

kinship care; fingerprint requirement; waiver

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

CHAPTER 85
HOUSE BILL 2084

AN ACT

AMENDING SECTION 8-509, ARIZONA REVISED STATUTES; AMENDING SECTION 8-514.03, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 110, SECTION 2; REPEALING SECTION 8-514.03, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 153, SECTION 3; RELATING TO CHILD WELFARE AND PLACEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-509, Arizona Revised Statutes, is amended to
3 read:

4 8-509. Licensing of foster homes; fingerprint waiver;
5 restricted license; renewal of license; provisional
6 license; exemption from licensure; immunization
7 requirements

8 A. The department shall license and certify foster homes. Licenses
9 are valid for a period of two years.

10 B. The department shall not issue a license without satisfactory
11 proof that the foster parent or parents have completed six actual hours of
12 approved initial foster parent training as set forth in section 8-503 and
13 that each foster parent and each other adult member of the household has a
14 valid fingerprint clearance card issued pursuant to section 41-1758.07.
15 The foster parent and each other adult member of the household must
16 certify on forms that are provided by the department and that are
17 notarized whether the foster parent or other adult member of the household
18 is awaiting trial on or has ever been convicted of any of the criminal
19 offenses listed in section 41-1758.07, subsections B and C in this state
20 or similar offenses in another state or jurisdiction.

21 C. A KINSHIP FOSTER CARE PARENT SHALL APPLY FOR A FINGERPRINT
22 CLEARANCE CARD PURSUANT TO SECTION 41-1758.07. IN ITS DISCRETION AND FOR
23 GOOD CAUSE, THE DEPARTMENT MAY WAIVE THE REQUIREMENT FOR A KINSHIP FOSTER
24 CARE PARENT TO OBTAIN A FINGERPRINT CLEARANCE CARD. IN EVALUATING WHETHER
25 GOOD CAUSE EXISTS, THE DEPARTMENT SHALL APPLY THE CRITERIA PRESCRIBED IN
26 SECTION 41-1758.07, SUBSECTIONS B AND C. IF THE DEPARTMENT WAIVES THE
27 REQUIREMENT, THE DEPARTMENT SHALL ISSUE A RESTRICTED LICENSE TO THE
28 KINSHIP FOSTER CARE PARENT THAT APPLIES ONLY TO THE CHILDREN PLACED WITH
29 THE KINSHIP FOSTER CARE PARENT FOR KINSHIP FOSTER CARE.

30 ~~E.~~ D. The department shall not renew a license without
31 satisfactory proof that the foster parent or parents have completed twelve
32 actual hours of approved ongoing foster parent training during the
33 two-year period of licensure as set forth in section 8-503.

34 ~~D.~~ E. If the department determines that completing the training
35 required in subsections B and ~~E.~~ D of this section would be a hardship to
36 the foster parent or parents, the department may issue a provisional
37 license for a period not to exceed six months. A provisional license may
38 not be renewed.

39 ~~E.~~ F. Child welfare agencies that submit foster homes for
40 licensing shall conduct an investigation of the foster home pursuant to
41 licensing rules of the department. The department shall conduct
42 investigations of all other foster homes. If the foster home meets all
43 requirements set by the department, the agency shall submit an application
44 stating the foster home's qualifications to the department. The agency

1 may also recommend the types of licensing and certification to be granted
2 to the foster home.

3 ~~F.~~ G. The department shall accept an adoptive home certification
4 study as a licensing home study if the study has been updated within the
5 past three months to include the information necessary to determine
6 whether the home meets foster care licensing standards.

7 ~~G.~~ H. This section does not apply if the child is placed in a home
8 by a means other than by court order and if the home does not receive
9 compensation from this state or any political subdivision of this state.

10 ~~H.~~ I. The department may not prohibit a person operating a
11 licensed foster home from applying for or receiving compensation as a
12 foster home parent due to employment with this state.

13 ~~I.~~ J. The department shall not require a foster parent to immunize
14 the foster parent's natural or adoptive children as a condition of foster
15 home licensure.

16 ~~J.~~ K. A licensee may modify the renewal date of a license issued
17 pursuant to this section by submitting an application for modification of
18 renewal date with the department on a form prescribed by the department.
19 The licensee must specify the new month of renewal on the
20 application. The modified renewal date must be before, but not more than
21 six months earlier than, the existing renewal date.

22 ~~K.~~ L. The foster care review board shall review the cases of
23 children placed by the department in foster homes licensed pursuant to
24 this section as required by section 8-515.03.

25 Sec. 2. Section 8-514.03, Arizona Revised Statutes, as amended by
26 Laws 2018, chapter 110, section 2, is amended to read:

27 8-514.03. Kinship foster care; requirements; investigation

28 A. The department shall establish kinship foster care services for
29 a child who has been removed from the child's home and WHO is in the
30 custody of the department. The program shall promote the placement of the
31 child with the child's relative or a person with a significant
32 relationship with the child for kinship foster care.

33 B. A kinship foster care parent applicant who is not a licensed
34 foster care parent shall be at least eighteen years of age. The applicant
35 and each member of the applicant's household who is at least eighteen
36 years of age shall submit a full set of fingerprints to the department of
37 child safety for the purpose of obtaining a state and federal criminal
38 records check pursuant to section 41-1750 and Public Law 92-544. The
39 department of public safety may exchange this fingerprint data with the
40 federal bureau of investigation. The department of child safety shall
41 determine if the applicant is able to meet the child's health and safety
42 needs by conducting one or more home visits and interviewing the
43 applicant. The department of child safety may interview other household
44 members, review the applicant's personal and professional references and
45 conduct department of child safety central registry checks.

1 C. If the department determines that a kinship foster care
2 placement is not in the best interest of the child, the department shall
3 provide written notification to the applicant within fifteen business
4 days. The notice shall include the specific reason for denial, the
5 applicant's right to appeal and the process for reviewing the decision.

6 D. A kinship foster care parent may be eligible to receive the
7 following financial services for the child:

8 1. Full foster care benefits, including payment if the kinship
9 foster care parent becomes a licensed foster care home **OR IF THE KINSHIP**
10 **FOSTER CARE PARENT OBTAINS A RESTRICTED LICENSE PURSUANT TO SECTION 8-509,**
11 **SUBSECTION C.**

12 2. Temporary assistance for needy families cash assistance payments
13 for a child only case and supplemental financial support.

14 E. The department shall establish procedures for child welfare
15 workers to inform kinship foster care families about available financial
16 and nonfinancial services and eligibility requirements and shall assist
17 the families in completing the necessary application.

18 F. If a family declines to apply for financial services, the family
19 shall sign a statement indicating that the family declined services. The
20 statement does not prevent the family from making application in the
21 future. The worker shall provide a copy of the statement to the family.

22 G. The department shall provide nonfinancial services for a kinship
23 foster care parent through existing means or referral. Nonfinancial
24 services may include:

25 1. Family assessment.

26 2. Case management.

27 3. Child day care.

28 4. Housing search and relocation.

29 5. Parenting skills training.

30 6. Supportive intervention and guidance counseling.

31 7. Transportation.

32 8. Emergency services.

33 9. Parent aid services.

34 10. Respite services.

35 11. Additional services that the department determines are necessary
36 to meet the needs of the child and family.

37 Sec. 3. Repeal

38 Section 8-514.03, Arizona Revised Statutes, as amended by Laws 2018,
39 chapter 153, section 3, is repealed.

APPROVED BY THE GOVERNOR MARCH 30, 2022.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 30, 2022.