

House Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

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

CHAPTER 151

HOUSE BILL 2529

AN ACT

AMENDING SECTIONS 8-804 AND 36-883, ARIZONA REVISED STATUTES; RELATING TO CHILD CARE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-804, Arizona Revised Statutes, is amended to
3 read:

4 8-804. Central registry; notification

5 A. The department of economic security shall maintain a central
6 registry of reports of child abuse and neglect that are substantiated and the
7 outcome of the investigation of these reports made under this article. A
8 finding made by a court pursuant to section 8-844, subsection C that a child
9 is dependent based on an allegation of abuse or neglect shall be recorded as
10 a substantiated finding of abuse or neglect. The department shall
11 incorporate duplicate reports on the same incident in the original report and
12 shall not classify duplicate reports as new reports.

13 B. The department shall conduct central registry background checks and
14 shall use the information contained in the central registry only for the
15 following purposes:

16 1. As a factor to determine qualifications for foster home licensing,
17 adoptive parent certification, child care home certification, registration of
18 unregulated child care homes with the child care resource and referral
19 system, and home and community based services certification for services to
20 children or vulnerable adults.

21 2. As a factor to determine qualifications for persons who are
22 employed or who are applying for employment with this state in positions that
23 provide direct service to children or vulnerable adults.

24 3. As a factor to determine qualifications for positions that provide
25 direct service to children or vulnerable adults for:

26 (a) Any person who applies for a contract with this state and that
27 person's employees.

28 (b) All employees of a contractor.

29 (c) A subcontractor of a contractor and the subcontractor's employees.

30 (d) Prospective employees of the contractor or subcontractor at the
31 request of the prospective employer.

32 4. Beginning August 1, 2013, to provide information, ~~using the~~
33 ~~department of economic security's contracting requirements,~~ to licensees that
34 do not contract with this state regarding persons who are employed or seeking
35 employment to provide direct services to children pursuant to title 36,
36 chapter 7.1.

37 5. To identify and review reports concerning individual children and
38 families, in order to facilitate the assessment of safety and risk.

39 6. To determine the nature and scope of child abuse and neglect in
40 this state and to provide statewide statistical and demographic information
41 concerning trends in child abuse and neglect.

42 7. To allow comparisons of this state's statistical data with national
43 data.

44 8. To comply with section 8-804.01, subsection B.

1 C. Beginning August 1, 2013, licensees that do not contract with the
2 state and that employ persons who provide direct services to children
3 pursuant to title 36, chapter 7.1 must submit to the department of economic
4 security in a manner prescribed by the department of economic security
5 information necessary to conduct central registry background checks. The
6 department of health services shall verify whether licensees, pursuant to
7 title 36, chapter 7.1, have complied with the requirements of this subsection
8 and any rules adopted by the department of health services to implement this
9 subsection.

10 D. If the department received a report before September 1, 1999 and
11 determined that the report was substantiated, the department shall maintain
12 the report in the central registry until eighteen years from the child
13 victim's date of birth.

14 E. If the department received a report on or after September 1, 1999
15 and determined that the report was substantiated, the department shall
16 maintain the report in the central registry for twenty-five years after the
17 date of the report.

18 F. The department shall annually purge reports and investigative
19 outcomes received pursuant to the time frames prescribed in subsections D and
20 E of this section.

21 G. Any person who was the subject of a child protective services
22 investigation may request confirmation that the department has purged
23 information about the person pursuant to subsection F of this section. On
24 receipt of this request, the department shall provide the person with written
25 confirmation that the department has no record containing identifying
26 information about that person.

27 H. The department of economic security shall notify a person,
28 contractor or licensee identified in subsection B, paragraph 3, subdivisions
29 (a), (b) and (c) and subsection B, paragraph 4 of this section who is
30 disqualified because of a central registry check conducted pursuant to
31 subsection B of this section that the person may apply to the board of
32 fingerprinting for a central registry exception pursuant to section
33 41-619.57.

34 I. Before being employed in a position that provides direct services
35 to children or vulnerable adults pursuant to subsection B, paragraph
36 PARAGRAPHS 3 AND 4 or subsection C of this section, employees shall certify,
37 UNDER PENALTY OF PERJURY, on forms that are provided by the department of
38 economic security whether an allegation of abuse or neglect was made against
39 them and was substantiated. The forms are confidential. IF THIS
40 CERTIFICATION DOES NOT INDICATE A CURRENT INVESTIGATION OR A SUBSTANTIATED
41 REPORT OF ABUSE OR NEGLECT, THE EMPLOYEE MAY PROVIDE DIRECT SERVICES PENDING
42 THE FINDINGS OF THE CENTRAL REGISTRY CHECK.

