

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 137
HOUSE BILL 2378

AN ACT

AMENDING SECTIONS 8-112 AND 8-113, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 4, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-514.08; AMENDING SECTION 8-526, ARIZONA REVISED STATUTES; RELATING TO CHILD SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-112, Arizona Revised Statutes, is amended to
3 read:

4 8-112. Social studies; requirements

5 A. The division, an agency or an officer of the court shall conduct
6 and submit a social study to the court ten days before the hearing on the
7 petition to adopt. Notwithstanding any other provisions of this section,
8 the court may order an additional social study or waive the social study
9 if it determines that this is in the child's best interests because of
10 special circumstances.

11 B. Except as provided in subsection D or E of this section, the
12 social study shall include the following:

13 1. The social history, heritage and mental and physical condition
14 of the child and the child's birth parents.

15 2. The child's current placement in the prospective adoptive
16 parent's home and the child's adjustment to that home.

17 3. The prospective adoptive parent's suitability to adopt.

18 4. The existing and proposed arrangements regarding the child's
19 custody.

20 5. Any financial arrangement concerning the proposed adoption made
21 by the birth parents, the division, an agency, an attorney or the
22 prospective adoptive parents.

23 6. A state and federal criminal records check of the prospective
24 adoptive parent and each adult who is living permanently with the
25 prospective adoptive parent except a birth or legal parent with custody of
26 the child. A valid fingerprint clearance card **THAT IS ISSUED** pursuant to
27 section 41-1758.07 satisfies this requirement. The court may order an
28 additional state and federal criminal records check for good cause.

29 7. A central registry records check, including any history of child
30 welfare referrals, with the division of the prospective adoptive parent
31 and each adult who is living permanently with the prospective adoptive
32 parent.

33 8. Any other information that is pertinent to the adoption
34 proceedings.

35 C. The social study conducted pursuant to subsection A of this
36 section is part of the case file and shall contain a definite
37 recommendation for or against the proposed adoption and the reasons for
38 that recommendation.

39 D. The social study conducted pursuant to subsection A of this
40 section shall consist only of the results of the state and federal
41 criminal records check and the central registry records check conducted
42 pursuant to subsection B of this section if either of the following is
43 true:

1 1. The prospective adoptive parent is the child's stepparent who
2 has been legally married to the child's birth or legal parent for at least
3 one year and the child has resided with the stepparent and parent for at
4 least six months.

5 2. The prospective adoptive parent is the child's adult sibling, by
6 the whole or half blood, or the child's aunt, uncle, grandparent or
7 great-grandparent and the child has resided with the prospective adoptive
8 parent for at least six months.

9 E. If the child being considered for adoption has resided with the
10 prospective adoptive parent for at least six months and the prospective
11 adoptive parent either has adopted a child or was appointed the permanent
12 guardian of the child within three years preceding the current
13 application, or is a foster parent who is licensed by this state, the
14 social study conducted pursuant to subsection A of this section may
15 consist only of the following:

16 1. The results of the central registry records check conducted
17 pursuant to subsection B of this section.

18 2. A review of any material changes in circumstances that have
19 occurred since the previous adoption, permanent guardianship or license
20 renewal that affect the prospective adoptive parent's ability to adopt the
21 child or for the child to be placed in the prospective adoptive parent's
22 home.

23 F. THE DEPARTMENT SHALL COMPLETE ANY REQUIRED SOCIAL STUDY WITHIN
24 SIX MONTHS AFTER RECEIVING A COMPLETED APPLICATION TO ADOPT A CHILD IF ALL
25 OF THE FOLLOWING APPLY TO THE CHILD:

26 1. THE CHILD IS FREE FOR ADOPTION AND IS AT LEAST SIXTEEN YEARS OF
27 AGE.

28 2. THE DEPARTMENT HAS PLACED THE CHILD WITH A PROSPECTIVE ADOPTIVE
29 PARENT.

30 3. THE CHILD CONSENTS TO THE ADOPTION.

31 Sec. 2. Section 8-113, Arizona Revised Statutes, is amended to
32 read:

33 8-113. Removal from home; expedited hearings; probationary
34 period; rights and responsibilities; visitation
35 limitations

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

42 B. This section does not prohibit prospective adoptive parents from
43 voluntarily returning any child to the placing agency or the division or
44 does not prevent the removal of a child pursuant to section 8-456 or
45 8-821.

