TITLE 6. ECONOMIC SECURITY

CHAPTER 5. DEPARTMENT OF ECONOMIC SECURITY SOCIAL SERVICES

(Authority: A.R.S. § 41-1954 et seq.)

Editor's Note: The Office of the Secretary of State publishes all Chapters on white paper (Supp. 01-2).

Editor's Note: Sections and Appendices of this Chapter were adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to A.R.S. § 41-1005 (A)(27). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on these rules (Supp. 98-2).

Editor's Note: Sections of this Chapter were adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Chapter 300, § 74(A). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on these rules. Under Laws 1997, Chapter 300, § 74(B), the Department is required to institute the formal rulemaking process on these Sections on or before December 31, 1997. Because these rules are exempt from the regular rulemaking process, the Chapter is printed on blue paper.

ARTICLE 1. REPEALED

Former Article 1 consisting of Sections R6-5-01 through R6-5-103 repealed effective August 3, 1978.

ARTICLE 2. REPEALED

Former Article 2 consisting of Sections R6-5-201 through R6-5-209 repealed effective August 8, 1978.

ARTICLE 3. REPEALED

Former Article 3 consisting of Sections R6-5-301 through R6-5-308 repealed effective July 6, 1976.

ARTICLE 4. REPEALED

Former Article 4 consisting of Sections R6-5-401 through R6-5-420 repealed effective August 3, 1978.

ARTICLE 5. REPEALED

Former Article 5 consisting of Sections R6-5-501 through R6-5-504 repealed effective July 6, 1976.

ARTICLE 6. REPEALED

Former Article 6 consisting of Sections R6-5-601 through R6-5-622 repealed effective July 6, 1977.

ARTICLE 7. REPEALED

Former Article 7 consisting of Sections R6-5-701 through R6-5-716 repealed effective August 3, 1978.

ARTICLE 8. REPEALED

Former Article 8 consisting of Sections R6-5-801 through R6-5-808 repealed effective September 16, 1976.

ARTICLE 9. REPEALED

Former Article 9 consisting of Sections R6-5-901 through R6-5-904 repealed effective August 3, 1978.

ARTICLE 10. REPEALED

Former Article 10 consisting of Sections R6-5-1001 through R6-5-1003 repealed effective August 3, 1978.

ARTICLE 11. REPEALED

Former Article 11 consisting of Sections R6-5-1101 through R6-5-1109 repealed effective August 11, 1976.

ARTICLE 12. REPEALED

Former Article 12 consisting of Sections R6-5-1201 through R6-5-1206 repealed effective May 17, 1976.

ARTICLE 13. REPEALED

Former Article 13 consisting of Sections R6-5-1301 through R6-5-1309 repealed effective November 23, 1976.

ARTICLE 14. REPEALED

Former Article 14 consisting of Sections R6-5-1401 through R6-5-1413 repealed effective May 24, 1976.

ARTICLE 15. REPEALED

Former Article 15 consisting of Sections R6-5-1501 through R6-5-1504 repealed effective August 11, 1976.

ARTICLE 16. RESERVED

ARTICLE 17. REPEALED

Former Article 17 consisting of Sections R6-5-1701 through R6-5-1704 repealed effective August 11, 1976.

ARTICLE 18. REPEALED

Former Article 18 consisting of Sections R6-5-1801 through R6-5-1804 repealed effective August 11, 1976.

ARTICLE 19. REPEALED

Former Article 19 consisting of Sections R6-5-1901 through R6-5-1906 repealed effective July 6, 1976.

ARTICLE 20. REPEALED

Former Article 20 consisting of Sections R6-5-2001 through R6-5-2006 repealed effective December 17, 1993.

ARTICLE 21. REPEALED

Former Article 21 consisting of Sections R6-5-2101 through R6-5-2110 repealed effective November 8, 1982.

ARTICLE 22. REPEALED

Former Article 22 consisting of Sections R6-5-2202 through R6-5-2209 repealed effective November 8, 1982.

ARTICLE 23. REPEALED

Article 23, consisting of Sections R6-5-2301 through R6-5-2310, repealed by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

ARTICLE 24. APPEALS AND HEARINGS

Article 24 consisting of Sections R6-5-2401 through R6-5-2405 adopted effective March 1, 1978.

Former Article 24 consisting of Sections R6-5-2401 through R6-5-2404 repealed effective March 1, 1978.

Section
R6-5-2401. Objective
R6-5-2402. Authority
R6-5-2403. Definitions
R6-5-2404. Basis for a hearing
R6-5-2405. Hearing process

ARTICLE 25. REPEALED

Former Article 25, consisting of Sections R6-5-2501 through R6-5-2503, repealed effective June 5, 1997 (Supp. 97-2).

ARTICLE 26. REPEALED

Former Article 26, consisting of Sections R6-5-2601 through R6-5-2607, repealed effective June 5, 1997 (Supp. 97-2).

ARTICLE 27. REPEALED

Former Article 27, consisting of Sections R6-5-2701 through R6-5-2707, repealed effective June 5, 1997 (Supp. 97-2).

ARTICLE 28. REPEALED

Former Article 28, consisting of Sections R6-5-2801 through R6-5-2804, repealed effective November 8, 1982.

ARTICLE 29. REPEALED

Article 29, consisting of Sections R6-5-2901 through R6-5-2912, repealed effective December 17, 1993 (Supp. 93-4).

ARTICLE 30. REPEALED

Former Article 30, consisting of Sections R6-5-3001 through R6-5-3007, repealed effective August 29, 1984.

ARTICLE 31. REPEALED

Former Article 31, consisting of Sections R6-5-3101 through R6-5-3110, repealed effective November 8, 1982.

ARTICLE 32. REPEALED

Article 32, consisting of Sections R6-5-3201 through R6-5-3211, repealed effective December 17, 1993 (Supp. 93-4).

ARTICLE 33. RESERVED

ARTICLE 34. RESERVED

ARTICLE 35. RESERVED

ARTICLE 36. RESERVED

ARTICLE 37. RESERVED

ARTICLE 38. RESERVED

ARTICLE 39. RESERVED

ARTICLE 40. RESERVED

ARTICLE 41. RESERVED

ARTICLE 42. RESERVED

ARTICLE 43. RESERVED

ARTICLE 44. RESERVED

ARTICLE 45. RESERVED

ARTICLE 46. RESERVED

ARTICLE 47. RESERVED

ARTICLE 48. RESERVED

ARTICLE 49. CHILD CARE ASSISTANCE

Article 49, consisting of Sections R6-5-4901 through R6-5-4922 and Appendix A, adopted effective July 31, 1997 (Supp. 97-3).

Section
R6-5-4901. Definitions
R6-5-4902. Repealed
R6-5-4903. Redetermination of Eligibility
R6-5-4904. Access to Child Care Assistance
R6-5-4905. Initial Eligibility Interview
R6-5-4906. Verification of Eligibility Information
R6-5-4907. Withdrawal of an Application
R6-5-4908. Child Care Assistance Approvals and Denials
R6-5-4909. 12-Month Review
R6-5-4910. Reinstatement of Assistance
R6-5-4911. General Eligibility Criteria
R6-5-4912. Eligible Activity or Need
R6-5-4913. Applicants and Recipients as Child Care Providers
R6-5-4914. Income Eligibility Criteria
R6-5-4915. Fee Level and Copayment Assignment
R6-5-4916. Special Eligibility Criteria
R6-5-4917. Authorization of Child Care Assistance
R6-5-4918. Denial or Termination of Child Care Assistance
R6-5-4919. Notification Requirements
R6-5-4920. Overpayments
R6-5-4921. Appeals
R6-5-4922. Termination and Phase-out of Ineligible Current Clients
R6-5-4923. Maximum Reimbursement Rates For Child Care
App. A. Child Care Assistance Gross Monthly Income Eligibility Chart and Fee Schedule
App. B. Maximum Reimbursement Rates For Child Care

ARTICLE 50. CHILD CARE RESOURCE AND REFERRAL SYSTEM

New Article 50, consisting of Sections R6-5-5001 through R6-5-5010, adopted effective November 19, 1996 (Supp. 96-4).

Former Article 50, consisting of Sections R6-5-5001 through R6-5-5007, repealed effective November 8, 1982 (Supp. 82-6).

Section
R6-5-5001. Definitions
R6-5-5002. Provider Participation Requirements
R6-5-5003. Notification of Changes
R6-5-5004. Referrals Not Guaranteed
R6-5-5005. Referral Process
R6-5-5006. Monitoring; Complaint Recording and Reporting Requirements
R6-5-5007. Provider Listing Status
R6-5-5008. Provider Exclusion or Removal Process
R6-5-5009. Administrative Review Process
R6-5-5010. Administrative Appeal Process

ARTICLE 51. EXPIRED

Article 51, consisting of Sections R6-5-5101 through R6-5-5107, expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5257, effective October 31, 2001 (Supp. 01-4).

Article 51, consisting of Sections R6-5-5101 through R6-5-5107, adopted effective June 17, 1985.

Former Article 51, consisting of Sections R6-5-5101 through R6-5-5104, repealed effective June 17, 1985.

Section
R6-5-5101. Expired
R6-5-5102. Expired
R6-5-5103. Expired

R6-5-5104. Expired
R6-5-5105. Expired
R6-5-5106. Expired
R6-5-5107. Expired

ARTICLE 52. CERTIFICATION AND SUPERVISION OF FAMILY CHILD CARE HOME PROVIDERS

Article 52, consisting of Sections R6-5-5201 through R6-5-5211, repealed effective May 11, 1994 (Supp. 94-2).

Article 52, consisting of Sections R6-5-5201 through R6-5-5227, adopted effective May 11, 1994 (Supp. 94-2).

Section
R6-5-5201. Definitions
R6-5-5202. Initial Certification: Provider
R6-5-5203. Initial Certification: The Home Facility
R6-5-5204. Initial Certification: Department Responsibilities; Denial
R6-5-5205. Certificates: Issuance; Nontransferability
R6-5-5206. Maintenance of Certification: General Requirements; Training
R6-5-5207. Recertification Requirements
R6-5-5208. Program and Equipment
R6-5-5209. Safety; Supervision
R6-5-5210. Sanitation
R6-5-5211. Discipline; Guidance
R6-5-5212. Evening and Nighttime Care
R6-5-5213. Children Under Two Years of Age
R6-5-5214. Children with Special Needs
R6-5-5215. Transportation
R6-5-5216. Meals and Nutrition
R6-5-5217. Health Care; Medications
R6-5-5218. Recordkeeping; Unusual Incidents; Confidentiality
R6-5-5219. Provider/Child Ratios
R6-5-5220. Change Reporting Requirements
R6-5-5221. Use of a Backup Provider
R6-5-5222. Claims for Payment
R6-5-5223. Complaints; Investigations
R6-5-5224. Probation
R6-5-5225. Suspension
R6-5-5226. Revocation of Certificate
R6-5-5227. Appeals

ARTICLE 53. REPEALED

Former Article 53 consisting of Sections R6-5-5301 through R6-5-5305 repealed effective April 9, 1981.

ARTICLE 54. REPEALED

Former Article 54 consisting of Sections R6-5-5401 through R6-5-5411 repealed effective November 8, 1982.

ARTICLE 55. CHILD PROTECTIVE SERVICES

Article 55, consisting of Sections R6-5-5501 through R6-5-5504, adopted effective December 8, 1983.

Former Article 55, consisting of Sections R6-5-5501 through R6-5-5526, repealed effective December 8, 1983.

Section
R6-5-5501. Definitions
R6-5-5502. Receipt and Screening of Information; Child Abuse Hotline
R6-5-5503. Non-Reports
R6-5-5504. Preliminary Screening Classifications
R6-5-5505. Priority Codes; Initial Response Time
R6-5-5506. Methods for Investigation of Reports
R6-5-5507. Alternative Investigation
R6-5-5508. Conduct of a Field Investigation
R6-5-5509. Establishing Probable Cause of Child Maltreatment
R6-5-5510. Investigation Findings; Required Documentation
R6-5-5511. Ongoing Services; Imminent Harm Not Identified; Case Closure
R6-5-5512. Procedures for Substantiated Reports; Removal; Imminent Harm
R6-5-5513. Alternatives to Involuntary Removal; Voluntary Placement; Removal
R6-5-5514. Removal Review
R6-5-5515. Procedures for Investigations of Maltreatment in a Licensed Child Welfare Agency
R6-5-5516. Procedures for Investigations of Out-of-Home Care Providers
R6-5-5517. Repealed
R6-5-5518. Repealed
R6-5-5519. Repealed
R6-5-5520. Repealed
R6-5-5521. Repealed
R6-5-5522. Repealed
R6-5-5523. Repealed
R6-5-5524. Repealed
R6-5-5525. Repealed
R6-5-5526. Repealed
Appendix 1. Pre-screening Cue Questions
Appendix 2. Cue Questions

ARTICLE 56. CONFIDENTIALITY AND RELEASE OF CPS RECORDS

Article 56, consisting of new Sections R6-5601 through R6-5-5612, adopted by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

Article 56, consisting of Sections R6-5-5601 through R6-5-5624, recodified to A.A.C. R6-8-201 through R6-8-224 effective February 13, 1996 (Supp. 96-1).

Section
R6-5-5601. Definitions
R6-5-5602. Scope and Application
R6-5-5603. Procedures for Requesting Information
R6-5-5604. Procedures for Processing a Request for Information
R6-5-5605. Release of Information in Situations Requiring Immediate Action or Service to a Child
R6-5-5606. Release of Report and Investigation Findings
R6-5-5607. Release of Summary Information to a Person Who Reported Suspected Child Abuse and Neglect
R6-5-5608. Release of Information to a Research or Evaluation Project
R6-5-5609. Release of Information to a Legislative Committee
R6-5-5610. Release of Information to a State Official
R6-5-5611. Release of Information to an Individual Who Requests Records and Files Concerning an Alleged Victim of Abuse, Neglect or Abandonment Who Has Died
R6-5-5612. Fees

ARTICLE 57. REPEALED

Article 57, consisting of Sections R6-5-5701 thru R6-5-5709, repealed effective April 9, 1998 (Supp. 98-2).

Article 57, consisting of Sections R6-5-5701 through R6-5-5709, adopted effective November 5, 1984.

Former Article 57, consisting of Sections R6-5-5701 through R6-5-5711, repealed effective November 5, 1984.

ARTICLE 58. FAMILY FOSTER PARENT LICENSING REQUIREMENTS

Article 58, consisting of Sections R6-5-5801 through R6-5-5850, adopted effective January 10, 1997 (Supp. 97-1).

Former Article 58, consisting of Sections R6-5-5801 through R6-5-5807, repealed effective January 10, 1997 (Supp. 97-1).

Article 58, consisting of Sections R6-5-5801 through R6-5-5807, adopted effective April 1, 1981.

Former Article 58, consisting of Sections R6-5-5801 through R6-5-5811, repealed effective April 1, 1981.

Section
R6-5-5801. Definitions
R6-5-5802. Application for Initial License
R6-5-5803. Investigation of the Applicant
R6-5-5804. Inspection of the Foster Home; DHS Inspection Report
R6-5-5805. Investigative Report and Licensing Recommendation
R6-5-5806. Complete Application Package: Contents
R6-5-5807. CPSCR Check; Additional Investigation By Licensing Authority
R6-5-5808. License: Form; Issuance; Denial; Term; Termination
R6-5-5809. Provisional License
R6-5-5810. Application for License Renewal
R6-5-5811. Renewal Investigation; Licensing Report and Recommendation
R6-5-5812. Renewal License
R6-5-5813. Licensing Time-frames
R6-5-5814. Amended License; Change in Household Members
R6-5-5815. Monitoring the Foster Home and Family
R6-5-5816. Investigation of Complaints about a Foster Home
R6-5-5817. Licensing Authority Action on Complaints
R6-5-5818. Corrective Action
R6-5-5819. License Denial, Suspension, and Revocation
R6-5-5820. Adverse Action; Notice; Effective Date
R6-5-5821. Appeals
R6-5-5822. Alternative Methods of Compliance
R6-5-5823. Foster Parent: General Qualifications
R6-5-5824. Foster Parent: Personal Characteristics
R6-5-5825. Training and Development
R6-5-5826. Compliance with Licensing Limitations; Adult-child Ratios
R6-5-5827. Placement Agreement
R6-5-5828. Participation in Case Planning
R6-5-5829. Daily Care and Treatment of a Foster Child; Foster Child Rights
R6-5-5830. Medical and Dental Care
R6-5-5831. Child Care
R6-5-5832. Transportation
R6-5-5833. Behavior Management; Discipline; Prohibitions
R6-5-5834. Notification of Foster Child Death, Illness, Accident, Unauthorized Absence, or Other Unusual Events
R6-5-5835. Notification of Events or Changes Involving the Foster Family or the Foster Home
R6-5-5836. Maintenance of a Foster Child's Records
R6-5-5837. Confidentiality
R6-5-5838. Foster Home: General Requirements
R6-5-5839. Foster Home: General Safety Measures
R6-5-5840. Exterior Environment; Play Area; Play Equipment
R6-5-5841. Swimming Pools and Pool Safety
R6-5-5842. Bedrooms; Bedding; Sleeping Arrangements
R6-5-5843. Bathrooms
R6-5-5844. Kitchen
R6-5-5845. Fire Safety and Prevention
R6-5-5846. Emergencies, Exits, and Evacuation
R6-5-5847. Special Provisions for a Receiving Foster Home
R6-5-5848. Special Provisions for a Respite Foster Home
R6-5-5849. Special Provisions for an In-home Respite Foster Parent
R6-5-5850. Special Provisions for a Professional Foster Home

ARTICLE 59. GROUP FOSTER HOME LICENSING STANDARDS

Section
R6-5-5901. Expired
R6-5-5902. Expired
R6-5-5903. Definitions
R6-5-5904. Responsibilities of the Department
R6-5-5905. Expired
R6-5-5906. Licensing requirements
R6-5-5907. Denial, Suspension, or Revocation of a License
R6-5-5908. Re-licensing requirements
R6-5-5909. Standards for licensing and operating group foster homes
R6-5-5910. Confidentiality
R6-5-5911. Expired
R6-5-5912. Expired

ARTICLE 60. COMPREHENSIVE MEDICAL/DENTAL PROGRAM FOR FOSTER CHILDREN

Section
R6-5-6001. Objective
R6-5-6002. Authority
R6-5-6003. Definitions
R6-5-6004. Eligibility
R6-5-6005. Definition of covered services
R6-5-6006. Exceptions, limitations and exclusions
R6-5-6007. Prior authorization
R6-5-6008. Coordination of benefits
R6-5-6009. Identification card
R6-5-6010. Payment and review of claims
R6-5-6011. Abuse and misuse of the Program
R6-5-6012. Consent for treatment
R6-5-6013. Administration of the Program
R6-5-6014. Case management
R6-5-6015. Fee schedule
Exhibit 1. Repealed

ARTICLE 61. REPEALED

Article 61, consisting of Sections R6-5-6101 through R6-5-6104, repealed effective June 5, 1997 (Supp. 97-2).

Article 61, consisting of Sections R6-5-6101 through R6-5-6104, adopted effective August 29, 1984.

Former Article 61, consisting of Sections R6-5-6101 through R6-5-6108, repealed effective August 29, 1984.

ARTICLE 62. REPEALED

Former Article 62 consisting of Sections R6-5-6201 through R6-5-6209 repealed effective August 29, 1984.

ARTICLE 63. REPEALED

Former Article 63 consisting of Sections R6-5-6301 through R6-5-6304 repealed effective November 8, 1982.

ARTICLE 64. REPEALED

Former Article 64 consisting of Sections R6-5-6401 through R6-5-6408 repealed effective February 1, 1979.

ARTICLE 65. DEPARTMENT ADOPTION FUNCTIONS AND PROCEDURES FOR PROVIDING ADOPTION SERVICES

Article 65, consisting of Sections R6-5-6501 through R6-5-6511, adopted effective January 2, 1996 (Supp. 96-1).

Article 65, consisting of Sections R6-5-6501 through R6-5-6509, repealed effective January 2, 1996 (Supp. 96-1).

Section
R6-5-6501. Definitions
R6-5-6502. Central Adoption Registry; Information Maintained; Confidentiality
R6-5-6503. Department Review of Adoption Expenses
R6-5-6503.01. Department Review of Adoption Expenses Under the ICPC
R6-5-6504. Department Adoption Services
R6-5-6505. Department Procedures for Processing Certification Applications
R6-5-6506. Department Priorities for Receipt of Services
R6-5-6507. Department Recruitment Efforts
R6-5-6508. Referrals to Other Sources
R6-5-6509. Fees
R6-5-6510. International Adoptions
R6-5-6511. Termination of Services

ARTICLE 66. ADOPTION SERVICES

Article 66, consisting of Sections R6-5-6601 through R6-5-6624, adopted effective January 2, 1996 (Supp. 96-1).

Article 66, consisting of Sections R6-5-6601 through R6-5-6610, repealed effective January 2, 1996 (Supp. 96-1).

Section
R6-5-6601. Definitions
R6-5-6602. Recruitment
R6-5-6603. Orientation: Persons Interested in Adoption
R6-5-6604. Application for Certification; Fees; Waiver
R6-5-6605. Certification Investigation
R6-5-6606. Certification Report and Recommendation
R6-5-6607. Renewal of Certification
R6-5-6608. Communications with Certified Parents Awaiting Placement
R6-5-6609. Prohibitions Regarding Birth Parents
R6-5-6610. Information About Birth Parents
R6-5-6611. Pre-consent Conferences with Birth Parents
R6-5-6612. Consent to Adopt; Unknown Birth Parent
R6-5-6613. Adoptable Child: Assessment and Service Plan
R6-5-6614. Placement Determination
R6-5-6615. Provision of Information on Placed Child
R6-5-6616. Transportation
R6-5-6617. Placement Investigation and Report
R6-5-6618. Placement Services
R6-5-6619. Post-placement Supervision: Non-foster Parent Placements
R6-5-6620. Post-placement Supervision: Foster Parent Placements
R6-5-6621. Protracted Placements
R6-5-6622. Finalizing the Placement
R6-5-6623. Placement Disruption
R6-5-6624. Confidentiality

ARTICLE 67. ADOPTION SUBSIDY

Section
R6-5-6701. Objective
R6-5-6702. Authority
R6-5-6703. Description of services
R6-5-6704. Definitions
R6-5-6705. Policy
R6-5-6706. Types of subsidy
R6-5-6707. Certification of the child for adoption subsidy
R6-5-6708. Adoptive parents application for subsidy
R6-5-6709. Department responsibility
R6-5-6710. Revisions
R6-5-6711. Case management
R6-5-6712. Repealed
R6-5-6713. Renumbered

ARTICLE 68. REPEALED

Former Article 68, consisting of Sections R6-5-6801 through R6-5-6808, repealed effective June 5, 1997 (Supp. 97-2).

ARTICLE 69. CHILD PLACING AGENCY LICENSING STANDARDS

Section
R6-5-6901. Objectives
R6-5-6902. Authority
R6-5-6903. Definitions
R6-5-6904. Licensing requirements
R6-5-6905. Denial, suspension, or revocation of a license
R6-5-6906. License renewal requirements
R6-5-6907. Standards for licensing and operating a Child Placing Agency
R6-5-6908. Confidentiality
R6-5-6909. Civil rights
R6-5-6910. Fair Labor Standards Act

ARTICLE 70. ADOPTION AGENCY LICENSING

Article 70, consisting of Sections R6-5-7001 through R6-5-7040, adopted effective January 2, 1996 (Supp. 96-1).

Article 70, consisting of Sections R6-5-7001 through R6-5-7040, repealed effective January 2, 1996 (Supp. 96-1).

Article 70 consisting of Sections R6-5-7001 through R6-5-7040 adopted as permanent rules effective January 23, 1987.

Article 70 consisting of Sections R6-5-7001 through R6-5-7040 adopted as an emergency effective October 17, 1986, pursuant to A.R.S. § 41-1003, valid for only 90 days. Emergency expired.

Article 70 consisting of Sections R6-5-7001 through R6-5-7006 adopted as an emergency effective January 1, 1986, pursuant to A.R.S. § 41-1003, valid for only 90 days. Emergency renewed effective April 1, 1986, pursuant to A.R.S. § 41-1003, valid for only 90 days. Emergency expired.

Section
R6-5-7001. Definitions
R6-5-7002. Who Shall Be Licensed
R6-5-7003. Licensing: Initial Application; Fee
R6-5-7004. Licensing: Out-of-state Agencies
R6-5-7005. Department Procedures for Processing License Applications
R6-5-7006. License: Issuance; Denial
R6-5-7007. License: Term; Nontransferability
R6-5-7008. Application for License Renewal; Fee
R6-5-7009. Renewal License: Issuance
R6-5-7010. Amended License
R6-5-7011. Governing Body
R6-5-7012. Agency Administrator
R6-5-7013. Social Services Director
R6-5-7014. Social Workers
R6-5-7015. Agency Employees: Hiring; References; Fingerprinting

R6-5-7016. Agency Volunteers; Interns
R6-5-7017. Personnel Records
R6-5-7018. Training Requirements
R6-5-7019. Contracted Services
R6-5-7020. Staffing Ratios
R6-5-7021. Operations Manual
R6-5-7022. Agency Operations Budget; Financial Records
R6-5-7023. Annual Financial Audit
R6-5-7024. Insurance Coverage
R6-5-7025. Protecting Confidentiality of Adoption Records
R6-5-7026. Recordkeeping Requirements: Adoptive Children
R6-5-7027. Recordkeeping Requirements: Adoptive Parents
R6-5-7028. Reporting Requirements: Abuse; Unauthorized Practice; Changes; Registry Information
R6-5-7029. Birth Parent: Service Agreement; Prohibitions
R6-5-7030 Adoption Fees; Reasonableness
R6-5-7031. Adoption Fee Agreement
R6-5-7032. AHCCCS Reimbursement; Disclosure of Third-party Coverage
R6-5-7033. Monitoring: Inspections and Interviews; Compliance Audit
R6-5-7034. Complaints; Investigations
R6-5-7035. Noncompliance Status
R6-5-7036. Suspension
R6-5-7037. Revocation
R6-5-7038. Adverse Action: Procedures
R6-5-7039. Appeals
R6-5-7040. International Adoptions

ARTICLE 71. REPEALED

Article 71, consisting of Sections R6-5-7101 through R6-5-7104, repealed effective April 9, 1998 (Supp. 98-2).

Article 71, consisting of Sections R6-5-7101 through R6-5-7104, adopted as permanent rules effective July 11, 1986.

Former Article 71, consisting of Sections R6-5-7101 through R6-5-7104, adopted as an emergency effective January 1, 1986 and renewed as an emergency effective April 1, 1986, pursuant to A.R.S. § 41-1003, valid for only 90 days. Emergency effective April 1, 1986 expired.

Former Article 71, consisting of Sections R6-5-7101 through R6-5-7104, repealed effective November 8, 1982.

ARTICLE 72. REPEALED

Former Article 72 consisting of Sections R6-5-7201 through R6-5-7214 repealed effective July 12, 1984.

ARTICLE 73. REPEALED & RENUMBERED

Article 73, consisting of Sections R6-5-7301 through R6-5-7306 and R6-5-7309, repealed; Sections R6-5-7307 and R6-5-7308 renumbered to Sections in Article 74, filed with the Secretary of State's Office May 15, 1997; effective July 1, 1997 (Supp. 97-2). Effective date corrected Supp. 98-2.

Article 73 consisting of Sections R6-5-7301 through R6-5-7309 adopted effective January 21, 1985.

Former Article 73, consisting of Sections R6-5-7301 through R6-5-7320, repealed effective February 26, 1979.

ARTICLE 74. LICENSING PROCESS AND LICENSING REQUIREMENTS FOR CHILD WELFARE AGENCIES OPERATING RESIDENTIAL GROUP CARE FACILITIES AND OUTDOOR EXPERIENCE PROGRAMS

Article 74, consisting of Sections R6-5-7401 through R6-5-7469, and Appendix 1 adopted; and Sections R6-5-7470 and R6-5-7471 renumbered from Article 73 and amended effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2). Effective date corrected Supp. 98-2.

Former Article 74, consisting of Sections R6-5-7401 through R6-5-7413, repealed effective May 15, 1997 (Supp. 97-2).

Section

R6-5-7401. Definitions
R6-5-7402. Request for Initial Application - New Applicant
R6-5-7403. Letter of Intent - New Applicant
R6-5-7404. The Licensing Consultation; Time for Completion of Application
R6-5-7405. Complete Application; Initial License - New Applicant
R6-5-7406. Site Inspection
R6-5-7407. Licensing Study
R6-5-7408. Licensing Decision: Issuance; Denial; Time-frames
R6-5-7409. Licenses and Operating Certificates: Form; Term; Nontransferability
R6-5-7410. Licensed Agency: Application for an Operating Certificate for an Additional Satellite Facility
R6-5-7411. Application for Renewal of License and Operating Certificates
R6-5-7412. Renewal of License and Operating Certificates: Site Inspection; Time-frames; Standard for Issuance
R6-5-7413. Notification to Licensing Authority of Changes Affecting License; Staff Changes
R6-5-7414. Amended License or Operating Certificate
R6-5-7415. Alternative Method of Compliance
R6-5-7416. Monitoring
R6-5-7417. Complaints; Investigations
R6-5-7418. Corrective Action
R6-5-7419. Provisional License
R6-5-7420. Denial, Suspension, and Revocation of a License or Operating Certificate
R6-5-7421. Adverse Action; Procedures; Effective Date
R6-5-7422. Appeals
R6-5-7423. Statement of Purpose; Program Description and Evaluation; Compliance With Adopted Policies; Client Rights; Single Category of Care
R6-5-7424. Governing Body
R6-5-7425. Business and Fiscal Management; Annual Audit
R6-5-7426. Insurance Coverage
R6-5-7427. Confidentiality
R6-5-7428. Children's Records: Contents; Maintenance; Destruction
R6-5-7429. Grievances
R6-5-7430. Staff Management and Staff Records
R6-5-7431. General Qualifications for Staff
R6-5-7432. Qualifications for Specific Positions or Tasks; Exclusions
R6-5-7433. Orientation and Training for Staff
R6-5-7434. Notification of Unusual Incidents and Other Occurrences
R6-5-7435. Investigations of Child Maltreatment
R6-5-7436. Runaways and Missing Children
R6-5-7437. Staff Coverage; Staff-Child Ratios
R6-5-7438. Admission and Intake; Criteria; Process; Restrictions
R6-5-7439. Information and Services Provided to Placing Agency or Person
R6-5-7440. Orientation Process for a Child in Care
R6-5-7441. Child's Service Plan: Preparation; Review; Planning Participants
R6-5-7442. Discharge; Discharge Summary
R6-5-7443. Personal Care of Children
R6-5-7444. Children's Clothing and Personal Belongings
R6-5-7445. Children's Money; Restitution

R6-5-7446. Nutrition, Menus, and Food Service
R6-5-7447. Sleeping Arrangements
R6-5-7448. Visitation, Outings, Mail, and Telephones
R6-5-7449. Educational and Vocational Services; Work Assignments
R6-5-7450. Recreation, Leisure, Cultural Activities, and Community Interaction
R6-5-7451. Religion, Culture, and Ethnic Heritage
R6-5-7452. Medical and Health Care
R6-5-7453. Medications
R6-5-7454. Storage of Medications
R6-5-7455. Children's Medical and Dental Records
R6-5-7456. Behavior Management
R6-5-7457. Body Searches
R6-5-7458. Buildings; Grounds; Water Supply
R6-5-7459. Building Interior
R6-5-7460. Kitchens; Food Preparation; and Dining Areas
R6-5-7461. Sleeping Areas and Furnishings
R6-5-7462. Bathrooms
R6-5-7463. Other Facility Space; Staff Quarters
R6-5-7464. Fire, Emergency, and Fire Prevention
R6-5-7465. General Safety
R6-5-7466. Swimming Areas
R6-5-7467. Access; Transportation; Outings
R6-5-7468. Special Provisions for Shelter Care Facilities
R6-5-7469. Special Provisions and Exemptions for Outdoor Experience Programs
R6-5-7470. Planning Requirements for Outdoor Experience Programs
R6-5-7471. Special Physical Environment and Safety Requirements for Outdoor Experience Programs
Appendix 1.

ARTICLE 75. APPEAL AND HEARING PROCEDURES FOR ADVERSE ACTION AGAINST FAMILY FOSTER HOMES, ADOPTION AGENCIES, FAMILY CHILD CARE HOME PROVIDERS, AND PERSONS LISTED ON THE CHILD CARE RESOURCE AND REFERRAL SYSTEM

New Article 75, consisting of Sections R6-5-7501 through R6-5-7508, adopted effective June 4, 1998 (98-2).

Former Article 75, consisting of Sections R6-5-7501 through R6-5-7508, repealed effective November 8, 1982.

Section
R6-5-7501. Definitions
R6-5-7502. Entitlement to a Hearing; Appealable Action
R6-5-7503. Computation of Time
R6-5-7504. Request for Hearing: Form; Time Limits; Presumptions
R6-5-7505. Administration: Transmittal of Appeal
R6-5-7506. Stay of Adverse Action Pending Appeal
R6-5-7507. Hearings: Location; Notice; Time
R6-5-7508. Rescheduling the Hearing
R6-5-7509. Hearing Officer: Duties; Qualifications
R6-5-7510. Change of Hearing Officer; Challenges for Cause
R6-5-7511. Subpoenas
R6-5-7512. Parties' Rights
R6-5-7513. Withdrawal of an Appeal
R6-5-7514. Failure to Appear; Default; Reopening
R6-5-7515. Hearing Proceedings
R6-5-7516. Hearing Decision
R6-5-7517. Effect of the Decision
R6-5-7518. Further Administrative Appeal
R6-5-7519. Appeals Board
R6-5-7520. Judicial Review

ARTICLE 76. REPEALED

Article 76, consisting of Sections R6-5-7601 through R6-5-7639, repealed effective December 17, 1993 (Supp. 93-4).

ARTICLE 77. REPEALED

Former Article 77 consisting of Sections R6-5-7701 through R6-5-7704 repealed effective November 8, 1982.

ARTICLE 78. REPEALED

Former Article 78 consisting of Sections R6-5-7801 through R6-5-7804 repealed effective November 8, 1982.

ARTICLE 79. REPEALED

Former Article 79 consisting of Sections R6-5-7901 through R6-5-7913 repealed effective November 8, 1982.

ARTICLE 80. INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

Section
R6-5-8001. Goals
R6-5-8002. Objectives
R6-5-8003. Authority
R6-5-8004. Definitions
R6-5-8005. Placement agreement
R6-5-8006. Financial responsibility
R6-5-8007. Eligibility
R6-5-8008. Placement approval
R6-5-8009. Case management
R6-5-8010. Terminating the service

ARTICLE 81. REPEALED

Former Article 81 consisting of Sections R6-5-8101 through R6-5-8104 repealed effective November 8, 1982.

ARTICLE 82. REPEALED

Former Article 82 consisting of Sections R6-5-8201 through R6-5-8204 repealed effective November 8, 1982.

ARTICLE 83. REPEALED

Article 83, consisting of Sections R6-5-8301 through R6-5-8308, repealed effective December 17, 1993 (Supp. 93-4).

ARTICLE 84. REPEALED

Former Article 84 consisting of Sections R6-5-8401 through R6-5-8404 repealed effective November 8, 1982.

ARTICLE 85. REPEALED

Former Article 85 consisting of Sections R6-5-8501 through R6-5-8508 repealed effective November 8, 1982.

ARTICLE 86. REPEALED

Article 86, consisting of Sections R6-5-8601 through R6-5-8604, repealed effective December 17, 1993 (Supp. 93-4).

Article 86 consisting of Sections R6-5-8601 through R6-5-8604 adopted effective March 8, 1979.

Former Article 86 consisting of Sections R6-5-8601 through R6-5-8611 repealed effective March 8, 1979.

ARTICLE 87. REPEALED

Article 87, consisting of Sections R6-5-8701 through R6-5-8704, repealed effective December 17, 1993 (Supp. 93-4).

ARTICLE 88. REPEALED

Former Article 88 consisting of Sections R6-5-8801 through R6-5-8804 repealed effective November 8, 1982.

ARTICLE 89. RESERVED

ARTICLE 90. RESERVED

ARTICLE 91. REPEALED

Article 91, consisting of Sections R6-5-9101 through R6-5-9104, repealed effective December 17, 1993 (Supp. 93-4).

ARTICLE 92. REPEALED

Article 92, consisting of Sections R6-5-9201 through R6-5-9204, repealed effective December 17, 1993 (Supp. 93-4).

ARTICLE 93. REPEALED

Former Article 93 consisting of Sections R6-5-9301 through R6-5-9304 repealed effective November 8, 1982.

ARTICLE 94. REPEALED

Former Article 94 consisting of Sections R6-5-9401 through R6-5-9404 repealed effective November 8, 1982.

ARTICLE 95. REPEALED

Former Article 95 consisting of Sections R6-5-9501 through R6-5-9504 repealed effective November 8, 1982.

ARTICLE 96. REPEALED

Former Article 96 consisting of Sections R6-5-9601 through R6-5-9604 repealed effective November 8, 1982.

ARTICLE 97. REPEALED

Former Article 97 consisting of Sections R6-5-9701 through R6-5-9704 repealed effective November 8, 1982.

ARTICLE 98. REPEALED

Former Article 98 consisting of Sections R6-5-9801 through R6-5-9804 repealed effective November 8, 1982.

ARTICLE 99. REPEALED

Former Article 99 consisting of Sections R6-5-9901 through R6-5-9904 repealed effective November 8, 1982.

ARTICLE 100. REPEALED

Former Article 100 consisting of Sections R6-5-10001 through R6-5-10004 repealed effective November 8, 1982.

ARTICLE 101. REPEALED

Former Article 101 consisting of Sections R6-5-10101 through R6-5-10104 repealed effective November 8, 1982.

ARTICLE 102. REPEALED

Former Article 102 consisting of Sections R6-5-10201 through R6-5-10204 repealed effective November 8, 1982.

ARTICLE 103. REPEALED

Former Article 103 consisting of Sections R6-5-10301 through R6-5-10304 repealed effective November 8, 1982.

ARTICLE 104. REPEALED

Article 104, consisting of Sections R6-5-10401 through R6-5-10404, repealed effective December 17, 1993 (Supp. 93-4).

ARTICLE 105. REPEALED

Article 105, consisting of Sections R6-5-10501 through R6-5-10504, repealed effective December 17, 1993 (Supp. 93-4).

ARTICLE 106. REPEALED

Former Article 106 consisting of Sections R6-5-10601 through R6-5-10604 repealed effective November 8, 1982.

ARTICLE 107. REPEALED

Former Article 107 consisting of Sections R6-5-10701 through R6-5-10704 repealed effective November 8, 1982.

ARTICLE 108. REPEALED

Former Article 108 consisting of Sections R6-5-10801 through R6-5-10804 repealed effective November 8, 1982.

ARTICLE 109. REPEALED

Former Article 109 consisting of Sections R6-5-10901 through R6-5-10904 repealed effective November 8, 1982.

ARTICLE 110. REPEALED

Former Article 110 consisting of Sections R6-5-11001 through R6-5-11004 repealed effective November 8, 1982.

ARTICLE 1. REPEALED

Former Article 1 consisting of Sections R6-5-01 through R6-5-103 repealed effective August 3, 1978.

ARTICLE 2. REPEALED

Former Article 2 consisting of Sections R6-5-201 through R6-5-209 repealed effective August 8, 1978.

ARTICLE 3. REPEALED

Former Article 3 consisting of Sections R6-5-301 through R6-5-308 repealed effective July 6, 1976.

ARTICLE 4. REPEALED

Former Article 4 consisting of Sections R6-5-401 through R6-5-420 repealed effective August 3, 1978.

ARTICLE 5. REPEALED

Former Article 5 consisting of Sections R6-5-501 through R6-5-504 repealed effective July 6, 1976.

ARTICLE 6. REPEALED

Former Article 6 consisting of Sections R6-5-601 through R6-5-622 repealed effective July 6, 1977.

ARTICLE 7. REPEALED

Former Article 7 consisting of Sections R6-5-701 through R6-5-716 repealed effective August 3, 1978.

ARTICLE 8. REPEALED

Former Article 8 consisting of Sections R6-5-801 through R6-5-808 repealed effective September 16, 1976.

ARTICLE 9. REPEALED

Former Article 9 consisting of Sections R6-5-901 through R6-5-904 repealed effective August 3, 1978.

ARTICLE 10. REPEALED

Former Article 10 consisting of Sections R6-5-1001 through R6-5-1003 repealed effective August 3, 1978.

ARTICLE 11. REPEALED

Former Article 11 consisting of Sections R6-5-1101 through R6-5-1109 repealed effective August 11, 1976.

ARTICLE 12. REPEALED

Former Article 12 consisting of Sections R6-5-1201 through R6-5-1206 repealed effective May 17, 1976.

ARTICLE 13. REPEALED

Former Article 13 consisting of Sections R6-5-1301 through R6-5-1309 repealed effective November 23, 1976.

ARTICLE 14. REPEALED

Former Article 14 consisting of Sections R6-5-1401 through R6-5-1413 repealed effective May 24, 1976.

ARTICLE 15. REPEALED

Former Article 15 consisting of Sections R6-5-1501 through R6-5-1504 repealed effective August 11, 1976.

ARTICLE 16. RESERVED

ARTICLE 17. REPEALED

Former Article 17 consisting of Sections R6-5-1701 through R6-5-1704 repealed effective August 11, 1976.

ARTICLE 18. REPEALED

Former Article 18 consisting of Sections R6-5-1801 through R6-5-1804 repealed effective August 11, 1976.

ARTICLE 19. REPEALED

Former Article 19 consisting of Sections R6-5-1901 through R6-5-1906 repealed effective July 6, 1976.

ARTICLE 20. REPEALED

R6-5-2001. Repealed

Historical Note

Adopted as an emergency effective October 2, 1975 (Supp. 75-1). Former Section R6-5-2001 repealed, new Section R6-5-2001 adopted effective May 17, 1976 (Supp. 76-3). Amended as an emergency effective August 3, 1976 (Supp. 76-4). Former Section R6-5-2001 repealed, new Section R6-5-2001 adopted effective November 8, 1982 (Supp. 82-6). Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-2002. Repealed

Historical Note

Adopted as an emergency effective October 2, 1975 (Supp. 75-1). Former Section R6-5-2002 repealed, new Section R6-5-2002 adopted effective May 17, 1976 (Supp. 76-3). Amended effective February 10, 1977 (Supp. 77-1). Former Section R6-5-2002 repealed, new Section R6-5-2002 adopted effective November 8, 1982 (Supp. 82-6). Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-2003. Repealed

Historical Note

Adopted as an emergency effective October 2, 1975 (Supp. 75-1). Former Section R6-5-2003 repealed, new Section R6-5-2003 adopted effective May 17, 1976 (Supp. 76-3). Amended effective February 10, 1977 (Supp. 77-1). Amended effective October 31, 1978 (Supp. 78-5). Former Section R6-5-2003 repealed, new Section R6-5-2003 adopted effective November 8, 1982 (Supp. 82-6). Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-2004. Repealed

Historical Note

Adopted as an emergency effective October 2, 1975 (Supp. 75-1). Former Section R6-5-2004 repealed, new Section R6-5-2004 adopted effective May 17, 1976 (Supp. 76-3). Amended as an emergency effective August 3, 1976 (Supp. 76-4). Amended effective February 10, 1977 (Supp. 77-1). Amended effective October 31, 1978 (Supp. 78-5). Former Section R6-5-2004 repealed, new Section R6-5-2004 adopted effective November 8, 1982 (Supp. 82-6). Exhibit I, Title XX, Social Services Plan, incorporated by reference in subsection (C), paragraph (2) of this rule, is adopted for the program period July 1, 1983, through June 30, 1984, and the former Exhibit I, Title XX, Social Services Plan is repealed accordingly (Supp. 83-3). Exhibit I, Title XX, Social Services Plan, incorporated herein by reference, amended as an emergency effective September 30, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-5). Emergency expired. Permanent amendment adopted effective January 3, 1984 (Supp. 84-1). Exhibit I, Title XX, Social Services Plan, incorporated by reference in subsection (C), paragraph (2) of this rule, is adopted for the program period July 1, 1984, through June 30, 1985, and the former Exhibit I, Title XX, Social Services Plan is repealed accordingly (Supp. 84-3). Exhibit I, Title XX, Social Services Plan, incorporated by reference in subsection (C), paragraph (2) of this rule, is adopted for the program period July 1, 1985, through June 30, 1986, and the former Exhibit I, Title XX, Social Services Plan is repealed accordingly (Supp. 85-3). Exhibit I, Title XX, Social Services Plan, incorporated by reference in subsection (C), paragraph (2) of this rule, is adopted for the program period July 2, 1986, through June 30, 1987, and the former Exhibit I, Title XX, Social Services Plan is repealed accordingly (Supp. 86-4). Exhibit I, Title XX, Social Services Plan, incorporated by reference in subsection (C), paragraph (2) of this rule, is adopted for the program period September 24, 1987, through June 30, 1988, and the former Exhibit I, Title XX, Social Services Plan is repealed accordingly (Supp. 87-3). Exhibit I, Title XX, Social Services Plan, incorporated by reference in subsection (C), paragraph (2) of this rule, is adopted for the program period September 22, 1988, through June 30, 1989, and the former Exhibit I, Title XX, Social Services Plan is repealed accordingly (Supp. 88-3). Exhibit I, Title XX, Social Services Plan, incorporated by reference in subsection (C), paragraph (2), of this rule, is adopted for the program period July 1, 1989, through June 30, 1990, and the former Exhibit I, Title XX, Social Services Plan is repealed accordingly (Supp. 89-3). Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-2005. Repealed

Historical Note

Adopted effective May 17, 1976 (Supp. 76-3). Amended effective February 10, 1977 (Supp. 77-1). Amended effective October 31, 1978 (Supp. 78-5). Former Section R6-5-2005 repealed, new Section R6-5-2005 adopted effective November 8, 1982 (Supp. 82-6). A new Exhibit I, Title XX, Social Services Plan, referred to in subsection (1) of this rule, is adopted for the program period September 22, 1988 through July 30, 1989 (Supp. 88-3). Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-2006. Repealed

Historical Note

Adopted effective May 17, 1976 (Supp. 76-3). Amended effective February 10, 1977 (Supp. 77-1). Amended effective October 31, 1978 (Supp. 78-5). Repealed effective November 8, 1982 (Supp. 82-6).

ARTICLE 21. REPEALED

Former Article 21 consisting of Sections R6-5-2101 through R6-5-2110 repealed effective November 8, 1982.

ARTICLE 22. REPEALED

Former Article 22 consisting of Sections R6-5-2202 through R6-5-2209 repealed effective November 8, 1982.

ARTICLE 23. REPEALED

R6-5-2301. Repealed

Historical Note
Adopted as an emergency effective October 2, 1975 (Supp. 75-1). Former Section R6-5-2301 repealed, new Section R6-5-2301 adopted effective May 17, 1976 (Supp. 76-3). Repealed by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

R6-5-2302. Repealed

Historical Note
Adopted as an emergency effective October 2, 1975 (Supp. 75-1). Former Section R6-5-2302 repealed, new Section R6-5-2302 adopted effective May 17, 1976 (Supp. 76-3). Repealed by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

R6-5-2303. Repealed

Historical Note
Adopted as an emergency effective October 2, 1975 (Supp. 75-1). Former Section R6-5-2303 repealed, new Section R6-5-2303 adopted effective May 17, 1976 (Supp. 76-3). Repealed by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

R6-5-2304. Repealed

Historical Note
Adopted as an emergency effective October 2, 1975 (Supp. 75-1). Former Section R6-5-2304 repealed, new Section R6-5-2304 adopted effective May 17, 1976 (Supp. 76-3). Repealed by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

R6-5-2305. Repealed

Historical Note
Adopted as an emergency effective October 2, 1975 (Supp. 75-1). Former Section R6-5-2305 repealed, new Section R6-5-2305 adopted effective May 17, 1976 (Supp. 76-3). Repealed by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

R6-5-2306. Repealed

Historical Note
Adopted as an emergency effective October 2, 1975 (Supp. 75-1). Former Section R6-5-2306 repealed, new Section R6-5-2306 adopted effective May 17, 1976 (Supp. 76-3). Repealed by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

R6-5-2307. Repealed

Historical Note
Adopted effective May 17, 1976 (Supp. 76-3). Repealed by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

R6-5-2308. Repealed

Historical Note
Adopted effective May 17, 1976 (Supp. 76-3). Repealed by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

R6-5-2309. Repealed

Historical Note
Adopted effective May 17, 1976 (Supp. 76-3). Repealed by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

R6-5-2310. Repealed

Historical Note
Adopted effective May 17, 1976 (Supp. 76-3). Repealed by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

ARTICLE 24. APPEALS AND HEARINGS

Article 24 consisting of Sections R6-5-2401 through R6-5-2405 adopted effective March 1, 1978.

Former Article 24 consisting of Sections R6-5-2401 through R6-5-2404 repealed effective March 1, 1978.

R6-5-2401. Objective
The objective is to ensure and preserve all legal rights in the acquisition of services.

Historical Note
Adopted as an emergency effective October 2, 1975 (Supp. 75-1). Former Section R6-5-2401 repealed, new Section R6-5-2401 adopted effective May 17, 1976 (Supp. 76-3). Former Section R6-5-2401 repealed, new Section R6-5-2401 adopted effective March 1, 1978 (Supp. 78-2).

R6-5-2402. Authority
A. A.R.S. § 46-205.
B. 45 C.F.R. 205.10.
C. 45 C.F.R. 228.14.

Historical Note
Adopted as an emergency effective October 2, 1975 (Supp. 75-1). Former Section R6-5-2402 repealed, new Section R6-5-2402 adopted effective May 17, 1976 (Supp. 76-3). Former Section R6-5-2402 repealed, new Section R6-5-2402 adopted effective March 1, 1978 (Supp. 78-2).

R6-5-2403. Definitions
A. "Department." The Department of Economic Security. This includes contract provider agencies which are acting in behalf of the Department of Economic Security to determine eligibility.
B. "Contract provider/provider." Any private agency, institution, public agency (as defined in A.R.S. § 11-951) or vendor which has executed an agreement with the Department to furnish services for monetary reimbursement.
C. "Local office." Any Department of Economic Security or contract provider site from which eligibility determinations and/or services originate.

Historical Note
Adopted as an emergency effective October 2, 1975 (Supp. 75-1). Former Section R6-5-2403 repealed, new Section R6-5-2403 adopted effective May 17, 1976 (Supp. 76-3). Former Section R6-5-2403 repealed, new

Section R6-5-2403 adopted effective March 1, 1978 (Supp. 78-2).

R6-5-2404. Basis for a hearing

A. A person will be granted a hearing for any of the following reasons:
1. Right to apply for social services has been denied.
2. Application is denied in whole or in part.
3. Action on an application has not been taken by the Department within 30 days of the date of application.
4. Service is suspended, terminated or reduced when such action has occurred as a result of an eligibility determination.

B. Change in law or policy. A hearing shall not be granted when a change in federal or state law or policy requires service adjustments or discontinuance for classes of recipients.

Historical Note

Adopted effective May 17, 1976 (Supp. 76-3). Former Section R6-5-2404 repealed, new Section R6-5-2404 adopted effective March 1, 1978 (Supp. 78-2).

