

Senate Engrossed

foster children; education; best interest

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

**CHAPTER 117**  
**SENATE BILL 1205**

AN ACT

AMENDING SECTION 8-526, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 4, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 8-530.04 AND 8-530.05; RELATING TO FOSTER CHILDREN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-526, Arizona Revised Statutes, is amended to  
3 read:

4 8-526. Child welfare; reporting requirements

5 A. The department shall make available program and outcomes data on  
6 its website as provided in this section, in a format that can be  
7 downloaded and that is conducive to analysis.

8 B. The department shall make available the following information on  
9 a semiannual basis by September 30 for the period ending the prior June 30  
10 and by March 31 for the period ending the prior December 31:

11 1. Success in meeting training requirements.

12 2. Caseloads for child safety workers.

13 3. The number of new reports and reports that have been closed.

14 4. The number of case-carrying caseworkers in each region.

15 5. The number of investigations by region.

16 6. The number of children being served in-home and the number of  
17 children being served out-of-home by each region.

18 7. The total number of reports received, by major category and by  
19 priority.

20 8. The number of reports not responded to, by priority, by county  
21 and statewide.

22 9. The number of reports assigned for investigation by priority and  
23 by major category, by county and statewide for the current and previous  
24 reporting periods.

25 10. The number of reports for investigations completed by priority  
26 and by major category, by county and statewide for the current and  
27 previous reporting periods and as categorized by investigations that  
28 resulted in:

29 (a) A substantiated report.

30 (b) A report currently proposed for substantiation.

31 (c) An unsubstantiated report.

32 11. The number of reports assigned for investigation that remain  
33 open for investigation by priority and by major category, by county and  
34 statewide for the current and previous reporting periods.

35 12. Of the number of children reported to the department, the  
36 percentage of children placed in out-of-home care by county and statewide.

37 13. The number of newborn infants delivered to safe haven providers  
38 pursuant to section 13-3623.01.

39 14. The number of children entering out-of-home care by county  
40 during the reporting period, and the number and percentage of the children  
41 entering out-of-home care by county during the reporting period who are  
42 voluntary placements for children under eighteen years of age.

43 15. The number and percentage of children removed during the  
44 reporting period, by county and statewide, who had been in out-of-home  
45 care:

1 (a) Within the previous twelve months.

2 (b) Within the previous twenty-four months, excluding the children  
3 included in subdivision (a) of this paragraph.

4 16. The number and percentage of children who have remained in a  
5 shelter or receiving home for more than twenty-one consecutive days, by  
6 the child's age group.

7 17. The total number of licensed foster homes, the number of  
8 licensed foster homes considered kinship homes, the number of licensed  
9 community foster homes and the number of available spaces in licensed  
10 community foster homes.

11 18. The number of licensed foster homes that receive the required  
12 visitation by licensing agency representatives pursuant to section 8-516.

13 19. The number of children placed in the care, custody and control  
14 of the department at the end of the reporting period and the number of  
15 these children who receive the required visitation by case managers  
16 pursuant to section 8-516.

17 20. The number and percentage of children who are in the care,  
18 custody and control of the department at the end of the reporting period  
19 and who are in out-of-home placement and as categorized by:

20 (a) Age.

21 (b) Ethnicity.

22 (c) Case plan goal.

23 (d) Type of out-of-home placement, categorized by age.

24 (e) Length of time in out-of-home placement of less than thirty  
25 days, thirty-one days to twelve consecutive months, twelve to twenty-four  
26 consecutive months and more than twenty-four consecutive months, including  
27 the median, average and range of the number of out-of-home placements.

28 (f) Primary legal status including voluntary placement for a child  
29 under eighteen years of age, temporary custody, adjudicated dependent,  
30 free for adoption, voluntary placement for a child over eighteen years of  
31 age, dually adjudicated or any other legal status.

32 21. If the case plan is to return the child to the parent, the  
33 percentage of parents who receive the required contact by case managers.

34 22. The number and percentage of children who left the custody of  
35 the department during the reporting period by reason for leaving care and  
36 as categorized by:

37 (a) Age.

38 (b) Ethnicity.

39 (c) Number of placements.

40 (d) Average length of time in care.

41 23. The number of children with a petition for termination of  
42 parental rights granted and not granted during the reporting period by  
43 county and statewide.