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

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

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

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

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

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

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

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

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

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

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

37 3. THE CHILD IS FREE FOR ADOPTION, IS AT LEAST SIXTEEN YEARS OF
38 AGE, CONSENTS TO THE ADOPTION AND HAS LIVED WITH THE PROSPECTIVE ADOPTIVE
39 PARENT FOR AT LEAST SIX MONTHS.

40 ~~3.~~ 4. The court finds other compelling reasons relating to the
41 special needs and welfare of the child to expedite the hearing.

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

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

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

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

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

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

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

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

19 Sec. 3. Title 8, chapter 4, article 4, Arizona Revised Statutes, is
20 amended by adding section 8-514.08, to read:

21 8-514.08. Educational decisions; parent contact information;
22 inability to locate

23 A. IF A CHILD IN THE CUSTODY OF THE DEPARTMENT IS IN OUT-OF-HOME
24 CARE AND IS RECEIVING OR IN NEED OF SERVICES PURSUANT TO TITLE 15, CHAPTER
25 7, ARTICLE 4, THE DEPARTMENT SHALL PROMPTLY NOTIFY THE CHILD'S PUBLIC
26 EDUCATION AGENCY OF THE NAME AND CONTACT INFORMATION FOR THE CHILD'S
27 PARENT, AS DEFINED IN 34 CODE OF FEDERAL REGULATIONS SECTION 300.30,
28 UNLESS A COURT HAS ORDERED OTHERWISE.

29 B. IF A PUBLIC EDUCATION AGENCY NOTIFIES THE DEPARTMENT THAT THE
30 CHILD REQUIRES AN INITIAL EVALUATION FOR SPECIAL EDUCATION AND RELATED
31 SERVICES AND THE PARENT IDENTIFIED PURSUANT TO SUBSECTION A OF THIS
32 SECTION CANNOT BE LOCATED OR DOES NOT ATTEMPT TO PARTICIPATE, THE
33 DEPARTMENT SHALL PROMPTLY NOTIFY THE PUBLIC EDUCATION AGENCY OF A PARENT,
34 AS DEFINED IN 34 CODE OF FEDERAL REGULATIONS SECTION 300.30, WHO CAN
35 CONSENT TO OR REFUSE THE INITIAL EVALUATION IN ACCORDANCE WITH 20 UNITED
36 STATES CODE SECTION 1414.

37 C. WHEN THE BIOLOGICAL OR ADOPTIVE PARENT OF THE CHILD ATTEMPTS TO
38 ACT AS THE PARENT, THE BIOLOGICAL OR ADOPTIVE PARENT IS PRESUMED TO BE THE
39 PARENT FOR THE PURPOSES OF THIS SECTION.

40 Sec. 4. Section 8-526, Arizona Revised Statutes, is amended to
41 read:

42 8-526. Child welfare; reporting requirements

43 A. The department shall make available program and outcomes data on
44 its website as provided in this section, in a format that can be
45 downloaded and that is conducive to analysis.

- 1 B. The department shall make available the following information on
2 a semiannual basis by September 30 for the period ending the prior June 30
3 and by March 31 for the period ending the prior December 31:
- 4 1. Success in meeting training requirements.
 - 5 2. Caseloads for child safety workers.
 - 6 3. The number of new reports and reports that have been closed.
 - 7 4. The number of case-carrying caseworkers in each region.
 - 8 5. The number of investigations by region.
 - 9 6. The number of children being served in-home and the number of
10 children being served out-of-home by each region.
 - 11 7. The total number of reports received, by major category and by
12 priority.
 - 13 8. The number of reports not responded to, by priority, by county
14 and statewide.
 - 15 9. The number of reports assigned for investigation by priority and
16 by major category, by county and statewide for the current and previous
17 reporting periods.
 - 18 10. The number of reports for investigations completed by priority
19 and by major category, by county and statewide for the current and
20 previous reporting periods and as categorized by investigations that
21 resulted in:
 - 22 (a) A substantiated report.
 - 23 (b) A report currently proposed for substantiation.
 - 24 (c) An unsubstantiated report.
 - 25 11. The number of reports assigned for investigation that remain
26 open for investigation by priority and by major category, by county and
27 statewide for the current and previous reporting periods.
 - 28 12. Of the number of children reported to the department, the
29 percentage of children placed in out-of-home care by county and statewide.
 - 30 13. The number of newborn infants delivered to safe haven providers
31 pursuant to section 13-3623.01.
 - 32 14. The number of children entering out-of-home care by county
33 during the reporting period, and the number and percentage of the children
34 entering out-of-home care by county during the reporting period who are
35 voluntary placements for children under eighteen years of age.
 - 36 15. The number and percentage of children removed during the
37 reporting period, by county and statewide, who had been in out-of-home
38 care:
 - 39 (a) Within the previous twelve months.
 - 40 (b) Within the previous twenty-four months, excluding the children
41 included in subdivision (a) of this paragraph.
 - 42 16. The number and percentage of children who have remained in a
43 shelter or receiving home for more than twenty-one consecutive days, by
44 the child's age group.

