

2-19-16

**COMMITTEE ON CHILDREN AND FAMILY AFFAIRS**

Report of Regular Meeting  
Monday, February 15, 2016  
House Hearing Room 5 -- 2:00 p.m.

**Convened** 2:22 p.m.

**Recessed**

**Reconvened**

**Adjourned** 4:59 p.m.

**Members Present**

Mr. Ackerley  
Mrs. Cobb  
Mrs. Gonzales  
Mr. Lovas  
Mr. Mendez  
Ms. Rios  
Ms. Townsend  
Mrs. Brophy McGee, Vice-Chairman  
Mr. Allen J., Chairman

**Members Absent**

**Agenda**

Original Agenda -- Attachment 1

**Request to Speak**

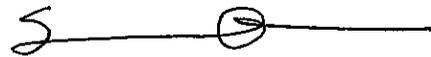
Report -- Attachment 2

**Presentations**

<b><u>Name</u></b>	<b><u>Organization</u></b>	<b><u>Attachments (Handouts)</u></b>
Justin Harris	The Centers For Habilitation	3

**Committee Action**

<b><u>Bill</u></b>	<b><u>Action</u></b>	<b><u>Vote</u></b>	<b><u>Attachments (Summaries, Amendments, Roll Call, Attendance)</u></b>
HB2442	DPA	9-0-0-0	4, 5, 6
HB2552	DPA	6-2-1-0	7, 8, 9
HB2103	DPA/SE	9-0-0-0	10, 11, 12
HB2427	DPA	9-0-0-0	13, 14, 15
HB2586	DPA	9-0-0-0	16, 17, 18
Committee Attendance			19



Sierra Orozco, Chairman Assistant  
February 19, 2016

(Original attachments on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)

Convened: 2:22 pm  
Adjourned: 4:59 pm

ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-second Legislature - Second Regular Session

REGULAR MEETING AGENDA

**COMMITTEE ON CHILDREN AND FAMILY AFFAIRS**

DATE Monday, February 15, 2016

ROOM HHR 5

TIME 2:00 P.M.

Members:

Mr. Ackerley  
Mrs. Cobb  
Mrs. Gonzales

Mr. Lovas  
Mr. Mendez  
Ms. Rios

Ms. Townsend  
Mrs. Brophy McGee, Vice-Chairman  
Mr. Allen J, Chairman

Presentation

Services at TCH - Justin Harris, Director of Communication and Outreach, The Centers For Habilitation

Bills	Short Title	Strike Everything Title
HB2103	<u>DPA/SE</u> technical correction; contact with relatives (Allen J)	S/E: service providers; domestic violence
	<u>9-0-0-0</u> CFA, RULES	
HB2427	<u>DPA</u> child removal; uniform criteria (Townsend)	
	<u>9-0-0-0</u> CFA, RULES	
HB2442	<u>DPA</u> behavioral health; urgent need; children (Farnsworth E, Alston, Benally, et al)	
	<u>9-0-0-0</u> CFA, RULES	
*HB2552	<u>DPA</u> delegation of powers; parent; custodian (Allen J, Barton, Borrelli, et al)	
	<u>6-2-1-0</u> CFA disc/held 0-0-0-0-0, RULES	
HB2586	<u>DPA</u> dependency; households; felony reports (Brophy McGee: Allen J, Bowers, et al)	
	<u>9-0-0-0</u> CFA, RULES	

\* On previous agenda

**ORDER OF BILLS TO BE SET BY THE CHAIRMAN**

SO  
2/10/16

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032, TDD (602) 926-3241.

# Information Registered on the Request to Speak System

*House Children and Family Affairs (2/15/2016)*

## **HB2103, technical correction; contact with relatives**

### **Testified in support:**

Shannon Rich, AZ COALITION TO END SEXUAL AND DOMESTIC VIOLENCE

### **Support:**

Jeremy Arp, NATIONAL ASSOCIATION OF SOCIAL WORKERS, ARIZONA CHAPTER

### **Neutral:**

Kathy Ber, DES Director of Legislative Services, Arizona Department Of Economic Security

### **All Comments:**

Jeremy Arp, NATIONAL ASSOCIATION OF SOCIAL WORKERS, ARIZONA CHAPTER: NASWAZ supports the S/E with language making technical changes to a domestic violence funding source.

## **HB2427, child removal; uniform criteria**

### **Support:**

Bahney Dedolph, representing self; Beth Rosenberg, CHILDREN'S ACTION ALLIANCE; Emily Jenkins, Arizona Council Of Human Service Providers; Jeremy Arp, NATIONAL ASSOCIATION OF SOCIAL WORKERS, ARIZONA CHAPTER; Loretta Hunnicutt, representing self

### **Neutral:**

Jacob Schmitt, representing self; Joshua Tucker, ARIZONA DEPARTMENT OF CHILD SAFETY

### **All Comments:**

Jacob Schmitt, Self: This bill is unnecessary as there already is statutory language in place regarding the removal of children which must be followed.; Loretta Hunnicutt, Self: Current DCS policy - or lack thereof disproportionately impacts families living in poverty. Rather than remove children, we should be spending money on parent training. First Things First is sitting on a large sum of money that could be used

## **HB2442, behavioral health; urgent need; children**

### **Testified in support:**

Anika Robinson, representing self; Susan Woodruff, representing self; Cera Murphy, representing self; Heather Marlowe, representing self; Cynthia Elliott, representing self; Emily Jenkins, Arizona Council Of Human Service Providers; Jennifer Castellanos, representing self

## **Support:**

Patrick OMalley, representing self; Joseph Pikosz, representing self; Reyel Taylor, representing self; Ernesto Taylor, representing self; Kristina Urena, representing self; Amanda Bushman, representing self; Rebecca Hendrix, representing self; Sue Robinson, representing self; Robert Taylor, representing self; Patty McRae, representing self; Heidi Phelps, representing self; Jacque Mills, representing self; Angela Teachout, representing self; Benton Cotter, representing self; Brain Judy, representing self; Brittany Cotter, representing self; Johnny Reading, representing self; Katie Judy, representing self; Sarah Robinson, representing self; Matt Robinson, representing self; Stacy Reading, representing self; Pete Robinson, representing self; Jill Griffeth, representing self; Amber Burke, representing self; Josh Robinson, representing self; Addie Baird, representing self; Aaron Baird, representing self; Nicholas Lovett, representing self; Angelia Harbison, representing self; Kenneth Harbison, representing self; Brandy Raymond, representing self; Vickie Lee, representing self; Rayla Cassinat, representing self; Angela Barba, representing self; Sean Barba, representing self; Sandra Carr, representing self; Janell Perkins, representing self; Sarah Hrebicek, representing self; Jamila Miqbel, representing self; Stephanie Scott, representing self; Tanya Brodd, representing self; Sabrina Paulukovich, representing self; Lizbeth Rizzo, representing self; Julie Buckner, representing self; Jen Christianson, representing self; Summer Reed, representing self; Donna Kruck, Ability360; Brandis Goodman, representing self; Katie Driggs, representing self; Joshua Robinson, representing self; Patricia Hunt, representing self; Quint Whipple, representing self; Jane Crandell, representing self; Brandon Crawford, representing self; Jay Griffen, representing self; Kristine Mitchell, representing self; Christina Millican, representing self; Natalie Gardiner, representing self; Sheila Larson, representing self; Hannah VanWinkle, representing self; Tracie Sterrett, representing self; Colleen Neal, representing self; Cherri StJames, representing self; Michelle Waddell, representing self; Rebekah Cross, representing self; Janae Cunningham, representing self; Jody Shambre, representing self; Travis Cunningham, representing self; Nicole Barrientos, representing self; Holli Klein, representing self; Kristen Harris, representing self; Jessa Esparza, representing self; Brandon Harris, representing self; Nancy Dehoyos, representing self; Mary Seaman, representing self; Kris Poet, representing self; Jill May, representing self; Kelley Orr, representing self; Kayla Hay, representing self; Melissa Conteras, representing self; Jana Fellows, representing self; Susan Glover, representing self; Angelese Caldron, representing self; Matt Hay, representing self; Shannon Andersen, representing self; Kelsey Peterson, representing self; Rebecca Martinez, representing self; Luke Plenys, representing self; Richard Woodruff, representing self; Heather McDonald, representing self; Barbara Yates, representing self; April Hewson, representing self; Jeremy Arp, NATIONAL ASSOCIATION OF SOCIAL WORKERS, ARIZONA CHAPTER; Heidi James, representing self; Bahney Dedolph, representing self; Beth Rosenberg, CHILDREN'S ACTION ALLIANCE; Cherie Klavitter, representing self; Clayton Klavitter, representing self; Sasha Verdugo, representing self; Rebecca Linton, representing self; Betsy Simon, representing self; Corinne Morgan, representing self