R6-5-2405. Hearing process

A. Filing of appeal
1. A request for a hearing shall be filed in writing with the Department or provider within 15 calendar days after the mailing date of the decision letter, except that for appeals on denying, revoking or suspending a license of a child welfare agency or foster home the request shall be filed within 20 calendar days.
2. Except as otherwise provided by statute or by Department regulation, any appeal, application, request, notice, report, or other information or document submitted to the Department shall be considered received by and filed with the Department:
   a. If transmitted via the United States Postal Service or its successor, on the date it is mailed. The mailing date will be as follows:
      i. As shown by the postmark.
      ii. In the absence of a postmark the postage-meter mark of the envelope in which it is received;
      iii. If not postmarked or postage-meter marked, or if the mark is illegible, the date entered on the document as the date of completion.
   b. If transmitted by any means other than the United States Postal Service or its successor, on the date it is received by the Department.
   c. The submission of any appeal, application, request, notice, report or other information or document not within the specified statutory or regulatory period shall be considered timely if it is established to the satisfaction of the Department that the delay in submission was due to Department error or misinformation or to delay or other action of the United States Postal Service or its successor.
   d. Any notice, determination, decision or other data mailed by the Department shall be considered as having been given to the addressee to whom it is directed on the date it is mailed to the addressee's last known address. The date mailed shall be presumed to be the date of the notice, determination, decision or other data unless otherwise indicated by the facts. Computation of time shall be made in accordance with Rule 6(a) of the Rules of Civil Procedure, 16 A.R.S.
3. Benefits shall not be reduced or terminated prior to a hearing decision unless due to a subsequent change in household eligibility another notice of adverse action is received and not timely appealed.
4. The local office or provider shall advise the client of any community legal services available and, when requested, shall assist in completing the hearing request.

B. Notice of hearing
1. Hearings will be held at the local office or any other place mutually agreed upon by the hearing officer and appellant. They shall be scheduled not less than 20 nor more than 30 days from the date of filing of the request for hearing. The appellant shall be given no less than 15 days notice of hearing, except that the appellant may waiver the notice period or request a delay. For appeals on denying, revoking or suspending a license of a child welfare agency or foster home, however, the hearing shall be held within ten days of the date of filing of the request for hearing.
2. The notice of hearing shall inform the appellant of the date, time, and place of the hearing, the name of the hearing officer, the issues involved, and of his rights to: present his case in person or through a representative; examine and copy any documents in his case file and all documents and records to be used by the agency at the hearing at a reasonable time prior to the hearing as well as at the hearing; obtain assistance from the local office in preparing his case; and of his opportunity to make inquiry at the local office about the availability of community legal resources which could provide representation at the hearing.
3. Appellant, in lieu of a personal appearance, may submit a written statement, under oath or affirmation, setting forth the facts of the case provided that the statement is submitted to the Department prior to or at the time of the hearing. All parties shall be ready and present with all witnesses and documents at the time and place specified in the notice of hearing, and shall be prepared at such time to dispose of all issues and questions involved in the appeal.
4. The hearing officer may take such action for the proper disposition of an appeal as he deems necessary, and on his own motion, or at the request of any interested party upon a showing of good cause disqualify himself, or may continue the hearing to a future time or reopen a hearing before a decision is final to take additional evidence. If an interested party fails to appear at a scheduled hearing, the hearing officer may adjourn the hearing to a later date or may make his decision upon record and such evidence as may be presented at the scheduled hearing. If, within ten days of the scheduled hearing, appellant files a written application requesting reopening of the proceedings and establishes good cause for failure to appear at the scheduled hearing, the hearing shall be rescheduled. Notice of the time, place, and purpose of any continued, reopened or rescheduled hearing shall be given to all interested parties.

C. Prehearing summary
1. A prehearing summary of the facts and grounds for the action taken shall be prepared and forwarded to the hearing officer no less than four days prior to the hearing.
2. The summary shall be provided to the appellant prior to the commencement of the hearing.

D. Subpoena of witnesses. The hearing officer may subpoena any witnesses or documents requested by the Department or claimant to be present at the hearing. The request shall be in writing and shall state the name and address of the witness and the nature of his testimony. The nature of the witnesses' testimony

must be relevant to the issues of the hearing, otherwise the hearing officer may deny the request. The request for the issuance of a subpoena shall be made to give sufficient time, a minimum of three working days, prior to the hearing. A subpoena requiring the production of records and documents shall specifically describe them in detail and further set forth the name and address of the custodian thereof.

E. Review of file. In the presence of a Department representative, the appellant and/or his authorized representative shall be permitted to review, obtain or copy any Department record necessary for the proper presentation of the case.

F. Conduct of the hearing
1. Hearings shall be conducted in an orderly and dignified manner.
2. Hearings are opened, conducted and closed by the hearing officer who shall rule on the admissibility of evidence and shall direct the order of proof. He shall have power to administer oaths and affirmations, take depositions, certify to official acts and issue subpoenas to compel the attendance of witnesses, the production of books, papers, correspondence, memoranda and other records he deems necessary as evidence in connection with a hearing.
3. Evidence not related to the issue shall not be allowed to become a part of the record.
4. The hearing officer may, on his own motion, or at the request of the appellant or Department representative, exclude witnesses from the hearing room.
5. The worker, supervisor or other appropriate person may be designated Department representative for the hearing.
6. The appellant and Department representative may testify, present evidence, cross-examine witnesses and present arguments.
7. The appellant may appear for himself or be represented by an attorney or any other person he designates.
8. A full and complete record shall be kept of all proceedings in connection with an appeal, and such records shall be open for inspection by the claimant or his representative at a place accessible to him. A transcript of the proceedings need not, however, be made unless it is required for further proceedings. When a transcript has been made for further proceedings, a copy shall be furnished without cost to each interested party.

G. Hearing decision
1. The hearing decision shall be rendered exclusively on the evidence and testimony produced at the hearing, appropriate state and federal law, and Department rules governing the issues in dispute.
2. The decision shall set forth the pertinent facts involved, the conclusions drawn from such facts, the sections of applicable law or rule, the decision and the reasons thereof. A copy of such decision, together with an explanation of the appeal rights, shall be delivered or mailed to each interested party and their attorneys of record not more than 60 days from the date of filing the request for appeal, unless the delay was caused by the appellant.
3. In those cases where the local office must take additional action as a result of a decision, such action must be taken immediately.
4. All decisions in favor of the appellant apply retroactively to the date of the action being appealed, or to the date the hearing officer specifically finds appropriate.
5. When a hearing decision upholds the proposed action of reducing, suspending or terminating a grant, an overpayment is the result.
6. All hearing decisions will be made accessible to the public, subject to meeting the provision for safeguarding confidential information relating to the client.
7. Decision of the hearing officer will be the final decision of the Department unless a reconsideration is requested in accordance with subsection (I).

H. Withdrawal of appeal. An appeal may be withdrawn as follows:
1. Voluntary withdrawal. This may be accomplished by completing and signing the proper Department form or by submitting a letter properly signed.
2. Abandonment or involuntary withdrawal. This occurs when an appellant fails to appear at a scheduled hearing and within ten days thereof fails to request a rescheduled hearing or fails to appear at a rescheduled hearing which he has requested. A hearing may not be considered abandoned if the claimant provides notification up to the time of the hearing that he is unable, due to good cause, to keep the appointment and that he still wishes a hearing.

I. Reconsideration
1. An appellant, within ten calendar days after the decision was mailed or otherwise delivered to him, may request the Director to review the decision. The request shall be in writing and should set forth a statement of the grounds for review, and may be filed personally or by mail.
2. After receipt of an application for leave to appeal, the Director shall:
   a. Deny the application, or
   b. Remand the case for rehearing, specifying the nature of any additional evidence required and/or issues to be considered, or
   c. Grant the application and decide the appeal on the record.
3. The Director shall promptly adopt his decision which shall be the final decision of the Department. A copy of the decision, together with a statement specifying the rights for judicial review, shall be distributed to each interested party.

Historical Note
Adopted effective March 1, 1978 (Supp. 78-2).

ARTICLE 25. REPEALED

R6-5-2501. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Former Section R6-5-2501 repealed, new Section R6-5-2501 adopted effective February 26, 1979 (Supp. 79-1).
Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-2502. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Former Section R6-5-2502 repealed, new Section R6-5-2502 adopted effective February 26, 1979 (Supp. 79-1).
Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-2503. Repealed

Historical Note
Adopted effective August 11, 1976 (Supp. 76-4).
Repealed effective June 5, 1997 (Supp. 97-2).

ARTICLE 26. REPEALED

R6-5-2601. Repealed

Historical Note
Adopted effective August 11, 1976 (Supp. 76-4).
Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-2602. Repealed

Historical Note
Adopted effective August 11, 1976 (Supp. 76-4).
Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-2603. Repealed

Historical Note
Adopted effective August 11, 1976 (Supp. 76-4).
Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-2604. Repealed

Historical Note
Adopted effective August 11, 1976 (Supp. 76-4).
Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-2605. Repealed

Historical Note
Adopted effective August 11, 1976 (Supp. 76-4).
Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-2606. Repealed

Historical Note
Adopted effective August 11, 1976 (Supp. 76-4).
Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-2607. Repealed

Historical Note
Adopted effective August 11, 1976 (Supp. 76-4).
Repealed effective June 5, 1997 (Supp. 97-2).

ARTICLE 27. REPEALED

R6-5-2701. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-2702. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-2703. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-2704. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-2705. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-2706. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-2707. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective June 5, 1997 (Supp. 97-2).

ARTICLE 28. REPEALED

Former Article 28 consisting of Sections R6-5-2801 through R6-5-2804 repealed effective November 8, 1982.

ARTICLE 29. REPEALED

R6-5-2901. Repealed

Historical Note
Adopted effective August 11, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-2902. Repealed

Historical Note
Adopted effective August 11, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-2903. Repealed

Historical Note
Adopted effective August 11, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-2904. Repealed

Historical Note
Adopted effective August 11, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-2905. Repealed

Historical Note
Adopted effective August 11, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-2906. Repealed

Historical Note
Adopted effective August 11, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-2907. Repealed

Historical Note
Adopted effective August 11, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-2908. Repealed

Historical Note
Adopted effective August 11, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-2909. Repealed

Historical Note
Adopted effective August 11, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-2910. Repealed

Historical Note
Adopted effective August 11, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-2911. Repealed

Historical Note
Adopted effective August 11, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-2912. Repealed

Historical Note
Adopted effective August 11, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

ARTICLE 30. REPEALED

Former Article 30, consisting of Sections R6-5-3001 through R6-5-3007, repealed effective August 29, 1984.

ARTICLE 31. REPEALED

Former Article 31, consisting of Sections R6-5-3101 through R6-5-3110, repealed effective November 8, 1982.

ARTICLE 32. REPEALED

R6-5-3201. Repealed

Historical Note
Adopted effective November 22, 1978 (Supp. 78-6).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-3202. Repealed

Historical Note
Adopted effective November 22, 1978 (Supp. 78-6).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-3203. Repealed

Historical Note
Adopted effective November 22, 1978 (Supp. 78-6).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-3204. Repealed

Historical Note
Adopted effective November 22, 1978 (Supp. 78-6).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-3205. Repealed

Historical Note
Adopted effective November 22, 1978 (Supp. 78-6).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-3206. Repealed

Historical Note
Adopted effective November 22, 1978 (Supp. 78-6).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-3207. Repealed

Historical Note
Adopted effective November 22, 1978 (Supp. 78-6).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-3208. Repealed

Historical Note
Adopted effective November 22, 1978 (Supp. 78-6).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-3209. Repealed

Historical Note
Adopted effective November 22, 1978 (Supp. 78-6).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-3210. Repealed

Historical Note
Adopted effective November 22, 1978 (Supp. 78-6).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-3211. Repealed

Historical Note
Adopted effective November 22, 1978 (Supp. 78-6).
Repealed effective December 17, 1993 (Supp. 93-4).

ARTICLE 33. RESERVED

ARTICLE 34. RESERVED

ARTICLE 35. RESERVED

ARTICLE 36. RESERVED

ARTICLE 37. RESERVED

ARTICLE 38. RESERVED

ARTICLE 39. RESERVED

ARTICLE 40. RESERVED

ARTICLE 41. RESERVED

ARTICLE 42. RESERVED

ARTICLE 43. RESERVED

ARTICLE 44. RESERVED

ARTICLE 45. RESERVED

ARTICLE 46. RESERVED

ARTICLE 47. RESERVED

ARTICLE 48. RESERVED

ARTICLE 49. CHILD CARE ASSISTANCE

Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Ch. 300, § 74(A). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on this Section.

R6-5-4901. Definitions

The following definitions apply to this Article:

1. "Adequate notice" means a notice which explains the action the Department intends to take, the reason for the action, the specific authority for the action, the client's appeal rights, and right to benefits pending appeal, and which is mailed before the effective date of the action.
2. "Appellant" means an applicant or recipient of assistance who is appealing a negative action by the Department.
3. "Applicant" means a person who has filed an application for Child Care Assistance with the Department.
4. "Authorized" means a specific amount of Child Care Assistance has been authorized for an eligible family for a specific period of time to allow reimbursement of a DES registered provider for child care services.
5. "CCA" means the DES Child Care Administration.
6. "Cash Assistance" means a program administered by the Family Assistance Administration which provides temporary Cash Assistance to needy families.
7. "Cash Assistance participant" means a recipient of Cash Assistance.
8. "Child care" means the compensated service that is provided to a child who is unaccompanied by a parent or guardian during a portion of a 24-hour day.
9. "Child Care Assistance" means any money payments for child care services that are paid by the Department and that are paid for the benefit of an eligible family.
10. "Child Care Provider" means child care facilities licensed pursuant to A.R.S. Title 36, Chapter 7.1, Article 4, child care home providers, in-home providers, noncertified rel-

ative providers, and regulated child care on military installations or federally recognized Indian Tribes.

11. "Client" means a person who has applied for, requested, has been referred for, or who is currently receiving Child Care Assistance.
12. "Convert" means to reestablish eligibility for a current client who is determined eligible under A.R.S. § 46-801 through 46-810 and this Article.
13. "Countable income" means the amount of gross income for the individuals included in family size which the Department considers to determine eligibility and calculate an assistance amount.
14. "CPS or Child Protective Services" means the child welfare services administration within the Department's Division of Children, Youth, and Family Services.
15. "Current client" means a person who:
    a. Is receiving child care on the effective date of these rules; and
    b. Has continuously received Child Care Assistance since on or before July 31, 1997.
16. "Day" means a calendar day unless otherwise specified.
17. "DDD" means the Division of Developmental Disabilities.
18. "Denial" means a formal decision of ineligibility on an application, referral, or request for Child Care Assistance.
19. "Department" means the Arizona Department of Economic Security.
20. "Dependent" means a person under the age of 18, who resides with the applicant and whom the applicant has the legal financial obligation to support.
21. "DES-certified child care provider" means a provider who is certified under A.R.S. § 36-895(B) and (C) and who provides care in either the child's or the provider's own home.
22. "DHS-certified group home" means a provider who is certified under A.R.S. § 36-897.01.
23. "DHS-licensed child care center" means a provider who holds a license as prescribed in A.R.S. § 36-892.
24. "Eligibility criteria" means the requirements an individual or family must meet to receive Child Care Assistance.
25. "Eligible activity" means a specific type of activity which causes an applicant or recipient and any other parent or responsible person in the eligible family to be unavailable to provide care to their children for a portion of a 24-hour day, and which partially determines the amount of Child Care Assistance an eligible family shall receive.
26. "Eligible family" means a group of persons whose needs, income, and other circumstances are considered as a whole for the purpose of determining eligibility and amount of Child Care Assistance.
27. "Eligible need" means a specific type of need which causes an applicant or recipient, and any other parent or responsible person in the eligible family, to be unavailable or incapable to provide care to their children for a portion of a 24-hour day, and which partially determines the amount of Child Care Assistance an eligible family shall receive.
28. "E.S.O.L." means English for Speakers of Other Languages.
29. "Family size" means the applicant, responsible person, and their dependents who reside in the same household. A man and woman legally married, not living in the same household but with the intention of remaining a family, shall be included in the family size. When the applicant requests Child Care Assistance for other related children or children in guardianship in addition to his or her own children, all children shall be included in family size. When foster parents are applying for Child Care Assistance for their own children, the foster child shall not be considered a member of the foster parent's family.
30. "Federal poverty level" (FPL) means the poverty guidelines that are issued by the United States Department of Health and Human Services pursuant to Section 673(2) of the Omnibus Reconciliation Act of 1981; that are reported annually in the Federal Register; which are converted into monthly amounts by the Department; which shall become effective for use in determining eligibility for Child Care Assistance on the first day of the state fiscal year immediately following the publication of the annual amount in the Federal Register.
31. "Foster care" means a child placed in a foster home by the Department or an Arizona tribe.
32. "Foster parent" means any person licensed by DES or an Arizona tribe to provide out-of-home care for a foster child.
33. "G.E.D." means General Educational Development.
34. "Homebound" means a person who is confined to the home because of physical or mental incapacity.
35. "Homeless shelter" means a public or private nonprofit program that is targeted to assist homeless families and is designed to provide temporary or transitional living accommodations and a program of services to assist such families toward self sufficiency.
36. "Income" means earned and unearned income combined.
37. "JOBS" or "Job Opportunities and Basic Skills Training Program" means the program which assists Cash Assistance participants to prepare for, obtain, and retain employment. "JOBS" Program also means the Tribal JOBS Program and any other entities who contract with the state to perform this function.
38. "JOBS participant" means a Cash Assistance participant who is participating in the JOBS program as a condition of receiving Cash Assistance.
39. "Local office" means a CCA office which is designated as the office in which Child Care Assistance applications and other documents are filed with the Department and in which eligibility and assistance amounts are determined.
40. "Lump sum income" means a single payment of earned or unearned income, such as retroactive monthly benefits, non-recurring pay adjustments or bonuses, inheritances, or personal injury and workers' compensation awards.
41. "Mailing date" when used in reference to a document sent first-class, postage prepaid, through the United States mail, means the date:
    a. Shown on the postmark;
    b. Shown on the postage meter mark of the envelope, if there is no postmark; or
    c. Entered on the document as the date of its completion, if there is no legible postmark or postage meter mark.
42. "Minor parent" means an unwed parent under the age of 18 living with his or her own parents.
43. "Negative action" means one of the Department actions described in R6-5-4918, including action to terminate assistance or increase the fee level and copayment for Child Care Assistance.
44. "Noncertified relative provider" means a person who is at least 18 years of age, who provides child care services to an eligible child, who is by affinity or consanguinity or by court decree the grandparent, great-grandparent, sibling not residing in the same household, aunt, great aunt, uncle, or great uncle of the eligible child and who meets

the Department's requirements to be a noncertified relative provider.

45. "Nonparent relative" means a caretaker relative who exercises responsibility for the day-to-day physical care, guidance, and support of a child who physically resides with the relative and who is by affinity or consanguinity or by court decree a grandparent, great-grandparent, sibling of the whole or half blood, stepbrother, stepsister, aunt, uncle, great aunt, great uncle, or first cousin.
46. "Notice date" means the date which appears as the official date of issuance on a document or official written notice the Department sends or gives to an applicant or recipient.
47. "OSI" or "Office of Special Investigations" means the Department office to which CCA refers cases for investigation of certain eligibility information, investigation and preparation of fraud charges, coordination and cooperation with law enforcement agencies and other similar functions.
48. "Other related child" means a child who is related to the applicant or recipient, and who is not the applicant's or recipient's natural, step, or adoptive child.
49. "Overpayment" means a Child Care Assistance payment received by a child care provider or for an eligible family which exceeds the amount to which the provider or family was lawfully entitled.
50. "Parent" means the biological parent whose name appears on the birth certificate or who has legally acknowledged or had an adjudication of paternity, or the adoptive parent of the child.
51. "Positive action" means the approval, increase, or resumption of service such as increasing the amount of assistance or decreasing the fee level and copayment.
52. "Recipient" means a person who is a member of an eligible family receiving Child Care Assistance.
53. "Request for Hearing" means a clear written expression by an applicant or recipient, or such person's representative, indicating a desire to present the case or issue to a higher authority.
54. "Responsible person" means one or more persons, residing in the same household, who have the legal responsibility to financially support:
    a. One or more of the children for whom Child Care Assistance is being requested, or
    b. The applicant or recipient for Child Care Assistance.
55. "Review" means a review of all factors affecting an eligible family's eligibility and assistance amount.
56. "Work" means the performance of duties on a regular basis for wages or salary.

Historical Note

Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

Editor's Note: The following Section was adopted and repealed under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Ch. 300, § 74(A). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on this Section.

R6-5-4902. Repealed

Historical Note

Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3). Section automatically repealed July 31, 1998 (Supp. 98-3).

Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Ch. 300, § 74(A). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on this Section.

R6-5-4903. Redetermination of Eligibility

A. Effective August 1, 1997, through December 31, 1997, the Department shall redetermine eligibility for all current clients as prescribed in A.R.S. § 46-803(L).

B. The Department shall conduct redeterminations of eligibility on the client's regularly scheduled review date or when the client submits a change of information, whichever occurs first. The Department shall convert or phase out current clients based on the redetermination of eligibility.

C. The Department shall terminate eligibility no later than June 30, 1998, for current clients who do not meet the eligibility criteria set forth in A.R.S. §§ 46-801 through §§ 46-810 and this Article, as prescribed in R6-5-4922.

D. The Department shall convert current clients no later than June 30, 1998, who meet eligibility criteria set forth in A.R.S. §§ 46-801 through 46-810 and this Article, as prescribed in this Section.

E. This Section is automatically repealed on July 31, 1998.

Historical Note

Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Ch. 300, § 74(A). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on this Section.

R6-5-4904. Access to Child Care Assistance

A. Application for Child Care Assistance.
1. Any person may apply for Child Care Assistance by filing, either in person or by mail, a Department-approved application form with any CCA office.
2. The application file date is the date any CCA office receives an identifiable application. An identifiable application contains, at a minimum, the following information:
    a. The legible name and address of the person requesting assistance; and
    b. The signature, under penalty of perjury, of the applicant or, if the applicant is incompetent or incapacitated, someone legally authorized to act on behalf of the applicant.
3. In addition to the identifiable information described in subsection (A)(2), a completed application shall contain:

a. The names of all persons living with the applicant and the relationship of those persons to the applicant, and
b. All other eligibility information requested on the application form.

B. Request for Child Care Assistance.
1. Cash Assistance participants who need Child Care Assistance for employment activities are not required to complete an application.
2. Child Care Assistance for Cash Assistance participants may begin effective the start date of the eligible activity but not earlier than the date that the participant requests Child Care Assistance from a local CCA office after the Department has verified eligibility criteria.

C. Referral for Child Care Assistance.
1. JOBS Participants. Cash Assistance participants in JOBS-approved work participation activities who request child care shall be referred by the JOBS Program for Child Care Assistance.
2. Child Protective Services Families (CPS). CPS shall refer families that CPS deems eligible for Child Care Assistance on a case-by-case basis.
3. CPS and DDD Foster Families - CPS or DDD shall determine eligibility for and refer children in the care, custody, and control of DES who need child care services as documented in a foster care case plan.

Historical Note
Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Ch. 300, § 74(A). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on this Section.

R6-5-4905. Initial Eligibility Interview

A. Upon receipt of an identifiable application, the Department shall schedule an initial eligibility interview for the applicant. Upon request, the Department shall conduct the interview at the residence of a person who is homebound.

B. The applicant shall attend the interview. A person of the applicant's choosing may also attend the interview.

C. The Department may conduct a telephone interview if the applicant has previously verified citizenship or legal residency status as prescribed in R6-5-4911(E).

D. During the interview, a Department representative shall:
1. Assist the applicant in completing the application form;
2. Witness the signature of the applicant;
3. Discuss information pertinent to the applicant's child care needs;
4. Provide the applicant with written information explaining:
   a. The terms, conditions, and obligations of the Child Care Assistance program;
   b. Any additional verification information as prescribed in R6-5-4906 which the applicant must provide for the Department to conclude the eligibility evaluation;
   c. The Department practice of exchanging eligibility and income information among Department programs;
   d. The coverage and scope of the Child Care Assistance program;
   e. The applicant's rights, including the right to appeal a negative action; and
   f. The requirement to report all changes within two work days from the date the change becomes known;
5. Review the penalties for perjury and fraud, as printed on the application;
6. Explain to the applicant who is included in family size for the purpose of determining income eligibility, and whose availability is considered in determining the amount of Child Care Assistance authorized for each child needing care as prescribed in R6-5-4914(D);
7. Review any verification information already provided;
8. Explain the applicant's duties to:
   a. Notify the Department regarding initial provider selection or changes in provider in advance of using services or changing providers,
   b. Pay DES required copayments to the child care provider as assigned by the Department, and
   c. Pay any additional charges to the provider for the cost of care in excess of the amount paid by the Department.
9. Review all ongoing reporting requirements, and explain that the applicant may incur overpayments for failure to make timely reports.

Historical Note
Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

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R6-5-4906. Verification of Eligibility Information

A. The Department shall obtain independent verification or corroboration of information provided by the client when required by law, or when it is necessary to determine eligibility, fee level and copayment assignment, or service authorization amount.

B. The Department may verify or corroborate information by any reasonable means including:
1. Contacting third parties such as employers and educational institutions,
2. Asking the client to provide written documentation such as pay stubs or school schedules, and
3. Conducting a computer data match through other Department programs' computer systems.

C. The client is responsible for providing all required verification. The Department shall offer to assist a client who has difficulty in obtaining the verification and requests help.

D. A client shall provide the Department with all requested verification within 10 calendar days from the notice date of a written request for such information. When a client does not timely comply with a request for information, the Department shall deny the application as provided in R6-5-4908(B).

Historical Note
Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

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R6-5-4907. Withdrawal of an Application

A. An applicant may withdraw an application at any time prior to its disposition by providing the Department with a written request for withdrawal signed by the applicant.

B. If an applicant makes an oral request to withdraw an application:
1. The Department shall accept the oral request, provide the applicant with a written withdrawal form, and request that the applicant complete the form and return it to the Department. The Department shall inform the applicant of the consequences of not returning the withdrawal form within 10 days of the notice date.
2. If the applicant fails to return the completed withdrawal form, the Department shall deny the application for failure to provide information unless the applicant rescinds the oral withdrawal request within 10 days of the date the Department provides the applicant a withdrawal form.

C. A withdrawal is effective as of the application file date unless the applicant specifies a different date on the withdrawal form.

D. An application that has been withdrawn shall not be reinstated; an applicant who has withdrawn an application shall reapply anew.

Historical Note
Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

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R6-5-4908. Child Care Assistance Approvals and Denials

A. The Department shall complete the eligibility determination within 30 calendar days of the application file date or referral receipt date, unless:
1. The application or referral is withdrawn,
2. The application or referral is rendered moot because the applicant has died or cannot be located, or
3. There is a delay resulting from a Department request for additional verification information as provided in R6-5-4906(D).

B. The Department shall deny Child Care Assistance when the applicant fails to:
1. Complete the application and an eligibility interview, as described in R6-5-4905;
2. Submit all required verification information within 10 days of the notice date of a written request for verification, or within 30 days of the application file date whichever is later; or
3. Cooperate during the eligibility determination process as required by R6-5-4911(A).

C. When an applicant satisfies all eligibility criteria, the Department shall determine the service authorization amount, the fee level and copayment amount (if applicable), approve Child Care Assistance, and send the applicant an approval notice. The approval notice shall include the amount of assistance, fee level and copayment information, and an explanation of the applicant's appeal rights.

Historical Note
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R6-5-4909. 12-month Review

A. The Department shall complete a review of all eligibility factors for each client at least once every 12 months, beginning with the 12th month following the first month of Child Care Assistance eligibility.

B. The Department may elect to review eligibility factors more frequently than every 12 months.

C. At least 30 days prior to the 12-month review date, the Department shall mail the client a notice advising of the need for a review, and the requirement to submit a completed review application and verification of income and other eligibility factors for the most recent calendar month.

D. In response to such notice, the client shall mail or deliver to the Department a completed review application and verification by the date on the notice.

E. The Department shall verify the client's income and any eligibility factors which have changed or are subject to change.

F. The Department shall terminate Child Care Assistance effective the review date and deny the review application if the client:
1. Fails to submit the review application by the review date, or
2. Fails to submit requested verification by the review date as required by the Department for a redetermination of eligibility.

G. If the client submits the review application and required verification within 30 days after the review date, the Department shall not require the client to appear for an intake interview and shall approve Child Care Assistance effective the date that the application and verification were received if other eligibility criteria are met.

Historical Note
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the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on this Section.

R6-5-4910. Reinstatement of Assistance

A. If the Department has terminated Child Care Assistance, the Department shall not reinstate assistance unless the client files a new application.

B. Notwithstanding subsection (A), the Department shall reinstate assistance within 10 calendar days when:
1. Termination was due to Department error; the Department shall reinstate assistance effective the date following the date of termination;
2. The Department receives a court order or administrative hearing decision mandating reinstatement; the Department shall reinstate assistance effective the date prescribed by the court order or hearing decision; or
3. The recipient files a request for a fair hearing within 10 days of the notice date of the termination notice and requests that assistance be continued pending the outcome of an appeal; the Department shall reinstate assistance effective the date following the date of termination.

Historical Note

Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

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R6-5-4911. General Eligibility Criteria

A. Applicant and Recipient Responsibility.
1. An applicant for or recipient of Child Care Assistance shall cooperate with the Department as a condition of initial and continuing eligibility. The client shall:
   a. Give the Department complete and truthful information;
   b. Inform the Department of all changes in income, eligible activities as described in R6-5-4912, work or school schedules, or other circumstances affecting eligibility or the amount of assistance authorized, within two work days from the date the change becomes known; and
   c. Comply with all the Department's procedural requirements.
2. The Department may deny an application for or reduce or terminate assistance, if the client fails or refuses to cooperate with the Department to determine eligibility as requested.

B. Eligible Applicants.
1. In order to be considered an eligible applicant for Child Care Assistance, a client shall reside with the child needing care and shall be a relative or guardian as described in this Section.
   a. The parent of the child for whom assistance is being requested; or
   b. The nonparent relative related by either blood, adoption, or marriage to the child for whom assistance is requested: brother, sister, aunt, uncle, first cousin, grandmother, grandfather, and persons of preceding generations as denoted by "grand," "great," or "great-great."
   c. A court-appointed legal guardian for the child for whom assistance is requested, or a person who can provide documentation from the court that the process of legal guardianship has been initiated.
2. Acceptable verification of guardianship shall include the following court documents:
   a. Petition for Temporary Appointment of Guardian (date stamped as received by the court);
   b. Petition for Permanent Appointment of Guardian (date stamped as received by the court);
   c. Order of Appointment of a Temporary Guardian;
   d. Order of Appointment of a Permanent Guardian;
   e. Letters and Acceptance of Permanent Guardianship.
3. If the client has not been appointed as a guardian when the Department authorizes Child Care Assistance, the client shall to continue the legal process for appointment in order to retain eligibility for Child Care Assistance.
4. The client shall verify relationship or guardianship status as requested by the Department.

C. Arizona Residency. The client and the child for whom assistance is requested shall be Arizona residents and shall be physically present within Arizona.

D. Age of the Child. An eligible child is birth through 12 years of age only; a child aged 13 or older is ineligible for Child Care Assistance.

E. Citizenship and Legal Residency Requirements.
1. The client shall be a United States citizen or shall be a legal resident of the United States.
2. The client shall verify citizenship or legal residency status as requested by the Department by providing a birth certificate, naturalization documentation, or alien or immigration registration documentation from the U.S. Immigration and Naturalization Service (INS).

F. Eligible Activity or Need.
1. The client, and any other parent or responsible person in the household, shall be engaged in an eligible activity or have an eligible need for Child Care Assistance as prescribed in R6-5-4912 which causes them to be unavailable to provide care to the child for whom assistance is requested.
2. Each parent or responsible person in the household shall have an eligible activity or need.

G. Availability of the Parent and Responsible Person.
1. The Department shall consider the availability of the client, and any other parent or responsible person in the household in determining eligibility and the amount of service authorized for each individual child needing care.
2. The parent and any other responsible person in the household shall be unavailable to provide care to the child for whom assistance is being requested for a portion of a 24-hour day due to an eligible activity or need.
3. In a family with more than one parent or responsible person, Child Care Assistance shall be authorized for the period of time that neither parent or responsible person is available due to an eligible activity or need only.

H. Provider Selection and Arrangements.
1. The Department shall not authorize Child Care Assistance until the applicant has selected a child care provider. An allowable child care provider for DES Child Care Assistance:
   a. Shall be one of the following:
      i. A DHS-licensed child care center;
      ii. A DHS-certified group home;
      iii. A DES-certified family child care home;

iv. A DES-certified in home care provider;
v. A DES-noncertified relative provider;
vi. A regulated provider meeting requirements established by military installations or federally recognized Indian Tribes.

b. Shall have a registration agreement with the Department.

2. The Department shall not authorize Child Care Assistance with a noncertified relative provider when:
   a. Child Care Assistance is requested for a CPS referred family, or a CPS or DDD foster family;
   b. Child Care Assistance is requested by a Cash Assistance participant and the relative is included in the Cash Assistance grant; or
   c. The relative provider is included in family size as prescribed in R6-5-4914(D), or is the applicant for Child Care Assistance.
   d. The relative is the natural, step, or adoptive parent of the child for whom assistance is requested.

Historical Note
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R6-5-4912. Eligible Activity or Need

A. Eligible activities and needs for Child Care Assistance:
1. Employment. Full or part-time employment for monetary compensation;
2. Self Employment. Full or part time self employment for monetary compensation.
3. Education and Training Activities with Minimum Work Requirement. A client who is employed shall be eligible to receive Child Care Assistance for education and training activities as prescribed in subsections (A)(3)(a), (b), and (c).
   a. Post-secondary education in a college or trade school.
      i. The client is employed an average of at least 20 hours per week, per calendar month;
      ii. A self-employed client meets the 20-hour work requirement if the client's monthly net profit, divided by the current minimum wage standard, equates to the average 20-hour weekly work requirement.
      iii. The education or training activity is related to the client's employment goal.
      iv. The client's educational level is freshman or sophomore as defined by the educational institution, or the educational activities are in pursuit of an Associate Degree, or the client is in training at a vocational or trade school.
      v. The client shall maintain satisfactory progress in the educational activity and remain in good standing, as defined by the educational institution.
      vi. The client has not received more than the lifetime limit of 24 months of Child Care Assistance for education and training activities. Child Care Assistance authorized for educational activities before August 1, 1997, does not count toward the 24-month limit.
      vii. Countable months toward the 24-month limit are those calendar months in which the Department authorized additional child care services for education and training needs; the Department shall not calculate the 24-month limit based on monthly usage.
      viii. The client assumes full responsibility for employment goals and educational choices made; the Department is under no obligation to provide Child Care Assistance until educational or employment goals are attained.
      ix. The Department shall authorize Child Care Assistance for actual class time, time between classes as determined by the Department, and travel time to and from school only.
      x. Correspondence courses, home study courses, and study time are not eligible educational activities for Child Care Assistance.
   b. High School, G.E.D., E.S.O.L., and Remedial Educational Activities for Adults age 20 and Older.
      i. The client is employed an average of at least 20 hours per week, per month.
      ii. A self-employed client meets the 20-hour work requirement if the person's monthly net profit, divided by the current minimum wage standard, equates to the average 20-hour weekly work requirement.
      iii. The educational or training activity is related to the client's employment goal.
      iv. The client shall maintain satisfactory progress in the educational activity and remain in good standing, as defined by the educational institution.
      v. The client has not received more than the lifetime limit of 12 months of Child Care Assistance for education and training activities described in this Section. Child Care Assistance authorized for educational activities before August 1, 1997, does not count toward the 12-month limit.
      vi. Countable months toward the 12-month limit are those calendar months in which the Department authorized additional child care services for education and training needs. The Department shall not calculate the 12-month limit based on monthly usage.
      vii. The client assumes full responsibility for employment goals and educational choices made; the Department is under no obligation to provide Child Care Assistance until educational and employment goals are attained.
      viii. Allowable educational activities are: attendance at high school, G.E.D. or E.S.O.L. classes, or remedial educational activities as determined allowable by the Department.
      ix. The Department shall authorize Child Care Assistance for actual class time, time between classes as determined by the Department, and travel time to and from school only.
      x. Correspondence courses, home study courses, and study time are not allowable educational activities for DES Child Care Assistance.

c. Cash Assistance participants who are sanctioned due to JOBS noncompliance are ineligible for Child Care Assistance for education and training activities in any month when a JOBS sanction is applied to the Cash Assistance case, unless the education and training activities are JOBS approved.

4. Teen Parents in Education and Training Activities. Teen parents are eligible for Child Care Assistance for education and training activities according to the following criteria:
   a. The teen parent is under age 20.
   b. The teen parent is attending high school, G.E.D., or E.S.O.L. classes, or remedial educational activities in pursuit of a high school diploma.
   c. Child Care Assistance for teen parents for the educational activities described in this Section is not time limited. The teen parent shall continue to receive assistance for the educational activity if eligibility criteria are met and until the teen parent:
      i. Receives a diploma or certificate; or
      ii. Attains the age of 20 years, whichever occurs first.
   d. If the teen parent attends post-secondary educational activities, the eligibility criteria outlined under "Post- Secondary Education" in subsection (A)(3)(a) shall apply.
   e. The Department shall authorize Child Care Assistance for actual class time, time between classes as determined by the Department, and travel time to and from school only.
   f. Correspondence courses, home study courses, and study time are not allowable educational activities for Child Care Assistance.
   g. Cash Assistance participants who have been sanctioned due to JOBS noncompliance are ineligible for Child Care Assistance for education and training activities in any month that a JOBS noncompliance sanction is applied to the Cash Assistance case, unless the education and training activities are JOBS approved.
5. Participation in JOBS Approved Activities. Individuals participating in the JOBS Program and who receive Cash Assistance shall be eligible for Child Care Assistance if the following criteria are met.
   a. The individual is referred by a JOBS Program Specialist to CCA for Child Care Assistance.
   b. The individual is required to contact a local DES Child Care Office to notify CCA of the selection of a provider, and to cooperate with CCA to arrange child care services.
   c. The Child Care service authorization shall be based on the days and hours of the approved JOBS activity as specified by the JOBS Program Specialist in the JOBS referral.
   d. JOBS participants shall receive Child Care Assistance for JOBS approved educational and training activities only. Educational and training activities that are not JOBS approved are not eligible activities for Child Care Assistance for JOBS participants.
6. Unable or Unavailable to Provide Care. Clients who are unable or unavailable to care for their own children for a portion of a 24-hour day are eligible for Child Care Assistance according to the following criteria.
   a. Clients who are unable to care for their own children due to a physical, mental, or emotional disability are eligible for Child Care Assistance when the diagnosis, inability to care for the children, and anticipated recovery date (or the date of the next medical evaluation) have been verified by a licensed physician, certified psychologist, or certified behavioral health specialist.
   b. The Department shall authorize Child Care Assistance to cover:
      i. The amount of time the client is unable to care for the child; and
      ii. The amount of time needed for ongoing treatment for the specified condition as verified by the physician, certified psychologist, or certified behavioral health specialist.
   c. Child Care Assistance shall not cover intermittent and routine appointments that are not part of an ongoing treatment plan.
   d. Clients participating in a drug rehabilitation program are eligible for Child Care Assistance to participate in activities as specified by the drug rehabilitation program.
   e. Clients participating in a court-ordered community service program are eligible for Child Care Assistance to support required community service participation as specified by the court.
   f. Clients who are residents of a homeless or domestic violence shelter are eligible for Child Care Assistance based on shelter residency, and on verification provided by an authorized representative at the shelter. Child Care Assistance shall cover:
      i. The days and hours that the client is unavailable to provide care to their own child due to participation in shelter-directed activities as verified by an authorized representative of the shelter; and
      ii. The days and hours that the client is unable to provide care to the client's own child due to a physical, mental, or emotional disability as verified by a licensed physician, certified psychologist, or a certified behavioral health specialist.
7. CPS Referred Families and CPS and DDD Foster Families.
   a. Child Care Assistance shall be provided to families requiring assistance as documented in a CPS case plan, or to children who are in the care, custody, and control of the Department, and who need Child Care Assistance as documented in a foster care case plan.
   b. Eligibility for Child Care Assistance under this provision shall be determined by CPS and DDD on a case by case basis.

B. Verification of Eligible Activity or Need. The client shall verify eligible activities and needs as requested by the Department. Acceptable verification shall include:
1. Pay stubs for the most recent calendar month;
2. Employer's statement verifying hourly rate of pay, work schedule, and frequency of pay;
3. Quarterly or annual tax statement for the most recent calendar quarter or year to verify self-employment activities;
4. Self-employment log to document self-employment activities and income accompanied by receipts for gross sales and business expenses for the most recent calendar month or quarter;
5. Written verification from an educational institution to verify days and hours of attendance, start and end dates of the activity, educational level, and satisfactory progress;
6. Written verification from a licensed physician, certified psychologist, or certified behavioral health specialist

indicating the diagnosis, inability to care for the child, days and hours that child care is needed, and the anticipated recovery date;

7. Written verification from a homeless or domestic violence shelter indicating the days, hours, and duration that child care is needed as prescribed in subsection (A)(6)(f).

Historical Note

Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

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R6-5-4913. Applicants and Recipients as Child Care Providers

A. The client for Child Care Assistance may also be the child care provider for any child for whom assistance is requested when:

1. The client works for but is not the DES contracted party for the provision of Child Care Assistance;
2. The client receives monetary compensation for work performed as a child care provider;
3. The client cares for other unrelated children, for whom client does not receive Child Care Assistance, as well as for the child for whom the client has applied for Child Care Assistance; and
4. The client is unavailable to provide care to the child for whom assistance is requested. When the client is also the child care provider, this is defined as:
   a. There is no "not for compensation" slot available for the child; and
   b. Caring for the child as well as for the other children for whom the child care provider receives compensation, would exceed the ratio per state certification or licensing standards pursuant to A.R.S. § 36-897.01 and 6 A.A.C. 5, Article 52.

B. If there is no "not for compensation" slot available for the child, and other eligibility criteria described in this Article are met, the client for Child Care Assistance may also be the child care provider for the child for whom assistance is requested.

Historical Note

Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

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R6-5-4914. Income Eligibility Criteria

A. Child Care Assistance Without Regard to Income. The Department shall not determine income eligibility for Child Care Assistance for the following:

1. JOBS participants who need Child Care Assistance to participate in the JOBS Program, and who are referred to CCA as prescribed in R6-5-4904(B).
2. Cash Assistance participants who need Child Care Assistance to maintain employment.
3. CPS referred families, and CPS or DDD foster families who need Child Care Assistance as documented in a CPS or foster care case plan, and who are referred to CCA as prescribed in R6-5-4904(B).

B. Child Care Assistance With Regard to Income. The Department shall determine income eligibility for Child Care Assistance for the following:

1. Former Cash Assistance participants who need Child Care Assistance to maintain employment as prescribed in R6-5-4916(A).
2. Clients who are not Cash Assistance participants but who need Child Care Assistance to maintain employment.
3. Teen parents who need Child Care Assistance for educational activities as prescribed in R6-5-4912(A)(4).
4. Client who need Child Care Assistance because they are unable or unavailable to care for their own children due to physical, mental or emotional disability, participation in a drug treatment or court-ordered community service program, or residency in a homeless or domestic violence shelter as prescribed in R6-5-4912(A)(6).

C. Income Maximum for Child Care Assistance. The Department shall determine income eligibility by calculating the gross monthly income of all family members included in family size unless otherwise excluded as prescribed in subsections (D), (E), (F), and (H).

1. If the gross monthly income for the family is equal to or less than 135% FPL, the family meets the income eligibility requirements for Child Care Assistance.
2. If the gross monthly income for the family exceeds 135% FPL, the family does not meet the income eligibility requirements for Child Care Assistance.

D. Family Size Determination. The Department shall determine family size for the purpose of determining income eligibility as prescribed in this subsection.

1. Family size shall consist of:
   a. The applicant for Child Care Assistance;
   b. The applicant's natural, adoptive, and step children;
   c. Any other parent or responsible person living in the household who is legally and financially responsible for either the applicant, or for the children needing care; and
   d. The children of the other parent or responsible person residing in the same household.
2. When a parent applies for Child Care Assistance for natural, adoptive, or step children:
   a. If the applicant and other adult in the household are married, or have children in common who need child care, one family size determination shall be made for the family.
   b. The income of both parents shall be counted.
3. When a nonparent relative applies for Child Care Assistance for other related children only (children who are not the applicant's own children, but who are related, such as grandchildren, nieces, nephews, siblings, or first cousins):
   a. Family size shall consist of the other related child or children only; the nonparent relative shall not be included.
   b. The nonparent relative's and his or her spouse's income shall be excluded.
4. When the applicant applies for Child Care Assistance for natural, adoptive, or step children, and also for other related children, one family size determination shall be made for the family:

a. Family size shall consist of the applicant, the applicant's children, the other related children who need care, and any other parent or responsible person in the household.
b. The applicant's and other parent's or responsible person's income shall be counted.
c. Any income received by or for the "other related" child shall be counted.

5. When an unwed minor parent applies for Child Care Assistance for his or her own child and resides with his or her parents:
   a. One family-size determination shall be made for the family.
   b. The following shall be included in family size:
      i. The minor parent;
      ii. The minor parent's child;
      iii. The parents of the minor parent; and
      iv. The minor parent's siblings (under age 18).
   c. The income of the minor parent and his or her parents shall be considered in the income eligibility determination.
6. When a guardian applies for Child Care Assistance for a child in guardianship only:
   a. One family-size determination shall be made for the child in guardianship.
   b. All children in guardianship shall be included in family size (separate family size determinations shall not be made for individual children in guardianship).
   c. The guardian and their spouse shall not be included in family size; their income shall be excluded.
   d. Income received by or for the children in guardianship shall be counted.
7. When the applicant applies for Child Care Assistance for natural, step, or adoptive children in addition to the children in guardianship:
   a. One family-size determination shall be made.
   b. Family size shall consist of the applicant, the applicant's children, the children in guardianship and any other parent or responsible person in the household.
   c. The applicant's and other parent's or responsible person's income shall be counted.
   d. Income received by or for the children in guardianship shall be counted.

E. Countable Income. The Department shall count the gross monthly income of a family as prescribed in subsection (D); countable income shall include:

1. Gross earnings received for work including wages, salary, armed forces pay, commissions, tips, overtime, piece-rate payments, and cash bonuses earned, before any deductions.
2. Net income from non-farm self employment which includes gross receipts minus business expenses. Gross receipts include the value of all goods sold and services rendered. Business expenses include costs of goods and services purchased or produced, rent, heat, light, power, depreciation charges, wages, and salaries paid, business taxes, and other expenses incurred in operating the business. The value of salable merchandise consumed by the proprietors of retail stores is not included as part of net income. Payments on loans or mortgages obtained to increase capital investments in property or equipment are not allowed as deductible expenses.
3. Net income from farm self employment which includes gross receipts minus operating expenses. Gross receipts include the value of all products sold, government crop loans, money received from the rental of farm equipment to others, and incidental receipts from the sale of wood, sand, gravel, and similar items. Operating expenses include costs of feed, fertilizer, seed, and other farming supplies, wages paid to farmhands, depreciation charges, cash rent, interest on farm mortgages, farm building repairs, farm taxes, and other expenses incurred in operation of the farm. The value of fuel, food, or other farm products used for family living is not included as part of net income. Payments on loans or mortgages obtained to increase capital investments in property or equipment are not allowed as deductible expenses.
4. Social Security payments prior to deductions for medical insurance including Social Security benefits and "survivors" benefits, and permanent disability insurance payments made by the Social Security Administration.
5. Railroad retirement insurance income.
6. Dividends including interest on savings, stocks and bonds, income and receipts from estates or trusts, net rental income or royalties, receipts from boarders or lodgers (net income received from furnishing room and board shall be 1/3 of the total amount charged). Interest on Series H. United States Government Savings bonds.
7. Mortgage payments received shall be prorated on a monthly basis.
8. Public assistance payments including payments from the following programs: Cash Assistance, Supplemental Security Income (SSI), State Supplementary Payments (SSP), General Assistance (GA), Bureau of Indian Affairs General Assistance (BIAGA), and Tuberculosis Control (TC).
9. Pensions and annuities including pensions or retirement benefits paid to a retired person or their survivors by a former employer or by a union, or distributions or withdrawals from an individual retirement account.
10. Unemployment Insurance payments including compensation received from government unemployment insurance agencies or private companies during periods of unemployment, and any strike benefits received from union funds.
11. Workers' compensation payments.
12. Money received from the Domestic Volunteer Act when the adjusted hourly payment is equal to or greater than minimum wage; Action Volunteer Programs include VISTA, Foster Grandparent Program (FGP), Retired Senior Volunteer Program (RSVP), and Senior Companion Program (SCP).
13. Alimony or spousal maintenance which shall be counted the month received.
14. Child support which shall be counted the month received.
15. Veterans' pensions including benefits and disability payments paid periodically by the Veterans Administration to members of the Armed Forces or to a survivor of deceased veterans.
16. Cash gifts received on a monthly basis from relatives, other individuals, and private organizations, as a direct payment in the form of money.
17. Money received through the lottery, sweepstakes, contests, or through gambling ventures whether received on an annuity or lump sum basis.
18. Any other source of income not specifically excluded in subsection (F).

F. Excluded Income. The Department shall exclude the items listed in this subsection when determining a family's gross monthly income.

1. Per capita payments to or funds held in trust for any individual in satisfaction of a judgment of the Indian Claims Commission or the Court of Claims;
2. Payments made pursuant to the Alaska Native Claims Settlement Act to the extent such payments are exempt from taxation under Section 21(a) of the Act;
3. Money or capital gains received as a lump sum, from the sale of personal or real property, such as stocks, bonds, or a car (unless the person was engaged in the business of selling such property, in which case the net proceeds would be counted as income from self employment);
4. Withdrawals of bank deposits;
5. Loans; money borrowed;
6. Tax refunds;
7. Any monies received through the federal Earned Income Credit (EIC);
8. One time lump sum awards or benefits, including:
   a. Inherited funds;
   b. Insurance awards;
   c. Damages recovered in a civil suit;
   d. Monies contributed by a client to a retirement fund that are later withdrawn prior to actual retirement; and
   e. Retroactive public assistance payments;
9. The value of U.S. Department of Agriculture (USDA) Food Stamps;
10. The value of USDA-donated food;
11. The value of any supplemental food assistance received under the Child Nutrition Act of 1966 and special food service program for children under the National School Lunch Act, the Women, Infant, and Children Program (WIC), Child and Adult Care Food Program (C.A.C.F.P.), and the School Lunch Program;
12. Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (for example, Navajo/Hopi Relocation Act);
13. Earnings of a child who is under the age of 18 and attending high school or other training program, and who is not an unwed minor parent who needs Child Care Assistance for his or her own child;
14. Home produce used for household consumption;
15. Government-sponsored training program expenses (TRE payments) such as: training-related expenses paid to JOBS participants and Job Training Partnership Act (JTPA) training expenses paid directly to the client;
16. The value of goods or services received in exchange for work;
17. Interest on Series E, United States Government Savings bonds;
18. Foster care maintenance payments received for care of foster children;
19. Adoption subsidy payments received for the care of adopted children;
20. Educational loans, grants, awards, and scholarships regardless of their source, including Pell Grants, Supplemental Educational Opportunity Grants (SEOG), Bureau of Indian Affairs (BIA) Student Assistance Grants, college work-study income, Carl D. Perkins Vocational and Applied Technology Education Act income, and any other state or local, public, or private educational loans, grants, awards, and scholarships;
21. Money received from the Domestic Volunteer Act when the adjusted hourly payment is less than minimum wage; Action Volunteer Programs include VISTA, Foster Grandparent Program (FGP), Retired Senior Volunteer Program (RSVP), and Senior Companion Program (SCP);
22. Housing and Urban Development (HUD) benefits, cash allowances and credits against rent;
23. Vendor payments including payments made directly to a third party by friends, relatives, charities, or agencies to pay bills for the client;
24. Vocational Rehabilitation training-related expenses (TRE) which are reimbursements for expenses paid. Subsistence and maintenance allowances, and incentive payments not designated as wages;
25. Disaster relief funds and emergency assistance provided under the Federal Disaster Relief Act, and comparable assistance provided by a state or local government, or disaster assistance organization;
26. Energy assistance including all state or federal benefits designated as “energy assistance” or assistance from a municipal utility or non-profit agency;
27. Agent Orange payments;
28. Any other income specifically excluded by applicable state or federal law.

