

PROPOSED  
SENATE AMENDMENTS TO H.B. 2615  
(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 8, Arizona Revised Statutes, is amended by adding  
3 chapter 7, to read:

4 CHAPTER 7. INDEPENDENT OVERSIGHT COMMITTEE

5 ARTICLE 1. GENERAL PROVISIONS

6 8-931. Definitions

7 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

8 1. "COMMITTEE" MEANS THE INDEPENDENT OVERSIGHT COMMITTEE ON THE  
9 DEPARTMENT OF CHILD SAFETY.

10 2. "DEPARTMENT" MEANS THE DEPARTMENT OF CHILD SAFETY.

11 8-932. Independent oversight committee on the department of  
12 child safety; duties; confidentiality; penalties;  
13 violation; classification; definitions

14 A. THE INDEPENDENT OVERSIGHT COMMITTEE ON THE DEPARTMENT OF CHILD  
15 SAFETY IS ESTABLISHED CONSISTING OF THE FOLLOWING MEMBERS:

16 1. TWO MEMBERS OF THE SENATE WHO ARE APPOINTED BY THE PRESIDENT OF  
17 THE SENATE AND WHO ARE MEMBERS OF DIFFERENT POLITICAL PARTIES.

18 2. TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES WHO ARE APPOINTED BY  
19 THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND WHO ARE MEMBERS OF  
20 DIFFERENT POLITICAL PARTIES.

21 3. TWO MEMBERS WHO ARE APPOINTED BY THE GOVERNOR AND WHO HAVE  
22 DEMONSTRATED EXPERIENCE IN CHILD WELFARE ADMINISTRATION, AUDITING,  
23 INVESTIGATIONS, SYSTEMS IMPROVEMENT OR PERFORMANCE MANAGEMENT.

24 4. ONE MEMBER WHO IS APPOINTED BY THE ATTORNEY GENERAL.

25 5. ONE MEMBER WHO IS APPOINTED BY THE CHIEF JUSTICE OF THE SUPREME  
26 COURT AND WHO HAS EXPERIENCE IN JUVENILE LAW, DEPENDENCY OR COURT  
27 ADMINISTRATION.

28 6. ONE MEMBER WHO IS APPOINTED BY THE GOVERNOR AND WHO IS A  
29 PHYSICIAN LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17.

30 7. ONE MEMBER WHO IS APPOINTED BY THE GOVERNOR, WHO IS A MENTAL  
31 HEALTH PROFESSIONAL WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 33 AND  
32 WHO HAS EXPERIENCE IN TRAUMA-INFORMED CARE AND CHILD WELFARE.

33 8. ONE MEMBER WHO REPRESENTS A FEDERALLY RECOGNIZED INDIAN TRIBE IN  
34 THIS STATE AND WHO IS APPOINTED THROUGH TRIBAL CONSULTATION THAT IS  
35 FACILITATED BY AN ORGANIZATION THAT REPRESENTS TRIBES IN THIS STATE. IF A  
36 MEMBER IS NOT APPOINTED WITHIN SIXTY DAYS AFTER A REQUEST FOR AN  
37 APPOINTMENT, A MEMBER SHALL BE APPOINTED BY THE GOVERNOR.

38 9. ONE MEMBER WHO IS APPOINTED BY THE GOVERNOR AND WHO REPRESENTS  
39 FOSTER PARENTS.

1           10. ONE MEMBER WHO IS APPOINTED BY THE GOVERNOR, WHO HAS EXPERIENCE  
2 IN THE CHILD WELFARE SYSTEM AND WHO MAY BE A PREVIOUS CHILD WHO WAS IN THE  
3 CARE AND CUSTODY OF THE DEPARTMENT.

4           11. ONE MEMBER WHO IS APPOINTED BY THE GOVERNOR AND WHO REPRESENTS  
5 A COUNTY ATTORNEY'S OFFICE, A LAW ENFORCEMENT AGENCY OR A CHILD  
6 MALTREATMENT INVESTIGATIVE UNIT AND WHO HAS EXPERIENCE WITH THE CHILD  
7 WELFARE SYSTEM.

8           12. ONE MEMBER WHO IS APPOINTED BY THE CHIEF JUSTICE OF THE SUPREME  
9 COURT OR A DESIGNEE OF THE CHIEF JUSTICE AND WHO REPRESENTS A  
10 COURT-APPOINTED SPECIAL ADVOCATE ORGANIZATION OR VOLUNTEER ADVOCATE  
11 PROGRAM.

12           B. THE MEMBERS OF THE COMMITTEE SHALL ANNUALLY SELECT A  
13 CHAIRPERSON. THE CHAIRPERSON MAY NOT BE A CURRENT EMPLOYEE OF THE  
14 DEPARTMENT. ANY MEMBER OF THE COMMITTEE WHO IS A CURRENT EMPLOYEE OF THE  
15 DEPARTMENT OR WHO IS A VENDOR WITH DIRECT RESPONSIBILITY FOR DEPARTMENT  
16 BUSINESS MAY NOT BE A VOTING MEMBER. COMMITTEE MEMBERS SHALL SERVE  
17 THREE-YEAR TERMS. MEMBERS MAY BE REAPPOINTED FOR ONE SUBSEQUENT FULL  
18 TERM.

19           C. A MEMBER MAY BE REMOVED BY THE MEMBER'S APPOINTING AUTHORITY FOR  
20 ANY OF THE FOLLOWING:

- 21           1. NEGLIGENCE OF DUTY.
- 22           2. MISCONDUCT.
- 23           3. INABILITY TO COMPLETE MEMBERSHIP OBLIGATIONS.
- 24           4. UNEXCUSED ABSENCES FROM THREE CONSECUTIVE COMMITTEE MEETINGS.

25           D. COMMITTEE MEMBERS SERVE WITHOUT COMPENSATION EXCEPT FOR  
26 REASONABLE TRAVEL EXPENSES. REIMBURSEMENT PURSUANT TO THIS SUBSECTION  
27 SHALL BE MADE FROM MONIES THAT ARE APPROPRIATED TO THE INDEPENDENT  
28 OVERSIGHT COMMITTEE ON THE DEPARTMENT OF CHILD SAFETY FUND ESTABLISHED BY  
29 SECTION 8-933.

30           E. THE COMMITTEE SHALL EMPLOY AN EXECUTIVE DIRECTOR WHO SERVES AT  
31 THE PLEASURE OF THE COMMITTEE. THE EXECUTIVE DIRECTOR MAY NOT BE AN  
32 EMPLOYEE OF THE DEPARTMENT. THE EXECUTIVE DIRECTOR MAY EMPLOY EXPERTS AND  
33 ADMINISTRATIVE STAFF AND MAY CONTRACT WITH EXPERTS.

34           F. COMMITTEE MEMBERS SHALL DISCLOSE ALL ACTUAL AND POTENTIAL  
35 CONFLICTS OF INTEREST AND SHALL RECUSE THEMSELVES FROM ANY MATTER THE  
36 COMMITTEE IS CONSIDERING IN WHICH A MEMBER HAS A CONFLICT OF INTEREST OR  
37 MAY HAVE A CONFLICT OF INTEREST.

