division" means the department of ~~economic security~~ CHILD SAFETY.

9 8. "Juvenile court" or "court" means the juvenile division of the
10 superior court.

11 9. "Permanent guardian" means a legal guardian appointed by the court
12 pursuant to section 8-525.

13 10. "Petitioner" includes both petitioners under a joint petition.

14 Sec. 4. Section 8-106.01, Arizona Revised Statutes, is amended to
15 read:

16 8-106.01. Putative fathers registry; claim of paternity;
17 adoptive interest

18 A. A person who is seeking paternity, who wants to receive notice of
19 adoption proceedings and who is the father or claims to be the father of a
20 child shall file notice of a claim of paternity and of his willingness and
21 intent to support the child to the best of his ability with the state
22 registrar of vital statistics in the department of health services. The
23 department of health services shall provide forms for the purpose of filing
24 the notice of a claim of paternity. Forms shall be made available in the
25 department of health services, the office of the clerk of the board of
26 supervisors in each county, every hospital, every licensed child placement
27 agency, the department of economic security, THE DEPARTMENT OF CHILD SAFETY,
28 sheriff's offices, jails, prisons, state department of corrections facilities
29 and department of juvenile corrections facilities.

30 B. The notice of a claim of paternity may be filed before the birth of
31 the child but shall be filed within thirty days after the birth of the
32 child. The notice of a claim of paternity shall be signed by the putative
33 father and shall include his name and address, the name and last known
34 address of the birth mother and either the birth date of the child or the
35 probable month and year of the expected birth of the child. The putative
36 father who files a notice of a claim of paternity under this section shall
37 notify the registrar of vital statistics of any change of his address. The
38 department of health services shall maintain a confidential registry for this
39 purpose. The department shall only respond to written inquiries of the
40 confidential registry that are received from the court, the division, a
41 licensed adoption agency or a licensed attorney participating or assisting in
42 a direct placement adoption. The department shall provide a certificate
43 signed by the state registrar of vital statistics stating that a diligent
44 search has been made of the registry of notices of claims of paternity from
45 putative fathers listing all filings found or stating that no filing has been
46 found pertaining to the father of the child in question.

1 C. If the court determines the claimant is not the child's father it
2 shall notify the department of health services and shall order the department
3 to remove that person's name from the putative fathers registry.

4 D. If the mother denies that the putative father filing the notice of
5 a claim of paternity is the father, the department of health services shall
6 notify the putative father of his responsibility to establish paternity.

7 E. A putative father who does not file a notice of a claim of
8 paternity as required under this section waives his right to be notified of
9 any judicial hearing regarding the child's adoption and his consent to the
10 adoption is not required, unless he proves, by clear and convincing evidence,
11 both of the following:

12 1. It was not possible for him to file a notice of a claim of
13 paternity within the period of time specified in subsection B of this
14 section.

15 2. He filed a notice of a claim of paternity within thirty days after
16 it became possible for him to file.

17 F. Lack of knowledge of the pregnancy is not an acceptable reason for
18 failure to file. The fact that the putative father had sexual intercourse
19 with the mother is deemed to be notice to the putative father of the
20 pregnancy.

21 G. When a certificate provided pursuant to subsection B of this
22 section is received by the court, the division, a licensed adoption agency or
23 a licensed attorney participating or assisting in a direct placement adoption
24 from the department that lists filings of a putative father or fathers, the
25 putative father or fathers who filed timely notices of claims of paternity
26 and who have not previously been served shall be served with the notice
27 prescribed in section 8-106, subsection G. A putative father who fails to
28 file a paternity action pursuant to title 25, chapter 6, article 1 within
29 thirty days of completion of service of the notice prescribed in section
30 8-106 is barred from bringing or maintaining any action to assert any
31 interest in the child.

32 H. If in any adoption proceeding there is not a showing that a
33 putative father has consented to the adoption or has waived his rights
34 regarding the proposed adoption, the petitioner shall file with the court,
35 before the court enters a final decree of adoption, a certificate from the
36 department of health services signed by the state registrar of vital
37 statistics stating that a diligent search has been made of the registry of
38 notices of claims of paternity from putative fathers and that no filing has
39 been found pertaining to the father of the child in question.

40 Sec. 5. Section 8-113, Arizona Revised Statutes, is amended to read:

41 8-113. Removal from home; expedited hearings; probationary
42 period; rights and responsibilities; visitation
43 limitations

44 A. A child who has been placed in a certified adoptive home by any
45 agency or the division shall not be removed from the home except on order of
46 the juvenile court. The agency or the division may request a hearing for

1 removal before the juvenile court, and in those cases, a hearing shall be
2 held not less than ten days after notice has been given to the certified
3 prospective adoptive parent or parents.

4 B. This section does not prohibit prospective adoptive parents from
5 voluntarily returning any child to the placing agency or the division or does
6 not prevent the removal of a child pursuant to section 8-456 OR 8-821 ~~OR~~
7 ~~8-802~~.

8 C. Pending the final adoption hearing, the child is subject to further
9 investigation by the division, an officer of the court or an agency that is
10 required to do the social study pursuant to section 8-105.

11 D. The court shall hold the hearing on the petition:

12 1. Within sixty days if the child has resided in the home of the
13 prospective adoptive parent or parents for at least one year immediately
14 preceding the filing of the petition for adoption. If the prospective
15 adoptive parent is the stepparent of the child, this requirement applies only
16 if the stepparent has been married to the birth or legal parent of the child
17 for at least one year.

18 2. Within ninety days if the child is under three years of age or has
19 resided in the home of the prospective adoptive parent or parents for at
20 least six months preceding the filing of the petition for adoption. If the
21 prospective adoptive parent is the stepparent of the child, this requirement
22 applies only if the stepparent has been married to the birth or legal parent
23 of the child for at least one year.

24 3. In all other cases, within six months after the filing of the
25 petition for adoption.

26 E. If subsection D, paragraph 1 or 2 of this section applies, the
27 petitioner shall file a notification of that fact with the petition to adopt.

28 F. The court shall postpone a hearing scheduled to be held pursuant to
29 subsection D of this section if the court has not received the results of the
30 criminal records check at least forty-eight hours before the final hearing.
31 The court shall reschedule the hearing within twenty-one days after receiving
32 the results.

33 G. The court or the petitioner may postpone the final hearing up to
34 sixty days in order to give notice to any interested party or for other good
35 cause.

36 H. The court shall hold an expedited hearing on a motion that is
37 supported by a sworn affidavit that the expedited hearing is in the child's
38 best interests and that any of the following is true:

39 1. The child is suffering from a chronically debilitating, progressive
40 or fatal disease as diagnosed by a licensed physician.

41 2. A prospective adoptive parent, birth parent or legal parent is
42 terminally ill, as diagnosed by a licensed physician.

43 3. The court finds other compelling reasons relating to the special
44 needs and welfare of the child to expedite the hearing.

1 I. During the probationary period or any extension, prospective
2 adoptive parents who have complied with the provisions of this chapter have
3 the following rights and responsibilities with respect to the child:

4 1. The right to physical custody of the child unless the child is
5 removed by order of the juvenile court after notice and a hearing.

6 2. The right to consent to necessary medical procedures for the child.

7 3. The right to consent to participation in social and athletic
8 activities for the child.

9 4. The responsibility to provide proper care and support for the child
10 in addition to that already provided by the placing agency or division.

11 5. The right to refuse visitation between the child and a birth parent
12 if that parent's rights have been terminated pending appeal unless the
13 juvenile court orders visitation.

14 6. On request, the right to be notified by the agency or the division
15 of and to participate in all meetings in which the division is making
16 decisions relating to the child in the prospective adoptive home.

17 7. On request, the right to notification from the agency or the
18 division of an appeal of the termination of the birth parent's parental
19 rights.

20 Sec. 6. Section 8-141, Arizona Revised Statutes, is amended to read:

21 8-141. Definitions; exception

22 A. In this article, unless the context otherwise requires:

23 1. "Adoption subsidy" means a grant that is provided to a child with
24 special needs and that has been applied for through the department.

25 2. "Agency" means the department or a child welfare agency ~~which~~ THAT
26 is authorized in its license issued by the department to place or care for
27 children in foster care.

28 3. "Application" means the completion of the department application
29 form with documentation of the child's special needs.

30 4. "Child" means any person who is under the age of eighteen years,
31 who is legally free for adoption and who otherwise may not be adopted because
32 the person has special needs.

33 ~~5. "Department" means the department of economic security.~~

34 ~~6.~~ 5. "Developmental disability" has the same meaning as provided in
35 section 36-551.

36 ~~7.~~ 6. "Emotional disturbance" means a condition which impedes the
37 child's ordinary developmental progress as defined by accepted psychiatric or
38 psychological standards and as diagnosed by one or more psychiatrists or
39 psychologists approved by the department.

40 ~~8.~~ 7. "Emotional ties" includes:

41 (a) Identification of the child as a member of the foster family.

42 (b) Identification by the foster family of the child as belonging to
43 that family.

44 (c) The likelihood that the child will not establish significant
45 emotional ties to another family if he is denied permanent placement with the
46 foster family.

1 ~~9.~~ 8. "High risk of physical or mental disease" means a potentially
2 debilitating condition as defined by accepted standards of the health service
3 profession and as certified by one or more health service providers approved
4 by the department.

5 ~~10.~~ 9. "High risk of severe emotional disturbance if removed from the
6 care of his foster parents" means the development of significant emotional
7 ties to the foster family as documented by the child's case manager and as
8 diagnosed by a psychiatrist or psychologist approved by the department.

9 ~~11.~~ 10. "Mental disability" means a lifelong condition which is
10 characterized by impaired intellectual development and impedes the ability to
11 function independently as defined by accepted national standards and as
12 certified by a psychologist, physician or child development specialist
13 approved by the department.

14 ~~12.~~ 11. "Physical disability" means one of the following conditions:
15 (a) A chronically debilitating, progressive or fatal disease which
16 requires assistance for the child in activities of daily living.

17 (b) The requirement of assistance of another person or mechanical
18 device for movement from place to place.

19 ~~13.~~ 12. "Racial or ethnic factors" means Black, Hispanic, Native
20 American, Asian or other heritage which may prevent a child from being
21 adopted by a family of similar racial or ethnic origin.

22 ~~14.~~ 13. "Special needs" means one or more of the following conditions
23 which existed before the finalization of adoption:

24 (a) Physical, mental or developmental disability.

25 (b) Emotional disturbance.

26 (c) High risk of physical or mental disease.

27 (d) High risk of developmental disability.

28 (e) Age of six or more years at the time of application for an
29 adoption subsidy.

30 (f) Sibling relationship.

31 (g) Racial or ethnic factors.

32 (h) High risk of severe emotional disturbance if removed from the care
33 of his foster parents.

34 (i) Any combination of the special needs described in this paragraph.

35 B. The condition described in subsection A, paragraph ~~14~~ 13,
36 subdivision (h), is not a special need unless the foster care relationship
37 existed before the foster adoption placement was made.

38 Sec. 7. Section 8-142, Arizona Revised Statutes, is amended to read:

39 ~~8-142.~~ Adoption subsidy program; funding; claims; limitation

40 A. The department ~~of economic security~~ shall establish and administer
41 an ongoing program of subsidized adoption. Adoption subsidies shall be
42 provided from monies appropriated to the department or made available to it
43 from other sources.

44 B. The department ~~of economic security~~ shall not pay claims for a
45 special services subsidy ~~which~~ THAT are submitted more than nine months after

1 the date of the service for which payment is claimed except as authorized by
2 rules of the department.

3 C. The department ~~of economic security~~ shall not consider an applicant
4 for a state adoption subsidy until the applicant has applied for all existing
5 federal eligibility categories under the title IV-E program.

6 D. The total amount that may be expended in any fiscal year by the
7 department ~~of economic security~~ for the adoption subsidy program shall not
8 exceed the amount appropriated in the general appropriations act for the
9 program and any monies granted by the federal government, together with
10 additional amounts appropriated for the program by any special legislative
11 appropriation. Transfers of monies between and among classes and programs
12 shall continue to be permitted in accordance with the provisions of section
13 35-173.

14 Sec. 8. Section 8-161, Arizona Revised Statutes, is amended to read:

15 8-161. Definitions

16 In this article, unless the context otherwise requires:

17 1. "Application" means the completion of the department application
18 form with documentation of the child's special needs and nonrecurring
19 expenses related to the adoption.

20 2. "Child" means a person who is under the age of eighteen years and
21 who is adopted in this state or placed for adoption from this state.

22 ~~3. "Department" means the department of economic security.~~

23 ~~4.~~ 3. "Nonrecurring adoption expenses" means reasonable and necessary
24 adoption fees, court costs, attorney fees and expenses which are directly
25 related to the legal process of adoption of a child with special needs
26 including costs relating to the adoption study, health and psychological
27 examinations, supervision of the placement before the adoption,
28 transportation and reasonable costs of lodging and food for the child or
29 adoptive parents which are incurred to complete the adoption process, meet
30 federal requirements and are not reimbursed by other sources.

31 ~~5.~~ 4. "Special needs" has the same meaning as provided in section
32 8-141.

33 Sec. 9. Section 8-171, Arizona Revised Statutes, is amended to read:

34 8-171. Definitions

35 In this article, unless the context otherwise requires:

36 1. "Adoption assistance" means payments, medical assistance or
37 benefits provided by an adoption assistance state pursuant to applicable
38 federal and state laws.

39 2. "Adoption assistance state" means a state that is a signatory to an
40 interstate adoption assistance compact.

41 ~~3. "Department" means the department of economic security.~~

42 ~~4.~~ 3. "State" means a state, district, commonwealth or territory of
43 the United States.

44 Sec. 10. Section 8-201, Arizona Revised Statutes, is amended to read:

45 8-201. Definitions

46 In this title, unless the context otherwise requires:

1 1. "Abandoned" means the failure of the parent to provide reasonable
2 support and to maintain regular contact with the child, including providing
3 normal supervision. Abandoned includes a judicial finding that a parent has
4 made only minimal efforts to support and communicate with the child. Failure
5 to maintain a normal parental relationship with the child without just cause
6 for a period of six months constitutes prima facie evidence of abandonment.

7 2. "Abuse" means the infliction or allowing of physical injury,
8 impairment of bodily function or disfigurement or the infliction of or
9 allowing another person to cause serious emotional damage as evidenced by
10 severe anxiety, depression, withdrawal or untoward aggressive behavior and
11 which emotional damage is diagnosed by a medical doctor or psychologist and
12 is caused by the acts or omissions of an individual ~~having~~ WHO HAS THE care,
13 custody and control of a child. Abuse includes:

14 (a) Inflicting or allowing sexual abuse pursuant to section 13-1404,
15 sexual conduct with a minor pursuant to section 13-1405, sexual assault
16 pursuant to section 13-1406, molestation of a child pursuant to section
17 13-1410, commercial sexual exploitation of a minor pursuant to section
18 13-3552, sexual exploitation of a minor pursuant to section 13-3553, incest
19 pursuant to section 13-3608 or child prostitution pursuant to section
20 13-3212.

21 (b) Physical injury that results from permitting a child to enter or
22 remain in any structure or vehicle in which volatile, toxic or flammable
23 chemicals are found or equipment is possessed by any person for the purpose
24 of manufacturing a dangerous drug as defined in section 13-3401.

25 (c) Unreasonable confinement of a child.

26 3. "Adult" means a person who is eighteen years of age or older.

27 4. "Adult court" means the appropriate justice court, municipal court
28 or criminal division of the superior court that has jurisdiction to hear
29 proceedings concerning offenses committed by juveniles as provided in
30 sections 8-327 and 13-501.

31 5. "Award" or "commit" means to assign legal custody.

32 6. "Child", "youth" or "juvenile" means an individual who is under the
33 age of eighteen years.

34 7. "Complaint" means a written statement of the essential facts
35 constituting a public offense that is any of the following:

36 (a) Made on an oath before a judge or commissioner of the superior
37 court or an authorized juvenile hearing officer.

38 (b) Made pursuant to section 13-3903.

39 (c) Accompanied by an affidavit of a law enforcement officer or
40 employee that swears on information and belief to the accuracy of the
41 complaint pursuant to section 13-4261.

42 8. "CRIMINAL CONDUCT ALLEGATION" MEANS AN ALLEGATION OF CONDUCT BY A
43 PARENT, GUARDIAN OR CUSTODIAN OF A CHILD OR AN ADULT MEMBER OF THE VICTIM'S
44 HOUSEHOLD THAT, IF TRUE, WOULD CONSTITUTE ANY OF THE FOLLOWING:

45 (a) A VIOLATION OF SECTION 13-3623 INVOLVING CHILD ABUSE.

1 (b) A FELONY OFFENSE THAT CONSTITUTES DOMESTIC VIOLENCE AS DEFINED IN
2 SECTION 13-3601.

3 (c) A VIOLATION OF SECTION 13-1404 OR 13-1406 INVOLVING A MINOR.

4 (d) A VIOLATION OF SECTION 13-1405, 13-1410 OR 13-1417.

5 (e) ANY OTHER ACT OF ABUSE THAT IS CLASSIFIED AS A FELONY.

6 (f) AN OFFENSE THAT CONSTITUTES DOMESTIC VIOLENCE AS DEFINED IN
7 SECTION 13-3601 AND THAT INVOLVES A MINOR WHO IS A VICTIM OF OR WAS IN
8 IMMINENT DANGER DURING THE DOMESTIC VIOLENCE.

9 ~~8-~~ 9. "Custodian" means a person, other than a parent or legal
10 guardian, who stands in loco parentis to the child or a person to whom legal
11 custody of the child has been given by order of the juvenile court.

12 ~~9-~~ 10. "Delinquency hearing" means a proceeding in the juvenile court
13 to determine whether a juvenile has committed a specific delinquent act as
14 set forth in a petition.

15 ~~10-~~ 11. "Delinquent act" means an act by a juvenile that if committed
16 by an adult would be a criminal offense or a petty offense, a violation of
17 any law of this state, or of another state if the act occurred in that state,
18 or a law of the United States, or a violation of any law that can only be
19 violated by a minor and that has been designated as a delinquent offense, or
20 any ordinance of a city, county or political subdivision of this state
21 defining crime. Delinquent act does not include an offense under section
22 13-501, subsection A or B if the offense is filed in adult court. Any
23 juvenile who is prosecuted as an adult or who is remanded for prosecution as
24 an adult shall not be adjudicated as a delinquent juvenile for the same
25 offense.

26 ~~11-~~ 12. "Delinquent juvenile" means a child who is adjudicated to have
27 committed a delinquent act.

28 ~~12-~~ 13. "Department" means the department of ~~economic security~~ CHILD
29 SAFETY.

30 ~~13-~~ 14. "Dependent child":

31 (a) Means a child who is adjudicated to be:

32 (i) In need of proper and effective parental care and control and who
33 has no parent or guardian, or one who has no parent or guardian willing to
34 exercise or capable of exercising such care and control.

35 (ii) Destitute or who is not provided with the necessities of life,
36 including adequate food, clothing, shelter or medical care.

37 (iii) A child whose home is unfit by reason of abuse, neglect, cruelty
38 or depravity by a parent, a guardian or any other person having custody or
39 care of the child.

40 (iv) Under eight years of age and who is found to have committed an
41 act that would result in adjudication as a delinquent juvenile or
42 incorrigible child if committed by an older juvenile or child.

43 (v) Incompetent or not restorable to competency and who is alleged to
44 have committed a serious offense as defined in section 13-706.

1 (b) Does not include a child who in good faith is being furnished
2 Christian Science treatment by a duly accredited practitioner if none of the
3 circumstances described in subdivision (a) of this paragraph exists.

4 ~~14.~~ 15. "Detention" means the temporary confinement of a juvenile who
5 requires secure care in a physically restricting facility that is completely
6 surrounded by a locked and physically secure barrier with restricted ingress
7 and egress for the protection of the juvenile or the community pending court
8 disposition or as a condition of probation.

9 16. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.

10 ~~15.~~ 17. "Health professional" has the same meaning prescribed in
11 section 32-3201.

12 ~~16.~~ 18. "Incorrigible child" means a child who:

13 (a) Is adjudicated as a child who refuses to obey the reasonable and
14 proper orders or directions of a parent, guardian or custodian and who is
15 beyond the control of that person.

16 (b) Is habitually truant from school as defined in section 15-803,
17 subsection C.

18 (c) Is a runaway from the child's home or parent, guardian or
19 custodian.

20 (d) Habitually behaves in such a manner as to injure or endanger the
21 morals or health of self or others.

22 (e) Commits any act constituting an offense that can only be committed
23 by a minor and that is not designated as a delinquent act.

24 (f) Fails to obey any lawful order of a court of competent
25 jurisdiction given in a noncriminal action.

26 ~~17.~~ 19. "Independent living program" includes a residential program
27 with supervision of less than twenty-four hours a day.

28 ~~18.~~ 20. "Juvenile court" means the juvenile division of the superior
29 court when exercising its jurisdiction over children in any proceeding
30 relating to delinquency, dependency or incorrigibility.

31 ~~19.~~ 21. "Law enforcement officer" means a peace officer, sheriff,
32 deputy sheriff, municipal police officer or constable.

33 ~~20.~~ 22. "Medical director of a mental health agency" means a
34 psychiatrist, or licensed physician experienced in psychiatric matters, who
35 is designated in writing by the governing body of the agency as the person in
36 charge of the medical services of the agency, or a psychiatrist designated by
37 the governing body to act for the director. The term includes the
38 superintendent of the state hospital.

39 ~~21.~~ 23. "Mental health agency" means any private or public facility
40 that is licensed by this state as a mental health treatment agency, a
41 psychiatric hospital, a psychiatric unit of a general hospital or a
42 residential treatment center for emotionally disturbed children and that uses
43 secure settings or mechanical restraints.

44 ~~22.~~ 24. "Neglect" or "neglected" means:

45 (a) The inability or unwillingness of a parent, guardian or custodian
46 of a child to provide that child with supervision, food, clothing, shelter or

1 medical care if that inability or unwillingness causes unreasonable risk of
2 harm to the child's health or welfare, except if the inability of a parent,
3 guardian or custodian to provide services to meet the needs of a child with a
4 disability or chronic illness is solely the result of the unavailability of
5 reasonable services.

6 (b) Permitting a child to enter or remain in any structure or vehicle
7 in which volatile, toxic or flammable chemicals are found or equipment is
8 possessed by any person for the purposes of manufacturing a dangerous drug as
9 defined in section 13-3401.

10 (c) A determination by a health professional that a newborn infant was
11 exposed prenatally to a drug or substance listed in section 13-3401 and that
12 this exposure was not the result of a medical treatment administered to the
13 mother or the newborn infant by a health professional. This subdivision does
14 not expand a health professional's duty to report neglect based on prenatal
15 exposure to a drug or substance listed in section 13-3401 beyond the
16 requirements prescribed pursuant to section 13-3620, subsection E. The
17 determination by the health professional shall be based on one or more of the
18 following:

19 (i) Clinical indicators in the prenatal period including maternal and
20 newborn presentation.

21 (ii) History of substance use or abuse.

22 (iii) Medical history.

23 (iv) Results of a toxicology or other laboratory test on the mother or
24 the newborn infant.

25 (d) Diagnosis by a health professional of an infant under one year of
26 age with clinical findings consistent with fetal alcohol syndrome or fetal
27 alcohol effects.

28 (e) Deliberate exposure of a child by a parent, guardian or custodian
29 to sexual conduct as defined in section 13-3551 or to sexual contact, oral
30 sexual contact or sexual intercourse as defined in section 13-1401,
31 bestiality as prescribed in section 13-1411 or explicit sexual materials as
32 defined in section 13-3507.

33 (f) Any of the following acts committed by the child's parent,
34 guardian or custodian with reckless disregard as to whether the child is
35 physically present:

36 (i) Sexual contact as defined in section 13-1401.

37 (ii) Oral sexual contact as defined in section 13-1401.

38 (iii) Sexual intercourse as defined in section 13-1401.

39 (iv) Bestiality as prescribed in section 13-1411.

40 ~~23.~~ 25. "Newborn infant" means a child who is under thirty days of
41 age.

42 ~~24.~~ 26. "Petition" means a written statement of the essential facts
43 that allege delinquency, incorrigibility or dependency.

44 ~~25.~~ 27. "Prevention" means the creation of conditions, opportunities
45 and experiences that encourage and develop healthy, self-sufficient children
46 and that occur before the onset of problems.

1 ~~26-~~ 28. "Protective supervision" means supervision that is ordered by
2 the juvenile court of children who are found to be dependent or incorrigible.

3 ~~27-~~ 29. "Referral" means a report that is submitted to the juvenile
4 court and that alleges that a child is dependent or incorrigible or that a
5 juvenile has committed a delinquent or criminal act.

6 30. "REPORT FOR INVESTIGATION" MEANS A REPORT PREPARED PURSUANT TO
7 SECTION 8-455, SUBSECTION D.

8 ~~28-~~ 31. "Secure care" means confinement in a facility that is
9 completely surrounded by a locked and physically secure barrier with
10 restricted ingress and egress.

11 ~~29-~~ 32. "Serious emotional injury" means an injury that is diagnosed
12 by a medical doctor or a psychologist and that does any one or a combination
13 of the following:

14 (a) Seriously impairs mental faculties.

15 (b) Causes serious anxiety, depression, withdrawal or social
16 dysfunction behavior to the extent that the child suffers dysfunction that
17 requires treatment.

18 (c) Is the result of sexual abuse pursuant to section 13-1404, sexual
19 conduct with a minor pursuant to section 13-1405, sexual assault pursuant to
20 section 13-1406, molestation of a child pursuant to section 13-1410, child
21 prostitution pursuant to section 13-3212, commercial sexual exploitation of a
22 minor pursuant to section 13-3552, sexual exploitation of a minor pursuant to
23 section 13-3553 or incest pursuant to section 13-3608.

24 ~~30-~~ 33. "Serious physical injury" means an injury that is diagnosed by
25 a medical doctor and that does any one or a combination of the following:

26 (a) Creates a reasonable risk of death.

27 (b) Causes serious or permanent disfigurement.

28 (c) Causes significant physical pain.

29 (d) Causes serious impairment of health.

30 (e) Causes the loss or protracted impairment of an organ or limb.

31 (f) Is the result of sexual abuse pursuant to section 13-1404, sexual
32 conduct with a minor pursuant to section 13-1405, sexual assault pursuant to
33 section 13-1406, molestation of a child pursuant to section 13-1410, child
34 prostitution pursuant to section 13-3212, commercial sexual exploitation of a
35 minor pursuant to section 13-3552, sexual exploitation of a minor pursuant to
36 section 13-3553 or incest pursuant to section 13-3608.

37 ~~31-~~ 34. "Shelter care" means the temporary care of a child in any
38 public or private facility or home that is licensed by this state and that
39 offers a physically nonsecure environment that is characterized by the
40 absence of physically restricting construction or hardware and that provides
41 the child access to the surrounding community.

42 Sec. 11. Section 8-201.01, Arizona Revised Statutes, is amended to
43 read:

44 8-201.01. Prohibitions

45 Notwithstanding any other provision of this chapter or chapter ~~10~~ 4,
46 ARTICLES 8, 9, 10, 11, 12, 13 AND 14 of this title:

1 1. A child who in good faith is being furnished Christian Science
2 treatment by a duly accredited practitioner shall not, for that reason alone,
3 be considered to be an abused, neglected or dependent child.

4 2. A child whose parent, guardian or custodian refuses to put the
5 child on a psychiatric medication or questions the use of a psychiatric
6 medication shall not be considered to be an abused, neglected or dependent
7 child for that reason alone.

8 Sec. 12. Section 8-202, Arizona Revised Statutes, is amended to read:
9 8-202. Jurisdiction of juvenile court

10 A. The juvenile court has original jurisdiction over all delinquency
11 proceedings brought under the authority of this title.

12 B. The juvenile court has exclusive original jurisdiction over all
13 proceedings brought under the authority of this title except for delinquency
14 proceedings.

15 C. The juvenile court may consolidate any matter, except that the
16 juvenile court shall not consolidate any of the following:

17 1. A criminal proceeding that is filed in another division of superior
18 court and that involves a child who is subject to the jurisdiction of the
19 juvenile court.

20 2. A delinquency proceeding with any other proceeding that does not
21 involve delinquency, unless the juvenile delinquency adjudication proceeding
22 is not heard at the same time or in the same hearing as a nondelinquency
23 proceeding.

24 D. The juvenile court has jurisdiction of proceedings to obtain
25 judicial consent to the marriage, employment or enlistment in the armed
26 services of a child, if consent is required by law.

27 E. The juvenile court has jurisdiction over both civil traffic
28 violations and offenses listed in section 8-323, subsection B that are
29 committed within the county by persons under eighteen years of age unless the
30 presiding judge of the county declines jurisdiction of these cases. The
31 presiding judge of the county may decline jurisdiction of civil traffic
32 violations committed within the county by juveniles if the presiding judge
33 finds that the declination would promote the more efficient use of limited
34 judicial and law enforcement resources located within the county. If the
35 presiding judge declines jurisdiction, juvenile civil traffic violations
36 shall be processed, heard and disposed of in the same manner and with the
37 same penalties as adult civil traffic violations.

38 F. The orders of the juvenile court under the authority of this
39 chapter or chapter ~~3-5~~ or ~~10~~ 4 of this title take precedence over any order
40 of any other court of this state except the court of appeals and the supreme
41 court to the extent that they are inconsistent with orders of other courts.

42 G. Except as otherwise provided by law, jurisdiction of a child that
43 is obtained by the juvenile court in a proceeding under this chapter or
44 chapter ~~3-5~~ or ~~10~~ 4 of this title shall be retained by it, for the purposes
45 of implementing the orders made and filed in that proceeding, until the child

1 becomes eighteen years of age, unless terminated by order of the court before
2 the child's eighteenth birthday.

3 H. Persons who are under eighteen years of age shall be prosecuted in
4 the same manner as adults if either:

5 1. The juvenile court transfers jurisdiction pursuant to section
6 8-327.

7 2. The juvenile is charged as an adult with an offense listed in
8 section 13-501.

9 Sec. 13. Section 8-241, Arizona Revised Statutes, is amended to read:

10 8-241. Fees on disposition

11 A. Notwithstanding section 8-243, the juvenile court shall order the
12 parent of a juvenile to pay a fee of not less than fifty dollars a month for
13 the supervision of the juvenile unless, after determining the inability of
14 the parent to pay the fee, the court orders payment of a lesser amount.

15 B. If:

16 1. The department of ~~economic security~~ CHILD SAFETY is the supervising
17 agency, all monies assessed pursuant to this section shall be ordered to be
18 paid and used as provided in section 8-243.01.

19 2. The juvenile probation office is the supervising agency, all monies
20 assessed pursuant to this section shall be ordered to be paid to the clerk of
21 the superior court. The clerk of the superior court shall pay all monies
22 collected from this fee to the county treasurer for deposit in the juvenile
23 probation fund to be used as provided in section 12-268. Any amount greater
24 than forty dollars of the fee assessed pursuant to this section shall only be
25 used to supplement monies currently used for the salaries of juvenile
26 probation and surveillance officers and for support of programs and services
27 of the superior court juvenile probation departments.

28 3. The department of juvenile corrections is the supervising agency,
29 all monies assessed pursuant to this section shall be ordered to be paid to
30 the department of juvenile corrections and shall be used to fund work
31 restitution programs for juveniles.

32 4. A person or another state agency or state institution is
33 responsible for supervision, all monies assessed pursuant to this section
34 shall be deposited, pursuant to sections 35-146 and 35-147, in the state
35 general fund.

36 C. If the juvenile was adopted or placed in permanent guardianship
37 after the juvenile was determined by the court to be a dependent child, the
38 juvenile court shall consider the totality of the child's circumstances and
39 the nature of the dependency. The juvenile court may waive all or part of
40 the fee prescribed by subsection A of this section if the juvenile court
41 determines extenuating circumstances exist.

42 Sec. 14. Section 8-242, Arizona Revised Statutes, is amended to read:

43 8-242. Evaluation and disposition of developmentally disabled
44 child

45 A. If evidence indicates that a child who is under the jurisdiction of
46 the court pursuant to this chapter, ~~or~~ chapter 3 or ~~to~~ CHAPTER 4, ARTICLES 8,

1 9, 10, 11, 12, 13 AND 14 of this title may be suffering from developmental
2 disabilities, the juvenile court shall order a study and report on the
3 child's condition.

4 B. If it appears from the study and the report that such child is
5 developmentally disabled and the child has been adjudicated dependent,
6 incorrigible or delinquent, the juvenile court shall hear the matter, and
7 such child shall be assigned by the juvenile court pursuant to section 8-341
8 or 8-845. If a developmentally disabled child is assigned by the juvenile
9 court to the department ~~of economic security~~, such assignment shall be
10 subject to the provisions of section 36-560.

11 C. If it appears from the study and report or hearing that the child
12 is not subject to assignment as a developmentally disabled child, the
13 juvenile court shall proceed in the manner as otherwise provided by this
14 chapter, ~~or~~ chapter 3 or ~~to~~ CHAPTER 4, ARTICLES 8, 9, 10, 11, 12, 13 AND 14
15 of this title.

16 Sec. 15. Section 8-243.01, Arizona Revised Statutes, is amended to
17 read:

18 8-243.01. Deposit of child support assessment monies

19 If a child, the child's estate or guardian, any other person or a
20 parent of a child in the custody of the department of ~~economic security~~ CHILD
21 SAFETY or a county juvenile probation office is assessed by the juvenile
22 court for the support of the child pursuant to section 8-241 or section
23 8-243, the department of ~~economic security~~ CHILD SAFETY shall deposit the
24 monies received in the children and family services training program fund
25 established pursuant to section 8-503.01.

26 Sec. 16. Section 8-271, Arizona Revised Statutes, is amended to read:

27 8-271. Definitions

28 In this article, unless the context otherwise requires:

29 1. "Dually adjudicated child" means a child who is found to be
30 dependent or temporarily subject to court jurisdiction pending an
31 adjudication of a dependency petition and who is alleged or found to have
32 committed a delinquent or incorrigible act.

33 2. "Entity" means the department of ~~economic security~~ CHILD SAFETY,
34 the department of juvenile corrections or a child welfare agency that has
35 been granted legal care, custody and control of a child by order of the
36 juvenile court and that is responsible for securing inpatient psychiatric
37 acute care services or residential treatment services for a child. Entity
38 includes a probation department or juvenile detention center that either
39 recommends or is ordered by the court to provide inpatient psychiatric acute
40 care services or residential treatment services for a child.

41 3. "Inpatient assessment" includes all of the following:

42 (a) The observation of a child's behavior while the child is in an
43 inpatient assessment facility.

44 (b) Psychological or psychiatric testing, if indicated.

1 (c) A determination as to whether a child needs inpatient psychiatric
2 acute care services and whether inpatient psychiatric acute care services are
3 the least restrictive available alternative.

4 (d) The administration of psychotropic medication and medication
5 monitoring, if necessary to complete the assessment or to prevent the child
6 from being a danger to self or others.

7 (e) A written report that summarizes the results of an inpatient
8 assessment, including specific recommendations for follow-up care.

9 (f) A psychiatric or psychological assessment, including a clinical
10 interview with a child.

11 (g) An explanation to a child of the least restrictive alternatives
12 available to meet the child's mental health needs.

13 (h) A determination as to whether the child may be suffering from a
14 mental disorder, is a danger to self or others or is persistently or acutely
15 disabled or gravely disabled, as defined in section 36-501.

16 (i) A review of a child's medical, social and psychological records,
17 if available.

18 4. "Level one behavioral health facility" means a behavioral health
19 service agency that is licensed by the department of health services and that
20 provides a structured treatment setting with twenty-four hour a day
21 supervision and an intensive treatment program.

22 5. "Outpatient assessment" includes all of the following:

23 (a) A psychiatric or psychological assessment, including a clinical
24 interview with a child.

25 (b) An explanation to a child of the least restrictive alternatives
26 available to meet the child's mental health needs if determined at the time
27 of the assessment.

28 (c) A determination as to whether the child may be suffering from a
29 mental disorder, is a danger to self or others or is persistently or acutely
30 disabled or gravely disabled.

31 (d) A review of a child's medical, social and psychological records,
32 if available.

33 (e) A determination as to whether the child needs an inpatient
34 assessment or inpatient psychiatric acute care services and whether an
35 inpatient assessment or inpatient psychiatric acute care services are the
36 least restrictive available alternative.

37 6. "Physician" means a person who is licensed pursuant to title 32,
38 chapter 13 or 17.

39 7. "Psychiatric acute care facility" or "inpatient assessment
40 facility" means a facility that is licensed by the department of health
41 services as a level one behavioral health facility and that provides
42 psychiatric acute care services.

43 8. "Psychiatric acute care services" means any of the following:

44 (a) Emergency or crisis behavioral health services.

1 (b) Psychiatric and psychological assessments and short-term intensive
2 behavioral health counseling and treatment for acute episodes or mental
3 disorders.

4 (c) Medication stabilization and twenty-four hour a day nursing care
5 for a child who suffers from acute psychiatric or mental disorders or who
6 needs to have a chronic mental illness stabilized.

7 9. "Psychiatrist" means a person who is licensed pursuant to title 32,
8 chapter 13 or 17.

9 10. "Psychologist" means a person who is licensed pursuant to title 32,
10 chapter 19.1.

11 11. "Residential treatment services" means services, other than
12 psychiatric acute care services, that are provided by a level one behavioral
13 health facility.

14 Sec. 17. Section 8-303, Arizona Revised Statutes, is amended to read:
15 8-303. Taking into temporary custody; interference; release;
16 separate custody; violation; classification

17 A. Except as provided in section 8-305, a juvenile taken into
18 temporary custody shall not be detained in a police station, jail or lockup
19 where adults charged with or convicted of a crime are detained.

20 B. A child shall be taken into temporary custody:

21 1. Pursuant to an order of the juvenile court.

22 2. Pursuant to a warrant issued according to the laws of arrest.

23 C. A juvenile may be taken into temporary custody:

24 1. By a peace officer pursuant to the laws of arrest, without a
25 warrant, if there are reasonable grounds to believe that the juvenile has
26 committed a delinquent act or the child is incorrigible.

27 2. By a peace officer if there are reasonable grounds to believe that
28 the child has run away from the child's parents, guardian or other custodian.

29 3. By a private person as provided by section 13-3884.

30 D. A peace officer shall take a juvenile into temporary custody
31 pursuant to the laws of arrest, with or without a warrant, when there are
32 reasonable grounds to believe that either:

33 1. The juvenile has committed a criminal act or a delinquent act which
34 if committed by an adult could be a felony or breach of the peace.

35 2. The juvenile has been apprehended in commission of a criminal act
36 or a delinquent act, which if committed by an adult would be a felony, or in
37 fresh pursuit.

38 E. A juvenile who is taken into temporary custody pursuant to
39 subsection D of this section may be released from temporary custody only to
40 the parents, guardian or custodian of the juvenile or to the juvenile court.

41 F. A person who knowingly interferes with the taking of a juvenile
42 into temporary custody under the provisions of this section is guilty of a
43 class 2 misdemeanor.

44 G. In determining if a child should be taken into custody under
45 subsection C of this section, the peace officer or child ~~protective services~~
46 ~~specialist~~ SAFETY WORKER may consider as a mitigating factor the

1 participation of the parent, guardian or custodian in the healthy families
2 program established by section ~~8-701~~ 8-481.

3 Sec. 18. Section 8-304, Arizona Revised Statutes, is amended to read:

4 8-304. Investigation of alleged acts of delinquency, dependency
5 and incorrigibility

6 A. The law enforcement officer having jurisdiction in the place in
7 which an act of delinquency or incorrigibility is alleged to have occurred
8 ~~shall have the responsibility~~ IS RESPONSIBLE for the complete investigation
9 surrounding the alleged commission of the act.

10 B. A ~~child protective services specialist of the~~ department ~~shall have~~
11 ~~the responsibility~~ INVESTIGATOR IS RESPONSIBLE for the complete investigation
12 of all complaints of alleged dependency, and a criminal conduct allegation
13 shall be investigated in cooperation with the appropriate law enforcement
14 agencies and according to the protocols established pursuant to section
15 8-817. The department shall be responsible for the disposition of such child
16 unless the matter requires the intervention of the court. ~~For the purposes~~
17 ~~of this subsection, "criminal conduct allegation" has the same meaning~~
18 ~~prescribed in section 8-801.~~

19 Sec. 19. Section 8-341.01, Arizona Revised Statutes, is amended to
20 read:

21 8-341.01. Residential treatment services

22 A. If at a disposition hearing or a subsequent hearing the court
23 orders a delinquent juvenile or incorrigible child to receive residential
24 treatment services, other than psychiatric acute care services as defined in
25 section 8-271, the placement must be supported by a written psychological,
26 psychiatric or medical evaluation recommending residential treatment
27 services. The court may waive the written evaluation for good cause shown.

28 B. If the court orders a child to receive residential treatment
29 services, the court shall find by clear and convincing evidence that both:

30 1. The child requires residential treatment services to address the
31 child's behavioral, psychological, social or mental health needs.

32 2. Available alternatives to residential treatment services were
33 considered, but that residential treatment services are the least restrictive
34 alternative.

35 C. The court shall review the child's continuing need for residential
36 treatment services at least every sixty days after the date of the treatment
37 order. The residential treatment facility shall submit a progress report to
38 the court at least five days before the review and shall provide copies of
39 its report to all parties, including the child's attorney and guardian ad
40 litem. The progress report shall include the recommendations of the child's
41 treatment facility and shall include at least the following:

42 1. The nature of the treatment provided, including any medications and
43 the child's current diagnosis.

44 2. The child's need for continued residential treatment services,
45 including the estimated length of the services.

46 3. A projected discharge date.

1 4. The level of care required by the child and the potential placement
2 options that are available to the child on discharge.

3 5. A statement from the medical or clinical director of the
4 residential treatment services facility or the director's designee as to
5 whether residential treatment services are necessary to meet the child's
6 needs and whether the facility that is providing the residential treatment
7 services to the child is the least restrictive available alternative.

8 D. On its own motion or the motion of a party, the court may hold an
9 expedited hearing to review the continued placement of the child in
10 residential treatment.

11 E. If the child is also found to be dependent or is temporarily
12 subject to court jurisdiction pending an adjudication of a dependency
13 petition, the probation department shall notify the department of ~~economic~~
14 ~~security~~ CHILD SAFETY that placement of the child for residential treatment
15 services is being recommended. The department shall receive copies of any
16 reports relating to the child's placement for residential treatment services.
17 The department may attend and participate in all hearings and any other
18 proceedings relating to the placement or continued placement for residential
19 treatment services.

20 Sec. 20. Title 8, Arizona Revised Statutes, is amended by adding
21 chapter 4, to read:

22 CHAPTER 4
23 DEPARTMENT OF CHILD SAFETY
24 ARTICLE 1. GENERAL PROVISIONS

25 8-451. Department; purpose

26 A. THE DEPARTMENT OF CHILD SAFETY IS ESTABLISHED.

27 B. THE PRIMARY PURPOSE OF THE DEPARTMENT IS TO PROTECT CHILDREN. TO
28 ACHIEVE THIS PURPOSE, THE DEPARTMENT SHALL DO AND FOCUS EQUALLY ON THE
29 FOLLOWING:

30 1. INVESTIGATE REPORTS OF ABUSE AND NEGLECT.

31 2. ASSESS, PROMOTE AND SUPPORT THE SAFETY OF A CHILD IN A SAFE AND
32 STABLE FAMILY OR OTHER APPROPRIATE PLACEMENT IN RESPONSE TO ALLEGATIONS OF
33 ABUSE OR NEGLECT.

34 3. WORK COOPERATIVELY WITH LAW ENFORCEMENT REGARDING REPORTS THAT
35 INCLUDE CRIMINAL CONDUCT ALLEGATIONS.

36 4. WITHOUT COMPROMISING CHILD SAFETY, COORDINATE SERVICES TO ACHIEVE
37 AND MAINTAIN PERMANENCY ON BEHALF OF THE CHILD, STRENGTHEN THE FAMILY AND
38 PROVIDE PREVENTION, INTERVENTION AND TREATMENT SERVICES PURSUANT TO THIS
39 CHAPTER.

40 8-452. Director; appointment; qualifications; compensation

41 A. THE GOVERNOR SHALL APPOINT THE DIRECTOR OF THE DEPARTMENT PURSUANT
42 TO SECTION 38-211. THE DIRECTOR SERVES AT THE PLEASURE OF THE GOVERNOR.

43 B. AT A MINIMUM, THE DIRECTOR SHALL HAVE:

44 1. ADMINISTRATIVE EXPERIENCE IN THE PROTECTION OF CHILDREN FROM
45 MALTREATMENT AND IN FAMILY SUPPORT SERVICES.

1 2. QUALIFICATIONS AND TRAINING THAT ENABLE THE DIRECTOR TO MANAGE THE
2 AFFAIRS OF THE DEPARTMENT.

3 C. THE DIRECTOR IS ELIGIBLE TO RECEIVE COMPENSATION PURSUANT TO
4 SECTION 38-611.

5 8-453. Powers and duties

6 A. THE DIRECTOR SHALL:

7 1. CARRY OUT THE PURPOSES OF THE DEPARTMENT PRESCRIBED IN SECTION
8 8-451.

9 2. PROVIDE TRANSPARENCY BY BEING OPEN AND ACCOUNTABLE TO THE PUBLIC
10 FOR THE ACTIONS OF THE DEPARTMENT.

11 3. DEVELOP A DATA SYSTEM THAT ENABLES PERSONS AND ENTITIES THAT ARE
12 CHARGED WITH A RESPONSIBILITY RELATING TO CHILD SAFETY TO ACCESS ALL RELEVANT
13 INFORMATION RELATING TO AN ABUSED, NEGLECTED OR ABANDONED CHILD AS PROVIDED
14 BY LAW.

15 4. SUBJECT TO TITLE 41, CHAPTER 4, ARTICLE 4 AND, AS APPLICABLE,
16 ARTICLES 5 AND 6, EMPLOY DEPUTY DIRECTORS AND OTHER KEY PERSONNEL BASED ON
17 QUALIFICATIONS THAT ARE PRESCRIBED BY THE DIRECTOR.

18 5. ADOPT RULES TO IMPLEMENT THE PURPOSES OF THE DEPARTMENT AND THE
19 DUTIES AND POWERS OF THE DIRECTOR.

20 6. PETITION, AS NECESSARY TO IMPLEMENT THE CASE PLAN ESTABLISHED UNDER
21 SECTION 8-824 OR 8-845, FOR THE APPOINTMENT OF A GUARDIAN OR A TEMPORARY
22 GUARDIAN UNDER TITLE 14, CHAPTER 5 FOR CHILDREN WHO ARE IN CUSTODY OF THE
23 DEPARTMENT PURSUANT TO COURT ORDER. PERSONS APPLYING TO BE GUARDIANS OR
24 TEMPORARY GUARDIANS UNDER THIS SECTION SHALL BE FINGERPRINTED. A FOSTER
25 PARENT OR CERTIFIED ADOPTIVE PARENT ALREADY FINGERPRINTED IS NOT REQUIRED TO
26 BE FINGERPRINTED AGAIN, IF THE FOSTER PARENT OR CERTIFIED ADOPTIVE PARENT IS
27 THE PERSON APPLYING TO BE THE GUARDIAN OR TEMPORARY GUARDIAN.

28 7. COOPERATE WITH OTHER AGENCIES OF THIS STATE, COUNTY AND MUNICIPAL
29 AGENCIES, FAITH-BASED ORGANIZATIONS AND COMMUNITY SOCIAL SERVICES AGENCIES,
30 IF AVAILABLE, TO ACHIEVE THE PURPOSES OF THIS CHAPTER.

31 8. EXCHANGE INFORMATION, INCLUDING CASE SPECIFIC INFORMATION, AND
32 COOPERATE WITH THE DEPARTMENT OF ECONOMIC SECURITY FOR THE ADMINISTRATION OF
33 THE DEPARTMENT OF ECONOMIC SECURITY'S PROGRAMS.

34 9. ADMINISTER CHILD WELFARE ACTIVITIES, INCLUDING:

35 (a) CROSS-JURISDICTIONAL PLACEMENTS PURSUANT TO SECTION 8-548.

36 (b) PROVIDING THE COST OF CARE OF:

37 (i) CHILDREN WHO ARE IN TEMPORARY CUSTODY, ARE THE SUBJECT OF A
38 DEPENDENCY PETITION OR ARE ADJUDICATED BY THE COURT AS DEPENDENT AND WHO ARE
39 IN OUT-OF-HOME PLACEMENT, EXCEPT STATE INSTITUTIONS.

40 (ii) CHILDREN WHO ARE VOLUNTARILY PLACED IN OUT-OF-HOME PLACEMENT
41 PURSUANT TO SECTION 8-806.

42 (iii) CHILDREN WHO ARE THE SUBJECT OF A DEPENDENCY PETITION OR ARE
43 ADJUDICATED DEPENDENT AND WHO ARE IN THE CUSTODY OF THE DEPARTMENT AND
44 ORDERED BY THE COURT PURSUANT TO SECTION 8-845 TO RESIDE IN AN INDEPENDENT
45 LIVING PROGRAM PURSUANT TO SECTION 8-521.

46 (c) PROVIDING SERVICES FOR CHILDREN PLACED IN ADOPTION.

1 10. FORMULATE POLICIES, PLANS AND PROGRAMS TO EFFECTUATE THE MISSIONS
2 AND PURPOSES OF THE DEPARTMENT.

3 11. MAKE CONTRACTS AND INCUR OBLIGATIONS WITHIN THE GENERAL SCOPE OF
4 THE DEPARTMENT'S ACTIVITIES AND OPERATIONS SUBJECT TO THE AVAILABILITY OF
5 FUNDS.

6 12. COORDINATE WITH, CONTRACT WITH OR ASSIST OTHER DEPARTMENTS,
7 AGENCIES AND INSTITUTIONS OF THIS STATE AND LOCAL AND FEDERAL GOVERNMENTS IN
8 THE FURTHERANCE OF THE DEPARTMENT'S PURPOSES, OBJECTIVES AND PROGRAMS.

9 13. ACCEPT AND DISBURSE GRANTS, MATCHING FUNDS AND DIRECT PAYMENTS FROM
10 PUBLIC OR PRIVATE AGENCIES FOR THE CONDUCT OF PROGRAMS THAT ARE CONSISTENT
11 WITH THE OVERALL PURPOSES AND OBJECTIVES OF THE DEPARTMENT.

12 14. COLLECT MONIES OWED TO THE DEPARTMENT.

13 15. ACT AS AN AGENT OF THE FEDERAL GOVERNMENT IN FURTHERANCE OF ANY
14 FUNCTIONS OF THE DEPARTMENT.

15 16. CARRY ON RESEARCH AND COMPILE STATISTICS RELATING TO THE CHILD
16 WELFARE PROGRAM THROUGHOUT THIS STATE, INCLUDING ALL PHASES OF DEPENDENCY.

17 17. COOPERATE WITH THE SUPERIOR COURT IN ALL MATTERS RELATED TO THIS
18 TITLE AND TITLE 13.

19 18. PROVIDE THE COST OF CARE AND TRANSITIONAL INDEPENDENT LIVING
20 SERVICES FOR A PERSON UNDER TWENTY-ONE YEARS OF AGE PURSUANT TO SECTION
21 8-521.01.

22 19. ENSURE THAT ALL CRIMINAL CONDUCT ALLEGATIONS AND REPORTS OF
23 IMMINENT RISK OF HARM ARE INVESTIGATED.

24 20. ENSURE THE DEPARTMENT'S COMPLIANCE WITH THE INDIAN CHILD WELFARE
25 ACT OF 1978 (P.L. 95-608; 92 STAT. 3069; 25 UNITED STATES CODE SECTIONS 1901
26 THROUGH 1963).

27 21. STRENGTHEN RELATIONSHIPS WITH TRIBAL CHILD PROTECTION AGENCIES OR
28 PROGRAMS.

29 B. THE DIRECTOR MAY:

30 1. TAKE ADMINISTRATIVE ACTION TO IMPROVE THE EFFICIENCY OF THE
31 DEPARTMENT.

32 2. CONTRACT WITH A PRIVATE ENTITY TO PROVIDE ANY FUNCTIONS OR SERVICES
33 PURSUANT TO THIS TITLE.

34 3. APPLY FOR, ACCEPT, RECEIVE AND EXPEND PUBLIC AND PRIVATE GIFTS OR
35 GRANTS OF MONEY OR PROPERTY ON THE TERMS AND CONDITIONS AS MAY BE IMPOSED BY
36 THE DONOR AND FOR ANY PURPOSE PROVIDED FOR BY THIS TITLE.

37 4. REIMBURSE DEPARTMENT VOLUNTEERS, DESIGNATED BY THE DIRECTOR, FOR
38 EXPENSES IN TRANSPORTING CLIENTS OF THE DEPARTMENT ON OFFICIAL BUSINESS.
39 VOLUNTEERS REIMBURSED FOR EXPENSES ARE NOT ELIGIBLE FOR WORKERS' COMPENSATION
40 UNDER TITLE 23, CHAPTER 6.

41 C. THE DEPARTMENT SHALL ADMINISTER INDIVIDUAL AND FAMILY SERVICES,
42 INCLUDING SECTIONS ON SERVICES TO CHILDREN AND YOUTH AND OTHER RELATED
43 FUNCTIONS IN FURTHERANCE OF SOCIAL SERVICE PROGRAMS UNDER THE SOCIAL SECURITY
44 ACT, AS AMENDED, TITLE IV, PARTS B AND E, GRANTS TO STATES FOR AID AND
45 SERVICES TO NEEDY FAMILIES WITH CHILDREN AND FOR CHILD-WELFARE SERVICES,

1 TITLE XX, GRANTS TO STATES FOR SERVICES AND OTHER RELATED FEDERAL ACTS AND
2 TITLES.

3 D. IF THE DEPARTMENT HAS RESPONSIBILITY FOR THE CARE, CUSTODY OR
4 CONTROL OF A CHILD OR IS PAYING THE COST OF CARE FOR A CHILD, THE DEPARTMENT
5 MAY SERVE AS REPRESENTATIVE PAYEE TO RECEIVE AND ADMINISTER SOCIAL SECURITY
6 AND VETERANS ADMINISTRATION BENEFITS AND OTHER BENEFITS PAYABLE TO THE CHILD.
7 NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE DEPARTMENT:

8 1. SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, ANY MONIES
9 IT RECEIVES TO BE RETAINED SEPARATE AND APART FROM THE STATE GENERAL FUND ON
10 THE BOOKS OF THE DEPARTMENT OF ADMINISTRATION.

11 2. MAY USE THESE MONIES TO DEFRAY THE COST OF CARE AND SERVICES
12 EXPENDED BY THE DEPARTMENT FOR THE BENEFIT, WELFARE AND BEST INTERESTS OF THE
13 CHILD AND INVEST ANY OF THE MONIES THAT THE DIRECTOR DETERMINES ARE NOT
14 NECESSARY FOR IMMEDIATE USE.

15 3. SHALL MAINTAIN SEPARATE RECORDS TO ACCOUNT FOR THE RECEIPT,
16 INVESTMENT AND DISPOSITION OF MONIES RECEIVED FOR EACH CHILD.

17 4. ON TERMINATION OF THE DEPARTMENT'S RESPONSIBILITY FOR THE CHILD,
18 SHALL RELEASE ANY MONIES REMAINING TO THE CHILD'S CREDIT PURSUANT TO THE
19 REQUIREMENTS OF THE FUNDING SOURCE OR, IN THE ABSENCE OF ANY REQUIREMENTS,
20 SHALL RELEASE THE REMAINING MONIES TO:

21 (a) THE CHILD, IF THE CHILD IS AT LEAST EIGHTEEN YEARS OF AGE OR IS
22 EMANCIPATED.

23 (b) THE PERSON WHO IS RESPONSIBLE FOR THE CHILD IF THE CHILD IS A
24 MINOR AND NOT EMANCIPATED.

25 E. SUBSECTION D OF THIS SECTION DOES NOT APPLY TO BENEFITS THAT ARE
26 PAYABLE TO OR FOR THE BENEFIT OF A CHILD RECEIVING SERVICES UNDER TITLE 36.

27 F. NOTWITHSTANDING ANY OTHER LAW, A STATE OR LOCAL GOVERNMENTAL AGENCY
28 OR A PRIVATE ENTITY IS NOT SUBJECT TO CIVIL LIABILITY FOR THE DISCLOSURE OF
29 INFORMATION THAT IS MADE IN GOOD FAITH TO THE DEPARTMENT PURSUANT TO THIS
30 SECTION.

31 G. NOTWITHSTANDING SECTION 41-192, THE DEPARTMENT MAY EMPLOY LEGAL
32 COUNSEL TO PROVIDE LEGAL ADVICE TO THE DIRECTOR. THE ATTORNEY GENERAL SHALL
33 REPRESENT THE DEPARTMENT IN ANY ADMINISTRATIVE OR JUDICIAL PROCEEDING
34 PURSUANT TO TITLE 41, CHAPTER 1, ARTICLE 5.

35 H. THE TOTAL AMOUNT OF STATE MONIES THAT MAY BE SPENT IN ANY FISCAL
36 YEAR BY THE DEPARTMENT FOR FOSTER CARE AS PROVIDED IN SUBSECTION A, PARAGRAPH
37 9, SUBDIVISION (b) OF THIS SECTION MAY NOT EXCEED THE AMOUNT APPROPRIATED OR
38 AUTHORIZED BY SECTION 35-173 FOR THAT PURPOSE. THIS SECTION DOES NOT IMPOSE
39 A DUTY ON AN OFFICER, AGENT OR EMPLOYEE OF THIS STATE TO DISCHARGE A
40 RESPONSIBILITY OR TO CREATE ANY RIGHT IN A PERSON OR GROUP IF THE DISCHARGE
41 OR RIGHT WOULD REQUIRE AN EXPENDITURE OF STATE MONIES IN EXCESS OF THE
42 EXPENDITURE AUTHORIZED BY LEGISLATIVE APPROPRIATION FOR THAT SPECIFIC
43 PURPOSE.

44 8-454. Department organization

45 A. THE DIRECTOR SHALL ORGANIZE THE DEPARTMENT TO BEST IMPLEMENT THE
46 FOLLOWING FUNCTIONS:

1 1. RECEIVING, ANALYZING AND EFFICIENTLY RESPONDING TO REPORTS OF
2 POSSIBLE ABUSE OR NEGLECT AS PROVIDED IN SECTION 8-455.

3 2. APPROPRIATELY INVESTIGATING THE REPORTS WHETHER OR NOT THEY INVOLVE
4 CRIMINAL CONDUCT ALLEGATIONS AS PROVIDED IN SECTION 8-456.

5 3. COORDINATING SERVICES NECESSARY FOR THE CHILD OR THE CHILD'S FAMILY
6 AS PROVIDED IN SECTION 8-457.

7 4. OVERSEEING ADOPTION PURSUANT TO CHAPTER 1 OF THIS TITLE AND FOSTER
8 CARE PURSUANT TO ARTICLE 4 OF THIS CHAPTER.

9 5. REVIEWING AND REPORTING THE ACTIONS OF THE DEPARTMENT TO ENSURE
10 THAT THE ACTIONS COMPLY WITH STATUTE AND THE RULES AND POLICIES OF THE
11 DEPARTMENT AND REPORTING SIGNIFICANT VIOLATIONS AS PROVIDED IN SECTION 8-458.

12 B. SUBJECT TO TITLE 41, CHAPTER 4, ARTICLE 4, THE DIRECTOR SHALL
13 EMPLOY:

14 1. A CHIEF OF THE OFFICE OF CHILD WELFARE INVESTIGATIONS. THE CHIEF
15 IS THE ADMINISTRATIVE HEAD OF THE OFFICE OF CHILD WELFARE INVESTIGATIONS AND
16 SHALL REPORT DIRECTLY TO THE DIRECTOR.

17 2. AN INSPECTOR GENERAL. THE INSPECTOR GENERAL IS THE ADMINISTRATIVE
18 HEAD OF THE INSPECTIONS BUREAU AND SHALL REPORT DIRECTLY TO THE DIRECTOR.

19 3. ADMINISTRATORS TO SERVE AS THE ADMINISTRATIVE HEADS OF THE OTHER
20 BUREAUS OF THE DEPARTMENT, WHO MAY REPORT DIRECTLY TO THE DEPUTY DIRECTOR.

21 8-455. Centralized intake hotline; purposes; report of possible
22 crime; report for investigation; risk assessment
23 tools; access to information; public awareness;
24 definition

25 A. THE DEPARTMENT SHALL OPERATE AND MAINTAIN A CENTRALIZED INTAKE
26 HOTLINE TO PROTECT CHILDREN BY RECEIVING AT ALL TIMES COMMUNICATIONS
27 CONCERNING SUSPECTED ABUSE OR NEGLECT. IF A PERSON COMMUNICATES SUSPECTED
28 ABUSE OR NEGLECT TO A DEPARTMENT EMPLOYEE OTHER THAN THROUGH THE HOTLINE, THE
29 EMPLOYEE SHALL REFER THE PERSON OR COMMUNICATION TO THE HOTLINE.

30 B. THE HOTLINE IS THE FIRST STEP IN THE SAFETY ASSESSMENT AND
31 INVESTIGATION PROCESS AND MUST BE OPERATED TO:

32 1. RECORD COMMUNICATIONS MADE CONCERNING SUSPECTED ABUSE OR NEGLECT.

33 2. IMMEDIATELY TAKE STEPS NECESSARY TO IDENTIFY AND LOCATE PRIOR
34 COMMUNICATIONS AND REPORTS FOR INVESTIGATION RELATED TO THE CURRENT
35 COMMUNICATION USING THE DEPARTMENT'S DATA SYSTEM AND THE CENTRAL REGISTRY
36 SYSTEM OF THIS STATE.

37 3. QUICKLY AND EFFICIENTLY PROVIDE INFORMATION TO A LAW ENFORCEMENT
38 AGENCY OR PREPARE A REPORT FOR INVESTIGATION AS REQUIRED BY THIS SECTION.

39 4. DETERMINE THE PROPER INITIAL PRIORITY LEVEL OF INVESTIGATION BASED
40 ON THE RISK ASSESSMENT AND DIRECT THE REPORT FOR INVESTIGATION TO THE
41 APPROPRIATE PART OF THE DEPARTMENT BASED ON THIS DETERMINATION.

42 C. IF A COMMUNICATION PROVIDES A REASON TO BELIEVE THAT A CRIMINAL
43 OFFENSE HAS BEEN COMMITTED, THE HOTLINE WORKER SHALL IMMEDIATELY PROVIDE THE
44 INFORMATION TO BOTH OF THE FOLLOWING:

45 1. THE APPROPRIATE LAW ENFORCEMENT AGENCY PURSUANT TO THE PROTOCOLS
46 DEVELOPED PURSUANT TO SECTION 8-817.