- 1           24. The number and percentage of children with a case plan goal of  
2 adoption and who are not placed in an adoptive home at the end of the  
3 reporting period and as categorized by:
- 4           (a) Age.
  - 5           (b) Ethnicity.
  - 6           (c) Average length of time in care.
  - 7           (d) Legal status.
- 8           25. The number and percentage of children with a case plan goal of  
9 adoption and who are placed in an adoptive home at the end of the  
10 reporting period and as categorized by:
- 11           (a) Age.
  - 12           (b) Ethnicity.
  - 13           (c) Average length of time in out-of-home placement.
  - 14           (d) Length of time from change of case plan goal to adoptive  
15 placement.
  - 16           (e) Legal status.
  - 17           (f) Marital status and relationship of the adoptive parent or  
18 parents to the child.
- 19           26. The number of children whose adoptive placement was disrupted  
20 during the reporting period and as categorized by:
- 21           (a) Age.
  - 22           (b) Ethnicity.
  - 23           (c) Cause of the disruption.
  - 24           (d) Marital status and relationship of the adoptive parent or  
25 parents to the child.
- 26           27. The number of children whose adoptions were finalized during  
27 the reporting period and as categorized by:
- 28           (a) Average length of time in out-of-home placement before adoptive  
29 placement.
  - 30           (b) Average length of time in adoptive placement before the final  
31 order of adoption.
  - 32           (c) Marital status and relationship of the adoptive parent or  
33 parents to the child.
- 34           28. The number of children who died while in the custody of the  
35 department by the county where the death occurred and as categorized by:
- 36           (a) The cause of death.
  - 37           (b) The type of out-of-home placement at the time of death.
- 38           29. The number of children with an open or active child safety  
39 services case who died due to abuse, categorized by the person or persons  
40 who had care or custody of the child at the time of the child's death as  
41 follows:
- 42           (a) Biological parent or parents.
  - 43           (b) Other family member.
  - 44           (c) Adoptive parent or parents.
  - 45           (d) Foster care parent or parents.

1 (e) Other out-of-home care provider.

2 30. The number of children with an open or active child safety  
3 services case who died due to abuse allegedly caused by an adult household  
4 member who is not listed pursuant to paragraph 29 of this subsection.

5 31. The ratio of supervisors to specialists by region.

6 32. The source and use of federal monies in the department.

7 33. The source and use of state monies in the department.

8 34. INFORMATION REGARDING THE EDUCATIONAL PLACEMENT OF FOSTER  
9 CHILDREN PURSUANT TO SECTION 8-530.04, INCLUDING:

10 (a) THE NUMBER OF BEST INTEREST EDUCATIONAL PLACEMENT  
11 DETERMINATIONS CONDUCTED.

12 (b) THE NUMBER OF CHILDREN WHO ENTERED FOSTER CARE AND WHO DID NOT  
13 RECEIVE A BEST INTEREST EDUCATIONAL PLACEMENT DETERMINATION.

14 (c) THE FINAL OUTCOME OF EACH BEST INTEREST EDUCATIONAL PLACEMENT  
15 DETERMINATION.

16 C. Based on the data presented in each reporting period, the  
17 department, in as brief a format as possible, shall describe three to five  
18 major challenges the department faces in achieving the goal of safe,  
19 permanent homes for abused and neglected children.

20 D. Within three months after the end of each reporting period the  
21 department shall submit a written report in as brief a format as possible  
22 to the governor, the president of the senate, the speaker of the house of  
23 representatives, the chairperson of the house human services committee,  
24 the chairperson of the senate family services committee, or their  
25 successor committees, and the cochairpersons of the joint legislative  
26 committee on children and family services. The department shall submit a  
27 copy of the report to the secretary of state.

28 E. The department shall make available the following information on  
29 an annual basis:

30 1. The percentage of substantiations upheld by the office of  
31 administrative hearings.

32 2. The demographics and number of children placed with relative  
33 caregivers.

34 3. The demographics of kinship foster caregivers.

35 4. The number of relative children per kinship foster care family.

36 5. The department's success at maintaining kinship foster care  
37 placements.

38 6. The type and cost of services provided to kinship foster care  
39 families by licensed and unlicensed caregivers.

40 7. The cost of services provided to kinship foster caregivers  
41 compared to the cost of out-of-home placements.