G. Income Deduction. Child support that is paid for dependents who do not reside in the same household with the eligible family shall be deducted from the monthly gross countable income prior to income calculation and fee level and copayment assignment as prescribed in subsection (H) and R6-5-4915.

H. Income Calculation. The Department shall calculate monthly income as prescribed in this subsection.

1. The Department shall include all income of all family members included in the family-size determination, other than income excluded as prescribed in R6-5-4914(F) in the determination of income eligibility.
2. The Department shall calculate a monthly figure for each source of income separately with the appropriate method used for calculation.
3. After calculating monthly income for each source of income, the Department shall add the monthly amounts from each source to obtain the total monthly income.
4. The Department shall convert income received less often than monthly to a monthly figure as provided in this subsection.
   a. The Department shall prorate the total income over the number of months that the income is intended to cover.
   b. If the income is received on or after the date of application, a monthly share of income shall be considered beginning with its earliest possible effective date and for a number of months equal to the number of months which the income covers.
   c. If the family receives the income prior to the date of application, the number of months that the income is intended to cover shall be equal to the number of months of coverage remaining.
5. When a family receives a new income source that will be received monthly, weekly, bi-weekly, or semi-monthly, the income shall not be considered available to the family until the date that the first payment is received. Until the monies are available to the client, a new fee level or ineligibility shall not be assessed to the client. When a client has already received the payment which includes the new income source, and a higher fee level or ineligibility results, the Department shall send a 10-day negative action notice prior to increasing the fee level or terminating assistance.
6. The Department shall convert income received more often than monthly, for a period covering less than a

month, to a monthly amount by one of the methods listed below.

a. If the income amount does not vary and is received monthly, weekly, bi-weekly, or semi-monthly, the conversion to a monthly amount will be obtained by multiplying the pay period amount by:
   i. 1, if monthly;
   ii. 4.3, if weekly;
   iii. 2.15, if bi-weekly; or
   iv. 2, if semi-monthly.

b. This amount shall be applied as income on an ongoing monthly basis until there is a change in the income.

c. If the monthly income received varies in amount and frequency, and exact monthly figures are unavailable, the Department shall use an average monthly figure.

7. When the Department calculates the gross monthly income for the family, the whole dollar amount only shall be used to determine income eligibility, and fee level and copayment assignment; any amount that is a fraction of a whole dollar shall be rounded down to the next whole dollar.

I. Verification of Income. The client shall verify income by providing written documentation of income as requested by the Department such as:

1. Pay stubs for the most recent calendar month, or for any month of potential overpayment;
2. Employer's statement verifying work schedule, hourly rate of pay, and frequency of pay;
3. Benefit award statements for the most recent benefit period;
4. Statements of account to verify interest income;
5. Quarterly or annual tax returns for the most recent quarter or year for self-employment income;
6. Self-employment log accompanied by gross sales receipts and business expense receipts for the most recent calendar month or quarter; and
7. Other written documentation from the source of the income indicating the amount of income received, source of income, frequency received, and naming the payee.

Historical Note
Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to Laws 1997, Ch. 300, § 74(A). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on this Section.

R6-5-4915. Fee Level and Copayment Assignment

A. The Department shall assign a fee level to the family based on family size and monthly gross countable income, as specified in Appendix A.

B. The Department shall assign individual minimum required copayment amounts for each child in the family based on the fee level assignment, and the number of children needing care, as specified in Appendix A.

C. The Department shall not assign a fee level or minimum required copayment to JOBS participants, Cash Assistance participants who need Child Care Assistance for employment, or families determined eligible and referred by CPS or DDD.

D. When a client fails to pay the DES-required copayment, or fails to make satisfactory arrangements for payment of the DES-required copayment with a child care provider, the client is ineligible for Child Care Assistance.

E. When the Department has determined that an client is ineligible for Child Care Assistance due to nonpayment of the copayment, the client is ineligible for any Child Care Assistance program that requires a copayment until past-due copayments have been paid, or until satisfactory arrangement have been made with the provider for payment.

Historical Note
Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

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R6-5-4916. Special Eligibility Criteria

A. Transitional Child Care

1. Former Cash Assistance participants who are attempting to achieve independence from the Cash Assistance program, who need Child Care Assistance for employment, and who are otherwise eligible shall receive up to 24 months of Transitional Child Care Assistance.
2. The former Cash Assistance participant shall have received Cash Assistance in Arizona in at least one month and shall apply for Child Care Assistance within six months after the Cash Assistance case closure date.
3. The former Cash Assistance participant and any other parent or responsible person in the household shall need Child Care Assistance to maintain employment.
4. The most recent Cash Assistance case closure shall not have been due to a sanction for JOBS or Child Support noncompliance, and the Cash Assistance participant shall not have been sanctioned due to intentional program violation (IPV) at the time of the most recent Cash Assistance case closure.

B. Cash Assistance Diversion Participants.

1. Applicants for Cash Assistance who are diverted from long-term Cash Assistance through the Cash Assistance Diversion program shall be treated as Cash Assistance participants during the three-month period that the Cash Assistance Diversion payment covers.
2. Cash Assistance Diversion participants shall be eligible for Child Care Assistance for employment activities without regard to income as prescribed in R6-5-4914(A) during the three-month Diversion period.
3. Cash Assistance Diversion participants shall be eligible for Child Care Assistance for job search activities during the three-month Diversion period.
4. Cash Assistance Diversion participants shall be eligible for Transitional Child Care after the three-month Diversion period if the income eligibility requirements in R6-5-4914(B) and the TCC requirements in subsection (A) of this provision are met.

Historical Note
Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

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R6-5-4917. Authorization of Child Care Assistance

A. Authorization Based on Eligible Activity or Need. The Department shall authorize Child Care Assistance for a portion of each 24-hour day based on the verified eligible activity or need of the parent and responsible person for the child needing care.

B. Authorization Based on Unavailability. The amount of Child Care Assistance authorized by the Department shall be based on the amount of time that the client and any other parent or responsible person in the household are unavailable or incapable to provide care to their own children due to an eligible activity or need as prescribed in R6-5-4911(F) and R6-5-4912. When there are two or more parents or responsible persons in the household, Child Care Assistance shall be authorized for the amount of time that neither parent or responsible person is available due to an eligible activity or need.

C. Authorization for Self-employment Activities.
1. The Department shall authorize Child Care Assistance for self-employment activities based on monthly net income divided by the current hourly minimum wage standard.
2. Authorization of Child Care Assistance for self-employment activities shall not exceed the lesser of:
   a. The maximum number of Child Care Assistance units that can be authorized as prescribed in subsections (B) and (D), or
   b. The number of hours calculated by dividing monthly net income from self-employment by the amount of the hourly minimum wage standard, or
   c. The number of hours of Child Care Assistance needed by the client to perform self employment activities.

D. Units of Child Care Assistance.
1. The Department shall authorize Child Care Assistance in full- and part-day units;
2. The Department shall not authorize more than 3l units for each child, per child care provider in a calendar month;
3. A part-day unit of Child Care Assistance is less than six hours;
4. A full-day unit of Child Care Assistance is six hours or more;
5. Each child care provider determines the upper limit of what constitutes a full day of care for that provider.

E. Date of Eligibility. The Department shall approve eligibility for Child Care Assistance effective the application file date or referral receipt date as described in R6-5-4904 if the client satisfies all applicable conditions of eligibility as prescribed in this Article.

F. Date of Authorization.
1. The Department shall authorize Child Care Assistance to begin effective the start date of the eligible activity or need, but not earlier than application file date, request date, or referral receipt date as described in R6-5-4904.
2. The Department may authorize Child Care Assistance with an effective date that precedes the referral receipt date when the referral is received untimely due to administrative delay and the eligible start date of the activity or need precedes the referral receipt date for clients who are referred for Child Care Assistance as described in R6-5-4904 (B).

G. Exclusion from Authorization. The Department shall not authorize Child Care for educational services for children enrolled in grades 1 through 12 when such services are provided during the regular school day.

Historical Note
Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

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R6-5-4918. Denial or Termination of Child Care Assistance

The Department shall deny or terminate Child Care Assistance and provide written notification as prescribed in R6-5-4919 when the client:
1. Is not an eligible applicant as prescribed in R6-5-4911(B);
2. Is not a U.S. citizen or legal resident of the U.S.;
3. Is not a resident of the state of Arizona;
4. Has no children under the age of 13;
5. Has income that exceeds the maximum allowable as prescribed in R6-5-4914(C);
6. Does not have an eligible need, and is not engaged in an eligible activity as prescribed in R6-5-4912;
7. Is available to care for the children for whom assistance is requested (or there is another parent or responsible person in the household who is not engaged in an eligible activity and is available to provide care);
8. Has not provided the information or documentation required for a determination or redetermination of eligibility;
9. Has failed to cooperate in the arrangement of child care services;
10. Has not selected a child care provider who is registered with the Department;
11. Has requested that the application be withdrawn or that assistance be terminated;
12. Is a member of a family which already has an active case or pending application on file for Child Care Assistance;
13. Cannot be located by phone or mail and mail addressed to last known address has been returned;
14. Is deceased, incarcerated, or confined to an institution; or
15. Does not satisfy one or more eligibility criteria listed in R6-5-4904 through R6-5-4916.

Historical Note
Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

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proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on this Section.

R6-5-4919. Notification Requirements

A. The Department shall mail or deliver written notice to the client as follows:
1. On a decision about an application, within 30 calendar days of the date that the Department receives the completed application.
2. On a positive action, the Department shall mail adequate notice on or before the date the action will become effective.
3. On a change in the amount of authorized units based on a change in need, the Department shall mail adequate notice on or before the date the action will become effective.
4. On a negative action, the Department shall mail the notice at least 10 calendar days in advance of the date the action will become effective.
5. On changes in law or policy which affect entire classes or groups and concern issues not related to individual questions of fact, the Department shall issue notice of such action at least 10 calendar days in advance of the effective date of the action.

B. The Department shall not provide notice on a negative action when:
1. Child Care Assistance authorized for a specified period of time is terminated and the individual was informed in writing of the termination date when the Child Care Assistance was initiated;
2. The applicant, client, or child is deceased; and
3. There is a loss of contact with the client and mail addressed to the last known address has been returned.

C. Written notice shall include a statement of the action to be taken, the reasons for the intended action, citation to the specific rule supporting the action, and an explanation of the client's rights regarding a request for a fair hearing.

Historical Note
Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

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R6-5-4920. Overpayments

A. Overpayments; Date of Discovery.
1. The Department shall pursue collection of all client- and provider-caused overpayments.
2. The Department discovers an overpayment on the date the Department determines that an overpayment exists.
3. The Department shall write an overpayment report within 90 days of the discovery date.
4. If the CCA office suspects that an overpayment was caused by fraudulent activity, it shall refer the overpayment report to the Department's Office of Special Investigations for potential prosecution.
5. The Department shall not attempt to recover an overpayment from a person who is not a current recipient when the overpayment was not the result of fraud, and the Department has exhausted reasonable efforts to collect the overpayment and has determined that it is no longer cost effective to pursue the claim.

B. Overpayments: Persons Liable. The Department shall pursue collection of an overpayment from:
1. The client if the overpayment was caused by the client;
2. Any individual member of the family who was included in family size as prescribed in R6-5-4914 (D) during the overpayment period if the overpayment was caused by the client; or
3. The child care provider if the overpayment was caused by the provider.

Historical Note
Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

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R6-5-4921. Appeals

A. Entitlement to a Hearing.
1. An applicant for or recipient of Child Care Assistance is entitled to a hearing to contest the following Department actions:
   a. Denial of the right to apply for assistance;
   b. Complete or partial denial of an application for assistance;
   c. Failure to make an eligibility determination on an application within 30 days of the application file date;
   d. Suspension, termination, reduction, or withholding of assistance except as provided in subsection (B);
   e. Increase in the fee level and DES-required copayment amount; or
   f. The existence or amount of an overpayment attributed to the family or the terms of a plan to repay the overpayment.
2. Applicants and recipients are not entitled to a hearing to challenge benefit adjustments made automatically as a result of changes in federal or state law, unless the Department has incorrectly applied such law to the individual seeking the hearing.

B. Request for Hearing; Time Limits.
1. A person who wishes to appeal a negative action shall file a written request for a fair hearing with a local CCA office, within 10 days of the negative action notice date.
2. A request for a hearing is deemed filed;
   a. On the date it is mailed, if transmitted via the United States Postal Service or its successor. The mailing date is as follows:
      i. As shown by the postmark;
      ii. As shown by the postage meter mark of the envelope in which it is received, if there is no postmark; or

iii. The date entered on the document as the date of its completion, if there is no postmark or no postage meter mark, or if the mark is illegible.

b. On the date actually received by the Department, if not sent through the mail as provided in subsection (B)(2)(a).

3. The submission of any document is considered timely if the appellant proves that delay in submission was due to Department error or misinformation, or to delay caused by the U.S. Postal Service or its successor.
4. Any document mailed by the Department is considered as having been given to the addressee on date it is mailed to the addressee's last known address. The date mailed shall be presumed to be the date shown on the document, unless otherwise indicated by the facts.
5. The Office of Appeals shall deny any request that is not timely filed. A party may appeal a decision on the timeliness of an appeal.

C. Hearing Requests; Preparation and Processing.

1. Within two work days of receiving a request for appeal, the local CCA office shall notify the Office of Appeals of the hearing request.
2. Within 10 days of receiving a request for appeal, the local CCA office shall prepare and forward to the Office of Appeals a prehearing summary which shall include:
   a. The appellant's name (and case name, if different);
   b. The appellant's SSN (or case number, if different);
   c. The local office responsible for the appellant's case;
   d. A brief summary of the facts surrounding, and the grounds supporting, the negative action;
   e. Citations to the specific provisions of this Article or the Department's CCA manual which support the Department's action; and
   f. The decision notice and any other documents relating to the appeal.
3. The local office shall mail the appellant a copy of the summary. Upon receipt of a hearing request, the Office of Appeals shall schedule the hearings.

D. Continuation of Assistance Pending Appeal; Exceptions.

1. If an appellant files a request for appeal within 10 calendar days of the negative action notice date, the Department shall continue assistance at the current level unless:
   a. The appellant waives continuation of current assistance,
   b. The appeal results from a change in federal or state law which mandates an automatic adjustment for all classes of recipients and does not involve a misapplication of the law, or
   c. The appellant is requesting continuation of TCC benefits for longer than the 24-month eligibility period.
2. The negative action shall be stayed until receipt of an official written decision in favor of the Department, except in the following circumstances:
   a. At the hearing and on the record, the hearing officer finds that the sole issue involves application of law, and the Department properly applied the law and computed the assistance due the appellant;
   b. A change in eligibility or assistance amount occurs for reasons other than those being appealed, and the eligible family receives and fails to timely appeal a notice of negative action concerning such change;
   c. Federal or state law mandates an automatic adjustment for classes of recipients;
   d. The appellant withdraws the request for hearing; or
   e. The appellant fails to appear for a scheduled hearing without prior notice to the Office of Appeals, and the hearing officer does not rule in favor of the appellant based upon the record.
3. Upon receipt of a decision in favor of the Department, the Department shall write an overpayment for the amount of any assistance the family received in excess of the correct amount, while the stay was in effect.

Historical Note

Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

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R6-5-4922. Termination and Phase-out of Ineligible Current Clients

A. The Department shall terminate Child Care Assistance and phase-out current clients who are determined ineligible under R6-5-4903(C) as prescribed in this Section.

1. When the Department plans to terminate Child Care Assistance, the Department shall send the client a negative action notice at least 10 days before the effective date of termination.
2. Except as otherwise prescribed in subsection (A)(3), the Department shall terminate eligibility for a client who is determined ineligible as prescribed in R6-5-4903(C) on the 11th day following the redetermination of eligibility as prescribed in R6-5-4903(B).
3. The Department shall provide Child Care Assistance beyond the 10th day following redetermination, but no later than June 30, 1998, in the following circumstances.
   a. Current clients who were receiving Child Care Assistance before August 1, 1997, for independent job search activities shall remain authorized for assistance through the duration of their current 30-day job search authorization period only.
   b. Current clients who were receiving Child Care Assistance before August 1, 1997, for unemployment insurance (UI) job search activities shall remain authorized for assistance through the duration of the UI claim.
   c. Current clients who were receiving Child Care Assistance before August 1, 1997, for public job search activities shall remain authorized for assistance through their current work readiness activity.
   d. Current clients who were clients receiving Child Care Assistance before August 1, 1997, for education and training shall remain authorized for Child Care Assistance through their current semester or school term, only.
   e. Current clients who were receiving TCC before August 1, 1997, pursuant to R6-12-612, R6-12-613, and R6-12-614 shall remain authorized for Child Care Assistance until the earlier of:
      i. The end of the 24-month TCC eligibility period,
      ii. They apply for and receive Cash Assistance, or
      iii. 6/30/98.

B. Current clients who have received Child Care Assistance since July 31, 1997, or earlier, and whose cases are closed effective August 1, 1997, or later for any reason (other than administrative error) shall be treated as "new" applicants if they reapply for Child Care Assistance; the Department shall determine eligibility pursuant to A.R.S. §§ 46-801 through 46-810 and the provisions of this Article.

Historical Note
Adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3).

Editor's Note: The following Section was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to A.R.S. § 41-1005(A)(27). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit these rules to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on this Section.

R6-5-4923. Maximum Reimbursement Rates For Child Care
The Department shall pay the maximum reimbursement rates for child care as set forth in Appendix B.

Historical Note
Adopted effective July 1, 1998, under an exemption from the provisions of A.R.S. Title 41, Chapter 6; filed in the Secretary of State's Office June 30, 1998 (Supp. 98-2).

Editor's Note: The following Appendix was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to A.R.S. § 41-1005(A)(27). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit this Appendix to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on this Appendix.

Appendix A. Child Care Assistance Gross Monthly Income Eligibility Chart and Fee Schedule

ARIZONA DEPARTMENT OF ECONOMIC SECURITY
DIVISION OF EMPLOYMENT AND REHABILITATION SERVICES - CHILD CARE ADMINISTRATION
CHILD CARE ASSISTANCE GROSS MONTHLY INCOME ELIGIBILITY CHART AND FEE SCHEDULE

EFFECTIVE JULY 1, 2003

Family Size	FEE LEVEL 1 (L1) INCOME MAXIMUM EQUAL TO OR LESS THAN 85% FPL*	FEE LEVEL 2 (L2) INCOME MAXIMUM EQUAL TO OR LESS THAN 100% FPL*	FEE LEVEL 3 (L3) INCOME MAXIMUM EQUAL TO OR LESS THAN 135% FPL*	FEE LEVEL 4 (L4) INCOME MAXIMUM EQUAL TO OR LESS THAN 145% FPL*	FEE LEVEL 5 (L5) INCOME MAXIMUM EQUAL TO OR LESS THAN 155% FPL*	FEE LEVEL 6 (L6) INCOME MAXIMUM EQUAL TO OR LESS THAN 165% FPL*
1	0 – 637	638 – 749	750 – 1,012	1,013 – 1,087	1,088 – 1,161	1,162 – 1,236
2	0 – 859	860 – 1,010	1,011 – 1,364	1,365 – 1,465	1,466 – 1,566	1,567 – 1,667
3	0 – 1,082	1,083 – 1,272	1,273 – 1,718	1,719 – 1,845	1,846 – 1,972	1,973 – 2,099
4	0 – 1,304	1,305 – 1,534	1,535 – 2,071	2,072 – 2,225	2,226 – 2,378	2,379 – 2,532
5	0 – 1,526	1,527 – 1,795	1,796 – 2,424	2,425 – 2,603	2,604 – 2,783	2,784 – 2,962
6	0 – 1,749	1,750 – 2,057	2,058 – 2,777	2,778 – 2,983	2,984 – 3,189	3,190 – 3,395
7	0 – 1,972	1,973 – 2,319	2,320 – 3,131	3,132 – 3,363	3,364 – 3,595	3,596 – 3,827
8	0 – 2,193	2,194 – 2,580	2,581 – 3,483	3,484 – 3,741	3,742 – 3,999	4,000 – 4,257
9	0 – 2,416	2,417 – 2,842	2,843 – 3,837	3,838 – 4,121	4,122 – 4,406	4,407 – 4,690
10	0 – 2,639	2,640 – 3,104	3,105 – 4,191	4,192 – 4,501	4,502 – 4,812	4,813 – 5,122
11	0 – 2,861	2,862 – 3,365	3,366 – 4,543	4,544 – 4,880	4,881 – 5,216	5,217 – 5,553
12	0 – 3,083	3,084 – 3,627	3,628 – 4,897	4,898 – 5,260	5,261 – 5,622	5,623 – 5,958**

MINIMUM REQUIRED CO-PAYMENTS

1st child in care	full day = $1.00 part day = $.50	full day = $2.00 part day = $1.00	full day = $3.00 part day = $1.50	full day = $5.00 part day = $2.50	full day = $7.00 part day = $3.50	full day = $10.00 part day = $5.00
2nd child in care	full day = $.50 part day = $.25	full day = $1.00 part day = $.50	full day = $1.50 part day = $.75	full day = $2.50 part day = $1.25	full day = $3.50 part day = $1.75	full day = $5.00 part day = $2.50
3rd child in care	full day = $.50 part day = $.25	full day = $1.00 part day = $.50	full day = $1.50 part day = $.75	full day = $2.50 part day = $1.25	full day = $3.50 part day = $1.75	full day = $5.00 part day = $2.50

No minimum required co-pay for 4th (or more) child in care. Full day = six or more hours; part day = less than six hours.

Families receiving child care assistance based upon involvement with Child Protective Services/Foster Care, the JOBS Program, or those who are receiving cash assistance and who are employed, may not have an assigned fee level and may not have a minimum required co-payment. However, all families may be responsible for charges above the Minimum Required Co-Payments if a provider's rates exceed allowable state reimbursement maximums and/or the provider has other additional charges.

* Federal Poverty Level (FPL)
** This amount is equal to the Federal Child Care and Development Fund statutory limit (for eligibility for child care assistance) of 85% of the state median income.

Historical Note

Appendix A adopted effective July 31, 1997, under an exemption from the provisions of A.R.S. Title 41, Chapter 6 (Supp. 97-3). Appendix A repealed; new Appendix A adopted effective July 1, 1998, under an exemption from the provisions of A.R.S. Title 41, Chapter 6; filed with the Office of the Secretary of State June 30, 1998 (Supp. 98-2). Appendix A repealed; new Appendix A adopted by exempt rulemaking at 5 A.A.R. 2379, effective July 1, 1999 (Supp. 99-3). Amended by exempt rulemaking at 6 A.A.R. 2726, effective July 1, 2000 (Supp. 00-2). Amended by exempt rulemaking at 7 A.A.R. 3111, effective July 1, 2001 (Supp. 01-2). Amended by exempt rulemaking at 8 A.A.R. 2952, effective July 1, 2002 (Supp. 02-2). Amended by exempt rulemaking at 9 A.A.R. 3207, effective July 1, 2003 (Supp. 03-3).

Editor's Note: The following Appendix was adopted under an exemption from the provisions of A.R.S. Title 41, Chapter 6, pursuant to A.R.S. § 41-1005(A)(27). Exemption from A.R.S. Title 41, Chapter 6 means the Department did not submit this Appendix to the Governor's Regulatory Review Council for review and approval; and the Department was not required to hold public hearings on this Appendix.

Appendix B. Maximum Reimbursement Rates for Child Care

ARIZONA DEPARTMENT OF ECONOMIC SECURITY
DIVISION OF EMPLOYMENT AND REHABILITATION SERVICES
CHILD CARE ADMINISTRATION

MAXIMUM REIMBURSEMENT RATES FOR CHILD CARE
(effective for services provided on or after 7/1/2003)

CENTERS

Age Group	District I	District II	District III	District IV	District V	District VI
Birth < 1 yr: Full day Part day	 29.00 22.00	 27.00 19.00	 22.40 16.00	 21.00 19.00	 25.00 25.00	 32.00 25.00
1 yr < 3 yrs: Full day Part day	 25.58 19.00	 24.00 18.16	 20.00 15.00	 18.25 16.00	 25.00 15.00	 20.80 17.60
3 yrs < 6 yrs: Full day Part day	 23.20 16.00	 22.00 16.00	 18.00 13.02	 17.00 15.50	 20.00 12.40	 17.60 12.20
6 yrs < 13 yrs: Full day Part day	 22.00 15.00	 22.00 15.00	 16.80 12.00	 17.00 15.00	 20.00 13.33	 19.00 13.00

GROUP HOMES

Age Group	District I	District II	District III	District IV	District V	District VI
Birth < 1 yr:						
Full day	20.00	20.00	23.00	18.00	18.00	18.00
Part day	14.00	14.00	23.00	12.00	12.00	14.00
1 yr < 3 yrs:						
Full day	20.00	20.00	22.00	17.50	18.00	18.00
Part day	14.00	15.00	13.00	12.00	11.00	14.00
3 yrs < 6 yrs:						
Full day	20.00	20.00	22.00	16.00	18.00	16.00
Part day	13.00	15.00	13.95	12.00	10.00	14.00
6 yrs < 13 yrs:						
Full day	17.00	20.00	16.00	16.00	18.00	16.00
Part day	12.00	13.00	13.95	11.00	10.00	14.00

CERTIFIED FAMILY HOMES AND CERTIFIED IN-HOME PROVIDERS

Age Group	District I	District II	District III	District IV	District V	District VI
Birth < 1 yr:						
Full day	20.00	17.00	17.00	16.00	17.00	16.00
Part day	12.00	10.00	10.00	8.50	10.00	8.00
1 yr < 3 yrs:						
Full day	18.00	17.00	16.00	15.00	16.00	16.00
Part day	12.00	10.00	10.00	8.00	10.00	8.00
3 yrs < 6 yrs:						
Full day	17.00	16.00	16.00	15.00	16.00	15.00
Part day	12.00	10.00	10.00	8.00	9.00	8.00
6 yrs < 13 yrs:						
Full day	16.00	16.00	16.00	15.00	15.00	15.00
Part day	10.00	10.00	9.00	8.00	9.00	8.00

The actual reimbursement amount is equal to the reimbursement rate minus any DES designated co-payment. However, in no event shall the amount reimbursed exceed the lesser of the provider's actual charges or the maximum reimbursement rate minus any DES designated co-payment.

Payment Rates for Non-Certified Relative Providers (NCRPs) will be $10.50 for Full day and $6.00 for Part day, minus any DES designated co-payment. This rate will be paid to NCRPs statewide for care provided to children of all ages.

The maximum reimbursement rates may be increased by up to ten percent for child care providers who are nationally accredited.

Full day = six or more hours per day. Part day = less than six hours per day.

Historical Note

Appendix B adopted effective July 1, 1998, under an exemption from the provisions of A.R.S. Title 41, Chapter 6; filed with the Office of the Secretary of State June 30, 1998 (Supp. 98-2). Appendix B repealed; new Appendix B adopted by exempt rulemaking at 5 A.A.R. 2379, effective July 1, 1999 (Supp. 99-3). "Non-Certified Relative Providers" section amended by exempt rulemaking at 6 A.A.R. 2726, effective July 1, 2000 (Supp. 00-2). "Centers," "Group Homes," and "Certified Family Homes and Certified In-home Providers" sections amended by exempt rulemaking at 7 A.A.R. 4884, effective October 1, 2001 (Supp. 01-4). Amended by exempt rulemaking at 9 A.A.R. 3207, effective July 1, 2003 (Supp. 03-3).

ARTICLE 50. CHILD CARE RESOURCE AND REFERRAL SYSTEM

R6-5-5001. Definitions

The following definitions apply in this Article.

1. "ADE" means the Arizona Department of Education, which administers the CACFP at the state level.
2. "Alternate approval" means a status the ADE confers on an uncertified, unlicensed provider that demonstrates compliance with CACFP child care standards to the ADE.
3. "Caregiver state licensing ratio requirements" means Arizona Department of Health Services (DHS) regulations that mandate DHS oversight of child care facilities with five or more children in care for compensation where child care is provided for periods of less than 24 hours per day.
4. "Child care" means a compensated service that is provided to a child unaccompanied by a parent or guardian during a portion of a 24-hour day. The service includes supervised and planned care, training, recreation, and socialization.
5. "CACFP" means the Child and Adult Care Food Program, funded and administered at the federal level by the

Food and Consumer Services, a program of the U.S. Department of Agriculture.
6. "CCR&R" means child care resource and referral, a service the Department administers under A.R.S. § 41-1967.
7. "Center" means the same as "child care facility" in A.R.S. § 36-881(3).
8. "Certified" or "licensed" means a provider holds a license as prescribed in A.R.S. § 36-882, or is certified under A.R.S. § 46-807 or A.R.S. § 36-897.
9. "Child with special needs" means a child who needs increased supervision, modified equipment, modified activities, or a modified facility, within a child care setting, due to any physical, mental, sensory, or emotional delay, or medical condition, and includes a child with a disability.
10. "Compensation" means something given or received in return for child care, such as money, goods, or services.
11. "Contractor" means an agency with which the Department contracts for provision of CCR&R services.
12. "Customer" means a person who is requesting information from a CCR&R contractor.
13. "Database" means a computerized collection of CCR&R facts, figures, and information for licensed, certified, and registered providers and customers arranged for ease and speed of retrieval.
14. "Department" or DES means the Arizona Department of Economic Security.
15. "Dropped for cause" means an ADE Sponsoring Organization has terminated a family child care provider from participation in the CACFP.
16. "Exclude" means to refuse to include a particular provider in or to remove a provider from the CCR&R database.
17. "Family child care" means child care provided by a certified or registered provider in the provider's own home.
18. "In-home child care" means child care provided in a child's own home.
19. "Information only listing" means a provider listed on the CCR&R who will receive training information and other information about child care issues and activities, but who will not receive any referrals.
20. "Listing status" means the condition under which a provider may receive a referral (referral listing) or is restricted from receiving a referral (information only listing).
21. "Over-Ratio Referral Form" means a communication tool used to relay to the Department of Health Services (DHS) information concerning a potential violation of caregiver state licensing ratio requirements.
22. "Personally identifiable information" means any information about a person other than a provider, that, when considered alone, or in combination with other information, identifies or permits another person to readily identify the person who is the subject of the information. Personally identifiable information includes:
    a. Name, address, and telephone number;
    b. Date of birth or age;
    c. Physical description;
    d. School;
    e. Place of employment; and
    f. Any unique identifying number, such as driver's license number, a social security number, or regulatory license number.
23. "Program Administrator" means the person who oversees the Child Care Administration, a unit of the Department.
24. "Provider" means an adult who, or a facility that, provides child care services.
25. "Provider type" means a category of provider or program such as a center, family child care, and in-home child care.
26. "Referral" means the information listed in R6-5-5005(C), (D), and (E), that a Contractor gives to a customer.
27. "Referral listing" means that a contractor may refer a provider listed on the CCR&R registry or database to customers, and the provider may receive training and other information about child care issues and activities.
28. "Registered provider" means a family child care provider who is an adult and is not licensed or certified by any government agency, but who meets the requirements to be listed in the CCR&R registry.
29. "Registry" means the list of providers that:
    a. Are not licensed or certified by a government agency,
    b. Voluntarily list with CCR&R, and
    c. Meet the requirements under A.R.S. § 41-1967 to receive referrals and training information.
30. "Regulated" means a provider who is required to meet licensing or certification standards set by a government agency, including a federal, state, or tribal government agency.
31. "Revocation" means the permanent removal of a child care provider's license or certificate by a government agency.
32. "SDA" means service delivery area, which is a specific geographic area where CCR&R services are offered.
33. "Sponsoring organization" means a public or non-profit private organization that administers the CACFP on behalf of ADE.
34. "Suspension" means that a regulatory agency has temporarily removed a provider's certificate or license.
35. "Work day" means Monday through Friday, excluding Arizona state holidays.

Historical Note

Adopted effective August 11, 1976 (Supp. 76-4). Section repealed effective November 8, 1982 (Supp. 82-6). New Section adopted effective November 19, 1996 (Supp. 96-4). Amended by exempt rulemaking at 8 A.A.R. 2956, effective July 1, 2002 (Supp. 02-2).

R6-5-5002. Provider Participation Requirements

A. To be considered for inclusion in the CCR&R database, a provider shall submit the following information to the Contractor for the provider's SDA:
1. Provider's name;
2. Address;
3. Phone number;
4. Days and times the facility is open;
5. Ages of children accepted;
6. Capacity;
7. Regulatory affiliation, if any;
8. Meals provided to children in care;
9. Training and experience;
10. Accreditation;
11. Fees;
12. School transportation;
13. DES Provider ID, if applicable;
14. The provider's choice of listing status; and
15. DHS Child Development Center (CDC) or Small Group Home (SGH) number.

B. Regulated Providers: Before adding a regulated provider to the CCR&R database, the Contractor shall confirm the provider's

regulatory affiliation with the appropriate regulatory agency. For the purpose of this subsection, confirmation of the regulatory affiliation is based solely on the accuracy of the information obtained from the regulatory agency.

C. Registered Providers: The provisions in this subsection govern provider participation requirements for registered family child care providers.
1. In addition to the information listed in subsection (A), a registered family child care provider shall complete and submit to the Contractor, on Department-approved forms, a notarized sworn statement and a notarized certification statement attesting that the provider is not subject to exclusion or removal from the CCR&R database under any of the grounds specified in A.R.S. § 41-1967(E).
2. Before adding a registered family child care provider to the CCR&R registry and database, a Contractor shall review the provider's sworn statement and certification statement described in subsection (C)(1) and include on the registry only those providers who affirm that they are not subject to exclusion or removal under A.R.S. § 41-1967(E).
3. Before adding a registered family child care provider to the CCR&R registry and database, a Contractor shall receive clearance from the Department that neither a provider nor anyone providing care in the provider's home has had a child abuse or neglect investigation that has been substantiated by Child Protective Services (CPS) in this state.

Historical Note

Adopted effective August 11, 1976 (Supp. 76-4). Section repealed effective November 8, 1982 (Supp. 82-6). New Section adopted effective November 19, 1996 (Supp. 96-4). Amended by exempt rulemaking at 8 A.A.R. 2956, effective July 1, 2002 (Supp. 02-2).

R6-5-5003. Notification of Changes

A. A provider listed on the CCR&R database shall notify the Contractor of any changes to the information or statement given under R6-5-5002(A) or (C)(1).

B. A provider may modify self-initiated changes in listing status at any time by notifying the Contractor.

Historical Note

Adopted effective August 11, 1976 (Supp. 76-4). Section repealed effective November 8, 1982 (Supp. 82-6). New Section adopted effective November 19, 1996 (Supp. 96-4). Amended by exempt rulemaking at 8 A.A.R. 2956, effective July 1, 2002 (Supp. 02-2).

R6-5-5004. Referrals Not Guaranteed

A. A Contractor shall make referrals to participating providers on a random basis based on a family's self-reported needs.

B. A Contractor shall not:
1. Guarantee the number or frequency of referrals to a participating provider; or
2. Guarantee that listing on the CCR&R will result in economic benefit or gain to a participating provider.

Historical Note

Adopted effective August 11, 1976 (Supp. 76-4). Section repealed effective November 8, 1982 (Supp. 82-6). New Section adopted effective November 19, 1996 (Supp. 96-4). Amended by exempt rulemaking at 8 A.A.R. 2956, effective July 1, 2002 (Supp. 02-2).

R6-5-5005. Referral Process

A. To obtain a referral, a customer shall give the contractor the following information, if available, about the customer's child care needs:
1. Customer name;
2. Address;
3. Phone number;
4. Days and times child care is needed;
5. Preferred type of child care provider;
6. Location where care is needed or preferred, and
7. Age of child.

B. A Contractor shall give a customer a referral that is consistent with the customer's stated preferences.
1. The Contractor shall not make a referral unless the Contractor can give the customer the names of at least three potential providers within the customer's search parameters.
2. If the Contractor cannot name at least three potential providers meeting the customer's stated preferences, the Contractor shall ask the customer to expand the search parameters until the Contractor can name at least three potential providers.

C. The Contractor shall provide the customer with provider profile information on each referred provider, including the following:
1. Provider's name;
2. Address or major cross streets;
3. Phone number;
4. Days and hours of operation;
5. Ages of children accepted;
6. Ratio and capacity;
7. Regulatory affiliation, if any;
8. Meal information;
9. Training and experience;
10. Accreditation;
11. Fees and available subsidies;
12. School transportation.

D. As part of a referral, a Contractor shall give each customer written information that includes the following:
1. That the Contractor selects providers based on the customer's stated preferences;
2. That the Contractor provides referrals and does not recommend, endorse, or guarantee any particular child care provider;
3. That the Contractor does not regulate, monitor, or verify information supplied by a provider;
4. That a child's parent or guardian is solely responsible for choosing an appropriate child care provider to meet a family's needs; and
5. That a provider's listing status may change after their initial placement on the registry or database and that customers are encouraged to call back periodically for updated information.

E. As part of a referral, a Contractor shall provide the customer with the following Department-approved educational information:
1. A list of criteria to consider when selecting quality child care;
2. A description of the types of child care providers in Arizona;
3. A description of CCR&R services and a list of office locations and phone numbers statewide; and
4. An explanation of the process for filing a child care related complaint.

Historical Note
Adopted effective August 11, 1976 (Supp. 76-4). Section repealed effective November 8, 1982 (Supp. 82-6). New Section adopted effective November 19, 1996 (Supp. 96-4). Amended by exempt rulemaking at 8 A.A.R. 2956, effective July 1, 2002 (Supp. 02-2).

R6-5-5006. Monitoring; Complaint Recording and Reporting Requirements

A. Monitoring and Investigation: Neither the Department nor its Contractors monitor or investigate the activities of a provider, or investigate any complaint about a provider, except as otherwise prescribed by law for a family child care provider.

B. Regulated Providers: Upon receipt of a complaint about a regulated provider, a Contractor shall refer the complainant to the appropriate regulatory agency, law enforcement agency, or Child Protective Services.

C. Registered Providers: The provisions in this subsection govern complaints about a registered provider.

1. Any person may complain about a registered family child care provider on the registry by notifying a Contractor. Upon receipt of a complaint on a registered family child care provider, a Contractor shall:
   a. Refer the complainant to the appropriate investigative agency (law enforcement or child protective services), if the issue raised in the complaint is suspected child abuse or neglect. The contractor shall forward a complaint involving law enforcement or child protective services to the DES Child Care Administration for resolution;
   b. Refer the complainant to DHS and forward an over-ratio referral form to DHS if the complaint alleges that the provider is caring for more children than the law allows; or
   c. Take a complaint made in reference to a CACFP home provider not regulated by any other agency and forward the complaint to ADE for resolution by its sponsoring agencies.
   d. Take the complaint if it raises an issue other than those described in subsections (C)(1)(a), (b) or (c).
2. If the Contractor takes the complaint as under subsection (C)(1)(c) or (d), the Contractor shall obtain and record, on a Department approved form, the following information, if available:
   a. Provider name and address;
   b. Summary of the complaint, including date and time of incident;
   c. Name, address, and phone number of the person making the complaint, unless the complainant indicates that the complainant or someone else may come to substantial harm. The Contractor shall document a complainant's claim that substantial harm may result as a result of disclosure of the complainant's name, as prescribed in A.R.S. § 41-1010; and
   d. If applicable, witness information, such as name, address, and phone number.
3. The person recording the information shall sign and date the form.
4. After redacting personally identifiable information, the Contractor shall send the complaint form to the provider for response within three work days.
5. The provider shall respond to the complaint by completing the provider response portion of the complaint form within 30 days of the complaint mailing date;
6. The Contractor shall allow the public to inspect the complaint, and the provider's response, if given, with all personally identifiable information redacted. After the 30-day provider response period has expired, the Contractor shall make a complaint available for public inspection at the Contractor's office or the Contractor may mail a copy of the complaint.

Historical Note
Adopted effective August 11, 1976 (Supp. 76-4). Section repealed effective November 8, 1982 (Supp. 82-6). New Section adopted effective November 19, 1996 (Supp. 96-4). Amended by exempt rulemaking at 8 A.A.R. 2956, effective July 1, 2002 (Supp. 02-2).

R6-5-5007. Provider Listing Status

A. Regulated Providers:

1. When the Department learns that a regulatory agency has suspended a regulated provider's license, certificate, or alternate approval, the Department shall direct a Contractor to change the provider's listing status from referral listing to information only listing, using the process in R6-5-5009.
2. If a Contractor has changed a provider to information only listing status under subsection (A)(1), the Department shall direct the Contractor to return the provider to referral listing status if the regulatory agency removes the provider's suspension status.
3. The Department shall notify the provider in writing when the Department returns the provider to referral status. The Department shall send the notice within 10 work days of the change in status, and shall include the effective date of the change.

B. Registered Providers:

1. When the Department receives a complaint or is notified that a registered provider may have failed or may be unable to meet the needs of a family due to one of the following circumstances, the Department shall direct a Contractor to change a registered provider's listing status from referral listing to information listing using the process in R6-5-5009:
   a. A child has allegedly been abused, neglected, exploited, or abandoned while in the registered provider's care;
   b. A registered provider has allegedly been involved in activities or circumstances that may threaten the health, safety, or emotional well-being of a child, including, acts of physical violence, domestic disputes, or incidents involving deadly weapons or dangerous or narcotic drugs; or
   c. As determined by DHS, a registered provider has allegedly violated state law by providing care to more than four children at any one time for compensation.
2. If a Contractor has changed a registered provider to information only listing status, as prescribed in subsection (B)(1), the Department shall direct the Contractor to return the registered provider to referral listing status if one of the following occurs:
   a. Child Protective Services or a law enforcement agency determines that the allegation cannot be substantiated;
   b. Child Protective Services or a law enforcement agency determines that the threat to a child has been eliminated; or
   c. DHS determines that the registered provider may continue child care activities without obtaining a certificate or license.
3. As used in subsection (B)(2), substantiation by a law enforcement agency means that law enforcement has

referred a case to a prosecutorial agency with a recommendation to file charges.

4. The Department shall notify the registered provider in writing when the provider is returned to referral status. The Department shall send the notice within 10 work days of the change in status, and shall include the effective date of the change.

Historical Note

Adopted effective August 11, 1976 (Supp. 76-4). Section repealed effective November 8, 1982 (Supp. 82-6). New Section adopted effective November 19, 1996 (Supp. 96-4). Amended by exempt rulemaking at 8 A.A.R. 2956, effective July 1, 2002 (Supp. 02-2).

R6-5-5008. Provider Exclusion or Removal

A. The Department may direct a Contractor to exclude or remove a provider from the database according to the process in R6-5-5009, for the following reasons:
1. The provider fails or refuses to provide information as requested by the Department or a Contractor;
2. A regulatory agency or sponsoring organization verifies that the provider's license, certificate, or alternate approval has been denied, revoked, terminated, or dropped for cause;
3. The Department learns that information in the written, sworn, and notarized statements submitted by the provider under R6-5-5002(C) is false;
4. The provider is subject to removal or exclusion for any reason listed in A.R.S. § 41-1967(E); or,
5. The provider fails to comply with these rules.

B. A Contractor may summarily and without notice remove a provider from the CCR&R database for the following reasons:
1. The Contractor is unable to contact the provider because:
   a. The provider's phone is disconnected;
   b. The provider is no longer at the last known address and has given no forwarding address; or
   c. The provider has died; or
2. The provider requests removal.

C. A provider removed under subsection (B) may request reinstatement by calling the Contractor for the provider's SDA and providing current information.

D. Upon receipt of a request for reinstatement, the Contractor shall update the information listed in R6-5-5002 and, if applicable, confirm that the provider has submitted information requested by the Department or Contractor.

E. The Contractor shall reinstate the provider unless there are grounds for removal under subsections (A)(1) through (5).

Historical Note

Adopted effective November 19, 1996 (Supp. 96-4). Amended by exempt rulemaking at 8 A.A.R. 2956, effective July 1, 2002 (Supp. 02-2).

R6-5-5009. Administrative Review Process

A. When the Department receives information indicating that the Department may need to change a provider's listing status or remove or exclude a provider, the Department Program Administrator or designee shall review the information and decide whether grounds exist as listed in R6-5-5007 or R6-5-5008(A).

B. If the Department decides to change a provider's listing status or to remove or exclude a provider, the Department shall:
1. Notify the Contractor to change the listing status or to remove or exclude the provider; and
2. Within 10 work days of the effective date of the change of listing status, removal or exclusion, send the provider written notice via certified mail of the action taken.

C. The notice shall include the following information:
1. The effective date of the change in listing status or the removal or exclusion;
2. The reason for the change in listing status or the removal or exclusion;
3. The statutory provision requiring the provider's change in listing status or the removal or exclusion;
4. An explanation of the provider's right to an administrative review; and,
5. A statement explaining where the provider may file a written request for an administrative review and the time period for doing so.

D. The Department shall mail the notice to the provider's last known address. The mailing date is presumed to be the date appearing on the notice.

E. A provider may request an administrative review by filing a written request for review with the Department, within 15 work days after the mailing date of the Department's notice.

F. The provider shall mail the written request for administrative review to:
Department of Economic Security
Child Care Administration
Program Administrator
P.O. Box 6123 S.C. 801A
Phoenix, Arizona 85005

G. In the written request, the provider shall include the reason for requesting an administrative review and any documentation supporting the reinstatement request.

H. A request for an administrative review is timely if:
1. The Department receives it within the 15-day appeal period in subsection (E); or
2. The envelope in which the request was mailed is postmarked or postage-meter marked within the period in subsection (E).

I. The Program Administrator or designee shall review the Department's decision and all documentation submitted by the provider.

J. The Program Administrator or designee shall notify the provider and the Contractor of the results of the administrative review within 15 work days from the date the Department receives the request for review.
1. The decision shall be in writing and mailed to the provider's last known address. The date on the decision is presumed to be the mailing date.
2. The decision shall include information about the provider's right to further appeal.

K. The provider may appeal the Department's decision under R6-5-5010.

Historical Note

Adopted effective November 19, 1996 (Supp. 96-4). Amended by exempt rulemaking at 8 A.A.R. 2956, effective July 1, 2002 (Supp. 02-2).

R6-5-5010. Administrative Appeal Process

A. A provider may appeal the Department's administrative review decision under 6 A.A.C. 5, Article 75 by filing a request for an appeal with the Department within 15 work days after the mailing date of the Department's administrative review decision described in R6-5-5009(J).

B. A provider shall mail the written request for an appeal to:
Department of Economic Security
Child Care Administration
Program Administrator
P.O. Box 6123 S.C. 801A
Phoenix, Arizona 85005

C. In the written request, the provider shall include the reason for requesting an appeal and any documentation supporting the request.

D. The Department's actions in reference to removal or exclusion from the database or changes in listing status are not appealable under this Article if the action is based on:
1. Failure to clear a fingerprint or criminal background check; or
2. Failure to clear a Child Protective Services background check

E. A request for an appeal is timely if:
1. The Department receives it within the 15-day appeal period in subsection (A); or
2. The envelope in which the request is mailed is postmarked or postage-meter marked within the 15-day period prescribed in subsection (A).

Historical Note
Adopted effective November 19, 1996 (Supp. 96-4). Amended effective June 4, 1998 (Supp. 98-2). Amended by exempt rulemaking at 8 A.A.R. 2956, effective July 1, 2002 (Supp. 02-2).

ARTICLE 51. EXPIRED

R6-5-5101. Expired

Historical Note
Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5101 repealed, new Section R6-5-5101 adopted effective September 30, 1977 (Supp. 77-5). Former Section R6-5-5101 repealed, new Section R6-5-5101 adopted effective June 17, 1985 (Supp. 85-3). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5257, effective October 31, 2001 (Supp. 01-4).

R6-5-5102. Expired

Historical Note
Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5102 repealed, new Section R6-5-5102 adopted effective September 30, 1977 (Supp. 77-5). Amended effective March 17, 1981 (Supp. 81-2). Former Section R6-5-5102 repealed, new Section R6-5-5102 adopted effective June 17, 1985 (Supp. 85-3). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5257, effective October 31, 2001 (Supp. 01-4).

R6-5-5103. Expired

Historical Note
Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5103 repealed, new Section R6-5-5103 adopted effective September 30, 1977 (Supp. 77-5). Former Section R6-5-5103 repealed, new Section R6-5-5103 adopted effective June 17, 1985 (Supp. 85-3). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5257, effective October 31, 2001 (Supp. 01-4).

R6-5-5104. Expired

Historical Note
Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5104 repealed, new Section R6-5-5104 adopted effective September 30, 1977 (Supp. 77-5). Amended effective April 25, 1978 (Supp. 78-2). Amended effective March 26, 1979 (Supp. 79-2). Amended effective March 17, 1981 (Supp. 81-2). Former Section R6-5-5104 repealed, new Section R6-5-5104 adopted effective June 17, 1985 (Supp. 85-3). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5257, effective October 31, 2001 (Supp. 01-4).

R6-5-5105. Expired

Historical Note
Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5105 repealed, new Section R6-5-5105 adopted effective September 30, 1977 (Supp. 77-5). Amended effective April 25, 1978 (Supp. 78-2). Amended paragraph (3) effective March 17, 1981 (Supp. 81-2). Former Section R6-5-5105 repealed, new Section R6-5-5105 adopted effective June 17, 1985 (Supp. 85-3). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5257, effective October 31, 2001 (Supp. 01-4).

R6-5-5106. Expired

Historical Note
Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5106 repealed, new Section R6-5-5106 adopted effective September 30, 1977 (Supp. 77-5). Former Section R6-5-5106 repealed, new Section R6-5-5106 adopted effective June 17, 1985 (Supp. 85-3). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5257, effective October 31, 2001 (Supp. 01-4).

R6-5-5107. Expired

Historical Note
Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5107 repealed, new Section R6-5-5107 adopted effective September 30, 1977 (Supp. 77-5). Amended effective March 17, 1981 (Supp. 81-2). Former Section R6-5-5107 repealed, new Section R6-5-5107 adopted effective June 17, 1985 (Supp. 85-3). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5257, effective October 31, 2001 (Supp. 01-4).

ARTICLE 52. CERTIFICATION AND SUPERVISION OF FAMILY CHILD CARE HOME PROVIDERS

R6-5-5201. Definitions

The following definitions apply in this Article:
1. "Abandonment" has the meaning ascribed to "abandoned" in A.R.S. § 8-201 (1).
2. "Abuse" has the meaning ascribed in A.R.S. § 8-201 (2).
3. "Age" means years of a person's lifetime when used in reference to a number, unless the term "months" is used.
4. "Adult" means a person age 18 or older.
5. "Applicant" means a person who submits a written application to the Department to become certified as a child care provider.
6. "Backup provider" means an adult who, or an entity that, provides child care when a provider is not available.
7. "CACFP" means the Child and Adult Care Food Program.
8. "Certificate" means a document the Department issues to a provider as evidence that the provider has met the child care standards of this Article.
9. "Child" means a person younger than age 18.
10. "Child care" means the compensated care, supervision, recreation, socialization, guidance, and protection of a child who is unaccompanied by a parent.
11. "Child care personnel" means all adults residing in a home facility, an in-home provider, and any backup provider.
12. "Child care registration agreement" means a written contract between a provider and the Department; that estab-

lishes the rights and duties of the provider and the Department for provision of child care.

