

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 133
HOUSE BILL 2452

AN ACT

AMENDING SECTIONS 8-143, 8-144, 8-163, 8-548.02, 8-864 AND 46-292, ARIZONA
REVISED STATUTES; RELATING TO ASSISTANCE FOR NEEDY FAMILIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-143, Arizona Revised Statutes, is amended to
3 read:

4 8-143. Eligibility; limitation

5 Foster parents who are interested in adopting a child in their home or
6 any other persons interested in adopting a child under public or private
7 agency care, whether the adoption is through a public or private agency, may
8 apply to the department ~~of economic security~~ to have the adoption of a child
9 subsidized. All persons approved for the program as adoptive parents shall
10 meet adoption agency standards except for the financial ability to support
11 the child. A subsidy shall not be denied solely on the grounds that the
12 child is placed for adoption through a private agency.

13 Sec. 2. Section 8-144, Arizona Revised Statutes, is amended to read:

14 8-144. Subsidy agreement; duration; amount; periodic review;
15 confidentiality

16 A. The family entering into subsidized adoption and the department
17 shall sign a subsidy agreement which shall contain a provision for periodic
18 review as provided in subsection C of this section before the final decree of
19 adoption is issued, except as provided in subsection B of this section.
20 Adoption subsidies may commence with the adoption placement or after the
21 adoption decree, and will vary with the needs due to the special
22 circumstances of the adopted child as well as the availability of other
23 resources.

24 B. The adoption subsidy may continue through the age of twenty-one if
25 the individual is enrolled in and regularly attending school unless the
26 person has received a high school diploma or certificate of equivalency. The
27 subsidy may be for special services only or for money payments, and either
28 for a limited period or for a long term, or for any combination thereof. The
29 amount of the subsidy shall not exceed the payments allowable under foster
30 family care. A special service subsidy shall not exceed the reasonable fee
31 for the service rendered in accordance with costs and procedures for
32 authorization of services as determined by the department.

33 C. There shall be a periodic review which shall take place at least
34 once a year by the department to determine the appropriateness and
35 reasonableness of all subsidies and to ascertain the need for continuing or
36 adjusting the subsidy.

37 D. Notwithstanding ~~the provisions of~~ subsection A of this section, an
38 application may be made and granted on behalf of a child adopted pursuant to
39 the laws of this state at any time for a new or increased adoption subsidy
40 ~~upon~~ ON documentation of an undiagnosed condition ~~which~~ THAT existed before
41 the finalization of the adoption.

42 E. All records regarding subsidized adoption shall be confidential and
43 may be disclosed only in accordance with the rules of the department ~~of~~
44 ~~economic security~~.

1 Sec. 3. Section 8-163, Arizona Revised Statutes, is amended to read:
2 8-163. Eligibility

3 A. Parents who have adopted a child with special needs may apply to
4 the department ~~of economic security~~ for reimbursement of the nonrecurring
5 expenses of that adoption.

6 B. To be eligible for reimbursement, the application must document the
7 following:

8 1. The child cannot or should not be returned to the home of ~~his~~ THE
9 CHILD'S parents.

10 2. The special needs of the child require financial assistance in
11 order to place that child with the adoptive parents.

12 3. Reasonable effort has been made to place the child without
13 providing reimbursement for nonrecurring adoption expenses, unless this is
14 against the best interests of the child.

15 C. The department shall review the completed application, including
16 supporting documentation provided by the applicant, to determine eligibility
17 for reimbursement of nonrecurring adoption expenses.

18 Sec. 4. Section 8-548.02, Arizona Revised Statutes, is amended to
19 read:

20 8-548.02. Interstate compact administrator

21 Pursuant to the compact the governor shall designate the director of
22 the ~~state~~ department ~~of economic security~~ as the compact administrator. The
23 compact administrator, acting jointly with like officers of other party
24 states, shall promulgate rules and regulations to carry out more effectively
25 the terms of the compact. The compact administrator shall cooperate with all
26 departments, agencies and officers of and in the government of this state and
27 its subdivisions in facilitating the proper administration of the compact or
28 of any supplementary agreement or agreements entered into by this state
29 thereunder.

30 Sec. 5. Section 8-864, Arizona Revised Statutes, is amended to read:

31 8-864. Timing of motions and hearings: consolidation of
32 hearings

33 Notwithstanding any other statute, the court may order or permit the
34 filing of a motion for termination or permanent guardianship before the
35 permanency hearing is held, consolidate hearings or provide for a different
36 order of hearings if:

37 1. The permanency hearing is held no later than the time prescribed in
38 section 8-862, subsection A.

39 2. The termination hearing is held no later than the time prescribed
40 in section 8-862, subsection D, paragraph 2.

41 3. The permanent guardianship hearing is held no later than the time
42 prescribed in section 8-862, subsection ~~E~~ F, paragraph 2.

