Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

The release of this Chapter in Supp. 21-4 replaces Supp. 15-4, 1-13 pages

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.
Under Arizona law, the Department of State, Office of the Secretary of State (Office), Administrative Rules Division, accepts state agency rule notice and other legal filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the Administrative Code. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES
The definition for a rule is provided for under A.R.S. § 41-1001. "‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

THE ADMINISTRATIVE CODE
The Arizona Administrative Code is where the official rules of the state of Arizona are published. The Code is the official codification of rules that govern state agencies, boards, and commissions.

The Code is separated by subject into Titles. Titles are divided into Chapters. A Chapter includes state agency rules. Rules in Chapters are divided into Articles, then Sections. The "R" stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the Code. Supplement release dates are printed on the footers of each Chapter.

First Quarter: January 1 - March 31
Second Quarter: April 1 - June 30
Third Quarter: July 1 - September 30
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2021 is cited as Supp. 21-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

RULE HISTORY
Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the Register volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the Register.

AUTHENTICATION OF PDF CODE CHAPTERS
The Office began to authenticate Chapters of the Code in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each Code Chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the Code includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

HOW TO USE THE CODE
Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the Arizona Administrative Register for recent updates to rule Sections.

ARIZONA REVISED STATUTE REFERENCES
The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, www.azleg.gov. An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

SESSION LAW REFERENCES
Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, www.azsos.gov under Services-> Legislative Filings.

EXEMPTIONS FROM THE APA
It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the Register online at www.azsos.gov/rules, click on the Administrative Register link.

Editor’s notes at the beginning of a Chapter provide information about rulemaking Sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

PERSONAL USE/COMMERCIAL USE
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Rhonda Paschal, rules managing editor, assisted with the editing of this Chapter.
ARTICLE 1. RELEASE OF DEPARTMENT INFORMATION

Article 1, consisting of Sections R21-1-101 through R21-1-110, made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

ARTICLE 2. DCS COMPREHENSIVE HEALTH PLAN

Article 2, consisting of Sections R21-1- through R21-1-213, made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

ARTICLE 3. APPEALS AND HEARING PROCEDURES

Article 3, consisting of Sections R21-1-301 through R21-1-314, made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

ARTICLE 4. FINGERPRINTING

Article 4, consisting of Sections R21-1-401 through R21-1-406, made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

ARTICLE 5. SUBSTANTIATION OF REPORT FINDINGS

Article 5, consisting of Sections R21-1-501 through R21-1-508, made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).
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CHAPTER 1. DEPARTMENT OF CHILD SAFETY - ADMINISTRATION

ARTICLE 1. RELEASE OF DEPARTMENT INFORMATION

R21-1-101. Definitions

The definitions contained in A.R.S. §§ 8-101, 8-201, 8-531, 8-801, 8-807, 8-807.01, and the following definitions apply in this Article:

1. “Abandonment” has the same meaning as “abandoned” in A.R.S. § 8-201.
2. “Abuse” means the same as in A.R.S. § 8-201.
3. “CASA” or “Court Appointed Special Advocate” means a person appointed under A.R.S. § 8-522.
4. “Centralized Intake Hotline” or “the Hotline,” means the entity described in A.R.S. § 8-455.
5. “Child” means a person less than 18 years of age.
6. “Completed request” means a fully completed DCS form or a written communication submitted to DCS requesting DCS Information and providing all the information necessary, as determined by the Department, to process the request. The requester shall have the request notarized or signed by a Department employee to confirm the identity of the requester.
7. “Copying fee” means the final amount a requester is required to pay to the Department before the Department releases the requested DCS Information.
8. “DCS Information” means the same as in A.R.S. § 8-807 and includes information contained in a hard copy or electronic case record, and both oral and written information.
9. “Department” or “DCS” means the Arizona Department of Child Safety.
10. “Estimated copying fee” means the projected total amount of a copying fee. A requester is required to pay the estimated copying fee to the Department before the Department redacts and copies the requested DCS Information.
11. “FCRB” means the Foster Care Review Board established under A.R.S. § 8-515.01.
12. “Incoming communication” means a telephonic, written, or in-person contact to the Department that is received by or ultimately directed to the Centralized Intake Hotline.
13. “Neglect” means the same as in A.R.S. § 8-201.
14. “Person that provides oversight” means those individuals, entities, or bodies authorized by A.R.S. § 8-807 to have access to DCS Information that is reasonably necessary for the person to provide oversight of the Department.
15. “Person who is the subject of DCS Information” means a parent, guardian, custodian, adult household member, child, or other person identified in a DCS report.
16. “Personally identifiable information” means information that specifically identifies a protected individual and includes:
   a. Name;
   b. Date of Birth;
   c. Street address;
   d. Telephone, fax number, or email address;
   e. Photograph;
   f. Fingerprints;
   g. Physical description;
   h. Place, address, and telephone number of employment;
   i. Social security number;
   j. Tribal affiliation and identification number;
   k. Driver’s license number;
   l. Auto license number;
   m. Any other identifier that is specific to an individual; and
   n. Any other information that would permit another person to readily identify the subject of the DCS Information.
17. “Protected individual” means a living person who is the subject of a DCS investigation and others whose personal information is confidential under A.R.S. § 8-807 and includes:
   a. An alleged victim;
   b. An alleged victim’s sibling;
   c. A parent, guardian, custodian, or adult household member;
   d. A foster parent;
   e. A child living with the alleged victim;
   f. The person who made the report of child abuse or neglect; and
   g. Any person whose life or safety would be endangered by disclosure of DCS Information.
18. “Redacting” means striking, blacking out, or otherwise editing out personally identifiable information or other information that is not subject to release under A.R.S. § 8-807 contained in DCS hard copy or electronic case records on protected individuals so that no one can access the information.
19. “Report” means an incoming communication to the Centralized Intake Hotline containing an allegation that meets the criteria in A.R.S. § 8-455.
20. “Request” means a written communication seeking DCS Information.
21. “Requester” means an individual, entity, or body that makes a request for DCS Information.
22. “Research requester” means an individual or organization that seeks DCS Information for a research or evaluation project.
23. “Workday” means Monday through Friday excluding Arizona state holidays and mandatory furlough days.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