1 2. IF A REPORT FOR INVESTIGATION IS PREPARED AS REQUIRED IN SUBSECTION
2 D OF THIS SECTION AND THE SUSPECTED CRIMINAL OFFENSE IS A CRIMINAL CONDUCT
3 ALLEGATION, THE OFFICE OF CHILD WELFARE INVESTIGATIONS.

4 D. A HOTLINE WORKER SHALL PREPARE A REPORT FOR INVESTIGATION IF ALL OF
5 THE FOLLOWING ARE ALLEGED:

6 1. THE SUSPECTED CONDUCT WOULD CONSTITUTE ABUSE OR NEGLECT.

7 2. THE SUSPECTED VICTIM OF THE CONDUCT IS UNDER EIGHTEEN YEARS OF AGE.

8 3. THE SUSPECTED VICTIM OF THE CONDUCT IS A RESIDENT OF OR PRESENT IN
9 THIS STATE OR ANY ACT INVOLVED IN THE SUSPECTED ABUSE OR NEGLECT OCCURRED IN
10 THIS STATE.

11 4. THE PERSON SUSPECTED OF COMMITTING THE ABUSE OR NEGLECT IS THE
12 PARENT, GUARDIAN OR CUSTODIAN OF THE VICTIM OR AN ADULT MEMBER OF THE
13 VICTIM'S HOUSEHOLD.

14 E. ALL REPORTS FOR INVESTIGATION MUST BE INVESTIGATED AS PROVIDED IN
15 SECTION 8-456.

16 F. IF OTHERWISE REQUIRED BY:

17 1. SUBSECTION C OF THIS SECTION, INFORMATION MUST BE PROVIDED TO THE
18 APPROPRIATE LAW ENFORCEMENT AGENCY EVEN IF THE IDENTITY OR LOCATION OF THE
19 PERSON SUSPECTED OF ABUSE OR NEGLECT OR THE VICTIM OF THE ABUSE OR NEGLECT IS
20 NOT KNOWN.

21 2. SUBSECTION D OF THIS SECTION, A REPORT FOR INVESTIGATION MUST BE
22 PREPARED EVEN IF THE IDENTITY OR LOCATION OF THE PERSON SUSPECTED OF ABUSE OR
23 NEGLECT OR THE VICTIM OF THE ABUSE OR NEGLECT IS NOT KNOWN.

24 G. THE DEPARTMENT SHALL DEVELOP AND TRAIN HOTLINE WORKERS TO USE
25 UNIFORM RISK ASSESSMENT TOOLS TO DETERMINE:

26 1. WHETHER THE SUSPECTED CONDUCT CONSTITUTES ABUSE OR NEGLECT AND THE
27 SEVERITY OF THE SUSPECTED ABUSE OR NEGLECT.

28 2. WHETHER THE SUSPECTED ABUSE OR NEGLECT INVOLVES CRIMINAL CONDUCT,
29 EVEN IF THE COMMUNICATION DOES NOT RESULT IN THE PREPARATION OF A REPORT FOR
30 INVESTIGATION.

31 3. THE APPROPRIATE INVESTIGATIVE TRACK FOR REFERRAL BASED ON THE RISK
32 TO THE CHILD'S SAFETY.

33 H. A REPORT FOR INVESTIGATION MUST INCLUDE, IF AVAILABLE, ALL OF THE
34 FOLLOWING:

35 1. THE NAME, ADDRESS OR CONTACT INFORMATION FOR THE PERSON MAKING THE
36 COMMUNICATION.

37 2. THE NAME, ADDRESS AND OTHER LOCATION OR CONTACT INFORMATION FOR THE
38 PARENT, GUARDIAN OR CUSTODIAN OF THE CHILD OR OTHER ADULT MEMBER OF THE
39 CHILD'S HOUSEHOLD WHO IS SUSPECTED OF COMMITTING THE ABUSE OR NEGLECT.

40 3. THE NAME, ADDRESS AND OTHER LOCATION OR CONTACT INFORMATION FOR THE
41 CHILD.

42 4. THE NATURE AND EXTENT OF THE INDICATIONS OF THE CHILD'S ABUSE OR
43 NEGLECT, INCLUDING ANY INDICATION OF PHYSICAL INJURY.

44 5. ANY INFORMATION REGARDING POSSIBLE PRIOR ABUSE OR NEGLECT,
45 INCLUDING REFERENCE TO ANY COMMUNICATION OR REPORT FOR INVESTIGATION

1 INVOLVING THE CHILD, THE CHILD'S SIBLINGS OR THE PERSON SUSPECTED OF ABUSE OR
2 NEGLECT.

3 I. INFORMATION GATHERED THROUGH THE HOTLINE MUST BE MADE AVAILABLE TO
4 AN EMPLOYEE OF THE DEPARTMENT IN ORDER TO PERFORM THE EMPLOYEE'S DUTIES. THE
5 OFFICE OF CHILD WELFARE INVESTIGATIONS AND THE INSPECTIONS BUREAU MUST HAVE
6 IMMEDIATE ACCESS TO ALL RECORDS OF THE HOTLINE.

7 J. A REPRESENTATIVE OF THE:

8 1. OFFICE OF CHILD WELFARE INVESTIGATIONS MUST BE EMBEDDED IN THE
9 HOTLINE TO CARRY OUT THE PURPOSES OF SECTION 8-471.

10 2. INSPECTIONS BUREAU MUST BE EMBEDDED IN THE HOTLINE TO CARRY OUT THE
11 PURPOSES OF SECTION 8-458.

12 K. THE DEPARTMENT SHALL PUBLICIZE THE AVAILABILITY AND THE PURPOSES OF
13 THE CENTRALIZED INTAKE HOTLINE.

14 L. FOR THE PURPOSES OF THIS SECTION, "CENTRALIZED INTAKE HOTLINE"
15 MEANS THE SYSTEM DEVELOPED PURSUANT TO THIS SECTION REGARDLESS OF THE
16 COMMUNICATION METHODS OR TECHNOLOGIES USED TO IMPLEMENT THE SYSTEM.

17 8-456. Investigative function; training; criminal offenses;
18 definition

19 A. THE DEPARTMENT SHALL TRAIN ALL INVESTIGATORS IN FORENSIC
20 INTERVIEWING AND PROCESSES AND THE PROTOCOLS ESTABLISHED PURSUANT TO SECTION
21 8-817. THE TRAINING MUST INCLUDE:

22 1. UNIFORM SAFETY AND RISK ASSESSMENT TOOLS TO DETERMINE WHETHER THE
23 CONDUCT CONSTITUTES ABUSE OR NEGLECT AND THE SEVERITY OF THE ABUSE OR
24 NEGLECT.

25 2. THE DUTY TO PROTECT THE LEGAL AND DUE PROCESS RIGHTS OF CHILDREN
26 AND FAMILIES FROM THE TIME OF THE INITIAL CONTACT THROUGH CASE CLOSURE.

27 3. INSTRUCTION ON A CHILD'S RIGHTS AS A CRIME VICTIM AND INSTRUCTION
28 ON THE LEGAL RIGHTS OF PARENTS.

29 4. A CHECKLIST OR OTHER MECHANISM TO ASSIST THE INVESTIGATOR IN GIVING
30 CONSIDERATION TO THE RELEVANT FACTORS IN EACH INVESTIGATION.

31 B. THE OFFICE OF CHILD WELFARE INVESTIGATIONS SHALL INVESTIGATE
32 REPORTS FOR INVESTIGATION THAT CONTAIN A CRIMINAL CONDUCT ALLEGATION AS
33 PROVIDED IN SECTIONS 8-471 AND 8-817.

34 C. AFTER RECEIVING A REPORT FOR INVESTIGATION FROM THE CENTRALIZED
35 INTAKE HOTLINE PURSUANT TO SECTION 8-455, AN INVESTIGATOR SHALL DO ALL OF THE
36 FOLLOWING:

37 1. MAKE A PROMPT AND THOROUGH INVESTIGATION. AN INVESTIGATION MUST
38 EVALUATE AND DETERMINE THE NATURE, EXTENT AND CAUSE OF ANY CONDITION CREATED
39 BY THE PARENTS, GUARDIAN OR CUSTODIAN OR AN ADULT MEMBER OF THE VICTIM'S
40 HOUSEHOLD THAT WOULD TEND TO SUPPORT OR REFUTE THE ALLEGATION THAT THE CHILD
41 IS A VICTIM OF ABUSE OR NEGLECT AND DETERMINE THE NAME, AGE AND CONDITION OF
42 OTHER CHILDREN IN THE HOME. IF AN INVESTIGATOR HAS SUFFICIENT INFORMATION TO
43 DETERMINE THAT THE CHILD IS NOT A VICTIM OF ABUSE OR NEGLECT, THE
44 INVESTIGATOR MAY CLOSE THE INVESTIGATION.

45 2. IF REQUIRED BY SECTION 8-821 AND SUBJECT TO SECTION 8-471, TAKE A
46 CHILD INTO TEMPORARY CUSTODY. LAW ENFORCEMENT OFFICERS SHALL COOPERATE WITH

1 THE DEPARTMENT TO REMOVE A CHILD FROM THE CUSTODY OF THE CHILD'S PARENTS,
2 GUARDIAN OR CUSTODIAN WHEN NECESSARY.

3 D. AFTER AN INVESTIGATION, AN INVESTIGATOR SHALL:

4 1. DETERMINE WHETHER ANY CHILD IS IN NEED OF CHILD SAFETY SERVICES
5 CONSISTENT WITH THE EVALUATION AND DETERMINATION MADE PURSUANT TO SUBSECTION
6 C OF THIS SECTION.

7 2. IF APPROPRIATE PURSUANT TO SECTION 8-846, OFFER TO THE FAMILY OF
8 ANY CHILD WHO IS FOUND TO BE A CHILD IN NEED OF CHILD SAFETY SERVICES THOSE
9 SERVICES THAT ARE DESIGNED TO CORRECT UNRESOLVED PROBLEMS THAT WOULD INDICATE
10 A REASON TO ADJUDICATE THE CHILD DEPENDENT.

11 3. SUBMIT A WRITTEN REPORT OF THE INVESTIGATOR'S INVESTIGATION TO:

12 (a) THE DEPARTMENT'S CASE MANAGEMENT INFORMATION SYSTEM WITHIN A
13 REASONABLE AMOUNT OF TIME THAT DOES NOT EXCEED FORTY-FIVE DAYS AFTER RECEIPT
14 OF THE REPORT FOR INVESTIGATION EXCEPT AS PROVIDED IN SECTION 8-811. IF THE
15 INVESTIGATION INVOLVES ALLEGATIONS REGARDING A CHILD WHO AT THE TIME OF THE
16 ALLEGED INCIDENT WAS IN THE CUSTODY OF A CHILD WELFARE AGENCY LICENSED BY THE
17 DEPARTMENT UNDER THIS TITLE, A COPY OF THE REPORT AND ANY ADDITIONAL
18 INVESTIGATIVE OR OTHER RELATED REPORTS MUST BE PROVIDED TO THE BOARD OF
19 DIRECTORS OF THE AGENCY OR TO THE ADMINISTRATIVE HEAD OF THE AGENCY UNLESS
20 THE INCIDENT IS ALLEGED TO HAVE BEEN COMMITTED BY THE PERSON. THE DEPARTMENT
21 SHALL EXCISE ALL INFORMATION WITH REGARD TO THE IDENTITY OF THE SOURCE OF THE
22 REPORTS.

23 (b) THE APPROPRIATE COURT FORTY-EIGHT HOURS BEFORE A DEPENDENCY
24 HEARING PURSUANT TO A PETITION OF DEPENDENCY OR WITHIN TWENTY-ONE DAYS AFTER
25 A PETITION OF DEPENDENCY IS FILED, WHICHEVER IS EARLIER. ON RECEIPT OF THE
26 REPORT THE COURT SHALL MAKE THE REPORT AVAILABLE TO ALL PARTIES AND COUNSEL.

27 4. ACCEPT A CHILD INTO VOLUNTARY PLACEMENT PURSUANT TO SECTION 8-806.

28 5. IDENTIFY, PROMPTLY OBTAIN AND ABIDE BY COURT ORDERS THAT RESTRICT
29 OR DENY CUSTODY, VISITATION OR CONTACT BY A PARENT OR OTHER PERSON IN THE
30 HOME WITH THE CHILD AND NOTIFY APPROPRIATE PERSONNEL IN THE DEPARTMENT TO
31 PRECLUDE VIOLATIONS OF A COURT ORDER IN THE PROVISION OF ANY SERVICES.

32 E. IN CONDUCTING AN INVESTIGATION PURSUANT TO THIS SECTION, IF THE
33 INVESTIGATOR IS MADE AWARE THAT AN ALLEGATION OF ABUSE OR NEGLECT MAY ALSO
34 HAVE BEEN MADE IN ANOTHER STATE, THE INVESTIGATOR SHALL CONTACT THE
35 APPROPRIATE AGENCY IN THAT STATE TO ATTEMPT TO DETERMINE THE OUTCOME OF ANY
36 INVESTIGATION OF THAT ALLEGATION.

37 F. IF AN INVESTIGATION INDICATES A REASON TO BELIEVE THAT A CRIMINAL
38 OFFENSE HAS BEEN COMMITTED, THE INVESTIGATOR SHALL IMMEDIATELY PROVIDE THE
39 INFORMATION TO THE APPROPRIATE LAW ENFORCEMENT AGENCY AND THE OFFICE OF CHILD
40 WELFARE INVESTIGATIONS, UNLESS THE INFORMATION WAS PREVIOUSLY PROVIDED
41 PURSUANT TO SECTION 8-455.

42 G. FOR THE PURPOSES OF THIS SECTION, "INVESTIGATOR" MEANS AN EMPLOYEE
43 OF THE DEPARTMENT WHO INVESTIGATES ALLEGATIONS OF ABUSE OR NEGLECT PURSUANT
44 TO A REPORT FOR INVESTIGATION.

45 8-457. Service coordination function

1 A. THE DEPARTMENT MAY ARRANGE, PROVIDE AND COORDINATE PROGRAMS AND
2 SERVICES THAT PROTECT CHILDREN AND MAY PROVIDE PROGRAMS AND SERVICES THAT
3 ACHIEVE AND MAINTAIN PERMANENCY ON BEHALF OF THE CHILD, STRENGTHEN THE FAMILY
4 AND PROVIDE PREVENTION, INTERVENTION AND TREATMENT FOR ABUSED AND NEGLECTED
5 CHILDREN.

6 B. IF A CHILD AND THE CHILD'S FAMILY REQUIRE ASSISTANCE FROM THE
7 DEPARTMENT, ALL OF THE FOLLOWING APPLY:

8 1. THE HEALTH AND SAFETY OF THE CHILD IS THE PRIMARY CONCERN.

9 2. REASONABLE EFFORTS MUST BE MADE TO PROVIDE THE ASSISTANCE IN THE
10 METHOD THAT IS LEAST INTRUSIVE AND LEAST RESTRICTIVE TO THE FAMILY AND THAT
11 IS CONSISTENT WITH THE NEEDS OF THE CHILD.

12 3. REASONABLE EFFORTS MUST BE MADE TO DELIVER THE ASSISTANCE IN A
13 CULTURALLY APPROPRIATE MANNER AND AS CLOSE AS POSSIBLE TO THE HOME COMMUNITY
14 OF THE CHILD OR FAMILY REQUIRING ASSISTANCE.

15 C. IN ADDITION TO THE REQUIREMENTS OF FEDERAL LAW, THE CASE PLAN
16 SHALL:

17 1. SET APPROPRIATE TIME LIMITS ON THE SERVICES PROVIDED.

18 2. CLEARLY DESCRIBE THE ACTIONS THE DEPARTMENT MIGHT PURSUE IF THE
19 FAMILY:

20 (a) PARTICIPATES IN THE SERVICES OUTLINED IN THE CASE PLAN AND DOES
21 WHAT IS REQUIRED FOR THE CHILD TO BE SAFE IN THE HOME.

22 (b) DOES NOT PARTICIPATE IN THE SERVICES OUTLINED IN THE CASE PLAN AND
23 DOES NOT MAKE THE CHANGES REQUIRED FOR THE CHILD TO BE SAFE IN THE HOME.

24 D. THE DEPARTMENT SHALL ESTABLISH PROCEDURES TO ENSURE THAT
25 APPROPRIATE SERVICES HAVE BEEN INITIATED AS SCHEDULED.

26 E. IN DETERMINING IF A CASE SHOULD BE OPEN FOR ONGOING SERVICES, THE
27 DEPARTMENT SHALL CONSIDER AS THE PRIMARY FACTORS IF THERE EXISTS A PRESENT OR
28 FUTURE RISK OF HARM TO ANY CHILD IN THE FAMILY AND IF SERVICES CAN MITIGATE
29 THE IDENTIFIED RISKS. BASED ON THE INVESTIGATION OF THE CASE AND THE RESULTS
30 OF THE RISK ASSESSMENT, THE DEPARTMENT SHALL DETERMINE WHETHER TO CLOSE THE
31 CASE, OFFER VOLUNTARY CHILD SAFETY SERVICES OR OPEN A CASE FOR ONGOING
32 SERVICES.

33 F. IF A CASE WILL BE OPEN FOR ONGOING SERVICES, THE DEPARTMENT SHALL
34 DETERMINE IF THE SERVICES ARE TO BE PROVIDED IN ONE OF THE FOLLOWING WAYS:

35 1. THROUGH A VOLUNTARY AGREEMENT WITH THE DEPARTMENT.

36 2. PURSUANT TO A PETITION FOR IN-HOME INTERVENTION.

37 3. PURSUANT TO A PETITION FOR IN-HOME OR OUT-OF-HOME DEPENDENCE.

38 8-458. Inspections bureau; monitoring and evaluation; quality
39 assurance process

40 A. THE DIRECTOR SHALL ESTABLISH AN INSPECTIONS BUREAU TO DO BOTH OF
41 THE FOLLOWING:

42 1. ENSURE THAT DEPARTMENT POLICIES AND PROCEDURES ARE BEING FOLLOWED
43 BY ALL STAFF IN ACCORDANCE WITH FEDERAL AND STATE LAW.

44 2. PROMPTLY NOTIFY THE DIRECTOR OF DEPARTMENT ACTIONS THAT CONSTITUTE
45 A SIGNIFICANT VIOLATION OF POLICY OR STATE OR FEDERAL LAW.

1 B. THE INSPECTIONS BUREAU SHALL MONITOR SPECIFIC PROGRAMS AND SERVICES
2 AND SHALL CONTINUOUSLY IMPROVE THE PRACTICES OF THE DEPARTMENT. MONITORING
3 AND EVALUATION:

4 1. MAY BE BY FORMAL AUDITS, VARIOUS LEVELS OF INSPECTIONS, PROGRAM
5 EVALUATION AND ANY OTHER QUALITY ASSURANCE ACTIVITY DEEMED APPROPRIATE BY THE
6 DIRECTOR.

7 2. MUST INCLUDE SUGGESTIONS FOR POLICY CHANGES AND EVALUATION OF BEST
8 PRACTICES AND PROGRAMMING.

9 C. THE DEPARTMENT SHALL ESTABLISH A QUALITY ASSURANCE PROCESS AND
10 METHODOLOGY BY WHICH DATA-BASED DECISIONS ARE MADE. THIS PROCESS MUST
11 INCLUDE CONSISTENTLY MEASURING PROCESS OUTCOMES AND EXAMINING CURRENT
12 PRACTICES THROUGH QUALITY ASSURANCE ACTIVITIES. THE DEPARTMENT SHALL USE
13 THIS QUALITY ASSURANCE DATA TO ESTABLISH APPROPRIATE PROGRAMS AND IMPROVE
14 PRACTICES WITHIN THE DEPARTMENT.

15 D. IF POSSIBLE, THE INSPECTIONS BUREAU SHALL ATTEMPT TO CORRECT THE
16 PROBLEMS AT THE IMMEDIATE LEVEL BY COACHING, MENTORING AND TEACHING EMPLOYEES
17 WHO ARE PRESENT DURING THE INSPECTION.

18 E. THE INSPECTIONS BUREAU SHALL HAVE ACCESS TO ALL RECORDS AND
19 INFORMATION OF THE DEPARTMENT NECESSARY TO CARRY OUT THIS SECTION.

20 8-459. Community advisory committee; duties; membership

21 A. THE COMMUNITY ADVISORY COMMITTEE IS ESTABLISHED TO PROVIDE A
22 COMMUNITY FORUM:

23 1. TO INFORM THE DEPARTMENT, ANALYZE CURRENT LAW AND POLICY AND MAKE
24 RECOMMENDATIONS TO IMPROVE THE ABILITY OF THE DEPARTMENT TO INCREASE THE
25 SAFETY OF CHILDREN, RESPOND TO CHILD MALTREATMENT AND ENSURE THE WELL-BEING
26 OF AND TIMELY PERMANENCY FOR CHILDREN WHO ARE REFERRED TO AND INVOLVED IN THE
27 CHILD WELFARE SYSTEM.

28 2. FOR COLLABORATION AMONG STATE, LOCAL, COMMUNITY, TRIBAL, PUBLIC AND
29 PRIVATE STAKEHOLDERS IN CHILD WELFARE PROGRAMS AND SERVICES THAT ARE
30 ADMINISTERED BY THE DEPARTMENT.

31 3. TO IMPROVE COMMUNICATION BETWEEN MANDATORY REPORTERS AND THE
32 DEPARTMENT.

33 B. THE COMMITTEE CONSISTS OF ONE REPRESENTATIVE OF EACH OF THE
34 FOLLOWING WHO IS APPOINTED BY AND SERVES AT THE PLEASURE OF THE DIRECTOR:

35 1. CHILD WELFARE AGENCIES THAT DIRECTLY PROVIDE CONTRACTED SERVICES TO
36 CHILDREN AND THEIR FAMILIES.

37 2. CHILD ADVOCACY ORGANIZATIONS THAT DEAL WITH CHILD WELFARE SYSTEM
38 POLICY ISSUES.

39 3. CURRENT OR FORMER FOSTER OR ADOPTIVE PARENTS.

40 4. MEDICAL PROVIDERS, WITH A PREFERENCE FOR PEDIATRICIANS, WHO HAVE
41 EXPERIENCE IN DIAGNOSING AND TREATING INJURIES RELATED TO ABUSE AND NEGLECT.

42 5. VOLUNTEERS WITH THE FOSTER CARE REVIEW BOARD OR COURT APPOINTED
43 SPECIAL ADVOCATE PROGRAM.

44 6. PERSONS WITH AN ACADEMIC APPOINTMENT TO A STATE UNIVERSITY WHO
45 CONDUCT RESEARCH IN CHILD WELFARE SERVICES, CHILD MALTREATMENT OR CHILD ABUSE
46 OR NEGLECT.

1 7. THE COURTS. THE REPRESENTATIVE MUST BE INVOLVED IN CHILD WELFARE
2 ISSUES.

3 8. A RURAL AREA IN THIS STATE WHO HAS EXPERIENCE IN THE CHILD WELFARE
4 SYSTEM.

5 9. A NATIVE AMERICAN TRIBE OR NATION WHO HAS EXPERIENCE IN THE CHILD
6 WELFARE SYSTEM.

7 10. A CHILD ADVOCACY ORGANIZATION THAT ADVOCATES FOR OR REPRESENTS
8 CHILDREN WHO ARE VICTIMS OF CRIME.

9 11. PERSONS WHO HAVE EXPERIENCE WITH CHILDREN WITH SPECIAL NEEDS AND
10 THE CHILD WELFARE SYSTEM.

11 12. A LAW ENFORCEMENT AGENCY. THE REPRESENTATIVE MUST HAVE EXPERIENCE
12 WITH THE DEPARTMENT ON CASES THAT INVOLVE CRIMINAL CONDUCT ALLEGATIONS.

13 13. SCHOOLS. THE REPRESENTATIVE MUST HAVE EXPERIENCE IN THE CHILD
14 WELFARE SYSTEM.

15 14. A FAITH-BASED ORGANIZATION. THE REPRESENTATIVE MUST HAVE
16 EXPERIENCE IN THE CHILD WELFARE SYSTEM.

17 C. MEMBERS OF THE COMMITTEE ARE NOT ELIGIBLE TO RECEIVE COMPENSATION.

18 D. THE COMMITTEE SHALL MEET AT LEAST QUARTERLY AND SHALL FILE A REPORT
19 OF ITS ACTIVITIES AND RECOMMENDATIONS DURING EACH FISCAL YEAR WITH THE
20 DIRECTOR ON OR BEFORE AUGUST 15 FOLLOWING THE FISCAL YEAR. THE DIRECTOR
21 SHALL POST THE REPORT ON THE DEPARTMENT'S WEBSITE.

22 8-460. Acquisition of lands and buildings; lease-purchase
23 agreements; lease or sublease of lands or buildings

24 A. THE DIRECTOR MAY ACQUIRE FOR AND IN THE NAME OF THIS STATE BY GIFT,
25 GRANT, LEASE, LEASE-PURCHASE AGREEMENT OR OTHERWISE LANDS OR BUILDINGS FOR
26 THE PURPOSE OF PROVIDING OFFICE SPACE FOR THE DEPARTMENT AT PLACES THE
27 DIRECTOR FINDS NECESSARY AND SUITABLE, BUT LAND OR A BUILDING MAY NOT BE
28 ACQUIRED BY PURCHASE OR LEASE-PURCHASE WITHOUT THE PRIOR APPROVAL OF THE
29 JOINT COMMITTEE ON CAPITAL REVIEW AND AN APPROPRIATION OF MONIES BY THE
30 LEGISLATURE FOR THE ACQUISITION.

31 B. ANY LEASE-PURCHASE AGREEMENT RELATING TO LAND ACQUISITION, CAPITAL
32 PROJECTS, ENERGY SYSTEMS OR ENERGY MANAGEMENT SYSTEMS UNDER THIS SECTION
33 SHALL PROVIDE THAT:

34 1. THE OBLIGATION OF THIS STATE TO MAKE ANY PAYMENT UNDER THE
35 AGREEMENT IS A CURRENT EXPENSE OF THE DEPARTMENT, PAYABLE EXCLUSIVELY FROM
36 APPROPRIATED MONIES, AND IS NOT A GENERAL OBLIGATION INDEBTEDNESS OF THIS
37 STATE OR THE DEPARTMENT.

38 2. IF THE LEGISLATURE FAILS TO APPROPRIATE MONIES OR THE DEPARTMENT
39 FAILS TO ALLOCATE APPROPRIATED MONIES FOR ANY PERIODIC PAYMENT OR RENEWAL
40 TERM OF THE AGREEMENT, THE AGREEMENT TERMINATES AT THE END OF THE CURRENT
41 TERM AND THIS STATE AND THE DEPARTMENT ARE RELIEVED OF ANY SUBSEQUENT
42 OBLIGATION UNDER THE AGREEMENT.

43 3. THE AGREEMENT MUST BE REVIEWED AND APPROVED BY THE ATTORNEY GENERAL
44 AND THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION BEFORE THE AGREEMENT MAY
45 TAKE EFFECT.

1 4. THE AGREEMENT MUST BE REVIEWED AND APPROVED BY THE JOINT COMMITTEE
2 ON CAPITAL REVIEW BEFORE THE AGREEMENT TAKES EFFECT.

3 C. THE DEPARTMENT MAY COVENANT TO USE ITS BEST EFFORTS TO BUDGET,
4 OBTAIN, ALLOCATE AND MAINTAIN SUFFICIENT APPROPRIATED MONIES TO MAKE PAYMENTS
5 UNDER A LEASE-PURCHASE AGREEMENT, BUT THE AGREEMENT SHALL ACKNOWLEDGE THAT
6 APPROPRIATING STATE MONIES IS A LEGISLATIVE ACT AND IS BEYOND THE CONTROL OF
7 THE DEPARTMENT OR ANY OTHER PARTY TO THE AGREEMENT.

8 D. A LEASE-PURCHASE AGREEMENT UNDER THIS SECTION SHALL BE SUBMITTED TO
9 THE FOLLOWING ENTITIES:

10 1. THE ATTORNEY GENERAL TO REVIEW FOR COMPLIANCE WITH THE CONSTITUTION
11 AND LAWS OF THIS STATE. IF IN THE ATTORNEY GENERAL'S OPINION THE AGREEMENT
12 COMPLIES WITH THE CONSTITUTION AND LAWS, THE ATTORNEY GENERAL SHALL APPEND
13 THE ATTORNEY GENERAL'S CERTIFICATION TO THE AGREEMENT, RETURN IT TO THE
14 DEPARTMENT AND TRANSMIT A COPY TO THE JOINT COMMITTEE ON CAPITAL REVIEW. ON
15 REQUEST BY THE DIRECTOR THE ATTORNEY GENERAL MAY GIVE OTHER OPINIONS RELATING
16 TO THE AGREEMENT.

17 2. THE DIRECTOR OF THE ARIZONA DEPARTMENT OF ADMINISTRATION TO REVIEW
18 FOR COMPLIANCE WITH THE LAWS OF THIS STATE. IF IN THE DIRECTOR'S OPINION THE
19 AGREEMENT COMPLIES WITH THE LAWS OF THIS STATE, THE DIRECTOR SHALL APPEND THE
20 DIRECTOR'S CERTIFICATION TO THE AGREEMENT, RETURN IT TO THE DEPARTMENT AND
21 TRANSMIT A COPY TO THE JOINT COMMITTEE ON CAPITAL REVIEW.

22 E. A LEASE-PURCHASE AGREEMENT UNDER THIS SECTION SHALL BE REVIEWED AND
23 APPROVED BY THE JOINT COMMITTEE ON CAPITAL REVIEW BEFORE THE AGREEMENT TAKES
24 EFFECT.

25 F. THE DIRECTOR MAY LEASE OR SUBLEASE TO OTHERS AT FAIR RENTAL VALUE
26 ANY LAND OR BUILDING THAT IS ACQUIRED PURSUANT TO THIS SECTION. THE DIRECTOR
27 MAY LEASE OR SUBLEASE ANY BUILDING THAT IS ACQUIRED PURSUANT TO THIS SECTION
28 ON OTHER TERMS OR CONDITIONS IF THE LESSEE IS A STATE ENTITY OR POLITICAL
29 SUBDIVISION OF THIS STATE. ALL NET LEASE INCOME MUST BE CREDITED TO THE
30 DEPARTMENT'S OCCUPANCY APPROPRIATION.

31 G. A LEASE OR SUBLEASE TO OTHERS THAT IS GRANTED PURSUANT TO
32 SUBSECTION F OF THIS SECTION IS EXEMPT FROM SECTION 41-2752 AND IS NOT
33 SUBJECT TO TITLE 41, CHAPTER 23. THE DIRECTOR MAY PRIORITIZE LEASE OR
34 SUBLEASE TENANTS BASED ON THE NEEDS OF THE DEPARTMENT AND IN THE PUBLIC
35 INTEREST WITH PREFERENCE GIVEN TO THE FOLLOWING IN THE ORDER PROVIDED:

- 36 1. STATE ENTITIES.
- 37 2. POLITICAL SUBDIVISIONS.
- 38 3. COMMUNITY PARTNERS.

39 H. THE DEPARTMENT MAY PAY OR ADVANCE GROSS INITIAL AND ROUTINE LEASE
40 AND SUBLEASE RELATED EXPENDITURES. THE GROSS INITIAL AND ROUTINE
41 EXPENDITURES THAT ARE PAID OR ADVANCED MUST BE REIMBURSED TO THE DEPARTMENT
42 BEFORE THE NET LEASE INCOME IS CREDITED TO THE DEPARTMENT'S OCCUPANCY
43 APPROPRIATION PURSUANT TO SUBSECTION F OF THIS SECTION.

44 8-461. Child safety collections; fund; definition

45 A. IF A RECIPIENT OF PUBLIC ASSISTANCE HAS A PERSON WHO IS LEGALLY
46 RESPONSIBLE FOR THAT PERSON'S SUPPORT AND WHO IS PRESENTLY ABLE TO REIMBURSE

1 THE DEPARTMENT FOR PUBLIC ASSISTANCE PROVIDED, THE DEPARTMENT, THROUGH THE
2 ATTORNEY GENERAL OR COUNTY ATTORNEY, SHALL PROCEED IN THE FOLLOWING ORDER
3 AGAINST:

- 4 1. THE SPOUSE OF A RECIPIENT.
- 5 2. THE FORMER SPOUSE OF A RECIPIENT.
- 6 3. A FATHER OR MOTHER NOT PRESENTLY RECEIVING PUBLIC ASSISTANCE.
- 7 4. ANY OTHER LEGALLY RESPONSIBLE PERSON.

8 B. IF A RECIPIENT OF PUBLIC ASSISTANCE RECEIVES AN OVERPAYMENT OF
9 SUPPORT OR IS DETERMINED INELIGIBLE, THE DEPARTMENT MAY RECOVER THE SUPPORT
10 INCORRECTLY PAID DURING THAT TIME PERIOD. THE DEPARTMENT SHALL DEPOSIT
11 MONIES RECOVERED IN THE CHILD SAFETY COLLECTIONS FUND ESTABLISHED PURSUANT TO
12 THIS SECTION.

13 C. ON REQUEST OF THE DEPARTMENT, THE ATTORNEY GENERAL OR COUNTY
14 ATTORNEY SHALL COMMENCE AN ACTION IN THE SUPERIOR COURT IN THE COUNTY WHERE
15 THE RECIPIENT OF PUBLIC ASSISTANCE RESIDES OR IN THE SUPERIOR COURT IN
16 MARICOPA COUNTY, AGAINST THE PERSONS IN THE ORDER SPECIFIED IN SUBSECTION A
17 OF THIS SECTION, TO RECOVER THE ASSISTANCE GRANTED AND TO SECURE AN ORDER
18 REQUIRING PAYMENT OF AMOUNTS THAT BECAME DUE IN THE FUTURE FOR WHICH THE
19 PERSON IS LIABLE.

20 D. THE CHILD SAFETY COLLECTIONS FUND IS ESTABLISHED CONSISTING OF
21 MONIES RECEIVED PURSUANT TO THIS SECTION AND SECTION 41-2752. THE DEPARTMENT
22 SHALL ADMINISTER THE FUND. SUBJECT TO LEGISLATIVE APPROPRIATION, THE
23 DEPARTMENT SHALL USE FUND MONIES TO IMPROVE PUBLIC ASSISTANCE COLLECTION
24 ACTIVITIES. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
25 35-147, TWENTY-FIVE PER CENT OF THE MONIES COLLECTED PURSUANT TO THIS SECTION
26 IN THE CHILD SAFETY COLLECTIONS FUND AND SEVENTY-FIVE PER CENT OF THE MONIES
27 COLLECTED PURSUANT TO THIS SECTION IN THE STATE GENERAL FUND.
28 NOTWITHSTANDING THIS SUBSECTION, THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO
29 SECTIONS 35-146 AND 35-147, FIFTY PER CENT OF THE MONIES COLLECTED PURSUANT
30 TO SECTION 41-2752 IN THE CHILD SAFETY COLLECTIONS FUND AND THE REMAINING
31 FIFTY PER CENT OF THE MONIES COLLECTED PURSUANT TO SECTION 41-2752 SHALL BE
32 DEPOSITED IN THE STATE GENERAL FUND.

33 E. FOR THE PURPOSES OF THIS SECTION, "PUBLIC ASSISTANCE" MEANS MONIES
34 PAID BY THE DEPARTMENT TO OR FOR THE BENEFIT OF A DEPENDENT CHILD AND FOSTER
35 CARE MAINTENANCE PAID PURSUANT TO 42 UNITED STATES CODE SECTIONS 670 THROUGH
36 676.

37 ARTICLE 2. CRIMINAL CONDUCT ALLEGATION INVESTIGATIONS

38 Sec. 21. Section 41-1969.01, Arizona Revised Statutes, as amended by
39 Laws 2013, chapter 220, section 5, is transferred and renumbered for
40 placement in title 8, chapter 4, article 2, Arizona Revised Statutes, as
41 added by this act, as section 8-471 and, as so renumbered, is amended to
42 read:

43 8-471. Office of child welfare investigations; training;
44 responsibilities; annual report

45 A. ~~In addition to the powers and duties of the director pursuant to~~
46 ~~sections 41-1953 and 41-1954,~~ The director shall establish the office of

1 child welfare investigations within the department. The director is
2 responsible for the direction, operation and control of the office.

3 B. The duties of the office include investigating criminal conduct
4 allegations, coordinating with ~~child protective services~~ OTHER PARTS OF THE
5 DEPARTMENT and law enforcement, establishing task forces for the
6 investigation of criminal conduct and other duties as may be assigned by the
7 director.

8 C. The office shall employ child welfare investigators who have
9 received training to understand law enforcement's role in cases of criminal
10 child abuse or neglect and in social services offered by the department. The
11 office may employ research analysts and peace officers for the purpose of
12 obtaining an originating agency identification number to have direct access
13 to criminal history report information. Each person hired by the office is
14 an employee of the department, IS SUBJECT TO TITLE 41, CHAPTER 4, ARTICLE 4
15 and shall comply with the fingerprint requirements of section ~~41-1968~~ 8-802.

16 D. The department, in coordination with the Arizona peace officer
17 standards and training board, shall provide child welfare investigators with
18 training. The training shall be, at a minimum, in the following areas:

- 19 1. First responder training on responding to reports of child abuse.
- 20 2. Forensic interviewing and processes.
- 21 3. Child physical and sexual abuse investigation.
- 22 4. The protocols established pursuant to section 8-817.
- 23 5. Relevant law enforcement procedures, including the collection and
24 preservation of evidence.

25 6. A child's constitutional rights as a victim of a crime pursuant to
26 article II, section 2.1, Constitution of Arizona.

27 7. IMPACT AND INTERVENTION PRACTICES RELATED TO ADVERSE CHILDHOOD
28 EXPERIENCES, CULTURALLY AND LINGUISTICALLY APPROPRIATE SERVICE DELIVERY,
29 DOMESTIC VIOLENCE, FAMILY ENGAGEMENT, COMMUNICATION WITH SPECIAL POPULATIONS
30 AND TRAUMA INFORMED RESPONSES.

31 ~~7-~~ 8. Any other training as directed by the director.

32 E. A child welfare investigator shall:

33 1. Protect children.
34 2. Assess, respond to or investigate all criminal conduct allegations
35 ~~as defined in section 8-801~~, which shall be a priority, but not otherwise
36 exercise the authority of a peace officer.

37 3. ~~An investigator shall~~ Not interview a child without the prior
38 written consent of the parent, guardian or custodian of the child unless
39 either:

40 (a) The child initiates contact with the investigator.

41 (b) The child who is interviewed is the subject of, is the sibling of
42 or is living with the child who is the subject of an abuse or abandonment
43 investigation pursuant to paragraph 4, subdivision (b) of this subsection.

44 (c) The interview is conducted pursuant to the terms of the protocols
45 established pursuant to section 8-817.

1 4. After the receipt of any report or information pursuant to
2 paragraph 2 of this subsection, immediately do both of the following:

3 (a) Notify the appropriate municipal or county law enforcement agency
4 if they have not already been notified.

5 (b) Make a prompt and thorough investigation of the nature, extent and
6 cause of any condition that would tend to support or refute the report of
7 child abuse or neglect when investigating allegations pursuant to paragraph 2
8 of this subsection. A criminal conduct allegation shall be investigated with
9 the appropriate municipal or county law enforcement agency according to the
10 protocols established pursuant to section 8-817.

11 5. Take a child into temporary custody as provided in section 8-821.
12 Law enforcement officers shall cooperate with the department to remove a
13 child from the custody of the child's parents, guardian or custodian pursuant
14 to section 8-821. A child welfare investigator who is responding to or
15 investigating a report containing a criminal conduct allegation shall have
16 the primary responsibility for making the decision whether to take a child
17 into temporary custody.

18 6. Evaluate conditions created by the parents, guardian or custodian
19 that would support or refute the allegation that the child should be
20 adjudicated dependent. The investigator shall then determine whether any
21 child is in need of ~~protective~~ CHILD SAFETY services.

22 7. Identify, promptly obtain and abide by court orders that restrict
23 or deny custody, visitation or contact by a parent or other person in the
24 home with the child and notify appropriate personnel within the department to
25 preclude violations of a court order in the provision of any services.

26 8. On initial contact with the parent, guardian or custodian of a
27 child who is the subject of an investigation pursuant to this section,
28 provide the parent, guardian or custodian with the allegation received by the
29 department. This paragraph does not require the department to disclose
30 details or information that would compromise an ongoing criminal
31 investigation.

32 9. HAVE ACCESS TO ALL RECORDS AND INFORMATION OF THE DEPARTMENT
33 NECESSARY TO CARRY OUT THIS SECTION.

34 F. Unless a dependency petition is filed, a child shall not remain in
35 temporary custody for a period exceeding seventy-two hours, excluding
36 Saturdays, Sundays and holidays. If a petition is not filed, the child shall
37 be released to the child's parent, guardian or custodian.

38 G. In conducting an investigation pursuant to this section, if the
39 investigator is made aware that an allegation of abuse or neglect may also
40 have been made in another state, the investigator shall contact the
41 appropriate agency in that state to attempt to determine the outcome of any
42 investigation of that allegation.

43 H. The office of child welfare investigations shall submit ~~an annual~~
44 A report ~~on~~ BY AUGUST 15 EACH YEAR TO THE GOVERNOR, THE SPEAKER OF THE HOUSE
45 OF REPRESENTATIVES, THE PRESIDENT OF THE SENATE AND THE SECRETARY OF STATE

1 THAT INCLUDES THE FOLLOWING INFORMATION FOR THE MOST RECENTLY COMPLETED
2 FISCAL YEAR:

3 1. THE NUMBER OF REPORTS FOR INVESTIGATION THAT INVOLVE CRIMINAL
4 CONDUCT ALLEGATIONS.

5 2. THE NUMBER OF joint investigations conducted ~~during the year~~
6 pursuant to section 8-817.

7 3. FOR EACH CASE IN WHICH A JOINT INVESTIGATION DID NOT OCCUR PURSUANT
8 TO SECTION 8-817, THE REASONS WHY THE JOINT INVESTIGATION DID NOT OCCUR.

9 I. All records gathered or created by the department during an
10 investigation conducted under this section are confidential and shall be
11 protected and released as prescribed in section 8-807, except the department
12 shall not release records if the department determines that the release of
13 these records may compromise an ongoing investigation.

14 J. Notwithstanding any other law, the office of child welfare
15 investigations is not responsible for conducting the criminal investigation
16 of ~~the crimes listed in section 8-801~~ A CRIMINAL CONDUCT ALLEGATION.

17 Sec. 22. Transfer and renumber

18 Title 8, chapter 8, article 1, Arizona Revised Statutes, is transferred
19 and renumbered for placement in title 41, chapter 14, Arizona Revised
20 Statutes, as article 5. Sections 8-651 and 8-652, Arizona Revised Statutes,
21 are transferred and renumbered for placement in title 41, chapter 14, article
22 5, Arizona Revised Statutes, as sections 41-2021 and 41-2022, respectively.

23 Sec. 23. Heading change

24 A. The chapter heading of former title 8, chapter 8, Arizona Revised
25 Statutes, is repealed.

26 B. The article heading of title 41, chapter 14, article 5, Arizona
27 Revised Statutes, as transferred and renumbered by this act, is changed from
28 "GENERAL PROVISIONS" to "EARLY INTERVENTION PROGRAMS AND SERVICES FOR INFANTS
29 AND TODDLERS".

30 Sec. 24. Transfer and renumber

31 Title 8, chapter 9, article 1, Arizona Revised Statutes, is transferred
32 and renumbered for placement in title 8, chapter 4, Arizona Revised Statutes,
33 as added by this act, as article 3. Section 8-701, Arizona Revised Statutes,
34 is transferred and renumbered for placement in title 8, chapter 4, article 3,
35 Arizona Revised Statutes, as section 8-481.

36 Sec. 25. Heading change

37 A. The chapter heading of former title 8, chapter 9, Arizona Revised
38 Statutes, is repealed.

39 B. The article heading of title 8, chapter 4, article 3, Arizona
40 Revised Statutes, as transferred and renumbered by this act, is changed from
41 "GENERAL PROVISIONS" to "HEALTHY FAMILIES PROGRAM".

42 Sec. 26. Section 8-481, Arizona Revised Statutes, as transferred and
43 renumbered by this act, is amended to read:

44 8-481. Healthy families program; administration; consent;
45 access to records

1 A. The healthy families program is established in the department ~~of~~
2 ~~economic security~~. The program shall provide services to children under five
3 years of age and members of their families that are designed to prevent child
4 abuse or neglect and to promote child development and wellness. The program
5 also may provide these services to pregnant women and their families.

6 B. The department shall:

7 1. Develop standardized program eligibility criteria to be used for
8 identifying families in greatest need of program services.

9 2. Develop the following program functions:

10 (a) Comprehensive standardized risk assessment evaluation for newborns
11 and their families.

12 (b) A method to identify families that have the greatest need for
13 program services. The department shall establish a method of disclosing to
14 parents at the time of their admission to a hospital for childbirth that they
15 may be contacted regarding program services.

16 (c) Outreach services that are conducted primarily through
17 prescheduled home visits.

18 3. Establish methods that assist program participants to reduce
19 illiteracy, reduce dependency on welfare, encourage employment, encourage
20 self-sufficiency and encourage community involvement by program participants
21 through community service, employment or participation in religious or social
22 organizations.

23 4. Develop employment guidelines for program personnel that include
24 background checks for those personnel who will have direct contact with
25 pregnant women or families or who will have access to program participant
26 records. Employment guidelines shall include skill development in child
27 abuse and neglect detection and in the collection of relevant program data.

28 5. Track program costs.

29 6. Offer parents education on prenatal care.

30 7. Offer participants education on successful marriage.

31 8. Establish guidelines for requiring program participants to engage
32 in community service activities in exchange for benefits received from the
33 program. Participants shall be allowed to choose from a variety of community
34 and faith-based service providers that are under contract with the department
35 to provide community service opportunities or program services. Participants
36 shall be allowed and encouraged to engage in community services within their
37 own communities. Participants shall be allowed to fulfill the requirements
38 of this paragraph by providing community services to the program from which
39 they received services.

40 C. The goals of the healthy families program include:

41 1. Reducing child abuse and neglect.

42 2. Promoting child wellness and proper development.

43 3. Strengthening family relations.

44 4. Promoting family unity.

45 5. Reducing dependency on drugs and alcohol.

1 D. The healthy families program shall provide the following services
2 to program participants:

- 3 1. Informal counseling or emotional support services.
- 4 2. Assistance in developing parenting and coping skills.
- 5 3. Education on the importance of good nutritional habits to improve
6 the overall health of their children.
- 7 4. Education on developmental assessments so that early identification
8 of any learning disabilities, physical handicaps or behavioral health needs
9 are determined.
- 10 5. Education on the importance of preventative health care and the
11 need for screening examinations such as hearing and vision.
- 12 6. Assistance and encouragement to provide age appropriate
13 immunizations so that their children are immunized.
- 14 7. Assistance and encouragement to access comprehensive private and
15 public preschool and other school readiness programs.
- 16 8. Assistance in applying for private and public financial assistance
17 including employment services.
- 18 9. Assistance in accessing other applicable community and public
19 services including employment services.

20 E. Program participants shall be provided with the Arizona children
21 and families resource directory compiled under section 36-698 in order to
22 help them answer questions concerning early childhood development.

23 F. Program services shall not be provided under this section unless:

- 24 1. Participation in the program is initiated in response to a request
25 by the potential program participant.
- 26 2. A verbal explanation of the program is provided to program
27 participants, including an explanation of the rights and responsibilities of
28 both the participant and the program provider.
- 29 3. The written, informed consent of the program participants is
30 received. The consent form shall include at least a clear description of the
31 program, including the activities and information to be provided by the
32 program during prescheduled home visits, the number of expected home visits,
33 the right of program participants to terminate participation in the program
34 at any time, any responsibilities of the program participants, a statement
35 that a record will be made and maintained of the home visits and may be
36 available in future court proceedings and any other information that is
37 necessary to convey to the program participants a clear understanding of the
38 program.

39 G. The initial contact may be in person and at any convenient
40 location, except that if the contact occurs at the primary residence of the
41 potential program participant, the program personnel shall not enter the
42 residence during the initial contact without the permission of the potential
43 program participant.

44 H. If the potential program participant is a minor living with the
45 minor's parent or guardian, home visits shall not be provided under this
46 section without the additional written consent of the parent or guardian.

1 I. If any home visits are to be made by program personnel who are
2 required to report suspected abused or neglected children pursuant to title
3 13, chapter 36, the consent form shall also contain a clear and conspicuous
4 statement informing parents that the home visits will be made by a person who
5 is required to report any instances of suspected abuse or neglect of children
6 to ~~child protective services in~~ the department ~~of economic security~~ or its
7 successor.

8 J. Program participants have access to the records on their own family
9 at all times and have the right to correct any inaccurate information
10 included in the records. Records shall be retained for at least five years
11 after the participants' last involvement in the program. Program records are
12 not available to other government agencies or programs in the department
13 without specific prior written consent by the program participant for the
14 release of information in the program participant's records. Program
15 personnel shall not wilfully include defamatory information or maliciously
16 include derogatory information in the records. Program participants have a
17 right of action against any program personnel for the knowing or reckless
18 inclusion of defamatory information in the records.

19 K. This section does not prohibit a person from satisfying the
20 reporting requirements of section 13-3620 or from complying with a court
21 order to produce records.

22 Sec. 27. Repeal

23 Title 8, chapter 11, Arizona Revised Statutes, is repealed.

24 Sec. 28. Transfer and renumber

25 Title 8, chapter 5, article 1, Arizona Revised Statutes, is transferred
26 and renumbered for placement in title 8, chapter 4, Arizona Revised Statutes,
27 as added by this act, as article 4.

28 Sec. 29. Heading change

29 A. The chapter heading of former title 8, chapter 5, Arizona Revised
30 Statutes, is repealed.

31 B. The article heading of title 8, chapter 4, article 4, Arizona
32 Revised Statutes, as transferred and renumbered by this act, is changed from
33 "GENERAL PROVISIONS" to "CHILD WELFARE AND PLACEMENT".

34 Sec. 30. Section 8-501, Arizona Revised Statutes, as transferred by
35 this act, is amended to read:

36 8-501. Definitions

37 A. In this article, unless the context otherwise requires:

38 1. "Child welfare agency" or "agency":

39 (a) Means:

40 (i) Any agency or institution maintained by a person, firm,
41 corporation, association or organization to receive children for care and
42 maintenance or for twenty-four hour social, emotional or educational
43 supervised care or who have been adjudicated as a delinquent or dependent
44 child.

45 (ii) Any institution that provides care for unmarried mothers and
46 their children.

1 (iii) Any agency maintained by ~~the~~ THIS state, ~~or~~ a political
2 subdivision ~~thereof,~~ OF THIS STATE OR A person, firm, corporation,
3 association or organization to place children or unmarried mothers in a
4 foster home.

5 (b) Does not include state operated institutions or facilities,
6 detention facilities for children established by law, health care
7 institutions that are licensed by the department of health services pursuant
8 to title 36, chapter 4 or private agencies that exclusively provide children
9 with social enrichment or recreational opportunities and that do not use
10 restrictive behavior management techniques.

11 2. "Division" or "department" means the department of ~~economic~~
12 ~~security~~ CHILD SAFETY.

13 3. "Former dependent child" means a person who was previously
14 adjudicated a dependent child in a dependency proceeding that has been
15 dismissed by order of the juvenile court.

16 4. "Foster child" means a child placed in a foster home or child
17 welfare agency.

18 5. "Foster home" means a home maintained by any individual or
19 individuals having the care or control of minor children, other than those
20 related to each other by blood or marriage, or related to such individuals,
21 or who are legal wards of such individuals.

22 6. "Foster parent" means any individual or individuals maintaining a
23 foster home.

24 7. "Group foster home" means a licensed regular or special foster home
25 suitable for placement of more than five minor children but not more than ten
26 minor children.

27 8. "Out-of-home placement" means the placing of a child in the custody
28 of an individual or agency other than with the child's parent or legal
29 guardian and includes placement in temporary custody pursuant to section
30 8-821, subsection A or B, voluntary placement pursuant to section 8-806 or
31 placement due to dependency actions.

32 9. "Parent" means the natural or adoptive mother or father of a child.

33 10. "Reason for leaving care" means one of the following:

34 (a) Reunification with A parent or primary caretaker.

35 (b) Living with ~~other~~ ANOTHER relative.

36 (c) Adoption by A relative.

37 (d) Adoption by A foster parent.

38 (e) Adoption by another person.

39 (f) Age of majority.

40 (g) Guardianship by A relative.

41 (h) Guardianship by another person.

42 (i) Transfer to another agency.

43 (j) Runaway.

44 (k) Death.

1 11. "Receiving foster home" means a licensed foster home suitable for
2 immediate placement of children when taken into custody or pending medical
3 examination and court disposition.

4 12. "Regular foster home" means a licensed foster home suitable for
5 placement of not more than five minor children.

6 13. "Relative" means a grandparent, great-grandparent, brother or
7 sister of whole or half blood, aunt, uncle or first cousin.

8 14. "Restrictive behavior management" means an intervention or
9 procedure that attempts to guide, redirect, modify or manage behavior through
10 the use of any of the following:

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

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

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

24 (ii) Mechanical restraint. For the purposes of this item, "mechanical
25 restraint" means the use of any physical device to limit a child's movement
26 and to prevent the child from causing harm to self or to others. Mechanical
27 restraint does not include devices such as orthopedically prescribed devices,
28 surgical dressings or bandages, protective helmets or any other method that
29 involves the physical holding of a child to conduct a routine physical
30 examination or test or to protect the child from falling out of bed or to
31 permit the child to participate in activities in order to reduce the risk of
32 physical harm to the child.

33 (iii) Physical restraint. For the purposes of this item, "physical
34 restraint" means applying physical force to reduce or restrict a child's
35 ability to freely move the child's arms, legs or head. Physical restraint
36 does not include temporarily holding a child to permit the child to
37 participate in activities of daily living if this holding does not involve
38 the risk of physical harm to the child.

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

43 15. "Special foster home" means a licensed foster home capable of
44 handling not more than five minor children who require special care for
45 physical, mental or emotional reasons or who have been adjudicated

1 delinquent. Special foster home includes any home handling foster children
2 aged twelve through seventeen.

3 B. A foster home or any classification of foster home defined in
4 subsection A of this section includes a home having the care of persons who
5 are under twenty-one years of age and the cost of whose care is provided
6 pursuant to section 46-134, ~~subsection A~~, paragraph ~~14~~ 12.

7 Sec. 31. Repeal

8 Section 8-502, Arizona Revised Statutes, as transferred by this act, is
9 repealed.

10 Sec. 32. Section 8-503.01, Arizona Revised Statutes, as transferred by
11 this act, is amended to read:

12 8-503.01. Children and family services training program fund;
13 purposes; status report; exemption from lapsing

14 A. The division shall establish a children and family services
15 training program fund consisting of monies received pursuant to sections
16 8-243.01 and 8-807. Subject to legislative appropriation, the fund monies
17 shall be used to enhance the collection of monies owed the department ~~of~~
18 ~~economic security~~ pursuant to section 8-243 and to administer a children and
19 family services training program for the training of child ~~protective~~
20 ~~services~~ SAFETY workers, public employees in related program services and
21 employees of child welfare agencies and community treatment programs that, in
22 the judgment of the director of the department, would benefit from staff
23 training. ~~However~~. The department shall not use fund monies to pay any
24 portion of training program staff salaries and training program staff
25 expenses. The department shall use monies collected under section 8-807 only
26 to reimburse the department for the labor, editing and copying charges
27 related to that section.

28 B. The director shall include in the annual report ~~required under~~
29 ~~section 41-1960~~ a status report on and an evaluation of the children and
30 family services training program.

31 C. Ninety per cent of the monies collected under ~~the provisions of~~
32 this section shall be deposited in the children and family services training
33 program fund, not more than ten per cent of which shall be used to enhance
34 the collection of monies owed the department ~~of economic security~~ pursuant to
35 section 8-243. The remaining ten per cent of the monies collected shall be
36 deposited in the STATE general fund ~~of the state~~.

37 Sec. 33. Section 8-506, Arizona Revised Statutes, as transferred by
38 this act, is amended to read:

39 8-506. Denial, suspension or revocation of license; foster
40 home; hearing

41 The division may deny the application or suspend or revoke the license
42 of any foster home for wilful violation of any provision of this ~~chapter~~
43 ARTICLE or failure to maintain the standards of the care prescribed by the
44 division. Written notice of the grounds of the suspension or the proposed
45 denial or revocation shall be given TO the applicant or holder of the
46 license. A copy of the written notice of the suspension or the proposed

1 denial, ~~or~~ or revocation shall be forwarded to the agency that recommended the
2 foster home for licensing. Within twenty days after receipt of written
3 notice of proposed denial, revocation, ~~or~~ or suspension, the applicant or
4 holder may request a hearing in accordance with the rules of the division.
5 If the hearing is requested it shall be held within ten days of the request,
6 at which time the applicant or holder shall have the right to present
7 testimony and confront witnesses.

8 Sec. 34. Section 8-506.01, Arizona Revised Statutes, as transferred by
9 this act, is amended to read:

10 8-506.01. Denial, suspension, revocation or change of license;
11 child welfare agency; appeal

12 The division may deny the application or suspend or revoke the license
13 of any child welfare agency for the wilful violation of any provision of this
14 ~~chapter~~ ARTICLE or for failure to maintain the standards of the care
15 prescribed by the division. Written notice of the grounds of the suspension
16 or the proposed denial or revocation or any other material change in the
17 license status, including provisional status, shall be given TO the applicant
18 or holder of the license. Within twenty days after receipt of written notice
19 of a proposed denial, revocation, suspension or change, the applicant or
20 holder may request a hearing in accordance with title 41, chapter 6,
21 article 10. If the hearing is requested it shall be held within ten days of
22 the request, at which time the applicant or holder has the right to subpoena
23 witnesses, present testimony and confront witnesses.

24 Sec. 35. Section 8-507, Arizona Revised Statutes, as transferred by
25 this act, is amended to read:

26 8-507. Operation without license

27 A. When the division has reason to believe that an agency or foster
28 home is being conducted or maintained without a license, it shall make an
29 investigation, and, if necessary, the division shall take action to prevent
30 such continued operation.

31 B. If an agency provides treatment or permits restrictive behavior
32 techniques to be used, the agency shall obtain a license issued by the
33 department of health services pursuant to title 36, chapter 4 or a child
34 welfare agency license issued ~~by the department of economic security~~ pursuant
35 to this ~~chapter~~ ARTICLE.

36 C. The superior court shall have jurisdiction to issue an injunction
37 restraining the operation of a child welfare agency or foster home without a
38 license.

39 Sec. 36. Section 8-512, Arizona Revised Statutes, as transferred by
40 this act, is amended to read:

41 8-512. Comprehensive medical and dental care; guidelines

42 A. The department shall provide comprehensive medical and dental care,
43 as prescribed by rules of the department, for each child who is:

- 44 1. Placed in a foster home.
- 45 2. In the custody of the department and placed with a relative.

1 3. In the custody of the department and placed in a certified adoptive
2 home before the entry of the final order of adoption.

3 4. In the custody of the department and in an independent living
4 program as provided in section 8-521.

5 5. In the custody of a probation department and placed in foster care.
6 The department shall not provide this care if the cost exceeds funds
7 currently appropriated and available for that purpose.

8 B. On or before October 1, 2015, the department of ~~economic security~~
9 **CHILD SAFETY**, in collaboration with the department of health services and the
10 Arizona health care cost containment system administration, shall:

11 1. Determine the most efficient and effective way to provide
12 comprehensive medical, dental and behavioral health services, including
13 behavioral health diagnostic, evaluation and treatment services for children
14 who are provided care pursuant to subsection A of this section.

15 2. Determine the number of disruptions of placements in foster care by
16 age of child due to behavioral health management issues and the extent each
17 child is receiving behavioral health services.

18 3. Determine the number of adopted children who have entered foster
19 care due to the adoptive parents' inability to receive behavioral health
20 services to adequately meet the needs of the child and parents.

21 4. Submit a report of its recommendations for providing services
22 pursuant to this subsection to the governor, the speaker of the house of
23 representatives and the president of the senate and shall provide a copy of
24 its report to the secretary of state. The collaborative determination shall
25 consider an administratively integrated system.

26 C. The care may include:

27 1. A program of regular health examinations and immunizations
28 including as minimums:

29 (a) Vaccinations to prevent mumps, rubella, smallpox and polio.

30 (b) Tests for anemia, coccidioidomycosis and tuberculosis.

31 (c) Urinalysis, blood count and hemoglobin tests.

32 (d) Regular examinations for general physical health, hearing and
33 vision, including providing corrective devices when needed.

34 2. Inpatient and outpatient hospital care.

35 3. Necessary services of physicians, surgeons, psychologists and
36 psychiatrists.

37 4. Dental care consisting of at least oral examinations including
38 diagnostic radiographs, oral prophylaxis and topical fluoride applications,
39 restoration of permanent and primary teeth, pulp therapy, extraction when
40 necessary, fixed space maintainers where needed and other services for relief
41 of pain and infection.

42 5. Drug prescription service.

43 D. The facilities of any hospital or other institution within the
44 state, public or private, may be employed by the foster parent, relative,
45 certified adoptive parent, agency or division having responsibility for the
46 care of the child.

1 E. For inpatient hospital admissions and outpatient hospital services
2 on or after March 1, 1993, the department shall reimburse a hospital
3 according to the rates established by the Arizona health care cost
4 containment system administration pursuant to section 36-2903.01,
5 subsection G.

6 F. The department shall use the Arizona health care cost containment
7 system administration rates as identified in subsection E of this section for
8 any child eligible for services under this section.

9 G. A hospital bill is considered received for purposes of subsection I
10 of this section on initial receipt of the legible, error-free claim form by
11 the department if the claim includes the following error-free documentation
12 in legible form:

- 13 1. An admission face sheet.
- 14 2. An itemized statement.
- 15 3. An admission history and physical.
- 16 4. A discharge summary or an interim summary if the claim is split.
- 17 5. An emergency record, if admission was through the emergency room.
- 18 6. Operative reports, if applicable.
- 19 7. A labor and delivery room report, if applicable.

20 H. The department shall require that the hospital pursue other third
21 party payors before submitting a claim to the department. Payment received
22 by a hospital from the department is considered payment by the department of
23 the department's liability for the hospital bill. A hospital may collect any
24 unpaid portion of its bill from other third party payors or in situations
25 covered by title 33, chapter 7, article 3.

26 I. For inpatient hospital admissions and outpatient hospital services
27 rendered on and after October 1, 1997, the department shall pay a hospital's
28 rate established according to this section subject to the following:

29 1. If the hospital's bill is paid within thirty days of the date the
30 bill was received, the department shall pay ninety-nine per cent of the rate.

