

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)

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

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

4 8-201.01. Prohibitions

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

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

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

14 B. A PARENT MAY NOT BE CONSIDERED AS HAVING ABUSED, NEGLECTED OR  
15 ABANDONED OR CHARGED WITH ABUSE, NEGLECT OR ABANDONMENT OF A BIOLOGICAL,  
16 FOSTER OR ADOPTIVE CHILD SOLELY FOR SEEKING INPATIENT TREATMENT OR AN  
17 OUT-OF-HOME PLACEMENT IF THE CHILD'S BEHAVIORAL HEALTH NEEDS POSE A RISK TO  
18 THE SAFETY AND WELFARE OF THE FAMILY.

19 C. A PARENT MAY NOT BE CONSIDERED AS HAVING ABUSED OR NEGLECTED OR  
20 CHARGED WITH ABUSE OR NEGLECT OF A CHILD SOLELY FOR BRINGING INTO THE HOME A  
21 BIOLOGICAL, FOSTER OR ADOPTIVE CHILD WHOSE BEHAVIORAL HEALTH NEEDS POSE A  
22 RISK TO THE SAFETY AND WELFARE OF THE FAMILY.

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

25 8-512.01. Behavioral health services; urgent need; dependent  
26 and adopted children; definition

27 A. IF A DEPENDENT CHILD WHO IS IN THE LEGAL CUSTODY OF THE DEPARTMENT  
28 OF CHILD SAFETY IS PLACED IN AN OUT-OF-HOME PLACEMENT, THE OUT-OF-HOME  
29 PLACEMENT SHALL RECEIVE IMMEDIATELY ON PLACEMENT OF THE CHILD FROM THE  
30 DEPARTMENT AN UPDATED COMPLETE PLACEMENT PACKET, CONTACT INFORMATION FOR THE  
31 CHILD'S CASEWORKER, THE CHILD'S REGIONAL BEHAVIORAL HEALTH AUTHORITY  
32 DESIGNATED POINT OF CONTACT, THE TELEPHONE NUMBER TO THE ARIZONA HEALTH CARE  
33 COST CONTAINMENT SYSTEM'S CUSTOMER SERVICE LINE, A LIST OF ARIZONA HEALTH  
34 CARE COST CONTAINMENT SYSTEM REGISTERED PROVIDERS AND INFORMATION REGARDING  
35 THE OUT-OF-HOME PLACEMENT'S RIGHTS, IF APPLICABLE, UNDER THIS SECTION.

36 B. IF THE OUT-OF-HOME PLACEMENT OF A DEPENDENT CHILD WHO IS IN THE  
37 LEGAL CUSTODY OF THE DEPARTMENT OF CHILD SAFETY OR THE ADOPTIVE PARENT OF A  
38 CHILD WHO IS ELIGIBLE UNDER TITLE XIX OR XXI OF THE SOCIAL SECURITY ACT  
39 IDENTIFIES AN URGENT NEED FOR THE CHILD TO RECEIVE BEHAVIORAL HEALTH  
40 SERVICES, THE OUT-OF-HOME PLACEMENT OR ADOPTIVE PARENT MAY DIRECTLY CONTACT A  
41 REGIONAL BEHAVIORAL HEALTH AUTHORITY FOR A SCREENING AND EVALUATION OF THE  
42 CHILD. THE REGIONAL BEHAVIORAL HEALTH AUTHORITY SHALL DISPATCH AN ASSESSMENT  
43 TEAM WITHIN SEVENTY-TWO HOURS AFTER BEING NOTIFIED THAT THE CHILD HAS ENTERED  
44 CARE IN AN OUT-OF-HOME PLACEMENT OR WITHIN TWO HOURS AFTER BEING NOTIFIED  
45 THAT THE CHILD HAS AN URGENT NEED. THE REGIONAL BEHAVIORAL HEALTH AUTHORITY  
46 SHALL PROVIDE AN INITIAL EVALUATION OF THE CHILD WITHIN SEVEN CALENDAR DAYS

1 AFTER A REFERRAL OR REQUEST FOR SERVICES. IF AFTER THE SCREENING AND  
2 EVALUATION IT IS DETERMINED THAT THE CHILD IS IN NEED OF BEHAVIORAL HEALTH  
3 SERVICES, THE REGIONAL BEHAVIORAL HEALTH AUTHORITY SHALL PROVIDE AN INITIAL  
4 BEHAVIORAL HEALTH APPOINTMENT FOR THE CHILD WITHIN TWENTY-ONE CALENDAR DAYS  
5 AFTER THE INITIAL EVALUATION.

6 C. ON COMPLETION OF THE INITIAL EVALUATION, THE OUT-OF-HOME PLACEMENT  
7 OR ADOPTIVE PARENT:

8 1. SHALL CALL THE REGIONAL BEHAVIORAL HEALTH AUTHORITY DESIGNATED  
9 POINT OF CONTACT AND THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM'S  
10 CUSTOMER SERVICE LINE IF SERVICES ARE NOT RECEIVED WITHIN TWENTY-ONE DAYS TO  
11 DOCUMENT THE FAILURE TO RECEIVE THE SERVICE.