13. "Child care specialist" means a Department child care eligibility and/or certification staff person.
14. "CHILDS" means the Children's Information Library and Data Source, which is a comprehensive, automated system to support child welfare policies and procedures, and includes information on investigations, ongoing case management, and payments.
15. "CHILDS Central Registry" means the Child Protective Services Central Registry, a confidential, computerized database within CHILDS, which the Department maintains according to A.R.S. § 8-804.
16. "Child with special needs" means a child who needs increased supervision, modified equipment, modified activities, or a modified facility, due to any physical, mental, sensory, or emotional delay, or medical condition, and includes a child who has a physical or mental impairment that substantially limits one or more major life activities; has a record of having a physical or mental impairment that substantially limits one or more of the child's major life activities; or who is regarded as having an impairment, regardless of whether the child has the impairment.
17. "Client" means a person who applies for and meets the eligibility criteria for a child care service program administered by the Department.
18. "Compensation" means something given or received, such as money, goods, or services, as payment for child care services.
19. "Corporal punishment" means any act that is administered as a form of discipline and that either is intended to cause bodily pain, or may result in physical damage or injury.
20. "CPS" means Child Protective Services, a Department administration that operates a program to investigate allegations of child maltreatment and provide protective services.
21. "Department" means the Arizona Department of Economic Security.
22. "Developmentally appropriate" means an action that takes into account:
    a. A child's age and family background;
    b. The predictable changes that occur in a child's physical, emotional, social, cultural, and cognitive development; and
    c. The individual child's pattern and timing of growth, personality, and learning style.
23. "DHS" means the Arizona Department of Health Services.
24. "Direct supervision" means within sight and sound.
25. "Exploitation" means an act of taking advantage of, or making use of a child selfishly, unethically, or unjustly for one's own advantage or profit, in a manner contrary to the best interests of the child, such as having a child panhandle, steal, or perform other illegal activities.
26. "Evening care" means child care provided at any time between 6:30 p.m. and midnight.
27. "Heating device" means an instrument designed to produce heat for a room or inside area and includes a nonelectric stove, fireplace, freestanding stove, or space heater.
28. "Home facility" means a provider's residence that the Department has certified as a location where child care services may be provided.
29. "Household member" means a person who does not provide child care services and who resides in the home facility of a provider for 21 consecutive days or longer or who resides periodically throughout the year for a total of at least 21 days.
30. "Infant" means:
    a. A child who is younger than 12 months old; and
    b. A child who is younger than 18 months old and not walking.
31. "In-home provider" means a provider who cares for a child in the child's home.
32. "Maltreatment" means abuse, neglect, exploitation, or abandonment of a child.
33. "Medication" means any prescribed or over-the-counter drug or medicine.
34. "Mechanical restraint" means a device to restrict a child's movement.
35. "Neglect" has the same meaning ascribed in A.R.S. § 8-201(21).
36. "Night-time care" means child care provided at any time between midnight and 6:00 a.m.
37. "Non-parent relative" means a caretaker relative who exercises responsibility for the day-to day physical care, guidance, and support of a child who physically resides with the relative and who is by affinity, consanguinity, or court decree, a grandparent, great grandparent, sibling of the whole or half-blood, stepbrother, stepsister, aunt, uncle, great aunt, great uncle, or first cousin of the child.
38. "Parent" means the biological or adoptive parent of a child, a court-appointed guardian, or a non-parent relative.
39. "Provider" means an adult who is not the parent or guardian of a child needing care, and to whom the Department has issued a certificate, and includes a backup provider who performs the provider's duties when the provider is unavailable.
40. "Physical restraint" means the use of bodily force to restrict a child's freedom of movement.
41. "Safeguard" means to use reasonable efforts and developmentally appropriate measures to eliminate the risk of harm to a child in care and ensure that a child in care will not be harmed by a particular object, substance, or activity. Safeguarding may include:
    a. Locking up a particular substance or item;
    b. Putting a substance or item beyond the reach of a child who is not mobile;
    c. Erecting a barrier that prevents a child from reaching a particular place, item, or substance;
    d. Mandating the use of a protective safety device; or
    e. Providing direct supervision.
42. "Sanitize" means treatment by a heating or chemical process that reduces the bacterial count, including pathogens, to a safe level.
43. "Time out" means removing a child from a situation by directing the child to remain in a specific chair or place identified as the time out place, for no more than one minute for each year of a child's age, but no more than 10 minutes.
44. "Undue hardship" means significant difficulty or substantial expense concerning the operation of a provider's program. In this subsection, "significant" and "substantial" are measured relative to the level of net income the provider earns from child care services.
45. "Unusual incident" means any accident, injury, behavior problem, or other extraordinary situation involving a pro-

vider or a child in care, including suspected child maltreatment.

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Section repealed, new Section adopted effective May 11, 1994 (Supp. 94-2). Amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5202. Initial Application for Certification

A. To become a certified child care provider, an applicant shall comply with all requirements of this Article and other applicable requirements of federal, state, or local law.

B. An applicant shall be at least age 18.

C. An applicant shall submit a complete, signed application form to the Department.

D. An applicant shall designate one or more backup providers from the following list:
1. An individual who is age 18 or older and who satisfies the requirements for backup providers outlined in this Article;
2. A DHS-licensed child care center;
3. A DHS-certified child care group home; or
4. A DES-certified family child care home.

E. An applicant shall participate in any orientation and training and shall cooperate in conducting any pre-certification interviews and inspections the Department may require.

F. An applicant shall give the Department the names of three references who:
1. Have known the applicant at least one year,
2. Are unrelated by blood or marriage to the applicant, and
3. Can furnish information regarding the applicant's character and ability to care for a child.

G. An applicant and any designated individual backup provider shall furnish a self-statement of physical and mental health on a form provided by the Department.

H. An applicant and each designated individual backup provider shall have the physical, mental, and emotional health necessary to perform the duties and meet the responsibilities established by this Article. If the Department has questions about the applicant's health that the applicant cannot satisfactorily answer or explain, the applicant, upon request by the Department, shall submit to a physical or psychological examination by a licensed physician, psychologist, or psychiatrist, and shall provide the Department with a professional opinion addressing the Department's questions. The applicant shall bear the cost of any professional examinations that the Department needs to determine whether the individual is qualified.

I. The Department may require an applicant to furnish at least the following information about the applicant, the applicant's spouse, members of the applicant's household, children residing outside of the applicant's home, and the individual backup provider:
1. Name;
2. Current address;
3. Telephone number;
4. Date of birth;
5. Social security number;
6. Maiden name, aliases, and nicknames;
7. Relationship to the applicant or backup provider;
8. Marital status and marital history;
9. Educational background;
10. Ethnicity;
11. Gender;
12. Birthplace;
13. Physical characteristics; and
14. Citizenship status.

J. Child care personnel shall submit the notarized criminal history certification form required by A.R.S. § 41-1964, and disclose whether they have committed any acts of child maltreatment or have been the subject of a Child Protective Service investigation.

K. On a Department form, an applicant, all adult household members, and all individual backup providers shall provide employment histories for the five-year period immediately preceding the application date, beginning with the individual's present or most recent job.

L. An applicant shall furnish proof that the applicant, the individual backup provider, and members of the applicant's household who are age 13 or younger are immune from measles, rubella, diphtheria, tetanus, pertusis, polio, and any other diseases for which routine immunizations are readily and safely available.
1. The Department may waive the requirements of this subsection for a household member if the applicant will be certified as an in-home provider only and submits an affidavit attesting that household members will not be present when child care services are provided.
2. The Department shall waive the requirements of this subsection if the applicant:
   a. Submits an affidavit stating that household members are being raised in a religion whose teachings oppose immunization; and
   b. Affirms, in writing, that families will be notified of the religious exemption before child care services are provided.

M. An applicant shall submit evidence of current freedom from pulmonary tuberculosis for the applicant, all household members, and all individual backup providers. If the application is approved, this evidence shall be submitted each succeeding calendar year.
1. Evidence required under this subsection is limited to:
   a. A report of a negative Mantoux skin test performed within three months of the date or anniversary date of initial certification.
   b. A physician's written statement based on an examination performed within three months of the date or anniversary date of initial certification.
2. The Department shall waive the requirements of this subsection for household members if the applicant will be certified as an in-home provider only and submits an affidavit that household members will not be present when child care services are provided.

N. An applicant shall provide a statement of services on a Department form. The statement shall describe:
1. The home at which services will be provided, location, and hours of operation;
2. The applicant's daily rates and fees;
3. The ages of children the applicant will accept;
4. The equipment, materials, daily activities, and play areas available to children in care;
5. Any special child care skills, knowledge, or training the applicant has; and
6. The behavior, guidance, and discipline methods the applicant uses.

O. During an interview with the child care specialist, an applicant shall complete a Department questionnaire describing:
1. The applicant's child rearing philosophy;
2. The home environment, including intra-family relationships and attitudes toward child care;
3. The parenting and discipline methods employed by the applicant and the applicant's parents; and
4. The applicant's child care training and experience.

P. Upon Department request, an applicant, all members of the applicant's household, and all individual backup providers shall comply with any additional requirements and requests for interviews, inspections, or information necessary to determine the applicant's fitness to serve as a certified child care provider.

Q. A complete application package consists of an applicant's completed application form and evidence that the applicant, all members of the applicant's household, and all individual backup providers have met all requirements and submitted all information and documentation listed in this Section.

R. The Department shall send an applicant a notice of administrative completeness or deficiency, as described in A.R.S. § 41-1074, indicating the additional information, if any, that the applicant must provide for a complete application package. The Department shall send the notice after receiving the application and before expiration of the administrative review timeframe described in R6-5-5204. If the applicant does not supply the missing information listed in the notice, the Department may close the file.

S. An applicant whose file is closed may reapply for certification.

T. After an applicant submits a complete application for initial certification, the Department shall inspect the applicant's home to determine whether the home meets the regulations of this Article.

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Section repealed, new Section adopted effective May 11, 1994 (Supp. 94-2). Amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5203. Initial Certification: The Home Facility

A provider's home facility shall meet the requirements of this Section.

1. A provider shall maintain the indoor and outdoor premises of the home facility in a safe and sanitary condition, free from hazards and vermin, and in good repair. A mobile home shall have skirting to ensure that a child in care cannot go beneath the mobile home.
2. Any area to be occupied by a child in care shall have heat, light, ventilation, and screening. The provider shall maintain the home facility between 68° and 85° F.
3. A provider shall vent and safeguard all heating devices to protect each child from burns and harmful fumes.
4. A provider shall safeguard all potentially dangerous objects from children, including:
   a. Household and automotive tools;
   b. Sharp objects, such as knives, glass objects, and pieces of metal;
   c. Fireplace tools, butane lighters and igniters, and matches;
   d. Machinery;
   e. Electrical boxes;
   f. Electrical outlets;
   g. Electrical wires; and
   h. Chemicals, cleaners, and toxic substances.
5. A provider shall store firearms and ammunition separately from one another, under lock and key or combination lock.
6. A home facility shall have adequate space and equipment to accommodate each child in care, and other household members who are in the home facility at the same time as children in care. In this subsection, "adequate" means sufficient space and equipment to:
   a. Permit all persons in the dwelling to have safe freedom of movement;
   b. Permit children in care to be seated together for meals and snacks; and
   c. Permit all children in care to be engaged in developmentally appropriate activities at the same time and in a room where the provider can keep all children within sight.
7. A provider shall keep outside play areas clean and safe and shall fence the play area if there are conditions that may pose a danger to any child playing outside. The fence shall be at least 4 feet high and free of hazards, including splinters and protruding nails or wires. The fence shall have only self-closing, self-latching, lockable gates.
8. A home facility shall have the following equipment:
   a. A charged, readily accessible, operable, multi-purpose (ABC class) fire extinguisher that the applicant knows how to operate;
   b. At least one UL-approved, working smoke detector, properly mounted on each level of the dwelling;
   c. At least two usable outdoor exits;
   d. A posted written plan or diagram for emergency evacuation;
   e. A working telephone or other two-way communication device acceptable to the Department; and
   f. An easily accessible life-saving device if the home facility has a pool or other body of water more than 12 inches deep. A "life-saving device" means a ring buoy with at least 25 feet of 1/2-inch rope attached or a shepherd's crook.
9. If a home facility has a swimming pool or other body of water more than 12 inches deep, the pool or body of water shall be enclosed by a permanent fence that separates it from all other outdoor areas and from doors and windows into the home facility. The fence shall be at least 5 feet high and shall have only self-closing, self-latching, lockable gates. Open spaces between upright or parallel posts and poles on fences and gates shall be no more than 4 inches apart. When the pool or body of water is not in use, the provider shall lock the gates.
10. A provider shall enclose spas and hot tubs with fencing as described in subsection (9), or with a hard, locked cover that prevents access and can support at least 100 pounds.

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Amended effective March 5, 1979 (Supp. 79-2). Section repealed, new Section adopted effective May 11, 1994 (Supp. 94-2). Amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5204. Initial Certification: Department Responsibilities

A. Before issuing a certificate, the Department shall:
1. Conduct at least one face-to-face interview with an applicant;
2. Contact any other person necessary to determine an applicant's fitness to be a certified provider;
3. Ensure that an applicant and all individual backup providers have complied with and satisfy the requirements of R6-5-5202;
4. Inspect the home where an applicant will provide child care, unless it is the child's own home, and ensure that it meets the requirements of R6-5-5203;
5. Conduct a CHILDS Central Registry check for:
   a. An applicant;
   b. The applicant's household members;
   c. The applicant's emancipated children who live outside the applicant's home, if any; and

d. Any individual backup provider.

6. Find that an applicant has the intent and ability to provide child care that is safe, developmentally appropriate, and in compliance with the requirements of this Article.

B. The Department shall objectively determine whether to certify an applicant based on the applicant's entire application package, and the information the Department has acquired during the course of the application process.

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Section repealed, new Section adopted effective May 11, 1994 (Supp. 94-2). Amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5205. Certification Time-frames

For the purpose of A.R.S. § 41-1073, the Department established the following certification time-frames:

1. Administrative completeness review time-frame: 60 days,
2. Substantive review time-frame: 30 days, and
3. Overall time-frame: 90 days.

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Section repealed, new Section adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5205 renumbered to R6-5-5206 and new Section adopted by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5206. Certificates: Issuance; Non-transferability

A. A certificate is valid for three years from the date of issuance. The Department may revoke a certificate before expiration as provided in this Article and by law.

B. A certificate is not transferable and is valid only for the provider and location identified on the certificate.

C. A provider shall post the certificate in a conspicuous location in the home facility.

D. A certificate is the property of the state of Arizona. Upon revocation or voluntary closure, a provider shall surrender the certificate issued to the provider to the Department within seven days.

E. The Department shall designate on the certificate issued to the provider the total number of children to be allowed in child care at any one time. The total shall not exceed the limits set in R6-5-5220.

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Amended effective February 24, 1977 (Supp. 77-1). Section repealed, new Section adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5206 renumbered to R6-5-5207; new Section R6-5-5206 renumbered from R6-5-5205 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5207. Maintenance of Certification: General Requirements; Training

A. Child care personnel and all individual backup providers shall be fingerprinted and pay all required fingerprint fees within the time prescribed in A.R.S. § 41-1964.

B. A provider and all individual backup providers shall maintain the physical, mental, and emotional health necessary to fulfill all legal requirements for child care providers.

C. No later than 60 days after the date of provider certification, a provider and individual backup providers shall furnish the Department with proof of acceptable first aid training and certification in infant/child cardiopulmonary resuscitation ("CPR"). As used in this Section, "acceptable training" means a course approved by the American Red Cross or the American Heart Association. The Department may extend the time for completing this requirement and children may remain in care during an extension, if:

1. The class was not available within the 60-day time period; or
2. The provider, individual backup provider, or a dependent was ill, and the provider or backup provider was unable to attend a scheduled class due to the illness.

D. A provider and individual backup providers shall maintain current training and certification in first aid and infant/child CPR through acceptable training courses.

E. A certified provider shall attend at least six hours of training each calendar year in any of the following subjects:

1. The Department's child care program, policies, and procedures;
2. Child health and safety, including recognition, control, and prevention of illness and disease;
3. Child growth and development;
4. Child abuse prevention, detection, and reporting;
5. Positive guidance and discipline;
6. Child nutrition;
7. Communication with families; family involvement;
8. Developmentally appropriate practices; and
9. Other similar subjects designed to improve the provider's ability to provide child care.

F. A provider shall maintain a record of all training, and annually furnish the Department with proof of attendance.

G. A provider shall maintain a safe and clean home facility, including furnishings, equipment, supplies, materials, utensils, toys, and grounds, that meets the standards in this Article.

H. At all times, a provider shall allow the Department access to all parts of the home facility. The Department shall make at least two onsite visits each year to each home facility and in-home provider. At least one visit shall be unannounced.

I. A provider shall allow a parent or a designated representative access to the home facility at all times when the parent's child is present, and shall give parents and designated representatives written notice explaining this right.

J. A provider shall directly supervise a visitor to the home facility while the visitor is in an area with a child in care.

K. A provider shall not expose a child in care to tobacco products or smoke.

L. A provider shall not care for a child while under the influence of alcoholic beverages, medication, or any other substance, that may or does impair the provider's ability to care for a child.

M. A provider shall not consume alcoholic beverages while caring for a child.

N. A provider shall not refuse to provide care to any child on the basis of color, sex, religion, disability, or national origin.

O. If a provider is notified that a child or household member has a communicable disease, the provider shall ensure that a child who lacks written evidence of immunity to the communicable disease is not permitted to be present in the home facility until:

1. A parent provides written evidence of the child's immunity to the disease; or
2. A local health department notifies the provider that the child may return to the home facility

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Section repealed, new Section adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5207 renumbered to R6-5-5208; new Section R6-5-5207 renumbered from R6-5-5206 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5208. Recertification Requirements

A. Before recertifying a provider, the Department shall interview the provider at the location where child care will be provided. The Department Representative may interview an in-home provider at the in-home provider's residence. The interview shall include a discussion and review of the provider's experiences in the provision of child care services during the current certification period.

B. A provider shall demonstrate the continued physical, mental, and emotional health necessary to perform the duties and fulfill the responsibilities in this Article.

C. Before recertification, a provider and designated individual backup provider shall furnish a self statement of physical and mental health and freedom from communicable diseases on a form furnished by the Department.

D. The Department shall renew a certificate only after a provider demonstrates the intent and ability to provide child care that is safe, developmentally appropriate, and in compliance with the requirements of this Article.

E. Unless the Department, in its sole discretion,. accepts a provider's written assurance of future compliance with the requirements of this subsection, the Department shall deny recertification or take other enforcement action when the provider does not accept Department-referred children on three separate occasions unless the refusal is for:

1. Illness, accident, or incapacity of the provider;
2. Illness, accident, or incapacity of any household member, if the existing condition will pose a risk to children in care, or limit the provider's ability to provide child care in accordance with the law;
3. The provider is not equipped or trained to provide care to the referred child, and the provider cannot acquire the equipment or training without undue hardship;
4. The provider has no available slots;
5. The situations listed in R6-5-5222 and a backup provider is unavailable;
6. A child has not been immunized, and the parent or guardian is unwilling to obtain appropriate immunization, in accordance with R6-5-5219(F); or
7. The home facility is in temporary disrepair or under construction.

F. The Department may obtain any supplemental information needed to determine continuing fitness to serve as a certified child care provider.

G. A provider, all household members, and an individual backup provider shall cooperate with the Department in providing all information required for recertification.

H. The Department shall determine whether to recertify a provider based on the provider's original application package, all previous monitoring reports, and all additional information the Department receives during the recertification process.

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Section repealed, new Section adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5208 renumbered to R6-5-5209; new Section R6-5-5208 renumbered from R6-5-5207 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5209. Program and Equipment

A. A provider shall offer a program that is developmentally appropriate for, and meets the needs of each child in care. The daily program and activity schedule shall include a balance of the following:

1. Indoor and outdoor activities;
2. Activities that encourage movement and quiet time;
3. Activities that encourage a child's creativity;
4. Individual and group activities;
5. Small and large muscle development activities; and
6. Activities that include social interaction, problem solving, and negotiating skills.

B. A provider shall incorporate into the program each child's daily routine activities, such as diapering, toileting, eating, dressing, resting, and sleeping, in accordance with the developmental needs of each child.

C. A provider shall develop a flexible, developmentally appropriate program that the provider can adjust to accommodate unanticipated events such as the illness of a child or changes in the weather.

D. A provider shall have play equipment and materials sufficient to meet the program requirements described in subsections (A) through (C), and to ensure that all children in care can be occupied in developmentally appropriate play at the same time.

E. A provider who cares for a child who is younger than age 2 shall have a variety of developmentally appropriate play equipment and supplies available for the child, such as:

1. Touch boards;
2. Soft puppets;
3. Soft or plastic blocks;
4. Simple musical instruments;
5. Push-pull toys for beginning walkers;
6. Picture and texture books;
7. Developmentally appropriate art materials, including crayons, paints, finger paints, watercolors, and paper;
8. Simple, 2-3 piece puzzles and peg boards; and
9. Large beads to string or snap.

F. A provider who cares for a child age 2 or older shall have a variety of developmentally appropriate play equipment and supplies available for the child, such as:

1. Art supplies;
2. Blocks and block accessories;
3. Books and posters;
4. Dramatic play areas with toys and dress-up clothes;
5. Large muscle equipment;
6. Manipulative toys;
7. Science materials; and
8. Musical instruments.

G. A provider shall have a bed, cot, mat, crib, or playpen for each child in care who requires a daily nap or rest period. Each infant in care shall have a safe crib, port-a crib, bassinet, or playpen.

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Section repealed, new Section adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5209 renumbered to R6-5-5210; new Section R6-5-5209 renumbered from R6-5-5208 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5210. Safety; Supervision

A. When a provider is unavailable to care for a child for a reason described in R6-5-5222(B), the provider may use only the backup provider designated under R6-5-5202 or R6-5-5222(E).

B. A provider shall give parents and guardians written notice of the provider's backup care plan.

C. A provider shall not engage in activities that interfere with the ability to supervise and care for children, including other employment, and volunteer or recreational activities. An in-home provider shall not perform housekeeping duties unrelated to the care of the child.

D. A provider shall directly supervise each child who is awake.

E. A provider shall have unobstructed access to and shall be able to hear each child who is sleeping.
F. A provider shall not permit a child in care to use a spa or hot tub.
G. A provider shall have written permission from a parent or guardian before allowing a child to engage in water play. In this subsection, "water play" means any activity in which water is likely to get into a child's ears.
H. A provider shall directly supervise any child who is in a pool area.
I. A provider shall accompany a child who is using a public or semi-public swimming place.
J. A provider shall have written permission from a child's parent or designated representative to bathe or shower the child, or to allow the child to bathe or shower independently.
K. A provider shall not permit a child younger than age 6 to bathe or shower unsupervised.
L. A provider shall report suspected child abuse or neglect to CPS or the local law enforcement department as required by A.R.S. § 13-3620.
M. A provider shall use developmentally appropriate precautions to separate a child in care from hazardous areas, including locked doors and safe portable folding gates.
N. A provider shall release a child only to the child's parent or to an adult who has been designated in writing by the parent.
O. A provider shall not allow a person addicted to or under the influence of illegal drugs or alcohol in the home facility while children in care are present.
P. A provider shall not permit a person who is abusive to children, or who uses unacceptable disciplinary methods as described in R6-5-5212, into the home facility when children in care are present.

Historical Note
Adopted effective July 6, 1976 (Supp. 76-4). Amended effective March 5, 1979 (Supp. 79-2). Section repealed, new Section adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5210 renumbered to R6-5-5211; new Section R6-5-5210 renumbered from R6-5-5209 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5211. Sanitation
A. A provider and each child in care shall wash their hands with soap and running water after playing with animals or using the toilet, and before and after handling, serving, or eating food. If a child cannot reach a sink with running water, due to the child's age or some limiting condition, the provider shall clean that child's hands with an individual, clean, washcloth.
B. A provider shall wash, in hot soapy water, and sanitize, all utensils used for eating, drinking, and food preparation.
C. A provider shall have a garbage can with a close-fitting lid.
D. A provider shall dispose of garbage in the home facility at least once a day.
E. A provider shall empty and sanitize wading pools measuring 12 inches deep or less, after each use.
F. A provider shall maintain, in a sanitary condition, a swimming pool or other area or container, which is more than 12 inches deep and used for water play.
G. A provider shall frequently check the diaper of each child in care and shall immediately change a soiled diaper.
H. A provider shall have sanitary arrangements for diaper changing and disposal of soiled diapers, including the following:
1. The diaper changing area shall not be in an area where food is prepared or consumed;
2. The diapering surface shall be cleaned, sanitized, and dried after each diaper change;
3. Following bulk stool disposal into a toilet, soiled cloth diapers shall not be rinsed, but shall be bagged in plastic, individually labeled with child's name, stored in a covered container out of reach of children, and returned to the child's parent each day; and
4. Soiled disposable diapers shall be discarded in a tightly covered, lined container out of reach of children.

I. Before and after each diaper change, a provider shall wash hands with soap and running water in a sink not used for food preparation.
J. A provider shall sanitize a bathtub before bathing each child in care.

Historical Note
Adopted effective July 6, 1976 (Supp. 76-4). Section repealed, new Section adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5211 renumbered to R6-5-5212; new Section R6-5-5211 renumbered from R6-5-5210 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5212. Discipline
A. A certified provider and all individual backup providers shall sign a written agreement to abide by the Department's policy on developmentally appropriate discipline.
B. Only a provider may discipline a child in care;
C. A provider may physically restrain a child whose behavior is uncontrolled, only when the physical restraint:
1. Is necessary to prevent harm to the child or others;
2. Occurs simultaneously with the uncontrolled behavior;
3. Does not impair the child's breathing; and
4. Cannot harm the child.

A provider shall use the minimum amount of restraint necessary to bring the child's behavior under control.
D. A provider shall not use the following disciplinary measures:
1. Corporal punishment, including shaking, biting, hitting, or putting anything in a child's mouth;
2. Placing a child in isolation or in a closet, laundry room, garage, shed, basement, or attic;
3. Locking a child out of the home facility;
4. Placing a child in any area where the provider cannot directly supervise the child;
5. Methods detrimental to the health or emotional needs of a child;
6. Administering medications;
7. Mechanical restraints of any kind;
8. Techniques intended to humiliate or frighten a child;
9. Discipline associated with eating, sleeping, or toileting; or
10. Abusive or profane language.

E. As a disciplinary measure, a provider may place a child in time out. During the time out period, the provider shall keep the child in full view. Time out shall not be used for children less than age 3.
F. A provider shall maintain consistent, reasonable rules that define acceptable behavior for a child in care.
G. A provider shall use discipline only to teach acceptable behavior and to promote self-discipline, not for punishment or retribution.

Historical Note
Adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5212 renumbered to R6-5-5213; new Section R6-5-5212 renumbered from R6-5-5211 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5213. Evening And Nighttime Care

A. A provider who offers evening or nighttime care shall remain awake until each child in care is asleep.

B. A provider who offers nighttime care shall have a safe and sturdy crib for each infant, and a safe and sturdy bed or cot with mattress for each child. Crib bars or slats shall be no more than 2 3/8 inches apart, and the crib mattress shall fit snugly into the crib frame so that no space remains between the mattress and frame.

C. A provider may allow siblings to share a bed only if the provider has received written parental permission.

Historical Note

Adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5213 renumbered to R6-5-5214; new Section R6-5-5213 renumbered from R6-5-5212 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5214. Children Younger than Age 2

A provider who cares for a child younger than age 2 shall comply with the following requirements:

1. A provider shall frequently hold a child and give each infant and toddler physical contact and attention throughout the day.
2. A provider shall respond promptly to a child's distress signals and need for comfort.
3. A provider shall get written permission from a parent or guardian to give a child a bedtime or nap-time bottle. If the provider receives permission, the provider shall use only water in the bottles, unless otherwise directed by the child's physician.
4. A provider shall not confine a child in a crib, high chair, swing, or playpen, for more than one consecutive waking hour.
5. A provider shall not feed cereal by bottle, except with the written instruction of a physician.
6. A provider shall hold an infant younger than age 1 for any bottle feeding, and shall not prop bottles with a child in care.

Historical Note

Adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5214 renumbered to R6-5-5215; new Section R6-5-5214 renumbered from R6-5-5213 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5215. Children with Special Needs

A. When enrolling a child with special needs, a provider shall comply with the requirements of this Section:

1. A provider shall consult with parents to establish a mutually agreed upon plan regarding services for a child with special needs;
2. A provider shall have the physical ability and appropriate training to provide the care required by a child with special needs;
3. A provider shall use best efforts to integrate a child with special needs into the daily activities of the home facility in a manner that is the least restrictive, and that meets the child's individual needs;
4. If a provider regularly cares for a child with special needs older than age 3 who requires diapering, the home facility shall have a diaper changing area that permits the child to have privacy. Proper sanitation shall be maintained as described in R6-5-5211.

B. A provider shall make reasonable accommodations in the home facility, equipment, and materials for a child with special needs.

Historical Note

Adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5215 renumbered to R6-5-5216; new Section R6-5-5215 renumbered from R6-5-5214 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5216. Transportation

A. A provider shall obtain prior written permission from a child's parent before transporting a child in a privately owned vehicle or on public transportation.

B. A provider shall ensure that a child in care is transported in a private vehicle by a person who has:

1. A valid Arizona driver's license;
2. Automobile insurance that meets the financial responsibility requirement of Arizona law; and
3. No convictions for driving while intoxicated within three years before the date of transportation.

C. A provider shall transport a child only in a mechanically safe vehicle. "Mechanically safe" means a vehicle with:

1. Functioning brakes, signal lights, and headlights;
2. Tires with tread; and
3. Structural integrity.

D. A provider shall not transport a child on a motorcycle or in a vehicle that is not constructed for the purpose of transporting people, such as a truck bed, camper, or any trailered attachment to a motor vehicle.

E. A provider shall transport a child in a separate car seat, seat belt, or child-restraint device in compliance with A.R.S. § 28-907.

F. A provider shall never leave a child unattended in a vehicle.

G. A provider shall maintain first-aid supplies in a privately owned vehicle used to transport children in care.

H. A provider shall carry a child's emergency-information card when transporting a child in care.

I. A provider shall sign a form that states that the provider will abide by R6-5-5216.

Historical Note

Adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5216 renumbered to R6-5-5217; new Section R6-5-5216 renumbered from R6-5-5215 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5217. Meals and Nutrition

A. A provider shall serve a child in care wholesome and nutritious foods and beverages. In this Section, "wholesome and nutritious" means foods and beverages consistent with the requirements of 7 CFR 226.20 (January 1, 1998), which is incorporated by reference and available for inspection at the Department's Authority Library, 1789 West Jefferson, Phoenix, Arizona 85007 and in the office of the Secretary of State at 1700 West Washington, Phoenix, Arizona. The incorporated material contains no later amendments or editions.

B. A provider shall supplement meals and snacks supplied by a parent when the supplied food does not provide a child with a wholesome and nutritious diet.

C. A provider shall make available to a child in care meals and snacks that satisfy the child's appetite and dietary needs.

D. A provider shall consult with a parent to identify, in writing, any special dietary needs or instructions for a child in care.

E. A provider shall give a child any necessary assistance in feeding and shall teach self-feeding skills, but shall not force a child to eat.

F. A provider shall monitor all perishable foods, including infant formulas and sack lunches. The provider shall ensure that food is individually labeled with a child's name, dated, covered, and properly stored to prevent spoilage. at temperatures of 45ºF or less.

Historical Note

Adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5217 renumbered to R6-5-5218; new Section R6-5-5217 renumbered from R6-5-5216 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5218. Health Care; Medications

A. When a provider enrolls a child for care, the provider shall make written arrangements with the child's parent for emergency medical care of the child.

B. If a child becomes ill while in care, a provider shall:
1. Make the child comfortable and keep the child in full view; and
2. Notify the parent or other designated person that the child is ill and must be immediately removed from care.

C. A provider shall notify the parent of other children in care when a child in care contracts an infectious illness.

D. A provider shall not provide care while knowingly infected with or presenting symptoms of an infectious disease.

E. If a child exhibits symptoms of an infectious disease, the child may return to care when fever free and symptom free, or with written permission from the child's medical practitioner that returning will not endanger the health of the child or other children in care.

F. A provider shall not admit a child in need of professional medical attention to the home facility and shall direct the parent to obtain medical attention for the child.

G. Only a provider shall administer medication with signed written instructions for administering the medication from the child's parent.

H. A provider shall not administer:
1. Medication that is date expired or in something other than its original container; or
2. Prescription medication that does not bear the date of issue, the child's name, the amount and frequency of dosage, and the doctor's name.

I. A provider shall maintain a written log of all medications administered. The log shall include:
1. The name of the child receiving the medication;
2. The name of the medication;
3. The date and time of administration; and
4. The dosage administered.

A provider shall use a sanitary medication measure for accurate dosage.

J. A provider shall keep all medication in a locked storage container, and refrigerate if necessary.

K. A provider shall have first-aid supplies available at the home facility, which shall be administered only by the provider.

L. A provider is responsible for obtaining only emergency medical treatment for a child in care.

Historical Note

Adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5218 renumbered to R6-5-5219; new Section R6-5-5218 renumbered from R6-5-5217 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5219. Recordkeeping; Unusual incidents; Immunizations

A. A provider shall maintain a daily attendance log on a Department-approved form and shall require that each child be signed in and out on the log by the parent or other individual designated in writing by the parent.

B. On a form approved by the Department, a provider shall promptly log all accidents, injuries, behavior problems, or other unusual incidents at the home facility, including any suspected child abuse or neglect.

C. A provider shall immediately report all unusual incidents to a parent or guardian of the child involved and shall report the incidents to the Department within 24 hours of the time of occurrence.

D. A provider shall maintain records in accordance with the requirements of the provider's child care registration agreement. The provider shall make the following records readily available for inspection by the Department and shall keep them separate from household and other personal records:
1. Information listed in subsection (E):
2. Immunization records identified in subsection (F) and R6-5-5202 (L);
3. Documentary evidence of freedom from communicable tuberculosis as required by R6-5-5202 (M);
4. The provider's certification, re-certification, and monitoring records;
5. Health records of child care personnel;
6. The provider's training records;
7. Unusual incident reports; and
8. Daily logs of attendance, accidents, injuries, medications administered, behavior problems, or other unusual incidents.

E. A provider shall maintain at least the following information for each child in care:
1. The child's name, home address, telephone number, gender, and date of birth;
2. The name, home and business addresses, and telephone numbers of the child's parent;
3. The name, address and telephone number of the child's physician or health care provider and hospital;
4. Authorization and instructions for emergency medical care when the parent cannot be located; and
5. Written authorization to release a child to any individual other than the parent and the name, home and work addresses, and telephone numbers of that individual.

F. A provider shall maintain an immunization record or exemption affidavit for each child in care.
1. Documentation required under this subsection is limited to:
   a. An immunization record prepared by the child's health care provider stating that child has received current, age-appropriate immunizations specified in R9-6-701, including Immunizations for Diphtheria, homophiles influenza type b, Hepatitis B, Measles, Mumps, Pertusis, Poliomyelitis, Rubella, and Tetanus;
   b. An affidavit signed by the child's health care provider stating that the child has a medical condition that causes the required immunizations to endanger the child's health; or
   c. An affidavit signed by the child's parent stating that the child is being raised in a religion whose teachings oppose immunization.
2. If a child has received all current immunizations but requires further inoculations to be fully immunized, the provider shall require the parent to verify that the parent

will have the child complete all immunizations in accordance with the DHS recommended schedule identified in R9-6-701. The provider shall:
a. Require the parent to produce documented records from the child's health care provider of the immunizations as they are completed; and
b. Maintain the records as required by subsection (F)(1).
3. The provider shall not permit a child in care to remain enrolled for more than 15 days if the parent does not provide proof of current, age-appropriate immunizations, a statement of timely completion of further inoculations, or exemption from immunization.

G. Children exempted from immunizations for religious or medical reasons shall be excluded from the home facility if there is an outbreak of an immunizable disease at the home facility.

Historical Note
Adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5219 renumbered to R6-5-52020; new Section R6-5-5219 renumbered from R6-5-5218 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5220. Provider/Child Ratios

A. The Department may certify a provider in a home facility to care for a maximum of four children at a time, from birth through age 12, for compensation. A provider in a home facility may care for a maximum of six children at a time, from birth through age 12, or a child age 13 or older who is a child with special needs, when all of the following conditions are met:
1. No more than four children in care are for compensation; and
2. No more than two of the children in care are younger than age 1, unless a sibling group.

B. The Department may certify an in-home provider to provide the following care:
1. An in-home provider may care for a sibling group of no more than six children.
2. An in-home provider shall care only for the children who live in that home.
3. An in-home provider may bring the in-home provider's own children to the in-home location with the written permission of the client, and so long as the total number of children at the in-home location does not exceed six children.

C. The Department may further limit the ratios allowed in subsections (A) and (B) to protect the well-being of children in care. The Department may impose additional restrictions when:
1. There are more than two children residing in the home facility who are counted in the ratio;
2. The Department determines that the home facility and the furnishings are inadequate to accommodate four children at a time for compensation, as provided in Section R6-5-5203(6);
3. The Department has determined that a provider is physically unable to care for four children at a time; for compensation or
4. A provider requests certification for fewer than four children at a time for compensation.

D. For the sole purpose of establishing and monitoring ratios, the Department shall not count any child who is age 13 or older, except as provided in subsection (A) for a child with special needs.

Historical Note
Adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5220 renumbered to R6-5-5221; new Section R6-5-5220 renumbered from R6-5-5219 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5221. Change Reporting Requirements

At least 15 days before the effective date of any scheduled change, or within 24 hours after an unscheduled change, which significantly affects the provision of child care services, a provider shall furnish the Department with written notice of the change. Significant changes include, but are not limited to:
1. Home remodeling;
2. Home repair;
3. Pool installation;
4. Relocating to a new residence;
5. Change in household composition;
6. Telephone number change;
7. Change of backup provider;
8. Voluntarily relinquishing the certificate; and
9. Any other change in the home facility or the provider's personal circumstances that affect the provider's ability to provide stable child care services.

Historical Note
Adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5221 renumbered to R6-5-5222; new Section R6-5-5221 renumbered from R6-5-5220 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5222. Use of A Backup Provider

A. A provider shall maintain a backup provider, and shall keep clients and the Department apprised of the backup provider's identity and location.

B. A provider may use a backup provider only in the following circumstances:
1. When the provider is ill;
2. When the provider is attending to an emergency related to the provision of child care;
3. When the provider has an emergency involving the provider or the provider's dependent family members;
4. When the provider needs to attend a non-emergency appointment for the provider or the provider's dependent family members, and the provider cannot schedule the appointment outside of normal child care hours;
5. When the provider is attending classes to meet training requirements listed in this Article; or
6. When the provider is taking a vacation.

C. At the time of enrollment of a child in care, a provider shall advise the parent of the possible use of a backup provider.

D. A provider shall notify the Department within 24 hours of the onset of the use of a backup provider.

E. When a provider designates a new backup provider, the provider shall ensure that the backup provider meets the requirements for backup providers in R6-5-5202.

F. A provider shall execute a backup provider agreement form furnished by the Department, which identifies the backup provider and contains assurances that the backup provider will be used in accordance with the requirement of this Section.

Historical Note
Adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5222 renumbered to R6-5-5223; new Section R6-5-5222 renumbered from R6-5-5221 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5223. Claims For Payment

A. A provider shall submit claims for payment in the manner prescribed in the child care registration agreement with the Department.

B. A provider shall make all financial arrangements with a backup provider. The Department shall not make direct payments to the backup provider.

Historical Note

Adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5223 renumbered to R6-5-5224; new Section R6-5-5223 renumbered from R6-5-5222 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5224. Complaints; Investigations

A. Any person may register, with the Department, a written or verbal complaint about a provider or the operation of a home facility. Upon receipt of a complaint, or in response to the observations of Department staff, the Department shall investigate the allegations made and any matters related to certification and compliance with the child care registration agreement.

B. A provider who is the subject of a complaint shall cooperate with the Department in conducting an investigation. The provider shall allow a Department representative to inspect the home facility and all records, and to interview any child care personnel, or household member.

C. The Department shall maintain a file on all complaints against a provider and shall make information on valid complaints available to parents and to the general public upon request and as permitted by law.

D. Following an investigation, the Department shall take appropriate administrative action as described in this Article.

Historical Note

Adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5224 renumbered to R6-5-5225; new Section R6-5-5224 renumbered from R6-5-5223 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5225. Probation

A. The Department may place a provider on probation when a Department representative observes a problem or the Department receives and validates a complaint in an area of noncompliance that does not endanger a child in care.

B. The Department shall set a term of probation that does not exceed 30 days.

C. The Department may suspend a provider's child care certificate if the same infraction that resulted in probation is repeated during a provider's current certification period and the Department determines that the provider has not demonstrated either the intent or ability to comply with the requirements of this Article.

D. The Department shall not authorize any new child for payment to a provider who is on probation. Children already in that provider's care may remain authorized.

E. Probationary status is not appealable.

Historical Note

Adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5225 renumbered to R6-5-5226; new Section R6-5-5225 renumbered from R6-5-5224 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5226. Certification, Denial, Suspension, and Revocation

A. The Department may deny, suspend, or revoke certification when:

1. An applicant or provider violates or fails to comply with any statute or rule applicable to the provision of Child Care Services.
2. An applicant or provider has a certificate or license to operate a child care home or facility denied, revoked, or suspended in any state or jurisdiction.
3. An applicant or provider fails to disclose requested information or provides false or misleading information to the Department.
4. A provider's contract with the Department to furnish child care services expires or is terminated.
5. Child care personnel fail or refuse to comply with or meet the requirements of A.R.S. § 41-1964.
6. A provider fails or refuses to correct or repeats a violation that resulted in probation or suspension.
7. The Department, through its CPS hotline, receives a report of alleged child maltreatment by an applicant, provider, or household member who is under investigation by CPS or a law enforcement agency or is being reviewed in a civil, criminal, or administrative hearing.
8. An applicant or provider fails or refuses to cooperate with the Department in providing information required by these rules or any information necessary to determine compliance with these rules.
9. An applicant, provider, or household member engages in any activity or circumstance that may threaten or adversely affect the health, safety, or welfare of children, including inadequate supervision or failure to protect from actual or potential harm.
10. An applicant or provider is unable or unwilling to meet the physical, emotional, social, educational, or psychological needs of children.
11. The Department, through its CPS hotline, receives a report of alleged child maltreatment in a home facility that is under investigation by CPS or a law enforcement agency or is being reviewed in a civil, criminal, or administrative proceeding.
12. An applicant, provider, or household member is the subject of a substantiated or undetermined report of child maltreatment in any state or jurisdiction. Substantiated child maltreatment includes, but is not limited to, a probable cause finding by CPS or a law enforcement agency.
13. CPS or a law enforcement agency substantiates a report of child maltreatment in a home facility.

B. In determining whether to take disciplinary action against a provider, or to grant or renew a certificate, the Department may evaluate the provider's history from other certification periods, both in Arizona and in other jurisdictions, and shall consider multiple violations of statutes or rules applicable to the provision of child care services as evidence that the applicant or provider is unable or unwilling to meet the needs of children.

Historical Note

Adopted effective May 11, 1994 (Supp. 94-2). Former Section R6-5-5226 repealed; new Section renumbered from R6-5-5225 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5227. Adverse Action; Notice Effective Date

A. When the Department denies, suspends, or revokes certification, it shall mail a written, dated notice of the adverse action

to the applicant or the provider at the applicant's or provider's last known address.

B. A notice of adverse action shall specify:
1. The adverse action taken and date the action will be effective;
2. The reasons supporting the adverse action; and
3. The procedures by which the applicant or provider may contest the action taken and the time period in which to do so.

C. Except as provided in subsection (D), a revocation, suspension, or denial of recertification is effective 20 calendar days from the date on the notice or letter advising the provider of the adverse action.

D. A suspension, revocation, or denial of recertification is effective on the date of the notice or letter advising the person of the adverse action if:
1. The adverse action is based on the failure of child care personnel to comply with or meet the requirements of A.R.S. § 41-1964; or
2. The Department bases the adverse action on a determination that the health, safety, or welfare of a child in care is in jeopardy.

E. The Department shall stop payment authorization for all subsidized children in care on the effective date of a suspension, revocation, or denial of recertification.

F. The Department shall not authorize the referral of additional children to a provider after mailing a notice of adverse action to the provider's last known address.

Historical Note
Adopted effective May 11, 1994 (Supp. 94-2). Amended effective June 4, 1998 (Supp. 98-2). Former Section R6-5-5227 renumbered to R6-5-5228 and new Section adopted by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

R6-5-5228. Appeals

A. An applicant or provider may appeal the following Department decisions:
1. Denial of certification or re-certification;
2. Suspension of a certificate; and
3. Revocation of a certificate.

B. A person who wishes to appeal an adverse action shall file a written request for a hearing with the Department within 15 calendar days of the date on the notice or letter advising the provider of the adverse action.

C. The Department shall conduct a hearing as prescribed in 6 A.A.C. 5, Article 75. Decisions based on failure to clear a fingerprint check or criminal history check are not appealable under this Article.

D. Matters relating to contractual agreements with the Department, including payment rates and amounts, are not appealable under this Article.

E. When an adverse action based on R6-5-5226(A)(7) is appealed under this Article, allegations of child maltreatment are not at issue and shall not be adjudicated in an administrative proceeding conducted under subsection (C).

Historical Note
New Section R6-5-5228 renumbered from R6-5-5227 and amended by final rulemaking at 5 A.A.R. 1983, effective May 20, 1999 (Supp. 99-2).

ARTICLE 53. REPEALED

Former Article 53 consisting of Sections R6-5-5301 through R6-5-5305 repealed effective April 9, 1981.

ARTICLE 54. REPEALED

Former Article 54 consisting of Sections R6-5-5401 through R6-5-5411 repealed effective November 8, 1982.

ARTICLE 55. CHILD PROTECTIVE SERVICES

R6-5-5501. Definitions

The definitions in A.R.S. §§ 8-531, 8-201, and 8-801, and the following definitions apply in this Article:
1. "Abandonment" has the same meaning ascribed to "abandoned" in A.R.S. § 8-201(1).
2. "Abuse" means the same as A.R.S. § 8-201(2).
3. "Aggravating factor" means a specific circumstance that increases the risk of harm to a child and may result in a shorter investigation response time.
4. "Alleged abuser" means a child's parent, guardian, or custodian accused of child maltreatment.
5. "Alternative investigation" means, under R6-5-5507, a method to determine that a report of child maltreatment is unsubstantiated without a field investigation.
6. "Alternative response" means a report referred to Family Builders for assessment and services and not investigated by CPS according to Laws 1997, Chapter 223, § 2.
7. "Caregiver" means a child's parent, guardian, or custodian.
8. "Child" means a person less than age 18.
9. "Child Abuse Hotline," or "the Hotline," means a statewide, toll-free telephone service, including TDD service, that the Department operates 24 hours per day, seven days per week, to receive calls about child maltreatment.
10. "CHILDS" means the Children's Information Library and Data Source, which is a comprehensive automated system to support child welfare policies and procedures and includes information on investigations, ongoing case management, and payments.
11. "CHILDS Central Registry" means the Child Protective Services Central Registry, a confidential computerized database within CHILDS, that the Department maintains according to A.R.S. § 8-804.
12. "Child welfare agency" has the same meaning as in A.R.S. § 8-501(A)(1).
13. "CPS" means Child Protective Services, a program within the Administration for Children, Youth and Families (ACYF), a division of the Department designated to receive and investigate allegations of child maltreatment and provide protective services as described in subsection (40).
14. "CPS Administrator" means the DES Administrator responsible for operation of CPS, or that person's designee, which may include the Field Operations Manager, the CPS District Program Manager ("DPM"), the CPS Assistant District Program Manager ("APM"), or the CPS Local Office Manager.
15. "CPS Specialist" has the same meaning ascribed to "protective services worker" in A.R.S. § 8-801(2).
16. "CPS-CIU" means the Child Protective Services Central Intake Unit that operates the Child Abuse Hotline, screens incoming communications, and transmits reports to a CPS unit.
17. "Custodian" means a person defined in A.R.S. § 8-201(8). For CPS reporting purposes, a custodian is also any person with whom the child resides at the time of a maltreatment and includes a:
    a. Friend,
    b. Relative,
    c. Foster parent, and
    d. Child welfare agency.

18. "DCYF" means the Department's Division of Children, Youth and Families, an administrative unit that includes CPS.
19. "DDD" means the Department's Division of Developmental Disabilities.
20. "Delinquent act" has the same meaning prescribed in A.R.S. § 8-201(9).
21. "Department" means the Arizona Department of Economic Security.
22. "Exploitation" means use of a child by a parent, guardian, or custodian for material gain, which may include forcing a child to panhandle, steal, or perform other illegal activities.
23. "Family" means persons, including at least one child, who are related by blood or law, who are legal guardians of a child, or who reside in the same household.
24. "Family assessment" means a process that:
    a. CPS uses to evaluate a family's strengths, weaknesses, and problems;
    b. Is based on the family's history, observations about the family, professional opinions, and other information; and
    c. Includes a child safety assessment to determine the probability of risk to a child under R6-5-5512.
25. "Family Builders" means a program that allows CPS to refer selected reports to community-based providers for a family assessment and services according to Laws 1997, Chapter 223, § 2.
26. "Guardian" means the same as A.R.S. § 8-531(9).
27. "Incoming communication" means a telephonic, written, or in-person contact to CPS that is received by or ultimately directed to the Child Abuse Hotline.
28. "Licensing specialist" means a person who is:
    a. Designated by the Department or another state licensing agency; and
    b. Responsible for licensing, supervision, support, and monitoring of foster homes or child welfare agencies.
29. "Lifestyle" means a way of life or pattern of conduct that reflects the values and attitudes of a child's parent, guardian, or custodian.
30. "Maltreatment" means abuse, neglect, abandonment, or exploitation of a child. When used in reference to CPS activities, maltreatment means that a parent, guardian, or custodian:
    a. Has committed an act of maltreatment,
    b. May commit an act of maltreatment,
    c. Has permitted another person to commit an act of maltreatment, or
    d. Had reason to know that another person might commit an act of maltreatment and did not act to prevent the potential maltreatment.
31. "Mandated reporter" means a person who is required to report suspected child maltreatment under A.R.S. § 13-3620.
32. "Minor hygienic problem" means a body condition that does not pose a risk of serious or immediate harm, such as body odor, dirty hair, matted hair, dirty clothing, and treated chronic head lice.
33. "Mitigating factor" means a specific circumstance that reduces the risk of harm to a child and may permit a longer investigation response time.
34. "Neglect" or "neglected" means the same as A.R.S. § 8-201(21).
35. "Non-abusive caregiver" means a parent, guardian, or custodian who is not the subject of a CPS report or an investigation of alleged maltreatment.
36. "Notice of removal" means a form of notification that CPS gives to a person other than a caregiver when CPS removes a child and places the child in temporary custody.
37. "Ongoing protective services" are voluntary or involuntary social services designed to help a family resolve problems that contribute to child abuse and may include counseling, parenting classes, parent aide services, and voluntary foster care placement.
38. "Out-of-home placement" means a place where a child resides when the child is unable to reside at home because of maltreatment and includes:
    a. A relative home,
    b. A foster home,
    c. A licensed child welfare agency,
    d. A behavioral health facility,
    e. An unlicensed nonrelative,
    f. An independent living program, and
    g. A group home for persons with developmental disabilities.
39. "Probable cause" means that the Department has some evidence that an allegation is more likely to be true than not true.
40. "Protective services" means the same as A.R.S. § 8-801(1).
41. "PSRT" means the DCYF Protective Services Review Team that administers the process described in A.R.S. § 8-811 for appeal of proposed substantiated findings of abuse or neglect.
42. "Report" means a classification assigned to an incoming communication after the Child Abuse Hotline has screened the communication and found it to include:
    a. An allegation of maltreatment about a person who is currently a child, and
    b. Sufficient information for CPS to locate the child who is the subject of the maltreatment.
43. "Screening" means an initial process of determining whether an incoming communication contains an allegation of child maltreatment and should be classified as a report.
44. "Standard response time" means the period between the time a local CPS office receives a report from the Hotline and an action is taken to determine that a child victim is safe, in the absence of aggravating or mitigating factors.
45. "Substantiated" means that a CPS Specialist has concluded, after an investigation, that there is probable cause to believe an alleged abuser committed an act of child maltreatment.
46. "TDD" means a telecommunication device for the deaf.
47. "Unsubstantiated" means that a CPS Specialist has concluded, after an investigation, that there is no probable cause to believe an alleged abuser committed an act of child maltreatment.