## **Neutral:**

Christopher Vinyard, AZ HEALTH CARE COST CONTAINMENT SYSTEM; Wendy Briggs, MERCY MARICOPA INTEGRATED CARE

## **All Comments:**

Anika Robinson, Self: Please pass both proposed amendments.; Susan Woodruff, Self: I have adopted 5 children out of the Arizona Foster Care system. Some of my children have very severe mental illness due to suffering years of trauma and abuse. I have had significant struggles in getting my children behavioral health services.; Addie Baird, Self: Please pass proposed amendment by Rebecca Rios.; Nicholas Lovett, Self: I support HB2442 and the proposed amendment by Rebecca Rios. I have adopted my two grandchildren and this bill would have helped us greatly to obtain the needed behavioral health services they need. Thank you!; Angelia Harbison, Self: I am a foster parent with a 4 sibling placement currently. Waiting for services has proved to be detrimental and heartbreaking

for the children we are entrusted with. This bill is important for the livelihood of all our children.; Angela Barba, Self: Please pass proposed amendment by Rebecca Rios; Sean Barba, Self: Please pass proposed amendment by Rebecca Rios; Sandra Carr, Self: I am an adoptive mom of two children from foster care. I have fought for every service needed only to be placed on waiting list after waiting list. These precious kids need services right away. The longer the delay the longer it takes for healing.; Cera Murphy, Self: I am here and would like to add to the comments; Jamila Miqbel, Self: Please support HB2654 also!; Stephanie Scott, Self: Please pass proposed amendment by Rebecca Rios.; Sabrina Paulukovich, Self: The behavioral health needs of children in foster care are not being met and it is extremely important to their overall well being that they receive the proper services.; Lizbeth Rizzo, Self: Please also pass both amendments attached to this bill; Julie Buckner, Self: Please pass proposed amendment by Rebecca Rios; Brandis Goodman, Self: Please pass proposed amendment by Rebecca Rios; Heather Marlowe, Self: Please pass all proposed requests by Rebecca Rios; Katie Driggs, Self: Please pass all proposed requests by Rebecca Rios; Joshua Robinson, Self: Please pass requests by Rebecca Rios; Quint Whipple, Self: I support Jacobs Law; Brandon Crawford, Self: I support Jacobs Law; Christina Millican, Self: I fully support Jacobs Law, as an adoptive mom I urge you to pass this bill along with the recommended amendments.; Hannah VanWinkle, Self: Fully support this bill along with its amendments.; Tracie Sterrett, Self: I support Rep. Rebecca Rios' amendment; Richard Woodruff, Self: I support this bill and all amendments. I am an adoptive parent.; Jeremy Arp, NATIONAL ASSOCIATION OF SOCIAL WORKERS, ARIZONA CHAPTER: Support with Amendment. Allen amendment ok. Rips amendment has items worth adding.; Beth Rosenberg, CHILDREN'S ACTION ALLIANCE: This is a good bill, however, a floor amendment is needed to guarantee relatives caring for foster children and group home caregivers also have the same access to behavioral health services.

## **HB2552, delegation of powers; parent; custodian**

### **Testified in support:**

Gibson McKay, FGA ACTION; Andrew Brown, representing self

### **Testified as opposed:**

Beth Rosenberg, CHILDREN'S ACTION ALLIANCE; Emily Jenkins, Arizona Council Of Human Service Providers

### **Oppose:**

Jacob Schmitt, representing self

### **All Comments:**

Gibson McKay, FGA ACTION: My comments will be short and Andrew Brown from FGA will be speaking and taking most questions.; Beth Rosenberg, CHILDREN'S ACTION ALLIANCE: The bill with the proposed amendment provides a false sense of security for birth parents, their children and the state. There is no structure in place with this legislation that assures the safety of children while placed with volunteer families.; Andrew Brown, Self: Expert testimony on behalf of FGA in favor. Willing to answer committee's questions on legislation and program.

## **HB2586, dependency; households; felony reports**

### **Support:**

Rebecca Baker, Maricopa County Attorney's Office; Emily Jenkins, Arizona Council Of Human Service Providers; Beth Rosenberg, CHILDREN'S ACTION ALLIANCE

**Neutral:**

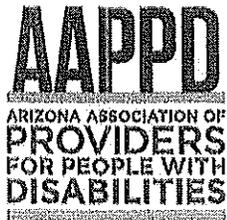
Joshua Tucker, ARIZONA DEPARTMENT OF CHILD SAFETY

**Oppose:**

Carol Maas, representing self

**All Comments:**

Emily Jenkins, Arizona Council Of Human Service Providers: With Brophy McGee amendments; Beth Rosenberg, CHILDREN'S ACTION ALLIANCE: We support the bill with the proposed amendment.



## State Budget – Critical Shortage of Qualified Direct Care Workers and Underfunding of Basic Food and Shelter Needs

AAPPD members support the Executive budget recommendations to restore adult dental coverage and provide vocational rehabilitation funding. However, neither recommendation provides help towards the growing, critical shortage of qualified direct care workers that care for individuals with intellectual or developmental disabilities (IDD) or the continued underfunding of room and board.

**Direct Care Worker Shortage** – Providers of services to individuals with IDD are experiencing a critical shortage of qualified direct care staff to care for the members we serve due to the inability to pay direct care staff a reasonable, competitive hourly rate. The number of open positions continue to increase along with our staff turnover.

- The number of staff cannot be reduced, as this is regulated by the Department of Economic Security.
- AAPPD providers are seeing, on average, a **55.9% turnover rate** in direct care staff. In more rural areas and areas with smaller labor pools, turnover rates are **between 70-85%**.
- AAPPD providers are unable to pay a competitive wage - not only a competitive wage within the caregiver industry, but a competitive wage with industries like food service and retail.
- High turnover has increased training costs. On average, **training costs have increased by \$156,000 per year, per provider.**
- In order to just break even, reimbursement rates for services need to be increased by at least 7%.

**Inadequate Room and Board Funding** – the funding for basic needs such as food and shelter – continues to be underfunded leaving inadequate reimbursement in place for food, shelter, utilities, etc.

