

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

**CHAPTER 123**  
**HOUSE BILL 2705**

AN ACT

AMENDING TITLE 36, CHAPTER 5.1, ARTICLE 1, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 36-570; AMENDING LAWS 2014, CHAPTER 9, SECTION 10; RELATING TO  
HUMAN SERVICES BUDGET RECONCILIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 36, chapter 5.1, article 1, Arizona Revised Statutes,  
3 is amended by adding section 36-570, to read:

4 36-570. Arizona training program; annual update; notification  
5 to and plan development for affected individuals

6 A. BEGINNING ON OR BEFORE NOVEMBER 1, 2016, THE DEPARTMENT SHALL  
7 SUBMIT AN ANNUAL UPDATE FOR REVIEW BY THE JOINT LEGISLATIVE BUDGET COMMITTEE  
8 ON THE DEPARTMENT'S PLANS FOR THE ARIZONA TRAINING PROGRAM AND ASSOCIATED  
9 GROUP HOMES. THE UPDATE SHALL INCLUDE A POTENTIAL TIME TABLE FOR THE CLOSURE  
10 OF ANY FACILITIES, A TIMELINE FOR THE COMPLETION OF THE TRANSITION OF THE  
11 RESIDENTS IN THOSE FACILITIES TO NEW RESIDENTIAL SETTINGS AND THE ESTIMATED  
12 FISCAL IMPACT. THE ESTIMATED FISCAL IMPACT SHALL INCLUDE AN ESTIMATE OF  
13 COSTS NECESSARY TO MAINTAIN EXISTING SERVICE LEVELS FOR TRANSITIONING  
14 INDIVIDUALS, TO BUILD CAPACITY IN THE COMMUNITY TO SUPPORT TRANSITIONING  
15 INDIVIDUALS, TO PROVIDE ENHANCED AND INDEPENDENT MONITORING AND OVERSIGHT OF  
16 EACH NEW PLACEMENT AND TO PROVIDE PROTECTION AND ADVOCACY SERVICES AND  
17 MEDICAL AND BEHAVIORAL HEALTH CARE SUPPORT FOR TRANSITIONING INDIVIDUALS.

18 B. BEFORE THE DEPARTMENT SUBMITS ITS INITIAL UPDATE, THE DEPARTMENT  
19 SHALL SEND TO EACH AFFECTED INDIVIDUAL AND THE INDIVIDUAL'S LEGAL GUARDIAN A  
20 WRITTEN NOTICE OF THE DEPARTMENT'S INTENTION TO DEVELOP A PERSON-CENTERED  
21 SERVICE PLAN FOR EACH AFFECTED INDIVIDUAL TO IDENTIFY POTENTIAL RESIDENTIAL  
22 SETTING AND IN-HOME SERVICE OPTIONS THAT ARE BASED ON THE INDIVIDUAL'S NEEDS  
23 AND PERSONAL CHOICES. THE DEPARTMENT SHALL CONDUCT MEETINGS WITH ALL  
24 AFFECTED INDIVIDUALS AND THEIR LEGAL GUARDIANS REGARDING THE TRANSITION  
25 PROCESS AND SHALL PROVIDE EACH INDIVIDUAL AND GUARDIAN WITH A LIST OF  
26 POTENTIAL RESIDENTIAL SETTINGS AND IN-HOME SERVICE OPTIONS. FINAL DECISIONS  
27 REGARDING RESIDENTIAL SETTINGS AND SERVICES SHALL BE BASED ON PERSON-CENTERED  
28 PLANS, INDIVIDUAL ASSESSED NEEDS AND INDIVIDUAL PREFERENCES.

29 Sec. 2. Laws 2014, chapter 9, section 10 is amended to read:

30 Sec. 10. Department of child safety; office of  
31 ombudsman-citizens aide; investigations; delayed  
32 repeal

33 A. ~~Child protective services or its successor agency~~ THE DEPARTMENT OF  
34 CHILD SAFETY shall establish a mechanism to direct complainants to the office  
35 of ombudsman-citizens aide. The ombudsman-citizens aide shall process these  
36 complaints pursuant to title 41, chapter 8, article 5, Arizona Revised  
37 Statutes, except that notwithstanding section 41-1379, Arizona Revised  
38 Statutes, after investigating a complaint, the ombudsman-citizens aide may  
39 refer the matter to the presiding judge of the superior court of the  
40 appropriate county for further review and action.

41 B. This section is repealed from and after June 30, ~~2016~~ 2018.

42 Sec. 3. Department of economic security; child care assistance  
43 eligibility; reduction; notification

44 Notwithstanding section 46-803, Arizona Revised Statutes, for fiscal  
45 year 2016-2017, the department of economic security may reduce maximum income  
46 eligibility levels for child care assistance in order to manage within

1 appropriated and available monies. The department of economic security shall  
2 notify the joint legislative budget committee of any change in maximum income  
3 eligibility levels for child care assistance within fifteen days after  
4 implementing the change.

5 Sec. 4. Department of economic security; drug testing; TANF  
6 cash benefits recipients

7 During fiscal year 2016-2017, the department of economic security shall  
8 screen and test each adult recipient who is otherwise eligible for temporary  
9 assistance for needy families cash benefits and who the department has  
10 reasonable cause to believe engages in the illegal use of controlled  
11 substances. Any recipient who is found to have tested positive for the use  
12 of a controlled substance that was not prescribed for the recipient by a  
13 licensed health care provider is ineligible to receive benefits for a period  
14 of one year.