R21-1-102. Scope and Application

A. This Article governs requests for and release of DCS Information made under A.R.S. § 8-807 and A.R.S. § 8-807.01.
B. DCS maintains information in accordance with federal laws under A.R.S. § 8-807.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

R21-1-103. Procedures for Requesting DCS Information

A. A person who wishes to obtain DCS Information shall comply with A.R.S. § 8-807 and the requirements of this Article.
B. The requester shall submit to the Department a completed request or use the form provided by the Department. The request shall include the following information:
   1. Requester’s name, address, and telephone number;
   2. Name of the child victim who is the subject of the DCS report, with as much of the following information as the requester can provide on the child victim:
      a. Other possible spellings, names, or aliases for the child;
      b. Date of birth;
      c. The name of the child’s caregivers, parents, guardians, and custodians; and
      d. The date of the DCS report or time-frame for the report;
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3. Any other data that the requester believes will assist the Department in identifying the DCS Information requested, such as:
   a. The name of the child’s siblings;
   b. The child’s Social Security number;
   c. The name of the DCS Child Safety Worker handling the case; and
   d. The location of the alleged abuse or neglect.
4. Any additional information the Department requests to assist in processing the person’s request for DCS Information.

C. Before releasing DCS Information, the Department shall determine whether the requester is entitled to receive the DCS Information under this Article, A.R.S. § 8-807 and A.R.S. § 8-807.01.

D. This Section does not apply to:
   1. A person or entity authorized to receive DCS Information under A.R.S. § 8-807 to:
      a. Meet its duties to provide for the safety, permanency, and well-being of a child;
      b. Provide services to the child, parent, guardian, custodian, or family members to strengthen the family;
      c. Enforce or prosecute violations of child abuse or neglect laws;
      d. Help investigate and prosecute any violation involving domestic violence as defined in A.R.S. § 13-3601 or violent sexual assault as defined in A.R.S. § 13-1423;
      e. Provide DCS Information to a defendant after a criminal charge has been filed as required by an order of the criminal court.
   2. This Section also does not apply to:
      a. Juvenile, domestic relations, family or conciliation court;
      b. The parties or their attorneys in a dependency, guardianship, or termination of parental rights proceeding;
      c. The FCRB;
      d. A CASA; or
      e. A person that provides oversight to the Department.

Historical Note
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

R21-1-105. Procedures for Processing a Request for DCS Information from a Person or Entity Providing Services in Official Capacity
A. The Department shall release DCS Information without charging the fee required by R21-1-110 when a person or entity entitled to receive DCS Information requires information to:
   1. Meet its duties to provide for the safety, permanency, and well-being of a child;
   2. Provide services to the child, parent, guardian, custodian, or family members to strengthen the family;
   3. Enforce or prosecute a violation of child abuse or neglect laws;
   4. To help investigate and prosecute any violation involving domestic violence as defined in A.R.S. § 13-3601, or violent sexual assaults as defined in A.R.S. § 13-1423;
   5. Provide DCS Information to a defendant as required by an order of the criminal court; or
   6. Provide DCS Information to:
      a. A juvenile, domestic relations, family or conciliation court;
      b. The parties or their attorneys in a dependency, guardianship, or termination of parental rights proceeding;
      c. The FCRB;
      d. A CASA; or
      e. A person that provides oversight of DCS.
B. Before releasing DCS Information under this Section, the Department shall determine that the person requesting DCS Information is a person entitled to receive DCS Information under this Section and A.R.S. § 8-807.
C. Within 30 workdays of the receipt date, the Department shall provide the requester with one of the following written responses:
   1. The requested DCS Information;
   2. A statement that the requested DCS Information does not exist;
   3. A statement that the Department cannot provide the requested DCS Information within 30 workdays, the reason for the delay, and the anticipated time-frame for response; or
   4. A statement that the Department cannot release the requested DCS Information, with the statutory citation and the reason for the denial.

Historical Note
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

R21-1-104. Procedures for Processing a Request for DCS Information
A. Upon receipt of a request for DCS Information, the Department shall determine whether the request is complete. If the request is incomplete, the Department shall either:
   1. Return the request to the requester with a statement explaining the additional information the Department needs to process the request; or
   2. Contact the requester to obtain the missing information.
B. Upon receipt of a completed request, the Department shall stamp the receipt date on the request. The receipt date is the day the Department receives the completed request.
C. Within 30 workdays of the receipt date, the Department shall provide the requester with one of the following written responses:
   1. The requested DCS Information;
   2. A statement that the requested DCS Information does not exist;
   3. A statement that the Department cannot provide the requested DCS Information within 30 workdays, the reason for the delay, and the anticipated time-frame for response; or

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2. Compare the requester’s name with the name of the person listed as the reporting source on the DCS report.

C. After determining the identity of the requester, the Department shall call and advise the requester whether the Department has statutory authority to provide the requested DCS Information.

D. If the requester is entitled to receive the requested DCS Information under A.R.S. § 8-807, DCS shall verbally provide the person a summary of the outcome with the following DCS Information:
   1. Disposition of the report;
   2. Investigation findings, if available; and
   3. A general description of the services offered or provided to the child and family.

