



STATE OF ARIZONA
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY
GOVERNOR

EXECUTIVE OFFICE

April 10, 2018

The Honorable Michele Reagan
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 2nd Regular Session, which I signed on April 10, 2018:

- HB 2173 notice of participation; jurisdictional elections (Coleman)
- HB 2304 public buildings; omnibus (Campbell)
- HB 2449 child care assistance; tiered reimbursement (Udall)
- SB 1008 common schools; average daily membership (Petersen)
- SB 1112 insurance; surplus lines; exemption (Fann)
- SB 1117 liquor establishments; peace officers; firearms (Kavanagh)
- SB 1164 DES; fingerprint card; tax information (Brophy McGee)
- SB 1166 permanent guardianship; subsidy (Brophy McGee)
- SB 1201 county treasurer; electronic records; liens (Worsley)
- SB 1208 ATVs; off-highway vehicles (Pratt)
- SB 1217 insurance; small employers; continuation coverage (Brophy McGee)
- SB 1247 health insurance; mandated provision prohibited (Barto)
- SB 1287 ADOT revisions (Worsley)
- SB 1289 schools; national motto; state motto (Griffin)
- SB 1353 limited liability company act; revisions (Worsley)
- SB 1389 HIV; needs assessment; prevention (Brophy McGee)
- SB 1494 environment; underground injection control program (Griffin)
- SB 1500 employment security; employee; employer; status (Smith)
- SB 1517 state dinosaur; Sonorasaurus (Brophy McGee)

Sincerely,

A handwritten signature in black ink that reads "Douglas A. Ducey". The signature is written in a cursive style with a large initial 'D' and a prominent flourish at the end.

Douglas A. Ducey
Governor
State of Arizona

cc: Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

Senate Engrossed
FILED

MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 161

SENATE BILL 1166

AN ACT

AMENDING SECTIONS 8-141, 8-143 AND 8-814, ARIZONA REVISED STATUTES;
RELATING TO PERMANENT GUARDIANSHIP.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-141, Arizona Revised Statutes, is amended to
3 read:

4 8-141. Definitions; exception

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

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

8 2. "Agency" means the department or a child welfare agency that is
9 authorized in its license issued by the department to place or care for
10 children in foster care.

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

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

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

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

22 7. "Emotional ties" includes:

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

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

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

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

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

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

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

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

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

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

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

8 (a) Physical, mental or developmental disability.

9 (b) Emotional disturbance.

10 (c) High risk of physical or mental disease.

11 (d) High risk of developmental disability.

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

14 (f) Sibling relationship.

15 (g) Racial or ethnic factors.

16 (h) High risk of severe emotional disturbance if removed from the
17 care of his foster parents OR PERMANENT GUARDIAN.

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

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

24 Sec. 2. Section 8-143, Arizona Revised Statutes, is amended to
25 read:

26 8-143. Eligibility; limitation

27 A. THE FOLLOWING PERSONS MAY APPLY TO THE DEPARTMENT TO HAVE THE
28 ADOPTION OF A CHILD SUBSIDIZED:

29 1. Foster parents who are interested in adopting a child in their
30 home. ~~or any~~

31 2. PERMANENT GUARDIANS WHO ARE APPOINTED FOR A CHILD PURSUANT TO
32 CHAPTER 4, ARTICLE 12 OF THIS TITLE.

33 3. Other persons WHO ARE interested in adopting a child under
34 public or private agency care, whether the adoption is through a public or
35 private agency. ~~, may apply to the department to have the adoption of a~~
36 ~~child subsidized.~~

37 B. All persons approved for the program as adoptive parents shall
38 meet adoption agency standards except for the financial ability to support
39 the child. A subsidy shall not be denied solely on the grounds that the
40 child is placed for adoption through a private agency.

41 C. THE CHILD WHO THE PERMANENT GUARDIAN SEEKS TO ADOPT SHALL BE
42 ELIGIBLE FOR THE ADOPTION SUBSIDY AT THE PERMANENT GUARDIANSHIP SUBSIDY
43 RATE ESTABLISHED BY THE DEPARTMENT.