42 8. The number of children and families, by district, receiving  
43 services through the housing assistance program during the previous fiscal  
44 year.

1           9. The total amount of money spent on the housing assistance  
2 program by region.

3           10. A programmatic and fiscal evaluation of the effectiveness of  
4 the housing assistance program that includes the amount of foster care  
5 expenditures avoided.

6           11. The number of children in the independent living program by  
7 age, county and education status.

8           12. Beginning with the 2022 data period, the statewide number of  
9 children in substantiated reports for investigation that are received in  
10 the twelve months before the current annual reporting period and that  
11 allege neglect as defined in section 8-201, paragraph 25, ~~subsection~~  
12 ~~SUBDIVISION~~ (c) and the number of children in these reports who were:

13           (a) Removed within thirty days after the date the report is  
14 received.

15           (b) Removed within six months after the date the report is  
16 received.

17           F. The department shall make available the following information on  
18 a monthly basis:

19           1. Operations and workforce data measures that include:

20           (a) Staff vacancy levels by position category and turnover.

21           (b) New hires, separations, turnover and voluntary attrition  
22 delineated by field position, safety specialists, hotline staff,  
23 caseworkers in training, program, program supervisors, case aides, office  
24 of child welfare investigations staff and administrative staff.

25           (c) Hotline performance.

26           (d) Reports received by maltreatment type, priority and response  
27 time.

28           (e) Inactive cases by disposition.

29           (f) Open reports.

30           (g) Entries and exits from the foster care population by exit type.

31           (h) Support service provision.

32           (i) Demographics, placement types and case plan goals of the foster  
33 care population.

34           (j) The number and type of licensed foster homes that leave the  
35 foster care system and the reason for the exit.

36           2. Financial data that compares total expenditures each month and  
37 year-to-date as compared to prior year totals, appropriation totals and  
38 projected expenditure totals, delineated by appropriation and appropriated  
39 fund source.

40           G. The department shall make the information required pursuant to  
41 subsection F of this section available within sixty days after the end of  
42 the applicable reporting period.

43           H. The department shall notify the president of the senate, the  
44 speaker of the house of representatives, the director of the joint  
45 legislative budget committee and the director of the governor's office of

1 strategic planning and budgeting when an update is made on information  
2 that must be made available pursuant to subsection B or F of this section.

3 Sec. 2. Title 8, chapter 4, article 4, Arizona Revised Statutes, is  
4 amended by adding sections 8-530.04 and 8-530.05, to read:

5 8-530.04. Educational placement; best interest of child;  
6 transportation

7 A. WITHIN FIVE DAYS AFTER A CHILD ENTERS FOSTER CARE OR IF A  
8 CHILD'S PLACEMENT CHANGES, THE CHILD, IF APPROPRIATE, THE CHILD'S  
9 CASEWORKER, THE CHILD'S PARENT, GUARDIAN, CUSTODIAN, CAREGIVER OR FOSTER  
10 PARENT AND REPRESENTATIVES FROM THE LOCAL EDUCATION AGENCY OR THE CHILD'S  
11 SCHOOL OF ORIGIN SHALL DETERMINE IF IT IS IN THE CHILD'S BEST INTEREST TO  
12 REMAIN IN THE CHILD'S SCHOOL OF ORIGIN. THE DECISION SHALL BE BASED ON  
13 ALL FACTORS RELATING TO THE CHILD'S BEST INTEREST, INCLUDING CONSIDERATION  
14 OF THE CHILD'S UNIQUE EDUCATIONAL NEEDS, APPROPRIATENESS OF THE CURRENT  
15 EDUCATIONAL SETTING AND THE PROXIMITY TO THE SCHOOL IN WHICH THE CHILD IS  
16 ENROLLED AT THE TIME OF PLACEMENT. THE DEPARTMENT SHALL ENSURE  
17 TRANSPORTATION FOR THE CHILD DURING THE BEST INTEREST EDUCATIONAL  
18 PLACEMENT DETERMINATION PROCESS. IF IT IS DETERMINED THAT THE SCHOOL OF  
19 ORIGIN IS NOT IN THE BEST INTEREST OF THE CHILD, THE NEW EDUCATIONAL  
20 INSTITUTION SHALL BE INCLUDED IN THE DETERMINATION PROCESS.