31 2. If the hospital's bill is paid after thirty days but within sixty
32 days of the date the bill was received, the department shall pay one hundred
33 per cent of the rate.

34 3. If the hospital's bill is paid any time after sixty days of the
35 date the bill was received, the department shall pay one hundred per cent of
36 the rate plus a fee of one per cent per month for each month or portion of a
37 month following the sixtieth day of receipt of the bill until the date of
38 payment.

39 J. For medical services other than those for which a rate has been
40 established pursuant to section 36-2903.01, subsection G, the department
41 shall pay according to the Arizona health care cost containment system capped
42 fee-for-service schedule adopted pursuant to section 36-2904, subsection K.

43 K. For any hospital or medical claims not covered under subsection E
44 or J of this section, the department shall establish and adopt a schedule
45 setting out maximum allowable fees that the department deems reasonable for
46 such services after appropriate study and analysis of usual and customary

1 fees charged by providers. The department shall not pay to any plan or
2 intermediary that portion of the cost of any service provided that exceeds
3 allowable charges prescribed by the department pursuant to this subsection.

4 L. The department shall not pay claims for services pursuant to this
5 section that are submitted more than one hundred eighty days after the date
6 of the service for which the payment is claimed.

7 M. The department may provide for payment through an insurance plan,
8 hospital service plan, medical service plan, or any other health service plan
9 authorized to do business in this state, fiscal intermediary or a combination
10 of such plans or methods. The state shall not be liable for and the
11 department shall not pay to any plan or intermediary any portion of the cost
12 of comprehensive medical and dental care in excess of funds appropriated and
13 available for such purpose at the time the plan or intermediary incurs the
14 expense for such care.

15 N. The total amount of state monies that may be spent in any fiscal
16 year by the department for comprehensive medical and dental care shall not
17 exceed the amount appropriated or authorized by section 35-173 for that
18 purpose. This section shall not be construed to impose a duty on an officer,
19 agent or employee of this state to discharge a responsibility or to create
20 any right in a person or group if the discharge or right would require an
21 expenditure of state monies in excess of the expenditure authorized by
22 legislative appropriation for that specific purpose.

23 Sec. 37. Section 8-514.01, Arizona Revised Statutes, as transferred by
24 this act, is amended to read:

25 8-514.01. Placement of developmentally disabled children

26 All foster placements of developmentally disabled children made by the
27 division shall be made to child developmental foster homes for
28 developmentally disabled children operated or licensed by the department OF
29 ECONOMIC SECURITY pursuant to title 36, chapter 5.1, article 3 ~~which~~ THAT
30 provide specialized programs for developmentally disabled children, except
31 that placements of developmentally disabled children to other types of foster
32 homes licensed pursuant to this article may be made, ~~when~~ IF the division
33 determines that such placement is in the best interests of the child.

34 Sec. 38. Section 8-514.03, Arizona Revised Statutes, as transferred by
35 this act, is amended to read:

36 8-514.03. Kinship foster care; requirements; investigation;
37 report

38 A. The department shall establish kinship foster care services for a
39 child who has been removed from the child's home and is in the custody of the
40 department. The program shall promote the placement of the child with the
41 child's relative for kinship foster care.

42 B. A kinship foster care parent applicant who is not a licensed foster
43 care parent shall be at least eighteen years of age. The applicant and each
44 member of the applicant's household who is at least eighteen years of age
45 shall submit a full set of fingerprints to the department OF CHILD SAFETY for
46 the purpose of obtaining a state and federal criminal records check pursuant

1 to section 41-1750 and Public Law 92-544. The department of public safety
2 may exchange this fingerprint data with the federal bureau of investigation.
3 The department OF CHILD SAFETY shall determine if the applicant is able to
4 meet the child's health and safety needs by conducting one or more home
5 visits and interviewing the applicant. The department of ~~economic security~~
6 CHILD SAFETY may interview other household members, review the applicant's
7 personal and professional references and conduct ~~child protective services~~
8 DEPARTMENT OF CHILD SAFETY central registry checks.

9 C. If the department determines that a kinship foster care placement
10 is not in the best interest of the child, the department shall provide
11 written notification to the applicant within fifteen business days. The
12 notice shall include the specific reason for denial, the applicant's right to
13 appeal and the process for reviewing the decision.

14 D. A kinship foster care parent may be eligible to receive the
15 following financial services for the child:

- 16 1. Full foster care benefits, including payment if the kinship foster
17 care parent becomes a licensed foster care home.
- 18 2. Temporary assistance for needy families cash assistance payments
19 for a child only case and supplemental financial support.

20 E. The department shall establish procedures for child welfare workers
21 to inform kinship foster care families about available financial and
22 nonfinancial services and eligibility requirements and shall assist the
23 families in completing the necessary application.

24 F. If a family declines to apply for financial services, the family
25 shall sign a statement indicating that the family declined services. The
26 statement does not prevent the family from making application in the future.
27 The worker shall provide a copy of the statement to the family.

28 G. The department shall provide nonfinancial services for a kinship
29 foster care parent through existing means or referral. Nonfinancial services
30 may include:

- 31 1. Family assessment.
- 32 2. Case management.
- 33 3. Child day care.
- 34 4. Housing search and relocation.
- 35 5. Parenting skills training.
- 36 6. Supportive intervention and guidance counseling.
- 37 7. Transportation.
- 38 8. Emergency services.
- 39 9. Parent aid services.
- 40 10. Respite services.
- 41 11. Additional services that the department determines are necessary to
42 meet the needs of the child and family.

43 H. The department of ~~economic security~~ CHILD SAFETY shall evaluate
44 biannually the performance of the kinship foster care program. On or before
45 November 1, the department shall submit a report to the speaker of the house
46 of representatives, the president of the senate and the governor and shall

1 provide a copy of this report to the secretary of state. The report shall
2 contain the following information:

- 3 1. The demographics and number of children placed with relative
4 caregivers.
- 5 2. The demographics of kinship foster caregivers.
- 6 3. The number of relative children per kinship foster care family.
- 7 4. The department's success at maintaining kinship foster care
8 placements.
- 9 5. The type of services provided to kinship foster care families.
- 10 6. The cost of services provided to kinship foster care families
11 compared to the cost of out-of-home placements.
- 12 7. Recommendations regarding program improvement.

13 Sec. 39. Section 8-514.04, Arizona Revised Statutes, as transferred by
14 this act, is amended to read:

15 8-514.04. Kinship care program; requirements

16 A. The kinship care program is established in the department ~~of~~
17 ~~economic security~~. The program shall:

- 18 1. Streamline, expedite and coordinate existing services and
19 referrals.
- 20 2. Preserve families.
- 21 3. ~~Help~~ Meet the protection, developmental, cultural and permanency
22 needs of children.
- 23 4. Enable families to sustain support for a child who cannot live with
24 the child's parents.

25 B. The department shall adopt rules to prescribe application and
26 eligibility requirements that provide an expedited process for kinship care
27 families to receive child only temporary assistance for needy families.

28 C. The department shall use existing measures for outreach and
29 marketing in order to facilitate community awareness regarding the program.

30 D. The department **OF ECONOMIC SECURITY** shall submit an amendment to
31 modify the temporary assistance for needy families state plan to the United
32 States department of health and human services. The amendment shall waive
33 the face-to-face requirement for relative caregivers applying for temporary
34 assistance for needy families, for a child only case.

35 E. Any kinship care family that applies for or receives cash
36 assistance under this section on behalf of a dependent child who is under
37 eighteen years of age shall conform to the requirements established pursuant
38 to sections 46-292 and 46-295 and department **OF ECONOMIC SECURITY** rule unless
39 the requirements have been modified pursuant to this section.

40 F. The department shall keep confidential information it obtains
41 pursuant to this section.

42 Sec. 40. Section 8-514.05, Arizona Revised Statutes, as transferred by
43 this act, is amended to read:

44 8-514.05. Foster care provider access to child health
45 information; consent to treatment

1 A. If a health plan, a health care provider licensed or certified
2 pursuant to title 32 or title XIX of the social security act or a health care
3 institution licensed pursuant to title 36, chapter 4 has provided or is
4 providing services to a child placed in out-of-home placement and has custody
5 or control of that child's medical or behavioral health records, the plan,
6 provider or institution must provide the following to the child's foster
7 parent, group home staff, foster home staff, relative or other person or
8 agency in whose care the child is currently placed pursuant to this article
9 or article ~~4~~ 6 of this chapter:

- 10 1. Medical records.
- 11 2. Behavioral health records.
- 12 3. Information relating to the child's condition and treatment.
- 13 4. The child's prescription and nonprescription drugs, medications,
14 durable medical equipment, devices and related information.

15 B. If a health plan, a health care provider licensed or certified
16 pursuant to title 32 or title XIX of the social security act or a health care
17 institution licensed pursuant to title 36, chapter 4 has provided or is
18 providing services to a child for whom the department is the legal guardian
19 or is providing foster care or substance abuse services and has custody or
20 control of that child's medical or behavioral health records, the plan,
21 provider or institution must provide the following to the department's
22 employees who are involved in the child's case management:

- 23 1. Medical records.
- 24 2. Behavioral health records.
- 25 3. Information relating to the child's condition and treatment.
- 26 4. The child's prescription and nonprescription drugs, medications,
27 durable medical equipment, devices and related information.

28 C. The foster parent, group home staff, foster home staff, relative or
29 other person or agency in whose care the child is currently placed pursuant
30 to this article or article ~~4~~ 6 of this chapter:

- 31 1. May give consent for the following:
 - 32 (a) Evaluation and treatment for emergency conditions that are not
33 life threatening.
 - 34 (b) Routine medical and dental treatment and procedures, including
35 early periodic screening diagnosis and treatment services, and services by
36 health care providers to relieve pain or treat symptoms of common childhood
37 illnesses or conditions.
- 38 2. Shall not consent to:
 - 39 (a) General anesthesia.
 - 40 (b) Surgery.
 - 41 (c) Testing for the presence of the human immunodeficiency virus.
 - 42 (d) Blood transfusions.
 - 43 (e) Abortions.

44 Sec. 41. Section 8-520, Arizona Revised Statutes, as transferred by
45 this act, is amended to read:

46 8-520. Violations; classification

1 Any agency, society, association, institution or person, whether
2 incorporated or unincorporated, and any individual acting for or in its name,
3 which engages in caring for children or children and adults or of placing
4 children for care pursuant to this ~~chapter~~ ARTICLE, without having first
5 procured a license as a child welfare agency as provided in this ~~chapter~~
6 ARTICLE, or which knowingly fails or refuses to report as required by the
7 provisions of this ~~chapter~~ ARTICLE, or which knowingly obstructs or hinders
8 the division or its agents in inspection or investigation of the agency,
9 societies, associations, institutions or persons under its control or charge,
10 or any person knowingly violating any of the other provisions of this ~~chapter~~
11 ARTICLE is guilty of a class 2 misdemeanor unless another classification is
12 specifically prescribed in this ~~chapter~~ ARTICLE.

13 Sec. 42. Section 8-521, Arizona Revised Statutes, as transferred by
14 this act, is amended to read:

15 8-521. Independent living program; conditions; eligibility;
16 rules; case management unit; reports

17 A. The department or a licensed child welfare agency may establish an
18 independent living program for youths who are the subject of a dependency
19 petition or who are adjudicated dependent and are all of the following:

20 1. In the custody of the department, a licensed child welfare agency
21 or a tribal child welfare agency.

22 2. At least seventeen years of age.

23 3. Employed or full-time students.

24 B. The independent living program may consist of a residential program
25 of less than twenty-four hours' a day supervision for youths under the
26 supervision of the department through a licensed child welfare agency or a
27 foster home under contract with the department. Under the independent living
28 program the youth is not required to reside at a licensed child welfare
29 agency or foster home.

30 C. The director or the director's designee shall review and approve
31 any recommendation to the court that a youth in the custody of the department
32 be ordered to an independent living program.

33 D. For a youth to participate in an independent living program, the
34 court must order such a disposition pursuant to section 8-845.

35 E. The department **OF CHILD SAFETY**, a licensed child welfare agency or
36 a tribal child welfare agency having custody of the youth shall provide the
37 cost of care as required by section 46-134 for each child placed in an
38 independent living program pursuant to this section, except that the monthly
39 amount provided shall not exceed the average monthly cost of purchased
40 services for the child in the three months immediately preceding placement in
41 an independent living program.

42 F. The department shall adopt rules pursuant to title 41, chapter 6 to
43 carry out this section.

44 G. The department shall provide quarterly progress reports to the
45 court and to local foster care review boards for each youth participating in
46 the independent living program.

1 H. The local foster care review boards shall review at least once
2 every six months the case of each youth participating in the independent
3 living program.

4 I. The department shall establish an educational case management unit
5 within the division consisting of two case managers to develop and coordinate
6 educational case management plans for youths participating in the independent
7 living program and to assist youths in the program to do the following:

- 8 1. Graduate from high school.
- 9 2. Pass the Arizona instrument to measure standards test.
- 10 3. Apply for postsecondary financial assistance.
- 11 4. Apply for postsecondary education.

12 J. The department shall prepare a report on or before March 1 of each
13 year that contains the following information for the previous calendar year:

- 14 1. The number of children in the program.
- 15 2. The number of children in the program by age and grade.
- 16 3. The number of children in the program by county of residence.
- 17 4. The number of children in the program who graduated from high
18 school.

19 5. The number of children in the program who received a general
20 equivalency diploma.

21 6. The number of children in the program enrolled in postsecondary
22 education.

23 K. The department shall submit a copy of the report prescribed in
24 subsection J of this section to the governor, the president of the senate,
25 the speaker of the house of representatives, ~~AND the secretary of state and~~
26 ~~the director of the Arizona state library, archives and public records.~~

27 Sec. 43. Section 8-525, Arizona Revised Statutes, as transferred by
28 this act, is amended to read:

29 8-525. Open court proceedings; closure; records

30 A. Except as otherwise provided pursuant to this section, court
31 proceedings relating to dependent children, permanent guardianship and
32 termination of parental rights are open to the public.

33 B. At the first hearing in any dependency, permanent guardianship or
34 termination of parental rights proceeding, the court shall ask the parties if
35 there are any reasons the proceeding should be closed. For good cause shown,
36 the court may order any proceeding to be closed to the public. In
37 considering whether to close the proceeding to the public, the court shall
38 consider:

- 39 1. Whether doing so is in the child's best interests.
- 40 2. Whether an open proceeding would endanger the child's physical or
41 emotional well-being or the safety of any other person.
- 42 3. The privacy rights of the child, the child's siblings, parents,
43 guardians and caregivers and any other person whose privacy rights the court
44 determines need protection.
- 45 4. Whether all parties have agreed to allow the proceeding to be open.

1 5. If the child is at least twelve years of age and a party to the
2 proceeding, the child's wishes.

3 6. Whether an open proceeding could cause specific material harm to a
4 criminal investigation.

5 C. Subject to the requirements of subsection B of this section and
6 section 8-807, subsection F, paragraph 2, a court proceeding relating to
7 child abuse, abandonment or neglect that has resulted in a fatality or near
8 fatality is open to the public.

9 D. At the beginning of a hearing that is open to the public, the court
10 shall do the following:

11 1. Admonish all attendees that they are prohibited from disclosing any
12 information that may identify the child and the child's siblings, parents,
13 guardians and caregivers, and any other person whose identity will be
14 disclosed during the proceeding.

15 2. Explain contempt of court to all attendees and the possible
16 consequences of violating an order of the court.

17 E. A person who remains in the court after the admonition pursuant to
18 subsection D of this section must abide by the court's order prohibiting
19 disclosure of that information. The court may find a person who fails to do
20 so in contempt of court.

21 F. The court may close an open proceeding at any time for good cause
22 shown and after considering the factors prescribed in subsection B of this
23 section.

24 G. If a proceeding relating to child abuse, abandonment or neglect
25 that has resulted in a fatality or near fatality has been closed by the
26 court, any person may subsequently request that the court reopen a proceeding
27 or a specific hearing to the public or request a transcript be made of any
28 previously closed proceeding. In ruling on this request, the court shall
29 consider the factors prescribed in subsection B of this section. The person
30 who requested the transcript shall pay the cost of the transcript. If the
31 court grants a request for a transcript of any closed proceeding, the court
32 shall redact from a transcript any information that:

33 1. Is essential to protect the privacy, well-being or safety interests
34 prescribed in subsection B of this section.

35 2. Protects the identity and safety of a person who reports child
36 abuse or neglect and ~~to protect~~ any other person if the court believes that
37 disclosure of the ~~EPS~~ DCS information would be likely to endanger the life or
38 safety of any person.

39 3. The court has received that is confidential by law. The court
40 shall maintain the confidentiality of the information as prescribed in the
41 applicable law.

42 H. Any person may request to inspect court records of a proceeding
43 involving the disclosure of ~~EPS~~ DCS information regarding a case of child
44 abuse, abandonment or neglect that has resulted in a fatality or near
45 fatality. In ruling on this request, the court shall consider the factors
46 prescribed in subsection B of this section. If the court grants the request,

1 the court shall redact any information subject to the requirements of
2 subsections B and G of this section and section 8-807, subsection F,
3 paragraph 2.

4 Sec. 44. Transfer and renumber

5 Title 8, chapter 5, article 2, Arizona Revised Statutes, is transferred
6 and renumbered for placement in title 8, chapter 4, Arizona Revised Statutes,
7 as added by this act, as article 5.

8 Sec. 45. Section 8-531, Arizona Revised Statutes, as transferred by
9 this act, is amended to read:

10 8-531. Definitions

11 In this article, unless the context otherwise requires:

12 1. "Abandonment" means the failure of a parent to provide reasonable
13 support and to maintain regular contact with the child, including providing
14 normal supervision. Abandonment includes a judicial finding that a parent
15 has made only minimal efforts to support and communicate with the child.
16 Failure to maintain a normal parental relationship with the child without
17 just cause for a period of six months constitutes prima facie evidence of
18 abandonment.

19 2. "Agency" means an agency licensed by the division to place children
20 for adoption.

21 3. "Child" means a person less than eighteen years of age.

22 4. "Custodian" means a person, other than a parent or legal guardian,
23 who stands in loco parentis to the child or a person to whom legal custody of
24 the child has been given by order of a court of competent jurisdiction.

25 5. "Custody" or "legal custody" means a status embodying all of the
26 following rights and responsibilities:

27 (a) The right to have physical possession of the child.

28 (b) The right and the duty to protect, train and discipline the child.

29 (c) The responsibility to provide the child with adequate food,
30 clothing, shelter, education and medical care, provided that such rights and
31 responsibilities shall be exercised subject to the powers, rights, duties and
32 responsibilities of the guardian of the person and subject to the residual
33 parental rights and responsibilities if they have not been terminated by
34 judicial decree.

35 6. "Division" means the department ~~of economic security~~.

36 7. "Guardian ad litem" means a person appointed by the court to
37 protect the interest of a minor or an incompetent in a particular case before
38 the court.

39 8. "Guardianship of the person" with respect to a minor means the duty
40 and authority to make important decisions in matters affecting the minor
41 including but not necessarily limited either in number or kind to:

42 (a) The authority to consent to marriage, to enlistment in the armed
43 forces of the United States and to major medical, psychiatric and surgical
44 treatment, to represent the minor in legal actions and to make other
45 decisions concerning the child of substantial legal significance.

1 (b) The authority and duty of reasonable visitation, except to the
2 extent that such right of visitation has been limited by court order.

3 (c) The rights and responsibilities of legal custody, except where
4 legal custody has been vested in another individual or in an authorized
5 agency.

6 (d) When the parent-child relationship has been terminated by judicial
7 decree with respect to the parents, or only living parent, or when there is
8 no living parent, the authority to consent to the adoption of the child and
9 to make any other decision concerning the child ~~which~~ THAT the child's
10 parents could make.

11 9. "Juvenile court" means the juvenile division of the superior court.

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

13 11. "Parent-child relationship" includes all rights, privileges, duties
14 and obligations existing between parent and child, including inheritance
15 rights.

16 12. "Parties" includes the child, the petitioners and any parent of the
17 child required to consent to the adoption pursuant to section 8-106.

18 Sec. 46. Section 8-532, Arizona Revised Statutes, as transferred by
19 this act, is amended to read:

20 8-532. Jurisdiction; dependency based termination

21 A. The juvenile court shall have exclusive original jurisdiction over
22 petitions to terminate the parent-child relationship when the child involved
23 is present in ~~the~~ THIS state.

24 B. The juvenile court shall continue to have exclusive original
25 jurisdiction when the juvenile is in the legal custody of the juvenile court
26 although the physical placement of the child is in another state pursuant to
27 court order.

28 C. This article does not apply to termination proceedings conducted
29 pursuant to ~~chapter 10;~~ article ~~4-~~ 11 of this ~~title~~ CHAPTER except to the
30 extent prescribed in section 8-863.

31 Sec. 47. Section 8-533, Arizona Revised Statutes, as transferred by
32 this act, is amended to read:

33 8-533. Petition; who may file; grounds

34 A. Any person or agency that has a legitimate interest in the welfare
35 of a child, including, but not limited to, a relative, a foster parent, a
36 physician, the department ~~of economic security~~ or a private licensed child
37 welfare agency, may file a petition for the termination of the parent-child
38 relationship alleging grounds contained in subsection B of this section.

39 B. Evidence sufficient to justify the termination of the parent-child
40 relationship shall include any one of the following, and in considering any
41 of the following grounds, the court shall also consider the best interests of
42 the child:

43 1. That the parent has abandoned the child.

44 2. That the parent has neglected or wilfully abused a child. This
45 abuse includes serious physical or emotional injury or situations in which

1 the parent knew or reasonably should have known that a person was abusing or
2 neglecting a child.

3 3. That the parent is unable to discharge parental responsibilities
4 because of mental illness, mental deficiency or a history of chronic abuse of
5 dangerous drugs, controlled substances or alcohol and there are reasonable
6 grounds to believe that the condition will continue for a prolonged
7 indeterminate period.

8 4. That the parent is deprived of civil liberties due to the
9 conviction of a felony if the felony of which that parent was convicted is of
10 such nature as to prove the unfitness of that parent to have future custody
11 and control of the child, including murder of another child of the parent,
12 manslaughter of another child of the parent or aiding or abetting or
13 attempting, conspiring or soliciting to commit murder or manslaughter of
14 another child of the parent, or if the sentence of that parent is of such
15 length that the child will be deprived of a normal home for a period of
16 years.

17 5. That the potential father failed to file a paternity action within
18 thirty days of completion of service of notice as prescribed in section
19 8-106, subsection G.

20 6. That the putative father failed to file a notice of claim of
21 paternity as prescribed in section 8-106.01.

22 7. That the parents have relinquished their rights to a child to an
23 agency or have consented to the adoption.

24 8. That the child is being cared for in an out-of-home placement under
25 the supervision of the juvenile court, the division or a licensed child
26 welfare agency, that the agency responsible for the care of the child has
27 made a diligent effort to provide appropriate reunification services and that
28 one of the following circumstances exists:

29 (a) The child has been in an out-of-home placement for a cumulative
30 total period of nine months or longer pursuant to court order or voluntary
31 placement pursuant to section 8-806 and the parent has substantially
32 neglected or wilfully refused to remedy the circumstances that cause the
33 child to be in an out-of-home placement.

34 (b) The child who is under three years of age has been in an
35 out-of-home placement for a cumulative total period of six months or longer
36 pursuant to court order and the parent has substantially neglected or
37 wilfully refused to remedy the circumstances that cause the child to be in an
38 out-of-home placement, including refusal to participate in reunification
39 services offered by the department.

40 (c) The child has been in an out-of-home placement for a cumulative
41 total period of fifteen months or longer pursuant to court order or voluntary
42 placement pursuant to section 8-806, the parent has been unable to remedy the
43 circumstances that cause the child to be in an out-of-home placement and
44 there is a substantial likelihood that the parent will not be capable of
45 exercising proper and effective parental care and control in the near future.

1 9. That the identity of the parent is unknown and continues to be
2 unknown following three months of diligent efforts to identify and locate the
3 parent.

4 10. That the parent has had parental rights to another child terminated
5 within the preceding two years for the same cause and is currently unable to
6 discharge parental responsibilities due to the same cause.

7 11. That all of the following are true:

8 (a) The child was cared for in an out-of-home placement pursuant to
9 court order.

10 (b) The agency responsible for the care of the child made diligent
11 efforts to provide appropriate reunification services.

12 (c) The child, pursuant to court order, was returned to the legal
13 custody of the parent from whom the child had been removed.

14 (d) Within eighteen months after the child was returned, pursuant to
15 court order, the child was removed from that parent's legal custody, the
16 child is being cared for in an out-of-home placement under the supervision of
17 the juvenile court, the division or a licensed child welfare agency and the
18 parent is currently unable to discharge parental responsibilities.

19 C. Evidence considered by the court pursuant to subsection B of this
20 section shall include any substantiated allegations of abuse or neglect
21 committed in another jurisdiction.

22 D. In considering the grounds for termination prescribed in subsection
23 B, paragraph 8 or 11 of this section, the court shall consider the
24 availability of reunification services to the parent and the participation of
25 the parent in these services.

26 E. In considering the grounds for termination prescribed in subsection
27 B, paragraph 8 of this section, the court shall not consider the first sixty
28 days of the initial out-of-home placement pursuant to section 8-806 in the
29 cumulative total period.

30 F. The failure of an alleged parent who is not the child's legal
31 parent to take a test requested by the department or ordered by the court to
32 determine if the person is the child's natural parent is prima facie evidence
33 of abandonment unless good cause is shown by the alleged parent for that
34 failure.

35 Sec. 48. Transfer and renumber

36 Title 8, chapter 5, article 4, Arizona Revised Statutes, is transferred
37 and renumbered for placement in title 8, chapter 4, Arizona Revised Statutes,
38 as added by this act, as article 6.

39 Sec. 49. Section 8-548.05, Arizona Revised Statutes, as transferred by
40 this act, is amended to read:

41 8-548.05. Visitation, inspection and supervision

42 Any requirements for visitation, inspection or supervision of children,
43 homes, institutions or other agencies in another party state which may apply
44 under sections 8-501, 8-503 through 8-520 and 8-813 shall be deemed to be met
45 if performed pursuant to an agreement entered into by appropriate officers or

1 agencies of this state as contemplated by paragraph (b) of article V of the
2 interstate compact on the placement of children.

3 Sec. 50. Transfer and renumber

4 Title 8, chapter 5, article 5, Arizona Revised Statutes, is transferred
5 and renumbered for placement in title 8, chapter 4, Arizona Revised Statutes,
6 as added by this act, as article 7.

7 Sec. 51. Repeal

8 Section 8-550, Arizona Revised Statutes, as transferred by this act, is
9 repealed.

10 Sec. 52. Transfer and renumber

11 A. Title 8, chapter 6, Arizona Revised Statutes, is transferred and
12 renumbered for placement in title 36, Arizona Revised Statutes, as
13 chapter 39. Title 8, chapter 6, article 1, Arizona Revised Statutes, is
14 transferred and renumbered for placement in title 36, chapter 39, Arizona
15 Revised Statutes, as added by this act, as article 1. Sections 8-551, 8-552,
16 8-553, 8-554, 8-555, 8-556, 8-557, 8-558, 8-560, 8-561, 8-564, 8-565, 8-566,
17 8-567 and 8-568, Arizona Revised Statutes, are transferred and renumbered for
18 placement in title 36, chapter 39, article 1, Arizona Revised Statutes, as
19 sections 36-3901, 36-3902, 36-3903, 36-3904, 36-3905, 36-3906, 36-3907,
20 36-3908, 36-3909, 36-3910, 36-3911, 36-3912, 36-3913, 36-3914 and 36-3915,
21 respectively.

22 B. Title 8, chapter 7, Arizona Revised Statutes, is transferred and
23 renumbered for placement in title 25, Arizona Revised Statutes, as
24 chapter 10. Title 8, chapter 7, article 1, Arizona Revised Statutes, is
25 transferred and renumbered for placement in title 25, chapter 10, Arizona
26 Revised Statutes, as article 1. Section 8-601, Arizona Revised Statutes, is
27 transferred and renumbered for placement in title 25, chapter 10, article 1,
28 as added by this act, as section 25-1401.

29 C. Title 8, chapter 10, article 1, Arizona Revised Statutes, is
30 transferred and renumbered for placement in title 8, chapter 4, Arizona
31 Revised Statutes, as added by this act, as article 8.

32 Sec. 53. Heading change

33 A. The chapter heading of former title 8, chapter 10, Arizona Revised
34 Statutes, is repealed.

35 B. The article heading of title 8, chapter 4, article 8, Arizona
36 Revised Statutes, as transferred and renumbered by this act, is changed from
37 "PROTECTIVE SERVICES" to "DEPENDENT CHILDREN".

38 Sec. 54. Repeal

39 Section 8-800, Arizona Revised Statutes, as transferred by this act, is
40 repealed.

41 Sec. 55. Section 8-801, Arizona Revised Statutes, as transferred by
42 this act, is amended to read:

43 8-801. Definitions

44 In this ARTICLE AND ARTICLES 9, 10, 11, 12, 13 AND 14 OF THIS chapter,
45 unless the context otherwise requires:

1 ~~4.~~ 1. "Protective CHILD SAFETY services" means a specialized child
2 welfare program that is administered by the department as provided in this
3 chapter and that investigates allegations of and seeks to prevent, intervene
4 in and treat abuse, and neglect, to promote the well-being of the child in a
5 permanent home and to coordinate services to strengthen the family.

6 ~~1.~~ 2. "Child ~~protective services~~ SAFETY worker" or "worker" means a
7 person who has been selected by and trained under the requirements prescribed
8 by the department and who assists in carrying out the provisions of this
9 article.

10 ~~2.~~ "~~Criminal conduct allegation~~" means ~~an allegation of conduct by a~~
11 ~~parent, guardian or custodian of a child that, if true, would constitute any~~
12 ~~of the following:~~

13 ~~(a) A violation of section 13-3623 involving child abuse.~~

14 ~~(b) A felony offense that constitutes domestic violence as defined in~~
15 ~~section 13-3601.~~

16 ~~(c) A violation of section 13-1404 or 13-1406 involving a minor.~~

17 ~~(d) A violation of section 13-1405, 13-1410 or 13-1417.~~

18 ~~(e) Any other act of abuse that is classified as a felony.~~

19 ~~(f) An offense that constitutes domestic violence as defined in~~
20 ~~section 13-3601 and that involves a minor who is a victim of or was in~~
21 ~~imminent danger during the domestic violence.~~

22 3. "In-home intervention" means a program of services provided
23 pursuant to article ~~7~~ 14 of this chapter while the child is still in the
24 custody of the parent, guardian or custodian.

25 ~~5.~~ 4. "Relative" has the same meaning prescribed in section 8-501.

26 Sec. 56. Section 8-802, Arizona Revised Statutes, as amended by Laws
27 2013, first special session, chapter 5, section 1 and as transferred by this
28 act, is amended to read:

29 8-802. Child safety worker; fingerprint clearance cards;
30 interview requirements; temporary custody limit;
31 cooperation and coordination; alteration of files;
32 violation; classification

33 A. The department ~~of economic security~~ shall employ child ~~protective~~
34 ~~services~~ SAFETY workers. All persons who are employed as child ~~protective~~
35 ~~services~~ SAFETY workers shall have a valid fingerprint clearance card that is
36 issued pursuant to section 41-1758.07 or shall apply for a fingerprint
37 clearance card within seven working days of employment. A child ~~protective~~
38 ~~services~~ SAFETY worker shall certify on forms that are provided by the
39 department ~~of economic security~~ and that are notarized whether the worker is
40 awaiting trial on or has ever been convicted of any of the criminal offenses
41 listed in section 41-1758.07, subsections B and C in this state or similar
42 offenses in another state or jurisdiction.

43 ~~B. The department may cooperate with county agencies and community~~
44 ~~social services agencies to achieve the purposes of this chapter.~~

45 ~~C. Child protective services shall:~~

46 ~~1. Promote the safety and protection of children.~~

1 ~~2. Accept, screen and assess reports of abuse or neglect:~~
2 ~~(a) Pursuant to section 8-817.~~
3 ~~(b) In level I residential treatment centers or in level II or level~~
4 ~~III behavioral health residential agencies that are licensed by the~~
5 ~~department of health services.~~
6 ~~3. Receive reports of dependent, abused or abandoned children and be~~
7 ~~prepared to provide temporary foster care for these children on a twenty four~~
8 ~~hour basis.~~
9 ~~4. Receive from any source oral or written information regarding a~~
10 ~~child who may be in need of protective services.~~
11 B. A worker shall not interview a child without the prior written
12 consent of the parent, guardian or custodian of the child unless either:
13 ~~(a) 1. The child initiates contact with the worker.~~
14 ~~(b) 2. The child who is interviewed is the subject of or is the~~
15 ~~sibling of or living with the child who is the subject of an abuse or~~
16 ~~abandonment investigation pursuant to paragraph 5, subdivision (b) of this~~
17 ~~subsection SECTION 8-456.~~
18 ~~(c) 3. The interview is conducted pursuant to the terms of the~~
19 ~~protocols established pursuant to section 8-817.~~
20 ~~5. After the receipt of any report or information pursuant to~~
21 ~~paragraph 2, 3 or 4 of this subsection, immediately do all of the following:~~
22 ~~(a) Notify the municipal or county law enforcement agency and the~~
23 ~~office of child welfare investigations.~~
24 ~~(b) Make a prompt and thorough investigation. An investigation must~~
25 ~~determine the nature, extent and cause of any condition that would tend to~~
26 ~~support or refute the allegation that the child should be adjudicated~~
27 ~~dependent and the name, age and condition of other children in the home~~
28 ~~unless the report contains an allegation of criminal conduct that is being~~
29 ~~investigated by the office of child welfare investigations.~~
30 ~~(c) Assist the office of child welfare investigations as directed by~~
31 ~~the director of the department of economic security.~~
32 ~~6. Subject to section 41-1969.01, take a child into temporary custody~~
33 ~~as provided in section 8-821. Law enforcement officers shall cooperate with~~
34 ~~the department to remove a child from the custody of the child's parents,~~
35 ~~guardian or custodian when necessary.~~
36 ~~7. After investigation, evaluate conditions created by the parents,~~
37 ~~guardian or custodian that would support or refute the allegation that the~~
38 ~~child should be adjudicated dependent. The child protective services worker~~
39 ~~shall then determine whether any child is in need of protective services.~~
40 ~~8. Offer to the family of any child who is found to be a child in need~~
41 ~~of protective services those services that are designed to correct unresolved~~
42 ~~problems that would indicate a reason to adjudicate the child dependent.~~
43 ~~9. Submit a written report of the worker's investigation to:~~
44 ~~(a) The department's case management information system within a~~
45 ~~reasonable time period that does not exceed forty five days after receipt of~~
46 ~~the initial information except as provided in section 8-811. If the~~

1 ~~investigation involves allegations regarding a child who at the time of the~~
2 ~~alleged incident was in the custody of a child welfare agency licensed by the~~
3 ~~department of economic security under this title, a copy of the report and~~
4 ~~any additional investigative or other related reports shall be provided to~~
5 ~~the board of directors of the agency or to the administrative head of the~~
6 ~~agency unless the incident is alleged to have been committed by the person.~~
7 ~~The department shall excise all information with regard to the identity of~~
8 ~~the source of the reports.~~

9 ~~(b) The appropriate court forty-eight hours before a dependency~~
10 ~~hearing pursuant to a petition of dependency or within twenty-one days after~~
11 ~~a petition of dependency is filed, whichever is earlier. On receipt of the~~
12 ~~report the court shall make the report available to all parties and counsel.~~

13 ~~10. Accept a child into voluntary placement pursuant to section 8-806.~~

14 ~~11. Make a good faith effort to promptly obtain and abide by court~~
15 ~~orders that restrict or deny custody, visitation or contact by a parent or~~
16 ~~other person in the home with the child. As part of the good faith effort,~~
17 ~~the child protective services worker shall ask the parent, guardian or~~
18 ~~custodian under investigation if a current court order exists.~~

19 ~~D. C.~~ C. A child shall not remain in temporary custody for a period
20 exceeding seventy-two hours, excluding Saturdays, Sundays and holidays,
21 unless a dependency petition is filed. If a petition is not filed and the
22 child is released to the child's parent, guardian or custodian, the worker
23 shall file a report of removal with the central registry within seventy-two
24 hours of the child's release. The report shall include:

25 1. The dates of previous referrals, investigations or temporary
26 custody.

27 2. The dates on which other children in the family have been taken
28 into temporary custody.

29 ~~E. D. The department shall provide child protective services workers~~
30 ~~who investigate reports of allegations of abuse and neglect with training in~~
31 ~~forensic interviewing and processes and the protocols established pursuant to~~
32 ~~section 8-817. All child protective services SAFETY workers shall be trained~~
33 ~~AND DEMONSTRATE COMPETENCY in their:~~

34 1. THE duty to protect the legal rights of children and families from
35 the time of the initial contact through treatment. The training shall include
36 knowledge of a child's rights as a victim of crime. ~~The training for child~~
37 ~~protective services workers shall also include instruction on~~

38 2. The legal rights of parents.

39 3. IMPACT AND INTERVENTION PRACTICES RELATED TO ADVERSE CHILDHOOD
40 EXPERIENCES, CULTURALLY AND LINGUISTICALLY APPROPRIATE SERVICE DELIVERY,
41 DOMESTIC VIOLENCE, FAMILY ENGAGEMENT, COMMUNICATION WITH SPECIAL POPULATIONS
42 AND TRAUMA INFORMED RESPONSES.

43 ~~F. In conducting an investigation pursuant to this section, if the~~
44 ~~worker is made aware that an allegation of abuse or neglect may also have~~
45 ~~been made in another state, the worker shall contact the appropriate agency~~

1 ~~in that state to attempt to determine the outcome of any investigation of~~
2 ~~that allegation.~~

3 ~~G. The department of economic security shall develop an alternative~~
4 ~~response for designated reports.~~

5 E. ALL CHILD SAFETY WORKERS SHALL COOPERATE AND COORDINATE WITH THE
6 OFFICE OF CHILD WELFARE INVESTIGATIONS TO CARRY OUT THE PURPOSES OF SECTION
7 8-471.

8 F. ALL CHILD SAFETY WORKERS AND CHILD WELFARE INVESTIGATIONS WORKERS
9 SHALL COOPERATE AND COORDINATE WITH THE INSPECTIONS BUREAU TO CARRY OUT THE
10 PURPOSES OF SECTION 8-458.

11 G. ALL CHILD WELFARE INVESTIGATIONS WORKERS AND INSPECTIONS BUREAU
12 WORKERS SHALL COOPERATE AND COORDINATE WITH THE REST OF THE DEPARTMENT TO
13 ACHIEVE THE PURPOSES OF THIS TITLE.

14 H. Any person who alters a client file for the purpose of fraud or
15 misrepresentation is guilty of a class 2 misdemeanor.

16 Sec. 57. Repeal

17 Section 8-802, Arizona Revised Statutes, as amended by Laws 2013,
18 chapter 220, section 2 and as transferred by this act, is repealed.

19 Sec. 58. Section 8-803, Arizona Revised Statutes, as transferred by
20 this act, is amended to read:

21 8-803. Limitation of authority; duty to inform

22 A. On initial contact with a parent, guardian or custodian under
23 investigation pursuant to this article, a child ~~protective services~~ SAFETY
24 worker shall inform the family, both verbally and in writing, making
25 reasonable efforts to receive written acknowledgement from the parent,
26 guardian, or custodian, of receipt of all of the following information:

27 1. That the family is under investigation by the department.

28 2. The specific complaint or allegation made against that person.

29 3. That the worker has no legal authority to compel the family to
30 cooperate with the investigation or to receive ~~protective~~ CHILD SAFETY
31 services offered pursuant to the investigation.

32 4. The worker's authority to petition the juvenile court for a
33 determination that a child is dependent.

34 ~~5. The person's right to participate in a mediation program in the~~
35 ~~attorney general's office. The worker shall provide the telephone number of~~
36 ~~the attorney general's office mediation program.~~

37 ~~6.~~ 5. The person's right to file a complaint with the
38 ~~ombudsman-citizen~~ OMBUDSMAN-CITIZENS aide pursuant to section 41-1376. The
39 worker shall provide the telephone number of the ~~ombudsman-citizen~~
40 OMBUDSMAN-CITIZENS aide.

41 ~~7.~~ 6. The person's right to appeal determinations made by ~~child~~
42 ~~protective services~~ THE DEPARTMENT.

43 ~~8.~~ 7. Information outlining parental rights under the laws of the
44 state.

45 B. The child ~~protective services~~ SAFETY worker shall also inform the
46 person about whom the report was made about that person's right to respond to

1 the allegations either verbally or in writing, including any documentation,
2 and to have this information considered in determining if the child is in
3 need of ~~protective~~ CHILD SAFETY services. The worker shall tell the person
4 that anything the person says or writes can be used in a court proceeding. If
5 the person makes a verbal response, the worker shall include the response in
6 the written report of the investigation. If the person makes a written
7 response, including any documentation, the worker shall include this response
8 and the documentation in the case file. Information provided in response to
9 the allegations shall be considered during the investigation by the worker.
10 The worker shall maintain the response and documentation in the case file and
11 provide this information to the court before a hearing or trial relating to
12 the dependency petition.

13 C. If the family declines to cooperate with the investigation or to
14 accept or to participate in the offered services, or if the worker otherwise
15 believes that the child should be adjudicated dependent, the worker may file
16 with the juvenile court a petition requesting that the child in need of
17 ~~protective~~ CHILD SAFETY services be adjudicated dependent.

18 D. Refusal to cooperate in the investigation or to participate in the
19 offered services does not constitute grounds for temporary custody of a child
20 except if there is a clear necessity for temporary custody as provided in
21 section 8-821.

22 Sec. 59. Section 8-804, Arizona Revised Statutes, as transferred by
23 this act, is amended to read:

24 8-804. Central registry; notification

25 A. The department ~~of economic security~~ shall maintain a central
26 registry of reports of child abuse and neglect that are substantiated and the
27 outcome of the investigation of these reports made under this article. A
28 finding made by a court pursuant to section 8-844, subsection C that a child
29 is dependent based on an allegation of abuse or neglect shall be recorded as
30 a substantiated finding of abuse or neglect. The department shall
31 incorporate duplicate reports on the same incident in the original report and
32 shall not classify duplicate reports as new reports.

33 B. The department shall conduct central registry background checks and
34 shall use the information contained in the central registry only for the
35 following purposes:

36 1. As a factor to determine qualifications for foster home licensing,
37 adoptive parent certification, child care home certification, registration of
38 unregulated child care homes with the child care resource and referral
39 system, and home and community based services certification for services to
40 children or vulnerable adults.

41 2. As a factor to determine qualifications for persons who are
42 employed or who are applying for employment with this state in positions that
43 provide direct service to children or vulnerable adults.

44 3. As a factor to determine qualifications for positions that provide
45 direct service to children or vulnerable adults for:

1 (a) Any person who applies for a contract with this state and that
2 person's employees.

3 (b) All employees of a contractor.

4 (c) A subcontractor of a contractor and the subcontractor's employees.

5 (d) Prospective employees of the contractor or subcontractor at the
6 request of the prospective employer.

7 4. Beginning August 1, 2013, to provide information to licensees that
8 do not contract with this state regarding persons who are employed or seeking
9 employment to provide direct services to children pursuant to title 36,
10 chapter 7.1.

11 5. To identify and review reports concerning individual children and
12 families, in order to facilitate the assessment of safety and risk.

13 6. To determine the nature and scope of child abuse and neglect in
14 this state and to provide statewide statistical and demographic information
15 concerning trends in child abuse and neglect.

16 7. To allow comparisons of this state's statistical data with national
17 data.

18 8. To comply with section 8-804.01, subsection B.

19 C. Beginning August 1, 2013, licensees that do not contract with the
20 state and that employ persons who provide direct services to children
21 pursuant to title 36, chapter 7.1 must submit to the department of ~~economic~~
22 ~~security~~ CHILD SAFETY in a manner prescribed by the department of ~~economic~~
23 ~~security~~ CHILD SAFETY information necessary to conduct central registry
24 background checks. The department of health services shall verify whether
25 licensees, pursuant to title 36, chapter 7.1, have complied with the
26 requirements of this subsection and any rules adopted by the department of
27 health services to implement this subsection.

28 D. If the department OF ECONOMIC SECURITY received a report before
29 September 1, 1999 and determined that the report was substantiated, the
30 department OF CHILD SAFETY shall maintain the report in the central registry
31 until eighteen years from the child victim's date of birth.

32 E. If the department OF ECONOMIC SECURITY OR THE DEPARTMENT OF CHILD
33 SAFETY received a report on or after September 1, 1999 and determined that
34 the report was substantiated, the department OF CHILD SAFETY shall maintain
35 the report in the central registry for A MAXIMUM OF twenty-five years after
36 the date of the report. IF THE DEPARTMENT OF CHILD SAFETY MAINTAINS REPORTS
37 IN THE CENTRAL REGISTRY FOR LESS THAN TWENTY-FIVE YEARS, THE DEPARTMENT SHALL
38 ADOPT RULES TO DESIGNATE THE LENGTH OF TIME IT MUST MAINTAIN THOSE REPORTS IN
39 THE CENTRAL REGISTRY.

40 F. The department shall annually purge reports and investigative
41 outcomes received pursuant to the time frames prescribed in subsections D and
42 E of this section.

43 G. Any person who was the subject of a ~~child-protective-services~~
44 DEPARTMENT investigation may request confirmation that the department has
45 purged information about the person pursuant to subsection F of this section.
46 On receipt of this request, the department shall provide the person with

1 written confirmation that the department has no record containing identifying
2 information about that person.

3 H. The department ~~of economic security~~ shall notify a person,
4 contractor or licensee identified in subsection B, paragraph 3, subdivisions
5 (a), (b) and (c) and subsection B, paragraph 4 of this section who is
6 disqualified because of a central registry check conducted pursuant to
7 subsection B of this section that the person may apply to the board of
8 fingerprinting for a central registry exception pursuant to section
9 41-619.57.

10 I. Before being employed in a position that provides direct services
11 to children or vulnerable adults pursuant to subsection B, paragraphs 3 and 4
12 or subsection C of this section, employees shall certify, under penalty of
13 perjury, on forms that are provided by the department ~~of economic security~~
14 whether an allegation of abuse or neglect was made against them and was
15 substantiated. The forms are confidential. If this certification does not
16 indicate a current investigation or a substantiated report of abuse or
17 neglect, the employee may provide direct services pending the findings of the
18 central registry check.

19 J. A person who is granted a central registry exception pursuant to
20 section 41-619.57 is not entitled to a contract, employment, licensure,
21 certification or other benefit because the person has been granted a central
22 registry exception.

23 K. An agency of ~~the~~ THIS state that conducts central registry
24 background checks as a factor to determine qualifications for positions that
25 provide direct ~~service~~ SERVICES to children or vulnerable adults shall
26 publish a list of disqualifying acts of substantiated abuse or neglect.

27 L. An agency of ~~the~~ THIS state that conducts central registry
28 background checks may provide information contained in the central registry
29 on all reports of child abuse and neglect that are substantiated and the
30 outcomes of the investigations of the reports to carry out the provisions of
31 this section. Identifying information regarding any person other than the
32 perpetrator ~~cannot~~ MAY NOT be released. Information received pursuant to
33 this section ~~cannot~~ MAY NOT be further disseminated unless authorized by law
34 or court order.

35 Sec. 60. Section 8-806, Arizona Revised Statutes, as transferred by
36 this act, is amended to read:

37 8-806. Voluntary placement; conditions; notice of placement;
38 time limit; rules

39 A. A child is eligible to be accepted into voluntary placement by a
40 ~~protective services~~ CHILD SAFETY worker on behalf of the department.

41 B. On acceptance of a child into voluntary placement, the worker must
42 prepare a notice of placement and file the notice in the case file of the
43 child.

44 C. A period of voluntary placement pursuant to this section shall not
45 exceed ninety days. A worker shall not accept a child into voluntary

1 placement for more than two periods within twenty-four consecutive months
2 unless a dependency petition is pending.

3 D. The department may accept a voluntary placement agreement only if
4 the department can provide necessary services that are likely to remedy the
5 circumstances that bring the child into care within the ninety day period and
6 one of the following applies:

7 1. The department plans to return the child to the parent, guardian or
8 custodian who signed the child into voluntary placement.

9 2. While the child is in voluntary placement, the parent, guardian or
10 custodian arranges a safe alternative placement for the child after the
11 voluntary placement.

12 E. A worker shall not accept a child into voluntary placement without
13 the written informed consent of the child's parent, guardian or custodian.
14 The department shall terminate voluntary placement on receipt of written
15 revocation of consent by the parent, guardian or custodian.

16 F. A worker shall not accept a child, age twelve or older and not
17 developmentally disabled, into voluntary placement without the written
18 informed consent of the child unless the department determines that voluntary
19 placement of the child is clearly necessary to prevent abuse.

20 G. The fact of voluntary placement does not constitute abandonment,
21 abuse or dependency as defined in this article and may not be used in a
22 judicial proceeding as an admission of criminal wrongdoing by that parent,
23 guardian or custodian.

24 H. The department shall adopt rules in accordance with title 41,
25 chapter 6 for the purpose of assessing parents for the full or partial cost
26 of voluntary placement.

27 I. The department must develop a case plan with the child's parent,
28 guardian or custodian within ten days of a child's voluntary placement as
29 follows:

30 1. The case plan shall establish the services necessary to promote the
31 safety of the child on the planned return of the child to the parent,
32 guardian, custodian or alternative placement.

33 2. The department shall provide, contract with a service provider to
34 provide or assist in accessing community resources to provide the services in
35 the case plan.

36 3. The department must share the case plan with the foster parent,
37 physical custodian or other voluntary placement provider of the child.

38 J. Before returning the child to a parent, guardian, custodian or
39 alternative placement, the department shall inform the parent, guardian,
40 custodian or alternative placement about available financial and nonfinancial
41 services and eligibility requirements and shall assist the parent, guardian,
42 custodian or alternative placement to complete the necessary applications.

43 Sec. 61. Section 8-807, Arizona Revised Statutes, as transferred by
44 this act, is amended to read:

45 8-807. DCS information; public record; use; confidentiality;
46 violation; classification; definitions

1 A. ~~EPS~~ DCS information shall be maintained by the department as
2 required by federal law as a condition of the allocation of federal monies to
3 this state. All exceptions for the public release of ~~EPS~~ DCS information
4 shall be construed as openly as possible under federal law.

5 B. The department, or a person who receives ~~EPS~~ DCS information
6 pursuant to this subsection, shall provide ~~EPS~~ DCS information to a federal
7 agency, a state agency, a tribal agency, a county or municipal agency, a law
8 enforcement agency, a prosecutor, an attorney or a guardian ad litem
9 representing a child victim of crime pursuant to article II, section 2.1,
10 Constitution of Arizona, a school, a community service provider, a contract
11 service provider or any other person that is providing services pursuant to
12 this ~~chapter~~ ARTICLE OR ARTICLE 9, 10, 11, 12, 13 OR 14 OF THIS CHAPTER:

13 1. To meet its duties to provide for the safety, permanency and
14 well-being of a child, provide services to a parent, guardian or custodian or
15 provide services to family members to strengthen the family pursuant to this
16 ~~chapter~~ ARTICLE OR ARTICLE 9, 10, 11, 12, 13 OR 14 OF THIS CHAPTER.

17 2. To enforce or prosecute any violation involving child abuse or
18 neglect.

19 3. To provide information to a defendant after a criminal charge has
20 been filed as required by an order of the criminal court.

21 C. The department shall disclose ~~EPS~~ DCS information to a court, a
22 party in a dependency or termination of parental rights proceeding or the
23 party's attorney, the foster care review board or a court appointed special
24 advocate for the purposes of and as prescribed in this title.

25 D. The department shall disclose ~~EPS~~ DCS information to a domestic
26 relations, family or conciliation court if the ~~EPS~~ DCS information is
27 necessary to promote the safety and well-being of children. The court shall
28 notify the parties that it has received the ~~EPS~~ DCS information.

29 E. A person or agent of a person who is the subject of ~~EPS~~ DCS
30 information shall have access to ~~EPS~~ DCS information concerning that person.

31 F. The department:

32 1. May provide ~~EPS~~ DCS information to confirm, clarify or correct
33 information concerning an allegation or actual instance of child abuse or
34 neglect that has been made public by sources outside the department.

35 2. Shall promptly provide ~~EPS~~ DCS information to the public regarding
36 a case of child abuse, abandonment or neglect that has resulted in a fatality
37 or near fatality as follows:

38 (a) The department shall provide preliminary information including at
39 a minimum:

40 (i) The name, age and city, town or general location of residence of
41 the child who has suffered a near fatality or fatality.

42 (ii) The fact that a child suffered a near fatality or fatality as the
43 result of abuse, abandonment or neglect.

44 (iii) The name, age and city, town or general location of residence of
45 the alleged perpetrator, if available.

1 (iv) Whether there have been reports, or any current or past cases, of
2 abuse, abandonment or neglect involving the child and the current alleged
3 abusive or neglectful parent, guardian or custodian.

4 (v) Actions taken by ~~child-protective-services~~ THE DEPARTMENT in
5 response to the fatality or near fatality of the child.

6 (vi) A detailed synopsis of prior reports or cases of abuse,
7 abandonment or neglect involving the child and the current alleged abusive or
8 neglectful parent, guardian or custodian and of the actions taken or
9 determinations made by ~~child-protective-services~~ THE DEPARTMENT in response
10 to these reports or cases.

11 (b) On request by any person, the department shall promptly provide
12 additional ~~EPS~~ DCS information to the requestor. Before releasing additional
13 ~~EPS~~ DCS information, the department shall promptly notify the county attorney
14 of any decision to release that information, and the county attorney shall
15 promptly inform the department if it believes the release would cause a
16 specific, material harm to a criminal investigation. After consulting with
17 the county attorney, pursuant to subdivision (c) of this paragraph, the
18 department shall produce to the requestor as much additional ~~EPS~~ DCS
19 information as promptly as possible about a case of child abuse, abandonment
20 or neglect that resulted in a fatality or near fatality.

21 (c) On request, the department shall continue to provide ~~EPS~~ DCS
22 information promptly to the public about a fatality or near fatality unless:

23 (i) After consultation with the county attorney, the county attorney
24 demonstrates that release of particular ~~EPS~~ DCS information would cause a
25 specific, material harm to a criminal investigation.

26 (ii) The release would violate subsection A or L of this section or
27 the privacy of victims of crime pursuant to article II, section 2.1,
28 subsection C, Constitution of Arizona.

29 (d) If any person believes that the county attorney has failed to
30 demonstrate that release would cause a specific, material harm to a criminal
31 investigation, that person may file an action in superior court pursuant to
32 title 39, chapter 1, article 2 and subsection J of this section and request
33 the court to review the ~~EPS~~ DCS information in camera and order disclosure.

34 3. May provide ~~EPS~~ DCS information to a person who is conducting bona
35 fide research, the results of which might provide ~~EPS~~ DCS information that is
36 beneficial in improving ~~child-protective-services~~ THE DEPARTMENT.

37 4. May provide access to ~~EPS~~ DCS information to the parent, guardian
38 or custodian of a child if the ~~EPS~~ DCS information is reasonably necessary to
39 promote the safety, permanency and well-being of the child.

40 G. The department shall disclose ~~EPS~~ DCS information to a county
41 medical examiner or an alternate medical examiner directing an investigation
42 into the circumstances surrounding a death pursuant to section 11-593.

43 H. Access to ~~EPS~~ DCS information in the central registry shall be
44 provided as prescribed in section 8-804.

45 I. To provide oversight of ~~child-protective-services~~ THE DEPARTMENT,
46 the department shall provide access to ~~EPS~~ DCS information to the following

1 persons, if the ~~EPS~~ DCS information is reasonably necessary for the person to
2 perform the person's official duties:

3 1. Federal or state auditors.

4 2. Persons conducting any accreditation deemed necessary by the
5 department.

6 3. A standing committee of the legislature or a committee appointed by
7 the president of the senate or the speaker of the house of representatives
8 for purposes of conducting investigations related to the legislative
9 oversight of the department ~~of economic security~~. This information shall not
10 be further disclosed unless a court has ordered the disclosure of this
11 information, the information has been disclosed in a public or court record,
12 or the information has been disclosed in the course of a public meeting or
13 court proceeding.

14 4. A legislator who requests ~~EPS~~ DCS information in the regular course
15 of the legislator's duties. This information shall not be further disclosed
16 unless a court has ordered the disclosure of this information, the
17 information has been disclosed in a public or court record, or the
18 information has been disclosed in the course of a public meeting or court
19 proceeding. To request a file pursuant to this paragraph:

20 (a) The legislator shall submit a written request for ~~EPS~~ DCS
21 information to the presiding officer of the body of which the state
22 legislator is a member. The request shall state the name of the person whose
23 case file is to be reviewed and any other information that will assist the
24 department in locating the file.

25 (b) The presiding officer shall forward the request to the department
26 within five working days of the receipt of the request.

27 (c) The department shall make the necessary arrangements for the
28 legislator to review the file at an office of the department, chosen by the
29 legislator, within ten working days.

30 (d) The legislator shall sign a form, consistent with the requirements
31 of this paragraph and paragraph 3 of this subsection, before reviewing the
32 file, that outlines the confidentiality laws governing ~~child protective~~
33 ~~services~~ DEPARTMENT files and penalties for further release of the
34 information.

35 5. A citizen review panel as prescribed by federal law, a child
36 fatality review team as provided in title 36, chapter 35 and the office of
37 ombudsman-citizens aide.

38 J. A person who has been denied ~~EPS~~ DCS information regarding a
39 fatality or near fatality caused by abuse, abandonment or neglect pursuant to
40 subsection F, paragraph 2 or subsection L of this section may bring a special
41 action pursuant to section 39-121.02 in the superior court to order the
42 department to release that ~~EPS~~ DCS information. A legislator has standing to
43 bring or to join a special action regarding the release of ~~EPS~~ DCS
44 information or to challenge the redaction of released ~~EPS~~ DCS information.
45 The plaintiff shall provide notice to the county attorney, who has standing
46 and may participate in the action. The court shall review the requested

1 records in camera and order disclosure consistent with subsection A,
2 subsection F, paragraph 2 and subsection L of this section. The court shall
3 take reasonable steps to prevent any clearly unwarranted invasions of privacy
4 and protect the privacy and dignity of victims of crime pursuant to article
5 II, section 2.1, subsection C, Constitution of Arizona.

6 K. The department or a person who is not specifically authorized by
7 this section to obtain ~~EPS~~ DCS information may petition a judge of the
8 superior court to order the department to release ~~EPS~~ DCS information. The
9 plaintiff shall provide notice to the county attorney, who has standing and
10 may participate in the action. The court shall review the requested records
11 in camera and shall balance the rights of the parties who are entitled to
12 confidentiality pursuant to this section against the rights of the parties
13 who are seeking the release of the ~~EPS~~ DCS information. The court may
14 release otherwise confidential ~~EPS~~ DCS information only if the rights of the
15 parties seeking the ~~EPS~~ DCS information and any benefits from releasing the
16 ~~EPS~~ DCS information outweigh the rights of the parties who are entitled to
17 confidentiality and any harm that may result from releasing the ~~EPS~~ DCS
18 information. The court shall take reasonable steps to prevent any clearly
19 unwarranted invasions of privacy and protect the privacy and dignity of
20 victims of crime pursuant to article II, section 2.1, subsection C,
21 Constitution of Arizona.

22 L. Except as provided in subsection M of this section, before it
23 releases records under this section, the department shall take whatever
24 precautions it determines are reasonably necessary to protect the identity
25 and safety of a person who reports child abuse or neglect and to protect any
26 other person if the department believes that disclosure of the ~~EPS~~ DCS
27 information would be likely to endanger the life or safety of any person.
28 The department is not required by this section to disclose ~~EPS~~ DCS
29 information if the department demonstrates that disclosure would cause a
30 specific, material harm to a ~~child-protective-services~~ DEPARTMENT
31 investigation. The department is not required by this section to disclose
32 ~~EPS~~ DCS information if, in consultation with the county attorney, the county
33 attorney demonstrates that disclosure would cause a specific, material harm
34 to a criminal investigation.

35 M. A person who is the subject of an unfounded report or complaint
36 made pursuant to this ~~chapter~~ ARTICLE OR ARTICLE 9, 10, 11, 12, 13 OR 14 OF
37 THIS CHAPTER and who believes that the report or complaint was made in bad
38 faith or with malicious intent may petition a judge of the superior court to
39 order the department to release the ~~EPS~~ DCS information. The petition shall
40 specifically set forth reasons supporting the person's belief that the report
41 or complaint was made in bad faith or with malicious intent. The court shall
42 review the ~~EPS~~ DCS information in camera and the person filing the petition
43 shall be allowed to present evidence in support of the petition. If the court
44 determines that there is a reasonable question of fact as to whether the
45 report or complaint was made in bad faith or with malicious intent and that
46 disclosure of the identity of the person making the report or complaint would

1 not be likely to endanger the life or safety of the person making the report
2 or complaint, it shall provide a copy of the ~~CPS~~ DCS information to the
3 person filing the petition and the original ~~CPS~~ DCS information is subject to
4 discovery in a subsequent civil action regarding the making of the report or
5 complaint.

6 N. The department shall provide the person who conducts a forensic
7 medical evaluation with any records the person requests, including social
8 history and family history regarding the child, the child's siblings and the
9 child's parents or guardians.

10 O. The department shall provide ~~CPS~~ DCS information on request to a
11 prospective adoptive parent, foster parent or guardian, if the information
12 concerns a child the prospective adoptive parent, foster parent or guardian
13 seeks to adopt or provide care for.

14 P. If the department receives information that is confidential by law,
15 the department shall maintain the confidentiality of the information as
16 prescribed in the applicable law.

17 Q. A person may authorize the release of ~~CPS~~ DCS information about the
18 person but may not waive the confidentiality of ~~CPS~~ DCS information
19 concerning any other person.

20 R. The department may provide a summary of the outcome of a ~~child~~
21 ~~protective services~~ DEPARTMENT investigation to the person who reported the
22 suspected child abuse or neglect.

23 S. The department shall adopt rules to facilitate the accessibility of
24 ~~CPS~~ DCS information.

25 T. The department may charge a fee for copying costs required to
26 prepare ~~CPS~~ DCS information for release pursuant to this section.

27 U. A person who violates this section is guilty of a class 2
28 misdemeanor.

29 V. For the purposes of this section:

30 1. "~~CPS~~ DCS information" includes all information the department
31 gathers during the course of ~~a child protective services~~ AN investigation
32 conducted under this chapter from the time a file is opened and until it is
33 closed. ~~CPS~~ DCS information does not include information that is contained
34 in child welfare agency licensing records.

