

REFERENCE TITLE: residential facility employee; central registry

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

HB 2623

Introduced by
Representatives Butler: Thorpe

AN ACT

AMENDING SECTION 8-804, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-804.02; RELATING TO DEPENDENT CHILDREN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-804, Arizona Revised Statutes, is amended to
3 read:

4 8-804. Central registry; notification

5 A. The department shall maintain a central registry of reports of
6 child abuse and neglect that are substantiated and the outcome of the
7 investigation of these reports made under this article. A finding made by
8 a court pursuant to section 8-844, subsection C that a child is dependent
9 based on an allegation of abuse or neglect shall be recorded as a
10 substantiated finding of abuse or neglect. The department shall
11 incorporate duplicate reports on the same incident in the original report
12 and shall not classify duplicate reports as new reports.

13 B. The department shall conduct central registry background checks
14 and shall use the information contained in the central registry only for
15 the following purposes:

16 1. As a factor to determine qualifications for foster home
17 licensing, adoptive parent certification, individuals who apply for child
18 welfare agency licensing, child care home certification, registration of
19 unregulated child care homes with the child care resource and referral
20 system, and home and community based services certification for services
21 to children or vulnerable adults.

22 2. As a factor to determine qualifications for persons who are
23 employed or who are applying for employment with this state in positions
24 that provide direct service to children or vulnerable adults.

25 3. As a factor to determine qualifications for individuals who are
26 employed or who are applying for employment with a child welfare agency in
27 positions that provide direct service to children or vulnerable adults.

28 4. As a factor to determine qualifications for positions that
29 provide direct service to children or vulnerable adults for:

30 (a) Any person who applies for a contract with this state and that
31 person's employees.

32 (b) All employees of a contractor.

33 (c) A subcontractor of a contractor and the subcontractor's
34 employees.

35 (d) Prospective employees of the contractor or subcontractor at the
36 request of the prospective employer.

37 5. Beginning August 1, 2013, to provide information to licensees
38 that do not contract with this state regarding persons who are employed or
39 seeking employment to provide direct services to children pursuant to
40 title 36, chapter 7.1.

41 6. To identify and review reports concerning individual children
42 and families, in order to facilitate the assessment of safety and risk.

43 7. To determine the nature and scope of child abuse and neglect in
44 this state and to provide statewide statistical and demographic
45 information concerning trends in child abuse and neglect.

1 8. To allow comparisons of this state's statistical data with
2 national data.

3 9. To comply with section 8-804.01, subsection B.

4 10. TO PROVIDE INFORMATION TO AN OWNER OF A RESIDENTIAL FACILITY
5 THAT HOUSES CHILDREN TO DETERMINE THE QUALIFICATIONS OF A PROSPECTIVE
6 EMPLOYEE.

7 C. ~~Beginning August 1, 2013,~~ Licensees that do not contract with
8 the state and that employ persons who provide direct services to children
9 pursuant to title 36, chapter 7.1 must submit to the department of child
10 safety in a manner prescribed by the department of child safety
11 information necessary to conduct central registry background checks. The
12 department of health services shall verify whether licensees, pursuant to
13 title 36, chapter 7.1, have complied with the requirements of this
14 subsection and any rules adopted by the department of health services to
15 implement this subsection.

16 D. If the department of economic security received a report before
17 September 1, 1999 and determined that the report was substantiated, the
18 department of child safety shall maintain the report in the central
19 registry until eighteen years from the child victim's date of birth.

20 E. If the department of economic security or the department of
21 child safety received a report on or after September 1, 1999 and
22 determined that the report was substantiated, the department of child
23 safety shall maintain the report in the central registry for a maximum of
24 twenty-five years after the date of the report. If the department of
25 child safety maintains reports in the central registry for less than
26 twenty-five years, the department shall adopt rules to designate the
27 length of time it must maintain those reports in the central registry.

28 F. The department shall annually purge reports and investigative
29 outcomes received pursuant to the time frames prescribed in subsections D
30 and E of this section.

31 G. Any person who was the subject of a department investigation may
32 request confirmation that the department has purged information about the
33 person pursuant to subsection F of this section. On receipt of this
34 request, the department shall provide the person with written confirmation
35 that the department has no record containing identifying information about
36 that person.

37 H. The department shall notify a person, contractor or licensee
38 identified in subsection B, paragraph 4, subdivisions (a), (b) and (c) and
39 subsection B, paragraph 5 of this section who is disqualified because of a
40 central registry check conducted pursuant to subsection B of this section
41 that the person may apply to the board of fingerprinting for a central
42 registry exception pursuant to section 41-619.57.

43 I. Before being employed in a position that provides direct
44 services to children or vulnerable adults pursuant to subsection B,
45 paragraphs 4 and 5 or subsection C of this section, employees shall

1 certify, under penalty of perjury, on forms that are provided by the
2 department whether an allegation of abuse or neglect was made against them
3 and was substantiated. The forms are confidential. If this certification
4 does not indicate a current investigation or a substantiated report of
5 abuse or neglect, the employee may provide direct services pending the
6 findings of the central registry check.

7 J. A person who is granted a central registry exception pursuant to
8 section 41-619.57 is not entitled to a contract, employment, licensure,
9 certification or other benefit because the person has been granted a
10 central registry exception.

11 K. An agency of this state that conducts central registry
12 background checks as a factor to determine qualifications for positions
13 that provide direct services to children or vulnerable adults shall
14 publish a list of disqualifying acts of substantiated abuse or neglect.

15 L. An agency of this state that conducts central registry
16 background checks may provide information contained in the central
17 registry on all reports of child abuse and neglect that are substantiated
18 and the outcomes of the investigations of the reports to carry out the
19 provisions of this section. Identifying information regarding any person
20 other than the perpetrator may not be released. Information received
21 pursuant to this section may not be further disseminated unless authorized
22 by law or court order.

23 Sec. 2. Title 8, chapter 4, article 8, Arizona Revised Statutes, is
24 amended by adding section 8-804.02, to read:

25 8-804.02. Residential facility housing children; abuse;
26 central registry

27 A. THE DEPARTMENT SHALL INCLUDE IN THE CENTRAL REGISTRY
28 SUBSTANTIATED REPORTS OF CHILD ABUSE BY AN EMPLOYEE OF A RESIDENTIAL
29 FACILITY THAT HOUSES CHILDREN.

30 B. BEFORE HIRING AN EMPLOYEE, THE OWNER OF A RESIDENTIAL FACILITY
31 THAT HOUSES CHILDREN SHALL OBTAIN A CENTRAL REGISTRY BACKGROUND CHECK ON
32 THE PROSPECTIVE EMPLOYEE FROM THE DEPARTMENT.