Historical Note

Adopted effective June 2, 1976 (Supp. 76-3). Former Section R6-5-5501 repealed, new Section R6-5-5501 adopted effective December 8, 1983 (Supp. 83-6). Amended by final rulemaking at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1).

R6-5-5502. Receipt and Screening of Information; Child Abuse Hotline

A. The Department operates a Child Abuse Hotline to receive and screen incoming communications. If a person calls, visits, or writes a Department office other than the Child Abuse Hotline to report child maltreatment, the Department shall refer the person or written communication to the Hotline.

B. The Department accepts anonymous calls of alleged maltreatment.

C. When the Hotline receives a communication, the Hotline staff shall:
1. Ask a caller's identity;
2. Use the standardized questions listed in Appendix 1 to this Article, to determine:
   a. The type of maltreatment alleged, and
   b. Whether to classify the communication as a report, and
3. Check the CHILDS Central Registry and other DES computer databases for prior reports on the same persons.

D. When the Department receives an oral report from a mandated reporter, the Department shall ask the mandated reporter to file a written statement confirming the oral report.

Historical Note

Adopted effective June 2, 1976 (Supp. 76-3). Former Section R6-5-5502 repealed, new Section R6-5-5502 adopted effective December 8, 1983 (Supp. 83-6). Section repealed, new Section adopted at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1). Numbering of subsection (C)(3) amended to correct typographical error (Supp. 00-2).

R6-5-5503. Non-Reports

Unless a communication includes an allegation of child maltreatment, the Department shall not classify as a report statements concerning the following matters:
1. A child's absence from school;
2. A child age 8 or older who allegedly committed a delinquent act;
3. Siblings of a child age 8 or older who allegedly committed a delinquent act.;
4. A child whose parents are absent but made arrangements for the child's care;
5. A child who is receiving treatment from an accredited Christian Science practitioner, or other religious or spiritual healer, unless the child's health is:
   a. In imminent harm, under R6-5-5512(B); or
   b. Endangered by lack of medical care;
6. A child with minor hygienic problems;
7. The lifestyle of a child's parent, guardian, or custodian;
8. Custody disputes, including:
   a. A noncustodial parent who is denied visitation by the custodial parent, and
   b. A relative or other person who wants legal custody of a child; and
9. Spiritual neglect of a child or the religious practices or beliefs to which a child is exposed.

Historical Note

Adopted effective June 2, 1976 (Supp. 76-3). Former Section R6-5-5503 repealed, new Section R6-5-5503 adopted effective December 8, 1983 (Supp. 83-6). Section repealed, new Section adopted at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1).

R6-5-5504. Preliminary Screening Classifications

A. Screening Classifications. After preliminary screening, Child Abuse Hotline staff shall classify a communication into one of the following categories:
1. A communication that is a non-report, or
2. A report for investigation.

B. Communication that is a non-report.
1. If a caller describes a problem that does not involve child maltreatment, the Hotline staff shall refer the caller to a community resource that can help with the problem.
2. If a communication involves a child who is already in the Department's care, custody, and control, the Hotline staff shall record the information and send it to the child's case manager for action. If a communication involves a licensed out-of-home care provider, the Hotline shall also notify the provider's licensing specialist or the appropriate licensing authority.
3. If a communication involves suicidal or homicidal behavior, or presents a danger to self or others, the Hotline staff shall refer the caller to law enforcement or behavioral health services.
4. If a communication involves an incorrigible or delinquent child who is age 8 or older, the Hotline staff shall refer the caller to the local county juvenile probation office.
5. If a communication involves child maltreatment by a person other than a child's caregiver, without the caregiver's knowledge, the Hotline staff shall notify, and direct the caller to notify, local law enforcement.

C. Review of non-reports.
1. If the information provided by a caller is not a report, the CPS Hotline staff shall:
   a. Record the information;
   b. Inform a caller that the information is not a report; and
   c. If a caller disagrees with the decision not to take a report, advise the caller that a request may be made for a supervisory review.
2. If a caller requests a supervisory review, the Hotline staff shall transfer the caller to an available supervisor. The caller may request further review by the Child Abuse Hotline Assistant Program Manager, Hotline Program Manager, and ultimately, the ACYF Field Operations Manager.
3. A Child Abuse Hotline supervisor or a CPS quality assurance specialist shall review all communications not classified as a report within 48 hours of receipt to verify that the communication was properly classified.

D. Communication that is a report for investigation.
1. If a communication contains the information required for a report, the Hotline staff shall gather additional information using the standardized questions listed in Appendix 2.
2. The Hotline staff shall assign each report a priority code and may assign a tracking code.
3. The Hotline staff may shorten or lengthen the response time based on aggravating or mitigating factors received during the screening.
4. The Hotline staff shall give the caller the name and phone number of the local office supervisor receiving the report.
5. The Hotline staff shall enter the report information into CHILDS.
6. The Hotline staff shall immediately transmit the report to a local office for disposition.

Historical Note

Adopted effective June 2, 1976 (Supp. 76-3). Former Section R6-5-5504 repealed, new Section R6-5-5504

adopted effective December 8, 1983 (Supp. 83-6). Section repealed, new Section adopted at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1).

R6-5-5505. Priority Codes; Initial Response Time

A. Priority codes and initial response times are:
1. Priority 1: High Risk;
   a. Standard Response Time: two hours;
   b. Mitigated Response Time: 24 hours.
2. Priority 2: Moderate Risk;
   a. Standard Response Time: 48 hours;
   b. Aggravated Response Time: 24 hours;
   c. Mitigated Response Time: 72 hours.
3. Priority 3: Low Risk;
   a. Standard Response Time: 72 hours;
   b. Aggravated Response Time: 48 hours;
   c. Mitigated Response Time: 72 hours excluding weekends and Arizona state holidays.
4. Priority 4: Potential Risk;
   a. Standard Response Time: seven days;
   b. Aggravated Response Time: 72 hours excluding weekends and Arizona state holidays.

B. All response times are measured from the time that the CPS local office receives the report from the Child Abuse Hotline to the time action is taken to determine the current safety of the alleged victim.

C. To comply with the priority response time, entities other than CPS, such as law enforcement personnel, emergency personnel, or paramedics, may initially respond to a report.

D. If law enforcement or emergency personnel initially respond to a report, CPS shall respond and investigate the report no later than the mitigated response time for the designated priority.

Historical Note

Former Section R6-5-5505 repealed effective December 8, 1983 (Supp. 83-6). New Section adopted by final rulemaking at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1).

R6-5-5506. Methods for Investigation of Reports

A. Upon receipt of a report, a CPS unit supervisor:
1. May aggravate or mitigate the response time, if the Child Abuse Hotline has not assigned a mitigating or aggravating factor, but shall not change any aggravating or mitigating factors assigned by the Hotline; and
2. Shall assign one of the following dispositions:
   a. Field investigation;
   b. Alternative investigation under R6-5-5507;
   c. Legally prohibited investigation. A federal, state statute, or court order prohibits CPS from investigating if, for example:
      i. The alleged maltreatment occurs on a United States military base or Tribal reservation land, or
      ii. A court orders CPS not to investigate; or
   d. Alternative response, such as reports referred to Family Builders.

B. The CPS unit supervisor shall document the action taken and the disposition.

Historical Note

Former Section R6-5-5506 repealed effective December 8, 1983 (Supp. 83-6). New Section adopted by final rulemaking at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1).

R6-5-5507. Alternative Investigation

A. Upon receipt of a report, a CPS unit supervisor may conduct an alternative investigation.

B. To conduct an alternative investigation, CPS shall contact a mandatory reporting source who is currently involved with the family and can provide information that:
1. The child and other children residing in the home are not:
   a. Current victims of maltreatment, or
   b. At risk of imminent harm; and
2. The allegations are unsubstantiated.

C. A CPS administrator shall review and approve any decision to conduct an alternative investigation.

D. If information gathered during an alternative investigation indicates that an alleged victim may be at risk of harm, the CPS Supervisor shall immediately assign the case for field investigation.

E. CPS shall not conduct an alternative investigation if an allegation involves an alleged victim who is:
1. Already in Department custody,
2. Currently the subject of an open CPS case,
3. In a DES- or DHS-licensed or certified facility, or
4. In a DES-licensed family foster home.

Historical Note

Former Section R6-5-5507 repealed effective December 8, 1983 (Supp. 83-6). New Section adopted by final rulemaking at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1).

R6-5-5508. Conduct of a Field Investigation

A. When conducting a field investigation, a CPS Specialist shall determine:
1. The name, age, location, and current physical and mental condition of all children in the home of the alleged victim;
2. Whether any child in the home has suffered maltreatment; and
3. Whether any child in the home is at risk of maltreatment in the future.

B. A CPS Specialist shall investigate allegations using the following methods:
1. Interview the alleged victim;
2. Interview the alleged victim's caregiver who allegedly committed the abuse;
3. Interview other adults and children residing in the home;
4. Interview other persons who may have relevant information, including the reporting source, medical personnel, relatives, neighbors, and school personnel;
5. Review available documentation including medical and psychiatric reports, police reports, school records, and prior CPS files; or
6. Consult with law enforcement.

C. A CPS Specialist may interview a child without prior parental consent under A.R.S. § 8-802(C)(2).

D. A CPS Specialist may exclude the alleged abuser from participating in an interview with the alleged victim, the alleged victim's siblings, or other children residing in the alleged victim's household.

E. Before interviewing a caregiver, a CPS Specialist shall:
1. Orally inform the caregiver of the rights and duties under A.R.S. § 8-803(B);
2. Give the caregiver a written statement summarizing the same information; and
3. Ask the caregiver to sign a written acknowledgment of receipt of the information.

F. A CPS Specialist may take temporary custody of a child under A.R.S. §§ 8-821(A) and (B) and 8-802(C)(4). The CPS Spe-

cialist shall take temporary custody of an alleged victim if the alleged victim needs to be examined and the caregiver will not consent to the examination.

G. If a CPS Specialist finds more allegations of maltreatment during the investigation, the CPS Specialist shall incorporate the allegations into the report and investigate under this Article.

Historical Note

Former Section R6-5-5508 repealed effective December 8, 1983 (Supp. 83-6). New Section adopted by final rulemaking at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1).

R6-5-5509. Establishing Probable Cause of Child Maltreatment

To determine whether to recommend a substantiated allegation of maltreatment, the CPS Specialist shall consider all information gathered during the investigation, including:

1. Whether the alleged abuser or non-abusive caregiver admitted the maltreatment;
2. Whether a child provided a developmentally appropriate description of maltreatment;
3. Witness statements from persons other than the caregivers and the alleged victim;
4. Physical or behavioral signs of maltreatment or damage;
5. Medical opinions and opinions from treating professionals, including any conflict of opinion;
6. The consistency of the information provided; and
7. History of child maltreatment.

Historical Note

Former Section R6-5-5509 repealed effective December 8, 1983 (Supp. 83-6). New Section adopted by final rulemaking at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1).

R6-5-5510. Investigation Findings; Required Documentation

After completing an investigation, a CPS Specialist shall:

1. Unsubstantiate the allegations or make a proposed finding that the allegation is substantiated based on whether the CPS Specialist finds probable cause to believe maltreatment occurred, and after considering the information listed in R6-5-5509;
2. Determine whether the family has any unresolved problems involving child maltreatment and needs further services;
3. Document in the case record the reason for the finding;
4. Include in the case record any oral and written statements or other documentation provided by a caregiver;
5. Notify the PSRT of a proposed substantiated allegation finding under A.R.S. § 8-811;
6. Enter an unsubstantiated allegation finding into the CHILDS Central Registry and send the caregiver written notice of the unsubstantiated allegation finding.

Historical Note

Former Section R6-5-5510 repealed effective December 8, 1983 (Supp. 83-6). New Section adopted by final rulemaking at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1).

R6-5-5511. Ongoing Services; Imminent Harm Not Identified; Case Closure

A. If a finding is unsubstantiated or substantiated without unresolved problems, the CPS Specialist shall close the case.

B. If a finding is unsubstantiated or substantiated, and there is no risk of imminent harm to a child, but the family has unresolved problems that create a potential for maltreatment, CPS shall determine whether to open the case for ongoing protective services if:

1. A family requests ongoing protective services, or
2. A dependency action is pending.

C. CPS shall offer a family voluntary protective services before filing a dependency action.

D. When CPS offers a family voluntary protective services, CPS shall:

1. Document the family's acceptance or refusal of services,
2. Document any services provided, and
3. Document any action that CPS has taken to ensure that a child is safe.

E. To determine how to proceed for ongoing services, CPS shall consider the following criteria:

1. Whether a family acknowledges past maltreatment or potential for future maltreatment,
2. Whether the services are available to help a family address risk factors, and
3. Whether a family is willing to cooperate with the provision of services.

Historical Note

Former Section R6-5-5511 repealed effective December 8, 1983 (Supp. 83-6). New Section adopted by final rulemaking at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1).

R6-5-5512. Procedures for Substantiated Reports; Removal; Imminent Harm

A. If CPS recommends a substantiated finding of maltreatment, CPS shall determine whether the child can safely remain in the home or needs to be removed.

B. The following situations indicate imminent harm and require CPS to intervene as provided in R6-5-5513:

1. No caregiver is present and a child cannot care for himself or herself or for other children in the household;
2. A child has severe or serious nonaccidental injuries that require immediate medical treatment, such as:
   a. Head injury, with risk of damage to the central nervous system;
   b. Internal injuries;
   c. An injury resulting in coma;
   d. Multiple plane injuries indicative of battering;
   e. Facial bruises;
   f. Fractures or bruises in a nonambulatory child;
   g. Instrumentation injury with risk of impairment; or
   h. Immersion burns;
3. A child requires immediate medical treatment for a life-threatening medical condition or a condition likely to result in impairment of bodily functions or disfigurement, and the child's caregiver is not willing or able to obtain treatment;
4. A child is suffering from nutritional deprivation that has resulted in malnourishment or dehydration to the extent that the child is at risk of death or permanent physical impairment;
5. A doctor or psychologist determines that a child's caregiver is unable or unwilling to provide minimally adequate care;
6. The physical or mental condition of a child's caregiver endangers a child's health or safety, such as a caregiver who:
   a. Exhibits psychotic behavior and fails to take prescribed medications,
   b. Suffers from a deteriorating physical condition or illness, or

c. Takes prescribed or nonprescribed drugs that result in a child being neglected;

7. The home environment has conditions that endanger a child's health or safety, such as human or animal feces, undisposed-of garbage, exposed wiring, access to dangerous objects, or harmful substances that present a substantial risk of harm to the child;
8. A doctor or psychologist has determined that:
   a. A child's caregiver has emotionally damaged the child;
   b. The child is exhibiting severe anxiety, depression, withdrawal, or aggressive behavior due to the emotional damage; and
   c. The caregiver is unwilling or unable to seek treatment for the child; or
9. A CPS Specialist has probable cause to believe that a caregiver has engaged in sexual conduct with a child or has allowed the child to participate in sexual activity with others.

C. In situations not listed in subsection (B), a CPS specialist shall determine the risk of imminent harm and need for removal by:
1. Doing a family assessment to identify family strengths and risk factors; and
2. Evaluating all facts and circumstances surrounding a child and family situation, including the following:
   a. Whether a law enforcement official or medical professional expresses concern about risk to the child victim if the child victim returns to or remains in the home;
   b. The alleged abuser's behavior towards the child victim;
   c. Other adults in the household's behavior towards the child victim;
   d. Whether the child victim resides with a parent or other adult who is willing and able to protect the child;
   e. The conditions of the home environment and whether those conditions threaten the child victim's safety or physical health;
   f. Whether there has been a pattern of maltreatment, particularly a pattern of incidents of increasing severity;
   g. The nature and severity of the alleged maltreatment;
   h. Whether DES is able to provide services to the child or family to alleviate conditions or problems that pose a risk of maltreatment, without the need for removal;
   i. Whether the child's caregiver refuses access to a child or declined an offer of in-home services;
   j. The family's strengths and risk factors;
   k. The child's current physical and mental condition; and
   l. Whether the child victim has injuries that require immediate medical treatment.

Historical Note

Former Section R6-5-5512 repealed effective December 8, 1983 (Supp. 83-6). New Section adopted by final rulemaking at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1).

R6-5-5513. Alternatives to Involuntary Removal; Voluntary Placement; Removal

A. Before removing a child from home without the consent of the child's caregiver, CPS shall consider whether:
1. CPS may help the family obtain resources such as emergency food, shelter, clothing, or utilities, so that the child can safely remain in the home;
2. CPS may enter into an agreement with the child's caregivers that provides for the alleged abuser to leave the home and for remaining family members to protect the child;
3. The caregiver identifies a relative or friend who can temporarily care for the child without court intervention or orders;
4. CPS may help the protective caregiver and the child leave the home of the alleged abuser;
5. CPS may place the child in voluntary foster care under A.R.S. § 8-806.

B. If a child is at risk of imminent harm and the alternative methods identified in subsection (A) will not eliminate the risk of harm, CPS shall take temporary custody of the child as provided in A.R.S. § 8-821.

C. CPS shall document the placement alternatives considered and the reasons for not selecting the options listed in subsection (A).

Historical Note

Former Section R6-5-5513 repealed effective December 8, 1983 (Supp. 83-6). New Section adopted by final rulemaking at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1).

R6-5-5514. Removal Review

A. Under A.R.S. § 8-822(3), within 48 hours of removing a child and before filing a dependency petition, CPS shall have a removal review team assess alternatives to continued out-of-home placement and the need for CPS to file a dependency petition.

B. The removal review team shall include the CPS specialist who conducted the investigation and removed the child and the CPS specialist's supervisor. The removal review team shall also include at least one other qualified professional such as a psychologist or counselor.

C. The removal review team shall consider the factors listed in R6-5-5512 and R6-5-5513(A) to determine whether to return a child, pursue a voluntary placement option, or file a dependency petition.

D. The team shall document, in the child's case record, alternatives considered and the reason for the action taken.

E. Within 48 hours of removing a child, DES shall either file a dependency petition or return the child, as required by A.R.S. § 8-821.

Historical Note

Former Section R6-5-5514 repealed effective December 8, 1983 (Supp. 83-6). New Section adopted by final rulemaking at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1).

R6-5-5515. Procedures for Investigations of Maltreatment in a Licensed Child Welfare Agency

A. Before CPS investigates an allegation of maltreatment in a licensed child welfare agency ("agency"), the CPS Specialist shall advise the agency's chief executive officer, or that person's designee, of the following:
1. The nature of the allegation,
2. How CPS will conduct the investigation,
3. The names of the agency staff members and children that the CPS Specialist plans to interview, and
4. The rights listed in subsection (C).

B. Notwithstanding subsection (A), CPS may conduct an unannounced investigation if:

1. The agency's chief executive officer is the subject of a maltreatment allegation, or
2. Prior notice of the investigation may jeopardize the safety of a child in the agency's care.

C. When CPS investigates an allegation of maltreatment at an agency, the agency may:
1. Seek legal counsel at any time during the investigation;
2. Present information about the allegation before CPS issues a finding; and
3. Receive:
   a. An oral status report on the progress of an investigation not completed within 21 days,
   b. A copy of the report with personally identifiable information redacted, and
   c. Written notice of the investigation finding.

D. The Department shall document the investigation and findings in an agency's licensing file.

Historical Note
Former Section R6-5-5515 repealed effective December 8, 1983 (Supp. 83-6). New Section adopted by final rulemaking at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1).

R6-5-5516. Procedures for Investigations of Out-of-Home Care Providers

A. In this Section, an "out-of-home care provider" means:
1. A child in the custody of the Department by court order or voluntary foster care under A.R.S. § 8-806 and placed with:
   a. An unlicensed nonrelative,
   b. An unlicensed relative,
   c. A licensed family foster home,
   d. A certified adoptive home; and
2. A family child care home provider certified by the Department under A.R.S. § 46-807.

B. A CPS Specialist shall notify the following of an investigation of an allegation of abuse or neglect by an out-of-home care provider:
1. The parent or legal guardian of each child in the home,
2. The case manager or supervisor for each child in the home,
3. The attorney and guardian ad litem for each child in the home, and
4. The provider's licensing or certification specialist.

C. When CPS investigates an allegation of sexual abuse, a CPS Specialist shall audiotape or videotape all interviews.

D. Unless a situation jeopardizes the safety of a child, a CPS Specialist shall consult with the following individuals before removing a child from an out-of-home care provider:
1. The child's case manager or supervisor,
2. The foster home licensing specialist or supervisor,
3. The ACYF District Program Manager, and
4. The Assistant Attorney General if the child is in the physical custody of the provider.

E. CPS shall notify the parent or legal guardian of each child in the provider's care, the out-of-home care provider, and each child's case manager of the investigation findings.

F. CPS shall hold a case conference in three days, if CPS intends to substantiate a report to discuss the investigation findings and to determine the Department's recommendations regarding licensing.

G. An out-of-home care provider may bring a person representing the provider's interests to the case conference after waiving the provider's right to confidentiality.

H. The Department shall document the investigation and findings in the case record.

Historical Note
Former Section R6-5-5516 repealed effective December 8, 1983 (Supp. 83-6). New Section adopted by final rulemaking at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1).

R6-5-5517. Repealed

Historical Note
Former Section R6-5-5517 repealed effective December 8, 1983 (Supp. 83-6).

R6-5-5518. Repealed

Historical Note
Former Section R6-5-5518 repealed effective December 8, 1983 (Supp. 83-6).

R6-5-5519. Repealed

Historical Note
Former Section R6-5-5519 repealed effective December 8, 1983 (Supp. 83-6).

R6-5-5520. Repealed

Historical Note
Former Section R6-5-5520 repealed effective December 8, 1983 (Supp. 83-6).

R6-5-5521. Repealed

Historical Note
Former Section R6-5-5521 repealed effective December 8, 1983 (Supp. 83-6).

R6-5-5522. Repealed

Historical Note
Former Section R6-5-5522 repealed effective December 8, 1983 (Supp. 83-6).

R6-5-5523. Repealed

Historical Note
Former Section R6-5-5523 repealed effective December 8, 1983 (Supp. 83-6).

R6-5-5524. Repealed

Historical Note
Former Section R6-5-5524 repealed effective December 8, 1983 (Supp. 83-6).

R6-5-5525. Repealed

Historical Note
Former Section R6-5-5525 repealed effective December 8, 1983 (Supp. 83-6).

R6-5-5526. Repealed

Historical Note
Former Section R6-5-5526 repealed effective December 8, 1983 (Supp. 83-6).

Appendix 1. Pre-screening Cue Questions

1. May I have your name, phone number, and relationship to the child? (Assure the reporting source he or she can remain anonymous. Explain that CPS will not be able to contact him/her for additional information without a name and phone number.)
2. What is your concern about the child? How old is the child?
3. What is the family's home address? Does the child live there? If not, where can we locate the child, that is, school, day care, relative? Who is living in the home?
4. Do you know who abused or neglected the child? If so, who? (This includes staff of a licensed or certified DES facility or

foster or child care home or a licensed DHS Level I, II, or III Behavioral Health Treatment facility.) Do you know when he or she will see the child next?

5. Did the _____ (parent, guardian, or custodian) know about the abuse or neglect?
6. Is the _____ (parent, guardian, or custodian) letting the child see this person?

Historical Note

New Appendix 1 adopted by final rulemaking at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1).

Appendix 2. Cue Questions

IF IT IS DETERMINED TO HAVE ALL OF THE ELEMENTS OF A REPORT FOR FIELD INVESTIGATION (that is, a child victim, maltreatment by a parent, guardian, or custodian, and the child can be located), CHECK CPSCR AND GATHER REPORT DEMOGRAPHICS.

Include the address of the child, the name of the apartment complex, trailer park, and directions as needed.

PHYSICAL ABUSE CUE QUESTIONS:

1. Describe the injury (size, shape, color, and location).
2. Do you know when the injury occurred? Has abuse occurred before? How often does the abuse occur?
3. Did the child say what happened?
4. Do you know if the child was seen by a medical doctor? If so, what is the name and phone number of the doctor? If the source is a medical doctor, is the injury consistent with the explanation?

If the call concerns a licensed or certified DES facility, foster or child care home, or a DHS Level I, II, or III Behavioral Health Treatment facility, ask:

5. Did the injury occur as a result of restraint?
6. What kind of restraint was used?
7. Why was the child restrained?
8. Will the staff person have contact with the child or other children in the facility?
9. Do you know the name of the licensing specialist? If so, what is the name and phone number?
10. Do you know the name of the child's case manager? If so, what is the name and phone number?

EMOTIONAL ABUSE CUE QUESTIONS:

1. Specifically, what is the person doing (to have the impact on the child)?
2. Have you noticed a change in the child's behavior?
3. What signs or behaviors is the child exhibiting?
4. Do you think the child's behavior is related to what the parent, guardian, or custodian is doing? If so, how?
5. Do you know if the child has seen a medical doctor, psychologist, or mental health professional? If so, what is the name and phone number? Do you know the diagnosis?

NEGLECT CUE QUESTIONS:

A. INADEQUATE SUPERVISION

1. Is the child alone NOW? If yes, how long has the child been alone? Where is the person who is supposed to be watching the child? When will the person return? Have you called the police?
2. If the child is not alone, who is watching the child now? What are your concerns about the person who is watching the child?
3. Do you know how often and when this happens?
4. What happens when the child is alone or inadequately supervised?
5. Does this child know how to contact the parent, guardian, or custodian?
6. Does the child have emergency numbers and know how to use the phone?
7. Do you know if anyone is checking on the child? If so, what is the name and phone number? How often?

If the call concerns a licensed or certified DES facility, foster or child care home, or DHS Level I, II, or III Behavioral Health Treatment facility, ask:

8. What supervision was being provided at the time of the sexual conduct or physical injury between the children?
9. Did the facility or foster or child care home know that the child may physically or sexually assault another child?
10. Did the staff or foster or child care home person know that the child may physically or sexually assault another child?
11. What steps were being taken to prevent the child from assaulting other children?
12. What steps are being taken to restrict contact between the child and other children?
13. Do you know the name of the licensing specialist? If so, what is the name and phone number?
14. Do you know the name of the child's case manager? If so, what is the name and phone number?

B. SHELTER

1. When was the last time you saw the child or the home?
2. Describe any health or safety hazards where they live. Has anything happened to the child?
3. Do you know how long they have been in this situation?
4. Do you know why they live like this?

C. MEDICAL CARE

1. What are the child's symptoms?
2. Is the parent, guardian, or custodian aware of the problem?
3. Do you know when they last saw a medical doctor? Who was the medical doctor? If so, why?
4. Do you know the reasons the person is not getting medical care for the child?

If reporting source is a medical doctor or doctor's representative, ask only the following questions:

5. What is the medical or psychiatric condition or diagnosis of this child and when did it begin?
6. What medical care is needed?
7. What will happen if the child does not receive the medical care?
8. What are your concerns about the parent, guardian, or custodian response to the problem?

D. FOOD

1. What makes you believe the child is not getting enough food? Describe the physical condition of the child.
2. Do you know if someone else is feeding the child? If so, who?
3. When was the last time you saw the child or have you been in the home? If so, describe the food you saw.
4. Do you know if the child has seen a medical doctor? If so, what is the name and phone number?

E. CLOTHING

1. Describe what the child is wearing and the weather conditions.
2. What effect is it having on the child?

SEXUAL ABUSE CUE QUESTIONS:

1. Why do you think the child has been sexually abused or is at risk of sexual abuse (activities, physical signs, or behaviors)?
2. Who saw these activities, signs, or behaviors?
3. Has the child told anyone? If so, who and when?
4. What is the child saying about sexual abuse?
5. Do you know where and when this last occurred?
6. Do you know what contact this person has with the child?

7. Do you know if the child *has* seen a medical doctor? If so, what is the name and number?

ABANDONED CUE QUESTIONS:

1. Do you know where the parent is now?
2. When did the parent last have contact with the child?
3. When do you think the parent is coming back?
4. What arrangements did the parent make for care of this child?
5. How long are you able or willing to care for the child? Are there relatives available?
6. If so, what is the name, address, phone number?

DRUG-EXPOSED INFANTS CUE QUESTIONS:

1. Has the child or mother been tested? If so, what are the results?
2. What is the name of the medical doctor or hospital?
3. What is the parental history of drug use? (What drugs, when was last drug use, used during what trimester?)
4. What is the parental history of drug treatment?
5. Describe the medical and physical condition of the child?
   a. Birth weight,
   b. Gestational age,
   c. Apgar score,
   d. Prenatal care.
6. Have preparations been made in the home for the new baby?

NONSEXUAL EXPLOITATION CUE QUESTIONS:

1. Describe how the child is being exploited.
2. What reason was given for the exploitation?
3. How long has this been going on?

POTENTIAL ABUSE AND NEGLECT CUE QUESTIONS:

1. Describe behaviors (of the parent, guardian, custodian, or child) that give you reason to believe that abuse or neglect may occur.
2. Has abuse or neglect happened before? If so, when and where?
3. Has the _____ (parent, guardian, or custodian) expressed concerns about hurting or not being able to care for the child?

CLOSURE CUE QUESTIONS

1. Do you know what school or child care facility the child attends? If so, what is the name of the school or child care facility? Dismissal or pick-up time?
2. Has the child expressed concerns about going home? If so, what did the child say to you?
3. Has law enforcement been notified? DR or Badge number?
4. Does the child have any of these special needs or problems?
   a. Abuse of drugs or alcohol,
   b. Bizarre behavior,
   c. Extremely angry or volatile,
   d. Physically ill,
   e. Mentally ill,
   f. Language other than English.
5. Does the _____ (parent, guardian, or custodian) have any of these special needs or problems:
   a. Abuse of drugs or alcohol,
   b. Bizarre behavior,
   c. Extremely angry or volatile,
   d. Physically ill,
   e. Mentally ill,
   f. Language other than English.
6. Do you know if CPS or any other agency has been involved with this family?
7. If this report is assigned for field investigation, are there any issues we need to be aware of to ensure the worker's safety (guns, dogs)?

Historical Note

New Appendix 2 adopted by final rulemaking at 5 A.A.R. 444, effective January 15, 1999 (Supp. 99-1).

ARTICLE 56. CONFIDENTIALITY AND RELEASE OF CPS RECORDS

R6-5-5601. Definitions

The definitions contained in A.R.S. §§ 8-531, 8-201, 8-807, R6-5-5501, and the following definitions apply in this Article:

1. "ACYF" means the Administration for Children, Youth and Families, an organizational unit within the Division of Children, Youth and Families, Department of Economic Security.
2. "Caregiver" means a child's parent, guardian, or custodian.
3. "Completed request" means a Request for Confidential Information form with all information completed as prescribed in R6-5-5603.
4. "CPS" means Child Protective Services, a program within the Administration for Children, Youth and Families, (ACYF) to receive and investigate allegations of child maltreatment and provide protective services as described in R6-5-5501(40).
5. "CPS Administrator" means the DES Administrator responsible for operation of CPS, or that person's designee, which may include the ACYF Field Operations Manager, the CPS District Program Manager ("DPM"), the CPS Assistant District Program Manager ("APM"), or the CPS Local Office Manager.
6. "Department" means the Arizona Department of Economic Security, which is sometimes referred to as "DES" or "ADES."
7. "Estimated processing fee" means an amount a requester must pay to the Department before the Department copies and redacts requested records and files.
8. "Information" means data contained in a hard copy case file or electronic case record.
9. "Maltreatment" means alleged abuse, neglect, abandonment, or exploitation of a child.
10. "Person about whom a report is made" means an alleged abusive caregiver or other person, or a child victim age 12 or older.
11. "Personally identifiable information" means information which specifically identifies a protected individual and includes:
    a. Name;
    b. Address;
    c. Telephone or fax number;
    d. Photograph;
    e. Fingerprints;
    f. Physical description;
    g. Place, address, and telephone number of employment;
    h. Social security number;
    i. Tribal affiliation and identification number;
    j. Driver's license number;
    k. Auto license number;
    l. Any other identifier that is specific to an individual; and
    m. Any other information that would permit another person to readily identify the subject of the information.
12. "Processing fee" means the final amount a requester must pay to the Department for copying and redacting requested records and files, before the Department will release the copied records and files.

13. "Protected individual" means a person who is the subject of a CPS investigation and includes:
    a. An alleged victim,
    b. An alleged victim's sibling,
    c. A parent,
    d. A foster parent,
    e. A child living with the alleged victim,
    f. The person who made the report of child maltreatment, and
    g. Any person whose health or safety would be endangered by disclosure of CPS information.
14. "Redacting" means striking or blacking out personally identifiable information contained in CPS records or files on protected individuals so that no one can read the information.
15. "Requester" means an individual or organization that has made a public records request for information from a CPS record or file.
16. "Research requester" means an individual or organization that seeks CPS information for a research or evaluation project.
17. "Workday" means Monday through Friday excluding Arizona state holidays.

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5601 repealed, new Section R6-5-5601 adopted effective January 13, 1977 (Supp. 77-1). R6-5-5601 recodified to A.A.C. R6-8-201 effective February 13, 1996 (Supp. 96-1). New Section adopted by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

R6-5-5602. Scope and Application

A. This Article governs public records requests for CPS information and all requests made under A.R.S. § 8-807.

B. The Department shall handle any request or subpoena for information made by a party to a pending administrative proceeding, or civil, criminal, juvenile, probate, or domestic relations court proceeding, in accordance with the disclosure and discovery rules applicable to the particular proceeding or court.

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5602 repealed, new Section R6-5-5602 adopted effective January 13, 1977 (Supp. 77-1). R6-5-5602 recodified to A.A.C. R6-8-202 effective February 13, 1996 (Supp. 96-1). New Section adopted by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

R6-5-5603. Procedures for Requesting Information

A. A person who wishes to obtain information pursuant to A.R.S. § 8-807 shall comply with the requirements of this Section, and any applicable limitations and conditions in R6-5-5605, R6-5-5607, R6-5-5608, and R6-5-5609.

B. The requester shall send the Department a completed information request form, as provided in subsections (C) and (D). The form shall include the following information:
1. Requester's name, address, and telephone number;
2. Name and title of the person signing the form;
3. Name of the child victim who is the subject of the CPS 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; and
    d. The date of the CPS report or time-frame for the report;
4. Any other data that the requester believes will be likely to assist the Department in identifying the information requested, including the following:
    a. The name of the child's siblings;
    b. The child's social security number;
    c. The name of the CPS Specialist handling the case; and
    d. The location of the alleged maltreatment;
5. A description of the specific information needed;
6. A statement of the purpose for which the information is needed;
7. The notarized signature of the requester, unless the information is released pursuant to a court order; and
8. The address to which the requested information is to be mailed, or an indication of another method for handling the response.

C. The requester shall send the request to a local Department office or to the address indicated on the form.

D. A person seeking information pursuant to A.R.S. § 8-807(C)(10),(D), or (F), shall also send the Department a processing fee in an amount determined under R6-5-5612.

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5603 repealed, new Section R6-5-5603 adopted effective January 13, 1977 (Supp. 77-1). R6-5-5603 recodified to A.A.C. R6-8-203 effective February 13, 1996 (Supp. 96-1). New Section adopted by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

R6-5-5604. Procedures for Processing a Request for Information

A. Upon receipt of a request for information, the Department shall determine whether the request is complete. If the request is incomplete, the Department shall either:
1. Return the form 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 form. The receipt date is the day that the receiving office designated on the form actually receives the completed request.

C. Within 30 days of the receipt date, the Department shall provide the requester with one of the following written responses:
1. A statement that the requested information does not exist;
2. The requested information;
3. A statement that the Department cannot provide the requested information within 30 days, the reason for the delay, and the anticipated time-frame for response; or
4. A statement that the Department cannot legally release the requested information, with the statutory citation and the reason for denial.

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5604 repealed, new Section R6-5-5604 adopted effective January 13, 1977 (Supp. 77-1). R6-5-5604 recodified to A.A.C. R6-8-204 effective February 13, 1996 (Supp. 96-1). New Section adopted by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

R6-5-5605. Release of Information in Situations Requiring Immediate Action or Service to a Child

A. When a person or entity entitled to receive records under A.R.S. § 8-807(C) requires information from a record or file in order to take immediate action on behalf of, or render service to, a child who is or may be the victim of maltreatment, the Department shall release the information without obtaining the form or fee required by R6-5-5603.

B. Before releasing information pursuant to this Section, the Department shall verify that the person requesting information is a person entitled to receive information under A.R.S. § 8-807(C).

C. The Department shall:
1. Obtain the name and telephone number of the requester;
2. Call the requester to verify:
   a. That the person requesting information is a person entitled to receive information under A.R.S. § 8-807(C); and
   b. That the requester needs the information for a purpose described in subsection (A).

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5604 renumbered as Section R6-5-5605 effective January 13, 1977 (Supp. 77-1). R6-5-5605 recodified to A.A.C. R6-8-205 effective February 13, 1996 (Supp. 96-1). New Section adopted by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

R6-5-5606. Release of Report and Investigation Findings

A. Under A.R.S. § 8-807(E), a person about whom a report is made who is not a party in a dependency or termination of parental rights proceeding may obtain a copy of a CPS report and investigation findings, including the following persons:
1. An adult about whom a CPS report has been made;
2. A child victim age 12 or older;
3. A child's parent or legal guardian.

B. The person requesting a copy of the CPS report and investigation findings shall submit a completed information request form which shall include the information listed in R-5-5603(B). Within 30 days of receipt of a completed information request form, the Department shall provide the requester with either:
1. A copy of the report and investigation findings, after redacting information as required by A.R.S. § 8-807(E) and (G); or
2. A written response indicating that the Department does not have the requested report or investigation findings.

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5605 renumbered as Section R6-5-5606 effective January 13, 1977 (Supp. 77-1). R6-5-5606 recodified to A.A.C. R6-8-206 effective February 13, 1996 (Supp. 96-1). New Section adopted by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

R6-5-5607. Release of Summary Information to a Person Who Reported Suspected Child Abuse and Neglect

A. A person who reports alleged child maltreatment to CPS may contact CPS to determine the outcome of the report as permitted under A.R.S. § 8-807(H).

B. After receiving a request and before releasing information, the Department shall verify that the person requesting information was the person who made the report as follows:
1. Obtain the name and telephone number of the requester;
2. Compare the requester's name with the name of the person listed as the reporter on the CPS report; and
3. Call the requester and advise whether the Department can legally honor the request.

C. After verifying the identity of the requester, CPS shall give the person a summary of the outcome with the following 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

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5606 renumbered as Section R6-5-5607 effective January 13, 1977 (Supp. 77-1). R6-5-5607 recodified to A.A.C. R6-8-207 effective February 13, 1996 (Supp. 96-1). New Section adopted by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

R6-5-5608. Release of Information to a Research or Evaluation Project

A. A person seeking information for a research or evaluation project shall send a written request and provide information required for a complete request, under R6-5-5603. A complete research request shall also 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
3. The funding source for the research or evaluation project.

B. Upon receipt of a completed request from a research requester, the Department shall advise whether the Department can legally honor the request, and the estimated amount of the processing fee required under R6-5-5612.

C. Upon receipt of the processing fee, the Department shall provide the requester with the expected time-frame for releasing the requested information.

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5607 renumbered as Section R6-5-5608 effective January 13, 1977 (Supp. 77-1). R6-5-5608 recodified to A.A.C. R6-8-208 effective February 13, 1996 (Supp. 96-1). New Section adopted by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

R6-5-5609. Release of Information to a Legislative Committee

A. A legislative committee entitled to receive information under A.R.S. § 8-807(C)(12), shall send a written request for information to the Department Director, or the Director's designee.

B. The written request shall include:
1. The name of the committee,
2. The purpose for which the information is sought; and
3. The date by which the committee needs the information.

C. The Department Director, or the Director's designee, shall evaluate all requests for information and determine whether to release information to a legislative committee.

D. When releasing information to a legislative committee, the Department shall send the committee written notice that the information is confidential and shall not be further disclosed.

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5608 renumbered as Section R6-5-5609 effective January 13, 1977 (Supp. 77-1). R6-5-5609 recodified to A.A.C. R6-8-209 effective February 13, 1996 (Supp. 96-1). New Section adopted by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

R6-5-5610. Release of Information to a State Official

A. An Arizona state official entitled to receive information under A.R.S. § 8-807(C)(15) shall send a written request to the Department Director.

B. The Director, or the Director's designee, shall verify:
1. That the requesting state official is:
   a. Responsible for administration of CPS; or
   b. Responsible for oversight of CPS enabling or appropriating legislation; and
2. That the requesting state official is seeking the information to carry out official functions.

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5609 renumbered as Section R6-5-5610 effective January 13, 1977 (Supp. 77-1). R6-5-5610 recodified to A.A.C. R6-8-210 effective February 13, 1996 (Supp. 96-1). New Section adopted by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

R6-5-5611. Release of Information to a Person Who Requests Records and Files Concerning an Alleged Victim of Abuse, Neglect, or Abandonment Who Has Died

A. An individual who requests records and files under A.R.S. § 8-807(C)(13), concerning an alleged victim of abuse, neglect, or abandonment who has died, shall send the Department a completed request on each child.

B. Upon receipt of the request form the Department shall stamp the date and time of receipt and complete a record and location search.

C. The Department shall notify the requester in writing of the estimated processing fee required under R6-5-5612. If the requester does not want to proceed, the requester shall send the Department written notice to cancel the search.

D. Upon receipt of a cancellation notice, the Department shall return the estimated processing fee.

E. Upon receipt of the estimated processing fee, the Department shall prepare the records and files within 30 work days from receipt of the estimated processing fee and notify the requester of the final processing fee for records and file preparation.

F. After receipt of the final processing fee, the Department shall notify the requester and send the redacted records and files as indicated on the original request.

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5610 renumbered as Section R6-5-5611 effective January 13, 1977 (Supp. 77-1). R6-5-5611 recodified to A.A.C. R6-8-211 effective February 13, 1996 (Supp. 96-1). New Section adopted by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

R6-5-5612. Fees

A. If a record production will result in a processing fee, the Department shall notify the requester of the estimated processing fee before copying any records. Within 10 days of the date of the estimate, the requester shall send the fee or advise the Department to terminate the request.

B. When providing information to the persons entitled to receive information under A.R.S. § 8-807(C)(10), (D), or (F), the Department shall charge a fee of 25¢ per page.

C. The fee per page covers the partial cost of:
1. Staff time to research and collect the requested information;
2. Staff time to review and redact information pursuant to A.R.S. § 8-807(D), (F), and (G);
3. Administrative staff time to review and prepare the information to be submitted; and
4. Costs of copying supplies such as paper, toner, and use of equipment.

D. The fee per page applies to both persons who obtain copies of files and persons who request to review files that must be redacted prior to review, under A.R.S. § 8-807(C)(10), (D), or (F).

E. After the Department has prepared information for release, the Department shall prepare an itemized billing statement showing the document preparation costs and fees the requester must pay before the Department can release the records and files.

F. The Department shall refund any prepaid estimated processing fees that exceed the final processing fee.

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5611 renumbered as Section R6-5-5612 effective January 13, 1977 (Supp. 77-1). R6-5-5612 recodified to A.A.C. R6-8-212 effective February 13, 1996 (Supp. 96-1). New Section adopted by final rulemaking at 5 A.A.R. 1804, effective May 18, 1999 (Supp. 99-2).

R6-5-5613. Recodified

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5612 renumbered as Section R6-5-5613 effective January 13, 1977 (Supp. 77-1). R6-5-5613 recodified to A.A.C. R6-8-213 effective February 13, 1996 (Supp. 96-1).

R6-5-5614. Recodified

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5613 renumbered as Section R6-5-5614 effective January 13, 1977 (Supp. 77-1). R6-5-5614 recodified to A.A.C. R6-8-214 effective February 13, 1996 (Supp. 96-1).

R6-5-5615. Recodified

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5614 renumbered as Section R6-5-5615 effective January 13, 1977 (Supp. 77-1). R6-5-5615 recodified to A.A.C. R6-8-215 effective February 13, 1996 (Supp. 96-1).

R6-5-5616. Recodified

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5615 renumbered as Section R6-5-5616 effective January 13, 1977 (Supp. 77-1). R6-5-5616 recodified to A.A.C. R6-8-216 effective February 13, 1996 (Supp. 96-1).

R6-5-5617. Recodified

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5616 renumbered as Section R6-5-5617 effective January 13, 1977 (Supp. 77-1). R6-5-5617 recodified to A.A.C. R6-8-217 effective February 13, 1996 (Supp. 96-1).

R6-5-5618. Recodified

Historical Note

Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5617 renumbered as Section R6-5-5618 effective January 13, 1977 (Supp. 77-1). R6-5-5618 recodified to A.A.C. R6-8-218 effective February 13, 1996 (Supp. 96-1).

R6-5-5619. Recodified

Historical Note
Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5618 renumbered as Section R6-5-5619 effective January 13, 1977 (Supp. 77-1). R6-5-5619 recodified to A.A.C. R6-8-219 effective February 13, 1996 (Supp. 96-1).

R6-5-5620. Recodified

Historical Note
Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5619 renumbered as Section R6-5-5620 effective January 13, 1977 (Supp. 77-1). R6-5-5620 recodified to A.A.C. R6-8-220 effective February 13, 1996 (Supp. 96-1).

R6-5-5621. Recodified

Historical Note
Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5620 renumbered as Section R6-5-5621 effective January 13, 1977 (Supp. 77-1). R6-5-5621 recodified to A.A.C. R6-8-221 effective February 13, 1996 (Supp. 96-1).

R6-5-5622. Recodified

Historical Note
Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5621 renumbered as Section R6-5-5622 effective January 13, 1977 (Supp. 77-1). R6-5-5622 recodified to A.A.C. R6-8-222 effective February 13, 1996 (Supp. 96-1).

R6-5-5623. Recodified

Historical Note
Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5622 renumbered as Section R6-5-5623 effective January 13, 1977 (Supp. 77-1). R6-5-5623 recodified to A.A.C. R6-8-223 effective February 13, 1996 (Supp. 96-1).

R6-5-5624. Recodified

Historical Note
Adopted effective July 6, 1976 (Supp. 76-4). Former Section R6-5-5623 renumbered as Section R6-5-5624 effective January 13, 1977 (Supp. 77-1). R6-5-5624 recodified to A.A.C. R6-8-224 effective February 13, 1996 (Supp. 96-1).

ARTICLE 57. REPEALED

R6-5-5701. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4). Former Section R6-5-5701 repealed, new Section R6-5-5701 adopted effective November 5, 1984 (Supp. 84-6). Repealed effective April 9, 1998 (Supp. 98-2).

R6-5-5702. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4). Former Section R6-5-5702 repealed, new Section R6-5-5702 adopted effective November 5, 1984 (Supp. 84-6). Repealed effective April 9, 1998 (Supp. 98-2).

R6-5-5703. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4). Former Section R6-5-5703 repealed, new Section R6-5-5703 adopted effective November 5, 1984 (Supp. 84-6). Repealed effective April 9, 1998 (Supp. 98-2).

R6-5-5704. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4). Former Section R6-5-5704 repealed, new Section R6-5-5704 adopted effective November 5, 1984 (Supp. 84-6). Repealed effective April 9, 1998 (Supp. 98-2).

R6-5-5705. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4). Former Section R6-5-5705 repealed, new Section R6-5-5705 adopted effective November 5, 1984 (Supp. 84-6). Repealed effective April 9, 1998 (Supp. 98-2).

R6-5-5706. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4). Former Section R6-5-5706 repealed, new Section R6-5-5706 adopted effective November 5, 1984 (Supp. 84-6). Repealed effective April 9, 1998 (Supp. 98-2).

R6-5-5707. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4). Former Section R6-5-5707 repealed, new Section R6-5-5707 adopted effective November 5, 1984 (Supp. 84-6). Repealed effective April 9, 1998 (Supp. 98-2).

R6-5-5708. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4). Former Section R6-5-5708 repealed, new Section R6-5-5708 adopted effective November 5, 1984 (Supp. 84-6). Repealed effective April 9, 1998 (Supp. 98-2).

R6-5-5709. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4). Former Section R6-5-5709 repealed, new Section R6-5-5709 adopted effective November 5, 1984 (Supp. 84-6). Repealed effective April 9, 1998 (Supp. 98-2).

ARTICLE 58. FAMILY FOSTER PARENT LICENSING REQUIREMENTS

R6-5-5801. Definitions

In addition to the definitions contained in A.R.S. §§ 8-201, 8-501, and 8-531, the following definitions apply in this Article:

1. "Abandonment" has the same meaning ascribed to "abandoned" in A.R.S. § 8-546(A)(1).
2. *"Abuse" means the infliction or allowing physical injury, impairment of bodily function or disfigurement, or the infliction of or allowing another person to cause serious emotional damage as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior and which emotional damage is diagnosed by a medical doctor or psychologist pursuant to section 8-223 and which is caused by the acts or omissions of an individual having care,* [physical] *custody and control of a child. Abuse shall include inflicting or allowing sexual abuse*

pursuant to section 13-1404, sexual conduct with a minor pursuant to section 13-1405, sexual assault pursuant to section 13-1406, molestation of a child pursuant to section 13-1410, commercial sexual exploitation of a minor pursuant to section 13-3552, sexual exploitation of a minor pursuant to section 13-3553, incest pursuant to section 13-3608 or child prostitution pursuant to section 13-3212. A.R.S. § 8-546(A)(2).

