Senate Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Fifty-first Legislature
Second Special Session
2014

CHAPTER 1

SENATE BILL 1001

AN ACT

AMENDING SECTION 5-572, ARIZONA REVISED STATUTES; CHANGING THE DESIGNATION OF TITLE 8, ARIZONA REVISED STATUTES, TO "CHILD SAFETY"; AMENDING SECTIONS 8-101, 8-106.01, 8-113, 8-141, 8-142, 8-161, 8-171, 8-201, 8-201.01, 8-202, 8-241, 8-242, 8-243.01, 8-271, 8-303, 8-304 AND 8-341.01, ARIZONA REVISED STATUTES; AMENDING TITLE 8, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 4; TRANSFERRING AND RENUMBERING SECTION 41-1969.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, CHAPTER 220, SECTION 5, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS SECTION 8-471; AMENDING SECTION 8-471, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 8, ARTICLE 1, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 41, CHAPTER 14, ARIZONA REVISED STATUTES, AS ARTICLE 5; TRANSFERRING AND RENUMBERING SECTIONS 8-651 AND 8-652, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 41, CHAPTER 14, ARTICLE 5, ARIZONA REVISED STATUTES, AS SECTIONS 41-2021 AND 41-2022, RESPECTIVELY; REPEALING THE CHAPTER HEADING OF FORMER TITLE 8, CHAPTER 8, ARIZONA REVISED STATUTES; CHANGING THE DESIGNATION OF TITLE 41, CHAPTER 14, ARTICLE 5, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT, TO "EARLY INTERVENTION PROGRAMS AND SERVICES FOR INFANTS AND TODDLERS"; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 9, ARTICLE 1, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 3; TRANSFERRING AND RENUMBERING SECTION 8-701, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARTICLE 3, ARIZONA REVISED STATUTES, AS SECTION 8-481; REPEALING THE CHAPTER HEADING OF FORMER TITLE 8, CHAPTER 9, ARIZONA REVISED

STATUTES; CHANGING THE DESIGNATION OF TITLE 8, CHAPTER 4, ARTICLE 3, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT, TO "HEALTHY FAMILIES PROGRAM"; AMENDING SECTION 8-481, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT; REPEALING TITLE 8, CHAPTER 11, ARIZONA REVISED STATUTES; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 4; REPEALING THE CHAPTER HEADING OF FORMER TITLE 8, CHAPTER 5, ARIZONA REVISED STATUTES; CHANGING THE DESIGNATION OF TITLE 8, CHAPTER 4, ARTICLE 4, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT, TO "CHILD WELFARE AND PLACEMENT"; AMENDING SECTION 8-501, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; REPEALING SECTION 8-502, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; AMENDING SECTIONS 8-503.01, 8-506, 8-506.01, 8-507, 8-512, 8-514.01, 8-514.03, 8-514.04, 8-514.05, 8-520, 8-521 AND 8-525, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 5, ARTICLE 2, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 5; AMENDING SECTIONS 8-531, 8-532 AND 8-533, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 5, ARTICLE 4, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 6; AMENDING SECTION 8-548.05, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 5, ARTICLE 5, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 7; REPEALING SECTION 8-550, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 6, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 36, ARIZONA REVISED STATUTES, AS CHAPTER 39; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 36, CHAPTER 39, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 1; TRANSFERRING AND RENUMBERING SECTIONS 8-551, 8-552, 8-553, 8-554, 8-555, 8-556, 8-557, 8-558, 8-560, 8-561, 8-564, 8-565, 8-566, 8-567 AND 8-568, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 36, CHAPTER 39, ARTICLE 1, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS SECTIONS 36-3901, 36-3902, 36-3903, 36-3904, 36-3905, 36-3906, 36-3907, 36-3908, 36-3909, 36-3910, 36-3911, 36-3912, 36-3913, 36-3914 AND 36-3915, RESPECTIVELY; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 7, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 25, ARIZONA REVISED STATUTES, AS CHAPTER 10; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 25, CHAPTER 10, ARIZONA REVISED STATUTES, AS ARTICLE 1; TRANSFERRING AND RENUMBERING SECTION 8-601, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 25, CHAPTER 10, ARTICLE 1, AS ADDED BY THIS ACT, AS SECTION 25-1401; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 10, ARTICLE 1, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 8; REPEALING THE CHAPTER HEADING OF FORMER TITLE 8, CHAPTER 10, ARIZONA REVISED STATUTES; CHANGING THE DESIGNATION OF TITLE 8, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT, TO "DEPENDENT CHILDREN"; REPEALING SECTION 8-800, ARIZONA REVISED STATUTES, AS TRANSFERRED

BY THIS ACT; AMENDING SECTION 8-801, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; AMENDING SECTION 8-802, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, FIRST SPECIAL SESSION, CHAPTER 5, SECTION 1 AND AS TRANSFERRED BY THIS ACT; REPEALING SECTION 8-802, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, CHAPTER 220, SECTION 2 AND AS TRANSFERRED BY THIS ACT; AMENDING SECTIONS 8-803, 8-804, 8-806, 8-807, 8-808, 8-810, 8-811, 8-812, 8-814, 8-816, 8-817 AND 8-818, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 10, ARTICLE 2, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 9; AMENDING SECTIONS 8-821, 8-823, 8-824, 8-825 AND 8-830, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 10, ARTICLE 3, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 10; AMENDING SECTIONS 8-843, 8-845 AND 8-846, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 10, ARTICLE 4, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 11; AMENDING SECTION 8-862, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 10, ARTICLE 5, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 12; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 10, ARTICLE 6, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 13; AMENDING SECTIONS 8-881, 8-882, 8-883 AND 8-884, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; TRANSFERRING AND RENUMBERING TITLE 8, CHAPTER 10, ARTICLE 7, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS ARTICLE 14; AMENDING SECTION 8-891, ARIZONA REVISED STATUTES, AS TRANSFERRED BY THIS ACT; AMENDING SECTIONS 12-692, 13-2929, 13-3620, 13-3623.01, 15-765, 15-825, 15-1181, 15-1204, 25-403.03, 25-807, 32-3271, 35-101, 35-148, 36-324, 36-558.01, 36-664, 36-698, 36-883, 36-1201, 36-2282, 36-2284, 36-2901, 36-2906, 36-2930, 36-2988, 36-3434, 36-3435, 36-3501 AND 36-3502, ARIZONA REVISED STATUTES; AMENDING SECTION 36-3903, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT; AMENDING SECTION 41-191.09, ARIZONA REVISED STATUTES; AMENDING SECTION 41-619.51, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, CHAPTER 128, SECTION 11; REPEALING SECTION 41-619.51, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, CHAPTER 129, SECTION 24; AMENDING SECTIONS 41-619.52, 41-619.53, 41-619.57, 41-621 AND 41-803, ARIZONA REVISED STATUTES; AMENDING SECTION 41-1005, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, FIRST SPECIAL SESSION, CHAPTER 10, SECTION 10; REPEALING LAWS 2013, CHAPTER 231, SECTION 3; REPEALING SECTION 41-1005, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, CHAPTER 231, SECTION 4; AMENDING SECTIONS 41-1092.02, 41-1376, 41-1380 AND 41-1750, ARIZONA REVISED STATUTES; AMENDING SECTION 41-1758, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, CHAPTER 128, SECTION 12 AND CHAPTER 174, SECTION 2; REPEALING SECTION 41-1758, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, CHAPTER 129, SECTION 25; AMENDING SECTION 41-1954, ARIZONA REVISED STATUTES; REPEALING SECTION 41-1969.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, FIRST SPECIAL SESSION, CHAPTER 5, SECTION 9; AMENDING SECTION 41-2021, ARIZONA REVISED STATUTES, AS

TRANSFERRED AND RENUMBERED BY THIS ACT; AMENDING SECTIONS 41-2501, 41-2636 AND 41-2752, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3024.06; AMENDING SECTIONS 41-3802, 41-3804, 43-613, 43-1505, 46-101 AND 46-134, ARIZONA REVISED STATUTES; TRANSFERRING AND RENUMBERING SECTION 46-139, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 8, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT, AS SECTION 8-462; AMENDING SECTIONS 46-141, 46-295, 46-300.05, 46-803 AND 46-806, ARIZONA REVISED STATUTES; AMENDING LAWS 2012, CHAPTER 50, SECTION 1, AS AMENDED BY LAWS 2013, CHAPTER 220, SECTION 6; RELATING TO CHILD SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 5-572, Arizona Revised Statutes, is amended to read:

5-572. Use of monies in state lottery fund; report

A. If there are any bonds or bond related obligations payable from the state lottery revenue bond debt service fund, the state lottery revenue bond debt service fund shall be secured by a first lien on the monies in the state lottery fund after the payment of operating costs of the lottery, as prescribed in section 5-555, subsection A, paragraph 1, until the state lottery bond debt service fund contains sufficient monies to meet all the requirements for the current period as required by the bond documents. Debt service for revenue bonds issued pursuant to this chapter shall be paid first from monies that would have otherwise been deposited pursuant to this section in the state general fund. After the requirements for the current period have been satisfied as required by the bond documents, the monies in the state lottery fund shall be expended for the expenses of the commission incurred in carrying out its powers and duties and in the operation of the lottery.

B. Of the monies remaining in the state lottery fund each fiscal year after appropriations and deposits authorized in subsection A of this section, ten million dollars shall be deposited in the Arizona game and fish commission heritage fund established by section 17-297.

C. Of the monies remaining in the state lottery fund each fiscal year after appropriations and deposits authorized in subsections A and B of this section, five million dollars shall be allocated to the department of ~~economic security~~ CHILD SAFETY for the healthy families program established by section ~~8-701~~ 8-481, four million dollars shall be allocated to the Arizona board of regents for the Arizona area health education system established by section 15-1643, three million dollars shall be allocated to the department of health services to fund the teenage pregnancy prevention programs established in Laws 1995, chapter 190, sections 2 and 3, two million dollars shall be allocated to the department of health services for the health start program established by section 36-697, two million dollars shall be deposited in the disease control research fund established by section 36-274 and one million dollars shall be allocated to the department of health services for the federal women, infants and children food program. The allocations in this subsection shall be adjusted annually according to changes in the GDP price deflator as defined in section 41-563 and the allocations are exempt from the provisions of section 35-190 relating to lapsing of appropriations. If there are not sufficient monies available pursuant to this subsection, the allocation of monies for each program shall be reduced on a pro rata basis.

D. If the state lottery director determines that monies available to the state general fund may not equal eighty-four million one hundred fifty thousand dollars in a fiscal year, the director shall not authorize deposits

to the Arizona game and fish commission heritage fund pursuant to subsection B of this section until the deposits to the state general fund equal eighty-four million one hundred fifty thousand dollars in a fiscal year.

E. Of the monies remaining in the state lottery fund each fiscal year after appropriations and deposits authorized in subsections A through D of this section, one million dollars or the remaining balance in the fund, whichever is less, is appropriated to the department of economic security for grants to nonprofit organizations, including faith based organizations, for homeless emergency and transitional shelters and related support services. The department of economic security shall submit a report on the amounts, recipients, purposes and results of each grant to the governor, the speaker of the house of representatives and the president of the senate on or before December 31 of each year for the prior fiscal year and shall provide a copy of this report to the secretary of state.

F. Of the monies remaining in the state lottery fund each fiscal year after appropriations and deposits authorized in subsections A through E of this section, and after a total of at least ninety-nine million six hundred forty thousand dollars has been deposited in the state general fund, three million five hundred thousand dollars shall be deposited in the Arizona competes fund established by section 41-1545.01. The balance in the state lottery fund remaining after deposits into the Arizona competes fund shall be deposited in the university capital improvement lease-to-own and bond fund established by section 15-1682.03, up to a maximum of eighty per cent of the total annual payments of lease-to-own and bond agreements entered into by the Arizona board of regents.

G. All monies remaining in the state lottery fund after the appropriations and deposits authorized in this section shall be deposited in the state general fund.

H. Except for monies expended for debt service of revenue bonds as provided in subsection A of this section, monies expended under subsection A of this section are subject to legislative appropriation.

Sec. 2. Heading change

The title heading of title 8, Arizona Revised Statutes, is changed from "CHILDREN" to "CHILD SAFETY".

Sec. 3. Section 8-101, Arizona Revised Statutes, is amended to read:

8-101. Definitions

In this article, unless the context otherwise requires:

1. "Adult" means a person eighteen years of age or older.

2. "Agency" means a person other than the division licensed by the division to place children for adoption, including an attorney or law firm.

3. "Agency placement adoption" means an adoption proceeding in which one or more of the requisite consents are given to an agency pursuant to section 8-107, subsection D, paragraph 1.

4. "Child" means any person under eighteen years of age.

5. "Custody" means a status embodying all of the following rights and responsibilities:

(a) The right to have the physical possession of the child.

(b) The right and the duty to protect, train and discipline the child.

(c) The responsibility to provide the child with food, shelter, education and health care, and the authority to consent to surgery or other extraordinary medical care in an emergency.

6. "Direct placement adoption" means an adoption proceeding in which one or more of the requisite consents are given to a particular person pursuant to section 8-107, subsection D, paragraph 2.

7. "Division" means the department of ~~economic security~~ CHILD SAFETY.

8. "Juvenile court" or "court" means the juvenile division of the superior court.

9. "Permanent guardian" means a legal guardian appointed by the court pursuant to section 8-525.

10. "Petitioner" includes both petitioners under a joint petition.

Sec. 4. Section 8-106.01, Arizona Revised Statutes, is amended to read:

8-106.01. Putative fathers registry; claim of paternity; adoptive interest

A. A person who is seeking paternity, who wants to receive notice of adoption proceedings and who is the father or claims to be the father of a child shall file notice of a claim of paternity and of his willingness and intent to support the child to the best of his ability with the state registrar of vital statistics in the department of health services. The department of health services shall provide forms for the purpose of filing the notice of a claim of paternity. Forms shall be made available in the department of health services, the office of the clerk of the board of supervisors in each county, every hospital, every licensed child placement agency, the department of economic security, THE DEPARTMENT OF CHILD SAFETY, sheriff's offices, jails, prisons, state department of corrections facilities and department of juvenile corrections facilities.

B. The notice of a claim of paternity may be filed before the birth of the child but shall be filed within thirty days after the birth of the child. The notice of a claim of paternity shall be signed by the putative father and shall include his name and address, the name and last known address of the birth mother and either the birth date of the child or the probable month and year of the expected birth of the child. The putative father who files a notice of a claim of paternity under this section shall notify the registrar of vital statistics of any change of his address. The department of health services shall maintain a confidential registry for this purpose. The department shall only respond to written inquiries of the confidential registry that are received from the court, the division, a licensed adoption agency or a licensed attorney participating or assisting in

a direct placement adoption. The department shall provide a certificate signed by the state registrar of vital statistics stating that a diligent search has been made of the registry of notices of claims of paternity from putative fathers listing all filings found or stating that no filing has been found pertaining to the father of the child in question.

C. If the court determines the claimant is not the child's father it shall notify the department of health services and shall order the department to remove that person's name from the putative fathers registry.

D. If the mother denies that the putative father filing the notice of a claim of paternity is the father, the department of health services shall notify the putative father of his responsibility to establish paternity.

E. A putative father who does not file a notice of a claim of paternity as required under this section waives his right to be notified of any judicial hearing regarding the child's adoption and his consent to the adoption is not required, unless he proves, by clear and convincing evidence, both of the following:

1. It was not possible for him to file a notice of a claim of paternity within the period of time specified in subsection B of this section.

2. He filed a notice of a claim of paternity within thirty days after it became possible for him to file.

F. Lack of knowledge of the pregnancy is not an acceptable reason for failure to file. The fact that the putative father had sexual intercourse with the mother is deemed to be notice to the putative father of the pregnancy.

G. When a certificate provided pursuant to subsection B of this section is received by the court, the division, a licensed adoption agency or a licensed attorney participating or assisting in a direct placement adoption from the department that lists filings of a putative father or fathers, the putative father or fathers who filed timely notices of claims of paternity and who have not previously been served shall be served with the notice prescribed in section 8-106, subsection G. A putative father who fails to file a paternity action pursuant to title 25, chapter 6, article 1 within thirty days of completion of service of the notice prescribed in section 8-106 is barred from bringing or maintaining any action to assert any interest in the child.

H. If in any adoption proceeding there is not a showing that a putative father has consented to the adoption or has waived his rights regarding the proposed adoption, the petitioner shall file with the court, before the court enters a final decree of adoption, a certificate from the department of health services signed by the state registrar of vital statistics stating that a diligent search has been made of the registry of notices of claims of paternity from putative fathers and that no filing has been found pertaining to the father of the child in question.

Sec. 5. Section 8-113, Arizona Revised Statutes, is amended to read:

8-113. Removal from home; expedited hearings; probationary period; rights and responsibilities; visitation limitations

A. A child who has been placed in a certified adoptive home by any agency or the division shall not be removed from the home except on order of the juvenile court. The agency or the division may request a hearing for removal before the juvenile court, and in those cases, a hearing shall be held not less than ten days after notice has been given to the certified prospective adoptive parent or parents.

B. This section does not prohibit prospective adoptive parents from voluntarily returning any child to the placing agency or the division or does not prevent the removal of a child pursuant to section 8-456 OR 8-821 ~~or 8-802~~.

C. Pending the final adoption hearing, the child is subject to further investigation by the division, an officer of the court or an agency that is required to do the social study pursuant to section 8-105.

D. The court shall hold the hearing on the petition:

1. Within sixty days if the child has resided in the home of the prospective adoptive parent or parents for at least one year immediately preceding the filing of the petition for adoption. If the prospective adoptive parent is the stepparent of the child, this requirement applies only if the stepparent has been married to the birth or legal parent of the child for at least one year.

2. Within ninety days if the child is under three years of age or has resided in the home of the prospective adoptive parent or parents for at least six months preceding the filing of the petition for adoption. If the prospective adoptive parent is the stepparent of the child, this requirement applies only if the stepparent has been married to the birth or legal parent of the child for at least one year.

3. In all other cases, within six months after the filing of the petition for adoption.

E. If subsection D, paragraph 1 or 2 of this section applies, the petitioner shall file a notification of that fact with the petition to adopt.

F. The court shall postpone a hearing scheduled to be held pursuant to subsection D of this section if the court has not received the results of the criminal records check at least forty-eight hours before the final hearing. The court shall reschedule the hearing within twenty-one days after receiving the results.

G. The court or the petitioner may postpone the final hearing up to sixty days in order to give notice to any interested party or for other good cause.

H. The court shall hold an expedited hearing on a motion that is supported by a sworn affidavit that the expedited hearing is in the child's best interests and that any of the following is true:

1. The child is suffering from a chronically debilitating, progressive or fatal disease as diagnosed by a licensed physician.

2. A prospective adoptive parent, birth parent or legal parent is terminally ill, as diagnosed by a licensed physician.

3. The court finds other compelling reasons relating to the special needs and welfare of the child to expedite the hearing.

I. During the probationary period or any extension, prospective adoptive parents who have complied with the provisions of this chapter have the following rights and responsibilities with respect to the child:

1. The right to physical custody of the child unless the child is removed by order of the juvenile court after notice and a hearing.

2. The right to consent to necessary medical procedures for the child.

3. The right to consent to participation in social and athletic activities for the child.

4. The responsibility to provide proper care and support for the child in addition to that already provided by the placing agency or division.

5. The right to refuse visitation between the child and a birth parent if that parent's rights have been terminated pending appeal unless the juvenile court orders visitation.

6. On request, the right to be notified by the agency or the division of and to participate in all meetings in which the division is making decisions relating to the child in the prospective adoptive home.

7. On request, the right to notification from the agency or the division of an appeal of the termination of the birth parent's parental rights.

Sec. 6. Section 8-141, Arizona Revised Statutes, is amended to read:

8-141. Definitions; exception

A. In this article, unless the context otherwise requires:

1. "Adoption subsidy" means a grant that is provided to a child with special needs and that has been applied for through the department.

2. "Agency" means the department or a child welfare agency ~~which~~ THAT is authorized in its license issued by the department to place or care for children in foster care.

3. "Application" means the completion of the department application form with documentation of the child's special needs.

4. "Child" means any person who is under the age of eighteen years, who is legally free for adoption and who otherwise may not be adopted because the person has special needs.

~~5. "Department" means the department of economic security.~~

~~6.~~ 5. "Developmental disability" has the same meaning as provided in section 36-551.

~~7.~~ 6. "Emotional disturbance" means a condition which impedes the child's ordinary developmental progress as defined by accepted psychiatric or psychological standards and as diagnosed by one or more psychiatrists or psychologists approved by the department.

~~8.~~ 7. "Emotional ties" includes:

(a) Identification of the child as a member of the foster family.

(b) Identification by the foster family of the child as belonging to that family.

(c) The likelihood that the child will not establish significant emotional ties to another family if he is denied permanent placement with the foster family.

~~9.~~ 8. "High risk of physical or mental disease" means a potentially debilitating condition as defined by accepted standards of the health service profession and as certified by one or more health service providers approved by the department.

~~10.~~ 9. "High risk of severe emotional disturbance if removed from the care of his foster parents" means the development of significant emotional ties to the foster family as documented by the child's case manager and as diagnosed by a psychiatrist or psychologist approved by the department.

~~11.~~ 10. "Mental disability" means a lifelong condition which is characterized by impaired intellectual development and impedes the ability to function independently as defined by accepted national standards and as certified by a psychologist, physician or child development specialist approved by the department.

~~12.~~ 11. "Physical disability" means one of the following conditions:

(a) A chronically debilitating, progressive or fatal disease which requires assistance for the child in activities of daily living.

(b) The requirement of assistance of another person or mechanical device for movement from place to place.

~~13.~~ 12. "Racial or ethnic factors" means Black, Hispanic, Native American, Asian or other heritage which may prevent a child from being adopted by a family of similar racial or ethnic origin.

~~14.~~ 13. "Special needs" means one or more of the following conditions which existed before the finalization of adoption:

(a) Physical, mental or developmental disability.

(b) Emotional disturbance.

(c) High risk of physical or mental disease.

(d) High risk of developmental disability.

(e) Age of six or more years at the time of application for an adoption subsidy.

(f) Sibling relationship.

(g) Racial or ethnic factors.

(h) High risk of severe emotional disturbance if removed from the care of his foster parents.

(i) Any combination of the special needs described in this paragraph.

B. The condition described in subsection A, paragraph ~~14~~ 13, subdivision (h), is not a special need unless the foster care relationship existed before the foster adoption placement was made.

Sec. 7. Section 8-142, Arizona Revised Statutes, is amended to read:

8-142. Adoption subsidy program; funding; claims; limitation

A. The department ~~of economic security~~ shall establish and administer an ongoing program of subsidized adoption. Adoption subsidies shall be provided from monies appropriated to the department or made available to it from other sources.

B. The department ~~of economic security~~ shall not pay claims for a special services subsidy ~~which~~ THAT are submitted more than nine months after the date of the service for which payment is claimed except as authorized by rules of the department.

C. The department ~~of economic security~~ shall not consider an applicant for a state adoption subsidy until the applicant has applied for all existing federal eligibility categories under the title IV-E program.

D. The total amount that may be expended in any fiscal year by the department ~~of economic security~~ for the adoption subsidy program shall not exceed the amount appropriated in the general appropriations act for the program and any monies granted by the federal government, together with additional amounts appropriated for the program by any special legislative appropriation. Transfers of monies between and among classes and programs shall continue to be permitted in accordance with the provisions of section 35-173.

Sec. 8. Section 8-161, Arizona Revised Statutes, is amended to read:

8-161. Definitions

In this article, unless the context otherwise requires:

1. "Application" means the completion of the department application form with documentation of the child's special needs and nonrecurring expenses related to the adoption.

2. "Child" means a person who is under the age of eighteen years and who is adopted in this state or placed for adoption from this state.

~~3. "Department" means the department of economic security.~~

~~4.~~ 3. "Nonrecurring adoption expenses" means reasonable and necessary adoption fees, court costs, attorney fees and expenses which are directly related to the legal process of adoption of a child with special needs including costs relating to the adoption study, health and psychological examinations, supervision of the placement before the adoption, transportation and reasonable costs of lodging and food for the child or adoptive parents which are incurred to complete the adoption process, meet federal requirements and are not reimbursed by other sources.

~~5.~~ 4. "Special needs" has the same meaning as provided in section 8-141.

Sec. 9. Section 8-171, Arizona Revised Statutes, is amended to read:

8-171. Definitions

In this article, unless the context otherwise requires:

1. "Adoption assistance" means payments, medical assistance or benefits provided by an adoption assistance state pursuant to applicable federal and state laws.

2. "Adoption assistance state" means a state that is a signatory to an interstate adoption assistance compact.

~~3. "Department" means the department of economic security.~~

~~4.~~ 3. "State" means a state, district, commonwealth or territory of the United States.

Sec. 10. Section 8-201, Arizona Revised Statutes, is amended to read:

8-201. Definitions

In this title, unless the context otherwise requires:

1. "Abandoned" means the failure of the parent to provide reasonable support and to maintain regular contact with the child, including providing normal supervision. Abandoned includes a judicial finding that a parent has made only minimal efforts to support and communicate with the child. Failure to maintain a normal parental relationship with the child without just cause for a period of six months constitutes prima facie evidence of abandonment.

2. "Abuse" means the infliction or allowing of physical injury, impairment of bodily function or disfigurement or the infliction of or allowing another person to cause serious emotional damage as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior and which emotional damage is diagnosed by a medical doctor or psychologist and is caused by the acts or omissions of an individual ~~having~~ WHO HAS THE care, custody and control of a child. Abuse includes:

(a) Inflicting or allowing sexual abuse pursuant to section 13-1404, sexual conduct with a minor pursuant to section 13-1405, sexual assault pursuant to section 13-1406, molestation of a child pursuant to section 13-1410, commercial sexual exploitation of a minor pursuant to section 13-3552, sexual exploitation of a minor pursuant to section 13-3553, incest pursuant to section 13-3608 or child prostitution pursuant to section 13-3212.

(b) Physical injury that results from permitting a child to enter or remain in any structure or vehicle in which volatile, toxic or flammable chemicals are found or equipment is possessed by any person for the purpose of manufacturing a dangerous drug as defined in section 13-3401.

(c) Unreasonable confinement of a child.

3. "Adult" means a person who is eighteen years of age or older.

4. "Adult court" means the appropriate justice court, municipal court or criminal division of the superior court that has jurisdiction to hear proceedings concerning offenses committed by juveniles as provided in sections 8-327 and 13-501.

5. "Award" or "commit" means to assign legal custody.

6. "Child", "youth" or "juvenile" means an individual who is under the age of eighteen years.

7. "Complaint" means a written statement of the essential facts constituting a public offense that is any of the following:

(a) Made on an oath before a judge or commissioner of the superior court or an authorized juvenile hearing officer.

(b) Made pursuant to section 13-3903.

(c) Accompanied by an affidavit of a law enforcement officer or employee that swears on information and belief to the accuracy of the complaint pursuant to section 13-4261.

8. "CRIMINAL CONDUCT ALLEGATION" MEANS AN ALLEGATION OF CONDUCT BY A PARENT, GUARDIAN OR CUSTODIAN OF A CHILD OR AN ADULT MEMBER OF THE VICTIM'S HOUSEHOLD THAT, IF TRUE, WOULD CONSTITUTE ANY OF THE FOLLOWING:

(a) A VIOLATION OF SECTION 13-3623 INVOLVING CHILD ABUSE.

(b) A FELONY OFFENSE THAT CONSTITUTES DOMESTIC VIOLENCE AS DEFINED IN SECTION 13-3601.

(c) A VIOLATION OF SECTION 13-1404 OR 13-1406 INVOLVING A MINOR.

(d) A VIOLATION OF SECTION 13-1405, 13-1410 OR 13-1417.

(e) ANY OTHER ACT OF ABUSE THAT IS CLASSIFIED AS A FELONY.

(f) AN OFFENSE THAT CONSTITUTES DOMESTIC VIOLENCE AS DEFINED IN SECTION 13-3601 AND THAT INVOLVES A MINOR WHO IS A VICTIM OF OR WAS IN IMMINENT DANGER DURING THE DOMESTIC VIOLENCE.

~~8.~~ 9. "Custodian" means a person, other than a parent or legal guardian, who stands in loco parentis to the child or a person to whom legal custody of the child has been given by order of the juvenile court.

~~9.~~ 10. "Delinquency hearing" means a proceeding in the juvenile court to determine whether a juvenile has committed a specific delinquent act as set forth in a petition.

~~10.~~ 11. "Delinquent act" means an act by a juvenile that if committed by an adult would be a criminal offense or a petty offense, a violation of any law of this state, or of another state if the act occurred in that state, or a law of the United States, or a violation of any law that can only be violated by a minor and that has been designated as a delinquent offense, or any ordinance of a city, county or political subdivision of this state defining crime. Delinquent act does not include an offense under section 13-501, subsection A or B if the offense is filed in adult court. Any juvenile who is prosecuted as an adult or who is remanded for prosecution as an adult shall not be adjudicated as a delinquent juvenile for the same offense.

~~11.~~ 12. "Delinquent juvenile" means a child who is adjudicated to have committed a delinquent act.

~~12.~~ 13. "Department" means the department of ~~economic security~~ CHILD SAFETY.

1 ~~13.~~ 14. "Dependent child":
2 (a) Means a child who is adjudicated to be:
3 (i) In need of proper and effective parental care and control and who
4 has no parent or guardian, or one who has no parent or guardian willing to
5 exercise or capable of exercising such care and control.
6 (ii) Destitute or who is not provided with the necessities of life,
7 including adequate food, clothing, shelter or medical care.
8 (iii) A child whose home is unfit by reason of abuse, neglect, cruelty
9 or depravity by a parent, a guardian or any other person having custody or
10 care of the child.
11 (iv) Under eight years of age and who is found to have committed an
12 act that would result in adjudication as a delinquent juvenile or
13 incorrigible child if committed by an older juvenile or child.
14 (v) Incompetent or not restorable to competency and who is alleged to
15 have committed a serious offense as defined in section 13-706.
16 (b) Does not include a child who in good faith is being furnished
17 Christian Science treatment by a duly accredited practitioner if none of the
18 circumstances described in subdivision (a) of this paragraph exists.
19 ~~14.~~ 15. "Detention" means the temporary confinement of a juvenile who
20 requires secure care in a physically restricting facility that is completely
21 surrounded by a locked and physically secure barrier with restricted ingress
22 and egress for the protection of the juvenile or the community pending court
23 disposition or as a condition of probation.
24 16. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.
25 ~~15.~~ 17. "Health professional" has the same meaning prescribed in
26 section 32-3201.
27 ~~16.~~ 18. "Incorrigible child" means a child who:
28 (a) Is adjudicated as a child who refuses to obey the reasonable and
29 proper orders or directions of a parent, guardian or custodian and who is
30 beyond the control of that person.
31 (b) Is habitually truant from school as defined in section 15-803,
32 subsection C.
33 (c) Is a runaway from the child's home or parent, guardian or
34 custodian.
35 (d) Habitually behaves in such a manner as to injure or endanger the
36 morals or health of self or others.
37 (e) Commits any act constituting an offense that can only be committed
38 by a minor and that is not designated as a delinquent act.
39 (f) Fails to obey any lawful order of a court of competent
40 jurisdiction given in a noncriminal action.
41 ~~17.~~ 19. "Independent living program" includes a residential program
42 with supervision of less than twenty-four hours a day.
43 ~~18.~~ 20. "Juvenile court" means the juvenile division of the superior
44 court when exercising its jurisdiction over children in any proceeding
45 relating to delinquency, dependency or incorrigibility.

~~19.~~ 21. "Law enforcement officer" means a peace officer, sheriff, deputy sheriff, municipal police officer or constable.

~~20.~~ 22. "Medical director of a mental health agency" means a psychiatrist, or licensed physician experienced in psychiatric matters, who is designated in writing by the governing body of the agency as the person in charge of the medical services of the agency, or a psychiatrist designated by the governing body to act for the director. The term includes the superintendent of the state hospital.

~~21.~~ 23. "Mental health agency" means any private or public facility that is licensed by this state as a mental health treatment agency, a psychiatric hospital, a psychiatric unit of a general hospital or a residential treatment center for emotionally disturbed children and that uses secure settings or mechanical restraints.

~~22.~~ 24. "Neglect" or "neglected" means:

(a) The inability or unwillingness of a parent, guardian or custodian of a child to provide that child with supervision, food, clothing, shelter or medical care if that inability or unwillingness causes unreasonable risk of harm to the child's health or welfare, except if the inability of a parent, guardian or custodian to provide services to meet the needs of a child with a disability or chronic illness is solely the result of the unavailability of reasonable services.

(b) Permitting a child to enter or remain in any structure or vehicle in which volatile, toxic or flammable chemicals are found or equipment is possessed by any person for the purposes of manufacturing a dangerous drug as defined in section 13-3401.

(c) A determination by a health professional that a newborn infant was exposed prenatally to a drug or substance listed in section 13-3401 and that this exposure was not the result of a medical treatment administered to the mother or the newborn infant by a health professional. This subdivision does not expand a health professional's duty to report neglect based on prenatal exposure to a drug or substance listed in section 13-3401 beyond the requirements prescribed pursuant to section 13-3620, subsection E. The determination by the health professional shall be based on one or more of the following:

(i) Clinical indicators in the prenatal period including maternal and newborn presentation.

(ii) History of substance use or abuse.

(iii) Medical history.

(iv) Results of a toxicology or other laboratory test on the mother or the newborn infant.

(d) Diagnosis by a health professional of an infant under one year of age with clinical findings consistent with fetal alcohol syndrome or fetal alcohol effects.

(e) Deliberate exposure of a child by a parent, guardian or custodian to sexual conduct as defined in section 13-3551 or to sexual contact, oral sexual contact or sexual intercourse as defined in section 13-1401, bestiality as prescribed in section 13-1411 or explicit sexual materials as defined in section 13-3507.

(f) Any of the following acts committed by the child's parent, guardian or custodian with reckless disregard as to whether the child is physically present:

(i) Sexual contact as defined in section 13-1401.

(ii) Oral sexual contact as defined in section 13-1401.

(iii) Sexual intercourse as defined in section 13-1401.

(iv) Bestiality as prescribed in section 13-1411.

~~23.~~ 25. "Newborn infant" means a child who is under thirty days of age.

~~24.~~ 26. "Petition" means a written statement of the essential facts that allege delinquency, incorrigibility or dependency.

~~25.~~ 27. "Prevention" means the creation of conditions, opportunities and experiences that encourage and develop healthy, self-sufficient children and that occur before the onset of problems.

~~26.~~ 28. "Protective supervision" means supervision that is ordered by the juvenile court of children who are found to be dependent or incorrigible.

~~27.~~ 29. "Referral" means a report that is submitted to the juvenile court and that alleges that a child is dependent or incorrigible or that a juvenile has committed a delinquent or criminal act.

30. "REPORT FOR INVESTIGATION" MEANS A REPORT PREPARED PURSUANT TO SECTION 8-455, SUBSECTION D.

~~28.~~ 31. "Secure care" means confinement in a facility that is completely surrounded by a locked and physically secure barrier with restricted ingress and egress.

~~29.~~ 32. "Serious emotional injury" means an injury that is diagnosed by a medical doctor or a psychologist and that does any one or a combination of the following:

(a) Seriously impairs mental faculties.

(b) Causes serious anxiety, depression, withdrawal or social dysfunction behavior to the extent that the child suffers dysfunction that requires treatment.

(c) Is the result of sexual abuse pursuant to section 13-1404, sexual conduct with a minor pursuant to section 13-1405, sexual assault pursuant to section 13-1406, molestation of a child pursuant to section 13-1410, child prostitution pursuant to section 13-3212, commercial sexual exploitation of a minor pursuant to section 13-3552, sexual exploitation of a minor pursuant to section 13-3553 or incest pursuant to section 13-3608.

~~30.~~ 33. "Serious physical injury" means an injury that is diagnosed by a medical doctor and that does any one or a combination of the following:

(a) Creates a reasonable risk of death.

(b) Causes serious or permanent disfigurement.
(c) Causes significant physical pain.
(d) Causes serious impairment of health.
(e) Causes the loss or protracted impairment of an organ or limb.
(f) Is the result of sexual abuse pursuant to section 13-1404, sexual conduct with a minor pursuant to section 13-1405, sexual assault pursuant to section 13-1406, molestation of a child pursuant to section 13-1410, child prostitution pursuant to section 13-3212, commercial sexual exploitation of a minor pursuant to section 13-3552, sexual exploitation of a minor pursuant to section 13-3553 or incest pursuant to section 13-3608.

~~31.~~ 34. "Shelter care" means the temporary care of a child in any public or private facility or home that is licensed by this state and that offers a physically nonsecure environment that is characterized by the absence of physically restricting construction or hardware and that provides the child access to the surrounding community.

Sec. 11. Section 8-201.01, Arizona Revised Statutes, is amended to read:

8-201.01. Prohibitions

Notwithstanding any other provision of this chapter or chapter ~~10~~ 4, ARTICLES 8, 9, 10, 11, 12, 13 AND 14 of this title:

1. A child who in good faith is being furnished Christian Science treatment by a duly accredited practitioner shall not, for that reason alone, be considered to be an abused, neglected or dependent child.

2. A child whose parent, guardian or custodian refuses to put the child on a psychiatric medication or questions the use of a psychiatric medication shall not be considered to be an abused, neglected or dependent child for that reason alone.

Sec. 12. Section 8-202, Arizona Revised Statutes, is amended to read:

8-202. Jurisdiction of juvenile court

A. The juvenile court has original jurisdiction over all delinquency proceedings brought under the authority of this title.

B. The juvenile court has exclusive original jurisdiction over all proceedings brought under the authority of this title except for delinquency proceedings.

C. The juvenile court may consolidate any matter, except that the juvenile court shall not consolidate any of the following:

1. A criminal proceeding that is filed in another division of superior court and that involves a child who is subject to the jurisdiction of the juvenile court.

2. A delinquency proceeding with any other proceeding that does not involve delinquency, unless the juvenile delinquency adjudication proceeding is not heard at the same time or in the same hearing as a nondelinquency proceeding.

D. The juvenile court has jurisdiction of proceedings to obtain judicial consent to the marriage, employment or enlistment in the armed services of a child, if consent is required by law.

E. The juvenile court has jurisdiction over both civil traffic violations and offenses listed in section 8-323, subsection B that are committed within the county by persons under eighteen years of age unless the presiding judge of the county declines jurisdiction of these cases. The presiding judge of the county may decline jurisdiction of civil traffic violations committed within the county by juveniles if the presiding judge finds that the declination would promote the more efficient use of limited judicial and law enforcement resources located within the county. If the presiding judge declines jurisdiction, juvenile civil traffic violations shall be processed, heard and disposed of in the same manner and with the same penalties as adult civil traffic violations.

F. The orders of the juvenile court under the authority of this chapter or chapter 3~~, 5~~ or ~~10~~ 4 of this title take precedence over any order of any other court of this state except the court of appeals and the supreme court to the extent that they are inconsistent with orders of other courts.

G. Except as otherwise provided by law, jurisdiction of a child that is obtained by the juvenile court in a proceeding under this chapter or chapter 3~~, 5~~ or ~~10~~ 4 of this title shall be retained by it, for the purposes of implementing the orders made and filed in that proceeding, until the child becomes eighteen years of age, unless terminated by order of the court before the child's eighteenth birthday.

H. Persons who are under eighteen years of age shall be prosecuted in the same manner as adults if either:

1. The juvenile court transfers jurisdiction pursuant to section 8-327.

2. The juvenile is charged as an adult with an offense listed in section 13-501.

Sec. 13. Section 8-241, Arizona Revised Statutes, is amended to read:

8-241. Fees on disposition

A. Notwithstanding section 8-243, the juvenile court shall order the parent of a juvenile to pay a fee of not less than fifty dollars a month for the supervision of the juvenile unless, after determining the inability of the parent to pay the fee, the court orders payment of a lesser amount.

B. If:

1. The department of ~~economic security~~ CHILD SAFETY is the supervising agency, all monies assessed pursuant to this section shall be ordered to be paid and used as provided in section 8-243.01.

2. The juvenile probation office is the supervising agency, all monies assessed pursuant to this section shall be ordered to be paid to the clerk of the superior court. The clerk of the superior court shall pay all monies collected from this fee to the county treasurer for deposit in the juvenile probation fund to be used as provided in section 12-268. Any amount greater

than forty dollars of the fee assessed pursuant to this section shall only be used to supplement monies currently used for the salaries of juvenile probation and surveillance officers and for support of programs and services of the superior court juvenile probation departments.

3. The department of juvenile corrections is the supervising agency, all monies assessed pursuant to this section shall be ordered to be paid to the department of juvenile corrections and shall be used to fund work restitution programs for juveniles.

4. A person or another state agency or state institution is responsible for supervision, all monies assessed pursuant to this section shall be deposited, pursuant to sections 35-146 and 35-147, in the state general fund.

C. If the juvenile was adopted or placed in permanent guardianship after the juvenile was determined by the court to be a dependent child, the juvenile court shall consider the totality of the child's circumstances and the nature of the dependency. The juvenile court may waive all or part of the fee prescribed by subsection A of this section if the juvenile court determines extenuating circumstances exist.

Sec. 14. Section 8-242, Arizona Revised Statutes, is amended to read:

8-242. Evaluation and disposition of developmentally disabled child

A. If evidence indicates that a child who is under the jurisdiction of the court pursuant to this chapter, ~~or~~ chapter 3 or ~~10~~ CHAPTER 4, ARTICLES 8, 9, 10, 11, 12, 13 AND 14 of this title may be suffering from developmental disabilities, the juvenile court shall order a study and report on the child's condition.

B. If it appears from the study and the report that such child is developmentally disabled and the child has been adjudicated dependent, incorrigible or delinquent, the juvenile court shall hear the matter, and such child shall be assigned by the juvenile court pursuant to section 8-341 or 8-845. If a developmentally disabled child is assigned by the juvenile court to the department ~~of economic security~~, such assignment shall be subject to the provisions of section 36-560.

C. If it appears from the study and report or hearing that the child is not subject to assignment as a developmentally disabled child, the juvenile court shall proceed in the manner as otherwise provided by this chapter, ~~or~~ chapter 3 or ~~10~~ CHAPTER 4, ARTICLES 8, 9, 10, 11, 12, 13 AND 14 of this title.

Sec. 15. Section 8-243.01, Arizona Revised Statutes, is amended to read:

8-243.01. Deposit of child support assessment monies

If a child, the child's estate or guardian, any other person or a parent of a child in the custody of the department of ~~economic security~~ CHILD SAFETY or a county juvenile probation office is assessed by the juvenile court for the support of the child pursuant to section 8-241 or section

8-243, the department of ~~economic security~~ CHILD SAFETY shall deposit the monies received in the children and family services training program fund established pursuant to section 8-503.01.

Sec. 16. Section 8-271, Arizona Revised Statutes, is amended to read:

8-271. Definitions

In this article, unless the context otherwise requires:

1. "Dually adjudicated child" means a child who is found to be dependent or temporarily subject to court jurisdiction pending an adjudication of a dependency petition and who is alleged or found to have committed a delinquent or incorrigible act.

2. "Entity" means the department of ~~economic security~~ CHILD SAFETY, the department of juvenile corrections or a child welfare agency that has been granted legal care, custody and control of a child by order of the juvenile court and that is responsible for securing inpatient psychiatric acute care services or residential treatment services for a child. Entity includes a probation department or juvenile detention center that either recommends or is ordered by the court to provide inpatient psychiatric acute care services or residential treatment services for a child.

3. "Inpatient assessment" includes all of the following:

(a) The observation of a child's behavior while the child is in an inpatient assessment facility.

(b) Psychological or psychiatric testing, if indicated.

(c) A determination as to whether a child needs inpatient psychiatric acute care services and whether inpatient psychiatric acute care services are the least restrictive available alternative.

(d) The administration of psychotropic medication and medication monitoring, if necessary to complete the assessment or to prevent the child from being a danger to self or others.

(e) A written report that summarizes the results of an inpatient assessment, including specific recommendations for follow-up care.

(f) A psychiatric or psychological assessment, including a clinical interview with a child.

(g) An explanation to a child of the least restrictive alternatives available to meet the child's mental health needs.

(h) A determination as to whether the child may be suffering from a mental disorder, is a danger to self or others or is persistently or acutely disabled or gravely disabled, as defined in section 36-501.

(i) A review of a child's medical, social and psychological records, if available.

4. "Level one behavioral health facility" means a behavioral health service agency that is licensed by the department of health services and that provides a structured treatment setting with twenty-four hour a day supervision and an intensive treatment program.

5. "Outpatient assessment" includes all of the following:

(a) A psychiatric or psychological assessment, including a clinical interview with a child.

(b) An explanation to a child of the least restrictive alternatives available to meet the child's mental health needs if determined at the time of the assessment.

(c) A determination as to whether the child may be suffering from a mental disorder, is a danger to self or others or is persistently or acutely disabled or gravely disabled.

(d) A review of a child's medical, social and psychological records, if available.

(e) A determination as to whether the child needs an inpatient assessment or inpatient psychiatric acute care services and whether an inpatient assessment or inpatient psychiatric acute care services are the least restrictive available alternative.

6. "Physician" means a person who is licensed pursuant to title 32, chapter 13 or 17.

7. "Psychiatric acute care facility" or "inpatient assessment facility" means a facility that is licensed by the department of health services as a level one behavioral health facility and that provides psychiatric acute care services.

8. "Psychiatric acute care services" means any of the following:

(a) Emergency or crisis behavioral health services.

(b) Psychiatric and psychological assessments and short-term intensive behavioral health counseling and treatment for acute episodes or mental disorders.

(c) Medication stabilization and twenty-four hour a day nursing care for a child who suffers from acute psychiatric or mental disorders or who needs to have a chronic mental illness stabilized.

9. "Psychiatrist" means a person who is licensed pursuant to title 32, chapter 13 or 17.

10. "Psychologist" means a person who is licensed pursuant to title 32, chapter 19.1.

11. "Residential treatment services" means services, other than psychiatric acute care services, that are provided by a level one behavioral health facility.

Sec. 17. Section 8-303, Arizona Revised Statutes, is amended to read:

8-303. <u>Taking into temporary custody; interference; release; separate custody; violation; classification</u>

A. Except as provided in section 8-305, a juvenile taken into temporary custody shall not be detained in a police station, jail or lockup where adults charged with or convicted of a crime are detained.

B. A child shall be taken into temporary custody:

1. Pursuant to an order of the juvenile court.

2. Pursuant to a warrant issued according to the laws of arrest.

C. A juvenile may be taken into temporary custody:

1. By a peace officer pursuant to the laws of arrest, without a warrant, if there are reasonable grounds to believe that the juvenile has committed a delinquent act or the child is incorrigible.

2. By a peace officer if there are reasonable grounds to believe that the child has run away from the child's parents, guardian or other custodian.

3. By a private person as provided by section 13-3884.

D. A peace officer shall take a juvenile into temporary custody pursuant to the laws of arrest, with or without a warrant, when there are reasonable grounds to believe that either:

1. The juvenile has committed a criminal act or a delinquent act which if committed by an adult could be a felony or breach of the peace.

2. The juvenile has been apprehended in commission of a criminal act or a delinquent act, which if committed by an adult would be a felony, or in fresh pursuit.

E. A juvenile who is taken into temporary custody pursuant to subsection D of this section may be released from temporary custody only to the parents, guardian or custodian of the juvenile or to the juvenile court.

F. A person who knowingly interferes with the taking of a juvenile into temporary custody under the provisions of this section is guilty of a class 2 misdemeanor.

G. In determining if a child should be taken into custody under subsection C of this section, the peace officer or child ~~protective services specialist~~ SAFETY WORKER may consider as a mitigating factor the participation of the parent, guardian or custodian in the healthy families program established by section ~~8-701~~ 8-481.

Sec. 18. Section 8-304, Arizona Revised Statutes, is amended to read:

8-304. Investigation of alleged acts of delinquency, dependency and incorrigibility

A. The law enforcement officer having jurisdiction in the place in which an act of delinquency or incorrigibility is alleged to have occurred ~~shall have the responsibility~~ IS RESPONSIBLE for the complete investigation surrounding the alleged commission of the act.

B. A ~~child protective services specialist of the~~ department ~~shall have the responsibility~~ INVESTIGATOR IS RESPONSIBLE for the complete investigation of all complaints of alleged dependency, and a criminal conduct allegation shall be investigated in cooperation with the appropriate law enforcement agencies and according to the protocols established pursuant to section 8-817. The department shall be responsible for the disposition of such child unless the matter requires the intervention of the court. ~~For the purposes of this subsection, "criminal conduct allegation" has the same meaning prescribed in section 8-801.~~

Sec. 19. Section 8-341.01, Arizona Revised Statutes, is amended to read:

8-341.01. Residential treatment services

A. If at a disposition hearing or a subsequent hearing the court orders a delinquent juvenile or incorrigible child to receive residential treatment services, other than psychiatric acute care services as defined in section 8-271, the placement must be supported by a written psychological, psychiatric or medical evaluation recommending residential treatment services. The court may waive the written evaluation for good cause shown.

B. If the court orders a child to receive residential treatment services, the court shall find by clear and convincing evidence that both:

1. The child requires residential treatment services to address the child's behavioral, psychological, social or mental health needs.

2. Available alternatives to residential treatment services were considered, but that residential treatment services are the least restrictive alternative.

C. The court shall review the child's continuing need for residential treatment services at least every sixty days after the date of the treatment order. The residential treatment facility shall submit a progress report to the court at least five days before the review and shall provide copies of its report to all parties, including the child's attorney and guardian ad litem. The progress report shall include the recommendations of the child's treatment facility and shall include at least the following:

1. The nature of the treatment provided, including any medications and the child's current diagnosis.

2. The child's need for continued residential treatment services, including the estimated length of the services.

3. A projected discharge date.

4. The level of care required by the child and the potential placement options that are available to the child on discharge.

5. A statement from the medical or clinical director of the residential treatment services facility or the director's designee as to whether residential treatment services are necessary to meet the child's needs and whether the facility that is providing the residential treatment services to the child is the least restrictive available alternative.

D. On its own motion or the motion of a party, the court may hold an expedited hearing to review the continued placement of the child in residential treatment.

E. If the child is also found to be dependent or is temporarily subject to court jurisdiction pending an adjudication of a dependency petition, the probation department shall notify the department of ~~economic security~~ CHILD SAFETY that placement of the child for residential treatment services is being recommended. The department shall receive copies of any reports relating to the child's placement for residential treatment services. The department may attend and participate in all hearings and any other

proceedings relating to the placement or continued placement for residential treatment services.

Sec. 20. Title 8, Arizona Revised Statutes, is amended by adding chapter 4, to read:

CHAPTER 4

DEPARTMENT OF CHILD SAFETY

ARTICLE 1. GENERAL PROVISIONS

8-451. Department; purpose

A. THE DEPARTMENT OF CHILD SAFETY IS ESTABLISHED.

B. THE PRIMARY PURPOSE OF THE DEPARTMENT IS TO PROTECT CHILDREN. TO ACHIEVE THIS PURPOSE, THE DEPARTMENT SHALL DO AND FOCUS EQUALLY ON THE FOLLOWING:

1. INVESTIGATE REPORTS OF ABUSE AND NEGLECT.

2. ASSESS, PROMOTE AND SUPPORT THE SAFETY OF A CHILD IN A SAFE AND STABLE FAMILY OR OTHER APPROPRIATE PLACEMENT IN RESPONSE TO ALLEGATIONS OF ABUSE OR NEGLECT.

3. WORK COOPERATIVELY WITH LAW ENFORCEMENT REGARDING REPORTS THAT INCLUDE CRIMINAL CONDUCT ALLEGATIONS.

4. WITHOUT COMPROMISING CHILD SAFETY, COORDINATE SERVICES TO ACHIEVE AND MAINTAIN PERMANENCY ON BEHALF OF THE CHILD, STRENGTHEN THE FAMILY AND PROVIDE PREVENTION, INTERVENTION AND TREATMENT SERVICES PURSUANT TO THIS CHAPTER.

8-452. Director; appointment; qualifications; compensation

A. THE GOVERNOR SHALL APPOINT THE DIRECTOR OF THE DEPARTMENT PURSUANT TO SECTION 38-211. THE DIRECTOR SERVES AT THE PLEASURE OF THE GOVERNOR.

B. AT A MINIMUM, THE DIRECTOR SHALL HAVE:

1. ADMINISTRATIVE EXPERIENCE IN THE PROTECTION OF CHILDREN FROM MALTREATMENT AND IN FAMILY SUPPORT SERVICES.

2. QUALIFICATIONS AND TRAINING THAT ENABLE THE DIRECTOR TO MANAGE THE AFFAIRS OF THE DEPARTMENT.

C. THE DIRECTOR IS ELIGIBLE TO RECEIVE COMPENSATION PURSUANT TO SECTION 38-611.

8-453. Powers and duties

A. THE DIRECTOR SHALL:

1. CARRY OUT THE PURPOSES OF THE DEPARTMENT PRESCRIBED IN SECTION 8-451.

2. PROVIDE TRANSPARENCY BY BEING OPEN AND ACCOUNTABLE TO THE PUBLIC FOR THE ACTIONS OF THE DEPARTMENT.

3. DEVELOP A DATA SYSTEM THAT ENABLES PERSONS AND ENTITIES THAT ARE CHARGED WITH A RESPONSIBILITY RELATING TO CHILD SAFETY TO ACCESS ALL RELEVANT INFORMATION RELATING TO AN ABUSED, NEGLECTED OR ABANDONED CHILD AS PROVIDED BY LAW.

4. SUBJECT TO TITLE 41, CHAPTER 4, ARTICLE 4 AND, AS APPLICABLE, ARTICLES 5 AND 6, EMPLOY DEPUTY DIRECTORS AND OTHER KEY PERSONNEL BASED ON QUALIFICATIONS THAT ARE PRESCRIBED BY THE DIRECTOR.

5. ADOPT RULES TO IMPLEMENT THE PURPOSES OF THE DEPARTMENT AND THE DUTIES AND POWERS OF THE DIRECTOR.

6. PETITION, AS NECESSARY TO IMPLEMENT THE CASE PLAN ESTABLISHED UNDER SECTION 8-824 OR 8-845, FOR THE APPOINTMENT OF A GUARDIAN OR A TEMPORARY GUARDIAN UNDER TITLE 14, CHAPTER 5 FOR CHILDREN WHO ARE IN CUSTODY OF THE DEPARTMENT PURSUANT TO COURT ORDER. PERSONS APPLYING TO BE GUARDIANS OR TEMPORARY GUARDIANS UNDER THIS SECTION SHALL BE FINGERPRINTED. A FOSTER PARENT OR CERTIFIED ADOPTIVE PARENT ALREADY FINGERPRINTED IS NOT REQUIRED TO BE FINGERPRINTED AGAIN, IF THE FOSTER PARENT OR CERTIFIED ADOPTIVE PARENT IS THE PERSON APPLYING TO BE THE GUARDIAN OR TEMPORARY GUARDIAN.

7. COOPERATE WITH OTHER AGENCIES OF THIS STATE, COUNTY AND MUNICIPAL AGENCIES, FAITH-BASED ORGANIZATIONS AND COMMUNITY SOCIAL SERVICES AGENCIES, IF AVAILABLE, TO ACHIEVE THE PURPOSES OF THIS CHAPTER.

8. EXCHANGE INFORMATION, INCLUDING CASE SPECIFIC INFORMATION, AND COOPERATE WITH THE DEPARTMENT OF ECONOMIC SECURITY FOR THE ADMINISTRATION OF THE DEPARTMENT OF ECONOMIC SECURITY'S PROGRAMS.

9. ADMINISTER CHILD WELFARE ACTIVITIES, INCLUDING:

(a) CROSS-JURISDICTIONAL PLACEMENTS PURSUANT TO SECTION 8-548.

(b) PROVIDING THE COST OF CARE OF:

(i) CHILDREN WHO ARE IN TEMPORARY CUSTODY, ARE THE SUBJECT OF A DEPENDENCY PETITION OR ARE ADJUDICATED BY THE COURT AS DEPENDENT AND WHO ARE IN OUT-OF-HOME PLACEMENT, EXCEPT STATE INSTITUTIONS.

(ii) CHILDREN WHO ARE VOLUNTARILY PLACED IN OUT-OF-HOME PLACEMENT PURSUANT TO SECTION 8-806.

(iii) CHILDREN WHO ARE THE SUBJECT OF A DEPENDENCY PETITION OR ARE ADJUDICATED DEPENDENT AND WHO ARE IN THE CUSTODY OF THE DEPARTMENT AND ORDERED BY THE COURT PURSUANT TO SECTION 8-845 TO RESIDE IN AN INDEPENDENT LIVING PROGRAM PURSUANT TO SECTION 8-521.