38           G. THE COMMITTEE SHALL MEET AT LEAST MONTHLY. A MAJORITY OF THE  
39 MEMBERS CONSTITUTES A QUORUM FOR THE TRANSACTION OF BUSINESS. THE  
40 COMMITTEE IS SUBJECT TO TITLE 38, CHAPTER 3, ARTICLE 3.1 EXCEPT THAT  
41 COMMITTEE MEMBERS SHALL MEET IN EXECUTIVE SESSION WHEN DISCUSSING  
42 PROTECTED INFORMATION. RECORDS RECEIVED BY THE COMMITTEE THAT CONTAIN  
43 PROTECTED INFORMATION ARE CONSIDERED CONFIDENTIAL AND ARE NOT SUBJECT TO  
44 TITLE 39, CHAPTER 1, ARTICLE 2 EXCEPT IN DE-IDENTIFIED AND AGGREGATE FORM  
45 THAT IS CONSISTENT WITH APPLICABLE STATE AND FEDERAL LAW. THE COMMITTEE  
46 SHALL ADOPT WRITTEN PROCEDURES FOR ALL OF THE FOLLOWING:

- 47           1. SECURE HANDLING, STORAGE AND TRANSMISSION OF PROTECTED  
48 INFORMATION.

- 1           2. TRAINING FOR COMMITTEE MEMBERS AND STAFF REGARDING  
2 CONFIDENTIALITY REQUIREMENTS.
- 3           3. DE-IDENTIFICATION STANDARDS FOR PUBLIC REPORTING.
- 4           4. RECEIVING, TRIAGING AND RESPONDING TO COMPLAINTS AND  
5 WHISTLEBLOWER COMMUNICATION.
- 6           H. THE COMMITTEE IS INDEPENDENT FROM THE DEPARTMENT FOR PURPOSES OF  
7 OVERSIGHT, CRITICAL INCIDENT REVIEW, COMPLAINT TREND ANALYSIS AND  
8 PERFORMANCE EVALUATION. THE COMMITTEE SHALL DO ALL OF THE FOLLOWING:
- 9           1. REVIEW AND ANALYZE THE DEPARTMENT'S PERFORMANCE MEASURES,  
10 INCLUDING ALL OF THE FOLLOWING:
- 11           (a) CHILD SAFETY OUTCOMES.
- 12           (b) THE RECURRENCE OF MALTREATMENT.
- 13           (c) DEPARTMENT RESPONSE TIMES TO CHILD WELFARE ALLEGATIONS.
- 14           (d) CHILD PLACEMENT STABILITY.
- 15           (e) TIMELINES FOR PERMANENCY PLACEMENT.
- 16           (f) INCIDENTS OF RUNAWAY CHILDREN WHO ARE IN THE CARE OF THE  
17 DEPARTMENT.
- 18           (g) THE USE OF CONGREGATE CARE.
- 19           (h) RATES OF REENTRY.
- 20           (i) ANY OTHER INDICATORS THAT ARE IDENTIFIED BY THE COMMITTEE.
- 21           2. REVIEW DEPARTMENT POLICIES AND PRACTICES RELATED TO ALL OF THE  
22 FOLLOWING:
- 23           (a) HOTLINE SCREENING.
- 24           (b) INVESTIGATIONS.
- 25           (c) SAFETY PLANNING.
- 26           (d) REMOVAL OF A CHILD FROM THE CHILD'S HOME.
- 27           (e) REUNIFICATION OF A CHILD WITH THE CHILD'S PARENT OR GUARDIAN.
- 28           (f) GUARDIANSHIP.
- 29           (g) ADOPTION.
- 30           (h) CARE OF A CHILD AFTER THE CHILD LEAVES THE CUSTODY OF THE  
31 DEPARTMENT.
- 32           3. REVIEW DEPARTMENT STAFFING LEVELS, CASELOAD RATIOS, VACANCIES,  
33 TRAINING, RETENTION, WORKER SAFETY AND SUPERVISION PRACTICES.
- 34           4. REVIEW VENDOR PERFORMANCE, VENDOR CONTRACT COMPLIANCE, INCIDENT  
35 REPORTING, SERVICE AVAILABILITY AND BILLING INTEGRITY.
- 36           5. CONDUCT SYSTEMIC REVIEWS THAT ARE FOCUSED ON HIGH-RISK AREAS,  
37 INCLUDING RURAL AND TRIBAL ACCESS, MULTIDISCIPLINARY COORDINATION AND  
38 TIMELINESS OF COURT-REQUIRED ACTION.
- 39           6. REVIEW CRITICAL INCIDENTS AND PATTERNS OF CRITICAL INCIDENTS,  
40 INCLUDING ROOT CAUSE ANALYSIS AND SYSTEMIC CONTRIBUTING FACTORS.
- 41           7. EVALUATE COMPLIANCE WITH APPLICABLE STATE AND FEDERAL  
42 REQUIREMENTS, INCLUDING CONFIDENTIALITY, DUE PROCESS REQUIREMENTS AND  
43 CHILD WELFARE MANDATES.
- 44           8. MAINTAIN A COMPLIANT INTAKE PROCESS AND EVALUATE TRENDS TO  
45 IDENTIFY SYSTEMIC ISSUES.
- 46           9. ISSUE WRITTEN FINDINGS AND RECOMMENDATIONS AND TRACK CORRECTIVE  
47 ACTION IMPLEMENTATION.
- 48           I. THE COMMITTEE MAY DO ANY OF THE FOLLOWING:
- 49           1. REQUEST BRIEFINGS FROM THE DEPARTMENT AND VENDORS.