3. "Adult" means a person age 18 years or older.
4. "Applicant" means a person who submits a written application to the Licensing Authority or a licensing agency to become licensed, or to renew a license as a foster parent. An applicant means both spouses if the adult household caregivers are married, except for a person seeking licensure solely as an in-home respite foster parent.
5. "Case plan" means a written document which is a distinct part of a child's case record, and which identifies the child's permanency goal and target date, desired outcomes, tasks, time-frames, and responsible parties.
6. "Child placing agency" or "placing agency" means:
   a. The Department, a county probation Department, or the Administrative Office of the Arizona Supreme Court, which are all statutorily authorized to place children into out-of-home care; and
   b. Any other person or entity authorized to receive children for care, maintenance, or placement in a foster home because the Department has licensed the person or entity as a child welfare agency pursuant to A.R.S. § 8-505.
7. "Corrective action" means a plan that describes steps a foster parent must take to remedy violations of foster care requirements within a specified period of time.
8. "CPS" means Child Protective Services, a Department program responsible for investigating reports of child maltreatment.
9. "CPSCR" means the Child Protective Services Central Registry, a computerized database, which CPS maintains pursuant to A.R.S. § 8-546.03.
10. "Department" or "DES" means the Department of Economic Security.
11. "Developmentally appropriate" means an action which takes into account:
    a. A child's age and family background;
    b. The predictable changes that occur in a child's physical, emotional, social, cultural, and cognitive development; and
    c. A child's individual pattern and timing of growth, personality, and learning style.
12. "De-escalation" means a method of verbal communication or non-verbal signals and actions, or a combination of signals and actions, that interrupts a child's behavior crisis and calms the child.
13. "DHS" means the Department of Health Services.
14. "Discipline" means a teaching process through which a child learns to develop and maintain the self-control, self-reliance, self-esteem, and orderly conduct necessary to assume responsibilities, make daily living decisions, and live according to generally accepted levels of social behavior.
15. "Exploitation" means the act of taking advantage of, or making use of a child selfishly, unethically, or unjustly for one's own advantage or profit, in a manner contrary to the best interests of the child, such as having a child panhandle, steal, or perform other illegal activities.
16. "Foster care requirements" mean the standards for lawful operation of a foster home as prescribed in A.R.S. § 8-501 et seq. and 6 A.A.C. 5, Article 58.
17. "Household" means a group of people who regularly occupy a single residence.
18. "Household member" means a person who resides in an applicant's or foster parent's household for 21 consecutive days or longer, or who resides in the household periodically throughout the year for more than a total of 21 days.
19. "In-home respite foster parent" means an individual licensed to provide respite care in a licensed family foster home that is not that individual's own home.
20. "License" means a document issued by the Licensing Authority to a foster parent which authorizes the foster parent to operate a foster home in compliance with foster care requirements.
21. "Licensed medical practitioner" means a person who holds a current license or certification as a physician, surgeon, nurse practitioner or physician's assistant pursuant to A.R.S. §§ 32-1401 et seq., Medicine and Surgery; §§ 32-1800 et seq., Osteopathic Physicians and Surgeons; §§ 32-2501 et seq., Physician's Assistant; and A.R.S. §§ 32-1601 et seq. Nursing and A.A.C. R4-19-503, Registered Nurse Practitioner.
22. "Licensing agency" means a person who or an entity which performs an investigative family study of an applicant for an initial or renewal foster home license, as prescribed in R6-5-5803 and R6-5-5812, and which monitors the foster home, as prescribed in R6-5-5815. "Licensing agency" includes the Department and may include county probation departments.
23. "Licensing Authority" means a DES administrative unit which makes foster home licensing determinations, including issuance, denial, suspension, revocation, and imposition of corrective action.
24. "Maltreatment" means abuse, neglect, exploitation, or abandonment, of a child.
25. "Mechanical restraint" means:
    a. An article, device, or garment that:
       i. Restricts a child's freedom of movement or a portion of a child's body;
       ii. Cannot be removed by the child; and
       iii. Is used for the purpose of limiting the child's mobility;
    b. But does not include an orthopedic, surgical, or medical device which allows a child to heal from a medical condition or to participate in a treatment program.
26. "Neglect" has the same meaning ascribed to it in A.R.S. § 8-546(A)(7).
27. *"Parent or parents" means the natural or adoptive parents of the child.* A.R.S. § 8-501(A)(8).
28. "Physical restraint" means the use of bodily force to restrict a child's freedom of movement, but does not include the firm but gentle holding of a child with no more force than necessary to protect the child or others from harm.
29. "Professional foster care" means a foster family based model of care provided by an individual who has received specialized training to provide care and services within a support system of clinical and consultative services to special care children.
30. "Professional foster home" means the licensed foster home of an individual or couple authorized to provide professional foster care.

31. *"Receiving foster home" means a licensed foster home suitable for immediate placement of children when taken into custody or pending medical examination and court disposition.* A.R.S. § 8-501(A)(9).
32. "Respite care" means the provision of short term care and supervision of a foster child to temporarily relieve a foster parent from the duty to care for the child.
33. "Respite foster parent" means a licensed foster parent authorized to provide respite care.
34. "Safeguard" means to take reasonable measures to eliminate the risk of harm to a foster child and to ensure that a foster child will not be harmed by a particular object, substance, or activity. Where a specific method is not otherwise prescribed in this Article, safeguarding may include:
    a. Locking up a particular substance or item;
    b. Putting a substance or item out of the reach of a child who is not mobile; or
    c. Erecting a barrier which prevents a child from reaching a particular place, item, or substance;
    d. Mandating the use of protective safety devices; or
    e. Providing supervision.
35. "Service team" means the group of persons listed in R6-5-5828(A) who participate in the development and review of a child's case plan.
36. "Significant person" means a person who is important or influential in a child's life and may include a family member or close friend.
37. "Sleeping area" means a single bedroom or a cluster of two or more bedrooms located in an adjacent area of a dwelling.
38. "Special care child" means a foster child who has not achieved expected norms for the child's developmental stage in one or more of the following areas: physical, medical, mental, psychological, intellectual, emotional, and social. This includes a child who experiences difficulty in establishing or maintaining developmentally appropriate interpersonal relationships.
39. "Swimming pool" means any natural or man-made body of water used for swimming, recreational, or decorative purposes, which is greater than 12 inches in depth, and includes spas and hot tubs.
40. "Work day" means Monday through Friday between 8:00 a.m. and 5:00 p.m., excluding Arizona state holidays.

Historical Note

Adopted effective March 30, 1977 (Supp. 77-2). Former Section R6-5-5801 repealed, new Section R6-5-5801 adopted effective April 1, 1981 (Supp. 81-2). Former Section R6-5-5801 repealed, new Section R6-5-5801 adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5802. Application for Initial License

A. A person who wishes to become licensed as a foster parent shall apply to a licensing agency on a form specified by the licensing agency.

B. An applicant shall provide the licensing agency with at least the following information on each applicant:
1. Personally identifying information, including:
    a. Name,
    b. Date of birth,
    c. Social Security number,
    d. Ethnicity,
    e. Telephone number,
    f. Current address,
    g. Length of Arizona residency, and
    h. Current marital status and marital history;
2. Personally identifying information on the applicant's household members, including:
    a. Name,
    b. Date of birth,
    c. Social Security number, and
    d. Relationship to applicant;
3. Personally identifying information on the applicant's children who do not live with the applicant, including emancipated children, as follows:
    a. Name,
    b. Current address,
    c. Telephone number, and
    d. Date of birth;
4. The applicant's monthly or yearly household budget, showing assets, obligations, debts, and income;
5. Medical statements for the applicant and any adult household member who will regularly care for foster children, showing that the applicant and household member meet the requirements prescribed in R6-5-5823(4); the statement shall:
    a. Include a description of the person's general health, and identify any medical problem or physical condition that will prevent or limit the person from caring for a foster child, or that may negatively impact a foster child;
    b. Include a list of all regularly prescribed medications and the purpose of each medication; and
    c. Be signed and dated by a licensed medical practitioner who shall have examined the person within six months prior to the date of application for licensure;
6. Immunization records for each child household member;
7. A current statement and history of physical and mental health and treatment on the applicant and the applicant's household members, to the extent that such information has not already been provided in response to subsections (B)(5) and (6); the statement and history may be a self-declaration of illness and treatment;
8. Employment information, including names and addresses of prior employers and positions held during the last 10 years;
9. Family relationship and support system information on the applicant's family and family of origin;
10. If the applicant is employed outside the home, the applicant shall provide a statement explaining the child care arrangements the applicant would make for a foster child during the applicant's working hours;
11. If the applicant is self employed, or conducts a business activity within the home, a statement explaining how the activities related to this business will not interfere with the care of a foster child;
12. A description of:
    a. The applicant's daily routine and activities; and
    b. The applicant's hobbies, and any education or volunteer activities in which the applicant regularly participates;
13. A description of any spiritual or religious beliefs and practices observed in the applicant's home;
14. Information on administrative or judicial proceedings in which the applicant has been or is a party, including:
    a. Proceedings involving allegations of child maltreatment;
    b. Dependency actions;
    c. Actions involving severance or termination of parental rights;
    d. Child support enforcement proceedings;
    e. Adoption proceedings;

f. Criminal proceedings other than minor traffic violations;
g. Bankruptcy; and
h. Suspension, revocation, or denial of a license or certification;

15. The name, address, and telephone number of at least five references who can attest to the applicant's character and ability to care for children; no more than two of the references may be related to the applicant by blood or marriage; for married applicants, at least two of the five references shall know the applicants as a couple;
16. A description of the applicant's home and neighborhood;
17. A statement from the applicant as to:
    a. The number of foster children the applicant would consider for placement; and
    b. The characteristics of foster children the applicant would consider for placement; and
    c. The characteristics of children, if any, for whom the applicant does not want to provide foster care;
18. A description of the applicant's prior experience, if any, as a foster parent, including:
    a. The state in which the applicant provided foster care;
    b. Whether the applicant was licensed, certified, or approved to provide care; and
    c. Whether any disciplinary action was taken against the applicant;
19. A description of the applicant's prior history of adoption certification, if any, including prior applications for certification, and the location and date of any certification denials;
20. A description of the applicant's child care experience and child rearing practices;
21. A statement from the applicant regarding the applicant's motivation for becoming a foster parent;
22. A statement from the applicant describing how all other household members feel about the decision to foster children;
23. A statement authorizing the licensing agency and the Licensing Authority to:
    a. Verify the information contained in or filed with the application;
    b. Perform background checks on the applicant and the applicant's household members, as prescribed in R6-5-5803 and R6-5-5807; and
    c. Arrange for DHS to conduct a health and safety inspection of the applicant's home, as prescribed in A.R.S. § 8-504 and R6-5-5804;
24. A statement from the applicant attesting to the truth of the information contained in the application; and
25. The applicant's signature and date of application.

C. The applicant and all adult household members shall also submit to fingerprinting and a criminal history check as prescribed in A.R.S. § 46-141 and this subsection.

1. On a form provided by the Department, the applicant and each adult household member shall certify whether he or she has ever committed, is awaiting trial for, or has ever been convicted of any of the following criminal offenses in this state or similar offenses in another state or jurisdiction:
    a. Sexual abuse of a minor or vulnerable adult;
    b. Incest;
    c. First or second degree murder;
    d. Kidnapping;
    e. Arson;
    f. Sexual assault;
    g. Sexual exploitation of a minor or vulnerable adult;
    h. Commercial sexual exploitation of a minor or vulnerable adult;
    i. Felony offenses within the previous 10 years involving the manufacture or distribution of marijuana or dangerous or narcotic drugs;
    j. Robbery;
    k. A dangerous crime against children as defined in A.R.S. § 13-604.01;
    l. Child abuse or abuse of a vulnerable adult;
    m. Sexual conduct with a minor;
    n. Molestation of a child or vulnerable adult;
    o. Voluntary manslaughter; and
    p. Aggravated assault.
2. On a form provided by the Department, the applicant and each adult household member shall certify whether he or she has ever been convicted of, found by a court to have committed, or has committed, any of the following criminal offenses in this state or similar offenses in another state or jurisdiction:
    a. A sex offense;
    b. A drug-related offense;
    c. A theft-related offense;
    d. A violence-related offense;
    e. Child neglect or neglect of a vulnerable adult; and
    f. Contributing to the delinquency of a minor.

D. If an applicant applies to the Department as the licensing agency, the Department shall send the applicant a notice of administrative completeness or deficiencies, as prescribed by A.R.S § 41-1074, indicating the additional information, if any, that the applicant must provide for a complete application package as described in R6-5-5806. The Department shall send the notice after receiving the application and before expiration of the administrative completeness review time-frame described in R6-5-5813(2)(a).

E. If the applicant does not supply the missing information, as prescribed in the notice, within 60 days of the notice date, the Department may close the file. An applicant whose file has been closed, who later wishes to become licensed, may reapply.

Historical Note

Adopted effective March 30, 1977 (Supp. 77-2). Former Section R6-5-5802 repealed, new Section R6-5-5802 adopted effective April 1, 1981 (Supp. 81-2). Former Section R6-5-5802 repealed, new Section R6-5-5802 adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5803. Investigation of the Applicant

A. The licensing agency to which the applicant has applied shall investigate the applicant. Except as otherwise provided in subsection (E) for an in-home respite foster parent, the investigation shall include the measures listed in this Section.

1. A representative of the licensing agency shall personally interview the applicant and the applicant's household members; the interviews shall:
    a. Occur on at least two separate occasions, at least one of which shall take place at the applicant's residence;
    b. Comprise no less than four hours of face-to-face contact, at least one hour of which shall be at the applicant's residence;
    c. Include at least one separate interview with each member of the applicant's household who is age 5 or older; and
    d. Include at least one joint interview with both applicants if the applicants are married.

2. During the interviews described in subsection (A)(1), the investigator shall explore any instances of family problems and how the applicant has overcome problems in the applicant's current family and family of origin.
3. The licensing agency shall obtain written statements from at least three of the applicant's personal references listed under R6-5-5802(B)(15) and shall personally contact (either in a face-to-face meeting or a telephone call) at least one of the references.
4. The licensing agency shall verify the applicant's financial condition through a review of one or more of the documents listed in subsection (B)(8).
5. The licensing agency shall investigate and evaluate the applicant's past experiences, if any, serving as a foster parent.
6. The licensing agency shall assess the applicant and the family's commitment to providing foster care, and the time available to devote to the care of a foster child.

B. The licensing agency shall request, and the applicant shall provide, supporting documentation the licensing agency deems necessary to determine an applicant's fitness to serve as a foster parent and ability to comply with foster care requirements. The documentation may include the following:
1. A physician's statement regarding the physical health or immunization record of the applicant's household members;
2. A statement from a psychiatrist or psychologist regarding the mental health of the applicant or the applicant's household members;
3. Birth certificate;
4. Marriage license;
5. Driver's license and automobile registration;
6. Dissolution or divorce papers and orders, including child support documentation;
7. Military discharge papers;
8. Tax returns, pay stubs, W-2 statements, and existing financial statements;
9. Bankruptcy papers;
10. Insurance policy information;
11. Immigration or legal residency registration papers; and
12. Documents related to or filed in judicial or administrative proceedings listed under R6-5-5802(B)(14).

C. Except as otherwise provided in subsection (E), the licensing agency shall verify that the applicant and adult household members have submitted a fingerprinting and criminal background form as prescribed in R6-5-5802(C).

D. The licensing agency shall document all personal contacts made, and all information obtained during the investigation.

E. When a person is seeking licensure solely as an in-home respite foster parent, the licensing agency is not required to:
1. Interview the applicant's spouse and other household members;
2. Conduct the applicant's interview at the applicant's home;
3. Verify the applicant's financial condition as required by subsection (A)(4) and R6-5-5805(B)(7);
4. Obtain supporting documentation for the applicant's spouse or other household members as required by this Section; or
5. Document information on the applicant's spouse and household members in the investigative report or application package as required by R6-5-5805 and R6-5-5806.

Historical Note

Adopted effective March 30, 1977 (Supp. 77-2). Amended effective August 15, 1979 (Supp. 79-4). Former Section R6-5-5803 repealed, new Section R6-5-5803 adopted effective April 1, 1981 (Supp. 81-2). Former Section R6-5-5803 repealed, new Section R6-5-5803 adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5804. Inspection of the Foster Home; DHS Inspection Report

A. The licensing agency shall contact the Department of Health Services (DHS) to request that a DHS representative:
1. Inspect the foster home, as prescribed in A.R.S. § 8-504 and this Section; and
2. Issue a report describing whether the foster home satisfies foster care requirements.

B. The applicant shall cooperate with the DHS representative by making the home available for inspection and allowing the DHS representative unrestricted access to the entire foster home and the surrounding premises to perform the following checks on the systems, equipment, and conditions:
1. Check the home's heating, cooling, ventilation and lighting systems, and major appliances;
2. Look at furniture, fixtures, and equipment for evidence of loose hardware, rusting parts, and other damage;
3. Check walls, ceilings, and floors for evidence of flaking paint or plaster, loose tiles, boards, and panels, and exposed or unsafe wiring that may pose a danger or health risk to a child;
4. Check the home and surrounding premises for evidence of dirt, animal waste, and vermin;
5. Check whether the sewage disposal system functions and is in good repair;
6. Check the system, method, and timing for refuse and waste storage and removal;
7. Check whether dangerous objects, materials, or conditions, have been locked, safeguarded, or removed as prescribed in this Article;
8. Determine whether the home has the equipment and space prescribed in R6-5-5838 through R6-5-5846.

C. The DHS representative shall prepare a written report of the inspection and send a copy to the licensing agency.

D. To determine if a foster home and its surrounding premises are safe, sanitary, and in good repair, the licensing agency or Licensing Authority shall evaluate the DHS written report to determine whether the home has any natural or man-made conditions that pose a risk of harm to a foster child, and whether a foster parent has taken or can take reasonable measures to eliminate that risk of harm and ensure that a foster child will not be harmed by a particular object, substance, or activity.

E. This Section does not apply to a person seeking licensure solely as an in-home respite foster parent.

Historical Note

Adopted effective March 30, 1977 (Supp. 77-2). Former Section R6-5-5804 repealed, new Section R6-5-5804 adopted effective April 1, 1981 (Supp. 81-2). Former Section R6-5-5804 repealed, new Section R6-5-5804 adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5805. Investigative Report and Licensing Recommendation

A. The licensing agency shall summarize the results of the investigation in a written report, which shall include:
1. A recommendation to grant or deny a license;
2. Any recommendations for terms, conditions, or limitations to be placed on the license.

B. In determining whether to recommend that a license be granted or denied, the licensing agency and Licensing Authority shall consider all information acquired during the investigation, and all factors bearing on the applicant's fitness to

foster a child and comply with foster care requirements including:

1. Instances of family problems in the applicant's current family or family of origin, including whether the applicant was maltreated as a child, and the applicant's success in overcoming those problems;
2. The applicant's past history of parenting or caring for children;
3. The length and stability of the applicant's marital relationship, if applicable;
4. The applicant's age and health;
5. Past, significant disturbances or events in the applicant's immediate family, such as involuntary job separation, bankruptcy, divorce, or death of spouse, child, or parent;
6. Past criminal history or record of child maltreatment for the applicant or the applicant's household members;
7. The applicant's financial stability, exclusive of anticipated foster care maintenance payments, and ability to financially provide for a foster child;
8. The applicant's history of providing financial support to the applicant's other children, including compliance with court ordered child support obligations; and
9. The DHS report on the foster home and whether the applicant has corrected any deficiencies or problems noted in the report.

C. The investigative summary shall specifically note any instances where an applicant has been:

1. Charged with, been convicted of, pled no contest to, or is awaiting trial on charges of an offense listed in R6-5-5802(C); and
2. A party to an action for dependency or termination of parental rights.

D. R6-5-5805(B)(3), (7), and (9) do not apply to a person seeking licensure solely as an in-home respite foster parent.

Historical Note

Adopted effective March 30, 1977 (Supp. 77-2). Former Section R6-5-5805 repealed, new Section R6-5-5805 adopted effective April 1, 1981 (Supp. 81-2). Former Section R6-5-5805 repealed, new Section R6-5-5805 adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5806. Complete Application Package: Contents

A. The licensing agency shall send a complete application package to the Licensing Authority for consideration.

B. A complete application package includes the following:

1. A copy of the applicant's completed application form and criminal history certification form containing the information prescribed in R6-5-5802(B) and (C);
2. The investigative report, as prescribed in R6-5-5805;
3. Evidence that the applicant and adult household members have been fingerprinted and their fingerprints subjected to a criminal history check;
4. Evidence that the applicant has completed the training prescribed by A.R.S. § 8-509(B) and R6-5-5825(A), or a statement of hardship as prescribed in R6-5-5810; and
5. Evidence that the applicant's dwelling has passed the health and safety inspection prescribed by A.R.S. § 8-504 and R6-5-5804.

C. Upon receipt of an application package from a licensing agency other than the Department, the Licensing Authority shall:

1. Determine whether the application is complete; and
2. Send the applicant and the licensing agency a notice of administrative completeness or deficiencies, as prescribed by A.R.S. § 41-1074, within the administrative completeness review time-frame described in R6-5-5813(1)(a).

D. If the applicant does not supply the missing information, as prescribed in the notice, within 60 days of the notice date, the licensing agency may close the file. An applicant whose file has been closed, who later wishes to become licensed, may reapply.

Historical Note

Adopted effective March 30, 1977 (Supp. 77-2). Amended as an emergency effective May 28, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-3). Former Section R6-5-5806 repealed, new Section R6-5-5806 adopted effective April 1, 1981 (Supp. 81-2). Former Section R6-5-5806 repealed, new Section R6-5-5806 adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5807. CPSCR Check; Additional Investigation by Licensing Authority

A. The Licensing Authority shall conduct a CPSCR check on the applicant and, with the exception of an in-home respite foster parent applicant, on all household members for reports of child maltreatment.

B. Upon receipt of a complete application package, as prescribed in R6-5-5806, the Licensing Authority may do additional investigation, as prescribed in this Section, if the Licensing Authority needs additional information in order to determine the applicant's fitness to serve as a foster parent, and ability to comply with foster care requirements.

1. The Licensing Authority may directly obtain information by:
   a. Interviewing the applicant, either in-person or telephonically;
   b. Contacting additional references;
   c. Verifying information provided in the application package, including past history of licensure as a foster parent;
   d. Visiting the applicant's home; and
   e. Requesting additional supporting documentation as prescribed in R6-5-5803(B).
2. The Licensing Authority may contact the licensing agency and request that the licensing agency obtain additional information, as prescribed in subsection (B)(1).

Historical Note

Adopted effective March 30, 1977 (Supp. 77-2). Former Section R6-5-5807 repealed, new Section R6-5-5807 adopted effective April 1, 1981 (Supp. 81-2). Former Section R6-5-5807 repealed, new Section R6-5-5807 adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5808. License: Form; Issuance; Denial; Term; Termination

A. Within 30 days of receiving a complete application, the Licensing Authority shall issue a written licensing decision.

1. If the Licensing Authority grants the license, the Licensing Authority shall send the license with the notification letter. The license shall be in the name of the applicant and the foster home location as identified in the application. The license shall specify the number, age, and gender of children the foster home may accept.
2. The Licensing Authority may place terms on the license as to the type of child the foster home may accept for placement. Such terms may include the following:
   a. A restriction that the foster home can accept only a specifically named child or specifically named children; and

b. A provision that the home can provide a particular service, or accept children with particular behavior problems or physical conditions.

3. A license for a person being licensed solely as an in-home respite foster parent shall include only the licensee's name and the type of care, but no specific location or other terms.
4. If the Licensing Authority denies the license, the notice shall include the reasons for the denial, with a statement of the applicant's right to appeal the licensing decision, as prescribed in R6-5-5821.

B. A license expires one year from the date of issuance. If a foster parent receives a provisional license as prescribed in R6-5-5810, and the provisional license is converted to a regular license during the licensing year, the regular license shall expire one year from the date the provisional license was issued.

C. A foster parent shall not transfer or assign a license. A license expires if the foster parent moves to a different dwelling unless the licensing agency has first notified the Licensing Authority of the planned move or a foster parent has requested an amendment to the license as prescribed in R6-5-5814. This requirement does not apply to a person licensed solely as an in-home respite foster parent.

D. Issuance of a license does not guarantee placement of a foster child.

E. A license terminates when:

1. The license expires by its own terms and is not renewed;
2. The Licensing Authority revokes the license pursuant to disciplinary proceedings as prescribed in R6-5-5819;
3. The foster parent moves out of state; or
4. The foster parent voluntarily surrenders the license.

Historical Note

Adopted effective March 30, 1977 (Supp. 77-2). Repealed effective April 1, 1981 (Supp. 81-2). New Section R6-5-5808 adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5809. Provisional License

Notwithstanding any other provision of this Article, the Licensing Authority may issue a provisional license to a foster parent who has not completed training, when the Licensing Authority makes a finding of hardship as prescribed in A.R.S. § 8-509(D). The Licensing Authority may find a condition of hardship when failure to issue a provisional license would result in displacement of a child or the inability to place a particular child.

1. The term of a provisional license shall not exceed six months,
2. A provisional license is not renewable.

Historical Note

Adopted effective March 30, 1977 (Supp. 77-2). Amended subsection (G) as an emergency effective March 12, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-2). Amended effective August 15, 1979 (Supp. 79-4). Amended as an emergency effective May 28, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-3). Repealed effective April 1, 1981 (Supp. 81-2). New Section R6-5-5809 adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5810. Application for License Renewal

A. At least 60 days before the expiration date of a license, the licensing agency shall send a foster parent a notice of license expiration.

B. A foster parent may apply to a licensing agency for license renewal by submitting a complete renewal application to the licensing agency at least 30 days before the expiration of the current license.

C. A complete renewal application shall contain the following information:

1. A description of any changes to the information provided in the original application or last renewal application, including changes in personal, family, social, medical, or financial circumstances;
2. At least once every third year following original licensure, a licensed medical practitioner's statement on the physical health of the foster parent and any household members who regularly care for children;
3. Evidence that the foster parent has obtained the annual training required by A.R.S. § 8-509(C); and
4. The statements, signature, and date prescribed in R6-5-5802(B)(23) through (25).

D. A foster parent shall submit copies of the supporting documents listed in R6-5-5803(B) if so requested by the licensing agency.

E. The foster parent and adult household members shall comply with any investigative requirement for fingerprint clearance.

Historical Note

Adopted effective March 30, 1977 (Supp. 77-2). Repealed effective April 1, 1981 (Supp. 81-2). New Section R6-5-5809 adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5811. Renewal Investigation; Licensing Report and Recommendation

A. A licensing agency that receives a renewal application shall conduct a face-to-face interview with the foster parent at the foster parent's residence. The licensing agency is not required to conduct the interview of a person licensed solely as an in-home respite foster parent at the person's residence. During the interview, the licensing agency shall discuss the following:

1. The foster parent's experiences in serving as a foster parent during the expiring licensing year;
2. Any changes identified in the renewal application; and
3. Any complaints made against the foster parent during the expiring licensing year.

B. The licensing agency shall obtain any supplemental information the agency needs to determine the foster parent's continuing fitness to serve as a foster parent.

C. The licensing agency shall request a statewide criminal history records information check every year for the foster parent and, with the exception of an in-home respite foster parent, all adult household members.

D. The licensing agency shall request that DHS perform a health and safety inspection of the foster parent's home, as prescribed in R6-5-5804, at least once every third year following original licensure. This inspection is not required of a person licensed solely as an in-home respite foster parent.

E. The licensing agency shall summarize the results of the renewal investigation in a report and make a licensing recommendation as prescribed in R6-5-5805. The report shall explain any complaints, as described in R6-5-5816, R6-5-5817, and R6-5-5818, made against the foster parent during the expiring license period.

F. No less than 15 working days before the date that the applicant's current license expires, the licensing agency shall provide the Licensing Authority with a complete renewal application as prescribed in R6-5-5810, and the agency's renewal investigation report as prescribed in R6-5-5811.

Historical Note

Adopted effective March 30, 1977 (Supp. 77-2). Repealed effective April 1, 1981 (Supp. 81-2). New Sec-

tion R6-5-5811 adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5812. Renewal License

A. The Licensing Authority shall process a renewal application package following the procedures described in R6-5-5806(C), R6-5-5807, and R6-5-5808.

B. In determining whether to renew a license, the Licensing Authority shall consider the renewal application package, and the foster parent's past record of service, including conduct during all prior licensing periods.

C. The Licensing Authority may renew a foster parent's license when the foster parent:
1. Demonstrates the ability to fulfill foster care requirements,
2. Has complied with foster care requirements during prior licensing periods, and
3. Has cooperated with the licensing agency in providing the information required for license renewal.

Historical Note

Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5813. Licensing Time-frames

For the purpose of A.R.S. § 41-1073, the Department has adopted the licensing time-frames listed in this Section.
1. Initial applications submitted to a licensing agency other than the Department: When a person applies for foster parent licensure through a licensing agency other than the Department, and the licensing agency submits the completed application package to the Licensing Authority on behalf of the applicant, the licensing time-frames are:
   a. Administrative completeness review time-frame: 30 days;
   b. Substantive review time-frame: 30 days; and
   c. Overall time-frame: 60 days.
2. Initial application submitted to the Department as the licensing agency: When a person applies directly to the Department for foster parent licensure, and the Department performs the activities described in R6-5-5803 through R6-5-5806, the licensing time-frames are:
   a. Administrative completeness review time-frame: 90 days;
   b. Substantive review time-frame: 30 days; and
   c. Overall time-frame: 120 days.
3. Renewal applications submitted to a licensing agency other than the Department: When a person applies for renewal of a foster parent license through a licensing agency other than the Department, and the licensing agency submits the completed renewal application package to the Licensing Authority on behalf of the applicant, the licensing time-frames are:
   a. Administrative completeness review time-frame: 21 days;
   b. Substantive review time-frame: 21 days; and
   c. Overall time-frame: 42 days.
4. Renewal applications submitted to the Department as the licensing agency: When a person applies directly to the Department for renewal of a foster parent license, and the Department performs the activities described in R6-5-5812, the licensing time-frames are:
   a. Administrative completeness review time-frame: 40 days;
   b. Substantive review time-frame: 20 days; and
   c. Overall time-frame: 60 days.

Historical Note

Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5814. Amended License; Change in Household Members

A. The following changes require a license amendment:
1. A change in any circumstances or conditions placed on the license, as prescribed in R6-5-5808(A)(2);
2. Expanded or reduced capacity of the foster home;
3. A move to a different residence;
4. The divorce of the foster parent, if the divorce changes any circumstance or condition placed on the license;
5. Marriage of the foster parent;
6. The death of the foster parent's spouse if the death changes any circumstance or condition placed on the license; and
7. A change of name.

B. The foster parent may request a license amendment or the licensing agency may initiate the amendment in response to an observed change. The Licensing Authority may issue an amended license to reflect a change in circumstances when the change does not cause the foster parent or foster home to fall out of compliance with foster care requirements.

C. If the foster parent has moved to a different residence or remodeled an existing residence, the Licensing Authority shall not issue an amended license until the different or remodeled residence has passed a health and safety inspection as prescribed in R6-5-5804.

D. An amended license expires at the end of the foster parent's current licensing year.

E. If the foster parent adds a household member during the course of a licensing year, the foster parent shall:
1. Obtain prior approval from the licensing agency;
2. Ensure that a new adult household member submits a criminal history certification and submits to fingerprinting as prescribed in R6-5-5802(C), within 10 work days of the member's arrival;
3. Ensure that a new child household member obtains any missing, routine immunizations within 30 calendar days of the member's arrival; and
4. Cooperate in additional interviews and submit additional documentation that the licensing agency or Licensing Authority may require to determine whether the addition of the new member will cause the foster parent to fall out of compliance with foster care requirements.

F. In determining whether to approve the addition of the new household member, the licensing agency shall consider:
1. The relationship of the new household member to the foster parent;
2. The length of time the foster parent has known the new household member;
3. The background of the new household member including any criminal history;
4. The financial arrangements, if any, between the foster parent and the new household member;
5. What, if any, child care responsibilities the new household member may have;
6. Whether the new household member has any physical or emotional conditions that present a risk to foster children and current household members; and
7. Whether the home will still meet the equipment and space requirements prescribed in R6-5-5838 through R6-5-5846 with the additional of the new household member.

G. If the foster parent marries during the course of a licensing year:
1. The foster parent's spouse shall submit an application for a license as prescribed in R6-5-5802 and R6-5-5803;

2. The foster parent's spouse shall be investigated in accordance with R6-5-5803, R6-5-5805, R6-5-5806, R6-5-5807, R6-5-5823, and R6-5-5824; and
3. The foster parent shall comply with subsection (E) and with subsection (C) if the foster parent moves.

H. A person licensed solely as an in-home respite foster parent is exempt from the requirements of subsections (B)(2) and (3), (C), (E), (F), and (G).

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5815. Monitoring the Foster Home and Family

A. A licensing agency shall monitor its foster homes.

B. Monitoring activities may include the following:
1. Announced and unannounced visits to the foster home;
2. Interviews with the foster parent and household members over age 5;
3. Interviews with foster children placed with a foster parent, if developmentally appropriate; any interviews with a foster child may occur with the foster child separated from the foster parent; and
4. A review of any records a foster parent is required to maintain.

C. A foster parent shall cooperate with monitoring requirements by:
1. Making the foster home available for inspection, and
2. Participating in interviews and permitting interviews with household members.

D. When a licensing agency finds a violation of a foster home requirement, the licensing agency shall orally notify the Licensing Authority of the violation, and shall follow the oral report with a written report that shall include a recommendation for any licensing action or a corrective action plan, as prescribed in R6-5-5818 and R6-5-5819.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5816. Investigation of Complaints About a Foster Home

A. When a licensing agency receives a complaint about a foster home or licensee, the licensing agency shall:
1. Immediately report allegations of child abuse, neglect, or maltreatment to Child Protective Services Central Intake as prescribed in A.R.S. § 13-3620; and
2. Report all complaints to the Licensing Authority within five days and investigate all complaints, not reported to CPS, as prescribed in this Section.

B. An investigation may include:
1. Interviews with the complaining party and members of the foster home;
2. Inspections of the foster parent's records and documents related to the issues raised in the complaint;
3. Interviews of witnesses to the matters at issue; and
4. Any other activities necessary to substantiate or refute the complaint.

C. The licensing agency shall complete the investigation within 60 days. If the investigation cannot be completed within 60 days, the licensing agency shall notify the Licensing Authority and provide a date for completion of the investigation.

D. When the investigation is completed, the licensing agency shall send the Licensing Authority a written summary of the results.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5817. Licensing Authority Action On Complaints

After the licensing agency reports the results of its investigation, the Licensing Authority shall determine what action to take against a licensee, as prescribed in this Section.
1. If the licensee did not violate foster care requirements, the Licensing Authority shall take no further action.
2. If the licensee violated a foster care requirement, but has corrected the problem giving rise to the violation, the Licensing Authority shall record the incident in the licensing file, and may take no further action.
3. If the licensee violated a foster care requirement and there is reasonable cause to believe that the licensing violation is continuing or may reoccur, the Licensing Authority shall take licensing action as prescribed in R6-5-5819, or require corrective action as prescribed in R6-5-5818.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5818. Corrective Action

A. If a deficiency giving rise to a substantiated complaint is correctable within a specified period of time and does not jeopardize the health or safety of a foster child, the Licensing Authority, in consultation with the licensing agency, may place the foster parent on a corrective action plan to remedy the deficiency.

B. In determining whether to require corrective action, the Licensing Authority shall consider the following criteria:
1. The nature of the violation;
2. Whether the violation can be corrected;
3. Whether the foster parent understands the violation and shows a willingness and ability to participate in corrective action;
4. The length of time required to implement corrective action;
5. Whether the same or similar violations have occurred on prior occasions;
6. Whether the foster parent has had prior corrective action plans, and, if so, the foster parent's success in achieving the goals of the plan;
7. The foster parent's history as a foster parent; and
8. Other similar or comparable factors demonstrating the foster parent's ability and willingness to follow through with a corrective action plan and avoid future violations.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5819. License Denial, Suspension, and Revocation

A. The Licensing Authority may deny, suspend, or revoke a license when:
1. An applicant or licensee has violated or is not in compliance with foster care requirements, Arizona state or federal statutes, or city or county ordinances or codes;
2. An applicant or licensee refuses or fails to cooperate with the Licensing Authority in providing information required by these rules or any information required to determine compliance with these rules;
3. An applicant or licensee misrepresents or fails to disclose material information to the Licensing Authority, the licensing agency, or a placing agency regarding qualifications, experience, or performance of duties;
4. An applicant or licensee is unable to meet the physical, emotional, social, educational, or psychological needs of children; or
5. A licensee fails to comply with a corrective action plan.

B. In determining whether to take disciplinary action against a licensee, or to grant or renew a license, the Licensing Author-

ity may consider the applicant or licensee's past history from other licensing periods, and shall consider a repetitive pattern of violations of applicable child welfare or foster care rules or statutes, as evidence that a license applicant or licensee is unable or unwilling to meet the needs of children.

C. The Licensing Authority shall deny a license when an applicant, licensee, or household member has been convicted of or is awaiting trial on the criminal offenses listed in R6-5-5802(C)(1) in Arizona or the same or similar offenses in other jurisdictions.

D. The Licensing Authority may deny a license when an applicant, licensee, or household member has been convicted of, found by a court to have committed, or is reasonably believed to have committed any criminal offense, other than those listed in R6-5-5802(C)(1). To determine whether the criminal history of an applicant, licensee, or household member affects a person's fitness to be a licensee, the Licensing Authority shall consider all relevant factors, including the following:
1. The extent of the person's criminal record;
2. The length of time which has elapsed since the offense was committed;
3. The nature of the offense;
4. The mitigating circumstances surrounding the offense;
5. The degree of participation by the person in the offense;
6. The extent of the person's rehabilitation, including:
   a. Completion of probation or parole;
   b. Whether the person has made restitution or paid compensation for the offense;
   c. Evidence of positive action to change criminal behavior, such as completion of a drug treatment program or counseling; and
   d. Personal references attesting to the person's rehabilitation.

E. The Licensing Authority may deny, suspend, or revoke a license if the applicant, licensee, or household member is, or resides with, a person who has a record of substantiated or undetermined child maltreatment in this state or any other jurisdiction. To determine whether an applicant, licensee, or household member's history of child maltreatment affects a person's fitness to serve as a foster parent, the Licensing Authority shall consider all relevant factors, including, but not limited to, the following:
1. Whether the person was subjected to child maltreatment in his or her family of origin;
2. The extent of the person's child maltreatment record;
3. The length of time which has elapsed since the maltreatment occurred;
4. The nature of the maltreatment;
5. The circumstances surrounding the maltreatment;
6. The degree to which the person participated in the maltreatment;
7. The extent of the person's rehabilitation;
8. Whether the person is on probation or parole; and
9. Whether legal proceedings were initiated as a result of the maltreatment.

F. The person seeking to establish fitness to be a licensee under subsection (D) has the burden of proving mitigating circumstances, indirect involvement, and the completion of probation or parole.

G. The Licensing Authority shall not deny, suspend, or revoke the license of an in-home respite foster parent based on the actions of the foster parent's household members as identified in (C), (D), and (E) unless such actions interfere with the foster parent's ability to comply with this Article or relate to any child for whom the foster parent provides respite care.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5820. Adverse Action; Notice; Effective Date

A. When the Licensing Authority denies, suspends, or revokes a license, the Licensing Authority shall send a written, dated notice of the action by certified mail to:
1. The applicant or licensee;
2. The licensing agency; and
3. The placing agency for any child placed with the licensee at the time of the action.

B. The notice shall specify:
1. The action taken and the date the action will be effective;
2. A citation to the legal authority, and a description of the reasons supporting the action; and
3. The procedures by which the applicant or licensee may contest the action taken, and the time periods in which to do so.

C. A revocation is effective:
1. Twenty-one days after the postmark date of the revocation notice; or
2. If the licensee appeals the revocation, on the date that an administrative hearing officer issues a written decision affirming the revocation.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5821. Appeals

A. An applicant or licensee may appeal the denial, suspension, or revocation of a license as prescribed in 6 A.A.C. 5, Article 75. Imposition of a provisional license or a corrective action plan is not appealable.

B. To appeal, an applicant or licensee shall file a written notice of appeal with the Licensing Authority no later than 20 days from the date of the notice prescribed in R6-5-5820(A) and (B).

C. The notice of appeal shall specify the action being appealed and a statement of why the Licensing Authority's action was wrong.

D. Appeals from the decision of a hearing officer are governed by A.R.S. §§ 41-1992(D) and 41-1993 and A.A.C. R6-5-7518 through R6-5-7520.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).
Amended June 4, 1998 (Supp. 98-2).

R6-5-5822. Alternative Methods of Compliance

A. The Licensing Authority, in consultation with the Attorney General's office, may substitute an alternative method of compliance for a foster care requirement contained in this Article and not otherwise required by law if the following conditions are met:
1. The Licensing Authority, in consultation with the licensing or placing agency, determines that placement in the foster home requesting an alternative method of compliance is in the best interests of a particular foster child; and
2. The purpose of the requirement being replaced is fulfilled through the alternative method of compliance.

B. If the Licensing Authority approves an alternative method of compliance for a foster care requirement contained in this Article, the Licensing Authority shall make written findings of fact and conclusions explaining how the requirements of subsection (A) are met.

C. The Licensing Authority has no obligation to approve an alternative method of compliance and shall consider the particular facts and circumstances of each case when making such a determination.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5823. Foster Parent: General Qualifications
To qualify for and maintain licensure as a foster parent, a person shall meet the criteria listed in this Section.

1. The person shall be at least 21 years old at the time of application.
2. The person shall have sufficient income, exclusive of the foster care maintenance payment, to meet the needs of the foster parent and the foster parent's own children and household members.
3. The applicant, foster parent, and adult household members shall be free of conviction or indictment for, or involvement in the criminal offenses listed in R6-5-5802(C).
4. The applicant, foster parent, and household members shall not have any physical or mental health conditions which preclude compliance with foster care requirements.
5. Each child residing in the foster home shall have all childhood immunizations appropriate to the child's age and health.
6. An applicant or foster parent shall not:
   a. Conduct home business activities which prevent the applicant or foster parent from caring for a foster child in accordance with foster care requirements; or
   b. Provide foster care for adults.
7. An applicant's or foster parent's household members shall agree to and support the decision to provide foster care.
8. An applicant or foster parent shall:
   a. Cooperate with the licensing agency, the placing agency, and the Licensing Authority regarding any inspections or investigative activities; and
   b. Provide information as prescribed in this Article.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5824. Foster Parent: Personal Characteristics
To qualify for and maintain licensure as a foster parent, a person shall be a responsible, stable, emotionally mature individual who can exercise sound judgment. A person meets this requirement by demonstrating the following characteristics on the person's application and during the interview and investigation process:

1. The ability to realistically determine which foster children the person can accept, work with, and successfully integrate into the person's family;
2. Knowledge of child development, nutrition, health, and the various experiences a child may have, with which the foster parent may need assistance and guidance;
3. The willingness and ability to protect children from harm;
4. Knowledge and understanding of child discipline and ways of helping a child build positive personal relationships;
5. The following personal attributes:
   a. The capacity to give and receive affection;
   b. Enjoyment in being a parent or foster parent;
   c. Flexibility in expectations, attitudes, behavior, and use of help when it is needed;
   d. The ability to deal with separation, loss, frustration, and conflict;
6. The capacity to respect persons with differing life styles and philosophies, and persons of different races, cultures, and religious beliefs;
7. The ability to accept a foster child's relationship with the child's parent and birth family; and
8. The willingness and ability to commit the time necessary to provide a foster child with supervision and guidance in accordance with foster care requirements and a foster child's individual needs.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5825. Training and Development

A. Before receiving an initial license, an applicant shall complete at least 12 clock hours of initial foster parent training as prescribed in A.R.S. § 8-509(B). The training shall cover at least the following subjects:
1. Characteristics and needs of children who may be placed in the foster home;
2. The role of the foster parent as a member of the care and treatment team;
3. The importance of birth parent and family involvement in a child's life;
4. Methods for appropriately addressing the cultural, ethnic, and religious needs of a child in care;
5. Attachment, separation, and loss issues for children and families;
6. Behavior management policies and practices as prescribed in R6-5-5833;
7. Confidentiality;
8. Emergency procedures;
9. Resources and supportive services available to foster children and foster parents;
10. Foster care payment procedures;
11. Placing agency and Licensing Authority contact persons and procedures;
12. The impact of fostering on the foster parent and the foster parent's own family;
13. Addressing and coping with the impacts described in subsection (A)(12);
14. Specialized topics related to child welfare, health, growth, or development; and
15. The Indian Child Welfare Act of 1978 (PL 95-608).

B. Each licensing year, prior to license renewal, a foster parent shall attend and complete at least six clock hours of ongoing training as prescribed in A.R.S. § 8-509(C). Annual training may include:
1. Advanced training in the subjects listed in subsection (A);
2. Special subjects relating to child health, growth, or development, including:
   a. Child management techniques based on the developmental needs of children in care;
   b. Discipline, crisis intervention, and behavior management techniques; and
3. Review of placing agency policies.

C. An applicant or licensee shall also complete any additional training required by the Licensing Authority, or the foster parent's licensing agency or placing agency to develop specialized skills and to meet or maintain compliance with foster care requirements.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5826. Compliance With Licensing Limitations; Adult - Child Ratios

A. A foster parent shall limit the number of children in the home as prescribed in subsections (A)(1) and (2). As used in this Section, "children in the home" means any child in the foster home, including children placed for respite care, child care services, or baby-sitting, the foster parent's own children, and children residing in the foster home.

1. At all times, the total number of children in the home who are 5 years old or under shall not exceed more than four in the care of one adult.
2. At all times, the total number of children in the home who are less than 1 year old, shall not exceed more than two in the care of one adult.

B. A foster parent shall not care for more foster children than allowed and identified on the foster parent's license, and shall not exceed five foster children in addition to other children in the home.

C. A foster parent shall abide by any terms or conditions placed on the foster parent's license when accepting a child for placement.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5827. Placement Agreement

A. For each child placed with a foster parent the foster parent shall have a written placement agreement meeting the requirements of subsection (B) with the foster child's placing agency.

B. The placement agreement shall set forth the responsibilities of both the placing agency and the foster parent regarding:
1. Provision of services for the foster child, including medical care, dental care, mental health care, other social services or treatment, and transportation;
2. Requirements for interaction with the foster child's birth family.

C. If a foster parent does not receive a copy of a placement agreement at the time of placement, the foster parent shall obtain an agreement within five work days following the date of placement. If the placing agency refuses to provide an agreement, the foster parent shall notify the Licensing Authority.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5828. Participation in Case Planning

A. A foster parent is a member of the service team for a foster child in the care of the foster parent. The service team includes the case manager, the foster parent, the licensing agency representative, and persons providing services, such as attorneys, physicians, psychologists, therapists, Court Appointed Special Advocates, and school, law enforcement, and probation personnel.

B. A foster parent shall participate as a team member by:
1. Attending team meetings when:
   a. The foster parent receives reasonable advance notice of the date, time, and place of the meeting; and
   b. The meetings are held at a time and place which is accessible to the foster parent, and compatible with the foster parent's work schedule and child care schedule;
2. Participating in team meetings through alternative methods, which may include:
   a. Telephonic conference calls,
   b. Submission of oral comments, and
   c. Expressing concerns and comments to other team members who will attend the meeting;
3. Reporting to the team on the foster child's progress and problems;
4. Assisting in development of the case plan; and
5. Assisting in case plan reviews.

C. A foster parent shall implement the case plan by:
1. Performing the tasks assigned to the foster parent in the case plan,
2. Helping a foster child to attain any goals identified in the case plan,
3. Assisting a foster child to obtain any services specified in the case plan, and
4. Observing any limitations or conditions contained in the case plan.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5829. Daily Care and Treatment of a Foster Child; Foster Child Rights

A. Non-exploitation and equitable treatment
1. A foster parent shall not exploit a foster child or permit a child to be exploited.
2. A foster parent shall permit a foster child to exercise the rights, freedoms, and responsibilities of family life in a manner that is comparable to those exercised by foster family members, subject to:
   a. Reasonable and developmentally appropriate household rules, and
   b. Restrictions prescribed in a foster child's case plan and foster care requirements.
3. As used in this Section, "reasonable" means conduct which takes into account:
   a. The foster family's physical environment,
   b. The chores and responsibilities assigned to other household members,
   c. The foster child's school schedule and educational needs, and
   d. The foster child's social and recreational needs.

B. Religious and ethnic heritage
1. A foster parent shall recognize, encourage, and support the religious beliefs, cultural and ethnic heritage, and language of a foster child and the child's birth family.
2. A foster parent shall coordinate with the placing agency to provide opportunities for each foster child to participate in religious, cultural, and ethnic activities.
3. A foster parent shall not directly or indirectly compel a foster child to participate in religious activities or cultural and ethnic events against the child's will or the wishes of the child's birth parent.

C. Interaction with parents and birth family. A foster parent shall maintain a working relationship with a foster child's parent, birth family, and other significant persons, in accordance with the child's case plan and in cooperation with the placing agency staff.

D. Food and nutrition
1. A foster parent shall provide a foster child with well-balanced daily meals and sufficient food to meet the child's nutritional needs.
2. The foster parent shall provide for a foster child's special dietary needs as prescribed in the child's case plan, or the orders of a licensed medical practitioner.

E. Education
1. A foster parent shall send a foster child to public school unless alternative educational arrangements, such as private, charter, or home schooling, have been approved in the child's case plan.
2. A foster parent shall help the child in obtaining other educational services as prescribed in the child's case plan.

F. Clothing
1. A foster parent shall provide a foster child with clean, seasonal clothing appropriate to the child's age, sex, size, and individual needs.
2. A foster parent shall permit a foster child to participate in making decisions about clothing choices to the extent developmentally appropriate for the child.

G. Funds

1. A foster parent shall use monies provided by the placing agency for designated purposes only.
2. A foster parent shall retain receipts to document the use of designated monies except monies designated for room and board.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5830. Medical and Dental Care

A. A foster parent shall arrange for a foster child to have routine medical and dental care which shall include an annual medical exam, semi-annual dental exams, immunizations, and standard medical tests.

B. When a foster child is placed with a foster parent, the foster parent shall determine whether the child has had a comprehensive medical exam within the past two months, and, for a child age 3 or older, a dental exam within the past six months.

C. If a foster child has not had the medical or dental exam, the foster parent shall schedule the child for an exam within two weeks after the foster child is placed with the foster parent.

D. As used in subsection (B), a comprehensive medical exam shall include:
1. Screening for communicable disease,
2. Screening for vision and hearing,
3. A general physical examination by a licensed physician,
4. Provision of any routine immunizations or immunization boosters, and
5. Tests appropriate for the child's age and history.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5831. Child Care

A. A foster parent shall have a plan for supervision and care of a foster child placed with the foster parent.

B. The plan shall be consistent with the foster child's case plan, and with the child's developmental, emotional, and physical needs, and the needs of the foster parent.

C. A foster parent shall inform the placing agency and obtain approval for use of any person given the responsibility for care of a foster child, unless otherwise provided for in the child's case plan. The case plan may include the name of a specific child care agency or provider, and may give the foster parent discretion to allow the child to go on overnight visits with specifically named persons.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5832. Transportation

A. A foster parent shall provide or arrange appropriate local transportation to meet the routine educational, medical, recreational, social, spiritual, and therapeutic needs of a foster child, in accordance with the child's case plan, or, if not specified in the case plan, as provided in the placement agreement.

B. A foster parent transporting foster children shall have a valid driver's license.

C. A foster parent shall provide for the safety of a foster child when the child is transported in a motor vehicle by:
1. Providing and using safety restraints appropriate to the age and weight of each child transported; and
2. Prohibiting the number of persons in any vehicle from exceeding the number of available seats and seat belts in the vehicle.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5833. Behavior Management; Discipline; Prohibitions

A. A foster parent shall set limits and rules for children in care. The foster parent shall tell the children about the foster parent's expectations regarding child behavior, including forbidden conduct, and the foster parent's methods for disciplining children who violate expectations, limitations, and rules.
1. A foster parent shall use discipline which is reasonable, developmentally appropriate, related to the infraction, and consistent with any guidelines in the child's case plan.
2. A foster parent shall use disciplinary methods which help a foster child to build self-control, self-reliance, and self-esteem.
3. A foster parent shall communicate rules, consequences, and disciplinary methods to a foster child in a manner appropriate to the child's age, developmental capacity, and ability to understand.
4. A foster parent shall explain the foster parent's limits, rules, and expectations to any placing agency or person that places a child with the foster parent.