(c) PROVIDING SERVICES FOR CHILDREN PLACED IN ADOPTION.

10. FORMULATE POLICIES, PLANS AND PROGRAMS TO EFFECTUATE THE MISSIONS AND PURPOSES OF THE DEPARTMENT.

11. MAKE CONTRACTS AND INCUR OBLIGATIONS WITHIN THE GENERAL SCOPE OF THE DEPARTMENT'S ACTIVITIES AND OPERATIONS SUBJECT TO THE AVAILABILITY OF FUNDS.

12. COORDINATE WITH, CONTRACT WITH OR ASSIST OTHER DEPARTMENTS, AGENCIES AND INSTITUTIONS OF THIS STATE AND LOCAL AND FEDERAL GOVERNMENTS IN THE FURTHERANCE OF THE DEPARTMENT'S PURPOSES, OBJECTIVES AND PROGRAMS.

13. ACCEPT AND DISBURSE GRANTS, MATCHING FUNDS AND DIRECT PAYMENTS FROM PUBLIC OR PRIVATE AGENCIES FOR THE CONDUCT OF PROGRAMS THAT ARE CONSISTENT WITH THE OVERALL PURPOSES AND OBJECTIVES OF THE DEPARTMENT.

14. COLLECT MONIES OWED TO THE DEPARTMENT.

15. ACT AS AN AGENT OF THE FEDERAL GOVERNMENT IN FURTHERANCE OF ANY FUNCTIONS OF THE DEPARTMENT.

16. CARRY ON RESEARCH AND COMPILE STATISTICS RELATING TO THE CHILD WELFARE PROGRAM THROUGHOUT THIS STATE, INCLUDING ALL PHASES OF DEPENDENCY.

17. COOPERATE WITH THE SUPERIOR COURT IN ALL MATTERS RELATED TO THIS TITLE AND TITLE 13.

18. PROVIDE THE COST OF CARE AND TRANSITIONAL INDEPENDENT LIVING SERVICES FOR A PERSON UNDER TWENTY-ONE YEARS OF AGE PURSUANT TO SECTION 8-521.01.

19. ENSURE THAT ALL CRIMINAL CONDUCT ALLEGATIONS AND REPORTS OF IMMINENT RISK OF HARM ARE INVESTIGATED.

20. ENSURE THE DEPARTMENT'S COMPLIANCE WITH THE INDIAN CHILD WELFARE ACT OF 1978 (P.L. 95-608; 92 STAT. 3069; 25 UNITED STATES CODE SECTIONS 1901 THROUGH 1963).

21. STRENGTHEN RELATIONSHIPS WITH TRIBAL CHILD PROTECTION AGENCIES OR PROGRAMS.

B. THE DIRECTOR MAY:

1. TAKE ADMINISTRATIVE ACTION TO IMPROVE THE EFFICIENCY OF THE DEPARTMENT.

2. CONTRACT WITH A PRIVATE ENTITY TO PROVIDE ANY FUNCTIONS OR SERVICES PURSUANT TO THIS TITLE.

3. APPLY FOR, ACCEPT, RECEIVE AND EXPEND PUBLIC AND PRIVATE GIFTS OR GRANTS OF MONEY OR PROPERTY ON THE TERMS AND CONDITIONS AS MAY BE IMPOSED BY THE DONOR AND FOR ANY PURPOSE PROVIDED FOR BY THIS TITLE.

4. REIMBURSE DEPARTMENT VOLUNTEERS, DESIGNATED BY THE DIRECTOR, FOR EXPENSES IN TRANSPORTING CLIENTS OF THE DEPARTMENT ON OFFICIAL BUSINESS. VOLUNTEERS REIMBURSED FOR EXPENSES ARE NOT ELIGIBLE FOR WORKERS' COMPENSATION UNDER TITLE 23, CHAPTER 6.

C. THE DEPARTMENT SHALL ADMINISTER INDIVIDUAL AND FAMILY SERVICES, INCLUDING SECTIONS ON SERVICES TO CHILDREN AND YOUTH AND OTHER RELATED FUNCTIONS IN FURTHERANCE OF SOCIAL SERVICE PROGRAMS UNDER THE SOCIAL SECURITY ACT, AS AMENDED, TITLE IV, PARTS B AND E, GRANTS TO STATES FOR AID AND SERVICES TO NEEDY FAMILIES WITH CHILDREN AND FOR CHILD-WELFARE SERVICES, TITLE XX, GRANTS TO STATES FOR SERVICES AND OTHER RELATED FEDERAL ACTS AND TITLES.

D. IF THE DEPARTMENT HAS RESPONSIBILITY FOR THE CARE, CUSTODY OR CONTROL OF A CHILD OR IS PAYING THE COST OF CARE FOR A CHILD, THE DEPARTMENT MAY SERVE AS REPRESENTATIVE PAYEE TO RECEIVE AND ADMINISTER SOCIAL SECURITY AND VETERANS ADMINISTRATION BENEFITS AND OTHER BENEFITS PAYABLE TO THE CHILD. NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE DEPARTMENT:

1. SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, ANY MONIES IT RECEIVES TO BE RETAINED SEPARATE AND APART FROM THE STATE GENERAL FUND ON THE BOOKS OF THE DEPARTMENT OF ADMINISTRATION.

2. MAY USE THESE MONIES TO DEFRAY THE COST OF CARE AND SERVICES EXPENDED BY THE DEPARTMENT FOR THE BENEFIT, WELFARE AND BEST INTERESTS OF THE CHILD AND INVEST ANY OF THE MONIES THAT THE DIRECTOR DETERMINES ARE NOT NECESSARY FOR IMMEDIATE USE.

3. SHALL MAINTAIN SEPARATE RECORDS TO ACCOUNT FOR THE RECEIPT, INVESTMENT AND DISPOSITION OF MONIES RECEIVED FOR EACH CHILD.

4. ON TERMINATION OF THE DEPARTMENT'S RESPONSIBILITY FOR THE CHILD, SHALL RELEASE ANY MONIES REMAINING TO THE CHILD'S CREDIT PURSUANT TO THE REQUIREMENTS OF THE FUNDING SOURCE OR, IN THE ABSENCE OF ANY REQUIREMENTS, SHALL RELEASE THE REMAINING MONIES TO:

(a) THE CHILD, IF THE CHILD IS AT LEAST EIGHTEEN YEARS OF AGE OR IS EMANCIPATED.

(b) THE PERSON WHO IS RESPONSIBLE FOR THE CHILD IF THE CHILD IS A MINOR AND NOT EMANCIPATED.

E. SUBSECTION D OF THIS SECTION DOES NOT APPLY TO BENEFITS THAT ARE PAYABLE TO OR FOR THE BENEFIT OF A CHILD RECEIVING SERVICES UNDER TITLE 36.

F. NOTWITHSTANDING ANY OTHER LAW, A STATE OR LOCAL GOVERNMENTAL AGENCY OR A PRIVATE ENTITY IS NOT SUBJECT TO CIVIL LIABILITY FOR THE DISCLOSURE OF INFORMATION THAT IS MADE IN GOOD FAITH TO THE DEPARTMENT PURSUANT TO THIS SECTION.

G. NOTWITHSTANDING SECTION 41-192, THE DEPARTMENT MAY EMPLOY LEGAL COUNSEL TO PROVIDE LEGAL ADVICE TO THE DIRECTOR. THE ATTORNEY GENERAL SHALL REPRESENT THE DEPARTMENT IN ANY ADMINISTRATIVE OR JUDICIAL PROCEEDING PURSUANT TO TITLE 41, CHAPTER 1, ARTICLE 5.

H. THE TOTAL AMOUNT OF STATE MONIES THAT MAY BE SPENT IN ANY FISCAL YEAR BY THE DEPARTMENT FOR FOSTER CARE AS PROVIDED IN SUBSECTION A, PARAGRAPH 9, SUBDIVISION (b) OF THIS SECTION MAY NOT EXCEED THE AMOUNT APPROPRIATED OR AUTHORIZED BY SECTION 35-173 FOR THAT PURPOSE. THIS SECTION DOES NOT IMPOSE A DUTY ON AN OFFICER, AGENT OR EMPLOYEE OF THIS STATE TO DISCHARGE A RESPONSIBILITY OR TO CREATE ANY RIGHT IN A PERSON OR GROUP IF THE DISCHARGE OR RIGHT WOULD REQUIRE AN EXPENDITURE OF STATE MONIES IN EXCESS OF THE EXPENDITURE AUTHORIZED BY LEGISLATIVE APPROPRIATION FOR THAT SPECIFIC PURPOSE.

8-454. <u>Department organization</u>

A. THE DIRECTOR SHALL ORGANIZE THE DEPARTMENT TO BEST IMPLEMENT THE FOLLOWING FUNCTIONS:

1. RECEIVING, ANALYZING AND EFFICIENTLY RESPONDING TO REPORTS OF POSSIBLE ABUSE OR NEGLECT AS PROVIDED IN SECTION 8-455.

2. APPROPRIATELY INVESTIGATING THE REPORTS WHETHER OR NOT THEY INVOLVE CRIMINAL CONDUCT ALLEGATIONS AS PROVIDED IN SECTION 8-456.

3. COORDINATING SERVICES NECESSARY FOR THE CHILD OR THE CHILD'S FAMILY AS PROVIDED IN SECTION 8-457.

4. OVERSEEING ADOPTION PURSUANT TO CHAPTER 1 OF THIS TITLE AND FOSTER CARE PURSUANT TO ARTICLE 4 OF THIS CHAPTER.

5. REVIEWING AND REPORTING THE ACTIONS OF THE DEPARTMENT TO ENSURE THAT THE ACTIONS COMPLY WITH STATUTE AND THE RULES AND POLICIES OF THE DEPARTMENT AND REPORTING SIGNIFICANT VIOLATIONS AS PROVIDED IN SECTION 8-458.

B. SUBJECT TO TITLE 41, CHAPTER 4, ARTICLE 4, THE DIRECTOR SHALL EMPLOY:

1. A CHIEF OF THE OFFICE OF CHILD WELFARE INVESTIGATIONS. THE CHIEF IS THE ADMINISTRATIVE HEAD OF THE OFFICE OF CHILD WELFARE INVESTIGATIONS AND SHALL REPORT DIRECTLY TO THE DIRECTOR.

2. AN INSPECTOR GENERAL. THE INSPECTOR GENERAL IS THE ADMINISTRATIVE HEAD OF THE INSPECTIONS BUREAU AND SHALL REPORT DIRECTLY TO THE DIRECTOR.

3. ADMINISTRATORS TO SERVE AS THE ADMINISTRATIVE HEADS OF THE OTHER BUREAUS OF THE DEPARTMENT, WHO MAY REPORT DIRECTLY TO THE DEPUTY DIRECTOR.

8-455. Centralized intake hotline; purposes; report of possible crime; report for investigation; risk assessment tools; access to information; public awareness; definition

A. THE DEPARTMENT SHALL OPERATE AND MAINTAIN A CENTRALIZED INTAKE HOTLINE TO PROTECT CHILDREN BY RECEIVING AT ALL TIMES COMMUNICATIONS CONCERNING SUSPECTED ABUSE OR NEGLECT. IF A PERSON COMMUNICATES SUSPECTED ABUSE OR NEGLECT TO A DEPARTMENT EMPLOYEE OTHER THAN THROUGH THE HOTLINE, THE EMPLOYEE SHALL REFER THE PERSON OR COMMUNICATION TO THE HOTLINE.

B. THE HOTLINE IS THE FIRST STEP IN THE SAFETY ASSESSMENT AND INVESTIGATION PROCESS AND MUST BE OPERATED TO:

1. RECORD COMMUNICATIONS MADE CONCERNING SUSPECTED ABUSE OR NEGLECT.

2. IMMEDIATELY TAKE STEPS NECESSARY TO IDENTIFY AND LOCATE PRIOR COMMUNICATIONS AND REPORTS FOR INVESTIGATION RELATED TO THE CURRENT COMMUNICATION USING THE DEPARTMENT'S DATA SYSTEM AND THE CENTRAL REGISTRY SYSTEM OF THIS STATE.

3. QUICKLY AND EFFICIENTLY PROVIDE INFORMATION TO A LAW ENFORCEMENT AGENCY OR PREPARE A REPORT FOR INVESTIGATION AS REQUIRED BY THIS SECTION.

4. DETERMINE THE PROPER INITIAL PRIORITY LEVEL OF INVESTIGATION BASED ON THE RISK ASSESSMENT AND DIRECT THE REPORT FOR INVESTIGATION TO THE APPROPRIATE PART OF THE DEPARTMENT BASED ON THIS DETERMINATION.

C. IF A COMMUNICATION PROVIDES A REASON TO BELIEVE THAT A CRIMINAL OFFENSE HAS BEEN COMMITTED, THE HOTLINE WORKER SHALL IMMEDIATELY PROVIDE THE INFORMATION TO BOTH OF THE FOLLOWING:

1. THE APPROPRIATE LAW ENFORCEMENT AGENCY PURSUANT TO THE PROTOCOLS DEVELOPED PURSUANT TO SECTION 8-817.

2. IF A REPORT FOR INVESTIGATION IS PREPARED AS REQUIRED IN SUBSECTION D OF THIS SECTION AND THE SUSPECTED CRIMINAL OFFENSE IS A CRIMINAL CONDUCT ALLEGATION, THE OFFICE OF CHILD WELFARE INVESTIGATIONS.

D. A HOTLINE WORKER SHALL PREPARE A REPORT FOR INVESTIGATION IF ALL OF THE FOLLOWING ARE ALLEGED:

1. THE SUSPECTED CONDUCT WOULD CONSTITUTE ABUSE OR NEGLECT.

2. THE SUSPECTED VICTIM OF THE CONDUCT IS UNDER EIGHTEEN YEARS OF AGE.

3. THE SUSPECTED VICTIM OF THE CONDUCT IS A RESIDENT OF OR PRESENT IN THIS STATE OR ANY ACT INVOLVED IN THE SUSPECTED ABUSE OR NEGLECT OCCURRED IN THIS STATE.

4. THE PERSON SUSPECTED OF COMMITTING THE ABUSE OR NEGLECT IS THE PARENT, GUARDIAN OR CUSTODIAN OF THE VICTIM OR AN ADULT MEMBER OF THE VICTIM'S HOUSEHOLD.

E. ALL REPORTS FOR INVESTIGATION MUST BE INVESTIGATED AS PROVIDED IN SECTION 8-456.

F. IF OTHERWISE REQUIRED BY:

1. SUBSECTION C OF THIS SECTION, INFORMATION MUST BE PROVIDED TO THE APPROPRIATE LAW ENFORCEMENT AGENCY EVEN IF THE IDENTITY OR LOCATION OF THE PERSON SUSPECTED OF ABUSE OR NEGLECT OR THE VICTIM OF THE ABUSE OR NEGLECT IS NOT KNOWN.

2. SUBSECTION D OF THIS SECTION, A REPORT FOR INVESTIGATION MUST BE PREPARED EVEN IF THE IDENTITY OR LOCATION OF THE PERSON SUSPECTED OF ABUSE OR NEGLECT OR THE VICTIM OF THE ABUSE OR NEGLECT IS NOT KNOWN.

G. THE DEPARTMENT SHALL DEVELOP AND TRAIN HOTLINE WORKERS TO USE UNIFORM RISK ASSESSMENT TOOLS TO DETERMINE:

1. WHETHER THE SUSPECTED CONDUCT CONSTITUTES ABUSE OR NEGLECT AND THE SEVERITY OF THE SUSPECTED ABUSE OR NEGLECT.

2. WHETHER THE SUSPECTED ABUSE OR NEGLECT INVOLVES CRIMINAL CONDUCT, EVEN IF THE COMMUNICATION DOES NOT RESULT IN THE PREPARATION OF A REPORT FOR INVESTIGATION.

3. THE APPROPRIATE INVESTIGATIVE TRACK FOR REFERRAL BASED ON THE RISK TO THE CHILD'S SAFETY.

H. A REPORT FOR INVESTIGATION MUST INCLUDE, IF AVAILABLE, ALL OF THE FOLLOWING:

1. THE NAME, ADDRESS OR CONTACT INFORMATION FOR THE PERSON MAKING THE COMMUNICATION.

2. THE NAME, ADDRESS AND OTHER LOCATION OR CONTACT INFORMATION FOR THE PARENT, GUARDIAN OR CUSTODIAN OF THE CHILD OR OTHER ADULT MEMBER OF THE CHILD'S HOUSEHOLD WHO IS SUSPECTED OF COMMITTING THE ABUSE OR NEGLECT.

3. THE NAME, ADDRESS AND OTHER LOCATION OR CONTACT INFORMATION FOR THE CHILD.

4. THE NATURE AND EXTENT OF THE INDICATIONS OF THE CHILD'S ABUSE OR NEGLECT, INCLUDING ANY INDICATION OF PHYSICAL INJURY.

5. ANY INFORMATION REGARDING POSSIBLE PRIOR ABUSE OR NEGLECT, INCLUDING REFERENCE TO ANY COMMUNICATION OR REPORT FOR INVESTIGATION INVOLVING THE CHILD, THE CHILD'S SIBLINGS OR THE PERSON SUSPECTED OF ABUSE OR NEGLECT.

I. INFORMATION GATHERED THROUGH THE HOTLINE MUST BE MADE AVAILABLE TO AN EMPLOYEE OF THE DEPARTMENT IN ORDER TO PERFORM THE EMPLOYEE'S DUTIES. THE OFFICE OF CHILD WELFARE INVESTIGATIONS AND THE INSPECTIONS BUREAU MUST HAVE IMMEDIATE ACCESS TO ALL RECORDS OF THE HOTLINE.

J. A REPRESENTATIVE OF THE:

1. OFFICE OF CHILD WELFARE INVESTIGATIONS MUST BE EMBEDDED IN THE HOTLINE TO CARRY OUT THE PURPOSES OF SECTION 8-471.

2. INSPECTIONS BUREAU MUST BE EMBEDDED IN THE HOTLINE TO CARRY OUT THE PURPOSES OF SECTION 8-458.

K. THE DEPARTMENT SHALL PUBLICIZE THE AVAILABILITY AND THE PURPOSES OF THE CENTRALIZED INTAKE HOTLINE.

L. FOR THE PURPOSES OF THIS SECTION, "CENTRALIZED INTAKE HOTLINE" MEANS THE SYSTEM DEVELOPED PURSUANT TO THIS SECTION REGARDLESS OF THE COMMUNICATION METHODS OR TECHNOLOGIES USED TO IMPLEMENT THE SYSTEM.

8-456. Investigative function; training; criminal offenses; definition

A. THE DEPARTMENT SHALL TRAIN ALL INVESTIGATORS IN FORENSIC INTERVIEWING AND PROCESSES AND THE PROTOCOLS ESTABLISHED PURSUANT TO SECTION 8-817. THE TRAINING MUST INCLUDE:

1. UNIFORM SAFETY AND RISK ASSESSMENT TOOLS TO DETERMINE WHETHER THE CONDUCT CONSTITUTES ABUSE OR NEGLECT AND THE SEVERITY OF THE ABUSE OR NEGLECT.

2. THE DUTY TO PROTECT THE LEGAL AND DUE PROCESS RIGHTS OF CHILDREN AND FAMILIES FROM THE TIME OF THE INITIAL CONTACT THROUGH CASE CLOSURE.

3. INSTRUCTION ON A CHILD'S RIGHTS AS A CRIME VICTIM AND INSTRUCTION ON THE LEGAL RIGHTS OF PARENTS.

4. A CHECKLIST OR OTHER MECHANISM TO ASSIST THE INVESTIGATOR IN GIVING CONSIDERATION TO THE RELEVANT FACTORS IN EACH INVESTIGATION.

B. THE OFFICE OF CHILD WELFARE INVESTIGATIONS SHALL INVESTIGATE REPORTS FOR INVESTIGATION THAT CONTAIN A CRIMINAL CONDUCT ALLEGATION AS PROVIDED IN SECTIONS 8-471 AND 8-817.

C. AFTER RECEIVING A REPORT FOR INVESTIGATION FROM THE CENTRALIZED INTAKE HOTLINE PURSUANT TO SECTION 8-455, AN INVESTIGATOR SHALL DO ALL OF THE FOLLOWING:

1. MAKE A PROMPT AND THOROUGH INVESTIGATION. AN INVESTIGATION MUST EVALUATE AND DETERMINE THE NATURE, EXTENT AND CAUSE OF ANY CONDITION CREATED BY THE PARENTS, GUARDIAN OR CUSTODIAN OR AN ADULT MEMBER OF THE VICTIM'S HOUSEHOLD THAT WOULD TEND TO SUPPORT OR REFUTE THE ALLEGATION THAT THE CHILD IS A VICTIM OF ABUSE OR NEGLECT AND DETERMINE THE NAME, AGE AND CONDITION OF OTHER CHILDREN IN THE HOME. IF AN INVESTIGATOR HAS SUFFICIENT INFORMATION TO DETERMINE THAT THE CHILD IS NOT A VICTIM OF ABUSE OR NEGLECT, THE INVESTIGATOR MAY CLOSE THE INVESTIGATION.

2. IF REQUIRED BY SECTION 8-821 AND SUBJECT TO SECTION 8-471, TAKE A CHILD INTO TEMPORARY CUSTODY. LAW ENFORCEMENT OFFICERS SHALL COOPERATE WITH THE DEPARTMENT TO REMOVE A CHILD FROM THE CUSTODY OF THE CHILD'S PARENTS, GUARDIAN OR CUSTODIAN WHEN NECESSARY.

D. AFTER AN INVESTIGATION, AN INVESTIGATOR SHALL:

1. DETERMINE WHETHER ANY CHILD IS IN NEED OF CHILD SAFETY SERVICES CONSISTENT WITH THE EVALUATION AND DETERMINATION MADE PURSUANT TO SUBSECTION C OF THIS SECTION.

2. IF APPROPRIATE PURSUANT TO SECTION 8-846, OFFER TO THE FAMILY OF ANY CHILD WHO IS FOUND TO BE A CHILD IN NEED OF CHILD SAFETY SERVICES THOSE

SERVICES THAT ARE DESIGNED TO CORRECT UNRESOLVED PROBLEMS THAT WOULD INDICATE A REASON TO ADJUDICATE THE CHILD DEPENDENT.

3. SUBMIT A WRITTEN REPORT OF THE INVESTIGATOR'S INVESTIGATION TO:

(a) THE DEPARTMENT'S CASE MANAGEMENT INFORMATION SYSTEM WITHIN A REASONABLE AMOUNT OF TIME THAT DOES NOT EXCEED FORTY-FIVE DAYS AFTER RECEIPT OF THE REPORT FOR INVESTIGATION EXCEPT AS PROVIDED IN SECTION 8-811. IF THE INVESTIGATION INVOLVES ALLEGATIONS REGARDING A CHILD WHO AT THE TIME OF THE ALLEGED INCIDENT WAS IN THE CUSTODY OF A CHILD WELFARE AGENCY LICENSED BY THE DEPARTMENT UNDER THIS TITLE, A COPY OF THE REPORT AND ANY ADDITIONAL INVESTIGATIVE OR OTHER RELATED REPORTS MUST BE PROVIDED TO THE BOARD OF DIRECTORS OF THE AGENCY OR TO THE ADMINISTRATIVE HEAD OF THE AGENCY UNLESS THE INCIDENT IS ALLEGED TO HAVE BEEN COMMITTED BY THE PERSON. THE DEPARTMENT SHALL EXCISE ALL INFORMATION WITH REGARD TO THE IDENTITY OF THE SOURCE OF THE REPORTS.

(b) THE APPROPRIATE COURT FORTY-EIGHT HOURS BEFORE A DEPENDENCY HEARING PURSUANT TO A PETITION OF DEPENDENCY OR WITHIN TWENTY-ONE DAYS AFTER A PETITION OF DEPENDENCY IS FILED, WHICHEVER IS EARLIER. ON RECEIPT OF THE REPORT THE COURT SHALL MAKE THE REPORT AVAILABLE TO ALL PARTIES AND COUNSEL.

4. ACCEPT A CHILD INTO VOLUNTARY PLACEMENT PURSUANT TO SECTION 8-806.

5. IDENTIFY, PROMPTLY OBTAIN AND ABIDE BY COURT ORDERS THAT RESTRICT OR DENY CUSTODY, VISITATION OR CONTACT BY A PARENT OR OTHER PERSON IN THE HOME WITH THE CHILD AND NOTIFY APPROPRIATE PERSONNEL IN THE DEPARTMENT TO PRECLUDE VIOLATIONS OF A COURT ORDER IN THE PROVISION OF ANY SERVICES.

E. IN CONDUCTING AN INVESTIGATION PURSUANT TO THIS SECTION, IF THE INVESTIGATOR IS MADE AWARE THAT AN ALLEGATION OF ABUSE OR NEGLECT MAY ALSO HAVE BEEN MADE IN ANOTHER STATE, THE INVESTIGATOR SHALL CONTACT THE APPROPRIATE AGENCY IN THAT STATE TO ATTEMPT TO DETERMINE THE OUTCOME OF ANY INVESTIGATION OF THAT ALLEGATION.

F. IF AN INVESTIGATION INDICATES A REASON TO BELIEVE THAT A CRIMINAL OFFENSE HAS BEEN COMMITTED, THE INVESTIGATOR SHALL IMMEDIATELY PROVIDE THE INFORMATION TO THE APPROPRIATE LAW ENFORCEMENT AGENCY AND THE OFFICE OF CHILD WELFARE INVESTIGATIONS, UNLESS THE INFORMATION WAS PREVIOUSLY PROVIDED PURSUANT TO SECTION 8-455.

G. FOR THE PURPOSES OF THIS SECTION, "INVESTIGATOR" MEANS AN EMPLOYEE OF THE DEPARTMENT WHO INVESTIGATES ALLEGATIONS OF ABUSE OR NEGLECT PURSUANT TO A REPORT FOR INVESTIGATION.

8-457. <u>Service coordination function</u>

A. THE DEPARTMENT MAY ARRANGE, PROVIDE AND COORDINATE PROGRAMS AND SERVICES THAT PROTECT CHILDREN AND MAY PROVIDE PROGRAMS AND SERVICES THAT ACHIEVE AND MAINTAIN PERMANENCY ON BEHALF OF THE CHILD, STRENGTHEN THE FAMILY AND PROVIDE PREVENTION, INTERVENTION AND TREATMENT FOR ABUSED AND NEGLECTED CHILDREN.

B. IF A CHILD AND THE CHILD'S FAMILY REQUIRE ASSISTANCE FROM THE DEPARTMENT, ALL OF THE FOLLOWING APPLY:

1. THE HEALTH AND SAFETY OF THE CHILD IS THE PRIMARY CONCERN.

2. REASONABLE EFFORTS MUST BE MADE TO PROVIDE THE ASSISTANCE IN THE METHOD THAT IS LEAST INTRUSIVE AND LEAST RESTRICTIVE TO THE FAMILY AND THAT IS CONSISTENT WITH THE NEEDS OF THE CHILD.

3. REASONABLE EFFORTS MUST BE MADE TO DELIVER THE ASSISTANCE IN A CULTURALLY APPROPRIATE MANNER AND AS CLOSE AS POSSIBLE TO THE HOME COMMUNITY OF THE CHILD OR FAMILY REQUIRING ASSISTANCE.

C. IN ADDITION TO THE REQUIREMENTS OF FEDERAL LAW, THE CASE PLAN SHALL:

1. SET APPROPRIATE TIME LIMITS ON THE SERVICES PROVIDED.

2. CLEARLY DESCRIBE THE ACTIONS THE DEPARTMENT MIGHT PURSUE IF THE FAMILY:

(a) PARTICIPATES IN THE SERVICES OUTLINED IN THE CASE PLAN AND DOES WHAT IS REQUIRED FOR THE CHILD TO BE SAFE IN THE HOME.

(b) DOES NOT PARTICIPATE IN THE SERVICES OUTLINED IN THE CASE PLAN AND DOES NOT MAKE THE CHANGES REQUIRED FOR THE CHILD TO BE SAFE IN THE HOME.

D. THE DEPARTMENT SHALL ESTABLISH PROCEDURES TO ENSURE THAT APPROPRIATE SERVICES HAVE BEEN INITIATED AS SCHEDULED.

E. IN DETERMINING IF A CASE SHOULD BE OPEN FOR ONGOING SERVICES, THE DEPARTMENT SHALL CONSIDER AS THE PRIMARY FACTORS IF THERE EXISTS A PRESENT OR FUTURE RISK OF HARM TO ANY CHILD IN THE FAMILY AND IF SERVICES CAN MITIGATE THE IDENTIFIED RISKS. BASED ON THE INVESTIGATION OF THE CASE AND THE RESULTS OF THE RISK ASSESSMENT, THE DEPARTMENT SHALL DETERMINE WHETHER TO CLOSE THE CASE, OFFER VOLUNTARY CHILD SAFETY SERVICES OR OPEN A CASE FOR ONGOING SERVICES.

F. IF A CASE WILL BE OPEN FOR ONGOING SERVICES, THE DEPARTMENT SHALL DETERMINE IF THE SERVICES ARE TO BE PROVIDED IN ONE OF THE FOLLOWING WAYS:

1. THROUGH A VOLUNTARY AGREEMENT WITH THE DEPARTMENT.

2. PURSUANT TO A PETITION FOR IN-HOME INTERVENTION.

3. PURSUANT TO A PETITION FOR IN-HOME OR OUT-OF-HOME DEPENDENCE.

8-458. <u>Inspections bureau; monitoring and evaluation; quality assurance process</u>

A. THE DIRECTOR SHALL ESTABLISH AN INSPECTIONS BUREAU TO DO BOTH OF THE FOLLOWING:

1. ENSURE THAT DEPARTMENT POLICIES AND PROCEDURES ARE BEING FOLLOWED BY ALL STAFF IN ACCORDANCE WITH FEDERAL AND STATE LAW.

2. PROMPTLY NOTIFY THE DIRECTOR OF DEPARTMENT ACTIONS THAT CONSTITUTE A SIGNIFICANT VIOLATION OF POLICY OR STATE OR FEDERAL LAW.

B. THE INSPECTIONS BUREAU SHALL MONITOR SPECIFIC PROGRAMS AND SERVICES AND SHALL CONTINUOUSLY IMPROVE THE PRACTICES OF THE DEPARTMENT. MONITORING AND EVALUATION:

1. MAY BE BY FORMAL AUDITS, VARIOUS LEVELS OF INSPECTIONS, PROGRAM EVALUATION AND ANY OTHER QUALITY ASSURANCE ACTIVITY DEEMED APPROPRIATE BY THE DIRECTOR.

2. MUST INCLUDE SUGGESTIONS FOR POLICY CHANGES AND EVALUATION OF BEST PRACTICES AND PROGRAMMING.

C. THE DEPARTMENT SHALL ESTABLISH A QUALITY ASSURANCE PROCESS AND METHODOLOGY BY WHICH DATA-BASED DECISIONS ARE MADE. THIS PROCESS MUST INCLUDE CONSISTENTLY MEASURING PROCESS OUTCOMES AND EXAMINING CURRENT PRACTICES THROUGH QUALITY ASSURANCE ACTIVITIES. THE DEPARTMENT SHALL USE THIS QUALITY ASSURANCE DATA TO ESTABLISH APPROPRIATE PROGRAMS AND IMPROVE PRACTICES WITHIN THE DEPARTMENT.

D. IF POSSIBLE, THE INSPECTIONS BUREAU SHALL ATTEMPT TO CORRECT THE PROBLEMS AT THE IMMEDIATE LEVEL BY COACHING, MENTORING AND TEACHING EMPLOYEES WHO ARE PRESENT DURING THE INSPECTION.

E. THE INSPECTIONS BUREAU SHALL HAVE ACCESS TO ALL RECORDS AND INFORMATION OF THE DEPARTMENT NECESSARY TO CARRY OUT THIS SECTION.

8-459. Community advisory committee; duties; membership

A. THE COMMUNITY ADVISORY COMMITTEE IS ESTABLISHED TO PROVIDE A COMMUNITY FORUM:

1. TO INFORM THE DEPARTMENT, ANALYZE CURRENT LAW AND POLICY AND MAKE RECOMMENDATIONS TO IMPROVE THE ABILITY OF THE DEPARTMENT TO INCREASE THE SAFETY OF CHILDREN, RESPOND TO CHILD MALTREATMENT AND ENSURE THE WELL-BEING OF AND TIMELY PERMANENCY FOR CHILDREN WHO ARE REFERRED TO AND INVOLVED IN THE CHILD WELFARE SYSTEM.

2. FOR COLLABORATION AMONG STATE, LOCAL, COMMUNITY, TRIBAL, PUBLIC AND PRIVATE STAKEHOLDERS IN CHILD WELFARE PROGRAMS AND SERVICES THAT ARE ADMINISTERED BY THE DEPARTMENT.

3. TO IMPROVE COMMUNICATION BETWEEN MANDATORY REPORTERS AND THE DEPARTMENT.

B. THE COMMITTEE CONSISTS OF ONE REPRESENTATIVE OF EACH OF THE FOLLOWING WHO IS APPOINTED BY AND SERVES AT THE PLEASURE OF THE DIRECTOR:

1. CHILD WELFARE AGENCIES THAT DIRECTLY PROVIDE CONTRACTED SERVICES TO CHILDREN AND THEIR FAMILIES.

2. CHILD ADVOCACY ORGANIZATIONS THAT DEAL WITH CHILD WELFARE SYSTEM POLICY ISSUES.

3. CURRENT OR FORMER FOSTER OR ADOPTIVE PARENTS.

4. MEDICAL PROVIDERS, WITH A PREFERENCE FOR PEDIATRICIANS, WHO HAVE EXPERIENCE IN DIAGNOSING AND TREATING INJURIES RELATED TO ABUSE AND NEGLECT.

5. VOLUNTEERS WITH THE FOSTER CARE REVIEW BOARD OR COURT APPOINTED SPECIAL ADVOCATE PROGRAM.

6. PERSONS WITH AN ACADEMIC APPOINTMENT TO A STATE UNIVERSITY WHO CONDUCT RESEARCH IN CHILD WELFARE SERVICES, CHILD MALTREATMENT OR CHILD ABUSE OR NEGLECT.

7. THE COURTS. THE REPRESENTATIVE MUST BE INVOLVED IN CHILD WELFARE ISSUES.

8. A RURAL AREA IN THIS STATE WHO HAS EXPERIENCE IN THE CHILD WELFARE SYSTEM.

9. A NATIVE AMERICAN TRIBE OR NATION WHO HAS EXPERIENCE IN THE CHILD WELFARE SYSTEM.

10. A CHILD ADVOCACY ORGANIZATION THAT ADVOCATES FOR OR REPRESENTS CHILDREN WHO ARE VICTIMS OF CRIME.

11. PERSONS WHO HAVE EXPERIENCE WITH CHILDREN WITH SPECIAL NEEDS AND THE CHILD WELFARE SYSTEM.

12. A LAW ENFORCEMENT AGENCY. THE REPRESENTATIVE MUST HAVE EXPERIENCE WITH THE DEPARTMENT ON CASES THAT INVOLVE CRIMINAL CONDUCT ALLEGATIONS.

13. SCHOOLS. THE REPRESENTATIVE MUST HAVE EXPERIENCE IN THE CHILD WELFARE SYSTEM.

14. A FAITH-BASED ORGANIZATION. THE REPRESENTATIVE MUST HAVE EXPERIENCE IN THE CHILD WELFARE SYSTEM.

C. MEMBERS OF THE COMMITTEE ARE NOT ELIGIBLE TO RECEIVE COMPENSATION.

D. THE COMMITTEE SHALL MEET AT LEAST QUARTERLY AND SHALL FILE A REPORT OF ITS ACTIVITIES AND RECOMMENDATIONS DURING EACH FISCAL YEAR WITH THE DIRECTOR ON OR BEFORE AUGUST 15 FOLLOWING THE FISCAL YEAR. THE DIRECTOR SHALL POST THE REPORT ON THE DEPARTMENT'S WEBSITE.

8-460. Acquisition of lands and buildings; lease-purchase agreements; lease or sublease of lands or buildings

A. THE DIRECTOR MAY ACQUIRE FOR AND IN THE NAME OF THIS STATE BY GIFT, GRANT, LEASE, LEASE-PURCHASE AGREEMENT OR OTHERWISE LANDS OR BUILDINGS FOR THE PURPOSE OF PROVIDING OFFICE SPACE FOR THE DEPARTMENT AT PLACES THE DIRECTOR FINDS NECESSARY AND SUITABLE, BUT LAND OR A BUILDING MAY NOT BE ACQUIRED BY PURCHASE OR LEASE-PURCHASE WITHOUT THE PRIOR APPROVAL OF THE JOINT COMMITTEE ON CAPITAL REVIEW AND AN APPROPRIATION OF MONIES BY THE LEGISLATURE FOR THE ACQUISITION.

B. ANY LEASE-PURCHASE AGREEMENT RELATING TO LAND ACQUISITION, CAPITAL PROJECTS, ENERGY SYSTEMS OR ENERGY MANAGEMENT SYSTEMS UNDER THIS SECTION SHALL PROVIDE THAT:

1. THE OBLIGATION OF THIS STATE TO MAKE ANY PAYMENT UNDER THE AGREEMENT IS A CURRENT EXPENSE OF THE DEPARTMENT, PAYABLE EXCLUSIVELY FROM APPROPRIATED MONIES, AND IS NOT A GENERAL OBLIGATION INDEBTEDNESS OF THIS STATE OR THE DEPARTMENT.

2. IF THE LEGISLATURE FAILS TO APPROPRIATE MONIES OR THE DEPARTMENT FAILS TO ALLOCATE APPROPRIATED MONIES FOR ANY PERIODIC PAYMENT OR RENEWAL TERM OF THE AGREEMENT, THE AGREEMENT TERMINATES AT THE END OF THE CURRENT TERM AND THIS STATE AND THE DEPARTMENT ARE RELIEVED OF ANY SUBSEQUENT OBLIGATION UNDER THE AGREEMENT.

3. THE AGREEMENT MUST BE REVIEWED AND APPROVED BY THE ATTORNEY GENERAL AND THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION BEFORE THE AGREEMENT MAY TAKE EFFECT.

4. THE AGREEMENT MUST BE REVIEWED AND APPROVED BY THE JOINT COMMITTEE ON CAPITAL REVIEW BEFORE THE AGREEMENT TAKES EFFECT.

C. THE DEPARTMENT MAY COVENANT TO USE ITS BEST EFFORTS TO BUDGET, OBTAIN, ALLOCATE AND MAINTAIN SUFFICIENT APPROPRIATED MONIES TO MAKE PAYMENTS UNDER A LEASE-PURCHASE AGREEMENT, BUT THE AGREEMENT SHALL ACKNOWLEDGE THAT

APPROPRIATING STATE MONIES IS A LEGISLATIVE ACT AND IS BEYOND THE CONTROL OF THE DEPARTMENT OR ANY OTHER PARTY TO THE AGREEMENT.

D. A LEASE-PURCHASE AGREEMENT UNDER THIS SECTION SHALL BE SUBMITTED TO THE FOLLOWING ENTITIES:

1. THE ATTORNEY GENERAL TO REVIEW FOR COMPLIANCE WITH THE CONSTITUTION AND LAWS OF THIS STATE. IF IN THE ATTORNEY GENERAL'S OPINION THE AGREEMENT COMPLIES WITH THE CONSTITUTION AND LAWS, THE ATTORNEY GENERAL SHALL APPEND THE ATTORNEY GENERAL'S CERTIFICATION TO THE AGREEMENT, RETURN IT TO THE DEPARTMENT AND TRANSMIT A COPY TO THE JOINT COMMITTEE ON CAPITAL REVIEW. ON REQUEST BY THE DIRECTOR THE ATTORNEY GENERAL MAY GIVE OTHER OPINIONS RELATING TO THE AGREEMENT.

2. THE DIRECTOR OF THE ARIZONA DEPARTMENT OF ADMINISTRATION TO REVIEW FOR COMPLIANCE WITH THE LAWS OF THIS STATE. IF IN THE DIRECTOR'S OPINION THE AGREEMENT COMPLIES WITH THE LAWS OF THIS STATE, THE DIRECTOR SHALL APPEND THE DIRECTOR'S CERTIFICATION TO THE AGREEMENT, RETURN IT TO THE DEPARTMENT AND TRANSMIT A COPY TO THE JOINT COMMITTEE ON CAPITAL REVIEW.

E. A LEASE-PURCHASE AGREEMENT UNDER THIS SECTION SHALL BE REVIEWED AND APPROVED BY THE JOINT COMMITTEE ON CAPITAL REVIEW BEFORE THE AGREEMENT TAKES EFFECT.

F. THE DIRECTOR MAY LEASE OR SUBLEASE TO OTHERS AT FAIR RENTAL VALUE ANY LAND OR BUILDING THAT IS ACQUIRED PURSUANT TO THIS SECTION. THE DIRECTOR MAY LEASE OR SUBLEASE ANY BUILDING THAT IS ACQUIRED PURSUANT TO THIS SECTION ON OTHER TERMS OR CONDITIONS IF THE LESSEE IS A STATE ENTITY OR POLITICAL SUBDIVISION OF THIS STATE. ALL NET LEASE INCOME MUST BE CREDITED TO THE DEPARTMENT'S OCCUPANCY APPROPRIATION.

G. A LEASE OR SUBLEASE TO OTHERS THAT IS GRANTED PURSUANT TO SUBSECTION F OF THIS SECTION IS EXEMPT FROM SECTION 41-2752 AND IS NOT SUBJECT TO TITLE 41, CHAPTER 23. THE DIRECTOR MAY PRIORITIZE LEASE OR SUBLEASE TENANTS BASED ON THE NEEDS OF THE DEPARTMENT AND IN THE PUBLIC INTEREST WITH PREFERENCE GIVEN TO THE FOLLOWING IN THE ORDER PROVIDED:

1. STATE ENTITIES.

2. POLITICAL SUBDIVISIONS.

3. COMMUNITY PARTNERS.

H. THE DEPARTMENT MAY PAY OR ADVANCE GROSS INITIAL AND ROUTINE LEASE AND SUBLEASE RELATED EXPENDITURES. THE GROSS INITIAL AND ROUTINE EXPENDITURES THAT ARE PAID OR ADVANCED MUST BE REIMBURSED TO THE DEPARTMENT BEFORE THE NET LEASE INCOME IS CREDITED TO THE DEPARTMENT'S OCCUPANCY APPROPRIATION PURSUANT TO SUBSECTION F OF THIS SECTION.

8-461. Child safety collections; fund; definition

A. IF A RECIPIENT OF PUBLIC ASSISTANCE HAS A PERSON WHO IS LEGALLY RESPONSIBLE FOR THAT PERSON'S SUPPORT AND WHO IS PRESENTLY ABLE TO REIMBURSE THE DEPARTMENT FOR PUBLIC ASSISTANCE PROVIDED, THE DEPARTMENT, THROUGH THE ATTORNEY GENERAL OR COUNTY ATTORNEY, SHALL PROCEED IN THE FOLLOWING ORDER AGAINST:

1. THE SPOUSE OF A RECIPIENT.

2. THE FORMER SPOUSE OF A RECIPIENT.
3. A FATHER OR MOTHER NOT PRESENTLY RECEIVING PUBLIC ASSISTANCE.
4. ANY OTHER LEGALLY RESPONSIBLE PERSON.

B. IF A RECIPIENT OF PUBLIC ASSISTANCE RECEIVES AN OVERPAYMENT OF SUPPORT OR IS DETERMINED INELIGIBLE, THE DEPARTMENT MAY RECOVER THE SUPPORT INCORRECTLY PAID DURING THAT TIME PERIOD. THE DEPARTMENT SHALL DEPOSIT MONIES RECOVERED IN THE CHILD SAFETY COLLECTIONS FUND ESTABLISHED PURSUANT TO THIS SECTION.

C. ON REQUEST OF THE DEPARTMENT, THE ATTORNEY GENERAL OR COUNTY ATTORNEY SHALL COMMENCE AN ACTION IN THE SUPERIOR COURT IN THE COUNTY WHERE THE RECIPIENT OF PUBLIC ASSISTANCE RESIDES OR IN THE SUPERIOR COURT IN MARICOPA COUNTY, AGAINST THE PERSONS IN THE ORDER SPECIFIED IN SUBSECTION A OF THIS SECTION, TO RECOVER THE ASSISTANCE GRANTED AND TO SECURE AN ORDER REQUIRING PAYMENT OF AMOUNTS THAT BECOME DUE IN THE FUTURE FOR WHICH THE PERSON IS LIABLE.

D. THE CHILD SAFETY COLLECTIONS FUND IS ESTABLISHED CONSISTING OF MONIES RECEIVED PURSUANT TO THIS SECTION AND SECTION 41-2752. THE DEPARTMENT SHALL ADMINISTER THE FUND. SUBJECT TO LEGISLATIVE APPROPRIATION, THE DEPARTMENT SHALL USE FUND MONIES TO IMPROVE PUBLIC ASSISTANCE COLLECTION ACTIVITIES. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, TWENTY-FIVE PER CENT OF THE MONIES COLLECTED PURSUANT TO THIS SECTION IN THE CHILD SAFETY COLLECTIONS FUND AND SEVENTY-FIVE PER CENT OF THE MONIES COLLECTED PURSUANT TO THIS SECTION IN THE STATE GENERAL FUND. NOTWITHSTANDING THIS SUBSECTION, THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, FIFTY PER CENT OF THE MONIES COLLECTED PURSUANT TO SECTION 41-2752 IN THE CHILD SAFETY COLLECTIONS FUND AND THE REMAINING FIFTY PER CENT OF THE MONIES COLLECTED PURSUANT TO SECTION 41-2752 SHALL BE DEPOSITED IN THE STATE GENERAL FUND.

E. FOR THE PURPOSES OF THIS SECTION, "PUBLIC ASSISTANCE" MEANS MONIES PAID BY THE DEPARTMENT TO OR FOR THE BENEFIT OF A DEPENDENT CHILD AND FOSTER CARE MAINTENANCE PAID PURSUANT TO 42 UNITED STATES CODE SECTIONS 670 THROUGH 676.

ARTICLE 2. CRIMINAL CONDUCT ALLEGATION INVESTIGATIONS

Sec. 21. Section 41-1969.01, Arizona Revised Statutes, as amended by Laws 2013, chapter 220, section 5, is transferred and renumbered for placement in title 8, chapter 4, article 2, Arizona Revised Statutes, as added by this act, as section 8-471 and, as so renumbered, is amended to read:

8-471. <u>Office of child welfare investigations; training; responsibilities; annual report</u>

A. ~~In addition to the powers and duties of the director pursuant to sections 41-1953 and 41-1954,~~ The director shall establish the office of child welfare investigations within the department. The director is responsible for the direction, operation and control of the office.

B. The duties of the office include investigating criminal conduct allegations, coordinating with ~~child protective services~~ OTHER PARTS OF THE DEPARTMENT and law enforcement, establishing task forces for the investigation of criminal conduct and other duties as may be assigned by the director.

C. The office shall employ child welfare investigators who have received training to understand law enforcement's role in cases of criminal child abuse or neglect and in social services offered by the department. The office may employ research analysts and peace officers for the purpose of obtaining an originating agency identification number to have direct access to criminal history report information. Each person hired by the office is an employee of the department, IS SUBJECT TO TITLE 41, CHAPTER 4, ARTICLE 4 and shall comply with the fingerprint requirements of section ~~41-1968~~ 8-802.

D. The department, in coordination with the Arizona peace officer standards and training board, shall provide child welfare investigators with training. The training shall be, at a minimum, in the following areas:

1. First responder training on responding to reports of child abuse.

2. Forensic interviewing and processes.

3. Child physical and sexual abuse investigation.

4. The protocols established pursuant to section 8-817.

5. Relevant law enforcement procedures, including the collection and preservation of evidence.

6. A child's constitutional rights as a victim of a crime pursuant to article II, section 2.1, Constitution of Arizona.

7. IMPACT AND INTERVENTION PRACTICES RELATED TO ADVERSE CHILDHOOD EXPERIENCES, CULTURALLY AND LINGUISTICALLY APPROPRIATE SERVICE DELIVERY, DOMESTIC VIOLENCE, FAMILY ENGAGEMENT, COMMUNICATION WITH SPECIAL POPULATIONS AND TRAUMA INFORMED RESPONSES.

~~7.~~ 8. Any other training as directed by the director.

E. A child welfare investigator shall:

1. Protect children.

2. Assess, respond to or investigate all criminal conduct allegations ~~as defined in section 8-801~~, which shall be a priority, but not otherwise exercise the authority of a peace officer.

3. ~~An investigator shall~~ Not interview a child without the prior written consent of the parent, guardian or custodian of the child unless either:

(a) The child initiates contact with the investigator.

(b) The child who is interviewed is the subject of, is the sibling of or is living with the child who is the subject of an abuse or abandonment investigation pursuant to paragraph 4, subdivision (b) of this subsection.

(c) The interview is conducted pursuant to the terms of the protocols established pursuant to section 8-817.

4. After the receipt of any report or information pursuant to paragraph 2 of this subsection, immediately do both of the following:

(a) Notify the appropriate municipal or county law enforcement agency if they have not already been notified.

(b) Make a prompt and thorough investigation of the nature, extent and cause of any condition that would tend to support or refute the report of child abuse or neglect when investigating allegations pursuant to paragraph 2 of this subsection. A criminal conduct allegation shall be investigated with the appropriate municipal or county law enforcement agency according to the protocols established pursuant to section 8-817.

5. Take a child into temporary custody as provided in section 8-821. Law enforcement officers shall cooperate with the department to remove a child from the custody of the child's parents, guardian or custodian pursuant to section 8-821. A child welfare investigator who is responding to or investigating a report containing a criminal conduct allegation shall have the primary responsibility for making the decision whether to take a child into temporary custody.

6. Evaluate conditions created by the parents, guardian or custodian that would support or refute the allegation that the child should be adjudicated dependent. The investigator shall then determine whether any child is in need of ~~protective~~ CHILD SAFETY services.

7. Identify, promptly obtain and abide by court orders that restrict or deny custody, visitation or contact by a parent or other person in the home with the child and notify appropriate personnel within the department to preclude violations of a court order in the provision of any services.

8. On initial contact with the parent, guardian or custodian of a child who is the subject of an investigation pursuant to this section, provide the parent, guardian or custodian with the allegation received by the department. This paragraph does not require the department to disclose details or information that would compromise an ongoing criminal investigation.

9. HAVE ACCESS TO ALL RECORDS AND INFORMATION OF THE DEPARTMENT NECESSARY TO CARRY OUT THIS SECTION.

F. Unless a dependency petition is filed, a child shall not remain in temporary custody for a period exceeding seventy-two hours, excluding Saturdays, Sundays and holidays. If a petition is not filed, the child shall be released to the child's parent, guardian or custodian.

G. In conducting an investigation pursuant to this section, if the investigator is made aware that an allegation of abuse or neglect may also have been made in another state, the investigator shall contact the appropriate agency in that state to attempt to determine the outcome of any investigation of that allegation.

H. The office of child welfare investigations shall submit ~~an annual~~ A report ~~on~~ BY AUGUST 15 EACH YEAR TO THE GOVERNOR, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE SENATE AND THE SECRETARY OF STATE THAT INCLUDES THE FOLLOWING INFORMATION FOR THE MOST RECENTLY COMPLETED FISCAL YEAR:

1. THE NUMBER OF REPORTS FOR INVESTIGATION THAT INVOLVE CRIMINAL CONDUCT ALLEGATIONS.

2. THE NUMBER OF joint investigations conducted ~~during the year~~ pursuant to section 8-817.

3. FOR EACH CASE IN WHICH A JOINT INVESTIGATION DID NOT OCCUR PURSUANT TO SECTION 8-817, THE REASONS WHY THE JOINT INVESTIGATION DID NOT OCCUR.

I. All records gathered or created by the department during an investigation conducted under this section are confidential and shall be protected and released as prescribed in section 8-807, except the department shall not release records if the department determines that the release of these records may compromise an ongoing investigation.

J. Notwithstanding any other law, the office of child welfare investigations is not responsible for conducting the criminal investigation of ~~the crimes listed in section 8-801~~ A CRIMINAL CONDUCT ALLEGATION.

Sec. 22. Transfer and renumber

Title 8, chapter 8, article 1, Arizona Revised Statutes, is transferred and renumbered for placement in title 41, chapter 14, Arizona Revised Statutes, as article 5. Sections 8-651 and 8-652, Arizona Revised Statutes, are transferred and renumbered for placement in title 41, chapter 14, article 5, Arizona Revised Statutes, as sections 41-2021 and 41-2022, respectively.

Sec. 23. Heading change

A. The chapter heading of former title 8, chapter 8, Arizona Revised Statutes, is repealed.

B. The article heading of title 41, chapter 14, article 5, Arizona Revised Statutes, as transferred and renumbered by this act, is changed from "GENERAL PROVISIONS" to "EARLY INTERVENTION PROGRAMS AND SERVICES FOR INFANTS AND TODDLERS".

Sec. 24. Transfer and renumber

Title 8, chapter 9, article 1, Arizona Revised Statutes, is transferred and renumbered for placement in title 8, chapter 4, Arizona Revised Statutes, as added by this act, as article 3. Section 8-701, Arizona Revised Statutes, is transferred and renumbered for placement in title 8, chapter 4, article 3, Arizona Revised Statutes, as section 8-481.

Sec. 25. Heading change

A. The chapter heading of former title 8, chapter 9, Arizona Revised Statutes, is repealed.

B. The article heading of title 8, chapter 4, article 3, Arizona Revised Statutes, as transferred and renumbered by this act, is changed from "GENERAL PROVISIONS" to "HEALTHY FAMILIES PROGRAM".

Sec. 26. Section 8-481, Arizona Revised Statutes, as transferred and renumbered by this act, is amended to read:

8-481. Healthy families program; administration; consent; access to records

A. The healthy families program is established in the department ~~of economic security~~. The program shall provide services to children under five

1 years of age and members of their families that are designed to prevent child
2 abuse or neglect and to promote child development and wellness. The program
3 also may provide these services to pregnant women and their families.
4 B. The department shall:
5 1. Develop standardized program eligibility criteria to be used for
6 identifying families in greatest need of program services.
7 2. Develop the following program functions:
8 (a) Comprehensive standardized risk assessment evaluation for newborns
9 and their families.
10 (b) A method to identify families that have the greatest need for
11 program services. The department shall establish a method of disclosing to
12 parents at the time of their admission to a hospital for childbirth that they
13 may be contacted regarding program services.
14 (c) Outreach services that are conducted primarily through
15 prescheduled home visits.
16 3. Establish methods that assist program participants to reduce
17 illiteracy, reduce dependency on welfare, encourage employment, encourage
18 self-sufficiency and encourage community involvement by program participants
19 through community service, employment or participation in religious or social
20 organizations.
21 4. Develop employment guidelines for program personnel that include
22 background checks for those personnel who will have direct contact with
23 pregnant women or families or who will have access to program participant
24 records. Employment guidelines shall include skill development in child
25 abuse and neglect detection and in the collection of relevant program data.
26 5. Track program costs.
27 6. Offer parents education on prenatal care.
28 7. Offer participants education on successful marriage.
29 8. Establish guidelines for requiring program participants to engage
30 in community service activities in exchange for benefits received from the
31 program. Participants shall be allowed to choose from a variety of community
32 and faith-based service providers that are under contract with the department
33 to provide community service opportunities or program services. Participants
34 shall be allowed and encouraged to engage in community services within their
35 own communities. Participants shall be allowed to fulfill the requirements
36 of this paragraph by providing community services to the program from which
37 they received services.
38 C. The goals of the healthy families program include:
39 1. Reducing child abuse and neglect.
40 2. Promoting child wellness and proper development.
41 3. Strengthening family relations.
42 4. Promoting family unity.
43 5. Reducing dependency on drugs and alcohol.
44 D. The healthy families program shall provide the following services
45 to program participants:

1. Informal counseling or emotional support services.
2. Assistance in developing parenting and coping skills.
3. Education on the importance of good nutritional habits to improve the overall health of their children.
4. Education on developmental assessments so that early identification of any learning disabilities, physical handicaps or behavioral health needs are determined.
5. Education on the importance of preventative health care and the need for screening examinations such as hearing and vision.
6. Assistance and encouragement to provide age appropriate immunizations so that their children are immunized.
7. Assistance and encouragement to access comprehensive private and public preschool and other school readiness programs.
8. Assistance in applying for private and public financial assistance including employment services.
9. Assistance in accessing other applicable community and public services including employment services.