1           2. CONDUCT SITE VISITS, INCLUDING VISITS OF REGIONAL DEPARTMENT  
2 OFFICES AND CONTRACTED FACILITIES, AND PROGRAM REVIEWS.  
3           3. CONVENE EXPERT PANELS AND CONSULT WITH MEDICAL, BEHAVIORAL  
4 HEALTH AND CHILD WELFARE SPECIALISTS.  
5           4. REQUEST INDEPENDENT AUDITS OR EVALUATIONS.  
6           5. ENTER INTO CONTRACTS FOR ANY SERVICES THAT ARE NECESSARY TO  
7 COMPLETE COMMITTEE BUSINESS.  
8           6. IF THE COMMITTEE IDENTIFIES AN IMMINENT SYSTEMIC RISK THAT  
9 PRESENTS A SUBSTANTIAL RISK TO CHILD SAFETY, THE COMMITTEE MAY ISSUE AN  
10 URGENT NOTIFICATION TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE  
11 SPEAKER OF THE HOUSE OF REPRESENTATIVES IN A MANNER THAT PROTECTS THE  
12 CONFIDENTIALITY OF THE DEPARTMENT INFORMATION THAT IDENTIFIED THE  
13 SUBSTANTIAL THREAT.  
14           7. COORDINATE WITH APPROPRIATE LAW ENFORCEMENT AGENCIES, TRIBAL  
15 GOVERNMENTS, LICENSING AGENCIES AND CHILD FATALITY OR MULTIDISCIPLINARY  
16 REVIEW ENTITIES TO REDUCE DUPLICATION.  
17           8. ENTER INTO MEMORANDUMS OF UNDERSTANDING WITH APPROPRIATE  
18 AGENCIES TO FACILITATE THE SHARING OF CONFIDENTIAL INFORMATION.  
19           J. IF THE COMMITTEE IDENTIFIES CREDIBLE EVIDENCE OF CRIMINAL  
20 CONDUCT, CIVIL RIGHTS VIOLATIONS OR SYSTEMIC VIOLATIONS OF LAW, THE  
21 COMMITTEE MAY REFER THE MATTER TO THE APPROPRIATE LAW ENFORCEMENT AGENCY.  
22 A REFERRAL PURSUANT TO THIS SUBSECTION MAY INCLUDE A DE-IDENTIFIED SUMMARY  
23 OF THE ALLEGATION, IF REQUESTED BY THE RECEIVING LAW ENFORCEMENT AGENCY,  
24 AND MAY INCLUDE PROTECTED INFORMATION ONLY TO THE EXTENT ALLOWED BY  
25 APPLICABLE STATE OR FEDERAL LAW, SUBJECT TO RULES ADOPTED BY THE  
26 COMMITTEE. A REFERRAL TO A FEDERAL LAW ENFORCEMENT AGENCY PURSUANT TO  
27 THIS SUBSECTION MAY BE MADE WITHOUT PRIOR APPROVAL OF THE DEPARTMENT IF  
28 THE COMMITTEE REASONABLY BELIEVES THE REFERRAL IS NECESSARY TO PROTECT  
29 CHILD SAFETY OR PRESERVE EVIDENCE. THE COMMITTEE MAY ADOPT RULES TO  
30 IMPLEMENT PROCEDURES THAT GOVERN REFERRALS PURSUANT TO THIS SUBSECTION.  
31           K. NOTWITHSTANDING ANY OTHER LAW, THE DEPARTMENT SHALL PROVIDE  
32 COMMITTEE MEMBERS AND STAFF WITH ACCESS TO ALL DEPARTMENT RECORDS, DATA  
33 AND INFORMATION THAT ARE NECESSARY TO PERFORM THE COMMITTEE'S DUTIES,  
34 INCLUDING PROTECTED INFORMATION, SUBJECT TO THE REQUIREMENTS OF THIS  
35 SECTION AND APPLICABLE STATE AND FEDERAL LAW. THE DEPARTMENT SHALL  
36 PROVIDE REQUESTED INFORMATION IN DE-IDENTIFIED FORM AND IN A FORMAT THAT  
37 IS REASONABLY REQUESTED BY THE COMMITTEE. EACH DEPARTMENT VENDOR SHALL  
38 COOPERATE WITH COMMITTEE REQUESTS RELATED TO SERVICES PROVIDED BY THE  
39 VENDOR UNDER DEPARTMENT AUTHORITY OR THROUGH A VENDOR CONTRACT WITH THE  
40 DEPARTMENT. IF A VENDOR BELIEVES THAT INFORMATION REQUESTED BY THE  
41 COMMITTEE MAY NOT BE DISCLOSED, THE DEPARTMENT OR THE VENDOR WITHIN FIVE  
42 BUSINESS DAYS SHALL PROVIDE THE COMMITTEE WITH A WRITTEN EXPLANATION FOR  
43 THE DEPARTMENT'S OR VENDOR'S BELIEF THAT THE REQUESTED INFORMATION MAY NOT  
44 BE DISCLOSED. THE WRITTEN EXPLANATION SHALL CITE ANY LEGAL AUTHORITY THAT  
45 SUPPORTS THE DEPARTMENT'S OR VENDOR'S POSITION. THE DEPARTMENT SHALL  
46 PROVIDE BOTH OF THE FOLLOWING:  
47           1. CRITICAL INCIDENT RECORDS AS SOON AS PRACTICABLE BUT NOT LATER  
48 THAN SEVENTY-TWO HOURS AFTER THE REQUEST OF THE COMMITTEE.

1           2. ANY OTHER REQUESTED RECORDS NOT LATER THAN TEN BUSINESS DAYS  
2 AFTER THE REQUEST OF THE COMMITTEE. THE COMMITTEE MAY AGREE IN WRITING TO  
3 AN EXTENSION FOR GOOD CAUSE.

4           L. IF THE COMMITTEE DETERMINES THAT THE DEPARTMENT OR A VENDOR HAS  
5 NOT PROVIDED ACCESS TO DEPARTMENT INFORMATION IN THE TIME FRAMES REQUIRED  
6 BY SUBSECTION K OF THIS SECTION OR HAS FAILED TO COOPERATE IN GOOD FAITH,  
7 THE COMMITTEE MAY REFER THE FAILURE TO PROVIDE THE INFORMATION TO THE  
8 ATTORNEY GENERAL. THE ATTORNEY GENERAL SHALL EXPEDITE REFERRALS FROM THE  
9 COMMITTEE PURSUANT TO THIS SUBSECTION. THE COMMITTEE MAY BE AWARDED  
10 ATTORNEY FEES AND COSTS RELATED TO ENFORCEMENT EFFORTS TAKEN PURSUANT TO  
11 THIS SUBSECTION. THE ATTORNEY GENERAL MAY:

12           1. REQUEST COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION THROUGH  
13 WRITTEN DEMAND.

14           2. REQUEST A COURT ORDER THAT COMPELS COMPLIANCE WITH THE  
15 REQUIREMENTS OF THIS SECTION.

16           M. THE COMMITTEE SHALL ESTABLISH A CONFIDENTIAL PROCESS TO RECEIVE  
17 COMPLAINTS AND CONCERNS FROM THE PUBLIC AND DEPARTMENT EMPLOYEES. THE  
18 CONFIDENTIAL PROCESS SHALL DO ALL OF THE FOLLOWING:

19           1. DISTINGUISH BETWEEN INDIVIDUAL DEPARTMENT CASE CONCERNS AND  
20 OVERALL SYSTEM ISSUES.

21           2. ALLOW FOR THE REFERRAL OF INDIVIDUAL DEPARTMENT CASE CONCERNS TO  
22 THE OFFICE OF OMBUDSMAN-CITIZENS AIDE ESTABLISHED BY SECTION 41-1375,  
23 OTHER APPROPRIATE DEPARTMENT UNITS, AN APPROPRIATE LAW ENFORCEMENT AGENCY  
24 OR ANY OTHER STATE AGENCY.

25           3. ENSURE THAT SYSTEMIC PATTERNS IDENTIFIED THROUGH COMPLAINTS THAT  
26 ARE RECEIVED BY THE COMMITTEE ARE SELECTED FOR SYSTEMIC REVIEW.