35 2. "Near fatality" means an act that, as certified by a physician,
36 including the child's treating physician, places a child in serious or
37 critical condition.

38 Sec. 62. Section 8-808, Arizona Revised Statutes, as transferred by
39 this act, is amended to read:

40 8-808. Parent assistance program

41 A. A parent assistance program is established in the administrative
42 office of the supreme court for the purpose of providing information to and
43 assisting parents or guardians in understanding the process of removal of a
44 child from the home. The administrative office of the supreme court shall
45 establish parent assistance offices in counties having a population of four

1 hundred thousand persons or more and shall provide twenty-four hour telephone
2 hot line access statewide.

3 B. The administrative office of the supreme court shall hire and
4 employ staff, subject to legislative appropriation, for purposes relating to
5 the functions of the parent assistance program.

6 C. The parent assistance program shall provide the following
7 information to parents or guardians:

8 1. The parents' or guardians' legal rights, including the right to
9 attend court or foster care review board hearings, and the child's legal
10 rights.

11 2. The means for accessing personnel who can provide information on:

12 (a) The well-being of the child who is removed from the home.

13 (b) The community resources that are available.

14 3. The procedures for requesting an attorney or a temporary custody
15 hearing and the consequences of failure to make the request.

16 D. The administrative office of the supreme court shall maintain
17 current statistics on the utilization of and types of calls received by the
18 parent assistance program. The administrative office of the supreme court
19 shall make the information available to the public on request and on the
20 administrative office of the supreme court's ~~web-site~~ WEBSITE.

21 E. The administrative office of the supreme court shall coordinate
22 efforts with the department ~~of economic security~~ to provide each parent or
23 guardian with written notice of the services offered by the parent assistance
24 program at the time initial contact is made with a family.

25 Sec. 63. Section 8-810, Arizona Revised Statutes, as transferred by
26 this act, is amended to read:

27 8-810. Missing children; notification; entry into databases

28 A. If ~~child protective services~~ THE DEPARTMENT receives a report made
29 pursuant to section 13-3620 or receives information during the course of
30 providing services that indicates a child is at risk of serious harm and the
31 child's location is unknown, ~~child protective services~~ THE DEPARTMENT shall
32 notify the appropriate law enforcement agency and provide the information
33 required to make the record entry into the Arizona crime information center
34 and the national crime information center missing person databases. This
35 includes information about the child and child's parent, guardian, custodian
36 or person of interest.

37 B. The appropriate law enforcement agency shall immediately enter the
38 information provided by ~~child protective services~~ THE DEPARTMENT pursuant to
39 subsection A of this section into the Arizona crime information center and
40 the national crime information center missing person databases.

41 Sec. 64. Section 8-811, Arizona Revised Statutes, as transferred by
42 this act, is amended to read:

43 8-811. Hearing process; definitions

44 A. The department shall notify a person who is alleged to have abused
45 or neglected a child that the department intends to substantiate the

1 allegation in the central registry pursuant to section 8-804 and of that
2 person's right:

3 1. To receive a copy of the report containing the allegation.

4 2. To a hearing before the entry into the central registry pursuant to
5 section ~~8-802~~ 8-456, subsection ~~C~~ D, paragraph ~~9~~ 3, subdivision (a).

6 B. The department shall send the notice prescribed in subsection A of
7 this section by first class mail no more than fourteen days after completion
8 of the investigation.

9 C. A request for a hearing on the proposed finding must be received by
10 the department within fourteen days after receipt of the notice.

11 D. The department shall not disclose any information related to the
12 investigation of the allegation except as provided in sections ~~8-802~~ 8-456,
13 8-807 and 13-3620.

14 E. If a request for a hearing is made pursuant to subsection C of this
15 section, the department shall conduct a review before the hearing. The
16 department shall provide an opportunity for the accused person to provide
17 written or verbal information to support the position that the department
18 should not substantiate the allegation. If the department determines that
19 there is no probable cause that the accused person engaged in the alleged
20 conduct, the department shall amend the information or finding in the report
21 and shall notify the person and a hearing shall not be held.

22 F. Notwithstanding section 41-1092.03, the notification prescribed in
23 subsection A of this section shall also state that if the department does not
24 amend the information or finding in the report as prescribed in subsection E
25 of this section within sixty days after it receives the request for a hearing
26 the person has a right to a hearing unless:

27 1. The person is a party in a civil, criminal or administrative
28 proceeding in which the allegations of abuse or neglect are at issue.

29 2. A court or administrative law judge has made findings as to the
30 alleged abuse or neglect.

31 3. A finding has been made by a court pursuant to section 8-844,
32 subsection C that a child is dependent based upon an allegation of abuse or
33 neglect.

34 G. If the department does not amend the information or finding in the
35 report as prescribed in subsection E of this section, the department shall
36 notify the office of administrative hearings of the request for a hearing no
37 later than five days after completion of the review. The department shall
38 forward all records, reports and other relevant information with the request
39 for hearing within ten days. The department shall redact the identity of the
40 reporting source before transmitting the information to the office of
41 administrative hearings.

42 H. The office of administrative hearings shall hold a hearing pursuant
43 to title 41, chapter 6, article 10, with the following exceptions:

44 1. A child who is the victim of or a witness to abuse or neglect is
45 not required to testify at the hearing.

1 2. A child's hearsay statement is admissible if the time, content and
2 circumstances of that statement are sufficiently indicative of its
3 reliability.

4 3. The identity of the reporting source of the abuse or neglect shall
5 not be disclosed without the permission of the reporting source.

6 4. The reporting source is not required to testify.

7 5. A written statement from the reporting source may be admitted if
8 the time, content and circumstances of that statement are sufficiently
9 indicative of its reliability.

10 6. If the person requesting the hearing fails to appear, the hearing
11 shall be vacated and a substantiated finding of abuse or neglect shall be
12 entered. On good cause shown, the hearing may be rescheduled if the request
13 is made within fifteen calendar days after the date of the notice vacating
14 the hearing for failure to appear.

15 I. On completion of the presentation of evidence, the administrative
16 law judge shall determine if probable cause exists to sustain the
17 department's finding that the parent, guardian or custodian abused or
18 neglected the child. If the administrative law judge determines that
19 probable cause does not exist to sustain the department's finding, the
20 administrative law judge shall order the department to amend the information
21 or finding in the report.

22 J. When the department is requested to verify pursuant to section
23 8-807, if the ~~child-protective-services~~ central registry contains a
24 substantiated report about a specific person, the department shall determine
25 if the report was taken after January 1, 1998. If the report was taken after
26 January 1, 1998, the department shall notify the requestor of the
27 substantiated finding. If the ~~child-protective-services~~ report was taken
28 before January 1, 1998, the department shall notify the person of the
29 person's right to request an administrative hearing. The department shall
30 not send this notification if the person was a party in a civil, criminal or
31 administrative proceeding in which the allegations of abuse or neglect were
32 at issue. The provisions of this section shall apply to the person's appeal.

33 K. The department shall provide the parent, guardian or custodian who
34 is the subject of the investigation and the person who reported the suspected
35 child abuse or neglect if that person is the child's parent, guardian or
36 custodian with a copy of the outcome of the investigation at one of the
37 following times:

38 1. If the report is unsubstantiated.

39 2. If probable cause exists that abuse or neglect has occurred but a
40 specific person is not identified as having abused or neglected the child.

41 3. After the time to request a hearing has lapsed pursuant to
42 subsection C of this section without the department receiving a request for a
43 hearing.

44 4. After a final administrative decision has been made pursuant to
45 section 41-1092.08.

46 L. For the purposes of this section:

1 1. "Amend the finding" means to change the finding from substantiated
2 to unsubstantiated.

3 2. "Amend the information" means to change information identifying the
4 accused of having abused or neglected a child.

5 Sec. 65. Section 8-812, Arizona Revised Statutes, as transferred by
6 this act, is amended to read:

7 8-812. Child safety expedited substance abuse treatment fund

8 A. The child ~~protective services~~ SAFETY expedited substance abuse
9 treatment fund is established consisting of monies appropriated by the
10 legislature. The department ~~of economic security~~ shall administer the fund.

11 B. Monies in the fund are exempt from the provisions of section 35-190
12 relating to lapsing of appropriations.

13 C. Monies in the fund shall be used to provide expedited substance
14 abuse treatment to parents or guardians with a primary goal of facilitating
15 family preservation or reunification, including, if necessary, services that
16 maintain the family unit in a substance abuse treatment setting. Fund monies
17 shall not be spent on behalf of a parent or guardian unless all of the
18 following are true:

19 1. The parent or guardian is a party to a dependency action concerning
20 a child of the parent or a child under the care of the guardian.

21 2. The parent or guardian is not eligible for benefits under title XIX
22 of the social security act (P.L. 89-97; 79 Stat. 344) or private insurance,
23 or the necessary substance abuse treatment service is not available under
24 title XIX of the social security act or private insurance.

25 3. The case plan provides for the child to either remain with or
26 return to the parent or guardian.

27 4. The treatment is necessary for the case plan to be accomplished.

28 D. The department ~~of economic security~~ shall give preference in using
29 fund monies to pay for treatment for parents or guardians who are parties in
30 cases that are part of any judicially or legislatively created program for
31 expedited proceedings in dependency determinations.

32 E. The fund is the payor of last resort for treatment. Fund monies
33 shall not be spent to pay for treatment if other monies are available to pay
34 for the treatment. If it is determined after fund monies are spent to pay
35 for treatment that other monies were available to pay for the treatment, the
36 department ~~of economic security~~ may seek to have the fund reimbursed for the
37 payment.

38 F. The department ~~of economic security~~ shall make the following
39 information available to the public on request and on the ~~department of~~
40 ~~economic security's web site~~ DEPARTMENT'S WEBSITE:

41 1. The number and percentage of parents and guardians who are offered
42 treatment paid for with fund monies and who complete treatment.

43 2. The number of cases and children who are able to remain with or are
44 returned to the custody of their parents or guardians as a result, in whole
45 or in part, of treatment paid for with fund monies.

1 3. The number of children who receive expedited permanent placement as
2 a result of the availability of services paid for with fund monies.

3 4. Data for cases that are part of expedited proceedings as described
4 in subsection D of this section.

5 G. The department ~~of economic security~~ shall provide services pursuant
6 to this section in collaboration with the department of health services.

7 H. A recipient of services that are paid for with fund monies shall
8 sign a written statement that is substantially in the following form:

9 By signing this document, I indicate my understanding of
10 the seriousness of my substance abuse problem and its effects on
11 my ability to parent my child or children. I understand that
12 this expedited substance abuse treatment program is paid for
13 with monies that were specifically provided to speed the
14 resolution of the case plan ~~to~~ THAT MAY return the child or
15 children to the parent. I acknowledge that successful
16 completion of this treatment program will be a significant
17 factor in my future relationship with my child or children, the
18 state of Arizona and ~~child protective services~~ THE DEPARTMENT OF
19 CHILD SAFETY. I fully intend to complete the substance abuse
20 treatment program as part of the case plan to obtain custody of
21 my child or children.

22 Sec. 66. Section 8-814, Arizona Revised Statutes, as transferred by
23 this act, is amended to read:

24 8-814. Permanent guardianship subsidy; offsets;
25 discontinuation; annual review; appeals; definition

26 A. The department ~~of economic security~~ shall establish and administer
27 an ongoing program of subsidized permanent guardianship. Subsidies shall be
28 provided from monies appropriated to the department or made available to it
29 from other sources for permanent guardianship purposes.

30 B. The department may provide a subsidy to an applicant on behalf of a
31 child subject to the requirements of this section.

32 C. An applicant is not eligible for a subsidy until the applicant
33 demonstrates that the child or a responsible person on behalf of the child
34 has applied for all benefits to which the child is entitled from other state
35 or federal programs.

36 D. The department shall determine the appropriate amount of the
37 subsidy, which shall not exceed the maintenance payment allowable for an
38 adoption subsidy pursuant to chapter 1, article 2 of this title. The amount
39 of the subsidy shall be offset by benefits received pursuant to the programs
40 described in subsection C of this section.

41 E. The department shall conduct an annual review of a subsidy to
42 determine that the permanent guardian continues to be eligible for the
43 subsidy and that the subsidy is for the appropriate amount.

44 F. A permanent guardian who is receiving a subsidy shall:

45 1. Cooperate with the department in the annual review process.

46 2. Notify the department in writing of any change:

1 (a) That would lead to discontinuance of the subsidy pursuant to
2 subsection G of this section.

3 (b) In benefits being received from programs described in subsection C
4 of this section within two weeks of the change.

5 (c) In address within two weeks of the change.

6 G. The department shall discontinue a subsidy if any of the following
7 occurs:

8 1. The permanent guardianship terminates.

9 2. The child dies or does not reside with the permanent guardian.

10 3. The child reaches eighteen years of age, except that the department
11 may continue the subsidy until the child's twenty-second birthday if the
12 child is enrolled in and regularly attending school and has not received a
13 high school diploma or certificate of equivalency.

14 4. The applicant fails to comply with any requirement in this section.

15 H. Any decision denying, reducing or terminating a permanent
16 guardianship subsidy is appealable pursuant to title 41, chapter 6 and
17 chapter 14, article 3.

18 I. Notwithstanding section 41-3102, this program does not include a
19 specific expiration date.

20 J. For the purposes of this section, "applicant" means a person who is
21 appointed as a permanent guardian pursuant to section 8-872 or as a
22 provisional or successor permanent guardian pursuant to section 8-874 and who
23 applies for a subsidy pursuant to this section.

24 Sec. 67. Section 8-816, Arizona Revised Statutes, as transferred by
25 this act, is amended to read:

26 8-816. Family builders program; services; program termination;
27 definitions

28 A. The family builders program is established in the department ~~of~~
29 ~~economic security~~. The department ~~shall~~ MAY implement the program through
30 collaborative partnerships between ~~child protective services~~ THE DEPARTMENT,
31 community social service agencies, family support programs and other
32 community organizations, which may include faith-based organizations, to
33 establish a system that, through referral to a network of contracted
34 neighborhood-based agencies, provides a variety of community-linked family
35 preservation and support services to assist families to prevent and remedy
36 conditions or circumstances that cause child abuse or neglect.

37 B. The department ~~shall~~ MAY contract with neighborhood-based agencies
38 and organizations to conduct family assessments, provide case management and
39 provide the necessary services to protect the child and support the family on
40 referral from the department.

41 C. During the initial contact with a family, the provider shall:

42 1. Verbally inform the prospective program participants that ~~child~~
43 ~~protective services~~ THE DEPARTMENT referred the family to the provider after
44 investigation of a report of abuse or neglect.

45 2. Verbally inform the prospective program participants that they do
46 not have to accept services.

1 3. Obtain the written, informed consent of the prospective program
2 participants who choose to accept the services offered. The consent form
3 shall include a description of the services offered and the rights and
4 responsibilities of the program participants and a statement that emphasizes
5 the voluntary nature of the program.

6 D. Contracts shall require that the provider establish a continuum of
7 services for families through written agreements with community agencies and
8 organizations to provide required services to families. The provider may
9 purchase or obtain without cost the services of any agency or organization
10 that may provide resources to assist the family.

11 E. Contracts shall require that the provider initiate a thorough
12 family assessment and necessary services within forty-eight hours, excluding
13 weekends and holidays, after the provider receives the referral from the
14 department.

15 F. The department shall provide information to the provider concerning
16 the current report and ~~may provide~~ any information from records it deems
17 appropriate. All information received by the provider regarding the report
18 of abuse or neglect and department records is subject to the confidentiality
19 requirements of section 8-807. Information in the records of the provider
20 concerning the families served by the program is available for the purposes
21 of evaluating the program.

22 G. On receipt of a referral from ~~child-protective-services~~ THE
23 DEPARTMENT, within forty-eight hours the provider shall attempt to contact
24 the family in person, initiate a family assessment with the consent of the
25 family and offer to assist the family to obtain the services that are
26 necessary to reduce or eliminate the causes for the initial information being
27 received by ~~child-protective-services~~ THE DEPARTMENT and other identified
28 needs of the family.

29 H. If at any time during the initial contact or during the course of
30 service delivery the provider determines that the child is in imminent danger
31 of abuse or neglect, the provider shall immediately report the case to the
32 department or the appropriate law enforcement agency, or both, for
33 appropriate action. In all cases the provider and any agency under
34 subcontract to the provider shall retain records of information on initial
35 and ongoing contact with the family and the final disposition of the case and
36 shall provide this information to the department.

37 I. A family who is offered services by the provider may refuse to
38 accept those services. The provider shall document the family's refusal of
39 services in the case record.

40 J. The provider shall conduct an assessment in the home and with the
41 family's participation shall develop an initial plan within thirty days based
42 on the family's needs. The provider shall assist the family in identifying
43 and providing appropriate services. The provider shall monitor the progress
44 made by the family based on the plan expectations and shall conduct home
45 visits to determine the safety of the child and any other children in the
46 home at the time of the visit.

1 K. The department shall require that the provider establish a local
2 advisory board composed of appropriate community representatives, including
3 representation from families in the community and local public agencies. The
4 local advisory board shall ensure that a continuum of services is provided
5 for families and shall provide oversight to the program.

6 L. The department shall identify goals, objectives and outcomes for
7 family builders programs.

8 M. If the department expands the program to new geographic areas, it
9 shall hold at least one informational meeting to inform potential providers
10 of the opportunity to bid on the contract. The department shall provide
11 adequate public notice of each meeting to potential providers in the same
12 manner as provided in section 41-2533.

13 N. The department shall develop performance standards for the
14 contracts, provide training to the provider or organization staff involved in
15 service delivery to these families regarding child abuse and neglect and
16 monitor the performance of the providers.

17 O. The program established by this section ends on July 1, ~~2010~~ 2024
18 pursuant to section 41-3102.

19 P. For the purposes of this section:

20 ~~1. "Department" means the department of economic security.~~

21 ~~2.~~ 1. "Provider" means a community social services agency, family
22 support program or community organization, including a faith-based
23 organization, that is awarded a contract by the department.

24 ~~3.~~ 2. "Services" includes:

25 (a) Family assessment.

26 (b) Case management.

27 (c) Child day care.

28 (d) Housing search and relocation.

29 (e) Parenting skills training.

30 (f) Supportive intervention and guidance counseling.

31 (g) Transportation.

32 (h) Emergency services.

33 (i) Intensive family preservation.

34 (j) Parent aide services.

35 (k) Respite services.

36 (l) Shelter services with parental consent.

37 (m) Additional services that the department determines are necessary
38 to meet the needs of the families.

1 Sec. 68. Section 8-817, Arizona Revised Statutes, as transferred by
2 this act, is amended to read:

3 8-817. Initial screening and safety assessment and
4 investigation protocols

5 A. The department shall develop, establish and implement initial
6 screening and safety assessment protocols in consultation with the attorney
7 general and statewide with county attorneys, chiefs of police, sheriffs,
8 medical experts, victims' rights advocates, domestic violence victim
9 advocates and mandatory reporters. Any initial screening and safety
10 assessment tools shall be based on sound methodology and shall ensure valid
11 and reliable responses. The department shall establish written policies and
12 procedures to implement the use of the initial screening and safety
13 assessment protocols.

14 B. To ensure thorough investigations of those accused of crimes
15 against children, in each county, the county attorney, in cooperation with
16 the sheriff, the chief law enforcement officer for each municipality in the
17 county and the department shall develop, adopt and implement protocols to
18 guide the conduct of investigations of allegations involving criminal
19 conduct. The protocols shall include:

20 1. The process for notification of receipt of criminal conduct
21 allegations.

22 2. The standards for interdisciplinary investigations of specific
23 types of abuse and neglect, including timely forensic medical evaluations.

24 3. The standards for interdisciplinary investigations involving native
25 American children in compliance with the Indian child welfare act.

26 4. Procedures for sharing information and standards for the timely
27 disclosure of information.

28 5. Procedures for coordination of screening, response and
29 investigation with other involved professional disciplines and notification
30 of case status and standards for the timely disclosure of related
31 information.

32 6. The training required for the involved child ~~protective services~~
33 SAFETY workers, law enforcement officers and prosecutors to execute the
34 investigation protocols, including forensic interviewing skills.

35 7. The process to ensure review of and compliance with the
36 investigation protocols and the reporting of activity under the protocols.

37 8. Procedures for annual reports to be transmitted within forty-five
38 days after the end of each fiscal year independently from ~~child protective~~
39 ~~services~~ THE DEPARTMENT and each county attorney to the governor, the speaker
40 of the house of representatives and the president of the senate and a copy of
41 this report to be provided to the secretary of state. Each agency must
42 submit a separate report. Each report made pursuant to this paragraph must
43 be independently prepared and submitted without any input from or
44 communication with the other reporting entities. Each report is a public
45 document and shall include:

1 (a) The number of criminal conduct allegations investigated and how
2 many of these investigations were conducted jointly pursuant to the
3 investigation protocols established in this subsection.

4 (b) Information from each county attorney regarding the number of
5 cases presented for review, the number of persons charged in those cases, the
6 reasons why charges were not pursued and the disposition of these cases.

7 (c) The reasons why a joint investigation did not take place.

8 9. Procedures for dispute resolution.

9 C. The department shall cooperate with the county attorney and the
10 appropriate law enforcement agency pursuant to the investigation protocols
11 adopted in this section. In instances of criminal conduct against a child,
12 the department shall protect the victim's rights of the children in its
13 custody against harassment, intimidation and abuse, as applicable, pursuant
14 to article II, section 2.1, Constitution of Arizona.

15 D. The county attorney and the law enforcement agency shall cooperate
16 with the department pursuant to the investigation protocols adopted in this
17 section.

18 Sec. 69. Section 8-818, Arizona Revised Statutes, as transferred by
19 this act, is amended to read:

20 8-818. Child safety services; financial and program
21 accountability

22 A. The department, the office of strategic planning and budgeting and
23 the joint legislative budget committee shall develop a financial and program
24 accountability reporting system for ~~child protective services~~ THE DEPARTMENT.

25 B. The accountability reporting system shall include the following
26 accountability factors:

27 1. Success in meeting training requirements.

28 2. Caseloads for child ~~protective services~~ SAFETY workers.

29 3. The number of new cases, cases that remain open and cases that have
30 been closed.

31 4. The ratio of child ~~protective services~~ SAFETY workers to immediate
32 supervisors.

33 5. Employee turnover, including a breakdown of employees who remain
34 with the department and employees who leave the department.

35 6. The source and use of federal monies in ~~child protective services~~
36 THE DEPARTMENT.

37 7. The source and use of state monies in ~~child protective services~~ THE
38 DEPARTMENT.

39 8. Any additional factor deemed necessary by the department, office
40 and committee.

41 C. The department shall issue a financial and program accountability
42 report to the governor and the chairpersons of the house of representatives
43 appropriations and human services committees and the senate appropriations
44 and family services committees, or their successor committees, on or before
45 February 1 and August 1 of each year.

1 D. ~~The department shall issue the first financial and program~~
2 ~~accountability report on or before August 1, 2004.~~ In developing the
3 financial and program accountability reporting system, the department, the
4 office of strategic planning and budgeting and the joint legislative budget
5 committee shall review the current reporting requirements of the department
6 to eliminate duplication of reporting requirements and to coordinate
7 reporting requirements. The department, the office of strategic planning and
8 budgeting and the joint legislative budget committee shall also review the
9 current information processing capabilities to report timely and accurate
10 information. ~~On or before July 1, 2004, the department shall report to the~~
11 ~~governor and the chairpersons of the house of representatives appropriations~~
12 ~~and human services committees and the senate appropriations and family~~
13 ~~services committees the measures to be used to report the accountability~~
14 ~~factors, including a definition of and the methods for determining these~~
15 ~~measures.~~

16 Sec. 70. Transfer and renumber

17 Title 8, chapter 10, article 2, Arizona Revised Statutes, is
18 transferred and renumbered for placement in title 8, chapter 4, Arizona
19 Revised Statutes, as added by this act, as article 9.

20 Sec. 71. Section 8-821, Arizona Revised Statutes, as transferred by
21 this act, is amended to read:

22 8-821. Taking into temporary custody; medical examination;
23 placement; interference; classification

24 A. A child shall be taken into temporary custody in proceedings to
25 declare a child a temporary ward of the court to protect the child, pursuant
26 to an order of the juvenile court on a petition by an interested person, a
27 peace officer or a child ~~protective services~~ SAFETY worker under oath that
28 reasonable grounds exist to believe that temporary custody is clearly
29 necessary to protect the child from suffering abuse or neglect. If a child
30 is taken into temporary custody pursuant to this section, the child's sibling
31 shall also be taken into temporary custody only if reasonable grounds
32 independently exist to believe that temporary custody is clearly necessary to
33 protect the child from suffering abuse or neglect.

34 B. A child may be taken into temporary custody by a peace officer or a
35 child ~~protective services~~ SAFETY worker if temporary custody is clearly
36 necessary to protect the child because probable cause exists to believe that
37 the child is either:

- 38 1. A victim or will imminently become a victim of abuse or neglect.
- 39 2. Suffering serious physical or emotional injury that can only be
40 diagnosed by a medical doctor or psychologist.
- 41 3. Physically injured as a result of living on premises where
42 dangerous drugs or narcotic drugs are being manufactured. For the purposes
43 of this paragraph, "dangerous drugs" and "narcotic drugs" have the same
44 ~~meaning~~ MEANINGS prescribed in section 13-3401.

45 4. Reported by ~~child protective services~~ THE DEPARTMENT to be a
46 missing child at risk of serious harm.

1 C. In determining if a child should be taken into temporary custody,
2 the interested person, peace officer or child ~~protective services~~ SAFETY
3 worker shall take into consideration:

4 1. As a paramount concern the child's health and safety.

5 2. Whether the parent is willing to participate in any services that
6 are offered to ~~them~~ THE PARENT.

7 D. A person who takes a child into custody pursuant to subsection B,
8 paragraph 2 of this section shall immediately have the child examined by a
9 medical doctor or psychologist. After the examination the person shall
10 release the child to the custody of the parent or guardian of the child
11 unless the examination reveals abuse or neglect. Temporary custody of a
12 child taken into custody pursuant to subsection B, paragraph 2 of this
13 section shall not exceed twelve hours.

14 E. A child who is taken into temporary custody pursuant to this
15 article shall not be detained in a police station, jail or lockup where
16 adults charged with or convicted of a crime are detained.

17 F. A child shall not remain in temporary custody for more than
18 seventy-two hours excluding Saturdays, Sundays and holidays unless a
19 dependency petition is filed.

20 G. A person who knowingly interferes with the taking of a child into
21 temporary custody under this section is guilty of a class 2 misdemeanor.

22 Sec. 72. Section 8-823, Arizona Revised Statutes, as transferred by
23 this act, is amended to read:

24 8-823. Notice of taking into temporary custody

25 A. If a child is taken into temporary custody pursuant to this
26 article, the interested person, peace officer or child ~~protective services~~
27 SAFETY worker taking the child into custody shall provide written notice
28 within six hours to the parent or guardian of the child, unless:

29 1. The parent or guardian is present when the child is taken into
30 custody, then written and verbal notice shall be provided immediately.

31 2. The residence of the parent or guardian is outside this state and
32 notice cannot be provided within six hours, then written notice shall be
33 provided within twenty-four hours.

34 3. The residence of the parent or guardian is not ascertainable, then
35 reasonable efforts shall be made to locate and notify the parent or guardian
36 of the child as soon as possible.

37 B. The written notice shall contain a signature line for the parent or
38 guardian to acknowledge receipt of both written and verbal notices. The
39 written and verbal notices shall contain the name of the person and agency
40 taking the child into custody, the location from which the child was taken
41 and all of the following information:

42 1. Specific reasons as to why the child is being removed. The notice
43 shall list the specific factors that caused the determination of imminent
44 danger.

45 2. Services that are available to the parent or guardian, including a
46 statement of parental rights and information on how to contact the

- 1 ombudsman-citizens aide's office and an explanation of the services that
2 office offers.
- 3 3. The date and time of the taking into custody.
- 4 4. The name and telephone number of the agency responsible for the
5 child.
- 6 5. A statement of the reasons for temporary custody of the child.
- 7 6. A statement that the child must be returned within seventy-two
8 hours excluding Saturdays, Sundays and holidays unless a dependency petition
9 is filed and a statement that a child in temporary custody for examination
10 pursuant to section 8-821, subsection B, paragraph 2 must be returned within
11 twelve hours unless abuse or neglect is diagnosed.
- 12 7. One of the following:
- 13 (a) If a dependency petition has not been filed or if the information
14 prescribed in subdivision (b) is not available, a statement that if a
15 dependency petition is filed, the parent or guardian will be provided a
16 written notice no later than twenty-four hours after the petition is filed
17 that contains the information prescribed in subdivision (b).
- 18 (b) In all other cases, the date, time and place of the preliminary
19 protective hearing to be held pursuant to section 8-824 and the requirements
20 of subsection D of this section.
- 21 8. A statement of the right of the parent or guardian to counsel and
22 that counsel will be appointed pursuant to section 8-221 through the juvenile
23 court if a dependency petition is filed and the person is indigent.
- 24 9. Information regarding the ability of the person about whom the
25 report was made to provide a verbal, telephonic or written response to the
26 allegations. A verbal response shall be included in the written report of
27 the investigation. A written response, including any documentation, shall be
28 included in the case file.
- 29 10. A statement that the hearing may result in further proceedings to
30 terminate parental rights.
- 31 11. A statement that the parent or guardian must immediately provide to
32 the department the names, the type of relationship and all available
33 information necessary to locate persons who are related to the child or who
34 have a significant relationship with the child. If there is not sufficient
35 information available to locate a relative or person with a significant
36 relationship with the child, the parent shall inform the department of this
37 fact. If the parent or guardian obtains information regarding the existence
38 or location of a relative or person with a significant relationship with the
39 child, the parent or guardian shall immediately provide that information to
40 the department.
- 41 12. A statement that the parent or guardian must be prepared to provide
42 to the court at the preliminary protective hearing the names, the type of
43 relationship and all available information necessary to locate persons who
44 are related to the child or who have a significant relationship with the
45 child.

1 C. The ~~protective-services~~ CHILD SAFETY worker shall provide the
2 parent or guardian with the notice even if the parent or guardian refuses to
3 sign the acknowledgment.

4 D. Immediately before the time of the preliminary protective hearing,
5 the persons described in section 8-824, subsection B shall meet and attempt
6 to reach an agreement about placement of the child, services to be provided
7 to the child, parent or guardian and visitation of the child. The parties
8 shall meet with their counsel, if any, before this meeting. Consideration
9 shall be given to the availability of reasonable services to the parent or
10 guardian and the child's health and safety shall be a paramount concern. The
11 persons described in section 8-824, subsection C may attend the meeting to
12 reach an agreement.

13 E. If a dependency petition is filed by the department, the child
14 ~~protective-services~~ SAFETY worker is responsible for delivering the notice of
15 the preliminary protective hearing prescribed in subsection B, paragraph 7 of
16 this section to the parent or guardian. In all other cases, the person who
17 files the dependency petition is responsible for delivery of this notice to
18 the parent or guardian. If the location of the parent or guardian is
19 unknown, the person who is responsible for serving this notice shall make
20 reasonable efforts to locate and notify the parent or guardian.

21 Sec. 73. Section 8-824, Arizona Revised Statutes, as transferred by
22 this act, is amended to read:

23 8-824. Preliminary protective hearing; probable cause;
24 appointment of counsel

25 A. The court shall hold a preliminary protective hearing to review the
26 taking into temporary custody of a child pursuant to section 8-821 not fewer
27 than five days nor more than seven days after the child is taken into
28 custody, excluding Saturdays, Sundays and holidays. If clearly necessary to
29 prevent abuse or neglect, to preserve the rights of a party or for other good
30 cause shown, the court may grant one continuance that does not exceed five
31 days.

32 B. The following persons shall be present at the preliminary
33 protective hearing:

34 1. The child's parents or guardian, unless they cannot be located or
35 they fail to appear in response to the notice.

36 2. Counsel for the parents if one has been requested or retained.

37 3. The child's guardian ad litem or attorney.

38 4. The ~~protective-services~~ CHILD SAFETY worker AND ADDITIONAL
39 REPRESENTATIVES OF THE DEPARTMENT IF REQUESTED BY THE DEPARTMENT.

40 5. Counsel for the ~~protective-services~~ CHILD SAFETY worker.

41 C. If the court finds that it is in the best interests of the child,
42 the court may allow the following to be present at the preliminary protective
43 hearing:

44 1. The child.

45 2. Any relative or other interested person with whom the child is or
46 might be placed as described in section 8-845, subsection A.

1 3. Witnesses called by the parties.

2 4. An advocate or interested person as requested by the parent or
3 guardian.

4 5. Other persons who have knowledge of or an interest in the welfare
5 of the child.

6 D. At the hearing, the court shall advise the parent or guardian of
7 the following rights:

8 1. The right to counsel, including appointed counsel if the parent or
9 guardian is indigent.

10 2. The right to cross-examine all witnesses who are called to testify
11 against the parent or guardian.

12 3. The right to trial by court on the allegations in the petition.

13 4. The right to use the process of the court to compel the attendance
14 of witnesses.

15 E. At the hearing, the court:

16 1. Shall receive a report of any agreement reached pursuant to section
17 8-823, subsection D. The report may be made orally.

18 2. Shall provide an opportunity for the child's parent or guardian, if
19 present, and any other person who has relevant knowledge, to provide relevant
20 testimony.

21 3. May limit testimony and evidence that is beyond the scope of the
22 removal of the child, the child's need for continued protection, placement,
23 visitation and services to be provided to the child and family.

24 4. May take into consideration as a mitigating factor the
25 participation of the parent or guardian in the healthy families program
26 established by section ~~8-701~~ 8-481.

27 5. Shall take into consideration as a mitigating factor the
28 availability of reasonable services to the parent or guardian to prevent or
29 eliminate the need for removal of the child and the effort of the parent or
30 guardian to obtain and participate in these services.

31 6. Shall inform the child's parent or guardian that the hearing may
32 result in further proceedings to terminate parental rights.

33 7. Shall order the parent or guardian to provide the court with the
34 names, the type of relationship and all available information necessary to
35 locate persons who are related to the child or who have a significant
36 relationship with the child. If there is not sufficient information
37 available to locate a relative or person with a significant relationship with
38 the child, the parent or guardian shall inform the court of this fact. The
39 court shall further order the parent or guardian to inform the department
40 immediately if the parent or guardian becomes aware of information related to
41 the existence or location of a relative or person with a significant
42 relationship to the child.

43 8. Shall inform the parent that substantially neglecting or wilfully
44 refusing to remedy the circumstances that cause the child to be in an
45 out-of-home placement, including refusing to participate in reunification
46 services, is grounds for termination of parental rights to a child.

1 9. Shall give paramount consideration to the health and safety of the
2 child.

3 10. Shall determine whether the department is attempting to identify
4 and assess placement of the child with a grandparent or another member of the
5 child's extended family including a person who has a significant relationship
6 with the child.

7 11. Shall inform a foster parent, a preadoptive parent or a member of
8 the child's extended family with whom the department has placed the child of
9 the right to be heard in any proceeding to be held with respect to the child.

10 F. The petitioner has the burden of presenting evidence as to whether
11 there is probable cause to believe that continued temporary custody is
12 clearly necessary to prevent abuse or neglect pending the hearing on the
13 dependency petition.

14 G. The department must make reasonable efforts to place a child with
15 siblings and, if that is not possible, to maintain frequent visitation or
16 other ongoing contact between all siblings.

17 H. If the child is in the temporary custody of the department, the
18 department shall submit not later than the day before the hearing a written
19 report to the court and the parties that states:

20 1. The reasons the child was removed from the parent's or guardian's
21 custody.

22 2. Any services that have been provided to the child or the child's
23 parent or guardian to prevent removal.

24 3. The need, if any, for continued temporary custody.

25 4. The types of service needed to facilitate the return of the child
26 to the custody of the child's parents or guardian.

27 5. If the child is not placed with a grandparent, whether the child
28 has any relatives or other interested parties as described in section 8-845,
29 subsection A who may be able and willing to take temporary custody.

30 6. Any services that are requested by the parent or guardian but that
31 are not provided and the reasons the services were not provided.

32 7. What efforts the department has made to place siblings together,
33 and if they are not placed together, the specific reasons why this did not
34 occur.

35 8. If the placement of siblings together was not possible for all or
36 any of the siblings, efforts the department has made to facilitate
37 communications among siblings and a proposal for frequent visitation or
38 contact pursuant to subsection G of this section. If frequent visitation or
39 contact with siblings is not recommended, the department shall state the
40 reasons why this would be contrary to the child's or a sibling's safety or
41 well-being.

42 9. A proposal for visitation with the child's parents or guardian and
43 the results of any visitation that has occurred since the child was removed.
44 The requirements of this paragraph do not apply to a specific parent or
45 guardian if there is a court order relating to a criminal case that prohibits
46 that parent or guardian from contact with the child. Before the department

1 allows visitation it must first determine that there are no court orders
2 relating to any superior court criminal case that prohibit the parent or
3 guardian from contact with the child.

4 10. A proposed case plan for services to the family.

5 I. The parent or guardian shall state whether the parent or guardian
6 admits or denies the allegations in the petition filed pursuant to section
7 8-841. If the parent or guardian admits or does not contest the allegations
8 in the petition, the court shall determine that the parent or guardian
9 understands the rights described in subsection D of this section and that the
10 parent or guardian knowingly, intelligently and voluntarily waives these
11 rights.

12 J. At the hearing, if the child is not returned to the parent or
13 guardian, the court shall:

14 1. Enter orders regarding the placement of the child pending the
15 determination of the dependency petition and visitation, if any.

16 2. If a relative is identified as a possible placement for the child,
17 notify the relative of the right to be heard in any proceeding to be held
18 with respect to the child.

19 3. Determine if the tasks and services set forth in the case plan are
20 reasonable and necessary to carry out the case plan.

21 Sec. 74. Section 8-825, Arizona Revised Statutes, as transferred by
22 this act, is amended to read:

23 8-825. Court determinations in preliminary protective hearing

24 A. The court's determination in the preliminary protective hearing may
25 be based on evidence that is hearsay, in whole or in part, in the following
26 forms:

27 1. The allegations of the petition.

28 2. An affidavit.

29 3. Sworn testimony.

30 4. The written reports of expert witnesses.

31 5. The department's written reports if the ~~protective-services~~ CHILD
32 SAFETY worker is present and available for cross-examination.

33 6. Documentary evidence without foundation if there is a substantial
34 basis for believing the foundation will be available at the dependency
35 hearing and the document is otherwise admissible.

36 7. The testimony of a witness concerning the declarations of another
37 person if the evidence is cumulative or there is a reasonable ground to
38 believe that the other person will be personally available for trial.

39 B. Evidence considered by the court pursuant to subsection A of this
40 section shall also include any available evidence of substantiated
41 allegations of abuse or neglect committed in another jurisdiction.

42 C. The court shall determine whether temporary custody of the child is
43 clearly necessary to prevent abuse or neglect pending the hearing on the
44 dependency petition. The court:

1 cases the provider and any agency under subcontract to the provider shall
2 retain records of information on initial and ongoing contact with the family
3 and the final disposition of the case and shall provide this information to
4 the department.

5 F. The department shall require that the provider establish a local
6 advisory board composed of appropriate community representatives, including
7 representation from families in the community and local public agencies. The
8 local advisory board shall ensure that a continuum of services is provided
9 for families and shall provide oversight to the program.

10 G. The department shall develop performance standards for the
11 contracts, provide training to the provider or organization staff involved in
12 service delivery to these families regarding child abuse and neglect and
13 monitor the performance of the providers.

14 H. The contract entered into pursuant to this section shall be for a
15 term of ten years. The program established by this section ends on July 1,
16 2014 pursuant to section 41-3102.

17 I. For the purposes of this section:

18 ~~1. "Department" means the department of economic security.~~

19 ~~2.~~ 1. "Provider" means a community or faith-based provider that is
20 awarded a contract by the department.

21 ~~3.~~ 2. "Services" includes:

22 (a) Family assessment.

23 (b) Case management.

24 (c) Child day care.

25 (d) Housing search and relocation.

26 (e) Parenting skills training.

27 (f) Supportive intervention and guidance counseling.

28 (g) Transportation.

29 (h) Emergency services.

30 (i) Intensive family preservation.

31 (j) Parent aide services.

32 (k) Residential drug treatment services.

33 (l) Additional services that the department determines are necessary
34 to meet the needs of the families.

35 Sec. 76. Transfer and renumber

36 Title 8, chapter 10, article 3, Arizona Revised Statutes, is
37 transferred and renumbered for placement in title 8, chapter 4, Arizona
38 Revised Statutes, as added by this act, as article 10.

39 Sec. 77. Section 8-843, Arizona Revised Statutes, as transferred by
40 this act, is amended to read:

41 8-843. Initial dependency hearing; rights

42 A. At any dependency hearing, the court's primary consideration shall
43 be the protection of a child from abuse or neglect.

44 B. At the initial dependency hearing, the court shall ensure that the
45 parent or guardian has been advised of the following rights:

1 1. The right to counsel, including appointed counsel if the parent or
2 guardian is indigent.

3 2. The right to trial by the court on the allegations in the petition.

4 3. The right to cross-examine all witnesses that are called to testify
5 against the parent or guardian.

6 4. The right to use the process of the court to compel the attendance
7 of witnesses.

8 C. If the parent or guardian admits or does not contest the
9 allegations in the petition, the court shall determine that the parent or
10 guardian understands the rights described in subsection ~~A~~ B of this section
11 and that the parent or guardian knowingly, intelligently and voluntarily
12 waives these rights.

13 D. If the parent or guardian denies the allegations in the petition,
14 the court shall set the settlement conference, pretrial conference or
15 mediation prescribed in section 8-844.

16 E. The court shall also determine if reasonable efforts were made to
17 prevent or eliminate the need for removal of a child from the child's home
18 and if services are available that would eliminate the need for continued
19 removal. If the child is:

20 1. In the custody of the department, the court shall order the
21 department to make reasonable efforts to provide services to the child and
22 parent to facilitate the reunification of the family, except as provided in
23 section 8-846.

24 2. Not in the custody of the department and the department is not a
25 party, the court may direct the parties to participate in reasonable services
26 that will facilitate reunification of the family or another permanent plan
27 for the child. The court shall not require the department to provide
28 services pursuant to this paragraph.

29 F. Notwithstanding any other provision of this section, the court may
30 stay the proceedings and order in-home intervention as provided in article
31 ~~7~~ 14 of this chapter.

32 Sec. 78. Section 8-845, Arizona Revised Statutes, as transferred by
33 this act, is amended to read:

34 8-845. Disposition hearing

35 A. After receiving and considering the evidence on the proper
36 disposition of the case, the court may enter orders awarding a dependent
37 child as follows:

38 1. To the care of the child's parents, subject to the supervision of
39 the department ~~of economic security~~.

40 2. To a grandparent or another member of the child's extended family
41 including a person who has a significant relationship with the child, unless
42 the court has determined that such placement is not in the child's best
43 interests.

44 3. To a suitable institution.

45 4. To an association willing to receive the child.

46 5. To a reputable citizen of good moral character.

1 6. To an appropriate public or private agency licensed to care for
2 children.

3 7. To a suitable school.

4 8. To supervision under the independent living program established
5 pursuant to section 8-521.

6 9. To any adult as a permanent guardian pursuant to article ~~5-~~ 12 of
7 this chapter.

8 B. In reviewing the status of the child and in determining its order
9 of disposition, the court shall consider the health and safety of the child
10 as a paramount concern and the following criteria:

11 1. The goals of the placement and the appropriateness of the case
12 plan.

13 2. The services that have been offered to reunite the family.

14 3. If returning the child home is not likely, the efforts that have
15 been or should be made to evaluate or plan for other permanent placement
16 plans.

17 4. The efforts that have been made or should be made to place the
18 child with the child's siblings or to provide frequent visitation or contact
19 when placement with siblings has not been possible.

20 C. The court shall review the permanent plan that has been established
21 for the child. In reviewing the status of the child, the court, insofar as
22 possible, shall seek to reunite the family. If the court does not order
23 reunification of the family, The court shall order a plan of adoption or
24 another permanent plan that is in the child's best interest and that takes
25 into consideration the placement of the child with siblings or that provides
26 for frequent visitation or contact ~~amongst~~ BETWEEN siblings unless the court
27 determines that either the placement with the siblings or the visitation or
28 contact would be contrary to the child's or a sibling's safety or well-being.

29 D. Notwithstanding subsection C of this section, reasonable efforts to
30 place a child for adoption may be made concurrently with reasonable efforts
31 to reunify the family.

32 Sec. 79. Section 8-846, Arizona Revised Statutes, as transferred by
33 this act, is amended to read:

34 8-846. Services provided to the child and family

35 A. Except as provided in subsections B and C and D of this section, if
36 the child has been removed from the home, the court shall order the
37 department to make reasonable efforts to provide services to the child and
38 the child's parent.

39 B. The court shall consider the following factors ~~and~~ IN DETERMINING
40 WHETHER REUNIFICATION SERVICES ARE REQUIRED TO BE PROVIDED. Reunification
41 services are not required to be provided if the court finds by clear and
42 convincing evidence that:

43 1. One or more of the following aggravating circumstances exist:

44 (a) A party to the action provides a verified affidavit that states
45 that a reasonably diligent search has failed to identify and locate the
46 parent within three months after the filing of the dependency petition or the

1 parent has expressed no interest in reunification with the child for at least
2 three months after the filing of the dependency petition.

3 (b) The parent or guardian is suffering from a mental illness or
4 mental deficiency of such magnitude that it renders the parent or guardian
5 incapable of benefitting from the reunification services. This finding shall
6 be based on competent evidence from a psychologist or physician that
7 establishes that, even with the provision of reunification services, the
8 parent or guardian is unlikely to be capable of adequately caring for the
9 child within twelve months after the date of the child's removal from the
10 home.

11 (c) The child previously has been removed and adjudicated dependent
12 due to physical or sexual abuse. After the adjudication the child was
13 returned to the custody of the parent or guardian and then subsequently
14 removed within eighteen months due to additional physical or sexual abuse.

15 (d) ~~A child is the victim of~~ THE PARENT OR GUARDIAN COMMITTED AN ACT
16 THAT CONSTITUTES A DANGEROUS CRIME AGAINST CHILDREN AS DEFINED IN SECTION
17 13-705 OR CAUSED A CHILD TO SUFFER serious physical INJURY or emotional
18 injury ~~by the parent or guardian or by any person known by the parent or~~
19 ~~guardian, if~~ OR the parent or guardian knew or reasonably should have known
20 that ~~the~~ ANOTHER person ~~was abusing the child~~ COMMITTED AN ACT THAT
21 CONSTITUTES A DANGEROUS CRIME AGAINST CHILDREN AS DEFINED IN SECTION 13-705
22 OR CAUSED A CHILD TO SUFFER SERIOUS PHYSICAL INJURY OR EMOTIONAL INJURY.

23 (e) The parent's rights to another child have been terminated, the
24 parent has not successfully addressed the issues that led to the termination
25 and the parent is unable to discharge parental responsibilities.

26 (f) After a finding that a child is dependent, all of the following
27 are true:

28 (i) A child has been removed from the parent or guardian on at least
29 two previous occasions.

30 (ii) Reunification services were offered or provided to the parent or
31 guardian after the removal.

32 (iii) The parent or guardian is unable to discharge parental
33 responsibilities.

34 2. The parent or guardian of a child has been convicted of A DANGEROUS
35 CRIME AGAINST CHILDREN AS DEFINED IN SECTION 13-705, murder or manslaughter
36 of a child, or of sexual abuse of a child, sexual assault of a child, sexual
37 conduct with a minor, molestation of a child, commercial sexual exploitation
38 of a minor, sexual exploitation of a minor, or luring a minor for sexual
39 exploitation.

40 3. The parent or guardian of a child has been convicted of aiding or
41 abetting or attempting, conspiring or soliciting to commit any of the crimes
42 listed in paragraph 2 of this subsection.

43 C. The court shall consider any criminal prosecution relating to the
44 offenses which led to the child's removal from the home and SHALL ABIDE BY
45 any orders of the criminal court. Information may be provided by law
46 enforcement or the county attorney.

1 D. If a dependency petition was filed pursuant to section 8-874,
2 subsection J, the court may direct the division not to provide reunification
3 services to the child's parents unless the court finds by clear and
4 convincing evidence that these services would be in the child's best
5 interests.

6 Sec. 80. Transfer and renumber

7 Title 8, chapter 10, article 4, Arizona Revised Statutes, is
8 transferred and renumbered for placement in title 8, chapter 4, Arizona
9 Revised Statutes, as added by this act, as article 11.

10 Sec. 81. Section 8-862, Arizona Revised Statutes, as transferred by
11 this act, is amended to read:

12 8-862. Permanency hearing

13 A. The court shall hold a permanency hearing to determine the future
14 permanent legal status of the child:

15 1. Within thirty days after the disposition hearing if the court does
16 not order reunification services.

17 2. Within six months after a child who is under three years of age is
18 removed from the child's home. The court shall not continue that permanency
19 hearing beyond six months after the child who is under three years of age is
20 removed from the child's home unless the party who is seeking the continuance
21 shows that the determination prescribed in section 8-829, subsection A,
22 paragraph 6 has been made or will be made within the time prescribed in that
23 paragraph.

24 3. In all other cases, within twelve months after the child is removed
25 from the child's home. The court shall not continue the permanency hearing
26 beyond twelve months after the child is removed from the child's home unless
27 the party who is seeking the continuance shows that the determination
28 prescribed in section 8-829, subsection A, paragraph 5 has been made or will
29 be made within the time prescribed in that paragraph.

30 B. At the permanency hearing, the court shall determine:

31 1. Whether termination of parental rights, adoption, permanent
32 guardianship pursuant to section 8-872 or some other permanent legal status
33 is the most appropriate plan for the child and shall order the plan to be
34 accomplished within a specified period of time.

35 2. Whether reasonable efforts have been made to finalize the
36 permanency plan in effect.

37 3. What efforts have been made in the permanency plan to place the
38 child with the child's siblings or to provide frequent visitation or contact,
39 unless the court had already determined that placement with all or any
40 siblings or visitation or contact is not possible or would be contrary to the
41 child's or a sibling's safety or well-being.

42 C. If the court determines that the child should remain in out-of-home
43 placement longer than eighteen months from the date of the permanency order,
44 the court shall conduct a review of the order at least once each year. After
45 reviewing the order, the court may reaffirm the order or direct other
46 disposition of the child.

1 D. If the court determines that the termination of parental rights is
2 clearly in the best interests of the child, the court shall:

3 1. Order the department or the child's attorney or guardian ad litem
4 to file within ten days after the permanency hearing a motion alleging one or
5 more of the grounds prescribed in section 8-533 for termination of parental
6 rights. The party who files the motion has the burden of presenting evidence
7 at the termination hearing to prove the allegations in the motion.

8 2. Set a date for an initial hearing on the motion for termination of
9 parental rights within thirty days after the permanency hearing. If the
10 termination is contested at the initial hearing, the court shall set a date
11 for the trial on termination of parental rights within ninety days after the
12 permanency hearing.

13 E. The department shall make reasonable efforts to place the child in
14 a timely manner in accordance with the permanency plan and to complete
15 whatever steps are necessary to finalize the permanent placement of the
16 child.

17 F. If the court determines that permanent guardianship is clearly in
18 the best interests of the child, the court shall:

19 1. Order the department or the child's attorney or guardian ad litem
20 to file within ten days after the permanency hearing a motion alleging the
21 grounds prescribed in section 8-871 for permanent guardianship. The party
22 who files the motion has the burden of presenting evidence at the hearing to
23 prove the allegations in the motion.

24 2. Set a date for an initial hearing on the motion for permanent
25 guardianship within thirty days after the permanency hearing. If the
26 permanent guardianship is contested at the initial hearing, the court shall
27 set a date for the trial on the permanent guardianship within ninety days
28 after the permanency hearing.

29 G. Evidence considered by the court in making a decision pursuant to
30 this section also shall include any substantiated allegations of abuse or
31 neglect committed in another jurisdiction.

32 H. If the court determines that termination of parental rights or
33 permanent guardianship is clearly in the best interest of the child and the
34 child has been placed in a prospective permanent placement, unless the action
35 is required by federal law, state law or regulation, any action that is
36 inconsistent with the case plan of severance and adoption, including removal
37 of the child from that placement, may occur only by court order or if the
38 prospective permanent placement requests the child's removal. If a motion to
39 change the case plan or for removal of a child is filed, a copy of the motion
40 must be provided to the prospective permanent placement at least fifteen days
41 before a hearing on the motion. If the prospective permanent placement does
42 not appear at a hearing on a motion for removal, the court may not take any
43 action on the motion unless the court finds that good faith efforts were made
44 to provide a copy of the motion to the prospective permanent placement. The
45 prospective permanent placement has the right to be heard in the proceeding.
46 This right does not require that the prospective permanent placement be made

1 a party to the proceeding solely on the basis of that right. This subsection
2 does not apply to any removal pursuant to section ~~8-802~~ 8-456 or 8-821. If
3 the child is an Indian child as defined pursuant to the Indian child welfare
4 act (25 United States Code section 1903), the court and the parties must
5 comply with all applicable requirements of that act. For the purposes of
6 this subsection, a prospective permanent placement includes:

7 1. A grandparent or another member of the child's extended family
8 including a person who has a significant relationship with the child.

9 2. A person or persons with an expressed interest in being the
10 permanent placement for the child in a certified adoptive home where the
11 child resides, a home that is a permanent placement for a sibling of the
12 child or a licensed family foster home where the child resides.

13 I. This section does not prevent the department from presenting for
14 the court's consideration a grandparent or another member of the child's
15 extended family including a person who has a significant relationship with
16 the child and who has not been identified as a prospective permanent
17 placement for the child before the child's placement with a prospective
18 permanent placement.

19 Sec. 82. Transfer and renumber

20 A. Title 8, chapter 10, article 5, Arizona Revised Statutes, is
21 transferred and renumbered for placement in title 8, chapter 4, Arizona
22 Revised Statutes, as added by this act, as article 12.

23 B. Title 8, chapter 10, article 6, Arizona Revised Statutes, is
24 transferred and renumbered for placement in title 8, chapter 4, Arizona
25 Revised Statutes, as added by this act, as article 13.

26 Sec. 83. Section 8-881, Arizona Revised Statutes, as transferred by
27 this act, is amended to read:

28 ~~8-881.~~ Coordination of substance abuse treatment; contracting
29 for services; joint substance abuse treatment fund

30 A. The department of ~~economic security~~ CHILD SAFETY in partnership
31 with the department of health services as joint administrators of the joint
32 substance abuse treatment fund shall coordinate the provision of services to:

33 1. Parents, guardians or custodians whose substance abuse is a
34 significant barrier to maintaining, preserving or reunifying the family.

35 2. Recipients of temporary assistance for needy families whose
36 substance abuse is a significant barrier to maintaining or obtaining
37 employment.

38 B. This coordination effort shall include all of the following:

39 1. The development of programs in communities for the provision of
40 services to qualified persons who suffer from substance abuse.

41 2. The requirements for contractors who provide services in
42 communities for qualified persons who suffer from substance abuse.

43 3. The method of evaluating community programs.

44 C. The department ~~of economic security~~ may contract for services
45 prescribed in this article.

1 D. The joint substance abuse treatment fund is established. The
2 director of the department of ~~economic security~~ CHILD SAFETY and the director
3 of the department of health services shall jointly administer the fund.
4 Monies in the fund are continuously appropriated for the purposes prescribed
5 in this article and are exempt from the provisions of section 35-190 relating
6 to ~~the~~ lapsing of appropriations. Of the fund monies, the directors shall
7 not use more than:

8 1. Five per cent for program development costs.

9 2. Ten per cent for evaluation of community programs pursuant to
10 section 8-884.

11 Sec. 84. Section 8-882, Arizona Revised Statutes, as transferred by
12 this act, is amended to read:

13 8-882. Program development

14 In assisting development of community programs, the department of
15 ~~economic security~~ CHILD SAFETY in partnership with the department of health
16 services as joint administrators of the fund shall consider the following
17 issues:

18 1. The determination of eligibility and a screening process to
19 identify:

20 (a) A parent, guardian or custodian of a child who is named in a
21 report to ~~child protective services~~ THE DEPARTMENT as a victim of abuse or
22 neglect and whose substance abuse is a significant barrier to maintaining,
23 preserving or reunifying the family.

24 (b) A person whose substance abuse is a significant barrier to
25 maintaining or obtaining employment if the person is receiving cash
26 assistance pursuant to title 46, chapter 2, article 5.

27 2. Training and technical assistance to be provided to communities for
28 the development and provision of the programs.

29 3. Collaboration among and integration with public and private
30 agencies, programs, service providers, advocates and consumers.

31 4. Coordination and integration of funding sources to meet prevention,
32 treatment and other service needs.

33 5. The scope of services to be provided that are family centered and
34 that fit within the following categories:

35 (a) Substance abuse screening and assessment.

36 (b) Treatment referral.

37 (c) Treatment services.

38 (d) Aftercare.

39 (e) Service coordination.

40 (f) Other services necessary to achieve the outcome goals identified
41 in section 8-884.

42 6. Procedures for sharing information to assure the well-being of a
43 child and the person being treated while maintaining confidentiality as
44 otherwise prescribed by statute. These procedures shall include requirements
45 for treatment providers to keep any court timely informed of the nature and

1 status of treatment for a parent, guardian or custodian of a child who is the
2 subject of a dependency action before the court.

3 Sec. 85. Section 8-883, Arizona Revised Statutes, as transferred by
4 this act, is amended to read:

5 8-883. Requirements for contractors

6 In developing the requirements for contractors who provide prevention
7 and treatment of substance abuse in communities, the department of ~~economic~~
8 ~~security~~ CHILD SAFETY in partnership with the department of health services
9 as joint administrators of the fund shall:

10 1. Prescribe that contractors shall develop and implement the program
11 through collaboration with representatives of the community served so that
12 services are provided in a comprehensive and integrated manner that is
13 responsive to cultural, demographic and geographic diversity.

14 2. Require contractors to specify what outcomes they are addressing,
15 consistent with the requirements prescribed in section 8-884, and how these
16 outcomes will be achieved.

17 3. Require contractors to cooperate with the evaluation prescribed in
18 section 8-884.

19 4. Prescribe any other requirements necessary to meet the outcome
20 goals identified in section 8-884.

21 Sec. 86. Section 8-884, Arizona Revised Statutes, as transferred by
22 this act, is amended to read:

23 8-884. Evaluation of community programs

24 A. In developing the method of evaluating community substance abuse
25 prevention and treatment programs, the department of ~~economic-security~~ CHILD
26 SAFETY in partnership with the department of health services as joint
27 administrators of the fund shall prescribe evaluation factors that are
28 consistent with the following outcome goals:

29 1. Increase the availability, timeliness and accessibility of
30 substance abuse treatment to improve child safety, family stability and
31 permanency for children in foster care or other out-of-home placement, with a
32 preference for reunification with a child's birth family.

33 2. Increase the availability, timeliness and accessibility of
34 substance abuse treatment to persons receiving temporary assistance for needy
35 families to achieve self-sufficiency through employment.

36 3. Increase the availability, timeliness and accessibility of
37 substance abuse treatment to promote recovery from alcohol and drug problems.

38 B. The department of ~~economic-security~~ CHILD SAFETY shall retain a
39 person to evaluate the performance of the contractor for each community
40 program according to the factors developed pursuant to subsection A OF THIS
41 SECTION. The person shall report at least every three months to the
42 department and each contractor on the performance of each contractor.
43 Annually by November 1, the person shall prepare and deliver to the
44 legislature a statewide report concerning the prior fiscal year.

45 Sec. 87. Transfer and renumber

1 Title 8, chapter 10, article 7, Arizona Revised Statutes, is
2 transferred and renumbered for placement in title 8, chapter 4, Arizona
3 Revised Statutes, as added by this act, as article 14.

4 Sec. 88. Section 8-891, Arizona Revised Statutes, as transferred by
5 this act, is amended to read:

6 8-891. In-home intervention

7 A. After the filing of a dependency petition, the court may order
8 in-home intervention if all of the following are true:

9 1. The child has not been removed pursuant to article ~~2- 9~~ of this
10 chapter.

11 2. In-home intervention appears likely to resolve the risk issues
12 described in paragraph 4 **OF THIS SUBSECTION**.

13 3. The parent, guardian or custodian agrees to a case plan and
14 participation in services.

15 4. One of the following conditions ~~exist~~ **EXISTS**:

16 (a) The child is at risk of harm due to the inability or unwillingness
17 of the parent, guardian or custodian to provide food, clothing, shelter or
18 medical care.

19 (b) The parent, guardian or custodian is unable to provide proper
20 care, control and supervision of the child.

21 B. The in-home intervention order may include a training or treatment
22 plan for the parent, guardian or custodian and the child.

23 C. The in-home intervention shall include a specific time for
24 completion of the in-home intervention, which shall not exceed one year
25 without review and approval by the court. The court shall dismiss the
26 dependency petition if the specific time for completion of the in-home
27 intervention has expired without being extended by the court and a dependency
28 adjudication hearing has not been set as provided in section 8-892.

29 Sec. 89. Section 12-692, Arizona Revised Statutes, is amended to read:

30 12-692. Shoplifting by unemancipated minor; liability of parent
31 or guardian; foster parents

32 A. The parents or legal guardians having custody or control of an
33 unemancipated minor who commits shoplifting as defined by section 13-1805 are
34 civilly liable to the owner of the obtained goods for all of the following:

35 1. A penalty in the amount of the retail value of the obtained goods.

36 2. An additional penalty of not less than one hundred dollars nor more
37 than one hundred dollars plus the actual damages to the owner.

38 B. Foster parents are not liable under subsection A of this section
39 for the acts of children placed with them pursuant to title 8, chapter ~~5- 4~~,
40 **ARTICLE 4 OR 5**.

41 Sec. 90. Section 13-2929, Arizona Revised Statutes, is amended to
42 read:

43 13-2929. Unlawful transporting, moving, concealing, harboring
44 or shielding of unlawful aliens; vehicle
45 impoundment; exception; classification

1 A. It is unlawful for a person who is in violation of a criminal
2 offense to:

3 1. Transport or move or attempt to transport or move an alien in this
4 state, in furtherance of the illegal presence of the alien in the United
5 States, in a means of transportation if the person knows or recklessly
6 disregards the fact that the alien has come to, has entered or remains in the
7 United States in violation of law.

8 2. Conceal, harbor or shield or attempt to conceal, harbor or shield
9 an alien from detection in any place in this state, including any building or
10 any means of transportation, if the person knows or recklessly disregards the
11 fact that the alien has come to, has entered or remains in the United States
12 in violation of law.

13 3. Encourage or induce an alien to come to or reside in this state if
14 the person knows or recklessly disregards the fact that such coming to,
15 entering or residing in this state is or will be in violation of law.