1 Sec. 6. Section 46-292, Arizona Revised Statutes, is amended to read:
2 46-292. Eligibility for assistance

3 A. A family without a dependent child in the household may not receive
4 cash assistance.

5 B. Cash assistance may be given under this title to any dependent
6 child and member of a needy family:

7 1. Who has established residence in Arizona at the time of application
8 and WHO is either:

9 (a) A citizen by birth or naturalization.

10 (b) A qualified alien who entered the United States on or before
11 August 21, 1996.

12 (c) A qualified alien who entered the United States as a member of one
13 of the exception groups under Public Law 104-193, section 412, in which case
14 the person shall be determined eligible in accordance with Public Law
15 104-193.

16 (d) Defined as a qualified alien by the attorney general of the United
17 States under the authority of Public Law 104-208, section 501.

18 For the purposes of subdivisions (b) and (c) of this paragraph, "qualified
19 alien" means a person who is defined as a qualified alien under Public Law
20 104-193, section 431.

21 2. If the parent or parents of the dependent child or the nonparent
22 relative head of household receiving assistance, if employable, does not
23 refuse to accept available employment. The department shall assess the
24 applicant's employability at the time of initial application for assistance
25 to establish a self-sufficiency diversion option, if appropriate, before
26 benefit issuance. The determination of employability and the conditions
27 under which employment shall be required shall be determined by the state
28 department, except that claimed unemployability because of physical or mental
29 incapacity shall be determined by the state department in accordance with
30 this title.

31 3. If the parent or parents of the dependent child or the nonparent
32 head of household in a needy family has not, within one year ~~prior to~~ BEFORE
33 application, or while a recipient, transferred or assigned real or personal
34 property with the intent to evade federal or state eligibility requirements.
35 Transfer of property with retention of a life estate for the purpose of
36 qualifying for assistance is prohibited. Where fair consideration for the
37 property was received, no inquiry into motive is necessary. A person found
38 ineligible under this section shall be ineligible for such time as the state
39 department determines.

40 4. Who meets the requirements of this section and department rule to
41 qualify as part of the assistance unit.

42 C. Qualified aliens entering the United States after August 21, 1996
43 are ineligible for benefits for a period of five years beginning on their
44 date of entry, except for Cuban and Haitian entrants as defined in section
45 501(e)(2) of the refugee education assistance act of 1980 and exceptions
46 provided under Public Law 104-193 (personal responsibility and work

1 opportunity reconciliation act of 1996) and Public Law 105-32 (balanced
2 budget act of 1997).

3 D. A parent or any other relative who applies for or WHO receives cash
4 assistance under this title on behalf of a child shall cooperate with the
5 department by taking the following actions:

6 1. Providing information regarding the identity of the child's father
7 and mother and other pertinent information including their names, social
8 security numbers and current addresses or a sworn statement that attests to
9 the lack of this information and that is accompanied by facts supporting the
10 asserted lack of information.

11 2. Appearing at interviews, hearings and legal proceedings.

12 3. Submitting and having the child submit to genetic testing.

13 4. Signing authorizations for third parties to release information
14 concerning the applicant or the child, or both.

15 5. In cases in which parentage has not been established, providing a
16 sworn statement alleging paternity and setting forth facts establishing a
17 reasonable possibility of the requisite sexual contact between the parties.

18 6. Supplying additional information the department requires.

19 E. The department shall sanction a recipient who, without good cause
20 as prescribed in subsection F of this section, fails to cooperate with child
21 support enforcement efforts according to the sanction provisions of section
22 46-300.

23 F. One or more of the following circumstances constitute good cause
24 for failure to cooperate with child support enforcement efforts:

25 1. Cooperation may result in physical or emotional harm to the parent,
26 child for whom support is sought or caretaker relative with whom the child is
27 living.

28 2. Legal proceedings for adoption of the child for whom support is
29 sought are pending before a court.

30 3. The participant has been working, for less than ninety days, with a
31 public or licensed private social agency on the issue of whether to allow the
32 child for whom support is sought to be adopted.

33 4. The child for whom support is sought was conceived as a result of
34 sexual assault pursuant to section 13-1406 or incest.

35 G. A person claiming good cause has twenty days from the date the good
36 cause claim is provided to the agency to supply evidence supporting the
37 claim. When determining whether the parent or relative is cooperating with
38 the agency as provided in subsection D of this section, the agency shall
39 require:

40 1. If the good cause exception in subsection F, paragraph 1 of this
41 section is claimed, law enforcement, court, medical, criminal, psychological,
42 social service or governmental records or sworn statements from persons with
43 personal knowledge of the circumstances that indicate that the alleged parent
44 or obligor might inflict physical harm on the parent, child or caretaker
45 relative.