12 2. MAY ACCESS SERVICES DIRECTLY FROM ANY ARIZONA HEALTH CARE COST  
13 CONTAINMENT SYSTEM REGISTERED PROVIDER REGARDLESS OF WHETHER THE PROVIDER IS  
14 CONTRACTED WITH THE REGIONAL BEHAVIORAL HEALTH AUTHORITY. IF THE PROVIDER IS  
15 NOT CONTRACTED WITH THE REGIONAL BEHAVIORAL HEALTH AUTHORITY, THE PROVIDER  
16 MUST SUBMIT THE PROVIDER'S CLAIM TO THE REGIONAL BEHAVIORAL HEALTH AUTHORITY  
17 AND ACCEPT THE LESSER OF ONE HUNDRED THIRTY PERCENT OF THE ARIZONA HEALTH  
18 CARE COST CONTAINMENT SYSTEM'S NEGOTIATED RATE OR THE PROVIDER'S STANDARD  
19 RATE.

20 D. IF THE OUT-OF-HOME PLACEMENT OR ADOPTIVE PARENT RECOGNIZES THAT THE  
21 CHILD IS IN NEED OF CRISIS SERVICES AND THE CRISIS SERVICES PROVIDER IN THAT  
22 COUNTY IS NOT BEING RESPONSIVE TO THE SITUATION, THE OUT-OF-HOME PLACEMENT OR  
23 ADOPTIVE PARENT MAY CONTACT THE CHILD'S REGIONAL BEHAVIORAL HEALTH AUTHORITY  
24 DESIGNATED POINT OF CONTACT TO COORDINATE CRISIS SERVICES FOR THE CHILD.

25 E. IF AN OUT-OF-HOME PLACEMENT OR ADOPTIVE PARENT REQUESTS THE  
26 REGIONAL BEHAVIORAL HEALTH AUTHORITY TO PLACE A FOSTER CHILD OR ADOPTIVE  
27 CHILD IN RESIDENTIAL TREATMENT BECAUSE THE CHILD IS DISPLAYING THREATENING  
28 BEHAVIOR, THE REGIONAL BEHAVIORAL HEALTH AUTHORITY SHALL RESPOND TO THE  
29 OUT-OF-HOME PLACEMENT OR ADOPTIVE PARENT WITHIN SEVENTY-TWO HOURS AFTER THE  
30 REQUEST WAS MADE. IF THE FOSTER CHILD OR ADOPTIVE CHILD IS HOSPITALIZED DUE  
31 TO THE THREATENING BEHAVIOR BEFORE THE REGIONAL BEHAVIORAL HEALTH AUTHORITY  
32 RESPONDS, THE REGIONAL BEHAVIORAL HEALTH AUTHORITY SHALL REIMBURSE THE  
33 HOSPITAL FOR ALL MEDICALLY NECESSARY CARE, INCLUDING ANY DAYS OF THE HOSPITAL  
34 STAY DURING WHICH THE CHILD DOES NOT MEET CRITERIA FOR AN INPATIENT STAY BUT  
35 IS NOT DISCHARGED BECAUSE THE REGIONAL BEHAVIORAL HEALTH AUTHORITY HAS NOT  
36 AUTHORIZED A SAFE AND APPROPRIATE PLACEMENT FOR THE CHILD OUTSIDE OF THE  
37 HOSPITAL.

38 F. IF A FOSTER CHILD MOVES INTO A DIFFERENT COUNTY BECAUSE OF THE  
39 LOCATION OF THE CHILD'S OUT-OF-HOME PLACEMENT, THE CHILD'S OUT-OF-HOME  
40 PLACEMENT MAY CHOOSE TO HAVE THE CHILD CONTINUE ANY CURRENT TREATMENT IN THE  
41 PREVIOUS COUNTY. THE OUT-OF-HOME PLACEMENT MAY SEEK ANY NEW OR ADDITIONAL  
42 TREATMENT FOR THE CHILD IN THE OUT-OF-HOME PLACEMENT'S COUNTY OF RESIDENCE.