16 B. A means of transportation that is used in the commission of a
17 violation of this section is subject to mandatory vehicle immobilization or
18 impoundment pursuant to section 28-3511.

19 C. A law enforcement official or agency of this state or a county,
20 city, town or other political subdivision of this state may not consider
21 race, color or national origin in the enforcement of this section except to
22 the extent permitted by the United States or Arizona Constitution.

23 D. In the enforcement of this section, an alien's immigration status
24 may be determined by:

25 1. A law enforcement officer who is authorized by the federal
26 government to verify or ascertain an alien's immigration status.

27 2. The United States immigration and customs enforcement or the United
28 States customs and border protection pursuant to 8 United States Code section
29 1373(c).

30 E. This section does not apply to a child ~~protective services~~ SAFETY
31 worker acting in the worker's official capacity or a person who is acting in
32 the capacity of a first responder, an ambulance attendant or an emergency
33 medical technician and who is transporting or moving an alien in this state
34 pursuant to title 36, chapter 21.1.

35 F. A person who violates this section is guilty of a class 1
36 misdemeanor and is subject to a fine of at least one thousand dollars, except
37 that a violation of this section that involves ten or more illegal aliens is
38 a class 6 felony and the person is subject to a fine of at least one thousand
39 dollars for each alien who is involved.

40 Sec. 91. Section 13-3620, Arizona Revised Statutes, is amended to
41 read:

42 13-3620. Duty to report abuse, physical injury, neglect and
43 denial or deprivation of medical or surgical care or
44 nourishment of minors; medical records; exception;
45 violation; classification; definitions

1 A. Any person who reasonably believes that a minor is or has been the
2 victim of physical injury, abuse, child abuse, a reportable offense or
3 neglect that appears to have been inflicted on the minor by other than
4 accidental means or that is not explained by the available medical history as
5 being accidental in nature or who reasonably believes there has been a denial
6 or deprivation of necessary medical treatment or surgical care or nourishment
7 with the intent to cause or allow the death of an infant who is protected
8 under section 36-2281 shall immediately report or cause reports to be made of
9 this information to a peace officer or to ~~child protective services in~~ the
10 department of ~~economic security~~ CHILD SAFETY, except if the report concerns a
11 person who does not have care, custody or control of the minor, the report
12 shall be made to a peace officer only. A member of the clergy, a christian
13 science practitioner or a priest who has received a confidential
14 communication or a confession in that person's role as a member of the
15 clergy, AS a christian science practitioner or AS a priest in the course of
16 the discipline enjoined by the church to which the member of the clergy, THE
17 christian science practitioner or THE priest belongs may withhold reporting
18 of the communication or confession if the member of the clergy, THE christian
19 science practitioner or THE priest determines that it is reasonable and
20 necessary within the concepts of the religion. This exemption applies only
21 to the communication or confession and not to personal observations the
22 member of the clergy, THE christian science practitioner or THE priest may
23 otherwise make of the minor. For the purposes of this subsection, "person"
24 means:

25 1. Any physician, physician's assistant, optometrist, dentist,
26 osteopath, chiropractor, podiatrist, behavioral health professional, nurse,
27 psychologist, counselor or social worker who develops the reasonable belief
28 in the course of treating a patient.

29 2. Any peace officer, child welfare investigator, child ~~protective~~
30 ~~services~~ SAFETY worker, member of the clergy, priest or christian science
31 practitioner.

32 3. The parent, stepparent or guardian of the minor.

33 4. School personnel or domestic violence victim advocates who develop
34 the reasonable belief in the course of their employment.

35 5. Any other person who has responsibility for the care or treatment
36 of the minor.

37 B. A report is not required under this section either:

38 1. For conduct prescribed by sections 13-1404 and 13-1405 if the
39 conduct involves only minors who are fourteen, fifteen, sixteen or seventeen
40 years of age and there is nothing to indicate that the conduct is other than
41 consensual.

42 2. If a minor is of elementary school age, the physical injury occurs
43 accidentally in the course of typical playground activity during a school
44 day, occurs on the premises of the school that the minor attends and is
45 reported to the legal parent or guardian of the minor and the school
46 maintains a written record of the incident.

1 C. If a physician, psychologist or behavioral health professional
2 receives a statement from a person other than a parent, stepparent, guardian
3 or custodian of the minor during the course of providing sex offender
4 treatment that is not court ordered or that does not occur while the offender
5 is incarcerated in the state department of corrections or the department of
6 juvenile corrections, the physician, psychologist or behavioral health
7 professional may withhold the reporting of that statement if the physician,
8 psychologist or behavioral health professional determines it is reasonable
9 and necessary to accomplish the purposes of the treatment.

10 D. Reports shall be made immediately either electronically or by
11 telephone. The reports shall contain the following information, if known:

12 1. The names and addresses of the minor and the minor's parents or the
13 person or persons having custody of the minor.

14 2. The minor's age and the nature and extent of the minor's abuse,
15 child abuse, physical injury or neglect, including any evidence of previous
16 abuse, child abuse, physical injury or neglect.

17 3. Any other information that the person believes might be helpful in
18 establishing the cause of the abuse, child abuse, physical injury or neglect.

19 E. A health care professional who is regulated pursuant to title 32
20 and who, after a routine newborn physical assessment of a newborn infant's
21 health status or following notification of positive toxicology screens of a
22 newborn infant, reasonably believes that the newborn infant may be affected
23 by the presence of alcohol or a drug listed in section 13-3401 shall
24 immediately report this information, or cause a report to be made, to ~~child~~
25 ~~protective services in~~ the department of ~~economic security~~ CHILD SAFETY. For
26 the purposes of this subsection, "newborn infant" means a newborn infant who
27 is under thirty days of age.

28 F. Any person other than one required to report or cause reports to be
29 made under subsection A of this section who reasonably believes that a minor
30 is or has been a victim of abuse, child abuse, physical injury, a reportable
31 offense or neglect may report the information to a peace officer or to ~~child~~
32 ~~protective services in~~ the department of ~~economic security~~ CHILD SAFETY,
33 except if the report concerns a person who does not have care, custody or
34 control of the minor, the report shall be made to a peace officer only.

35 G. A person who has custody or control of medical records of a minor
36 for whom a report is required or authorized under this section shall make the
37 records, or a copy of the records, available to a peace officer, child
38 welfare investigator or child ~~protective services~~ SAFETY worker investigating
39 the minor's neglect, child abuse, physical injury or abuse on written request
40 for the records signed by the peace officer, child welfare investigator or
41 child ~~protective services~~ SAFETY worker. Records disclosed pursuant to this
42 subsection are confidential and may be used only in a judicial or
43 administrative proceeding or investigation resulting from a report required
44 or authorized under this section.

45 H. When reports are received by a peace officer, the officer shall
46 immediately notify ~~child protective services in~~ the department of ~~economic~~

1 ~~security and make the information available to~~ child protective services
2 SAFETY. Notwithstanding any other statute, when ~~child protective services~~
3 THE DEPARTMENT receives these reports, it shall immediately notify a peace
4 officer in the appropriate jurisdiction ~~and the office of child welfare~~
5 ~~investigations in the department of economic security.~~

6 I. Any person who is required to receive reports pursuant to
7 subsection A of this section may take or cause to be taken photographs of the
8 minor and the vicinity involved. Medical examinations of the involved minor
9 may be performed.

10 J. A person who furnishes a report, information or records required or
11 authorized under this section, or a person who participates in a judicial or
12 administrative proceeding or investigation resulting from a report,
13 information or records required or authorized under this section, is immune
14 from any civil or criminal liability by reason of that action unless the
15 person acted with malice or unless the person has been charged with or is
16 suspected of abusing or neglecting the child or children in question.

17 K. Except for the attorney client privilege or the privilege under
18 subsection L of this section, no privilege applies to any:

19 1. Civil or criminal litigation or administrative proceeding in which
20 a minor's neglect, dependency, abuse, child abuse, physical injury or
21 abandonment is an issue.

22 2. Judicial or administrative proceeding resulting from a report,
23 information or records submitted pursuant to this section.

24 3. Investigation of a minor's child abuse, physical injury, neglect or
25 abuse conducted by a peace officer or ~~child protective services in~~ the
26 department of ~~economic security~~ CHILD SAFETY.

27 L. In any civil or criminal litigation in which a child's neglect,
28 dependency, physical injury, abuse, child abuse or abandonment is an issue, a
29 member of the clergy, a christian science practitioner or a priest shall not,
30 without his consent, be examined as a witness concerning any confession made
31 to him in his role as a member of the clergy, a christian science
32 practitioner or a priest in the course of the discipline enjoined by the
33 church to which he belongs. This subsection does not discharge a member of
34 the clergy, a christian science practitioner or a priest from the duty to
35 report pursuant to subsection A of this section.

36 M. If psychiatric records are requested pursuant to subsection G of
37 this section, the custodian of the records shall notify the attending
38 psychiatrist, who may excise from the records, before they are made
39 available:

40 1. Personal information about individuals other than the patient.

41 2. Information regarding specific diagnosis or treatment of a
42 psychiatric condition, if the attending psychiatrist certifies in writing
43 that release of the information would be detrimental to the patient's health
44 or treatment.

45 N. If any portion of a psychiatric record is excised pursuant to
46 subsection M of this section, a court, on application of a peace officer,

1 child welfare investigator or child ~~protective services~~ SAFETY worker, may
2 order that the entire record or any portion of the record that contains
3 information relevant to the reported abuse, child abuse, physical injury or
4 neglect be made available to the peace officer, child welfare investigator or
5 child ~~protective services~~ SAFETY worker investigating the abuse, child abuse,
6 physical injury or neglect.

7 0. A person who violates this section is guilty of a class 1
8 misdemeanor, except if the failure to report involves a reportable offense,
9 the person is guilty of a class 6 felony.

10 P. For the purposes of this section:

11 1. "Abuse" has the same meaning prescribed in section 8-201.

12 2. "Child abuse" means child abuse pursuant to section 13-3623.

13 3. "Neglect" has the same meaning prescribed in section 8-201.

14 4. "Reportable offense" means any of the following:

15 (a) Any offense listed in chapters 14 and 35.1 of this title or
16 section 13-3506.01.

17 (b) Surreptitious photographing, videotaping, filming or digitally
18 recording or viewing a minor pursuant to section 13-3019.

19 (c) Child prostitution pursuant to section 13-3212.

20 (d) Incest pursuant to section 13-3608.

21 Sec. 92. Section 13-3623.01, Arizona Revised Statutes, is amended to
22 read:

23 13-3623.01. Safe haven for newborn infants; definitions

24 A. A person is not guilty of abuse of a child pursuant to section
25 13-3623, subsection B solely for leaving an unharmed newborn infant with a
26 safe haven provider.

27 B. A fire station and a health care institution that is classified by
28 the department of health services pursuant to section 36-405 as a general
29 hospital or a rural general hospital shall post a notice that it accepts a
30 newborn infant pursuant to this section. The notice shall be placed on the
31 exterior of the building in a location that is noticeable to the public. The
32 words "baby safe haven" shall be printed in bold-faced capital letters that
33 are not less than two inches in height. The notice may include an
34 identifying logo. A fire station or hospital that does not post a notice as
35 prescribed by this subsection is not subject to civil liability. A notice
36 that is valid before ~~the effective date of the amendment to this section~~
37 ~~SEPTEMBER 30, 2009~~ remains valid after ~~the effective date of the amendment to~~
38 ~~this section~~ ~~SEPTEMBER 30, 2009~~.

39 C. If a parent or agent of a parent voluntarily delivers the parent's
40 newborn infant to a safe haven provider, the safe haven provider shall take
41 custody of the newborn infant if both of the following are true:

42 1. The parent did not express an intent to return for the newborn
43 infant.

44 2. The safe haven provider reasonably believes that the child is a
45 newborn infant.

1 D. The safe haven provider shall comply with the requirements of
2 section 8-528 and report the receipt of a newborn infant to ~~child protective~~
3 ~~services~~ of the department of ~~economic security~~ CHILD SAFETY as soon as
4 practicable after taking custody of the newborn infant. ~~Child protective~~
5 ~~services~~ THE DEPARTMENT shall report the number of newborn infants delivered
6 to safe haven providers pursuant to section 8-526.

7 E. A parent or agent of a parent who leaves a newborn infant with a
8 safe haven provider may remain anonymous, and the safe haven provider shall
9 not require the parent or agent to answer any questions. A safe haven
10 provider shall offer written information about information and referral
11 organizations.

12 F. A safe haven provider who receives a newborn infant pursuant to
13 this section is not liable for any civil or other damages for any act or
14 omission by the safe haven provider in maintaining custody of the newborn
15 infant if the safe haven provider acts in good faith without gross
16 negligence.

17 G. This section does not preclude the prosecution of the person for
18 any offense based on any act not covered by this section.

19 H. For the purposes of this section:

20 1. "Newborn infant" means an infant who is seventy-two hours old or
21 younger.

22 2. "Safe haven provider" means any of the following:

23 (a) A firefighter who is on duty.

24 (b) An emergency medical technician who is on duty.

25 (c) A health care institution that is classified by the department of
26 health services pursuant to section 36-405 as a general hospital or a rural
27 general hospital. The parent or agent must deliver the newborn infant to a
28 medical staff member at the health care institution.

29 (d) A staff member or volunteer at any of the following that posts a
30 public notice that it is willing to accept a newborn infant pursuant to this
31 section:

32 (i) A private child welfare agency licensed pursuant to title 8,
33 chapter ~~5-4~~, article ~~1-4~~.

34 (ii) An adoption agency licensed pursuant to section 8-126.

35 (iii) A church. For the purposes of this item, "church" means a
36 building that is erected or converted for use as a church, where services are
37 regularly convened, that is used primarily for religious worship and
38 schooling and that a reasonable person would conclude is a church by reason
39 of design, signs or architectural or other features.

40 Sec. 93. Section 15-765, Arizona Revised Statutes, is amended to read:

41 15-765. Special education in rehabilitation, corrective or
42 other state and county supported institutions,
43 facilities or homes

44 A. For the purposes of this section and section 15-764, children with
45 disabilities who are being provided with special education in rehabilitation,
46 corrective or other state and county supported institutions or facilities are

1 the responsibility of that institution or facility, including children with
2 disabilities who are not enrolled in a residential program and who are being
3 furnished with daily transportation. Special education programs at the
4 institution or facility shall conform to the conditions and standards
5 prescribed by the director of the division of special education.

6 B. Notwithstanding subsection A of this section, the department of
7 economic security, **THE DEPARTMENT OF CHILD SAFETY** or the department of health
8 services may request on behalf of a school-age child with a disability
9 residing in a residential facility or foster home operated or supported by
10 the department of economic security, **THE DEPARTMENT OF CHILD SAFETY** or the
11 department of health services that the school district in which the facility
12 or home is located enroll the school-age child in the district, subject to
13 section 15-825. The school district, on the request by the department of
14 economic security, **THE DEPARTMENT OF CHILD SAFETY** or the department of health
15 services, shall enroll the child and provide any necessary special education
16 and related services, subject to section 15-766. A school district in which
17 a child with a disability is enrolled shall coordinate the development of an
18 individualized education program with the development of an individual
19 program or treatment plan. The provision of special education and related
20 services to a child with a disability may be subject to subsection D of this
21 section.

22 C. Before any placement is made in facilities described in this
23 section, the school district of residence shall ensure that a full continuum
24 of alternative placements is available to meet the needs of children with
25 disabilities and that the proposed placement is the least restrictive
26 environment in which appropriate education services can be provided to the
27 child.

28 D. A school district or county school superintendent may contract
29 with, and make payments to, other public or private schools, institutions and
30 agencies approved by the division of special education, within or without the
31 school district or county, for the education of and provision of services to
32 children with disabilities if section 15-766 and the conditions and standards
33 prescribed by the division of special education have been met and if unable
34 to provide satisfactory education and services through its own facilities and
35 personnel in accordance with the rules prescribed by the state board of
36 education as provided in section 15-213. No school district may contract or
37 make payments under the authority of this section or section 15-764 or any
38 other provisions of law for the residential or educational costs of placement
39 of children with disabilities in an approved private special education
40 school, institution or agency unless the children are evaluated and placed by
41 a school district. The following special provisions apply in order to
42 qualify for the group B ED-P weight:

43 1. If the child is placed in a private special education program, the
44 chief administrative official of the school district or county or other
45 person designated by the school district or county as responsible for special
46 education shall verify that the pupil is diagnosed with an emotional

1 disability as defined in section 15-761, that no appropriate program exists
2 within the school district or county, as applicable, and that no program can
3 feasibly be instituted by the school district or county, as applicable.

4 2. If the child is placed in a special program that provides intensive
5 services within a school district, the chief administrative official of the
6 school district or county or other person as designated by the school
7 district or county as responsible for special education shall verify that the
8 pupil placed in such a program is diagnosed with an emotional disability as
9 defined in section 15-761 and that appropriate services cannot be provided in
10 traditional resource and self-contained special education classes.

11 E. When a state placing agency initially places a pupil in a private
12 residential facility, the home school district must conduct an evaluation
13 pursuant to section 15-766 or review the educational placement of a pupil who
14 has previously been determined eligible for special education services. The
15 school district shall notify the appropriate state placing agency when a
16 child requires an evaluation for possible receipt of services provided by
17 that agency or a residential special education placement. The school
18 district and the state agency shall jointly evaluate the child, including
19 consideration of relevant information from additional sources, including
20 probation or parole officers, caseworkers, guardians ad litem and court
21 appointed special advocates.

22 F. If the child is not eligible for special education or does not
23 require residential special education placement, sections 15-1182 and 15-1183
24 apply.

25 G. If the individualized education program team determines that a
26 residential special education placement is the least restrictive environment
27 in which an appropriate educational program can be provided, the home school
28 district shall submit the following documentation to the department of
29 education:

30 1. A residential special education voucher application signed by
31 designated representatives of the state placing agency, as defined in section
32 15-1181, and the home school district, respectively.

33 2. The educational reasons for recommending the residential special
34 education placement, including an evaluation or addendum to the evaluation
35 that describes the instructional and behavioral interventions that were
36 previously attempted and the educational reasons for recommending the
37 residential special education placement, including documentation that the
38 nature or severity of the disability is such that education in a less
39 restrictive environment is not appropriate.

40 3. Exit criteria as required in subsection K of this section.

41 4. That prior written notice for a change in the child's placement was
42 provided.

43 H. If a residential special education placement is required by the
44 child's individualized education program, the educational component of the
45 residential facility shall be one that is approved by the department of
46 education for the specific special education services required.

1 I. The residential component of the facility in which the residential
2 special education placement is made shall be licensed by the department of
3 economic security, **THE DEPARTMENT OF CHILD SAFETY** or the department of health
4 services, whichever is appropriate.

5 J. Following and in accordance with the consensus decision of the
6 individualized education program team as prescribed in section 15-766, a
7 residential special education placement shall be made by the school district
8 and the appropriate state agency. The individualized education program team
9 shall determine whether a residential special education placement is
10 necessary. The state placing agency shall consider the recommendations of
11 the individualized education program team in selecting the specific
12 residential facility. The department of education shall enter into
13 interagency services agreements with the department of economic security, **THE**
14 **DEPARTMENT OF CHILD SAFETY** or the department of health services to establish
15 a mechanism for resolving disputes if the school district and the department
16 of economic security, **THE DEPARTMENT OF CHILD SAFETY** or the department of
17 health services cannot mutually agree on the specific residential placement
18 to be made. Dispute resolution procedures may not be used to deny or delay
19 residential special education placement.

20 K. The individualized education program for any child who requires
21 residential special education placement must include exit criteria that
22 indicate when the educational placement of the child shall be reviewed to
23 determine whether the child can be moved to a less restrictive placement.

24 L. All noneducational and nonmedical costs incurred by the placement
25 of a child with a disability in a private or public school program and
26 concurrent out-of-home care program shall be paid by the department of
27 economic security for those children eligible to receive services through the
28 division of developmental disabilities ~~or the administration for children,~~
29 ~~youth and families of the department of economic security,~~ **BY THE DEPARTMENT**
30 **OF CHILD SAFETY FOR THE CHILDREN FOR WHICH IT HAS LEGAL RESPONSIBILITY** and by
31 the department of health services for those children eligible to receive
32 services through the division of behavioral health in the department of
33 health services or children's rehabilitation services. ~~Nothing in~~ This
34 section ~~is intended to~~ **DOES NOT** prevent or limit the department of health
35 services, **THE DEPARTMENT OF CHILD SAFETY** and the department of economic
36 security from joint case management of any child who qualifies for services
37 from ~~both~~ **TWO OR MORE OF THESE** agencies or from sharing the noneducational
38 costs of providing those services. The educational costs incurred by the
39 placement of a child with a disability in an out-of-home care facility shall
40 be paid as follows:

41 1. Through a residential special education placement voucher as
42 provided in section 15-1184 if the child is determined to require a
43 residential special education placement as defined in section 15-761.

44 2. Through an initial or continuing residential education voucher if a
45 child is placed in a private residential facility by a state placing agency,

1 as defined in section 15-1181, for care, treatment and safety reasons and the
2 child needs educational services while in that placement.

3 3. Through a certificate of educational convenience if the child is
4 attending a public school not within the child's school district of residence
5 as provided in section 15-825.

6 4. By the home school district, pursuant to a contract with a public
7 or private school as provided in subsection D of this section, if the home
8 school district is unable to provide satisfactory education and services
9 through its own facilities and personnel.

10 M. The department of economic security, **THE DEPARTMENT OF CHILD SAFETY**
11 or the department of health services, whichever is appropriate, shall
12 determine if the child placed for purposes of special education in a private
13 or public school and concurrent out-of-home care is covered by an insurance
14 policy that provides for inpatient or outpatient child or adolescent
15 psychiatric treatment. The appropriate state agency may only pay charges for
16 treatment costs that are not covered by an insurance policy. Notwithstanding
17 any other law, the appropriate state agency may pay for placement costs of
18 the child before the verification of applicable insurance coverage. On the
19 depletion of insurance benefits, the appropriate state agency shall resume
20 payment for all noneducational and nonmedical costs incurred in the treatment
21 of the child. The appropriate state agency may request the child's family to
22 contribute a voluntary amount toward the noneducational and nonmedical costs
23 incurred as a result of residential placement of the child. The amount that
24 the appropriate state agency requests the child's family to contribute shall
25 be based on guidelines in the rules of the appropriate state agency governing
26 the determination of contributions by parents and estates. ~~Nothing in~~ This
27 subsection ~~shall be construed to~~ **DOES NOT** require parents to incur any costs
28 for required special education and related services or shall be construed to
29 result in a reduction in lifetime insurance benefits available for a child
30 with a disability.

31 N. If appropriate services are offered by the school district and the
32 parent or the child chooses for the child to attend a private facility,
33 either for day care or for twenty-four hour care, neither the school district
34 nor the respective agency is obligated to assume the cost of the private
35 facility. If residential twenty-four hour care is necessitated by factors
36 such as the child's home condition and is not related to the special
37 educational needs of the child, the agency responsible for the care of the
38 child is not required to pay any additional costs of room and board and
39 nonmedical expenses pursuant to this section.

40 Sec. 94. Section 15-825, Arizona Revised Statutes, is amended to read:
41 15-825. Certificate of educational convenience; issuance;
42 effect on enrollment records

43 A. A pupil who is precluded by distance or lack of adequate
44 transportation facilities from attending a school in the school district or
45 county of the pupil's residence or who resides in unorganized territory may
46 apply to the county school superintendent for a certificate of educational

1 convenience. If it appears to the county school superintendent that it is
2 not feasible for the pupil to attend a school in the school district or
3 county of residence, the county school superintendent shall issue a
4 certificate authorizing the pupil to attend a school in an adjoining school
5 district or county, whether within or without this state. If a certificate
6 of educational convenience is issued as provided in this subsection, the
7 school enrollment of a pupil is as follows:

8 1. The school enrollment of a pupil who is precluded from attending a
9 school in this state and who must attend school in another state, when
10 certified to the county school superintendent by the official in charge of
11 the school attended, is deemed for the purpose of determining student count
12 to be enrollment in the school of the county or school district of the
13 student's residence.

14 2. The school enrollment of a pupil from unorganized territory or from
15 another school district is deemed for the purpose of determining student
16 count to be enrollment in the school district of actual attendance.

17 B. The county school superintendent of any county in which a pupil is
18 placed as described in this subsection shall issue a certificate of
19 educational convenience for the pupil to attend school in the school district
20 or adjoining school district to that in which the pupil is placed by an
21 agency of this state or a state or federal court of competent jurisdiction in
22 one of the following:

23 1. A state rehabilitation or corrective institution.

24 2. A foster home or child care agency or institution which is licensed
25 and supervised by the department of ~~economic security~~ CHILD SAFETY or the
26 department of health services.

27 3. A residential facility operated or supported by the department of
28 economic security or the department of health services.

29 4. Under the supervision of the department of juvenile corrections in
30 a residence pursuant to the interstate compact on juveniles. Notwithstanding
31 section 41-1959, the placing agency, department or institution shall provide
32 the school district of attendance with the necessary information to enable
33 the district to obtain a certificate of educational convenience pursuant to
34 this subsection.

35 C. A pupil attending school under a certificate of educational
36 convenience issued pursuant to subsection B of this section is deemed for the
37 purpose of determining student count to be enrolled in the school district of
38 attendance. The county school superintendent of any county shall not issue a
39 certificate of educational convenience as provided in subsection B of this
40 section if the pupil is placed in the same district of the pupil's parents'
41 or legal guardians' residence or if the pupil is placed without a court order
42 and the pupil's parents or legal guardians are not residents of this state.

43 D. If a certificate of educational convenience is issued as provided
44 in subsection B of this section, or for a pupil whose parent or guardian is
45 employed and domiciled by a state institution as prescribed by section
46 15-976, tuition may be charged as follows:

1 1. For group B children with disabilities:

2 (a) Who are from unorganized territory, whose parent or guardian is
3 employed by a state institution as prescribed by section 15-976 or who have
4 been issued a certificate of educational convenience pursuant to subsection B
5 of this section, the superintendent of public instruction shall reimburse the
6 district of attendance for the excess costs as provided in section 15-824,
7 subsection E, paragraph 4.

8 (b) Who are from another school district, the school district of
9 residence shall reimburse the district of attendance for the excess costs as
10 provided in section 15-824, subsection E, paragraph 4.

11 2. For pupils who are precluded from attending a school in this state
12 and who must attend a school in another state:

13 (a) If the pupil resides in a school district in this state, the
14 district of residence shall pay the amount charged by the district of
15 attendance.

16 (b) If the pupil resides in unorganized territory, the superintendent
17 of public instruction shall pay the amount charged by the district of
18 attendance.

19 E. The county school superintendent who issues a certificate of
20 educational convenience shall notify the superintendent of public instruction
21 of the issuance of the certificate. The superintendent of public instruction
22 shall draw a warrant in favor of the school district of actual attendance for
23 the amount charged, whether for common or high school attendance, as provided
24 in section 15-824.

25 F. The total amount of state monies that may be spent in any fiscal
26 year by the superintendent of public instruction for certificates of
27 educational convenience shall not exceed the amount appropriated or
28 authorized by section 35-173 for that purpose. This section ~~shall~~ DOES not
29 ~~be construed to~~ impose a duty on an officer, agent or employee of this state
30 to discharge a responsibility or to create any right in a person or group if
31 the discharge or right would require an expenditure of state monies in excess
32 of the expenditure authorized by legislative appropriation for that specific
33 purpose.

34 Sec. 95. Section 15-1181, Arizona Revised Statutes, is amended to
35 read:

36 15-1181. Definitions

37 In this article, unless the context otherwise requires:

38 1. "Child" means a person who is at least three years of age by
39 September 1 of the current year but who is under twenty-two years of age.

40 2. "Foster parent" means a person who may serve as the parent of a
41 child with disabilities if that person has an ongoing, long-term parental
42 relationship with the child, is willing to make educational decisions for the
43 child and has no personal interest that would conflict with the interests of
44 the child.

45 3. "Fund" means the special education fund.

- 1 4. "Home school district" has the same meaning prescribed in section
2 15-761.
- 3 5. "Individualized education program" has the same meaning prescribed
4 in section 15-761.
- 5 6. "Parent" means the natural or adoptive parent of a child, the legal
6 guardian of a child, a relative with whom a child resides and who is acting
7 as the parent of that child or a surrogate parent who has been appointed for
8 a child pursuant to section 15-763.01. Parent does not mean this state if
9 the child is a ward of the state.
- 10 7. "Place" or "placement" means placement of a child in a private
11 residential facility for residential special education placement as defined
12 in section 15-761 or by a state placing agency for care, safety or treatment
13 reasons.
- 14 8. "Private residential facility" means a private facility that is
15 licensed by the department of economic security or department of health
16 services and to which one of the following also applies:
- 17 (a) For special education placements, the facility has been approved
18 by the division of special education pursuant to section 15-765 for the
19 purpose of providing special education and related services.
- 20 (b) For other than special education placements, the facility has been
21 accredited by the north central association of colleges and secondary
22 schools, except that private facilities applying for initial approval as a
23 private school are not required to receive accreditation until three years
24 after the date of initial approval as long as continual progress toward
25 accreditation is maintained.
- 26 9. "Related services" means related services as defined in section
27 15-761.
- 28 10. "Residential special education placement" has the same meaning
29 prescribed in section 15-761.
- 30 11. "Special education" has the same meaning prescribed in section
31 15-761.
- 32 12. "State placing agency" means the department of juvenile
33 corrections, the department of economic security, [THE DEPARTMENT OF CHILD](#)
34 [SAFETY](#), the department of health services or the administrative office of the
35 court.
- 36 Sec. 96. Section 15-1204, Arizona Revised Statutes, is amended to
37 read:
- 38 15-1204. [Voucher; application; approval; requirements; budgets;](#)
39 [prohibited uses; advances](#)
- 40 A. When an institution decides to place a person in an institutional
41 special education program, the institution, upon application to and approval
42 by the division of special education, shall have a permanent special
43 education institutional voucher issued pursuant to this article to pay the
44 special education instructional costs of the person at the institution.
- 45 B. When an institution decides to place a person who resides in the
46 institution in a school special education program, the school, upon

1 application to and approval by the division of special education, shall have
2 a permanent special education institutional voucher issued pursuant to this
3 article to pay the special education instructional costs of the person in the
4 school.

5 C. No person residing in an institution and attending a school may
6 have a certificate of educational convenience issued pursuant to section
7 15-825, subsection A.

8 D. The director of the division of special education shall develop
9 requirements for the approval of vouchers, pursuant to this section,
10 including the requirement that the person be educationally evaluated.

11 E. If approved, the voucher, in an amount not exceeding the sum of the
12 following, shall be paid directly to the institution or deposited with the
13 county treasurer to the credit of the school, with notice to the county
14 school superintendent:

15 1. For group A, the base level multiplied by two.

16 2. For group B, the sum of the base for kindergarten through eight and
17 the support level weight for the category, multiplied by the base level.

18 3. For both group A and group B, one hundred dollars for capital
19 outlay costs and fifty dollars for transportation costs.

20 F. The budget format developed cooperatively between the department of
21 ~~economic security~~ CHILD SAFETY and the department of education pursuant to
22 section 8-503 shall be used by the institutions to determine and segregate
23 residential costs from educational instructional costs.

24 G. If sufficient appropriated monies are available and upon a showing
25 by an institution that additional state monies are necessary for current
26 expenses, an advance apportionment of state aid may be paid to an
27 institution. In no event shall an institution have received more than
28 three-fourths of its total apportionment under this section before May 1 of
29 the fiscal year. Early payments pursuant to this subsection must be approved
30 by the state treasurer, the director of the department of administration and
31 the superintendent of public instruction.

32 H. Notwithstanding subsection G of this section, when making the April
33 payment to an institution, the department of education may include an
34 additional amount based on an estimate of monies payable to the institution
35 in May. Before the department of education apportions monies to the
36 institution in June, it shall adjust the June payment to account for any
37 discrepancies between the monies actually paid in April and May and the
38 amount which should have been paid. If an overpayment in May exceeds the
39 total amount payable in June, the institution shall refund to the department
40 of education an amount equal to the overpayment within sixty days of
41 notification of the overpayment. If the overpayment is not refunded within
42 sixty days by the institution, the superintendent of public instruction shall
43 reduce the state aid entitlement to the institution for the succeeding fiscal
44 year to recover any overpayment of state aid received during the current
45 fiscal year.

1 I. Any special education institutional voucher issued pursuant to this
2 article shall not be used in any school or institution that discriminates on
3 the basis of race, religion, creed, color or national origin.

4 J. The state board of education may withhold state aid from an
5 institution for noncompliance with any applicable statute or any applicable
6 rule adopted by the state board.

7 Sec. 97. Section 25-403.03, Arizona Revised Statutes, is amended to
8 read:

9 25-403.03. Domestic violence and child abuse

10 A. Notwithstanding subsection D of this section, joint legal
11 decision-making shall not be awarded if the court makes a finding of the
12 existence of significant domestic violence pursuant to section 13-3601 or if
13 the court finds by a preponderance of the evidence that there has been a
14 significant history of domestic violence.

15 B. The court shall consider evidence of domestic violence as being
16 contrary to the best interests of the child. The court shall consider the
17 safety and well-being of the child and of the victim of the act of domestic
18 violence to be of primary importance. The court shall consider a
19 perpetrator's history of causing or threatening to cause physical harm to
20 another person.

21 C. To determine if a person has committed an act of domestic violence
22 the court, subject to the rules of evidence, shall consider all relevant
23 factors including the following:

- 24 1. Findings from another court of competent jurisdiction.
- 25 2. Police reports.
- 26 3. Medical reports.
- 27 4. ~~Child protective services~~ Records OF THE DEPARTMENT OF CHILD
28 SAFETY.
- 29 5. Domestic violence shelter records.
- 30 6. School records.
- 31 7. Witness testimony.

32 D. If the court determines that a parent who is seeking sole or joint
33 legal decision-making has committed an act of domestic violence against the
34 other parent, there is a rebuttable presumption that an award of sole or
35 joint legal decision-making to the parent who committed the act of domestic
36 violence is contrary to the child's best interests. This presumption does
37 not apply if both parents have committed an act of domestic violence. For
38 the purposes of this subsection, a person commits an act of domestic violence
39 if that person does any of the following:

- 40 1. Intentionally, knowingly or recklessly causes or attempts to cause
41 sexual assault or serious physical injury.
- 42 2. Places a person in reasonable apprehension of imminent serious
43 physical injury to any person.
- 44 3. Engages in a pattern of behavior for which a court may issue an ex
45 parte order to protect the other parent who is seeking child custody or to
46 protect the child and the child's siblings.

1 E. To determine if the parent has rebutted the presumption the court
2 shall consider all of the following:

3 1. Whether the parent has demonstrated that being awarded sole or
4 joint legal decision-making or substantially equal parenting time is in the
5 child's best interests.

6 2. Whether the parent has successfully completed a batterer's
7 prevention program.

8 3. Whether the parent has successfully completed a program of alcohol
9 or drug abuse counseling, if the court determines that counseling is
10 appropriate.

11 4. Whether the parent has successfully completed a parenting class, if
12 the court determines that a parenting class is appropriate.

13 5. If the parent is on probation, parole or community supervision,
14 whether the parent is restrained by a protective order that was granted after
15 a hearing.

16 6. Whether the parent has committed any further acts of domestic
17 violence.

18 F. If the court finds that a parent has committed an act of domestic
19 violence, that parent has the burden of proving to the court's satisfaction
20 that parenting time will not endanger the child or significantly impair the
21 child's emotional development. If the parent meets this burden to the
22 court's satisfaction, the court shall place conditions on parenting time that
23 best protect the child and the other parent from further harm. The court
24 may:

25 1. Order that an exchange of the child must occur in a protected
26 setting as specified by the court.

27 2. Order that an agency specified by the court must supervise
28 parenting time. If the court allows a family or household member to
29 supervise parenting time, the court shall establish conditions that this
30 person must follow during parenting time.

31 3. Order the parent who committed the act of domestic violence to
32 attend and complete, to the court's satisfaction, a program of intervention
33 for perpetrators of domestic violence and any other counseling the court
34 orders.

35 4. Order the parent who committed the act of domestic violence to
36 abstain from possessing or consuming alcohol or controlled substances during
37 parenting time and for twenty-four hours before parenting time.

38 5. Order the parent who committed the act of domestic violence to pay
39 a fee for the costs of supervised parenting time.

40 6. Prohibit overnight parenting time.

41 7. Require a bond from the parent who committed the act of domestic
42 violence for the child's safe return.

43 8. Order that the address of the child and the other parent remain
44 confidential.

1 9. Impose any other condition that the court determines is necessary
2 to protect the child, the other parent and any other family or household
3 member.

4 G. The court shall not order joint counseling between a victim and the
5 perpetrator of domestic violence. The court may provide a victim with
6 written information about available community resources related to domestic
7 violence.

8 H. The court may request or order the services of ~~the division of~~
9 ~~children and family services in~~ the department of ~~economic security~~ CHILD
10 SAFETY if the court believes that a child may be the victim of child abuse or
11 neglect as defined in section 8-201.

12 I. In determining whether the absence or relocation of a parent shall
13 be weighed against that parent in determining legal decision-making or
14 parenting time, the court may consider whether the absence or relocation was
15 caused by an act of domestic violence by the other parent.

16 Sec. 98. Section 25-807, Arizona Revised Statutes, is amended to read:
17 25-807. Precedence of maternity and paternity proceedings;
18 delay for paternity tests; court order; evidentiary
19 use; alternative tests; out-of-state orders; immunity

20 A. Proceedings to establish maternity and paternity have precedence
21 over other civil proceedings. The case shall be set for trial within sixty
22 days from the filing of an answer by the respondent.

23 B. A delay in determining paternity in an action commenced before the
24 birth of the child shall be granted until after the birth of the child for
25 purposes of paternity tests if any party to the proceedings requests.

26 C. The court, on its own motion or on motion of any party to the
27 proceedings, shall order the mother, her child or children and the alleged
28 father to submit to genetic testing and shall direct that inherited
29 characteristics to determine parentage, including blood and tissue type, be
30 determined by appropriate testing procedures conducted by an accredited
31 laboratory. If the mother is unavailable or fails to cooperate by refusing
32 to submit to genetic testing, testing of the alleged father and child or
33 children may be appropriate. An expert duly qualified as an examiner of
34 genetic markers shall be agreed on by the parties or appointed by the court
35 to analyze and interpret the results and report to the court.

36 D. If the results of the genetic tests indicate that the likelihood of
37 the alleged father's paternity is ninety-five per cent or greater, the
38 alleged father is presumed to be the parent of the child and the party
39 opposing the establishment of the alleged father's paternity shall establish
40 by clear and convincing evidence that the alleged father is not the father of
41 the child.

42 E. The examiner's report shall be admitted at trial unless a timely
43 written challenge to the examiner's report is filed with the court within
44 twenty days of the date the report was filed with the court. If the results
45 of the examiner's report have been challenged and on the reasonable request
46 of a party, the court shall order an additional test to be made by the same

1 laboratory or an independent laboratory at the expense of the party
2 requesting additional testing.

3 F. If a timely written challenge is not filed pursuant to subsection
4 E, the examiner's report is admissible in evidence without the need for
5 foundation testimony or other proof of authenticity or accuracy.

6 G. The court, on application of either party, shall determine the
7 proportion and time in which the initial test costs shall be paid.

8 H. On motion of a party to the proceedings, the court may order that
9 experts perform alternative or additional tests including medical, scientific
10 and genetic tests.

11 I. Either party may apply for summary judgment on the issue of
12 paternity.

13 J. A state or local agency in this state, including the department of
14 economic security, [THE DEPARTMENT OF CHILD SAFETY](#), the state department of
15 corrections and any other correctional facility that has custody of a person
16 who is the subject of the genetic testing order, shall treat a genetic
17 testing order issued in another state that appears to be in good order as if
18 it were issued by a court of this state.

19 K. Notwithstanding any other law, an agency, agency employee or agency
20 contractor that acts in good faith to cooperate in obtaining genetic testing
21 samples under this section is not subject to civil or criminal liability.

22 Sec. 99. Section 32-3271, Arizona Revised Statutes, is amended to
23 read:

24 [32-3271. Exceptions to licensure; jurisdiction](#)

25 A. This chapter does not apply to:

26 1. A person who is currently licensed, certified or regulated pursuant
27 to another chapter of this title and who provides services within the
28 person's scope of practice if the person does not claim to be licensed
29 pursuant to this chapter.

30 2. A person who is not a resident of this state if the person:

31 (a) Performs behavioral health services in this state for not more
32 than ninety days in any one calendar year as prescribed by board rule.

33 (b) Is authorized to perform these services pursuant to the laws of
34 the state or country in which the person resides or pursuant to the laws of a
35 federally recognized tribe.

36 (c) Informs the client of the limited nature of these services and
37 that the person is not licensed in this state.

38 3. A rabbi, priest, minister or member of the clergy of any religious
39 denomination or sect if the activities and services that person performs are
40 within the scope of the performance of the regular or specialized ministerial
41 duties of an established and legally recognizable church, denomination or
42 sect and the person performing the services remains accountable to the
43 established authority of the church, denomination or sect.

44 4. A member run self-help or self-growth group if no member of the
45 group receives direct or indirect financial compensation.

1 5. A behavioral health technician or behavioral health
2 paraprofessional who is employed by an agency licensed by the department of
3 health services.

4 6. A person contracting with the supreme court or a person employed by
5 or contracting with an agency under contract with the supreme court who is
6 otherwise ineligible to be licensed or who is in the process of applying to
7 be licensed under this chapter as long as that person is in compliance with
8 the supreme court contract conditions regarding professional counseling
9 services and practices only under supervision.

10 7. A person who is employed by the department of economic security OR
11 THE DEPARTMENT OF CHILD SAFETY and who practices social work, marriage and
12 family therapy, substance abuse counseling, counseling and case management
13 within the scope of the person's job duties and under direct supervision by
14 the EMPLOYER department ~~of economic security~~.

15 8. A student, intern or trainee who is pursuing a course of study in
16 social work, counseling, marriage and family therapy, substance abuse
17 counseling or case management in a regionally accredited institution of
18 higher education or training institution if the person's activities are
19 performed under qualified supervision and are part of the person's supervised
20 course of study.

21 9. A person who is practicing social work, counseling and case
22 management and who is employed by an agency licensed by the department of
23 economic security.

24 10. A paraprofessional employed by the department of economic security
25 or by an agency licensed by the department of economic security.

26 11. A christian science practitioner if all of the following are true:

27 (a) The person is not providing psychotherapy.

28 (b) The activities and services the person performs are within the
29 scope of the performance of the regular or specialized duties of a christian
30 science practitioner.

31 (c) The person remains accountable to the established authority of the
32 practitioner's church.

33 12. A person who is not providing psychotherapy.

34 B. A person who provides services pursuant to subsection A, paragraph
35 2 is deemed to have agreed to the jurisdiction of the board and to be bound
36 by the laws of this state.

37 Sec. 100. Section 35-101, Arizona Revised Statutes, is amended to
38 read:

39 35-101. Definitions

40 In this chapter, unless the context otherwise requires:

41 1. "Allotment" means the allocation of an appropriation or other fund
42 source over a full fiscal year within a budget program or expenditure class.

43 2. "Annual budget unit" means the following agencies:

44 (a) The department of education.

45 (b) The Arizona board of regents.

46 (c) Arizona state university.

- 1 (d) Arizona state university west campus.
- 2 (e) Arizona state university east campus.
- 3 (f) The university of Arizona.
- 4 (g) Northern Arizona university.
- 5 (h) The school facilities board.
- 6 (i) The department of economic security.
- 7 (j) The state department of corrections.
- 8 (k) The department of juvenile corrections.
- 9 (l) The Arizona health care cost containment system.
- 10 (m) The department of health services.
- 11 (n) The department of administration.
- 12 (o) The department of transportation.
- 13 (p) The judiciary, including the supreme court, the court of appeals
- 14 and the superior court.

15 (q) **THE DEPARTMENT OF CHILD SAFETY.**

16 3. "Authorized agent" means a commercial enterprise contracted to

17 process transactions on behalf of a state agency.

18 4. "Biennial budget unit" means any department, commission, board,

19 institution or other agency of the state organization receiving, expending or

20 disbursing state funds or incurring obligations against the state that is not

21 an annual budget unit.

22 5. "Budget estimates" means statements with accompanying explanations,

23 as provided by this chapter, in which a budget unit states its financial

24 requirements and requests appropriations.

25 6. "Budget program" means functions and activities of a budget unit or

26 within a budget unit that are preplanned to fulfill a distinct mission.

27 7. "Budget unit" means any department, commission, board, institution

28 or other agency of the state organization receiving, expending or disbursing

29 state funds or incurring obligations against the state. Budget unit includes

30 the annual budget units and biennial budget units.

31 8. "Cardholder" means any person:

32 (a) Named on the face of a credit card to whom or for whose benefit

33 the credit card is issued by an issuer.

34 (b) In possession of a credit card with the consent of the person to

35 whom the credit card was issued.

36 9. "Claim" means a demand against the state for payment for either:

37 (a) Goods delivered or, in the case of highway construction, goods or

38 facilities to be delivered by the federal government.

39 (b) Services performed.

40 10. "Convenience fee" means an additional fee that is imposed by an

41 authorized agent on a web-based or voice response portal transaction for the

42 acceptance of a credit card that would not be charged if the same transaction

43 were completed by an alternate method of payment.

44 11. "Credit card" means:

45 (a) Any instrument or device, whether known as a credit card, charge

46 card, credit plate, courtesy card or identification card or by any other

1 name, issued with or without a fee by an issuer for the use of the cardholder
2 in obtaining money, goods, services or anything else of value, either on
3 credit or in possession or in consideration of an undertaking or guaranty by
4 the issuer of the payment of a check drawn by the cardholder, on a promise to
5 pay in part or in full at a future time, whether or not all or any part of
6 the indebtedness represented by this promise to make deferred payment is
7 secured or unsecured.

8 (b) Any debit card, electronic benefit transfer card or other access
9 instrument or device, other than a check that is signed by the holder or
10 other authorized signatory on the deposit account, that draws monies from a
11 deposit account in order to obtain money, goods, services or anything else of
12 value.

13 (c) Any stored value card, smart card or other instrument or device
14 that enables a person to obtain goods, services or anything else of value
15 through the use of value stored on the instrument or device.

16 (d) The number assigned to an instrument or device described in
17 subdivision (a), (b) or (c) of this paragraph even if the physical instrument
18 or device is not used or presented.

19 12. "Discount fee" means the fee calculated and charged by the credit
20 card issuer or a financial institution pursuant to an agreement for the
21 processing of any credit card transaction.

22 13. "Encumbrance" means an obligation in the form of any purchase
23 order, contract or other commitment which is chargeable to an appropriation
24 or any other authorized fund source and for which a part of the fund source
25 is reserved. It ceases to be an encumbrance when paid or canceled.

26 14. "Expenditure class" means one of the kinds of expenditure denoting
27 a class of services or commodities purchased or properties acquired as
28 specified in the classification of expenditures prescribed by the director of
29 the department of administration for use in expenditure accounting, in making
30 budget estimates and in the budget reports and budgets.

31 15. "Issuer" means any business organization, state agency or financial
32 institution, or its duly authorized agent, that issues a credit card.

33 16. "Prepayment" means the payment of a claim before receiving the
34 goods or services.

35 17. "Processing fee" means a fee charged by an entity other than a
36 credit card issuer or the processing financial institution to process a
37 credit card transaction.

38 18. "Purchase order" means a document that is signed by the appropriate
39 agency authorized signatory, that requests a vendor to deliver described
40 goods or services at a specific price and that on delivery and acceptance of
41 the goods or services by this state becomes an obligation of this state.

42 19. "Transaction amount" means the total amount due to the state for
43 any goods, service or license or anything else of value.

44 Sec. 101. Section 35-148, Arizona Revised Statutes, is amended to
45 read:

1 35-148. Payment for interagency services as credit to account
2 of agency; transfer of miscellaneous state monies to
3 general fund; exceptions

4 A. Interagency service agreements entered into between budget units
5 may provide for reimbursement for services performed or advancement of funds
6 for services to be performed. In either instance, monies received by the
7 budget unit performing the services shall be credited to its appropriation
8 account for its use in performing the services. If funds are advanced, the
9 agency performing the services shall make an accounting of expenditures and
10 return any advances not used to the appropriation account of the advancing
11 agency.

12 B. Except as provided in subsection A of this section, when money
13 belonging to the state comes into the possession of a state officer, by
14 recovery at law or otherwise, and no provision of law exists for the
15 disposition of such money, it shall be deposited, pursuant to sections 35-146
16 and 35-147, in the state general fund.

17 C. The provisions of this section shall not apply to money realized
18 from the sale of personal property or from the sale of real property or
19 improvements thereon by the Arizona board of regents, or by educational
20 institutions under the control of the Arizona board of regents, **THE**
21 **DEPARTMENT OF CHILD SAFETY** or the department of economic security.

22 Sec. 102. Section 36-324, Arizona Revised Statutes, is amended to
23 read:

24 36-324. Vital records; copies; access

25 A. On written request, a local registrar, a deputy local registrar or
26 the state registrar shall issue a certified copy of a registered certificate,
27 except the portion of the certificate that contains medical information, to
28 any person determined to be eligible to receive the certified copy pursuant
29 to criteria prescribed by rules.

30 B. A certified copy of a registered certificate has the same status as
31 the registered certificate.

32 C. The United States public health service may receive copies,
33 microfilm and other information from the state registrar to prepare national
34 vital statistics subject to the following limitations:

35 1. The United States public health service bears the cost of preparing
36 and transmitting the copies, microfilm and other information.

37 2. The copies, microfilm and other information are used for
38 statistical purposes and the United States public health service assures a
39 person's anonymity.

40 D. In child support cases under 42 United States Code sections 651
41 through 669, ~~in child welfare cases under title 8~~ or in public benefit
42 matters under chapter 29 of this title or title 46, the state registrar shall
43 provide copies of or access to vital records without charge to the department
44 of economic security or its attorneys. **IN CHILD WELFARE CASES UNDER TITLE 8,**
45 **THE STATE REGISTRAR SHALL PROVIDE COPIES OF OR ACCESS TO VITAL RECORDS**
46 **WITHOUT CHARGE TO THE DEPARTMENT OF CHILD SAFETY OR ITS ATTORNEYS.** A vital

1 record obtained as authorized in this section must be used only for official
2 purposes and, if used in a public proceeding, must be sealed by the court or
3 hearing officer.

4 E. The state registrar shall provide a copy of or access to a vital
5 record to a government agency for its official purposes.

6 Sec. 103. Section 36-558.01, Arizona Revised Statutes, is amended to
7 read:

8 36-558.01. Operation, support and supervision of foster homes;
9 duties of department

10 A. The department shall operate directly or support and supervise
11 child developmental foster homes and foster homes licensed pursuant to title
12 8, chapter ~~5- 4~~, article ~~1- 4~~ to provide specialized foster care to
13 developmentally disabled persons. Such homes shall be operated for persons
14 placed pursuant to sections 8-514.01 and 8-845 and for appropriate placements
15 for persons for whom application for residential services has been made to
16 the department.

17 B. In furtherance of its responsibility pursuant to subsection A **OF**
18 **THIS SECTION**, the department shall recruit, license and support such homes in
19 accordance with ~~the provisions of~~ this chapter, maintain regular supervision
20 of such homes and such placements, conduct training programs for the staff of
21 such homes and develop the program and service standards for developmentally
22 disabled persons to be placed in such homes.

23 C. Foster homes supported by the department shall be paid for each
24 developmentally disabled person placed in the home an amount determined by
25 the department based on the type of developmental disability and the
26 consequent need for programs and services of each person so placed.

27 Sec. 104. Section 36-664, Arizona Revised Statutes, is amended to
28 read:

29 36-664. Confidentiality; exceptions

30 A. A person who obtains communicable disease related information in
31 the course of providing a health service or obtains that information from a
32 health care provider pursuant to an authorization shall not disclose or be
33 compelled to disclose that information except to the following:

34 1. The protected person or, if the protected person lacks capacity to
35 consent, the protected person's health care decision maker.

36 2. The department or a local health department for purposes of
37 notifying a good Samaritan pursuant to subsection E of this section.

38 3. An agent or employee of a health facility or health care provider
39 to provide health services to the protected person or the protected person's
40 child or for billing or reimbursement for health services.

41 4. A health facility or health care provider, in relation to the
42 procurement, processing, distributing or use of a human body or a human body
43 part, including organs, tissues, eyes, bones, arteries, blood, semen, milk or
44 other body fluids, for use in medical education, research or therapy or for
45 transplantation to another person.

1 5. A health facility or health care provider, or an organization,
2 committee or individual designated by the health facility or health care
3 provider, that is engaged in the review of professional practices, including
4 the review of the quality, utilization or necessity of medical care, or an
5 accreditation or oversight review organization responsible for the review of
6 professional practices at a health facility or by a health care provider.

7 6. A private entity that accredits the health facility or health care
8 provider and with whom the health facility or health care provider has an
9 agreement requiring the agency to protect the confidentiality of patient
10 information.

11 7. A federal, state, county or local health officer if disclosure is
12 mandated by federal or state law.

13 8. A federal, state or local government agency authorized by law to
14 receive the information. The agency is authorized to redisclose the
15 information only pursuant to this article or as otherwise permitted by law.

16 9. An authorized employee or agent of a federal, state or local
17 government agency that supervises or monitors the health care provider or
18 health facility or administers the program under which the health service is
19 provided. An authorized employee or agent includes only an employee or agent
20 who, in the ordinary course of business of the government agency, has access
21 to records relating to the care or treatment of the protected person.

22 10. A person, health care provider or health facility to which
23 disclosure is ordered by a court or administrative body pursuant to section
24 36-665.

25 11. The industrial commission or parties to an industrial commission of
26 Arizona claim pursuant to section 23-908, subsection D and section
27 23-1043.02.

28 12. Insurance entities pursuant to section 20-448.01 and third party
29 payors or the payors' contractors.

30 13. Any person or entity as authorized by the patient or the patient's
31 health care decision maker.

32 14. A person or entity as required by federal law.

33 15. The legal representative of the entity holding the information in
34 order to secure legal advice.

35 16. A person or entity for research only if the research is conducted
36 pursuant to applicable federal or state laws and regulations governing
37 research.

38 17. A person or entity that provides services to the patient's health
39 care provider, as defined in section 12-2291, and with whom the health care
40 provider has a business associate agreement that requires the person or
41 entity to protect the confidentiality of patient information as required by
42 the health insurance portability and accountability act privacy standards,
43 Code of Federal Regulations part 164, subpart E.

44 B. At the request of the department of ~~economic security~~ CHILD SAFETY
45 and in conjunction with the placement of children in foster care or for
46 adoption or court-ordered placement, a health care provider shall disclose

1 communicable disease information, including HIV-related information, to the
2 department of ~~economic security~~ CHILD SAFETY.

3 C. A state, county or local health department or officer may disclose
4 communicable disease related information if the disclosure is any of the
5 following:

- 6 1. Specifically authorized or required by federal or state law.
- 7 2. Made pursuant to an authorization signed by the protected person or
8 the protected person's health care decision maker.
- 9 3. Made to a contact of the protected person. The disclosure shall be
10 made without identifying the protected person.
- 11 4. For the purposes of research as authorized by state and federal
12 law.

13 D. The director may authorize the release of information that
14 identifies the protected person to the national center for health statistics
15 of the United States public health service for the purposes of conducting a
16 search of the national death index.

17 E. The department or a local health department shall disclose
18 communicable disease related information to a good Samaritan who submits a
19 request to the department or the local health department. The request shall
20 document the occurrence of the accident, fire or other life-threatening
21 emergency and shall include information regarding the nature of the
22 significant exposure risk. The department shall adopt rules that prescribe
23 standards of significant exposure risk based on the best available medical
24 evidence. The department shall adopt rules that establish procedures for
25 processing requests from good Samaritans pursuant to this subsection. The
26 rules shall provide that the disclosure to the good Samaritan shall not
27 reveal the protected person's name and shall be accompanied by a written
28 statement that warns the good Samaritan that the confidentiality of the
29 information is protected by state law.

30 F. An authorization to release communicable disease related
31 information shall be signed by the protected person or, if the protected
32 person lacks capacity to consent, the protected person's health care decision
33 maker. An authorization shall be dated and shall specify to whom disclosure
34 is authorized, the purpose for disclosure and the time period during which
35 the release is effective. A general authorization for the release of medical
36 or other information, including communicable disease related information, is
37 not an authorization for the release of HIV-related information unless the
38 authorization specifically indicates its purpose as an authorization for the
39 release of confidential HIV-related information and complies with the
40 requirements of this section.

41 G. A person to whom communicable disease related information is
42 disclosed pursuant to this section shall not disclose the information to
43 another person except as authorized by this section. This subsection does
44 not apply to the protected person or a protected person's health care
45 decision maker.

1 H. This section does not prohibit the listing of communicable disease
2 related information, including acquired immune deficiency syndrome,
3 HIV-related illness or HIV infection, in a certificate of death, autopsy
4 report or other related document that is prepared pursuant to law to document
5 the cause of death or that is prepared to release a body to a funeral
6 director. This section does not modify a law or rule relating to access to
7 death certificates, autopsy reports or other related documents.

8 I. If a person in possession of HIV-related information reasonably
9 believes that an identifiable third party is at risk of HIV infection, that
10 person may report that risk to the department. The report shall be in
11 writing and include the name and address of the identifiable third party and
12 the name and address of the person making the report. The department shall
13 contact the person at risk pursuant to rules adopted by the department. The
14 department employee making the initial contact shall have expertise in
15 counseling persons who have been exposed to or tested positive for HIV or
16 acquired immune deficiency syndrome.

17 J. Except as otherwise provided pursuant to this article or subject to
18 an order or search warrant issued pursuant to section 36-665, a person who
19 receives HIV-related information in the course of providing a health service
20 or pursuant to a release of HIV-related information shall not disclose that
21 information to another person or legal entity or be compelled by subpoena,
22 order, search warrant or other judicial process to disclose that information
23 to another person or legal entity.

24 K. This section and sections 36-663, 36-666, 36-667 and 36-668 do not
25 apply to persons or entities subject to regulation under title 20.

26 Sec. 105. Section 36-698, Arizona Revised Statutes, is amended to
27 read:

28 36-698. Arizona children and families resource directory:
29 distribution

30 A. The department of health services shall develop the Arizona
31 children and families resource directory. The directory shall include a list
32 of private and public organizations and providers that specialize in early
33 childhood development and the services included in section ~~8-701~~ 8-481,
34 subsection D. The purpose of the directory is to enable parents to obtain
35 information that is critical to the development of their young children
36 without relying on public programs.

37 B. The department shall distribute the directory to hospitals for
38 distribution to the families of any newly born child to help these families
39 answer questions concerning early childhood development.

40 C. The department of health services shall distribute the directory to
41 the department of ~~economic security~~ CHILD SAFETY for distribution to program
42 participants in the healthy families ~~pilot~~ program pursuant to section ~~8-701~~
43 8-481.

44 D. The department may provide the directory to other persons or
45 organizations that request copies and may charge a fee to cover the
46 department's costs to prepare these copies.

1 Sec. 106. Section 36-883, Arizona Revised Statutes, is amended to
2 read:

3 36-883. Standards of care; rules; classifications

4 A. The director of the department of health services shall prescribe
5 reasonable rules regarding the health, safety and well-being of the children
6 to be cared for in a child care facility. These rules shall include
7 standards for the following:

8 1. Adequate physical facilities for the care of children such as
9 building construction, fire protection, sanitation, sleeping facilities,
10 isolation facilities, toilet facilities, heating, ventilation, indoor and
11 outdoor activity areas and, if provided by the facility, transportation
12 safely to and from the premises.

13 2. Adequate staffing per number and age groups of children by persons
14 qualified by education or experience to meet their respective
15 responsibilities in the care of children.

16 3. Activities, toys and equipment to enhance the development of each
17 child.

18 4. Nutritious and well-balanced food.

19 5. Encouragement of parental participation.

20 6. Exclusion of any person from the facility whose presence may be
21 detrimental to the welfare of children.

22 B. The department shall adopt rules pursuant to title 41, chapter 6
23 and section 36-115.

24 C. Any rule that relates to educational activities, physical
25 examination, medical treatment or immunization shall include appropriate
26 exemptions for children whose parents object on the ground that it conflicts
27 with the tenets and practices of a recognized church or religious
28 denomination of which the parent or child is an adherent or member.

29 D. The department of health services shall conduct a comprehensive
30 review of its rules at least once every two years. Before conducting this
31 review, the department shall consult with agencies and organizations that are
32 knowledgeable about the provision of child care facilities to children
33 including:

34 1. The department of economic security.

35 2. The department of education.

36 3. The state fire marshal.

37 4. The league of Arizona cities and towns.

38 5. Citizen groups.

39 6. Licensed child care facility representatives.

40 7. **THE DEPARTMENT OF CHILD SAFETY.**

41 E. The department shall designate appropriate classifications and
42 establish corresponding standards pertaining to the type of care
43 offered. These classifications shall include:

44 1. Facilities offering infant care.

45 2. Facilities offering specific educational programs.

46 3. Facilities offering evening and nighttime care.

1 F. Rules for the operation of child care facilities shall be stated in
2 a way that clearly states the purpose of each rule.

3 Sec. 107. Section 36-1201, Arizona Revised Statutes, is amended to
4 read:

5 36-1201. Juvenile group homes; service contracts; registry;
6 definitions

7 A. State agencies that contract directly with group homes or regional
8 behavioral health authorities that, as part of their contracts with the
9 department of health services, subcontract with group homes shall require in
10 each contract awarded, renewed or amended the following minimum provisions:

11 1. The group home shall provide a safe, clean and humane environment
12 for the residents.

13 2. The group home is responsible for the supervision of the residents
14 while in the group home environment or while residents are engaged in any
15 off-site activities organized or sponsored by and under the direct
16 supervision and control of the group home or affiliated with the group home.

17 3. All group home contractors shall be licensed by either the
18 department of health services or the department of economic security.

19 4. The award of a group home contract from an appropriate contracting
20 authority is not a guarantee that children will be placed at the group home.

21 5. A license violation by the group home that is not corrected
22 pursuant to this section may also be considered a contract violation.

23 6. State agencies and regional behavioral health authorities may share
24 information regarding group home contractors. The shared information shall
25 not include information that personally identifies residents of group homes.

26 7. The following contract remedies:

27 (a) A schedule of financial sanctions in an amount of up to five
28 hundred dollars per violation that the contracting authority, after
29 completing an investigation, may assess against the group home contractor for
30 a substantiated contract violation relating to the health, care or safety of
31 a resident or the safety of a neighbor. A financial sanction may be imposed
32 for a contract violation related to the safety of a neighbor only if the
33 conduct that constitutes the violation would be sufficient to form the basis
34 for a civil cause of action for damages on the part of the neighbor whether
35 or not such a civil action has been filed. These sanctions may be imposed by
36 either deducting the amount of the sanction from any payment due or
37 withholding future payments. The deduction or withholding may occur after
38 any hearing available to the contractor.