1 2. If the good cause exception in subsection F, paragraph 2 of this
2 section is claimed, court documents that indicate that legal proceedings for
3 adoption are pending before a court of competent jurisdiction.

4 3. If the good cause exception in subsection F, paragraph 3 of this
5 section is claimed, records from a public or licensed private social services
6 agency showing that placing the child for whom support is sought is under
7 consideration.

8 4. If the good cause exception in subsection F, paragraph 4 of this
9 section is claimed, law enforcement, court, medical, criminal, psychological,
10 social service or governmental records or sworn statements from persons with
11 personal knowledge of the circumstances surrounding the conception of the
12 child that indicate the child was conceived as a result of sexual assault
13 pursuant to section 13-1406 or incest.

14 H. Notwithstanding subsection B of this section and except as provided
15 in subsection I of this section, a dependent child or children who are born
16 during one of the following time periods are not eligible for assistance
17 under this title:

18 1. The period in which the parent or other relative is receiving
19 assistance benefits.

20 2. The temporary period in which the parent or other relative is
21 ineligible pursuant to a penalty imposed by the department for failure to
22 comply with benefit eligibility requirements, after which the parent or other
23 relative is eligible for a continuation of benefits.

24 3. Any period after November 1, 1995 that is less than sixty months
25 between a voluntary withdrawal from program benefits or a period of
26 ineligibility for program benefits which immediately followed a period during
27 which program benefits were received and a subsequent reapplication and
28 eligibility approval for benefits.

29 I. The following exceptions apply to subsection H of this section:

30 1. The department shall allow an increase in cash assistance under the
31 program for a dependent child or children born as a result of an act of
32 sexual assault ~~as prescribed in~~ PURSUANT TO section 13-1406 or incest. The
33 department shall ensure that the proper law enforcement authorities are
34 notified of allegations of sexual assault or incest made pursuant to this
35 paragraph. For the purposes of this paragraph, "an act of sexual assault"
36 includes sexual assault of a spouse if the offense was committed before
37 August 12, 2005.

38 2. For those parents or other relatives who are currently authorized
39 for cash assistance the department shall allow an increase in cash assistance
40 under the program as a result of the birth of a child or children to the
41 parent or other relative only if the birth occurred within ten months of the
42 initial eligible month. The department may use only the additional child or
43 children who are born from the pregnancies covered in this subsection in
44 computing the additional benefit.

45 3. The department shall allow an increase in cash assistance for any
46 dependent child born to a parent who has not received cash assistance under

1 this title for at least twelve consecutive months if the child is born within
2 the period beginning ten months after the twelve consecutive month period and
3 ending ten months after the parent resumes receiving cash assistance.

4 4. A dependent child or children who were born during a period in
5 which the custodial parent received cash assistance through the Arizona works
6 program shall be eligible to receive assistance under this title.

7 5. A dependent child or children who were born within ten months after
8 the custodial parent received cash assistance through the Arizona works
9 program shall be eligible to receive assistance under this title.

10 6. THE DEPARTMENT OF ECONOMIC SECURITY SHALL ALLOW CASH ASSISTANCE FOR
11 AN OTHERWISE ELIGIBLE DEPENDENT CHILD DURING THE PERIOD IN WHICH THE
12 DEPENDENT CHILD IS IN THE LEGAL CUSTODY OF THE DEPARTMENT OF CHILD SAFETY, A
13 TRIBAL COURT OR A TRIBAL CHILD WELFARE AGENCY LOCATED IN THIS STATE AND IS
14 PLACED IN UNLICENSED KINSHIP FOSTER CARE WITH A NONPARENT RELATIVE.

15 7. THE DEPARTMENT SHALL ALLOW CASH ASSISTANCE FOR AN OTHERWISE
16 ELIGIBLE CHILD WHO MEETS ONE OF THE FOLLOWING:

17 (a) THE COURT HAS PLACED THE CHILD WITH A NONPARENT RELATIVE.

18 (b) THE CHILD'S PARENTS ARE DECEASED AND THE CHILD IS LIVING WITH A
19 NONPARENT RELATIVE.

20 (c) A NONPARENT RELATIVE HAS CUSTODY OF THE CHILD BECAUSE THE CHILD IS
21 ABANDONED AS DEFINED IN SECTION 8-201.

22 J. The department shall calculate the sixty-month time period
23 referenced in subsection H, paragraph 3 of this section in the following
24 manner:

25 1. For persons who are receiving cash assistance on November 1, 1995,
26 the sixty-month time period begins on November 1, 1995. A subsequent
27 sixty-month time period begins immediately after the previous period ends if
28 the person is receiving cash assistance through two sixty-month periods. If
29 the individual is not receiving cash assistance at the end of the previous
30 sixty-month period, any subsequent sixty-month time period begins on the date
31 when cash assistance became effective again, regardless of when the person
32 received an actual payment.

