

Senate Engrossed House Bill

**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-first Legislature  
First Regular Session  
2013

CHAPTER 126

# **HOUSE BILL 2074**

AN ACT

AMENDING SECTIONS 8-503, 8-509 AND 8-514, ARIZONA REVISED STATUTES; RELATING TO FOSTER HOMES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-503, Arizona Revised Statutes, is amended to  
3 read:

4 8-503. Powers and duties

5 A. The division shall:

6 1. Exercise supervision over all child welfare agencies.

7 2. Advise and cooperate with the governing boards of all child welfare  
8 agencies.

9 3. Assist the staffs of all child welfare agencies by giving advice on  
10 progressive methods and procedures of child care and improvement of services.

11 4. Establish rules, regulations, and standards for:

12 (a) Licensing of child welfare agencies.

13 (b) Licensing of foster homes.

14 (c) Classifications of foster homes as:

15 (i) Receiving foster homes.

16 (ii) Regular foster homes.

17 (iii) Special classes of foster homes as are needed according to the  
18 types of problems involved.

19 (iv) Group foster homes.

20 (d) Certifying each foster home according to one or more of the  
21 categories ~~defined~~ PRESCRIBED in subdivision (c) of this paragraph.

22 (e) Initial and ongoing foster parent training programs.

23 (f) The method of approving foster parent training programs.

24 (g) Uniform amounts of payment for all foster homes according to  
25 certification. However, variations in uniform amounts of payments may be  
26 allowed for foster homes based on consideration of geographical location or  
27 age or mental or physical condition of a foster child.

28 (h) ~~Annual~~ Renewal of licenses of child welfare agencies and foster  
29 homes.

30 (i) Form and content of investigations, reports and studies concerning  
31 disposition of children and foster home placement.

32 5. Establish a program of counseling and rehabilitation of parents  
33 whose children have been placed in foster homes.

34 6. Establish foster parent training programs or contract with other  
35 agencies, institutions or groups for the provision of such programs to foster  
36 parents. Foster parent training programs shall be established in at least  
37 the following areas:

38 (a) Initial and ongoing training as a foster parent for a regular or  
39 group foster home.

40 (b) Initial and ongoing training as a foster parent for a special  
41 foster home.

42 7. Regulate the importation and exportation of children.

43 8. In conjunction with the department of education and the department  
44 of corrections, develop and implement a uniform budget format to be submitted  
45 by licensed child welfare agencies. The budget format shall be developed in

1 such a manner that, at a minimum, residential and educational instructional  
2 costs are separate and distinct budgetary items.

3 9. Beginning October 1, 1983, establish as a goal that, at any given  
4 time, not more than fifty per cent of the total number of children whose  
5 maintenance is subsidized by title IV, part E of the social security act, as  
6 amended, shall be in foster care in excess of twenty-four consecutive months.  
7 The division shall establish through regulations appropriate procedures to  
8 achieve the goal.

9 B. Except as provided in section 8-514.01, large group settings for  
10 children, group homes for children and child developmental foster homes which  
11 have one or more residents who are developmentally disabled clients of the  
12 department shall be licensed pursuant to title 36, chapter 5.1, article 3.  
13 Rules, regulations and standards adopted pursuant to subsection A, paragraph  
14 4 of this section shall not apply to group homes for children or child  
15 developmental foster homes licensed pursuant to title 36, chapter 5.1,  
16 article 3.

17 Sec. 2. Section 8-509, Arizona Revised Statutes, is amended to read:  
18 8-509. Licensing of foster homes; renewal of license;  
19 provisional license

20 A. The division shall license and certify foster homes. Licenses are  
21 valid for a period of ~~one year~~ TWO YEARS.

22 B. The division shall not issue a license without satisfactory proof  
23 that the foster parent or parents have completed six actual hours of approved  
24 initial foster parent training as set forth in section 8-503 and that each  
25 foster parent and each other adult member of the household has a valid  
26 fingerprint clearance card issued pursuant to section 41-1758.07. The foster  
27 parent and each other adult member of the household must certify on forms  
28 that are provided by the division and that are notarized whether the foster  
29 parent or other adult member of the household is awaiting trial on or has  
30 ever been convicted of any of the criminal offenses listed in section  
31 41-1758.07, subsections B and C in this state or similar offenses in another  
32 state or jurisdiction.

33 C. The division shall not renew a license without satisfactory proof  
34 that the foster parent or parents have completed six actual hours of approved  
35 ongoing foster parent training PER YEAR as set forth in section 8-503.

36 D. Notwithstanding the requirements of subsections B and C of this  
37 section, if the division determines a condition of hardship to the foster  
38 parent or parents, the division may issue a provisional license for a period  
39 not to exceed six months. A provisional license may not be renewed.

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

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

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

7 G. This section shall not apply when the child is placed in a home by  
8 a means other than by court order and when the home receives no compensation  
9 from the state or any political subdivision of the state.

10 H. The division shall not prohibit a person operating a licensed  
11 foster home from applying for or receiving compensation as a foster home  
12 parent due to employment with the state of Arizona.

13 I. A LICENSEE MAY MODIFY THE RENEWAL DATE OF A LICENSE ISSUED PURSUANT  
14 TO THIS SECTION BY SUBMITTING AN APPLICATION FOR MODIFICATION OF RENEWAL DATE  
15 WITH THE DIVISION ON A FORM PRESCRIBED BY THE DIVISION. THE LICENSEE MUST  
16 SPECIFY THE NEW MONTH OF RENEWAL ON THE APPLICATION. THE MODIFIED RENEWAL  
17 DATE MUST BE PRIOR TO, BUT NOT MORE THAN SIX MONTHS EARLIER THAN, THE  
18 EXISTING RENEWAL DATE.