Historical Note
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

R21-1-107. Release of DCS Information for a Research or Evaluation Project
A. A person seeking DCS Information for a research or evaluation project shall send a written request to the Department. A request shall include the following information:
   1. If the person works for a research organization:
      a. The name of the organization, and
      b. The organization’s mission;
   2. A description of the research or evaluation project and the data requested, which explains how the results of the project will improve the Department;
   3. A description of the plan for maintaining the confidentiality of personally identifiable information, if requested, and disseminating the results of the project; and
   4. The funding source for the research or evaluation project.
B. Within 30 workdays of receipt of a completed request from a research requester, the Department shall:
   1. Advise the requester whether the Department will provide the requested DCS Information,
   2. Inform the requester of the estimated copying fee required under R21-1-110, and
   3. Inform the requester of the expected time-frame for providing the requested DCS Information.
C. The Department shall provide the requester with the requested DCS Information, upon completion and after receipt of the copying fee.

Historical Note
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

R21-1-108. Release of DCS Information to a Legislator or a Committee of the Legislature, or Another Person that Provides Oversight
A. A person that provides oversight of DCS and seeks DCS Information shall send a request to the Department and include the following information:
   1. The name of the person seeking the information;
   2. The purpose of the request and its relationship to the person’s official duties; and
   3. The person’s signature, or the signature of an authorized agent for an entity or other body, confirming that the person or authorized agent understands the DCS Information shall not be further disclosed unless authorized by A.R.S. § 8-807.
B. A legislator or committee of the legislature seeking DCS Information to perform official duties shall send a request to the presiding officer of the body of which the state legislator is a member and include the name of the person whose case record is to be reviewed and any other information that will assist the Department in locating the record. The legislator shall also sign the request, confirming that the legislator understands that the DCS Information shall not be further disclosed unless authorized by A.R.S. § 8-807. The presiding officer shall forward the request to the Department within five workdays of receiving the request.
C. The copying fee required under R21-1-110 does not apply to this Section.
D. Within 10 workdays of receiving the request, the Department shall provide the requester with one of the following written responses:
   1. The requested DCS Information;
   2. A statement that the requested DCS Information does not exist;
   3. A statement that the Department cannot provide the requested DCS Information within 10 workdays, the reason for the delay and the anticipated time-frame for response; or
   4. A statement that the Department cannot provide the requested DCS Information, with the statutory citation and the reason for denial.

Historical Note
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

R21-1-109. Release of DCS Information in a Case of Child Abuse, Abandonment, or Neglect that has Resulted in a Fatality or Near Fatality
A. A person who requests DCS Information under A.R.S. § 8-807.01 concerning a case of child abuse, abandonment, or neglect that resulted in a fatality or near fatality, shall send a written request to the Department.
B. Upon receipt of the request, the Department shall stamp the receipt date on the request and begin gathering the requested DCS Information.
C. Prior to release of DCS Information in a case of child abuse or neglect resulting in a fatality or near fatality, the Department shall consult with the County Attorney who shall promptly inform the Department if it believes the release would cause a specific material harm under A.R.S. § 8-807.01. The Department shall not release any information that the County Attorney indicates would cause specific material harm.
D. The Department shall notify the requester in writing of the estimated copying fee. If the requester does not want to proceed, the requester shall notify the Department within 72 hours to cancel the request. If this notification is oral, the requester shall confirm the cancellation in writing.
E. The requester shall pay the estimated copying fee before the Department copies any DCS Information.
F. After receipt of the final copying fee, the Department shall provide DCS Information consistent with A.R.S. § 8-807 and A.R.S. § 8-807.01.

Historical Note
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

R21-1-110. Fees
A. If the Department determines a request for DCS Information will result in a copying fee, the Department shall notify the requester of the estimated fee before copying any DCS Information.
B. Unless otherwise exempted by this Chapter, the Department may charge a copying fee at the current rate set by the Department, as provided on the DCS website at https://dcs.az.gov.
C. The copying fee applies to both paper and electronic copies. If the DCS Information is requested in an electronic format, but
The Department shall reimburse the requester if final copying costs are less than the estimated copying fee.

**Historical Note**
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2518 (October 29, 2021), with an immediate effective date of October 5, 2021 (Supp. 21-4).

### R21-1-202. Eligible Member

**A.** The Department shall provide DCS CHP to a DCS CHP Member under A.R.S. § 8-512.

**B.** The Department shall not provide DCS CHP benefits to:

- An individual who no longer meets the eligibility in A.R.S. § 8-512;

**Historical Note**
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2518 (October 29, 2021), with an immediate effective date of October 5, 2021 (Supp. 21-4).

### R21-1-203. Exceptions, Limitations, and Exclusions

**A.** DCS CHP shall not pay for:

1. Non-medically necessary health services.
2. Any health service that is not eligible for reimbursement by AHCCCS in 9 A.A.C. 22, Article 2, including cosmetic procedures, experimental treatment, and personal care items.
3. The cost of care and services payable through any federal, state, county, or municipal program to which a DCS CHP Member may be entitled, except for the cost of care and services in excess of any such program.
4. The cost of care and services payable through an insurance carrier that provides coverage for the DCS CHP Member under A.R.S. § 8-512, except for the cost of care and services in excess of any such insurance benefits.
5. Any admission, service, item, or otherwise uncovered service identified in A.R.S. Title 36, Chapter 29, Article 1, or the approved Medicaid State Plan.

**B.** A health provider shall not submit a bill to or seek payment from the following for any covered services:

1. DCS CHP Member; or
2. DCS CHP Member’s:
   - Guardian,
   - Custodian,
   - Estate,
   - Foster parent, or
   - Birth parent.

**Historical Note**
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2518 (October 29, 2021), with an immediate effective date of October 5, 2021 (Supp. 21-4).

### R21-1-204. Prior Authorization

**A.** Healthcare providers may be required to obtain authorization from DCS CHP or delegated entity before services are rendered in order for those services to be paid for under this Article and A.R.S. § 8-512.

**B.** DCS CHP shall not pay for any health service that requires prior authorization and was:

1. Not submitted for prior authorization; or
2. Submitted but prior authorization is not granted.

**C.** Healthcare providers shall obtain prior authorization from DCS CHP for certain services according to the provisions of A.R.S. Title 36, Chapter 29, Article 1, and 9 A.A.C. 22, Article 1.