27           N. A PERSON MAY REPORT INFORMATION TO THE COMMITTEE PURSUANT TO THE  
28 PROCESS ESTABLISHED PURSUANT TO SUBSECTION M OF THIS SECTION. THE  
29 DEPARTMENT OR A DEPARTMENT VENDOR MAY NOT ENGAGE IN RETALIATION AGAINST A  
30 PERSON MAKING A REPORT PURSUANT TO THIS SUBSECTION, REPORTING IN GOOD  
31 FAITH TO THE COMMITTEE, PARTICIPATING IN A COMMITTEE REVIEW OR PROVIDING  
32 TESTIMONY TO THE COMMITTEE. A PERSON WHO BELIEVES RETALIATION HAS  
33 OCCURRED MAY SUBMIT A COMPLAINT REGARDING THE RETALIATION TO THE  
34 COMMITTEE. THE COMMITTEE MAY REFER THE RETALIATION COMPLAINT TO AN  
35 APPROPRIATE LAW ENFORCEMENT AGENCY FOR INVESTIGATION.

36           O. A COMMITTEE MEMBER, COMMITTEE EMPLOYEE OR COMMITTEE CONTRACTOR  
37 MAY NOT DISCLOSE PROTECTED INFORMATION EXCEPT AS PROVIDED IN THIS SECTION.  
38 THE COMMITTEE SHALL PUBLISH COMMITTEE REPORTS ONLY IN DE-IDENTIFIED,  
39 AGGREGATE FORM AND SHALL ENSURE THAT INFORMATION IS PROVIDED IN A MANNER  
40 THAT IS DESIGNED TO PREVENT THE IDENTIFICATION OF A CHILD OR A FAMILY.  
41 COMMITTEE MEMBERS AND STAFF SHALL COMPLETE TRAINING ON CONFIDENTIALITY AND  
42 RECORD HANDLING BEFORE ACCESSING PROTECTED INFORMATION.

43           P. DISCLOSURE OF PROTECTED INFORMATION TO A LAW ENFORCEMENT AGENCY  
44 PURSUANT TO THIS SECTION IS AN AUTHORIZED DISCLOSURE OF PROTECTED  
45 DEPARTMENT INFORMATION IF THE DISCLOSURE IS BOTH OF THE FOLLOWING:

46           1. LIMITED TO THE MINIMUM DISCLOSURE OF PROTECTED INFORMATION THAT  
47 IS REQUIRED.

48           2. TRANSMITTED USING SECURE METHODS THAT ARE ESTABLISHED BY THE  
49 COMMITTEE.

1 Q. NOT LATER THAN SIXTY DAYS AFTER RECEIVING A WRITTEN REPORT OF  
2 FINDINGS AND RECOMMENDATIONS FROM THE COMMITTEE, THE DEPARTMENT SHALL  
3 PROVIDE A WRITTEN RESPONSE THAT DOES ALL OF THE FOLLOWING:

4 1. IDENTIFIES EACH RECOMMENDATION THAT IS ACCEPTED, PARTIALLY  
5 ACCEPTED OR REJECTED.

6 2. IF A RECOMMENDATION IS REJECTED, PROVIDES THE REASON FOR THE  
7 REJECTION.

8 3. IF A RECOMMENDATION IS ACCEPTED OR PARTIALLY ACCEPTED, INCLUDES  
9 A CORRECTIVE ACTION PLAN WITH MEASURABLE MILESTONES, TARGET COMPLETION  
10 DATES AND WHO WITHIN THE DEPARTMENT IS RESPONSIBLE FOR COMPLETING THE  
11 RECOMMENDATION.

12 R. THE DEPARTMENT SHALL PROVIDE QUARTERLY PROGRESS UPDATES ON A  
13 FORM PRESCRIBED BY THE COMMITTEE ON EACH CORRECTIVE ACTION PLAN CREATED  
14 PURSUANT TO SUBSECTION Q OF THIS SECTION. THE COMMITTEE SHALL TRACK ALL  
15 CORRECTIVE ACTION PLANS AND MAY PUBLISH DE-IDENTIFIED PROGRESS SUMMARIES  
16 IN A QUARTERLY OR ANNUAL REPORT PURSUANT TO SUBSECTION S OF THIS SECTION.

17 S. THE COMMITTEE SHALL SUBMIT THE FOLLOWING:

18 1. QUARTERLY REPORTS TO THE GOVERNOR, THE PRESIDENT OF THE SENATE,  
19 THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE CHIEF JUSTICE OF THE  
20 SUPREME COURT THAT SUMMARIZE THE COMMITTEE'S OVERSIGHT ACTIVITIES, MAJOR  
21 FINDINGS AND CORRECTIVE ACTION PLANS IN DE-IDENTIFIED FORM.

22 2. ON OR BEFORE DECEMBER 1 OF EACH YEAR, A REPORT TO THE GOVERNOR,  
23 THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES  
24 AND THE CHIEF JUSTICE OF THE SUPREME COURT THAT INCLUDES ALL OF THE  
25 FOLLOWING:

26 (a) KEY PERFORMANCE INDICATORS AND TRENDS.

27 (b) A SUMMARY OF CRITICAL INCIDENT PATTERN REVIEWS AND SYSTEMIC  
28 CONTRIBUTING FACTORS.

29 (c) DEPARTMENT VENDOR PERFORMANCE AND SYSTEMIC SERVICE GAPS.

30 (d) DEPARTMENT STAFFING AND CASELOAD TRENDS.

31 (e) THE STATUS OF DEPARTMENT CORRECTIVE ACTION PLANS.

32 (f) COMMITTEE RECOMMENDATIONS FOR STATUTORY, BUDGETARY AND  
33 ADMINISTRATIVE CHANGES.

34 T. SUBJECT TO AVAILABLE RESOURCES AND CONFIDENTIALITY REQUIREMENTS,  
35 THE COMMITTEE SHALL DEVELOP AND MAINTAIN A PUBLICLY ACCESSIBLE DASHBOARD  
36 OF AGGREGATE, DE-IDENTIFIED CHILD SAFETY PERFORMANCE MEASURES.

37 U. A PERSON WHO KNOWINGLY DISCLOSES PROTECTED INFORMATION IS GUILTY  
38 OF A CLASS 1 MISDEMEANOR.

39 V. FOR THE PURPOSE OF THIS SECTION:

40 1. "CRITICAL INCIDENT" MEANS A CHILD DEATH, NEAR DEATH, SERIOUS  
41 INJURY, SEXUAL EXPLOITATION OR OTHER EVENT INVOLVING A CHILD WHO IS  
42 ALLEGED TO BE THE VICTIM OF ABUSE OR NEGLECT OR WHO IS IN THE CARE OF THE  
43 DEPARTMENT.

44 2. "DE-IDENTIFIED" MEANS INFORMATION THAT HAS BEEN DE-IDENTIFIED IN  
45 ACCORDANCE WITH 45 CODE OF FEDERAL REGULATIONS SECTION 164.514(b).