33 2. For persons who begin receiving cash assistance after November 1,
34 1995, the sixty-month time period begins on the date cash assistance becomes
35 effective, regardless of when the person received an actual payment. A
36 subsequent sixty-month period begins as provided in paragraph 1 of this
37 subsection.

38 K. In calculating a parent's or any other relative's benefit increase
39 that arises from any general increase that has been approved for all program
40 recipients, the department shall not consider a child or children born under
41 the time periods listed in subsection H of this section.

42 L. For the parents or other relatives who have additional children for
43 whom they receive no cash assistance payment under subsection H of this
44 section, the department shall make any necessary program amendments or
45 request any necessary federal waivers to allow the parents or other relatives

1 to earn income in an amount equal to the disallowed cash assistance payment
2 without affecting their eligibility for assistance.

3 M. The director shall adopt rules:

4 1. To implement this section, including rules to define the
5 investigatory steps that must be taken to confirm that an act of sexual
6 assault PURSUANT TO SECTION 13-1406 or incest led to the birth of a dependent
7 child or children.

8 2. That require the department to inform both verbally and in writing
9 the parents and other relatives who are receiving assistance under this
10 article of the specific family planning services that are available to them
11 while they are enrolled as eligible persons in the Arizona health care cost
12 containment system.

13 N. ~~Nothing in~~ This section ~~shall be construed to~~ DOES NOT prevent an
14 otherwise eligible child who is not included in the family's calculation of
15 benefits under this article from being eligible for coverage under title 36,
16 chapter 29 or for any services that are directly linked to eligibility for
17 the temporary assistance for needy families program.

18 O. Assistance shall not be denied or terminated under this article
19 because the principal wage earner works one hundred or more hours per month.

20 P. Except as provided in paragraph 2 of this subsection, all members
21 of a needy family, including stepparents, must meet the same financial
22 eligibility criteria established in this title, by department rule and as
23 follows:

24 1. The department shall include all income from every source available
25 to a needy family requesting cash assistance, except income that is required
26 to be disregarded by this subsection and as determined by the department in
27 rules. For the amount of income that is received from employment, each month
28 every employed person is entitled to receive an earned income disregard of
29 ninety dollars plus an additional thirty ~~per cent~~ PERCENT of the remaining
30 earned income. A needy family that includes an employed person is entitled
31 to an earned income disregard equal to the actual amount billed to the
32 household for the care of an adult or child dependent household member, up to
33 two hundred dollars a month for a child under two years of age and up to one
34 hundred seventy-five dollars a month for each other dependent. This
35 dependent care disregard is allowed only if the expense is necessary to allow
36 the household member to become or remain employed or to attend postsecondary
37 training or education that is preparatory to employment.

38 2. The total gross countable income of a needy family that includes a
39 nonparent relative head of household who is not applying for or receiving
40 cash assistance and who is requesting cash assistance only for a dependent
41 child shall not exceed one hundred thirty ~~per cent~~ PERCENT of the federal
42 poverty guidelines.

43 Q. If the total gross countable income in subsection P, paragraph 2 of
44 this section does not exceed one hundred thirty ~~per cent~~ PERCENT of the
45 federal poverty guidelines, in determining benefit amount, the department

1 shall exclude the income of all members of the needy family except for the
2 income of the eligible dependent child for whom cash assistance is requested.
3 R. For the purposes of eligibility and benefit amount, only the income
4 of the dependent child is considered for a child only case.
5 S. Any parent or other relative who applies for or receives cash
6 assistance under this article on behalf of a dependent child who is between
7 six and sixteen years of age shall ensure that the child is enrolled in and
8 attending school. An initial applicant is ineligible for benefits until the
9 applicant's dependent children are verified to be enrolled in and attending
10 an educational program. The department of education shall assist the
11 department of economic security in obtaining verification of school
12 enrollment and attendance. The director of the department of economic
13 security may adopt rules for granting good cause exceptions from this
14 subsection. The department of economic security shall sanction a recipient
15 who fails, without good cause, to ensure school enrollment and attendance
16 according to section 46-300.
17 T. Any parent or other relative who applies for or receives cash
18 assistance under this section on behalf of a dependent child shall ensure
19 that the child is immunized in accordance with the schedule of immunizations
20 pursuant to section 36-672. The director of the department of economic
21 security may adopt rules for granting good cause exceptions from this
22 subsection. The department of economic security shall sanction a recipient,
23 in accordance with section 46-300, who fails, without good cause, to obtain
24 the required immunizations for a dependent child unless the recipient submits
25 to the department of economic security the documentation described in section
26 15-873.

APPROVED BY THE GOVERNOR MAY 11, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 11, 2016.