- The average reimbursement rate for room and board services in group home settings is only 71.2% of the rate determined to be fair and equitable in the state's own 2014 study. In other words, on average, **providers receive only 71.2% of the cost** it takes to provide food and shelter for individuals with IDD.
- The funding in the Executive budget recommendation only serves to fill a structural shortfall for the Division of Developmental Disabilities. **The funding in the Executive budget recommendation does not provide any additional funding for providers to cover the cost of food and shelter.**
- The underfunded rates for food coupled with the rise in food costs above COLA and inflation has resulted in AAPPD members receiving the equivalent of **\$4 per day to feed one of our members.**

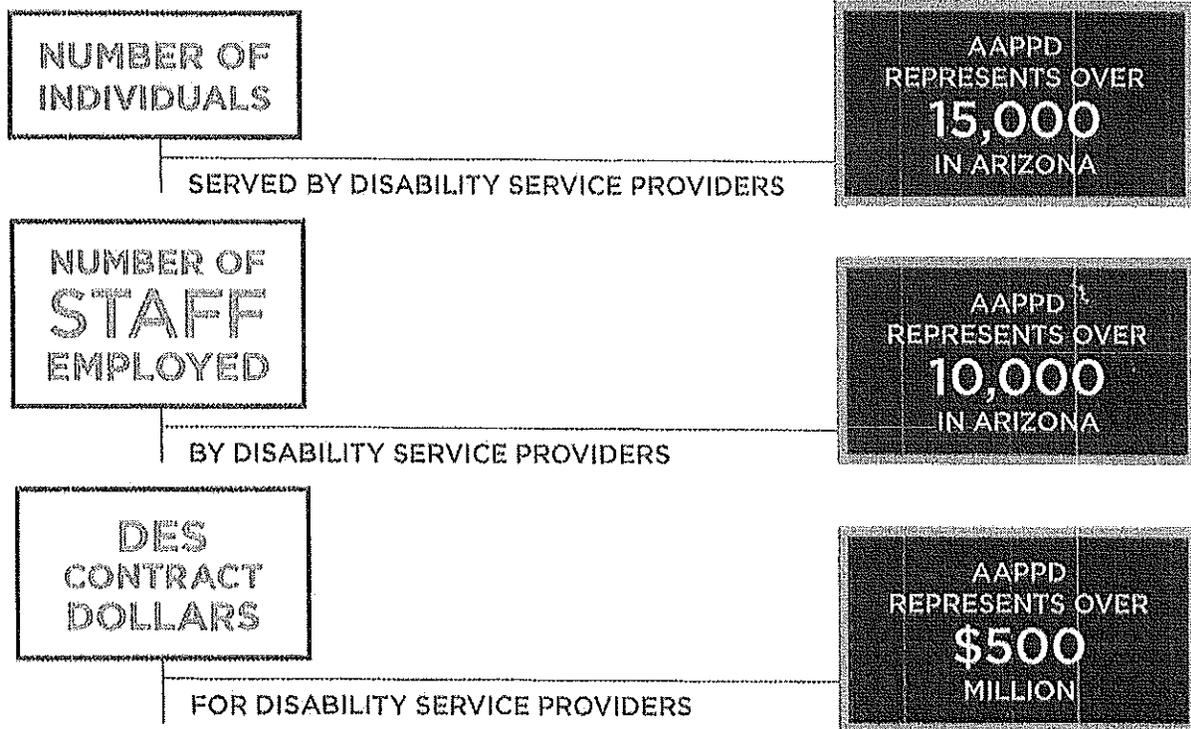
### **HB 2388 – qualified disability expenses; eligible individuals (ABLE Act)**

- Enables Arizona residents with disabilities to utilize ABLE Accounts in Arizona to help defray the costs of their disability expenses.



## Encouraging a Strong Collective Voice

AAPPD is a 501(c) 4 statewide consortium of providers licensed to deliver services to individuals with physical and developmental disabilities. Since 1985, AAPPD has supported and advocated for organizations that enhance the lives of people with disabilities and their families. Our 80+ members strive to help adults and children with disabilities contribute to and remain a part of their communities. In addition, member organizations are continually seeking ways to improve programs and services for individuals with disabilities and their families.



### Powerful Network, Powerful Results

**Advocacy** - Our lobbying staff send frequent updates and calls to action throughout each legislative and congressional session. Since the 2010 state budget cuts, AAPPD is responsible for restoring over \$57 million in funds to the provider community through state legislative efforts. We provide an environment where our members can learn about the political system, and build ties to strengthen their business and the disabilities community.

**Direct Line to State and Federal Officials** - Our AAPPD staff and Board meets frequently with state and federal officials that serve in a number of government roles, including agency heads and elected officials. For example, our AAPPD officers meet on a monthly basis with officials of the Division of Developmental Disabilities within the Arizona Department of Economic Security to discuss relevant issues and partner to solve problems within the provider community.

**WWW.AAPPD.ORG** - Our website is the resource for providers in the State of Arizona. Not only are our members included in an interactive provider database accessible to the public, but we also feature a robust resources section for providers and families.

For more information, please contact Rachelle Hadland at [Info@AAPPD.org](mailto:Info@AAPPD.org) or 602-510-9373.



# HOUSE OF REPRESENTATIVES

HB 2442

behavioral health; urgent need; children

Prime Sponsor: Representative Farnsworth E, et al., LD 12

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X Committee on Children and Family Affairs

Caucus and COW

House Engrossed

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## OVERVIEW

HB 2442 outlines procedures for a foster or adoptive parent to obtain urgent behavioral health services for a child in need of such services.

## PROVISIONS

1. Provides that if a foster parent of a dependent child who is in the legal custody of the Department of Child Safety (DCS) or the adoptive parent of a child who is eligible under Title XIX or XXI of the Social Security Act, identifies an urgent need for the child to receive behavioral health services, the foster or adoptive parent may directly contact a Regional Behavioral Health Authority (RBHA) for a screening and evaluation of the child.
2. States that after the screening and evaluation if it is determined that the child is in need of behavioral health services, the RBHA must provide an appointment within 21 days after the screening and evaluation.
3. Specifies that if the initial appointment is not provided, the foster or adoptive parent may petition the Arizona Health Care Cost Containment System (AHCCCS) to authorize the child to receive services by a provider who is not contracted with the RBHA.

## CURRENT LAW

A.R.S. § 8-512 addresses provisions related to the Comprehensive Medical and Dental Care (CMDP) Program which is provided by DCS for each child who is placed in voluntary placement, in the custody of DCS in an out-of-home placement and lastly, in the custody of the probation department and placed in foster care.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2442

(Reference to printed bill)

1 Page 1, between lines 5 and 6, insert:

2 "A. IF A DEPENDENT CHILD WHO IS IN THE LEGAL CUSTODY OF THE DEPARTMENT  
3 OF CHILD SAFETY IS PLACED IN FOSTER CARE, THE FOSTER PARENT SHALL RECEIVE  
4 FROM THE DEPARTMENT CONTACT INFORMATION FOR THE CHILD'S CASEWORKER, THE  
5 CHILD'S REGIONAL BEHAVIORAL HEALTH AUTHORITY DESIGNATED POINT OF CONTACT, THE  
6 TELEPHONE NUMBER TO THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM'S  
7 CUSTOMER SERVICE LINE, A LIST OF ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM  
8 REGISTERED PROVIDERS AND INFORMATION REGARDING THE FOSTER PARENT'S RIGHTS  
9 UNDER THIS SECTION.

10 B."

11 Line 15, after the period insert:

12 "C."

13 Line 16, strike "APPOINTMENT" insert "SERVICE"; after "PROVIDED" insert "WITHIN  
14 TWENTY-ONE DAYS"; strike "MAY"

15 Strike lines 17 through 19, insert ":

16 1. SHALL CALL THE REGIONAL BEHAVIORAL HEALTH AUTHORITY DESIGNATED  
17 POINT OF CONTACT AND THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM'S  
18 CUSTOMER SERVICE LINE TO DOCUMENT THE FAILURE TO RECEIVE THE SERVICE.

