

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 71

HOUSE BILL 2442

AN ACT

amending section 8-201.01, arizona revised statutes; amending title 8, chapter 4, article 4, Arizona Revised Statutes, by adding section 8-512.01; amending section 8-515.05, arizona revised statutes; amending title 8, chapter 4, article 4, Arizona Revised Statutes, by adding section 8-530.01; relating to child welfare.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 8-201.01, Arizona Revised Statutes, is amended to read:

START_STATUTE8-201.01. Prohibitions

A. Notwithstanding any other provision of this chapter or chapter 4, articles 8, 9, 10, 11, 12, 13 and 14 of this title:

1. A child who in good faith is being furnished Christian Science treatment by a duly accredited practitioner shall not, for that reason alone, be considered to be an abused, neglected or dependent child.
2. A child whose parent, guardian or custodian refuses to put the child on a psychiatric medication or questions the use of a psychiatric medication shall not be considered to be an abused, neglected or dependent child for that reason alone.

B. A parent may not be considered as having abused, neglected or abandoned or charged with abuse, neglect or abandonment of a biological, foster or adoptive child solely for seeking inpatient treatment or an out-of-home placement if the child's behavioral health needs pose a risk to the safety and welfare of the family.

C. A parent may not be considered as having abused or neglected or charged with abuse or neglect of a child solely for bringing into the home a biological, foster or adoptive child whose behavioral health needs pose a risk to the safety and welfare of the family. END_STATUTE

Sec. 2. Title 8, chapter 4, article 4, Arizona Revised Statutes, is amended by adding section 8-512.01, to read:

START_STATUTE8-512.01. Behavioral health services; urgent need; dependent and adopted children; definition

A. If a dependent child who is in the legal custody of the department of child safety is placed in an out-of-home placement, the out-of-home placement shall receive immediately on placement of the child from the department an updated complete placement packet, contact information for the child's caseworker, the child's regional behavioral health authority designated point of contact, the telephone number to the Arizona health care cost containment system's customer service line, a list of Arizona health care cost containment system registered providers and information regarding the out-of-home placement's rights, if applicable, under this section.

B. If the out-of-home placement of a dependent child who is in the legal custody of the department of child safety or the adoptive parent of a child who is eligible under title xix or XXI of the social security act identifies an urgent need for the child to receive behavioral health services, the out-of-home placement or adoptive parent may directly contact a regional behavioral health authority for a screening and evaluation of the child. The regional behavioral health authority shall dispatch an assessment team within seventy-two hours after being notified that the child has entered care in an out-of-home placement or within two hours after being notified that the child has an urgent need. The regional behavioral health authority shall provide an initial evaluation of the child within seven calendar days after a referral or request for services. If after the screening and evaluation it is determined that the child is in need of behavioral health services, the regional behavioral health authority shall provide an initial behavioral health appointment for the child within twenty-one calendar days after the initial evaluation.

C. On completion of the initial evaluation, the out-of-home placement or adoptive parent:

1. Shall call the regional behavioral health authority designated point of contact and the Arizona health care cost containment system's customer service line if services are not received within twenty-one days to document the failure to receive the service.

2. May access services directly from any Arizona health care cost containment system registered provider regardless of whether the provider is contracted with the regional behavioral health authority. If the provider is not contracted with the regional behavioral health authority, the provider must submit the provider's claim to the regional behavioral health authority and accept the lesser of one hundred thirty percent of the Arizona health care cost containment system's negotiated rate or the provider's standard rate.

D. If the out-of-home placement or adoptive parent recognizes that the child is in need of crisis services and the crisis services provider in that county is not being responsive to the situation, the out-of-home placement or adoptive parent may contact the child's regional behavioral health authority designated point of contact to coordinate crisis services for the child.

E. If an out-of-home placement or adoptive parent requests the regional behavioral health authority to place a foster child or adoptive child in residential treatment because the child is displaying threatening behavior, the regional behavioral health authority shall respond to the out-of-home placement or adoptive parent within seventy-two hours after the request was made. If the foster child or adoptive child is hospitalized due to the threatening behavior before the regional behavioral health authority responds, the

regional behavioral health authority shall reimburse the hospital for all medically necessary care, including any days of the hospital stay during which the child does not meet criteria for an inpatient stay but is not discharged because the regional behavioral health authority has not authorized a safe and appropriate placement for the child outside of the hospital.