E. Program participants shall be provided with the Arizona children and families resource directory compiled under section 36-698 in order to help them answer questions concerning early childhood development.

F. Program services shall not be provided under this section unless:

1. Participation in the program is initiated in response to a request by the potential program participant.
2. A verbal explanation of the program is provided to program participants, including an explanation of the rights and responsibilities of both the participant and the program provider.
3. The written, informed consent of the program participants is received. The consent form shall include at least a clear description of the program, including the activities and information to be provided by the program during prescheduled home visits, the number of expected home visits, the right of program participants to terminate participation in the program at any time, any responsibilities of the program participants, a statement that a record will be made and maintained of the home visits and may be available in future court proceedings and any other information that is necessary to convey to the program participants a clear understanding of the program.

G. The initial contact may be in person and at any convenient location, except that if the contact occurs at the primary residence of the potential program participant, the program personnel shall not enter the residence during the initial contact without the permission of the potential program participant.

H. If the potential program participant is a minor living with the minor's parent or guardian, home visits shall not be provided under this section without the additional written consent of the parent or guardian.

I. If any home visits are to be made by program personnel who are required to report suspected abused or neglected children pursuant to title 13, chapter 36, the consent form shall also contain a clear and conspicuous statement informing parents that the home visits will be made by a person who is required to report any instances of suspected abuse or neglect of children to ~~child protective services in~~ the department ~~of economic security~~ or its successor.

J. Program participants have access to the records on their own family at all times and have the right to correct any inaccurate information included in the records. Records shall be retained for at least five years after the participants' last involvement in the program. Program records are not available to other government agencies or programs in the department without specific prior written consent by the program participant for the release of information in the program participant's records. Program personnel shall not wilfully include defamatory information or maliciously include derogatory information in the records. Program participants have a right of action against any program personnel for the knowing or reckless inclusion of defamatory information in the records.

K. This section does not prohibit a person from satisfying the reporting requirements of section 13-3620 or from complying with a court order to produce records.

Sec. 27. Repeal

Title 8, chapter 11, Arizona Revised Statutes, is repealed.

Sec. 28. Transfer and renumber

Title 8, chapter 5, article 1, Arizona Revised Statutes, is transferred and renumbered for placement in title 8, chapter 4, Arizona Revised Statutes, as added by this act, as article 4.

Sec. 29. Heading change

A. The chapter heading of former title 8, chapter 5, Arizona Revised Statutes, is repealed.

B. The article heading of title 8, chapter 4, article 4, Arizona Revised Statutes, as transferred and renumbered by this act, is changed from "GENERAL PROVISIONS" to "CHILD WELFARE AND PLACEMENT".

Sec. 30. Section 8-501, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-501. Definitions

A. In this article, unless the context otherwise requires:

1. "Child welfare agency" or "agency":

(a) Means:

(i) Any agency or institution maintained by a person, firm, corporation, association or organization to receive children for care and maintenance or for twenty-four hour social, emotional or educational supervised care or who have been adjudicated as a delinquent or dependent child.

(ii) Any institution that provides care for unmarried mothers and their children.

(iii) Any agency maintained by ~~the~~ THIS state, ~~or~~ a political subdivision ~~thereof,~~ OF THIS STATE OR A person, firm, corporation, association or organization to place children or unmarried mothers in a foster home.

(b) Does not include state operated institutions or facilities, detention facilities for children established by law, health care institutions that are licensed by the department of health services pursuant to title 36, chapter 4 or private agencies that exclusively provide children with social enrichment or recreational opportunities and that do not use restrictive behavior management techniques.

2. "Division" or "department" means the department of ~~economic security~~ CHILD SAFETY.

3. "Former dependent child" means a person who was previously adjudicated a dependent child in a dependency proceeding that has been dismissed by order of the juvenile court.

4. "Foster child" means a child placed in a foster home or child welfare agency.

5. "Foster home" means a home maintained by any individual or individuals having the care or control of minor children, other than those related to each other by blood or marriage, or related to such individuals, or who are legal wards of such individuals.

6. "Foster parent" means any individual or individuals maintaining a foster home.

7. "Group foster home" means a licensed regular or special foster home suitable for placement of more than five minor children but not more than ten minor children.

8. "Out-of-home placement" means the placing of a child in the custody of an individual or agency other than with the child's parent or legal guardian and includes placement in temporary custody pursuant to section 8-821, subsection A or B, voluntary placement pursuant to section 8-806 or placement due to dependency actions.

9. "Parent" means the natural or adoptive mother or father of a child.

10. "Reason for leaving care" means one of the following:

(a) Reunification with A parent or primary caretaker.

(b) Living with ~~other~~ ANOTHER relative.

(c) Adoption by A relative.

(d) Adoption by A foster parent.

(e) Adoption by another person.

(f) Age of majority.

(g) Guardianship by A relative.

(h) Guardianship by another person.

(i) Transfer to another agency.

(j) Runaway.

(k) Death.

11. "Receiving foster home" means a licensed foster home suitable for immediate placement of children when taken into custody or pending medical examination and court disposition.

12. "Regular foster home" means a licensed foster home suitable for placement of not more than five minor children.

13. "Relative" means a grandparent, great-grandparent, brother or sister of whole or half blood, aunt, uncle or first cousin.

14. "Restrictive behavior management" means an intervention or procedure that attempts to guide, redirect, modify or manage behavior through the use of any of the following:

(a) Physical force to cause a child to comply with a directive. Physical force does not include physical escort. For the purposes of this subdivision, "physical escort" means temporarily touching or holding a child's hand, wrist, arm, shoulder or back to induce the child to walk to a safe location.

(b) A device, action or medication to restrict the movement or normal function of a child in order to control or change the child's behavior and that includes:

(i) Chemical restraint. For the purposes of this item, "chemical restraint" means the use of any psychoactive medication as a restraint to control the child's behavior or to restrict the child's freedom of movement and that is not a standard treatment for the child's medical or psychiatric condition.

(ii) Mechanical restraint. For the purposes of this item, "mechanical restraint" means the use of any physical device to limit a child's movement and to prevent the child from causing harm to self or to others. Mechanical restraint does not include devices such as orthopedically prescribed devices, surgical dressings or bandages, protective helmets or any other method that involves the physical holding of a child to conduct a routine physical examination or test or to protect the child from falling out of bed or to permit the child to participate in activities in order to reduce the risk of physical harm to the child.

(iii) Physical restraint. For the purposes of this item, "physical restraint" means applying physical force to reduce or restrict a child's ability to freely move the child's arms, legs or head. Physical restraint does not include temporarily holding a child to permit the child to participate in activities of daily living if this holding does not involve the risk of physical harm to the child.

(iv) Seclusion. For the purposes of this item, "seclusion" means placing a child against the child's will in a room in which the child is unable to open the door in order to prevent the child from doing harm to self or others.

15. "Special foster home" means a licensed foster home capable of handling not more than five minor children who require special care for

physical, mental or emotional reasons or who have been adjudicated delinquent. Special foster home includes any home handling foster children aged twelve through seventeen.

B. A foster home or any classification of foster home defined in subsection A of this section includes a home having the care of persons who are under twenty-one years of age and the cost of whose care is provided pursuant to section 46-134, ~~subsection A,~~ paragraph ~~14~~ 12.

Sec. 31. Repeal

Section 8-502, Arizona Revised Statutes, as transferred by this act, is repealed.

Sec. 32. Section 8-503.01, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-503.01. Children and family services training program fund; purposes; status report; exemption from lapsing

A. The division shall establish a children and family services training program fund consisting of monies received pursuant to sections 8-243.01 and 8-807. Subject to legislative appropriation, the fund monies shall be used to enhance the collection of monies owed the department ~~of economic security~~ pursuant to section 8-243 and to administer a children and family services training program for the training of child ~~protective services~~ SAFETY workers, public employees in related program services and employees of child welfare agencies and community treatment programs that, in the judgment of the director of the department, would benefit from staff training. ~~However,~~ The department shall not use fund monies to pay any portion of training program staff salaries and training program staff expenses. The department shall use monies collected under section 8-807 only to reimburse the department for the labor, editing and copying charges related to that section.

B. The director shall include in the annual report ~~required under section 41-1960~~ a status report on and an evaluation of the children and family services training program.

C. Ninety per cent of the monies collected under ~~the provisions of~~ this section shall be deposited in the children and family services training program fund, not more than ten per cent of which shall be used to enhance the collection of monies owed the department ~~of economic security~~ pursuant to section 8-243. The remaining ten per cent of the monies collected shall be deposited in the STATE general fund ~~of the state~~.

Sec. 33. Section 8-506, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-506. Denial, suspension or revocation of license; foster home; hearing

The division may deny the application or suspend or revoke the license of any foster home for wilful violation of any provision of this ~~chapter~~ ARTICLE or failure to maintain the standards of the care prescribed by the division. Written notice of the grounds of the suspension or the proposed

denial or revocation shall be given TO the applicant or holder of the license. A copy of the written notice of the suspension or the proposed denial~~,~~ or revocation shall be forwarded to the agency that recommended the foster home for licensing. Within twenty days after receipt of written notice of proposed denial, revocation~~,~~ or suspension, the applicant or holder may request a hearing in accordance with the rules of the division. If the hearing is requested it shall be held within ten days of the request, at which time the applicant or holder shall have the right to present testimony and confront witnesses.

Sec. 34. Section 8-506.01, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-506.01. Denial, suspension, revocation or change of license; child welfare agency; appeal

The division may deny the application or suspend or revoke the license of any child welfare agency for the wilful violation of any provision of this ~~chapter~~ ARTICLE or for failure to maintain the standards of the care prescribed by the division. Written notice of the grounds of the suspension or the proposed denial or revocation or any other material change in the license status, including provisional status, shall be given TO the applicant or holder of the license. Within twenty days after receipt of written notice of a proposed denial, revocation, suspension or change, the applicant or holder may request a hearing in accordance with title 41, chapter 6, article 10. If the hearing is requested it shall be held within ten days of the request, at which time the applicant or holder has the right to subpoena witnesses, present testimony and confront witnesses.

Sec. 35. Section 8-507, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-507. Operation without license

A. When the division has reason to believe that an agency or foster home is being conducted or maintained without a license, it shall make an investigation, and, if necessary, the division shall take action to prevent such continued operation.

B. If an agency provides treatment or permits restrictive behavior techniques to be used, the agency shall obtain a license issued by the department of health services pursuant to title 36, chapter 4 or a child welfare agency license issued ~~by the department of economic security~~ pursuant to this ~~chapter~~ ARTICLE.

C. The superior court shall have jurisdiction to issue an injunction restraining the operation of a child welfare agency or foster home without a license.

Sec. 36. Section 8-512, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-512. Comprehensive medical and dental care; guidelines

A. The department shall provide comprehensive medical and dental care, as prescribed by rules of the department, for each child who is:

1. Placed in a foster home.
2. In the custody of the department and placed with a relative.
3. In the custody of the department and placed in a certified adoptive home before the entry of the final order of adoption.
4. In the custody of the department and in an independent living program as provided in section 8-521.
5. In the custody of a probation department and placed in foster care. The department shall not provide this care if the cost exceeds funds currently appropriated and available for that purpose.

B. On or before October 1, 2015, the department of ~~economic security~~ CHILD SAFETY, in collaboration with the department of health services and the Arizona health care cost containment system administration, shall:

1. Determine the most efficient and effective way to provide comprehensive medical, dental and behavioral health services, including behavioral health diagnostic, evaluation and treatment services for children who are provided care pursuant to subsection A of this section.
2. Determine the number of disruptions of placements in foster care by age of child due to behavioral health management issues and the extent each child is receiving behavioral health services.
3. Determine the number of adopted children who have entered foster care due to the adoptive parents' inability to receive behavioral health services to adequately meet the needs of the child and parents.
4. Submit a report of its recommendations for providing services pursuant to this subsection to the governor, the speaker of the house of representatives and the president of the senate and shall provide a copy of its report to the secretary of state. The collaborative determination shall consider an administratively integrated system.

C. The care may include:

1. A program of regular health examinations and immunizations including as minimums:
(a) Vaccinations to prevent mumps, rubella, smallpox and polio.
(b) Tests for anemia, coccidioidomycosis and tuberculosis.
(c) Urinalysis, blood count and hemoglobin tests.
(d) Regular examinations for general physical health, hearing and vision, including providing corrective devices when needed.
2. Inpatient and outpatient hospital care.
3. Necessary services of physicians, surgeons, psychologists and psychiatrists.
4. Dental care consisting of at least oral examinations including diagnostic radiographs, oral prophylaxis and topical fluoride applications, restoration of permanent and primary teeth, pulp therapy, extraction when necessary, fixed space maintainers where needed and other services for relief of pain and infection.
5. Drug prescription service.

1 D. The facilities of any hospital or other institution within the
2 state, public or private, may be employed by the foster parent, relative,
3 certified adoptive parent, agency or division having responsibility for the
4 care of the child.
5 E. For inpatient hospital admissions and outpatient hospital services
6 on or after March 1, 1993, the department shall reimburse a hospital
7 according to the rates established by the Arizona health care cost
8 containment system administration pursuant to section 36-2903.01,
9 subsection G.
10 F. The department shall use the Arizona health care cost containment
11 system administration rates as identified in subsection E of this section for
12 any child eligible for services under this section.
13 G. A hospital bill is considered received for purposes of subsection I
14 of this section on initial receipt of the legible, error-free claim form by
15 the department if the claim includes the following error-free documentation
16 in legible form:
17 1. An admission face sheet.
18 2. An itemized statement.
19 3. An admission history and physical.
20 4. A discharge summary or an interim summary if the claim is split.
21 5. An emergency record, if admission was through the emergency room.
22 6. Operative reports, if applicable.
23 7. A labor and delivery room report, if applicable.
24 H. The department shall require that the hospital pursue other third
25 party payors before submitting a claim to the department. Payment received
26 by a hospital from the department is considered payment by the department of
27 the department's liability for the hospital bill. A hospital may collect any
28 unpaid portion of its bill from other third party payors or in situations
29 covered by title 33, chapter 7, article 3.
30 I. For inpatient hospital admissions and outpatient hospital services
31 rendered on and after October 1, 1997, the department shall pay a hospital's
32 rate established according to this section subject to the following:
33 1. If the hospital's bill is paid within thirty days of the date the
34 bill was received, the department shall pay ninety-nine per cent of the rate.
35 2. If the hospital's bill is paid after thirty days but within sixty
36 days of the date the bill was received, the department shall pay one hundred
37 per cent of the rate.
38 3. If the hospital's bill is paid any time after sixty days of the
39 date the bill was received, the department shall pay one hundred per cent of
40 the rate plus a fee of one per cent per month for each month or portion of a
41 month following the sixtieth day of receipt of the bill until the date of
42 payment.
43 J. For medical services other than those for which a rate has been
44 established pursuant to section 36-2903.01, subsection G, the department

shall pay according to the Arizona health care cost containment system capped fee-for-service schedule adopted pursuant to section 36-2904, subsection K.

K. For any hospital or medical claims not covered under subsection E or J of this section, the department shall establish and adopt a schedule setting out maximum allowable fees that the department deems reasonable for such services after appropriate study and analysis of usual and customary fees charged by providers. The department shall not pay to any plan or intermediary that portion of the cost of any service provided that exceeds allowable charges prescribed by the department pursuant to this subsection.

L. The department shall not pay claims for services pursuant to this section that are submitted more than one hundred eighty days after the date of the service for which the payment is claimed.

M. The department may provide for payment through an insurance plan, hospital service plan, medical service plan, or any other health service plan authorized to do business in this state, fiscal intermediary or a combination of such plans or methods. The state shall not be liable for and the department shall not pay to any plan or intermediary any portion of the cost of comprehensive medical and dental care in excess of funds appropriated and available for such purpose at the time the plan or intermediary incurs the expense for such care.

N. The total amount of state monies that may be spent in any fiscal year by the department for comprehensive medical and dental care shall not exceed the amount appropriated or authorized by section 35-173 for that purpose. This section shall not be construed to impose a duty on an officer, agent or employee of this state to discharge a responsibility or to create any right in a person or group if the discharge or right would require an expenditure of state monies in excess of the expenditure authorized by legislative appropriation for that specific purpose.

Sec. 37. Section 8-514.01, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-514.01. Placement of developmentally disabled children

All foster placements of developmentally disabled children made by the division shall be made to child developmental foster homes for developmentally disabled children operated or licensed by the department OF ECONOMIC SECURITY pursuant to title 36, chapter 5.1, article 3 ~~which~~ THAT provide specialized programs for developmentally disabled children, except that placements of developmentally disabled children to other types of foster homes licensed pursuant to this article may be made, ~~when~~ IF the division determines that such placement is in the best interests of the child.

Sec. 38. Section 8-514.03, Arizona Revised Statutes, as transferred by this act, is amended to read:

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

A. The department shall establish kinship foster care services for a child who has been removed from the child's home and is in the custody of the

department. The program shall promote the placement of the child with the child's relative for kinship foster care.

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

C. If the department determines that a kinship foster care placement is not in the best interest of the child, the department shall provide written notification to the applicant within fifteen business days. The notice shall include the specific reason for denial, the applicant's right to appeal and the process for reviewing the decision.

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

1. Full foster care benefits, including payment if the kinship foster care parent becomes a licensed foster care home.

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

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

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

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

1. Family assessment.
2. Case management.
3. Child day care.
4. Housing search and relocation.
5. Parenting skills training.
6. Supportive intervention and guidance counseling.
7. Transportation.
8. Emergency services.

9. Parent aid services.

10. Respite services.

11. Additional services that the department determines are necessary to meet the needs of the child and family.

H. The department of ~~economic security~~ CHILD SAFETY shall evaluate biannually the performance of the kinship foster care program. On or before November 1, the department shall submit a report to the speaker of the house of representatives, the president of the senate and the governor and shall provide a copy of this report to the secretary of state. The report shall contain the following information:

1. The demographics and number of children placed with relative caregivers.

2. The demographics of kinship foster caregivers.

3. The number of relative children per kinship foster care family.

4. The department's success at maintaining kinship foster care placements.

5. The type of services provided to kinship foster care families.

6. The cost of services provided to kinship foster care families compared to the cost of out-of-home placements.

7. Recommendations regarding program improvement.

Sec. 39. Section 8-514.04, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-514.04. Kinship care program; requirements

A. The kinship care program is established in the department ~~of economic security~~. The program shall:

1. Streamline, expedite and coordinate existing services and referrals.

2. Preserve families.

3. ~~Help~~ Meet the protection, developmental, cultural and permanency needs of children.

4. Enable families to sustain support for a child who cannot live with the child's parents.

B. The department shall adopt rules to prescribe application and eligibility requirements that provide an expedited process for kinship care families to receive child only temporary assistance for needy families.

C. The department shall use existing measures for outreach and marketing in order to facilitate community awareness regarding the program.

D. The department OF ECONOMIC SECURITY shall submit an amendment to modify the temporary assistance for needy families state plan to the United States department of health and human services. The amendment shall waive the face-to-face requirement for relative caregivers applying for temporary assistance for needy families, for a child only case.

E. Any kinship care family that applies for or receives cash assistance under this section on behalf of a dependent child who is under eighteen years of age shall conform to the requirements established pursuant

to sections 46-292 and 46-295 and department OF ECONOMIC SECURITY rule unless the requirements have been modified pursuant to this section.

F. The department shall keep confidential information it obtains pursuant to this section.

Sec. 40. Section 8-514.05, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-514.05. Foster care provider access to child health information; consent to treatment

A. If a health plan, a health care provider licensed or certified pursuant to title 32 or title XIX of the social security act or a health care institution licensed pursuant to title 36, chapter 4 has provided or is providing services to a child placed in out-of-home placement and has custody or control of that child's medical or behavioral health records, the plan, provider or institution must provide the following to the child's foster parent, group home staff, foster home staff, relative or other person or agency in whose care the child is currently placed pursuant to this article or article ~~4~~ 6 of this chapter:

1. Medical records.

2. Behavioral health records.

3. Information relating to the child's condition and treatment.

4. The child's prescription and nonprescription drugs, medications, durable medical equipment, devices and related information.

B. If a health plan, a health care provider licensed or certified pursuant to title 32 or title XIX of the social security act or a health care institution licensed pursuant to title 36, chapter 4 has provided or is providing services to a child for whom the department is the legal guardian or is providing foster care or substance abuse services and has custody or control of that child's medical or behavioral health records, the plan, provider or institution must provide the following to the department's employees who are involved in the child's case management:

1. Medical records.

2. Behavioral health records.

3. Information relating to the child's condition and treatment.

4. The child's prescription and nonprescription drugs, medications, durable medical equipment, devices and related information.

C. The foster parent, group home staff, foster home staff, relative or other person or agency in whose care the child is currently placed pursuant to this article or article ~~4~~ 6 of this chapter:

1. May give consent for the following:

(a) Evaluation and treatment for emergency conditions that are not life threatening.

(b) Routine medical and dental treatment and procedures, including early periodic screening diagnosis and treatment services, and services by health care providers to relieve pain or treat symptoms of common childhood illnesses or conditions.

2. Shall not consent to:
(a) General anesthesia.
(b) Surgery.
(c) Testing for the presence of the human immunodeficiency virus.
(d) Blood transfusions.
(e) Abortions.

Sec. 41. Section 8-520, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-520. Violations; classification

Any agency, society, association, institution or person, whether incorporated or unincorporated, and any individual acting for or in its name, which engages in caring for children or children and adults or of placing children for care pursuant to this ~~chapter~~ ARTICLE, without having first procured a license as a child welfare agency as provided in this ~~chapter~~ ARTICLE, or which knowingly fails or refuses to report as required by the provisions of this ~~chapter~~ ARTICLE, or which knowingly obstructs or hinders the division or its agents in inspection or investigation of the agency, societies, associations, institutions or persons under its control or charge, or any person knowingly violating any of the other provisions of this ~~chapter~~ ARTICLE is guilty of a class 2 misdemeanor unless another classification is specifically prescribed in this ~~chapter~~ ARTICLE.

Sec. 42. Section 8-521, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-521. Independent living program; conditions; eligibility; rules; case management unit; reports

A. The department or a licensed child welfare agency may establish an independent living program for youths who are the subject of a dependency petition or who are adjudicated dependent and are all of the following:

1. In the custody of the department, a licensed child welfare agency or a tribal child welfare agency.
2. At least seventeen years of age.
3. Employed or full-time students.

B. The independent living program may consist of a residential program of less than twenty-four hours' a day supervision for youths under the supervision of the department through a licensed child welfare agency or a foster home under contract with the department. Under the independent living program the youth is not required to reside at a licensed child welfare agency or foster home.

C. The director or the director's designee shall review and approve any recommendation to the court that a youth in the custody of the department be ordered to an independent living program.

D. For a youth to participate in an independent living program, the court must order such a disposition pursuant to section 8-845.

E. The department OF CHILD SAFETY, a licensed child welfare agency or a tribal child welfare agency having custody of the youth shall provide the

cost of care as required by section 46-134 for each child placed in an independent living program pursuant to this section, except that the monthly amount provided shall not exceed the average monthly cost of purchased services for the child in the three months immediately preceding placement in an independent living program.

F. The department shall adopt rules pursuant to title 41, chapter 6 to carry out this section.

G. The department shall provide quarterly progress reports to the court and to local foster care review boards for each youth participating in the independent living program.

H. The local foster care review boards shall review at least once every six months the case of each youth participating in the independent living program.

I. The department shall establish an educational case management unit within the division consisting of two case managers to develop and coordinate educational case management plans for youths participating in the independent living program and to assist youths in the program to do the following:

1. Graduate from high school.
2. Pass the Arizona instrument to measure standards test.
3. Apply for postsecondary financial assistance.
4. Apply for postsecondary education.

J. The department shall prepare a report on or before March 1 of each year that contains the following information for the previous calendar year:

1. The number of children in the program.
2. The number of children in the program by age and grade.
3. The number of children in the program by county of residence.
4. The number of children in the program who graduated from high school.
5. The number of children in the program who received a general equivalency diploma.
6. The number of children in the program enrolled in postsecondary education.

K. The department shall submit a copy of the report prescribed in subsection J of this section to the governor, the president of the senate, the speaker of the house of representatives~~,~~ AND the secretary of state ~~and the director of the Arizona state library, archives and public records~~.

Sec. 43. Section 8-525, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-525. Open court proceedings; closure; records

A. Except as otherwise provided pursuant to this section, court proceedings relating to dependent children, permanent guardianship and termination of parental rights are open to the public.

B. At the first hearing in any dependency, permanent guardianship or termination of parental rights proceeding, the court shall ask the parties if there are any reasons the proceeding should be closed. For good cause shown,

the court may order any proceeding to be closed to the public. In considering whether to close the proceeding to the public, the court shall consider:

1. Whether doing so is in the child's best interests.

2. Whether an open proceeding would endanger the child's physical or emotional well-being or the safety of any other person.

3. The privacy rights of the child, the child's siblings, parents, guardians and caregivers and any other person whose privacy rights the court determines need protection.

4. Whether all parties have agreed to allow the proceeding to be open.

5. If the child is at least twelve years of age and a party to the proceeding, the child's wishes.

6. Whether an open proceeding could cause specific material harm to a criminal investigation.

C. Subject to the requirements of subsection B of this section and section 8-807, subsection F, paragraph 2, a court proceeding relating to child abuse, abandonment or neglect that has resulted in a fatality or near fatality is open to the public.

D. At the beginning of a hearing that is open to the public, the court shall do the following:

1. Admonish all attendees that they are prohibited from disclosing any information that may identify the child and the child's siblings, parents, guardians and caregivers, and any other person whose identity will be disclosed during the proceeding.

2. Explain contempt of court to all attendees and the possible consequences of violating an order of the court.

E. A person who remains in the court after the admonition pursuant to subsection D of this section must abide by the court's order prohibiting disclosure of that information. The court may find a person who fails to do so in contempt of court.

F. The court may close an open proceeding at any time for good cause shown and after considering the factors prescribed in subsection B of this section.

G. If a proceeding relating to child abuse, abandonment or neglect that has resulted in a fatality or near fatality has been closed by the court, any person may subsequently request that the court reopen a proceeding or a specific hearing to the public or request a transcript be made of any previously closed proceeding. In ruling on this request, the court shall consider the factors prescribed in subsection B of this section. The person who requested the transcript shall pay the cost of the transcript. If the court grants a request for a transcript of any closed proceeding, the court shall redact from a transcript any information that:

1. Is essential to protect the privacy, well-being or safety interests prescribed in subsection B of this section.

2. Protects the identity and safety of a person who reports child abuse or neglect and ~~to protect~~ any other person if the court believes that disclosure of the ~~CPS~~ DCS information would be likely to endanger the life or safety of any person.

3. The court has received that is confidential by law. The court shall maintain the confidentiality of the information as prescribed in the applicable law.

H. Any person may request to inspect court records of a proceeding involving the disclosure of ~~CPS~~ DCS information regarding a case of child abuse, abandonment or neglect that has resulted in a fatality or near fatality. In ruling on this request, the court shall consider the factors prescribed in subsection B of this section. If the court grants the request, the court shall redact any information subject to the requirements of subsections B and G of this section and section 8-807, subsection F, paragraph 2.

Sec. 44. Transfer and renumber

Title 8, chapter 5, article 2, Arizona Revised Statutes, is transferred and renumbered for placement in title 8, chapter 4, Arizona Revised Statutes, as added by this act, as article 5.

Sec. 45. Section 8-531, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-531. Definitions

In this article, unless the context otherwise requires:

1. "Abandonment" means the failure of a parent to provide reasonable support and to maintain regular contact with the child, including providing normal supervision. Abandonment includes a judicial finding that a parent has made only minimal efforts to support and communicate with the child. Failure to maintain a normal parental relationship with the child without just cause for a period of six months constitutes prima facie evidence of abandonment.

2. "Agency" means an agency licensed by the division to place children for adoption.

3. "Child" means a person less than eighteen years of age.

4. "Custodian" means a person, other than a parent or legal guardian, who stands in loco parentis to the child or a person to whom legal custody of the child has been given by order of a court of competent jurisdiction.

5. "Custody" or "legal custody" means a status embodying all of the following rights and responsibilities:

(a) The right to have physical possession of the child.

(b) The right and the duty to protect, train and discipline the child.

(c) The responsibility to provide the child with adequate food, clothing, shelter, education and medical care, provided that such rights and responsibilities shall be exercised subject to the powers, rights, duties and responsibilities of the guardian of the person and subject to the residual

parental rights and responsibilities if they have not been terminated by judicial decree.

6. "Division" means the department ~~of economic security~~.

7. "Guardian ad litem" means a person appointed by the court to protect the interest of a minor or an incompetent in a particular case before the court.

8. "Guardianship of the person" with respect to a minor means the duty and authority to make important decisions in matters affecting the minor including but not necessarily limited either in number or kind to:

(a) The authority to consent to marriage, to enlistment in the armed forces of the United States and to major medical, psychiatric and surgical treatment, to represent the minor in legal actions and to make other decisions concerning the child of substantial legal significance.

(b) The authority and duty of reasonable visitation, except to the extent that such right of visitation has been limited by court order.

(c) The rights and responsibilities of legal custody, except where legal custody has been vested in another individual or in an authorized agency.

(d) When the parent-child relationship has been terminated by judicial decree with respect to the parents, or only living parent, or when there is no living parent, the authority to consent to the adoption of the child and to make any other decision concerning the child ~~which~~ THAT the child's parents could make.

9. "Juvenile court" means the juvenile division of the superior court.

10. "Parent" means the natural or adoptive mother or father of a child.

11. "Parent-child relationship" includes all rights, privileges, duties and obligations existing between parent and child, including inheritance rights.

12. "Parties" includes the child, the petitioners and any parent of the child required to consent to the adoption pursuant to section 8-106.

Sec. 46. Section 8-532, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-532. Jurisdiction; dependency based termination

A. The juvenile court shall have exclusive original jurisdiction over petitions to terminate the parent-child relationship when the child involved is present in ~~the~~ THIS state.

B. The juvenile court shall continue to have exclusive original jurisdiction when the juvenile is in the legal custody of the juvenile court although the physical placement of the child is in another state pursuant to court order.

C. This article does not apply to termination proceedings conducted pursuant to ~~chapter 10,~~ article ~~4~~ 11 of this ~~title~~ CHAPTER except to the extent prescribed in section 8-863.

Sec. 47. Section 8-533, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-533. Petition; who may file; grounds

A. Any person or agency that has a legitimate interest in the welfare of a child, including, but not limited to, a relative, a foster parent, a physician, the department ~~of economic security~~ or a private licensed child welfare agency, may file a petition for the termination of the parent-child relationship alleging grounds contained in subsection B of this section.

B. Evidence sufficient to justify the termination of the parent-child relationship shall include any one of the following, and in considering any of the following grounds, the court shall also consider the best interests of the child:

1. That the parent has abandoned the child.

2. That the parent has neglected or wilfully abused a child. This abuse includes serious physical or emotional injury or situations in which the parent knew or reasonably should have known that a person was abusing or neglecting a child.

3. That the parent is unable to discharge parental responsibilities because of mental illness, mental deficiency or a history of chronic abuse of dangerous drugs, controlled substances or alcohol and there are reasonable grounds to believe that the condition will continue for a prolonged indeterminate period.

4. That the parent is deprived of civil liberties due to the conviction of a felony if the felony of which that parent was convicted is of such nature as to prove the unfitness of that parent to have future custody and control of the child, including murder of another child of the parent, manslaughter of another child of the parent or aiding or abetting or attempting, conspiring or soliciting to commit murder or manslaughter of another child of the parent, or if the sentence of that parent is of such length that the child will be deprived of a normal home for a period of years.

5. That the potential father failed to file a paternity action within thirty days of completion of service of notice as prescribed in section 8-106, subsection G.

6. That the putative father failed to file a notice of claim of paternity as prescribed in section 8-106.01.

7. That the parents have relinquished their rights to a child to an agency or have consented to the adoption.

8. That the child is being cared for in an out-of-home placement under the supervision of the juvenile court, the division or a licensed child welfare agency, that the agency responsible for the care of the child has made a diligent effort to provide appropriate reunification services and that one of the following circumstances exists:

(a) The child has been in an out-of-home placement for a cumulative total period of nine months or longer pursuant to court order or voluntary

placement pursuant to section 8-806 and the parent has substantially neglected or wilfully refused to remedy the circumstances that cause the child to be in an out-of-home placement.

(b) The child who is under three years of age has been in an out-of-home placement for a cumulative total period of six months or longer pursuant to court order and the parent has substantially neglected or wilfully refused to remedy the circumstances that cause the child to be in an out-of-home placement, including refusal to participate in reunification services offered by the department.

(c) The child has been in an out-of-home placement for a cumulative total period of fifteen months or longer pursuant to court order or voluntary placement pursuant to section 8-806, the parent has been unable to remedy the circumstances that cause the child to be in an out-of-home placement and there is a substantial likelihood that the parent will not be capable of exercising proper and effective parental care and control in the near future.

9. That the identity of the parent is unknown and continues to be unknown following three months of diligent efforts to identify and locate the parent.

10. That the parent has had parental rights to another child terminated within the preceding two years for the same cause and is currently unable to discharge parental responsibilities due to the same cause.

11. That all of the following are true:

(a) The child was cared for in an out-of-home placement pursuant to court order.

(b) The agency responsible for the care of the child made diligent efforts to provide appropriate reunification services.

(c) The child, pursuant to court order, was returned to the legal custody of the parent from whom the child had been removed.

(d) Within eighteen months after the child was returned, pursuant to court order, the child was removed from that parent's legal custody, the child is being cared for in an out-of-home placement under the supervision of the juvenile court, the division or a licensed child welfare agency and the parent is currently unable to discharge parental responsibilities.

C. Evidence considered by the court pursuant to subsection B of this section shall include any substantiated allegations of abuse or neglect committed in another jurisdiction.

D. In considering the grounds for termination prescribed in subsection B, paragraph 8 or 11 of this section, the court shall consider the availability of reunification services to the parent and the participation of the parent in these services.

E. In considering the grounds for termination prescribed in subsection B, paragraph 8 of this section, the court shall not consider the first sixty days of the initial out-of-home placement pursuant to section 8-806 in the cumulative total period.

F. The failure of an alleged parent who is not the child's legal parent to take a test requested by the department or ordered by the court to determine if the person is the child's natural parent is prima facie evidence of abandonment unless good cause is shown by the alleged parent for that failure.

Sec. 48. Transfer and renumber

Title 8, chapter 5, article 4, Arizona Revised Statutes, is transferred and renumbered for placement in title 8, chapter 4, Arizona Revised Statutes, as added by this act, as article 6.

Sec. 49. Section 8-548.05, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-548.05. Visitation, inspection and supervision

Any requirements for visitation, inspection or supervision of children, homes, institutions or other agencies in another party state which may apply under sections 8-501, 8-503 through 8-520 and 8-813 shall be deemed to be met if performed pursuant to an agreement entered into by appropriate officers or agencies of this state as contemplated by paragraph (b) of article V of the interstate compact on the placement of children.

Sec. 50. Transfer and renumber

Title 8, chapter 5, article 5, Arizona Revised Statutes, is transferred and renumbered for placement in title 8, chapter 4, Arizona Revised Statutes, as added by this act, as article 7.

Sec. 51. Repeal

Section 8-550, Arizona Revised Statutes, as transferred by this act, is repealed.

Sec. 52. Transfer and renumber

A. Title 8, chapter 6, Arizona Revised Statutes, is transferred and renumbered for placement in title 36, Arizona Revised Statutes, as chapter 39. Title 8, chapter 6, article 1, Arizona Revised Statutes, is transferred and renumbered for placement in title 36, chapter 39, Arizona Revised Statutes, as added by this act, as article 1. Sections 8-551, 8-552, 8-553, 8-554, 8-555, 8-556, 8-557, 8-558, 8-560, 8-561, 8-564, 8-565, 8-566, 8-567 and 8-568, Arizona Revised Statutes, are transferred and renumbered for placement in title 36, chapter 39, article 1, Arizona Revised Statutes, as sections 36-3901, 36-3902, 36-3903, 36-3904, 36-3905, 36-3906, 36-3907, 36-3908, 36-3909, 36-3910, 36-3911, 36-3912, 36-3913, 36-3914 and 36-3915, respectively.

B. Title 8, chapter 7, Arizona Revised Statutes, is transferred and renumbered for placement in title 25, Arizona Revised Statutes, as chapter 10. Title 8, chapter 7, article 1, Arizona Revised Statutes, is transferred and renumbered for placement in title 25, chapter 10, Arizona Revised Statutes, as article 1. Section 8-601, Arizona Revised Statutes, is transferred and renumbered for placement in title 25, chapter 10, article 1, as added by this act, as section 25-1401.

C. Title 8, chapter 10, article 1, Arizona Revised Statutes, is transferred and renumbered for placement in title 8, chapter 4, Arizona Revised Statutes, as added by this act, as article 8.

Sec. 53. Heading change

A. The chapter heading of former title 8, chapter 10, Arizona Revised Statutes, is repealed.

B. The article heading of title 8, chapter 4, article 8, Arizona Revised Statutes, as transferred and renumbered by this act, is changed from "PROTECTIVE SERVICES" to "DEPENDENT CHILDREN".

Sec. 54. Repeal

Section 8-800, Arizona Revised Statutes, as transferred by this act, is repealed.

Sec. 55. Section 8-801, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-801. Definitions

In this ARTICLE AND ARTICLES 9, 10, 11, 12, 13 AND 14 OF THIS chapter, unless the context otherwise requires:

~~4.~~ 1. "~~Protective~~ CHILD SAFETY services" means a specialized child welfare program that is administered by the department as provided in this chapter and that investigates allegations of and seeks to prevent, intervene in and treat abuse, and neglect, to promote the well-being of the child in a permanent home and to coordinate services to strengthen the family.

~~1.~~ 2. "Child ~~protective services~~ SAFETY worker" or "worker" means a person who has been selected by and trained under the requirements prescribed by the department and who assists in carrying out the provisions of this article.

~~2. "Criminal conduct allegation" means an allegation of conduct by a parent, guardian or custodian of a child that, if true, would constitute any of the following:~~

~~(a) A violation of section 13-3623 involving child abuse.~~

~~(b) A felony offense that constitutes domestic violence as defined in section 13-3601.~~

~~(c) A violation of section 13-1404 or 13-1406 involving a minor.~~

~~(d) A violation of section 13-1405, 13-1410 or 13-1417.~~

~~(e) Any other act of abuse that is classified as a felony.~~

~~(f) An offense that constitutes domestic violence as defined in section 13-3601 and that involves a minor who is a victim of or was in imminent danger during the domestic violence.~~

3. "In-home intervention" means a program of services provided pursuant to article ~~7~~ 14 of this chapter while the child is still in the custody of the parent, guardian or custodian.

~~5.~~ 4. "Relative" has the same meaning prescribed in section 8-501.

Sec. 56. Section 8-802, Arizona Revised Statutes, as amended by Laws 2013, first special session, chapter 5, section 1 and as transferred by this act, is amended to read:

8-802. Child safety worker; fingerprint clearance cards; interview requirements; temporary custody limit; cooperation and coordination; alteration of files; violation; classification

A. The department ~~of economic security~~ shall employ child ~~protective services~~ SAFETY workers. All persons who are employed as child ~~protective services~~ SAFETY workers shall have a valid fingerprint clearance card that is issued pursuant to section 41-1758.07 or shall apply for a fingerprint clearance card within seven working days of employment. A child ~~protective services~~ SAFETY worker shall certify on forms that are provided by the department ~~of economic security~~ and that are notarized whether the worker is awaiting trial on or has ever been convicted of any of the criminal offenses listed in section 41-1758.07, subsections B and C in this state or similar offenses in another state or jurisdiction.

~~B. The department may cooperate with county agencies and community social services agencies to achieve the purposes of this chapter.~~

~~C. Child protective services shall:~~

~~1. Promote the safety and protection of children.~~

~~2. Accept, screen and assess reports of abuse or neglect:~~

~~(a) Pursuant to section 8-817.~~

~~(b) In level I residential treatment centers or in level II or level III behavioral health residential agencies that are licensed by the department of health services.~~

~~3. Receive reports of dependent, abused or abandoned children and be prepared to provide temporary foster care for these children on a twenty-four hour basis.~~

~~4. Receive from any source oral or written information regarding a child who may be in need of protective services.~~

B. A worker shall not interview a child without the prior written consent of the parent, guardian or custodian of the child unless either:

~~(a)~~ 1. The child initiates contact with the worker.

~~(b)~~ 2. The child who is interviewed is the subject of or is the sibling of or living with the child who is the subject of an abuse or abandonment investigation pursuant to ~~paragraph 5, subdivision (b) of this subsection~~ SECTION 8-456.

~~(c)~~ 3. The interview is conducted pursuant to the terms of the protocols established pursuant to section 8-817.

~~5. After the receipt of any report or information pursuant to paragraph 2, 3 or 4 of this subsection, immediately do all of the following:~~

~~(a) Notify the municipal or county law enforcement agency and the office of child welfare investigations.~~

~~(b) Make a prompt and thorough investigation. An investigation must determine the nature, extent and cause of any condition that would tend to support or refute the allegation that the child should be adjudicated dependent and the name, age and condition of other children in the home unless the report contains an allegation of criminal conduct that is being investigated by the office of child welfare investigations.~~

~~(c) Assist the office of child welfare investigations as directed by the director of the department of economic security.~~

~~6. Subject to section 41-1969.01, take a child into temporary custody as provided in section 8-821. Law enforcement officers shall cooperate with the department to remove a child from the custody of the child's parents, guardian or custodian when necessary.~~

~~7. After investigation, evaluate conditions created by the parents, guardian or custodian that would support or refute the allegation that the child should be adjudicated dependent. The child protective services worker shall then determine whether any child is in need of protective services.~~

~~8. Offer to the family of any child who is found to be a child in need of protective services those services that are designed to correct unresolved problems that would indicate a reason to adjudicate the child dependent.~~

~~9. Submit a written report of the worker's investigation to:~~

~~(a) The department's case management information system within a reasonable time period that does not exceed forty-five days after receipt of the initial information except as provided in section 8-811. If the investigation involves allegations regarding a child who at the time of the alleged incident was in the custody of a child welfare agency licensed by the department of economic security under this title, a copy of the report and any additional investigative or other related reports shall be provided to the board of directors of the agency or to the administrative head of the agency unless the incident is alleged to have been committed by the person. The department shall excise all information with regard to the identity of the source of the reports.~~

~~(b) The appropriate court forty-eight hours before a dependency hearing pursuant to a petition of dependency or within twenty-one days after a petition of dependency is filed, whichever is earlier. On receipt of the report the court shall make the report available to all parties and counsel.~~

~~10. Accept a child into voluntary placement pursuant to section 8-806.~~

~~11. Make a good faith effort to promptly obtain and abide by court orders that restrict or deny custody, visitation or contact by a parent or other person in the home with the child. As part of the good faith effort, the child protective services worker shall ask the parent, guardian or custodian under investigation if a current court order exists.~~

~~D.~~ C. A child shall not remain in temporary custody for a period exceeding seventy-two hours, excluding Saturdays, Sundays and holidays, unless a dependency petition is filed. If a petition is not filed and the child is released to the child's parent, guardian or custodian, the worker

shall file a report of removal with the central registry within seventy-two hours of the child's release. The report shall include:

1. The dates of previous referrals, investigations or temporary custody.

2. The dates on which other children in the family have been taken into temporary custody.

~~E.~~ D. ~~The department shall provide child protective services workers who investigate reports of allegations of abuse and neglect with training in forensic interviewing and processes and the protocols established pursuant to section 8-817.~~ All child ~~protective services~~ SAFETY workers shall be trained AND DEMONSTRATE COMPETENCY in ~~their~~:

1. THE duty to protect the legal rights of children and families from the time of the initial contact through treatment. The training shall include knowledge of a child's rights as a victim of crime. ~~The training for child protective services workers shall also include instruction on~~

2. The legal rights of parents.

3. IMPACT AND INTERVENTION PRACTICES RELATED TO ADVERSE CHILDHOOD EXPERIENCES, CULTURALLY AND LINGUISTICALLY APPROPRIATE SERVICE DELIVERY, DOMESTIC VIOLENCE, FAMILY ENGAGEMENT, COMMUNICATION WITH SPECIAL POPULATIONS AND TRAUMA INFORMED RESPONSES.

~~F. In conducting an investigation pursuant to this section, if the worker is made aware that an allegation of abuse or neglect may also have been made in another state, the worker shall contact the appropriate agency in that state to attempt to determine the outcome of any investigation of that allegation.~~

~~G. The department of economic security shall develop an alternative response for designated reports.~~

E. ALL CHILD SAFETY WORKERS SHALL COOPERATE AND COORDINATE WITH THE OFFICE OF CHILD WELFARE INVESTIGATIONS TO CARRY OUT THE PURPOSES OF SECTION 8-471.

F. ALL CHILD SAFETY WORKERS AND CHILD WELFARE INVESTIGATIONS WORKERS SHALL COOPERATE AND COORDINATE WITH THE INSPECTIONS BUREAU TO CARRY OUT THE PURPOSES OF SECTION 8-458.

G. ALL CHILD WELFARE INVESTIGATIONS WORKERS AND INSPECTIONS BUREAU WORKERS SHALL COOPERATE AND COORDINATE WITH THE REST OF THE DEPARTMENT TO ACHIEVE THE PURPOSES OF THIS TITLE.

H. Any person who alters a client file for the purpose of fraud or misrepresentation is guilty of a class 2 misdemeanor.

Sec. 57. Repeal

Section 8-802, Arizona Revised Statutes, as amended by Laws 2013, chapter 220, section 2 and as transferred by this act, is repealed.

Sec. 58. Section 8-803, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-803. Limitation of authority; duty to inform

A. On initial contact with a parent, guardian or custodian under investigation pursuant to this article, a child ~~protective services~~ SAFETY worker shall inform the family, both verbally and in writing, making reasonable efforts to receive written acknowledgement from the parent, guardian, or custodian, of receipt of all of the following information:

1. That the family is under investigation by the department.

2. The specific complaint or allegation made against that person.

3. That the worker has no legal authority to compel the family to cooperate with the investigation or to receive ~~protective~~ CHILD SAFETY services offered pursuant to the investigation.

4. The worker's authority to petition the juvenile court for a determination that a child is dependent.

~~5. The person's right to participate in a mediation program in the attorney general's office. The worker shall provide the telephone number of the attorney general's office mediation program.~~

~~6.~~ 5. The person's right to file a complaint with the ~~ombudsman-citizen~~ OMBUDSMAN-CITIZENS aide pursuant to section 41-1376. The worker shall provide the telephone number of the ~~ombudsman-citizen~~ OMBUDSMAN-CITIZENS aide.

~~7.~~ 6. The person's right to appeal determinations made by ~~child protective services~~ THE DEPARTMENT.

~~8.~~ 7. Information outlining parental rights under the laws of the state.

B. The child ~~protective services~~ SAFETY worker shall also inform the person about whom the report was made about that person's right to respond to the allegations either verbally or in writing, including any documentation, and to have this information considered in determining if the child is in need of ~~protective~~ CHILD SAFETY services. The worker shall tell the person that anything the person says or writes can be used in a court proceeding. If the person makes a verbal response, the worker shall include the response in the written report of the investigation. If the person makes a written response, including any documentation, the worker shall include this response and the documentation in the case file. Information provided in response to the allegations shall be considered during the investigation by the worker. The worker shall maintain the response and documentation in the case file and provide this information to the court before a hearing or trial relating to the dependency petition.

C. If the family declines to cooperate with the investigation or to accept or to participate in the offered services, or if the worker otherwise believes that the child should be adjudicated dependent, the worker may file with the juvenile court a petition requesting that the child in need of ~~protective~~ CHILD SAFETY services be adjudicated dependent.

D. Refusal to cooperate in the investigation or to participate in the offered services does not constitute grounds for temporary custody of a child except if there is a clear necessity for temporary custody as provided in section 8-821.

Sec. 59. Section 8-804, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-804. Central registry; notification

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

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

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

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

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

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

(b) All employees of a contractor.

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

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

4. Beginning August 1, 2013, to provide information to licensees that do not contract with this state regarding persons who are employed or seeking employment to provide direct services to children pursuant to title 36, chapter 7.1.

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

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

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

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

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

D. If the department OF ECONOMIC SECURITY received a report before September 1, 1999 and determined that the report was substantiated, the department OF CHILD SAFETY shall maintain the report in the central registry until eighteen years from the child victim's date of birth.

E. If the department OF ECONOMIC SECURITY OR THE DEPARTMENT OF CHILD SAFETY received a report on or after September 1, 1999 and determined that the report was substantiated, the department OF CHILD SAFETY shall maintain the report in the central registry for A MAXIMUM OF twenty-five years after the date of the report. IF THE DEPARTMENT OF CHILD SAFETY MAINTAINS REPORTS IN THE CENTRAL REGISTRY FOR LESS THAN TWENTY-FIVE YEARS, THE DEPARTMENT SHALL ADOPT RULES TO DESIGNATE THE LENGTH OF TIME IT MUST MAINTAIN THOSE REPORTS IN THE CENTRAL REGISTRY.

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

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

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

I. Before being employed in a position that provides direct services to children or vulnerable adults pursuant to subsection B, paragraphs 3 and 4 or subsection C of this section, employees shall certify, under penalty of perjury, on forms that are provided by the department ~~of economic security~~ whether an allegation of abuse or neglect was made against them and was substantiated. The forms are confidential. If this certification does not indicate a current investigation or a substantiated report of abuse or

neglect, the employee may provide direct services pending the findings of the central registry check.

J. A person who is granted a central registry exception pursuant to section 41-619.57 is not entitled to a contract, employment, licensure, certification or other benefit because the person has been granted a central registry exception.

K. An agency of ~~the~~ THIS state that conducts central registry background checks as a factor to determine qualifications for positions that provide direct ~~service~~ SERVICES to children or vulnerable adults shall publish a list of disqualifying acts of substantiated abuse or neglect.

L. An agency of ~~the~~ THIS state that conducts central registry background checks may provide information contained in the central registry on all reports of child abuse and neglect that are substantiated and the outcomes of the investigations of the reports to carry out the provisions of this section. Identifying information regarding any person other than the perpetrator ~~cannot~~ MAY NOT be released. Information received pursuant to this section ~~cannot~~ MAY NOT be further disseminated unless authorized by law or court order.

Sec. 60. Section 8-806, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-806. Voluntary placement; conditions; notice of placement; time limit; rules

A. A child is eligible to be accepted into voluntary placement by a ~~protective services~~ CHILD SAFETY worker on behalf of the department.

B. On acceptance of a child into voluntary placement, the worker must prepare a notice of placement and file the notice in the case file of the child.

C. A period of voluntary placement pursuant to this section shall not exceed ninety days. A worker shall not accept a child into voluntary placement for more than two periods within twenty-four consecutive months unless a dependency petition is pending.

D. The department may accept a voluntary placement agreement only if the department can provide necessary services that are likely to remedy the circumstances that bring the child into care within the ninety day period and one of the following applies:

1. The department plans to return the child to the parent, guardian or custodian who signed the child into voluntary placement.

2. While the child is in voluntary placement, the parent, guardian or custodian arranges a safe alternative placement for the child after the voluntary placement.

E. A worker shall not accept a child into voluntary placement without the written informed consent of the child's parent, guardian or custodian. The department shall terminate voluntary placement on receipt of written revocation of consent by the parent, guardian or custodian.

F. A worker shall not accept a child, age twelve or older and not developmentally disabled, into voluntary placement without the written informed consent of the child unless the department determines that voluntary placement of the child is clearly necessary to prevent abuse.

G. The fact of voluntary placement does not constitute abandonment, abuse or dependency as defined in this article and may not be used in a judicial proceeding as an admission of criminal wrongdoing by that parent, guardian or custodian.

H. The department shall adopt rules in accordance with title 41, chapter 6 for the purpose of assessing parents for the full or partial cost of voluntary placement.

I. The department must develop a case plan with the child's parent, guardian or custodian within ten days of a child's voluntary placement as follows:

1. The case plan shall establish the services necessary to promote the safety of the child on the planned return of the child to the parent, guardian, custodian or alternative placement.

2. The department shall provide, contract with a service provider to provide or assist in accessing community resources to provide the services in the case plan.

3. The department must share the case plan with the foster parent, physical custodian or other voluntary placement provider of the child.

J. Before returning the child to a parent, guardian, custodian or alternative placement, the department shall inform the parent, guardian, custodian or alternative placement about available financial and nonfinancial services and eligibility requirements and shall assist the parent, guardian, custodian or alternative placement to complete the necessary applications.

Sec. 61. Section 8-807, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-807. <u>DCS information; public record; use; confidentiality; violation; classification; definitions</u>

A. ~~CPS~~ DCS information shall be maintained by the department as required by federal law as a condition of the allocation of federal monies to this state. All exceptions for the public release of ~~CPS~~ DCS information shall be construed as openly as possible under federal law.

B. The department, or a person who receives ~~CPS~~ DCS information pursuant to this subsection, shall provide ~~CPS~~ DCS information to a federal agency, a state agency, a tribal agency, a county or municipal agency, a law enforcement agency, a prosecutor, an attorney or a guardian ad litem representing a child victim of crime pursuant to article II, section 2.1, Constitution of Arizona, a school, a community service provider, a contract service provider or any other person that is providing services pursuant to this ~~chapter~~ ARTICLE OR ARTICLE 9, 10, 11, 12, 13 OR 14 OF THIS CHAPTER:

1. To meet its duties to provide for the safety, permanency and well-being of a child, provide services to a parent, guardian or custodian or

provide services to family members to strengthen the family pursuant to this ~~chapter~~ ARTICLE OR ARTICLE 9, 10, 11, 12, 13 OR 14 OF THIS CHAPTER.

2. To enforce or prosecute any violation involving child abuse or neglect.

3. To provide information to a defendant after a criminal charge has been filed as required by an order of the criminal court.

C. The department shall disclose ~~CPS~~ DCS information to a court, a party in a dependency or termination of parental rights proceeding or the party's attorney, the foster care review board or a court appointed special advocate for the purposes of and as prescribed in this title.

D. The department shall disclose ~~CPS~~ DCS information to a domestic relations, family or conciliation court if the ~~CPS~~ DCS information is necessary to promote the safety and well-being of children. The court shall notify the parties that it has received the ~~CPS~~ DCS information.

E. A person or agent of a person who is the subject of ~~CPS~~ DCS information shall have access to ~~CPS~~ DCS information concerning that person.

F. The department:

1. May provide ~~CPS~~ DCS information to confirm, clarify or correct information concerning an allegation or actual instance of child abuse or neglect that has been made public by sources outside the department.

2. Shall promptly provide ~~CPS~~ DCS information to the public regarding a case of child abuse, abandonment or neglect that has resulted in a fatality or near fatality as follows:

(a) The department shall provide preliminary information including at a minimum:

(i) The name, age and city, town or general location of residence of the child who has suffered a near fatality or fatality.

(ii) The fact that a child suffered a near fatality or fatality as the result of abuse, abandonment or neglect.

(iii) The name, age and city, town or general location of residence of the alleged perpetrator, if available.

(iv) Whether there have been reports, or any current or past cases, of abuse, abandonment or neglect involving the child and the current alleged abusive or neglectful parent, guardian or custodian.

(v) Actions taken by ~~child protective services~~ THE DEPARTMENT in response to the fatality or near fatality of the child.

(vi) A detailed synopsis of prior reports or cases of abuse, abandonment or neglect involving the child and the current alleged abusive or neglectful parent, guardian or custodian and of the actions taken or determinations made by ~~child protective services~~ THE DEPARTMENT in response to these reports or cases.

(b) On request by any person, the department shall promptly provide additional ~~CPS~~ DCS information to the requestor. Before releasing additional ~~CPS~~ DCS information, the department shall promptly notify the county attorney of any decision to release that information, and the county attorney shall

promptly inform the department if it believes the release would cause a specific, material harm to a criminal investigation. After consulting with the county attorney, pursuant to subdivision (c) of this paragraph, the department shall produce to the requestor as much additional ~~CPS~~ DCS information as promptly as possible about a case of child abuse, abandonment or neglect that resulted in a fatality or near fatality.

(c) On request, the department shall continue to provide ~~CPS~~ DCS information promptly to the public about a fatality or near fatality unless:

(i) After consultation with the county attorney, the county attorney demonstrates that release of particular ~~CPS~~ DCS information would cause a specific, material harm to a criminal investigation.

(ii) The release would violate subsection A or L of this section or the privacy of victims of crime pursuant to article II, section 2.1, subsection C, Constitution of Arizona.