46 3. "PROTECTED INFORMATION":

47 (a) MEANS INFORMATION THAT IS MADE CONFIDENTIAL BY STATE LAW,  
48 FEDERAL LAW, A COURT ORDER OR RULE.

1 (b) INCLUDES CHILD SAFETY CASE RECORDS, PERSONALLY IDENTIFYING  
2 INFORMATION, MEDICAL RECORDS, BEHAVIORAL HEALTH RECORDS, EDUCATIONAL  
3 RECORDS AND INFORMATION THAT IS PROTECTED BY THE HEALTH INSURANCE  
4 PORTABILITY AND ACCOUNTABILITY ACT (P.L. 104-191) AND THE FAMILY  
5 EDUCATIONAL RIGHTS AND PRIVACY ACT (P.L. 93-380).

6 4. "SYSTEMIC REVIEW" MEANS AN EXAMINATION OF POLICIES, PRACTICES,  
7 WORKFLOWS, STAFFING, TRAINING, CONTRACTING AND PERFORMANCE MEASURES THAT  
8 AFFECT CHILD SAFETY OUTCOMES ACROSS MULTIPLE CASES.

9 5. "VENDOR" MEANS A CONTRACTOR, SUBCONTRACTOR, PROVIDER, PLACEMENT,  
10 FACILITY OR ENTITY THAT FURNISHES SERVICES TO THE DEPARTMENT OR TO  
11 CHILDREN AND FAMILIES UNDER CONTRACT, AGREEMENT OR AUTHORIZATION OF THE  
12 DEPARTMENT.

13 8-933. Independent oversight committee on the department of  
14 child safety fund

15 A. THE INDEPENDENT OVERSIGHT COMMITTEE ON THE DEPARTMENT OF CHILD  
16 SAFETY FUND IS ESTABLISHED CONSISTING OF LEGISLATIVE APPROPRIATIONS,  
17 GRANTS, GIFTS AND DONATIONS. THE INDEPENDENT OVERSIGHT COMMITTEE ON THE  
18 DEPARTMENT OF CHILD SAFETY SHALL ADMINISTER THE FUND. MONIES IN THE FUND  
19 ARE SUBJECT TO LEGISLATIVE APPROPRIATION.

20 B. MONIES IN THE FUND MAY BE USED FOR ANY OF THE FOLLOWING:

- 21 1. COMMITTEE STAFFING AND OPERATIONS.  
22 2. INDEPENDENT AUDITS, EVALUATIONS AND EXPERT CONSULTATIONS.  
23 3. SECURE DATA SYSTEMS AND CONFIDENTIALITY COMPLIANCE.  
24 4. COMMITTEE TRAVEL AND SITE VISITS THAT ARE REQUIRED FOR COMMITTEE  
25 BUSINESS.

26 C. THE COMMITTEE MAY NOT ACCEPT A GRANT, GIFT OR DONATION THAT MAY  
27 CREATE A CONFLICT OF INTEREST.

28 Sec. 2. Section 41-1371, Arizona Revised Statutes, is amended to  
29 read:

30 41-1371. Definitions

31 In this article, unless the context otherwise requires:

32 1. "Administrative act":

33 (a) Means an action, decision, omission, recommendation, practice,  
34 policy or procedure of an agency: ~~but~~

35 (b) Does not include the preparation or presentation of legislation  
36 or the substantive content of a judicial order, decision or opinion.

37 2. "Agency":

38 (a) Means a department, office, corporation, authority,  
39 organization, commission, council or board of the executive branch of  
40 state government, a department, office, institution, authority,  
41 organization, commission, committee, council or board of state government  
42 that is independent of the executive or legislative branches of state  
43 government or an officer, employee or member of an agency acting or  
44 purporting to act in the exercise of official duties. ~~Agency~~

45 (b) Does not ~~mean~~ INCLUDE the judicial department of state  
46 government, the ARIZONA board of regents, universities or community  
47 college districts.

48 3. "CHILD WELFARE OVERSIGHT MATTER":

- 1 (a) MEANS ANY OVERSIGHT OF THE DEPARTMENT OF CHILD SAFETY THAT  
2 RELATES TO ANY OF THE FOLLOWING:
- 3 (i) THE SAFETY OF A CHILD.
  - 4 (ii) THE PLACEMENT OF A CHILD.
  - 5 (iii) THE CARE OF A CHILD.
  - 6 (iv) THE SUPERVISION OF A CHILD.
  - 7 (v) THE TREATMENT OF A CHILD.
- 8 (b) INCLUDES ANY OF THE FOLLOWING:
- 9 (i) A COMPLAINT.
  - 10 (ii) AN INVESTIGATION.
  - 11 (iii) AN AUDIT.
  - 12 (iv) A REVIEW.
  - 13 (v) A SYSTEMIC EXAMINATION.
  - 14 (vi) ANY SERVICES THAT ARE FUNDED, DIRECTED, CONTRACTED, LICENSED  
15 OR AUTHORIZED BY THE DEPARTMENT OF CHILD SAFETY.
- 16 4. "CORRECTIVE ACTION ORDER" MEANS A WRITTEN ORDER THAT IS ISSUED  
17 BY THE OMBUDSMAN-CITIZENS AIDE AND THAT DOES ALL OF THE FOLLOWING:
- 18 (a) IDENTIFIES A VIOLATION OF OR NONCOMPLIANCE WITH AN APPLICABLE  
19 LAW OR RULE.
  - 20 (b) STATES A REQUIRED CORRECTIVE ACTION.
  - 21 (c) SETS A DEADLINE FOR IMPLEMENTATION OF THE REQUIRED CORRECTIVE  
22 ACTION.
- 23 5. "COVERED CHILD WELFARE ENTITY":
- 24 (a) MEANS ANY ENTITY THAT RECEIVES PUBLIC MONIES OR THAT OPERATES  
25 UNDER THE AUTHORITY OF THE DEPARTMENT OF CHILD SAFETY IN CONNECTION WITH A  
26 CHILD WELFARE OVERSIGHT MATTER.
  - 27 (b) INCLUDES ALL OF THE FOLLOWING:
    - 28 (i) THE DEPARTMENT OF CHILD SAFETY.
    - 29 (ii) A CONTRACTOR OF THE DEPARTMENT OF CHILD SAFETY.
    - 30 (iii) A SUBCONTRACTOR OF THE DEPARTMENT OF CHILD SAFETY.
    - 31 (iv) A PROVIDER THAT PROVIDES SERVICES TO A CHILD WHO IS IN THE  
32 CARE OF THE DEPARTMENT OF CHILD SAFETY.
    - 33 (v) A FACILITY THAT PROVIDES SERVICES TO A CHILD WHO IS IN THE CARE  
34 OF THE DEPARTMENT OF CHILD SAFETY.
    - 35 (vi) A CHILD WELFARE AGENCY.
    - 36 (vii) A GROUP HOME AS DEFINED IN SECTION 36-1201.
- 37 6. "HIGH-RISK OR LIFE SAFETY VIOLATION" MEANS A SUBSTANTIATED OR  
38 PARTIALLY SUBSTANTIATED OPINION, RECOMMENDATION OR FINDING THAT INVOLVES  
39 ANY ACT, OMISSION, PATTERN OR PRACTICE THAT CREATES A SUBSTANTIAL RISK OF  
40 ANY OF THE FOLLOWING:
- 41 (a) SERIOUS PHYSICAL HARM.
  - 42 (b) SEXUAL ABUSE.
  - 43 (c) SEXUAL EXPLOITATION OF A MINOR PURSUANT TO SECTION 13-3553.
  - 44 (d) CHILD SEX TRAFFICKING PURSUANT TO SECTION 13-3212.
  - 45 (e) SUICIDALITY.
  - 46 (f) A MEDICAL CRISIS.
  - 47 (g) A CHILD ABDUCTION OR A RUNAWAY CHILD.
  - 48 (h) WRONGFUL DEATH.