**D.** In instances where a prior authorization is required for a service but not obtained by the healthcare provider, the healthcare provider shall not submit a claim or invoice for a service to any party, including:

1. The Department;
2. The Department’s representatives;
3. Any delegated entity the Department may contract with to administer this program;
4. The DCS CHP Member; or
5. The DCS CHP Member’s;
   a. Guardian,
   b. Custodian,
   c. Estate,
   d. Foster Parent, or
   e. Birth parent.

**Historical Note**
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2518 (October 5, 2021), with an immediate effective date of October 5, 2021 (Supp. 21-4).

R21-1-205. Coordination of Benefits
A. The Department shall determine the possible existence of any primary insurance coverage for a DCS CHP Member.
B. The Department shall request that the court include a statement in the court order requiring a parent, guardian, or custodian of a DCS CHP Member to cooperate with the Department in coordinating benefits with any existing health insurance carrier, and to maintain any health insurance coverage presently existing which covers a DCS CHP Member.
C. The Department shall advise the court when a parent or guardian of a DCS CHP Member refuses to cooperate with DCS CHP in providing or signing any document required to coordinate insurance benefits, or if the parent, guardian, or custodian fails to maintain any existing insurance coverage for the DCS CHP Member.
D. In a voluntary placement, the parent or guardian shall cooperate with the Department by providing and signing appropriate documents required to coordinate health insurance benefits.

**Historical Note**
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2518 (October 5, 2021), with an immediate effective date of October 5, 2021 (Supp. 21-4).

R21-1-206. Identification Card
A. The Department shall issue a DCS CHP identification card for each DCS CHP Member.
B. The Department shall, upon placement, inform the out-of-home care provider in writing that:
   1. The identification card is not transferable; and
   2. The out-of-home care provider shall only use the card for each DCS CHP Member.
C. An out-of-home care provider shall return the DCS CHP Member’s identification card when the DCS CHP Member is:
   1. No longer in out-of-home placement;
   2. Placed with another out-of-home care provider; or
   3. Runs away from the out-of-home placement.
D. The out-of-home care provider who has possession of the card shall:
   1. Immediately return the identification card to the Department under subsections (C)(1) and (2); or
   2. Have seven days from the date the DCS CHP Member runs away from the out-of-home care provider to return the card to the Department under subsection (C)(3).

**Historical Note**
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2518 (October 5, 2021), with an immediate effective date of October 5, 2021 (Supp. 21-4).

R21-1-207. Payment and Review of Claims
A. A healthcare provider shall submit a claim for payment in the manner prescribed by the Department.
B. DCS CHP shall not pay a claim for a service if the DCS CHP Member does not keep an appointment, or if a service was not provided.
C. A healthcare provider shall provide a covered service to the DCS CHP Member before submitting a claim for the covered service to DCS CHP.

**Historical Note**
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2518 (October 5, 2021), with an immediate effective date of October 5, 2021 (Supp. 21-4).

R21-1-208. Fraud, Waste, and Abuse of the Program
A. The Department shall establish a procedure to investigate any alleged fraud, waste, and abuse of DCS CHP. If the Department substantiates abuse, the Department shall take administrative action and may take legal action.
B. The Department shall monitor the activity of DCS CHP to ensure compliance with the program requirements.

**Historical Note**
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2518 (October 5, 2021), with an immediate effective date of October 5, 2021 (Supp. 21-4).

R21-1-209. Administration of the Program
A. The Department may contract with any insurer, insurance plan, hospital service plan, or any health service plan authorized to do business in this state, with any fiscal intermediary, or with any combination of such plans or methods as permitted in A.R.S. Title 36, Chapter 29, Article 1.
B. Any contract with any of the entities listed in subsection (A), shall:
   1. Be specific as to the responsibilities of each party to the contract;
   2. Provide for reasonable payment to the contractor for its administrative and other services as required by the contract; and
   3. Be consistent with the rules in this Article and authorizing legislation. The parties may make changes to the contract by mutual consent signed by an authorized representative of the Department and the contractor to be consistent with current rules and legislation.

**Historical Note**
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2518 (October 5, 2021), with an immediate effective date of October 5, 2021 (Supp. 21-4).

R21-1-210. Program Practices
A. All federal and state laws, regulations, and rules regarding the disclosure and use of confidential health and personal information concerning a DCS CHP Member shall apply under this Article.
B. All federal and state non-discrimination laws, regulations, and rules shall apply under this Article.
C. The DCS CHP shall take into account the DCS CHP Member’s and out-of-home care provider’s literacy and culture and
make interpreters and translation for health services available to a DCS CHP Member at no cost.

Historical Note
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2518 (October 29, 2021), with an immediate effective date of October 5, 2021 (Supp. 21-4).

R21-1-211. Consent for Treatment
A. For a DCS CHP Member in a voluntary placement under A.R.S. § 8-806 only, the Department shall obtain consent of the parent or guardian for medical treatment involving surgery, general anesthesia, or blood transfusion of the DCS CHP Member, except for an emergency situation described in this section (B).
B. In case of an emergency, in which the DCS CHP Member in voluntary placement is in need of immediate hospitalization, medical attention, or surgery, and when the parents of a DCS CHP Member in voluntary placement cannot readily be located, the consent shall be provided as described in A.R.S. § 8-514.05.
C. For a DCS CHP Member under R21-1-201(4)(b) who is in the custody of the Department in an out-of-home placement, the Department shall, if possible, obtain the consent of the parent or guardian of the DCS CHP Member for surgery, general anesthesia, or blood transfusion.

Historical Note
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2518 (October 29, 2021), with an immediate effective date of October 5, 2021 (Supp. 21-4).