(d) If any person believes that the county attorney has failed to demonstrate that release would cause a specific, material harm to a criminal investigation, that person may file an action in superior court pursuant to title 39, chapter 1, article 2 and subsection J of this section and request the court to review the ~~CPS~~ DCS information in camera and order disclosure.

3. May provide ~~CPS~~ DCS information to a person who is conducting bona fide research, the results of which might provide ~~CPS~~ DCS information that is beneficial in improving ~~child protective services~~ THE DEPARTMENT.

4. May provide access to ~~CPS~~ DCS information to the parent, guardian or custodian of a child if the ~~CPS~~ DCS information is reasonably necessary to promote the safety, permanency and well-being of the child.

G. The department shall disclose ~~CPS~~ DCS information to a county medical examiner or an alternate medical examiner directing an investigation into the circumstances surrounding a death pursuant to section 11-593.

H. Access to ~~CPS~~ DCS information in the central registry shall be provided as prescribed in section 8-804.

I. To provide oversight of ~~child protective services~~ THE DEPARTMENT, the department shall provide access to ~~CPS~~ DCS information to the following persons, if the ~~CPS~~ DCS information is reasonably necessary for the person to perform the person's official duties:

1. Federal or state auditors.

2. Persons conducting any accreditation deemed necessary by the department.

3. A standing committee of the legislature or a committee appointed by the president of the senate or the speaker of the house of representatives for purposes of conducting investigations related to the legislative oversight of the department ~~of economic security~~. This information shall not be further disclosed unless a court has ordered the disclosure of this information, the information has been disclosed in a public or court record, or the information has been disclosed in the course of a public meeting or court proceeding.

4. A legislator who requests ~~CPS~~ DCS information in the regular course of the legislator's duties. This information shall not be further disclosed unless a court has ordered the disclosure of this information, the information has been disclosed in a public or court record, or the information has been disclosed in the course of a public meeting or court proceeding. To request a file pursuant to this paragraph:

(a) The legislator shall submit a written request for ~~CPS~~ DCS information to the presiding officer of the body of which the state legislator is a member. The request shall state the name of the person whose case file is to be reviewed and any other information that will assist the department in locating the file.

(b) The presiding officer shall forward the request to the department within five working days of the receipt of the request.

(c) The department shall make the necessary arrangements for the legislator to review the file at an office of the department, chosen by the legislator, within ten working days.

(d) The legislator shall sign a form, consistent with the requirements of this paragraph and paragraph 3 of this subsection, before reviewing the file, that outlines the confidentiality laws governing ~~child protective services~~ DEPARTMENT files and penalties for further release of the information.

5. A citizen review panel as prescribed by federal law, a child fatality review team as provided in title 36, chapter 35 and the office of ombudsman-citizens aide.

J. A person who has been denied ~~CPS~~ DCS information regarding a fatality or near fatality caused by abuse, abandonment or neglect pursuant to subsection F, paragraph 2 or subsection L of this section may bring a special action pursuant to section 39-121.02 in the superior court to order the department to release that ~~CPS~~ DCS information. A legislator has standing to bring or to join a special action regarding the release of ~~CPS~~ DCS information or to challenge the redaction of released ~~CPS~~ DCS information. The plaintiff shall provide notice to the county attorney, who has standing and may participate in the action. The court shall review the requested records in camera and order disclosure consistent with subsection A, subsection F, paragraph 2 and subsection L of this section. The court shall take reasonable steps to prevent any clearly unwarranted invasions of privacy and protect the privacy and dignity of victims of crime pursuant to article II, section 2.1, subsection C, Constitution of Arizona.

K. The department or a person who is not specifically authorized by this section to obtain ~~CPS~~ DCS information may petition a judge of the superior court to order the department to release ~~CPS~~ DCS information. The plaintiff shall provide notice to the county attorney, who has standing and may participate in the action. The court shall review the requested records in camera and shall balance the rights of the parties who are entitled to confidentiality pursuant to this section against the rights of the parties

who are seeking the release of the ~~CPS~~ DCS information. The court may release otherwise confidential ~~CPS~~ DCS information only if the rights of the parties seeking the ~~CPS~~ DCS information and any benefits from releasing the ~~CPS~~ DCS information outweigh the rights of the parties who are entitled to confidentiality and any harm that may result from releasing the ~~CPS~~ DCS information. The court shall take reasonable steps to prevent any clearly unwarranted invasions of privacy and protect the privacy and dignity of victims of crime pursuant to article II, section 2.1, subsection C, Constitution of Arizona.

L. Except as provided in subsection M of this section, before it releases records under this section, the department shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of a person who reports child abuse or neglect and to protect any other person if the department believes that disclosure of the ~~CPS~~ DCS information would be likely to endanger the life or safety of any person. The department is not required by this section to disclose ~~CPS~~ DCS information if the department demonstrates that disclosure would cause a specific, material harm to a ~~child protective services~~ DEPARTMENT investigation. The department is not required by this section to disclose ~~CPS~~ DCS information if, in consultation with the county attorney, the county attorney demonstrates that disclosure would cause a specific, material harm to a criminal investigation.

M. A person who is the subject of an unfounded report or complaint made pursuant to this ~~chapter~~ ARTICLE OR ARTICLE 9, 10, 11, 12, 13 OR 14 OF THIS CHAPTER and who believes that the report or complaint was made in bad faith or with malicious intent may petition a judge of the superior court to order the department to release the ~~CPS~~ DCS information. The petition shall specifically set forth reasons supporting the person's belief that the report or complaint was made in bad faith or with malicious intent. The court shall review the ~~CPS~~ DCS information in camera and the person filing the petition shall be allowed to present evidence in support of the petition. If the court determines that there is a reasonable question of fact as to whether the report or complaint was made in bad faith or with malicious intent and that disclosure of the identity of the person making the report or complaint would not be likely to endanger the life or safety of the person making the report or complaint, it shall provide a copy of the ~~CPS~~ DCS information to the person filing the petition and the original ~~CPS~~ DCS information is subject to discovery in a subsequent civil action regarding the making of the report or complaint.

N. The department shall provide the person who conducts a forensic medical evaluation with any records the person requests, including social history and family history regarding the child, the child's siblings and the child's parents or guardians.

O. The department shall provide ~~CPS~~ DCS information on request to a prospective adoptive parent, foster parent or guardian, if the information

concerns a child the prospective adoptive parent, foster parent or guardian seeks to adopt or provide care for.

P. If the department receives information that is confidential by law, the department shall maintain the confidentiality of the information as prescribed in the applicable law.

Q. A person may authorize the release of ~~CPS~~ DCS information about the person but may not waive the confidentiality of ~~CPS~~ DCS information concerning any other person.

R. The department may provide a summary of the outcome of a ~~child protective services~~ DEPARTMENT investigation to the person who reported the suspected child abuse or neglect.

S. The department shall adopt rules to facilitate the accessibility of ~~CPS~~ DCS information.

T. The department may charge a fee for copying costs required to prepare ~~CPS~~ DCS information for release pursuant to this section.

U. A person who violates this section is guilty of a class 2 misdemeanor.

V. For the purposes of this section:

1. "~~CPS~~ DCS information" includes all information the department gathers during the course of ~~a child protective services~~ AN investigation conducted under this chapter from the time a file is opened and until it is closed. ~~CPS~~ DCS information does not include information that is contained in child welfare agency licensing records.

2. "Near fatality" means an act that, as certified by a physician, including the child's treating physician, places a child in serious or critical condition.

Sec. 62. Section 8-808, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-808. Parent assistance program

A. A parent assistance program is established in the administrative office of the supreme court for the purpose of providing information to and assisting parents or guardians in understanding the process of removal of a child from the home. The administrative office of the supreme court shall establish parent assistance offices in counties having a population of four hundred thousand persons or more and shall provide twenty-four hour telephone hot line access statewide.

B. The administrative office of the supreme court shall hire and employ staff, subject to legislative appropriation, for purposes relating to the functions of the parent assistance program.

C. The parent assistance program shall provide the following information to parents or guardians:

1. The parents' or guardians' legal rights, including the right to attend court or foster care review board hearings, and the child's legal rights.

2. The means for accessing personnel who can provide information on:
(a) The well-being of the child who is removed from the home.
(b) The community resources that are available.
3. The procedures for requesting an attorney or a temporary custody hearing and the consequences of failure to make the request.
D. The administrative office of the supreme court shall maintain current statistics on the utilization of and types of calls received by the parent assistance program. The administrative office of the supreme court shall make the information available to the public on request and on the administrative office of the supreme court's ~~web site~~ WEBSITE.
E. The administrative office of the supreme court shall coordinate efforts with the department ~~of economic security~~ to provide each parent or guardian with written notice of the services offered by the parent assistance program at the time initial contact is made with a family.
Sec. 63. Section 8-810, Arizona Revised Statutes, as transferred by this act, is amended to read:
8-810. Missing children; notification; entry into databases
A. If ~~child protective services~~ THE DEPARTMENT receives a report made pursuant to section 13-3620 or receives information during the course of providing services that indicates a child is at risk of serious harm and the child's location is unknown, ~~child protective services~~ THE DEPARTMENT shall notify the appropriate law enforcement agency and provide the information required to make the record entry into the Arizona crime information center and the national crime information center missing person databases. This includes information about the child and child's parent, guardian, custodian or person of interest.
B. The appropriate law enforcement agency shall immediately enter the information provided by ~~child protective services~~ THE DEPARTMENT pursuant to subsection A of this section into the Arizona crime information center and the national crime information center missing person databases.
Sec. 64. Section 8-811, Arizona Revised Statutes, as transferred by this act, is amended to read:
8-811. Hearing process; definitions
A. The department shall notify a person who is alleged to have abused or neglected a child that the department intends to substantiate the allegation in the central registry pursuant to section 8-804 and of that person's right:
1. To receive a copy of the report containing the allegation.
2. To a hearing before the entry into the central registry pursuant to section ~~8-802~~ 8-456, subsection ~~C~~ D, paragraph ~~9~~ 3, subdivision (a).
B. The department shall send the notice prescribed in subsection A of this section by first class mail no more than fourteen days after completion of the investigation.

C. A request for a hearing on the proposed finding must be received by the department within fourteen days after receipt of the notice.

D. The department shall not disclose any information related to the investigation of the allegation except as provided in sections ~~8-802~~ 8-456, 8-807 and 13-3620.

E. If a request for a hearing is made pursuant to subsection C of this section, the department shall conduct a review before the hearing. The department shall provide an opportunity for the accused person to provide written or verbal information to support the position that the department should not substantiate the allegation. If the department determines that there is no probable cause that the accused person engaged in the alleged conduct, the department shall amend the information or finding in the report and shall notify the person and a hearing shall not be held.

F. Notwithstanding section 41-1092.03, the notification prescribed in subsection A of this section shall also state that if the department does not amend the information or finding in the report as prescribed in subsection E of this section within sixty days after it receives the request for a hearing the person has a right to a hearing unless:

1. The person is a party in a civil, criminal or administrative proceeding in which the allegations of abuse or neglect are at issue.

2. A court or administrative law judge has made findings as to the alleged abuse or neglect.

3. A finding has been made by a court pursuant to section 8-844, subsection C that a child is dependent based upon an allegation of abuse or neglect.

G. If the department does not amend the information or finding in the report as prescribed in subsection E of this section, the department shall notify the office of administrative hearings of the request for a hearing no later than five days after completion of the review. The department shall forward all records, reports and other relevant information with the request for hearing within ten days. The department shall redact the identity of the reporting source before transmitting the information to the office of administrative hearings.

H. The office of administrative hearings shall hold a hearing pursuant to title 41, chapter 6, article 10, with the following exceptions:

1. A child who is the victim of or a witness to abuse or neglect is not required to testify at the hearing.

2. A child's hearsay statement is admissible if the time, content and circumstances of that statement are sufficiently indicative of its reliability.

3. The identity of the reporting source of the abuse or neglect shall not be disclosed without the permission of the reporting source.

4. The reporting source is not required to testify.

5. A written statement from the reporting source may be admitted if the time, content and circumstances of that statement are sufficiently indicative of its reliability.

6. If the person requesting the hearing fails to appear, the hearing shall be vacated and a substantiated finding of abuse or neglect shall be entered. On good cause shown, the hearing may be rescheduled if the request is made within fifteen calendar days after the date of the notice vacating the hearing for failure to appear.

I. On completion of the presentation of evidence, the administrative law judge shall determine if probable cause exists to sustain the department's finding that the parent, guardian or custodian abused or neglected the child. If the administrative law judge determines that probable cause does not exist to sustain the department's finding, the administrative law judge shall order the department to amend the information or finding in the report.

J. When the department is requested to verify pursuant to section 8-807, if the ~~child protective services~~ central registry contains a substantiated report about a specific person, the department shall determine if the report was taken after January 1, 1998. If the report was taken after January 1, 1998, the department shall notify the requestor of the substantiated finding. If the ~~child protective services~~ report was taken before January 1, 1998, the department shall notify the person of the person's right to request an administrative hearing. The department shall not send this notification if the person was a party in a civil, criminal or administrative proceeding in which the allegations of abuse or neglect were at issue. The provisions of this section shall apply to the person's appeal.

K. The department shall provide the parent, guardian or custodian who is the subject of the investigation and the person who reported the suspected child abuse or neglect if that person is the child's parent, guardian or custodian with a copy of the outcome of the investigation at one of the following times:

1. If the report is unsubstantiated.

2. If probable cause exists that abuse or neglect has occurred but a specific person is not identified as having abused or neglected the child.

3. After the time to request a hearing has lapsed pursuant to subsection C of this section without the department receiving a request for a hearing.

4. After a final administrative decision has been made pursuant to section 41-1092.08.

L. For the purposes of this section:

1. "Amend the finding" means to change the finding from substantiated to unsubstantiated.

2. "Amend the information" means to change information identifying the accused of having abused or neglected a child.

Sec. 65. Section 8-812, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-812. Child safety expedited substance abuse treatment fund

A. The child ~~protective services~~ SAFETY expedited substance abuse treatment fund is established consisting of monies appropriated by the legislature. The department ~~of economic security~~ shall administer the fund.

B. Monies in the fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

C. Monies in the fund shall be used to provide expedited substance abuse treatment to parents or guardians with a primary goal of facilitating family preservation or reunification, including, if necessary, services that maintain the family unit in a substance abuse treatment setting. Fund monies shall not be spent on behalf of a parent or guardian unless all of the following are true:

1. The parent or guardian is a party to a dependency action concerning a child of the parent or a child under the care of the guardian.

2. The parent or guardian is not eligible for benefits under title XIX of the social security act (P.L. 89-97; 79 Stat. 344) or private insurance, or the necessary substance abuse treatment service is not available under title XIX of the social security act or private insurance.

3. The case plan provides for the child to either remain with or return to the parent or guardian.

4. The treatment is necessary for the case plan to be accomplished.

D. The department ~~of economic security~~ shall give preference in using fund monies to pay for treatment for parents or guardians who are parties in cases that are part of any judicially or legislatively created program for expedited proceedings in dependency determinations.

E. The fund is the payor of last resort for treatment. Fund monies shall not be spent to pay for treatment if other monies are available to pay for the treatment. If it is determined after fund monies are spent to pay for treatment that other monies were available to pay for the treatment, the department ~~of economic security~~ may seek to have the fund reimbursed for the payment.

F. The department ~~of economic security~~ shall make the following information available to the public on request and on the ~~department of economic security's web site~~ DEPARTMENT'S WEBSITE:

1. The number and percentage of parents and guardians who are offered treatment paid for with fund monies and who complete treatment.

2. The number of cases and children who are able to remain with or are returned to the custody of their parents or guardians as a result, in whole or in part, of treatment paid for with fund monies.

3. The number of children who receive expedited permanent placement as a result of the availability of services paid for with fund monies.

4. Data for cases that are part of expedited proceedings as described in subsection D of this section.

G. The department ~~of economic security~~ shall provide services pursuant to this section in collaboration with the department of health services.

H. A recipient of services that are paid for with fund monies shall sign a written statement that is substantially in the following form:

> By signing this document, I indicate my understanding of the seriousness of my substance abuse problem and its effects on my ability to parent my child or children. I understand that this expedited substance abuse treatment program is paid for with monies that were specifically provided to speed the resolution of the case plan ~~to~~ THAT MAY return the child or children to the parent. I acknowledge that successful completion of this treatment program will be a significant factor in my future relationship with my child or children, the state of Arizona and ~~child protective services~~ THE DEPARTMENT OF CHILD SAFETY. I fully intend to complete the substance abuse treatment program as part of the case plan to obtain custody of my child or children.

Sec. 66. Section 8-814, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-814. Permanent guardianship subsidy; offsets; discontinuation; annual review; appeals; definition

A. The department ~~of economic security~~ shall establish and administer an ongoing program of subsidized permanent guardianship. Subsidies shall be provided from monies appropriated to the department or made available to it from other sources for permanent guardianship purposes.

B. The department may provide a subsidy to an applicant on behalf of a child subject to the requirements of this section.

C. An applicant is not eligible for a subsidy until the applicant demonstrates that the child or a responsible person on behalf of the child has applied for all benefits to which the child is entitled from other state or federal programs.

D. The department shall determine the appropriate amount of the subsidy, which shall not exceed the maintenance payment allowable for an adoption subsidy pursuant to chapter 1, article 2 of this title. The amount of the subsidy shall be offset by benefits received pursuant to the programs described in subsection C of this section.

E. The department shall conduct an annual review of a subsidy to determine that the permanent guardian continues to be eligible for the subsidy and that the subsidy is for the appropriate amount.

F. A permanent guardian who is receiving a subsidy shall:

1. Cooperate with the department in the annual review process.

2. Notify the department in writing of any change:

(a) That would lead to discontinuance of the subsidy pursuant to subsection G of this section.

(b) In benefits being received from programs described in subsection C of this section within two weeks of the change.

(c) In address within two weeks of the change.

G. The department shall discontinue a subsidy if any of the following occurs:

1. The permanent guardianship terminates.

2. The child dies or does not reside with the permanent guardian.

3. The child reaches eighteen years of age, except that the department may continue the subsidy until the child's twenty-second birthday if the child is enrolled in and regularly attending school and has not received a high school diploma or certificate of equivalency.

4. The applicant fails to comply with any requirement in this section.

H. Any decision denying, reducing or terminating a permanent guardianship subsidy is appealable pursuant to title 41, chapter 6 and chapter 14, article 3.

I. Notwithstanding section 41-3102, this program does not include a specific expiration date.

J. For the purposes of this section, "applicant" means a person who is appointed as a permanent guardian pursuant to section 8-872 or as a provisional or successor permanent guardian pursuant to section 8-874 and who applies for a subsidy pursuant to this section.

Sec. 67. Section 8-816, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-816. Family builders program; services; program termination; definitions

A. The family builders program is established in the department ~~of economic security~~. The department ~~shall~~ MAY implement the program through collaborative partnerships between ~~child protective services~~ THE DEPARTMENT, community social service agencies, family support programs and other community organizations, which may include faith-based organizations, to establish a system that, through referral to a network of contracted neighborhood-based agencies, provides a variety of community-linked family preservation and support services to assist families to prevent and remedy conditions or circumstances that cause child abuse or neglect.

B. The department ~~shall~~ MAY contract with neighborhood-based agencies and organizations to conduct family assessments, provide case management and provide the necessary services to protect the child and support the family on referral from the department.

C. During the initial contact with a family, the provider shall:

1. Verbally inform the prospective program participants that ~~child protective services~~ THE DEPARTMENT referred the family to the provider after investigation of a report of abuse or neglect.

2. Verbally inform the prospective program participants that they do not have to accept services.

3. Obtain the written, informed consent of the prospective program participants who choose to accept the services offered. The consent form shall include a description of the services offered and the rights and responsibilities of the program participants and a statement that emphasizes the voluntary nature of the program.

D. Contracts shall require that the provider establish a continuum of services for families through written agreements with community agencies and organizations to provide required services to families. The provider may purchase or obtain without cost the services of any agency or organization that may provide resources to assist the family.

E. Contracts shall require that the provider initiate a thorough family assessment and necessary services within forty-eight hours, excluding weekends and holidays, after the provider receives the referral from the department.

F. The department shall provide information to the provider concerning the current report and ~~may provide~~ any information from records it deems appropriate. All information received by the provider regarding the report of abuse or neglect and department records is subject to the confidentiality requirements of section 8-807. Information in the records of the provider concerning the families served by the program is available for the purposes of evaluating the program.

G. On receipt of a referral from ~~child protective services~~ THE DEPARTMENT, within forty-eight hours the provider shall attempt to contact the family in person, initiate a family assessment with the consent of the family and offer to assist the family to obtain the services that are necessary to reduce or eliminate the causes for the initial information being received by ~~child protective services~~ THE DEPARTMENT and other identified needs of the family.

H. If at any time during the initial contact or during the course of service delivery the provider determines that the child is in imminent danger of abuse or neglect, the provider shall immediately report the case to the department or the appropriate law enforcement agency, or both, for appropriate action. In all cases the provider and any agency under subcontract to the provider shall retain records of information on initial and ongoing contact with the family and the final disposition of the case and shall provide this information to the department.

I. A family who is offered services by the provider may refuse to accept those services. The provider shall document the family's refusal of services in the case record.

J. The provider shall conduct an assessment in the home and with the family's participation shall develop an initial plan within thirty days based on the family's needs. The provider shall assist the family in identifying and providing appropriate services. The provider shall monitor the progress

made by the family based on the plan expectations and shall conduct home visits to determine the safety of the child and any other children in the home at the time of the visit.

K. The department shall require that the provider establish a local advisory board composed of appropriate community representatives, including representation from families in the community and local public agencies. The local advisory board shall ensure that a continuum of services is provided for families and shall provide oversight to the program.

L. The department shall identify goals, objectives and outcomes for family builders programs.

M. If the department expands the program to new geographic areas, it shall hold at least one informational meeting to inform potential providers of the opportunity to bid on the contract. The department shall provide adequate public notice of each meeting to potential providers in the same manner as provided in section 41-2533.

N. The department shall develop performance standards for the contracts, provide training to the provider or organization staff involved in service delivery to these families regarding child abuse and neglect and monitor the performance of the providers.

O. The program established by this section ends on July 1, ~~2010~~ 2024 pursuant to section 41-3102.

P. For the purposes of this section:

~~1. "Department" means the department of economic security.~~

~~2.~~ 1. "Provider" means a community social services agency, family support program or community organization, including a faith-based organization, that is awarded a contract by the department.

~~3.~~ 2. "Services" includes:

(a) Family assessment.

(b) Case management.

(c) Child day care.

(d) Housing search and relocation.

(e) Parenting skills training.

(f) Supportive intervention and guidance counseling.

(g) Transportation.

(h) Emergency services.

(i) Intensive family preservation.

(j) Parent aide services.

(k) Respite services.

(l) Shelter services with parental consent.

(m) Additional services that the department determines are necessary to meet the needs of the families.

Sec. 68. Section 8-817, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-817. Initial screening and safety assessment and investigation protocols

A. The department shall develop, establish and implement initial screening and safety assessment protocols in consultation with the attorney general and statewide with county attorneys, chiefs of police, sheriffs, medical experts, victims' rights advocates, domestic violence victim advocates and mandatory reporters. Any initial screening and safety assessment tools shall be based on sound methodology and shall ensure valid and reliable responses. The department shall establish written policies and procedures to implement the use of the initial screening and safety assessment protocols.

B. To ensure thorough investigations of those accused of crimes against children, in each county, the county attorney, in cooperation with the sheriff, the chief law enforcement officer for each municipality in the county and the department shall develop, adopt and implement protocols to guide the conduct of investigations of allegations involving criminal conduct. The protocols shall include:

1. The process for notification of receipt of criminal conduct allegations.

2. The standards for interdisciplinary investigations of specific types of abuse and neglect, including timely forensic medical evaluations.

3. The standards for interdisciplinary investigations involving native American children in compliance with the Indian child welfare act.

4. Procedures for sharing information and standards for the timely disclosure of information.

5. Procedures for coordination of screening, response and investigation with other involved professional disciplines and notification of case status and standards for the timely disclosure of related information.

6. The training required for the involved child ~~protective services~~ SAFETY workers, law enforcement officers and prosecutors to execute the investigation protocols, including forensic interviewing skills.

7. The process to ensure review of and compliance with the investigation protocols and the reporting of activity under the protocols.

8. Procedures for annual reports to be transmitted within forty-five days after the end of each fiscal year independently from ~~child protective services~~ THE DEPARTMENT and each county attorney to the governor, the speaker of the house of representatives and the president of the senate and a copy of this report to be provided to the secretary of state. Each agency must submit a separate report. Each report made pursuant to this paragraph must be independently prepared and submitted without any input from or communication with the other reporting entities. Each report is a public document and shall include:

(a) The number of criminal conduct allegations investigated and how many of these investigations were conducted jointly pursuant to the investigation protocols established in this subsection.

(b) Information from each county attorney regarding the number of cases presented for review, the number of persons charged in those cases, the reasons why charges were not pursued and the disposition of these cases.

(c) The reasons why a joint investigation did not take place.

9. Procedures for dispute resolution.

C. The department shall cooperate with the county attorney and the appropriate law enforcement agency pursuant to the investigation protocols adopted in this section. In instances of criminal conduct against a child, the department shall protect the victim's rights of the children in its custody against harassment, intimidation and abuse, as applicable, pursuant to article II, section 2.1, Constitution of Arizona.

D. The county attorney and the law enforcement agency shall cooperate with the department pursuant to the investigation protocols adopted in this section.

Sec. 69. Section 8-818, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-818. Child safety services; financial and program accountability

A. The department, the office of strategic planning and budgeting and the joint legislative budget committee shall develop a financial and program accountability reporting system for ~~child protective services~~ THE DEPARTMENT.

B. The accountability reporting system shall include the following accountability factors:

1. Success in meeting training requirements.

2. Caseloads for child ~~protective services~~ SAFETY workers.

3. The number of new cases, cases that remain open and cases that have been closed.

4. The ratio of child ~~protective services~~ SAFETY workers to immediate supervisors.

5. Employee turnover, including a breakdown of employees who remain with the department and employees who leave the department.

6. The source and use of federal monies in ~~child protective services~~ THE DEPARTMENT.

7. The source and use of state monies in ~~child protective services~~ THE DEPARTMENT.

8. Any additional factor deemed necessary by the department, office and committee.

C. The department shall issue a financial and program accountability report to the governor and the chairpersons of the house of representatives appropriations and human services committees and the senate appropriations and family services committees, or their successor committees, on or before February 1 and August 1 of each year.

D. ~~The department shall issue the first financial and program accountability report on or before August 1, 2004.~~ In developing the financial and program accountability reporting system, the department, the office of strategic planning and budgeting and the joint legislative budget committee shall review the current reporting requirements of the department to eliminate duplication of reporting requirements and to coordinate reporting requirements. The department, the office of strategic planning and budgeting and the joint legislative budget committee shall also review the current information processing capabilities to report timely and accurate information. ~~On or before July 1, 2004, the department shall report to the governor and the chairpersons of the house of representatives appropriations and human services committees and the senate appropriations and family services committees the measures to be used to report the accountability factors, including a definition of and the methods for determining these measures.~~

Sec. 70. Transfer and renumber

Title 8, chapter 10, article 2, Arizona Revised Statutes, is transferred and renumbered for placement in title 8, chapter 4, Arizona Revised Statutes, as added by this act, as article 9.

Sec. 71. Section 8-821, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-821. Taking into temporary custody; medical examination; placement; interference; classification

A. A child shall be taken into temporary custody in proceedings to declare a child a temporary ward of the court to protect the child, pursuant to an order of the juvenile court on a petition by an interested person, a peace officer or a child ~~protective services~~ SAFETY worker under oath that reasonable grounds exist to believe that temporary custody is clearly necessary to protect the child from suffering abuse or neglect. If a child is taken into temporary custody pursuant to this section, the child's sibling shall also be taken into temporary custody only if reasonable grounds independently exist to believe that temporary custody is clearly necessary to protect the child from suffering abuse or neglect.

B. A child may be taken into temporary custody by a peace officer or a child ~~protective services~~ SAFETY worker if temporary custody is clearly necessary to protect the child because probable cause exists to believe that the child is either:

1. A victim or will imminently become a victim of abuse or neglect.

2. Suffering serious physical or emotional injury that can only be diagnosed by a medical doctor or psychologist.

3. Physically injured as a result of living on premises where dangerous drugs or narcotic drugs are being manufactured. For the purposes of this paragraph, "dangerous drugs" and "narcotic drugs" have the same ~~meaning~~ MEANINGS prescribed in section 13-3401.

4. Reported by ~~child protective services~~ THE DEPARTMENT to be a missing child at risk of serious harm.

C. In determining if a child should be taken into temporary custody, the interested person, peace officer or child ~~protective services~~ SAFETY worker shall take into consideration:

1. As a paramount concern the child's health and safety.

2. Whether the parent is willing to participate in any services that are offered to ~~them~~ THE PARENT.

D. A person who takes a child into custody pursuant to subsection B, paragraph 2 of this section shall immediately have the child examined by a medical doctor or psychologist. After the examination the person shall release the child to the custody of the parent or guardian of the child unless the examination reveals abuse or neglect. Temporary custody of a child taken into custody pursuant to subsection B, paragraph 2 of this section shall not exceed twelve hours.

E. A child who is taken into temporary custody pursuant to this article shall not be detained in a police station, jail or lockup where adults charged with or convicted of a crime are detained.

F. A child shall not remain in temporary custody for more than seventy-two hours excluding Saturdays, Sundays and holidays unless a dependency petition is filed.

G. A person who knowingly interferes with the taking of a child into temporary custody under this section is guilty of a class 2 misdemeanor.

Sec. 72. Section 8-823, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-823. Notice of taking into temporary custody

A. If a child is taken into temporary custody pursuant to this article, the interested person, peace officer or child ~~protective services~~ SAFETY worker taking the child into custody shall provide written notice within six hours to the parent or guardian of the child, unless:

1. The parent or guardian is present when the child is taken into custody, then written and verbal notice shall be provided immediately.

2. The residence of the parent or guardian is outside this state and notice cannot be provided within six hours, then written notice shall be provided within twenty-four hours.

3. The residence of the parent or guardian is not ascertainable, then reasonable efforts shall be made to locate and notify the parent or guardian of the child as soon as possible.

B. The written notice shall contain a signature line for the parent or guardian to acknowledge receipt of both written and verbal notices. The written and verbal notices shall contain the name of the person and agency taking the child into custody, the location from which the child was taken and all of the following information:

1. Specific reasons as to why the child is being removed. The notice shall list the specific factors that caused the determination of imminent danger.

2. Services that are available to the parent or guardian, including a statement of parental rights and information on how to contact the ombudsman-citizens aide's office and an explanation of the services that office offers.

3. The date and time of the taking into custody.

4. The name and telephone number of the agency responsible for the child.

5. A statement of the reasons for temporary custody of the child.

6. A statement that the child must be returned within seventy-two hours excluding Saturdays, Sundays and holidays unless a dependency petition is filed and a statement that a child in temporary custody for examination pursuant to section 8-821, subsection B, paragraph 2 must be returned within twelve hours unless abuse or neglect is diagnosed.

7. One of the following:

(a) If a dependency petition has not been filed or if the information prescribed in subdivision (b) is not available, a statement that if a dependency petition is filed, the parent or guardian will be provided a written notice no later than twenty-four hours after the petition is filed that contains the information prescribed in subdivision (b).

(b) In all other cases, the date, time and place of the preliminary protective hearing to be held pursuant to section 8-824 and the requirements of subsection D of this section.

8. A statement of the right of the parent or guardian to counsel and that counsel will be appointed pursuant to section 8-221 through the juvenile court if a dependency petition is filed and the person is indigent.

9. Information regarding the ability of the person about whom the report was made to provide a verbal, telephonic or written response to the allegations. A verbal response shall be included in the written report of the investigation. A written response, including any documentation, shall be included in the case file.

10. A statement that the hearing may result in further proceedings to terminate parental rights.

11. A statement that the parent or guardian must immediately provide to the department the names, the type of relationship and all available information necessary to locate persons who are related to the child or who have a significant relationship with the child. If there is not sufficient information available to locate a relative or person with a significant relationship with the child, the parent shall inform the department of this fact. If the parent or guardian obtains information regarding the existence or location of a relative or person with a significant relationship with the child, the parent or guardian shall immediately provide that information to the department.

12. A statement that the parent or guardian must be prepared to provide to the court at the preliminary protective hearing the names, the type of relationship and all available information necessary to locate persons who are related to the child or who have a significant relationship with the child.

C. The ~~protective services~~ CHILD SAFETY worker shall provide the parent or guardian with the notice even if the parent or guardian refuses to sign the acknowledgment.

D. Immediately before the time of the preliminary protective hearing, the persons described in section 8-824, subsection B shall meet and attempt to reach an agreement about placement of the child, services to be provided to the child, parent or guardian and visitation of the child. The parties shall meet with their counsel, if any, before this meeting. Consideration shall be given to the availability of reasonable services to the parent or guardian and the child's health and safety shall be a paramount concern. The persons described in section 8-824, subsection C may attend the meeting to reach an agreement.

E. If a dependency petition is filed by the department, the child ~~protective services~~ SAFETY worker is responsible for delivering the notice of the preliminary protective hearing prescribed in subsection B, paragraph 7 of this section to the parent or guardian. In all other cases, the person who files the dependency petition is responsible for delivery of this notice to the parent or guardian. If the location of the parent or guardian is unknown, the person who is responsible for serving this notice shall make reasonable efforts to locate and notify the parent or guardian.

Sec. 73. Section 8-824, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-824. <u>Preliminary protective hearing; probable cause; appointment of counsel</u>

A. The court shall hold a preliminary protective hearing to review the taking into temporary custody of a child pursuant to section 8-821 not fewer than five days nor more than seven days after the child is taken into custody, excluding Saturdays, Sundays and holidays. If clearly necessary to prevent abuse or neglect, to preserve the rights of a party or for other good cause shown, the court may grant one continuance that does not exceed five days.

B. The following persons shall be present at the preliminary protective hearing:

1. The child's parents or guardian, unless they cannot be located or they fail to appear in response to the notice.

2. Counsel for the parents if one has been requested or retained.

3. The child's guardian ad litem or attorney.

4. The ~~protective services~~ CHILD SAFETY worker AND ADDITIONAL REPRESENTATIVES OF THE DEPARTMENT IF REQUESTED BY THE DEPARTMENT.

5. Counsel for the ~~protective services~~ CHILD SAFETY worker.

C. If the court finds that it is in the best interests of the child, the court may allow the following to be present at the preliminary protective hearing:

1. The child.

2. Any relative or other interested person with whom the child is or might be placed as described in section 8-845, subsection A.

3. Witnesses called by the parties.

4. An advocate or interested person as requested by the parent or guardian.

5. Other persons who have knowledge of or an interest in the welfare of the child.

D. At the hearing, the court shall advise the parent or guardian of the following rights:

1. The right to counsel, including appointed counsel if the parent or guardian is indigent.

2. The right to cross-examine all witnesses who are called to testify against the parent or guardian.

3. The right to trial by court on the allegations in the petition.

4. The right to use the process of the court to compel the attendance of witnesses.

E. At the hearing, the court:

1. Shall receive a report of any agreement reached pursuant to section 8-823, subsection D. The report may be made orally.

2. Shall provide an opportunity for the child's parent or guardian, if present, and any other person who has relevant knowledge, to provide relevant testimony.

3. May limit testimony and evidence that is beyond the scope of the removal of the child, the child's need for continued protection, placement, visitation and services to be provided to the child and family.

4. May take into consideration as a mitigating factor the participation of the parent or guardian in the healthy families program established by section ~~8-701~~ 8-481.

5. Shall take into consideration as a mitigating factor the availability of reasonable services to the parent or guardian to prevent or eliminate the need for removal of the child and the effort of the parent or guardian to obtain and participate in these services.

6. Shall inform the child's parent or guardian that the hearing may result in further proceedings to terminate parental rights.

7. Shall order the parent or guardian to provide the court with the names, the type of relationship and all available information necessary to locate persons who are related to the child or who have a significant relationship with the child. If there is not sufficient information available to locate a relative or person with a significant relationship with the child, the parent or guardian shall inform the court of this fact. The court shall further order the parent or guardian to inform the department

1 immediately if the parent or guardian becomes aware of information related to
2 the existence or location of a relative or person with a significant
3 relationship to the child.
4 8. Shall inform the parent that substantially neglecting or wilfully
5 refusing to remedy the circumstances that cause the child to be in an
6 out-of-home placement, including refusing to participate in reunification
7 services, is grounds for termination of parental rights to a child.
8 9. Shall give paramount consideration to the health and safety of the
9 child.
10 10. Shall determine whether the department is attempting to identify
11 and assess placement of the child with a grandparent or another member of the
12 child's extended family including a person who has a significant relationship
13 with the child.
14 11. Shall inform a foster parent, a preadoptive parent or a member of
15 the child's extended family with whom the department has placed the child of
16 the right to be heard in any proceeding to be held with respect to the child.
17 F. The petitioner has the burden of presenting evidence as to whether
18 there is probable cause to believe that continued temporary custody is
19 clearly necessary to prevent abuse or neglect pending the hearing on the
20 dependency petition.
21 G. The department must make reasonable efforts to place a child with
22 siblings and, if that is not possible, to maintain frequent visitation or
23 other ongoing contact between all siblings.
24 H. If the child is in the temporary custody of the department, the
25 department shall submit not later than the day before the hearing a written
26 report to the court and the parties that states:
27 1. The reasons the child was removed from the parent's or guardian's
28 custody.
29 2. Any services that have been provided to the child or the child's
30 parent or guardian to prevent removal.
31 3. The need, if any, for continued temporary custody.
32 4. The types of service needed to facilitate the return of the child
33 to the custody of the child's parents or guardian.
34 5. If the child is not placed with a grandparent, whether the child
35 has any relatives or other interested parties as described in section 8-845,
36 subsection A who may be able and willing to take temporary custody.
37 6. Any services that are requested by the parent or guardian but that
38 are not provided and the reasons the services were not provided.
39 7. What efforts the department has made to place siblings together,
40 and if they are not placed together, the specific reasons why this did not
41 occur.
42 8. If the placement of siblings together was not possible for all or
43 any of the siblings, efforts the department has made to facilitate
44 communications among siblings and a proposal for frequent visitation or
45 contact pursuant to subsection G of this section. If frequent visitation or

contact with siblings is not recommended, the department shall state the reasons why this would be contrary to the child's or a sibling's safety or well-being.

9. A proposal for visitation with the child's parents or guardian and the results of any visitation that has occurred since the child was removed. The requirements of this paragraph do not apply to a specific parent or guardian if there is a court order relating to a criminal case that prohibits that parent or guardian from contact with the child. Before the department allows visitation it must first determine that there are no court orders relating to any superior court criminal case that prohibit the parent or guardian from contact with the child.

10. A proposed case plan for services to the family.

I. The parent or guardian shall state whether the parent or guardian admits or denies the allegations in the petition filed pursuant to section 8-841. If the parent or guardian admits or does not contest the allegations in the petition, the court shall determine that the parent or guardian understands the rights described in subsection D of this section and that the parent or guardian knowingly, intelligently and voluntarily waives these rights.

J. At the hearing, if the child is not returned to the parent or guardian, the court shall:

1. Enter orders regarding the placement of the child pending the determination of the dependency petition and visitation, if any.

2. If a relative is identified as a possible placement for the child, notify the relative of the right to be heard in any proceeding to be held with respect to the child.

3. Determine if the tasks and services set forth in the case plan are reasonable and necessary to carry out the case plan.

Sec. 74. Section 8-825, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-825. <u>Court determinations in preliminary protective hearing</u>

A. The court's determination in the preliminary protective hearing may be based on evidence that is hearsay, in whole or in part, in the following forms:

1. The allegations of the petition.

2. An affidavit.

3. Sworn testimony.

4. The written reports of expert witnesses.

5. The department's written reports if the ~~protective services~~ CHILD SAFETY worker is present and available for cross-examination.

6. Documentary evidence without foundation if there is a substantial basis for believing the foundation will be available at the dependency hearing and the document is otherwise admissible.

7. The testimony of a witness concerning the declarations of another person if the evidence is cumulative or there is a reasonable ground to believe that the other person will be personally available for trial.

B. Evidence considered by the court pursuant to subsection A of this section shall also include any available evidence of substantiated allegations of abuse or neglect committed in another jurisdiction.

C. The court shall determine whether temporary custody of the child is clearly necessary to prevent abuse or neglect pending the hearing on the dependency petition. The court:

1. On finding that the petitioner has not met the burden prescribed in section 8-824, subsection F, shall return the child to the child's parent, guardian or custodian pending the dependency hearing.

2. On finding that the petitioner has met the burden prescribed in section 8-824, subsection F, may declare the child a temporary ward of the court pending the dependency hearing.

D. The court shall also determine if reasonable efforts were made to prevent or eliminate the need for removal of a child from the child's home and if services are available that would eliminate the need for continued removal. If the child is:

1. In the custody of the department, the court shall order the department to make reasonable efforts to provide services to the child and parent to facilitate the reunification of the family, except as provided in section 8-846.

2. Not in the custody of the department and the department is not a party, the court may direct the parties to participate in reasonable services that will facilitate reunification of the family or another permanent plan for the child. The court shall not require the department to provide services pursuant to this paragraph.

Sec. 75. Section 8-830, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-830. <u>Residential drug treatment center; services; program termination; definitions</u>

A. The department shall contract with a provider to conduct family assessments, provide case management and provide the necessary services, including residential drug treatment services, to protect the child and support the family on referral from the department pursuant to section 8-821.

B. The contract shall require that the provider establish a continuum of services for families through written agreements with community agencies and organizations to provide required services to families. The provider may purchase or obtain without cost the services of any agency or organization that may provide resources to assist the family.

C. The contract shall require that the provider initiate a thorough family assessment and necessary services as soon as practicable after the provider receives the referral from the department.

D. The department shall provide information to the provider concerning the current report and may provide any information from records it deems appropriate. All information received by the provider regarding the report of abuse or neglect and department records is subject to the confidentiality requirements of section 8-807. Information in the records of the provider concerning the families served by the program is available for the purposes of evaluating the program.

E. If at any time during the course of service delivery the provider determines that the child is in imminent danger of abuse or neglect, the provider shall immediately report the case to the department or the appropriate law enforcement agency, or both, for appropriate action. In all cases the provider and any agency under subcontract to the provider shall retain records of information on initial and ongoing contact with the family and the final disposition of the case and shall provide this information to the department.

F. The department shall require that the provider establish a local advisory board composed of appropriate community representatives, including representation from families in the community and local public agencies. The local advisory board shall ensure that a continuum of services is provided for families and shall provide oversight to the program.

G. The department shall develop performance standards for the contracts, provide training to the provider or organization staff involved in service delivery to these families regarding child abuse and neglect and monitor the performance of the providers.

H. The contract entered into pursuant to this section shall be for a term of ten years. The program established by this section ends on July 1, 2014 pursuant to section 41-3102.

I. For the purposes of this section:

~~1. "Department" means the department of economic security.~~

~~2.~~ 1. "Provider" means a community or faith-based provider that is awarded a contract by the department.

~~3.~~ 2. "Services" includes:

(a) Family assessment.

(b) Case management.

(c) Child day care.

(d) Housing search and relocation.

(e) Parenting skills training.

(f) Supportive intervention and guidance counseling.

(g) Transportation.

(h) Emergency services.

(i) Intensive family preservation.

(j) Parent aide services.

(k) Residential drug treatment services.

(l) Additional services that the department determines are necessary to meet the needs of the families.

Sec. 76. Transfer and renumber

Title 8, chapter 10, article 3, Arizona Revised Statutes, is transferred and renumbered for placement in title 8, chapter 4, Arizona Revised Statutes, as added by this act, as article 10.

Sec. 77. Section 8-843, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-843. Initial dependency hearing; rights

A. At any dependency hearing, the court's primary consideration shall be the protection of a child from abuse or neglect.

B. At the initial dependency hearing, the court shall ensure that the parent or guardian has been advised of the following rights:

1. The right to counsel, including appointed counsel if the parent or guardian is indigent.

2. The right to trial by the court on the allegations in the petition.

3. The right to cross-examine all witnesses that are called to testify against the parent or guardian.

4. The right to use the process of the court to compel the attendance of witnesses.

C. If the parent or guardian admits or does not contest the allegations in the petition, the court shall determine that the parent or guardian understands the rights described in subsection ~~A~~ B of this section and that the parent or guardian knowingly, intelligently and voluntarily waives these rights.

D. If the parent or guardian denies the allegations in the petition, the court shall set the settlement conference, pretrial conference or mediation prescribed in section 8-844.

E. The court shall also determine if reasonable efforts were made to prevent or eliminate the need for removal of a child from the child's home and if services are available that would eliminate the need for continued removal. If the child is:

1. In the custody of the department, the court shall order the department to make reasonable efforts to provide services to the child and parent to facilitate the reunification of the family, except as provided in section 8-846.

2. Not in the custody of the department and the department is not a party, the court may direct the parties to participate in reasonable services that will facilitate reunification of the family or another permanent plan for the child. The court shall not require the department to provide services pursuant to this paragraph.

F. Notwithstanding any other provision of this section, the court may stay the proceedings and order in-home intervention as provided in article ~~7~~ 14 of this chapter.

Sec. 78. Section 8-845, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-845. Disposition hearing

A. After receiving and considering the evidence on the proper disposition of the case, the court may enter orders awarding a dependent child as follows:

1. To the care of the child's parents, subject to the supervision of the department ~~of economic security~~.

2. To a grandparent or another member of the child's extended family including a person who has a significant relationship with the child, unless the court has determined that such placement is not in the child's best interests.

3. To a suitable institution.

4. To an association willing to receive the child.

5. To a reputable citizen of good moral character.

6. To an appropriate public or private agency licensed to care for children.

7. To a suitable school.

8. To supervision under the independent living program established pursuant to section 8-521.

9. To any adult as a permanent guardian pursuant to article ~~5~~ 12 of this chapter.

B. In reviewing the status of the child and in determining its order of disposition, the court shall consider the health and safety of the child as a paramount concern and the following criteria:

1. The goals of the placement and the appropriateness of the case plan.

2. The services that have been offered to reunite the family.

3. If returning the child home is not likely, the efforts that have been or should be made to evaluate or plan for other permanent placement plans.

4. The efforts that have been made or should be made to place the child with the child's siblings or to provide frequent visitation or contact when placement with siblings has not been possible.

C. The court shall review the permanent plan that has been established for the child. In reviewing the status of the child, the court, insofar as possible, shall seek to reunite the family. If the court does not order reunification of the family, The court shall order a plan of adoption or another permanent plan that is in the child's best interest and that takes into consideration the placement of the child with siblings or that provides for frequent visitation or contact ~~amongst~~ BETWEEN siblings unless the court determines that either the placement with the siblings or the visitation or contact would be contrary to the child's or a sibling's safety or well-being.

D. Notwithstanding subsection C of this section, reasonable efforts to place a child for adoption may be made concurrently with reasonable efforts to reunify the family.

Sec. 79. Section 8-846, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-846. Services provided to the child and family

A. Except as provided in subsections B and C and D of this section, if the child has been removed from the home, the court shall order the department to make reasonable efforts to provide services to the child and the child's parent.

B. The court shall consider the following factors ~~and~~ IN DETERMINING WHETHER REUNIFICATION SERVICES ARE REQUIRED TO BE PROVIDED. Reunification services are not required to be provided if the court finds by clear and convincing evidence that:

1. One or more of the following aggravating circumstances exist:

(a) A party to the action provides a verified affidavit that states that a reasonably diligent search has failed to identify and locate the parent within three months after the filing of the dependency petition or the parent has expressed no interest in reunification with the child for at least three months after the filing of the dependency petition.

(b) The parent or guardian is suffering from a mental illness or mental deficiency of such magnitude that it renders the parent or guardian incapable of benefitting from the reunification services. This finding shall be based on competent evidence from a psychologist or physician that establishes that, even with the provision of reunification services, the parent or guardian is unlikely to be capable of adequately caring for the child within twelve months after the date of the child's removal from the home.

(c) The child previously has been removed and adjudicated dependent due to physical or sexual abuse. After the adjudication the child was returned to the custody of the parent or guardian and then subsequently removed within eighteen months due to additional physical or sexual abuse.

(d) ~~A child is the victim of~~ THE PARENT OR GUARDIAN COMMITTED AN ACT THAT CONSTITUTES A DANGEROUS CRIME AGAINST CHILDREN AS DEFINED IN SECTION 13-705 OR CAUSED A CHILD TO SUFFER serious physical INJURY or emotional injury ~~by the parent or guardian or by any person known by the parent or guardian, if~~ OR the parent or guardian knew or reasonably should have known that ~~the~~ ANOTHER person ~~was abusing the child~~ COMMITTED AN ACT THAT CONSTITUTES A DANGEROUS CRIME AGAINST CHILDREN AS DEFINED IN SECTION 13-705 OR CAUSED A CHILD TO SUFFER SERIOUS PHYSICAL INJURY OR EMOTIONAL INJURY.

(e) The parent's rights to another child have been terminated, the parent has not successfully addressed the issues that led to the termination and the parent is unable to discharge parental responsibilities.

(f) After a finding that a child is dependent, all of the following are true:

(i) A child has been removed from the parent or guardian on at least two previous occasions.

(ii) Reunification services were offered or provided to the parent or guardian after the removal.

(iii) The parent or guardian is unable to discharge parental responsibilities.

2. The parent or guardian of a child has been convicted of A DANGEROUS CRIME AGAINST CHILDREN AS DEFINED IN SECTION 13-705, murder or manslaughter of a child, or of sexual abuse of a child, sexual assault of a child, sexual conduct with a minor, molestation of a child, commercial sexual exploitation of a minor, sexual exploitation of a minor, or luring a minor for sexual exploitation.

3. The parent or guardian of a child has been convicted of aiding or abetting or attempting, conspiring or soliciting to commit any of the crimes listed in paragraph 2 of this subsection.

C. The court shall consider any criminal prosecution relating to the offenses which led to the child's removal from the home and SHALL ABIDE BY any orders of the criminal court. Information may be provided by law enforcement or the county attorney.

D. If a dependency petition was filed pursuant to section 8-874, subsection J, the court may direct the division not to provide reunification services to the child's parents unless the court finds by clear and convincing evidence that these services would be in the child's best interests.

Sec. 80. Transfer and renumber

Title 8, chapter 10, article 4, Arizona Revised Statutes, is transferred and renumbered for placement in title 8, chapter 4, Arizona Revised Statutes, as added by this act, as article 11.

Sec. 81. Section 8-862, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-862. Permanency hearing

A. The court shall hold a permanency hearing to determine the future permanent legal status of the child:

1. Within thirty days after the disposition hearing if the court does not order reunification services.

2. Within six months after a child who is under three years of age is removed from the child's home. The court shall not continue that permanency hearing beyond six months after the child who is under three years of age is removed from the child's home unless the party who is seeking the continuance shows that the determination prescribed in section 8-829, subsection A, paragraph 6 has been made or will be made within the time prescribed in that paragraph.

3. In all other cases, within twelve months after the child is removed from the child's home. The court shall not continue the permanency hearing beyond twelve months after the child is removed from the child's home unless the party who is seeking the continuance shows that the determination prescribed in section 8-829, subsection A, paragraph 5 has been made or will be made within the time prescribed in that paragraph.

B. At the permanency hearing, the court shall determine:

1. Whether termination of parental rights, adoption, permanent guardianship pursuant to section 8-872 or some other permanent legal status is the most appropriate plan for the child and shall order the plan to be accomplished within a specified period of time.

2. Whether reasonable efforts have been made to finalize the permanency plan in effect.

3. What efforts have been made in the permanency plan to place the child with the child's siblings or to provide frequent visitation or contact, unless the court had already determined that placement with all or any siblings or visitation or contact is not possible or would be contrary to the child's or a sibling's safety or well-being.

C. If the court determines that the child should remain in out-of-home placement longer than eighteen months from the date of the permanency order, the court shall conduct a review of the order at least once each year. After reviewing the order, the court may reaffirm the order or direct other disposition of the child.

D. If the court determines that the termination of parental rights is clearly in the best interests of the child, the court shall:

1. Order the department or the child's attorney or guardian ad litem to file within ten days after the permanency hearing a motion alleging one or more of the grounds prescribed in section 8-533 for termination of parental rights. The party who files the motion has the burden of presenting evidence at the termination hearing to prove the allegations in the motion.

2. Set a date for an initial hearing on the motion for termination of parental rights within thirty days after the permanency hearing. If the termination is contested at the initial hearing, the court shall set a date for the trial on termination of parental rights within ninety days after the permanency hearing.

E. The department shall make reasonable efforts to place the child in a timely manner in accordance with the permanency plan and to complete whatever steps are necessary to finalize the permanent placement of the child.

F. If the court determines that permanent guardianship is clearly in the best interests of the child, the court shall:

1. Order the department or the child's attorney or guardian ad litem to file within ten days after the permanency hearing a motion alleging the grounds prescribed in section 8-871 for permanent guardianship. The party

who files the motion has the burden of presenting evidence at the hearing to prove the allegations in the motion.

2. Set a date for an initial hearing on the motion for permanent guardianship within thirty days after the permanency hearing. If the permanent guardianship is contested at the initial hearing, the court shall set a date for the trial on the permanent guardianship within ninety days after the permanency hearing.

G. Evidence considered by the court in making a decision pursuant to this section also shall include any substantiated allegations of abuse or neglect committed in another jurisdiction.

H. If the court determines that termination of parental rights or permanent guardianship is clearly in the best interest of the child and the child has been placed in a prospective permanent placement, unless the action is required by federal law, state law or regulation, any action that is inconsistent with the case plan of severance and adoption, including removal of the child from that placement, may occur only by court order or if the prospective permanent placement requests the child's removal. If a motion to change the case plan or for removal of a child is filed, a copy of the motion must be provided to the prospective permanent placement at least fifteen days before a hearing on the motion. If the prospective permanent placement does not appear at a hearing on a motion for removal, the court may not take any action on the motion unless the court finds that good faith efforts were made to provide a copy of the motion to the prospective permanent placement. The prospective permanent placement has the right to be heard in the proceeding. This right does not require that the prospective permanent placement be made a party to the proceeding solely on the basis of that right. This subsection does not apply to any removal pursuant to section ~~8-802~~ 8-456 or 8-821. If the child is an Indian child as defined pursuant to the Indian child welfare act (25 United States Code section 1903), the court and the parties must comply with all applicable requirements of that act. For the purposes of this subsection, a prospective permanent placement includes:

1. A grandparent or another member of the child's extended family including a person who has a significant relationship with the child.

2. A person or persons with an expressed interest in being the permanent placement for the child in a certified adoptive home where the child resides, a home that is a permanent placement for a sibling of the child or a licensed family foster home where the child resides.

I. This section does not prevent the department from presenting for the court's consideration a grandparent or another member of the child's extended family including a person who has a significant relationship with the child and who has not been identified as a prospective permanent placement for the child before the child's placement with a prospective permanent placement.

Sec. 82. Transfer and renumber

A. Title 8, chapter 10, article 5, Arizona Revised Statutes, is transferred and renumbered for placement in title 8, chapter 4, Arizona Revised Statutes, as added by this act, as article 12.

B. Title 8, chapter 10, article 6, Arizona Revised Statutes, is transferred and renumbered for placement in title 8, chapter 4, Arizona Revised Statutes, as added by this act, as article 13.

Sec. 83. Section 8-881, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-881. Coordination of substance abuse treatment; contracting for services; joint substance abuse treatment fund

A. The department of ~~economic security~~ CHILD SAFETY in partnership with the department of health services as joint administrators of the joint substance abuse treatment fund shall coordinate the provision of services to:

1. Parents, guardians or custodians whose substance abuse is a significant barrier to maintaining, preserving or reunifying the family.

2. Recipients of temporary assistance for needy families whose substance abuse is a significant barrier to maintaining or obtaining employment.

B. This coordination effort shall include all of the following:

1. The development of programs in communities for the provision of services to qualified persons who suffer from substance abuse.

2. The requirements for contractors who provide services in communities for qualified persons who suffer from substance abuse.

3. The method of evaluating community programs.

C. The department ~~of economic security~~ may contract for services prescribed in this article.

D. The joint substance abuse treatment fund is established. The director of the department of ~~economic security~~ CHILD SAFETY and the director of the department of health services shall jointly administer the fund. Monies in the fund are continuously appropriated for the purposes prescribed in this article and are exempt from the provisions of section 35-190 relating to ~~the~~ lapsing of appropriations. Of the fund monies, the directors shall not use more than:

1. Five per cent for program development costs.

2. Ten per cent for evaluation of community programs pursuant to section 8-884.

Sec. 84. Section 8-882, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-882. Program development

In assisting development of community programs, the department of ~~economic security~~ CHILD SAFETY in partnership with the department of health services as joint administrators of the fund shall consider the following issues:

1. The determination of eligibility and a screening process to identify:

(a) A parent, guardian or custodian of a child who is named in a report to ~~child protective services~~ THE DEPARTMENT as a victim of abuse or neglect and whose substance abuse is a significant barrier to maintaining, preserving or reunifying the family.