39 (b) The contracting authority's right to remove residents from the
40 group home or suspend new placements to the group home until the contracting
41 violation is corrected.

42 (c) The contracting authority's right to cancel the contract.

43 8. Within ten business days after the contracting authority receives a
44 complaint relating to a group home the contracting authority shall notify the
45 group home provider and either initiate an investigation or refer the
46 investigation to the licensing authority. If any complaint concerns an

1 immediate threat to the health and safety of a child, the complaint shall be
2 immediately referred to the licensing authority. If the contracting
3 authority determines that a violation has occurred, it shall:

4 (a) Notify all other contracting authorities of the violation.

5 (b) Coordinate a corrective action plan consistent with the severity
6 of the violation.

7 (c) Require the corrective action plan to be implemented within ninety
8 days.

9 9. If a licensing deficiency is not corrected in a timely manner to
10 the satisfaction of the licensing authority, the contracting authority may
11 cancel the contract immediately on notice to the group home and may remove
12 the residents.

13 10. A person may bring a complaint against any state agency that
14 violates this section pursuant to title 41, chapter 6, article 6 or 10, as
15 applicable. In addition to any costs or fees awarded to a person resulting
16 from a complaint of a violation of this section, the agency shall revert the
17 sum of five thousand dollars from its general fund operating appropriation to
18 the state treasurer for deposit in the state general fund for each violation
19 that is upheld by an administrative law judge or hearing officer. The
20 legislature shall appropriate monies that revert under this section to a
21 similar program that provides direct services to children.

22 B. When a licensing authority has determined that a license violation
23 has occurred or is occurring, the licensing authority shall notify the
24 appropriate contracting authority of the licensing violation.

25 C. A group home's record of contract violations and licensing
26 violations may be considered by any contracting authority when it evaluates
27 any request for proposals.

28 D. ~~By January 1, 2002,~~ The department of health services shall
29 establish a central registry of juvenile group homes licensed by this state.
30 Each agency that is subject to the requirements of this section shall provide
31 updated information for the registry to the department of health services
32 every six months. The registry shall include the following information
33 regarding each group home:

34 1. The location of the group home, including satellite facilities.

35 2. The number of residents at the group home and its satellite
36 facilities.

37 3. The current, updated emergency contacts for the group home and its
38 satellite facilities.

39 4. The current, updated contacts for the group home's licensing
40 authority.

41 E. If the municipality in which a group home is located requests the
42 department of health services to provide information from the registry, the
43 department shall provide the information every six months to the
44 municipality.

45 F. For the purposes of this article:

1 1. "Contract violation" means a licensing violation or a failure of
2 the group home to comply with those provisions of its contract relating to
3 subsection A, paragraphs 1, 2 and 3 of this section.

4 2. "Contracting authority" means a regional behavioral health
5 authority or the state agency or its division, office, section, bureau or
6 program that is responsible for the administration and monitoring of
7 contracts with group homes.

8 3. "Group home" means a residential facility that is licensed to serve
9 more than four minors at any one time, that is licensed by the department of
10 health services pursuant to chapter 4 of this title or section 36-591,
11 subsection B or by the department of ~~economic security~~ CHILD SAFETY pursuant
12 to title 8, chapter ~~5- 4~~, article ~~1- 4~~ and that provides services pursuant to
13 a contract for minors determined to be dependent as defined in section 8-201
14 or delinquent or incorrigible pursuant to section 8-341, or for minors with
15 developmental disabilities, mental health or substance abuse needs. Group
16 home does not include hospitals, nursing homes, child crisis and domestic
17 violence shelters, adult homes, foster homes, facilities subject to any
18 transient occupancy tax or behavioral health service agencies that provide
19 twenty-four hour or continuous physician availability.

20 4. "Licensing authority" means the state agency or its division,
21 office, section, bureau or program that is responsible for licensing group
22 homes.

23 5. "Licensing violation" means a determination by the licensing
24 authority that the group home is not in compliance with licensing
25 requirements as prescribed in statute or rule.

26 6. "Neighbor" means a person residing within a one-quarter mile radius
27 of the group home.

28 7. "Resident" means any person who is placed in a group home pursuant
29 to a contract with a contracting authority.

30 Sec. 108. Section 36-2282, Arizona Revised Statutes, is amended to
31 read:

32 36-2282. Duty to inform; reports of denial or deprivation;
33 disciplinary action prohibited; report to department
34 of child safety

35 A. Any health care institution with a perinatal, obstetrical or
36 pediatric unit shall inform its administrators and other employees associated
37 with the perinatal, obstetrical or pediatric unit of:

38 1. Their duty pursuant to section 13-3620 to report any denial or
39 deprivation of necessary medical treatment or surgical care or nourishment
40 with the intent to cause or allow the death of the infant.

41 2. Their right to make a report free from any disciplinary action by
42 the health care institution.

43 3. A full description of the manner in which a report is to be made.

44 B. A health care institution shall not take or threaten to take any
45 disciplinary action against any employee in retaliation for the employee
46 making a report pursuant to section 13-3620.

1 C. A health care institution as specified in subsection A of this
2 section shall report all suspected incidents of denial or deprivation of
3 medically necessary treatment, surgical care or nourishment with the intent
4 to cause or allow the death of the infant to the ~~child protective services~~
5 ~~program of the~~ department of ~~economic security~~ CHILD SAFETY as each incident
6 occurs.

7 Sec. 109. Section 36-2284, Arizona Revised Statutes, is amended to
8 read:

9 36-2284. Infant care review committee

10 A. All health care institutions that provide health care services to
11 infants are encouraged to establish infant care review committees to assist
12 the institutions in delivering health care and related services to infants
13 and in complying with sections 36-2281 and 36-2283. Two or more health care
14 institutions may establish a joint infant care review committee.

15 B. If any health care institution does not have an infant care review
16 committee, the department of health services may establish an infant care
17 review committee for one or more such institutions.

18 C. All proceedings, records and materials prepared in connection with
19 reviews by an infant care review committee are confidential and are not
20 subject to discovery, except that:

21 1. The findings and recommendations of the infant care review
22 committee may be recorded in the infant's medical record.

23 2. The following information shall be provided on request to the
24 infant's attending or consulting physicians, the infant's parents, legal
25 guardian or custodian or the ~~child protective services program of the~~
26 department of ~~economic security~~ CHILD SAFETY:

27 (a) The infant's medical record number.

28 (b) The date and time of the review.

29 (c) A list of all persons presenting information to the committee.

30 (d) A list of all persons, including committee members, present during
31 the deliberations of the committee.

32 (e) The recommendations of the committee.

33 D. A person present during deliberations of the infant care review
34 committee or having access to its records shall not be subpoenaed to testify
35 in any judicial or quasi-judicial proceeding as to the nature of the
36 discussions held or to the opinions or statements of any person expressed
37 during the proceedings.

38 E. This section shall not be construed to affect any patient's claim
39 to privilege or privacy or to prevent the subpoena of a patient's medical
40 records if they are otherwise subject to discovery or to restrict the powers
41 and duties of the director pursuant to this chapter with respect to records
42 and information ~~which~~ THAT are not subject to this section. In any legal
43 action brought against a health care institution alleging negligence for
44 failure to adequately conduct an infant care review committee,
45 representatives of the institution are permitted to testify as to whether
46 there was an infant care review committee review concerning the subject

1 matter being litigated. The contents and records of the infant care review
2 committee proceedings are fully confidential and inadmissible as evidence in
3 any court of law except as provided in subsection C of this section.

4 F. A person who, ~~in~~ good faith and without malice, ~~in~~ takes any action
5 or makes any recommendation as a member, agent or employee of a health care
6 institution infant care review committee, or who furnishes any records,
7 information or assistance to such a committee, is not subject to criminal
8 liability or liability for civil damages or for any legal action in
9 consequence thereof, nor shall the institution or institutions ~~which~~ THAT
10 established the committee or its officers, directors, employees or agents be
11 liable for the activities of any such person. This subsection ~~shall~~ DOES not
12 ~~be construed to~~ relieve any person of liability arising from treatment of a
13 patient.

14 G. Any publication by any person of the proceedings of an infant care
15 review committee or of the records or materials prepared in connection with
16 the review by an infant care review committee shall be made only for the
17 purposes provided in subsection C of this section or for research or
18 statistical purposes authorized by the health care institution. Except as
19 provided in subsection C of this section, the identity of any patient whose
20 condition, care or treatment is mentioned in such proceedings, records or
21 materials shall be kept confidential.

22 Sec. 110. Section 36-2901, Arizona Revised Statutes, is amended to
23 read:

24 36-2901. Definitions

25 In this article, unless the context otherwise requires:

26 1. "Administration" means the Arizona health care cost containment
27 system administration.

28 2. "Administrator" means the administrator of the Arizona health care
29 cost containment system.

30 3. "Contractor" means a person or entity that has a prepaid capitated
31 contract with the administration pursuant to section 36-2904 to provide
32 health care to members under this article either directly or through
33 subcontracts with providers.

34 4. "Department" means the department of economic security.

35 5. "Director" means the director of the Arizona health care cost
36 containment system administration.

37 6. "Eligible person" means any person who is:

38 (a) Any of the following:

39 (i) Defined as mandatorily or optionally eligible pursuant to title
40 XIX of the social security act as authorized by the state plan.

41 (ii) Defined in title XIX of the social security act as an eligible
42 pregnant woman with a family income that does not exceed one hundred fifty
43 per cent of the federal poverty guidelines, as a child under the age of six
44 years and whose family income does not exceed one hundred thirty-three per
45 cent of the federal poverty guidelines or as children who have not attained

1 nineteen years of age and whose family income does not exceed one hundred
2 thirty-three per cent of the federal poverty guidelines.

3 (iii) Under twenty-six years of age and who was in the custody of the
4 department of ~~economic security~~ CHILD SAFETY pursuant to title 8, chapter 5
5 ~~or 10~~ 4 when the person became eighteen years of age.

6 (iv) Defined as eligible pursuant to section 36-2901.01.

7 (v) Defined as eligible pursuant to section 36-2901.04.

8 (vi) Defined as eligible pursuant to section 36-2901.07.

9 (b) A full-time officer or employee of this state or of a city, town
10 or school district of this state or other person who is eligible for
11 hospitalization and medical care under title 38, chapter 4, article 4.

12 (c) A full-time officer or employee of any county in this state or
13 other persons authorized by the county to participate in county medical care
14 and hospitalization programs if the county in which such officer or employee
15 is employed has authorized participation in the system by resolution of the
16 county board of supervisors.

17 (d) An employee of a business within this state.

18 (e) A dependent of an officer or employee who is participating in the
19 system.

20 (f) Not enrolled in the Arizona long-term care system pursuant to
21 article 2 of this chapter.

22 (g) Defined as eligible pursuant to section 1902(a)(10)(A)(ii)(XV) and
23 (XVI) of title XIX of the social security act and who meets the income
24 requirements of section 36-2929.

25 7. "Graduate medical education" means a program, including an approved
26 fellowship, that prepares a physician for the independent practice of
27 medicine by providing didactic and clinical education in a medical discipline
28 to a medical student who has completed a recognized undergraduate medical
29 education program.

30 8. "Malice" means evil intent and outrageous, oppressive or
31 intolerable conduct that creates a substantial risk of tremendous harm to
32 others.

33 9. "Member" means an eligible person who enrolls in the system.

34 10. "Modified adjusted gross income" has the same meaning prescribed in
35 42 United States Code section 1396a(e)(14).

36 11. "Noncontracting provider" means a person who provides health care
37 to members pursuant to this article but not pursuant to a subcontract with a
38 contractor.

39 12. "Physician" means a person licensed pursuant to title 32, chapter
40 13 or 17.

41 13. "Prepaid capitated" means a mode of payment by which a health care
42 contractor directly delivers health care services for the duration of a
43 contract to a maximum specified number of members based on a fixed rate per
44 member notwithstanding:

45 (a) The actual number of members who receive care from the contractor.

46 (b) The amount of health care services provided to any member.

1 14. "Primary care physician" means a physician who is a family
2 practitioner, general practitioner, pediatrician, general internist, or
3 obstetrician or gynecologist.

4 15. "Primary care practitioner" means a nurse practitioner certified
5 pursuant to title 32, chapter 15 or a physician assistant certified pursuant
6 to title 32, chapter 25. This paragraph does not expand the scope of
7 practice for nurse practitioners as defined pursuant to title 32, chapter 15,
8 or for physician assistants as defined pursuant to title 32, chapter 25.

9 16. "Section 1115 waiver" means the research and demonstration waiver
10 granted by the United States department of health and human services.

11 17. "Special health care district" means a special health care district
12 organized pursuant to title 48, chapter 31.

13 18. "State plan" has the same meaning prescribed in section 36-2931.

14 19. "System" means the Arizona health care cost containment system
15 established by this article.

16 Sec. 111. Section 36-2906, Arizona Revised Statutes, is amended to
17 read:

18 36-2906. Qualified plan health services contracts; proposals;
19 administration

20 A. The administration shall:

- 21 1. Supervise the administrator.
- 22 2. Review the proposals.
- 23 3. Award contracts.

24 B. The director shall prepare and issue a request for proposal,
25 including a proposed contract format, in each of the counties of this state,
26 at least once every five years, to qualified group disability insurers,
27 hospital and medical service corporations, health care services organizations
28 and any other qualified public or private persons, including county-owned and
29 operated health care facilities. The contracts shall specify the
30 administrative requirements, the delivery of medically necessary services and
31 the subcontracting requirements.

32 C. The director shall adopt rules regarding the request for proposal
33 process that provide:

34 1. For definition of proposals in the following categories subject to
35 the following conditions:

- 36 (a) Inpatient hospital services.
- 37 (b) Outpatient services, including emergency dental care, and early
38 and periodic health screening and diagnostic services for children.
- 39 (c) Pharmacy services.
- 40 (d) Laboratory, x-ray and related diagnostic medical services and
41 appliances.

42 2. Allowance for the adjustment of such categories by expansion,
43 deletion, segregation or combination in order to secure the most financially
44 advantageous proposals for the system.

45 3. An allowance for limitations on the number of high risk persons
46 that must be included in any proposal.

1 4. For analysis of the proposals for each geographic service area as
2 defined by the director to ensure the provision of health and medical
3 services that are required to be provided throughout the geographic service
4 area pursuant to section 36-2907.

5 5. For the submittal of proposals by a group disability insurer, A
6 hospital and medical service corporation, A health care services organization
7 or any other qualified public or private person intending to submit a
8 proposal pursuant to this section. Each qualified proposal shall be entered
9 with separate categories for the distinct groups of persons to be covered by
10 the proposed contracts, as set forth in the request for proposal.

11 6. For the procurement of reinsurance for expenses incurred by any
12 contractor or member or the system in providing services in excess of amounts
13 specified by the director in any contract year. The director shall adopt
14 rules to provide that the administrator may specify guidelines on a case by
15 case basis for the types of care and services that may be provided to a
16 person whose care is covered by reinsurance. The rules shall provide that if
17 a contractor does not follow specified guidelines for care or services and if
18 the care or services could be provided pursuant to the guidelines at a lower
19 cost the contractor is entitled to reimbursement as if the care or services
20 specified in the guidelines had been provided.

21 7. For the awarding of contracts to contractors with qualified
22 proposals determined to be the most advantageous to the state for each of the
23 counties in this state. A contract may be awarded that provides services
24 only to persons defined as eligible pursuant to section 36-2901, paragraph 6,
25 subdivision (b), (c), (d) or (e). The director may provide by rule a second
26 round competitive proposal procedure for the director to request voluntary
27 price reduction of proposals from only those that have been tentatively
28 selected for award, before the final award or rejection of proposals.

29 8. For the requirement that any proposal in a geographic service area
30 provide for the full range of system covered services.

31 9. For the option of the administration to waive the requirement in
32 any request for proposal or in any contract awarded pursuant to a request for
33 proposal for a subcontract with a hospital for good cause in a county or area
34 including but not limited to situations when such hospital is the only
35 hospital in the health service area. In any situation where the subcontract
36 requirement is waived, no hospital may refuse to treat members of the system
37 admitted by primary care physicians or primary care practitioners with
38 hospital privileges in that hospital. In the absence of a subcontract, the
39 reimbursement level shall be at the levels specified in section 36-2904,
40 subsection H or I.

41 D. Reinsurance may be obtained against expenses in excess of a
42 specified amount on behalf of any individual for system covered emergency or
43 inpatient services either through the purchase of a reinsurance policy or
44 through a system self-insurance program as determined by the director.
45 Reinsurance, subject to the approval of the director, may be obtained against
46 expenses in excess of a specified amount on behalf of any individual for

1 outpatient services either through the purchase of a reinsurance policy or
2 through a system self-insurance program as determined by the director.

3 E. Notwithstanding the other provisions of this section, the
4 administration may procure, provide or coordinate system covered services by
5 interagency agreement with authorized agencies of this state or with a
6 federal agency for distinct groups of eligible persons, including persons
7 eligible for children's rehabilitative services THROUGH THE DEPARTMENT OF
8 ECONOMIC SECURITY and persons eligible for comprehensive medical and dental
9 program services through the department of ~~economic security~~ CHILD SAFETY.

10 F. Contracts shall be awarded as otherwise provided by law, except
11 that in no event may a contract be awarded to any respondent that will cause
12 the system to lose any federal monies to which it is otherwise entitled.

13 G. After contracts are awarded pursuant to this section, the director
14 may negotiate with any successful proposal respondent for the expansion or
15 contraction of services or service areas if there are unnecessary gaps or
16 duplications in services or service areas.

17 Sec. 112. Section 36-2930, Arizona Revised Statutes, is amended to
18 read:

19 36-2930. Prescription drug rebate fund; exemption; definition

20 A. The prescription drug rebate fund is established consisting of
21 prescription drug rebate collections, interest from prescription drug rebate
22 late payments and federal monies made available to this state for the
23 operation of the Arizona health care cost containment system prescription
24 drug rebate program. The administration shall administer the fund.
25 Nonfederal monies in the fund are subject to annual legislative
26 appropriation. Federal monies in the fund are continuously appropriated and
27 are exempt from the provisions of section 35-190 relating to the lapsing of
28 appropriations.

29 B. Monies in the fund shall be used to return the federal share of
30 prescription drug rebate collections and interest from late payments to the
31 centers for medicare and medicaid services by offsetting future federal
32 draws, to pay for the administrative costs of the prescription drug rebate
33 program and as the nonfederal share for payments to contractors or providers
34 in the administration's medical services programs. The nonfederal share of
35 prescription drug rebate collections and interest from late payments include
36 rebates relating to programs administered by the department of economic
37 security, THE DEPARTMENT OF CHILD SAFETY, the department of health services
38 and other governmental entities that contribute to the nonfederal share for
39 prescription drugs.

40 C. For the purposes of this section, "administrative costs of the
41 prescription drug rebate program" includes:

- 42 1. Payments to the prescription drug rebate vendor.
- 43 2. Administrative costs of the administration in support of the
44 prescription drug rebate program.

45 Sec. 113. Section 36-2988, Arizona Revised Statutes, is amended to
46 read:

1 36-2988. Delivery of services; health plans; requirements

2 A. To the extent possible, the administration shall use contractors
3 that have a contract with the administration pursuant to article 1 of this
4 chapter or qualifying plans to provide services to members who qualify for
5 the program.

6 B. The administration has full authority to amend existing contracts
7 awarded pursuant to article 1 of this chapter.

8 C. As determined by the director, reinsurance may be provided against
9 expenses in excess of a specified amount on behalf of any member for covered
10 emergency services, inpatient services or outpatient services in the same
11 manner as reinsurance provided under article 1 of this chapter. Subject to
12 the approval of the director, reinsurance may be obtained against expenses in
13 excess of a specified amount on behalf of any member.

14 D. Notwithstanding any other law, the administration may procure,
15 provide or coordinate covered services by interagency agreement with
16 authorized agencies of this state for distinct groups of members, including
17 persons eligible for children's rehabilitative services **THROUGH THE**
18 **DEPARTMENT OF ECONOMIC SECURITY** and members eligible for comprehensive
19 medical and dental benefits through the department of ~~economic security~~ **CHILD**
20 **SAFETY**.

21 E. After contracts are awarded pursuant to this section, the director
22 may negotiate with any successful bidder for the expansion or contraction of
23 services or service areas.

24 F. Payments to contractors shall be made monthly and may be subject to
25 contract provisions requiring the retention of a specified percentage of the
26 payment by the director, a reserve fund or any other contract provisions by
27 which adjustments to the payments are made based on utilization efficiency,
28 including incentives for maintaining quality care and minimizing unnecessary
29 inpatient services. Reserve monies withheld from contractors shall be
30 distributed to providers who meet performance standards established by the
31 director. Any reserve fund established pursuant to this subsection shall be
32 established as a separate account within the Arizona health care cost
33 containment system.

34 G. The director may negotiate at any time with a hospital on behalf of
35 a contractor for inpatient hospital services and outpatient hospital services
36 provided pursuant to the requirements specified in section 36-2904.

37 H. A contractor may require that subcontracting providers or
38 noncontracting providers be paid for covered services, other than hospital
39 services, according to the capped fee-for-service schedule adopted by the
40 administration or at lower rates as may be negotiated by the contractor.

41 I. A school district may perform outreach and information activities
42 that relate to this article, with permission of the school principal and
43 school district. The administration and contractors may collaborate with
44 entities such as community based organizations, faith based organizations,
45 schools and school districts for outreach and information activities related
46 to this article. Outreach and information activities shall not include

1 delivery of services, screening activities, eligibility determination or
2 enrollment related to this article. Outreach and information activities
3 include promotion of health care coverage, participation in school events and
4 distribution of applications and materials to pupils and their families.
5 Outreach and information activities performed by the administration,
6 contractors or a school district shall not reduce or interfere with classroom
7 instruction time.

8 J. The administration is exempt from the procurement code pursuant to
9 section 41-2501.

10 Sec. 114. Section 36-3434, Arizona Revised Statutes, is amended to
11 read:

12 36-3434. Current service delivery system; continuation

13 Nothing in this article relieves the state department of corrections,
14 the department of economic security, ~~THE DEPARTMENT OF CHILD SAFETY~~, the
15 department of education, the Arizona health care cost containment system or
16 the Arizona supreme court from any current responsibility as prescribed by
17 state or federal law.

18 Sec. 115. Section 36-3435, Arizona Revised Statutes, is amended to
19 read:

20 36-3435. Intergovernmental agreement; needs and resources
21 assessment; funding and service delivery plan;
22 definition

23 A. Pursuant to section 11-952 the department of health services, the
24 department of ~~economic security~~ ~~CHILD SAFETY~~, the state department of
25 corrections, the department of education and the supreme court shall enter
26 into an intergovernmental agreement to develop a coordinated multiagency
27 assessment of needs and resources and to develop a plan for interagency
28 cooperation relating to funding and service delivery for children with
29 behavioral health problems. The plan shall designate agency areas of
30 responsibility for delivery of services. The needs and resources assessment
31 study shall be completed within one year after the intergovernmental
32 agreement is entered into. The funding and service delivery plan shall be
33 completed within two years after the agreement is entered into.

34 B. The department of health services shall require each contract that
35 is awarded, renewed or amended with any regional behavioral health authority,
36 subcontractor or service provider to specify that every reasonable effort
37 must be made to provide services outside of regular school hours for any
38 child who is placed in out-of-home care pursuant to title 8, chapter ~~10~~ 4,
39 ~~ARTICLE 8, 9, 10, 11, 12, 13 OR 14.~~

40 C. For the purposes of this section, "services" includes appointments
41 and activities not related to school.

42 Sec. 116. Section 36-3501, Arizona Revised Statutes, is amended to
43 read:

44 36-3501. Child fatality review team; membership; duties

1 A. The child fatality review team is established in the department of
2 health services. The team is composed of the head of the following
3 departments, agencies, councils or associations, or that person's designee:

- 4 1. Attorney general.
- 5 2. Office of women's and children's health in the department of health
6 services.
- 7 3. Office of planning and health status monitoring in the department
8 of health services.
- 9 4. Division of behavioral health in the department of health services.
- 10 5. Division of developmental disabilities in the department of
11 economic security.
- 12 6. ~~Division of children and family services in the~~ Department of
13 ~~economic security~~ CHILD SAFETY.
- 14 7. Governor's office for children.
- 15 8. Administrative office of the courts.
- 16 9. Parent assistance office of the supreme court.
- 17 10. Department of juvenile corrections.
- 18 11. Arizona chapter of a national pediatric society.

19 B. The director of the department of health services shall appoint the
20 following members to serve staggered three year terms:

- 21 1. A medical examiner who is a forensic pathologist.
- 22 2. A maternal and child health specialist involved with the treatment
23 of native Americans.
- 24 3. A representative of a private nonprofit organization of tribal
25 governments in this state.
- 26 4. A representative of the Navajo tribe.
- 27 5. A representative of the United States military family advocacy
28 program.
- 29 6. A representative of a statewide prosecuting attorneys advisory
30 council.
- 31 7. A representative of a statewide law enforcement officers advisory
32 council who is experienced in child homicide investigations.
- 33 8. A representative of an association of county health officers.
- 34 9. A child advocate who is not employed by or an officer of this state
35 or a political subdivision of this state.
- 36 10. A public member. If local teams are formed pursuant to this
37 article, the director of the department of health services shall select this
38 member from one of those local teams.

39 C. The team shall:

- 40 1. Develop a child fatalities data collection system.
- 41 2. Provide training to cooperating agencies, individuals and local
42 child fatality review teams on the use of the child fatalities data system.
- 43 3. Conduct an annual statistical report on the incidence and causes of
44 child fatalities in this state during the past fiscal year and submit a copy
45 of this report, including its recommendations for action, to the governor,

1 the president of the senate and the speaker of the house of representatives
2 on or before November 15 of each year.

3 4. Encourage and assist in the development of local child fatality
4 review teams.

5 5. Develop standards and protocols for local child fatality review
6 teams and provide training and technical assistance to these teams.

7 6. Develop protocols for child fatality investigations, including
8 protocols for law enforcement agencies, prosecutors, medical examiners,
9 health care facilities and social service agencies.

10 7. Study the adequacy of statutes, ordinances, rules, training and
11 services to determine what changes are needed to decrease the incidence of
12 preventable child fatalities and, as appropriate, take steps to implement
13 these changes.

14 8. Provide case consultation on individual cases to local teams if
15 requested.

16 9. Educate the public regarding the incidence and causes of child
17 fatalities as well as the public's role in preventing these deaths.

18 10. Designate a team chairperson.

19 11. Develop and distribute an informational brochure that describes the
20 purpose, function and authority of a team. The brochure shall be available
21 at the offices of the department of health services.

22 12. Evaluate the incidence and causes of maternal fatalities associated
23 with pregnancy in this state. For the purposes of this paragraph, "maternal
24 fatalities associated with pregnancy" means the death of a woman while she is
25 pregnant or within one year after the end of her pregnancy.

26 13. Inform the governor and the legislature of the need for specific
27 recommendations regarding unexplained infant death.

28 14. Periodically review the infant death investigation checklist
29 developed by the department of health services pursuant to section 36-3506.
30 In reviewing the checklist, the review team shall consider guidelines
31 endorsed by national infant death organizations.

32 D. Team members are not eligible to receive compensation, but members
33 appointed pursuant to subsection B are eligible for reimbursement of expenses
34 pursuant to title 38, chapter 4, article 2.

35 E. The department of health services shall provide professional and
36 administrative support to the team.

37 F. Notwithstanding subsections C and D of this section, this section
38 ~~shall~~ DOES not ~~be construed to~~ require expenditures above the revenue
39 available from the child fatality review fund.

40 Sec. 117. Section 36-3502, Arizona Revised Statutes, is amended to
41 read:

42 36-3502. Local teams; membership; duties

43 A. If local child fatality teams are organized, they shall abide by
44 the standards and protocol for local child fatality review teams developed by
45 the state team and must have prior authorization from the state team to

1 conduct fatality reviews. Local teams shall be composed of the head of the
2 following departments, agencies or associations, or that person's designee:

- 3 1. County medical examiner.
- 4 2. ~~Child protective services office of the~~ Department of ~~economic~~
5 ~~security~~ CHILD SAFETY.
- 6 3. County health department.

7 B. The chairperson of the state child fatality review team shall
8 appoint the following members of the local team:

- 9 1. A domestic violence specialist.
- 10 2. A psychiatrist or psychologist licensed in this state.
- 11 3. A pediatrician certified by the American board of pediatrics or a
12 family practice physician certified by the American board of family
13 practice. The pediatrician or family practice physician shall also be
14 licensed in this state.
- 15 4. A person from a local law enforcement agency.
- 16 5. A person from a local prosecutors office.
- 17 6. A parent.

18 C. If local child fatality teams are authorized, they shall:

- 19 1. Designate a team chairperson who shall review the death
20 certificates of all children who die within the team's jurisdiction and call
21 meetings of the team when necessary.
- 22 2. Assist the state team in collecting data on child fatalities.
- 23 3. Submit written reports to the state team as directed by that
24 team. These reports shall include nonidentifying information on individual
25 cases and steps taken by the local team to implement necessary changes and
26 improve the coordination of services and investigations.

27 Sec. 118. Section 36-3903, Arizona Revised Statutes, as transferred
28 and renumbered by this act, is amended to read:

29 36-3903. License fee

30 A. The fee for a children's camp license issued by the department of
31 health services shall be one hundred dollars for the first license and
32 twenty-five dollars for each renewal of the license thereafter. All funds
33 collected from this source shall be deposited, pursuant to sections 35-146
34 and 35-147, in the state general fund.

35 B. A county to which the department of health services has delegated
36 powers and duties pursuant to section ~~8-568~~ 36-3915 may charge and collect a
37 license fee. A county shall not charge a fee in excess of the cost of
38 providing the service for which the fee is charged. The county shall
39 transmit fees collected pursuant to this subsection to the county treasurer.

40 Sec. 119. Section 41-191.09, Arizona Revised Statutes, is amended to
41 read:

42 41-191.09. Attorney general legal services cost allocation
43 fund; contributions; annual report; exemptions

44 A. The attorney general legal services cost allocation fund is
45 established for the purpose of reimbursing the department of law for general

1 agency counsel. Monies in the fund are subject to legislative appropriation.
2 The attorney general shall administer the fund.

3 B. Except as provided in subsection E of this section, each state
4 agency or department may be charged for general agency counsel provided by
5 the department of law. The amount, if any, shall be specified annually in
6 the general appropriations act.

7 C. On or before September 1 of each year, each state agency or
8 department shall submit to the joint legislative budget committee for review
9 a report identifying the funding sources for the monies to be deposited
10 pursuant to this section. The funding sources may not include the state
11 general fund, federal funds or other funds that are legally restricted from
12 making such payments.

13 D. A claim for the legal services cost allocation payment shall be
14 submitted according to the fund source to the department of administration
15 for deposit in the attorney general legal services cost allocation fund.

16 E. The following agencies are exempt from this section:

- 17 1. The department of water resources.
- 18 2. The residential utility consumer office.
- 19 3. The industrial commission.
- 20 4. The universities and the Arizona board of regents.
- 21 5. The auditor general.
- 22 6. The corporation commission.
- 23 7. The office of the governor.
- 24 8. The department of law.
- 25 9. The house of representatives.
- 26 10. The senate.
- 27 11. The joint legislative budget committee.
- 28 12. The Arizona state library, archives and public records.
- 29 13. The legislative council.
- 30 14. The department of administration risk management fund.
- 31 15. The department of transportation.
- 32 16. The Arizona game and fish department.
- 33 17. The department of economic security.
- 34 18. The Arizona health care cost containment system.
- 35 19. The superior court.
- 36 20. The court of appeals.
- 37 21. The supreme court.
- 38 22. The Arizona department of agriculture and councils that receive
39 administrative and budgetary services from the Arizona department of
40 agriculture.
- 41 23. All self-supporting regulatory agencies as determined pursuant to
42 section 35-143.01.
- 43 24. The Arizona commerce authority.
- 44 25. THE DEPARTMENT OF CHILD SAFETY.

1 F. Monies in the attorney general legal services cost allocation fund
2 are exempt from lapsing to the state general fund at the end of each fiscal
3 year.

4 Sec. 120. Section 41-619.51, Arizona Revised Statutes, as amended by
5 Laws 2013, chapter 128, section 11, is amended to read:

6 41-619.51. Definitions

7 In this article, unless the context otherwise requires:

8 1. "Agency" means the supreme court, the department of economic
9 security, THE DEPARTMENT OF CHILD SAFETY, the department of education, the
10 department of health services, the department of juvenile corrections, the
11 department of emergency and military affairs, the department of
12 transportation, the state real estate department or the board of examiners of
13 nursing care institution administrators and assisted living facility
14 managers.

15 2. "Board" means the board of fingerprinting.

16 3. "Central registry exception" means notification to the department
17 of economic security or the department of health services, as appropriate,
18 pursuant to section 41-619.57 that the person is not disqualified because of
19 a central registry check conducted pursuant to section 8-804.

20 4. "Expedited review" means an examination, in accordance with board
21 rule, of the documents an applicant submits by the board or its hearing
22 officer without the applicant being present.

23 5. "Good cause exception" means the issuance of a fingerprint
24 clearance card to an employee pursuant to section 41-619.55.

25 6. "Person" means a person who is required to be fingerprinted
26 pursuant to this article or who is subject to a central registry check and
27 any of the following:

- 28 (a) Section 8-105.
- 29 (b) Section 8-322.
- 30 (c) Section 8-509.
- 31 (d) Section 8-802.
- 32 (e) Section 8-804.
- 33 (f) Section 8-804.01.
- 34 (g) Section 15-183.
- 35 (h) Section 15-534.
- 36 (i) Section 15-782.02.
- 37 (j) Section 15-1330.
- 38 (k) Section 15-1881.
- 39 (l) Section 17-215.
- 40 (m) Section 26-103.
- 41 (n) Section 32-2108.01.
- 42 (o) Section 32-2123.
- 43 (p) Section 32-2371.
- 44 (q) Section 32-2372.
- 45 (r) Section 36-207.
- 46 (s) Section 36-411.

- 1 (t) Section 36-425.03.
- 2 (u) Section 36-446.04.
- 3 (v) Section 36-594.01.
- 4 (w) Section 36-594.02.
- 5 (x) Section 36-882.
- 6 (y) Section 36-883.02.
- 7 (z) Section 36-897.01.
- 8 (aa) Section 36-897.03.
- 9 (bb) Section 36-3008.
- 10 (cc) Section 41-619.53.
- 11 (dd) Section 41-1964.
- 12 (ee) Section 41-1967.01.
- 13 (ff) Section 41-1968.
- 14 (gg) Section 41-1969.
- 15 (hh) Section 41-2814.
- 16 (ii) Section 46-141, subsection A.
- 17 (jj) Section 46-321.
- 18 Sec. 121. Repeal
- 19 Section 41-619.51, Arizona Revised Statutes, as amended by Laws 2013,
- 20 chapter 129, section 24, is repealed.
- 21 Sec. 122. Section 41-619.52, Arizona Revised Statutes, is amended to
- 22 read:
- 23 41-619.52. Board of fingerprinting; organization; meetings
- 24 A. The board of fingerprinting is established consisting of the
- 25 following members:
- 26 1. A representative of the supreme court who is appointed by the chief
- 27 justice of the supreme court.
- 28 2. A representative of the department of economic security who is
- 29 appointed by the director of the department of economic security.
- 30 3. A representative of the department of education who is appointed by
- 31 the superintendent of public instruction.
- 32 4. A representative of the department of health services who is
- 33 appointed by the director of the department of health services.
- 34 5. A representative of the department of juvenile corrections who is
- 35 appointed by the director of the department of juvenile corrections.
- 36 **6. A REPRESENTATIVE OF THE DEPARTMENT OF CHILD SAFETY WHO IS APPOINTED**
- 37 **BY THE DIRECTOR OF THE DEPARTMENT OF CHILD SAFETY.**
- 38 B. At its initial meeting and annually thereafter, the board shall
- 39 elect a chairperson and vice-chairperson from among its members and any other
- 40 officers that are deemed necessary or advisable.
- 41 C. The board shall meet at least once each calendar quarter and
- 42 additionally as the chairperson deems necessary. A majority of the members
- 43 constitutes a quorum for the transaction of business.
- 44 D. Board members:
- 45 1. Serve at the pleasure of the appointing authority.

1 2. Are not eligible for compensation but are eligible for
2 reimbursement of expenses pursuant to title 38, chapter 4, article 2.

3 3. Shall have a valid fingerprint clearance card issued pursuant to
4 section 41-1758.07.

5 E. The chief justice, the superintendent of public instruction or a
6 department director may designate an alternate member to represent a member
7 who is appointed pursuant to subsection A by the chief justice, the
8 superintendent of public instruction or a department director, respectively.

9 Sec. 123. Section 41-619.53, Arizona Revised Statutes, is amended to
10 read:

11 41-619.53. Board of fingerprinting; powers and duties;
12 personnel; liability

13 A. The board of fingerprinting shall:

14 1. Determine good cause exceptions pursuant to section 41-619.55 and
15 central registry exceptions pursuant to section 41-619.57. The board may
16 appoint a hearing officer to recommend that an applicant be granted or denied
17 a good cause exception or central registry exception after the hearing
18 officer conducts an expedited review, a good cause exception hearing or a
19 central registry exception hearing.

20 2. Adopt rules to implement this article, including rules to establish
21 good cause exceptions for the issuance of fingerprint clearance cards
22 pursuant to sections 41-1758.03 and 41-1758.07 and central registry
23 exceptions pursuant to section 8-804. This rule making is exempt from the
24 requirements of chapter 6 of this title.

25 3. Administer and enforce this article and rules adopted pursuant to
26 this article.

27 4. Furnish a copy of its rules, on request, to all applicants who
28 petition the board for a good cause exception pursuant to sections 41-1758.03
29 and 41-1758.07 or a central registry exception pursuant to section 8-804 and,
30 on request, to licensees, contract providers and state agencies.

31 5. Establish fees.

32 B. In order to grant a good cause exception or a central registry
33 exception, a majority plus an additional member, of the members present, must
34 vote to approve the application. If the board grants a good cause exception,
35 the board shall request in writing that the department of public safety issue
36 a card to the applicant. If the board grants a central registry exception,
37 the board shall notify **THE DEPARTMENT OF CHILD SAFETY**, the department of
38 economic security or the department of health services, as appropriate, in
39 writing.

40 C. Subject to chapter 4, article 4 of this title, the board may employ
41 clerical, professional and technical personnel subject to fee monies that are
42 collected and to the budget that is approved by the board members and shall
43 prescribe personnel duties and determine personnel compensation. Personnel
44 employed by the board must have a valid fingerprint clearance card issued
45 pursuant to section 41-1758.07. If the applicant is denied a fingerprint

1 clearance card, in order to be employed by the board, the board must grant a
2 good cause exception pursuant to this article by a unanimous vote.

3 D. In making any recommendation to the board to grant or deny a good
4 cause exception or central registry exception, the hearing officer shall
5 consider all of the reasons and criteria prescribed in section 41-619.55,
6 subsection E or section 41-619.57, subsection E.

7 E. Members and employees of the board are not liable for acts done or
8 actions taken by any board member or employee if the members or employees act
9 in good faith following the requirements of this article.

10 Sec. 124. Section 41-619.57, Arizona Revised Statutes, is amended to
11 read:

12 41-619.57. Central registry exceptions; expedited review;
13 hearing

14 A. The board shall determine central registry exceptions for each
15 substantiated report pursuant to section 8-804. The board shall determine a
16 central registry exception after an expedited review or after a central
17 registry exception hearing. The board shall conduct an expedited review
18 within twenty days after receiving an application for a central registry
19 exception.

20 B. Within forty-five days after conducting an expedited review, the
21 board shall hold a central registry exception hearing if the board determines
22 that the applicant does not qualify for a central registry exception under an
23 expedited review but is qualified to apply for a central registry exception
24 and the applicant submits an application for a central registry exception
25 within the time limits prescribed by rule.

26 C. When determining whether a person is eligible to receive a central
27 registry exception pursuant to section 8-804, the board shall consider
28 whether the person has shown to the board's satisfaction that the person is
29 successfully rehabilitated and is not a recidivist. Before granting a
30 central registry exception under expedited review, the board shall consider
31 all of the criteria listed in subsection E of this section.

32 D. The following persons shall be present during central registry
33 exception hearings:

34 1. The board or its hearing officer.

35 2. The person who requested the central registry exception hearing.
36 The person may be accompanied by a representative at the hearing.

37 E. The board may grant a central registry exception at a hearing if
38 the person shows to the board's satisfaction that the person is successfully
39 rehabilitated and is not a recidivist. The board may consider the person's
40 criminal record in determining if a person has been successfully
41 rehabilitated. If the applicant fails to appear at the hearing without good
42 cause, the board may deny a central registry exception. The board shall
43 grant or deny a central registry exception within eighty days after the
44 central registry exception hearing. Before granting a central registry
45 exception at a hearing the board shall consider all of the following in
46 accordance with board rule:

- 1 1. The extent of the person's central registry records.
- 2 2. The length of time that has elapsed since the abuse or neglect
- 3 occurred.
- 4 3. The nature of the abuse or neglect.
- 5 4. Any applicable mitigating circumstances.
- 6 5. The degree to which the person participated in the abuse or
- 7 neglect.
- 8 6. The extent of the person's rehabilitation, including:
 - 9 (a) Evidence of positive action to change the person's behavior, such
 - 10 as completion of counseling or a drug treatment, domestic violence or
 - 11 parenting program.
 - 12 (b) Personal references attesting to the person's rehabilitation.
- 13 F. If the board grants a central registry exception to a person, the
- 14 board shall notify [THE DEPARTMENT OF CHILD SAFETY](#), the department of economic
- 15 security or the department of health services, as appropriate, in writing.
- 16 G. A person who is granted a central registry exception is not
- 17 entitled to have the person's report and investigation outcome purged from
- 18 the central registry except as required pursuant to section 8-804,
- 19 subsections ~~D~~- F and ~~E~~- G.
- 20 H. Pending the outcome of a central registry exception determination,
- 21 a central registry exception applicant may not provide direct services to
- 22 children pursuant to title 36, chapter 7.1.
- 23 I. The board is exempt from chapter 6, article 10 of this title.
- 24 Sec. 125. Section 41-621, Arizona Revised Statutes, is amended to
- 25 read:
 - 26 41-621. Purchase of insurance; coverage; limitations;
 - 27 exclusions; definitions
 - 28 A. The department of administration shall obtain insurance against
 - 29 loss, to the extent it is determined necessary and in the best interests of
 - 30 the state as provided in subsection F of this section, on the following:
 - 31 1. All state owned buildings, including those of the universities,
 - 32 excluding buildings of community colleges, whether financed in whole or in
 - 33 part by state monies or buildings in which the state has an insurable
 - 34 interest as determined by the department of administration.
 - 35 2. Contents in any buildings owned, leased or rented, in whole or in
 - 36 part, by or to the state, excluding buildings of community colleges, and
 - 37 reported to the department of administration.
 - 38 3. The state and its departments, agencies, boards and commissions and
 - 39 all officers, agents and employees thereof and such others as may be
 - 40 necessary to accomplish the functions or business of the state and its
 - 41 departments, agencies, boards and commissions against liability for acts or
 - 42 omissions of any nature while acting in authorized governmental or
 - 43 proprietary capacities and in the course and scope of employment or
 - 44 authorization except as prescribed by this chapter.
 - 45 4. All personal property reported to the department of administration,
 - 46 including vehicles and aircraft owned by the state and its departments,

1 agencies, boards and commissions and all non-owned personal property which is
2 under the clear responsibility of this state because of written leases or
3 other written agreements.

4 5. The state and its departments, agencies, boards and commissions
5 against casualty, use and occupancy and liability losses of every nature
6 except as prescribed by this chapter.

7 6. Workers' compensation and employers' liability insurance.

8 7. Design and construction of buildings, roads, environmental
9 remediations and other construction projects.

10 8. Other exposures to loss where insurance may be required to protect
11 this state and its departments, agencies, boards and commissions and all
12 officers, agents and employees acting in the course and scope of employment
13 or authorization except as prescribed by this chapter.

14 B. To the extent it is determined necessary and in the best interests
15 of the state, the department of administration shall obtain insurance or
16 provide for state self-insurance against property damage caused by clients
17 and liability coverage resulting from the direct or incidental care of
18 clients participating in programs of the state and its departments, agencies,
19 boards or commissions relating to custodial care. The insurable programs
20 shall include foster care, programs for the developmentally disabled, an
21 independent living program pursuant to section 8-521 and respite-sitter
22 service programs. The department shall obtain insurance or provide for state
23 self-insurance pursuant to this subsection to protect the clients
24 participating in these programs and individual providers of these program
25 services on behalf of the state and its departments, agencies, boards or
26 commissions. The insurance provided under this subsection does not include
27 medical or workers' compensation coverage for providers. The department may
28 include in its annual budget request pursuant to section 41-622, subsection D
29 a charge for the insurance or self-insurance provided in this subsection. To
30 assist in carrying out the provisions of this subsection, the department
31 shall establish a seven member advisory board in accordance with the
32 following provisions:

33 1. The board shall consist of three members appointed by the director
34 of the department of administration, at least one of whom shall be a foster
35 parent, ~~two members~~ ONE MEMBER appointed by the director of the department of
36 economic security, ONE MEMBER APPOINTED BY THE DIRECTOR OF THE DEPARTMENT OF
37 CHILD SAFETY, one member appointed by the director of the state department of
38 corrections, and one member appointed by the administrative director of the
39 courts.

40 2. The board shall elect a chairman from among its members.

41 3. The board shall hold at least two meetings a year or shall meet at
42 the call of the chairman.

43 4. Board members shall serve for three year terms.

44 5. Board members are not eligible to receive compensation but are
45 eligible for reimbursement of expenses pursuant to title 38, chapter 4,
46 article 2.

1 6. The board shall provide advice to the department regarding coverage
2 and administration of the provisions of this subsection and shall assist the
3 department in coordinating its activities pursuant to this subsection with
4 state departments, agencies, boards and commissions.

5 C. The department of administration may obtain insurance against loss,
6 to the extent it is determined necessary and in the best interests of the
7 state as provided in subsection F of this section for the professional
8 liability of individual physicians and psychiatrists who provide services
9 under a contract with the state department of corrections. Coverage is
10 limited to acts and omissions committed inside a state department of
11 corrections facility while in the performance of the contract and to
12 individual physicians and psychiatrists who demonstrate to the satisfaction
13 of the state department of corrections that they cannot otherwise obtain
14 professional liability coverage for the services required by the contract.
15 The director of the department of administration may impose on the state
16 department of corrections a deductible for each loss that arises out of a
17 professional liability claim pursuant to this subsection. Any changes in
18 deductible amounts established by the director shall be subject to review by
19 the joint legislative budget committee.

20 D. The department of administration may obtain property, liability,
21 disability or workers' compensation insurance, self-insure or develop risk
22 retention pools to provide for payment of property loss or casualty claims or
23 disability insurance claims against contractors of this state with the
24 approval of the joint legislative budget committee. With respect to
25 insurance, self-insurance or risk retention pools for contractors licensed
26 and contracted to do work for this state, the coverage afforded applies with
27 respect to the conduct of the business entity of that contractor. The pool
28 is available to all contractors regardless of the amount that the state
29 contracted work bears in relation to the amount of nonstate contracted work.
30 The contractor shall be terminated from the pool if the contractor ceases to
31 be a state contractor.

32 E. The department of administration may determine, in the best
33 interests of the state, that state self-insurance is necessary or desirable
34 and, if that decision is made, shall provide for state self-insurance for
35 losses arising out of state property, liability or workers' compensation
36 claims prescribed by subsection A of this section. If the department of
37 administration provides state self-insurance, such coverage shall be excess
38 over any other valid and collectible insurance. The director of the
39 department of administration may impose on state departments, agencies,
40 boards and commissions a deductible for each loss that arises out of a
41 property, liability or workers' compensation loss pursuant to this
42 subsection. Any changes in deductible amounts established by the director
43 shall be subject to review by the joint legislative budget committee.

44 F. In carrying out the provisions of this chapter, the department of
45 administration shall establish and provide the state with some or all of the
46 necessary risk management services, or shall contract for risk management

1 services pursuant to chapter 23 of this title, as the director of the
2 department of administration deems necessary in the best interest of the
3 state, and may, in addition to other specifications of such coverage as
4 deemed necessary, determine self-insurance to be established. The provisions
5 of chapter 23 of this title shall not apply to the department of
6 administration's procurement of insurance to cover losses arising out of
7 state property or liability claims prescribed in subsections A and D of this
8 section or excess loss insurance for the state's workers' compensation
9 liability for individual or aggregate claims, or both, in such amounts and at
10 such primary retention levels as the department of administration deems in
11 the best interest of the state. In purchasing insurance to cover losses
12 arising out of state property or liability claims prescribed by subsection A
13 of this section, the department of administration is not subject to the
14 provisions of title 20, chapter 2, article 5.

15 G. No successful bidder for risk management services pursuant to this
16 section shall be entitled to receive directly or indirectly any sales
17 commission, contingent commission, excess profit commission, or other
18 commissions, or anything of value, as payment for the risk management
19 services except those amounts received directly from this state as payment
20 for the risk management services.

21 H. The department of administration shall pay for purchased risk
22 management services, premiums for insurance on state property and state
23 liability and workers' compensation pursuant to the provisions of this
24 chapter.

25 I. A state officer, agent or employee acting in good faith, without
26 wanton disregard of his statutory duties and under the authority of an
27 enactment that is subsequently declared to be unconstitutional, invalid or
28 inapplicable is not personally liable for an injury or damage caused thereby
29 except to the extent that he would have been personally liable had the
30 enactment been constitutional, valid and applicable.

31 J. A state officer, agent or employee, except as otherwise provided by
32 statute, is not personally liable for an injury or damage resulting from his
33 act or omission in a public official capacity where the act or omission was
34 the result of the exercise of the discretion vested in him if the exercise of
35 the discretion was done in good faith without wanton disregard of his
36 statutory duties.

37 K. The state and its departments, agencies, boards and commissions are
38 immune from liability for losses arising out of a judgment for willful and
39 wanton conduct resulting in punitive or exemplary damages.

40 L. The following exclusions shall apply to subsections A, B and E of
41 this section:

42 1. Losses against this state and its departments, agencies, boards and
43 commissions that arise out of and are directly attributable to an act or
44 omission determined by a court to be a felony by a person who is provided
45 coverage pursuant to this article unless the state knew of the person's

1 propensity for that action, except those acts arising out of the operation or
2 use of a motor vehicle.

3 2. Losses arising out of contractual breaches.

4 M. If self-insurance coverage is determined to exist, the attorney
5 general, with funds provided by the department of administration, shall
6 provide for the defense, either through his office or by appointment of
7 outside legal counsel, of the state and its departments, agencies, boards and
8 commissions and all officers, agents and employees thereof and such others as
9 are insured by the department of administration for or on account of their
10 acts or omissions covered pursuant to this chapter. All state departments,
11 agencies, boards and commissions, all officers, agents and employees thereof
12 and such others as are insured by the department of administration shall
13 cooperate fully with the attorney general and department of administration in
14 the defense of claims arising pursuant to this chapter.

15 N. A claim for liability damages made pursuant to this chapter may be
16 settled and payment made up to the amount of twenty-five thousand dollars or
17 such higher limit as may be established by the joint legislative budget
18 committee with the approval of the director of the department of
19 administration. A claim over the amount of twenty-five thousand dollars up
20 to fifty thousand dollars or such higher limit as may be established by the
21 joint legislative budget committee may be settled and payment made with the
22 approval of the director of the department of administration and the attorney
23 general. Any claim over the amount of fifty thousand dollars or such higher
24 limit as may be established by the joint legislative budget committee may be
25 settled and payment made with the approval of the director of the department
26 of administration, the attorney general and the joint legislative budget
27 committee. If it is in the best interest of this state, the joint
28 legislative budget committee may establish higher settlement limits. Any
29 settlements involving amounts in excess of fifty thousand dollars or such
30 higher limit as may be established by the joint legislative budget committee
31 shall be approved by the department of administration, the attorney general
32 and the joint legislative budget committee pursuant to the authority granted.
33 The settlement of liability claims shall be solely the authority of the
34 department of administration, the attorney general and the joint legislative
35 budget committee. No state department, agency, board or commission or any
36 officer, agent or employee of this state may voluntarily make any payment,
37 assume any obligation, incur any expense or maintain the individual right of
38 consent for liability claims made pursuant to this chapter except as provided
39 by this section.

40 O. Neither the authority provided by this section to insure, nor the
41 exercise of such authority, shall:

42 1. Impose any liability on this state or the departments, agencies,
43 boards and commissions or any officers, agents and employees of this state
44 unless such liability otherwise exists.

1 2. Impair any defense this state or the departments, agencies, boards
2 and commissions or any officers, agents and employees of this state otherwise
3 may have.

4 P. The department of administration shall pay, on behalf of any state
5 officer, agent or employee, any damages, excluding punitive damages, for
6 which the officer, agent or employee becomes legally responsible if the acts
7 or omissions resulting in liability were within the officer's, agent's or
8 employee's course and scope of employment. The department of administration
9 may pay for all damages however designated which the officer, agent or
10 employee becomes legally responsible for if the acts or omissions resulting
11 in liability are determined by the director of the department of
12 administration to be within the person's course and scope of employment.

13 Q. The department of administration shall adopt such rules as are
14 deemed necessary to carry out, implement and limit the provisions of this
15 chapter.

16 R. For the purposes of determining whether a state officer, agent or
17 employee is entitled to coverage under this chapter, "within the course and
18 scope of employment or authorization" means:

19 1. The acts or omissions that the state officer, agent or employee is
20 employed or authorized to perform.

21 2. The acts or omissions of the state officer, agent or employee occur
22 substantially within the authorized time and space limit.

23 3. The acts or omissions are activated at least in part by a purpose
24 to serve this state or its departments, agencies, boards or commissions.

25 S. To the extent it is determined necessary and in the best interest
26 of this state, the department of administration may obtain design and
27 construction insurance or provide for self-insurance against property damage
28 caused by this state, its departments, agencies, boards and commissions and
29 all officers and employees of this state in connection with the construction
30 of public works projects. Workers' compensation liability insurance may be
31 purchased to cover both general contractors and subcontractors doing work on
32 a specific contracted work site. The department may include in its annual
33 budget request, pursuant to section 41-622, subsection D, the cost of the
34 insurance purchased or provided. In connection with the construction of
35 public works projects, the department of administration may also use an
36 owner-controlled or wrap-up insurance program if all of the following
37 conditions are met:

38 1. The total cost of the project is over fifty million dollars.

39 2. The program maintains completed operations coverage for a term
40 during which coverage is reasonably commercially available as determined by
41 the director of the department of insurance, but in no event for less than
42 three years.

43 3. Bid specifications clearly specify for all bidders the insurance
44 coverage provided under the program and the minimum safety requirements that
45 shall be met.

1 4. The program does not prohibit a contractor or subcontractor from
2 purchasing any additional insurance coverage that a contractor believes is
3 necessary for protection from any liability arising out of the contract. The
4 cost of the additional insurance shall not be passed through to this state on
5 a contract bid.

6 5. The program does not include surety insurance.

7 T. The state may purchase an owner-controlled or wrap-up policy that
8 has a deductible or self-insured retention as long as the deductible or
9 self-insured retention does not exceed one million dollars.

10 U. For the purposes of subsections S and T of this section:

11 1. "Owner-controlled or wrap-up insurance" means a series of insurance
12 policies issued to cover this state and all of the contractors,
13 subcontractors, architects and engineers on a specified contracted work site
14 for purposes of general liability, property damage and workers' compensation.

15 2. "Specific contracted work site" means construction being performed
16 at one site or a series of contiguous sites separated only by a street,
17 roadway, waterway or railroad right-of-way, or along a continuous system for
18 the provision of water and power.

19 V. Notwithstanding any other statute the department of administration
20 may:

21 1. Limit the liability of a person who contracts to provide goods,
22 software or other services to this state.

23 2. Allow the person to disclaim incidental or consequential damages.

24 3. Indemnify or hold harmless any party to the contract.

25 Sec. 126. Section 41-803, Arizona Revised Statutes, is amended to
26 read:

27 41-803. Operation of state motor vehicle fleet; public service
28 announcements; energy conservation; alternative and
29 clean burning fuels; definitions

30 A. The director shall operate a motor vehicle fleet for all state
31 owned motor vehicles for the purpose of providing transportation for state
32 officers and employees, except those officers and employees of any agency or
33 department excluded by subsection E of this section. The director shall make
34 fleet motor vehicles available to state agencies and departments on the
35 request of the chosen representative for that agency or department.

36 B. The director may adopt rules necessary for the administration of
37 the motor vehicle fleet. State agencies and departments, including agencies
38 and departments listed in subsection E of this section, may accept
39 compensation for placing public service announcements on state owned motor
40 vehicles, and monies received shall be deposited, pursuant to sections 35-146
41 and 35-147, in the state general fund. The agency or department director
42 shall determine the appropriateness of the announcements, may exempt any
43 vehicles that are not suitable for advertising and may contract with private
44 parties for design and placement of the announcements.

45 C. The director shall provide for detailed cost, operation,
46 maintenance, mileage and custody records for each state owned vehicle. On or

1 before August 1 of each year, all state agencies and departments, including
2 those listed in subsection E of this section, shall make information
3 available to the director regarding vehicle cost, operation, maintenance and
4 mileage and other information as established by the director in policies and
5 procedures for the purposes of the report prescribed in subsection R of this
6 section.

7 D. Each state department and agency shall pay from available monies
8 the cost of motor vehicle services received from the state motor vehicle
9 fleet at a rate determined by the director.

10 E. The following departments and agencies are excluded from
11 participation in the state motor vehicle fleet:

- 12 1. Department of public safety.
- 13 2. Department of transportation.
- 14 3. Department of economic security.
- 15 4. State department of corrections.
- 16 5. Universities and community colleges.
- 17 6. Arizona state schools for the deaf and the blind.
- 18 7. Cotton research and protection council.
- 19 8. Arizona commerce authority.
- 20 9. DEPARTMENT OF CHILD SAFETY.

21 F. The director shall appoint a person in the office of the director
22 who is the state motor vehicle fleet alternative fuel and clean burning fuel
23 coordinator. The coordinator shall develop, implement, document, monitor and
24 modify as necessary a statewide alternative fuels plan in consultation with
25 all state agencies and departments that are subject to the alternative fuel
26 and clean burning fuel requirements prescribed in this section or any other
27 law. The approval of the coordinator is required for all acquisitions of
28 vehicles pursuant to this section, except for acquisitions by community
29 college districts.

30 G. Purchases of all new motor vehicles that primarily operate in
31 counties with a population of more than two hundred fifty thousand persons
32 and that have a gross vehicle weight of eight thousand five hundred pounds or
33 less, including those agency motor vehicle fleets listed in subsection E of
34 this section, shall meet the following minimum requirements for vehicles:

- 35 1. For model year 1997, ten per cent of new motor vehicles purchased
36 shall be capable of operating on alternative fuels.
- 37 2. For model year 1998, fifteen per cent of new motor vehicles
38 purchased shall be capable of operating on alternative fuels.
- 39 3. For model year 1999, twenty-five per cent of new motor vehicles
40 purchased shall be capable of operating on alternative fuels.
- 41 4. For model year 2000, fifty per cent of new motor vehicles purchased
42 shall be capable of operating on alternative fuels.
- 43 5. For model year 2001 and all subsequent model years, seventy-five
44 per cent of new motor vehicles purchased shall be capable of operating on
45 alternative fuels or clean burning fuels.

1 H. Purchases of new alternative fuel and clean burning fuel vehicles
2 that have a gross vehicle weight of eight thousand five hundred pounds or
3 less shall meet the following minimum requirements for vehicles that
4 primarily operate in counties with a population of more than one million two
5 hundred thousand persons:

6 1. For model year 2000, forty per cent of new alternative fuel and
7 clean burning fuel vehicles purchased shall comply with the United States
8 environmental protection agency standards for low emission vehicles pursuant
9 to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

10 2. For model year 2001, fifty per cent of new alternative fuel and
11 clean burning fuel vehicles purchased shall comply with the United States
12 environmental protection agency standards for low emission vehicles pursuant
13 to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

14 3. For model year 2002, sixty per cent of new alternative fuel and
15 clean burning fuel vehicles purchased shall comply with the United States
16 environmental protection agency standards for low emission vehicles pursuant
17 to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

18 4. For model year 2003, seventy per cent of new alternative fuel and
19 clean burning fuel vehicles purchased shall comply with the United States
20 environmental protection agency standards for low emission vehicles pursuant
21 to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

22 I. The coordinator may waive the requirements of subsection G of this
23 section for any state agency on receipt of certification supported by
24 evidence acceptable to the coordinator that:

25 1. The agency's vehicles will be operating primarily in an area in
26 which neither the agency nor a supplier has established or can reasonably be
27 expected to establish a central refueling station for alternative fuels or
28 clean burning fuels.

29 2. The agency is unable to acquire or be provided equipment or
30 refueling facilities necessary to operate vehicles using alternative fuels or
31 clean burning fuels at a projected cost that is reasonably expected to result
32 in net costs of no greater than thirty per cent more than the net costs
33 associated with the continued use of traditional gasoline or diesel fuels
34 measured over the expected useful life of the equipment or facilities
35 supplied. Applications for waivers shall be filed with the department of
36 environmental quality pursuant to section 49-412. An entity that receives a
37 waiver pursuant to this section shall retrofit fleet heavy-duty diesel
38 vehicles with a gross vehicle weight of eight thousand five hundred pounds or
39 more that were manufactured in or before model year 1993 and that are the
40 subject of the waiver with a technology that is effective at reducing
41 particulate emissions at least twenty-five per cent or more and that has been
42 approved by the United States environmental protection agency pursuant to the
43 urban bus engine retrofit/rebuild program. The entity shall comply with the
44 implementation schedule pursuant to section 49-555.

1 J. The department of administration, through the coordinator, may
2 acquire or be provided equipment or refueling facilities necessary to operate
3 such vehicles using alternative fuels or clean burning fuels:

- 4 1. By purchase or lease as authorized by law.
- 5 2. By gift or loan of the equipment or facilities.
- 6 3. By gift or loan of the equipment or facilities or any other
7 arrangement pursuant to a service contract for the supply of alternative
8 fuels or clean burning fuels.

9 K. The coordinator and the governor's ~~energy~~ office **OF ENERGY POLICY**
10 shall develop and implement a vehicle fleet energy conservation plan for the
11 purposes of reducing vehicle fuel consumption and to encourage and
12 progressively increase the use of alternative fuels and clean burning fuels
13 in state owned vehicles. The plans shall include:

14 1. A timetable by which fleet vehicles shall be replaced with vehicles
15 that have demonstrated high fuel economy estimates within their vehicle
16 class.