R21-1-212. Payment
DCS CHP may pay a healthcare provider in accordance with the established AHCCCS fee schedule unless otherwise permitted by A.R.S. § 8-512, or in the contract between the Department or sub-contractor and a provider.

Historical Note
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2518 (October 29, 2021), with an immediate effective date of October 5, 2021 (Supp. 21-4).

R21-1-213. Provider Claim Disputes and Appeals
A. Provider claim disputes and Member Appeals for a DCS CHP Member who is Medicaid eligible follow the rules prescribed in 9 A.A.C. 34.
B. Provider claim disputes and Member Appeals for a DCS CHP Member who is not Medicaid eligible follow:
1. A.A.C. R9-34-203. Computation of Time,
2. A.A.C. R9-34-208. Who May File,
3. A.A.C. R9-34-209. Enrollee Time-frame for Filing an Appeal or Grievance with the Contractor,
4. A.A.C. R9-34-210. Contractor General Requirements for Grievance or Appeal Process,
5. A.A.C. R9-34-213. Contractor Time-frame for Standard Resolution of an Appeal,
7. A.A.C. R9-34-215. Contractor Time-frame for an Expedited Appeal Resolution,
8. A.A.C. R9-34-225. Reversed Appeal Resolutions,
9. A.A.C. R9-34-403. Computation of Time,
17. “Guardianship subsidy” means the program described in A.R.S. § 8-814.
18. “Independent Living Program” or “ILP” means an array of assistance and support services that DCS provides, contracts, refers, or otherwise arranges to help a person eligible under A.R.S. § 8-521, to transition to adulthood by building the skills and resources necessary to ensure personal safety, well-being, and permanency into adulthood.
20. “Noncompliance Status” means the Department has received and substantiated a complaint or a Department representative has observed a violation of an adoption agency’s license that does not endanger the health, safety, or well-being of a client.
21. “Office of Administrative Hearings” or “OAH” means the State’s independent, quasi-judicial, administrative hearing body defined in A.R.S. § 41-1092.01.
22. “Office of Licensing and Regulation” or “OLR” means the administration in the Department responsible for licensing a foster home, Child Welfare Agency and adoption agency.
23. “Person” means an individual, partnership, joint venture, company, corporation, firm, association, society, or institution.
24. “Transitional Independent Living Program” or “TILP” means a program of services that provides assistance and support in counseling, education, vocation and employment, and the attainment or maintenance of housing to a person who qualifies under A.R.S. § 8-521.01.

Historical Note
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

R21-1-302. Hearing Proceedings
Unless otherwise expressly addressed, all pre-hearing and hearing proceedings in A.R.S. §§ 41-1092.01 through A.R.S. 41-1092.09 and 2 A.A.C. 19 shall apply.

Historical Note
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

R21-1-303. Entitlement to a Hearing; Appealable and Not Appealable Actions
A. An applicant, licensee, or client, who disputes an adverse action may appeal and request an administrative hearing from the Department to challenge the adverse action as provided in this Article.

B. The following adverse actions are appealable:
1. An adverse licensing action on:
   a. A foster home license (A.R.S. § 8-506);
   b. A Child Welfare agency license (A.R.S. § 8-506.01); and
   c. An adoption agency license (A.R.S. § 8-126).
2. Any decision denying, reducing, or terminating:
   a. An adoption subsidy (A.R.S. § 8-145);
   b. Nonrecurring expenses (A.R.S. § 8-166);
   c. A permanent guardianship subsidy (A.R.S. § 8-814);
   d. Independent Living Program services (A.R.S. § 8-521);
   e. Transitional Independent Living Program services (A.R.S. § 8-521.01); and
   f. CMDP services or benefits for non-Title XIX and Title XXI eligible individuals. Title XIX and Title XXI eligible individuals must follow A.R.S. § 36-2903.01 and 9 A.A.C. 34, and may request an Administrative Hearing through the Arizona Health Care Cost Containment System.

C. The following actions are not appealable:
1. An adverse action resulting from a uniform change in federal or state law, unless the Department has misapplied the law to the person seeking the hearing;
2. Failure to obtain a Level One fingerprint clearance card;
3. Imposition of noncompliance status for an adoption agency;
4. Imposition of a corrective action plan for a foster home or a Child Welfare Agency license;
5. Removal of a child from a placement;
6. Failure to enter into a contract with a particular licensee or to place a child with a particular licensee; and
7. Imposition of a provisional license for a foster home under A.R.S. § 8-509(D).

D. A finding of child abuse or neglect in a DCS investigation is not appealable under this Article. A person may appeal a proposed finding of child abuse or neglect made in a DCS investigation of a person or a licensee as prescribed in A.R.S. § 8-811 and A.A.C. Title 21, Chapter 1, Article 5.

Historical Note
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

R21-1-304. Computation of Time
A. In computing any time period:
1. The term “day” means a calendar day;
2. The term “work day” means Monday through Friday, excluding Arizona state holidays;
3. The date of the act, event, notice, or default from which a designated time period begins to run is not counted as part of the time period; and
4. The last day of the designated time period is counted, unless it is a Saturday, Sunday, or Arizona state holiday.

B. The mailing date is the date of the document, unless the facts show otherwise.

C. A document mailed by the Department is deemed received by the addressee, five days after the mailing date to the addressee’s last known address, unless the facts show otherwise.

Historical Note
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

R21-1-305. Request for Hearing: Form; Time Limits; Presumptions
A. An appellant who wishes to appeal an adverse action shall file a written request within the following timeframes for a hearing with the Administration:
1. For a Child Welfare Agency, 20 days after receipt of the adverse action notice under A.R.S. § 8-506.01;
2. For a foster home license revocation, 25 days after the mailing date of the adverse action notice under A.R.S. § 8-506;
3. For all other appeals covered by this Article, 20 days after receipt of the adverse action notice.

