



ARIZONA STATE SENATE
Fifty-Second Legislature, Second Regular Session

AMENDED
FACT SHEET FOR S.B. 1142

DCS; backlog cases; private contractors

Purpose

An emergency measure that requires the Department of Child Safety (DCS) to enter into private contracts to administer backlog cases as outlined.

Background

Prior to 2014, child welfare functions in Arizona were conducted by Child Protective Services (CPS), which was part of the Department of Economic Security (DES) Division of Children, Youth and Families (DCYF). In November of 2013, DES discovered thousands of allegations of child abuse and neglect that were classified by CPS as not investigated (NI). Between 2009 and 2013, approximately 6,595 reports of child abuse were dispositioned as NI.

On January 13, 2014, the Governor signed an executive order that abolished DCYF and established the Division of Child Safety and Family Services (Division). The order required the Director of the Division to oversee and direct all functions of the state child welfare program, including CPS, foster care and adoption, and to work with stakeholders in developing a permanent separate agency for child welfare programs and services. Subsequently, the Legislature statutorily established the new Department of Child Safety (DCS) and codified the transfer of responsibilities from CPS to DCS, including the Office of Child Welfare Investigations (OCWI). The legislation, enacted on May 29, 2014, outlines the purpose of DCS to protect children, and the abilities and requirements of DCS and its Director.

According to the Joint Legislative Budget Committee (JLBC), DCS reported 13,024 backlog cases on June 2, 2014. *Backlog* means non-active cases for which documentation has not been entered in the child welfare automated system (CHILDS) for at least 60 days and for which services have not been authorized for at least 60 days. A total of \$23,074,300 was appropriated from the General Fund (GF) in FY 2015 to address the backlog. The \$23,074,300 from the GF was matched with \$5,904,300 in Federal Funds for a total backlog appropriation of \$28,978,600. At the time of the May 2014 Special Session, the Executive estimated that the cost of the backlog population would decline to \$0 in FY 2017.

Relative to the 13,024 June 2 backlog cases, DCS had initially either activated the cases or closed them. DCS reported 14,392 backlog cases as of December 14, 2015, including 1,715 June 2 cases that had relapsed back into inactivity.

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

Provisions

1. Requires DCS to enter into one or more contracts with one or more private contractors to work cooperatively with DCS to administer backlog cases as outlined.
2. Requires DCS to use emergency procurements to enter into the contracts, and requires the procurements to be made with as much competition as practicable, including using expedited requests for proposals.
3. Requires all contract awards to be reported to JLBC.
4. Allows a contract to include the use of an analytic support tool to be used by the contractor or DCS, or both, to assist in making risk assessment.
5. Requires DCS to maintain direct supervision of all cases, and requires the private contractors administering the backlog to complete all aspects of each case needed to be performed according to DCS rules and policies.
6. Requires DCS to review each report and identify the tasks to be completed by DCS employees and by the private contractor.
7. Requires, when a task is completed, the private contractor to return the case to DCS to determine if any additional work needs to be done on the case.
8. Requires the private contractor, if the contractor has reasonable belief that grounds for removal exist, to:
 - a) immediately contact the designated DCS supervisor;
 - b) contact law enforcement as appropriate; and
 - c) take other actions necessary to ensure the child's safety.
9. Requires the private contractor and its employees to protect the confidentiality of any DCS information.
10. Requires DCS to report to JLBC within 30 days after each calendar quarter the status of all backlog cases as of the end of that calendar quarter.
11. Defines *backlog case* as:
 - a) any non-active case for which documentation has not been entered in CHILDS for at least 60 days and for which services have not been authorized for at least 60 days; or
 - b) any case that has had an investigation, has been referred to other units and has had no contact for at least 60 days.
12. Stipulates a backlog case includes:
 - a) any case for which the investigation has been open for at least 60 days;
 - b) any case involving in-home services for which there has been no contact or services authorized for at least 60 days; or

- c) any case involving foster care in which there has been no contact or any documentation entered in CHILDS for at least 60 days.

13. Becomes effective on signature of the Governor, if the emergency clause is enacted.

Amendments Adopted by Committee

1. Modifies the process for which contracts are awarded.
2. Modifies the requirements of the private contractors in administering backlog cases.
3. Modifies the definition of *backlog cases*.

Amendments Adopted by Committee of the Whole

- Modifies the definition of *backlog case*.

Senate Action

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Prepared by Senate Research

February 24, 2016

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