1 17. The total number of licensed foster homes, the number of
2 licensed foster homes considered kinship homes, the number of licensed
3 community foster homes and the number of available spaces in licensed
4 community foster homes.

5 18. The number of licensed foster homes that receive the required
6 visitation by licensing agency representatives pursuant to section 8-516.

7 19. The number of children placed in the care, custody and control
8 of the department at the end of the reporting period and the number of
9 these children who receive the required visitation by case managers
10 pursuant to section 8-516.

11 20. The number and percentage of children who are in the care,
12 custody and control of the department at the end of the reporting period
13 and who are in out-of-home placement and as categorized by:

14 (a) Age.

15 (b) Ethnicity.

16 (c) Case plan goal.

17 (d) Type of out-of-home placement, categorized by age.

18 (e) Length of time in out-of-home placement of less than thirty
19 days, thirty-one days to twelve consecutive months, twelve to twenty-four
20 consecutive months and more than twenty-four consecutive months, including
21 the median, average and range of the number of out-of-home placements.

22 (f) Primary legal status including voluntary placement for a child
23 under eighteen years of age, temporary custody, adjudicated dependent,
24 free for adoption, voluntary placement for a child over eighteen years of
25 age, dually adjudicated or any other legal status.

26 21. If the case plan is to return the child to the parent, the
27 percentage of parents who receive the required contact by case managers.

28 22. The number and percentage of children who left the custody of
29 the department during the reporting period by reason for leaving care and
30 as categorized by:

31 (a) Age.

32 (b) Ethnicity.

33 (c) Number of placements.

34 (d) Average length of time in care.

35 23. The number of children with a petition for termination of
36 parental rights granted and not granted during the reporting period by
37 county and statewide.

38 24. The number and percentage of children with a case plan goal of
39 adoption and who are not placed in an adoptive home at the end of the
40 reporting period and as categorized by:

41 (a) Age.

42 (b) Ethnicity.

43 (c) Average length of time in care.

44 (d) Legal status.

- 1 25. The number and percentage of children with a case plan goal of
2 adoption and who are placed in an adoptive home at the end of the
3 reporting period and as categorized by:
- 4 (a) Age.
 - 5 (b) Ethnicity.
 - 6 (c) Average length of time in out-of-home placement.
 - 7 (d) Length of time from change of case plan goal to adoptive
8 placement.
 - 9 (e) Legal status.
 - 10 (f) Marital status and relationship of the adoptive parent or
11 parents to the child.
- 12 26. The number of children whose adoptive placement was disrupted
13 during the reporting period and as categorized by:
- 14 (a) Age.
 - 15 (b) Ethnicity.
 - 16 (c) Cause of the disruption.
 - 17 (d) Marital status and relationship of the adoptive parent or
18 parents to the child.
- 19 27. The number of children whose adoptions were finalized during
20 the reporting period and as categorized by:
- 21 (a) Average length of time in out-of-home placement before adoptive
22 placement.
 - 23 (b) Average length of time in adoptive placement before the final
24 order of adoption.
 - 25 (c) Marital status and relationship of the adoptive parent or
26 parents to the child.
- 27 28. The number of children who died while in the custody of the
28 department by the county where the death occurred and as categorized by:
- 29 (a) The cause of death.
 - 30 (b) The type of out-of-home placement at the time of death.
- 31 29. The number of children with an open or active child safety
32 services case who died due to abuse, categorized by the person or persons
33 who had care or custody of the child at the time of the child's death as
34 follows:
- 35 (a) Biological parent or parents.
 - 36 (b) Other family member.
 - 37 (c) Adoptive parent or parents.
 - 38 (d) Foster care parent or parents.
 - 39 (e) Other out-of-home care provider.
- 40 30. The number of children with an open or active child safety
41 services case who died due to abuse allegedly caused by an adult household
42 member who is not listed pursuant to paragraph 29 of this subsection.
- 43 31. The ratio of supervisors to specialists by region.
- 44 32. The source and use of federal monies in the department.
- 45 33. The source and use of state monies in the department.