B. The Administration shall provide a form for requesting an administrative hearing and, upon request, shall assist an appellant in completing the form.

C. An appellant shall include the following information in the request for an administrative hearing:
1. Name, address, and telephone number, and if applicable, e-mail address of the person subject to the adverse action;
2. Identification of the Administration initiating the adverse action;
3. A description of the adverse action that is the subject of the appeal;
4. The date of the notice or letter of adverse action; and
5. A statement explaining why the adverse action is unauthorized, unlawful, or an abuse of discretion.

D. The Department shall not deny an appeal solely because the request does not include all the information listed in subsection (C), so long as the request contains sufficient information for the Department to determine the identity of the appellant.

E. The Department shall forward the request for a hearing to OAH along with the information specified in A.A.C. R21-19-103.

F. A request for hearing is deemed filed with the Department:
   1. On the mailing date, as shown by the postmark, if sent first-class mail, postage prepaid, through the United States Postal Service to the Department; or
   2. On the date actually received by the Department, if not mailed as provided in subsection (F)(1).

G. An appellant whose appeal is denied as untimely may request a review by the Department Director or designee. The request for review shall contain the following information:
   1. Whether the appellant received the adverse action notice, and if so, when the appellant received the notice;
   2. If the appellant did not receive the adverse action notice;
      a. Whether the appellant moved recently, and if so, whether the appellant notified the Department of the new address;
      b. The type of mail receptacle the appellant uses;
      c. The person that collects or receives the appellant’s mail besides the appellant such as the appellant’s; i. Spouse, ii. Child, or iii. Roommate.
      d. Whether the appellant has or has been experiencing problems in receiving mail such as: i. Not receiving the appellant’s own mail; or ii. Receiving others’ mail;
   3. If the appellant did not receive the adverse action notice, how the appellant found out about the adverse action; and
   4. The date the appellant made the appeal to the Department and the method sent such as:
      a. Hand delivery,
      b. U.S. Mail,
      c. Fax, or
      d. E-mail.

H. The Department Director or designee may determine that a document was timely filed if the appellant demonstrates that the delay in submission was due to any of the following reasons:
   1. Department error or misinformation;
   2. Delay or other action by the United States Postal Service; or
   3. Delay caused by the appellant changing mailing addresses at a time when the appellant had no duty to notify the Administration of the change.

I. When the Administration receives a request for a hearing that was not filed on time, the Department Director or designee shall determine if the delay meets the criteria under subsection (H), and if so, shall schedule a hearing with OAH.

R21-1-306. Administration: Transmittal of Appeal
An Administration that receives a request for an appeal shall send the OAH a copy of the request and a copy of the adverse action notice within two work days of receipt of the request. The Administration shall include all information as specified in A.A.C. R21-19-103.

Historical Note
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

R21-1-307. Stay of Adverse Action Pending Appeal
A. If an applicant, licensee, or client does not appeal, the Department shall not carry out the adverse action after the time for filing an appeal has passed, or sooner if the appellant waives the delay of action in writing.

B. If an applicant, licensee, or client does not appeal, the Department shall not carry out the adverse action if the appellant has an additional appealable adverse action notice that may result in the same adverse action proposed in the current notice, and the time for filing an appeal to the additional adverse action notice has not passed.

C. If an appellant timely appeals an appealable adverse action as provided in R21-1-305, the Department shall not carry out the adverse action until an administrative hearing has been held and the Director certifies a final administrative decision.

D. If an appellant timely appeals an adverse action under R21-1-305, the Department may immediately carry out the adverse action under the following circumstances:
   1. The appellant expressively waives the delay of action;
   2. The appeal challenges an adverse action that is not appealable under R21-1-303(C);
   3. The appellant withdraws the request for hearing;
   4. The appellant fails to appear for the hearing; or
   5. The Department summarily suspends a license and makes all of the required findings under A.R.S. § 41-1064.

Historical Note
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

R21-1-308. Hearings: Location; Notice; Time
A. The hearing shall be held by OAH.
B. OAH may schedule a telephonic hearing or permit a witness to appear telephonically as granted in A.A.C. R21-19-114.

C. After receiving a request for an appeal, the Department shall hold the hearing:
   1. For a foster parent, 10 days after the Department receives the request for an appeal under A.R.S. § 8-506;
   2. For a Child Welfare Agency, 10 days after the Department receives the request for an appeal under A.R.S. § 506.01; and
   3. The time listed in A.R.S. § 41-1092.05(A)(2) for all other appeals.

D. The Department shall mail a notice of hearing to all interested parties at least 20 days before the scheduled hearing date, except where the hearing is held within the 10-day period specified in subsections (C)(1) and (C)(2). For hearings held within the 10-day period, the Department shall notify the parties by telephone and send a written notice at the earliest date practicable.

E. The notice of the hearing shall be in writing and shall include the information required in A.R.S. § 41-1092.05(D) and A.A.C. R21-19-104.

Historical Note
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).
R21-1-309. Rescheduling a Hearing
A. An appellant may request to postpone or reschedule a hearing under R2-19-110.
B. Except in emergency circumstances, the appellant shall file a request for postponement at least five work days before the scheduled hearing date. OAH may deny an untimely request by considering the factors in A.A.C. R2-19-110.
C. When OAH reschedules a hearing under this Section or under A.A.C. R2-19-110, OAH notifies all interested parties in writing of the rescheduled hearing. The notice requirements in R21-1-305(A) do not apply to postponed or rescheduled hearings.

Historical Note
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

R21-1-310. Subpoenas
A. A party who wishes to have a witness testify at a hearing, or to offer a particular document or item in evidence, shall first attempt to obtain the witness or evidence by voluntary means.
B. A party shall request a subpoena under A.A.C. R2-19-106 and A.A.C. R2-19-113.

