

REFERENCE TITLE: oversight committee; residential care; children

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

SB 1493

Introduced by
Senator Quezada: Representatives Andrade, Blanc, Butler, Engel, Epstein,
Friese, Gabaldón, Jermaine, Pawlik, Powers Hannley, Rodriguez, Salman,
Terán

AN ACT

ESTABLISHING THE INDEPENDENT OVERSIGHT COMMITTEE ON RESIDENTIAL CARE
FACILITIES THAT PROVIDE SERVICES TO MIGRANT CHILDREN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Independent oversight committee on residential
3 care facilities that provide services to migrant
4 children; membership; duties; report; delayed
5 repeal

6 A. The independent oversight committee on residential care
7 facilities that provide services to migrant children is established. The
8 department of health services shall provide staff support to the
9 independent oversight committee.

10 B. The independent oversight committee shall consist of the
11 following members:

12 1. Two members of the house of representative who are appointed by
13 the speaker of the house of representatives, one from each political
14 party. The speaker of the house of representatives shall designate one of
15 the members as vice chairperson of the committee. The chairperson and the
16 vice chairperson shall be from different political parties.

17 2. Two members of the senate who are appointed by the president of
18 the senate, one from each political party. The president of the senate
19 shall designate one of the members as chairperson of the committee. The
20 chairperson and the vice chairperson shall be from different political
21 parties.

22 3. The chairperson of the board of fingerprinting or the
23 chairperson's designee.

24 4. The following members who are appointed by the governor:

25 (a) One member representing an organization that provides legal
26 services to immigrant children and youth.

27 (b) One member representing an organization that provides advocacy
28 for children rights.

29 (c) One member representing an organization that provides
30 counseling to children or youth.

31 (d) One member who is a licensed social worker and has experience
32 working with immigrant children or youth.

33 (e) Two members who have a valid teaching certificates and have at
34 least five years' of experience in teaching, at least one of whom has an
35 endorsement in bilingual education, English as a second language or
36 structured English immersion.

37 (f) One member who has experience in psychology

38 (g) One member who has law enforcement experience.

39 (h) One member who is or was employed in the last five years with
40 United States immigration and customs enforcement, the United States
41 customs and border protection or the United States citizenship and
42 immigration services.

43 (i) One member who is a licensed pediatrician in this state.

44 (j) One member who has experience or knowledge in the needs of
45 children in foster care placements and who is not a state employee.

1 (k) One member who represents one of the consulate offices for
2 Mexico or one of the countries in Central America.

3 C. The independent oversight committee shall:

4 1. Recommend improvements to the delivery of services in
5 residential care facilities that provide services to migrant children,
6 including medical care, counseling, case management, education, legal
7 representation and recreation.

8 2. Review facility records, including employee records, complaints
9 filed and records of services provided to children in the facilities and
10 data relating to the length of stay.

11 3. Make recommendations to the director of the department of health
12 services and the legislature regarding laws, rules, policies, procedures
13 and practices to ensure the protection of the rights of children in these
14 residential care facilities.

15 D. On or before December 31, 2019 and December 31, 2020, the
16 committee shall issue a report with the committee's recommendations to the
17 governor, the president of the senate, the speaker of the house of
18 representatives and the chairpersons of the health and human services
19 committees in the senate and the house of representatives, or their
20 successor committees, and the director of the department of health
21 services, and shall provide a copy of the report to the secretary of
22 state.

23 E. Subject to federal law, committee members shall:

24 1. Have access to review:

25 (a) Employee information and records, including application,
26 reviews, employee investigations and outcomes relating to employee
27 complaints, and any reports filed with the department or a law enforcement
28 agency relating to employees working at the facility.

29 (b) Records regarding services and lengths of stay for children in
30 the facility.

31 2. Have the ability to tour a facility with reasonable notice
32 provided to each facility.

33 F. Any information relating to a child in the facility shall be
34 released to the committee without the designation of personally
35 identifiable information unless it is required for the official purposes
36 of the committee. For purposes of this subsection, "personally
37 identifiable information" means a person's name, address, date of birth,
38 school identification number or other assigned number, country of birth,
39 names and addresses of parents or next of kin or any other distinguishing
40 characteristic that tends to identify a particular person.

41 G. Committee members are not eligible to receive compensation, but
42 members appointed by the governor are eligible for reimbursement of
43 expenses pursuant to title 38, chapter 4, article 2, Arizona Revised
44 Statutes.

45 H. This section is repealed from and after June 30, 2021.