1 C. Based on the data presented in each reporting period, the
2 department, in as brief a format as possible, shall describe three to five
3 major challenges the department faces in achieving the goal of safe,
4 permanent homes for abused and neglected children.

5 D. Within three months after the end of each reporting period the
6 department shall submit a written report in as brief a format as possible
7 to the governor, the president of the senate, the speaker of the house of
8 representatives, the chairperson of the house human services committee,
9 the chairperson of the senate family services committee, or their
10 successor committees, and the cochairpersons of the joint legislative
11 committee on children and family services. The department shall submit a
12 copy of the report to the secretary of state.

13 E. The department shall make available the following information on
14 an annual basis:

15 1. The percentage of substantiations upheld by the office of
16 administrative hearings.

17 2. The demographics and number of children placed with relative
18 caregivers.

19 3. The demographics of kinship foster caregivers.

20 4. The number of relative children per kinship foster care family.

21 5. The department's success at maintaining kinship foster care
22 placements.

23 6. The type and cost of services provided to kinship foster care
24 families by licensed and unlicensed caregivers.

25 7. The cost of services provided to kinship foster caregivers
26 compared to the cost of out-of-home placements.

27 8. The number of children and families, by district, receiving
28 services through the housing assistance program during the previous fiscal
29 year.

30 9. The total amount of money spent on the housing assistance
31 program by region.

32 10. A programmatic and fiscal evaluation of the effectiveness of
33 the housing assistance program that includes the amount of foster care
34 expenditures avoided.

35 11. The number of children in the independent living program by
36 age, county and education status.

37 12. BEGINNING WITH THE 2022 DATA PERIOD, THE STATEWIDE NUMBER OF
38 CHILDREN IN SUBSTANTIATED REPORTS FOR INVESTIGATION THAT ARE RECEIVED IN
39 THE TWELVE MONTHS BEFORE THE CURRENT ANNUAL REPORTING PERIOD AND THAT
40 ALLEGE NEGLECT AS DEFINED IN SECTION 8-201, PARAGRAPH 25, SUBSECTION (c)
41 AND THE NUMBER OF CHILDREN IN THESE REPORTS WHO WERE:

42 (a) REMOVED WITHIN THIRTY DAYS AFTER THE DATE THE REPORT IS
43 RECEIVED.

44 (b) REMOVED WITHIN SIX MONTHS AFTER THE DATE THE REPORT IS
45 RECEIVED.

1 F. The department shall make available the following information on
2 a monthly basis:
3 1. Operations and workforce data measures that include:
4 (a) Staff vacancy levels by position category and turnover.
5 (b) New hires, separations, turnover and voluntary attrition
6 delineated by field position, safety specialists, hotline staff,
7 caseworkers in training, program, program supervisors, case aides, office
8 of child welfare investigations staff and administrative staff.
9 (c) Hotline performance.
10 (d) Reports received by maltreatment type, priority and response
11 time.
12 (e) Inactive cases by disposition.
13 (f) Open reports.
14 (g) Entries and exits from the foster care population by exit type.
15 (h) Support service provision.
16 (i) Demographics, placement types and case plan goals of the foster
17 care population.
18 (j) The number and type of licensed foster homes that leave the
19 foster care system and the reason for the exit.
20 2. Financial data that compares total expenditures each month and
21 year-to-date as compared to prior year totals, appropriation totals and
22 projected expenditure totals, delineated by appropriation and appropriated
23 fund source.
24 G. The department shall make the information required pursuant to
25 subsection ~~B or~~ F of this section available within sixty days after the
26 end of the applicable reporting period.
27 H. The department shall notify the president of the senate, the
28 speaker of the house of representatives, the director of the joint
29 legislative budget committee and the director of the governor's office of
30 strategic planning and budgeting when an update is made on information
31 that must be made available pursuant to subsection B or F of this section.

APPROVED BY THE GOVERNOR APRIL 26, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 26, 2019.