Historical Note
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

R21-1-311. Parties’ Rights
A party to a hearing has the following rights:
1. The right to request a postponement of the hearing, as provided in A.A.C. R2-19-106(A)(2) and A.A.C. R2-19-110.
2. The right to a copy, before or during the hearing, of documents in the Department's file regarding the appellant, and documents the Department may use at the hearing, except documents:
   a. Shielded by the attorney-client privilege;
   b. Shielded by work-product privilege; or
   c. Otherwise prohibited by federal or state confidentiality laws.
3. The right to file a motion with OAH to disqualify an ALJ from conducting a hearing as provided in A.R.S. § 41-1092.07(A);
4. The right to request subpoenas for witnesses and evidence as provided in A.A.C. R2-19-113;
5. The right to represent themselves or be represented by a licensed attorney, subject to any limitations prescribed in the Rules of the Supreme Court of Arizona, Rule 31;
6. The right to present evidence and to cross-examine witnesses;
7. The right to further appeal, if dissatisfied with a decision.

Historical Note
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

R21-1-312. Withdrawal of an Appeal
A. An appellant may withdraw an appeal at any time prior to the scheduled hearing by signing a written statement expressing the intent to withdraw. The Department shall make a form available for an appellant to withdraw an appeal. An appellant may also orally withdraw an appeal on the open record under A.A.C. R2-19-111.
B. The Department shall sign the form and file the form at OAH.
C. OAH shall vacate the hearing and return the matter to the Department under A.A.C. R2-19-111.

Historical Note
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

R21-1-313. Effect of the Decision
A. If the Department Director reviews the ALJ’s recommended decision the Director may agree or disagree with the recommended decision as permitted in A.R.S. § 41-1092.08(F).
B. The Department Director's final administrative decision becomes effective on the day OAH certifies the Department Director’s final administrative decision.
C. If the Department Director chooses not to review the recommended decision, then the ALJ's recommended decision becomes the final administrative decision within the timeframe under A.R.S. § 41-1092.08.
D. If the final administrative decision affirms the adverse action, the adverse action remains in effect until the appellant appeals and obtains a higher judicial decision reversing or vacating the final administrative decision.
E. If a final administrative decision reverses the Department’s adverse action, the Department shall not take the adverse action.

Historical Note
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

R21-1-314. Judicial Review
Any party adversely affected by a final administrative decision may seek judicial review as prescribed in A.R.S. § 1092.08 and A.A.C. R2-19-122.

Historical Note
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

ARTICLE 4. FINGERPRINTING

R21-1-401. Definitions
In this Article, unless the context otherwise requires:
1. “Applicant” means personnel who apply for a Level One fingerprint clearance card or a person who applies for a license or certificate issued by the Department and who A.R.S. § 46-141(I) requires to submit a full set of fingerprints for the purpose of obtaining a state and federal criminal records check.
2. “Criminal History” means the same as A.R.S. § 41-1750(Y)(5).
3. “Department” or “DCS” means the Arizona Department of Child Safety.
4. “Direct visual supervision” means within sight and hearing of a provider or personnel who have a Level One fingerprint clearance card.
5. “Juvenile” means an individual who is less than 18 years of age.
6. “Level One fingerprint clearance card” means the same as A.R.S. § 41-1758.07(A).
7. “License” means the whole or part of a Department permit, registration, or similar form of permission or authorization required by law, but does not include a foster home license.
8. “Person” means a corporation, company, partnership, firm, association or society, as well as a natural person.
9. “Provider” means a federally recognized Indian tribe, county, political subdivision, military base, or person with whom the Department contracts or licenses to provide services to juveniles.
10. “Personnel” means paid or unpaid persons who have or may have direct contact with juveniles or provide ser-
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R21-1-402. Applicability
This Article does not apply to a foster home license or adoptive home license. This Article covers any applicant, provider, and personnel. This Article does not apply to a foster home license or adoptive home license.

R21-1-403. Time Period Prior To Results of Personnel Criminal Records Check or Issuance of a Level One Fingerprint Clearance Card
A. A provider shall not allow an applicant who applies for a Level One fingerprint clearance card under A.R.S § 46-141 to provide services directly to juveniles or have unsupervised contact with juveniles until the applicant obtains a valid Level One fingerprint clearance card.

B. A provider shall not allow an applicant who is required to submit fingerprints to the Department under A.R.S. § 46-141(I) to provide services directly to or have unsupervised contact with juveniles unless the applicant clears the Criminal records check or obtains a valid Level One fingerprint clearance card, as applicable.

R21-1-404. Effect of No Criminal History Disclosed
A provider may allow an applicant or personnel who certifies under A.R.S. § 46-141(E), (F), and (G) that the applicant or personnel has not been convicted of or is awaiting trial for an offense listed in A.R.S. § 41-1758.07(B) or (C), or A.R.S. § 46-141(G), and who is not subject to registration as a sex offender in this state or any other jurisdiction, to provide supervised services directly to juveniles.

R21-1-405. Effect of Proscribed Criminal History Disclosed or Discovered
A. A provider shall not allow an applicant or personnel who disclose or have been convicted of or are awaiting trial for an offense listed in A.R.S. § 41-1758.07(B) or (C), or A.R.S. § 46-141(G), or who are subject to registration as a sex offender in this state or any other jurisdiction to provide services directly to or have any contact with juveniles.

B. A provider shall not allow an applicant or personnel who apply for a Good Cause Exception under A.R.S. § 41-619.55 to provide services directly to or have any contact with juveniles until the Good Cause Exception is granted.

Historical Note
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

R21-1-406. Effect of Denied, Expired, Revoked or Suspended Level One Fingerprint Clearance Card
Upon notification by the Department of the denial, expiration, revocation, or suspension of a Level One fingerprint clearance card, the provider shall immediately prohibit those personnel from providing services directly to or having any contact with juveniles.

Historical Note
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

Article 5. Substantiation of Report Findings
R21-1-501. Definitions
The following definitions apply to this Article.