17 2. A timetable for increasing the use of alternative fuels and clean
18 burning fuels in fleet vehicles either through purchase or conversion. The
19 timetable shall reflect the following schedule and percentage of vehicles
20 which operate on alternative fuels or clean burning fuels:

21 (a) Not less than forty per cent of the total fleet by December 31,
22 1995, except for community college districts. Community college districts
23 shall comply by December 31, 2002.

24 (b) Not less than ninety per cent of the total fleet operating
25 primarily in counties with populations exceeding one million two hundred
26 thousand persons according to the most recent federal decennial census by
27 December 31, 1997, except for community college districts. Community college
28 districts shall comply by December 31, 2004.

29 3. Options for increasing, whenever possible, the use of vehicles that
30 have the capability to use available alternative fuels or clean burning
31 fuels, or vehicles that may be economically converted, if needed, for the use
32 of alternative fuels or clean burning fuels.

33 4. Options for the use of demonstrated innovative technologies that
34 promote energy conservation and reduced fuel consumption.

35 5. Methods that promote efficient trip planning and state vehicle use.

36 6. Car pooling and van pooling for agency employees for commuting and
37 job related travel.

38 L. The coordinator shall identify specific vehicle models within each
39 vehicle class that would meet the demands of each state agency and that
40 demonstrate a high degree of fuel economy. Vehicle classes and fuel economy
41 comparisons shall be based on United States department of energy and United
42 States environmental protection agency data pursuant to title 15 United
43 States Code sections 2003 through 2006. For the use of an alcohol fueled
44 vehicle, the state agency shall demonstrate to the director that the fuel for
45 the vehicle is available within a ten mile radius of the primary home base of
46 that vehicle.

1 M. Subsections G, H, I, J, K, L, N, O and P of this section do not
2 apply to the purchase or lease of the following:

- 3 1. A vehicle to be used primarily for criminal law enforcement.
- 4 2. A motorcycle.
- 5 3. An all-terrain vehicle.
- 6 4. An ambulance.
- 7 5. A fire truck, a fire engine or any other fire suppression
8 apparatus.

9 N. Any contract for conversion of vehicles to alternative fuels
10 pursuant to this section shall be entered into by competitive sealed
11 proposals pursuant to section 41-2534.

12 O. If everything else is equal, when contracting for vehicles to
13 satisfy the requirements prescribed in this section, preference shall be
14 given to vehicles with the lowest emissions levels.

15 P. The departments and agencies excluded from participation in the
16 state motor vehicle fleet pursuant to subsection E of this section shall
17 develop and implement a program for alternative fuels and clean burning fuels
18 and fuel economy for their motor vehicle fleets substantially similar to the
19 standards set forth in this section, and the program shall be submitted to
20 the coordinator for review.

21 Q. All agencies, including those listed in subsection E of this
22 section, shall comply with the plan developed and implemented by the
23 coordinator pursuant to subsection F of this section.

24 R. On or before November 1 of each year, the director shall submit a
25 report to the governor, the speaker of the house of representatives, the
26 president of the senate, the governor's office of strategic planning and
27 budgeting and the joint legislative budget committee concerning the use of
28 alternative fuels and clean burning fuels in the state motor vehicle
29 fleet. The report shall include at least the following:

- 30 1. The number of state fleet vehicles.
- 31 2. The number of state fleet vehicles used primarily in Maricopa
32 county.
- 33 3. The number of state fleet vehicles capable of using alternative
34 fuels or clean burning fuels.
- 35 4. Progress on compliance with federal and state guidelines mandating
36 the conversion of state fleet vehicles to alternatively fueled vehicles.
- 37 5. Alternative fuels and clean burning fuels usage data.
- 38 6. Information received from state agencies pursuant to subsection C
39 of this section.
- 40 7. Information gathered from local offices of federal agencies
41 regarding progress made toward implementing the federal mandates relating to
42 the conversion of motor vehicle fleets to alternative fuels or clean burning
43 fuels pursuant to subsection G of this section.

44 S. If the requirements of subsections G, H and K of this section are
45 met by the use of clean burning fuel, vehicle equivalents under those
46 requirements shall be calculated as follows:

1 1. One vehicle equivalent for every four hundred fifty gallons of neat
2 biodiesel or two thousand two hundred fifty gallons of a diesel fuel
3 substitute prescribed in section 1-215, paragraph 7, subdivision (b) in
4 vehicles with a gross vehicle weight rating of at least eighty-five hundred
5 pounds.

6 2. One vehicle equivalent for every five hundred thirty gallons of the
7 fuel prescribed in section 1-215, paragraph 7, subdivision (d).

8 T. For the purposes of this section:

9 1. "Alternative fuels" has the same meaning prescribed in section
10 1-215.

11 2. "Clean burning fuels" has the same meaning prescribed in section
12 1-215.

13 3. "New motor vehicle" means an original equipment manufactured
14 vehicle, a converted original equipment manufactured vehicle or an original
15 equipment manufactured vehicle that will be converted.

16 Sec. 127. Section 41-1005, Arizona Revised Statutes, as amended by
17 Laws 2013, first special session, chapter 10, section 10, is amended to read:

18 41-1005. Exemptions

19 A. This chapter does not apply to any:

20 1. Rule that relates to the use of public works, including streets and
21 highways, under the jurisdiction of an agency if the effect of the order is
22 indicated to the public by means of signs or signals.

23 2. Order or rule of the Arizona game and fish commission ~~adopted~~
24 ~~pursuant to section 5-321 or 5-327 that establishes a fee or section 17-333~~
25 ~~that establishes a license classification, fee or application fee.~~ THAT DOES
26 THE FOLLOWING:

27 (a) OPENS, CLOSSES OR ALTERS SEASONS OR ESTABLISHES BAG OR POSSESSION
28 LIMITS FOR WILDLIFE.

29 (b) ESTABLISHES A FEE PURSUANT TO SECTION 5-321, 5-322 OR 5-327.

30 (c) ESTABLISHES A LICENSE CLASSIFICATION, FEE OR APPLICATION FEE
31 PURSUANT TO TITLE 17, CHAPTER 3, ARTICLE 2.

32 3. Rule relating to section 28-641 or to any rule regulating motor
33 vehicle operation that relates to speed, parking, standing, stopping or
34 passing enacted pursuant to title 28, chapter 3.

35 4. Rule concerning only the internal management of an agency that does
36 not directly and substantially affect the procedural or substantive rights or
37 duties of any segment of the public.

38 5. Rule that only establishes specific prices to be charged for
39 particular goods or services sold by an agency.

40 6. Rule concerning only the physical servicing, maintenance or care of
41 agency owned or operated facilities or property.

42 7. Rule or substantive policy statement concerning inmates or
43 committed youths of a correctional or detention facility in secure custody or
44 patients admitted to a hospital, if made by the state department of
45 corrections, the department of juvenile corrections, the board of executive
46 clemency or the department of health services or a facility or hospital under

1 the jurisdiction of the state department of corrections, the department of
2 juvenile corrections or the department of health services.

3 8. Form whose contents or substantive requirements are prescribed by
4 rule or statute, and instructions for the execution or use of the form.

5 9. Capped fee-for-service schedule adopted by the Arizona health care
6 cost containment system administration pursuant to title 36, chapter 29.

7 10. Fees prescribed by section 6-125.

8 11. Order of the director of water resources adopting or modifying a
9 management plan pursuant to title 45, chapter 2, article 9.

10 12. Fees established under section 3-1086.

11 13. Fee-for-service schedule adopted by the department of ~~economic~~
12 ~~security~~ CHILD SAFETY pursuant to section 8-512.

13 14. Fees established under sections 41-2144 and 41-2189.

14 15. Rule or other matter relating to agency contracts.

15 16. Fees established under section 32-2067 or 32-2132.

16 17. Rules made pursuant to section 5-111, subsection A.

17 18. Rules made by the Arizona state parks board concerning the
18 operation of the Tonto natural bridge state park, the facilities located in
19 the Tonto natural bridge state park and the entrance fees to the Tonto
20 natural bridge state park.

21 19. Fees or charges established under section 41-511.05.

22 20. Emergency medical services protocols except as provided in section
23 36-2205, subsection B.

24 21. Fee schedules established pursuant to section 36-3409.

25 22. Procedures of the state transportation board as prescribed in
26 section 28-7048.

27 23. Rules made by the state department of corrections.

28 24. Fees prescribed pursuant to section 32-1527.

29 25. Rules made by the department of economic security pursuant to
30 section 46-805.

31 26. Schedule of fees prescribed by section 23-908.

32 27. Procedure that is established pursuant to title 23, chapter 6,
33 article 6.

34 28. Rules, administrative policies, procedures and guidelines adopted
35 for any purpose by the Arizona commerce authority pursuant to chapter 10 of
36 this title if the authority provides, as appropriate under the circumstances,
37 for notice of an opportunity for comment on the proposed rules,
38 administrative policies, procedures and guidelines.

39 29. Rules made by a marketing commission or marketing committee
40 pursuant to section 3-414.

41 30. Administration of public assistance program monies authorized for
42 liabilities that are incurred for disasters declared pursuant to sections
43 26-303 and 35-192.

44 31. User charges, tolls, fares, rents, advertising and sponsorship
45 charges, services charges or similar charges established pursuant to section
46 28-7705.

1 A. This article applies to all contested cases as defined in section
2 41-1001 and all appealable agency actions, except contested cases with or
3 appealable agency actions of:

- 4 1. The state department of corrections.
- 5 2. The board of executive clemency.
- 6 3. The industrial commission of Arizona.
- 7 4. The Arizona corporation commission.
- 8 5. The Arizona board of regents and institutions under its
9 jurisdiction.
- 10 6. The state personnel board.
- 11 7. The department of juvenile corrections.
- 12 8. The department of transportation.
- 13 9. The department of economic security except as provided in ~~sections~~
14 ~~8-506.01, 8-811 and~~ SECTION 46-458.
- 15 10. The department of revenue regarding:
 - 16 (a) Income tax or withholding tax.
 - 17 (b) Any tax issue related to information associated with the reporting
18 of income tax or withholding tax unless the taxpayer requests in writing that
19 this article apply and waives confidentiality under title 42, chapter 2,
20 article 1.
- 21 11. The board of tax appeals.
- 22 12. The state board of equalization.
- 23 13. The state board of education, but only in connection with contested
24 cases and appealable agency actions related to applications for issuance or
25 renewal of a certificate and discipline of certificate holders pursuant to
26 sections 15-203, 15-534, 15-534.01, 15-535, 15-545 and 15-550.
- 27 14. The board of fingerprinting.
- 28 15. THE DEPARTMENT OF CHILD SAFETY EXCEPT AS PROVIDED IN SECTIONS
29 8-506.01 AND 8-811.

30 B. Unless waived by all parties, an administrative law judge shall
31 conduct all hearings under this article, and the procedural rules set forth
32 in this article and rules made by the director apply.

33 C. Except as provided in subsection A of this section:

34 1. A contested case heard by the office of administrative hearings
35 regarding taxes administered under title 42 shall be subject to the
36 provisions under section 42-1251.

37 2. A final decision of the office of administrative hearings regarding
38 taxes administered under title 42 may be appealed by either party to the
39 director of the department of revenue, or a taxpayer may file and appeal
40 directly to the board of tax appeals pursuant to section 42-1253.

41 D. Except as provided in subsections A, B, E, F and G of this section
42 and notwithstanding any other administrative proceeding or judicial review
43 process established in statute or administrative rule, this article applies
44 to all appealable agency actions and to all contested cases.

1 E. Except for a contested case or an appealable agency action
2 regarding unclaimed property, sections 41-1092.03, 41-1092.08 and 41-1092.09
3 do not apply to the department of revenue.

4 F. The board of appeals established by section 37-213 is exempt from:
5 1. The time frames for hearings and decisions provided in section
6 41-1092.05, subsection A, section 41-1092.08 and section 41-1092.09.

7 2. The requirement in section 41-1092.06, subsection A to hold an
8 informal settlement conference at the appellant's request if the sole subject
9 of an appeal pursuant to section 37-215 is the estimate of value reported in
10 an appraisal of lands or improvements.

11 G. Auction protest procedures pursuant to title 37, chapter 2, article
12 4.1 are exempt from this article.

13 Sec. 131. Section 41-1376, Arizona Revised Statutes, is amended to
14 read:

15 41-1376. Powers and duties

16 A. The ombudsman-citizens aide shall:

17 1. Investigate the administrative acts of agencies pursuant to section
18 41-1377, subsections A and B except as provided in section 41-1377,
19 subsections C, D and E. The ombudsman-citizens aide shall investigate the
20 administrative acts of an agency without regard to the finality of the
21 administrative act.

22 2. Annually before January 1 prepare a written report to the governor,
23 the legislature and the public that contains a summary of the
24 ombudsman-citizens aide's activities during the previous fiscal year. The
25 ombudsman-citizens aide shall semiannually present this report before the
26 legislative council. This report shall include:

27 (a) The ombudsman-citizens aide's mission statement.

28 (b) The number of matters that were within each of the categories
29 specified in section 41-1379, subsection B.

30 (c) Legislative issues affecting the ombudsman-citizens aide.

31 (d) Selected case studies that illustrate the ombudsman-citizens
32 aide's work and reasons for complaints.

33 (e) Ombudsman-citizens aide's contact statistics.

34 (f) Ombudsman-citizens aide's staff.

35 3. Before conducting the first investigation adopt rules that ensure
36 that confidential information that is gathered will not be disclosed.

37 4. Appoint a deputy ombudsman and prescribe the duties of employees
38 or, subject to appropriation, contract for the services of independent
39 contractors necessary to administer the duties of the office of
40 ombudsman-citizens aide. All staff serves at the pleasure of the
41 ombudsman-citizens aide, and they are exempt from chapter 4, articles 5 and 6
42 of this title. All staff shall be subject to the conflict of interest
43 provisions of title 38, chapter 3, article 8.

44 5. Before conducting the first investigation, adopt rules that
45 establish procedures for receiving and processing complaints, including
46 guidelines to ensure each complainant has exhausted all reasonable

1 alternatives within the agency, conducting investigations, incorporating
2 agency responses into recommendations and reporting findings.

3 6. Notify the chief executive or administrative officer of the agency
4 in writing of the intention to investigate unless notification would unduly
5 hinder the investigation or make the investigation ineffectual.

6 7. Appoint an assistant to help the ombudsman-citizens aide
7 investigate complaints relating to ~~child protective services in~~ the
8 department of ~~economic security~~ CHILD SAFETY. The assistant shall have
9 expertise in ~~child protective services~~ THE DEPARTMENT OF CHILD SAFETY
10 procedures and laws. Notwithstanding any law to the contrary, the
11 ombudsman-citizens aide and the assistant have access to ~~child protective~~
12 ~~services~~ THE DEPARTMENT OF CHILD SAFETY records and to any automated case
13 management system used by ~~child protective services in~~ the department of
14 ~~economic security~~ CHILD SAFETY.

15 B. After the conclusion of an investigation and notice to the head of
16 the agency pursuant to section 41-1379, the ombudsman-citizens aide may
17 present the ombudsman-citizens aide's opinion and recommendations to the
18 governor, the legislature, the office of the appropriate prosecutor or the
19 public, or any combination of these persons. The ombudsman-citizens aide
20 shall include in the opinion the reply of the agency, including those issues
21 that were resolved as a result of the ombudsman-citizens aide's preliminary
22 opinion or recommendation.

23 Sec. 132. Section 41-1380, Arizona Revised Statutes, is amended to
24 read:

25 41-1380. Ombudsman-citizens aide protections

26 A. A civil action may not be brought against the ombudsman-citizens
27 aide or the staff of the ombudsman-citizens aide for any action or omission
28 in performing the duties under this article except for gross negligence or
29 intentional wrongful acts or omissions except as provided in title 38,
30 chapter 3, article 8.

31 B. A proceeding or decision of the ombudsman-citizens aide may be
32 reviewed in superior court only to determine if it is contrary to this
33 article.

34 C. The ombudsman-citizens aide and the staff of the ombudsman-citizens
35 aide shall not be required to testify in court regarding matters that come to
36 their attention in the exercise of their duties except as may be necessary to
37 enforce this article.

38 D. Records and files maintained by the ombudsman-citizens aide are not
39 public records and are exempt from title 39, chapter 1. The information
40 contained in these records and files that were prepared pursuant to an
41 investigation conducted under this article are not subject to disclosure
42 except to the attorney general or any county attorney in connection with an
43 investigation that has been referred to the attorney general or a county
44 attorney pursuant to section 41-1379. For the purposes of this subsection,
45 "records and files" means all information the department of ~~economic security~~
46 CHILD SAFETY and the office of the ombudsman-citizens aide ~~gathers~~ GATHER

1 during the course of a ~~child-protective-services~~ DEPARTMENT OF CHILD SAFETY
2 investigation conducted under this article from the time a file is opened ~~and~~
3 until it is closed. Records and files do not include information that is
4 contained in child welfare agency licensing records.

5 Sec. 133. Section 41-1750, Arizona Revised Statutes, is amended to
6 read:

7 41-1750. Central state repository; department of public safety;
8 duties; funds; accounts; definitions

9 A. The department is responsible for the effective operation of the
10 central state repository in order to collect, store and disseminate complete
11 and accurate Arizona criminal history records and related criminal justice
12 information. The department shall:

13 1. Procure from all criminal justice agencies in this state accurate
14 and complete personal identification data, fingerprints, charges, process
15 control numbers and dispositions and such other information as may be
16 pertinent to all persons who have been charged with, arrested for, convicted
17 of or summoned to court as a criminal defendant for a felony offense or an
18 offense involving domestic violence as defined in section 13-3601 or a
19 violation of title 13, chapter 14 or title 28, chapter 4.

20 2. Collect information concerning the number and nature of offenses
21 known to have been committed in this state and of the legal steps taken in
22 connection with these offenses, such other information that is useful in the
23 study of crime and in the administration of criminal justice and all other
24 information deemed necessary to operate the statewide uniform crime reporting
25 program and to cooperate with the federal government uniform crime reporting
26 program.

27 3. Collect information concerning criminal offenses that manifest
28 evidence of prejudice based on race, color, religion, national origin, sexual
29 orientation, gender or disability.

30 4. Cooperate with the central state repositories in other states and
31 with the appropriate agency of the federal government in the exchange of
32 information pertinent to violators of the law.

33 5. Ensure the rapid exchange of information concerning the commission
34 of crime and the detection of violators of the law among the criminal justice
35 agencies of other states and of the federal government.

36 6. Furnish assistance to peace officers throughout this state in crime
37 scene investigation for the detection of latent fingerprints and in the
38 comparison of latent fingerprints.

39 7. Conduct periodic operational audits of the central state repository
40 and of a representative sample of other agencies that contribute records to
41 or receive criminal justice information from the central state repository or
42 through the Arizona criminal justice information system.

43 8. Establish and enforce the necessary physical and system safeguards
44 to ensure that the criminal justice information maintained and disseminated
45 by the central state repository or through the Arizona criminal justice

1 information system is appropriately protected from unauthorized inquiry,
2 modification, destruction or dissemination as required by this section.

3 9. Aid and encourage coordination and cooperation among criminal
4 justice agencies through the statewide and interstate exchange of criminal
5 justice information.

6 10. Provide training and proficiency testing on the use of criminal
7 justice information to agencies receiving information from the central state
8 repository or through the Arizona criminal justice information system.

9 11. Operate and maintain the Arizona automated fingerprint
10 identification system established by section 41-2411.

11 12. Provide criminal history record information to the fingerprinting
12 division for the purpose of screening applicants for fingerprint clearance
13 cards.

14 B. The director may establish guidelines for the submission and
15 retention of criminal justice information as deemed useful for the study or
16 prevention of crime and for the administration of criminal justice.

17 C. The chief officers of criminal justice agencies of this state or
18 its political subdivisions shall provide to the central state repository
19 fingerprints and information concerning personal identification data,
20 descriptions, crimes for which persons are arrested, process control numbers
21 and dispositions and such other information as may be pertinent to all
22 persons who have been charged with, arrested for, convicted of or summoned to
23 court as criminal defendants for felony offenses or offenses involving
24 domestic violence as defined in section 13-3601 or violations of title 13,
25 chapter 14 or title 28, chapter 4 that have occurred in this state.

26 D. The chief officers of law enforcement agencies of this state or its
27 political subdivisions shall provide to the department such information as
28 necessary to operate the statewide uniform crime reporting program and to
29 cooperate with the federal government uniform crime reporting program.

30 E. The chief officers of criminal justice agencies of this state or
31 its political subdivisions shall comply with the training and proficiency
32 testing guidelines as required by the department to comply with the federal
33 national crime information center mandates.

34 F. The chief officers of criminal justice agencies of this state or
35 its political subdivisions also shall provide to the department information
36 concerning crimes that manifest evidence of prejudice based on race, color,
37 religion, national origin, sexual orientation, gender or disability.

38 G. The director shall authorize the exchange of criminal justice
39 information between the central state repository, or through the Arizona
40 criminal justice information system, whether directly or through any
41 intermediary, only as follows:

42 1. With criminal justice agencies of the federal government, Indian
43 tribes, this state or its political subdivisions and other states, on request
44 by the chief officers of such agencies or their designated representatives,
45 specifically for the purposes of the administration of criminal justice and

1 for evaluating the fitness of current and prospective criminal justice
2 employees.

3 2. With any noncriminal justice agency pursuant to a statute,
4 ordinance or executive order that specifically authorizes the noncriminal
5 justice agency to receive criminal history record information for the purpose
6 of evaluating the fitness of current or prospective licensees, employees,
7 contract employees or volunteers, on submission of the subject's fingerprints
8 and the prescribed fee. Each statute, ordinance, or executive order that
9 authorizes noncriminal justice agencies to receive criminal history record
10 information for these purposes shall identify the specific categories of
11 licensees, employees, contract employees or volunteers, and shall require
12 that fingerprints of the specified individuals be submitted in conjunction
13 with such requests for criminal history record information.

14 3. With the board of fingerprinting for the purpose of conducting good
15 cause exceptions pursuant to section 41-619.55 and central registry
16 exceptions pursuant to section 41-619.57.

17 4. With any individual for any lawful purpose on submission of the
18 subject of record's fingerprints and the prescribed fee.

19 5. With the governor, if the governor elects to become actively
20 involved in the investigation of criminal activity or the administration of
21 criminal justice in accordance with the governor's constitutional duty to
22 ensure that the laws are faithfully executed or as needed to carry out the
23 other responsibilities of the governor's office.

24 6. With regional computer centers that maintain authorized
25 computer-to-computer interfaces with the department, that are criminal
26 justice agencies or under the management control of a criminal justice agency
27 and that are established by a statute, ordinance or executive order to
28 provide automated data processing services to criminal justice agencies
29 specifically for the purposes of the administration of criminal justice or
30 evaluating the fitness of regional computer center employees who have access
31 to the Arizona criminal justice information system and the national crime
32 information center system.

33 7. With an individual who asserts a belief that criminal history
34 record information relating to the individual is maintained by an agency or
35 in an information system in this state that is subject to this section. On
36 submission of fingerprints, the individual may review this information for
37 the purpose of determining its accuracy and completeness by making
38 application to the agency operating the system. Rules adopted under this
39 section shall include provisions for administrative review and necessary
40 correction of any inaccurate or incomplete information. The review and
41 challenge process authorized by this paragraph is limited to criminal history
42 record information.

43 8. With individuals and agencies pursuant to a specific agreement with
44 a criminal justice agency to provide services required for the administration
45 of criminal justice pursuant to that agreement if the agreement specifically
46 authorizes access to data, limits the use of data to purposes for which given

1 and ensures the security and confidentiality of the data consistent with this
2 section.

3 9. With individuals and agencies for the express purpose of research,
4 evaluative or statistical activities pursuant to an agreement with a criminal
5 justice agency if the agreement specifically authorizes access to data,
6 limits the use of data to research, evaluative or statistical purposes and
7 ensures the confidentiality and security of the data consistent with this
8 section.

9 10. With the auditor general for audit purposes.

10 11. With central state repositories of other states for noncriminal
11 justice purposes for dissemination in accordance with the laws of those
12 states.

13 12. On submission of the fingerprint card, with the department of
14 ~~economic security~~ CHILD SAFETY to provide criminal history record information
15 on prospective adoptive parents for the purpose of conducting the preadoption
16 certification investigation under title 8, chapter 1, article 1 if the
17 department of economic security is conducting the investigation, or with an
18 agency or a person appointed by the court, if the agency or person is
19 conducting the investigation. Information received under this paragraph
20 shall only be used for the purposes of the preadoption certification
21 investigation.

22 13. With the department of ~~economic security~~ CHILD SAFETY and the
23 superior court for the purpose of evaluating the fitness of custodians or
24 prospective custodians of juveniles, including parents, relatives and
25 prospective guardians. Information received under this paragraph shall only
26 be used for the purposes of that evaluation. The information shall be
27 provided on submission of either:

28 (a) The fingerprint card.

29 (b) The name, date of birth and social security number of the person.

30 14. On submission of a fingerprint card, provide criminal history
31 record information to the superior court for the purpose of evaluating the
32 fitness of investigators appointed under section 14-5303 or 14-5407,
33 guardians appointed under section 14-5206 or 14-5304, or conservators
34 appointed under section 14-5401.

35 15. With the supreme court to provide criminal history record
36 information on prospective fiduciaries pursuant to section 14-5651.

37 16. With the department of juvenile corrections to provide criminal
38 history record information pursuant to section 41-2814.

39 17. On submission of the fingerprint card, provide criminal history
40 record information to the Arizona peace officer standards and training board
41 or a board certified law enforcement academy to evaluate the fitness of
42 prospective cadets.

43 18. With the internet sex offender web site database established
44 pursuant to section 13-3827.

45 19. With licensees of the United States nuclear regulatory commission
46 for the purpose of determining whether an individual should be granted

1 unescorted access to the protected area of a commercial nuclear generating
2 station on submission of the subject of record's fingerprints and the
3 prescribed fee.

4 20. With the state board of education for the purpose of evaluating the
5 fitness of a certificated teacher or administrator or an applicant for a
6 teaching or an administrative certificate provided that the state board of
7 education or its employees or agents have reasonable suspicion that the
8 certificated person engaged in conduct that would be a criminal violation of
9 the laws of this state or was involved in immoral or unprofessional conduct
10 or that the applicant engaged in conduct that would warrant disciplinary
11 action if the applicant were certificated at the time of the alleged conduct.
12 The information shall be provided on the submission of either:

13 (a) The fingerprint card.

14 (b) The name, date of birth and social security number of the person.

15 21. With each school district and charter school in this state. The
16 state board of education and the state board for charter schools shall
17 provide the department of public safety with a current list of e-mail
18 addresses for each school district and charter school in this state and shall
19 periodically provide the department of public safety with updated e-mail
20 addresses. If the department of public safety is notified that a person who
21 is required to have a fingerprint clearance card to be employed by or to
22 engage in volunteer activities at a school district or charter school has
23 been arrested for or convicted of an offense listed in section 41-1758.03,
24 subsection B or has been arrested for or convicted of an offense that amounts
25 to unprofessional conduct under section 15-550, the department of public
26 safety shall notify each school district and charter school in this state
27 that the person's fingerprint clearance card has been suspended or revoked.

28 22. With ~~the child protective services division of~~ the department of
29 ~~economic security~~ **CHILD SAFETY** as provided by law, which currently is the
30 Adam Walsh child protection and safety act of 2006 (42 United States Code
31 section 16961), for the purposes of investigating or responding to reports of
32 child abuse, neglect or exploitation. Information received pursuant to this
33 paragraph from the national crime information center, the interstate
34 identification index and the Arizona criminal justice information system
35 network shall only be used for the purposes of investigating or responding as
36 prescribed in this paragraph. The information shall be provided on
37 submission to the department of public safety of either:

38 (a) The fingerprints of the person being investigated.

39 (b) The name, date of birth and social security number of the person.

40 23. With a nonprofit organization that interacts with children or
41 vulnerable adults for the lawful purpose of evaluating the fitness of all
42 current and prospective employees, contractors and volunteers of the
43 organization. The criminal history record information shall be provided on
44 submission of the applicant fingerprint card and the prescribed fee.

45 H. The director shall adopt rules necessary to execute this section.

1 I. The director, in the manner prescribed by law, shall remove and
2 destroy records that the director determines are no longer of value in the
3 detection or prevention of crime.

4 J. The director shall establish a fee in an amount necessary to cover
5 the cost of federal noncriminal justice fingerprint processing for criminal
6 history record information checks that are authorized by law for noncriminal
7 justice employment, licensing or other lawful purposes. An additional fee
8 may be charged by the department for state noncriminal justice fingerprint
9 processing. Fees submitted to the department for state noncriminal justice
10 fingerprint processing are not refundable.

11 K. The director shall establish a fee in an amount necessary to cover
12 the cost of processing copies of department reports, eight by ten inch black
13 and white photographs or eight by ten inch color photographs of traffic
14 accident scenes.

15 L. Except as provided in subsection O of this section, each agency
16 authorized by this section may charge a fee, in addition to any other fees
17 prescribed by law, in an amount necessary to cover the cost of state and
18 federal noncriminal justice fingerprint processing for criminal history
19 record information checks that are authorized by law for noncriminal justice
20 employment, licensing or other lawful purposes.

21 M. A fingerprint account within the records processing fund is
22 established for the purpose of separately accounting for the collection and
23 payment of fees for noncriminal justice fingerprint processing by the
24 department. Monies collected for this purpose shall be credited to the
25 account, and payments by the department to the United States for federal
26 noncriminal justice fingerprint processing shall be charged against the
27 account. Monies in the account not required for payment to the United States
28 shall be used by the department in support of the department's noncriminal
29 justice fingerprint processing duties. At the end of each fiscal year, any
30 balance in the account not required for payment to the United States or to
31 support the department's noncriminal justice fingerprint processing duties
32 reverts to the state general fund.

33 N. A records processing fund is established for the purpose of
34 separately accounting for the collection and payment of fees for department
35 reports and photographs of traffic accident scenes processed by the
36 department. Monies collected for this purpose shall be credited to the fund
37 and shall be used by the department in support of functions related to
38 providing copies of department reports and photographs. At the end of each
39 fiscal year, any balance in the fund not required for support of the
40 functions related to providing copies of department reports and photographs
41 reverts to the state general fund.

42 O. The department of ~~economic security~~ CHILD SAFETY may pay from
43 appropriated monies the cost of federal fingerprint processing or federal
44 criminal history record information checks that are authorized by law for
45 employees and volunteers of the department, guardians pursuant to section

1 ~~46-134~~ 8-453, subsection A, paragraph ~~15~~ 7, the licensing of foster parents
2 or the certification of adoptive parents.

3 P. The director shall adopt rules that provide for:

4 1. The collection and disposition of fees pursuant to this section.

5 2. The refusal of service to those agencies that are delinquent in
6 paying these fees.

7 Q. The director shall ensure that the following limitations are
8 observed regarding dissemination of criminal justice information obtained
9 from the central state repository or through the Arizona criminal justice
10 information system:

11 1. Any criminal justice agency that obtains criminal justice
12 information from the central state repository or through the Arizona criminal
13 justice information system assumes responsibility for the security of the
14 information and shall not secondarily disseminate this information to any
15 individual or agency not authorized to receive this information directly from
16 the central state repository or originating agency.

17 2. Dissemination to an authorized agency or individual may be
18 accomplished by a criminal justice agency only if the dissemination is for
19 criminal justice purposes in connection with the prescribed duties of the
20 agency and not in violation of this section.

21 3. Criminal history record information disseminated to noncriminal
22 justice agencies or to individuals shall be used only for the purposes for
23 which it was given. Secondary dissemination is prohibited unless otherwise
24 authorized by law.

25 4. The existence or nonexistence of criminal history record
26 information shall not be confirmed to any individual or agency not authorized
27 to receive the information itself.

28 5. Criminal history record information to be released for noncriminal
29 justice purposes to agencies of other states shall only be released to the
30 central state repositories of those states for dissemination in accordance
31 with the laws of those states.

32 6. Criminal history record information shall be released to
33 noncriminal justice agencies of the federal government pursuant to the terms
34 of the federal security clearance information act (P.L. 99-169).

35 R. This section and the rules adopted under this section apply to all
36 agencies and individuals collecting, storing or disseminating criminal
37 justice information processed by manual or automated operations if the
38 collection, storage or dissemination is funded in whole or in part with
39 monies made available by the law enforcement assistance administration after
40 July 1, 1973, pursuant to title I of the crime control act of 1973, and to
41 all agencies that interact with or receive criminal justice information from
42 or through the central state repository and through the Arizona criminal
43 justice information system.

44 S. This section does not apply to criminal history record information
45 contained in:

1 1. Posters, arrest warrants, announcements or lists for identifying or
2 apprehending fugitives or wanted persons.

3 2. Original records of entry such as police blotters maintained by
4 criminal justice agencies, compiled chronologically and required by law or
5 long-standing custom to be made public if these records are organized on a
6 chronological basis.

7 3. Transcripts or records of judicial proceedings if released by a
8 court or legislative or administrative proceedings.

9 4. Announcements of executive clemency or pardon.

10 5. Computer databases, other than the Arizona criminal justice
11 information system, that are specifically designed for community notification
12 of an offender's presence in the community pursuant to section 13-3825 or for
13 public informational purposes authorized by section 13-3827.

14 T. Nothing in this section prevents a criminal justice agency from
15 disclosing to the public criminal history record information that is
16 reasonably contemporaneous to the event for which an individual is currently
17 within the criminal justice system, including information noted on traffic
18 accident reports concerning citations, blood alcohol tests or arrests made in
19 connection with the traffic accident being investigated.

20 U. In order to ensure that complete and accurate criminal history
21 record information is maintained and disseminated by the central state
22 repository:

23 1. The arresting authority shall take legible ten-print fingerprints
24 of all persons who are arrested for offenses listed in subsection C of this
25 section including persons who are arrested and released pursuant to section
26 13-3903, subsection C. The arresting authority may transfer an arrestee to a
27 booking agency for ten-print fingerprinting. The arresting authority or
28 booking agency shall obtain a process control number and provide to the
29 person fingerprinted a document that indicates proof of the fingerprinting
30 and that informs the person that the document must be presented to the court.

31 2. The mandatory fingerprint compliance form shall contain the
32 following information:

33 (a) Whether ten-print fingerprints have been obtained from the person.

34 (b) Whether a process control number was obtained.

35 (c) The offense or offenses for which the process control number was
36 obtained.

37 (d) Any report number of the arresting authority.

38 (e) Instructions on reporting for ten-print fingerprinting, including
39 available times and locations for reporting for ten-print fingerprinting.

40 (f) Instructions that direct the person to provide the form to the
41 court at the person's next court appearance.

42 3. Within ten days after a person is fingerprinted, the arresting
43 authority or agency that took the fingerprints shall forward the fingerprints
44 to the department in the manner or form required by the department.

45 4. On the issuance of a summons for a defendant who is charged with an
46 offense listed in subsection C of this section, the summons shall direct the

1 defendant to provide ten-print fingerprints to the appropriate law
2 enforcement agency.

3 5. At the initial appearance or on the arraignment of a summoned
4 defendant who is charged with an offense listed in subsection C of this
5 section, if the person does not present a completed mandatory fingerprint
6 compliance form to the court or if the court has not received the process
7 control number, the court shall order that within twenty calendar days the
8 defendant be ten-print fingerprinted at a designated time and place by the
9 appropriate law enforcement agency.

10 6. If the defendant fails to present a completed mandatory fingerprint
11 compliance form or if the court has not received the process control number,
12 the court, on its own motion, may remand the defendant into custody for
13 ten-print fingerprinting. If otherwise eligible for release, the defendant
14 shall be released from custody after being ten-print fingerprinted.

15 7. In every criminal case in which the defendant is incarcerated or
16 fingerprinted as a result of the charge, an originating law enforcement
17 agency or prosecutor, within forty days of the disposition, shall advise the
18 central state repository of all dispositions concerning the termination of
19 criminal proceedings against an individual arrested for an offense specified
20 in subsection C of this section. This information shall be submitted on a
21 form or in a manner required by the department.

22 8. Dispositions resulting from formal proceedings in a court having
23 jurisdiction in a criminal action against an individual who is arrested for
24 an offense specified in subsection C of this section or section 8-341,
25 subsection V shall be reported to the central state repository within forty
26 days of the date of the disposition. This information shall be submitted on
27 a form or in a manner specified by rules approved by the supreme court.

28 9. The state department of corrections or the department of juvenile
29 corrections, within forty days, shall advise the central state repository
30 that it has assumed supervision of a person convicted of an offense specified
31 in subsection C of this section or section 8-341, subsection V, paragraph 3.
32 The state department of corrections or the department of juvenile corrections
33 shall also report dispositions that occur thereafter to the central state
34 repository within forty days of the date of the dispositions. This
35 information shall be submitted on a form or in a manner required by the
36 department of public safety.

37 10. Each criminal justice agency shall query the central state
38 repository before dissemination of any criminal history record information to
39 ensure the completeness of the information. Inquiries shall be made before
40 any dissemination except in those cases in which time is of the essence and
41 the repository is technically incapable of responding within the necessary
42 time period. If time is of the essence, the inquiry shall still be made and
43 the response shall be provided as soon as possible.

44 V. The director shall adopt rules specifying that any agency that
45 collects, stores or disseminates criminal justice information that is subject
46 to this section shall establish effective security measures to protect the

1 information from unauthorized access, disclosure, modification or
2 dissemination. The rules shall include reasonable safeguards to protect the
3 affected information systems from fire, flood, wind, theft, sabotage or other
4 natural or man-made hazards or disasters.

5 W. The department shall make available to agencies that contribute to,
6 or receive criminal justice information from, the central state repository or
7 through the Arizona criminal justice information system a continuing training
8 program in the proper methods for collecting, storing and disseminating
9 information in compliance with this section.

10 X. Nothing in this section creates a cause of action or a right to
11 bring an action including an action based on discrimination due to sexual
12 orientation.

13 Y. For the purposes of this section:

14 1. "Administration of criminal justice" means performance of the
15 detection, apprehension, detention, pretrial release, posttrial release,
16 prosecution, adjudication, correctional supervision or rehabilitation of
17 criminal offenders. Administration of criminal justice includes enforcement
18 of criminal traffic offenses and civil traffic violations, including parking
19 violations, when performed by a criminal justice agency. Administration of
20 criminal justice also includes criminal identification activities and the
21 collection, storage and dissemination of criminal history record information.

22 2. "Administrative records" means records that contain adequate and
23 proper documentation of the organization, functions, policies, decisions,
24 procedures and essential transactions of the agency and that are designed to
25 furnish information to protect the rights of this state and of persons
26 directly affected by the agency's activities.

27 3. "Arizona criminal justice information system" or "system" means the
28 statewide information system managed by the director for the collection,
29 processing, preservation, dissemination and exchange of criminal justice
30 information and includes the electronic equipment, facilities, procedures and
31 agreements necessary to exchange this information.

32 4. "Central state repository" means the central location within the
33 department for the collection, storage and dissemination of Arizona criminal
34 history records and related criminal justice information.

35 5. "Criminal history record information" and "criminal history record"
36 means information that is collected by criminal justice agencies on
37 individuals and that consists of identifiable descriptions and notations of
38 arrests, detentions, indictments and other formal criminal charges, and any
39 disposition arising from those actions, sentencing, formal correctional
40 supervisory action and release. Criminal history record information and
41 criminal history record do not include identification information to the
42 extent that the information does not indicate involvement of the individual
43 in the criminal justice system or information relating to juveniles unless
44 they have been adjudicated as adults.

45 6. "Criminal justice agency" means either:

1 (a) A court at any governmental level with criminal or equivalent
2 jurisdiction, including courts of any foreign sovereignty duly recognized by
3 the federal government.

4 (b) A government agency or subunit of a government agency that is
5 specifically authorized to perform as its principal function the
6 administration of criminal justice pursuant to a statute, ordinance or
7 executive order and that allocates more than fifty per cent of its annual
8 budget to the administration of criminal justice. This subdivision includes
9 agencies of any foreign sovereignty duly recognized by the federal
10 government.

11 7. "Criminal justice information" means information that is collected
12 by criminal justice agencies and that is needed for the performance of their
13 legally authorized and required functions, such as criminal history record
14 information, citation information, stolen property information, traffic
15 accident reports, wanted persons information and system network log searches.
16 Criminal justice information does not include the administrative records of a
17 criminal justice agency.

18 8. "Disposition" means information disclosing that a decision has been
19 made not to bring criminal charges or that criminal proceedings have been
20 concluded or information relating to sentencing, correctional supervision,
21 release from correctional supervision, the outcome of an appellate review of
22 criminal proceedings or executive clemency.

23 9. "Dissemination" means the written, oral or electronic communication
24 or transfer of criminal justice information to individuals and agencies other
25 than the criminal justice agency that maintains the information.
26 Dissemination includes the act of confirming the existence or nonexistence of
27 criminal justice information.

28 10. "Management control":

29 (a) Means the authority to set and enforce:

30 (i) Priorities regarding development and operation of criminal justice
31 information systems and programs.

32 (ii) Standards for the selection, supervision and termination of
33 personnel involved in the development of criminal justice information systems
34 and programs and in the collection, maintenance, analysis and dissemination
35 of criminal justice information.

36 (iii) Policies governing the operation of computers, circuits and
37 telecommunications terminals used to process criminal justice information to
38 the extent that the equipment is used to process, store or transmit criminal
39 justice information.

40 (b) Includes the supervision of equipment, systems design, programming
41 and operating procedures necessary for the development and implementation of
42 automated criminal justice information systems.

43 11. "Process control number" means the Arizona automated fingerprint
44 identification system number that attaches to each arrest event at the time
45 of fingerprinting and that is assigned to the arrest fingerprint card,
46 disposition form and other pertinent documents.

1 12. "Secondary dissemination" means the dissemination of criminal
2 justice information from an individual or agency that originally obtained the
3 information from the central state repository or through the Arizona criminal
4 justice information system to another individual or agency.

5 13. "Sexual orientation" means consensual homosexuality or
6 heterosexuality.

7 14. "Subject of record" means the person who is the primary subject of
8 a criminal justice record.

9 Sec. 134. Section 41-1758, Arizona Revised Statutes, as amended by
10 Laws 2013, chapter 128, section 12 and chapter 174, section 2, is amended to
11 read:

12 41-1758. Definitions

13 In this article, unless the context otherwise requires:

14 1. "Agency" means the supreme court, the department of economic
15 security, THE DEPARTMENT OF CHILD SAFETY, the department of education, the
16 department of health services, the department of juvenile corrections, the
17 department of emergency and military affairs, the department of
18 transportation, the state real estate department, the board of fingerprinting
19 or the board of examiners of nursing care institution administrators and
20 assisted living facility managers.

21 2. "Division" means the fingerprinting division in the department of
22 public safety.

23 3. "Electronic or internet-based fingerprinting services" means a
24 secure system for digitizing applicant fingerprints and transmitting the
25 applicant data and fingerprints of a person or entity submitting fingerprints
26 to the department of public safety for any authorized purpose under this
27 title. For the purposes of this paragraph, "secure system" means a system
28 that complies with the information technology security policy approved by the
29 department of public safety.

30 4. "Good cause exception" means the issuance of a fingerprint
31 clearance card to an employee pursuant to section 41-619.55.

32 5. "Person" means a person who is required to be fingerprinted
33 pursuant to any of the following:

- 34 (a) Section 8-105.
- 35 (b) Section 8-322.
- 36 (c) Section 8-509.
- 37 (d) Section 8-802.
- 38 (e) Section 15-183.
- 39 (f) Section 15-503.
- 40 (g) Section 15-512.
- 41 (h) Section 15-534.
- 42 (i) Section 15-782.02.
- 43 (j) Section 15-1330.
- 44 (k) Section 15-1881.
- 45 (l) Section 17-215.
- 46 (m) Section 26-103.

- 1 (n) Section 32-2108.01.
- 2 (o) Section 32-2123.
- 3 (p) Section 32-2371.
- 4 (q) Section 32-2372.
- 5 (r) Section 36-207.
- 6 (s) Section 36-411.
- 7 (t) Section 36-425.03.
- 8 (u) Section 36-446.04.
- 9 (v) Section 36-594.01.
- 10 (w) Section 36-594.02.
- 11 (x) Section 36-882.
- 12 (y) Section 36-883.02.
- 13 (z) Section 36-897.01.
- 14 (aa) Section 36-897.03.
- 15 (bb) Section 36-3008.
- 16 (cc) Section 41-619.52.
- 17 (dd) Section 41-619.53.
- 18 (ee) Section 41-1964.
- 19 (ff) Section 41-1967.01.
- 20 (gg) Section 41-1968.
- 21 (hh) Section 41-1969.
- 22 (ii) Section 41-2814.
- 23 (jj) Section 46-141, subsection A.
- 24 (kk) Section 46-321.

25 6. "Vulnerable adult" has the same meaning prescribed in section
26 13-3623.

27 Sec. 135. Repeal

28 Section 41-1758, Arizona Revised Statutes, as amended by Laws 2013,
29 chapter 129, section 25, is repealed.

30 Sec. 136. Section 41-1954, Arizona Revised Statutes, is amended to
31 read:

32 41-1954. Powers and duties

33 A. In addition to the powers and duties of the agencies listed in
34 section 41-1953, subsection E, the department shall:

35 1. Administer the following services:

36 (a) Employment services, ~~which shall include~~ INCLUDING manpower
37 programs and work training, field operations, technical services,
38 unemployment compensation, community work and training and other related
39 functions in furtherance of programs under the social security act, as
40 amended, the Wagner-Peyser act, as amended, the federal unemployment tax act,
41 as amended, 33 United States Code, the family support act of 1988
42 (P.L. 100-485) and other related federal acts and titles.

43 (b) Individual and family services, which shall include a section on
44 aging, services to children, youth and adults and other related functions in
45 furtherance of social service programs under the social security act, as
46 amended, title IV, EXCEPT PARTS B AND E, grants to states for aid and

1 services to needy families with children and for child-welfare services,
2 title XX, grants to states for services, the older Americans act, as amended,
3 the family support act of 1988 (P.L. 100-485) and other related federal acts
4 and titles.

5 (c) Income maintenance services, ~~which shall include~~ INCLUDING
6 categorical assistance programs, special services unit, child support
7 collection services, establishment of paternity services, maintenance and
8 operation of a state case registry of child support orders, a state directory
9 of new hires, a support payment clearinghouse and other related functions in
10 furtherance of programs under the social security act, title IV, grants to
11 states for aid and services to needy families with children and for
12 child-welfare services, title XX, grants to states for services, as amended,
13 and other related federal acts and titles.

14 (d) Rehabilitation services, ~~which shall include~~ INCLUDING vocational
15 rehabilitation services and sections for the blind and visually impaired,
16 communication disorders, correctional rehabilitation and other related
17 functions in furtherance of programs under the vocational rehabilitation act,
18 as amended, the Randolph-Sheppard act, as amended, and other related federal
19 acts and titles.

20 (e) Administrative services, ~~which shall include~~ INCLUDING the
21 coordination of program evaluation and research, interagency program
22 coordination and in-service training, planning, grants, development and
23 management, information, legislative liaison, budget, licensing and other
24 related functions.

25 (f) Manpower planning, ~~which shall include~~ INCLUDING a state manpower
26 planning council for the purposes of the federal-state-local cooperative
27 manpower planning system and other related functions in furtherance of
28 programs under the comprehensive employment and training act of 1973, as
29 amended, and other related federal acts and titles.

30 (g) Economic opportunity services, ~~which shall include~~ INCLUDING the
31 furtherance of programs prescribed under the economic opportunity act of
32 1967, as amended, and other related federal acts and titles.

33 (h) Intellectual disability and other developmental disability
34 programs, with emphasis on referral and purchase of services. The program
35 shall include educational, rehabilitation, treatment and training services
36 and other related functions in furtherance of programs under the
37 developmental disabilities services and facilities construction act, Public
38 Law 91-517, and other related federal acts and titles.

39 (i) Nonmedical home and community based services and functions,
40 including department designated case management, housekeeping services, chore
41 services, home health aid, personal care, visiting nurse services, adult day
42 care or adult day health, respite sitter care, attendant care, home delivered
43 meals and other related services and functions.

44 2. Provide a coordinated system of initial intake, screening,
45 evaluation and referral of persons served by the department.

1 3. Adopt rules it deems necessary or desirable to further the
2 objectives and programs of the department.

3 4. Formulate policies, plans and programs to effectuate the missions
4 and purposes of the department.

5 5. Employ, ~~AND~~ AND determine the conditions of employment and prescribe
6 the duties and powers of administrative, professional, technical,
7 secretarial, clerical and other persons subject to chapter 4, article 4 and,
8 as applicable, article 5 of this title as may be necessary in the performance
9 of its duties, contract for the services of outside advisors, consultants and
10 aides as may be reasonably necessary and reimburse department volunteers,
11 designated by the director, for expenses in transporting clients of the
12 department on official business.

13 6. Make contracts and incur obligations within the general scope of
14 its activities and operations subject to the availability of funds.

15 7. Contract with or assist other departments, agencies and
16 institutions of the state, local and federal governments in the furtherance
17 of its purposes, objectives and programs.

18 8. Be designated as the single state agency for the purposes of
19 administering and in furtherance of each federally supported state plan.

20 9. Accept and disburse grants, matching funds and direct payments from
21 public or private agencies for the conduct of programs that are consistent
22 with the overall purposes and objectives of the department.

23 10. Provide information and advice on request by local, state and
24 federal agencies and by private citizens, business enterprises and community
25 organizations on matters within the scope of its duties subject to the
26 departmental rules on the confidentiality of information.

27 11. Establish and maintain separate financial accounts as required by
28 federal law or regulations.

29 12. Advise and make recommendations to the governor and the legislature
30 on all matters concerning its objectives.

31 13. Have an official seal that shall be judicially noticed.

32 14. Annually estimate the current year's population of each county,
33 city and town in this state, using the periodic census conducted by the
34 United States department of commerce, or its successor agency, as the basis
35 for such estimates and deliver such estimates to the economic estimates
36 commission before December 15.

37 15. Estimate the population of any newly annexed areas of a political
38 subdivision as of July 1 of the fiscal year in which the annexation occurs
39 and deliver such estimates as promptly as is feasible after the annexation
40 occurs to the economic estimates commission.

41 16. Establish and maintain a statewide program of services for persons
42 who are both hearing impaired and visually impaired and coordinate
43 appropriate services with other agencies and organizations to avoid
44 duplication of these services and to increase efficiency. The department of
45 economic security shall enter into agreements for the utilization of the
46 personnel and facilities of the department of economic security, the

1 department of health services and other appropriate agencies and
2 organizations in providing these services.

3 17. Establish and charge fees for deposit in the department of economic
4 security prelayoff assistance services fund to employers who voluntarily
5 participate in the services of the department that provide job service and
6 retraining for persons who have been or are about to be laid off from
7 employment. The department shall charge only those fees necessary to cover
8 the costs of administering the job service and retraining services.

9 18. Establish a focal point for addressing the issue of hunger in
10 Arizona and provide coordination and assistance to public and private
11 nonprofit organizations that aid hungry persons and families throughout this
12 state. Specifically such activities shall include:

13 (a) Collecting and disseminating information regarding the location
14 and availability of surplus food for distribution to needy persons, the
15 availability of surplus food for donation to charity food bank organizations,
16 and the needs of charity food bank organizations for surplus food.

17 (b) Coordinating the activities of federal, state, local and private
18 nonprofit organizations that provide food assistance to the hungry.

19 (c) Accepting and disbursing federal monies, and any state monies
20 appropriated by the legislature, to private nonprofit organizations in
21 support of the collection, receipt, handling, storage and distribution of
22 donated or surplus food items.

23 (d) Providing technical assistance to private nonprofit organizations
24 that provide or intend to provide services to the hungry.

25 (e) Developing a state plan on hunger that, at a minimum, identifies
26 the magnitude of the hunger problem in this state, the characteristics of the
27 population in need, the availability and location of charity food banks and
28 the potential sources of surplus food, assesses the effectiveness of the
29 donated food collection and distribution network and other efforts to
30 alleviate the hunger problem, and recommends goals and strategies to improve
31 the status of the hungry. The state plan on hunger shall be incorporated
32 into the department's state comprehensive plan prepared pursuant to section
33 41-1956.

34 (f) Establishing a special purpose advisory council on hunger pursuant
35 to section 41-1981.

36 19. Establish an office to address the issue of homelessness and to
37 provide coordination and assistance to public and private nonprofit
38 organizations that prevent homelessness or aid homeless individuals and
39 families throughout this state. These activities shall include:

40 (a) Promoting and participating in planning for the prevention of
41 homelessness and the development of services to homeless persons.

42 (b) Identifying and developing strategies for resolving barriers in
43 state agency service delivery systems that inhibit the provision and
44 coordination of appropriate services to homeless persons and persons in
45 danger of being homeless.

1 (c) Assisting in the coordination of the activities of federal, state
2 and local governments and the private sector that prevent homelessness or
3 provide assistance to homeless people.

4 (d) Assisting in obtaining and increasing funding from all appropriate
5 sources to prevent homelessness or assist in alleviating homelessness.

6 (e) Serving as a clearinghouse on information regarding funding and
7 services available to assist homeless persons and persons in danger of being
8 homeless.

9 (f) Developing an annual state comprehensive homeless assistance plan
10 to prevent and alleviate homelessness.

11 (g) Submitting an annual report to the governor, the president of the
12 senate and the speaker of the house of representatives on the status of
13 homelessness and efforts to prevent and alleviate homelessness.

14 20. Cooperate with the Arizona-Mexico commission in the governor's
15 office and with researchers at universities in this state to collect data and
16 conduct projects in the United States and Mexico on issues that are within
17 the scope of the department's duties and that relate to quality of life,
18 trade and economic development in this state in a manner that will help the
19 Arizona-Mexico commission to assess and enhance the economic competitiveness
20 of this state and of the Arizona-Mexico region.

21 21. EXCHANGE INFORMATION, INCLUDING CASE SPECIFIC INFORMATION, AND
22 COOPERATE WITH THE DEPARTMENT OF CHILD SAFETY FOR THE ADMINISTRATION OF THE
23 DEPARTMENT OF CHILD SAFETY'S PROGRAMS.

24 B. If the department of economic security has responsibility for the
25 care, custody or control of a child or is paying the cost of care for a
26 child, it may serve as representative payee to receive and administer social
27 security and United States department of veterans affairs benefits and other
28 benefits payable to such child. Notwithstanding any law to the contrary, the
29 department of economic security:

30 1. Shall deposit, pursuant to sections 35-146 and 35-147, such monies
31 as it receives to be retained separate and apart from the state general fund
32 on the books of the department of administration.

33 2. May use such monies to defray the cost of care and services
34 expended by the department of economic security for the benefit, welfare and
35 best interests of the child and invest any of the monies that the director
36 determines are not necessary for immediate use.

37 3. Shall maintain separate records to account for the receipt,
38 investment and disposition of funds received for each child.

39 4. On termination of the department of economic security's
40 responsibility for the child, shall release any funds remaining to the
41 child's credit in accordance with the requirements of the funding source or
42 in the absence of such requirements shall release the remaining funds to:

43 (a) The child, if the child is at least eighteen years of age or is
44 emancipated.

45 (b) The person responsible for the child if the child is a minor and
46 not emancipated.

1 C. Subsection B of this section does not pertain to benefits payable
2 to or for the benefit of a child receiving services under title 36.

3 D. Volunteers reimbursed for expenses pursuant to subsection A,
4 paragraph 5 of this section are not eligible for workers' compensation under
5 title 23, chapter 6.

6 E. In implementing the temporary assistance for needy families program
7 pursuant to Public Law 104-193, the department shall provide for cash
8 assistance to two parent families if both parents are able to work only on
9 documented participation by both parents in work activities described in
10 title 46, chapter 2, article 5, except that payments may be made to families
11 who do not meet the participation requirements if:

12 1. It is determined on an individual case basis that they have
13 emergency needs.

14 2. The family is determined to be eligible for diversion from
15 long-term cash assistance pursuant to title 46, chapter 2, article 5.

16 F. The department shall provide for cash assistance under temporary
17 assistance for needy families pursuant to Public Law 104-193 to two parent
18 families for no longer than six months if both parents are able to work,
19 except that additional assistance may be provided on an individual case basis
20 to families with extraordinary circumstances. The department shall establish
21 by rule the criteria to be used to determine eligibility for additional cash
22 assistance.

23 G. The department shall adopt the following discount medical payment
24 system for persons who the department determines are eligible and who are
25 receiving rehabilitation services pursuant to subsection A, paragraph 1,
26 subdivision ~~(d)~~ (c) of this section:

27 1. For inpatient hospital admissions and outpatient hospital services
28 the department shall reimburse a hospital according to the rates established
29 by the Arizona health care cost containment system administration pursuant to
30 section 36-2903.01, subsection G.

31 2. The department's liability for a hospital claim under this
32 subsection is subject to availability of funds.

33 3. A hospital bill is considered received for purposes of paragraph 5
34 of this subsection on initial receipt of the legible, error-free claim form
35 by the department if the claim includes the following error-free
36 documentation in legible form:

37 (a) An admission face sheet.

38 (b) An itemized statement.

39 (c) An admission history and physical.

40 (d) A discharge summary or an interim summary if the claim is split.

41 (e) An emergency record, if admission was through the emergency room.

42 (f) Operative reports, if applicable.

43 (g) A labor and delivery room report, if applicable.

44 4. The department shall require that the hospital pursue other
45 third-party payors before submitting a claim to the department. Payment
46 received by a hospital from the department pursuant to this subsection is

1 considered payment by the department of the department's liability for the
2 hospital bill. A hospital may collect any unpaid portion of its bill from
3 other third party payors or in situations covered by title 33, chapter 7,
4 article 3.

5 5. For inpatient hospital admissions and outpatient hospital services
6 rendered on and after October 1, 1997, if the department receives the claim
7 directly from the hospital, the department shall pay a hospital's rate
8 established according to this section subject to the following:

9 (a) If the hospital's bill is paid within thirty days of the date the
10 bill was received, the department shall pay ninety-nine per cent of the rate.

11 (b) If the hospital's bill is paid after thirty days but within sixty
12 days of the date the bill was received, the department shall pay one hundred
13 per cent of the rate.

14 (c) If the hospital's bill is paid any time after sixty days of the
15 date the bill was received, the department shall pay one hundred per cent of
16 the rate plus a fee of one per cent per month for each month or portion of a
17 month following the sixtieth day of receipt of the bill until the date of
18 payment.

19 6. For medical services other than those for which a rate has been
20 established pursuant to section 36-2903.01, subsection G, the department
21 shall pay according to the Arizona health care cost containment system capped
22 fee-for-service schedule adopted pursuant to section 36-2904, subsection K or
23 any other established fee schedule the department determines reasonable.

24 H. The department shall not pay claims for services pursuant to this
25 section that are submitted more than nine months after the date of service
26 for which the payment is claimed.

27 I. To assist in the location of persons or assets for the purpose of
28 establishing paternity, establishing, modifying or enforcing child support
29 obligations and other related functions, the department has access, including
30 automated access if the records are maintained in an automated database, to
31 records of state and local government agencies, including:

- 32 1. Vital statistics, including records of marriage, birth and divorce.
- 33 2. State and local tax and revenue records, including information on
34 residence address, employer, income and assets.
- 35 3. Records concerning real and titled personal property.
- 36 4. Records of occupational and professional licenses.
- 37 5. Records concerning the ownership and control of corporations,
38 partnerships and other business entities.
- 39 6. Employment security records.
- 40 7. Records of agencies administering public assistance programs.
- 41 8. Records of the motor vehicle division of the department of
42 transportation.
- 43 9. Records of the state department of corrections.
- 44 10. Any system used by a state agency to locate a person for motor
45 vehicle or law enforcement purposes, including access to information
46 contained in the Arizona criminal justice information system.

1 J. Notwithstanding subsection I of this section, the department or its
2 agents shall not seek or obtain information on the assets of an individual
3 unless paternity is presumed pursuant to section 25-814 or established.

4 K. Access to records of the department of revenue pursuant to
5 subsection I of this section shall be provided in accordance with section
6 42-2003.

7 L. The department also has access to certain records held by private
8 entities with respect to child support obligors or obligees, or individuals
9 against whom such an obligation is sought. The information shall be obtained
10 as follows:

11 1. In response to a child support subpoena issued by the department
12 pursuant to section 25-520, the names and addresses of these persons and the
13 names and addresses of the employers of these persons, as appearing in
14 customer records of public utilities and cable television companies.

15 2. Information on these persons held by financial institutions.

16 M. Pursuant to department rules, the department may compromise or
17 settle any support debt owed to the department if the director or an
18 authorized agent determines that it is in the best interest of the state and
19 after considering each of the following factors:

20 1. The obligor's financial resources.

21 2. The cost of further enforcement action.

22 3. The likelihood of recovering the full amount of the debt.

23 N. Notwithstanding any law to the contrary, a state or local
24 governmental agency or private entity is not subject to civil liability for
25 the disclosure of information made in good faith to the department pursuant
26 to this section.

27 Sec. 137. Repeal

28 Section 41-1969.01, Arizona Revised Statutes, as amended by Laws 2013,
29 first special session, chapter 5, section 9, is repealed.

30 Sec. 138. Section 41-2021, Arizona Revised Statutes, as transferred
31 and renumbered by this act, is amended to read:

32 41-2021. Definitions

33 In this ~~chapter~~ ARTICLE, unless the context otherwise requires:

34 1. "Early intervention programs and services" means developmental
35 services ~~which~~ THAT are provided under public supervision at no cost, except
36 if federal or state law provides for a system of payments by families, and
37 ~~which~~ THAT are designed to meet one or more of an infant's or toddler's
38 developmental needs.

39 2. "Infants and toddlers" means children from birth to thirty-six
40 months of age who need early intervention programs and services because they
41 have either of the following:

42 (a) A developmental need as evidenced by experiencing developmental
43 delays, as measured by appropriate diagnostic instruments and procedures, in
44 one or more of the following areas:

45 (i) Cognitive development.

46 (ii) Physical development.

1 (iii) Language and speech development.

2 (iv) Psychosocial development.

3 (v) Self-help skills.

4 (b) A diagnosed physical or mental condition ~~which~~ THAT has a high
5 probability of resulting in developmental delays.

6 3. "Interagency coordinating council for infants and toddlers" means
7 the council established by order of the governor in accordance with federal
8 law.

9 Sec. 139. Section 41-2501, Arizona Revised Statutes, is amended to
10 read:

11 41-2501. Applicability

12 A. This chapter applies only to procurements initiated after
13 January 1, 1985 unless the parties agree to its application to procurements
14 initiated before that date.

