

REFERENCE TITLE: kinship care; fingerprint requirement; waiver

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

HB 2084

Introduced by
Representatives Osborne: Udall

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. IN ITS DISCRETION AND FOR GOOD CAUSE, THE DEPARTMENT MAY WAIVE
22 THE REQUIREMENT FOR A KINSHIP FOSTER CARE PARENT TO OBTAIN A FINGERPRINT
23 CLEARANCE CARD ISSUED PURSUANT TO SECTION 41-1758.07. IF THE DEPARTMENT
24 WAIVES THE FINGERPRINT REQUIREMENT, THE DEPARTMENT MAY ISSUE TO THE
25 KINSHIP FOSTER CARE PARENT A RESTRICTED LICENSE THAT APPLIES ONLY TO THE
26 CHILDREN PLACED WITH THE KINSHIP FOSTER CARE PARENT FOR KINSHIP FOSTER
27 CARE.

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

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

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

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

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

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

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

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

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

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

25 8-514.03. Kinship foster care; requirements; investigation

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

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

44 C. If the department determines that a kinship foster care
45 placement is not in the best interest of the child, the department shall

1 provide written notification to the applicant within fifteen business
2 days. The notice shall include the specific reason for denial, the
3 applicant's right to appeal and the process for reviewing the decision.

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

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

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

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

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

19 G. The department shall provide nonfinancial services for a kinship
20 foster care parent through existing means or referral. Nonfinancial
21 services may include:

- 22 1. Family assessment.
- 23 2. Case management.
- 24 3. Child day care.
- 25 4. Housing search and relocation.
- 26 5. Parenting skills training.
- 27 6. Supportive intervention and guidance counseling.
- 28 7. Transportation.
- 29 8. Emergency services.
- 30 9. Parent aid services.
- 31 10. Respite services.
- 32 11. Additional services that the department determines are necessary
33 to meet the needs of the child and family.

34 Sec. 3. Repeal

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