21 B. WITHIN TWO DAYS AFTER IT IS DETERMINED THAT A CHANGE OF  
22 EDUCATIONAL PLACEMENT IS IN THE BEST INTEREST OF THE CHILD, THE NEW  
23 EDUCATIONAL INSTITUTION SHALL ENROLL THE CHILD AND THE CHILD'S SCHOOL OF  
24 ORIGIN SHALL TRANSFER THE CHILD'S EDUCATION RECORDS TO THE CHILD'S NEW  
25 EDUCATIONAL INSTITUTION WITHIN TWO DAYS AFTER NOTICE OF THE CHILD'S CHANGE  
26 IN EDUCATIONAL PLACEMENT. A CHILD SHALL BE IMMEDIATELY ENROLLED IN THE  
27 NEW EDUCATIONAL INSTITUTION EVEN IF THE CHILD DOES NOT POSSESS THE RECORDS  
28 NORMALLY REQUIRED FOR ENROLLMENT IN THE CHILD'S NEW EDUCATIONAL  
29 INSTITUTION OR OWES ANY OUTSTANDING FINES OR FEES TO THE SCHOOL OF ORIGIN.

30 C. THE DEPARTMENT AND EDUCATIONAL AGENCY SHALL JOINTLY ENSURE THAT  
31 A CHILD RECEIVES TRANSPORTATION TO THE EDUCATIONAL INSTITUTION DETERMINED  
32 TO BE IN THE CHILD'S BEST INTEREST, INCLUDING A CHARTER SCHOOL OR  
33 EDUCATIONAL INSTITUTION LOCATED OUTSIDE OF THE CHILD'S CURRENT SCHOOL  
34 DISTRICT. IN ENSURING A CHILD RECEIVES TRANSPORTATION TO THE EDUCATIONAL  
35 INSTITUTION DETERMINED TO BE IN THE CHILD'S BEST INTEREST, THE DEPARTMENT  
36 MAY COORDINATE WITH THE DEPARTMENT OF EDUCATION AND LOCAL EDUCATION  
37 AGENCIES AND ENTER INTO NECESSARY INFORMATION SHARING, DATA SHARING AND  
38 FINANCIAL AGREEMENTS. A SCHOOL DISTRICT MAY CROSS SCHOOL DISTRICT  
39 BOUNDARIES WHEN TRANSPORTING A STUDENT PURSUANT TO THIS SECTION. THE  
40 DEPARTMENT OR EDUCATIONAL AGENCY MAY PROVIDE FINANCIAL ASSISTANCE TO THE  
41 CHILD'S CAREGIVER OR OTHER APPROVED ADULT FOR TRANSPORTATION IF THE  
42 DEPARTMENT AND THE CHILD'S NEW EDUCATIONAL INSTITUTION ARE UNABLE TO  
43 TRANSPORT THE CHILD.

1           8-530.05. Transportation; dispute resolution

2           A. THE DEPARTMENT OF CHILD SAFETY AND THE DEPARTMENT OF EDUCATION  
3 SHALL ADOPT A CLEAR, WRITTEN ARBITRATION PROCESS FOR PROMPT RESOLUTION OF  
4 DISPUTES BETWEEN THE DEPARTMENT OF CHILD SAFETY, LOCAL EDUCATIONAL  
5 AGENCIES AND THE DEPARTMENT OF EDUCATION REGARDING THE ARRANGEMENT FOR AND  
6 FUNDING OF A CHILD'S TRANSPORTATION TO A SCHOOL DETERMINED TO BE IN THE  
7 BEST INTEREST OF THE CHILD PURSUANT TO SECTION 8-530.04.

8           B. THE ARBITRATION PROCESS SHALL INCLUDE PROVISIONS TO ENSURE  
9 TRANSPORTATION TO THE SCHOOL OF ORIGIN OR CURRENT EDUCATIONAL PLACEMENT IF  
10 A PRIOR BEST INTEREST DETERMINATION HAS BEEN MADE UNTIL THE DISPUTE IS  
11 RESOLVED.

12           C. A DECISION RESOLVING A DISPUTE PURSUANT TO THIS SECTION SHALL BE  
13 MADE WITHIN TEN BUSINESS DAYS AFTER RECEIPT OF THE DISPUTE.

APPROVED BY THE GOVERNOR MAY 8, 2023.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 9, 2023.