43 G. THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION  
44 SHALL TRACK AND REPORT ANNUALLY THE NUMBER OF TIMES THE REGIONAL BEHAVIORAL  
45 HEALTH AUTHORITY COORDINATED CRISIS SERVICES BECAUSE A CRISIS SERVICES  
46 PROVIDER WAS UNRESPONSIVE, THE NUMBER OF TIMES SERVICES WERE NOT PROVIDED

1 WITHIN THE TWENTY-ONE-DAY TIME FRAME, THE AMOUNT OF SERVICES ACCESSED  
2 DIRECTLY BY AN OUT-OF-HOME PLACEMENT OR ADOPTIVE PARENTS THAT WERE PROVIDED  
3 BY NONCONTRACTED PROVIDERS, THE LIST OF PROVIDERS THAT WERE FORMERLY  
4 CONTRACTED WITH THE REGIONAL BEHAVIORAL HEALTH AUTHORITY BUT THAT TERMINATED  
5 THE CONTRACT AND PROVIDED SERVICES PURSUANT TO THIS SECTION FOR ONE HUNDRED  
6 THIRTY PERCENT OF THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM'S  
7 NEGOTIATED RATE AND THE AMOUNT THE ADMINISTRATION SPENT ON SERVICES PURSUANT  
8 TO THIS SECTION. ON OR BEFORE JULY 1, 2017, THE ADMINISTRATION SHALL  
9 COMPLETE A NETWORK ADEQUACY STUDY FOR BEHAVIORAL HEALTH SERVICE PROVIDERS  
10 THAT PROVIDE BEHAVIORAL HEALTH SERVICES TO CHILDREN ENROLLED IN THE  
11 COMPREHENSIVE MEDICAL AND DENTAL CARE PROGRAM.

12 H. THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION  
13 SHALL ADOPT CORRECTIVE ACTION PLANS, SANCTIONS OR OTHER MEASURES TO ADDRESS  
14 NONCOMPLIANCE BY THE REGIONAL BEHAVIORAL HEALTH AUTHORITY, INCLUDING  
15 COMPLIANCE WITH THE TIMELY PAYMENT REQUIREMENTS PURSUANT TO SECTION 36-2904.

16 I. FOR THE PURPOSES OF THIS SECTION, "OUT-OF-HOME PLACEMENT" MEANS A  
17 FOSTER HOME, KINSHIP FOSTER CARE, A SHELTER CARE PROVIDER, A RECEIVING HOME  
18 OR A GROUP FOSTER HOME.

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

21 8-515.05. Removal of child from foster parent's home;  
22 requirements; notification; review

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

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

43 C. The department shall inform the licensed foster parent and the  
44 foster care review board of the time, date and location of the case  
45 conference to review the planned removal. The case conference shall be held  
46 within seventy-two hours after the licensed foster parent notifies the

1 department that the licensed foster parent disagrees with the planned  
2 removal, excluding weekends and holidays. The child shall remain in the  
3 current placement pending the outcome of the case conference.

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

7 1. Is in the court ordered physical custody of the licensed foster  
8 parent, a foster care review board member shall provide a recommendation to  
9 the court regarding the removal of the child before the change of physical  
10 custody. The child shall remain in the current placement pending a court  
11 order for removal.

12 2. Is not in the physical custody of the licensed foster parent, the  
13 licensed foster parent shall be advised of the department's conflict  
14 resolution process. The department shall expedite the conflict resolution  
15 process. The child shall remain in the current placement pending the outcome  
16 of the conflict resolution process.

17 E. THE DEPARTMENT MAY NOT USE AS THE BASIS FOR REMOVING A FOSTER CHILD  
18 FROM A LICENSED FOSTER PARENT THE FOSTER PARENT'S REQUEST TO DISRUPT A FOSTER  
19 CHILD OR THE DISSOLUTION OF AN ADOPTION THAT OCCURRED BASED ON EITHER OF THE  
20 FOLLOWING:

21 1. THE FOSTER OR ADOPTIVE PARENT WAS UNABLE TO RECEIVE SERVICES THAT  
22 THE CHILD WAS STATUTORILY ENTITLED TO RECEIVE.

23 2. THE FOSTER OR ADOPTIVE CHILD THREATENED THE HEALTH OR SAFETY OF THE  
24 FAMILY.

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

27 8-530.01. Placement of a child returning to foster care:  
28 notification

29 A. IF A CHILD WHO HAS BEEN IN FOSTER CARE IS RETURNED TO THE CHILD'S  
30 HOME THEN REMOVED AGAIN FROM THE CHILD'S HOME, THE DEPARTMENT SHALL NOTIFY  
31 ALL FOSTER HOMES IN WHICH THE CHILD PREVIOUSLY RESIDED THAT THE CHILD HAS  
32 BEEN REMOVED FROM THE CHILD'S HOME.

33 B. THE DEPARTMENT SHALL PLACE THE CHILD IN A FOSTER HOME IN WHICH THE  
34 CHILD HAS RESIDED, UNLESS THE PLACEMENT IS NOT IN THE BEST INTERESTS OF THE  
35 CHILD OR NONE OF THE PRIOR FOSTER HOMES WANTS THE PLACEMENT. IF THE CHILD  
36 HAS PREVIOUSLY RESIDED IN MORE THAN ONE FOSTER HOME, THE DEPARTMENT SHALL  
37 GIVE PREFERENCE FOR PLACEMENT BASED ON WHICH PLACEMENT IS MOST RECENT.

38 Sec. 5. Emergency

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

APPROVED BY THE GOVERNOR MARCH 24, 2016.

H.B. 2442

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