19 2. MAY ACCESS SERVICES DIRECTLY FROM ANY ARIZONA HEALTH CARE COST  
20 CONTAINMENT SYSTEM REGISTERED PROVIDER REGARDLESS OF WHETHER THE PROVIDER IS  
21 CONTRACTED WITH THE REGIONAL BEHAVIORAL HEALTH AUTHORITY. IF THE PROVIDER IS  
22 NOT CONTRACTED WITH THE REGIONAL BEHAVIORAL HEALTH AUTHORITY, THE PROVIDER  
23 MUST SUBMIT THE PROVIDER'S CLAIM TO THE REGIONAL BEHAVIORAL HEALTH AUTHORITY  
24 AND ACCEPT THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM FEE SCHEDULE  
25 RATES.

1 D. IF THE FOSTER PARENT OR ADOPTIVE PARENT RECOGNIZES THAT THE  
2 DEPENDENT CHILD IS IN NEED OF CRISIS SERVICES AND THE CRISIS RESPONSE NETWORK  
3 IN THAT COUNTY IS NOT BEING RESPONSIVE TO THE SITUATION, THE FOSTER PARENT OR  
4 ADOPTIVE PARENT MAY CONTACT THE CHILD'S REGIONAL BEHAVIORAL HEALTH AUTHORITY  
5 DESIGNATED POINT OF CONTACT TO COORDINATE CRISIS SERVICES FOR THE CHILD.

6 E. THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION  
7 SHALL TRACK AND REPORT ANNUALLY THE NUMBER OF TIMES THE REGIONAL BEHAVIORAL  
8 HEALTH AUTHORITY COORDINATED CRISIS SERVICES BECAUSE THE CRISIS RESPONSE  
9 NETWORK WAS UNRESPONSIVE, THE NUMBER OF TIMES SERVICES WERE NOT PROVIDED  
10 WITHIN THE TWENTY-ONE-DAY TIME FRAME, THE AMOUNT OF SERVICES ACCESSED  
11 DIRECTLY BY FOSTER OR ADOPTIVE PARENTS THAT WERE PROVIDED BY NONCONTRACTED  
12 PROVIDERS AND THE AMOUNT THE ADMINISTRATION SPENT ON SERVICES PURSUANT TO  
13 THIS SECTION. ON OR BEFORE JULY 1, 2017, THE ADMINISTRATION SHALL COMPLETE A  
14 NETWORK ADEQUACY STUDY FOR BEHAVIORAL HEALTH SERVICE PROVIDERS THAT PROVIDE  
15 BEHAVIORAL HEALTH SERVICES TO CHILDREN ENROLLED IN THE COMPREHENSIVE MEDICAL  
16 AND DENTAL CARE PROGRAM.

17 F. THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION  
18 SHALL ADOPT CORRECTIVE ACTION PLANS, SANCTIONS OR OTHER MEASURES TO ADDRESS  
19 NONCOMPLIANCE BY THE REGIONAL BEHAVIORAL HEALTH AUTHORITY, INCLUDING  
20 COMPLIANCE WITH THE TIMELY PAYMENT REQUIREMENTS PURSUANT TO SECTION 36-2904."

21 Amend title to conform

JOHN M. ALLEN

2442ALLEN J  
02/12/2016  
1:59 PM  
C: mjh

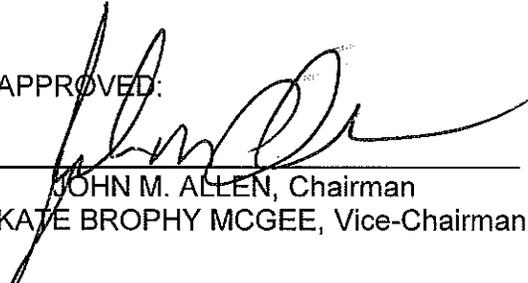
**ARIZONA HOUSE OF REPRESENTATIVES**  
**Fifty-second Legislature - Second Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON CHILDREN AND FAMILY AFFAIRS BILL NO. HB 2442

DATE February 15, 2016 MOTION: DPA

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Ackerley		✓			
Mrs. Cobb		✓			
Mrs. Gonzales		✓			
Mr. Lovas		✓			
Mr. Mendez		✓			
Ms. Rios		✓			
Ms. Townsend		✓			
Mrs. Brophy McGee, Vice-Chairman		✓			
Mr. Allen J, Chairman		✓			
		9	0	0	0

APPROVED:   
 \_\_\_\_\_  
 JOHN M. ALLEN, Chairman  
 KATE BROPHY MCGEE, Vice-Chairman

  
 \_\_\_\_\_  
 COMMITTEE SECRETARY

ATTACHMENT 6



# HOUSE OF REPRESENTATIVES

HB 2552

delegation of powers; parent; custodian  
Prime Sponsor: Representative Allen J, LD 15

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X Committee on Children and Family Affairs

Caucus and COW

House Engrossed

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## OVERVIEW

HB 2552 allows a parent or custodian to delegate to an attorney-in-fact, through a validly executed power of attorney (POA), powers regarding the care and custody of a child.

## PROVISIONS

1. Provides that if an investigation does not result in an out-of-home placement, DCS must provide information to the parent or guardian about community service programs that provide respite care, voluntary guardianship or other support services for families in crisis.
2. Updates the delegation of powers by a guardian (A.R.S. § 14-5104) to include only adults.
3. Adds a new Article in Title 14 for the Delegation of Parental or Custodial Authority.
4. Allows a parent or custodian to delegate to an attorney-in-fact any of the powers regarding the care and custody of the child, except the power to consent to marriage or the adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child, under a validly executed power of attorney. A delegation of powers under this section:
  - a. Does not modify any parental or legal rights, obligations or authority established by an existing court order or deprive the parent or custodian of any parental or legal rights, obligations or authority regarding the custody, visitation or support of the child; and
  - b. May not be effective for a period in excess of one year, except as provided.
5. Permits the parent or custodian of the child to revoke or withdraw the POA at any time. Except, the parent or custodian of the child must execute a new POA for each additional year that the parent or custodian wants to extend the delegation. If a parent or custodian revokes or withdraws the POA or the POA expires, the child must be returned to the custody of the parent or custodian as soon as reasonably possible.
6. States unless the POA is revoked, withdrawn or expires, the attorney-in-fact must exercise parental or legal authority on a continuous basis without compensation for the duration of the POA.
7. Stipulates that the execution of a POA by a parent or custodian does not constitute abandonment, abuse or neglect, unless the parent or custodian fails to take custody of the child or execute a new POA after the expiration of a POA.
8. Provides in the exercise of authority pursuant to a POA:
  - a. The attorney-in-fact is not subject to regulation or licensing as a child welfare agency or foster home; and

## HB 2552

- b. A private, nonprofit organization that does not accept public monies and that assists parents with the process of delegating parental and legal custodial powers of their children, including assistance with identifying appropriate placements for their children, or that provides services and resources to support children, parents, legal guardians and persons designated as attorney-in-fact is not subject to regulation or licensing as a child welfare agency; and
  - c. Specifies that a child who is the subject to the POA is not in an out-of-home placement.
9. Asserts that a serving parent may execute a POA for a term longer than one year if the serving parent is on active duty service. The term of a POA executed for more than one year may not exceed the term of the active duty plus 30 days.
  10. Outlines the form for the POA and provides that a POA is legally sufficient if the wording of the form complies substantially with the outlined form and the form is properly completed and the signatures of the parties are acknowledged.
  11. Defines *attorney-in-fact*, *custodian*, *power of attorney* and *serving parent*.