1. “Abuse” means the same as A.R.S. § 8-201(2).
2. “Amend the finding” means the same as A.R.S. § 8-811(L)(1).
3. “Case Record” means the Report of child abuse and neglect and related records the Department intends to submit at the hearing, including information from internal and external sources.
4. “Central Registry” means the information maintained by the Department of substantiated reports of child abuse or neglect for the purposes of A.R.S. § 8-804.
5. “Completed Investigation” means the case record and the proposed substantiated finding for the report of child abuse or neglect have been reviewed and approved by a supervisor and contains all of the information required to support a finding of proposed substantiation.
6. “Day” means a calendar day.
7. “Department” or “DCS” means the Arizona Department of Child Safety.
8. “Ineligibility Letter” means a notice sent from the Department via first class mail to a person alleged to have committed child abuse or neglect stating that the person is not entitled to an administrative hearing on the issue for one of the reasons listed in R21-1-505.
9. “Initial Notification Letter” means a notice sent from the Department via first class mail to an alleged perpetrator informing the person of the proposed finding of child abuse or neglect to be entered in the Central Registry and describing appeal rights to challenge the proposed finding.
10. “Legally excluded” means that an alleged perpetrator is not entitled to an administrative hearing under A.R.S. § 8-811, because:
   a. A court or administrative law judge has made a finding of abuse or neglect based on the same allegations as in the proposed substantiated finding; or
   b. A court has found that a child is dependent, or has terminated a parent’s rights based upon the same allegations of abuse or neglect as in the proposed substantiated finding.
11. “Neglect” or “neglected” means the same as A.R.S. § 8-201(24).
12. “Perpetrator” means a person who has committed child abuse or neglect under the standards required for listing in the Central Registry.
13. “Probable Cause” means some credible evidence that abuse or neglect occurred.
14. “Proposed Substantiated Finding” means the Department has investigated and found probable cause to support an allegation of abuse or neglect sufficient to place the alleged perpetrator’s name in the Central Registry, subject to the alleged perpetrator’s right to notice and a hearing.
15. “PSRT” means the Department’s Protective Services Review Team, that administers the process described in A.R.S. § 8-811 for review and appeal of proposed substantiated findings of child abuse or neglect.

16. “Report For Investigation” means the same as A.R.S. § 8-201(30).

17. “Substantiated Finding” means a proposed substantiated finding that:
   a. An alleged perpetrator was not entitled to an administrative hearing because the alleged perpetrator was legally excluded as defined in subsection (11).

Historical Note
New Section made by final exempt rulemaking at 21 A.R.R. 2554, effective November 30, 2015 (Supp. 15-4).

R21-1-502. Initial Notification Letter
A. When PSRT receives a proposed substantiated finding, PSRT shall notify an alleged perpetrator that:
   1. The Department intends to substantiate the proposed finding and place the alleged perpetrator’s name in the Central Registry;
   2. The alleged perpetrator may obtain a copy of the Report for Investigation; and
   3. The alleged perpetrator has the right to an administrative hearing before the person’s name is entered in the Central Registry.

B. The Department shall send the Initial Notification Letter to the alleged perpetrator no more than 14 days after the Completed Investigation.

Historical Note
New Section made by final exempt rulemaking at 21 A.R.R. 2554, effective November 30, 2015 (Supp. 15-4).

R21-1-503. Time Frame to Request an Administrative Hearing
A. An alleged perpetrator shall request a hearing on the proposed substantiated finding by the Department within 20 days from the mailing date of the Initial Notification Letter. The mailing date of the Initial Notification Letter is deemed the date of the letter.

B. A request is timely if:
   1. The request is postmarked no later than 20 days from the mailing date of the Initial Notification Letter;
   2. The request is not postmarked, and the request is stamped as received by the Department within 20 days of the mailing date of the initial notification letter;

C. If the Department determines a hearing request is untimely, the Department shall enter the alleged perpetrator’s name on the Central Registry unless:
   1. The delay is due to Department error;
   2. The delay is due to the postal service; or
   3. There is evidence the delay is due to circumstances beyond the reasonable control of the alleged perpetrator.

D. To request an administrative timeliness review, the alleged perpetrator shall submit:
   1. An oral or written request to PSRT using the contact information on the initial notification letter;
   2. A statement explaining why the request is untimely; and
   3. Evidence of the cause of the untimeliness.

Historical Note
New Section made by final exempt rulemaking at 21 A.R.R. 2554, effective November 30, 2015 (Supp. 15-4).
R21-1-507. Director Review and Further Appeal After the Administrative Hearing

A. An administrative law judge’s decision is not final until the Department Director reviews the decision. The Director has 30 days to review the administrative decision. The Director may accept, reject or modify an administrative law judge’s decision under A.R.S. § 41-1092.08.

B. A perpetrator may appeal the final administrative decision under A.R.S. Title 12, Chapter 7, Article 6.

Historical Note
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).

R21-1-508. Entry into the Central Registry

A. If the perpetrator does not appeal the proposed substantiation, PSRT shall enter the perpetrator’s name and the substantiated finding in the Central Registry.

B. If the administrative decision upholds the substantiation and the Department Director accepts the decision, PSRT shall enter the perpetrator’s name and the substantiated finding in the Central Registry no later than 20 days after the date of the final administrative decision.

C. The Department shall not enter the person’s name or the finding in the Central Registry if the:
   1. Final administrative decision holds that the allegations of abuse or neglect are not substantiated; or
   2. A court ruling described in R21-1-505(C) finds no abuse or neglect by the alleged perpetrator.

D. If the court ruling described in R21-1-505(C) finds abuse or neglect by the perpetrator, the PSRT shall enter the person’s name and the substantiated finding in the Central Registry.

Historical Note
New Section made by final exempt rulemaking at 21 A.A.R. 2554, effective November 30, 2015 (Supp. 15-4).