(b) A person whose substance abuse is a significant barrier to maintaining or obtaining employment if the person is receiving cash assistance pursuant to title 46, chapter 2, article 5.

2. Training and technical assistance to be provided to communities for the development and provision of the programs.

3. Collaboration among and integration with public and private agencies, programs, service providers, advocates and consumers.

4. Coordination and integration of funding sources to meet prevention, treatment and other service needs.

5. The scope of services to be provided that are family centered and that fit within the following categories:

(a) Substance abuse screening and assessment.

(b) Treatment referral.

(c) Treatment services.

(d) Aftercare.

(e) Service coordination.

(f) Other services necessary to achieve the outcome goals identified in section 8-884.

6. Procedures for sharing information to assure the well-being of a child and the person being treated while maintaining confidentiality as otherwise prescribed by statute. These procedures shall include requirements for treatment providers to keep any court timely informed of the nature and status of treatment for a parent, guardian or custodian of a child who is the subject of a dependency action before the court.

Sec. 85. Section 8-883, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-883. Requirements for contractors

In developing the requirements for contractors who provide prevention and treatment of substance abuse in communities, the department of ~~economic security~~ CHILD SAFETY in partnership with the department of health services as joint administrators of the fund shall:

1. Prescribe that contractors shall develop and implement the program through collaboration with representatives of the community served so that services are provided in a comprehensive and integrated manner that is responsive to cultural, demographic and geographic diversity.

2. Require contractors to specify what outcomes they are addressing, consistent with the requirements prescribed in section 8-884, and how these outcomes will be achieved.

3. Require contractors to cooperate with the evaluation prescribed in section 8-884.

4. Prescribe any other requirements necessary to meet the outcome goals identified in section 8-884.

Sec. 86. Section 8-884, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-884. Evaluation of community programs

A. In developing the method of evaluating community substance abuse prevention and treatment programs, the department of ~~economic security~~ CHILD SAFETY in partnership with the department of health services as joint administrators of the fund shall prescribe evaluation factors that are consistent with the following outcome goals:

1. Increase the availability, timeliness and accessibility of substance abuse treatment to improve child safety, family stability and permanency for children in foster care or other out-of-home placement, with a preference for reunification with a child's birth family.

2. Increase the availability, timeliness and accessibility of substance abuse treatment to persons receiving temporary assistance for needy families to achieve self-sufficiency through employment.

3. Increase the availability, timeliness and accessibility of substance abuse treatment to promote recovery from alcohol and drug problems.

B. The department of ~~economic security~~ CHILD SAFETY shall retain a person to evaluate the performance of the contractor for each community program according to the factors developed pursuant to subsection A OF THIS SECTION. The person shall report at least every three months to the department and each contractor on the performance of each contractor. Annually by November 1, the person shall prepare and deliver to the legislature a statewide report concerning the prior fiscal year.

Sec. 87. Transfer and renumber

Title 8, chapter 10, article 7, Arizona Revised Statutes, is transferred and renumbered for placement in title 8, chapter 4, Arizona Revised Statutes, as added by this act, as article 14.

Sec. 88. Section 8-891, Arizona Revised Statutes, as transferred by this act, is amended to read:

8-891. In-home intervention

A. After the filing of a dependency petition, the court may order in-home intervention if all of the following are true:

1. The child has not been removed pursuant to article ~~2~~ 9 of this chapter.

2. In-home intervention appears likely to resolve the risk issues described in paragraph 4 OF THIS SUBSECTION.

3. The parent, guardian or custodian agrees to a case plan and participation in services.

4. One of the following conditions ~~exist~~ EXISTS:

(a) The child is at risk of harm due to the inability or unwillingness of the parent, guardian or custodian to provide food, clothing, shelter or medical care.

(b) The parent, guardian or custodian is unable to provide proper care, control and supervision of the child.

B. The in-home intervention order may include a training or treatment plan for the parent, guardian or custodian and the child.

C. The in-home intervention shall include a specific time for completion of the in-home intervention, which shall not exceed one year without review and approval by the court. The court shall dismiss the dependency petition if the specific time for completion of the in-home intervention has expired without being extended by the court and a dependency adjudication hearing has not been set as provided in section 8-892.

Sec. 89. Section 12-692, Arizona Revised Statutes, is amended to read:

12-692. Shoplifting by unemancipated minor; liability of parent or guardian; foster parents

A. The parents or legal guardians having custody or control of an unemancipated minor who commits shoplifting as defined by section 13-1805 are civilly liable to the owner of the obtained goods for all of the following:

1. A penalty in the amount of the retail value of the obtained goods.

2. An additional penalty of not less than one hundred dollars nor more than one hundred dollars plus the actual damages to the owner.

B. Foster parents are not liable under subsection A of this section for the acts of children placed with them pursuant to title 8, chapter ~~5~~ 4, ARTICLE 4 OR 5.

Sec. 90. Section 13-2929, Arizona Revised Statutes, is amended to read:

13-2929. Unlawful transporting, moving, concealing, harboring or shielding of unlawful aliens; vehicle impoundment; exception; classification

A. It is unlawful for a person who is in violation of a criminal offense to:

1. Transport or move or attempt to transport or move an alien in this state, in furtherance of the illegal presence of the alien in the United States, in a means of transportation if the person knows or recklessly disregards the fact that the alien has come to, has entered or remains in the United States in violation of law.

2. Conceal, harbor or shield or attempt to conceal, harbor or shield an alien from detection in any place in this state, including any building or any means of transportation, if the person knows or recklessly disregards the fact that the alien has come to, has entered or remains in the United States in violation of law.

3. Encourage or induce an alien to come to or reside in this state if the person knows or recklessly disregards the fact that such coming to, entering or residing in this state is or will be in violation of law.

B. A means of transportation that is used in the commission of a violation of this section is subject to mandatory vehicle immobilization or impoundment pursuant to section 28-3511.

C. A law enforcement official or agency of this state or a county, city, town or other political subdivision of this state may not consider race, color or national origin in the enforcement of this section except to the extent permitted by the United States or Arizona Constitution.

D. In the enforcement of this section, an alien's immigration status may be determined by:

1. A law enforcement officer who is authorized by the federal government to verify or ascertain an alien's immigration status.

2. The United States immigration and customs enforcement or the United States customs and border protection pursuant to 8 United States Code section 1373(c).

E. This section does not apply to a child ~~protective services~~ SAFETY worker acting in the worker's official capacity or a person who is acting in the capacity of a first responder, an ambulance attendant or an emergency medical technician and who is transporting or moving an alien in this state pursuant to title 36, chapter 21.1.

F. A person who violates this section is guilty of a class 1 misdemeanor and is subject to a fine of at least one thousand dollars, except that a violation of this section that involves ten or more illegal aliens is a class 6 felony and the person is subject to a fine of at least one thousand dollars for each alien who is involved.

Sec. 91. Section 13-3620, Arizona Revised Statutes, is amended to read:

13-3620. <u>Duty to report abuse, physical injury, neglect and denial or deprivation of medical or surgical care or nourishment of minors; medical records; exception; violation; classification; definitions</u>

A. Any person who reasonably believes that a minor is or has been the victim of physical injury, abuse, child abuse, a reportable offense or neglect that appears to have been inflicted on the minor by other than accidental means or that is not explained by the available medical history as being accidental in nature or who reasonably believes there has been a denial or deprivation of necessary medical treatment or surgical care or nourishment with the intent to cause or allow the death of an infant who is protected under section 36-2281 shall immediately report or cause reports to be made of this information to a peace officer or to ~~child protective services in~~ the department of ~~economic security~~ CHILD SAFETY, except if the report concerns a person who does not have care, custody or control of the minor, the report shall be made to a peace officer only. A member of the clergy, a christian

science practitioner or a priest who has received a confidential communication or a confession in that person's role as a member of the clergy, AS a christian science practitioner or AS a priest in the course of the discipline enjoined by the church to which the member of the clergy, THE christian science practitioner or THE priest belongs may withhold reporting of the communication or confession if the member of the clergy, THE christian science practitioner or THE priest determines that it is reasonable and necessary within the concepts of the religion. This exemption applies only to the communication or confession and not to personal observations the member of the clergy, THE christian science practitioner or THE priest may otherwise make of the minor. For the purposes of this subsection, "person" means:

1. Any physician, physician's assistant, optometrist, dentist, osteopath, chiropractor, podiatrist, behavioral health professional, nurse, psychologist, counselor or social worker who develops the reasonable belief in the course of treating a patient.

2. Any peace officer, child welfare investigator, child ~~protective services~~ SAFETY worker, member of the clergy, priest or christian science practitioner.

3. The parent, stepparent or guardian of the minor.

4. School personnel or domestic violence victim advocates who develop the reasonable belief in the course of their employment.

5. Any other person who has responsibility for the care or treatment of the minor.

B. A report is not required under this section either:

1. For conduct prescribed by sections 13-1404 and 13-1405 if the conduct involves only minors who are fourteen, fifteen, sixteen or seventeen years of age and there is nothing to indicate that the conduct is other than consensual.

2. If a minor is of elementary school age, the physical injury occurs accidentally in the course of typical playground activity during a school day, occurs on the premises of the school that the minor attends and is reported to the legal parent or guardian of the minor and the school maintains a written record of the incident.

C. If a physician, psychologist or behavioral health professional receives a statement from a person other than a parent, stepparent, guardian or custodian of the minor during the course of providing sex offender treatment that is not court ordered or that does not occur while the offender is incarcerated in the state department of corrections or the department of juvenile corrections, the physician, psychologist or behavioral health professional may withhold the reporting of that statement if the physician, psychologist or behavioral health professional determines it is reasonable and necessary to accomplish the purposes of the treatment.

D. Reports shall be made immediately either electronically or by telephone. The reports shall contain the following information, if known:

1. The names and addresses of the minor and the minor's parents or the person or persons having custody of the minor.

2. The minor's age and the nature and extent of the minor's abuse, child abuse, physical injury or neglect, including any evidence of previous abuse, child abuse, physical injury or neglect.

3. Any other information that the person believes might be helpful in establishing the cause of the abuse, child abuse, physical injury or neglect.

E. A health care professional who is regulated pursuant to title 32 and who, after a routine newborn physical assessment of a newborn infant's health status or following notification of positive toxicology screens of a newborn infant, reasonably believes that the newborn infant may be affected by the presence of alcohol or a drug listed in section 13-3401 shall immediately report this information, or cause a report to be made, to ~~child protective services in~~ the department of ~~economic security~~ CHILD SAFETY. For the purposes of this subsection, "newborn infant" means a newborn infant who is under thirty days of age.

F. Any person other than one required to report or cause reports to be made under subsection A of this section who reasonably believes that a minor is or has been a victim of abuse, child abuse, physical injury, a reportable offense or neglect may report the information to a peace officer or to ~~child protective services in~~ the department of ~~economic security~~ CHILD SAFETY, except if the report concerns a person who does not have care, custody or control of the minor, the report shall be made to a peace officer only.

G. A person who has custody or control of medical records of a minor for whom a report is required or authorized under this section shall make the records, or a copy of the records, available to a peace officer, child welfare investigator or child ~~protective services~~ SAFETY worker investigating the minor's neglect, child abuse, physical injury or abuse on written request for the records signed by the peace officer, child welfare investigator or child ~~protective services~~ SAFETY worker. Records disclosed pursuant to this subsection are confidential and may be used only in a judicial or administrative proceeding or investigation resulting from a report required or authorized under this section.

H. When reports are received by a peace officer, the officer shall immediately notify ~~child protective services in~~ the department of ~~economic security and make the information available to~~ child ~~protective services~~ SAFETY. Notwithstanding any other statute, when ~~child protective services~~ THE DEPARTMENT receives these reports, it shall immediately notify a peace officer in the appropriate jurisdiction ~~and the office of child welfare investigations in the department of economic security~~.

I. Any person who is required to receive reports pursuant to subsection A of this section may take or cause to be taken photographs of the

minor and the vicinity involved. Medical examinations of the involved minor may be performed.

J. A person who furnishes a report, information or records required or authorized under this section, or a person who participates in a judicial or administrative proceeding or investigation resulting from a report, information or records required or authorized under this section, is immune from any civil or criminal liability by reason of that action unless the person acted with malice or unless the person has been charged with or is suspected of abusing or neglecting the child or children in question.

K. Except for the attorney client privilege or the privilege under subsection L of this section, no privilege applies to any:

1. Civil or criminal litigation or administrative proceeding in which a minor's neglect, dependency, abuse, child abuse, physical injury or abandonment is an issue.

2. Judicial or administrative proceeding resulting from a report, information or records submitted pursuant to this section.

3. Investigation of a minor's child abuse, physical injury, neglect or abuse conducted by a peace officer or ~~child protective services in~~ the department of ~~economic security~~ CHILD SAFETY.

L. In any civil or criminal litigation in which a child's neglect, dependency, physical injury, abuse, child abuse or abandonment is an issue, a member of the clergy, a christian science practitioner or a priest shall not, without his consent, be examined as a witness concerning any confession made to him in his role as a member of the clergy, a christian science practitioner or a priest in the course of the discipline enjoined by the church to which he belongs. This subsection does not discharge a member of the clergy, a christian science practitioner or a priest from the duty to report pursuant to subsection A of this section.

M. If psychiatric records are requested pursuant to subsection G of this section, the custodian of the records shall notify the attending psychiatrist, who may excise from the records, before they are made available:

1. Personal information about individuals other than the patient.

2. Information regarding specific diagnosis or treatment of a psychiatric condition, if the attending psychiatrist certifies in writing that release of the information would be detrimental to the patient's health or treatment.

N. If any portion of a psychiatric record is excised pursuant to subsection M of this section, a court, on application of a peace officer, child welfare investigator or child ~~protective services~~ SAFETY worker, may order that the entire record or any portion of the record that contains information relevant to the reported abuse, child abuse, physical injury or neglect be made available to the peace officer, child welfare investigator or child ~~protective services~~ SAFETY worker investigating the abuse, child abuse, physical injury or neglect.

O. A person who violates this section is guilty of a class 1 misdemeanor, except if the failure to report involves a reportable offense, the person is guilty of a class 6 felony.

P. For the purposes of this section:

1. "Abuse" has the same meaning prescribed in section 8-201.

2. "Child abuse" means child abuse pursuant to section 13-3623.

3. "Neglect" has the same meaning prescribed in section 8-201.

4. "Reportable offense" means any of the following:

(a) Any offense listed in chapters 14 and 35.1 of this title or section 13-3506.01.

(b) Surreptitious photographing, videotaping, filming or digitally recording or viewing a minor pursuant to section 13-3019.

(c) Child prostitution pursuant to section 13-3212.

(d) Incest pursuant to section 13-3608.

Sec. 92. Section 13-3623.01, Arizona Revised Statutes, is amended to read:

13-3623.01. Safe haven for newborn infants; definitions

A. A person is not guilty of abuse of a child pursuant to section 13-3623, subsection B solely for leaving an unharmed newborn infant with a safe haven provider.

B. A fire station and a health care institution that is classified by the department of health services pursuant to section 36-405 as a general hospital or a rural general hospital shall post a notice that it accepts a newborn infant pursuant to this section. The notice shall be placed on the exterior of the building in a location that is noticeable to the public. The words "baby safe haven" shall be printed in bold-faced capital letters that are not less than two inches in height. The notice may include an identifying logo. A fire station or hospital that does not post a notice as prescribed by this subsection is not subject to civil liability. A notice that is valid before ~~the effective date of the amendment to this section~~ SEPTEMBER 30, 2009 remains valid after ~~the effective date of the amendment to this section~~ SEPTEMBER 30, 2009.

C. If a parent or agent of a parent voluntarily delivers the parent's newborn infant to a safe haven provider, the safe haven provider shall take custody of the newborn infant if both of the following are true:

1. The parent did not express an intent to return for the newborn infant.

2. The safe haven provider reasonably believes that the child is a newborn infant.

D. The safe haven provider shall comply with the requirements of section 8-528 and report the receipt of a newborn infant to ~~child protective services~~ of the department of ~~economic security~~ CHILD SAFETY as soon as practicable after taking custody of the newborn infant. ~~Child protective services~~ THE DEPARTMENT shall report the number of newborn infants delivered to safe haven providers pursuant to section 8-526.

E. A parent or agent of a parent who leaves a newborn infant with a safe haven provider may remain anonymous, and the safe haven provider shall not require the parent or agent to answer any questions. A safe haven provider shall offer written information about information and referral organizations.

F. A safe haven provider who receives a newborn infant pursuant to this section is not liable for any civil or other damages for any act or omission by the safe haven provider in maintaining custody of the newborn infant if the safe haven provider acts in good faith without gross negligence.

G. This section does not preclude the prosecution of the person for any offense based on any act not covered by this section.

H. For the purposes of this section:

1. "Newborn infant" means an infant who is seventy-two hours old or younger.

2. "Safe haven provider" means any of the following:

(a) A firefighter who is on duty.

(b) An emergency medical technician who is on duty.

(c) A health care institution that is classified by the department of health services pursuant to section 36-405 as a general hospital or a rural general hospital. The parent or agent must deliver the newborn infant to a medical staff member at the health care institution.

(d) A staff member or volunteer at any of the following that posts a public notice that it is willing to accept a newborn infant pursuant to this section:

(i) A private child welfare agency licensed pursuant to title 8, chapter ~~5~~ 4, article ~~1~~ 4.

(ii) An adoption agency licensed pursuant to section 8-126.

(iii) A church. For the purposes of this item, "church" means a building that is erected or converted for use as a church, where services are regularly convened, that is used primarily for religious worship and schooling and that a reasonable person would conclude is a church by reason of design, signs or architectural or other features.

Sec. 93. Section 15-765, Arizona Revised Statutes, is amended to read:

15-765. Special education in rehabilitation, corrective or other state and county supported institutions, facilities or homes

A. For the purposes of this section and section 15-764, children with disabilities who are being provided with special education in rehabilitation, corrective or other state and county supported institutions or facilities are the responsibility of that institution or facility, including children with disabilities who are not enrolled in a residential program and who are being furnished with daily transportation. Special education programs at the institution or facility shall conform to the conditions and standards prescribed by the director of the division of special education.

B. Notwithstanding subsection A of this section, the department of economic security, THE DEPARTMENT OF CHILD SAFETY or the department of health services may request on behalf of a school-age child with a disability residing in a residential facility or foster home operated or supported by the department of economic security, THE DEPARTMENT OF CHILD SAFETY or the department of health services that the school district in which the facility or home is located enroll the school-age child in the district, subject to section 15-825. The school district, on the request by the department of economic security, THE DEPARTMENT OF CHILD SAFETY or the department of health services, shall enroll the child and provide any necessary special education and related services, subject to section 15-766. A school district in which a child with a disability is enrolled shall coordinate the development of an individualized education program with the development of an individual program or treatment plan. The provision of special education and related services to a child with a disability may be subject to subsection D of this section.

C. Before any placement is made in facilities described in this section, the school district of residence shall ensure that a full continuum of alternative placements is available to meet the needs of children with disabilities and that the proposed placement is the least restrictive environment in which appropriate education services can be provided to the child.

D. A school district or county school superintendent may contract with, and make payments to, other public or private schools, institutions and agencies approved by the division of special education, within or without the school district or county, for the education of and provision of services to children with disabilities if section 15-766 and the conditions and standards prescribed by the division of special education have been met and if unable to provide satisfactory education and services through its own facilities and personnel in accordance with the rules prescribed by the state board of education as provided in section 15-213. No school district may contract or make payments under the authority of this section or section 15-764 or any other provisions of law for the residential or educational costs of placement of children with disabilities in an approved private special education school, institution or agency unless the children are evaluated and placed by a school district. The following special provisions apply in order to qualify for the group B ED-P weight:

1. If the child is placed in a private special education program, the chief administrative official of the school district or county or other person designated by the school district or county as responsible for special education shall verify that the pupil is diagnosed with an emotional disability as defined in section 15-761, that no appropriate program exists within the school district or county, as applicable, and that no program can feasibly be instituted by the school district or county, as applicable.

2. If the child is placed in a special program that provides intensive services within a school district, the chief administrative official of the school district or county or other person as designated by the school district or county as responsible for special education shall verify that the pupil placed in such a program is diagnosed with an emotional disability as defined in section 15-761 and that appropriate services cannot be provided in traditional resource and self-contained special education classes.

E. When a state placing agency initially places a pupil in a private residential facility, the home school district must conduct an evaluation pursuant to section 15-766 or review the educational placement of a pupil who has previously been determined eligible for special education services. The school district shall notify the appropriate state placing agency when a child requires an evaluation for possible receipt of services provided by that agency or a residential special education placement. The school district and the state agency shall jointly evaluate the child, including consideration of relevant information from additional sources, including probation or parole officers, caseworkers, guardians ad litem and court appointed special advocates.

F. If the child is not eligible for special education or does not require residential special education placement, sections 15-1182 and 15-1183 apply.

G. If the individualized education program team determines that a residential special education placement is the least restrictive environment in which an appropriate educational program can be provided, the home school district shall submit the following documentation to the department of education:

1. A residential special education voucher application signed by designated representatives of the state placing agency, as defined in section 15-1181, and the home school district, respectively.

2. The educational reasons for recommending the residential special education placement, including an evaluation or addendum to the evaluation that describes the instructional and behavioral interventions that were previously attempted and the educational reasons for recommending the residential special education placement, including documentation that the nature or severity of the disability is such that education in a less restrictive environment is not appropriate.

3. Exit criteria as required in subsection K of this section.

4. That prior written notice for a change in the child's placement was provided.

H. If a residential special education placement is required by the child's individualized education program, the educational component of the residential facility shall be one that is approved by the department of education for the specific special education services required.

I. The residential component of the facility in which the residential special education placement is made shall be licensed by the department of

economic security, THE DEPARTMENT OF CHILD SAFETY or the department of health services, whichever is appropriate.

J. Following and in accordance with the consensus decision of the individualized education program team as prescribed in section 15-766, a residential special education placement shall be made by the school district and the appropriate state agency. The individualized education program team shall determine whether a residential special education placement is necessary. The state placing agency shall consider the recommendations of the individualized education program team in selecting the specific residential facility. The department of education shall enter into interagency services agreements with the department of economic security, THE DEPARTMENT OF CHILD SAFETY or the department of health services to establish a mechanism for resolving disputes if the school district and the department of economic security, THE DEPARTMENT OF CHILD SAFETY or the department of health services cannot mutually agree on the specific residential placement to be made. Dispute resolution procedures may not be used to deny or delay residential special education placement.

K. The individualized education program for any child who requires residential special education placement must include exit criteria that indicate when the educational placement of the child shall be reviewed to determine whether the child can be moved to a less restrictive placement.

L. All noneducational and nonmedical costs incurred by the placement of a child with a disability in a private or public school program and concurrent out-of-home care program shall be paid by the department of economic security for those children eligible to receive services through the division of developmental disabilities ~~or the administration for children, youth and families of the department of economic security~~, BY THE DEPARTMENT OF CHILD SAFETY FOR THE CHILDREN FOR WHICH IT HAS LEGAL RESPONSIBILITY and by the department of health services for those children eligible to receive services through the division of behavioral health in the department of health services or children's rehabilitation services. ~~Nothing in~~ This section ~~is intended to~~ DOES NOT prevent or limit the department of health services, THE DEPARTMENT OF CHILD SAFETY and the department of economic security from joint case management of any child who qualifies for services from ~~both~~ TWO OR MORE OF THESE agencies or from sharing the noneducational costs of providing those services. The educational costs incurred by the placement of a child with a disability in an out-of-home care facility shall be paid as follows:

1. Through a residential special education placement voucher as provided in section 15-1184 if the child is determined to require a residential special education placement as defined in section 15-761.

2. Through an initial or continuing residential education voucher if a child is placed in a private residential facility by a state placing agency, as defined in section 15-1181, for care, treatment and safety reasons and the child needs educational services while in that placement.

3. Through a certificate of educational convenience if the child is attending a public school not within the child's school district of residence as provided in section 15-825.

4. By the home school district, pursuant to a contract with a public or private school as provided in subsection D of this section, if the home school district is unable to provide satisfactory education and services through its own facilities and personnel.

M. The department of economic security, THE DEPARTMENT OF CHILD SAFETY or the department of health services, whichever is appropriate, shall determine if the child placed for purposes of special education in a private or public school and concurrent out-of-home care is covered by an insurance policy that provides for inpatient or outpatient child or adolescent psychiatric treatment. The appropriate state agency may only pay charges for treatment costs that are not covered by an insurance policy. Notwithstanding any other law, the appropriate state agency may pay for placement costs of the child before the verification of applicable insurance coverage. On the depletion of insurance benefits, the appropriate state agency shall resume payment for all noneducational and nonmedical costs incurred in the treatment of the child. The appropriate state agency may request the child's family to contribute a voluntary amount toward the noneducational and nonmedical costs incurred as a result of residential placement of the child. The amount that the appropriate state agency requests the child's family to contribute shall be based on guidelines in the rules of the appropriate state agency governing the determination of contributions by parents and estates. ~~Nothing in~~ This subsection ~~shall be construed to~~ DOES NOT require parents to incur any costs for required special education and related services or shall be construed to result in a reduction in lifetime insurance benefits available for a child with a disability.

N. If appropriate services are offered by the school district and the parent or the child chooses for the child to attend a private facility, either for day care or for twenty-four hour care, neither the school district nor the respective agency is obligated to assume the cost of the private facility. If residential twenty-four hour care is necessitated by factors such as the child's home condition and is not related to the special educational needs of the child, the agency responsible for the care of the child is not required to pay any additional costs of room and board and nonmedical expenses pursuant to this section.

Sec. 94. Section 15-825, Arizona Revised Statutes, is amended to read:

15-825. <u>Certificate of educational convenience; issuance; effect on enrollment records</u>

A. A pupil who is precluded by distance or lack of adequate transportation facilities from attending a school in the school district or county of the pupil's residence or who resides in unorganized territory may apply to the county school superintendent for a certificate of educational convenience. If it appears to the county school superintendent that it is

not feasible for the pupil to attend a school in the school district or county of residence, the county school superintendent shall issue a certificate authorizing the pupil to attend a school in an adjoining school district or county, whether within or without this state. If a certificate of educational convenience is issued as provided in this subsection, the school enrollment of a pupil is as follows:

1. The school enrollment of a pupil who is precluded from attending a school in this state and who must attend school in another state, when certified to the county school superintendent by the official in charge of the school attended, is deemed for the purpose of determining student count to be enrollment in the school of the county or school district of the student's residence.

2. The school enrollment of a pupil from unorganized territory or from another school district is deemed for the purpose of determining student count to be enrollment in the school district of actual attendance.

B. The county school superintendent of any county in which a pupil is placed as described in this subsection shall issue a certificate of educational convenience for the pupil to attend school in the school district or adjoining school district to that in which the pupil is placed by an agency of this state or a state or federal court of competent jurisdiction in one of the following:

1. A state rehabilitation or corrective institution.

2. A foster home or child care agency or institution which is licensed and supervised by the department of ~~economic security~~ CHILD SAFETY or the department of health services.

3. A residential facility operated or supported by the department of economic security or the department of health services.

4. Under the supervision of the department of juvenile corrections in a residence pursuant to the interstate compact on juveniles. Notwithstanding section 41-1959, the placing agency, department or institution shall provide the school district of attendance with the necessary information to enable the district to obtain a certificate of educational convenience pursuant to this subsection.

C. A pupil attending school under a certificate of educational convenience issued pursuant to subsection B of this section is deemed for the purpose of determining student count to be enrolled in the school district of attendance. The county school superintendent of any county shall not issue a certificate of educational convenience as provided in subsection B of this section if the pupil is placed in the same district of the pupil's parents' or legal guardians' residence or if the pupil is placed without a court order and the pupil's parents or legal guardians are not residents of this state.

D. If a certificate of educational convenience is issued as provided in subsection B of this section, or for a pupil whose parent or guardian is employed and domiciled by a state institution as prescribed by section 15-976, tuition may be charged as follows:

1. For group B children with disabilities:

(a) Who are from unorganized territory, whose parent or guardian is employed by a state institution as prescribed by section 15-976 or who have been issued a certificate of educational convenience pursuant to subsection B of this section, the superintendent of public instruction shall reimburse the district of attendance for the excess costs as provided in section 15-824, subsection E, paragraph 4.

(b) Who are from another school district, the school district of residence shall reimburse the district of attendance for the excess costs as provided in section 15-824, subsection E, paragraph 4.

2. For pupils who are precluded from attending a school in this state and who must attend a school in another state:

(a) If the pupil resides in a school district in this state, the district of residence shall pay the amount charged by the district of attendance.

(b) If the pupil resides in unorganized territory, the superintendent of public instruction shall pay the amount charged by the district of attendance.

E. The county school superintendent who issues a certificate of educational convenience shall notify the superintendent of public instruction of the issuance of the certificate. The superintendent of public instruction shall draw a warrant in favor of the school district of actual attendance for the amount charged, whether for common or high school attendance, as provided in section 15-824.

F. The total amount of state monies that may be spent in any fiscal year by the superintendent of public instruction for certificates of educational convenience shall not exceed the amount appropriated or authorized by section 35-173 for that purpose. This section ~~shall~~ DOES not ~~be construed to~~ impose a duty on an officer, agent or employee of this state to discharge a responsibility or to create any right in a person or group if the discharge or right would require an expenditure of state monies in excess of the expenditure authorized by legislative appropriation for that specific purpose.

Sec. 95. Section 15-1181, Arizona Revised Statutes, is amended to read:

15-1181. <u>Definitions</u>

In this article, unless the context otherwise requires:

1. "Child" means a person who is at least three years of age by September 1 of the current year but who is under twenty-two years of age.

2. "Foster parent" means a person who may serve as the parent of a child with disabilities if that person has an ongoing, long-term parental relationship with the child, is willing to make educational decisions for the child and has no personal interest that would conflict with the interests of the child.

3. "Fund" means the special education fund.

4. "Home school district" has the same meaning prescribed in section 15-761.

5. "Individualized education program" has the same meaning prescribed in section 15-761.

6. "Parent" means the natural or adoptive parent of a child, the legal guardian of a child, a relative with whom a child resides and who is acting as the parent of that child or a surrogate parent who has been appointed for a child pursuant to section 15-763.01. Parent does not mean this state if the child is a ward of the state.

7. "Place" or "placement" means placement of a child in a private residential facility for residential special education placement as defined in section 15-761 or by a state placing agency for care, safety or treatment reasons.

8. "Private residential facility" means a private facility that is licensed by the department of economic security or department of health services and to which one of the following also applies:

(a) For special education placements, the facility has been approved by the division of special education pursuant to section 15-765 for the purpose of providing special education and related services.

(b) For other than special education placements, the facility has been accredited by the north central association of colleges and secondary schools, except that private facilities applying for initial approval as a private school are not required to receive accreditation until three years after the date of initial approval as long as continual progress toward accreditation is maintained.

9. "Related services" means related services as defined in section 15-761.

10. "Residential special education placement" has the same meaning prescribed in section 15-761.

11. "Special education" has the same meaning prescribed in section 15-761.

12. "State placing agency" means the department of juvenile corrections, the department of economic security, THE DEPARTMENT OF CHILD SAFETY, the department of health services or the administrative office of the court.

Sec. 96. Section 15-1204, Arizona Revised Statutes, is amended to read:

15-1204. <u>Voucher; application; approval; requirements; budgets; prohibited uses; advances</u>

A. When an institution decides to place a person in an institutional special education program, the institution, upon application to and approval by the division of special education, shall have a permanent special education institutional voucher issued pursuant to this article to pay the special education instructional costs of the person at the institution.

B. When an institution decides to place a person who resides in the institution in a school special education program, the school, upon application to and approval by the division of special education, shall have a permanent special education institutional voucher issued pursuant to this article to pay the special education instructional costs of the person in the school.

C. No person residing in an institution and attending a school may have a certificate of educational convenience issued pursuant to section 15-825, subsection A.

D. The director of the division of special education shall develop requirements for the approval of vouchers, pursuant to this section, including the requirement that the person be educationally evaluated.

E. If approved, the voucher, in an amount not exceeding the sum of the following, shall be paid directly to the institution or deposited with the county treasurer to the credit of the school, with notice to the county school superintendent:

1. For group A, the base level multiplied by two.

2. For group B, the sum of the base for kindergarten through eight and the support level weight for the category, multiplied by the base level.

3. For both group A and group B, one hundred dollars for capital outlay costs and fifty dollars for transportation costs.

F. The budget format developed cooperatively between the department of ~~economic security~~ CHILD SAFETY and the department of education pursuant to section 8-503 shall be used by the institutions to determine and segregate residential costs from educational instructional costs.

G. If sufficient appropriated monies are available and upon a showing by an institution that additional state monies are necessary for current expenses, an advance apportionment of state aid may be paid to an institution. In no event shall an institution have received more than three-fourths of its total apportionment under this section before May 1 of the fiscal year. Early payments pursuant to this subsection must be approved by the state treasurer, the director of the department of administration and the superintendent of public instruction.

H. Notwithstanding subsection G of this section, when making the April payment to an institution, the department of education may include an additional amount based on an estimate of monies payable to the institution in May. Before the department of education apportions monies to the institution in June, it shall adjust the June payment to account for any discrepancies between the monies actually paid in April and May and the amount which should have been paid. If an overpayment in May exceeds the total amount payable in June, the institution shall refund to the department of education an amount equal to the overpayment within sixty days of notification of the overpayment. If the overpayment is not refunded within sixty days by the institution, the superintendent of public instruction shall reduce the state aid entitlement to the institution for the succeeding fiscal

year to recover any overpayment of state aid received during the current fiscal year.

I. Any special education institutional voucher issued pursuant to this article shall not be used in any school or institution that discriminates on the basis of race, religion, creed, color or national origin.

J. The state board of education may withhold state aid from an institution for noncompliance with any applicable statute or any applicable rule adopted by the state board.

Sec. 97. Section 25-403.03, Arizona Revised Statutes, is amended to read:

25-403.03. Domestic violence and child abuse

A. Notwithstanding subsection D of this section, joint legal decision-making shall not be awarded if the court makes a finding of the existence of significant domestic violence pursuant to section 13-3601 or if the court finds by a preponderance of the evidence that there has been a significant history of domestic violence.

B. The court shall consider evidence of domestic violence as being contrary to the best interests of the child. The court shall consider the safety and well-being of the child and of the victim of the act of domestic violence to be of primary importance. The court shall consider a perpetrator's history of causing or threatening to cause physical harm to another person.

C. To determine if a person has committed an act of domestic violence the court, subject to the rules of evidence, shall consider all relevant factors including the following:

1. Findings from another court of competent jurisdiction.

2. Police reports.

3. Medical reports.

4. ~~Child protective services~~ Records OF THE DEPARTMENT OF CHILD SAFETY.

5. Domestic violence shelter records.

6. School records.

7. Witness testimony.

D. If the court determines that a parent who is seeking sole or joint legal decision-making has committed an act of domestic violence against the other parent, there is a rebuttable presumption that an award of sole or joint legal decision-making to the parent who committed the act of domestic violence is contrary to the child's best interests. This presumption does not apply if both parents have committed an act of domestic violence. For the purposes of this subsection, a person commits an act of domestic violence if that person does any of the following:

1. Intentionally, knowingly or recklessly causes or attempts to cause sexual assault or serious physical injury.

2. Places a person in reasonable apprehension of imminent serious physical injury to any person.

3. Engages in a pattern of behavior for which a court may issue an ex parte order to protect the other parent who is seeking child custody or to protect the child and the child's siblings.

E. To determine if the parent has rebutted the presumption the court shall consider all of the following:

1. Whether the parent has demonstrated that being awarded sole or joint legal decision-making or substantially equal parenting time is in the child's best interests.

2. Whether the parent has successfully completed a batterer's prevention program.

3. Whether the parent has successfully completed a program of alcohol or drug abuse counseling, if the court determines that counseling is appropriate.

4. Whether the parent has successfully completed a parenting class, if the court determines that a parenting class is appropriate.

5. If the parent is on probation, parole or community supervision, whether the parent is restrained by a protective order that was granted after a hearing.

6. Whether the parent has committed any further acts of domestic violence.

F. If the court finds that a parent has committed an act of domestic violence, that parent has the burden of proving to the court's satisfaction that parenting time will not endanger the child or significantly impair the child's emotional development. If the parent meets this burden to the court's satisfaction, the court shall place conditions on parenting time that best protect the child and the other parent from further harm. The court may:

1. Order that an exchange of the child must occur in a protected setting as specified by the court.

2. Order that an agency specified by the court must supervise parenting time. If the court allows a family or household member to supervise parenting time, the court shall establish conditions that this person must follow during parenting time.

3. Order the parent who committed the act of domestic violence to attend and complete, to the court's satisfaction, a program of intervention for perpetrators of domestic violence and any other counseling the court orders.

4. Order the parent who committed the act of domestic violence to abstain from possessing or consuming alcohol or controlled substances during parenting time and for twenty-four hours before parenting time.

5. Order the parent who committed the act of domestic violence to pay a fee for the costs of supervised parenting time.

6. Prohibit overnight parenting time.

7. Require a bond from the parent who committed the act of domestic violence for the child's safe return.

8. Order that the address of the child and the other parent remain confidential.

9. Impose any other condition that the court determines is necessary to protect the child, the other parent and any other family or household member.

G. The court shall not order joint counseling between a victim and the perpetrator of domestic violence. The court may provide a victim with written information about available community resources related to domestic violence.

H. The court may request or order the services of ~~the division of children and family services in~~ the department of ~~economic security~~ CHILD SAFETY if the court believes that a child may be the victim of child abuse or neglect as defined in section 8-201.

I. In determining whether the absence or relocation of a parent shall be weighed against that parent in determining legal decision-making or parenting time, the court may consider whether the absence or relocation was caused by an act of domestic violence by the other parent.

Sec. 98. Section 25-807, Arizona Revised Statutes, is amended to read:

25-807. Precedence of maternity and paternity proceedings; delay for paternity tests; court order; evidentiary use; alternative tests; out-of-state orders; immunity

A. Proceedings to establish maternity and paternity have precedence over other civil proceedings. The case shall be set for trial within sixty days from the filing of an answer by the respondent.

B. A delay in determining paternity in an action commenced before the birth of the child shall be granted until after the birth of the child for purposes of paternity tests if any party to the proceedings requests.

C. The court, on its own motion or on motion of any party to the proceedings, shall order the mother, her child or children and the alleged father to submit to genetic testing and shall direct that inherited characteristics to determine parentage, including blood and tissue type, be determined by appropriate testing procedures conducted by an accredited laboratory. If the mother is unavailable or fails to cooperate by refusing to submit to genetic testing, testing of the alleged father and child or children may be appropriate. An expert duly qualified as an examiner of genetic markers shall be agreed on by the parties or appointed by the court to analyze and interpret the results and report to the court.

D. If the results of the genetic tests indicate that the likelihood of the alleged father's paternity is ninety-five per cent or greater, the alleged father is presumed to be the parent of the child and the party opposing the establishment of the alleged father's paternity shall establish by clear and convincing evidence that the alleged father is not the father of the child.

E. The examiner's report shall be admitted at trial unless a timely written challenge to the examiner's report is filed with the court within

twenty days of the date the report was filed with the court. If the results of the examiner's report have been challenged and on the reasonable request of a party, the court shall order an additional test to be made by the same laboratory or an independent laboratory at the expense of the party requesting additional testing.

F. If a timely written challenge is not filed pursuant to subsection E, the examiner's report is admissible in evidence without the need for foundation testimony or other proof of authenticity or accuracy.

G. The court, on application of either party, shall determine the proportion and time in which the initial test costs shall be paid.

H. On motion of a party to the proceedings, the court may order that experts perform alternative or additional tests including medical, scientific and genetic tests.

I. Either party may apply for summary judgment on the issue of paternity.

J. A state or local agency in this state, including the department of economic security, THE DEPARTMENT OF CHILD SAFETY, the state department of corrections and any other correctional facility that has custody of a person who is the subject of the genetic testing order, shall treat a genetic testing order issued in another state that appears to be in good order as if it were issued by a court of this state.

K. Notwithstanding any other law, an agency, agency employee or agency contractor that acts in good faith to cooperate in obtaining genetic testing samples under this section is not subject to civil or criminal liability.

Sec. 99. Section 32-3271, Arizona Revised Statutes, is amended to read:

32-3271. Exceptions to licensure; jurisdiction

A. This chapter does not apply to:

1. A person who is currently licensed, certified or regulated pursuant to another chapter of this title and who provides services within the person's scope of practice if the person does not claim to be licensed pursuant to this chapter.

2. A person who is not a resident of this state if the person:

(a) Performs behavioral health services in this state for not more than ninety days in any one calendar year as prescribed by board rule.

(b) Is authorized to perform these services pursuant to the laws of the state or country in which the person resides or pursuant to the laws of a federally recognized tribe.

(c) Informs the client of the limited nature of these services and that the person is not licensed in this state.

3. A rabbi, priest, minister or member of the clergy of any religious denomination or sect if the activities and services that person performs are within the scope of the performance of the regular or specialized ministerial duties of an established and legally recognizable church, denomination or

sect and the person performing the services remains accountable to the established authority of the church, denomination or sect.

4. A member run self-help or self-growth group if no member of the group receives direct or indirect financial compensation.

5. A behavioral health technician or behavioral health paraprofessional who is employed by an agency licensed by the department of health services.

6. A person contracting with the supreme court or a person employed by or contracting with an agency under contract with the supreme court who is otherwise ineligible to be licensed or who is in the process of applying to be licensed under this chapter as long as that person is in compliance with the supreme court contract conditions regarding professional counseling services and practices only under supervision.

7. A person who is employed by the department of economic security OR THE DEPARTMENT OF CHILD SAFETY and who practices social work, marriage and family therapy, substance abuse counseling, counseling and case management within the scope of the person's job duties and under direct supervision by the EMPLOYER department ~~of economic security~~.

8. A student, intern or trainee who is pursuing a course of study in social work, counseling, marriage and family therapy, substance abuse counseling or case management in a regionally accredited institution of higher education or training institution if the person's activities are performed under qualified supervision and are part of the person's supervised course of study.

9. A person who is practicing social work, counseling and case management and who is employed by an agency licensed by the department of economic security.

10. A paraprofessional employed by the department of economic security or by an agency licensed by the department of economic security.

11. A christian science practitioner if all of the following are true:

(a) The person is not providing psychotherapy.

(b) The activities and services the person performs are within the scope of the performance of the regular or specialized duties of a christian science practitioner.

(c) The person remains accountable to the established authority of the practitioner's church.

12. A person who is not providing psychotherapy.

B. A person who provides services pursuant to subsection A, paragraph 2 is deemed to have agreed to the jurisdiction of the board and to be bound by the laws of this state.

Sec. 100. Section 35-101, Arizona Revised Statutes, is amended to read:

35-101. <u>Definitions</u>

In this chapter, unless the context otherwise requires:

1. "Allotment" means the allocation of an appropriation or other fund source over a full fiscal year within a budget program or expenditure class.

2. "Annual budget unit" means the following agencies:

(a) The department of education.

(b) The Arizona board of regents.

(c) Arizona state university.

(d) Arizona state university west campus.

(e) Arizona state university east campus.

(f) The university of Arizona.

(g) Northern Arizona university.

(h) The school facilities board.

(i) The department of economic security.

(j) The state department of corrections.

(k) The department of juvenile corrections.

(l) The Arizona health care cost containment system.

(m) The department of health services.

(n) The department of administration.

(o) The department of transportation.

(p) The judiciary, including the supreme court, the court of appeals and the superior court.

(q) THE DEPARTMENT OF CHILD SAFETY.

3. "Authorized agent" means a commercial enterprise contracted to process transactions on behalf of a state agency.

4. "Biennial budget unit" means any department, commission, board, institution or other agency of the state organization receiving, expending or disbursing state funds or incurring obligations against the state that is not an annual budget unit.

5. "Budget estimates" means statements with accompanying explanations, as provided by this chapter, in which a budget unit states its financial requirements and requests appropriations.

6. "Budget program" means functions and activities of a budget unit or within a budget unit that are preplanned to fulfill a distinct mission.

7. "Budget unit" means any department, commission, board, institution or other agency of the state organization receiving, expending or disbursing state funds or incurring obligations against the state. Budget unit includes the annual budget units and biennial budget units.

8. "Cardholder" means any person:

(a) Named on the face of a credit card to whom or for whose benefit the credit card is issued by an issuer.

(b) In possession of a credit card with the consent of the person to whom the credit card was issued.

9. "Claim" means a demand against the state for payment for either:

(a) Goods delivered or, in the case of highway construction, goods or facilities to be delivered by the federal government.

(b) Services performed.

10. "Convenience fee" means an additional fee that is imposed by an authorized agent on a web-based or voice response portal transaction for the acceptance of a credit card that would not be charged if the same transaction were completed by an alternate method of payment.

11. "Credit card" means:

(a) Any instrument or device, whether known as a credit card, charge card, credit plate, courtesy card or identification card or by any other name, issued with or without a fee by an issuer for the use of the cardholder in obtaining money, goods, services or anything else of value, either on credit or in possession or in consideration of an undertaking or guaranty by the issuer of the payment of a check drawn by the cardholder, on a promise to pay in part or in full at a future time, whether or not all or any part of the indebtedness represented by this promise to make deferred payment is secured or unsecured.

(b) Any debit card, electronic benefit transfer card or other access instrument or device, other than a check that is signed by the holder or other authorized signatory on the deposit account, that draws monies from a deposit account in order to obtain money, goods, services or anything else of value.

(c) Any stored value card, smart card or other instrument or device that enables a person to obtain goods, services or anything else of value through the use of value stored on the instrument or device.

(d) The number assigned to an instrument or device described in subdivision (a), (b) or (c) of this paragraph even if the physical instrument or device is not used or presented.

12. "Discount fee" means the fee calculated and charged by the credit card issuer or a financial institution pursuant to an agreement for the processing of any credit card transaction.

13. "Encumbrance" means an obligation in the form of any purchase order, contract or other commitment which is chargeable to an appropriation or any other authorized fund source and for which a part of the fund source is reserved. It ceases to be an encumbrance when paid or canceled.

14. "Expenditure class" means one of the kinds of expenditure denoting a class of services or commodities purchased or properties acquired as specified in the classification of expenditures prescribed by the director of the department of administration for use in expenditure accounting, in making budget estimates and in the budget reports and budgets.

15. "Issuer" means any business organization, state agency or financial institution, or its duly authorized agent, that issues a credit card.

16. "Prepayment" means the payment of a claim before receiving the goods or services.

17. "Processing fee" means a fee charged by an entity other than a credit card issuer or the processing financial institution to process a credit card transaction.

18. "Purchase order" means a document that is signed by the appropriate agency authorized signatory, that requests a vendor to deliver described goods or services at a specific price and that on delivery and acceptance of the goods or services by this state becomes an obligation of this state.

19. "Transaction amount" means the total amount due to the state for any goods, service or license or anything else of value.

Sec. 101. Section 35-148, Arizona Revised Statutes, is amended to read:

35-148. Payment for interagency services as credit to account of agency; transfer of miscellaneous state monies to general fund; exceptions

A. Interagency service agreements entered into between budget units may provide for reimbursement for services performed or advancement of funds for services to be performed. In either instance, monies received by the budget unit performing the services shall be credited to its appropriation account for its use in performing the services. If funds are advanced, the agency performing the services shall make an accounting of expenditures and return any advances not used to the appropriation account of the advancing agency.

B. Except as provided in subsection A of this section, when money belonging to the state comes into the possession of a state officer, by recovery at law or otherwise, and no provision of law exists for the disposition of such money, it shall be deposited, pursuant to sections 35-146 and 35-147, in the state general fund.

C. The provisions of this section shall not apply to money realized from the sale of personal property or from the sale of real property or improvements thereon by the Arizona board of regents, or by educational institutions under the control of the Arizona board of regents, THE DEPARTMENT OF CHILD SAFETY or the department of economic security.

Sec. 102. Section 36-324, Arizona Revised Statutes, is amended to read:

36-324. Vital records; copies; access

A. On written request, a local registrar, a deputy local registrar or the state registrar shall issue a certified copy of a registered certificate, except the portion of the certificate that contains medical information, to any person determined to be eligible to receive the certified copy pursuant to criteria prescribed by rules.

B. A certified copy of a registered certificate has the same status as the registered certificate.

C. The United States public health service may receive copies, microfilm and other information from the state registrar to prepare national vital statistics subject to the following limitations:

1. The United States public health service bears the cost of preparing and transmitting the copies, microfilm and other information.

2. The copies, microfilm and other information are used for statistical purposes and the United States public health service assures a person's anonymity.

D. In child support cases under 42 United States Code sections 651 through 669~~, in child welfare cases under title 8~~ or in public benefit matters under chapter 29 of this title or title 46, the state registrar shall provide copies of or access to vital records without charge to the department of economic security or its attorneys. IN CHILD WELFARE CASES UNDER TITLE 8, THE STATE REGISTRAR SHALL PROVIDE COPIES OF OR ACCESS TO VITAL RECORDS WITHOUT CHARGE TO THE DEPARTMENT OF CHILD SAFETY OR ITS ATTORNEYS. A vital record obtained as authorized in this section must be used only for official purposes and, if used in a public proceeding, must be sealed by the court or hearing officer.

E. The state registrar shall provide a copy of or access to a vital record to a government agency for its official purposes.

Sec. 103. Section 36-558.01, Arizona Revised Statutes, is amended to read:

36-558.01. Operation, support and supervision of foster homes; duties of department

A. The department shall operate directly or support and supervise child developmental foster homes and foster homes licensed pursuant to title 8, chapter ~~5~~ 4, article ~~1~~ 4 to provide specialized foster care to developmentally disabled persons. Such homes shall be operated for persons placed pursuant to sections 8-514.01 and 8-845 and for appropriate placements for persons for whom application for residential services has been made to the department.

B. In furtherance of its responsibility pursuant to subsection A OF THIS SECTION, the department shall recruit, license and support such homes in accordance with ~~the provisions of~~ this chapter, maintain regular supervision of such homes and such placements, conduct training programs for the staff of such homes and develop the program and service standards for developmentally disabled persons to be placed in such homes.

C. Foster homes supported by the department shall be paid for each developmentally disabled person placed in the home an amount determined by the department based on the type of developmental disability and the consequent need for programs and services of each person so placed.

Sec. 104. Section 36-664, Arizona Revised Statutes, is amended to read:

36-664. Confidentiality; exceptions

A. A person who obtains communicable disease related information in the course of providing a health service or obtains that information from a health care provider pursuant to an authorization shall not disclose or be compelled to disclose that information except to the following:

1. The protected person or, if the protected person lacks capacity to consent, the protected person's health care decision maker.

2. The department or a local health department for purposes of notifying a good Samaritan pursuant to subsection E of this section.

3. An agent or employee of a health facility or health care provider to provide health services to the protected person or the protected person's child or for billing or reimbursement for health services.

4. A health facility or health care provider, in relation to the procurement, processing, distributing or use of a human body or a human body part, including organs, tissues, eyes, bones, arteries, blood, semen, milk or other body fluids, for use in medical education, research or therapy or for transplantation to another person.

5. A health facility or health care provider, or an organization, committee or individual designated by the health facility or health care provider, that is engaged in the review of professional practices, including the review of the quality, utilization or necessity of medical care, or an accreditation or oversight review organization responsible for the review of professional practices at a health facility or by a health care provider.

6. A private entity that accredits the health facility or health care provider and with whom the health facility or health care provider has an agreement requiring the agency to protect the confidentiality of patient information.

7. A federal, state, county or local health officer if disclosure is mandated by federal or state law.

8. A federal, state or local government agency authorized by law to receive the information. The agency is authorized to redisclose the information only pursuant to this article or as otherwise permitted by law.

9. An authorized employee or agent of a federal, state or local government agency that supervises or monitors the health care provider or health facility or administers the program under which the health service is provided. An authorized employee or agent includes only an employee or agent who, in the ordinary course of business of the government agency, has access to records relating to the care or treatment of the protected person.

10. A person, health care provider or health facility to which disclosure is ordered by a court or administrative body pursuant to section 36-665.

11. The industrial commission or parties to an industrial commission of Arizona claim pursuant to section 23-908, subsection D and section 23-1043.02.

12. Insurance entities pursuant to section 20-448.01 and third party payors or the payors' contractors.

13. Any person or entity as authorized by the patient or the patient's health care decision maker.

14. A person or entity as required by federal law.

15. The legal representative of the entity holding the information in order to secure legal advice.

16. A person or entity for research only if the research is conducted pursuant to applicable federal or state laws and regulations governing research.

17. A person or entity that provides services to the patient's health care provider, as defined in section 12-2291, and with whom the health care provider has a business associate agreement that requires the person or entity to protect the confidentiality of patient information as required by the health insurance portability and accountability act privacy standards, 45 Code of Federal Regulations part 164, subpart E.

B. At the request of the department of ~~economic security~~ CHILD SAFETY and in conjunction with the placement of children in foster care or for adoption or court-ordered placement, a health care provider shall disclose communicable disease information, including HIV-related information, to the department of ~~economic security~~ CHILD SAFETY.

C. A state, county or local health department or officer may disclose communicable disease related information if the disclosure is any of the following:

1. Specifically authorized or required by federal or state law.

2. Made pursuant to an authorization signed by the protected person or the protected person's health care decision maker.

3. Made to a contact of the protected person. The disclosure shall be made without identifying the protected person.

4. For the purposes of research as authorized by state and federal law.

D. The director may authorize the release of information that identifies the protected person to the national center for health statistics of the United States public health service for the purposes of conducting a search of the national death index.

E. The department or a local health department shall disclose communicable disease related information to a good Samaritan who submits a request to the department or the local health department. The request shall document the occurrence of the accident, fire or other life-threatening emergency and shall include information regarding the nature of the significant exposure risk. The department shall adopt rules that prescribe standards of significant exposure risk based on the best available medical evidence. The department shall adopt rules that establish procedures for processing requests from good Samaritans pursuant to this subsection. The rules shall provide that the disclosure to the good Samaritan shall not reveal the protected person's name and shall be accompanied by a written statement that warns the good Samaritan that the confidentiality of the information is protected by state law.

F. An authorization to release communicable disease related information shall be signed by the protected person or, if the protected person lacks capacity to consent, the protected person's health care decision maker. An authorization shall be dated and shall specify to whom disclosure

is authorized, the purpose for disclosure and the time period during which the release is effective. A general authorization for the release of medical or other information, including communicable disease related information, is not an authorization for the release of HIV-related information unless the authorization specifically indicates its purpose as an authorization for the release of confidential HIV-related information and complies with the requirements of this section.

G. A person to whom communicable disease related information is disclosed pursuant to this section shall not disclose the information to another person except as authorized by this section. This subsection does not apply to the protected person or a protected person's health care decision maker.

H. This section does not prohibit the listing of communicable disease related information, including acquired immune deficiency syndrome, HIV-related illness or HIV infection, in a certificate of death, autopsy report or other related document that is prepared pursuant to law to document the cause of death or that is prepared to release a body to a funeral director. This section does not modify a law or rule relating to access to death certificates, autopsy reports or other related documents.

I. If a person in possession of HIV-related information reasonably believes that an identifiable third party is at risk of HIV infection, that person may report that risk to the department. The report shall be in writing and include the name and address of the identifiable third party and the name and address of the person making the report. The department shall contact the person at risk pursuant to rules adopted by the department. The department employee making the initial contact shall have expertise in counseling persons who have been exposed to or tested positive for HIV or acquired immune deficiency syndrome.

J. Except as otherwise provided pursuant to this article or subject to an order or search warrant issued pursuant to section 36-665, a person who receives HIV-related information in the course of providing a health service or pursuant to a release of HIV-related information shall not disclose that information to another person or legal entity or be compelled by subpoena, order, search warrant or other judicial process to disclose that information to another person or legal entity.

K. This section and sections 36-663, 36-666, 36-667 and 36-668 do not apply to persons or entities subject to regulation under title 20.

Sec. 105. Section 36-698, Arizona Revised Statutes, is amended to read:

36-698. <u>Arizona children and families resource directory; distribution</u>

A. The department of health services shall develop the Arizona children and families resource directory. The directory shall include a list of private and public organizations and providers that specialize in early childhood development and the services included in section ~~8-701~~ 8-481,

subsection D. The purpose of the directory is to enable parents to obtain information that is critical to the development of their young children without relying on public programs.