15 Sec. 5. Federal temporary assistance for needy families block  
16 grant monies; fiscal year 2015-2016; retroactivity

17 A. Notwithstanding Laws 2015, chapter 8, section 32, the department of  
18 economic security and the department of child safety may not spend in fiscal  
19 year 2015-2016 any federal temporary assistance for needy families block  
20 grant monies in excess of \$218,728,100 unless either the department of  
21 economic security or the department of child safety receives a supplemental  
22 appropriation of the block grant monies in fiscal year 2015-2016. The state  
23 general fund appropriations for the department of economic security and the  
24 department of child safety are not reduced in relation to any federal  
25 temporary assistance for needy families block grant monies received in excess  
26 of \$218,728,100 in fiscal year 2015-2016.

27 B. This section is effective retroactively to from and after June  
28 30, 2015.

29 Sec. 6. Department of child safety; lottery monies; in-home  
30 preventive support; fiscal year 2015-2016;  
31 retroactivity

32 A. Notwithstanding section 5-572, Arizona Revised Statutes, of the  
33 monies allocated to the department of child safety pursuant to section 5-572,  
34 subsection C, Arizona Revised Statutes, the department may use \$3,800,000 in  
35 fiscal year 2015-2016 for in-home preventive support services.

36 B. This section is effective retroactively to from and after  
37 June 30, 2015.

38 Sec. 7. Auditor general; department of child safety; reports

39 A. The auditor general shall provide to the governor, the speaker of  
40 the house of representatives, the president of the senate and the directors  
41 of the joint legislative budget committee and the governor's office of  
42 strategic planning and budgeting the following reports concerning the  
43 department of child safety that address:

44 1. The department's administrative staffing level. The report shall  
45 assess the reasonability of the department's current administrative staffing  
46 level and its staffing level compared to other state agencies and best

1 practices. In evaluating the reasonability of the department's  
2 administrative staffing level, the auditor general shall address the  
3 department's staffing analysis processes.

4 2. The department's recruiting, training, retention and use of staff.  
5 The report shall review the department's recruiting, training, retention and  
6 use of staff who are critical to the mission of child safety, including  
7 caseworkers, supervisors, case aides, assistant program managers and office  
8 of child welfare investigations staff, compared to other states and best  
9 practices. In evaluating the retention of caseworkers, the auditor general  
10 shall determine the availability of services and the use of supportive  
11 practices such as reflective supervision, peer review and mental health  
12 support for caseworkers.

13 3. The department's substance abuse treatment program, Arizona  
14 Families F.I.R.S.T. (Families in Recovery Succeeding Together). This report  
15 shall evaluate the department's substance abuse treatment program by  
16 comparing the program to other states' practices and best practices and  
17 recommending improvements. The evaluation of other states shall include a  
18 component that addresses those states' use of adult substance abuse treatment  
19 intervention programs listed by the California evidence-based clearinghouse  
20 for child welfare. The report shall also examine the roles of recovery  
21 coaches, halfway houses, transportation, counseling, drug testing, housing  
22 assistance and other services in the substance abuse treatment program. In  
23 addition, the report shall examine the prevalence of waiting lists or other  
24 barriers to substance abuse treatment for parents whose children are in  
25 out-of-home care or receiving in-home preventive support services.

26 B. The auditor general shall submit the report prescribed by  
27 subsection A, paragraph 1 of this section on or before February 1, 2017, the  
28 report prescribed by subsection A, paragraph 2 of this section on or before  
29 September 30, 2017 and the report prescribed by subsection A, paragraph 3 of  
30 this section on or before March 31, 2018.

31 Sec. 8. Child welfare; joint report

32 The Arizona early childhood development and health board and the  
33 department of child safety shall jointly report to the joint legislative  
34 budget committee on their collaborative efforts to address child welfare  
35 issues of common concern. The report shall include information about the  
36 level of coordination among the department of child safety, the Arizona early  
37 childhood development and health board and community groups to promote the  
38 well-being of children and families that are identified in reports of abuse  
39 or neglect. The joint report shall be submitted on or before February 1,  
40 2017 for the prior year.

41 Sec. 9. Department of child safety; review of foster home  
42 requirements; report; delayed repeal

43 A. The department of child safety shall:

44 1. Review the implementation of foster home licensing rules,  
45 guidelines and checklists.

46 2. Review the cases in which foster home licenses were denied.

1           3. Hold public meetings to solicit input from foster families on the  
2 implementation of new foster home licensing rules, guidelines and checklists.  
3           4. Identify any modifications required in new foster home licensing  
4 rules, guidelines or checklists.  
5           B. The department shall provide a report of its findings in the  
6 review made under subsection A of this section to the speaker of the  
7 house of representatives and the president of the senate on or before  
8 December 31, 2016.  
9           C. This section is repealed from and after September 30, 2017.  
10          Sec. 10. Retroactivity  
11          Laws 2014, chapter 9, section 10, as amended by this act, and section 9  
12 of this act apply retroactively to from and after June 30, 2016.

APPROVED BY THE GOVERNOR MAY 10, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 10, 2016.