B. A foster parent shall not delegate the responsibility for imposing discipline on a foster child to any person other than an adult assigned responsibility for the foster child, as prescribed in R6-5-5831(C), and made known to the child. If a foster parent delegates supervisory responsibility to another person, the foster parent shall instruct the person in the foster home limits, rules, and expectations, disciplinary methods specific to the foster child, and the limitations prescribed in this Article.

C. A foster parent shall not punish or maltreat a foster child, and shall not allow any other person to do so. As used in this Section, "punishment or maltreatment" include, but are not limited to, the following actions:
1. Any type or threat of physical hitting or striking inflicted in any manner upon the body;
2 Verbal abuse, including arbitrary threats of removal from the foster home;
3. Disparaging remarks about a foster child or a foster child's birth family members or significant persons;
4. Deprivation of meals, clothing, bedding, shelter, or sleep;
5. Denial of visitation or communication with a foster child's birth family members and significant persons when such denial is inconsistent with the foster child's case plan;
6. Cruel, severe, depraved, or humiliating actions;
7. Locking a foster child in a room or confined area inside or outside of the foster home; and
8. Requiring a foster child to remain silent or be isolated for time periods that are not developmentally appropriate.

D. A foster parent shall not use mechanical restraints.

E. A foster parent shall not use physical restraint unless:
1. Permission to use physical restraint is specified in the child's case plan; and
2. The foster parent has been trained in the proper use of the physical restraint to be used with a particular foster child.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5834. Notification of Foster Child Death, Illness, Accident, Unauthorized Absence, or Other Unusual Events

A. Within two hours after a foster child suffers any of the following events, a foster parent shall notify the child's placing agency:
1. Death;
2. Serious illness or injury requiring hospitalization or emergency room treatment;
3. Any non-accidental injury or sign of maltreatment;

4. Unexplained absence;
5. Severe psychiatric episode;
6. Fire or other emergency requiring evacuation of the foster home;
7. Removal of a foster child from the foster home by any person or agency other than the placing agency, or attempts at such removal; and
8. Any other unusual circumstance or incident which might seriously affect the health, safety, or the physical or emotional well-being of a foster child.

B. Within 48 hours of occurrence, a foster parent shall notify the placing agency of any other events likely to affect the well-being of a foster child in the foster parent's care, including the following circumstances:
1. Involvement of a foster child with law enforcement authorities;
2. Serious illness or death involving a member of the foster family's household or a significant person;
3. Change in foster family or household composition; and
4. Absence of one foster parent from a two-parent household for more than seven continuous days.

C. Within 24 hours of giving notice as prescribed in subsection (A) or (B), a foster parent shall send the placing agency and licensing agency a written report on the event. The report shall include the following information:
1. A description of the event, with the date and time of occurrence;
2. The names and telephone numbers of any persons involved in the event;
3. Any measures taken to address, correct, or resolve the event, including treatment obtained, and persons notified.

D. Within two days of receipt of the written report prescribed in subsection (C), the licensing agency shall send the written report to the Licensing Authority.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5835. Notification of Events or Changes Involving the Foster Family or the Foster Home

A. A foster parent shall notify the licensing agency of any changes in the foster family's composition including, but not limited to the following events:
1. Marriage;
2. Divorce;
3. Addition of a new household member, including a temporary visitor expected to stay one month or longer; and
4. Death or departure of a current household member.

B. A foster parent shall notify the Licensing Authority of any substantial changes to the foster home, including:
1. Fire or emergency requiring evacuation of the foster home;
2. Moving to a new residence; and
3. Remodeling the foster home.

C. When a foster parent has advance knowledge of an event or change listed in subsection (A) or (B), the foster parent shall give reasonable advance notice of the anticipated event or change. Reasonable advance notice means notice which permits the licensing agency time to conduct an inspection, and the Licensing Authority time to issue an amended license, as prescribed in R6-5-5814, without disruption of a placement.

D. If the event or change is unexpected, a foster parent shall give notice as soon as the event occurs or change is known.

E. For events or persons not specifically listed in subsection (A) or (B), the foster parent shall give notice within five work days of the event or change.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5836. Maintenance of a Foster Child's Records

A. A foster parent shall maintain records for each foster child placed with the foster parent in accordance with the placing agency's requirements and this Section.

B. The foster parent shall ensure that the records include at least the following:
1. Information on a foster child, the foster child's birth family, and any other significant persons in the foster child's life, if the placing agency has provided such information to the foster parent, as follows:
   a. Name,
   b. Address,
   c. Telephone number, and
   d. A description of the person's relationship to the child.
2. A record of the foster child's contacts with birth family members and other significant persons, including the person contacted, and the date and method of contact (visit, telephone call, or written communication);
3. Medical and health information provided by the placing agency;
4. A consent form or notice from the foster child's guardian authorizing the foster parent to obtain routine, nonsurgical medical care, and emergency medical and surgical treatment for the foster child;
5. A record of the medical and dental care provided to the foster child during the placement, including:
   a. Date of appointment;
   b. Description of any illness, injury, or health problem;
   c. Name, address, and telephone number of the medical practitioner who treated the child; and
   d. Resulting diagnosis and treatment, any prescribed medications, and any hospitalization;
6. Reports of any medical tests, information, or counseling received regarding routine, emergency, chronic, or handicapping conditions;
7. A copy of the child's current case plan;
8. Any progress notes the foster parent may record;
9. Notations or records of significant incidents, events, and activities;
10. Identification of any schools attended with dates of attendance, any school reports;
11. Memorabilia to help the foster child retain a memory of placement and a life record; the memorabilia may include photographs, diaries, journals, souvenirs, scrapbooks, and art projects;
12. Placement agreement with the placing agency;
13. A clothing inventory (clothing brought with the foster child at the time of placement) and a record of clothing purchased for the child during placement; and
14. At the time of the child's departure from the foster home, a description of the foster child's daily routine and personal preferences and habits such as favorite foods, fears, and bedtime routines.

C. A foster parent shall provide the record to the placing agency upon termination of the foster child's placement.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5837. Confidentiality

A. A foster parent shall maintain the confidentiality of all personally identifiable information about a foster child and a foster child's birth family. A foster parent may release information when so authorized by a foster child's placing agency, and, in

an emergency, when release is necessary to protect the health or safety of the child.

B. A foster parent shall safeguard a foster child's records in a manner that prevents loss, tampering, or unauthorized use.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5838. Foster Home: General Requirements

A. The foster home parent shall:
1. Keep the foster home safe, in good repair, and sanitary, as described in R6-5-5804(C) through (E) and R6-5-5838 through R6-5-5846; and
2. Keep the outside area around the foster home free from objects, materials, and conditions which constitute a danger to the occupants.

B. If the foster parent accepts and provides care to a child with special physical needs, the foster parent shall equip the foster home with any equipment needed to accommodate the particular child's special needs.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5839. Foster Home: General Safety Measures

A. The foster home shall have a telephone or other mechanical device allowing two-way communication with the outside community.

B. A foster parent shall safeguard all hazardous chemicals, cleaning materials, toxic substances, and hazardous materials, objects, and equipment.

C. A foster parent shall safeguard medical equipment and lock medications, except that the foster parent shall safeguard those medications that must be immediately and readily available for a family member or foster child.

D. When a foster home has a private source of water, the foster parent shall have evidence that a state or local health authority has approved the water as potable water.

E. The foster parent shall maintain the warm water in the foster home at a temperature that does not exceed 120° F.

F. A foster parent shall store firearms and ammunition in locked storage which is inaccessible to children.
1. A firearm shall be trigger-locked or fully inoperable while in storage.
2. Ammunition shall be stored in a location separate from firearms.

G. A foster parent shall not maintain any animal that poses a danger to a foster child.

H. A foster parent shall provide evidence that dogs belonging to the foster family or routinely present on the foster home premises, have current vaccinations against rabies.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5840. Exterior Environment; Play Area; Play Equipment

A. The foster parent shall keep the outside play areas clean and safe. The play area shall be fenced if there are conditions which may pose a danger to a child playing outside. The age and developmental abilities of the child are considerations for determining risk to the child.

B. The foster parent shall provide a variety of safe play equipment, toys, and supplies for each child. The age and developmental abilities of the child and standards in the community are considerations for determining the variety of play equipment, toys, and supplies required.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5841. Swimming Pools and Pool Safety

A. A foster home's swimming pool shall meet the requirements of this Section and the "swimming pool/spa" and "swimming pool guidelines" Section in the Sanitation Inspection Guidelines published by the Department of Health Services (DHS) (January 1996), and not including any later amendments or editions, which are incorporated by reference. Copies of these sections from the guidelines are available for inspection at the Secretary of State's Office, Public Services Department, 1700 West Washington, Phoenix, Arizona 85007, and for inspection and copying at the Department of Economic Security, Authority Library, 1789 West Washington, Phoenix, Arizona 85007, and the DHS, Office of Child Care Licensure, 1647 East Morten, Suite 230, Phoenix, Arizona 85020.

B. If the foster parent cares for a foster child who is age 5 or under, the swimming pool shall be fenced so that the pool is separated from the house, or, otherwise made physically inaccessible to a foster child.

C. A foster parent shall supervise a child who is in the swimming pool or surrounding area, in accordance with the child's age, capabilities, and developmental level.

D. A foster parent shall have at least one person currently certified in cardiopulmonary resuscitation (CPR) present in the foster home's swimming pool area when a foster child age 13 and under is swimming in the foster home swimming pool.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5842. Bedrooms; Bedding; Sleeping Arrangements

A foster parent shall provide safe sleeping arrangements which accommodate the privacy needs of a foster child, as prescribed in this Section.
1. The foster family and a foster child shall sleep in bedrooms. An unfinished attic, a basement area, or a space normally and primarily used for passageways and purposes other than sleeping are not bedrooms.
2. A bedroom in the foster home shall have a finished ceiling, floor-to-ceiling permanently affixed walls, a door, finished flooring, light, ventilation, and a usable exit to the outdoors.
3. A foster parent shall provide each foster child with a bed.
   a. The bed shall be appropriate to a child's age and needs.
   b. For the purpose of this Section, "bed" does not include a cot, couch, convertible couch, portable bed, sleeping bag or mat, except as approved by the Licensing Authority.
   c. No foster child shall sleep in a bunk bed of more than two tiers.
   d. A foster child under age 8 shall not sleep in the top bunk of a two tier bunk bed.
4. A foster parent shall provide the following for each foster child:
   a. A sanitary mattress;
   b. A clean pillow;
   c. Clean bed linens;
   d. Blankets or covers, as appropriate to the weather;
   e. A waterproof protective mattress cover, as needed; and
   f. Furniture or shelving near the bed to store clothing and personal belongings.
5. A foster parent shall not allow a foster child to share a bedroom with an adult except as specified in this subsection.
   a. A foster child under age 3 may share a bedroom with the foster parent.

b. A foster child who is age 3 or older may share a bedroom with the foster parent when:
   i. The sleeping arrangement and the reason for it are described in a foster child's case plan; or
   ii. The foster child temporarily requires the foster parent's attention during sleeping hours.
c. A foster child who has regularly shared a bedroom with another child in the foster home who has turned 18 may continue to share the bedroom with the child who has turned 18 unless the placing agency determines that the arrangement is contrary to the best interests of the foster child.

6. A foster parent shall not allow a foster child who is age 6 or over to share a bedroom with a child of the opposite gender.
7. Notwithstanding any other provision of this Section, a foster child who is a minor parent may share a room with her own child.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5843. Bathrooms

A. A foster home shall have at least one toilet, one wash basin, and one bathtub or shower.
B. A foster parent shall:
1. Maintain the foster home's toilets, washbasins, bathtubs, and showers in good working order; and
2. Have slip resistant flooring for bathtubs and showers.

C. A foster home bathroom shall have interior plumbing with both warm and cold water.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5844. Kitchen

A. A foster home shall have a kitchen that is equipped for safe and sanitary preparation, serving, and storage of food.
B. The kitchen shall have interior plumbing with both warm and cold water.
C. The kitchen shall have an operable refrigerator, stove, and oven.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5845. Fire Safety and Prevention

A. The foster parent shall install and maintain at least 1, single-station smoke detector approved by a nationally recognized testing laboratory in the following areas of the foster home:
1. On each floor in a multi-story dwelling;
2. In each separate sleeping area.

B. A foster parent shall install and maintain at least one ABC-type fire extinguisher on each floor of the foster home; except if the foster home is a manufactured home, the foster parent shall have at least two fire extinguishers placed at opposite ends of the home.
C. A foster parent shall not use portable space heaters during sleeping hours.
D. A foster home shall not rely on portable space heaters as the sole source of heat.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5846. Emergencies, Exits, and Evacuation

A. A foster parent shall have a plan for emergency evacuation of the foster home.
B. All household members and persons who care for a foster child in the foster home shall be knowledgeable about the emergency and evacuation plans and procedures.
C. Within 48 hours after a foster child is placed in a foster home, a foster parent shall give the foster child a developmentally appropriate explanation of the emergency and evacuation plan, and ensure that the foster child can follow the plan in the event of a fire or emergency.
D. A foster home shall have the following exits:
1. On each floor used by a foster child, two exits which are remote from one another;
2. On each floor, at least one exit with a direct, unobstructed and safe means of travel to the outdoors, and a safe method to reach street or ground level;
3. A window serving as a second exit only if:
   a. It is accessible to children and care-givers;
   b. It can be readily opened; and
   c. It is of a size and design to permit a child or care-giver to pass through it; and
4. On windows with security bars or devices, an emergency release mechanism maintained in good repair.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5847. Special Provisions for a Receiving Foster Home

A foster parent who operates a receiving foster home shall comply with all foster home requirements, in addition to the following:
1. A receiving foster parent shall be prepared to accept a foster child, according to the capacity and terms of the foster home license, 24 hours per day, seven days per week, unless the foster parent has made other arrangements with the placing and licensing agency.
2. A receiving foster parent may simultaneously provide receiving care, family foster care, and respite care so long as the total number of children in the foster home at any one time does not exceed the ratios prescribed in R6-5-5826 and the terms of the foster home license.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5848. Special Provisions for a Respite Foster Home

A. A foster parent who operates a respite foster home shall comply with all foster home requirements, except as provided in this Section.
1. A respite foster parent may simultaneously provide respite care, family foster care, and receiving care so long as the total number of children in the foster home at any one time does not exceed the ratios prescribed in R6-5-5826 and the terms of the foster home license.
2. A respite foster parent may use sleeper sofas, rollaway beds, couches, cots, and sleeping bags or mats as acceptable sleeping accommodations for a child receiving respite care, provided the respite care does not exceed six consecutive days.

B. A respite foster parent shall request and receive information and instruction from the regular foster home licensee on at least the following:
1. Information and instruction about the specific personal care of a child in respite care;
2. Information and instruction about the provision of medications required by a child in respite care;
3. Behavior management policies and practices and specific instructions for a child in respite care; and
4. Emergency contacts and telephone numbers for a child in respite care.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5849. Special Provisions for an In-home Respite Foster Parent

A. A person applying for licensure solely as an in-home respite foster parent shall comply with all foster home requirements except as otherwise provided in this Section.

B. An in-home respite foster parent applicant shall comply with R6-5-5802 and R6-5-5823 except the applicant is not required to provide the following:
1. Immunization records for each child in the applicant's household as required by R6-5-5802(B)(6) and R6-5-5823(5);
2. Documentation of sufficient income as required by R6-5-5823(2);
3. A statement explaining the child care arrangements the applicant would make for a foster child, or the applicant's own children, during the applicant's working hours as required by R-6-5802(B)(10);
4. A statement explaining how activities related to a business activity will not interfere with the care of a foster child as required by R6-5-5802(B)(11);
5. A description of the applicant's home and neighborhood as required by R6-5-5802(B)(16);
6. A statement authorizing the licensing agency or the Licensing Authority to arrange for DHS to conduct a health and safety inspection of the applicant's home as required by R6-5-5802(B)(23)(c).
7. Household members are not required to submit to fingerprinting or a criminal history check as required by R6-5-5802(C) and R6-5-5823(3).

C. The following rules do not apply to a person seeking licensure solely as an in-home respite foster parent:
1. R6-5-5827. Placement Agreements;
2. R6-5-5828. Participation in Case Planning, unless requested to do so;
3. R6-5-5830. Medical and Dental Care;
4. R6-5-5834. Notification of Foster Child Death, Illness, Accident, Unauthorized Absence, or Other Unusual Events, subsections (B)(3) and (4), unless the change or event directly affects the licensee's ability to provide respite care and comply with these rules;
5. R6-5-5835. Notification of Events or Changes Involving the Foster Family or the Foster Home, subsection (A), unless the change or event directly affects the licensee's ability to provide respite care and comply with these rules, and subsection (B), except a fire or emergency requiring evacuation of the foster home;
6. R6-5-5836. Maintenance of a Foster Child's Records, except to document any behavioral incidents, medical care, provision of medication, and any other event or service required by the case plan or which may be requested by the regular foster parent while the in-home respite foster parent has responsibility for the foster child in care;
7. R6-5-5838. Foster Home: General Requirements;
8. R6-5-5839. Foster Home: General Safety Measures;
9. R6-5-5840. Exterior Environment; Play Area; Play Equipment
10. R6-5-5841. Swimming Pools, subsections (A) and (B);
11. R6-5-5842. Bedrooms; Bedding; Sleeping Arrangements;
12. R6-5-5843. Bathrooms;
13. R6-5-5844. Kitchen;
14. R6-5-5845. Fire Safety and Prevention, subsections (A) and (B); and
15. R6-5-5846. Emergencies, Exits, and Evacuation, subsections (A), (C), and (D).

D. An in-home respite foster parent shall request and receive information and instruction from the regular foster home licensee on at least the following:
1. The behavior management policies and practices of the home as required by R5-5-5833 and specific instructions which apply to a child in respite care;
2. Household policies and practices for emergency situations;
3. Routine household management practices which will provide for continuity in operation of the foster home for the comfort and support of a foster child in care.

E. An in-home foster parent shall not permit any unlicensed person to accompany or assist the in-home foster parent while providing respite care.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

R6-5-5850. Special Provisions for a Professional Foster Home

A. A professional foster home shall comply with all foster home requirements except as otherwise provided in this Section.

B. A professional foster parent applicant shall provide to the licensing agency or the Licensing Authority documentation or demonstration of:
1. Verified, successful foster parenting experience; or
2. Verified experience working with or the ability to care for special care children.

C. A professional foster parent shall complete the following training:
1. At least 12 clock hours of pre-service training and six clock hours of ongoing training in addition to the requirements of R6-5-5825(A) and (B);
2. Training in cardiopulmonary resuscitation (CPR) and first aid; and
3. Pre-service training related to the type of care and services required by a child to be placed into the professional foster parent's care, which may include the following:
   a. Training in de-escalation;
   b. Training in physical restraint practices, as needed; and
   c. Training in medical and health care issues, procedures, and techniques including:
      i. The purpose, use, and administration of medications;
      ii. Medication interactions; and
      iii. Potential medication reactions.

D. Notwithstanding any other provisions of this Article, a professional foster home is subject to the licensing limitations in this subsection.
1. A professional foster home shall have no more than two special care foster children.
2. The licensing agency may recommend an exception to allow the professional foster parent to care for up to five special care foster children when the foster parent has demonstrated the ability to provide care for more than two special care children.
3. In deciding whether to recommend increased capacity as allowed by subsection (D)(2), the licensing agency shall assess:
   a. The professional foster parent's motivation for fostering more than two special care children;
   b. Any CPS reports involving the professional foster parent; and
   c. Whether the professional foster parent has demonstrated:

i. Verified, successful professional foster parenting experience with two special care children;
ii. A minimum of one year of verified, successful work experience with special care children; or
iii. Verified specialized skills and training in the care of special care children.

4. The Licensing Authority shall evaluate the recommendation and determine whether to approve the exception.

E. Except when temporarily replaced by an approved alternative care provider, a professional foster parent shall serve as the foster child's primary caregiver and be available to provide direct physical and specialized professional services as required in the foster child's case plan.

F. A professional foster parent shall use best efforts to participate as a member of the service team as prescribed in R6-5-5828(B), through at least one of the following methods:
1. Personal attendance at team meetings,
2. Telephonic conference calls,
3. Provision of a written report on a foster child's progress and problems including any recommendations for service.

G. A professional foster parent shall maintain at least a weekly record of a special care child's progress and problems, unless more frequent documentation is required, in addition to maintaining the records required by R6-5-5836.

H. Within the license renewal application, a professional foster parent shall include evidence of current CPR and first aid certification.

Historical Note
Adopted effective January 10, 1997 (Supp. 97-1).

ARTICLE 59. GROUP FOSTER HOME LICENSING STANDARDS

R6-5-5901. Expired

Historical Note
Adopted effective January 18, 1977 (Supp. 77-1). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5257, effective October 31, 2001 (Supp. 01-4).

R6-5-5902. Expired

Historical Note
Adopted effective January 18, 1977 (Supp. 77-1). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5257, effective October 31, 2001 (Supp. 01-4).

R6-5-5903. Definitions

A. "Authorized representative." A designated employee of the Department or of the contract provided.

B. "Child." Any person under 18 years of age.

C. "Department." The Arizona State Department of Economic Security.

D. "Foster care." A social service which, for a planned period, provides substitute care for a child when its own family cannot care for it for a temporary or extended period of time. Foster care may be in a private family home, a group home or an institution.

E. "Foster care." A child placed in a foster home or a child welfare agency. (A.R.S. § 8-501(3)).

F. "Foster child." "A home maintained by an individual or individuals having the care and control of minor children other than those related to each other by blood or marriage, or related to such individuals, or who are legal wards of such individuals." (A.R.S. § 8-501(4))

G. "Group foster home." A licensed regular or special foster home suitable for placement of more than five minor children but not more than ten minor children." (A.R.S. § 8-501(5))
1. "Group family home." A licensed regular group foster home for six to ten minor children whose needs are not adequately met in their own family homes and who cannot tolerate close, intimate parent-child relationships.
2. "Group community home." A licensed special group foster home for six to ten minor children who require special care, including adjudicated delinquents, and those with physical, mental or emotional handicap problems. Caretakers of these homes are skilled in caring for such problems.
3. "Group receiving home." A licensed group foster home appropriate for the immediate placement of children when taken into custody or pending medical examination and court disposition, suitable for placement of more than five minor children but not more than ten minor children.

H. "License." Includes the whole or part of any agency permit, certificate, approval, registration, charter or similar form of permission required by law.

I. "Licensed medical practitioner." "Any physician or surgeon licensed under the laws of this state to practice medicine pursuant to Title 32, Chapters 13 and 17." (A.R.S. § 36-501(4))

J. "Licensing." Includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal or amendment of a license.

K. "Parent or parents." "The natural or adoptive parent or parents of the child." (A.R.S. § 8-501(6))

Historical Note
Adopted effective January 18, 1977 (Supp. 77-1).

R6-5-5904. Responsibilities of the Department

A. The Department shall establish rules, regulations and standards for:
1. Recruiting, licensing, re-licensing, classification and supervision of group foster homes.
2. Uniform amounts of payment for all group foster homes according to type of license.
3. Form and content of investigations, reports and studies concerning licensing.
4. Denying, revoking or suspending foster home licenses.

B. The Department shall provide training, consultation and technical assistance to group foster parents.

C. The Department shall investigate and take action to prevent continued operation of group foster homes being conducted or maintained without a license.

D. The Department will ensure that standards represent current child welfare practices which are considered necessary to promote a safe environment for children, and which will contribute toward the normal growth and development of foster children, and which will encourage the development of meaningful relationships with peers, adults and the community.

E. The Department shall not be obligated to make referrals or payments to a licensed group foster home.

Historical Note
Adopted effective January 18, 1977 (Supp. 77-1).

R6-5-5905. Expired

Historical Note
Adopted effective January 18, 1977 (Supp. 77-1). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5257, effective October 31, 2001 (Supp. 01-4).

R6-5-5906. Licensing requirements

A. Consultation. Individuals, associations, institutions or corporations considering the establishment of a group foster home shall consult the Social Services Bureau of the Department about such plans before a specific program is developed,

before action is taken to establish such a home, and before an application is filed.

B. Application. Individuals, associations, institutions or corporations, whether operating for profit or without profit, which desire to conduct or manage a group foster home shall make written application to the department on the prescribed forms.

C. Fingerprints
1. Foster parents and members of the household, 18 years of age or older, must be fingerprinted and the fingerprints submitted to the Department for a criminal records check.
2. Where group foster care is provided by a firm, corporation, association or organization, all members of the staff having contact with the foster children must be fingerprinted and the fingerprints submitted to the Department for a criminal records check.
3. A license for a group foster home will not be issued, or will be revoked, if any member of the household, 18 years of age or older, or any staff member, has ever been convicted of a sex offense, or involved in child abuse, child neglect, trafficking in narcotics, a criminal offense pattern, or contributing to the delinquency of a minor.

D. Demonstration of health
1. The potential foster care applicant, or any staff member, prior to licensing shall furnish the Department, on the prescribed form, with a physical examination report.
2. Physical examinations must demonstrate that the person has good health and is free from any communicable disease.
3. A licensed medical practitioner must certify on the form prescribed by the Department that the health of the foster parents is adequate to undertake the tasks expected.
4. The foster parents, or group foster home Director, shall notify the Department when an individual residing or working in the group foster home contracts a disease or illness which may present a threat to the health of the foster child.
5. Prior to licensing, children of the foster care applicant shall have current immunizations as prescribed by the Arizona Department of Health Services.

E. References
1. Applicants for the original license only shall provide the Department with at least three references as to their character and their ability to provide foster care.
2. The references may not be relatives of any degree of blood or marriage.

F. Home study
1. A study will be made by an authorized representative of the Department to evaluate the potential and actual ability of the foster parents in this specific building and neighborhood to give care and protection to children placed in the home according to the standards prescribed in this Article.
2. To obtain this information, the authorized representative must make at least one home visit to inspect the house and yard and evaluate the neighborhood, interview all persons living in the home including children old enough to interview, and observe relationships.
3. In addition, the authorized representative shall interview the foster parents, the group home Director and staff to obtain information regarding the services to be provided.
4. The Department may request staff of other governmental agencies to make inspections or investigations to determine if the applicant meets standards of the Department. These will include, but not be limited to, inspections for fire, safety, and health.

G. Agreements
1. Prior to being licensed, group foster parents or the group foster home Director must sign the Foster Home Agreement form as prescribed by the Department.
2. Subsequent to being licensed, if the group foster home is going to be used by the Department, there must be a Contract Provider Agreement signed.

Historical Note
Adopted effective January 18, 1977 (Supp. 77-1).

R6-5-5907. Denial, Suspension, or Revocation of a License

A. The Department shall deny, suspend, or revoke any license when:
1. The foster home is not in compliance with the licensing standards of the Department, Arizona state or federal statutes, city or county ordinances or codes;
2. The physical or emotional needs of foster children are not met;
3. Needed medical care is not arranged, or when a foster child's medical or psychiatric plan of treatment is not followed; or
4. There is misrepresentation or the violation of public confidence.

B. When the applicant for the licensing or re-licensing of a foster home does not meet, or is in violation of, Department standards, the applicant shall be notified by certified mail, return receipt requested, that the application is being denied.
1. The written notice shall state the reason why the application is denied, with references to applicable statues, regulations and standards.
2. When a license has been denied, suspended or revoked, the Department shall notify the foster parents of the right to a fair hearing.
3. When a hearing is requested, the denial, suspension, or revocation of the license is not final until after the hearing officer issues a decision.
4. The Department shall conduct appeals as prescribed in 6 A.A.C. 5, Article 75.

Historical Note
Adopted effective January 18, 1977 (Supp. 77-1).
Amended effective June 4, 1998 (Supp. 98-2).

R6-5-5908. Re-licensing requirements

A. Every license shall expire one year from the date of issuance and may be renewed annually on application of the group foster home.
1. License renewal is not automatic.
2. License renewal requires:
   a. A consultation;
   b. An application;
   c. Physical examinations;
   d. A home study;
   e. The foster home agreement; and
   f. The contract provider agreement.

B. An application for the renewal of a license for a foster home shall be made in the same manner as the original application. A licensee should reapply when:
1. The present license will expire within 30 to 60 days.
2. The marital status of the licensee has changed;
3. There is a change in the original program and/or purpose of the home.

Historical Note
Adopted effective January 18, 1977 (Supp. 77-1).

R6-5-5909. Standards for licensing and operating group foster homes

A. Requirements for family group home foster parents

1. Attitude and ability
   a. Applicants for licensing and licensed group foster parents shall:
      i. Have previous training or experience with the type of children for which the foster home is certified;
      ii. Be able to identify with the Department's programs and goals, work within its policies and follow the recommendations of the authorized representatives of the Department;
      iii. Participate in training designated by the Department;
      iv. Have a wholesome attitude toward, and understanding of child development, discipline, health, nutrition, sex education, and the various experiences which a child may have and with which a child may need assistance and guidance; and
      v. Be capable of accepting the child's relationship with his/her parents.
   b. Children under the age of 18 years, of applicants for licensing and licensed foster parents must demonstrate a willingness to share their parents and home with foster children.
2. Age
   a. Foster parent applicants must be over the age of 18 years and under the age of 65 years.
   b. Persons over the age of 65 years may be licensed if recommended by an authorized representative of the Department and if a licensed medical practitioner attests that the health of the foster parents is adequate to undertake the tasks expected.
3. Marital status
   a. The presence of both a foster father and a foster mother is considered desirable. However, this requirement may be waived at the discretion of the Department.
   b. If the foster parents consist of a husband and wife, they shall have been married to each other for at least 12 months prior to the original application for license.
   c. Single parents may apply for licensing if they can demonstrate the ability to care for children adequately.
   d. A single parent whose marriage has been dissolved by divorce or death, or who has had a legal separation, must wait 12 months before applying for a license to provide foster care. This does not apply to group foster parents who are currently licensed.
4. Employment
   a. Foster parents will not be licensed for the care of children under six years of age if both parents work.
   b. Working parents who apply for licensing or relicensing must demonstrate to the authorized representative of the Department the ability to give adequate care and supervision to foster children.

B. Requirements for community group home staff
1. The administrator of a community group home shall have:
   a. A bachelor's degree plus two years of verifiable experience in the field of residential child care, education or other allied profession and shall be responsible for the management of the business and program of the community group home; or
   b. A high school diploma and shall have had four years of verifiable work experience in the fields indicated above, including administrative responsibility.
2. Each child care staff member shall have prior successful experience in child care or related areas or have an academic background relating to this field.

C. Requirements for the organization of a community group home
1. Every community group foster home, whether it is operated on a profit or a nonprofit basis, shall be incorporated under the laws of the state of Arizona.
2. There shall be a board of directors composed of members of the community, none of whom are members of the staff of the community group foster home.
3. The board of directors shall be responsible for appointing an administrator to assume the full responsibility of directing the business and program of the community group foster home.

D. Financial resources
1. Family group home. Foster parents shall have sufficient income to meet the needs of the family unit without dependence upon the payments made in behalf of the foster children.
2. Community group home
   a. A community group home shall have a sound plan of financing to assure sufficient funds to enable it to carry out the planned program for children.
   b. The community group home shall operate on a budget which has been approved by its governing board before the beginning of the fiscal year. The current budget of a community group home shall reflect sufficiency of funds to pay the costs associated with the home's functions.

E. Supervision and care of foster children. The following requirements apply to both the family group home and the community group home.
1. General guidelines
   a. The group foster home shall provide care, training, guidance and controls.
   b. The group foster home shall see that each child attends school as required by law. Each child shall be given the opportunity to complete high school or vocational training in accordance with the youngster's aptitude.
   c. The group foster home shall at no time leave children overnight unless attended by a responsible adult.
   d. The group foster home shall never leave unattended children under 12 years of age or an older child who needs special care for physical, mental or emotional reasons.
   e. The group foster home shall not accept for care a foster child who has any evidence of a communicable disease or accept for care any foster child when there is evidence of communicable disease in the group foster home.
   f. The group foster home shall not release a foster child to anyone for care other than the agency from whom the child was received or a person specifically designated by the child placing agency.
   g. The group foster home shall provide training in good health practices, including proper habits in eating, bathing, personal grooming and hygiene suitable to the child's age and needs.

h. The group foster home shall plan activities that stimulate and provide for social relationships, creative activities and hobbies.
i. The group foster home shall give children opportunities to participate in neighborhood, school and other community groups appropriate to the age and needs of the youngster.
j. The group foster home shall give children opportunity to invite friends to the foster home and to visit in the homes of friends.

2. Maintenance of appropriate family ties
   a. The group foster home, unless otherwise indicated by the authorized representative of the child placing agency, shall make every reasonable effort to maintain meaningful ties between the child and his/her family. This would include provision for letter writing between parent and child, planning with the placing agent for parental visits to the child, and home visits by the child when appropriate.
   b. The group foster home shall provide and encourage reasonable opportunities for the child to maintain contact with all family members and with other individuals important to the child's welfare, consistent with case planning.
   c. The group foster home shall not deny children opportunities to visit with the parent(s) or guardian unless such visits have been restricted by court action or when the representative of the child placing agency has advised that the visit would be detrimental to the welfare of the child.
3. Religious training. The group foster home shall permit children to attend the church of their choice and have religious training opportunities.
4. Discipline and controls
   a. Discipline shall be handled with kindness and understanding.
   b. Correction must be fair, reasonable and consistent, and must be related to the offense.
   c. Well-defined rules that set the limits of behavior shall be established.
   d. When appropriate, children shall participate in establishing the rules.
   e. No child within the group foster home shall be subjected to cruel, severe, unusual or corporal punishment inflicted in any manner upon the body.
   f. No youngster shall be subjected to verbal abuse or derogatory remarks about himself/herself or family.
   g. The child shall not be deprived of visits from significant others in the child's life as a form of punishment when the authorized representative of the child placing agency has identified the visitation as appropriate.
   h. Punishment connected with functions of living, such as sleeping or eating, shall not be used.
   i. Discipline should be administered in such a way as to help this child develop self-control, and to assume responsibility for behavior.
   j. Appropriate remedial action shall be taken when children in care commit delinquent acts.
5. Exploitation of children
   a. The group foster home shall assign tasks and work assignments which are appropriate to the age and abilities of the child and which do not interfere with school, health or necessary recreation.
   b. The group foster home shall not identify children by name or by clear description and must not allow them to be photographed in any publication or other printed or broadcast media. Only the Department may approve exceptions to this rule.
   c. The group foster home shall not permit children in care to commit illegal acts.
   d. The group foster home shall not provide or permit the use of alcohol or drugs unless prescribed by a licensed medical practitioner.
   e. The group foster home shall not use children for money making endeavors or for soliciting on behalf of the facility.
6. Clothing and personal items
   a. Each child shall have his/her own clothing and personal possessions as well as storage space for them.
   b. Clothing shall be of the proper size, of correct weight for climatic conditions and shall be kept clean and in good repair.
7. Health care of foster children
   a. The group foster home shall make arrangements for and/or with health care and treatment facilities to minimize and prevent health problems and illness, to give proper attention to those who are ill, and to correct treatable physical and emotional problems.
   b. The group foster home shall closely observe children for signs of illnesses such as skin rashes, inflamed eyes, running noses, coughs and elevated temperatures, and obtain prompt medical attention.
   c. The group foster home shall not ignore a child's complaint of pain or illness.
   d. The group foster home shall obtain the services of specialists to provide care, treatment and consultation when recommended by the licensed medical practitioner used by the group foster home.
   e. The group foster home shall not place any child in isolation unless recommended by a licensed medical practitioner.
8. Nutrition. Diets shall be well balanced and adequate to meet the nutritional needs of the children. When ordered by a licensed medical practitioner, special diets shall be provided. No dented or bloated canned foods shall be used. There should be a minimum of three meals per day with one being a cooked full-course meal. Only pasteurized milk shall be used. Appropriate snacks will be provided.

F. Number of children
1. The number of children in a group foster home shall not exceed the number for which it has been licensed by the Department.
2. A sufficient number of staff must be on duty at all times in order to assure proper care for all children. The minimum ration of group foster home child caring staff, not including clerical, housekeeping and maintenance staff, shall be as follows:
   a. For children from infancy through six years of age, no more than eight children to one staff member on duty at all times.
   b. For children from 7 to 18 years of age, no more than ten children to one staff member on duty at all times.
   c. A staff member shall be present in each building where children sleep during sleeping hours, and at least one staff member must be on duty in a family setting if children are present.
   d. Where there are pre-school, handicapped, bedridden, or other non-ambulatory children present, the ratio shall be no more than five children to one child

care staff member for all hours, including sleeping hours.

G. One category of care

1. The group foster home shall not be used for categories of care other than group foster care for children. For example, no home shall offer, at the same time, full-time care and care for part of the day.
2. The group foster home shall not combine care of adults and children except in the care of an unmarried mother and her child, or in the case of persons under 21 years of age who voluntarily remain in foster care and who are currently enrolled in and regularly attending any high school.
3. The group foster home shall not house adult roomers and/or boarders; the only exception would be if the roomer or boarder has been with the family for a long period of time and is considered a member of the family. In this case, all the requirements for the family must also be met by the roomers and/or boarders.
4. Foster children reaching the age of 18 years may remain in the group foster home as roomers or boarders, if this plan is approved by the Department.

H. Records and reports

1. Children's records. The group foster home shall maintain a confidential record for each child in care. The information in the child's record shall be made available only to staff of the group foster home and to authorized representatives of the Department and/or the child placing agency. The record of each child shall contain basic identification, and historical, educational, social, medical and psychological information, along with service plans and progress reports.
2. Financial records
   a. The community group home must maintain complete financial records of all receipts, disbursements, assets and liabilities.
   b. The community group home, as requested by the Department, must provide budgetary information. The facility must provide for an annual audit of all accounts by an auditor who is not an employee of the facility or a member of its Board of Directors. The person or firm preparing the audit must be certified or registered with the Arizona State Board of Accountancy.
   c. The group foster home shall maintain a written record of expenditures for clothing and personal allowances for each child.
3. Reports
   a. The group foster home shall report immediately to the child placing agency whenever a child is injured, runs away, or when there is any other significant change in the child's situation.
   b. The group foster home shall report all new placements and discharges within five working days.
   c. The group foster home shall report to the Department any planned change of address, change in program, or other change which significantly affects the care provided. The Department shall be notified 30 days prior to any planned changes.
   d. Family group home foster parents shall report any change of marital status, and any new roomers or boards in the house.
   e. The community group home shall report to the Department any change in staff within five days of employment or discharge.

I. Requirements of home and equipment

1. Location. The group foster home must be in a district where schools and medical care are accessible, and where children can associate with other children and participate in community activities. The group foster home shall be on, or accessible to, a road passable 12 months of the year. The foster parent(s) or staff shall be able to provide private transportation or public transportation shall be near and available. The group foster home must comply with local zoning requirements.
2. Financial records
   a. The group foster home shall comply with any building, health, fire or other codes in effect in the jurisdiction where it is located. Health inspections will be requested and inspections or clearances may be requested from fire, building, and zoning officials when necessary to verify conformity.
   b. A mobile home may not be licensed as a group home.
   c. The house shall be in good repair and large enough to prevent crowding.
   d. Every habitable room shall be heated so that a 70 degree temperature can be maintained when measured at a height of 3 feet from the floor. Every habitable room shall have adequate cooling in those areas of the state with a warm desert climate. House and garden insecticides, medicines, and all corrosive materials shall be kept in locked storage out of the reach of the children. Such storage shall not be in or near kitchen or food storage areas.
3. Windows and doors
   a. Every sleeping room shall have at least one window and one door. The window must open to the outside. The window in every livable room shall be a minimum of 22 inches in width with 5 square feet in area to provide clear access to the outside without grills or other obstructions, and to provide adequate lighting and ventilation. The sill shall be a maximum of 48 inches from the floor.
   b. In sleeping rooms where there is no mechanical ventilation which draws a portion of its air from the outside, there must be one window to the outside of at least ten square feet, half of which can be opened.
4. Room dimensions and areas
   a. Rooms shall have a minimum ceiling height of 7 feet, 6 inches. Hallways, corridors, and bathrooms shall have ceiling height of at least 7 feet to the lowest projection from the ceiling.
   b. If any room has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the room except that no portion of the room where the ceiling height is less than 5 feet will be counted as available space.
   c. All rooms must contain 70 square feet minimum area except bathrooms and kitchens. No rooms may have any dimension less than 70 feet except kitchens and bathrooms.
5. Sleeping rooms
   a. General requirements. Each child shall have a bed equipped with springs, a clean, comfortable covered mattress, spread, a suitable pillow with case, two sheets, and suitable blankets for warmth. Sheets and pillow cases shall be cleaned at least weekly. Use of bedrooms should not be restricted to sleeping only.
   b. Each child shall have a place to store his clothing and personal belongings and have easy access to the

possessions. Individual dressers or drawer space and closet space is essential for each child.

6. Space requirements. There shall be 50 square feet of floor space (excluding closet space) per child in sleeping rooms. The capacity of each sleeping room will be determined individually.
7. Sleeping arrangements
   a. A child shall not sleep in a bed with an adult.
   b. No child over three years of age shall share a bedroom with an adult.
   c. Children over five years of age shall not sleep in the same room with children of the opposite sex.
   d. Every child shall have his own bed.
   e. Children shall sleep within calling distance of an adult member of the family. No foster child shall sleep in a detached building, unfinished attic, basement, stairway, hall, or room commonly used for other than bedroom purposes. No caretaker's child or other child in the household shall be displaced and made to occupy such sleeping quarters because of a foster child.
   f. Bunkbeds of more than two tiers shall not be used. Two-tier bunkbeds shall not be used, however, for children under eight. The beds must be constructed so as to offer comfort and safety and provide sufficient head room.
8. Bathing and toilet facilities
   a. General requirements
      i. Lavatories, bathrooms, and toilets shall be adjacent and easily accessible to sleeping rooms. Rooms shall be adequately ventilated to the outside air and shall not open directly onto any pantry, kitchen, serving-room, or dining room.
      ii. Tubs and/or showers shall have safety strips applied, rubber bath-mats, or other provisions made to prevent slipping.
      iii. Adequate provision shall be made for keeping individual toilet articles.
   b. Number of facilities. Each group foster home shall have at least two complete bathrooms that are accessible to the children. (A bathroom with only one exit door into the bedroom of the caretaker(s) will not be considered accessible to children.) There shall be at least one bathtub and/or shower, one toilet, and one waste basin for each six to ten children residing in the home.
9. Kitchen. Approval of the Arizona State Department of Health Services is required for all food services and equipment in accordance with the provisions of A.R.S. § 8-504.
10. Dining area
    a. The dining area shall be furnished with the necessary furniture to accommodate those living in the group foster home.
    b. Location of the dining area shall be convenient to the kitchen.
11. Living room. There shall be an adequately furnished living room or living area.
12. Medicine cabinets. Medicines shall be stored in a clean, locked cabinet that is designated for this use only. All medications which have been prescribed for past illnesses or for children discharged from the foster home shall be destroyed.
13. Laundry. Adequate provisions shall be made to care for the laundry.
14. Space and water heaters. Space and water heaters must be vented to the outside, adequately grounded, and installed to comply with building, plumbing, electric and fire codes.
15. Water supply. Where a municipal water system does not supply water to the home, the water must be tested once a year by the General Sanitation Section of Arizona State Department of Health Services.
16. Swimming and wading pools
    a. Swimming pools shall meet the requirements of the Arizona State Department of Health Services.
    b. The pool shall be made inaccessible to children under the age of six; they shall be supervised at all times.
    c. During the swimming season, the swimming pool shall be tested and logged daily for free chlorine and to determine the pH of the water. Water safety courses are required.
    d. Tests shall comply with the requirements of the Arizona State Department of Health Services.
17. Play area
    a. There shall be adequate space for both indoor and outdoor play.
    b. The premises, inside and out, shall be equipped and maintained in a manner which is not hazardous to children.
18. Fire protection
    a. All group foster homes shall have a written fire evacuation plan posted and should conduct fire drills at least once every two months.
    b. Portable fire extinguishers of a type approved for the intended use are strongly urged.
19. Telephone. There shall be telephone service in the group foster home.
20. Vehicle(s). The vehicle(s) for transporting children shall be in a safe operating condition and all drivers shall have a current driver's license.
21. Insurance
    a. The group foster home shall provide for insurance coverage for adequate protection against accidents.
    b. Insurance coverage must include liability insurance to cover acts of children or staff, and protection against damages to, or loss of, buildings and other valuable properties.
    c. There shall be liability insurance on all vehicles transporting children.

Historical Note
Adopted effective January 18, 1977 (Supp. 77-1).
Amended effective February 21, 1980 (Supp. 80-1).

R6-5-5910. Confidentiality

The rules and regulations of the Department for securing and using confidential information concerning the client will be followed. Refer to Title 6, Chapter 5, Article 23, "Safeguarding of Records and Information."

Historical Note
Adopted effective January 18, 1977 (Supp. 77-1).

R6-5-5911. Expired

Historical Note
Adopted effective January 18, 1977 (Supp. 77-1). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5257, effective October 31, 2001 (Supp. 01-4).

R6-5-5912. Expired

Historical Note
Adopted effective January 18, 1977 (Supp. 77-1). Section expired under A.R.S. § 41-1056(E) at 7 A.A.R. 5257, effective October 31, 2001 (Supp. 01-4).

ARTICLE 60. COMPREHENSIVE MEDICAL/DENTAL PROGRAM FOR FOSTER CHILDREN

R6-5-6001. Objective
The goal of the Comprehensive Medical/Dental Program for Foster Children is to provide, in the most cost effective manner, full coverage for those medical and dental services which are necessary to the achievement and maintenance of an optimal level of physical and mental health for children in foster care.

Historical Note
Adopted effective March 11, 1977 (Supp. 77-2).
Amended effective March 28, 1978 (Supp. 78-2).

R6-5-6002. Authority
Article 60 is adopted pursuant to the power vested in the Director of the Department of Economic Security by A.R.S. §§ 8-511(A)(2), (A)(3), (B) and (C) and 8-512.

Historical Note
Adopted effective March 11, 1977 (Supp. 77-2).

R6-5-6003. Definitions

A. "Adjudicated child." A child adjudicated by the court as dependent, neglected or delinquent residing in a licensed foster family home or child welfare agency.

B. "Ambulatory care institution." A health care institution licensed by the Arizona Department of Health Services with inpatient beds providing limited hospital services on an outpatient basis including an outpatient surgical center and an outpatient treatment center.

C. "Ancillary services." Special services and items furnished to an institutional recipient, which are separately payable in addition to the daily room and board charge.

D. "Authorization." An approval given by the designated Departmental representative or representative of the fiscal intermediary to a specific medical/dental provider to render services or items to a specific recipient.

E. "Claim." The invoice submitted by the medical/dental provider for reimbursement for covered services.

F. "Comprehensive Medical/Dental Program for Foster Children." The name for the program authorized by legislation and regulated as shown herein by the Department.

G. "Covered services." As defined in R6-5-6005.

H. "Dentist." An individual licensed to practice dentistry and/or oral surgery by the appropriate regulatory board of the state of Arizona. The term shall include such individual only when practicing within the scope of the license.

I. "Department." The Department of Economic Security.

J. "Director." The Director of the Department of Economic Security.

K. "Emergency dental services."
1. Those services necessary to control bleeding, relieve pain, eliminate acute infections.
2. Operative procedures which are required to prevent pulpal death and the imminent loss of teeth.
3. Treatment of injuries to the teeth or supporting structures.
4. Palliative therapy for pericornitis associated with impacted teeth.
5. Reduction of maxillary and mandibular fractures.

L. "Emergency services." Those services required for alleviation of severe pain or for immediate diagnosis or treatment of an unforeseen medical condition which, if not immediately diagnosed and treated, would lead to rapid deterioration of the health status.

M. "Eye care services." Diagnostic eye examinations to detect the presence or absence of ocular abnormality or visual disability, treatment related thereto, and the dispensing of eye glasses or other optical devices, when necessary, to improve visual performance.

N. "Eye glasses." Frames with lenses prescribed by an ophthalmologist, other licensed medical practitioner or optometrist to aid or significantly improve visual performance.

O. "Foster care provided." A home or child-caring agency licensed by the state as a foster home, group home or child welfare agency, which provides care and maintenance for foster children.

P. "Foster child." A child adjudicated by the court as dependent, neglected or delinquent or on whom the parent(s) have signed the necessary paperwork for voluntary foster care and who are residing in a licensed foster home or child welfare agency.

Q. "Hearing aid." Any wearable instrument or device designed for or represented as aiding, improving or compensating for defective human hearing, and any parts, attachments or accessories of such instrument or device, including earmolds.

R. "Hearing aid evaluation." The application and interpretation of a battery of tests by an otolaryngologist, otologist, other licensed medical practitioner or audiologist to determine if amplification may be advantageous to an individual's hearing and what parameters of amplification are required to obtain a satisfactory result.

S. "Identification card." A plastic card for each foster child issued by the Department to establish the identity of the child eligible for the covered services.

T. "Inpatient." A person who has been admitted to a hospital or skilled nursing facility for bed occupancy for purposes of receiving inpatient services. A person will be considered an inpatient when formally admitted as an inpatient, i.e., when admitted for a period of more than 12 hours or through the census hour.

U. "Inpatient hospital services." Those services and items furnished by the hospital for the care and treatment of inpatients under the direction of a physician or dentist.

V. "Inpatient hospital services." Those services and items furnished by the hospital for the care and treatment of inpatients under the direction of a physician or dentist.

W. "Legend drugs." Those drugs which, under federal or state law or regulations, may be dispensed only by prescription.

X. "Medical/dental provider." Any person, institution or entity which provides covered services to an eligible foster child recipient under the program.

Y. "Medical equipment." Durable items and appliances that can withstand repeated use, are designed primarily to serve a medical purpose and are not generally useful to a person in the absence of a condition, illness or injury.

Z. "Nursing services." Those services that are performed by or under the supervision of a registered nurse at the direction of a licensed practitioner.

AA. "Ophthalmologist." A licensed medical practitioner who specializes in the diagnosis and treatment of the eye and its related structures.

BB. "Optometrist." A person registered with the state medical board to practice optometry.

CC. "Orthodontic condition." A clinically obvious physical abnormality of tooth and/or jaw relationships.

DD. "Orthopedic devices." Supportive or corrective devices used for treatment of a musculoskeletal abnormality or injury.

EE. "Otolaryngologist." A licensed medical practitioner whose practice is limited to the specialty of conditions or disease of

the ear, nose and throat and who qualifies as a specialist in those areas.

FF. "Otologist." A physician who limits his practice to the specialty of conditions and diseases of the ear and who qualifies as a specialist in this area.

GG. "Outpatient." Not an inpatient.

HH. "Palliative services." Those services required to reduce the severity or relieve the symptoms of a condition, illness or injury.

II. "Physical therapist." A person registered to practice physical therapy.

JJ. "Physical therapy services." Those services provided by or under the supervision of a physical therapist.

KK. "Physician." An individual licensed to practice medicine or medicine and surgery (including an osteopathic practitioner), a podiatrist or an optometrist. The term shall include such individuals who have been granted a license to practice by the appropriate regulatory board of the state of Arizona and shall include them only when they are practicing within the scope of such license. The term shall also include a Christian Science practitioner recognized by the Mother Church and listed as such in the "Christian Science Journal."

LL. "Prescription." An order to a provider for covered services issued, signed and transmitted by an individual authorized to prescribe such services.

MM. "Preventive services." Those health services designed to forestall a condition, illness or injury.

NN. "Prior authorization." This term shall have the definition given it by the terms and procedures of R6-5-6007.

OO. "Prosthesis." An artificial substitute for a missing body part including but not limited to an arm, leg, eye, tooth, etc.

PP. "Psychologist." An individual certified by the State Board of Psychologist Examiners.