B. The department shall distribute the directory to hospitals for distribution to the families of any newly born child to help these families answer questions concerning early childhood development.

C. The department of health services shall distribute the directory to the department of ~~economic security~~ CHILD SAFETY for distribution to program participants in the healthy families ~~pilot~~ program pursuant to section ~~8-701~~ 8-481.

D. The department may provide the directory to other persons or organizations that request copies and may charge a fee to cover the department's costs to prepare these copies.

Sec. 106. Section 36-883, Arizona Revised Statutes, is amended to read:

36-883. Standards of care; rules; classifications

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

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

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

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

4. Nutritious and well-balanced food.

5. Encouragement of parental participation.

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

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

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

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

knowledgeable about the provision of child care facilities to children including:

1. The department of economic security.
2. The department of education.
3. The state fire marshal.
4. The league of Arizona cities and towns.
5. Citizen groups.
6. Licensed child care facility representatives.
7. THE DEPARTMENT OF CHILD SAFETY.

E. The department shall designate appropriate classifications and establish corresponding standards pertaining to the type of care offered. These classifications shall include:

1. Facilities offering infant care.
2. Facilities offering specific educational programs.
3. Facilities offering evening and nighttime care.

F. Rules for the operation of child care facilities shall be stated in a way that clearly states the purpose of each rule.

Sec. 107. Section 36-1201, Arizona Revised Statutes, is amended to read:

36-1201. <u>Juvenile group homes; service contracts; registry; definitions</u>

A. State agencies that contract directly with group homes or regional behavioral health authorities that, as part of their contracts with the department of health services, subcontract with group homes shall require in each contract awarded, renewed or amended the following minimum provisions:

1. The group home shall provide a safe, clean and humane environment for the residents.

2. The group home is responsible for the supervision of the residents while in the group home environment or while residents are engaged in any off-site activities organized or sponsored by and under the direct supervision and control of the group home or affiliated with the group home.

3. All group home contractors shall be licensed by either the department of health services or the department of economic security.

4. The award of a group home contract from an appropriate contracting authority is not a guarantee that children will be placed at the group home.

5. A license violation by the group home that is not corrected pursuant to this section may also be considered a contract violation.

6. State agencies and regional behavioral health authorities may share information regarding group home contractors. The shared information shall not include information that personally identifies residents of group homes.

7. The following contract remedies:

(a) A schedule of financial sanctions in an amount of up to five hundred dollars per violation that the contracting authority, after completing an investigation, may assess against the group home contractor for a substantiated contract violation relating to the health, care or safety of

a resident or the safety of a neighbor. A financial sanction may be imposed for a contract violation related to the safety of a neighbor only if the conduct that constitutes the violation would be sufficient to form the basis for a civil cause of action for damages on the part of the neighbor whether or not such a civil action has been filed. These sanctions may be imposed by either deducting the amount of the sanction from any payment due or withholding future payments. The deduction or withholding may occur after any hearing available to the contractor.

(b) The contracting authority's right to remove residents from the group home or suspend new placements to the group home until the contracting violation is corrected.

(c) The contracting authority's right to cancel the contract.

8. Within ten business days after the contracting authority receives a complaint relating to a group home the contracting authority shall notify the group home provider and either initiate an investigation or refer the investigation to the licensing authority. If any complaint concerns an immediate threat to the health and safety of a child, the complaint shall be immediately referred to the licensing authority. If the contracting authority determines that a violation has occurred, it shall:

(a) Notify all other contracting authorities of the violation.

(b) Coordinate a corrective action plan consistent with the severity of the violation.

(c) Require the corrective action plan to be implemented within ninety days.

9. If a licensing deficiency is not corrected in a timely manner to the satisfaction of the licensing authority, the contracting authority may cancel the contract immediately on notice to the group home and may remove the residents.

10. A person may bring a complaint against any state agency that violates this section pursuant to title 41, chapter 6, article 6 or 10, as applicable. In addition to any costs or fees awarded to a person resulting from a complaint of a violation of this section, the agency shall revert the sum of five thousand dollars from its general fund operating appropriation to the state treasurer for deposit in the state general fund for each violation that is upheld by an administrative law judge or hearing officer. The legislature shall appropriate monies that revert under this section to a similar program that provides direct services to children.

B. When a licensing authority has determined that a license violation has occurred or is occurring, the licensing authority shall notify the appropriate contracting authority of the licensing violation.

C. A group home's record of contract violations and licensing violations may be considered by any contracting authority when it evaluates any request for proposals.

D. ~~By January 1, 2002,~~ The department of health services shall establish a central registry of juvenile group homes licensed by this state.

Each agency that is subject to the requirements of this section shall provide updated information for the registry to the department of health services every six months. The registry shall include the following information regarding each group home:

1. The location of the group home, including satellite facilities.

2. The number of residents at the group home and its satellite facilities.

3. The current, updated emergency contacts for the group home and its satellite facilities.

4. The current, updated contacts for the group home's licensing authority.

E. If the municipality in which a group home is located requests the department of health services to provide information from the registry, the department shall provide the information every six months to the municipality.

F. For the purposes of this article:

1. "Contract violation" means a licensing violation or a failure of the group home to comply with those provisions of its contract relating to subsection A, paragraphs 1, 2 and 3 of this section.

2. "Contracting authority" means a regional behavioral health authority or the state agency or its division, office, section, bureau or program that is responsible for the administration and monitoring of contracts with group homes.

3. "Group home" means a residential facility that is licensed to serve more than four minors at any one time, that is licensed by the department of health services pursuant to chapter 4 of this title or section 36-591, subsection B or by the department of ~~economic security~~ CHILD SAFETY pursuant to title 8, chapter ~~5~~ 4, article ~~1~~ 4 and that provides services pursuant to a contract for minors determined to be dependent as defined in section 8-201 or delinquent or incorrigible pursuant to section 8-341, or for minors with developmental disabilities, mental health or substance abuse needs. Group home does not include hospitals, nursing homes, child crisis and domestic violence shelters, adult homes, foster homes, facilities subject to any transient occupancy tax or behavioral health service agencies that provide twenty-four hour or continuous physician availability.

4. "Licensing authority" means the state agency or its division, office, section, bureau or program that is responsible for licensing group homes.

5. "Licensing violation" means a determination by the licensing authority that the group home is not in compliance with licensing requirements as prescribed in statute or rule.

6. "Neighbor" means a person residing within a one-quarter mile radius of the group home.

7. "Resident" means any person who is placed in a group home pursuant to a contract with a contracting authority.

Sec. 108. Section 36-2282, Arizona Revised Statutes, is amended to read:

36-2282. Duty to inform; reports of denial or deprivation; disciplinary action prohibited; report to department of child safety

A. Any health care institution with a perinatal, obstetrical or pediatric unit shall inform its administrators and other employees associated with the perinatal, obstetrical or pediatric unit of:

1. Their duty pursuant to section 13-3620 to report any denial or deprivation of necessary medical treatment or surgical care or nourishment with the intent to cause or allow the death of the infant.

2. Their right to make a report free from any disciplinary action by the health care institution.

3. A full description of the manner in which a report is to be made.

B. A health care institution shall not take or threaten to take any disciplinary action against any employee in retaliation for the employee making a report pursuant to section 13-3620.

C. A health care institution as specified in subsection A of this section shall report all suspected incidents of denial or deprivation of medically necessary treatment, surgical care or nourishment with the intent to cause or allow the death of the infant to the ~~child protective services program of the~~ department of ~~economic security~~ CHILD SAFETY as each incident occurs.

Sec. 109. Section 36-2284, Arizona Revised Statutes, is amended to read:

36-2284. Infant care review committee

A. All health care institutions that provide health care services to infants are encouraged to establish infant care review committees to assist the institutions in delivering health care and related services to infants and in complying with sections 36-2281 and 36-2283. Two or more health care institutions may establish a joint infant care review committee.

B. If any health care institution does not have an infant care review committee, the department of health services may establish an infant care review committee for one or more such institutions.

C. All proceedings, records and materials prepared in connection with reviews by an infant care review committee are confidential and are not subject to discovery, except that:

1. The findings and recommendations of the infant care review committee may be recorded in the infant's medical record.

2. The following information shall be provided on request to the infant's attending or consulting physicians, the infant's parents, legal guardian or custodian or the ~~child protective services program of the~~ department of ~~economic security~~ CHILD SAFETY:

(a) The infant's medical record number.

(b) The date and time of the review.

(c) A list of all persons presenting information to the committee.

(d) A list of all persons, including committee members, present during the deliberations of the committee.

(e) The recommendations of the committee.

D. A person present during deliberations of the infant care review committee or having access to its records shall not be subpoenaed to testify in any judicial or quasi-judicial proceeding as to the nature of the discussions held or to the opinions or statements of any person expressed during the proceedings.

E. This section shall not be construed to affect any patient's claim to privilege or privacy or to prevent the subpoena of a patient's medical records if they are otherwise subject to discovery or to restrict the powers and duties of the director pursuant to this chapter with respect to records and information ~~which~~ THAT are not subject to this section. In any legal action brought against a health care institution alleging negligence for failure to adequately conduct an infant care review committee, representatives of the institution are permitted to testify as to whether there was an infant care review committee review concerning the subject matter being litigated. The contents and records of the infant care review committee proceedings are fully confidential and inadmissible as evidence in any court of law except as provided in subsection C of this section.

F. A person who~~,~~ in good faith and without malice~~,~~ takes any action or makes any recommendation as a member, agent or employee of a health care institution infant care review committee, or who furnishes any records, information or assistance to such a committee, is not subject to criminal liability or liability for civil damages or for any legal action in consequence thereof, nor shall the institution or institutions ~~which~~ THAT established the committee or its officers, directors, employees or agents be liable for the activities of any such person. This subsection ~~shall~~ DOES not ~~be construed to~~ relieve any person of liability arising from treatment of a patient.

G. Any publication by any person of the proceedings of an infant care review committee or of the records or materials prepared in connection with the review by an infant care review committee shall be made only for the purposes provided in subsection C of this section or for research or statistical purposes authorized by the health care institution. Except as provided in subsection C of this section, the identity of any patient whose condition, care or treatment is mentioned in such proceedings, records or materials shall be kept confidential.

Sec. 110. Section 36-2901, Arizona Revised Statutes, is amended to read:

36-2901. Definitions

In this article, unless the context otherwise requires:

1. "Administration" means the Arizona health care cost containment system administration.

2. "Administrator" means the administrator of the Arizona health care cost containment system.

3. "Contractor" means a person or entity that has a prepaid capitated contract with the administration pursuant to section 36-2904 to provide health care to members under this article either directly or through subcontracts with providers.

4. "Department" means the department of economic security.

5. "Director" means the director of the Arizona health care cost containment system administration.

6. "Eligible person" means any person who is:

(a) Any of the following:

(i) Defined as mandatorily or optionally eligible pursuant to title XIX of the social security act as authorized by the state plan.

(ii) Defined in title XIX of the social security act as an eligible pregnant woman with a family income that does not exceed one hundred fifty per cent of the federal poverty guidelines, as a child under the age of six years and whose family income does not exceed one hundred thirty-three per cent of the federal poverty guidelines or as children who have not attained nineteen years of age and whose family income does not exceed one hundred thirty-three per cent of the federal poverty guidelines.

(iii) Under twenty-six years of age and who was in the custody of the department of ~~economic security~~ CHILD SAFETY pursuant to title 8, chapter ~~5 or 10~~ 4 when the person became eighteen years of age.

(iv) Defined as eligible pursuant to section 36-2901.01.

(v) Defined as eligible pursuant to section 36-2901.04.

(vi) Defined as eligible pursuant to section 36-2901.07.

(b) A full-time officer or employee of this state or of a city, town or school district of this state or other person who is eligible for hospitalization and medical care under title 38, chapter 4, article 4.

(c) A full-time officer or employee of any county in this state or other persons authorized by the county to participate in county medical care and hospitalization programs if the county in which such officer or employee is employed has authorized participation in the system by resolution of the county board of supervisors.

(d) An employee of a business within this state.

(e) A dependent of an officer or employee who is participating in the system.

(f) Not enrolled in the Arizona long-term care system pursuant to article 2 of this chapter.

(g) Defined as eligible pursuant to section 1902(a)(10)(A)(ii)(XV) and (XVI) of title XIX of the social security act and who meets the income requirements of section 36-2929.

7. "Graduate medical education" means a program, including an approved fellowship, that prepares a physician for the independent practice of medicine by providing didactic and clinical education in a medical discipline

to a medical student who has completed a recognized undergraduate medical education program.

8. "Malice" means evil intent and outrageous, oppressive or intolerable conduct that creates a substantial risk of tremendous harm to others.

9. "Member" means an eligible person who enrolls in the system.

10. "Modified adjusted gross income" has the same meaning prescribed in 42 United States Code section 1396a(e)(14).

11. "Noncontracting provider" means a person who provides health care to members pursuant to this article but not pursuant to a subcontract with a contractor.

12. "Physician" means a person licensed pursuant to title 32, chapter 13 or 17.

13. "Prepaid capitated" means a mode of payment by which a health care contractor directly delivers health care services for the duration of a contract to a maximum specified number of members based on a fixed rate per member notwithstanding:

(a) The actual number of members who receive care from the contractor.

(b) The amount of health care services provided to any member.

14. "Primary care physician" means a physician who is a family practitioner, general practitioner, pediatrician, general internist, or obstetrician or gynecologist.

15. "Primary care practitioner" means a nurse practitioner certified pursuant to title 32, chapter 15 or a physician assistant certified pursuant to title 32, chapter 25. This paragraph does not expand the scope of practice for nurse practitioners as defined pursuant to title 32, chapter 15, or for physician assistants as defined pursuant to title 32, chapter 25.

16. "Section 1115 waiver" means the research and demonstration waiver granted by the United States department of health and human services.

17. "Special health care district" means a special health care district organized pursuant to title 48, chapter 31.

18. "State plan" has the same meaning prescribed in section 36-2931.

19. "System" means the Arizona health care cost containment system established by this article.

Sec. 111. Section 36-2906, Arizona Revised Statutes, is amended to read:

36-2906. <u>Qualified plan health services contracts; proposals; administration</u>

A. The administration shall:

1. Supervise the administrator.

2. Review the proposals.

3. Award contracts.

B. The director shall prepare and issue a request for proposal, including a proposed contract format, in each of the counties of this state, at least once every five years, to qualified group disability insurers,

1 hospital and medical service corporations, health care services organizations
2 and any other qualified public or private persons, including county-owned and
3 operated health care facilities. The contracts shall specify the
4 administrative requirements, the delivery of medically necessary services and
5 the subcontracting requirements.
6 C. The director shall adopt rules regarding the request for proposal
7 process that provide:
8 1. For definition of proposals in the following categories subject to
9 the following conditions:
10 (a) Inpatient hospital services.
11 (b) Outpatient services, including emergency dental care, and early
12 and periodic health screening and diagnostic services for children.
13 (c) Pharmacy services.
14 (d) Laboratory, x-ray and related diagnostic medical services and
15 appliances.
16 2. Allowance for the adjustment of such categories by expansion,
17 deletion, segregation or combination in order to secure the most financially
18 advantageous proposals for the system.
19 3. An allowance for limitations on the number of high risk persons
20 that must be included in any proposal.
21 4. For analysis of the proposals for each geographic service area as
22 defined by the director to ensure the provision of health and medical
23 services that are required to be provided throughout the geographic service
24 area pursuant to section 36-2907.
25 5. For the submittal of proposals by a group disability insurer, A
26 hospital and medical service corporation, A health care services organization
27 or any other qualified public or private person intending to submit a
28 proposal pursuant to this section. Each qualified proposal shall be entered
29 with separate categories for the distinct groups of persons to be covered by
30 the proposed contracts, as set forth in the request for proposal.
31 6. For the procurement of reinsurance for expenses incurred by any
32 contractor or member or the system in providing services in excess of amounts
33 specified by the director in any contract year. The director shall adopt
34 rules to provide that the administrator may specify guidelines on a case by
35 case basis for the types of care and services that may be provided to a
36 person whose care is covered by reinsurance. The rules shall provide that if
37 a contractor does not follow specified guidelines for care or services and if
38 the care or services could be provided pursuant to the guidelines at a lower
39 cost the contractor is entitled to reimbursement as if the care or services
40 specified in the guidelines had been provided.
41 7. For the awarding of contracts to contractors with qualified
42 proposals determined to be the most advantageous to the state for each of the
43 counties in this state. A contract may be awarded that provides services
44 only to persons defined as eligible pursuant to section 36-2901, paragraph 6,
45 subdivision (b), (c), (d) or (e). The director may provide by rule a second

round competitive proposal procedure for the director to request voluntary price reduction of proposals from only those that have been tentatively selected for award, before the final award or rejection of proposals.

8. For the requirement that any proposal in a geographic service area provide for the full range of system covered services.

9. For the option of the administration to waive the requirement in any request for proposal or in any contract awarded pursuant to a request for proposal for a subcontract with a hospital for good cause in a county or area including but not limited to situations when such hospital is the only hospital in the health service area. In any situation where the subcontract requirement is waived, no hospital may refuse to treat members of the system admitted by primary care physicians or primary care practitioners with hospital privileges in that hospital. In the absence of a subcontract, the reimbursement level shall be at the levels specified in section 36-2904, subsection H or I.

D. Reinsurance may be obtained against expenses in excess of a specified amount on behalf of any individual for system covered emergency or inpatient services either through the purchase of a reinsurance policy or through a system self-insurance program as determined by the director. Reinsurance, subject to the approval of the director, may be obtained against expenses in excess of a specified amount on behalf of any individual for outpatient services either through the purchase of a reinsurance policy or through a system self-insurance program as determined by the director.

E. Notwithstanding the other provisions of this section, the administration may procure, provide or coordinate system covered services by interagency agreement with authorized agencies of this state or with a federal agency for distinct groups of eligible persons, including persons eligible for children's rehabilitative services THROUGH THE DEPARTMENT OF ECONOMIC SECURITY and persons eligible for comprehensive medical and dental program services through the department of ~~economic security~~ CHILD SAFETY.

F. Contracts shall be awarded as otherwise provided by law, except that in no event may a contract be awarded to any respondent that will cause the system to lose any federal monies to which it is otherwise entitled.

G. After contracts are awarded pursuant to this section, the director may negotiate with any successful proposal respondent for the expansion or contraction of services or service areas if there are unnecessary gaps or duplications in services or service areas.

Sec. 112. Section 36-2930, Arizona Revised Statutes, is amended to read:

36-2930. Prescription drug rebate fund; exemption; definition

A. The prescription drug rebate fund is established consisting of prescription drug rebate collections, interest from prescription drug rebate late payments and federal monies made available to this state for the operation of the Arizona health care cost containment system prescription drug rebate program. The administration shall administer the fund.

Nonfederal monies in the fund are subject to annual legislative appropriation. Federal monies in the fund are continuously appropriated and are exempt from the provisions of section 35-190 relating to the lapsing of appropriations.

B. Monies in the fund shall be used to return the federal share of prescription drug rebate collections and interest from late payments to the centers for medicare and medicaid services by offsetting future federal draws, to pay for the administrative costs of the prescription drug rebate program and as the nonfederal share for payments to contractors or providers in the administration's medical services programs. The nonfederal share of prescription drug rebate collections and interest from late payments include rebates relating to programs administered by the department of economic security, THE DEPARTMENT OF CHILD SAFETY, the department of health services and other governmental entities that contribute to the nonfederal share for prescription drugs.

C. For the purposes of this section, "administrative costs of the prescription drug rebate program" includes:

1. Payments to the prescription drug rebate vendor.

2. Administrative costs of the administration in support of the prescription drug rebate program.

Sec. 113. Section 36-2988, Arizona Revised Statutes, is amended to read:

36-2988. Delivery of services; health plans; requirements

A. To the extent possible, the administration shall use contractors that have a contract with the administration pursuant to article 1 of this chapter or qualifying plans to provide services to members who qualify for the program.

B. The administration has full authority to amend existing contracts awarded pursuant to article 1 of this chapter.

C. As determined by the director, reinsurance may be provided against expenses in excess of a specified amount on behalf of any member for covered emergency services, inpatient services or outpatient services in the same manner as reinsurance provided under article 1 of this chapter. Subject to the approval of the director, reinsurance may be obtained against expenses in excess of a specified amount on behalf of any member.

D. Notwithstanding any other law, the administration may procure, provide or coordinate covered services by interagency agreement with authorized agencies of this state for distinct groups of members, including persons eligible for children's rehabilitative services THROUGH THE DEPARTMENT OF ECONOMIC SECURITY and members eligible for comprehensive medical and dental benefits through the department of ~~economic security~~ CHILD SAFETY.

E. After contracts are awarded pursuant to this section, the director may negotiate with any successful bidder for the expansion or contraction of services or service areas.

F. Payments to contractors shall be made monthly and may be subject to contract provisions requiring the retention of a specified percentage of the payment by the director, a reserve fund or any other contract provisions by which adjustments to the payments are made based on utilization efficiency, including incentives for maintaining quality care and minimizing unnecessary inpatient services. Reserve monies withheld from contractors shall be distributed to providers who meet performance standards established by the director. Any reserve fund established pursuant to this subsection shall be established as a separate account within the Arizona health care cost containment system.

G. The director may negotiate at any time with a hospital on behalf of a contractor for inpatient hospital services and outpatient hospital services provided pursuant to the requirements specified in section 36-2904.

H. A contractor may require that subcontracting providers or noncontracting providers be paid for covered services, other than hospital services, according to the capped fee-for-service schedule adopted by the administration or at lower rates as may be negotiated by the contractor.

I. A school district may perform outreach and information activities that relate to this article, with permission of the school principal and school district. The administration and contractors may collaborate with entities such as community based organizations, faith based organizations, schools and school districts for outreach and information activities related to this article. Outreach and information activities shall not include delivery of services, screening activities, eligibility determination or enrollment related to this article. Outreach and information activities include promotion of health care coverage, participation in school events and distribution of applications and materials to pupils and their families. Outreach and information activities performed by the administration, contractors or a school district shall not reduce or interfere with classroom instruction time.

J. The administration is exempt from the procurement code pursuant to section 41-2501.

Sec. 114. Section 36-3434, Arizona Revised Statutes, is amended to read:

36-3434. <u>Current service delivery system; continuation</u>

Nothing in this article relieves the state department of corrections, the department of economic security, THE DEPARTMENT OF CHILD SAFETY, the department of education, the Arizona health care cost containment system or the Arizona supreme court from any current responsibility as prescribed by state or federal law.

Sec. 115. Section 36-3435, Arizona Revised Statutes, is amended to read:

36-3435. Intergovernmental agreement; needs and resources assessment; funding and service delivery plan; definition

A. Pursuant to section 11-952 the department of health services, the department of ~~economic security~~ CHILD SAFETY, the state department of corrections, the department of education and the supreme court shall enter into an intergovernmental agreement to develop a coordinated multiagency assessment of needs and resources and to develop a plan for interagency cooperation relating to funding and service delivery for children with behavioral health problems. The plan shall designate agency areas of responsibility for delivery of services. The needs and resources assessment study shall be completed within one year after the intergovernmental agreement is entered into. The funding and service delivery plan shall be completed within two years after the agreement is entered into.

B. The department of health services shall require each contract that is awarded, renewed or amended with any regional behavioral health authority, subcontractor or service provider to specify that every reasonable effort must be made to provide services outside of regular school hours for any child who is placed in out-of-home care pursuant to title 8, chapter ~~10~~ 4, ARTICLE 8, 9, 10, 11, 12, 13 OR 14.

C. For the purposes of this section, "services" includes appointments and activities not related to school.

Sec. 116. Section 36-3501, Arizona Revised Statutes, is amended to read:

36-3501. Child fatality review team; membership; duties

A. The child fatality review team is established in the department of health services. The team is composed of the head of the following departments, agencies, councils or associations, or that person's designee:

1. Attorney general.

2. Office of women's and children's health in the department of health services.

3. Office of planning and health status monitoring in the department of health services.

4. Division of behavioral health in the department of health services.

5. Division of developmental disabilities in the department of economic security.

6. ~~Division of children and family services in the~~ Department of ~~economic security~~ CHILD SAFETY.

7. Governor's office for children.

8. Administrative office of the courts.

9. Parent assistance office of the supreme court.

10. Department of juvenile corrections.

11. Arizona chapter of a national pediatric society.

1 B. The director of the department of health services shall appoint the
2 following members to serve staggered three year terms:
3 1. A medical examiner who is a forensic pathologist.
4 2. A maternal and child health specialist involved with the treatment
5 of native Americans.
6 3. A representative of a private nonprofit organization of tribal
7 governments in this state.
8 4. A representative of the Navajo tribe.
9 5. A representative of the United States military family advocacy
10 program.
11 6. A representative of a statewide prosecuting attorneys advisory
12 council.
13 7. A representative of a statewide law enforcement officers advisory
14 council who is experienced in child homicide investigations.
15 8. A representative of an association of county health officers.
16 9. A child advocate who is not employed by or an officer of this state
17 or a political subdivision of this state.
18 10. A public member. If local teams are formed pursuant to this
19 article, the director of the department of health services shall select this
20 member from one of those local teams.
21 C. The team shall:
22 1. Develop a child fatalities data collection system.
23 2. Provide training to cooperating agencies, individuals and local
24 child fatality review teams on the use of the child fatalities data system.
25 3. Conduct an annual statistical report on the incidence and causes of
26 child fatalities in this state during the past fiscal year and submit a copy
27 of this report, including its recommendations for action, to the governor,
28 the president of the senate and the speaker of the house of representatives
29 on or before November 15 of each year.
30 4. Encourage and assist in the development of local child fatality
31 review teams.
32 5. Develop standards and protocols for local child fatality review
33 teams and provide training and technical assistance to these teams.
34 6. Develop protocols for child fatality investigations, including
35 protocols for law enforcement agencies, prosecutors, medical examiners,
36 health care facilities and social service agencies.
37 7. Study the adequacy of statutes, ordinances, rules, training and
38 services to determine what changes are needed to decrease the incidence of
39 preventable child fatalities and, as appropriate, take steps to implement
40 these changes.
41 8. Provide case consultation on individual cases to local teams if
42 requested.
43 9. Educate the public regarding the incidence and causes of child
44 fatalities as well as the public's role in preventing these deaths.
45 10. Designate a team chairperson.

11. Develop and distribute an informational brochure that describes the purpose, function and authority of a team. The brochure shall be available at the offices of the department of health services.

12. Evaluate the incidence and causes of maternal fatalities associated with pregnancy in this state. For the purposes of this paragraph, "maternal fatalities associated with pregnancy" means the death of a woman while she is pregnant or within one year after the end of her pregnancy.

13. Inform the governor and the legislature of the need for specific recommendations regarding unexplained infant death.

14. Periodically review the infant death investigation checklist developed by the department of health services pursuant to section 36-3506. In reviewing the checklist, the review team shall consider guidelines endorsed by national infant death organizations.

D. Team members are not eligible to receive compensation, but members appointed pursuant to subsection B are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2.

E. The department of health services shall provide professional and administrative support to the team.

F. Notwithstanding subsections C and D of this section, this section ~~shall~~ DOES not ~~be construed to~~ require expenditures above the revenue available from the child fatality review fund.

Sec. 117. Section 36-3502, Arizona Revised Statutes, is amended to read:

36-3502. Local teams; membership; duties

A. If local child fatality teams are organized, they shall abide by the standards and protocol for local child fatality review teams developed by the state team and must have prior authorization from the state team to conduct fatality reviews. Local teams shall be composed of the head of the following departments, agencies or associations, or that person's designee:

1. County medical examiner.

2. ~~Child protective services office of the~~ Department of ~~economic security~~ CHILD SAFETY.

3. County health department.

B. The chairperson of the state child fatality review team shall appoint the following members of the local team:

1. A domestic violence specialist.

2. A psychiatrist or psychologist licensed in this state.

3. A pediatrician certified by the American board of pediatrics or a family practice physician certified by the American board of family practice. The pediatrician or family practice physician shall also be licensed in this state.

4. A person from a local law enforcement agency.

5. A person from a local prosecutors office.

6. A parent.

C. If local child fatality teams are authorized, they shall:

1. Designate a team chairperson who shall review the death certificates of all children who die within the team's jurisdiction and call meetings of the team when necessary.

2. Assist the state team in collecting data on child fatalities.

3. Submit written reports to the state team as directed by that team. These reports shall include nonidentifying information on individual cases and steps taken by the local team to implement necessary changes and improve the coordination of services and investigations.

Sec. 118. Section 36-3903, Arizona Revised Statutes, as transferred and renumbered by this act, is amended to read:

36-3903. License fee

A. The fee for a children's camp license issued by the department of health services shall be one hundred dollars for the first license and twenty-five dollars for each renewal of the license thereafter. All funds collected from this source shall be deposited, pursuant to sections 35-146 and 35-147, in the state general fund.

B. A county to which the department of health services has delegated powers and duties pursuant to section ~~8-568~~ 36-3915 may charge and collect a license fee. A county shall not charge a fee in excess of the cost of providing the service for which the fee is charged. The county shall transmit fees collected pursuant to this subsection to the county treasurer.

Sec. 119. Section 41-191.09, Arizona Revised Statutes, is amended to read:

41-191.09. Attorney general legal services cost allocation fund; contributions; annual report; exemptions

A. The attorney general legal services cost allocation fund is established for the purpose of reimbursing the department of law for general agency counsel. Monies in the fund are subject to legislative appropriation. The attorney general shall administer the fund.

B. Except as provided in subsection E of this section, each state agency or department may be charged for general agency counsel provided by the department of law. The amount, if any, shall be specified annually in the general appropriations act.

C. On or before September 1 of each year, each state agency or department shall submit to the joint legislative budget committee for review a report identifying the funding sources for the monies to be deposited pursuant to this section. The funding sources may not include the state general fund, federal funds or other funds that are legally restricted from making such payments.

D. A claim for the legal services cost allocation payment shall be submitted according to the fund source to the department of administration for deposit in the attorney general legal services cost allocation fund.

E. The following agencies are exempt from this section:
1. The department of water resources.
2. The residential utility consumer office.
3. The industrial commission.
4. The universities and the Arizona board of regents.
5. The auditor general.
6. The corporation commission.
7. The office of the governor.
8. The department of law.
9. The house of representatives.
10. The senate.
11. The joint legislative budget committee.
12. The Arizona state library, archives and public records.
13. The legislative council.
14. The department of administration risk management fund.
15. The department of transportation.
16. The Arizona game and fish department.
17. The department of economic security.
18. The Arizona health care cost containment system.
19. The superior court.
20. The court of appeals.
21. The supreme court.
22. The Arizona department of agriculture and councils that receive administrative and budgetary services from the Arizona department of agriculture.
23. All self-supporting regulatory agencies as determined pursuant to section 35-143.01.
24. The Arizona commerce authority.
25. THE DEPARTMENT OF CHILD SAFETY.

F. Monies in the attorney general legal services cost allocation fund are exempt from lapsing to the state general fund at the end of each fiscal year.

Sec. 120. Section 41-619.51, Arizona Revised Statutes, as amended by Laws 2013, chapter 128, section 11, is amended to read:

41-619.51. Definitions

In this article, unless the context otherwise requires:

1. "Agency" means the supreme court, the department of economic security, THE DEPARTMENT OF CHILD SAFETY, the department of education, the department of health services, the department of juvenile corrections, the department of emergency and military affairs, the department of transportation, the state real estate department or the board of examiners of nursing care institution administrators and assisted living facility managers.

2. "Board" means the board of fingerprinting.

3. "Central registry exception" means notification to the department of economic security or the department of health services, as appropriate, pursuant to section 41-619.57 that the person is not disqualified because of a central registry check conducted pursuant to section 8-804.

4. "Expedited review" means an examination, in accordance with board rule, of the documents an applicant submits by the board or its hearing officer without the applicant being present.

5. "Good cause exception" means the issuance of a fingerprint clearance card to an employee pursuant to section 41-619.55.

6. "Person" means a person who is required to be fingerprinted pursuant to this article or who is subject to a central registry check and any of the following:

(a) Section 8-105.
(b) Section 8-322.
(c) Section 8-509.
(d) Section 8-802.
(e) Section 8-804.
(f) Section 8-804.01.
(g) Section 15-183.
(h) Section 15-534.
(i) Section 15-782.02.
(j) Section 15-1330.
(k) Section 15-1881.
(l) Section 17-215.
(m) Section 26-103.
(n) Section 32-2108.01.
(o) Section 32-2123.
(p) Section 32-2371.
(q) Section 32-2372.
(r) Section 36-207.
(s) Section 36-411.
(t) Section 36-425.03.
(u) Section 36-446.04.
(v) Section 36-594.01.
(w) Section 36-594.02.
(x) Section 36-882.
(y) Section 36-883.02.
(z) Section 36-897.01.
(aa) Section 36-897.03.
(bb) Section 36-3008.
(cc) Section 41-619.53.
(dd) Section 41-1964.
(ee) Section 41-1967.01.
(ff) Section 41-1968.
(gg) Section 41-1969.

(hh) Section 41-2814.
(ii) Section 46-141, subsection A.
(jj) Section 46-321.
Sec. 121. Repeal
Section 41-619.51, Arizona Revised Statutes, as amended by Laws 2013, chapter 129, section 24, is repealed.
Sec. 122. Section 41-619.52, Arizona Revised Statutes, is amended to read:
41-619.52. Board of fingerprinting; organization; meetings
A. The board of fingerprinting is established consisting of the following members:
1. A representative of the supreme court who is appointed by the chief justice of the supreme court.
2. A representative of the department of economic security who is appointed by the director of the department of economic security.
3. A representative of the department of education who is appointed by the superintendent of public instruction.
4. A representative of the department of health services who is appointed by the director of the department of health services.
5. A representative of the department of juvenile corrections who is appointed by the director of the department of juvenile corrections.
6. A REPRESENTATIVE OF THE DEPARTMENT OF CHILD SAFETY WHO IS APPOINTED BY THE DIRECTOR OF THE DEPARTMENT OF CHILD SAFETY.
B. At its initial meeting and annually thereafter, the board shall elect a chairperson and vice-chairperson from among its members and any other officers that are deemed necessary or advisable.
C. The board shall meet at least once each calendar quarter and additionally as the chairperson deems necessary. A majority of the members constitutes a quorum for the transaction of business.
D. Board members:
1. Serve at the pleasure of the appointing authority.
2. Are not eligible for compensation but are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2.
3. Shall have a valid fingerprint clearance card issued pursuant to section 41-1758.07.
E. The chief justice, the superintendent of public instruction or a department director may designate an alternate member to represent a member who is appointed pursuant to subsection A by the chief justice, the superintendent of public instruction or a department director, respectively.
Sec. 123. Section 41-619.53, Arizona Revised Statutes, is amended to read:
41-619.53. Board of fingerprinting; powers and duties; personnel; liability
A. The board of fingerprinting shall:

1. Determine good cause exceptions pursuant to section 41-619.55 and central registry exceptions pursuant to section 41-619.57. The board may appoint a hearing officer to recommend that an applicant be granted or denied a good cause exception or central registry exception after the hearing officer conducts an expedited review, a good cause exception hearing or a central registry exception hearing.

2. Adopt rules to implement this article, including rules to establish good cause exceptions for the issuance of fingerprint clearance cards pursuant to sections 41-1758.03 and 41-1758.07 and central registry exceptions pursuant to section 8-804. This rule making is exempt from the requirements of chapter 6 of this title.

3. Administer and enforce this article and rules adopted pursuant to this article.

4. Furnish a copy of its rules, on request, to all applicants who petition the board for a good cause exception pursuant to sections 41-1758.03 and 41-1758.07 or a central registry exception pursuant to section 8-804 and, on request, to licensees, contract providers and state agencies.

5. Establish fees.

B. In order to grant a good cause exception or a central registry exception, a majority plus an additional member, of the members present, must vote to approve the application. If the board grants a good cause exception, the board shall request in writing that the department of public safety issue a card to the applicant. If the board grants a central registry exception, the board shall notify THE DEPARTMENT OF CHILD SAFETY, the department of economic security or the department of health services, as appropriate, in writing.

C. Subject to chapter 4, article 4 of this title, the board may employ clerical, professional and technical personnel subject to fee monies that are collected and to the budget that is approved by the board members and shall prescribe personnel duties and determine personnel compensation. Personnel employed by the board must have a valid fingerprint clearance card issued pursuant to section 41-1758.07. If the applicant is denied a fingerprint clearance card, in order to be employed by the board, the board must grant a good cause exception pursuant to this article by a unanimous vote.

D. In making any recommendation to the board to grant or deny a good cause exception or central registry exception, the hearing officer shall consider all of the reasons and criteria prescribed in section 41-619.55, subsection E or section 41-619.57, subsection E.

E. Members and employees of the board are not liable for acts done or actions taken by any board member or employee if the members or employees act in good faith following the requirements of this article.

Sec. 124. Section 41-619.57, Arizona Revised Statutes, is amended to read:

41-619.57. Central registry exceptions; expedited review; hearing

A. The board shall determine central registry exceptions for each substantiated report pursuant to section 8-804. The board shall determine a central registry exception after an expedited review or after a central registry exception hearing. The board shall conduct an expedited review within twenty days after receiving an application for a central registry exception.

B. Within forty-five days after conducting an expedited review, the board shall hold a central registry exception hearing if the board determines that the applicant does not qualify for a central registry exception under an expedited review but is qualified to apply for a central registry exception and the applicant submits an application for a central registry exception within the time limits prescribed by rule.

C. When determining whether a person is eligible to receive a central registry exception pursuant to section 8-804, the board shall consider whether the person has shown to the board's satisfaction that the person is successfully rehabilitated and is not a recidivist. Before granting a central registry exception under expedited review, the board shall consider all of the criteria listed in subsection E of this section.

D. The following persons shall be present during central registry exception hearings:

1. The board or its hearing officer.

2. The person who requested the central registry exception hearing. The person may be accompanied by a representative at the hearing.

E. The board may grant a central registry exception at a hearing if the person shows to the board's satisfaction that the person is successfully rehabilitated and is not a recidivist. The board may consider the person's criminal record in determining if a person has been successfully rehabilitated. If the applicant fails to appear at the hearing without good cause, the board may deny a central registry exception. The board shall grant or deny a central registry exception within eighty days after the central registry exception hearing. Before granting a central registry exception at a hearing the board shall consider all of the following in accordance with board rule:

1. The extent of the person's central registry records.

2. The length of time that has elapsed since the abuse or neglect occurred.

3. The nature of the abuse or neglect.

4. Any applicable mitigating circumstances.

5. The degree to which the person participated in the abuse or neglect.

6. The extent of the person's rehabilitation, including:

(a) Evidence of positive action to change the person's behavior, such as completion of counseling or a drug treatment, domestic violence or parenting program.

(b) Personal references attesting to the person's rehabilitation.

F. If the board grants a central registry exception to a person, the board shall notify THE DEPARTMENT OF CHILD SAFETY, the department of economic security or the department of health services, as appropriate, in writing.

G. A person who is granted a central registry exception is not entitled to have the person's report and investigation outcome purged from the central registry except as required pursuant to section 8-804, subsections ~~D~~ F and ~~E~~ G.

H. Pending the outcome of a central registry exception determination, a central registry exception applicant may not provide direct services to children pursuant to title 36, chapter 7.1.

I. The board is exempt from chapter 6, article 10 of this title.

Sec. 125. Section 41-621, Arizona Revised Statutes, is amended to read:

41-621. Purchase of insurance; coverage; limitations; exclusions; definitions

A. The department of administration shall obtain insurance against loss, to the extent it is determined necessary and in the best interests of the state as provided in subsection F of this section, on the following:

1. All state owned buildings, including those of the universities, excluding buildings of community colleges, whether financed in whole or in part by state monies or buildings in which the state has an insurable interest as determined by the department of administration.

2. Contents in any buildings owned, leased or rented, in whole or in part, by or to the state, excluding buildings of community colleges, and reported to the department of administration.

3. The state and its departments, agencies, boards and commissions and all officers, agents and employees thereof and such others as may be necessary to accomplish the functions or business of the state and its departments, agencies, boards and commissions against liability for acts or omissions of any nature while acting in authorized governmental or proprietary capacities and in the course and scope of employment or authorization except as prescribed by this chapter.

4. All personal property reported to the department of administration, including vehicles and aircraft owned by the state and its departments, agencies, boards and commissions and all non-owned personal property which is under the clear responsibility of this state because of written leases or other written agreements.

5. The state and its departments, agencies, boards and commissions against casualty, use and occupancy and liability losses of every nature except as prescribed by this chapter.

6. Workers' compensation and employers' liability insurance.

7. Design and construction of buildings, roads, environmental remediations and other construction projects.

8. Other exposures to loss where insurance may be required to protect this state and its departments, agencies, boards and commissions and all officers, agents and employees acting in the course and scope of employment or authorization except as prescribed by this chapter.

B. To the extent it is determined necessary and in the best interests of the state, the department of administration shall obtain insurance or provide for state self-insurance against property damage caused by clients and liability coverage resulting from the direct or incidental care of clients participating in programs of the state and its departments, agencies, boards or commissions relating to custodial care. The insurable programs shall include foster care, programs for the developmentally disabled, an independent living program pursuant to section 8-521 and respite-sitter service programs. The department shall obtain insurance or provide for state self-insurance pursuant to this subsection to protect the clients participating in these programs and individual providers of these program services on behalf of the state and its departments, agencies, boards or commissions. The insurance provided under this subsection does not include medical or workers' compensation coverage for providers. The department may include in its annual budget request pursuant to section 41-622, subsection D a charge for the insurance or self-insurance provided in this subsection. To assist in carrying out the provisions of this subsection, the department shall establish a seven member advisory board in accordance with the following provisions:

1. The board shall consist of three members appointed by the director of the department of administration, at least one of whom shall be a foster parent, ~~two members~~ ONE MEMBER appointed by the director of the department of economic security, ONE MEMBER APPOINTED BY THE DIRECTOR OF THE DEPARTMENT OF CHILD SAFETY, one member appointed by the director of the state department of corrections, and one member appointed by the administrative director of the courts.

2. The board shall elect a chairman from among its members.

3. The board shall hold at least two meetings a year or shall meet at the call of the chairman.

4. Board members shall serve for three year terms.

5. Board members are not eligible to receive compensation but are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2.

6. The board shall provide advice to the department regarding coverage and administration of the provisions of this subsection and shall assist the department in coordinating its activities pursuant to this subsection with state departments, agencies, boards and commissions.

C. The department of administration may obtain insurance against loss, to the extent it is determined necessary and in the best interests of the state as provided in subsection F of this section for the professional liability of individual physicians and psychiatrists who provide services under a contract with the state department of corrections. Coverage is limited to acts and omissions committed inside a state department of corrections facility while in the performance of the contract and to individual physicians and psychiatrists who demonstrate to the satisfaction of the state department of corrections that they cannot otherwise obtain professional liability coverage for the services required by the contract. The director of the department of administration may impose on the state department of corrections a deductible for each loss that arises out of a professional liability claim pursuant to this subsection. Any changes in deductible amounts established by the director shall be subject to review by the joint legislative budget committee.

D. The department of administration may obtain property, liability, disability or workers' compensation insurance, self-insure or develop risk retention pools to provide for payment of property loss or casualty claims or disability insurance claims against contractors of this state with the approval of the joint legislative budget committee. With respect to insurance, self-insurance or risk retention pools for contractors licensed and contracted to do work for this state, the coverage afforded applies with respect to the conduct of the business entity of that contractor. The pool is available to all contractors regardless of the amount that the state contracted work bears in relation to the amount of nonstate contracted work. The contractor shall be terminated from the pool if the contractor ceases to be a state contractor.

E. The department of administration may determine, in the best interests of the state, that state self-insurance is necessary or desirable and, if that decision is made, shall provide for state self-insurance for losses arising out of state property, liability or workers' compensation claims prescribed by subsection A of this section. If the department of administration provides state self-insurance, such coverage shall be excess over any other valid and collectible insurance. The director of the department of administration may impose on state departments, agencies, boards and commissions a deductible for each loss that arises out of a property, liability or workers' compensation loss pursuant to this subsection. Any changes in deductible amounts established by the director shall be subject to review by the joint legislative budget committee.

F. In carrying out the provisions of this chapter, the department of administration shall establish and provide the state with some or all of the necessary risk management services, or shall contract for risk management services pursuant to chapter 23 of this title, as the director of the department of administration deems necessary in the best interest of the state, and may, in addition to other specifications of such coverage as

deemed necessary, determine self-insurance to be established. The provisions of chapter 23 of this title shall not apply to the department of administration's procurement of insurance to cover losses arising out of state property or liability claims prescribed in subsections A and D of this section or excess loss insurance for the state's workers' compensation liability for individual or aggregate claims, or both, in such amounts and at such primary retention levels as the department of administration deems in the best interest of the state. In purchasing insurance to cover losses arising out of state property or liability claims prescribed by subsection A of this section, the department of administration is not subject to the provisions of title 20, chapter 2, article 5.

G. No successful bidder for risk management services pursuant to this section shall be entitled to receive directly or indirectly any sales commission, contingent commission, excess profit commission, or other commissions, or anything of value, as payment for the risk management services except those amounts received directly from this state as payment for the risk management services.

H. The department of administration shall pay for purchased risk management services, premiums for insurance on state property and state liability and workers' compensation pursuant to the provisions of this chapter.

I. A state officer, agent or employee acting in good faith, without wanton disregard of his statutory duties and under the authority of an enactment that is subsequently declared to be unconstitutional, invalid or inapplicable is not personally liable for an injury or damage caused thereby except to the extent that he would have been personally liable had the enactment been constitutional, valid and applicable.

J. A state officer, agent or employee, except as otherwise provided by statute, is not personally liable for an injury or damage resulting from his act or omission in a public official capacity where the act or omission was the result of the exercise of the discretion vested in him if the exercise of the discretion was done in good faith without wanton disregard of his statutory duties.

K. The state and its departments, agencies, boards and commissions are immune from liability for losses arising out of a judgment for willful and wanton conduct resulting in punitive or exemplary damages.

L. The following exclusions shall apply to subsections A, B and E of this section:

1. Losses against this state and its departments, agencies, boards and commissions that arise out of and are directly attributable to an act or omission determined by a court to be a felony by a person who is provided coverage pursuant to this article unless the state knew of the person's propensity for that action, except those acts arising out of the operation or use of a motor vehicle.

2. Losses arising out of contractual breaches.

M. If self-insurance coverage is determined to exist, the attorney general, with funds provided by the department of administration, shall provide for the defense, either through his office or by appointment of outside legal counsel, of the state and its departments, agencies, boards and commissions and all officers, agents and employees thereof and such others as are insured by the department of administration for or on account of their acts or omissions covered pursuant to this chapter. All state departments, agencies, boards and commissions, all officers, agents and employees thereof and such others as are insured by the department of administration shall cooperate fully with the attorney general and department of administration in the defense of claims arising pursuant to this chapter.

N. A claim for liability damages made pursuant to this chapter may be settled and payment made up to the amount of twenty-five thousand dollars or such higher limit as may be established by the joint legislative budget committee with the approval of the director of the department of administration. A claim over the amount of twenty-five thousand dollars up to fifty thousand dollars or such higher limit as may be established by the joint legislative budget committee may be settled and payment made with the approval of the director of the department of administration and the attorney general. Any claim over the amount of fifty thousand dollars or such higher limit as may be established by the joint legislative budget committee may be settled and payment made with the approval of the director of the department of administration, the attorney general and the joint legislative budget committee. If it is in the best interest of this state, the joint legislative budget committee may establish higher settlement limits. Any settlements involving amounts in excess of fifty thousand dollars or such higher limit as may be established by the joint legislative budget committee shall be approved by the department of administration, the attorney general and the joint legislative budget committee pursuant to the authority granted. The settlement of liability claims shall be solely the authority of the department of administration, the attorney general and the joint legislative budget committee. No state department, agency, board or commission or any officer, agent or employee of this state may voluntarily make any payment, assume any obligation, incur any expense or maintain the individual right of consent for liability claims made pursuant to this chapter except as provided by this section.

O. Neither the authority provided by this section to insure, nor the exercise of such authority, shall:

1. Impose any liability on this state or the departments, agencies, boards and commissions or any officers, agents and employees of this state unless such liability otherwise exists.

2. Impair any defense this state or the departments, agencies, boards and commissions or any officers, agents and employees of this state otherwise may have.

P. The department of administration shall pay, on behalf of any state officer, agent or employee, any damages, excluding punitive damages, for which the officer, agent or employee becomes legally responsible if the acts or omissions resulting in liability were within the officer's, agent's or employee's course and scope of employment. The department of administration may pay for all damages however designated which the officer, agent or employee becomes legally responsible for if the acts or omissions resulting in liability are determined by the director of the department of administration to be within the person's course and scope of employment.

Q. The department of administration shall adopt such rules as are deemed necessary to carry out, implement and limit the provisions of this chapter.

R. For the purposes of determining whether a state officer, agent or employee is entitled to coverage under this chapter, "within the course and scope of employment or authorization" means:

1. The acts or omissions that the state officer, agent or employee is employed or authorized to perform.

2. The acts or omissions of the state officer, agent or employee occur substantially within the authorized time and space limit.

3. The acts or omissions are activated at least in part by a purpose to serve this state or its departments, agencies, boards or commissions.

S. To the extent it is determined necessary and in the best interest of this state, the department of administration may obtain design and construction insurance or provide for self-insurance against property damage caused by this state, its departments, agencies, boards and commissions and all officers and employees of this state in connection with the construction of public works projects. Workers' compensation liability insurance may be purchased to cover both general contractors and subcontractors doing work on a specific contracted work site. The department may include in its annual budget request, pursuant to section 41-622, subsection D, the cost of the insurance purchased or provided. In connection with the construction of public works projects, the department of administration may also use an owner-controlled or wrap-up insurance program if all of the following conditions are met:

1. The total cost of the project is over fifty million dollars.

2. The program maintains completed operations coverage for a term during which coverage is reasonably commercially available as determined by the director of the department of insurance, but in no event for less than three years.

3. Bid specifications clearly specify for all bidders the insurance coverage provided under the program and the minimum safety requirements that shall be met.

4. The program does not prohibit a contractor or subcontractor from purchasing any additional insurance coverage that a contractor believes is necessary for protection from any liability arising out of the contract. The

cost of the additional insurance shall not be passed through to this state on a contract bid.

5. The program does not include surety insurance.

T. The state may purchase an owner-controlled or wrap-up policy that has a deductible or self-insured retention as long as the deductible or self-insured retention does not exceed one million dollars.

U. For the purposes of subsections S and T of this section:

1. "Owner-controlled or wrap-up insurance" means a series of insurance policies issued to cover this state and all of the contractors, subcontractors, architects and engineers on a specified contracted work site for purposes of general liability, property damage and workers' compensation.

2. "Specific contracted work site" means construction being performed at one site or a series of contiguous sites separated only by a street, roadway, waterway or railroad right-of-way, or along a continuous system for the provision of water and power.

V. Notwithstanding any other statute the department of administration may:

1. Limit the liability of a person who contracts to provide goods, software or other services to this state.

2. Allow the person to disclaim incidental or consequential damages.

3. Indemnify or hold harmless any party to the contract.

Sec. 126. Section 41-803, Arizona Revised Statutes, is amended to read:

41-803. <u>Operation of state motor vehicle fleet; public service announcements; energy conservation; alternative and clean burning fuels; definitions</u>

A. The director shall operate a motor vehicle fleet for all state owned motor vehicles for the purpose of providing transportation for state officers and employees, except those officers and employees of any agency or department excluded by subsection E of this section. The director shall make fleet motor vehicles available to state agencies and departments on the request of the chosen representative for that agency or department.

B. The director may adopt rules necessary for the administration of the motor vehicle fleet. State agencies and departments, including agencies and departments listed in subsection E of this section, may accept compensation for placing public service announcements on state owned motor vehicles, and monies received shall be deposited, pursuant to sections 35-146 and 35-147, in the state general fund. The agency or department director shall determine the appropriateness of the announcements, may exempt any vehicles that are not suitable for advertising and may contract with private parties for design and placement of the announcements.

C. The director shall provide for detailed cost, operation, maintenance, mileage and custody records for each state owned vehicle. On or before August 1 of each year, all state agencies and departments, including those listed in subsection E of this section, shall make information

available to the director regarding vehicle cost, operation, maintenance and mileage and other information as established by the director in policies and procedures for the purposes of the report prescribed in subsection R of this section.

D. Each state department and agency shall pay from available monies the cost of motor vehicle services received from the state motor vehicle fleet at a rate determined by the director.

E. The following departments and agencies are excluded from participation in the state motor vehicle fleet:

1. Department of public safety.
2. Department of transportation.
3. Department of economic security.
4. State department of corrections.
5. Universities and community colleges.
6. Arizona state schools for the deaf and the blind.
7. Cotton research and protection council.
8. Arizona commerce authority.
9. DEPARTMENT OF CHILD SAFETY.

F. The director shall appoint a person in the office of the director who is the state motor vehicle fleet alternative fuel and clean burning fuel coordinator. The coordinator shall develop, implement, document, monitor and modify as necessary a statewide alternative fuels plan in consultation with all state agencies and departments that are subject to the alternative fuel and clean burning fuel requirements prescribed in this section or any other law. The approval of the coordinator is required for all acquisitions of vehicles pursuant to this section, except for acquisitions by community college districts.

G. Purchases of all new motor vehicles that primarily operate in counties with a population of more than two hundred fifty thousand persons and that have a gross vehicle weight of eight thousand five hundred pounds or less, including those agency motor vehicle fleets listed in subsection E of this section, shall meet the following minimum requirements for vehicles:

1. For model year 1997, ten per cent of new motor vehicles purchased shall be capable of operating on alternative fuels.
2. For model year 1998, fifteen per cent of new motor vehicles purchased shall be capable of operating on alternative fuels.
3. For model year 1999, twenty-five per cent of new motor vehicles purchased shall be capable of operating on alternative fuels.
4. For model year 2000, fifty per cent of new motor vehicles purchased shall be capable of operating on alternative fuels.
5. For model year 2001 and all subsequent model years, seventy-five per cent of new motor vehicles purchased shall be capable of operating on alternative fuels or clean burning fuels.

H. Purchases of new alternative fuel and clean burning fuel vehicles that have a gross vehicle weight of eight thousand five hundred pounds or less shall meet the following minimum requirements for vehicles that primarily operate in counties with a population of more than one million two hundred thousand persons:

1. For model year 2000, forty per cent of new alternative fuel and clean burning fuel vehicles purchased shall comply with the United States environmental protection agency standards for low emission vehicles pursuant to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

2. For model year 2001, fifty per cent of new alternative fuel and clean burning fuel vehicles purchased shall comply with the United States environmental protection agency standards for low emission vehicles pursuant to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

3. For model year 2002, sixty per cent of new alternative fuel and clean burning fuel vehicles purchased shall comply with the United States environmental protection agency standards for low emission vehicles pursuant to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

4. For model year 2003, seventy per cent of new alternative fuel and clean burning fuel vehicles purchased shall comply with the United States environmental protection agency standards for low emission vehicles pursuant to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

I. The coordinator may waive the requirements of subsection G of this section for any state agency on receipt of certification supported by evidence acceptable to the coordinator that:

1. The agency's vehicles will be operating primarily in an area in which neither the agency nor a supplier has established or can reasonably be expected to establish a central refueling station for alternative fuels or clean burning fuels.

2. The agency is unable to acquire or be provided equipment or refueling facilities necessary to operate vehicles using alternative fuels or clean burning fuels at a projected cost that is reasonably expected to result in net costs of no greater than thirty per cent more than the net costs associated with the continued use of traditional gasoline or diesel fuels measured over the expected useful life of the equipment or facilities supplied. Applications for waivers shall be filed with the department of environmental quality pursuant to section 49-412. An entity that receives a waiver pursuant to this section shall retrofit fleet heavy-duty diesel vehicles with a gross vehicle weight of eight thousand five hundred pounds or more that were manufactured in or before model year 1993 and that are the subject of the waiver with a technology that is effective at reducing particulate emissions at least twenty-five per cent or more and that has been approved by the United States environmental protection agency pursuant to the urban bus engine retrofit/rebuild program. The entity shall comply with the implementation schedule pursuant to section 49-555.

J. The department of administration, through the coordinator, may acquire or be provided equipment or refueling facilities necessary to operate such vehicles using alternative fuels or clean burning fuels:

1. By purchase or lease as authorized by law.

2. By gift or loan of the equipment or facilities.

3. By gift or loan of the equipment or facilities or any other arrangement pursuant to a service contract for the supply of alternative fuels or clean burning fuels.