19 Sec. 3. Section 8-514, Arizona Revised Statutes, is amended to read:  
20 8-514. Placement in foster homes

21 A. Subject to the provisions of section 8-514.01, the division or a  
22 licensed child welfare agency if so authorized in its license,— may place a  
23 child in a licensed foster home for care or for adoption. NOTWITHSTANDING ANY  
24 LAW TO THE CONTRARY, THE DIVISION OR A LICENSED CHILD WELFARE AGENCY MAY  
25 PLACE A CHILD IN EXCESS OF THE NUMBER OF CHILDREN ALLOWED AND IDENTIFIED IN A  
26 FOSTER PARENT'S LICENSE IF THE DIVISION OR AGENCY REASONABLY BELIEVES THE  
27 FOSTER HOME HAS THE ABILITY TO SAFELY HANDLE ADDITIONAL CHILDREN AND IF THERE  
28 ARE NO OUTSTANDING CONCERNS, DEFICIENCIES, REPORTS OR INVESTIGATIONS KNOWN BY  
29 THE DIVISION REGARDING THE FOSTER HOME, AND IF THE CHILD MEETS ANY OF THE  
30 FOLLOWING CRITERIA:

31 1. THE CHILD IS PART OF A SIBLING GROUP THAT CURRENTLY RESIDES IN THE  
32 FOSTER HOME.

33 2. THE CHILD IS PART OF A SIBLING GROUP THAT IS BEING CONSIDERED FOR  
34 PLACEMENT IN A FOSTER HOME BUT BECAUSE OF THE MAXIMUM CHILD LIMIT WOULD  
35 OTHERWISE HAVE TO BE SEPARATED.

36 3. THE CHILD PREVIOUSLY RESIDED IN THE FOSTER HOME.

37 4. THE CHILD IS A KINSHIP PLACEMENT FOR THE FOSTER HOME.

38 B. The department shall place a child in the least restrictive type of  
39 placement available, consistent with the needs of the child. The order for  
40 placement preference is as follows:

41 1. With a parent.

42 2. With a grandparent.

43 3. In kinship care with another member of the child's extended family,  
44 including a person who has a significant relationship with the child.

45 4. In licensed family foster care.

1           5. In therapeutic foster care.

2           6. In a group home.

3           7. In a residential treatment facility.

4           C. Notwithstanding subsection B of this section, the order for  
5 placement preference of a native American child is as follows:

6           1. With a member of the child's extended family.

7           2. In a licensed family foster home approved or specified by the  
8 child's tribe.

9           3. In an Indian foster home licensed or approved by an authorized  
10 non-Indian licensing authority.

11           4. In an institution approved by the Indian tribe or operated by an  
12 Indian organization that has a program suitable to meet the Indian child's  
13 needs pursuant to 25 United States Code chapter 21.

14           D. At the time of placement there shall be presented to the foster  
15 parents, by the agency or division placing the child, a written summary of  
16 known, unprivileged, information regarding the child, including but not  
17 limited to:

18           1. Demographic information.

19           2. Type of custody and previous placement.

20           3. Pertinent family information including but not limited to the names  
21 of family members who, by court order, may not visit the child.

22           4. Known or available medical history including but not limited to:

23           (a) Allergies.

24           (b) Immunizations.

25           (c) Childhood diseases.

26           (d) Physical handicaps.

27           (e) Other idiosyncrasies.

28           (f) The child's last doctor, if known.

29           5. A summary of the child's history of adjudication on acts of  
30 delinquency, as may be public record and available in the file of the clerk  
31 of the superior court.

32           E. The responsibility of the agency or the division for a child placed  
33 in a foster home shall be defined in writing and accepted by the person  
34 receiving the child. The agency or division shall make available to the  
35 foster parents a method of acquiring emergency information that may be  
36 necessary to deal with situations that may arise pursuant to their  
37 responsibilities as foster parents.

38           F. Every foster home shall maintain a record of the children received,  
39 which shall include facts in regard to the children and their care and shall  
40 be in the form and kept in the manner prescribed by the division.

~~APPROVED BY THE GOVERNOR APRIL 29, 2013.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 30, 2013.~~

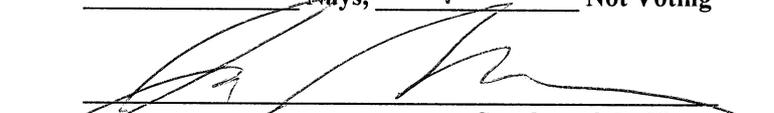


HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 17, 2013,

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

  
Speaker of the House  
*Pro Tempore*  
Cheryl Laube  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

25 day of April, 2013,

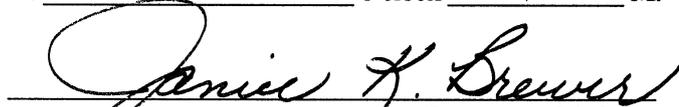
at 3:30 o'clock P M.

  
Secretary to the Governor

Approved this 29<sup>th</sup> day of

April, 2013,

at 3:06 o'clock P M.

  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 30<sup>th</sup> day of April, 2013,

H.B. 2074

at 9:35 o'clock AM M.  
  
Secretary of State