### CURRENT LAW

Not currently addressed in statute.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2552

(Reference to printed bill)

1 Page 2, between lines 42 and 43, insert:

2           "3. IS NOT EFFECTIVE UNLESS THE ATTORNEY-IN-FACT SUBMITS A FULL SET OF  
3 FINGERPRINTS TO THE PARENT OR CUSTODIAN OF THE CHILD FOR SUBMISSION TO THE  
4 DEPARTMENT OF PUBLIC SAFETY FOR THE PURPOSE OF OBTAINING A STATE AND FEDERAL  
5 CRIMINAL RECORDS CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544.  
6 THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT INFORMATION  
7 WITH THE FEDERAL BUREAU OF INVESTIGATION."

8 Page 3, line 17, after "ORGANIZATION" strike remainder of line

9 Line 18, strike "MONIES AND"

10 Amend title to conform

JOHN M. ALLEN

2552ja  
02/12/2016  
2:48 PM  
C: kcb

Attachment 8

Adopted  # of Verbals \_\_\_\_\_  
Failed \_\_\_\_\_ Withdrawn \_\_\_\_\_  
Not Offered \_\_\_\_\_ Analysts Initials \_\_\_\_\_

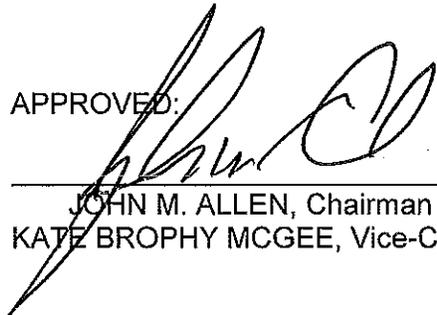
**ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-second Legislature - Second Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON CHILDREN AND FAMILY AFFAIRS BILL NO. HB 2552

DATE February 15, 2016 MOTION: DPA

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Ackerley		✓			
Mrs. Cobb		✓			
Mrs. Gonzales			✓		
Mr. Lovas		✓			
Mr. Mendez			✓		
Ms. Rios				✓	
Ms. Townsend		✓			
Mrs. Brophy McGee, Vice-Chairman		✓			
Mr. Allen J, Chairman		✓			
		6	2	1	0

APPROVED:   
 \_\_\_\_\_  
 JOHN M. ALLEN, Chairman  
 KATE BROPHY MCGEE, Vice-Chairman

  
 \_\_\_\_\_  
 COMMITTEE SECRETARY

ATTACHMENT 9



# HOUSE OF REPRESENTATIVES

HB 2103

technical correction; contact with relatives  
Prime Sponsor: Representative Allen J, LD 15

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X Committee on Children and Family Affairs

Caucus and COW

House Engrossed

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## OVERVIEW

HB 2103 makes technical corrections.

## SUMMARY OF THE STRIKE-EVERYTHING SUMMARY TO HB 2103

The strike everything amendment to HB 2103 renames the Domestic Violence Shelter Fund and changes requirements for Fund eligibility.

## PROVISIONS

1. Changes the name of the Fund to the *Domestic Violence Services Fund* (Fund).
2. Changes the heading for Title 36, Chapter 3, Arizona Revised Statutes from *Shelters for Domestic Violence Victims* to *Domestic Violence Services*.
3. Stipulates that domestic violence service providers, rather than shelters for victims of domestic violence, are eligible to receive Fund monies.
4. Removes Fund eligibility requirements for shelters and requires domestic violence service providers to adhere to statewide service standards for domestic violence programs that are approved by the Department of Economic Security (DES) in collaboration with a state coalition against domestic violence in order for these providers to be eligible to receive Fund monies.
5. States that a domestic violence service provider does not qualify for Fund monies if it discriminates in its admissions on the basis of disability.
6. Strikes the requirement that Fund requests in excess of the amount of Fund monies available be allocated based on priorities established by DES and a state coalition against domestic violence.
7. Requires DES to file a copy of the annual report relating to Fund money allocation to the Secretary of State.
8. Repeals statute relating to acceptance of grants and gifts by the program administrator (A.R.S. § 36-3003) and relating to application by shelters for Fund monies and grants, eligibility, payments, limitations, and evaluations (A.R.S. § 36-3004).
9. Defines *domestic violence service provider*.

## CURRENT LAW

A.R.S. § 36-3002 establishes the Fund to provide financial assistance to shelters for victims of domestic violence through contracts for shelter services. Any person who is convicted of a

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2103

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 12-116.06, Arizona Revised Statutes, is amended to  
3 read:

4 12-116.06. Assessment for family offenses, harassment and stalking

5 In addition to any other penalty, fine, fee, or assessment authorized  
6 by law, a person who is convicted of a violation of section 13-2921,  
7 13-2921.01 or 13-2923 or an offense listed in title 13, chapter 36 shall pay  
8 an additional assessment of fifty dollars to be deposited by the state  
9 treasurer in the domestic violence ~~shelter~~ SERVICES fund established by  
10 section 36-3002. This assessment is not subject to any surcharge. If the  
11 conviction occurred in the superior court or a justice court, the court shall  
12 transmit the assessed monies to the county treasurer. If the conviction  
13 occurred in a municipal court, the court shall transmit the assessed monies  
14 to the city treasurer. The city or county treasurer shall transmit the  
15 monies received to the state treasurer.

16 Sec. 2. Section 12-284.03, Arizona Revised Statutes, is amended to  
17 read:

18 12-284.03. Distribution of fees

19 A. Excluding the monies that are kept by the court pursuant to  
20 subsection B of this section, the county treasurer shall transmit, distribute  
21 or deposit all monies received from the clerk of the superior court pursuant  
22 to section 12-284, subsection K as follows:

House Amendments to H.B. 2103

1           1. 1.31 ~~per cent~~ PERCENT to the state treasurer for deposit in the  
2 drug and gang enforcement account established by section 41-2402 for the  
3 purposes of section 41-2402, subsection G.

4           2. 8.87 ~~per cent~~ PERCENT to the state treasurer for deposit in the  
5 domestic violence ~~shelter~~ SERVICES fund established by section 36-3002.

6           3. 1.93 ~~per cent~~ PERCENT to the state treasurer for deposit in the  
7 child abuse prevention fund established by section 8-550.01.

8           4. In the county law library fund established by section 12-305,  
9 either:

10           (a) 7.62 ~~per cent~~ PERCENT if the county treasurer is serving in a  
11 county with a population of more than five hundred thousand persons ~~according~~  
12 ~~to the most recent United States decennial census.~~

13           (b) 15.30 ~~per cent~~ PERCENT if the county treasurer is serving in a  
14 county with a population of five hundred thousand persons or less ~~according~~  
15 ~~to the most recent United States decennial census.~~

16           5. 0.35 ~~per cent~~ PERCENT to the state treasurer for deposit in the  
17 alternative dispute resolution fund established by section 12-135.

18           6. To the elected officials' retirement plan fund established by  
19 section 38-802, either of the following percentages, which shall be  
20 distributed to the fund pursuant to section 38-810:

21           (a) 23.79 ~~per cent~~ PERCENT if the county treasurer is serving in a  
22 county with a population of more than five hundred thousand persons ~~according~~  
23 ~~to the most recent United States decennial census.~~

24           (b) 15.30 ~~per cent~~ PERCENT if the county treasurer is serving in a  
25 county with a population of five hundred thousand persons or less ~~according~~  
26 ~~to the most recent United States decennial census.~~

27           7. 17.07 ~~per cent~~ PERCENT to the state treasurer for deposit in the  
28 judicial collection enhancement fund established by section 12-113.

29           8. 0.26 ~~per cent~~ PERCENT to the state treasurer for deposit in the  
30 confidential intermediary and fiduciary fund established by section 8-135.