1 Sec. 3. Section 8-814, Arizona Revised Statutes, is amended to
2 read:

3 8-814. Permanent guardianship subsidy; offsets; annual
4 review; discontinuation; appeals; definition

5 A. The department shall establish and administer an ongoing program
6 of subsidized permanent guardianship. Subsidies shall be provided from
7 monies appropriated to the department or made available to it from other
8 sources for permanent guardianship purposes.

9 B. The department may provide a subsidy to an applicant on behalf
10 of a child subject to the requirements of this section.

11 ~~C. An applicant is not eligible for a subsidy until the applicant~~
12 ~~demonstrates that the child or a responsible person on behalf of the child~~
13 ~~has applied for all benefits to which the child is entitled from other~~
14 ~~state or federal programs.~~

15 ~~D.~~ C. The department shall determine the appropriate amount of the
16 subsidy, which shall not exceed the maintenance payment allowable for an
17 adoption subsidy pursuant to chapter 1, article 2 of this title. The
18 amount of the subsidy shall be offset by benefits received pursuant to the
19 FROM OTHER STATE OR FEDERAL programs ~~described in subsection C of this~~
20 ~~section TO WHICH THE CHILD IS ENTITLED.~~

21 ~~E.~~ D. The department shall conduct an annual review of a subsidy
22 to determine that the permanent guardian continues to be eligible for the
23 subsidy and that the subsidy is for the appropriate amount.

24 ~~F.~~ E. A permanent guardian who is receiving a subsidy shall:

- 25 1. Cooperate with the department in the annual review process.
26 2. Notify the department in writing of any change:

27 (a) That would lead to discontinuance of the subsidy pursuant to
28 subsection ~~G~~ F of this section.

29 (b) In benefits being received from OTHER STATE OR FEDERAL programs
30 ~~described in subsection C of this section TO WHICH THE CHILD IS ENTITLED~~
31 within two weeks of the change.

32 (c) In address within two weeks of the change.

33 ~~G.~~ F. The department shall discontinue a subsidy if any of the
34 following occurs:

35 1. The permanent guardianship terminates.

36 2. The child dies or does not reside with the permanent guardian.

37 3. The child reaches eighteen years of age, except that the
38 department may continue the subsidy until the child's twenty-second
39 birthday if the child is enrolled in and regularly attending school and
40 has not received a high school diploma or certificate of equivalency.

41 4. The applicant fails to comply with any requirement in this
42 section.

43 ~~H.~~ G. Any decision denying, reducing or terminating a permanent
44 guardianship subsidy is appealable pursuant to title 41, chapter 6 and
45 chapter 14, article 3.

1 ~~†~~ H. Notwithstanding section 41-3102, this program does not
2 include a specific expiration date.

3 ~~‡~~ I. For the purposes of this section, "applicant" means a person
4 who is appointed as a permanent guardian pursuant to section 8-872 or as a
5 provisional or successor permanent guardian pursuant to section 8-874 and
6 who applies for a subsidy pursuant to this section.

APPROVED BY THE GOVERNOR APRIL 10, 2018

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 10, 2018



Passed the House April 3, 2018,

Passed the Senate February 27, 2018,

by the following vote: 48 Ayes,

by the following vote: 30 Ayes,

8 Nays, 4 Not Voting

0 Nays, 0 Not Voting


Speaker of the House


President of the Senate


Chief Clerk of the House

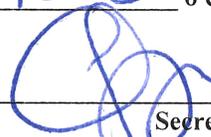

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

4th day of April, 2018,

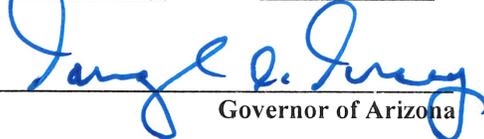
at 10:50 o'clock A M.


Secretary to the Governor

Approved this 10th day of

April, 2018,

at 9:55 o'clock A M.

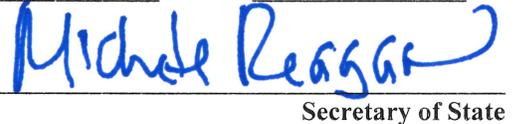

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 10 day of April, 2018,

at 3:08 o'clock P M.


Secretary of State

S.B. 1166