1           ~~§~~ 7. "Record" means any document, photograph, film, exhibit or  
2 other item developed or received under law or in connection with the  
3 transaction of official business except an attorney's work product,  
4 communications that are protected under the attorney-client privilege and  
5 confidential information as ~~defined~~ DESCRIBED in section 41-1378,  
6 subsection D, paragraph 4.

7           Sec. 3. Section 41-1376, Arizona Revised Statutes, is amended to  
8 read:

9           41-1376. Powers and duties

10          A. The ombudsman-citizens aide shall:

11           1. Investigate the administrative acts of agencies pursuant to  
12 section 41-1377, subsections A and B except as provided in section  
13 41-1377, subsections C, D and E. The ombudsman-citizens aide shall  
14 investigate the administrative acts of an agency without regard to the  
15 finality of the administrative act.

16           2. Annually before January 1 prepare a written report to the  
17 governor, the legislature and the public that contains a summary of the  
18 ombudsman-citizens aide's activities during the previous fiscal year. The  
19 ombudsman-citizens aide shall present this report annually before the  
20 legislative council and distribute copies of the report to the director of  
21 the governor's office of strategic planning and budgeting, the chairperson  
22 of the joint legislative budget committee and the cochairpersons of the  
23 administrative rules oversight committee. This report shall include:

24           (a) The ombudsman-citizens aide's mission statement.

25           (b) The number of matters that were within each of the categories  
26 specified in section 41-1379, subsection B.

27           (c) Legislative issues affecting the ombudsman-citizens aide.

28           (d) Selected case studies that illustrate the ombudsman-citizens  
29 aide's work and reasons for complaints.

30           (e) Ombudsman-citizens aide's contact statistics.

31           (f) A description of the public awareness and outreach activities  
32 conducted by the ombudsman-citizens aide.

33           (g) Ombudsman-citizens aide's staff.

34           3. Before conducting the first investigation, adopt rules that  
35 ensure that confidential information that is gathered will not be  
36 disclosed.

37           4. Appoint a deputy ombudsman and prescribe the duties of employees  
38 or, subject to appropriation, contract for the services of independent  
39 contractors necessary to administer the duties of the office of  
40 ombudsman-citizens aide. All staff serves at the pleasure of the  
41 ombudsman-citizens aide, and they are exempt from chapter 4, articles 5  
42 and 6 of this title. All staff are subject to the conflict of interest  
43 provisions of title 38, chapter 3, article 8.

44           5. Before conducting the first investigation, adopt rules that  
45 establish procedures for receiving and processing complaints, including  
46 guidelines to ensure each complainant has exhausted all reasonable  
47 alternatives within the agency, conducting investigations, incorporating  
48 agency responses into recommendations and reporting findings.

1           6. Notify the chief executive or administrative officer of the  
2 agency in writing of the intention to investigate unless notification  
3 would unduly hinder the investigation or make the investigation  
4 ineffectual.

5           7. Appoint an assistant to help the ombudsman-citizens aide  
6 investigate complaints relating to the department of child safety. The  
7 assistant shall have expertise in the department of child safety  
8 procedures and laws. Notwithstanding any law to the contrary, the  
9 ombudsman-citizens aide and the assistant have access to the department of  
10 child safety records and direct remote access to any automated case  
11 management system used by the department of child safety.

12           8. On or before December 31 of each year, submit a report to the  
13 president of the senate, the speaker of the house of representatives, the  
14 minority leader of the senate, the minority leader of the house of  
15 representatives, the chairperson of the senate judiciary committee, or its  
16 successor committee, and the chairperson of the house of representatives  
17 judiciary committee, or its successor committee, that includes the number  
18 of complaints made regarding the state department of corrections, the  
19 topic of each complaint and how each complaint was resolved.

20           9. FOR A CHILD WELFARE OVERSIGHT MATTER, SUBMIT A QUARTERLY REPORT  
21 TO THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF  
22 REPRESENTATIVES, THE MINORITY LEADER OF THE SENATE, THE MINORITY LEADER OF  
23 THE HOUSE OF REPRESENTATIVES, THE CHAIRPERSON OF THE SENATE COMMITTEE THAT  
24 HAS JURISDICTION OVER CHILD SAFETY OR GOVERNMENT MATTERS AND THE  
25 CHAIRPERSON OF THE HOUSE OF REPRESENTATIVES COMMITTEE THAT HAS  
26 JURISDICTION OVER CHILD SAFETY OR GOVERNMENT MATTERS. THE REPORT SHALL BE  
27 SUBMITTED IN AGGREGATE FORM AND SHALL HAVE ALL CONFIDENTIAL INFORMATION  
28 REDACTED. THE REPORT MUST INCLUDE ALL OF THE FOLLOWING:

29           (a) THE NUMBER OF SUBSTANTIATED AND PARTIALLY SUBSTANTIATED  
30 FINDINGS.

31           (b) THE NUMBER OF HIGH-RISK OR LIFE SAFETY VIOLATIONS.

32           (c) THE NUMBER OF CORRECTIVE ACTION ORDERS THAT WERE ISSUED AND THE  
33 COMPLIANCE RATES FOR THOSE CORRECTIVE ACTION ORDERS.

34           (d) THE NUMBER OF CRIMINAL REFERRALS AND WRITTEN DISPOSITIONS  
35 RECEIVED PURSUANT TO SECTION 41-1378, SUBSECTION I.

36           B. After the conclusion of an investigation and notice to the head  
37 of the agency pursuant to section 41-1379, the ombudsman-citizens aide may  
38 present the ombudsman-citizens aide's opinion and recommendations to the  
39 governor, the legislature, the office of the appropriate prosecutor or the  
40 public, or any combination of these persons. The ombudsman-citizens aide  
41 shall include in the opinion the reply of the agency, including those  
42 issues that were resolved as a result of the ombudsman-citizens aide's  
43 preliminary opinion or recommendation.