31           9. In the county general fund, the following percentages:

1 (a) ~~31.29 per cent~~ PERCENT if the county treasurer is serving in a  
2 county with a population of more than five hundred thousand persons ~~according~~  
3 ~~to the most recent United States decennial census.~~

4 (b) ~~32.10 per cent~~ PERCENT if the county treasurer is serving in a  
5 county with a population of five hundred thousand persons or less ~~according~~  
6 ~~to the most recent United States decennial census.~~

7 B. ~~7.51 per cent~~ PERCENT of the monies transmitted, distributed or  
8 deposited pursuant to subsection A of this section shall be kept and used by  
9 the court collecting the fees in the same manner as the seven dollars of the  
10 time payment fee prescribed by section 12-116, subsection B.

11 Sec. 3. Heading change

12 The chapter heading of title 36, chapter 30, Arizona Revised Statutes,  
13 is changed from "SHELTERS FOR DOMESTIC VIOLENCE VICTIMS" to "DOMESTIC  
14 VIOLENCE SERVICES".

15 Sec. 4. Section 36-3001, Arizona Revised Statutes, is amended to read:

16 36-3001. Definitions

17 In this chapter, unless the context otherwise requires:

18 1. "Administration" means the community services administration in the  
19 department of economic security.

20 2. "Domestic violence" means attempting to cause or causing bodily  
21 injury to a family or household member or placing a family or household  
22 member by threat of force in fear of imminent physical harm.

23 3. "DOMESTIC VIOLENCE SERVICE PROVIDER" MEANS A FACILITY WHOSE PRIMARY  
24 PURPOSE IS TO PROVIDE SERVICES TO FAMILY OR HOUSEHOLD MEMBERS WHO ARE VICTIMS  
25 OF DOMESTIC VIOLENCE, INCLUDING:

26 (a) SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE.

27 (b) DOMESTIC VIOLENCE VICTIM ADVOCACY.

28 (c) OTHER SUPPORT SERVICES FOR DOMESTIC VIOLENCE VICTIMS.

29 ~~3-~~ 4. "Family or household member" means a spouse, a former spouse, a  
30 parent, a child or ~~other~~ ANOTHER adult person related by consanguinity or  
31 affinity who is residing or has resided or has a child or children in common

1 with the person committing the domestic violence and dependents of such  
2 persons.

3 ~~4-~~ 5. "Fund" means the domestic violence shelter SERVICES fund.

4 ~~5-~~ 6. "Program administrator" means the program administrator of the  
5 community services administration in the department of economic security.

6 ~~6-~~ 7. "Shelter for victims of domestic violence" or "shelter" means a  
7 facility providing temporary residential service or facilities to family or  
8 household members who are victims of domestic violence.

9 Sec. 5. Section 36-3002, Arizona Revised Statutes, is amended to read:

10 36-3002. Domestic violence services fund; purpose

11 A. The domestic violence ~~shelter~~ SERVICES fund is established  
12 consisting of monies received pursuant to section 12-116.06, section  
13 12-284.03, subsection A, paragraph 2, and section 41-178 AND SECTION  
14 43-618. The program administrator shall administer the fund for the purposes  
15 prescribed in this section.

16 B. The department of economic security, after full consultation with a  
17 statewide coalition against domestic violence, shall establish program  
18 priorities for the fund. Subject to legislative appropriation, the  
19 department shall expend monies in the fund to provide financial assistance to  
20 ~~shelters~~ SERVICE PROVIDERS for victims of domestic violence through contracts  
21 for ~~shelter~~ services.

22 C. Monies in the fund do not revert to the state general fund.

23 Sec. 6. Repeal

24 Sections 36-3003 through 36-3004, Arizona Revised Statutes, are  
25 repealed.

26 Sec. 7. Section 36-3005, Arizona Revised Statutes, is amended to read:

27 36-3005. Domestic violence service provider requirements for  
28 eligibility

29 A. To be eligible to receive fund monies under this chapter, a shelter  
30 DOMESTIC VIOLENCE SERVICE PROVIDER shall-

31 ~~1. Provide crisis interventions and advocacy and support services for~~  
32 ~~victims of domestic violence and their dependent children.~~

House Amendments to H.B. 2103

1           ~~2. Provide victims of domestic violence with information and referrals~~  
2           ~~for community based services.~~

3           ~~3. Require persons employed by or volunteering services to the shelter~~  
4           ~~to maintain the confidentiality of any information that would identify~~  
5           ~~persons served by the shelter.~~

6           ~~4. Meet existing licensing requirements, if any.~~ ADHERE TO STATEWIDE  
7           SERVICE STANDARDS FOR DOMESTIC VIOLENCE PROGRAMS THAT ARE APPROVED BY THE  
8           DEPARTMENT OF ECONOMIC SECURITY IN COLLABORATION WITH A STATE COALITION  
9           AGAINST DOMESTIC VIOLENCE.

10           B. A ~~shelter for victims of domestic violence~~ DOMESTIC VIOLENCE  
11           SERVICE PROVIDER does not qualify for fund monies if it discriminates in its  
12           admissions or provision of services on the basis of race, religion, color,  
13           age, DISABILITY, marital status, national origin or ancestry.

14           Sec. 8. Section 36-3006, Arizona Revised Statutes, is amended to read:

15           36-3006. Methodology for allocation of fund monies

16           ~~A. If the program administrator receives applications from more than~~  
17           ~~one eligible shelter, and the requests for fund monies exceed the amount of~~  
18           ~~fund monies available, fund monies shall be allocated based on the priorities~~  
19           ~~established by the department of economic security and a state coalition~~  
20           ~~against domestic violence and including the following priorities:~~

21           ~~1. To shelters receiving monies from this fund as of April 24, 1994.~~

22           ~~2. To shelters not receiving monies from this fund as of April 24,~~  
23           ~~1994.~~

24           B. After full consultation with a state coalition against domestic  
25           violence, the department shall develop a weighted methodology for allocation  
26           of funding that ~~includes the priorities prescribed in subsection A and that,~~  
27           ~~at a minimum,~~ considers the following:

28           1. The need for services.

29           2. Existing services.

30           3. Geographic location.

31           4. Population ratios.

32           Sec. 9. Section 36-3007, Arizona Revised Statutes, is amended to read:

1           36-3007. Annual report

2           A. The department of economic security shall file an annual report  
3 with the governor, the speaker of the house of representatives and the  
4 president of the senate on or before October 1 AND SHALL PROVIDE A COPY OF  
5 THIS REPORT TO THE SECRETARY OF STATE. In preparing the report the  
6 department shall fully consult with a state coalition against domestic  
7 violence.

8           B. The report shall include the following information from each  
9 ~~shelter program~~ DOMESTIC VIOLENCE SERVICE PROVIDER that receives monies  
10 pursuant to this chapter:

- 11           1. The population served.
- 12           2. The services provided.
- 13           3. The unmet needs of persons who receive services.

14           C. Information contained in the report shall not identify any person  
15 served by a ~~shelter~~ SERVICE PROVIDER or enable any person to determine the  
16 identity of any such person.

17           Sec. 10. Section 36-3008, Arizona Revised Statutes, is amended to  
18 read:

19           36-3008. Services for victims of domestic violence; personnel;  
20 fingerprinting; confidentiality; notification

21           A. Employees and volunteers of a ~~shelter for victims of~~ domestic  
22 violence, ~~as defined in section 36-3001,~~ SERVICE PROVIDER shall have valid  
23 fingerprint clearance cards that are issued pursuant to title 41, chapter 12,  
24 article 3.1 or shall apply for a fingerprint clearance card within seven  
25 working days of employment or beginning volunteer work. Federally recognized  
26 Indian tribes or military bases may submit and the department shall accept  
27 certifications that state that employees of a ~~shelter for victims of~~ domestic  
28 violence SERVICE PROVIDER who are employed by a ~~shelter~~ DOMESTIC VIOLENCE  
29 SERVICE PROVIDER and who provide services directly to victims of domestic  
30 violence have not been convicted of, have not admitted committing or are not  
31 awaiting trial on any offense under subsection B, paragraph 1 of this  
32 section.