K. The coordinator and the governor's ~~energy~~ office OF ENERGY POLICY shall develop and implement a vehicle fleet energy conservation plan for the purposes of reducing vehicle fuel consumption and to encourage and progressively increase the use of alternative fuels and clean burning fuels in state owned vehicles. The plans shall include:

1. A timetable by which fleet vehicles shall be replaced with vehicles that have demonstrated high fuel economy estimates within their vehicle class.

2. A timetable for increasing the use of alternative fuels and clean burning fuels in fleet vehicles either through purchase or conversion. The timetable shall reflect the following schedule and percentage of vehicles which operate on alternative fuels or clean burning fuels:

(a) Not less than forty per cent of the total fleet by December 31, 1995, except for community college districts. Community college districts shall comply by December 31, 2002.

(b) Not less than ninety per cent of the total fleet operating primarily in counties with populations exceeding one million two hundred thousand persons according to the most recent federal decennial census by December 31, 1997, except for community college districts. Community college districts shall comply by December 31, 2004.

3. Options for increasing, whenever possible, the use of vehicles that have the capability to use available alternative fuels or clean burning fuels, or vehicles that may be economically converted, if needed, for the use of alternative fuels or clean burning fuels.

4. Options for the use of demonstrated innovative technologies that promote energy conservation and reduced fuel consumption.

5. Methods that promote efficient trip planning and state vehicle use.

6. Car pooling and van pooling for agency employees for commuting and job related travel.

L. The coordinator shall identify specific vehicle models within each vehicle class that would meet the demands of each state agency and that demonstrate a high degree of fuel economy. Vehicle classes and fuel economy comparisons shall be based on United States department of energy and United States environmental protection agency data pursuant to title 15 United States Code sections 2003 through 2006. For the use of an alcohol fueled vehicle, the state agency shall demonstrate to the director that the fuel for

the vehicle is available within a ten mile radius of the primary home base of that vehicle.

M. Subsections G, H, I, J, K, L, N, O and P of this section do not apply to the purchase or lease of the following:

1. A vehicle to be used primarily for criminal law enforcement.

2. A motorcycle.

3. An all-terrain vehicle.

4. An ambulance.

5. A fire truck, a fire engine or any other fire suppression apparatus.

N. Any contract for conversion of vehicles to alternative fuels pursuant to this section shall be entered into by competitive sealed proposals pursuant to section 41-2534.

O. If everything else is equal, when contracting for vehicles to satisfy the requirements prescribed in this section, preference shall be given to vehicles with the lowest emissions levels.

P. The departments and agencies excluded from participation in the state motor vehicle fleet pursuant to subsection E of this section shall develop and implement a program for alternative fuels and clean burning fuels and fuel economy for their motor vehicle fleets substantially similar to the standards set forth in this section, and the program shall be submitted to the coordinator for review.

Q. All agencies, including those listed in subsection E of this section, shall comply with the plan developed and implemented by the coordinator pursuant to subsection F of this section.

R. On or before November 1 of each year, the director shall submit a report to the governor, the speaker of the house of representatives, the president of the senate, the governor's office of strategic planning and budgeting and the joint legislative budget committee concerning the use of alternative fuels and clean burning fuels in the state motor vehicle fleet. The report shall include at least the following:

1. The number of state fleet vehicles.

2. The number of state fleet vehicles used primarily in Maricopa county.

3. The number of state fleet vehicles capable of using alternative fuels or clean burning fuels.

4. Progress on compliance with federal and state guidelines mandating the conversion of state fleet vehicles to alternatively fueled vehicles.

5. Alternative fuels and clean burning fuels usage data.

6. Information received from state agencies pursuant to subsection C of this section.

7. Information gathered from local offices of federal agencies regarding progress made toward implementing the federal mandates relating to the conversion of motor vehicle fleets to alternative fuels or clean burning fuels pursuant to subsection G of this section.

S. If the requirements of subsections G, H and K of this section are met by the use of clean burning fuel, vehicle equivalents under those requirements shall be calculated as follows:

1. One vehicle equivalent for every four hundred fifty gallons of neat biodiesel or two thousand two hundred fifty gallons of a diesel fuel substitute prescribed in section 1-215, paragraph 7, subdivision (b) in vehicles with a gross vehicle weight rating of at least eighty-five hundred pounds.

2. One vehicle equivalent for every five hundred thirty gallons of the fuel prescribed in section 1-215, paragraph 7, subdivision (d).

T. For the purposes of this section:

1. "Alternative fuels" has the same meaning prescribed in section 1-215.

2. "Clean burning fuels" has the same meaning prescribed in section 1-215.

3. "New motor vehicle" means an original equipment manufactured vehicle, a converted original equipment manufactured vehicle or an original equipment manufactured vehicle that will be converted.

Sec. 127. Section 41-1005, Arizona Revised Statutes, as amended by Laws 2013, first special session, chapter 10, section 10, is amended to read:

41-1005. Exemptions

A. This chapter does not apply to any:

1. Rule that relates to the use of public works, including streets and highways, under the jurisdiction of an agency if the effect of the order is indicated to the public by means of signs or signals.

2. Order or rule of the Arizona game and fish commission ~~adopted pursuant to section 5-321 or 5-327 that establishes a fee or section 17-333 that establishes a license classification, fee or application fee.~~ THAT DOES THE FOLLOWING:

(a) OPENS, CLOSES OR ALTERS SEASONS OR ESTABLISHES BAG OR POSSESSION LIMITS FOR WILDLIFE.

(b) ESTABLISHES A FEE PURSUANT TO SECTION 5-321, 5-322 OR 5-327.

(c) ESTABLISHES A LICENSE CLASSIFICATION, FEE OR APPLICATION FEE PURSUANT TO TITLE 17, CHAPTER 3, ARTICLE 2.

3. Rule relating to section 28-641 or to any rule regulating motor vehicle operation that relates to speed, parking, standing, stopping or passing enacted pursuant to title 28, chapter 3.

4. Rule concerning only the internal management of an agency that does not directly and substantially affect the procedural or substantive rights or duties of any segment of the public.

5. Rule that only establishes specific prices to be charged for particular goods or services sold by an agency.

6. Rule concerning only the physical servicing, maintenance or care of agency owned or operated facilities or property.

7. Rule or substantive policy statement concerning inmates or committed youths of a correctional or detention facility in secure custody or patients admitted to a hospital, if made by the state department of corrections, the department of juvenile corrections, the board of executive clemency or the department of health services or a facility or hospital under the jurisdiction of the state department of corrections, the department of juvenile corrections or the department of health services.

8. Form whose contents or substantive requirements are prescribed by rule or statute, and instructions for the execution or use of the form.

9. Capped fee-for-service schedule adopted by the Arizona health care cost containment system administration pursuant to title 36, chapter 29.

10. Fees prescribed by section 6-125.

11. Order of the director of water resources adopting or modifying a management plan pursuant to title 45, chapter 2, article 9.

12. Fees established under section 3-1086.

13. Fee-for-service schedule adopted by the department of ~~economic security~~ CHILD SAFETY pursuant to section 8-512.

14. Fees established under sections 41-2144 and 41-2189.

15. Rule or other matter relating to agency contracts.

16. Fees established under section 32-2067 or 32-2132.

17. Rules made pursuant to section 5-111, subsection A.

18. Rules made by the Arizona state parks board concerning the operation of the Tonto natural bridge state park, the facilities located in the Tonto natural bridge state park and the entrance fees to the Tonto natural bridge state park.

19. Fees or charges established under section 41-511.05.

20. Emergency medical services protocols except as provided in section 36-2205, subsection B.

21. Fee schedules established pursuant to section 36-3409.

22. Procedures of the state transportation board as prescribed in section 28-7048.

23. Rules made by the state department of corrections.

24. Fees prescribed pursuant to section 32-1527.

25. Rules made by the department of economic security pursuant to section 46-805.

26. Schedule of fees prescribed by section 23-908.

27. Procedure that is established pursuant to title 23, chapter 6, article 6.

28. Rules, administrative policies, procedures and guidelines adopted for any purpose by the Arizona commerce authority pursuant to chapter 10 of this title if the authority provides, as appropriate under the circumstances, for notice of an opportunity for comment on the proposed rules, administrative policies, procedures and guidelines.

29. Rules made by a marketing commission or marketing committee pursuant to section 3-414.

30. Administration of public assistance program monies authorized for liabilities that are incurred for disasters declared pursuant to sections 26-303 and 35-192.

31. User charges, tolls, fares, rents, advertising and sponsorship charges, services charges or similar charges established pursuant to section 28-7705.

32. Administration and implementation of the hospital assessment pursuant to section 36-2901.08, except that the Arizona health care cost containment system administration must provide notice and an opportunity for public comment at least thirty days before establishing or implementing the administration of the assessment.

B. Notwithstanding subsection A, paragraph 22 of this section, at such time as the federal highway administration authorizes the privatization of rest areas, the state transportation board shall make rules governing the lease or license by the department of transportation to a private entity for the purposes of privatization of a rest area.

C. Coincident with the making of a final rule pursuant to an exemption from the applicability of this chapter under this section, another statute or session law, the agency shall file a copy of the rule with the secretary of state for publication pursuant to section 41-1012 and provide a copy to the council.

D. Unless otherwise required by law, articles 2, 3, 4 and 5 of this chapter do not apply to the Arizona board of regents and the institutions under its jurisdiction, except that the Arizona board of regents shall make policies or rules for the board and the institutions under its jurisdiction that provide, as appropriate under the circumstances, for notice of and opportunity for comment on the policies or rules proposed.

E. Unless otherwise required by law, articles 2, 3, 4 and 5 of this chapter do not apply to the Arizona state schools for the deaf and the blind, except that the board of directors of all the state schools for the deaf and the blind shall adopt policies for the board and the schools under its jurisdiction that provide, as appropriate under the circumstances, for notice of and opportunity for comment on the policies proposed for adoption.

F. Unless otherwise required by law, articles 2, 3, 4 and 5 of this chapter do not apply to the state board of education, except that the state board of education shall adopt policies or rules for the board and the institutions under its jurisdiction that provide, as appropriate under the circumstances, for notice of and opportunity for comment on the policies or rules proposed for adoption. In order to implement or change any rule, the state board of education shall provide at least two opportunities for public comment.

Sec. 128. Repeal

Laws 2013, chapter 231, section 3 is repealed.

Sec. 129. Repeal

Section 41-1005, Arizona Revised Statutes, as amended by Laws 2013, chapter 231, section 4, is repealed.

Sec. 130. Section 41-1092.02, Arizona Revised Statutes, is amended to read:

41-1092.02. Appealable agency actions; application of procedural rules; exemption from article

A. This article applies to all contested cases as defined in section 41-1001 and all appealable agency actions, except contested cases with or appealable agency actions of:

1. The state department of corrections.

2. The board of executive clemency.

3. The industrial commission of Arizona.

4. The Arizona corporation commission.

5. The Arizona board of regents and institutions under its jurisdiction.

6. The state personnel board.

7. The department of juvenile corrections.

8. The department of transportation.

9. The department of economic security except as provided in ~~sections 8-506.01, 8-811 and~~ SECTION 46-458.

10. The department of revenue regarding:

(a) Income tax or withholding tax.

(b) Any tax issue related to information associated with the reporting of income tax or withholding tax unless the taxpayer requests in writing that this article apply and waives confidentiality under title 42, chapter 2, article 1.

11. The board of tax appeals.

12. The state board of equalization.

13. The state board of education, but only in connection with contested cases and appealable agency actions related to applications for issuance or renewal of a certificate and discipline of certificate holders pursuant to sections 15-203, 15-534, 15-534.01, 15-535, 15-545 and 15-550.

14. The board of fingerprinting.

15. THE DEPARTMENT OF CHILD SAFETY EXCEPT AS PROVIDED IN SECTIONS 8-506.01 AND 8-811.

B. Unless waived by all parties, an administrative law judge shall conduct all hearings under this article, and the procedural rules set forth in this article and rules made by the director apply.

C. Except as provided in subsection A of this section:

1. A contested case heard by the office of administrative hearings regarding taxes administered under title 42 shall be subject to the provisions under section 42-1251.

2. A final decision of the office of administrative hearings regarding taxes administered under title 42 may be appealed by either party to the director of the department of revenue, or a taxpayer may file and appeal directly to the board of tax appeals pursuant to section 42-1253.

D. Except as provided in subsections A, B, E, F and G of this section and notwithstanding any other administrative proceeding or judicial review process established in statute or administrative rule, this article applies to all appealable agency actions and to all contested cases.

E. Except for a contested case or an appealable agency action regarding unclaimed property, sections 41-1092.03, 41-1092.08 and 41-1092.09 do not apply to the department of revenue.

F. The board of appeals established by section 37-213 is exempt from:

1. The time frames for hearings and decisions provided in section 41-1092.05, subsection A, section 41-1092.08 and section 41-1092.09.

2. The requirement in section 41-1092.06, subsection A to hold an informal settlement conference at the appellant's request if the sole subject of an appeal pursuant to section 37-215 is the estimate of value reported in an appraisal of lands or improvements.

G. Auction protest procedures pursuant to title 37, chapter 2, article 4.1 are exempt from this article.

Sec. 131. Section 41-1376, Arizona Revised Statutes, is amended to read:

41-1376. <u>Powers and duties</u>

A. The ombudsman-citizens aide shall:

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

2. Annually before January 1 prepare a written report to the governor, the legislature and the public that contains a summary of the ombudsman-citizens aide's activities during the previous fiscal year. The ombudsman-citizens aide shall semiannually present this report before the legislative council. This report shall include:

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

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

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

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

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

(f) Ombudsman-citizens aide's staff.

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

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

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

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

7. Appoint an assistant to help the ombudsman-citizens aide investigate complaints relating to ~~child protective services in~~ the department of ~~economic security~~ CHILD SAFETY. The assistant shall have expertise in ~~child protective services~~ THE DEPARTMENT OF CHILD SAFETY procedures and laws. Notwithstanding any law to the contrary, the ombudsman-citizens aide and the assistant have access to ~~child protective services~~ THE DEPARTMENT OF CHILD SAFETY records and to any automated case management system used by ~~child protective services in~~ the department of ~~economic security~~ CHILD SAFETY.

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

Sec. 132. Section 41-1380, Arizona Revised Statutes, is amended to read:

41-1380. <u>Ombudsman-citizens aide protections</u>

A. A civil action may not be brought against the ombudsman-citizens aide or the staff of the ombudsman-citizens aide for any action or omission in performing the duties under this article except for gross negligence or intentional wrongful acts or omissions except as provided in title 38, chapter 3, article 8.

B. A proceeding or decision of the ombudsman-citizens aide may be reviewed in superior court only to determine if it is contrary to this article.

C. The ombudsman-citizens aide and the staff of the ombudsman-citizens aide shall not be required to testify in court regarding matters that come to their attention in the exercise of their duties except as may be necessary to enforce this article.

D. Records and files maintained by the ombudsman-citizens aide are not public records and are exempt from title 39, chapter 1. The information contained in these records and files that were prepared pursuant to an investigation conducted under this article are not subject to disclosure except to the attorney general or any county attorney in connection with an investigation that has been referred to the attorney general or a county attorney pursuant to section 41-1379. For the purposes of this subsection, "records and files" means all information the department of ~~economic security~~ CHILD SAFETY and the office of the ombudsman-citizens aide ~~gathers~~ GATHER during the course of a ~~child protective services~~ DEPARTMENT OF CHILD SAFETY investigation conducted under this article from the time a file is opened ~~and~~ until it is closed. Records and files do not include information that is contained in child welfare agency licensing records.

Sec. 133. Section 41-1750, Arizona Revised Statutes, is amended to read:

41-1750. Central state repository; department of public safety; duties; funds; accounts; definitions

A. The department is responsible for the effective operation of the central state repository in order to collect, store and disseminate complete and accurate Arizona criminal history records and related criminal justice information. The department shall:

1. Procure from all criminal justice agencies in this state accurate and complete personal identification data, fingerprints, charges, process control numbers and dispositions and such other information as may be pertinent to all persons who have been charged with, arrested for, convicted of or summoned to court as a criminal defendant for a felony offense or an offense involving domestic violence as defined in section 13-3601 or a violation of title 13, chapter 14 or title 28, chapter 4.

2. Collect information concerning the number and nature of offenses known to have been committed in this state and of the legal steps taken in connection with these offenses, such other information that is useful in the study of crime and in the administration of criminal justice and all other information deemed necessary to operate the statewide uniform crime reporting program and to cooperate with the federal government uniform crime reporting program.

3. Collect information concerning criminal offenses that manifest evidence of prejudice based on race, color, religion, national origin, sexual orientation, gender or disability.

4. Cooperate with the central state repositories in other states and with the appropriate agency of the federal government in the exchange of information pertinent to violators of the law.

5. Ensure the rapid exchange of information concerning the commission of crime and the detection of violators of the law among the criminal justice agencies of other states and of the federal government.

6. Furnish assistance to peace officers throughout this state in crime scene investigation for the detection of latent fingerprints and in the comparison of latent fingerprints.

7. Conduct periodic operational audits of the central state repository and of a representative sample of other agencies that contribute records to or receive criminal justice information from the central state repository or through the Arizona criminal justice information system.

8. Establish and enforce the necessary physical and system safeguards to ensure that the criminal justice information maintained and disseminated by the central state repository or through the Arizona criminal justice information system is appropriately protected from unauthorized inquiry, modification, destruction or dissemination as required by this section.

9. Aid and encourage coordination and cooperation among criminal justice agencies through the statewide and interstate exchange of criminal justice information.

10. Provide training and proficiency testing on the use of criminal justice information to agencies receiving information from the central state repository or through the Arizona criminal justice information system.

11. Operate and maintain the Arizona automated fingerprint identification system established by section 41-2411.

12. Provide criminal history record information to the fingerprinting division for the purpose of screening applicants for fingerprint clearance cards.

B. The director may establish guidelines for the submission and retention of criminal justice information as deemed useful for the study or prevention of crime and for the administration of criminal justice.

C. The chief officers of criminal justice agencies of this state or its political subdivisions shall provide to the central state repository fingerprints and information concerning personal identification data, descriptions, crimes for which persons are arrested, process control numbers and dispositions and such other information as may be pertinent to all persons who have been charged with, arrested for, convicted of or summoned to court as criminal defendants for felony offenses or offenses involving domestic violence as defined in section 13-3601 or violations of title 13, chapter 14 or title 28, chapter 4 that have occurred in this state.

D. The chief officers of law enforcement agencies of this state or its political subdivisions shall provide to the department such information as necessary to operate the statewide uniform crime reporting program and to cooperate with the federal government uniform crime reporting program.

E. The chief officers of criminal justice agencies of this state or its political subdivisions shall comply with the training and proficiency

testing guidelines as required by the department to comply with the federal national crime information center mandates.

F. The chief officers of criminal justice agencies of this state or its political subdivisions also shall provide to the department information concerning crimes that manifest evidence of prejudice based on race, color, religion, national origin, sexual orientation, gender or disability.

G. The director shall authorize the exchange of criminal justice information between the central state repository, or through the Arizona criminal justice information system, whether directly or through any intermediary, only as follows:

1. With criminal justice agencies of the federal government, Indian tribes, this state or its political subdivisions and other states, on request by the chief officers of such agencies or their designated representatives, specifically for the purposes of the administration of criminal justice and for evaluating the fitness of current and prospective criminal justice employees.

2. With any noncriminal justice agency pursuant to a statute, ordinance or executive order that specifically authorizes the noncriminal justice agency to receive criminal history record information for the purpose of evaluating the fitness of current or prospective licensees, employees, contract employees or volunteers, on submission of the subject's fingerprints and the prescribed fee. Each statute, ordinance, or executive order that authorizes noncriminal justice agencies to receive criminal history record information for these purposes shall identify the specific categories of licensees, employees, contract employees or volunteers, and shall require that fingerprints of the specified individuals be submitted in conjunction with such requests for criminal history record information.

3. With the board of fingerprinting for the purpose of conducting good cause exceptions pursuant to section 41-619.55 and central registry exceptions pursuant to section 41-619.57.

4. With any individual for any lawful purpose on submission of the subject of record's fingerprints and the prescribed fee.

5. With the governor, if the governor elects to become actively involved in the investigation of criminal activity or the administration of criminal justice in accordance with the governor's constitutional duty to ensure that the laws are faithfully executed or as needed to carry out the other responsibilities of the governor's office.

6. With regional computer centers that maintain authorized computer-to-computer interfaces with the department, that are criminal justice agencies or under the management control of a criminal justice agency and that are established by a statute, ordinance or executive order to provide automated data processing services to criminal justice agencies specifically for the purposes of the administration of criminal justice or evaluating the fitness of regional computer center employees who have access

to the Arizona criminal justice information system and the national crime information center system.

7. With an individual who asserts a belief that criminal history record information relating to the individual is maintained by an agency or in an information system in this state that is subject to this section. On submission of fingerprints, the individual may review this information for the purpose of determining its accuracy and completeness by making application to the agency operating the system. Rules adopted under this section shall include provisions for administrative review and necessary correction of any inaccurate or incomplete information. The review and challenge process authorized by this paragraph is limited to criminal history record information.

8. With individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement if the agreement specifically authorizes access to data, limits the use of data to purposes for which given and ensures the security and confidentiality of the data consistent with this section.

9. With individuals and agencies for the express purpose of research, evaluative or statistical activities pursuant to an agreement with a criminal justice agency if the agreement specifically authorizes access to data, limits the use of data to research, evaluative or statistical purposes and ensures the confidentiality and security of the data consistent with this section.

10. With the auditor general for audit purposes.

11. With central state repositories of other states for noncriminal justice purposes for dissemination in accordance with the laws of those states.

12. On submission of the fingerprint card, with the department of ~~economic security~~ CHILD SAFETY to provide criminal history record information on prospective adoptive parents for the purpose of conducting the preadoption certification investigation under title 8, chapter 1, article 1 if the department of economic security is conducting the investigation, or with an agency or a person appointed by the court, if the agency or person is conducting the investigation. Information received under this paragraph shall only be used for the purposes of the preadoption certification investigation.

13. With the department of ~~economic security~~ CHILD SAFETY and the superior court for the purpose of evaluating the fitness of custodians or prospective custodians of juveniles, including parents, relatives and prospective guardians. Information received under this paragraph shall only be used for the purposes of that evaluation. The information shall be provided on submission of either:

(a) The fingerprint card.

(b) The name, date of birth and social security number of the person.

14. On submission of a fingerprint card, provide criminal history record information to the superior court for the purpose of evaluating the fitness of investigators appointed under section 14-5303 or 14-5407, guardians appointed under section 14-5206 or 14-5304, or conservators appointed under section 14-5401.

15. With the supreme court to provide criminal history record information on prospective fiduciaries pursuant to section 14-5651.

16. With the department of juvenile corrections to provide criminal history record information pursuant to section 41-2814.

17. On submission of the fingerprint card, provide criminal history record information to the Arizona peace officer standards and training board or a board certified law enforcement academy to evaluate the fitness of prospective cadets.

18. With the internet sex offender web site database established pursuant to section 13-3827.

19. With licensees of the United States nuclear regulatory commission for the purpose of determining whether an individual should be granted unescorted access to the protected area of a commercial nuclear generating station on submission of the subject of record's fingerprints and the prescribed fee.

20. With the state board of education for the purpose of evaluating the fitness of a certificated teacher or administrator or an applicant for a teaching or an administrative certificate provided that the state board of education or its employees or agents have reasonable suspicion that the certificated person engaged in conduct that would be a criminal violation of the laws of this state or was involved in immoral or unprofessional conduct or that the applicant engaged in conduct that would warrant disciplinary action if the applicant were certificated at the time of the alleged conduct. The information shall be provided on the submission of either:

(a) The fingerprint card.

(b) The name, date of birth and social security number of the person.

21. With each school district and charter school in this state. The state board of education and the state board for charter schools shall provide the department of public safety with a current list of e-mail addresses for each school district and charter school in this state and shall periodically provide the department of public safety with updated e-mail addresses. If the department of public safety is notified that a person who is required to have a fingerprint clearance card to be employed by or to engage in volunteer activities at a school district or charter school has been arrested for or convicted of an offense listed in section 41-1758.03, subsection B or has been arrested for or convicted of an offense that amounts to unprofessional conduct under section 15-550, the department of public safety shall notify each school district and charter school in this state that the person's fingerprint clearance card has been suspended or revoked.

22. With ~~the child protective services division of~~ the department of ~~economic security~~ CHILD SAFETY as provided by law, which currently is the Adam Walsh child protection and safety act of 2006 (42 United States Code section 16961), for the purposes of investigating or responding to reports of child abuse, neglect or exploitation. Information received pursuant to this paragraph from the national crime information center, the interstate identification index and the Arizona criminal justice information system network shall only be used for the purposes of investigating or responding as prescribed in this paragraph. The information shall be provided on submission to the department of public safety of either:

(a) The fingerprints of the person being investigated.

(b) The name, date of birth and social security number of the person.

23. With a nonprofit organization that interacts with children or vulnerable adults for the lawful purpose of evaluating the fitness of all current and prospective employees, contractors and volunteers of the organization. The criminal history record information shall be provided on submission of the applicant fingerprint card and the prescribed fee.

H. The director shall adopt rules necessary to execute this section.

I. The director, in the manner prescribed by law, shall remove and destroy records that the director determines are no longer of value in the detection or prevention of crime.

J. The director shall establish a fee in an amount necessary to cover the cost of federal noncriminal justice fingerprint processing for criminal history record information checks that are authorized by law for noncriminal justice employment, licensing or other lawful purposes. An additional fee may be charged by the department for state noncriminal justice fingerprint processing. Fees submitted to the department for state noncriminal justice fingerprint processing are not refundable.

K. The director shall establish a fee in an amount necessary to cover the cost of processing copies of department reports, eight by ten inch black and white photographs or eight by ten inch color photographs of traffic accident scenes.

L. Except as provided in subsection O of this section, each agency authorized by this section may charge a fee, in addition to any other fees prescribed by law, in an amount necessary to cover the cost of state and federal noncriminal justice fingerprint processing for criminal history record information checks that are authorized by law for noncriminal justice employment, licensing or other lawful purposes.

M. A fingerprint account within the records processing fund is established for the purpose of separately accounting for the collection and payment of fees for noncriminal justice fingerprint processing by the department. Monies collected for this purpose shall be credited to the account, and payments by the department to the United States for federal noncriminal justice fingerprint processing shall be charged against the account. Monies in the account not required for payment to the United States

shall be used by the department in support of the department's noncriminal justice fingerprint processing duties. At the end of each fiscal year, any balance in the account not required for payment to the United States or to support the department's noncriminal justice fingerprint processing duties reverts to the state general fund.

N. A records processing fund is established for the purpose of separately accounting for the collection and payment of fees for department reports and photographs of traffic accident scenes processed by the department. Monies collected for this purpose shall be credited to the fund and shall be used by the department in support of functions related to providing copies of department reports and photographs. At the end of each fiscal year, any balance in the fund not required for support of the functions related to providing copies of department reports and photographs reverts to the state general fund.

O. The department of ~~economic security~~ CHILD SAFETY may pay from appropriated monies the cost of federal fingerprint processing or federal criminal history record information checks that are authorized by law for employees and volunteers of the department, guardians pursuant to section ~~46-134~~ 8-453, subsection A, paragraph ~~15~~ 7, the licensing of foster parents or the certification of adoptive parents.

P. The director shall adopt rules that provide for:

1. The collection and disposition of fees pursuant to this section.

2. The refusal of service to those agencies that are delinquent in paying these fees.

Q. The director shall ensure that the following limitations are observed regarding dissemination of criminal justice information obtained from the central state repository or through the Arizona criminal justice information system:

1. Any criminal justice agency that obtains criminal justice information from the central state repository or through the Arizona criminal justice information system assumes responsibility for the security of the information and shall not secondarily disseminate this information to any individual or agency not authorized to receive this information directly from the central state repository or originating agency.

2. Dissemination to an authorized agency or individual may be accomplished by a criminal justice agency only if the dissemination is for criminal justice purposes in connection with the prescribed duties of the agency and not in violation of this section.

3. Criminal history record information disseminated to noncriminal justice agencies or to individuals shall be used only for the purposes for which it was given. Secondary dissemination is prohibited unless otherwise authorized by law.

4. The existence or nonexistence of criminal history record information shall not be confirmed to any individual or agency not authorized to receive the information itself.

5. Criminal history record information to be released for noncriminal justice purposes to agencies of other states shall only be released to the central state repositories of those states for dissemination in accordance with the laws of those states.

6. Criminal history record information shall be released to noncriminal justice agencies of the federal government pursuant to the terms of the federal security clearance information act (P.L. 99-169).

R. This section and the rules adopted under this section apply to all agencies and individuals collecting, storing or disseminating criminal justice information processed by manual or automated operations if the collection, storage or dissemination is funded in whole or in part with monies made available by the law enforcement assistance administration after July 1, 1973, pursuant to title I of the crime control act of 1973, and to all agencies that interact with or receive criminal justice information from or through the central state repository and through the Arizona criminal justice information system.

S. This section does not apply to criminal history record information contained in:

1. Posters, arrest warrants, announcements or lists for identifying or apprehending fugitives or wanted persons.

2. Original records of entry such as police blotters maintained by criminal justice agencies, compiled chronologically and required by law or long-standing custom to be made public if these records are organized on a chronological basis.

3. Transcripts or records of judicial proceedings if released by a court or legislative or administrative proceedings.

4. Announcements of executive clemency or pardon.

5. Computer databases, other than the Arizona criminal justice information system, that are specifically designed for community notification of an offender's presence in the community pursuant to section 13-3825 or for public informational purposes authorized by section 13-3827.

T. Nothing in this section prevents a criminal justice agency from disclosing to the public criminal history record information that is reasonably contemporaneous to the event for which an individual is currently within the criminal justice system, including information noted on traffic accident reports concerning citations, blood alcohol tests or arrests made in connection with the traffic accident being investigated.

U. In order to ensure that complete and accurate criminal history record information is maintained and disseminated by the central state repository:

1. The arresting authority shall take legible ten-print fingerprints of all persons who are arrested for offenses listed in subsection C of this section including persons who are arrested and released pursuant to section 13-3903, subsection C. The arresting authority may transfer an arrestee to a booking agency for ten-print fingerprinting. The arresting authority or

1 booking agency shall obtain a process control number and provide to the
2 person fingerprinted a document that indicates proof of the fingerprinting
3 and that informs the person that the document must be presented to the court.
4 2. The mandatory fingerprint compliance form shall contain the
5 following information:
6 (a) Whether ten-print fingerprints have been obtained from the person.
7 (b) Whether a process control number was obtained.
8 (c) The offense or offenses for which the process control number was
9 obtained.
10 (d) Any report number of the arresting authority.
11 (e) Instructions on reporting for ten-print fingerprinting, including
12 available times and locations for reporting for ten-print fingerprinting.
13 (f) Instructions that direct the person to provide the form to the
14 court at the person's next court appearance.
15 3. Within ten days after a person is fingerprinted, the arresting
16 authority or agency that took the fingerprints shall forward the fingerprints
17 to the department in the manner or form required by the department.
18 4. On the issuance of a summons for a defendant who is charged with an
19 offense listed in subsection C of this section, the summons shall direct the
20 defendant to provide ten-print fingerprints to the appropriate law
21 enforcement agency.
22 5. At the initial appearance or on the arraignment of a summoned
23 defendant who is charged with an offense listed in subsection C of this
24 section, if the person does not present a completed mandatory fingerprint
25 compliance form to the court or if the court has not received the process
26 control number, the court shall order that within twenty calendar days the
27 defendant be ten-print fingerprinted at a designated time and place by the
28 appropriate law enforcement agency.
29 6. If the defendant fails to present a completed mandatory fingerprint
30 compliance form or if the court has not received the process control number,
31 the court, on its own motion, may remand the defendant into custody for
32 ten-print fingerprinting. If otherwise eligible for release, the defendant
33 shall be released from custody after being ten-print fingerprinted.
34 7. In every criminal case in which the defendant is incarcerated or
35 fingerprinted as a result of the charge, an originating law enforcement
36 agency or prosecutor, within forty days of the disposition, shall advise the
37 central state repository of all dispositions concerning the termination of
38 criminal proceedings against an individual arrested for an offense specified
39 in subsection C of this section. This information shall be submitted on a
40 form or in a manner required by the department.
41 8. Dispositions resulting from formal proceedings in a court having
42 jurisdiction in a criminal action against an individual who is arrested for
43 an offense specified in subsection C of this section or section 8-341,
44 subsection V shall be reported to the central state repository within forty

1 days of the date of the disposition. This information shall be submitted on
2 a form or in a manner specified by rules approved by the supreme court.
3 9. The state department of corrections or the department of juvenile
4 corrections, within forty days, shall advise the central state repository
5 that it has assumed supervision of a person convicted of an offense specified
6 in subsection C of this section or section 8-341, subsection V, paragraph 3.
7 The state department of corrections or the department of juvenile corrections
8 shall also report dispositions that occur thereafter to the central state
9 repository within forty days of the date of the dispositions. This
10 information shall be submitted on a form or in a manner required by the
11 department of public safety.
12 10. Each criminal justice agency shall query the central state
13 repository before dissemination of any criminal history record information to
14 ensure the completeness of the information. Inquiries shall be made before
15 any dissemination except in those cases in which time is of the essence and
16 the repository is technically incapable of responding within the necessary
17 time period. If time is of the essence, the inquiry shall still be made and
18 the response shall be provided as soon as possible.
19 V. The director shall adopt rules specifying that any agency that
20 collects, stores or disseminates criminal justice information that is subject
21 to this section shall establish effective security measures to protect the
22 information from unauthorized access, disclosure, modification or
23 dissemination. The rules shall include reasonable safeguards to protect the
24 affected information systems from fire, flood, wind, theft, sabotage or other
25 natural or man-made hazards or disasters.
26 W. The department shall make available to agencies that contribute to,
27 or receive criminal justice information from, the central state repository or
28 through the Arizona criminal justice information system a continuing training
29 program in the proper methods for collecting, storing and disseminating
30 information in compliance with this section.
31 X. Nothing in this section creates a cause of action or a right to
32 bring an action including an action based on discrimination due to sexual
33 orientation.
34 Y. For the purposes of this section:
35 1. "Administration of criminal justice" means performance of the
36 detection, apprehension, detention, pretrial release, posttrial release,
37 prosecution, adjudication, correctional supervision or rehabilitation of
38 criminal offenders. Administration of criminal justice includes enforcement
39 of criminal traffic offenses and civil traffic violations, including parking
40 violations, when performed by a criminal justice agency. Administration of
41 criminal justice also includes criminal identification activities and the
42 collection, storage and dissemination of criminal history record information.
43 2. "Administrative records" means records that contain adequate and
44 proper documentation of the organization, functions, policies, decisions,
45 procedures and essential transactions of the agency and that are designed to

1 furnish information to protect the rights of this state and of persons
2 directly affected by the agency's activities.
3 3. "Arizona criminal justice information system" or "system" means the
4 statewide information system managed by the director for the collection,
5 processing, preservation, dissemination and exchange of criminal justice
6 information and includes the electronic equipment, facilities, procedures and
7 agreements necessary to exchange this information.
8 4. "Central state repository" means the central location within the
9 department for the collection, storage and dissemination of Arizona criminal
10 history records and related criminal justice information.
11 5. "Criminal history record information" and "criminal history record"
12 means information that is collected by criminal justice agencies on
13 individuals and that consists of identifiable descriptions and notations of
14 arrests, detentions, indictments and other formal criminal charges, and any
15 disposition arising from those actions, sentencing, formal correctional
16 supervisory action and release. Criminal history record information and
17 criminal history record do not include identification information to the
18 extent that the information does not indicate involvement of the individual
19 in the criminal justice system or information relating to juveniles unless
20 they have been adjudicated as adults.
21 6. "Criminal justice agency" means either:
22 (a) A court at any governmental level with criminal or equivalent
23 jurisdiction, including courts of any foreign sovereignty duly recognized by
24 the federal government.
25 (b) A government agency or subunit of a government agency that is
26 specifically authorized to perform as its principal function the
27 administration of criminal justice pursuant to a statute, ordinance or
28 executive order and that allocates more than fifty per cent of its annual
29 budget to the administration of criminal justice. This subdivision includes
30 agencies of any foreign sovereignty duly recognized by the federal
31 government.
32 7. "Criminal justice information" means information that is collected
33 by criminal justice agencies and that is needed for the performance of their
34 legally authorized and required functions, such as criminal history record
35 information, citation information, stolen property information, traffic
36 accident reports, wanted persons information and system network log searches.
37 Criminal justice information does not include the administrative records of a
38 criminal justice agency.
39 8. "Disposition" means information disclosing that a decision has been
40 made not to bring criminal charges or that criminal proceedings have been
41 concluded or information relating to sentencing, correctional supervision,
42 release from correctional supervision, the outcome of an appellate review of
43 criminal proceedings or executive clemency.

9. "Dissemination" means the written, oral or electronic communication or transfer of criminal justice information to individuals and agencies other than the criminal justice agency that maintains the information. Dissemination includes the act of confirming the existence or nonexistence of criminal justice information.

10. "Management control":

(a) Means the authority to set and enforce:

(i) Priorities regarding development and operation of criminal justice information systems and programs.

(ii) Standards for the selection, supervision and termination of personnel involved in the development of criminal justice information systems and programs and in the collection, maintenance, analysis and dissemination of criminal justice information.

(iii) Policies governing the operation of computers, circuits and telecommunications terminals used to process criminal justice information to the extent that the equipment is used to process, store or transmit criminal justice information.

(b) Includes the supervision of equipment, systems design, programming and operating procedures necessary for the development and implementation of automated criminal justice information systems.

11. "Process control number" means the Arizona automated fingerprint identification system number that attaches to each arrest event at the time of fingerprinting and that is assigned to the arrest fingerprint card, disposition form and other pertinent documents.

12. "Secondary dissemination" means the dissemination of criminal justice information from an individual or agency that originally obtained the information from the central state repository or through the Arizona criminal justice information system to another individual or agency.

13. "Sexual orientation" means consensual homosexuality or heterosexuality.

14. "Subject of record" means the person who is the primary subject of a criminal justice record.

Sec. 134. Section 41-1758, Arizona Revised Statutes, as amended by Laws 2013, chapter 128, section 12 and chapter 174, section 2, is amended to read:

41-1758. <u>Definitions</u>

In this article, unless the context otherwise requires:

1. "Agency" means the supreme court, the department of economic security, THE DEPARTMENT OF CHILD SAFETY, the department of education, the department of health services, the department of juvenile corrections, the department of emergency and military affairs, the department of transportation, the state real estate department, the board of fingerprinting or the board of examiners of nursing care institution administrators and assisted living facility managers.

2. "Division" means the fingerprinting division in the department of public safety.

3. "Electronic or internet-based fingerprinting services" means a secure system for digitizing applicant fingerprints and transmitting the applicant data and fingerprints of a person or entity submitting fingerprints to the department of public safety for any authorized purpose under this title. For the purposes of this paragraph, "secure system" means a system that complies with the information technology security policy approved by the department of public safety.

4. "Good cause exception" means the issuance of a fingerprint clearance card to an employee pursuant to section 41-619.55.

5. "Person" means a person who is required to be fingerprinted pursuant to any of the following:

(a) Section 8-105.
(b) Section 8-322.
(c) Section 8-509.
(d) Section 8-802.
(e) Section 15-183.
(f) Section 15-503.
(g) Section 15-512.
(h) Section 15-534.
(i) Section 15-782.02.
(j) Section 15-1330.
(k) Section 15-1881.
(l) Section 17-215.
(m) Section 26-103.
(n) Section 32-2108.01.
(o) Section 32-2123.
(p) Section 32-2371.
(q) Section 32-2372.
(r) Section 36-207.
(s) Section 36-411.
(t) Section 36-425.03.
(u) Section 36-446.04.
(v) Section 36-594.01.
(w) Section 36-594.02.
(x) Section 36-882.
(y) Section 36-883.02.
(z) Section 36-897.01.
(aa) Section 36-897.03.
(bb) Section 36-3008.
(cc) Section 41-619.52.
(dd) Section 41-619.53.
(ee) Section 41-1964.
(ff) Section 41-1967.01.

(gg) Section 41-1968.
(hh) Section 41-1969.
(ii) Section 41-2814.
(jj) Section 46-141, subsection A.
(kk) Section 46-321.

6. "Vulnerable adult" has the same meaning prescribed in section 13-3623.

Sec. 135. Repeal

Section 41-1758, Arizona Revised Statutes, as amended by Laws 2013, chapter 129, section 25, is repealed.

Sec. 136. Section 41-1954, Arizona Revised Statutes, is amended to read:

41-1954. Powers and duties

A. In addition to the powers and duties of the agencies listed in section 41-1953, subsection E, the department shall:

1. Administer the following services:

(a) Employment services, ~~which shall include~~ INCLUDING manpower programs and work training, field operations, technical services, unemployment compensation, community work and training and other related functions in furtherance of programs under the social security act, as amended, the Wagner-Peyser act, as amended, the federal unemployment tax act, as amended, 33 United States Code, the family support act of 1988 (P.L. 100-485) and other related federal acts and titles.

(b) Individual and family services, which shall include a section on aging, services to children, youth and adults and other related functions in furtherance of social service programs under the social security act, as amended, title IV, EXCEPT PARTS B AND E, grants to states for aid and services to needy families with children and for child-welfare services, title XX, grants to states for services, the older Americans act, as amended, the family support act of 1988 (P.L. 100-485) and other related federal acts and titles.

(c) Income maintenance services, ~~which shall include~~ INCLUDING categorical assistance programs, special services unit, child support collection services, establishment of paternity services, maintenance and operation of a state case registry of child support orders, a state directory of new hires, a support payment clearinghouse and other related functions in furtherance of programs under the social security act, title IV, grants to states for aid and services to needy families with children and for child-welfare services, title XX, grants to states for services, as amended, and other related federal acts and titles.

(d) Rehabilitation services, ~~which shall include~~ INCLUDING vocational rehabilitation services and sections for the blind and visually impaired, communication disorders, correctional rehabilitation and other related functions in furtherance of programs under the vocational rehabilitation act,

as amended, the Randolph-Sheppard act, as amended, and other related federal acts and titles.

(e) Administrative services, ~~which shall include~~ INCLUDING the coordination of program evaluation and research, interagency program coordination and in-service training, planning, grants, development and management, information, legislative liaison, budget, licensing and other related functions.

(f) Manpower planning, ~~which shall include~~ INCLUDING a state manpower planning council for the purposes of the federal-state-local cooperative manpower planning system and other related functions in furtherance of programs under the comprehensive employment and training act of 1973, as amended, and other related federal acts and titles.

(g) Economic opportunity services, ~~which shall include~~ INCLUDING the furtherance of programs prescribed under the economic opportunity act of 1967, as amended, and other related federal acts and titles.

(h) Intellectual disability and other developmental disability programs, with emphasis on referral and purchase of services. The program shall include educational, rehabilitation, treatment and training services and other related functions in furtherance of programs under the developmental disabilities services and facilities construction act, Public Law 91-517, and other related federal acts and titles.

(i) Nonmedical home and community based services and functions, including department designated case management, housekeeping services, chore services, home health aid, personal care, visiting nurse services, adult day care or adult day health, respite sitter care, attendant care, home delivered meals and other related services and functions.

2. Provide a coordinated system of initial intake, screening, evaluation and referral of persons served by the department.

3. Adopt rules it deems necessary or desirable to further the objectives and programs of the department.

4. Formulate policies, plans and programs to effectuate the missions and purposes of the department.

5. Employ~~,~~ AND determine the conditions of employment and prescribe the duties and powers of administrative, professional, technical, secretarial, clerical and other persons subject to chapter 4, article 4 and, as applicable, article 5 of this title as may be necessary in the performance of its duties, contract for the services of outside advisors, consultants and aides as may be reasonably necessary and reimburse department volunteers, designated by the director, for expenses in transporting clients of the department on official business.

6. Make contracts and incur obligations within the general scope of its activities and operations subject to the availability of funds.

7. Contract with or assist other departments, agencies and institutions of the state, local and federal governments in the furtherance of its purposes, objectives and programs.

8. Be designated as the single state agency for the purposes of administering and in furtherance of each federally supported state plan.

9. Accept and disburse grants, matching funds and direct payments from public or private agencies for the conduct of programs that are consistent with the overall purposes and objectives of the department.

10. Provide information and advice on request by local, state and federal agencies and by private citizens, business enterprises and community organizations on matters within the scope of its duties subject to the departmental rules on the confidentiality of information.

11. Establish and maintain separate financial accounts as required by federal law or regulations.

12. Advise and make recommendations to the governor and the legislature on all matters concerning its objectives.

13. Have an official seal that shall be judicially noticed.

14. Annually estimate the current year's population of each county, city and town in this state, using the periodic census conducted by the United States department of commerce, or its successor agency, as the basis for such estimates and deliver such estimates to the economic estimates commission before December 15.

15. Estimate the population of any newly annexed areas of a political subdivision as of July 1 of the fiscal year in which the annexation occurs and deliver such estimates as promptly as is feasible after the annexation occurs to the economic estimates commission.

16. Establish and maintain a statewide program of services for persons who are both hearing impaired and visually impaired and coordinate appropriate services with other agencies and organizations to avoid duplication of these services and to increase efficiency. The department of economic security shall enter into agreements for the utilization of the personnel and facilities of the department of economic security, the department of health services and other appropriate agencies and organizations in providing these services.

17. Establish and charge fees for deposit in the department of economic security prelayoff assistance services fund to employers who voluntarily participate in the services of the department that provide job service and retraining for persons who have been or are about to be laid off from employment. The department shall charge only those fees necessary to cover the costs of administering the job service and retraining services.

18. Establish a focal point for addressing the issue of hunger in Arizona and provide coordination and assistance to public and private nonprofit organizations that aid hungry persons and families throughout this state. Specifically such activities shall include:

(a) Collecting and disseminating information regarding the location and availability of surplus food for distribution to needy persons, the availability of surplus food for donation to charity food bank organizations, and the needs of charity food bank organizations for surplus food.

(b) Coordinating the activities of federal, state, local and private nonprofit organizations that provide food assistance to the hungry.

(c) Accepting and disbursing federal monies, and any state monies appropriated by the legislature, to private nonprofit organizations in support of the collection, receipt, handling, storage and distribution of donated or surplus food items.

(d) Providing technical assistance to private nonprofit organizations that provide or intend to provide services to the hungry.

(e) Developing a state plan on hunger that, at a minimum, identifies the magnitude of the hunger problem in this state, the characteristics of the population in need, the availability and location of charity food banks and the potential sources of surplus food, assesses the effectiveness of the donated food collection and distribution network and other efforts to alleviate the hunger problem, and recommends goals and strategies to improve the status of the hungry. The state plan on hunger shall be incorporated into the department's state comprehensive plan prepared pursuant to section 41-1956.

(f) Establishing a special purpose advisory council on hunger pursuant to section 41-1981.

19. Establish an office to address the issue of homelessness and to provide coordination and assistance to public and private nonprofit organizations that prevent homelessness or aid homeless individuals and families throughout this state. These activities shall include:

(a) Promoting and participating in planning for the prevention of homelessness and the development of services to homeless persons.

(b) Identifying and developing strategies for resolving barriers in state agency service delivery systems that inhibit the provision and coordination of appropriate services to homeless persons and persons in danger of being homeless.

(c) Assisting in the coordination of the activities of federal, state and local governments and the private sector that prevent homelessness or provide assistance to homeless people.

(d) Assisting in obtaining and increasing funding from all appropriate sources to prevent homelessness or assist in alleviating homelessness.

(e) Serving as a clearinghouse on information regarding funding and services available to assist homeless persons and persons in danger of being homeless.

(f) Developing an annual state comprehensive homeless assistance plan to prevent and alleviate homelessness.

(g) Submitting an annual report to the governor, the president of the senate and the speaker of the house of representatives on the status of homelessness and efforts to prevent and alleviate homelessness.

20. Cooperate with the Arizona-Mexico commission in the governor's office and with researchers at universities in this state to collect data and conduct projects in the United States and Mexico on issues that are within

1 the scope of the department's duties and that relate to quality of life,
2 trade and economic development in this state in a manner that will help the
3 Arizona-Mexico commission to assess and enhance the economic competitiveness
4 of this state and of the Arizona-Mexico region.
5 21. EXCHANGE INFORMATION, INCLUDING CASE SPECIFIC INFORMATION, AND
6 COOPERATE WITH THE DEPARTMENT OF CHILD SAFETY FOR THE ADMINISTRATION OF THE
7 DEPARTMENT OF CHILD SAFETY'S PROGRAMS.
8 B. If the department of economic security has responsibility for the
9 care, custody or control of a child or is paying the cost of care for a
10 child, it may serve as representative payee to receive and administer social
11 security and United States department of veterans affairs benefits and other
12 benefits payable to such child. Notwithstanding any law to the contrary, the
13 department of economic security:
14 1. Shall deposit, pursuant to sections 35-146 and 35-147, such monies
15 as it receives to be retained separate and apart from the state general fund
16 on the books of the department of administration.
17 2. May use such monies to defray the cost of care and services
18 expended by the department of economic security for the benefit, welfare and
19 best interests of the child and invest any of the monies that the director
20 determines are not necessary for immediate use.
21 3. Shall maintain separate records to account for the receipt,
22 investment and disposition of funds received for each child.
23 4. On termination of the department of economic security's
24 responsibility for the child, shall release any funds remaining to the
25 child's credit in accordance with the requirements of the funding source or
26 in the absence of such requirements shall release the remaining funds to:
27 (a) The child, if the child is at least eighteen years of age or is
28 emancipated.
29 (b) The person responsible for the child if the child is a minor and
30 not emancipated.
31 C. Subsection B of this section does not pertain to benefits payable
32 to or for the benefit of a child receiving services under title 36.
33 D. Volunteers reimbursed for expenses pursuant to subsection A,
34 paragraph 5 of this section are not eligible for workers' compensation under
35 title 23, chapter 6.
36 E. In implementing the temporary assistance for needy families program
37 pursuant to Public Law 104-193, the department shall provide for cash
38 assistance to two parent families if both parents are able to work only on
39 documented participation by both parents in work activities described in
40 title 46, chapter 2, article 5, except that payments may be made to families
41 who do not meet the participation requirements if:
42 1. It is determined on an individual case basis that they have
43 emergency needs.
44 2. The family is determined to be eligible for diversion from
45 long-term cash assistance pursuant to title 46, chapter 2, article 5.

F. The department shall provide for cash assistance under temporary assistance for needy families pursuant to Public Law 104-193 to two parent families for no longer than six months if both parents are able to work, except that additional assistance may be provided on an individual case basis to families with extraordinary circumstances. The department shall establish by rule the criteria to be used to determine eligibility for additional cash assistance.

G. The department shall adopt the following discount medical payment system for persons who the department determines are eligible and who are receiving rehabilitation services pursuant to subsection A, paragraph 1, subdivision ~~(d)~~ (c) of this section:

1. For inpatient hospital admissions and outpatient hospital services the department shall reimburse a hospital according to the rates established by the Arizona health care cost containment system administration pursuant to section 36-2903.01, subsection G.

2. The department's liability for a hospital claim under this subsection is subject to availability of funds.

3. A hospital bill is considered received for purposes of paragraph 5 of this subsection on initial receipt of the legible, error-free claim form by the department if the claim includes the following error-free documentation in legible form:

(a) An admission face sheet.

(b) An itemized statement.

(c) An admission history and physical.

(d) A discharge summary or an interim summary if the claim is split.

(e) An emergency record, if admission was through the emergency room.

(f) Operative reports, if applicable.

(g) A labor and delivery room report, if applicable.

4. The department shall require that the hospital pursue other third-party payors before submitting a claim to the department. Payment received by a hospital from the department pursuant to this subsection is considered payment by the department of the department's liability for the hospital bill. A hospital may collect any unpaid portion of its bill from other third party payors or in situations covered by title 33, chapter 7, article 3.

5. For inpatient hospital admissions and outpatient hospital services rendered on and after October 1, 1997, if the department receives the claim directly from the hospital, the department shall pay a hospital's rate established according to this section subject to the following:

(a) If the hospital's bill is paid within thirty days of the date the bill was received, the department shall pay ninety-nine per cent of the rate.

(b) If the hospital's bill is paid after thirty days but within sixty days of the date the bill was received, the department shall pay one hundred per cent of the rate.

(c) If the hospital's bill is paid any time after sixty days of the date the bill was received, the department shall pay one hundred per cent of the rate plus a fee of one per cent per month for each month or portion of a month following the sixtieth day of receipt of the bill until the date of payment.

6. For medical services other than those for which a rate has been established pursuant to section 36-2903.01, subsection G, the department shall pay according to the Arizona health care cost containment system capped fee-for-service schedule adopted pursuant to section 36-2904, subsection K or any other established fee schedule the department determines reasonable.

H. The department shall not pay claims for services pursuant to this section that are submitted more than nine months after the date of service for which the payment is claimed.

I. To assist in the location of persons or assets for the purpose of establishing paternity, establishing, modifying or enforcing child support obligations and other related functions, the department has access, including automated access if the records are maintained in an automated database, to records of state and local government agencies, including:

1. Vital statistics, including records of marriage, birth and divorce.

2. State and local tax and revenue records, including information on residence address, employer, income and assets.

3. Records concerning real and titled personal property.

4. Records of occupational and professional licenses.

5. Records concerning the ownership and control of corporations, partnerships and other business entities.

6. Employment security records.

7. Records of agencies administering public assistance programs.

8. Records of the motor vehicle division of the department of transportation.

9. Records of the state department of corrections.

10. Any system used by a state agency to locate a person for motor vehicle or law enforcement purposes, including access to information contained in the Arizona criminal justice information system.

J. Notwithstanding subsection I of this section, the department or its agents shall not seek or obtain information on the assets of an individual unless paternity is presumed pursuant to section 25-814 or established.

K. Access to records of the department of revenue pursuant to subsection I of this section shall be provided in accordance with section 42-2003.

L. The department also has access to certain records held by private entities with respect to child support obligors or obligees, or individuals against whom such an obligation is sought. The information shall be obtained as follows:

1. In response to a child support subpoena issued by the department pursuant to section 25-520, the names and addresses of these persons and the names and addresses of the employers of these persons, as appearing in customer records of public utilities and cable television companies.

2. Information on these persons held by financial institutions.

M. Pursuant to department rules, the department may compromise or settle any support debt owed to the department if the director or an authorized agent determines that it is in the best interest of the state and after considering each of the following factors:

1. The obligor's financial resources.

2. The cost of further enforcement action.

3. The likelihood of recovering the full amount of the debt.

N. Notwithstanding any law to the contrary, a state or local governmental agency or private entity is not subject to civil liability for the disclosure of information made in good faith to the department pursuant to this section.

Sec. 137. Repeal

Section 41-1969.01, Arizona Revised Statutes, as amended by Laws 2013, first special session, chapter 5, section 9, is repealed.

Sec. 138. Section 41-2021, Arizona Revised Statutes, as transferred and renumbered by this act, is amended to read:

41-2021. Definitions

In this ~~chapter~~ ARTICLE, unless the context otherwise requires:

1. "Early intervention programs and services" means developmental services ~~which~~ THAT are provided under public supervision at no cost, except if federal or state law provides for a system of payments by families, and ~~which~~ THAT are designed to meet one or more of an infant's or toddler's developmental needs.

2. "Infants and toddlers" means children from birth to thirty-six months of age who need early intervention programs and services because they have either of the following:

(a) A developmental need as evidenced by experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas:

(i) Cognitive development.

(ii) Physical development.

(iii) Language and speech development.

(iv) Psychosocial development.

(v) Self-help skills.

(b) A diagnosed physical or mental condition ~~which~~ THAT has a high probability of resulting in developmental delays.

3. "Interagency coordinating council for infants and toddlers" means the council established by order of the governor in accordance with federal law.

Sec. 139. Section 41-2501, Arizona Revised Statutes, is amended to read:

41-2501. Applicability

A. This chapter applies only to procurements initiated after January 1, 1985 unless the parties agree to its application to procurements initiated before that date.

B. This chapter applies to every expenditure of public monies, including federal assistance monies except as otherwise specified in section 41-2637, by this state, acting through a state governmental unit as defined in this chapter, under any contract, except that this chapter does not apply to either grants as defined in this chapter, or contracts between this state and its political subdivisions or other governments, except as provided in chapter 24 of this title and in article 10 of this chapter. This chapter also applies to the disposal of state materials. This chapter and rules adopted under this chapter do not prevent any state governmental unit or political subdivision from complying with the terms of any grant, gift, bequest or cooperative agreement.