F. If a foster child moves into a different county because of the location of the child's out-of-home placement, the child's out-of-home placement may choose to have the child continue any current treatment in the previous county. The out-of-home placement may seek any new or additional treatment for the child in the out-of-home placement's county of residence.

G. The Arizona health care cost containment system administration shall track and report annually the number of times the regional behavioral health authority coordinated crisis services because a crisis services provider was unresponsive, the NUMBER OF times services were not provided within the twenty-one-day time frame, the amount of services accessed directly by an out-of-home placement or adoptive parents that were provided by noncontracted providers, the list of providers that were formerly contracted with the regional behavioral health authority but that terminated the contract and provided services pursuant to this section for one hundred thirty percent of the Arizona health care cost containment system's negotiated rate and the amount the administration spent on services pursuant to this section. On or before July 1, 2017, the administration shall complete a network adequacy study for behavioral health service providers that provide behavioral health services to children enrolled in the comprehensive medical and dental care program.

H. the Arizona health care cost containment system administration shall adopt corrective action plans, sanctions or other measures to address noncompliance by the regional behavioral health authority, including compliance with the timely payment requirements pursuant to section 36-2904.

I. For the purposes of this section, "out-of-home placement" means a foster home, kinship foster care, a shelter care provider, a receiving home or a group foster home. END_STATUTE

Sec. 3. Section 8-515.05, Arizona Revised Statutes, is amended to read:

START_STATUTE8-515.05. Removal of child from foster parent's home; requirements; notification; review

A. Unless a child is removed from a licensed foster parent, excluding a shelter care provider and receiving foster parent, to protect the child from harm or risk of harm, to place a child in a permanent placement, to reunite siblings, to place a child in a kinship foster home, to place a child in the least restrictive setting, to place a child in a therapeutic setting or to place a child in accordance with the Indian child welfare act (25 United States Code section 1915), the department shall inform the licensed foster parent of the department's intent to remove a child and place the child in another foster care placement. The department shall inform the licensed foster parent of the specific reason for the child's planned removal from the licensed foster parent.

B. If the licensed foster parent disagrees with the removal, the licensed foster parent shall notify the department within twenty-four hours of being informed. If the licensed foster parent disagrees with the plan to remove the child and place the child in another foster home placement, the department shall convene a case conference to review the reasons for the removal. The licensed foster parent and two members of the foster care review board shall participate in the case conference. A child shall not be removed unless a majority of the members who participate in the case conference agree that removal is necessary.

C. The department shall inform the licensed foster parent and the foster care review board of the time, date and location of the case conference to review the planned removal. The case conference shall be held within seventy-two hours after the licensed foster parent notifies the department that the licensed foster parent disagrees with the planned removal, excluding weekends and holidays. The child shall remain in the current placement pending the outcome of the case conference.

D. If, as a result of the case conference, it is the department's continued intent to move the child pursuant to subsection A and the licensed foster parent continues to disagree and the child:

1. Is in the court ordered physical custody of the licensed foster parent, a foster care review board member shall provide a recommendation to the court regarding the removal of the child before the change of physical custody. The child shall remain in the current placement pending a court order for removal.
2. Is not in the physical custody of the licensed foster parent, the licensed foster parent shall be advised of the department's conflict resolution process. The department shall expedite the conflict resolution process. The child shall remain in the current placement pending the outcome of the conflict resolution process.

E. The department may not use as the basis for removing a foster child from a licensed foster parent the foster parent's request to disrupt a foster child or the dissolution of an adoption that occurred based on either of the following:

1. The foster or adoptive parent was unable to receive services that the child was statutorily entitled to receive.
2. The foster or adoptive child threatened the health or safety of the family. END_STATUTE

Sec. 4. Title 8, chapter 4, article 4, Arizona Revised Statutes, is amended by adding section 8-530.01, to read:

childSTART_STATUTE8-530.01. Placement of a returning to foster care; notification

A. If a child who has been in foster care is returned to the child's home then removed again from the child's home, the department shall notify all foster homes in which the child previously resided that the child has been removed from the child's home.

B. The department shall place the child in a foster home in which the child has resided, unless the placement is not in the best interests of the child or none of the prior foster homes wants the placement. If the child has previously resided in more than one foster home, the department shall give preference for placement based on which placement is most recent. END_STATUTE

Sec. 5. Emergency

This act is an emergency measure that is necessary to preserve the public peace, health or safety and is operative immediately as provided by law.

APPROVED BY THE GOVERNOR MARCH 24, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 24, 2016.