1           B. Personnel shall certify on forms that are provided by the  
2 department and notarized that:

3           1. They are not awaiting trial on and have never been convicted of or  
4 admitted committing any of the criminal offenses listed in section  
5 41-1758.03, subsections B and C in this state or similar offenses in another  
6 state or jurisdiction.

7           2. They have not been denied a license to operate a ~~shelter for cause~~  
8 FACILITY THAT PROVIDES SERVICES FOR DOMESTIC VIOLENCE VICTIMS in this state  
9 or another state or had a license to operate a ~~shelter~~ FACILITY THAT PROVIDES  
10 SERVICES FOR DOMESTIC VIOLENCE VICTIMS revoked.

11           C. The notarized forms are confidential.

12           D. The ~~shelter~~ DOMESTIC VIOLENCE SERVICE PROVIDER shall make good  
13 faith efforts to contact previous employers to obtain information or  
14 recommendations that may be relevant to an individual's fitness to work ~~in~~  
15 ~~the shelter~~ FOR THE PROVIDER.

16           E. ~~The department of health services~~ A DOMESTIC VIOLENCE SERVICE  
17 PROVIDER shall notify the department of public safety if the ~~department of~~  
18 ~~health services~~ PROVIDER receives credible evidence that a person who  
19 possesses a fingerprint clearance card either:

20           1. Is arrested for or charged with an offense listed in section  
21 41-1758.03, subsection B.

22           2. Falsified information on the form required by subsection B of this  
23 section.

24           Sec. 11. Section 41-178, Arizona Revised Statutes, is amended to read:

25           41-178. Distribution of notary bond fees

26           The state treasurer shall transmit, distribute or deposit all monies  
27 received pursuant to section 41-126, subsection A, paragraphs 11 and 12 as  
28 follows:

29           1. 1.31 ~~per cent~~ PERCENT for deposit in the drug and gang enforcement  
30 account established by section 41-2402 for the purposes of section 41-2402,  
31 subsection G.

House Amendments to H.B. 2103

1           2. 8.87 ~~per-cent~~ PERCENT for deposit in the domestic violence shelter  
2 SERVICES fund established by section 36-3002.

3           3. 1.93 ~~per-cent~~ PERCENT for deposit in the child abuse prevention  
4 fund established by section 8-550.01.

5           4. 7.62 ~~per-cent~~ PERCENT for proportional deposit in each county's law  
6 library fund established by section 12-305, based on the number of notaries  
7 commissioned per county.

8           5. 0.35 ~~per-cent~~ PERCENT for deposit in the alternative dispute  
9 resolution fund established by section 12-135.

10          6. 23.79 ~~per-cent~~ PERCENT for deposit in the elected officials'  
11 retirement plan fund established by section 38-802, which shall be  
12 distributed to the fund pursuant to section 38-810.

13          7. 17.07 ~~per-cent~~ PERCENT for deposit in the judicial collection  
14 enhancement fund established by section 12-113.

15          8. 0.26 ~~per-cent~~ PERCENT for deposit in the confidential intermediary  
16 and fiduciary fund established by section 8-135.

17          9. 31.29 ~~per-cent~~ PERCENT for deposit in the notary bond fund  
18 established by section 41-314.

19          10. 7.51 ~~per-cent~~ PERCENT shall be distributed to the county where the  
20 notary is commissioned in the same manner as the seven dollars of the time  
21 payment fee prescribed by section 12-116, subsection B.

22          Sec. 12. Section 43-618, Arizona Revised Statutes, is amended to read:  
23 43-618. Contribution to domestic violence services fund

24          A. The department shall provide a space on the individual income tax  
25 return form in which the taxpayer may designate an amount of the taxpayer's  
26 refund as a voluntary contribution to the domestic violence shelter SERVICES  
27 fund established pursuant to BY section 36-3002.

28          B. After subtracting any setoff for debts pursuant to section 42-1122,  
29 the department of revenue shall subtract the designated amount from the  
30 refund due the taxpayer and transfer it to the department of economic  
31 security for deposit in the fund.

House Amendments to H.B. 2103

1           C. The taxpayer may also donate any amount to the fund, in lieu of or  
2           in addition to the designated portion of the tax refund, by an appropriate  
3           indication on the return and by including that amount with the return."  
4 Amend title to conform

JOHN M. ALLEN

2103ALLEN J SE  
02/09/2016  
10:10 AM  
H: ig/ajh

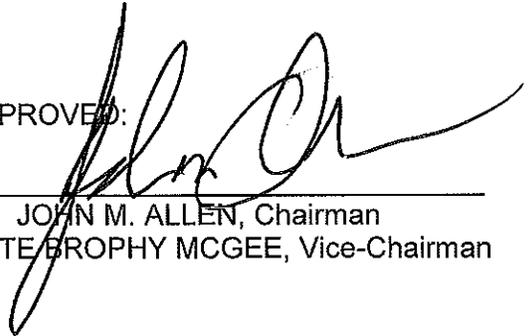
**ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-second Legislature - Second Regular Session**

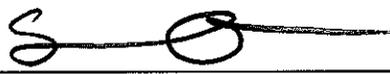
**ROLL CALL VOTE**

COMMITTEE ON CHILDREN AND FAMILY AFFAIRS BILL NO. HB 2103

DATE February 15, 2016 MOTION: DPA/SE

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Ackerley		✓			
Mrs. Cobb		✓			
Mrs. Gonzales		✓			
Mr. Lovas		✓			
Mr. Mendez		✓			
Ms. Rios		✓			
Ms. Townsend		✓			
Mrs. Brophy McGee, Vice-Chairman		✓			
Mr. Allen J, Chairman		✓			
		9	0	0	0

APPROVED:   
 \_\_\_\_\_  
 JOHN M. ALLEN, Chairman  
 KATE BROPHY MCGEE, Vice-Chairman

  
 \_\_\_\_\_  
 COMMITTEE SECRETARY

ATTACHMENT 12



# HOUSE OF REPRESENTATIVES

HB 2427

child removal; uniform criteria

Prime Sponsor: Representative Townsend, LD 16

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X Committee on Children and Family Affairs

Caucus and COW

House Engrossed

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## OVERVIEW

HB 2427 states that the Department of Child Safety (DCS) must apply the rules adopted and the policies established uniformly across the state.

## PROVISIONS

1. Requires DCS to apply the rules adopted and the policies established uniformly across the state.
2. Makes conforming changes.

## CURRENT LAW

A.R.S § 8-822 states that DCS must adopt rules and establish clear policies and procedures, where appropriate to:

1. Determine when it is appropriate to remove a child from the custody of the child's parents, guardian or custodian; and
2. Ensure the immediate notification of the child's parents, guardian or custodian regarding the removal of the child from home, school or child care and the timely interview of the child and the child's parent, guardian or custodian.