43 J. A person who is granted a central registry exception pursuant to
44 section 41-619.57 is not entitled to a contract, employment, licensure,

1 certification or other benefit because the person has been granted a central
2 registry exception.

3 K. AN AGENCY OF THE STATE THAT CONDUCTS CENTRAL REGISTRY BACKGROUND
4 CHECKS AS A FACTOR TO DETERMINE QUALIFICATIONS FOR POSITIONS THAT PROVIDE
5 DIRECT SERVICE TO CHILDREN OR VULNERABLE ADULTS SHALL PUBLISH A LIST OF
6 DISQUALIFYING ACTS OF SUBSTANTIATED ABUSE OR NEGLECT.

7 L. AN AGENCY OF THE STATE THAT CONDUCTS CENTRAL REGISTRY BACKGROUND
8 CHECKS MAY PROVIDE INFORMATION CONTAINED IN THE CENTRAL REGISTRY ON ALL
9 REPORTS OF CHILD ABUSE AND NEGLECT THAT ARE SUBSTANTIATED AND THE OUTCOMES OF
10 THE INVESTIGATIONS OF THE REPORTS TO CARRY OUT THE PROVISIONS OF THIS
11 SECTION. IDENTIFYING INFORMATION REGARDING ANY PERSON OTHER THAN THE
12 PERPETRATOR CANNOT BE RELEASED. INFORMATION RECEIVED PURSUANT TO THIS
13 SECTION CANNOT BE FURTHER DISSEMINATED UNLESS AUTHORIZED BY LAW OR COURT
14 ORDER.

15 Sec. 2. Section 36-883, Arizona Revised Statutes, is amended to read:
16 36-883. Standards of care; rules; classifications

17 A. The director of the department of health services shall prescribe
18 reasonable rules regarding the health, safety and well-being of the children
19 to be cared for in a child care facility. These rules shall include
20 standards for the following:

21 1. Adequate physical facilities for the care of children such as
22 building construction, fire protection, sanitation, sleeping facilities,
23 isolation facilities, toilet facilities, heating, ventilation, indoor and
24 outdoor activity areas and, if provided by the facility, transportation
25 safely to and from the premises.

26 2. Adequate staffing per number and age groups of children by persons
27 qualified by education or experience to meet their respective
28 responsibilities in the care of children.

29 3. Activities, toys and equipment to enhance the development of each
30 child.

31 4. Nutritious and well-balanced food.

32 5. Encouragement of parental participation.

33 6. Exclusion of any person from the facility whose presence may be
34 detrimental to the welfare of children.

35 B. The department shall adopt rules pursuant to title 41, chapter 6
36 and section 36-115.

37 C. Any rule that relates to educational activities, physical
38 examination, medical treatment or immunization shall include appropriate
39 exemptions for children whose parents object on the ground that it conflicts
40 with the tenets and practices of a recognized church or religious
41 denomination of which the parent or child is an adherent or member.

42 D. The department of health services shall conduct a comprehensive
43 review of its rules at least once every two years. Before conducting this
44 review, the department shall consult with agencies and organizations that are

1 knowledgeable about the provision of child care facilities to children
2 including:
3 1. The department of economic security.
4 2. The department of education.
5 3. The state fire marshal.
6 4. The league of Arizona cities and towns.
7 5. Citizen groups.
8 6. LICENSED CHILD CARE FACILITY REPRESENTATIVES.
9 E. The department shall designate appropriate classifications and
10 establish corresponding standards pertaining to the type of care
11 offered. These classifications shall include:
12 1. Facilities offering infant care.
13 2. Facilities offering specific educational programs.
14 3. Facilities offering evening and nighttime care.
15 F. Rules for the operation of child care facilities shall be stated in
16 a way that clearly states the purpose of each rule.

APPROVED BY THE GOVERNOR APRIL 29, 2013.

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

Passed the House February 28, 2013

Passed the Senate April 25, 2013

by the following vote: 56 Ayes,

by the following vote: 29 Ayes,

1 Nays, 3 Not Voting

0 Nays, 1 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

25 day of April, 2013

at 3:30 o'clock P M.

[Signature]
Secretary to the Governor

Approved this 29th day of

April

at 3:11 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 30th day of April, 2013

at 9:35 o'clock a M.

[Signature]
Secretary of State