15 B. This chapter applies to every expenditure of public monies,
16 including federal assistance monies except as otherwise specified in section
17 41-2637, by this state, acting through a state governmental unit as defined
18 in this chapter, under any contract, except that this chapter does not apply
19 to either grants as defined in this chapter, or contracts between this state
20 and its political subdivisions or other governments, except as provided in
21 chapter 24 of this title and in article 10 of this chapter. This chapter
22 also applies to the disposal of state materials. This chapter and rules
23 adopted under this chapter do not prevent any state governmental unit or
24 political subdivision from complying with the terms of any grant, gift,
25 bequest or cooperative agreement.

26 C. All political subdivisions and other local public agencies of this
27 state may adopt all or any part of this chapter and the rules adopted
28 pursuant to this chapter.

29 D. Notwithstanding any other law, section 41-2517 applies to any
30 agency as defined in section 41-1001, including the office of the governor.

31 E. The Arizona board of regents and the legislative and judicial
32 branches of state government are not subject to this chapter except as
33 prescribed in subsection F of this section.

34 F. The Arizona board of regents and the judicial branch shall adopt
35 rules prescribing procurement policies and procedures for themselves and
36 institutions under their jurisdiction. The rules must be substantially
37 equivalent to the policies and procedures prescribed in this chapter.

38 G. The Arizona state lottery commission is exempt from this chapter
39 for procurement relating to the design and operation of the lottery or
40 purchase of lottery equipment, tickets and related materials. The executive
41 director of the Arizona state lottery commission shall adopt rules
42 substantially equivalent to the policies and procedures in this chapter for
43 procurement relating to the design and operation of the lottery or purchase
44 of lottery equipment, tickets or related materials. All other procurement
45 shall be as prescribed by this chapter.

1 H. The Arizona health care cost containment system administration is
2 exempt from this chapter for provider contracts pursuant to section 36-2904,
3 subsection A and contracts for goods and services, including program
4 contractor contracts pursuant to title 36, chapter 29, articles 2 and 3. All
5 other procurement, including contracts for the statewide administrator of the
6 program pursuant to section 36-2903, subsection B, shall be as prescribed by
7 this chapter.

8 I. Arizona industries for the blind is exempt from this chapter for
9 purchases of finished goods from members of national industries for the blind
10 and for purchases of raw materials for use in the manufacture of products for
11 sale pursuant to section 41-1972. All other procurement shall be as
12 prescribed by this chapter.

13 J. Arizona correctional industries is exempt from this chapter for
14 purchases of raw materials, components and supplies that are used in the
15 manufacture or production of goods or services for sale entered into pursuant
16 to section 41-1622. All other procurement shall be as prescribed by this
17 chapter.

18 K. The state transportation board and the director of the department
19 of transportation are exempt from this chapter other than section 41-2586 for
20 the procurement of construction or reconstruction, including engineering
21 services, of transportation facilities or highway facilities and any other
22 services that are directly related to land titles, appraisals, real property
23 acquisition, relocation, property management or building facility design and
24 construction for highway development and that are required pursuant to title
25 28, chapter 20.

26 L. The Arizona highways magazine is exempt from this chapter for
27 contracts for the production, promotion, distribution and sale of the
28 magazine and related products and for contracts for sole source creative
29 works entered into pursuant to section 28-7314, subsection A, paragraph 5.
30 All other procurement shall be as prescribed by this chapter.

31 M. The secretary of state is exempt from this chapter for contracts
32 entered into pursuant to section 41-1012 to publish and sell the
33 administrative code. All other procurement shall be as prescribed by this
34 chapter.

35 N. This chapter is not applicable to contracts for professional
36 witnesses if the purpose of such contracts is to provide for professional
37 services or testimony relating to an existing or probable judicial proceeding
38 in which this state is or may become a party or to contract for special
39 investigative services for law enforcement purposes.

40 O. The head of any state governmental unit, in relation to any
41 contract exempted by this section from this chapter, has the same authority
42 to adopt rules, procedures or policies as is delegated to the director
43 pursuant to this chapter.

44 P. Agreements negotiated by legal counsel representing this state in
45 settlement of litigation or threatened litigation are exempt from this
46 chapter.

1 Q. This chapter is not applicable to contracts entered into by the
2 department of economic security:

3 1. With a provider licensed or certified by an agency of this state to
4 provide child day care services ~~or with a provider of family foster care~~
5 ~~pursuant to section 8-503 or 36-554.~~

6 2. With area agencies on aging created pursuant to the older Americans
7 act of 1965 (P.L. 89-73; 79 Stat. 218; 42 United States Code sections 3001
8 through 3058ee).

9 3. For services pursuant to title 36, chapter 29, article 2.

10 4. With an eligible entity as defined by Public Law 105-285, section
11 673(1)(a)(i), as amended, for designated community services block grant
12 program monies and any other monies given to the eligible entity that
13 accomplishes the purpose of Public Law 105-285, section 672.

14 R. The department of health services may not require that persons with
15 whom it contracts follow this chapter for the purposes of subcontracts
16 entered into for the provision of the following:

17 1. Mental health services pursuant to section 36-189, subsection B.

18 2. Services for the seriously mentally ill pursuant to title 36,
19 chapter 5, article 10.

20 3. Drug and alcohol services pursuant to section 36-141.

21 4. Domestic violence services pursuant to title 36, chapter 30,
22 article 1.

23 S. The department of health services is exempt from this chapter for
24 contracts for services of physicians at the Arizona state hospital.

25 T. Contracts for goods and services approved by the board of trustees
26 of the public safety personnel retirement system are exempt from this
27 chapter.

28 U. The Arizona department of agriculture is exempt from this chapter
29 with respect to contracts for private labor and equipment to effect cotton or
30 cotton stubble plow-up pursuant to rules adopted under title 3, chapter 2,
31 article 1.

32 V. The Arizona state parks board is exempt from this chapter for
33 purchases of guest supplies and items for resale such as food, linens, gift
34 items, sundries, furniture, china, glassware and utensils for the facilities
35 located in the Tonto natural bridge state park.

36 W. The Arizona state parks board is exempt from this chapter for the
37 purchase, production, promotion, distribution and sale of publications,
38 souvenirs and sundry items obtained and produced for resale.

39 X. The Arizona state schools for the deaf and the blind are exempt
40 from this chapter for the purchase of textbooks and when purchasing products
41 through a cooperative that is organized and operates in accordance with state
42 law if such products are not available on a statewide contract and are
43 related to the operation of the schools or are products for which special
44 discounts are offered for educational institutions.

45 Y. Expenditures of monies in the morale, welfare and recreational fund
46 established by section 26-153 are exempt from this chapter.

1 Z. Notwithstanding section 41-2534, the director of the state
2 department of corrections may contract with local medical providers in
3 counties with a population of less than four hundred thousand persons
4 according to the most recent United States decennial census for the following
5 purposes:

6 1. To acquire hospital and professional medical services for inmates
7 who are incarcerated in state department of corrections facilities that are
8 located in those counties.

9 2. To ensure the availability of emergency medical services to inmates
10 in all counties by contracting with the closest medical facility that offers
11 emergency treatment and stabilization.

12 AA. The department of environmental quality is exempt from this
13 chapter for contracting for procurements relating to the water quality
14 assurance revolving fund program established pursuant to title 49, chapter 2,
15 article 5. The department shall engage in a source selection process that is
16 similar to the procedures prescribed by this chapter. The department may
17 contract for remedial actions with a single selection process. The exclusive
18 remedy for disputes or claims relating to contracting pursuant to this
19 subsection is as prescribed by article 9 of this chapter and the rules
20 adopted pursuant to that article. All other procurement by the department
21 shall be as prescribed by this chapter.

22 BB. The motor vehicle division of the department of transportation is
23 exempt from this chapter for third-party authorizations pursuant to title 28,
24 chapter 13, only if all of the following conditions exist:

25 1. The division does not pay any public monies to an authorized third
26 party.

27 2. Exclusivity is not granted to an authorized third party.

28 3. The director has complied with the requirements prescribed in title
29 28, chapter 13 in selecting an authorized third party.

30 CC. This section does not exempt third-party authorizations pursuant
31 to title 28, chapter 13 from any other applicable law.

32 DD. The state forester is exempt from this chapter for purchases and
33 contracts relating to wildland fire suppression and pre-positioning equipment
34 resources and for other activities related to combating wildland fires and
35 other unplanned risk activities, including fire, flood, earthquake, wind and
36 hazardous material responses. All other procurement by the state forester
37 shall be as prescribed by this chapter.

38 EE. The cotton research and protection council is exempt from this
39 chapter for procurements.

40 FF. Expenditures of monies in the Arizona agricultural protection fund
41 established by section 3-3304 are exempt from this chapter.

42 GG. The Arizona commerce authority is exempt from this chapter, except
43 article 10 for the purpose of cooperative purchases. The authority shall
44 adopt policies, procedures and practices, in consultation with the department
45 of administration, that are similar to and based on the policies and
46 procedures prescribed by this chapter for the purpose of increased public

1 confidence, fair and equitable treatment of all persons engaged in the
2 process and fostering broad competition while accomplishing flexibility to
3 achieve the authority's statutory requirements. The authority shall make its
4 policies, procedures and practices available to the public. The authority
5 may exempt specific expenditures from the policies, procedures and practices.

6 HH. The Arizona exposition and state fair board is exempt from this
7 chapter for contracts for professional entertainment.

8 II. This chapter does not apply to the purchase of water, gas or
9 electric utilities.

10 JJ. This chapter does not apply to professional certifications,
11 professional memberships and conference registrations.

12 KK. THIS CHAPTER DOES NOT APPLY TO CONTRACTS ENTERED INTO BY THE
13 DEPARTMENT OF CHILD SAFETY:

14 1. WITH A PROVIDER OF FAMILY FOSTER CARE PURSUANT TO SECTION 8-503 OR
15 36-554.

16 2. WITH AN ELIGIBLE ENTITY AS DEFINED BY PUBLIC LAW 105-285, SECTION
17 673(1)(A)(I), AS AMENDED, FOR DESIGNATED COMMUNITY SERVICES BLOCK GRANT
18 PROGRAM MONIES AND ANY OTHER MONIES GIVEN TO THE ELIGIBLE ENTITY THAT
19 ACCOMPLISHES THE PURPOSE OF PUBLIC LAW 105-285, SECTION 672.

20 Sec. 140. Section 41-2636, Arizona Revised Statutes, is amended to
21 read:

22 41-2636. Procurement from Arizona industries for the blind,
23 certified nonprofit agencies that serve individuals
24 with disabilities and Arizona correctional
25 industries; definitions

26 A. The director shall appoint a state set-aside committee to determine
27 those materials and services that are provided, manufactured, produced and
28 offered for sale by Arizona industries for the blind, certified nonprofit
29 agencies that serve individuals with disabilities and Arizona correctional
30 industries and that satisfy the requirements of state governmental units and
31 to establish a fair market price for all approved materials and services
32 offered for sale that meet these requirements. Membership shall include the
33 assistant director for rehabilitation services in the department of economic
34 security or the assistant director's designee and a private sector
35 businessperson appointed by the governor who contracts or employs persons
36 with disabilities in the private sector. At each quarterly meeting the
37 director shall report on new procurement requests or renewal of existing
38 procurement requests for state purchases from lists supplied by set-aside
39 providers and that are within the capability of and that can be supplied by
40 the entities that are prescribed in this section. To qualify for set-aside
41 contracts, certified nonprofit agencies must maintain an employment ratio of
42 at least sixty per cent of program employees with significant disabilities.

43 B. Materials and services from Arizona correctional industries shall
44 be presented to the committee for approval. Office products, vinyl binders
45 and furniture refurbishing services shall be exempt from this article. State
46 governmental units shall purchase office products, vinyl binders and

1 furniture from Arizona correctional industries if each of the following
2 applies:

3 1. Such materials and services are readily available.

4 2. Such materials and services are capable of timely delivery.

5 3. Such materials and services are of equal quality and price for
6 these same materials and services in the private sector.

7 C. State governmental units shall purchase approved materials and
8 services if such materials and services are readily available.

9 D. Notwithstanding the requirements of section 41-2532, state
10 governmental units and local public procurement units may purchase or
11 contract for any products, materials and services directly from Arizona
12 industries for the blind, certified nonprofit agencies that serve individuals
13 with disabilities and Arizona correctional industries without competitive
14 bidding if the delivery and quality of the products, materials or services
15 meet the unit's reasonable requirements.

16 E. All state governmental units shall endeavor to set aside at least
17 one per cent of their new purchases or contracts for any products, materials
18 and services from the entities that are prescribed in subsection D of this
19 section, except for contracts for care and services for clients of **THE**
20 **DEPARTMENT OF CHILD SAFETY**, the department of economic security or the
21 department of health services. The department shall communicate with each
22 state governmental unit regarding its responsibility to comply with this
23 subsection. The committee shall meet quarterly to report progress in
24 increasing state governmental purchases or contracts with the entities that
25 are prescribed in subsection D of this section. The committee shall compile
26 quarterly reports detailing new purchases or contracts that are entered into
27 pursuant to this subsection to the director, each committee member, the
28 governor, the president of the senate and the speaker of the house of
29 representatives.

30 F. The committee shall meet during the first month of each fiscal year
31 to determine which articles, products or services Arizona correctional
32 industries, certified nonprofit agencies that serve individuals with
33 disabilities and Arizona industries for the blind should continue to
34 manufacture for state use, to advise such agencies and industries of any
35 changes in specifications and to identify new articles or products that
36 should be manufactured or could be eligible for procurement.

37 G. For the purposes of this section:

38 1. "Certified nonprofit agency that serves individuals with
39 disabilities" means a nonprofit activity center that serves individuals with
40 significant disabilities and that satisfies all of the following:

41 (a) Is organized under the laws of this state or another state, is
42 operated in the interest of disabled individuals and the net income of which
43 does not inure in whole or in part to the benefit of any shareholder or other
44 individual.

45 (b) Complies with any applicable occupational health and safety
46 standard required by the laws of the United States and this state.

1 technology systems and related services. The department shall deposit,
2 pursuant to sections 35-146 and 35-147, monies received pursuant to this
3 paragraph in the public assistance collections fund established by section
4 46-295.

5 11. Educational, vocational, treatment, training or work programs of
6 the department of juvenile corrections and contracts between the department
7 of juvenile corrections and this state, a political subdivision of this state
8 or a private entity in order to provide employment or vocational educational
9 experience.

10 12. The aflatoxin control technologies of the cotton research and
11 protection council.

12 13. The lease or sublease of lands or buildings by the department of
13 economic security pursuant to section 41-1958.

14 14. The Arizona commerce authority.

15 15. The Arizona game and fish commission, but only for the sale of
16 goods or services and not firearms.

17 16. THE LEASE OR SUBLEASE OF LANDS OR BUILDINGS BY THE DEPARTMENT OF
18 CHILD SAFETY PURSUANT TO SECTION 8-460.

19 17. AGREEMENTS EXECUTED BY THE DEPARTMENT OF CHILD SAFETY WITH OTHER
20 STATES TO DESIGN, DEVELOP, INSTALL AND OPERATE SUPPORT COLLECTION TECHNOLOGY
21 SYSTEMS AND RELATED SERVICES. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO
22 SECTIONS 35-146 AND 35-147, MONIES RECEIVED PURSUANT TO THIS PARAGRAPH IN THE
23 CHILD SAFETY COLLECTIONS FUND ESTABLISHED BY SECTION 8-461.

24 D. The restrictions on activities that compete with private enterprise
25 contained in subsection A of this section do not apply to community colleges
26 and universities under the jurisdiction of a governing board.

27 Sec. 142. Title 41, chapter 27, article 2, Arizona Revised Statutes,
28 is amended by adding section 41-3024.06, to read:

29 41-3024.06. Department of child safety; termination July 1,
30 2024

31 A. THE DEPARTMENT OF CHILD SAFETY TERMINATES ON JULY 1, 2024.

32 B. TITLE 8, CHAPTER 4 IS REPEALED ON JANUARY 1, 2025.

33 Sec. 143. Section 41-3802, Arizona Revised Statutes, is amended to
34 read:

35 41-3802. Human rights committee on children, youth and families

36 A. The human rights committee on children, youth and families is
37 established in the department of ~~economic security~~ CHILD SAFETY to promote
38 the rights of persons who receive services from the division of children,
39 youth and families in the department.

40 B. Notwithstanding section 8-807, the department shall disclose
41 confidential information and records to the committee established pursuant to
42 this section or designated pursuant to subsection C, subject to the
43 requirements of section 41-3804 and applicable federal law.

44 C. The director of the department ~~of economic security~~ may designate a
45 citizen review panel, multidisciplinary case consultation team or other

1 oversight entity as the human rights committee on children, youth and
2 families if the panel or entity meets the requirements of this section.

3 D. The committee shall be organized pursuant to this section and the
4 requirements of section 41-3804.

5 E. The director of the department ~~of economic security~~ may establish
6 additional committees for each district office established pursuant to
7 section 41-1961 or to oversee the activities of any service provider.

8 F. Each human rights committee established pursuant to this section
9 shall consist of at least seven and not more than fifteen members appointed
10 by the director of the department of economic security with expertise in at
11 least one of the following areas:

- 12 1. Psychology.
- 13 2. Law.
- 14 3. Medicine.
- 15 4. Education.
- 16 5. Special education.
- 17 6. Social work.

18 G. Each human rights committee shall include at least two parents of
19 children who receive services from the ~~division of children, youth and~~
20 ~~families~~ DEPARTMENT. If a report of abuse has been substantiated against a
21 parent, that parent shall not serve on a human rights committee.

22 Sec. 144. Section 41-3804, Arizona Revised Statutes, is amended to
23 read:

24 41-3804. Human rights committees; membership; duties; client
25 information; violation; classification

26 A. Subject to the approval of the appropriate department director,
27 each committee established pursuant to this article shall adopt guidelines
28 that govern its operation, including terms of members, quorum and attendance
29 requirements and removal of a committee member if necessary. Each committee
30 shall adopt these guidelines by majority vote within the first three months
31 of its formation. These guidelines shall not conflict with this article.
32 The director of the appropriate department shall approve the guidelines
33 unless they are inconsistent with the department's statutes, policies,
34 procedures or rules, or if the guideline does not promote participation by
35 all interested members of the community that the committee serves. In
36 addition to the procedures in the guidelines, each human rights committee
37 must approve the removal of any committee member on majority vote of the
38 committee.

39 B. Employees of the department of economic security, **THE DEPARTMENT OF**
40 **CHILD SAFETY** and the department of health services may serve on a committee
41 only as nonvoting members whose presence is not counted for the purpose of
42 determining a quorum.

43 C. Advocacy groups, local advisory councils, committee members and the
44 director of the appropriate department may submit names of candidates to fill
45 committee vacancies. The appropriate director shall appoint a person to fill
46 a vacancy subject to the approval of the committee.

1 D. Each committee shall meet at least quarterly each calendar year.

2 E. Each committee shall provide independent oversight to:

3 1. Ensure that the rights of clients are protected.

4 2. Provide research in that committee's field.

5 3. Review incidents of possible abuse, neglect or denial of a client's
6 rights.

7 F. Each committee shall submit written objections to specific problems
8 or violations of client rights by department employees or service providers
9 to the director of the appropriate department for review.

10 G. Each committee shall issue an annual report of its activities and
11 recommendations for changes to the director of the appropriate department.

12 H. A committee may request from the appropriate department the
13 services of a consultant or department employee to advise it on specific
14 issues. The consultant may be a member of another human rights committee, a
15 department employee or a service provider. Subject to the availability of
16 monies, the appropriate department shall assume the cost of the consultant. A
17 consultant shall not participate in committee votes.

18 I. Subject to federal law, committee members and consultants have
19 access to client information and records maintained by the appropriate
20 department, provider or regional behavioral health authorities to the extent
21 necessary to conduct committee duties. Each person who receives information
22 or records pursuant to this subsection shall maintain the information or
23 records as confidential and sign an agreement to comply with all
24 confidentiality requirements. Any client information or records shall be
25 released to the committee without the designation of personally identifiable
26 information unless the personally identifiable information is required for
27 the official purposes of the committee. "Personally identifiable
28 information" includes name, address, date of birth, social security number,
29 tribal enrollment number, telephone or telefacsimile number, driver license
30 number, places of employment or school identification or military
31 identification number or any other distinguishing characteristic that tends
32 to identify a particular person. A violation of this subsection is a class 2
33 misdemeanor.

34 J. If a committee's request for information or records from a
35 department is denied, the committee may request in writing that the director
36 of the appropriate department review this decision. The agency director or
37 designee shall conduct the review within five business days after receiving
38 the request for review. The agency shall bear the costs of conducting the
39 review. A final agency decision made pursuant to this subsection is subject
40 to judicial review pursuant to title 12, chapter 7, article 6. The agency
41 shall not release any information or records during the period an appeal may
42 be filed or is pending.

43 K. Confidential records and information received by the committee or
44 its consultant are subject to the same provisions concerning subpoenas,
45 discovery and use in legal actions as are the original records and
46 information.

1 L. Any person who, in good faith and without malice and in connection
2 with duties or functions of a committee established pursuant to this article,
3 takes an action or makes a decision or recommendation as a member or agent of
4 a committee or who furnishes records, information or assistance that is
5 related to the duties of a committee is not subject to liability for civil
6 damages in consequence of that action. The court shall determine the
7 presence of malice by clear and convincing evidence.

8 Sec. 145. Section 43-613, Arizona Revised Statutes, is amended to
9 read:

10 43-613. Contribution to child abuse prevention fund

11 A. Unless not required pursuant to subsection B of this section, the
12 department shall provide a space on the individual income tax return form in
13 which the taxpayer may designate an amount of the taxpayer's refund as a
14 voluntary contribution to the child abuse prevention fund established under
15 section 8-550.01.

16 B. After subtracting any setoff for debts pursuant to section 42-1122
17 the department of revenue shall subtract the designated amount from the
18 refund due the taxpayer and transfer it to the department of ~~economic~~
19 ~~security~~ CHILD SAFETY for credit to the fund. The department of ~~economic~~
20 ~~security~~ CHILD SAFETY shall separately account for the monies in the fund
21 derived from contributions under this section and notify the department of
22 revenue if such monies exceed ten million dollars. If ~~such~~ THESE monies do
23 exceed ten million dollars on June 30, this section does not apply and the
24 department of revenue shall not provide the space otherwise required by this
25 section on the tax return for that taxable year.

26 C. The taxpayer may also donate any amount to the child abuse
27 prevention fund, in lieu of or in addition to the designated portion of the
28 income tax refund, by an appropriate indication on the return and by
29 including that amount with the return.

30 Sec. 146. Section 43-1505, Arizona Revised Statutes, is amended to
31 read:

32 43-1505. Special provisions: corporate donations for displaced
33 students and students with disabilities: definition

34 A. A school tuition organization that receives contributions for the
35 purposes of section 20-224.07 or 43-1184 must use at least ninety per cent of
36 those contributions to provide educational scholarships or tuition grants to
37 qualified students to whom any of the following applies:

38 1. Received a grant or scholarship under title 15, chapter 8, article
39 1.2 or 8 in order to attend a qualified school during the 2008-2009 academic
40 year.

41 2. Attended a governmental primary or secondary school as a full-time
42 student as defined in section 15-901 or attended a preschool program that
43 offers services to students with disabilities at a governmental school for at
44 least ninety days of the prior fiscal year or one full semester and
45 transferred from a governmental school to a qualified school.

1 3. Enrolled in a qualified school in a kindergarten program or a
2 preschool program that offers services to students with disabilities.

3 4. Is the dependent of a member of the armed forces of the United
4 States who is stationed in this state pursuant to military orders.

5 5. Qualified for an educational scholarship or tuition grant under
6 paragraph 1, 2, 3 or 4 of this subsection if the qualified student continues
7 to attend a qualified school in a subsequent year.

8 B. The amount of an educational scholarship or a tuition grant that is
9 issued by a school tuition organization under this section shall not exceed
10 the cost of tuition for the student to attend the qualified school or ninety
11 per cent of the amount of state aid that otherwise would be computed for the
12 student as provided in title 15, chapter 9, article 5, whichever is less. On
13 request from a school tuition organization, the department of education shall
14 provide to the school tuition organization in a timely manner the amount
15 computed for the student under this subsection that represents the ninety per
16 cent limitation prescribed in this subsection.

17 C. A school tuition organization shall require that student
18 beneficiaries use the educational scholarships or tuition grants on a
19 full-time basis. If a child leaves the school before completing an entire
20 school year, the school shall refund a prorated amount of the educational
21 scholarship or tuition grant to the school tuition organization that issued
22 the scholarship or grant. The school tuition organization shall allocate any
23 refunds it receives under this subsection for educational scholarships or
24 tuition grants.

25 D. Qualified students who receive an educational scholarship or
26 tuition grant under this section shall be allowed to attend any qualified
27 school of their custodians' choice.

28 E. For the purposes of this section, "qualified student" means a
29 student who has been either:

30 1. Placed in foster care pursuant to title 8, chapter ~~5-4~~ at any time
31 before the student graduates from high school or obtains a general
32 equivalency diploma.

33 2. Identified as having a disability under section 504 of the
34 rehabilitation act (29 United States Code section 794) or identified at any
35 time by a school district as a child with a disability as defined in section
36 15-761 or a child with a disability who is eligible to receive services from
37 a school district under section 15-763.

38 Sec. 147. Section 46-101, Arizona Revised Statutes, is amended to
39 read:

40 46-101. Definitions

41 In this title, unless the context otherwise requires:

42 1. "Aid to families with dependent children" means assistance granted
43 under section 403 of title IV of the social security act as it existed before
44 August 22, 1996.

1 2. "Applicant" means a person who has applied for assistance or
2 services under this title, or a person who has applied for assistance or
3 services under this title and who has custody of a dependent child.

4 3. "Assistance" means payments in cash or kind to or on behalf of a
5 person or persons in need as provided for in this title.

6 4. "Assistance unit" means those members of a needy family, as
7 prescribed by the department in rule, or a child only case, that meets the
8 nonfinancial eligibility criteria for cash assistance and whose needs and
9 other circumstances are considered as a whole to determine a cash assistance
10 benefit amount.

11 5. "Cash assistance" means temporary assistance for needy families
12 paid to a recipient for the purpose of meeting basic living expenses as
13 defined by the department.

14 6. "Child care personnel" means any person who supervises children in
15 a day care home or center that receives child care food program monies under
16 this article.

17 7. "Child only case" means a case in which the eligible dependent
18 child is in the legal custody of the department OF CHILD SAFETY and placed in
19 foster care, ~~as defined in section 8-501,~~ with an unrelated adult or with a
20 nonparent relative who is not receiving cash assistance.

21 8. "Dependent child" means a needy child who has been deprived of
22 parental support or care by reason of the death, unemployment of the
23 supporting parent as defined and prescribed by the rules of the department,
24 continued absence from the home, or physical or mental incapacity of a
25 parent, and whose relatives who are responsible under the law for the child's
26 support are not able to provide adequate care and support of the child
27 without public assistance, and who is living with his father, mother,
28 grandfather, grandmother, brother, sister, stepfather, stepmother,
29 stepbrother, stepsister, uncle, aunt, niece, nephew or cousin in a place of
30 residence maintained by one or more of such relatives as his or their own
31 home or who is in the legal custody of the department OF CHILD SAFETY and
32 placed in a foster home or with an unrelated adult as a recipient of
33 temporary assistance for needy families. Such dependent child must be under
34 ~~the age of~~ eighteen years OF AGE or, if eighteen, must be a full-time student
35 in a high school, or in the equivalent level of vocational or technical
36 training, and shall be reasonably expected to complete the program before
37 reaching age nineteen.

38 9. "Director" means the director of the department of economic
39 security.

40 10. "Domestic violence" means battered or subject to extreme cruelty as
41 defined in section 408(a)(7)(C)(iii) of the social security act.

42 11. "Employment plan" means an agreement between the department and the
43 cash assistance recipient regarding the participant's work activities and
44 services provided by the department.

45 12. "Federal poverty level" means the poverty guidelines that are
46 issued by the United States department of health and human services pursuant

1 to section 673(2) of the omnibus budget reconciliation act of 1981 and that
2 are reported annually in the federal register.

3 13. "Head of household" means a dependent child's parent or the spouse
4 of the parent, or the dependent child's nonparent relative or spouse of the
5 nonparent relative, who receives cash assistance for himself and on behalf of
6 the dependent child or only on behalf of the dependent child.

7 14. "Homestead property" means a home owned and occupied by the
8 applicant or recipient, or his spouse.

9 15. "Jobs program" means services established by the department to
10 ensure that participants comply with work requirements as prescribed in
11 Public Law 104-193.

12 16. "Needy family":

13 (a) Means a family that resides in the same home and includes a
14 dependent child, one or more of the dependent child's parents and nonparent
15 relatives of the dependent child and their spouses who meet financial cash
16 assistance eligibility criteria established by this title and by department
17 rule.

18 (b) Does not include a child only case.

19 17. "Nonparent relative" means a dependent child's grandfather,
20 grandmother, brother, sister, stepfather, stepmother, stepbrother,
21 stepsister, uncle, aunt, niece, nephew or cousin and includes a permanent
22 guardian who is appointed pursuant to section 8-872.

23 18. "Participant" means a recipient of cash assistance engaged in work
24 activities through the JOBS program.

25 19. "Personal responsibility declaration" means a document that is
26 prescribed by the department and in which the applicant acknowledges
27 understanding of the applicant's personal responsibility.

28 20. "Recipient" means a person who receives assistance or services
29 under the provisions of this title.

30 21. "Services" includes social casework, rehabilitation counseling and
31 similar services rendered to a person or persons in need as provided for in
32 this title.

33 22. "Sponsor" means any political subdivision of this state, any
34 federally recognized Indian tribe, any military base or any other person,
35 partnership, corporation or association contracting with this state to
36 provide assistance in the distribution of child care food program monies
37 pursuant to this article.

38 23. "State department" or "department" means the department of economic
39 security.

40 24. "Temporarily deferred" means the postponement of work activities.

41 25. "Temporary assistance for needy families" means assistance granted
42 under section 403 of title IV of the social security act as it exists after
43 August 21, 1996.

44 26. "Vendor payment" means any payment to a person other than the
45 recipient on his behalf.

1 27. "Work activities" means the following activities that are countable
2 toward the federal work participation rate as prescribed in Public Law
3 104-193, section 407 (1996):

- 4 (a) Unsubsidized employment.
- 5 (b) Subsidized private or public employment.
- 6 (c) Work experience.
- 7 (d) On-the-job training.
- 8 (e) Job search and job readiness assistance.
- 9 (f) Community service programs.
- 10 (g) Vocational educational training.
- 11 (h) Job skills training directly related to employment.
- 12 (i) Education directly related to employment in the case of a
13 recipient who has not received a high school diploma or a certificate of high
14 school equivalency.
- 15 (j) Satisfactory attendance at secondary school or in a course of
16 study leading to a certificate of general equivalency, in the case of a
17 recipient who has not completed secondary school or received such a
18 certificate.

19 Sec. 148. Section 46-134, Arizona Revised Statutes, is amended to
20 read:

21 46-134. Powers and duties; expenditure; limitation

22 ~~A.~~ The state department shall:

23 1. Administer all forms of public relief and assistance except those
24 that by law are administered by other departments, agencies or boards.

25 ~~2. Administer child welfare activities, including:~~

26 ~~(a) Importation of children.~~

27 ~~(b) Licensing and supervising private and local public child caring
28 agencies and institutions.~~

29 ~~(c) Providing the cost of care of:~~

30 ~~(i) Children who are in temporary custody, are the subject of a
31 dependency petition or are adjudicated by the court as dependent and who are
32 in out of home placement, except state institutions.~~

33 ~~(ii) Children who are voluntarily placed in out of home placement
34 pursuant to section 8-806.~~

35 ~~(iii) Children who are the subject of a dependency petition or are
36 adjudicated dependent and who are in the custody of the department and
37 ordered by the court pursuant to section 8-845 to reside in an independent
38 living program pursuant to section 8-521.~~

39 ~~(d) Providing services for children placed in adoption.~~

40 ~~(e) Providing the cost of care of unwed mothers who are under the age
41 of eighteen years during the period of their pregnancy and confinement in
42 foster family homes or institutions and when determined by the department to
43 be economically eligible. Costs of hospitalization and medical expenses
44 attendant to the care of the mother and child shall be excluded from any
45 payments made under this subdivision.~~

1 ~~3. For the purposes of paragraph 2, subdivision (c), develop and~~
2 ~~implement in conjunction with the department of education and the department~~
3 ~~of juvenile corrections a uniform budget format to be submitted by licensed~~
4 ~~child welfare agencies and approved private special education schools. The~~
5 ~~budget format shall be developed in such a manner that, at a minimum,~~
6 ~~residential and educational instructional costs are separate and distinct~~
7 ~~budgetary items.~~

8 ~~4.~~ 2. Develop a section of rehabilitation for the visually impaired
9 that shall include a sight conservation section, a vocational rehabilitation
10 section in accordance with the federal vocational rehabilitation act, a
11 vending stand section in accordance with the federal Randolph-Sheppard act
12 and an adjustment service section that shall include rehabilitation teaching
13 and other social services deemed necessary, and shall cooperate with similar
14 agencies already established. The administrative officer and staff of the
15 section for the blind and visually impaired shall be employed only in the
16 work of that section.

17 ~~5.~~ 3. Assist other departments, agencies and institutions of the
18 state and federal governments, when requested, by performing services in
19 conformity with the purposes of this title.

20 ~~6.~~ 4. Act as agent of the federal government in furtherance of any
21 functions of the state department.

22 ~~7.~~ 5. Carry on research and compile statistics relating to the entire
23 public welfare program throughout this state, including all phases of
24 dependency and defectiveness.

25 ~~8.~~ 6. Cooperate with the superior court in cases of delinquency and
26 related problems.

27 ~~9.~~ 7. Develop plans in cooperation with other public and private
28 agencies for the prevention and treatment of conditions giving rise to public
29 welfare and social security problems.

30 ~~10.~~ 8. Make necessary expenditures in connection with the duties
31 specified in paragraphs 5, 6, 7, ~~8, 9, 15, 16 and 17~~ 13 AND 14 OF THIS
32 SUBSECTION.

33 ~~11.~~ 9. Have the power to apply for, accept, receive and expend public
34 and private gifts or grants of money or property on the terms and conditions
35 as may be imposed by the donor and for any purpose provided for by this
36 chapter.

37 ~~12.~~ 10. Make rules, and take action necessary or desirable to carry
38 out the provisions of this title, that are not inconsistent with this title.

39 ~~13.~~ 11. Administer any additional welfare functions required by law.

40 ~~14.~~ 12. Provide the cost of care and transitional independent living
41 services for a person under twenty-one years of age pursuant to section
42 8-521.01.

43 ~~15. Petition, as necessary to implement the case plan established under~~
44 ~~section 8-824 or 8-845, for the appointment of a guardian or a temporary~~
45 ~~guardian under title 14, chapter 5 for children who are in custody of the~~
46 ~~department pursuant to court order. Persons applying to be guardians or~~

1 ~~temporary guardians under this section shall be fingerprinted. A foster~~
2 ~~parent or certified adoptive parent already fingerprinted is not required to~~
3 ~~be fingerprinted again if he is the person applying to be the guardian or~~
4 ~~temporary guardian.~~

5 ~~16.~~ 13. If a tribal government elects to operate a cash assistance
6 program in compliance with the requirements of the United States department
7 of health and human services, with the review of the joint legislative budget
8 committee, provide matching monies at a rate that is consistent with the
9 applicable fiscal year budget and that is not more than the state matching
10 rate for the aid to families with dependent children program as it existed on
11 July 1, 1994.

12 ~~17.~~ 14. Furnish a federal, state or local law enforcement officer, at
13 the request of the officer, with the current address of any recipient if the
14 officer furnishes the agency with the name of the recipient and notifies the
15 agency that the recipient is a fugitive felon or a probation, parole or
16 community supervision violator or has information that is necessary for the
17 officer to conduct the official duties of the officer and the location or
18 apprehension of the recipient is within these official duties.

19 ~~18.~~ 15. In conjunction with Indian tribal governments, request a
20 federal waiver from the United States department of agriculture that will
21 allow tribal governments that perform eligibility determinations for
22 temporary assistance for needy families programs to perform the food stamp
23 eligibility determinations for persons who apply for services pursuant to
24 section 36-2901, paragraph 6, subdivision (a). If the waiver is approved,
25 the state shall provide the state matching monies for the administrative
26 costs associated with the food stamp eligibility based on federal guidelines.
27 As part of the waiver, the department shall recoup from a tribal government
28 all federal fiscal sanctions that result from inaccurate eligibility
29 determinations.

30 ~~B. The total amount of state monies that may be spent in any fiscal~~
31 ~~year by the state department for foster care as provided in subsection A,~~
32 ~~paragraph 2, subdivision (c) of this section shall not exceed the amount~~
33 ~~appropriated or authorized by section 35-173 for that purpose. This section~~
34 ~~shall not be construed to impose a duty on an officer, agent or employee of~~
35 ~~this state to discharge a responsibility or to create any right in a person~~
36 ~~or group if the discharge or right would require an expenditure of state~~
37 ~~monies in excess of the expenditure authorized by legislative appropriation~~
38 ~~for that specific purpose.~~

39 Sec. 149. Transfer and renumber

40 Section 46-139, Arizona Revised Statutes, is transferred and renumbered
41 for placement in title 8, chapter 4, article 1, Arizona Revised Statutes, as
42 added by this act, as section 8-462.

43 Sec. 150. Section 46-141, Arizona Revised Statutes, is amended to
44 read:

45 46-141. Criminal record information checks; fingerprinting
46 employees and applicants; definition

1 A. Each license granted by the department of economic security OR THE
2 DEPARTMENT OF CHILD SAFETY and each contract entered into between the
3 department of economic security OR THE DEPARTMENT OF CHILD SAFETY and any
4 contract provider for the provision of services to juveniles or vulnerable
5 adults shall provide that, as a condition of employment, personnel who are
6 employed by the licensee or contractor, whether paid or not, and who are
7 required or allowed to provide services directly to juveniles or vulnerable
8 adults shall have a valid fingerprint clearance card issued pursuant to
9 section 41-1758.07 or shall apply for a fingerprint clearance card within
10 seven working days of employment.

11 B. The licensee or contractor shall assume the costs of fingerprint
12 checks and may charge these costs to its fingerprinted personnel. The
13 department OF ECONOMIC SECURITY OR THE DEPARTMENT OF CHILD SAFETY may allow
14 all or part of the costs of fingerprint checks to be included as an allowable
15 cost in a contract.

16 C. A service contract or license with any contract provider or
17 licensee that involves the employment of persons who have contact with
18 juveniles or vulnerable adults shall provide that the contract or license may
19 be canceled or terminated immediately if a person certifies pursuant to
20 subsections F and G of this section that the person is awaiting trial on or
21 has been convicted of any of the offenses listed in subsections F and G of
22 this section in this state or similar offenses in another state or
23 jurisdiction or if the person does not possess or is denied issuance of a
24 valid fingerprint clearance card.

25 D. A contract provider or licensee may avoid cancellation or
26 termination of the contract or license under subsection C of this section if
27 a person who does not possess or has been denied issuance of a valid
28 fingerprint clearance card or who certifies pursuant to subsections F and G
29 of this section that the person has been convicted of or is awaiting trial on
30 any of the offenses listed in section 41-1758.07, subsection B is immediately
31 prohibited from employment or service with the contract provider or licensee
32 in any capacity requiring or allowing contact with juveniles or vulnerable
33 adults.

34 E. A contract provider or licensee may avoid cancellation or
35 termination of the contract or license under subsection C of this section if
36 a person who does not possess or has been denied issuance of a valid
37 fingerprint clearance card or who certifies pursuant to subsections F and G
38 of this section that the person has been convicted of or is awaiting trial on
39 any of the offenses listed in section 41-1758.07, subsection C is immediately
40 prohibited from employment or service with the contract provider or licensee
41 in any capacity requiring contact with juveniles or vulnerable adults unless
42 the person is granted a good cause exception pursuant to section 41-619.55.

43 F. Personnel who are employed by any contract provider or licensee,
44 whether paid or not, and who are required or allowed to provide services
45 directly to juveniles or vulnerable adults shall certify on forms provided by
46 the department of economic security OR THE DEPARTMENT OF CHILD SAFETY and

1 notarized whether they are awaiting trial on or have ever been convicted of
2 any of the criminal offenses listed in section 41-1758.07, subsections B and
3 C in this state or similar offenses in another state or jurisdiction.

4 G. Personnel who are employed by any contract provider or licensee,
5 whether paid or not, and who are required or allowed to provide services
6 directly to juveniles shall certify on forms provided by the department of
7 economic security OR THE DEPARTMENT OF CHILD SAFETY and notarized whether
8 they have ever committed any act of sexual abuse of a child, including sexual
9 exploitation and commercial sexual exploitation, or any act of child abuse.

10 H. Federally recognized Indian tribes or military bases may submit and
11 the department of economic security AND THE DEPARTMENT OF CHILD SAFETY shall
12 accept certifications that state that personnel who are employed or who will
13 be employed during the contract term have not been convicted of, have not
14 admitted committing or are not awaiting trial on any offense under subsection
15 F of this section.

16 I. A person who applies to the department of economic security OR THE
17 DEPARTMENT OF CHILD SAFETY for a license or certificate or for paid or unpaid
18 employment, including contract services, and who will provide direct services
19 to juveniles or vulnerable adults shall submit a full set of fingerprints to
20 the department for the purpose of obtaining a state and federal criminal
21 records check pursuant to section 41-1750 and Public Law 92-544. The
22 department of public safety may exchange this fingerprint data with the
23 federal bureau of investigation. This subsection does not apply to those
24 persons who are subject to section 8-105, 8-509, 8-802 or 41-1968 or
25 subsection A of this section.

26 J. The special services unit of the department of economic security
27 AND EMPLOYEES OF THE DEPARTMENT OF CHILD SAFETY may use the department of
28 public safety automated system to update all criminal history record
29 information in order to ensure, to the maximum extent reasonably possible,
30 complete disposition information. The department of economic security OR THE
31 DEPARTMENT OF CHILD SAFETY may deny employment or issuance or renewal of the
32 contract or license applied for in these cases if it determines that the
33 criminal history record information indicates that such employee, applicant
34 or contractor is not qualified or suitable.

35 K. Volunteers who provide services to juveniles or vulnerable adults
36 under the direct visual supervision of the contractor's or licensee's
37 employees are exempt from the fingerprinting requirements of this section.

38 L. The department of economic security OR THE DEPARTMENT OF CHILD
39 SAFETY shall notify the department of public safety if the department of
40 economic security OR THE DEPARTMENT OF CHILD SAFETY receives credible
41 evidence that a person who possesses a valid fingerprint clearance card
42 pursuant to subsection A of this section either:

43 1. Is arrested for or charged with an offense listed in section
44 41-1758.07, subsection B or C.

45 2. Falsified information on the form required by subsection F of this
46 section.

1 M. For the purposes of this section, "vulnerable adult" has the same
2 meaning prescribed in section 46-451.

3 Sec. 151. Section 46-295, Arizona Revised Statutes, is amended to
4 read:

5 46-295. Recovery of public assistance from legally responsible
6 persons; fund

7 A. If a recipient of public assistance has a person who is legally
8 responsible for that person's support and who is presently able to reimburse
9 the department for public assistance provided, the department, through the
10 attorney general or county attorney, shall proceed in the following order
11 against:

- 12 1. The spouse of a recipient.
- 13 2. The former spouse of a recipient.
- 14 3. A father or mother not presently receiving public assistance.
- 15 4. Any other legally responsible person.

16 B. If a recipient of public assistance receives an overpayment of
17 support or is determined ineligible pursuant to section 46-292 or 46-293, the
18 department may recover the support incorrectly paid during that time period.
19 The department shall deposit monies recovered in the public assistance
20 collections fund established pursuant to this section.

21 C. On request of the department, the attorney general or county
22 attorney shall commence an action in the superior court in the county where
23 the recipient of public assistance resides or in the superior court in
24 Maricopa county, against the persons in the order specified in subsection A
25 of this section, to recover the assistance granted and to secure an order
26 requiring payment of amounts that become due in the future for which the
27 person is liable.

28 D. The public assistance collections fund is established consisting of
29 monies received pursuant to this section and section 41-2752. The department
30 shall administer the fund. Subject to legislative appropriation, the
31 department shall use fund monies to improve public assistance collection
32 activities. The department shall deposit, pursuant to sections 35-146 and
33 35-147, twenty-five per cent of the monies collected pursuant to this section
34 in the public assistance collections fund and seventy-five per cent of the
35 monies collected pursuant to this section in the state general fund.
36 Notwithstanding this subsection, pursuant to sections 35-146 and 35-147, the
37 department shall deposit fifty per cent of the monies collected pursuant to
38 section 41-2752 in the public assistance fund and the remaining fifty per
39 cent of the monies collected pursuant to section 41-2752 shall be deposited
40 in the state general fund.

41 ~~E. For the purposes of this section, "public assistance" includes~~
42 ~~monies paid by the department to or for the benefit of a dependent child and~~
43 ~~foster care maintenance paid pursuant to 42 United States Code sections 670~~
44 ~~through 676.~~

45 Sec. 152. Section 46-300.05, Arizona Revised Statutes, is amended to
46 read:

1 46-300.05. Substance abuse treatment

2 A. The department of economic security may provide MONIES APPROPRIATED
3 FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES TO THE DEPARTMENT OF CHILD SAFETY
4 TO PROVIDE substance abuse treatment pursuant to title 8, chapter ~~10~~ 4,
5 article ~~6 with monies appropriated for temporary assistance for needy~~
6 ~~families~~ 13. Treatment services for which these monies may be used include:

- 7 1. Program development pursuant to section 8-882.
8 2. Integration of program activities.
9 3. Provision of unfunded services to provide a recipient a
10 comprehensive treatment program.
11 4. Evaluation of the effectiveness of treatment services for
12 recipients of the services.

13 B. Monies provided pursuant to this section:

14 1. Shall be used to supplement and not to supplant other revenues
15 available for funding substance abuse prevention, treatment and other service
16 needs.

17 2. Shall not be used for medical treatment.

18 C. The department of economic security in partnership with the
19 department of health services as joint administrators of the fund shall amend
20 the state plan for temporary assistance for needy families as necessary to
21 ~~provide the services prescribed by~~ USE TEMPORARY ASSISTANCE FOR NEEDY
22 FAMILIES MONIES PROVIDED IN this section.

23 Sec. 153. Section 46-803, Arizona Revised Statutes, is amended to
24 read:

25 46-803. Eligibility for child care assistance

26 A. The department shall provide child care assistance to eligible
27 families who are attempting to achieve independence from the cash assistance
28 program and who need child care assistance in support of and as specified in
29 their personal responsibility agreement pursuant to chapters 1 and 2 of this
30 title.

31 B. The department shall provide child care assistance to eligible
32 families who are transitioning off of cash assistance due to increased
33 earnings or child support income in order to accept or maintain employment.
34 Eligible families must request this assistance within six months after the
35 cash assistance case closure. Child care assistance may be provided for up
36 to twenty-four months after the case closure and shall cease whenever the
37 family income exceeds one hundred sixty-five per cent of the federal poverty
38 level.

39 C. The department shall provide child care assistance to eligible
40 families who are diverted from cash assistance pursuant to section 46-298 in
41 order to obtain or maintain employment. Child care assistance may be
42 provided for up to twenty-four months after the case closure and shall cease
43 whenever the family income exceeds one hundred sixty-five per cent of the
44 federal poverty level.

45 D. The department may provide child care assistance to support
46 eligible families with incomes of one hundred sixty-five per cent or less of

1 the federal poverty level to accept or maintain employment. Priority for
2 this child care assistance shall be given to families with incomes of one
3 hundred per cent or less of the federal poverty level.

4 E. The department may provide child care assistance to families
5 referred by ~~child protective services~~ THE DEPARTMENT OF CHILD SAFETY and to
6 children in foster care pursuant to title 8, chapter ~~5- 4~~ to support child
7 protection.

8 F. The department may provide child care assistance to special
9 circumstance families whose incomes are one hundred sixty-five per cent or
10 less of the federal poverty level and who are unable to provide child care
11 for a portion of a twenty-four hour day due to a crisis situation of domestic
12 violence or homelessness, or a physical, mental, emotional or medical
13 condition, participation in a drug treatment or drug rehabilitation program
14 or court ordered community restitution. Priority for this child care
15 assistance shall be given to families with incomes of one hundred per cent or
16 less of the federal poverty level.

17 G. In lieu of the employment activity required in subsection B, C or D
18 of this section, the department may allow eligible families with teenaged
19 custodial parents under twenty years of age to complete a high school diploma
20 or its equivalent or engage in remedial education activities reasonably
21 related to employment goals.

22 H. The department may provide supplemental child care assistance for
23 department approved education and training activities if the eligible parent,
24 legal guardian or caretaker relative is working at least a monthly average of
25 twenty hours per week and this education and training are reasonably related
26 to employment goals. The eligible parent, legal guardian or caretaker
27 relative must demonstrate satisfactory progress in the education or training
28 activity.

29 I. Beginning March 12, 2003, the department shall establish waiting
30 lists for child care assistance and prioritize child care assistance for
31 different eligibility categories in order to manage within appropriated and
32 available monies. Priority of children on the waiting list shall start with
33 those families at one hundred per cent of the federal poverty level and
34 continue with each successive ten per cent increase in the federal poverty
35 level until the maximum allowable federal poverty level of one hundred
36 sixty-five per cent. Priority shall be given regardless of time spent on the
37 waiting list.

38 J. The department shall establish criteria for denying, reducing or
39 terminating child care assistance that include:

- 40 1. Whether there is a parent, legal guardian or caretaker relative
41 available to care for the child.
- 42 2. Financial or programmatic eligibility changes or ineligibility.
- 43 3. Failure to cooperate with the requirements of the department to
44 determine or redetermine eligibility.
- 45 4. Hours of child care need that fall within the child's compulsory
46 academic school hours.

1 5. Reasonably accessible and available publicly funded early childhood
2 education programs.

3 6. Whether an otherwise eligible family has been sanctioned and cash
4 assistance has been terminated pursuant to chapter 2 of this title.

5 7. Other circumstances of a similar nature.

6 8. Whether sufficient monies exist for the assistance.

7 K. Families receiving child care assistance under subsection D or F of
8 this section are also subject to the following requirements for ~~such~~ THAT
9 child care assistance:

10 1. Each child is limited to no more than sixty cumulative months of
11 child care assistance. The department may provide an extension if the family
12 can prove that the family is making efforts to improve skills and move
13 towards self-sufficiency.

14 2. Families are limited to no more than six children receiving child
15 care assistance.

16 3. Copayments shall be imposed for all children receiving child care
17 assistance. Copayments for each child may be higher for the first child in
18 child care than for additional children in child care.

19 L. The department shall review each case at least once a year to
20 evaluate eligibility for child care assistance.

21 M. The department shall report on December 31 and June 30 of each year
22 to the joint legislative budget committee the total number of families who
23 applied for child care assistance and the total number of families who were
24 denied assistance under this section because the parents, legal guardians or
25 caretaker relatives who applied for assistance were not citizens or legal
26 residents of the United States or were not otherwise lawfully present in the
27 United States.

28 N. This section shall be enforced without regard to race, religion,
29 gender, ethnicity or national origin.

30 O. The department shall refer all child care subsidy recipients to
31 child support enforcement and to local workforce services and provide
32 information on the earned income tax credit.

33 Sec. 154. Section 46-806, Arizona Revised Statutes, is amended to
34 read:

35 46-806. Choice of child care providers

36 The department shall allow parental choice of child care providers for
37 families, except that those families referred by ~~child-protective-services~~
38 THE DEPARTMENT OF CHILD SAFETY or children in foster care pursuant to title
39 8, chapter ~~5- 4~~ may not receive child care assistance to use uncertified
40 relative providers.

41 Sec. 155. Laws 2012, chapter 50, section 1, as amended by Laws 2013,
42 chapter 220, section 6, is amended to read:

43 Section 1. Child safety oversight committee; membership;
44 duties; delayed repeal

45 A. The child ~~protective-services~~ SAFETY oversight committee is
46 established consisting of the following members:

1 1. Two members of the house of representatives who are appointed by
2 the speaker of the house of representatives and who are not members of the
3 same political party. The speaker of the house of representatives shall
4 designate one of these members to serve as cochairperson of the committee.

5 2. Two members of the senate who are appointed by the president of the
6 senate and who are not members of the same political party. The president of
7 the senate shall designate one of these members to serve as cochairperson of
8 the committee.

9 3. The director of the department of ~~economic security~~ CHILD SAFETY or
10 the director's designee.

11 4. One member of a law enforcement agency in this state. The speaker
12 of the house of representatives shall appoint this member.

13 5. One child ~~protective services case~~ SAFETY worker or administrator
14 with child ~~protective services case~~ SAFETY worker knowledge who is appointed
15 by the director of the department of ~~economic security~~ CHILD SAFETY.

16 6. One foster parent who is appointed by the director of the
17 department of ~~economic security~~ CHILD SAFETY.

18 7. One guardian ad litem who is appointed by the director of the
19 administrative office of the courts.

20 8. One former foster child who is appointed by the president of the
21 senate.

22 9. One representative from a foster care licensing agency who is
23 appointed by the speaker of the house of representatives.

24 10. One public member who has significant experience with child
25 ~~protective services~~ SAFETY who is appointed by the president of the senate.

26 11. ONE REPRESENTATIVE OF A NATIVE AMERICAN TRIBE OR NATION WHO IS
27 APPOINTED BY THE PRESIDENT OF THE SENATE.

28 B. The ~~study~~ OVERSIGHT committee shall:

29 1. Identify the responsibilities and scope of THE DEPARTMENT OF CHILD
30 SAFETY, its statutory mandates, ~~and department of economic security~~ policies
31 and procedures ~~relating to that agency~~.

32 2. Identify areas for statutory improvement in the child ~~protective~~
33 ~~services~~ SAFETY system and recommend statutory and administrative changes.

34 3. Monitor ~~child protective services~~ DEPARTMENT program effectiveness
35 and recommend any statutory efficiencies that further the purpose to protect
36 children.

37 4. Review all semiannual reports on program outcomes released by ~~child~~
38 ~~protective services~~ THE DEPARTMENT to the legislature for trends and areas
39 for statutory improvement.

40 5. MAKE RECOMMENDATIONS ON THE MEMBERSHIP AND DUTIES OF ANY FUTURE
41 LEGISLATIVE COMMITTEE TO OVERSEE THE DEPARTMENT OF CHILD SAFETY.

42 ~~5-~~ 6. On or before December 15, ~~2014~~ 2015, submit a report of its
43 findings and recommendations to the governor, the speaker of the house of
44 representatives and the president of the senate, and provide a copy of its
45 report to the secretary of state.

1 C. Committee members are not eligible to receive compensation or
2 reimbursement of expenses.

3 D. This section is repealed from and after December 31, 2015.

4 Sec. 156. Family assessment protocols

5 The department of child safety shall examine the necessity of and
6 requirements for protocols for not conducting a full investigation, but
7 taking measures to prevent future risk of harm to the child in cases not
8 involving criminal conduct and in which there is a reasonable belief that the
9 child is currently safe. The department shall seek input from the child
10 safety oversight committee and hold public meetings to obtain community
11 comment on any recommended protocols. The department shall report its
12 recommendations concerning the protocols and any suggested legislation to the
13 speaker of the house of representatives and the president of the senate on or
14 before July 1, 2015.

15 Sec. 157. Succession

16 A. As provided by this act, the department of child safety succeeds to
17 the authority, powers, duties and responsibilities of the department of
18 economic security as to those functions that are specifically enumerated in
19 this act.

20 B. This act does not alter the effect of any actions that were taken
21 or impair the valid obligations of the department of economic security in
22 existence before the effective date of this act.

23 C. Administrative rules and orders that were adopted by the department
24 of economic security continue in effect until superseded by administrative
25 action by the department of child safety.

26 D. All administrative matters, contracts and judicial and
27 quasi-judicial actions that are related to the functions that are
28 specifically enumerated in this act, whether completed, pending or in
29 process, of the department of economic security on the effective date of this
30 act are transferred to and retain the same status with the department of
31 child safety.

32 E. All certificates, licenses, registrations, permits and other
33 indicia of qualification and authority that were issued by the department of
34 economic security and that are related to the functions that are specifically
35 enumerated in this act retain their validity as provided by law.

36 F. All equipment, records, furnishings and other property, all data
37 and investigative findings and all appropriated monies that remain unexpended
38 and unencumbered on the effective date of this act of the department of
39 economic security that are related to the functions that are specifically
40 enumerated in this act, are transferred to the department of child safety.

41 G. All personnel who are under the state personnel system, who are
42 employed by the department of economic security and who perform functions
43 that are specifically enumerated in this act or who perform functions in
44 support of or in furtherance of those enumerated in this act are transferred
45 to comparable positions and pay classifications in the respective

1 administrative units of the department of child safety on the effective date
2 of this act.

3 Sec. 158. Exemption from rulemaking

4 A. For the purposes of this act, the department of child safety is
5 exempt from the rulemaking requirements of title 41, chapter 6, Arizona
6 Revised Statutes, for eighteen months after the effective date of this act,
7 except that at least thirty days before a rule is adopted or amended, the
8 department shall:

9 1. Post the proposed rules on the department's website.

10 2. Provide notice to the governor, the speaker of the house of
11 representatives, the president of the senate and the co-chairpersons of the
12 child safety oversight committee.

13 3. Provide public notice and an opportunity for public comment on any
14 proposed rules in writing and at two or more public hearings.

15 B. The exemption prescribed in subsection A of this section does not
16 apply to rules adopted pursuant to section 8-804, subsection E, Arizona
17 Revised Statutes, as amended by this act.

18 C. The department of economic security is exempt from the rulemaking
19 requirements of title 41, chapter 6, Arizona Revised Statutes, for one year
20 after the effective date of this act to make only those amendments to the
21 department's rules necessitated by the transfer of child protective services
22 to the department of child safety, except that at least thirty days before a
23 rule is adopted or amended, the department shall:

24 1. Post the proposed rules on the department's website.

25 2. Provide notice to the governor, the speaker of the house of
26 representatives, the president of the senate and the co-chairpersons of the
27 child safety oversight committee

28 3. Provide public notice and an opportunity for public comment on any
29 proposed rules in writing and at two or more public hearings.

30 Sec. 159. External review and recommendations; child safety
31 services

32 A. The auditor general shall engage an independent consultant with
33 expertise in child welfare system planning and operations to examine the
34 current child safety system and consider best practices to improve the
35 delivery of services in this state and to provide consultation on the
36 effective establishment of the new department of child safety with a focus on
37 implementation challenges, including all of the following:

38 1. Developing a strategic direction that ensures child safety and
39 establishes protocols for services after an investigation.

40 2. Creating accountability mechanisms, including the capacity to
41 produce accurate data on performance and outcome measures, use of the data
42 for performance management, processes for continuous quality review,
43 mechanisms for qualitative review of system functioning and outcomes for
44 children, youth and families.

45 3. Strategies for community engagement, including engagement with
46 families, youth and service providers.

1 4. The need for and frequency of regular, periodic performance
2 evaluations and the recommended areas for future reviews of the department of
3 child safety by an independent outside evaluator.

4 B. The auditor general shall consider, in its decision to enter into a
5 contract with an independent consultant, the consultant's history of working
6 with states or counties in evaluating its operations for child welfare and
7 child safety services, the satisfaction of the states or counties with the
8 work of the consultant, the knowledge of the consultant's staff or
9 contractors in child welfare reform and operations, the consultant's
10 knowledge of related laws governing child welfare services and the
11 consultant's knowledge of evidence-based and promising best practices in
12 child welfare services.

13 C. On or before July 1, 2015, the consultant shall submit a report of
14 its work, including findings and recommendations, to the governor, the
15 president of the senate, the speaker of the house of representatives and the
16 cochairpersons of the child safety oversight committee and shall provide a
17 copy of its report to the secretary of state.

18 Sec. 160. Child welfare; report; accountability factors

19 On or before September 1, 2016, the director of the joint legislative
20 budget committee, the director of the governor's office of strategic planning
21 and budgeting and the director of the department of child safety shall make
22 to the governor, the president of the senate and the speaker of the house of
23 representatives recommendations for consolidating into one comprehensive
24 report the child welfare report required by section 8-526, Arizona Revised
25 Statutes, the financial and program accountability report for the department
26 required by section 8-818, Arizona Revised Statutes, as amended by this act,
27 and other child welfare reports prepared by the department. The report shall
28 consider the frequency of reporting as part of the recommendations. The
29 joint legislative budget committee, the governor's office of strategic
30 planning and budgeting and the department of child safety may solicit input
31 from stakeholder groups, including the community advisory committee
32 established by section 8-459, Arizona Revised Statutes, as added by this act,
33 for the report. The report must also address the merit of adding the
34 following accountability factors:

35 1. The average duration of time from when a child enters emergency and
36 residential placement to the initial court case associated with that child.

37 2. The number of children moved from emergency and residential
38 placement to foster care, delineated by major age groupings.

39 3. The number of department of child safety staff hired or leaving by
40 type, specifically the caseworkers' classification level from one through
41 four.

42 4. The number of new and closed foster care receiving homes, including
43 the total available placements by age groupings of infants, children who are
44 one through five years of age, children who are six through twelve years of
45 age and teen children who are twelve through eighteen years of age.

46 5. Cohort and behavioral health data.

1 6. The number and percentage of cases in which the substance abuse of
2 a parent or guardian of a child is a significant factor in the abuse, neglect
3 or dependency of the child.

4 7. Appropriate outcome measures to assess the effectiveness and
5 efficiency of the office of child welfare investigations.

6 Sec. 161. Conveyance of buildings

7 The department of economic security shall convey to the department of
8 child safety ownership of the land and building located at 1717 West
9 Jefferson Street in Phoenix. The department of economic security shall
10 convey ownership of other land and buildings as deemed appropriate to the
11 department of child safety. By January 1, 2015, the department of economic
12 security and the department of child safety shall submit a joint report to
13 the joint committee on capital review listing all land and buildings owned by
14 the department of economic security in which the department of child safety
15 is present and their recommendation as to which agency should maintain or
16 receive ownership. The joint committee on capital review shall review the
17 report and approve any transfers of ownership.

18 Sec. 162. Purpose of department of child safety

19 Pursuant to section 41-2955, subsection E, Arizona Revised Statutes,
20 the purpose of the department of child safety is to protect children as
21 provided in section 8-451, Arizona Revised Statutes, as added by this act.

22 Sec. 163. Emergency

23 This act is an emergency measure that is necessary to preserve the
24 public peace, health or safety and is operative immediately as provided by
25 law.

APPROVED BY THE GOVERNOR MAY 29, 2014.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 29, 2014.