44           Sec. 4. Section 41-1378, Arizona Revised Statutes, is amended to  
45 read:

46           41-1378. Complaint; investigation; investigative authority;  
47 violation; classification

48           A. All complaints shall be addressed to the ombudsman-citizens  
49 aide. If an agency receives correspondence between a complainant and the

1 ombudsman-citizens aide, it shall hold that correspondence in trust and  
2 shall promptly forward the correspondence, unopened, to the  
3 ombudsman-citizens aide.

4 B. Within thirty days ~~of~~ AFTER receipt of the complaint, the  
5 ombudsman-citizens aide shall notify the complainant of the decision to  
6 investigate or not to investigate the complaint. If the  
7 ombudsman-citizens aide decides not to investigate and if requested by the  
8 complainant, the ombudsman-citizens aide shall provide the reasons for not  
9 investigating in writing.

10 C. The ombudsman-citizens aide shall not charge any fees for  
11 investigations or complaints.

12 D. In an investigation, the ombudsman-citizens aide may:

13 1. Make inquiries and obtain information considered necessary  
14 subject to the restrictions in section 41-1377.

15 2. Enter without notice to inspect agency premises with agency  
16 staff on the premises.

17 3. Hold hearings.

18 4. Notwithstanding any other law, have access to all state agency  
19 records, including confidential records, except:

20 (a) Sealed court records without a subpoena.

21 (b) Active criminal investigation records.

22 (c) Records that could lead to the identity of confidential police  
23 informants.

24 (d) Attorney work product and communications that are protected  
25 under the attorney-client privilege.

26 (e) Confidential information as defined in section 42-2001, except  
27 as provided in section 42-2003, subsection L.

28 (f) Information protected by section 6103(d), 6103(p)(8) or 7213 of  
29 the internal revenue code.

30 (g) Confidential information relating to section 36-2903,  
31 subsection I, section 36-2917, section 36-2932, subsection F or section  
32 36-2972.

33 (h) Confidential information relating to sections 36-507, 36-509  
34 and 36-2220.

35 5. Issue subpoenas if necessary to compel the attendance and  
36 testimony of witnesses and the production of books, records, documents and  
37 other evidence to which the ombudsman-citizens aide may have access  
38 pursuant to paragraph 4 of this subsection. The ombudsman-citizens aide  
39 may only issue a subpoena if the ombudsman-citizens aide has previously  
40 requested testimony or evidence and the person or agency to which the  
41 request was made has failed to comply with the request in a reasonable  
42 amount of time.

43 E. It is contrary to the public policy of this state for any state  
44 agency or any individual acting for a state agency to take any adverse  
45 action against an individual in retaliation because the individual  
46 cooperated with or provided information to the ombudsman-citizens aide or  
47 the ombudsman-citizens aide's staff.

48 F. If requested by the complainants or witnesses, the  
49 ombudsman-citizens aide shall maintain confidentiality with respect to

1 those matters necessary to protect the identities of the complainants or  
2 witnesses. The ombudsman-citizens aide shall ensure that confidential  
3 records are not disclosed by either the ombudsman-citizens aide or staff  
4 to the ombudsman-citizens aide. The ombudsman-citizens aide shall  
5 maintain the confidentiality of an agency record. With respect to  
6 requests made pursuant to title 39, chapter 1, article 2 or other requests  
7 for information, the ombudsman-citizens aide shall maintain all records  
8 that are received from a custodial agency in the same manner as the  
9 custodial agency would if it had received the request.

10 G. The ombudsman-citizens aide or any staff member or other  
11 employee of the ombudsman-citizens aide who knowingly divulges or makes  
12 known in any manner not ~~permitted~~ ALLOWED by law any particulars of any  
13 record, document or information for which the law restricts disclosure is  
14 guilty of a class 5 felony.

15 H. IN A CHILD WELFARE OVERSIGHT MATTER, THE OMBUDSMAN-CITIZENS AIDE  
16 MAY EXERCISE THE INVESTIGATIVE AUTHORITY PRESCRIBED IN SUBSECTION D OF  
17 THIS SECTION WITH RESPECT TO A COVERED CHILD WELFARE ENTITY. THE  
18 OMBUDSMAN-CITIZENS AIDE SHALL HAVE ACCESS TO ANY RECORDS THAT ARE  
19 MAINTAINED BY OR ON BEHALF OF A COVERED CHILD WELFARE ENTITY AND THAT  
20 RELATE TO THE SERVICES THAT ARE FUNDED, DIRECTED, CONTRACTED, LICENSED OR  
21 AUTHORIZED BY THE DEPARTMENT OF CHILD SAFETY. A COVERED CHILD WELFARE  
22 ENTITY SHALL PRESERVE ALL RELEVANT RECORDS ON RECEIPT OF A WRITTEN NOTICE  
23 FROM THE OMBUDSMAN-CITIZENS AIDE OF AN INVESTIGATION OR AUDIT.

24 I. IF DURING AN INVESTIGATION OF A CHILD WELFARE OVERSIGHT MATTER,  
25 THE OMBUDSMAN-CITIZENS AIDE FINDS REASONABLE CAUSE TO BELIEVE THAT A  
26 PERSON HAS COMMITTED A CRIMINAL OFFENSE, THE OMBUDSMAN-CITIZENS AIDE SHALL  
27 REFER THE MATTER, WITH ALL SUPPORTING EVIDENCE, TO BOTH THE COUNTY  
28 ATTORNEY WITH JURISDICTION OVER THE PERSON OR MATTER AND THE ATTORNEY  
29 GENERAL. THE PROSECUTING AGENCY THAT RECEIVES A REFERRAL PURSUANT TO THIS  
30 SUBSECTION SHALL PROVIDE A WRITTEN DISPOSITION TO THE OMBUDSMAN-CITIZENS  
31 AIDE WITHIN NINETY DAYS AFTER RECEIVING THE REFERRAL THAT INDICATES THE  
32 STATUS OF THE REFERRAL AND WHETHER THE PROSECUTING AGENCY HAS ELECTED TO  
33 PROSECUTE THE MATTER OR DECLINED TO PROSECUTE THE MATTER.

34 Sec. 5. Section 41-1379, Arizona Revised Statutes, is amended to  
35 read:

36 41-1379. Procedures after an investigation

37 A. If an opinion or recommendation of the ombudsman-citizens aide  
38 is critical of a person or agency, the ombudsman-citizens aide shall first  
39 consult with the person or agency before rendering the opinion or  
40 recommendation. A preliminary opinion or preliminary recommendation is  
41 confidential and shall not be publicly disclosed by any party.

42 B. The ombudsman-citizens aide shall report the ombudsman-citizens  
43 aide's opinion and recommendations to an agency, if the ombudsman-citizens  
44 aide finds, after investigation, that:

45 1. A matter should be further considered by that agency.

46 2. A matter should be referred to the presiding officers of both  
47 houses of the legislature for further investigation or legislative action.

48 3. A statute or rule on which an administrative act is based should  
49 be amended.