Except in the case of an emergency, DCS may not remove a child from the custody of the child's parents, guardian or custodian unless both of the following occur before the removal:

1. The child safety worker who is recommending the removal submits the reasons for removal and supporting information to the workers supervisor; and
2. The workers supervisor reviews the reasons and supporting information and approves removal

If an emergency exists affecting the health or safety of a child, a child safety worker may remove the child before notifying the worker's supervisor. The child safety worker must submit the reasons for removal and supporting information to the worker's supervisor for the supervisor's review and approval within two hours after the removal of the child or, if the removal occurs after regular working hours, by 8:30 a.m. the next day. For the purposes of this section, *supervisor* includes the permanent supervisor of a child safety worker and a temporary supervisor assigned to the child safety worker in the absence of the permanent supervisor.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2427

(Reference to printed bill)

- 1 Page 1, line 14, after "APPLY" strike remainder of line
- 2 Strike line 15, insert "ITS RULES, POLICIES AND SAFETY AND RISK ASSESSMENT TOOLS
- 3 UNIFORMLY ACROSS THIS"
- 4 Amend title to conform

KELLY TOWNSEND

2427kt  
02/04/2016  
1:57 PM  
C: kcb

Adopted  # of Verbals \_\_\_\_\_  
Failed \_\_\_\_\_ Withdrawn \_\_\_\_\_  
Not Offered \_\_\_\_\_ Analysts Initials \_\_\_\_\_

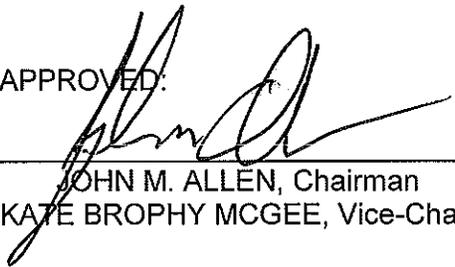
**ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-second Legislature - Second Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON CHILDREN AND FAMILY AFFAIRS BILL NO. HB 2427

DATE February 15, 2016 MOTION: DPA

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Ackerley		✓			
Mrs. Cobb		✓			
Mrs. Gonzales		✓			
Mr. Lovas		✓			
Mr. Mendez		✓			
Ms. Rios		✓			
Ms. Townsend		✓			
Mrs. Brophy McGee, Vice-Chairman		✓			
Mr. Allen J, Chairman		✓			
		9	0	0	0

APPROVED:   
 \_\_\_\_\_  
 JOHN M. ALLEN, Chairman  
 KATE BROPHY MCGEE, Vice-Chairman

  
 \_\_\_\_\_  
 COMMITTEE SECRETARY

ATTACHMENT 15



# HOUSE OF REPRESENTATIVES

HB 2586

dependency; households; felony reports

Prime Sponsor: Representative Brophy McGee, et al., LD 28

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X Committee on Children and Family Affairs

Caucus and COW

House Engrossed

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## OVERVIEW

HB 2586 requires the Department of Child Safety (DCS) to adopt rules relating to and establishes requirements regarding the return of a child to a home in situations in which a person in the home or with access to the child has been arrested for, charged with or convicted of a felony offense that involved conduct that poses an imminent threat to a child.

## PROVISIONS

1. Requires a DCS investigator, before returning a child, to conduct a criminal background check of any member of the household to which the child will be returned or any person who has access to the home and the child on a continual basis, if the investigator has credible information or a reasonable suspicion that the member or person has been arrested for, charged with or convicted of an offense that involved conduct that poses an imminent threat of danger to a child.
2. Requires the Department of Child Safety (DCS) to adopt rules regarding the return of a child after a determination of dependency that include:
  - a. A requirement that DCS conduct a criminal background check of any member of the household to which the child will be returned, of any person who has access to the home and the child on a continual basis and of a biological parent of the child whose parental rights have not been terminated, if DCS has credible information or a reasonable suspicion that the member, person or parent has been arrested for, charged with or convicted of an offense described below; and
  - b. If any criminal background check performed indicates that a person has been arrested for, charged with or convicted of a felony offense that involved conduct that poses an imminent threat of danger to the child, a requirement that the child not be returned if there is significant evidence that the alleged or convicted perpetrator's imminent threat to children cannot be reasonably mitigated by planning and action taken by DCS in partnership with the non-offending parent, familial resources or providers. The imminent threat of danger shall:
    - i. Be determined based on the alleged or convicted perpetrator's pattern of behavior, the difficulty in controlling this behavior and the alleged or convicted perpetrator's violence against or threats to a partner or child, or both; and
    - ii. Not be based on the residence, location or relationship status of the alleged or convicted perpetrator.
3. Stipulates that in determining the existence of an imminent threat, DCS must consider:

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2586

(Reference to printed bill)

- 1 Page 2, line 22, after "CHILD" insert ", OR WITHIN TEN DAYS OF THE RETURN OF A  
2 CHILD PURSUANT TO A COURT ORDER"  
3 Line 24, after "AND" insert "UNSUPERVISED ACCESS TO"; strike "CONTINUAL" insert  
4 "REGULAR"  
5 Page 3, line 9, after the first "AND" insert "UNSUPERVISED ACCESS TO"; strike  
6 "CONTINUAL" insert "REGULAR"  
7 Line 14, after "2." insert "UNLESS THE CHILD IS RETURNED PURSUANT TO A COURT  
8 ORDER"  
9 Line 43, after "AND" insert "UNSUPERVISED ACCESS TO"; strike "CONTINUAL" insert  
10 "REGULAR"  
11 Amend title to conform

KATE BROPHY MCGEE

2586BROPHY MCGEE  
02/12/2016  
11:52 AM  
H: IG/rca

Adopted  # of Verbals \_\_\_\_\_  
Failed \_\_\_\_\_ Withdrawn \_\_\_\_\_  
Not Offered \_\_\_\_\_ Analysts Initials \_\_\_\_\_

**ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-second Legislature - Second Regular Session**

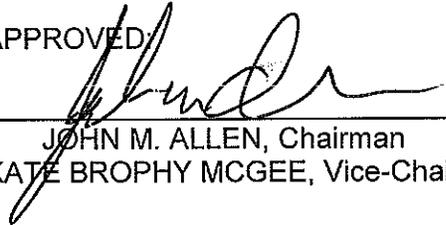
**ROLL CALL VOTE**

COMMITTEE ON CHILDREN AND FAMILY AFFAIRS BILL NO. HB 2586

DATE February 15, 2016 MOTION: DPA

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Ackerley		✓			
Mrs. Cobb		✓			
Mrs. Gonzales		✓			
Mr. Lovas		✓			
Mr. Mendez		✓			
Ms. Rios		✓			
Ms. Townsend		✓			
Mrs. Brophy McGee, Vice-Chairman		✓			
Mr. Allen J, Chairman		✓			
		9	0	0	0

APPROVED

  
 \_\_\_\_\_  
 JOHN M. ALLEN, Chairman  
 KATE BROPHY MCGEE, Vice-Chairman

  
 \_\_\_\_\_  
 COMMITTEE SECRETARY

ATTACHMENT 18

**ARIZONA STATE LEGISLATURE**  
 Fifty-second Legislature - Second Regular Session  
**COMMITTEE ATTENDANCE RECORD**

COMMITTEE ON CHILDREN AND FAMILY AFFAIRS

CHAIRMAN: John M. Allen VICE-CHAIRMAN: Kate Brophy McGee

DATE	02/15/16	/16	/16	/16	/16
CONVENED	2:22 p m	m	m	m	m
RECESSED					
RECONVENED					
ADJOURNED	4:59 pm				
MEMBERS					
Mr. Ackerley	✓				
Mrs. Cobb	✓				
Mrs. Gonzales	✓				
Mr. Lovas	✓				
Mr. Mendez	✓				
Ms. Rios	✓				
Ms. Townsend	✓				
Mrs. Brophy McGee, Vice-Chairman	✓				
Mr. Allen J, Chairman	✓				

√ Present      --- Absent      exc Excused