C. All political subdivisions and other local public agencies of this state may adopt all or any part of this chapter and the rules adopted pursuant to this chapter.

D. Notwithstanding any other law, section 41-2517 applies to any agency as defined in section 41-1001, including the office of the governor.

E. The Arizona board of regents and the legislative and judicial branches of state government are not subject to this chapter except as prescribed in subsection F of this section.

F. The Arizona board of regents and the judicial branch shall adopt rules prescribing procurement policies and procedures for themselves and institutions under their jurisdiction. The rules must be substantially equivalent to the policies and procedures prescribed in this chapter.

G. The Arizona state lottery commission is exempt from this chapter for procurement relating to the design and operation of the lottery or purchase of lottery equipment, tickets and related materials. The executive director of the Arizona state lottery commission shall adopt rules substantially equivalent to the policies and procedures in this chapter for procurement relating to the design and operation of the lottery or purchase of lottery equipment, tickets or related materials. All other procurement shall be as prescribed by this chapter.

H. The Arizona health care cost containment system administration is exempt from this chapter for provider contracts pursuant to section 36-2904, subsection A and contracts for goods and services, including program contractor contracts pursuant to title 36, chapter 29, articles 2 and 3. All other procurement, including contracts for the statewide administrator of the program pursuant to section 36-2903, subsection B, shall be as prescribed by this chapter.

I. Arizona industries for the blind is exempt from this chapter for purchases of finished goods from members of national industries for the blind and for purchases of raw materials for use in the manufacture of products for sale pursuant to section 41-1972. All other procurement shall be as prescribed by this chapter.

J. Arizona correctional industries is exempt from this chapter for purchases of raw materials, components and supplies that are used in the manufacture or production of goods or services for sale entered into pursuant to section 41-1622. All other procurement shall be as prescribed by this chapter.

K. The state transportation board and the director of the department of transportation are exempt from this chapter other than section 41-2586 for the procurement of construction or reconstruction, including engineering services, of transportation facilities or highway facilities and any other services that are directly related to land titles, appraisals, real property acquisition, relocation, property management or building facility design and construction for highway development and that are required pursuant to title 28, chapter 20.

L. The Arizona highways magazine is exempt from this chapter for contracts for the production, promotion, distribution and sale of the magazine and related products and for contracts for sole source creative works entered into pursuant to section 28-7314, subsection A, paragraph 5. All other procurement shall be as prescribed by this chapter.

M. The secretary of state is exempt from this chapter for contracts entered into pursuant to section 41-1012 to publish and sell the administrative code. All other procurement shall be as prescribed by this chapter.

N. This chapter is not applicable to contracts for professional witnesses if the purpose of such contracts is to provide for professional services or testimony relating to an existing or probable judicial proceeding in which this state is or may become a party or to contract for special investigative services for law enforcement purposes.

O. The head of any state governmental unit, in relation to any contract exempted by this section from this chapter, has the same authority to adopt rules, procedures or policies as is delegated to the director pursuant to this chapter.

P. Agreements negotiated by legal counsel representing this state in settlement of litigation or threatened litigation are exempt from this chapter.

Q. This chapter is not applicable to contracts entered into by the department of economic security:

1. With a provider licensed or certified by an agency of this state to provide child day care services ~~or with a provider of family foster care pursuant to section 8-503 or 36-554~~.

2. With area agencies on aging created pursuant to the older Americans act of 1965 (P.L. 89-73; 79 Stat. 218; 42 United States Code sections 3001 through 3058ee).

3. For services pursuant to title 36, chapter 29, article 2.

4. With an eligible entity as defined by Public Law 105-285, section 673(1)(a)(i), as amended, for designated community services block grant program monies and any other monies given to the eligible entity that accomplishes the purpose of Public Law 105-285, section 672.

R. The department of health services may not require that persons with whom it contracts follow this chapter for the purposes of subcontracts entered into for the provision of the following:

1. Mental health services pursuant to section 36-189, subsection B.

2. Services for the seriously mentally ill pursuant to title 36, chapter 5, article 10.

3. Drug and alcohol services pursuant to section 36-141.

4. Domestic violence services pursuant to title 36, chapter 30, article 1.

S. The department of health services is exempt from this chapter for contracts for services of physicians at the Arizona state hospital.

T. Contracts for goods and services approved by the board of trustees of the public safety personnel retirement system are exempt from this chapter.

U. The Arizona department of agriculture is exempt from this chapter with respect to contracts for private labor and equipment to effect cotton or cotton stubble plow-up pursuant to rules adopted under title 3, chapter 2, article 1.

V. The Arizona state parks board is exempt from this chapter for purchases of guest supplies and items for resale such as food, linens, gift items, sundries, furniture, china, glassware and utensils for the facilities located in the Tonto natural bridge state park.

W. The Arizona state parks board is exempt from this chapter for the purchase, production, promotion, distribution and sale of publications, souvenirs and sundry items obtained and produced for resale.

X. The Arizona state schools for the deaf and the blind are exempt from this chapter for the purchase of textbooks and when purchasing products through a cooperative that is organized and operates in accordance with state law if such products are not available on a statewide contract and are related to the operation of the schools or are products for which special discounts are offered for educational institutions.

Y. Expenditures of monies in the morale, welfare and recreational fund established by section 26-153 are exempt from this chapter.

Z. Notwithstanding section 41-2534, the director of the state department of corrections may contract with local medical providers in counties with a population of less than four hundred thousand persons

1 according to the most recent United States decennial census for the following
2 purposes:
3 1. To acquire hospital and professional medical services for inmates
4 who are incarcerated in state department of corrections facilities that are
5 located in those counties.
6 2. To ensure the availability of emergency medical services to inmates
7 in all counties by contracting with the closest medical facility that offers
8 emergency treatment and stabilization.
9 AA. The department of environmental quality is exempt from this
10 chapter for contracting for procurements relating to the water quality
11 assurance revolving fund program established pursuant to title 49, chapter 2,
12 article 5. The department shall engage in a source selection process that is
13 similar to the procedures prescribed by this chapter. The department may
14 contract for remedial actions with a single selection process. The exclusive
15 remedy for disputes or claims relating to contracting pursuant to this
16 subsection is as prescribed by article 9 of this chapter and the rules
17 adopted pursuant to that article. All other procurement by the department
18 shall be as prescribed by this chapter.
19 BB. The motor vehicle division of the department of transportation is
20 exempt from this chapter for third-party authorizations pursuant to title 28,
21 chapter 13, only if all of the following conditions exist:
22 1. The division does not pay any public monies to an authorized third
23 party.
24 2. Exclusivity is not granted to an authorized third party.
25 3. The director has complied with the requirements prescribed in title
26 28, chapter 13 in selecting an authorized third party.
27 CC. This section does not exempt third-party authorizations pursuant
28 to title 28, chapter 13 from any other applicable law.
29 DD. The state forester is exempt from this chapter for purchases and
30 contracts relating to wildland fire suppression and pre-positioning equipment
31 resources and for other activities related to combating wildland fires and
32 other unplanned risk activities, including fire, flood, earthquake, wind and
33 hazardous material responses. All other procurement by the state forester
34 shall be as prescribed by this chapter.
35 EE. The cotton research and protection council is exempt from this
36 chapter for procurements.
37 FF. Expenditures of monies in the Arizona agricultural protection fund
38 established by section 3-3304 are exempt from this chapter.
39 GG. The Arizona commerce authority is exempt from this chapter, except
40 article 10 for the purpose of cooperative purchases. The authority shall
41 adopt policies, procedures and practices, in consultation with the department
42 of administration, that are similar to and based on the policies and
43 procedures prescribed by this chapter for the purpose of increased public
44 confidence, fair and equitable treatment of all persons engaged in the
45 process and fostering broad competition while accomplishing flexibility to

achieve the authority's statutory requirements. The authority shall make its policies, procedures and practices available to the public. The authority may exempt specific expenditures from the policies, procedures and practices.

HH. The Arizona exposition and state fair board is exempt from this chapter for contracts for professional entertainment.

II. This chapter does not apply to the purchase of water, gas or electric utilities.

JJ. This chapter does not apply to professional certifications, professional memberships and conference registrations.

KK. THIS CHAPTER DOES NOT APPLY TO CONTRACTS ENTERED INTO BY THE DEPARTMENT OF CHILD SAFETY:

1. WITH A PROVIDER OF FAMILY FOSTER CARE PURSUANT TO SECTION 8-503 OR 36-554.

2. WITH AN ELIGIBLE ENTITY AS DEFINED BY PUBLIC LAW 105-285, SECTION 673(1)(A)(I), AS AMENDED, FOR DESIGNATED COMMUNITY SERVICES BLOCK GRANT PROGRAM MONIES AND ANY OTHER MONIES GIVEN TO THE ELIGIBLE ENTITY THAT ACCOMPLISHES THE PURPOSE OF PUBLIC LAW 105-285, SECTION 672.

Sec. 140. Section 41-2636, Arizona Revised Statutes, is amended to read:

41-2636. <u>Procurement from Arizona industries for the blind, certified nonprofit agencies that serve individuals with disabilities and Arizona correctional industries; definitions</u>

A. The director shall appoint a state set-aside committee to determine those materials and services that are provided, manufactured, produced and offered for sale by Arizona industries for the blind, certified nonprofit agencies that serve individuals with disabilities and Arizona correctional industries and that satisfy the requirements of state governmental units and to establish a fair market price for all approved materials and services offered for sale that meet these requirements. Membership shall include the assistant director for rehabilitation services in the department of economic security or the assistant director's designee and a private sector businessperson appointed by the governor who contracts or employs persons with disabilities in the private sector. At each quarterly meeting the director shall report on new procurement requests or renewal of existing procurement requests for state purchases from lists supplied by set-aside providers and that are within the capability of and that can be supplied by the entities that are prescribed in this section. To qualify for set-aside contracts, certified nonprofit agencies must maintain an employment ratio of at least sixty per cent of program employees with significant disabilities.

B. Materials and services from Arizona correctional industries shall be presented to the committee for approval. Office products, vinyl binders and furniture refurbishing services shall be exempt from this article. State governmental units shall purchase office products, vinyl binders and

furniture from Arizona correctional industries if each of the following applies:

1. Such materials and services are readily available.

2. Such materials and services are capable of timely delivery.

3. Such materials and services are of equal quality and price for these same materials and services in the private sector.

C. State governmental units shall purchase approved materials and services if such materials and services are readily available.

D. Notwithstanding the requirements of section 41-2532, state governmental units and local public procurement units may purchase or contract for any products, materials and services directly from Arizona industries for the blind, certified nonprofit agencies that serve individuals with disabilities and Arizona correctional industries without competitive bidding if the delivery and quality of the products, materials or services meet the unit's reasonable requirements.

E. All state governmental units shall endeavor to set aside at least one per cent of their new purchases or contracts for any products, materials and services from the entities that are prescribed in subsection D of this section, except for contracts for care and services for clients of THE DEPARTMENT OF CHILD SAFETY, the department of economic security or the department of health services. The department shall communicate with each state governmental unit regarding its responsibility to comply with this subsection. The committee shall meet quarterly to report progress in increasing state governmental purchases or contracts with the entities that are prescribed in subsection D of this section. The committee shall compile quarterly reports detailing new purchases or contracts that are entered into pursuant to this subsection to the director, each committee member, the governor, the president of the senate and the speaker of the house of representatives.

F. The committee shall meet during the first month of each fiscal year to determine which articles, products or services Arizona correctional industries, certified nonprofit agencies that serve individuals with disabilities and Arizona industries for the blind should continue to manufacture for state use, to advise such agencies and industries of any changes in specifications and to identify new articles or products that should be manufactured or could be eligible for procurement.

G. For the purposes of this section:

1. "Certified nonprofit agency that serves individuals with disabilities" means a nonprofit activity center that serves individuals with significant disabilities and that satisfies all of the following:

(a) Is organized under the laws of this state or another state, is operated in the interest of disabled individuals and the net income of which does not inure in whole or in part to the benefit of any shareholder or other individual.

(b) Complies with any applicable occupational health and safety standard required by the laws of the United States and this state.

2. "Disabled individual" means an individual who, because of the nature of the individual's disabilities, is not able to fully participate in competitive employment and for whom specialized employment and training ~~is~~ ARE necessary by a qualified nonprofit organization through the department of economic security or the department of health services.

Sec. 141. Section 41-2752, Arizona Revised Statutes, is amended to read:

41-2752. State competition with private enterprise prohibited; exceptions

A. A state agency shall not engage in the manufacturing, processing, sale, offering for sale, rental, leasing, delivery, dispensing, distributing or advertising of goods or services to the public that are also offered by private enterprise unless specifically authorized by law other than administrative law and executive orders.

B. A state agency shall not offer or provide goods or services to the public for or through another state agency or a local agency, including by intergovernmental or interagency agreement, in violation of this section or section 41-2753.

C. The restrictions on activities that compete with private enterprise contained in this section do not apply to:

1. The development, operation and management of state parks, historical monuments and hiking or equestrian trails.

2. Correctional industries established and operated by the state department of corrections if the prices charged for products sold by the correctional industries are not less than the actual cost of producing and marketing the product plus a reasonable allowance for overhead and administrative costs.

3. The Arizona office of tourism.

4. The Arizona highways magazine, operated by the department of transportation.

5. Printing and distributing information to the public if the agency is otherwise authorized to do so, and printing or copying public records or other material relating to the public agency's public business and recovering through fees and charges the costs of such printing, copying and distributing.

6. The department of public safety.

7. The construction, maintenance and operation of state transportation facilities.

8. The development, distribution, maintenance, support, licensing, leasing or sale of computer software by the department of transportation.

9. Agreements executed by the Arizona health care cost containment system administration with other states to design, develop, install and

operate information technology systems and related services or other administrative services pursuant to section 36-2925.

10. Agreements executed by the department of economic security with other states to design, develop, install and operate support collection technology systems and related services. The department shall deposit, pursuant to sections 35-146 and 35-147, monies received pursuant to this paragraph in the public assistance collections fund established by section 46-295.

11. Educational, vocational, treatment, training or work programs of the department of juvenile corrections and contracts between the department of juvenile corrections and this state, a political subdivision of this state or a private entity in order to provide employment or vocational educational experience.

12. The aflatoxin control technologies of the cotton research and protection council.

13. The lease or sublease of lands or buildings by the department of economic security pursuant to section 41-1958.

14. The Arizona commerce authority.

15. The Arizona game and fish commission, but only for the sale of goods or services and not firearms.

16. THE LEASE OR SUBLEASE OF LANDS OR BUILDINGS BY THE DEPARTMENT OF CHILD SAFETY PURSUANT TO SECTION 8-460.

17. AGREEMENTS EXECUTED BY THE DEPARTMENT OF CHILD SAFETY WITH OTHER STATES TO DESIGN, DEVELOP, INSTALL AND OPERATE SUPPORT COLLECTION TECHNOLOGY SYSTEMS AND RELATED SERVICES. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, MONIES RECEIVED PURSUANT TO THIS PARAGRAPH IN THE CHILD SAFETY COLLECTIONS FUND ESTABLISHED BY SECTION 8-461.

D. The restrictions on activities that compete with private enterprise contained in subsection A of this section do not apply to community colleges and universities under the jurisdiction of a governing board.

Sec. 142. Title 41, chapter 27, article 2, Arizona Revised Statutes, is amended by adding section 41-3024.06, to read:

41-3024.06. <u>Department of child safety; termination July 1, 2024</u>

A. THE DEPARTMENT OF CHILD SAFETY TERMINATES ON JULY 1, 2024.

B. TITLE 8, CHAPTER 4 IS REPEALED ON JANUARY 1, 2025.

Sec. 143. Section 41-3802, Arizona Revised Statutes, is amended to read:

41-3802. <u>Human rights committee on children, youth and families</u>

A. The human rights committee on children, youth and families is established in the department of ~~economic security~~ CHILD SAFETY to promote the rights of persons who receive services from the division of children, youth and families in the department.

B. Notwithstanding section 8-807, the department shall disclose confidential information and records to the committee established pursuant to this section or designated pursuant to subsection C, subject to the requirements of section 41-3804 and applicable federal law.

C. The director of the department ~~of economic security~~ may designate a citizen review panel, multidisciplinary case consultation team or other oversight entity as the human rights committee on children, youth and families if the panel or entity meets the requirements of this section.

D. The committee shall be organized pursuant to this section and the requirements of section 41-3804.

E. The director of the department ~~of economic security~~ may establish additional committees for each district office established pursuant to section 41-1961 or to oversee the activities of any service provider.

F. Each human rights committee established pursuant to this section shall consist of at least seven and not more than fifteen members appointed by the director of the department of economic security with expertise in at least one of the following areas:

1. Psychology.
2. Law.
3. Medicine.
4. Education.
5. Special education.
6. Social work.

G. Each human rights committee shall include at least two parents of children who receive services from the ~~division of children, youth and families~~ DEPARTMENT. If a report of abuse has been substantiated against a parent, that parent shall not serve on a human rights committee.

Sec. 144. Section 41-3804, Arizona Revised Statutes, is amended to read:

41-3804. <u>Human rights committees; membership; duties; client information; violation; classification</u>

A. Subject to the approval of the appropriate department director, each committee established pursuant to this article shall adopt guidelines that govern its operation, including terms of members, quorum and attendance requirements and removal of a committee member if necessary. Each committee shall adopt these guidelines by majority vote within the first three months of its formation. These guidelines shall not conflict with this article. The director of the appropriate department shall approve the guidelines unless they are inconsistent with the department's statutes, policies, procedures or rules, or if the guideline does not promote participation by all interested members of the community that the committee serves. In addition to the procedures in the guidelines, each human rights committee must approve the removal of any committee member on majority vote of the committee.

B. Employees of the department of economic security, THE DEPARTMENT OF CHILD SAFETY and the department of health services may serve on a committee only as nonvoting members whose presence is not counted for the purpose of determining a quorum.

C. Advocacy groups, local advisory councils, committee members and the director of the appropriate department may submit names of candidates to fill committee vacancies. The appropriate director shall appoint a person to fill a vacancy subject to the approval of the committee.

D. Each committee shall meet at least quarterly each calendar year.

E. Each committee shall provide independent oversight to:

1. Ensure that the rights of clients are protected.

2. Provide research in that committee's field.

3. Review incidents of possible abuse, neglect or denial of a client's rights.

F. Each committee shall submit written objections to specific problems or violations of client rights by department employees or service providers to the director of the appropriate department for review.

G. Each committee shall issue an annual report of its activities and recommendations for changes to the director of the appropriate department.

H. A committee may request from the appropriate department the services of a consultant or department employee to advise it on specific issues. The consultant may be a member of another human rights committee, a department employee or a service provider. Subject to the availability of monies, the appropriate department shall assume the cost of the consultant. A consultant shall not participate in committee votes.

I. Subject to federal law, committee members and consultants have access to client information and records maintained by the appropriate department, provider or regional behavioral health authorities to the extent necessary to conduct committee duties. Each person who receives information or records pursuant to this subsection shall maintain the information or records as confidential and sign an agreement to comply with all confidentiality requirements. Any client information or records shall be released to the committee without the designation of personally identifiable information unless the personally identifiable information is required for the official purposes of the committee. "Personally identifiable information" includes name, address, date of birth, social security number, tribal enrollment number, telephone or telefacsimile number, driver license number, places of employment or school identification or military identification number or any other distinguishing characteristic that tends to identify a particular person. A violation of this subsection is a class 2 misdemeanor.

J. If a committee's request for information or records from a department is denied, the committee may request in writing that the director of the appropriate department review this decision. The agency director or designee shall conduct the review within five business days after receiving

the request for review. The agency shall bear the costs of conducting the review. A final agency decision made pursuant to this subsection is subject to judicial review pursuant to title 12, chapter 7, article 6. The agency shall not release any information or records during the period an appeal may be filed or is pending.

K. Confidential records and information received by the committee or its consultant are subject to the same provisions concerning subpoenas, discovery and use in legal actions as are the original records and information.

L. Any person who, in good faith and without malice and in connection with duties or functions of a committee established pursuant to this article, takes an action or makes a decision or recommendation as a member or agent of a committee or who furnishes records, information or assistance that is related to the duties of a committee is not subject to liability for civil damages in consequence of that action. The court shall determine the presence of malice by clear and convincing evidence.

Sec. 145. Section 43-613, Arizona Revised Statutes, is amended to read:

43-613. Contribution to child abuse prevention fund

A. Unless not required pursuant to subsection B of this section, the department shall provide a space on the individual income tax return form in which the taxpayer may designate an amount of the taxpayer's refund as a voluntary contribution to the child abuse prevention fund established under section 8-550.01.

B. After subtracting any setoff for debts pursuant to section 42-1122 the department of revenue shall subtract the designated amount from the refund due the taxpayer and transfer it to the department of ~~economic security~~ CHILD SAFETY for credit to the fund. The department of ~~economic security~~ CHILD SAFETY shall separately account for the monies in the fund derived from contributions under this section and notify the department of revenue if such monies exceed ten million dollars. If ~~such~~ THESE monies do exceed ten million dollars on June 30, this section does not apply and the department of revenue shall not provide the space otherwise required by this section on the tax return for that taxable year.

C. The taxpayer may also donate any amount to the child abuse prevention fund, in lieu of or in addition to the designated portion of the income tax refund, by an appropriate indication on the return and by including that amount with the return.

Sec. 146. Section 43-1505, Arizona Revised Statutes, is amended to read:

43-1505. Special provisions; corporate donations for displaced students and students with disabilities; definition

A. A school tuition organization that receives contributions for the purposes of section 20-224.07 or 43-1184 must use at least ninety per cent of

those contributions to provide educational scholarships or tuition grants to qualified students to whom any of the following applies:

1. Received a grant or scholarship under title 15, chapter 8, article 1.2 or 8 in order to attend a qualified school during the 2008-2009 academic year.

2. Attended a governmental primary or secondary school as a full-time student as defined in section 15-901 or attended a preschool program that offers services to students with disabilities at a governmental school for at least ninety days of the prior fiscal year or one full semester and transferred from a governmental school to a qualified school.

3. Enrolled in a qualified school in a kindergarten program or a preschool program that offers services to students with disabilities.

4. Is the dependent of a member of the armed forces of the United States who is stationed in this state pursuant to military orders.

5. Qualified for an educational scholarship or tuition grant under paragraph 1, 2, 3 or 4 of this subsection if the qualified student continues to attend a qualified school in a subsequent year.

B. The amount of an educational scholarship or a tuition grant that is issued by a school tuition organization under this section shall not exceed the cost of tuition for the student to attend the qualified school or ninety per cent of the amount of state aid that otherwise would be computed for the student as provided in title 15, chapter 9, article 5, whichever is less. On request from a school tuition organization, the department of education shall provide to the school tuition organization in a timely manner the amount computed for the student under this subsection that represents the ninety per cent limitation prescribed in this subsection.

C. A school tuition organization shall require that student beneficiaries use the educational scholarships or tuition grants on a full-time basis. If a child leaves the school before completing an entire school year, the school shall refund a prorated amount of the educational scholarship or tuition grant to the school tuition organization that issued the scholarship or grant. The school tuition organization shall allocate any refunds it receives under this subsection for educational scholarships or tuition grants.

D. Qualified students who receive an educational scholarship or tuition grant under this section shall be allowed to attend any qualified school of their custodians' choice.

E. For the purposes of this section, "qualified student" means a student who has been either:

1. Placed in foster care pursuant to title 8, chapter ~~5~~ 4 at any time before the student graduates from high school or obtains a general equivalency diploma.

2. Identified as having a disability under section 504 of the rehabilitation act (29 United States Code section 794) or identified at any time by a school district as a child with a disability as defined in section

15-761 or a child with a disability who is eligible to receive services from a school district under section 15-763.

Sec. 147. Section 46-101, Arizona Revised Statutes, is amended to read:

46-101. Definitions

In this title, unless the context otherwise requires:

1. "Aid to families with dependent children" means assistance granted under section 403 of title IV of the social security act as it existed before August 22, 1996.

2. "Applicant" means a person who has applied for assistance or services under this title, or a person who has applied for assistance or services under this title and who has custody of a dependent child.

3. "Assistance" means payments in cash or kind to or on behalf of a person or persons in need as provided for in this title.

4. "Assistance unit" means those members of a needy family, as prescribed by the department in rule, or a child only case, that meets the nonfinancial eligibility criteria for cash assistance and whose needs and other circumstances are considered as a whole to determine a cash assistance benefit amount.

5. "Cash assistance" means temporary assistance for needy families paid to a recipient for the purpose of meeting basic living expenses as defined by the department.

6. "Child care personnel" means any person who supervises children in a day care home or center that receives child care food program monies under this article.

7. "Child only case" means a case in which the eligible dependent child is in the legal custody of the department OF CHILD SAFETY and placed in foster care~~, as defined in section 8-501,~~ with an unrelated adult or with a nonparent relative who is not receiving cash assistance.

8. "Dependent child" means a needy child who has been deprived of parental support or care by reason of the death, unemployment of the supporting parent as defined and prescribed by the rules of the department, continued absence from the home, or physical or mental incapacity of a parent, and whose relatives who are responsible under the law for the child's support are not able to provide adequate care and support of the child without public assistance, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, niece, nephew or cousin in a place of residence maintained by one or more of such relatives as his or their own home or who is in the legal custody of the department OF CHILD SAFETY and placed in a foster home or with an unrelated adult as a recipient of temporary assistance for needy families. Such dependent child must be under ~~the age of~~ eighteen years OF AGE or, if eighteen, must be a full-time student in a high school, or in the equivalent level of vocational or technical

1 training, and shall be reasonably expected to complete the program before
2 reaching age nineteen.
3 9. "Director" means the director of the department of economic
4 security.
5 10. "Domestic violence" means battered or subject to extreme cruelty as
6 defined in section 408(a)(7)(C)(iii) of the social security act.
7 11. "Employment plan" means an agreement between the department and the
8 cash assistance recipient regarding the participant's work activities and
9 services provided by the department.
10 12. "Federal poverty level" means the poverty guidelines that are
11 issued by the United States department of health and human services pursuant
12 to section 673(2) of the omnibus budget reconciliation act of 1981 and that
13 are reported annually in the federal register.
14 13. "Head of household" means a dependent child's parent or the spouse
15 of the parent, or the dependent child's nonparent relative or spouse of the
16 nonparent relative, who receives cash assistance for himself and on behalf of
17 the dependent child or only on behalf of the dependent child.
18 14. "Homestead property" means a home owned and occupied by the
19 applicant or recipient, or his spouse.
20 15. "Jobs program" means services established by the department to
21 ensure that participants comply with work requirements as prescribed in
22 Public Law 104-193.
23 16. "Needy family":
24 (a) Means a family that resides in the same home and includes a
25 dependent child, one or more of the dependent child's parents and nonparent
26 relatives of the dependent child and their spouses who meet financial cash
27 assistance eligibility criteria established by this title and by department
28 rule.
29 (b) Does not include a child only case.
30 17. "Nonparent relative" means a dependent child's grandfather,
31 grandmother, brother, sister, stepfather, stepmother, stepbrother,
32 stepsister, uncle, aunt, niece, nephew or cousin and includes a permanent
33 guardian who is appointed pursuant to section 8-872.
34 18. "Participant" means a recipient of cash assistance engaged in work
35 activities through the JOBS program.
36 19. "Personal responsibility declaration" means a document that is
37 prescribed by the department and in which the applicant acknowledges
38 understanding of the applicant's personal responsibility.
39 20. "Recipient" means a person who receives assistance or services
40 under the provisions of this title.
41 21. "Services" includes social casework, rehabilitation counseling and
42 similar services rendered to a person or persons in need as provided for in
43 this title.

22. "Sponsor" means any political subdivision of this state, any federally recognized Indian tribe, any military base or any other person, partnership, corporation or association contracting with this state to provide assistance in the distribution of child care food program monies pursuant to this article.

23. "State department" or "department" means the department of economic security.

24. "Temporarily deferred" means the postponement of work activities.

25. "Temporary assistance for needy families" means assistance granted under section 403 of title IV of the social security act as it exists after August 21, 1996.

26. "Vendor payment" means any payment to a person other than the recipient on his behalf.

27. "Work activities" means the following activities that are countable toward the federal work participation rate as prescribed in Public Law 104-193, section 407 (1996):

(a) Unsubsidized employment.

(b) Subsidized private or public employment.

(c) Work experience.

(d) On-the-job training.

(e) Job search and job readiness assistance.

(f) Community service programs.

(g) Vocational educational training.

(h) Job skills training directly related to employment.

(i) Education directly related to employment in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency.

(j) Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalency, in the case of a recipient who has not completed secondary school or received such a certificate.

Sec. 148. Section 46-134, Arizona Revised Statutes, is amended to read:

46-134. <u>Powers and duties; expenditure; limitation</u>

~~A.~~ The state department shall:

1. Administer all forms of public relief and assistance except those that by law are administered by other departments, agencies or boards.

~~2. Administer child welfare activities, including:~~

~~(a) Importation of children.~~

~~(b) Licensing and supervising private and local public child caring agencies and institutions.~~

~~(c) Providing the cost of care of:~~

~~(i) Children who are in temporary custody, are the subject of a dependency petition or are adjudicated by the court as dependent and who are in out-of-home placement, except state institutions.~~

~~(ii) Children who are voluntarily placed in out-of-home placement pursuant to section 8-806.~~

~~(iii) Children who are the subject of a dependency petition or are adjudicated dependent and who are in the custody of the department and ordered by the court pursuant to section 8-845 to reside in an independent living program pursuant to section 8-521.~~

~~(d) Providing services for children placed in adoption.~~

~~(e) Providing the cost of care of unwed mothers who are under the age of eighteen years during the period of their pregnancy and confinement in foster family homes or institutions and when determined by the department to be economically eligible. Costs of hospitalization and medical expenses attendant to the care of the mother and child shall be excluded from any payments made under this subdivision.~~

~~3. For the purposes of paragraph 2, subdivision (c), develop and implement in conjunction with the department of education and the department of juvenile corrections a uniform budget format to be submitted by licensed child welfare agencies and approved private special education schools. The budget format shall be developed in such a manner that, at a minimum, residential and educational instructional costs are separate and distinct budgetary items.~~

~~4.~~ 2. Develop a section of rehabilitation for the visually impaired that shall include a sight conservation section, a vocational rehabilitation section in accordance with the federal vocational rehabilitation act, a vending stand section in accordance with the federal Randolph-Sheppard act and an adjustment service section that shall include rehabilitation teaching and other social services deemed necessary, and shall cooperate with similar agencies already established. The administrative officer and staff of the section for the blind and visually impaired shall be employed only in the work of that section.

~~5.~~ 3. Assist other departments, agencies and institutions of the state and federal governments, when requested, by performing services in conformity with the purposes of this title.

~~6.~~ 4. Act as agent of the federal government in furtherance of any functions of the state department.

~~7.~~ 5. Carry on research and compile statistics relating to the entire public welfare program throughout this state, including all phases of dependency and defectiveness.

~~8.~~ 6. Cooperate with the superior court in cases of delinquency and related problems.

~~9.~~ 7. Develop plans in cooperation with other public and private agencies for the prevention and treatment of conditions giving rise to public welfare and social security problems.

~~10.~~ 8. Make necessary expenditures in connection with the duties specified in paragraphs 5, 6, 7, ~~8, 9, 15, 16 and 17~~ 13 AND 14 OF THIS SUBSECTION.

~~11.~~ 9. Have the power to apply for, accept, receive and expend public and private gifts or grants of money or property on the terms and conditions as may be imposed by the donor and for any purpose provided for by this chapter.

~~12.~~ 10. Make rules, and take action necessary or desirable to carry out the provisions of this title, that are not inconsistent with this title.

~~13.~~ 11. Administer any additional welfare functions required by law.

~~14.~~ 12. Provide the cost of care and transitional independent living services for a person under twenty-one years of age pursuant to section 8-521.01.

~~15. Petition, as necessary to implement the case plan established under section 8-824 or 8-845, for the appointment of a guardian or a temporary guardian under title 14, chapter 5 for children who are in custody of the department pursuant to court order. Persons applying to be guardians or temporary guardians under this section shall be fingerprinted. A foster parent or certified adoptive parent already fingerprinted is not required to be fingerprinted again if he is the person applying to be the guardian or temporary guardian.~~

~~16.~~ 13. If a tribal government elects to operate a cash assistance program in compliance with the requirements of the United States department of health and human services, with the review of the joint legislative budget committee, provide matching monies at a rate that is consistent with the applicable fiscal year budget and that is not more than the state matching rate for the aid to families with dependent children program as it existed on July 1, 1994.

~~17.~~ 14. Furnish a federal, state or local law enforcement officer, at the request of the officer, with the current address of any recipient if the officer furnishes the agency with the name of the recipient and notifies the agency that the recipient is a fugitive felon or a probation, parole or community supervision violator or has information that is necessary for the officer to conduct the official duties of the officer and the location or apprehension of the recipient is within these official duties.

~~18.~~ 15. In conjunction with Indian tribal governments, request a federal waiver from the United States department of agriculture that will allow tribal governments that perform eligibility determinations for temporary assistance for needy families programs to perform the food stamp eligibility determinations for persons who apply for services pursuant to section 36-2901, paragraph 6, subdivision (a). If the waiver is approved, the state shall provide the state matching monies for the administrative costs associated with the food stamp eligibility based on federal guidelines. As part of the waiver, the department shall recoup from a tribal government all federal fiscal sanctions that result from inaccurate eligibility determinations.

~~B. The total amount of state monies that may be spent in any fiscal year by the state department for foster care as provided in subsection A, paragraph 2, subdivision (c) of this section shall not exceed the amount appropriated or authorized by section 35-173 for that purpose. This section shall not be construed to impose a duty on an officer, agent or employee of this state to discharge a responsibility or to create any right in a person or group if the discharge or right would require an expenditure of state monies in excess of the expenditure authorized by legislative appropriation for that specific purpose.~~

Sec. 149. Transfer and renumber

Section 46-139, Arizona Revised Statutes, is transferred and renumbered for placement in title 8, chapter 4, article 1, Arizona Revised Statutes, as added by this act, as section 8-462.

Sec. 150. Section 46-141, Arizona Revised Statutes, is amended to read:

46-141. Criminal record information checks; fingerprinting employees and applicants; definition

A. Each license granted by the department of economic security OR THE DEPARTMENT OF CHILD SAFETY and each contract entered into between the department of economic security OR THE DEPARTMENT OF CHILD SAFETY and any contract provider for the provision of services to juveniles or vulnerable adults shall provide that, as a condition of employment, personnel who are employed by the licensee or contractor, whether paid or not, and who are required or allowed to provide services directly to juveniles or vulnerable adults shall have a valid fingerprint clearance card issued pursuant to section 41-1758.07 or shall apply for a fingerprint clearance card within seven working days of employment.

B. The licensee or contractor shall assume the costs of fingerprint checks and may charge these costs to its fingerprinted personnel. The department OF ECONOMIC SECURITY OR THE DEPARTMENT OF CHILD SAFETY may allow all or part of the costs of fingerprint checks to be included as an allowable cost in a contract.

C. A service contract or license with any contract provider or licensee that involves the employment of persons who have contact with juveniles or vulnerable adults shall provide that the contract or license may be canceled or terminated immediately if a person certifies pursuant to subsections F and G of this section that the person is awaiting trial on or has been convicted of any of the offenses listed in subsections F and G of this section in this state or similar offenses in another state or jurisdiction or if the person does not possess or is denied issuance of a valid fingerprint clearance card.

D. A contract provider or licensee may avoid cancellation or termination of the contract or license under subsection C of this section if a person who does not possess or has been denied issuance of a valid fingerprint clearance card or who certifies pursuant to subsections F and G

of this section that the person has been convicted of or is awaiting trial on any of the offenses listed in section 41-1758.07, subsection B is immediately prohibited from employment or service with the contract provider or licensee in any capacity requiring or allowing contact with juveniles or vulnerable adults.

E. A contract provider or licensee may avoid cancellation or termination of the contract or license under subsection C of this section if a person who does not possess or has been denied issuance of a valid fingerprint clearance card or who certifies pursuant to subsections F and G of this section that the person has been convicted of or is awaiting trial on any of the offenses listed in section 41-1758.07, subsection C is immediately prohibited from employment or service with the contract provider or licensee in any capacity requiring contact with juveniles or vulnerable adults unless the person is granted a good cause exception pursuant to section 41-619.55.

F. Personnel who are employed by any contract provider or licensee, whether paid or not, and who are required or allowed to provide services directly to juveniles or vulnerable adults shall certify on forms provided by the department of economic security OR THE DEPARTMENT OF CHILD SAFETY and notarized whether they are awaiting trial on or have ever been convicted of any of the criminal offenses listed in section 41-1758.07, subsections B and C in this state or similar offenses in another state or jurisdiction.

G. Personnel who are employed by any contract provider or licensee, whether paid or not, and who are required or allowed to provide services directly to juveniles shall certify on forms provided by the department of economic security OR THE DEPARTMENT OF CHILD SAFETY and notarized whether they have ever committed any act of sexual abuse of a child, including sexual exploitation and commercial sexual exploitation, or any act of child abuse.

H. Federally recognized Indian tribes or military bases may submit and the department of economic security AND THE DEPARTMENT OF CHILD SAFETY shall accept certifications that state that personnel who are employed or who will be employed during the contract term have not been convicted of, have not admitted committing or are not awaiting trial on any offense under subsection F of this section.

I. A person who applies to the department of economic security OR THE DEPARTMENT OF CHILD SAFETY for a license or certificate or for paid or unpaid employment, including contract services, and who will provide direct services to juveniles or vulnerable adults shall submit a full set of fingerprints to the department for the purpose of obtaining a state and federal criminal records check pursuant to section 41-1750 and Public Law 92-544. The department of public safety may exchange this fingerprint data with the federal bureau of investigation. This subsection does not apply to those persons who are subject to section 8-105, 8-509, 8-802 or 41-1968 or subsection A of this section.

J. The special services unit of the department of economic security AND EMPLOYEES OF THE DEPARTMENT OF CHILD SAFETY may use the department of public safety automated system to update all criminal history record information in order to ensure, to the maximum extent reasonably possible, complete disposition information. The department of economic security OR THE DEPARTMENT OF CHILD SAFETY may deny employment or issuance or renewal of the contract or license applied for in these cases if it determines that the criminal history record information indicates that such employee, applicant or contractor is not qualified or suitable.

K. Volunteers who provide services to juveniles or vulnerable adults under the direct visual supervision of the contractor's or licensee's employees are exempt from the fingerprinting requirements of this section.

L. The department of economic security OR THE DEPARTMENT OF CHILD SAFETY shall notify the department of public safety if the department of economic security OR THE DEPARTMENT OF CHILD SAFETY receives credible evidence that a person who possesses a valid fingerprint clearance card pursuant to subsection A of this section either:

1. Is arrested for or charged with an offense listed in section 41-1758.07, subsection B or C.

2. Falsified information on the form required by subsection F of this section.

M. For the purposes of this section, "vulnerable adult" has the same meaning prescribed in section 46-451.

Sec. 151. Section 46-295, Arizona Revised Statutes, is amended to read:

46-295. <u>Recovery of public assistance from legally responsible persons; fund</u>

A. If a recipient of public assistance has a person who is legally responsible for that person's support and who is presently able to reimburse the department for public assistance provided, the department, through the attorney general or county attorney, shall proceed in the following order against:

1. The spouse of a recipient.

2. The former spouse of a recipient.

3. A father or mother not presently receiving public assistance.

4. Any other legally responsible person.

B. If a recipient of public assistance receives an overpayment of support or is determined ineligible pursuant to section 46-292 or 46-293, the department may recover the support incorrectly paid during that time period. The department shall deposit monies recovered in the public assistance collections fund established pursuant to this section.

C. On request of the department, the attorney general or county attorney shall commence an action in the superior court in the county where the recipient of public assistance resides or in the superior court in Maricopa county, against the persons in the order specified in subsection A

of this section, to recover the assistance granted and to secure an order requiring payment of amounts that become due in the future for which the person is liable.

D. The public assistance collections fund is established consisting of monies received pursuant to this section and section 41-2752. The department shall administer the fund. Subject to legislative appropriation, the department shall use fund monies to improve public assistance collection activities. The department shall deposit, pursuant to sections 35-146 and 35-147, twenty-five per cent of the monies collected pursuant to this section in the public assistance collections fund and seventy-five per cent of the monies collected pursuant to this section in the state general fund. Notwithstanding this subsection, pursuant to sections 35-146 and 35-147, the department shall deposit fifty per cent of the monies collected pursuant to section 41-2752 in the public assistance fund and the remaining fifty per cent of the monies collected pursuant to section 41-2752 shall be deposited in the state general fund.

~~E. For the purposes of this section, "public assistance" includes monies paid by the department to or for the benefit of a dependent child and foster care maintenance paid pursuant to 42 United States Code sections 670 through 676.~~

Sec. 152. Section 46-300.05, Arizona Revised Statutes, is amended to read:

46-300.05. Substance abuse treatment

A. The department of economic security may provide MONIES APPROPRIATED FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES TO THE DEPARTMENT OF CHILD SAFETY TO PROVIDE substance abuse treatment pursuant to title 8, chapter ~~10~~ 4, article ~~6 with monies appropriated for temporary assistance for needy families~~ 13. Treatment services for which these monies may be used include:

1. Program development pursuant to section 8-882.

2. Integration of program activities.

3. Provision of unfunded services to provide a recipient a comprehensive treatment program.

4. Evaluation of the effectiveness of treatment services for recipients of the services.

B. Monies provided pursuant to this section:

1. Shall be used to supplement and not to supplant other revenues available for funding substance abuse prevention, treatment and other service needs.

2. Shall not be used for medical treatment.

C. The department of economic security in partnership with the department of health services as joint administrators of the fund shall amend the state plan for temporary assistance for needy families as necessary to ~~provide the services prescribed by~~ USE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES MONIES PROVIDED IN this section.

Sec. 153. Section 46-803, Arizona Revised Statutes, is amended to read:

46-803. Eligibility for child care assistance

A. The department shall provide child care assistance to eligible families who are attempting to achieve independence from the cash assistance program and who need child care assistance in support of and as specified in their personal responsibility agreement pursuant to chapters 1 and 2 of this title.

B. The department shall provide child care assistance to eligible families who are transitioning off of cash assistance due to increased earnings or child support income in order to accept or maintain employment. Eligible families must request this assistance within six months after the cash assistance case closure. Child care assistance may be provided for up to twenty-four months after the case closure and shall cease whenever the family income exceeds one hundred sixty-five per cent of the federal poverty level.

C. The department shall provide child care assistance to eligible families who are diverted from cash assistance pursuant to section 46-298 in order to obtain or maintain employment. Child care assistance may be provided for up to twenty-four months after the case closure and shall cease whenever the family income exceeds one hundred sixty-five per cent of the federal poverty level.

D. The department may provide child care assistance to support eligible families with incomes of one hundred sixty-five per cent or less of the federal poverty level to accept or maintain employment. Priority for this child care assistance shall be given to families with incomes of one hundred per cent or less of the federal poverty level.

E. The department may provide child care assistance to families referred by ~~child protective services~~ THE DEPARTMENT OF CHILD SAFETY and to children in foster care pursuant to title 8, chapter ~~5~~ 4 to support child protection.

F. The department may provide child care assistance to special circumstance families whose incomes are one hundred sixty-five per cent or less of the federal poverty level and who are unable to provide child care for a portion of a twenty-four hour day due to a crisis situation of domestic violence or homelessness, or a physical, mental, emotional or medical condition, participation in a drug treatment or drug rehabilitation program or court ordered community restitution. Priority for this child care assistance shall be given to families with incomes of one hundred per cent or less of the federal poverty level.

G. In lieu of the employment activity required in subsection B, C or D of this section, the department may allow eligible families with teenaged custodial parents under twenty years of age to complete a high school diploma or its equivalent or engage in remedial education activities reasonably related to employment goals.

H. The department may provide supplemental child care assistance for department approved education and training activities if the eligible parent, legal guardian or caretaker relative is working at least a monthly average of twenty hours per week and this education and training are reasonably related to employment goals. The eligible parent, legal guardian or caretaker relative must demonstrate satisfactory progress in the education or training activity.

I. Beginning March 12, 2003, the department shall establish waiting lists for child care assistance and prioritize child care assistance for different eligibility categories in order to manage within appropriated and available monies. Priority of children on the waiting list shall start with those families at one hundred per cent of the federal poverty level and continue with each successive ten per cent increase in the federal poverty level until the maximum allowable federal poverty level of one hundred sixty-five per cent. Priority shall be given regardless of time spent on the waiting list.

J. The department shall establish criteria for denying, reducing or terminating child care assistance that include:

1. Whether there is a parent, legal guardian or caretaker relative available to care for the child.

2. Financial or programmatic eligibility changes or ineligibility.

3. Failure to cooperate with the requirements of the department to determine or redetermine eligibility.

4. Hours of child care need that fall within the child's compulsory academic school hours.

5. Reasonably accessible and available publicly funded early childhood education programs.

6. Whether an otherwise eligible family has been sanctioned and cash assistance has been terminated pursuant to chapter 2 of this title.

7. Other circumstances of a similar nature.

8. Whether sufficient monies exist for the assistance.

K. Families receiving child care assistance under subsection D or F of this section are also subject to the following requirements for ~~such~~ THAT child care assistance:

1. Each child is limited to no more than sixty cumulative months of child care assistance. The department may provide an extension if the family can prove that the family is making efforts to improve skills and move towards self-sufficiency.

2. Families are limited to no more than six children receiving child care assistance.

3. Copayments shall be imposed for all children receiving child care assistance. Copayments for each child may be higher for the first child in child care than for additional children in child care.

L. The department shall review each case at least once a year to evaluate eligibility for child care assistance.

M. The department shall report on December 31 and June 30 of each year to the joint legislative budget committee the total number of families who applied for child care assistance and the total number of families who were denied assistance under this section because the parents, legal guardians or caretaker relatives who applied for assistance were not citizens or legal residents of the United States or were not otherwise lawfully present in the United States.

N. This section shall be enforced without regard to race, religion, gender, ethnicity or national origin.

O. The department shall refer all child care subsidy recipients to child support enforcement and to local workforce services and provide information on the earned income tax credit.

Sec. 154. Section 46-806, Arizona Revised Statutes, is amended to read:

46-806. Choice of child care providers

The department shall allow parental choice of child care providers for families, except that those families referred by ~~child protective services~~ THE DEPARTMENT OF CHILD SAFETY or children in foster care pursuant to title 8, chapter ~~5~~ 4 may not receive child care assistance to use uncertified relative providers.

Sec. 155. Laws 2012, chapter 50, section 1, as amended by Laws 2013, chapter 220, section 6, is amended to read:

Section 1. Child safety oversight committee; membership; duties; delayed repeal

A. The child ~~protective services~~ SAFETY oversight committee is established consisting of the following members:

1. Two members of the house of representatives who are appointed by the speaker of the house of representatives and who are not members of the same political party. The speaker of the house of representatives shall designate one of these members to serve as cochairperson of the committee.

2. Two members of the senate who are appointed by the president of the senate and who are not members of the same political party. The president of the senate shall designate one of these members to serve as cochairperson of the committee.

3. The director of the department of ~~economic security~~ CHILD SAFETY or the director's designee.

4. One member of a law enforcement agency in this state. The speaker of the house of representatives shall appoint this member.

5. One child ~~protective services case~~ SAFETY worker or administrator with child ~~protective services case~~ SAFETY worker knowledge who is appointed by the director of the department of ~~economic security~~ CHILD SAFETY.

6. One foster parent who is appointed by the director of the department of ~~economic security~~ CHILD SAFETY.

7. One guardian ad litem who is appointed by the director of the administrative office of the courts.

8. One former foster child who is appointed by the president of the senate.

9. One representative from a foster care licensing agency who is appointed by the speaker of the house of representatives.

10. One public member who has significant experience with child ~~protective services~~ SAFETY who is appointed by the president of the senate.

11. ONE REPRESENTATIVE OF A NATIVE AMERICAN TRIBE OR NATION WHO IS APPOINTED BY THE PRESIDENT OF THE SENATE.

B. The ~~study~~ OVERSIGHT committee shall:

1. Identify the responsibilities and scope of THE DEPARTMENT OF CHILD SAFETY, its statutory mandates, ~~and department of economic security~~ policies and procedures ~~relating to that agency~~.

2. Identify areas for statutory improvement in the child ~~protective services~~ SAFETY system and recommend statutory and administrative changes.

3. Monitor ~~child protective services~~ DEPARTMENT program effectiveness and recommend any statutory efficiencies that further the purpose to protect children.

4. Review all semiannual reports on program outcomes released by ~~child protective services~~ THE DEPARTMENT to the legislature for trends and areas for statutory improvement.

5. MAKE RECOMMENDATIONS ON THE MEMBERSHIP AND DUTIES OF ANY FUTURE LEGISLATIVE COMMITTEE TO OVERSEE THE DEPARTMENT OF CHILD SAFETY.

~~5.~~ 6. On or before December 15, ~~2014~~ 2015, submit a report of its findings and recommendations to the governor, the speaker of the house of representatives and the president of the senate, and provide a copy of its report to the secretary of state.

C. Committee members are not eligible to receive compensation or reimbursement of expenses.

D. This section is repealed from and after December 31, 2015.

Sec. 156. Family assessment protocols

The department of child safety shall examine the necessity of and requirements for protocols for not conducting a full investigation, but taking measures to prevent future risk of harm to the child in cases not involving criminal conduct and in which there is a reasonable belief that the child is currently safe. The department shall seek input from the child safety oversight committee and hold public meetings to obtain community comment on any recommended protocols. The department shall report its recommendations concerning the protocols and any suggested legislation to the speaker of the house of representatives and the president of the senate on or before July 1, 2015.

Sec. 157. Succession

A. As provided by this act, the department of child safety succeeds to the authority, powers, duties and responsibilities of the department of economic security as to those functions that are specifically enumerated in this act.

B. This act does not alter the effect of any actions that were taken or impair the valid obligations of the department of economic security in existence before the effective date of this act.

C. Administrative rules and orders that were adopted by the department of economic security continue in effect until superseded by administrative action by the department of child safety.

D. All administrative matters, contracts and judicial and quasi-judicial actions that are related to the functions that are specifically enumerated in this act, whether completed, pending or in process, of the department of economic security on the effective date of this act are transferred to and retain the same status with the department of child safety.

E. All certificates, licenses, registrations, permits and other indicia of qualification and authority that were issued by the department of economic security and that are related to the functions that are specifically enumerated in this act retain their validity as provided by law.

F. All equipment, records, furnishings and other property, all data and investigative findings and all appropriated monies that remain unexpended and unencumbered on the effective date of this act of the department of economic security that are related to the functions that are specifically enumerated in this act, are transferred to the department of child safety.

G. All personnel who are under the state personnel system, who are employed by the department of economic security and who perform functions that are specifically enumerated in this act or who perform functions in support of or in furtherance of those enumerated in this act are transferred to comparable positions and pay classifications in the respective administrative units of the department of child safety on the effective date of this act.

Sec. 158. Exemption from rulemaking

A. For the purposes of this act, the department of child safety is exempt from the rulemaking requirements of title 41, chapter 6, Arizona Revised Statutes, for eighteen months after the effective date of this act, except that at least thirty days before a rule is adopted or amended, the department shall:

1. Post the proposed rules on the department's website.

2. Provide notice to the governor, the speaker of the house of representatives, the president of the senate and the co-chairpersons of the child safety oversight committee.

3. Provide public notice and an opportunity for public comment on any proposed rules in writing and at two or more public hearings.

B. The exemption prescribed in subsection A of this section does not apply to rules adopted pursuant to section 8-804, subsection E, Arizona Revised Statutes, as amended by this act.

C. The department of economic security is exempt from the rulemaking requirements of title 41, chapter 6, Arizona Revised Statutes, for one year after the effective date of this act to make only those amendments to the department's rules necessitated by the transfer of child protective services to the department of child safety, except that at least thirty days before a rule is adopted or amended, the department shall:

1. Post the proposed rules on the department's website.

2. Provide notice to the governor, the speaker of the house of representatives, the president of the senate and the co-chairpersons of the child safety oversight committee

3. Provide public notice and an opportunity for public comment on any proposed rules in writing and at two or more public hearings.

Sec. 159. <u>External review and recommendations; child safety services</u>

A. The auditor general shall engage an independent consultant with expertise in child welfare system planning and operations to examine the current child safety system and consider best practices to improve the delivery of services in this state and to provide consultation on the effective establishment of the new department of child safety with a focus on implementation challenges, including all of the following:

1. Developing a strategic direction that ensures child safety and establishes protocols for services after an investigation.

2. Creating accountability mechanisms, including the capacity to produce accurate data on performance and outcome measures, use of the data for performance management, processes for continuous quality review, mechanisms for qualitative review of system functioning and outcomes for children, youth and families.

3. Strategies for community engagement, including engagement with families, youth and service providers.

4. The need for and frequency of regular, periodic performance evaluations and the recommended areas for future reviews of the department of child safety by an independent outside evaluator.

B. The auditor general shall consider, in its decision to enter into a contract with an independent consultant, the consultant's history of working with states or counties in evaluating its operations for child welfare and child safety services, the satisfaction of the states or counties with the work of the consultant, the knowledge of the consultant's staff or contractors in child welfare reform and operations, the consultant's knowledge of related laws governing child welfare services and the consultant's knowledge of evidence-based and promising best practices in child welfare services.

C. On or before July 1, 2015, the consultant shall submit a report of its work, including findings and recommendations, to the governor, the president of the senate, the speaker of the house of representatives and the cochairpersons of the child safety oversight committee and shall provide a copy of its report to the secretary of state.

Sec. 160. Child welfare; report; accountability factors

On or before September 1, 2016, the director of the joint legislative budget committee, the director of the governor's office of strategic planning and budgeting and the director of the department of child safety shall make to the governor, the president of the senate and the speaker of the house of representatives recommendations for consolidating into one comprehensive report the child welfare report required by section 8-526, Arizona Revised Statutes, the financial and program accountability report for the department required by section 8-818, Arizona Revised Statutes, as amended by this act, and other child welfare reports prepared by the department. The report shall consider the frequency of reporting as part of the recommendations. The joint legislative budget committee, the governor's office of strategic planning and budgeting and the department of child safety may solicit input from stakeholder groups, including the community advisory committee established by section 8-459, Arizona Revised Statutes, as added by this act, for the report. The report must also address the merit of adding the following accountability factors:

1. The average duration of time from when a child enters emergency and residential placement to the initial court case associated with that child.

2. The number of children moved from emergency and residential placement to foster care, delineated by major age groupings.

3. The number of department of child safety staff hired or leaving by type, specifically the caseworkers' classification level from one through four.

4. The number of new and closed foster care receiving homes, including the total available placements by age groupings of infants, children who are one through five years of age, children who are six through twelve years of age and teen children who are twelve through eighteen years of age.

5. Cohort and behavioral health data.

6. The number and percentage of cases in which the substance abuse of a parent or guardian of a child is a significant factor in the abuse, neglect or dependency of the child.

7. Appropriate outcome measures to assess the effectiveness and efficiency of the office of child welfare investigations.

Sec. 161. Conveyance of buildings

The department of economic security shall convey to the department of child safety ownership of the land and building located at 1717 West Jefferson Street in Phoenix. The department of economic security shall convey ownership of other land and buildings as deemed appropriate to the department of child safety. By January 1, 2015, the department of economic

security and the department of child safety shall submit a joint report to the joint committee on capital review listing all land and buildings owned by the department of economic security in which the department of child safety is present and their recommendation as to which agency should maintain or receive ownership. The joint committee on capital review shall review the report and approve any transfers of ownership.

Sec. 162. Purpose of department of child safety

Pursuant to section 41-2955, subsection E, Arizona Revised Statutes, the purpose of the department of child safety is to protect children as provided in section 8-451, Arizona Revised Statutes, as added by this act.

Sec. 163. Emergency

This act is an emergency measure that is necessary to preserve the public peace, health or safety and is operative immediately as provided by law.

APPROVED BY THE GOVERNOR MAY 29, 2014.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 29, 2014.

Passed the House May 29, 2014,

by the following vote: 60 Ayes,

0 Nays, 0 Not Voting

with Emergency for the Children!

Speaker of the House

Cheryl Laube

Chief Clerk of the House

Passed the Senate May 29, 2014,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

with Emergency

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

29 day of May, 2014,

at 12:50 o'clock P M.

Secretary to the Governor

Approved this 29th day of

May, 2014,

at 2:13 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 29th day of May, 2014,

at 3:51 o'clock P M.

Secretary of State

Second Special Session
S.B. 1001