- 1 4. An administrative act should be modified or ~~cancelled~~ CANCELED.  
2 5. Reasons should be given for an administrative act.  
3 6. There are no grounds or there are insufficient grounds for  
4 action by the agency.  
5 7. Any other action should be taken by the agency.  
6 8. The agency's action was arbitrary or capricious, constituted an  
7 abuse of discretion or was not according to law.  
8 C. The ombudsman-citizens aide may request the agency to notify the  
9 office within a specified time of any action taken on his recommendations.  
10 D. The ombudsman-citizens aide shall notify the complainant of the  
11 ombudsman-citizens aide's recommendations and the actions taken by the  
12 agency.  
13 E. If the ombudsman-citizens aide believes there is a breach of  
14 duty or misconduct by an officer or employee of an agency in the conduct  
15 of the officer's or employee's duty, the ombudsman-citizens aide shall  
16 refer the matter to the chief executive officer of the agency, to the  
17 presiding officer of both houses of the legislature, to a prosecutor's  
18 office or to another appropriate official or agency.  
19 F. NOTWITHSTANDING ANY OTHER LAW, IN A CHILD WELFARE OVERSIGHT  
20 MATTER, IF, AFTER INVESTIGATION, THE OMBUDSMAN-CITIZENS AIDE MAKES A  
21 SUBSTANTIATED OR PARTIALLY SUBSTANTIATED OPINION OR RECOMMENDATION THAT A  
22 COVERED CHILD WELFARE ENTITY HAS VIOLATED ANY STATUTE, RULE, COURT ORDER,  
23 DEPARTMENT OF CHILD SAFETY POLICY, CONTRACT REQUIREMENT OR LICENSING  
24 STANDARD, THE OMBUDSMAN-CITIZENS AIDE SHALL ISSUE A CORRECTIVE ACTION  
25 ORDER. A CORRECTIVE ACTION ORDER MUST INCLUDE ALL OF THE FOLLOWING:  
26 1. THE FACTUAL BASIS FOR THE OPINION OR RECOMMENDATION.  
27 2. THE SPECIFIC STATUTE, RULE, COURT ORDER, DEPARTMENT OF CHILD  
28 SAFETY POLICY, CONTRACT REQUIREMENT OR LICENSING STANDARD THAT WAS  
29 VIOLATED.  
30 3. THE REQUIRED CORRECTIVE ACTION ORDER WITH A SPECIFIC DEADLINE  
31 FOR IMPLEMENTING THE CORRECTIVE ACTION ORDER.  
32 4. ANY REQUIRED PREVENTION CONTROLS, IF APPLICABLE.  
33 5. WHETHER THE OPINION OR RECOMMENDATION INVOLVES A HIGH-RISK OR  
34 LIFE SAFETY VIOLATION.  
35 6. A REQUIREMENT THAT THE COVERED CHILD WELFARE ENTITY SUBMIT A  
36 WRITTEN COMPLIANCE PLAN AND BEGIN IMPLEMENTING THE CORRECTIVE ACTION ORDER  
37 WITHIN THIRTY DAYS AFTER RECEIVING THE CORRECTIVE ACTION ORDER.  
38 Sec. 6. Title 41, chapter 27, article 2, Arizona Revised Statutes,  
39 is amended by adding section 41-3036.01, to read:  
40 41-3036.01. Independent oversight committee on the department  
41 of child safety; termination July 1, 2036  
42 A. THE INDEPENDENT OVERSIGHT COMMITTEE ON THE DEPARTMENT OF CHILD  
43 SAFETY TERMINATES ON JULY 1, 2036.  
44 B. TITLE 8, CHAPTER 7 AND THIS SECTION ARE REPEALED ON JANUARY 1,  
45 2037.  
46 Sec. 7. Appropriation; independent oversight committee on the  
47 department of child safety fund; intent; exemption  
48 A. The sum of \$2,200,000 is appropriated from the general fund in  
49 fiscal year 2026-2027 to the independent oversight committee on the

1 department of child safety fund established by section 8-933, Arizona  
2 Revised Statutes, as added by this act, and is appropriated from the fund  
3 to the independent oversight committee on the department of child safety.

4 B. The monies appropriated pursuant to subsection A of this section  
5 shall be allocated as follows:

6 1. \$900,000 for personal services, employee-related expenses,  
7 committee executive and supporting staff salaries.

8 2. \$600,000 for operating expenses.

9 3. \$300,000 for contracting services, including audits, expert  
10 reviews and specialized evaluations.

11 4. \$300,000 for start-up and secure infrastructure costs, hardware  
12 and dashboard development.

13 5. \$100,000 for contingency and oversight needs.

14 C. The legislature intends that beginning in fiscal year 2027-2028,  
15 and each fiscal year thereafter, the legislature appropriate \$1,800,000 to  
16 the independent oversight committee on the department of child safety fund  
17 for continued committee operations.

18 D. The appropriation made in subsection A of this section is exempt  
19 from the provisions of section 35-190, Arizona Revised Statutes, relating  
20 to lapsing of appropriations.

21 Sec. 8. Initial terms of members of the independent oversight  
22 committee on the department of child safety

23 A. Notwithstanding section 8-932, Arizona Revised Statutes, as  
24 added by this act, the initial terms of members of the independent  
25 oversight committee on the department of child safety are:

26 1. Five terms ending January 31, 2027.

27 2. Five terms ending January 31, 2028.

28 3. Five terms ending January 31, 2029.

29 B. The appropriate official shall make all subsequent appointments  
30 as prescribed by statute.

31 Sec. 9. Purpose

32 Pursuant to section 41-2955, subsection E, Arizona Revised Statutes,  
33 the legislature establishes the independent oversight committee on the  
34 department of child safety to improve transparency, strengthen  
35 accountability, enhance public confidence and support improvement in the  
36 child welfare system.

37 Sec. 10. Severability

38 If a provision of this act or its application to any person or  
39 circumstance is held invalid, the invalidity does not affect other  
40 provisions or applications of the act that can be given effect without the  
41 invalid provision or application, and to this end the provisions of this  
42 act are severable.

43 Sec. 11. Legislative findings

44 A. The legislature finds that:

45 1. This state has a compelling interest in protecting children from  
46 abuse and neglect and ensuring lawful, timely and effective child welfare  
47 interventions.

1           2. Independent oversight improves transparency, strengthens  
2 accountability, enhances public confidence and supports continuous  
3 improvement in systems that are charged with child protection.  
4           3. Oversight must preserve the confidentiality of child and family  
5 information while allowing meaningful review of systemic performance and  
6 critical incidents.  
7           4. Effective oversight requires timely access to records,  
8 independent staffing and clear reporting and response obligations.  
9           B. The purpose of this act is to establish an independent oversight  
10 body to do the following:  
11           1. Evaluate the policies, practices and performance of the  
12 department of child safety.  
13           2. Review critical incidents and systemic risks.  
14           3. Receive complaints and whistleblower information.  
15           4. Refer credible evidence of criminal or civil violations to  
16 appropriate authorities, including federal authorities when applicable.  
17           5. Provide regular public reporting and recommendations to improve  
18 child safety outcomes and compliance with state and federal law."  
19 Amend title to conform

DAVID C. FARNSWORTH

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