QQ. "Radiological services." Professional and technical X-ray and radioisotope services ordered by a licensed medical practitioner or dentist for diagnosis, prevention, treatment or assessment of a medical condition. Radiological services includes portable X-ray, radioisotope, medical imaging and radiation oncology.

RR. "Rehabilitation services." Physical, occupational, speech and respiratory therapy, audiology services and other restorative services and items ordered by a physician to attain maximum reduction of physical or mental disability and restoration of the individual to an optimum functional level.

SS. "Routine physical examinations." Medical examinations performed without relationship to treatment or diagnosis of a specific condition, illness or injury. This includes physical examinations for employment.

TT. "Skilled nursing facility." A health care institution which is licensed by the Department of Health Services as a skilled nursing facility.

UU. "Speech therapist." A person who has been granted the Certificate of Clinical Competence in the American Speech and Hearing Association or who has completed the equivalent educational requirements and work experience required for such a certificate.

VV. "Therapeutic services." Those curative services required for treatment of a condition, illness or injury and includes acute, chronic and emergency care.

WW. "Treatment plan." That portion of the authorization process which requires that the attending physician and other professional allied health personnel involved in the care of a recipient establish and review periodically a plan of treatment and care for each recipient.

XX. "Fee schedule." Allowable amounts established by the Department for medical, dental, and psychological care for foster children.

Historical Note
Adopted effective March 11, 1977 (Supp. 77-2).
Amended effective March 28, 1978 (Supp. 78-2).

R6-5-6004. Eligibility

A. The Department shall pay or cause to be paid the cost of necessary covered services, up to the maximum allowed by the fee schedule, rendered to children who are:
1. Placed in a licensed foster home or licensed child welfare agency by:
   a. The Department of Economic Security; or
   b. The Department of Corrections; or
   c. The Juvenile Probation Office.
2. Placed in a licensed receiving foster care facility (shelter care).
3. Or for whom temporary custody has been awarded to the Department, and who are placed in a hospital for care and treatment.

B. Children born to an eligible foster child (as defined in subsection (A) of this Section) shall be eligible for payment of routine newborn care and treatment up to and including the third day of life. This period may be extended where the need is established by such persons as the Director shall designate.

C. Persons under the age of 21 who were placed in a foster family home or institution prior to the age of 18, and who voluntarily remain in such care and who are currently enrolled in and regularly attending any high school.

Historical Note
Adopted effective March 11, 1977 (Supp. 77-2).
Amended effective March 28, 1978 (Supp. 78-2).
Amended effective May 25, 1979 (Supp. 79-3).

R6-5-6005. Definition of covered services

Comprehensive medical/dental services shall include but not be limited to the following covered services:
1. A complete preplacement medical examination prior to the initial foster placement in a regular or special foster home. Such examination shall include as a minimum:
   a. Vaccinations to prevent mumps, rubella, smallpox and polio if not previously provided to the foster child.
   b. Tests for anemia, coccidioidomycosis and tuberculosis.
   c. Urinalysis, blood count and hemoglobin tests.
   d. Standard medical procedures used for determining the recipient's general health, hearing and vision, including prescribing corrective devices when needed.
   e. Further evaluation and diagnosis as is medically necessary.
2. Periodic medical examinations, not less than once each year, subsequent to initial placement for a child placed in a setting other than his parents' home.
3. Inpatient care. Benefits shall be paid for necessary inpatient hospital or skilled nursing facility care, including diagnosis and treatment, for physical or mental illness, for injury or for pregnancy, and shall include items and services which are ordered pursuant thereto by a physician, dentist or psychologist and which are ordinarily furnished by the hospital or skilled nursing facility for care and treatment of inpatients. Included shall be:
   a. Bed and board, including dietary services and general nursing care, in a semi-private room (i.e., room

with two or more beds) or a private room if medically necessary.
   b. Professional services furnished through or by the hospital, including the services of a physician, dentist or psychologist; physical therapy; rehabilitation services; and medical social services.
   c. Ancillary services as follows:
      i. Laboratory, therapeutic and diagnostic services including radiological services.
      ii. Use of operating room, recovery room emergency room and intensive care.
      iii. Drugs, blood, oxygen, medical supplies, equipment and appliances related to care and treatment in the hospital.
      iv. Prosthetic and orthopedic devices.
4. Inpatient professional care. To include surgery, assistance at surgery, administration of anesthesia, hospital visits and consultations, professional administration and interpretation of laboratory and radiological procedures and test results, and other necessary care and procedures and rendered by a physician, dentist or psychologist in accordance with all rules and regulations of the hospital.
5. Outpatient professional evaluation, care and treatment. To include preventive, palliative, diagnostic, therapeutic, rehabilitative, surgical, or other such items and services which are administered or provided on an outpatient basis for the necessary diagnosis or treatment of injury, pregnancy, physical or mental illness.
6. Laboratory and x-ray services ordered by a physician, dentist or psychologist for diagnosis and treatment.
7. Dental care provided by or under the direct supervision of a dentist. To include oral examinations, diagnostic radiography, oral prophylaxis, topical fluoride applications, restoration of permanent and primary teeth, pulp therapy, extraction when necessary, fixed space maintainers where needed, oral hygiene instruction, orthodontia and other service procedures necessary for relief of pain and infection.
8. Prescription and non-legend drugs prescribed by a physician or dentist.
9. Ambulance services.
10. Private duty nursing.
11. Injections, immunizations, allergy testing and treatment.
12. Physical therapy, speech therapy, respiratory therapy, radiation therapy, etc.
13. Electrocardiograms, electroencephalograms and other similar diagnostic procedures.
14. Medical equipment, corrective medical appliances and orthopedic devices or prostheses.
15. Services of an ambulatory care institution.
16. Eye care services and eyeglasses.
17. Hearing evaluations, hearing aid evaluations and hearing aids.

Historical Note
Adopted effective March 11, 1977 (Supp. 77-2).

R6-5-6006. Exceptions, limitations and exclusions
The Department shall not pay for:
1. The cost of any covered service which is not medically necessary for prevention, diagnosis or treatment of a condition, illness or injury.
2. That portion of the cost of any covered service which exceeds the charges set by the fee schedule. The medical/dental provided is hereby prohibited from rendering a bill for additional amounts to the Department, its representatives, any fiscal intermediary the Department may contract with to administer this program, the foster child, his guardian, his estate, the foster child's foster parents, his natural parents or any other party.
3. The cost of care and services payable through any federal, state, county or municipal program to which an eligible foster child 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 which provides coverage for the eligible foster child except for the cost of care and services in excess of any such insurance benefits.
5. Psychiatric or psychological evaluations and treatment unless performed or ordered by a licensed medical practitioner or psychologist certified by the State Board of Psychologist Examiners.
6. Any expenses submitted for reimbursement after 180 days following provision or delivery or otherwise covered services.
7. Any service or item furnished primarily for cosmetic purposes rather than for the correction of defects resulting from a condition, illness or injury. In determining whether a service is furnished primarily for cosmetic purposes, consideration will be given to the eligible foster child's psychological welfare and future occupational opportunities. Orthodontic services are included in this category.
8. Non-legend drugs which are not prescribed by a physician or dentist.
9. Care and services rendered to an individual who is not an eligible foster child.
10. Any covered service for which no charge would have been rendered in the absence of this program.
11. Any admission, service, item, or otherwise covered service requiring prior authorization where such authorization has not been obtained or has been denied.
12. Services of naturopaths and chiropractors.
13. Psychological services or other diagnostic or treatment services for a foster child in a child welfare agency which provides such care as part of its contractual services which are already paid for by the Department, including services provided by the agency's staff.
14. Care and services rendered to a foster child under the Bureau of Indian Affairs foster care program.
15. Care and services rendered a foster child placed in Arizona by another state whether voluntarily or under jurisdiction of the court of another state.
16. Non-medical items such as, but not limited to, slippers, hair cuts, snack bar merchandise, shampoos and writing paper.
17. The following dental care services:
   a. Any care which requires prior authorization and for which prior authorization was not sought or was sought but was not granted, unless ordered by the Court.
   b. Oral hygiene instruction which exceeds $6.00 per fiscal year.
   c. Porcelain-fused-to-metal crowns.
   d. Acrylic veneered gold crowns whose position in the mouth is posterior to the second bicuspid.
   e. Full crowns except when teeth cannot be restored by a pin-reinforced restoration.
   f. Gold inlays.
   g. Temporary restorations, except to the extent they are considered part of and paid for as a part of the finished restoration.

h. Building up any tooth, except to the extent it is considered part of and paid for as a part of the finished restoration.
i. Building up a tooth beneath a crown.

Historical Note
Adopted effective March 11, 1977 (Supp. 77-2).
Amended effective March 28, 1978 (Supp. 78-2).

R6-5-6007. Prior authorization

A. As hereafter more fully described, authorization is required before certain covered services are rendered in order for those services to be paid for under this Article and A.R.S. §§ 8-511 and 8-512.

B. Payment will not be made for any covered service which requires prior authorization and either
1. Was not submitted for such prior authorization or
2. Was submitted but such prior authorization was not granted.

C. Any medical/dental provider is hereby prohibited from rendering a bill for charges subject to prior authorization which are not granted prior authorization, such prohibition extending to charges rendered to the Department, its representatives, any fiscal intermediaries the Department may contract with to administer this program, the foster child, his guardian, his estate, the foster child's foster parents, his natural parents or any other party.

D. Prior authorization shall not be required for the following covered services as actually provided or proposed to be provided:
1. Services necessary to care for acute physical illness, chronic physical illness, acute injury or pregnancy insofar as treatment is consistent with the diagnosis.
2. Emergency services in all instances, including emergency dental services.
3. Complete preplacement examination as required by A.R.S. § 8-511(A)(2).
4. First- and second-year well-baby care not to exceed a total of $200 for both years.
5. Initial dental examination and treatment indicated thereby but not to exceed $50 per fiscal year.
6. Emergency inpatient psychiatric care not to exceed ten inpatient days.
7. Rental or purchase of medical equipment when accompanied by physician prescription where cost does not exceed or could reasonably be expected not to exceed $25 per fiscal year in the aggregate for all such costs in one fiscal year.
8. Prescription and non-legend drugs which are necessary to the foster child's medical care and appropriate to his treatment regimen.
9. Eyeglasses for which the cost does not exceed $60 per pair, including lenses and frames, or which are replacement lenses and/or frames obtained more than 12 months following the preceding pair.
10. Psychiatric or psychological diagnostic evaluation not to exceed $200.
11. Initial psychiatric or psychological interview not to exceed $50.

E. Prior authorization shall be required for the following covered services:
1. Psychiatric or psychological therapy, whether proposed on an individual or group.
2. Continuation of therapy shown in (1) above past ten outpatient sessions, and thereafter in accordance with appropriate judgment as to what constitutes necessary care as determined from the treatment plan and/or medical record.
3. Inpatient psychiatric care beyond ten consecutive inpatient days, and thereafter in accordance with appropriate judgment as to what constitutes necessary care as determined from the treatment plan and/or hospital record.
4. Elective (non-emergency) surgery and expenses associated with such surgery.
5. First- and second-year well-baby care which exceeds or is expected to exceed a total of $00 for both years.
6. Eyeglasses costing more than $60, including lenses and frames, or which are replacement lenses and/or frames obtained less than 12 months following the preceding pair.
7. The following specific types of dental care:
   a. Any service or combination of services which exceeds $50 in any fiscal year.
   b. Any treatment plan which proposes a full crown or crowns.
   c. Any treatment plan which involves replacement of any tooth or teeth, by either removable or fixed appliances.
   d. Any treatment plan which proposes a fixed bridge.
   e. Any treatment plan which proposes a partial denture.
   f. Any treatment plan which proposes treatment of a dentofacial abnormality (orthodontic services).
8. Rental or purchase of medical equipment (unless necessary due to a medical emergency) when accompanied by physician prescription.
9. Outpatient therapy services and treatment modalities such as, but not limited to, speech therapy, physical therapy, respiratory therapy, and radiation therapy.

Historical Note
Adopted effective March 11, 1977 (Supp. 77-2).
Amended effective March 28, 1978 (Supp. 78-2).

R6-5-6008. Coordination of benefits

A. The Department shall determine the possible existence of any primary insurance coverage for all eligible foster children at the time the need for foster care is established. The possible existence of such coverage shall be redetermined at least every six months.

B. The Department shall request the court to include a statement in its court order requiring parent(s) or guardian of adjudicated children to cooperate with Department of Economic Security in coordinating benefits with any existing health insurance carrier and to maintain any health insurance coverage presently existing which covers the child(ren).

C. The Department shall advise the court when parent(s) or guardian of adjudicated children refuse to cooperate with Comprehensive Medical/Dental Program (CMDP) in providing and/or signing appropriate documents required in order to coordinate insurance benefits, or fail to maintain any existing insurance coverage for the child.

D. In voluntary placements, the parent(s) or guardian must cooperate with Comprehensive Medical/Dental Program (CMDP) in providing and/or signing appropriate documents required to coordinate health insurance benefits.

E. In the absence of health insurance coverage, the Department shall determine what additional resources are available to cover medical and dental costs.

Historical Note
Adopted effective March 11, 1977 (Supp. 77-2).
Amended effective March 28, 1978 (Supp. 78-2).

R6-5-6009. Identification card

A. The Department shall issue, or cause to be issued, an identification card for each eligible foster child.

B. The caseworker shall apply for an identification card for the eligible foster child.

C. The Department shall immediately upon placement inform the foster care provider in writing that the identification card is not transferable and that the card is to be used only for medical/dental covered services for the foster child whose name appears on the card only so long as said foster child shall remain eligible under this Program.

D. The foster care provider shall be given oral and written instructions regarding the use of the identification card when procuring medical and dental care for the eligible foster child.

E. When an eligible foster child is terminated from foster care, the foster care provider shall immediately return the identification card to the Department.

F. The foster care provider shall return the identification card to the Department seven days from the date an eligible foster child runs away from the foster care provider.

Historical Note

Adopted effective March 11, 1977 (Supp. 77-2).

R6-5-6010. Payment and review of claims

A. Claims for payment shall be submitted by medical/dental providers in the manner prescribed by the Department.

B. Claims for payment for covered expenses shall not be paid if an appointment is not kept and/or if covered services were not rendered or provided.

C. Claims for payment shall not be accepted or paid prior to the delivery of covered services.

D. Claims for covered services shall be accepted from medical/dental providers both in and outside the state of Arizona.

Historical Note

Adopted effective March 11, 1977 (Supp. 77-2).

R6-5-6011. Abuse and misuse of the Program

A. The Department shall establish a procedure to investigate any alleged abuse of the Comprehensive Medical/Dental Program. If abuse is substantiated, administrative or legal action shall be taken.

B. The Department shall monitor the activity of the Comprehensive Medical/Dental Program to ensure compliance with the program requirements.

Historical Note

Adopted effective March 11, 1977 (Supp. 77-2).

R6-5-6012. Consent for treatment

A. For an eligible foster child adjudicated by the court, the Department shall secure a court order and, if possible, the consent of the parent or guardian for surgery, general anesthesia, blood transfusion, or pelvic examination of a child.

B. For a foster child in voluntary placement, consent of the parent or guardian shall be necessary only for medical treatment involving surgery, general anesthesia, blood transfusion, or pelvic examination of a child, except for emergency situations described in subsection (C).

C. In cases of emergency, in which a foster child is in need of immediate hospitalization, medical attention or surgery, and when the parents cannot readily be located, the foster care provider or caseworker may give consent pursuant to A.R.S. § 44-133 for hospital care, medical attention or surgery.

D. Persons under the age of 21 who were placed in a foster family home or institution prior to the age of 18, and who voluntarily remain in such care, and who are currently enrolled in and regularly attending any high school may give consent for their own treatment.

Historical Note

Adopted effective March 11, 1977 (Supp. 77-2).
Amended effective May 25, 1979 (Supp. 79-3).

R6-5-6013. Administration of the Program

A. The Department shall have the ability to contract with any insurer, insurance plan, hospital service plan, or any health service plan authorized to do business in this state, or with any fiscal intermediary or with any combination of such plans or methods. Such contract will be entered into for purposes of administering this Comprehensive Medical/Dental Program for foster children in a manner consistent with its authorizing legislation and these regulations.

B. Such contract, if entered into by the Department, shall be specific as to the responsibilities of each party to the contract and shall provide for reasonable payment to the contractor for his administrative services as required by the contract.

C. The terms of such contract, if entered into by the Department, shall reflect these regulations. If the Department and the contractor, in the future, determine that certain additions, deletions, corrections or alterations in the contract are required so as to cause the administration of the program to be consistent with the authorizing legislation, these regulations and the intents thereof, such additions, deletions, corrections or alterations shall be made in the contract by mutual written consent, signed by authorized representatives of the Department and the contractor, without first having to alter these regulations.

Historical Note

Adopted effective March 11, 1977 (Supp. 77-1).

R6-5-6014. Case management

A. Determining financial need. Financial eligibility for the CMDP is limited to foster children who reside in licensed facilities.

B. Case management

1. Confidentiality. The rules and regulations of the Department regarding the disclosure and use of confidential information concerning the client, as set forth in A.A.C. Title 6, Chapter 5, Article 23, "Safeguarding of Records and Information" shall apply to all services provided under this Article.
2. Appeals. The rules and regulations of the Department set forth in A.A.C. Title 6, Chapter 5, Article 25, "Complaints and Appeals" shall apply to all services provided under this Article.
3. The rules and regulations of the Department set forth in A.A.C. Title 6, Chapter 5, Article 26, "Civil Rights" shall apply to all services provided under this Article.

C. Closing the service. Service shall be closed when the child is no longer in foster care.

Historical Note

Adopted effective March 11, 1977 (Supp. 77-2).
Amended effective March 28, 1978 (Supp. 78-2).

R6-5-6015. Fee schedule

A. The Comprehensive Medical and Dental Program shall pay providers in accordance with the established fee schedule unless otherwise specified by contract or required by this Article.

B. A current fee schedule shall be maintained in the central office of the CMDP for reference use during customary business hours. Relevant information or portions of the fee schedule shall be made available to service providers and other interested persons on request.

Historical Note
Adopted effective May 15, 1990 (Supp. 90-2).

EXHIBIT 1. REPEALED

Historical Note
Exhibit as filed is incomplete. Exhibit adopted effective March 28, 1978 (Supp. 78-2). Amended by adding Maximum Allowable Anesthesia Fee Schedule effective April 17, 1980 (Supp. 80-2). Amended Medicine - Psychiatric Services; Radiology - Urinary Tract; Dental - Restorative, Endodontics, and Fixed Prosthodontics effective September 17, 1980; Maximum Allowable Anesthesia Fee Schedule not included (Supp. 80-5). Repealed effective May 15, 1990 (Supp. 90-2).

ARTICLE 61. REPEALED

R6-5-6101. Repealed

Historical Note
Adopted effective August 11, 1976 (Supp. 76-4). Former Section R6-5-6101 repealed, new Section R6-5-6101 adopted effective August 29, 1984 (Supp. 84-4). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-6102. Repealed

Historical Note
Adopted effective August 11, 1976 (Supp. 76-4). Former Section R6-5-6102 repealed, new Section R6-5-6102 adopted effective August 29, 1984 (Supp. 84-4). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-6103. Repealed

Historical Note
Adopted effective August 11, 1976 (Supp. 76-4). Former Section R6-5-6103 repealed, new Section R6-5-6103 adopted effective August 29, 1984 (Supp. 84-4). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-6104. Repealed

Historical Note
Adopted effective August 11, 1976 (Supp. 76-4). Former Section R6-5-6104 repealed, new Section R6-5-6104 adopted effective August 29, 1984 (Supp. 84-4). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-6105. Repealed

Historical Note
Adopted effective August 11, 1976 (Supp. 76-4). Former Sections R6-5-6105 through R6-5-6108 repealed effective August 29, 1984 (Supp. 84-4).

R6-5-6106. Repealed

Historical Note
Adopted effective August 11, 1976 (Supp. 76-4). Former Sections R6-5-6105 through R6-5-6108 repealed effective August 29, 1984 (Supp. 84-4).

R6-5-6107. Repealed

Historical Note
Adopted effective August 11, 1976 (Supp. 76-4). Former Sections R6-5-6105 through R6-5-6108 repealed effective August 29, 1984 (Supp. 84-4).

R6-5-6108. Repealed

Historical Note
Adopted effective August 11, 1976 (Supp. 76-4). Former Sections R6-5-6105 through R6-5-6108 repealed effective August 29, 1984 (Supp. 84-4).

ARTICLE 62. REPEALED

Former Article 62 consisting of Sections R6-5-6201 through R6-5-6209 repealed effective August 29, 1984.

ARTICLE 63. REPEALED

Former Article 63 consisting of Sections R6-5-6301 through R6-5-6304 repealed effective November 8, 1982.

ARTICLE 64. REPEALED

Former Article 64 consisting of Sections R6-5-6401 through R6-5-6408 repealed effective February 1, 1979.

ARTICLE 65. DEPARTMENT ADOPTION FUNCTIONS AND PROCEDURES FOR PROVIDING ADOPTION SERVICES

R6-5-6501. Definitions

In addition to the definitions in A.R.S. § 8-101, the following definitions apply in this Article and in Articles 66, 70, and 71, unless the context requires otherwise:

1. "Adoptable child" means a child who is legally available for adoption but who has not been placed for adoption.
2. "Adoptee" means a child who is the subject of a legal petition for adoption.
3. "Adoption agency" has the same meaning ascribed to "agency" in A.R.S. § 8-101(2).
4. "Adoption entity" or "entity" means a person or organization performing a particular adoption service, and includes an adoption agency and the Department but does not include a private attorney who is licensed to practice law in the state of Arizona and who is only assisting in a direct placement adoption to the extent allowed by A.R.S. § 8-130(C).
5. "Adoption placement" or "placement" means the act of placing an adoptable child in the home of an adoptive parent who has filed, or who contemplates filing, a petition to adopt the child.
6. "Adoption services" means activities conducted in furtherance of an adoption and includes the activities listed in R6-5-6504 and R6-5-7002(B).
7. "AHCCCS" means the Arizona Health Care Cost Containment System established pursuant to A.R.S. Title 36, Chapter 29.
8. "AHCCCSA" means the Arizona state government agency which administers the AHCCCS program.
9. "Birth parent" means the biological mother or father of a child.
10. "Central Adoption Registry" or "Registry" means the computerized bank of information described in A.R.S. § 8-105(O).
11. "Certification application" means the form which a prospective adoptive parent submits to an adoption entity or to the court to request a certification investigation.
12. "Certification investigation" means the process referred to in A.R.S. § 8-105(C) by which an adoption entity determines if a prospective adoptive parent is a fit and proper person to adopt.
13. "Certification order" means a judicial determination that a prospective adoptive parent is a fit and proper person to adopt.

14. "Certification report" or "adoptive home study" means the written report described in A.R.S. § 8-105(H) in which an adoption entity summarizes the results of a certification investigation and makes a recommendation for or against certification of a prospective adoptive parent.
15. "Certified adoptive parent" means a person who has been certified as fit and proper to adopt and who is awaiting placement of an adoptable child.
16. "Child with special needs" means a child who has one of the special needs listed in A.R.S. § 8-141(A)(14).
17. "Client" means a person who is receiving adoption services from an adoption entity and includes adoptive children, adoptive families, adoptive parents, and birth parents.
18. "CPS" means Child Protective Services, a Department program responsible for investigating reports of child abuse or neglect.
19. "CPSCR" means the Child Protective Services Central Registry, a computerized data bank of information concerning reports of child abuse or neglect, which CPS maintains pursuant to A.R.S. § 8-546.03.
20. "Department" has the same meaning ascribed to "Division" in A.R.S. § 8-101(7).
21. "Developmentally appropriate" means an action which takes into account:
    a. A child's age and family background;
    b. The predictable changes that occur in a child's physical, emotional, social, cultural, and cognitive development; and
    c. The individual child's pattern and history of growth, personality, and learning style.
22. "Document" means to make and retain, in a record or file, a written summary of a fact, a contact, a communication, an observation, or an event.
23. "Final report to the court" means a written report about an investigation which an adoption entity performs pursuant to A.R.S. § 8-112, in which the entity advises the court of the entity's assessment and recommendations about finalization of a particular adoption.
24. "Foster parent" has the same meaning prescribed in A.R.S. § 8-501(A)(5).
25. "ICPC" means the Interstate Compact on the Placement of Children described in A.R.S. § 8-548.
26. "ICWA" means the Indian Child Welfare Act described in 25 U.S.C. 1901 et seq.
27. "License" means a document that the Department issues to an agency authorizing the agency to perform adoption services.
28. "License applicant" means a person, group, or business entity which seeks to become licensed or to renew a license as an adoption agency.
29. "Open adoption" means an adoption in which the adoptive parent and the birth parent agree to a full exchange of personally identifying information and to meet each other at the time of adoption, and to have ongoing written or personal contact with each other in the future.
30. "Out-of-state agency" means any person who, or business which, is authorized or licensed by a state other than Arizona, or a foreign country, to perform adoption services.
31. "Placed child" means an adoptable child who has been placed with an adoptive parent and the adoptive parent has not yet filed a petition to adopt the child.
32. "Placement investigation" means the process referred to in A.R.S. § 8-105(F) by which an adoption entity determines if a particular placed child is suitable for adoption by a particular adoptive parent.
33. "Placement report," "report to the court on placement of a child," or "RCPC" means the written report described in A.R.S. § 8-105(I) in which an adoption entity summarizes the results of the placement investigation and makes a recommendation as to whether a particular child is suitable for adoption by a particular adoptive parent.
34. "Placement supervision period" or "probationary period" means the time period from the date of adoption placement until the court enters a final order of adoption, during which the petitioner has the rights prescribed in A.R.S. § 8-113(D).
35. "Prospective adoptive parent" means a person who has applied to an adoption entity to become certified to adopt a child.
36. "Reasonable fee" means
    a. A fee commensurate with:
        i. The actual cost of providing a specific service or item to a specific individual, or
        ii. The average cost of a service or item if the adoption entity routinely uses an averaging method to determine the cost of a particular service or item.
    b. A reasonable fee may include reasonable compensation for officers and employees and a reasonable profit margin above actual or averaged costs. As used in this Section, reasonableness is determined as prescribed in R6-5-6503(G).
37. "Semi-open adoption" means an adoption in which the adoptive parent and the birth parent agree to share some personally identifying information or to have one meeting at the time of adoption and which may include some form of limited communication in the future, such as exchange of annual letters or photographs.
38. "Social study" or "home study" means the investigation an adoption entity performs, pursuant to A.R.S. § 8-112, after a petition for adoption has been filed.

Historical Note

Adopted effective July 6, 1977 (Supp. 77-4). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-6502. Central Adoption Registry: Information Maintained; Confidentiality

A. The Department shall maintain and keep current the Central Adoption Registry in accordance with A.R.S. § 8-105(O). The Registry shall include the following current information for each child or adoptive parent listed on the Registry:
1. The child's availability for adoptive placement,
2. The adoptive family's certification status,
3. The adoptive family's availability for adoptive placement, and
4. The type of child the adoptive family is open to considering for adoption.

B. Upon request, the Department shall provide personally identifiable Registry information to:
1. Licensed adoption agencies, including out-of-state agencies;
2. Adoption registries and exchanges; and
3. The Court.

C. Before providing information, the Department shall obtain, from the person requesting the information, the following:
1. The name and affiliation of the person requesting the information;
2. The reason for the request; and
3. If the requesting party is other than a court representative, a signed statement acknowledging that the information is

confidential and promising not to release the information to anyone except as allowed by A.R.S. §§ 8-120 and 8-121.

D. In lieu of the signed statement described in subsection (C)(3), the Department shall accept a signed commitment to treat all Registry information in accordance with the provisions of subsection (C)(3). The signed commitment is effective for one year and shall be annually renewed.

Historical Note
Adopted effective July 6, 1977 (Supp. 77-4). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-6503. Department Review of Adoption Expenses

A. A petitioner filing the accounting required by A.R.S. § 8-114(E) shall do so on a Department form which shall include the following information:
1. The adoptive child's name and date of birth, and, when AHCCCSA indicates that the child has AHCCCS coverage or when an AHCCCS application is pending, the child's AHCCCS identification number;
2. The name of the petitioning adoptive parent;
3. The case number, court, and jurisdiction in which the case is pending;
4. The name and address of any agency or attorney for the petitioner;
5. An itemized breakdown of payments the petitioner, or a person acting on behalf of the petitioner, has made or agreed to make to any agency and any attorney assisting with the adoption;
6. An itemized breakdown of payments the petitioner, or person acting on behalf of the petitioner, has made or agreed to make for adoption costs, including the following:
   a. Medical care, stated separately for the birth mother and the adoptive child;
   b. Counselling;
   c. Legal services; and
   d. Other fees and services, including:
      i. Application fees,
      ii. Court costs,
      iii. Birth mother living expenses,
      iv. Fingerprinting fees, and
      v. Transportation expenses; and
7. The signatures of the petitioner filing the form and, if applicable, the petitioner's attorney, and a representative from the petitioner's agency.

B. If any of the payments listed on the form represent averaged fees rather than actual costs, the petitioner shall so indicate on the form.

C. If the actual amount of an expense is not known when the accounting is filed, the petitioner shall estimate the expense, note that the figure is estimated rather than actual, and explain how the actual figure will be calculated or determined.

D. The petitioner shall file the form with the Department's Division of Children and Family Services, Adoptions Unit, at the Department's central headquarters in Phoenix, Arizona.

E. The Department may require a petitioner to supplement the form with copies of documentation supporting the information provided on the form. Such supporting documentation may include:
1. Hospital bills,
2. Physician bills,
3. Statement of attorney's fees,
4. Explanation of insurance benefits,
5. Birth parent rent receipts, and
6. Travel receipts.

F. The Department shall send the petitioner, or the petitioner's designee, written notice specifying any supporting documentation that the Department may require.

G In determining whether expenses are reasonable and necessary pursuant to A.R.S. § 8-114(E), the Department shall consider the factors listed in A.R.S. § 8-114(B) and the following factors:
1. The actual cost to the agency of the service provided;
2. An agency's practice of charging an average fee for a service or item;
3. The costs typically charged in the community for the same service or item;
4. Any special, unique, or complicating factors in the case; and
5. Whether the costs incurred were essential to the adoption.

H. If the Department finds that a particular expense is not reasonable or necessary, or is not supported by documentation provided pursuant to subsections (D) and (E), the Department shall recommend disapproval of that expense in the report it submits to the Court pursuant to A.R.S. § 8-114(F).

Historical Note
Adopted effective July 6, 1977 (Supp. 77-4). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-6503.01. Department Review of Adoption Expenses Under the ICPC

A. A sending agency or attorney filing the accounting required by A.R.S. § 8-114.01 shall do so on the form prescribed by R6-5-6503(A) and (B).

B. The form shall be filed with the Department of Economic Security's office which administers the ICPC.

C. The Department's ICPC office may require additional information as prescribed in R6-5-6503(D).

Historical Note
Adopted effective January 2, 1996 (Supp. 96-1).

R6-5-6504. Department Adoption Services

A. The Department provides the following adoption services in accordance with the limitations and provisions of A.R.S. Title 8, Chapter 1, Article 1:
1. Recruiting prospective adoptive parents;
2. Informing persons interested in adopting a child about the adoption process;
3. Conducting certification investigations of prospective adoptive parents as provided in A.R.S. § 8-105(C), (D), and (E);
4. Preparing certification reports as provided in A.R.S § 8-105(E) and (H);
5. Taking adoption consents from birth parents;
6. Preparing non-identifying, preplacement information on adoptive children for adoptive parents, as required by A.R.S. § 8-129(A);
7. Submitting the names and profiles of adoptable children and certified adoptive parents for listing in the Central Adoption Registry;
8. Preparing children for adoptive placement;
9. Matching adoptable children with certified adoptive parents;
10. Placing adoptable children in the homes of certified adoptive parents;
11. Investigating and reporting to the court on the suitability of particular placements as provided in A.R.S. § 8-105(F) and (I);

12. Monitoring adoption placements during the placement supervision period;
13. Providing services to placed children and adoptive families to assist with family adjustment to the adoption placement;
14. Conducting social studies pursuant to A.R.S. § 8-112 and preparing final reports to the court; and
15. Assisting county attorneys by providing legal documents to enable families to complete the adoption process.

B. When performing adoption services, the Department shall adhere to the standards established for adoption agencies in Articles 66 and 70.

Historical Note
Adopted effective July 6, 1977 (Supp. 77-4). Amended effective November 22, 1978 (Supp. 78-6). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-6505. Department Procedures for Processing Certification Applications

A. Upon receipt of a certification application, the Department shall mail the applicant written notice that the application is either complete or incomplete. An application is complete when it contains the information and supporting documentation described in R6-5-6604. If the application is incomplete, the notice shall specify what information is lacking.

B. An applicant with an incomplete application has 30 calendar days from the date of the notice to provide the missing information. If the applicant fails to do so, the Department may close the file. An applicant whose file has been closed and who later wishes to apply for certification, shall apply anew.

C. Upon receipt of a complete application, the Department shall decide whether to accept the application for processing, according to the priority schedule listed in R6-5-6506, and the availability of the Department's resources. If the Department cannot accept the application, the Department shall return the original application and all supporting documentation to the applicant.

D. After the Department accepts the completed application, the Department shall mail the applicant written notice of the acceptance and shall complete the certification investigation in accordance with the procedures specified in R6-5-6605 within 90 days of the date of notice. The Department shall prepare a certification report in accordance with R6-5-6606.

E. The Department shall process a renewal application in accordance with the requirements of this rule and R6-5-6607.

Historical Note
Adopted effective July 6, 1977 (Supp. 77-4). Amended effective November 22, 1978 (Supp. 78-6). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-6506. Department Priorities for Receipt of Services

The Department shall accept and process certification applications and render adoption services according to the following priority schedule:

1. First priority: applicants seeking to adopt a particular adoptable child with special needs;
2. Second priority: applicants who wish to adopt a child with special needs;
3. Third priority: applicants who have indicated they would consider adopting a child with special needs;
4. Fourth priority: applicants for whom the court has ordered the Department to do a certification investigation and report; and
5. Fifth priority: all other applicants.

Historical Note
Adopted effective July 6, 1977 (Supp. 77-4). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-6507. Department Recruitment Efforts

The Department shall actively recruit persons to adopt children with special needs by:

1. Publicizing the need for such adoptive parents;
2. Registering adoptable children, as appropriate, with the following:
   a. The Central Adoption Registry,
   b. Arizona adoption agencies,
   c. The National Adoption Exchange,
   d. The Arizona Adoption Exchange Book, and
   e. Other exchange books and publications;
3. Advising prospective adoptive parents of the availability of children with special needs, the procedures involved in adopting such children, and the support services and subsidies which may be available to persons adopting such children; and
4. Other measures similar to those described in this Section.

Historical Note
Adopted effective July 6, 1977 (Supp. 77-4). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-6508. Referrals to Other Sources

A. The Department shall offer certified adoptive parents, who are awaiting placement through the Department, the option of referral to the following adoption resources:
1. The National Adoption Exchange,
2. The Arizona Adoption Exchange, and
3. Other regional and national exchanges outside Arizona.

B. Upon request, and to the extent that resources are available, the Department may assist families interested in adopting a child with special needs with registration on the National Adoption Exchange and other regional and national exchanges outside Arizona. Such assistance may include sending the family's application to other adoption exchanges or computer banks.

Historical Note
Adopted effective July 6, 1977 (Supp. 77-4). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-6509. Fees

A. The Department shall charge the following fees for performing adoption services:
1. $800.00 for performing a certification investigation and preparing a certification report, which is due with an applicant's completed application form; and
2. $50.00 for performing a records search for a confidential intermediary, as set forth in A.R.S. § 8-134.

B. The Department may waive or defer payment of part or all of a certification fee if the applicant demonstrates and the Department finds that payment of a fee would:
1. Cause the applicant financial hardship,
2. Be detrimental to an adoptive child, or
3. Preclude the applicant from making application.

C. An applicant who seeks a fee waiver or deferral shall file a written request for waiver explaining the reason for the request.

D. The Department shall act on the request within 14 calendar days of receiving the request. If the Department denies the request, the Department shall notify the applicant of the denial

in writing and advise the applicant to submit the fee to complete the application. Denial of a fee waiver is not appealable.

Historical Note
Adopted effective July 6, 1977 (Supp. 77-4). Amended effective November 22, 1978 (Supp. 78-6). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-6510. International Adoptions

A. The Department shall make available to prospective adoptive parents interested in adopting a foreign-born child, the names of international adoption agencies.

B. The Department shall not provide adoptive supervision services to international adoption agencies unless there is no other resource to do so within the county where the child is placed, and the Department has the resources available to provide supervision without exceeding the standards for acceptable caseloads prescribed in R6-5-7020.

Historical Note
Adopted effective January 2, 1996 (Supp. 96-1).

R6-5-6511. Termination of Services

A. The Department may terminate services to an adoptive parent in the following circumstances:
1. A child is placed, the adoption is finalized, and no further adoption-related services are required;
2. The prospective or certified adoptive parent requests closure before receiving a child for placement;
3. The prospective or certified adoptive parent ceases to be a resident of Arizona before receiving a child for placement;
4. The court declines to certify the prospective adoptive parent;
5. The prospective adoptive parent refuses to comply with requirements set forth in A.R.S. Title 8, Chapter 1, Article 1, or Articles 65 or 66 of these rules; or
6. The prospective adoptive parent fails to submit a completed certification application within 90 days of the date on which the Department sent the person an application form.

B. The Department may terminate services to an adoptive child when:
1. The Court issues a final adoption order; or
2. The child's case management team determines that adoption is no longer the most appropriate case plan for the child, and the Department provides alternate services consistent with the child's new case plan.

Historical Note
Adopted effective January 2, 1996 (Supp. 96-1).

ARTICLE 66. ADOPTION SERVICES

R6-5-6601. Definitions

The definitions in R6-5-6501 apply in this Article.

Historical Note
Adopted effective January 18, 1978 (Supp. 78-1). Amended effective August 15, 1980 (Supp. 80-4). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-6602. Recruitment

A. When recruiting clients, an adoption entity shall comply with the requirements of this Section.

B. The adoption entity shall conduct recruitment efforts pursuant to a written plan, which shall describe:
1. Specific recruitment goals, including:
   a. Number and composition of adoptive parents the entity will serve; and
   b. The type of children the entity will accept for placement, if limited as to age, race, or other specific characteristics;
2. Methods of recruitment;
3. The number and professional qualifications of staff designated to handle recruitment; and
4. The means by which the adoption entity shall fund its recruitment efforts.

C. The adoption entity's recruitment efforts shall be consistent with the personal characteristics of the children the entity has available for adoption and reasonably expects will become available through the entity.

D. An adoption entity shall not:
1. Promise to place more children than the entity's prior history shows it can reasonably expect to place,
2. Promise to place a child in less time than the average waiting period demonstrated by the entity's past practice,
3. Promise that an adoption will be subsidized prior to formal approval of an adoption assistance agreement which meets the requirements of A.R.S. § 8-141 et seq., or
4. Make any other statements or promises the entity knows or reasonably should know are false, misleading, or inaccurate.

Historical Note
Adopted effective January 18, 1978 (Supp. 78-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-6603. Orientation: Persons Interested in Adoption

A. Prior to accepting a certification application from a person contemplating adoption of a child, or an application for placement from a person who intends to seek a placement through the entity, an adoption entity shall provide the person with adoption orientation, which shall explain the following:
1. The adoption process, including all legally mandated procedures and estimated time-frames for completion of such procedures;
2. The adoption entity's policies and procedures that directly affect services to adoptive parents;
3. The adoption entity's fee structure and written fee agreement;
4. The types and number of children the agency typically has had and reasonably expects to have available for adoption placement and the average length of time between certification and placement;
5. The Department's responsibility for licensing and monitoring agencies, and the public's right to register a complaint about an agency as prescribed in R6-5-7034;
6. The function of the Central Adoption Registry and the adoptive parent's right to decide whether to be included in the Registry;
7. Confidentiality requirements, open adoptions, and the confidential intermediary program described in A.R.S. § 8-134; and
8. The requirements prescribed in A.R.S. § 8-548.07, to reimburse AHCCCSA for the cost of prenatal care and delivery of a child placed pursuant to the ICPC.

B. A person who is already knowledgeable about all or part of the matters listed in subsection (A) may waive orientation on those matters which are familiar, with the approval of the adoption entity. A person may be knowledgeable due to a prior adoption through an Arizona adoption entity, or employment in adoption services, or for other similar reasons.

C. An adoption entity shall maintain written documentation showing that any person who has applied to the entity for certification or for placement of a child has received the orientation described in subsection (A), as prescribed in R6-5-7027(1), or has obtained a waiver as prescribed in subsection (B). If some or all orientation is waived, the adoption entity shall document the matters waived and the reasons for the waiver.

D. An adoption entity shall not charge a person for anything other than a certification application fee, or enter into an adoption fee agreement with a person, until the person has received the orientation described in subsection (A).

Historical Note

Adopted effective January 18, 1978 (Supp. 78-1). Repealed effective August 15, 1980 (Supp. 80-4). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-6604. Application for Certification; Fees; Waiver

A person who wishes to become certified as an adoptive parent shall apply for certification as provided in A.R.S. § 8-105(A). An adoption entity shall require an applicant to provide at least the following information:

1. Personally identifying information for each prospective adoptive parent, including:
   a. Name and date of birth;
   b. Social Security number;
   c. Race and nationality;
   d. Physical description;
   e. Current address and duration of Arizona residency; and
   f. Marital history; and
   g. The name, address, and phone number of immediate family members, including emancipated adult children;
2. The name, birthdays, and social security number of persons residing with the applicant;
3. A listing of the applicant's insurance policies, including any insurance that may be available to cover the medical expenses of a birth mother or adoptive child; the applicant shall specify the name of the insured, the insurance policy number, and the effective dates of coverage;
4. A current financial statement which shall describe the applicant's assets, income, debts, and financial obligations;
5. A physician's statement as to the applicant's current physical and mental health;
6. A medical and psychological history on the applicant and the applicant's household family members; such history may be a self-declaration of past physical and mental illness;
7. The applicant's employment history;
8. The applicant's social history;
9. A statement from the applicant as to the type of child the applicant seeks to adopt and whether the applicant desires to adopt or would consider adopting a child with special needs;
10. Information on the following legal proceedings in which the applicant has been a party:
    a. Dependency actions,
    b. Severance or termination of parental rights actions,
    c. Child support enforcement actions,
    d. Actions involving allegations of child maltreatment,
    e. Adoption proceedings, or
    f. Criminal proceedings other than minor traffic violations;
11. The applicant's prior history of adoption certification, including prior applications for certification and the dates of any certification denials;
12. An inquiry as to whether the applicant wishes to be listed on the Registry;
13. A fingerprint card on each applicant; and
14. The names, addresses, and phone numbers of five personal references who have known the applicant at least two years and who can attest to the applicant's character and fitness to adopt. At least three references shall not be related to the applicant by blood or marriage.

Historical Note

Adopted effective January 18, 1978 (Supp. 78-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-6605. Certification Investigation

A. Following acceptance of a completed certification application, the adoption entity shall conduct a certification investigation which shall include, at a minimum, the following:

1. Personal interviews with the adoptive family. Such interviews shall:
   a. Occur on at least two separate occasions, at least one of which shall be at the adoptive family's residence;
   b. Comprise no less than four hours of face-to-face contact, at least one hour of which shall take place at the adoptive family's residence;
   c. Include at least one separate interview with each member of the adoptive family's household who is age 5 or older; and
   d. Include at least one joint interview with both adoptive parents if the adoptive family is a couple;
2. Written statements from and personal contact (either a face-to-face meeting or a telephone call) with at least three of the applicant's personal references;
3. An inquiry as to whether the applicant wishes to be listed in the Central Adoption Registry;
4. Verification of the applicant's financial condition through a review of one or more of the documents listed in subsection (A)(7)(g) below;
5. A request to the Department for a check of the CPSCR to determine if the applicant has a past record of complaints of child abuse or neglect;
6. An evaluation of the success of the placement of other children adopted by the applicant;
7. A review of any supporting documentation the adoption entity reasonably deems necessary to determine an applicant's fitness to adopt, which may include the following:
   a. A physician's statement regarding the physical health of the applicant's other children;
   b. A statement from a psychiatrist or psychologist regarding the mental health of the applicant or the applicant's other household members;
   c. Birth certificates;
   d. Marriage certificate;
   e. Dissolution or divorce papers and orders, including child support documentation;
   f. Military discharge papers;
   g. Financial statements, tax returns, pay stubs, and W-2 statements;
   h. Bankruptcy papers;
   i. Insurance policy information; or
   j. Documentation showing Arizona residency.

B. A social worker who meets the qualifications listed in R6-5-7014 shall perform the certification investigation and shall

document all personal contacts made and all information reviewed and considered during the investigation.

Historical Note
Adopted effective January 18, 1978 (Supp. 78-1). Amended subsection (C) effective August 15, 1980 (Supp. 80-4). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-6606. Certification Report and Recommendation

A. Upon completion of the certification investigation, the adoption entity shall prepare a certification report in compliance with A.R.S. § 8-105(E) and (H).

B. In determining whether to recommend certification of an applicant, the adoption entity shall consider all factors bearing on fitness to adopt, including, but not limited to:
1. The factors listed in A.R.S. § 8-105(E);
2. The length and stability of the applicant's marital relationship, if applicable;
3. The applicant's age and health;
4. Past, significant disturbances or events in the applicant's immediate family, such as involuntary job separation, divorce, or death of spouse, child, or parent, and history of child maltreatment;
5. The applicant's ability to financially provide for an adoptee; and
6. The applicant's history of providing financial support to the applicant's other children, including compliance with court-ordered child support obligations.

C. The certification report shall specifically note any instances where an applicant has:
1. Been charged with, been convicted of, pled no contest to, or is awaiting trial on charges of, an offense listed in A.R.S. § 46-141; or
2. Lost care, custody, control, or parental rights to a child as a result of a dependency action or action to terminate parental rights.

D. If the report recommends denial of certification, the adoption entity shall send the applicant written notice of the unfavorable recommendation and an explanation of the applicant's right under A.R.S. § 8-105(M) to petition the court for review. The adoption entity shall mail the notice to the applicant at least five work days prior to filing the certification report with the court.

E. The adoption entity shall notify the prospective adoptive parent of the court's certification decision if the Court fails to do so.

Historical Note
Adopted effective January 18, 1978 (Supp. 78-1). Amended effective August 15, 1980 (Supp. 80-4). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-6607. Renewal of Certification

A. A certified adoptive parent who has not filed a petition for adoption within one year of the original certification order, may apply for an extension of certification, as provided in A.R.S. § 8-105(K).

B. If the Court directs an adoption entity to investigate a certified adoptive parent who has requested a renewal of certification, the entity shall obtain, from the adoptive parent seeking renewal, the following information:
1. A copy of the request for renewal of certification;
2. A statement of any changes in the certified adoptive parent's social, family, medical, and financial circumstances;
3. New fingerprint clearance at least every third year following original certification;
4. A current medical report for all members of the applicant's household at least every third year following original certification; and
5. Such other information as the Court may request.

C. When investigating a request for renewal of certification, the adoption entity shall, at a minimum, complete the following:
1. Conduct a face-to-face interview at the applicant's home with the applicant and the applicant's other household members over the age of 5,
2. Investigate any change in circumstances described in the request for renewal as necessary to determine continuing fitness to adopt, and
3. Document all action.

D. Upon completion of the renewal investigation, the adoption entity shall prepare and file with the Court a report of the investigation, which shall contain a recommendation for or against renewal of certification.

E. If the adoption entity recommends that certification not be renewed, the entity shall send the adoptive parent notice as prescribed in R6-5-6606(D).

Historical Note
Adopted effective January 18, 1978 (Supp. 78-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-6608. Communications with Certified Parents Awaiting Placement

Upon request, an adoption entity shall inform a certified adoptive parent awaiting placement of a child of the following:
1. The status of the parent's case;
2. The number of children the agency currently has available for adoption;
3. The number of times the parent has been considered for placement of a child;
4. The number of approved families awaiting placement of a child through the agency; and
5. The number of placements the agency made in the prior year, the number of placements the agency has made to date in the current year, and the number of placements the agency anticipates making during the remainder of the current year.

Historical Note
Adopted effective January 18, 1978 (Supp. 78-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-6609. Prohibitions Regarding Birth Parents

An adoption entity shall not:
1. Promise a birth parent that the birth parent will have future contact with the child or the adoptive parent; the adoption entity may, however, explain the concepts of open adoption and semi-open adoption;
2. Promise a birth parent that the child will be placed with a specific family or type of family, except in a direct placement adoption; the adoption entity may, however, advise the parent that it will use its best efforts to honor any placement preferences the birth parent may have, to the extent that such preference is consistent with the best interests of the child;
3. Promise a birth parent any financial or other consideration prohibited by law; or
4. Do or say anything to coerce or pressure a birth parent to sign a consent.

Historical Note
Adopted effective January 18, 1978 (Supp. 78-1). Amended effective August 15, 1980 (Supp. 80-4). Sec-

tion repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-6610. Information about Birth Parents

A. Before accepting a child for placement, the adoption entity shall make a good faith effort to obtain the information described in this Section from the child's birth parent, or person having custody of the child.
1. Information about each birth parent, including:
   a. Name and any aliases used;
   b. Address, phone number, and residential history;
   c. Date and place of birth;
   d. Social security number;
   e. Race, citizenship, and any Native American tribal affiliation or membership;
   f. Physical description;
   g. Name of current employer and employment history;
   h. Educational history;
   i. Marital history and status;
   j. Record of other births and children born to the birth parent;
   k. Hobbies;
   l. Future plans;
   m. Record of arrests or convictions;
   n. Medical history;
   o. For the birth mother, history of prenatal care, gestational substance or drug abuse, pregnancy, and delivery;
   p. Immediate family relationships; and
   q. Significant family events.
2. An explanation of the birth parent's decision to place the child for adoption, the factors which influenced that decision, and a record of any counseling the birth parent has received concerning the decision.
3. A record of the birth parent's contact with the child.
4. A statement of the birth parent's feelings about future contact with the child.
5. A list of the birth parent's preferences regarding an adoptive home for the child.
6. Medical history on the birth parent's own parents, siblings, grandparents, aunts, uncles, and first cousins.
7. Information on the child being surrendered for adoption, as appropriate to the age of the child:
   a. Developmental history,
   b. Medical history,
   c. Psychosocial background,
   d. Educational history, and
   e. Membership in or affiliation with any Native American tribe.
8. A listing of the birth parent's insurance policies, including any insurance that may be available to cover the medical expenses of the birth mother or adoptive child; the listing shall specify the name of the insured, the insurance policy number, and the effective dates of coverage.

B. The adoption entity shall document all statements and information in a permanent record.

Historical Note

Adopted effective January 18, 1978 (Supp. 78-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-6611. Pre-consent Conferences with Birth Parents

A. The adoption entity shall have a pre-consent conference with each birth parent from whom a consent to adoption is required under A.R.S. § 8-106, to explain the following information:
1. The legal and practical consequences of executing a consent, including:
   a. Applicable ICWA provisions; and
   b. The fact that the consent, and all other affidavits executed in connection with an adoption, are executed under penalty of perjury;
2. The irrevocability of a consent;
3. The legal prohibition against paying the birth parent to execute a consent;
4. The fact that the birth parent has no obligation to sign the consent; and
5. The provisions of A.R.S. § 8-106(F) regarding an affidavit of potential fathers and A.R.S. § 8-548.07 regarding reimbursement to AHCCCSA.

B. The Pre-consent conference shall occur:
1. No earlier than 12 hours after the birth of a child if the conference was not held before the birth, as provided in subsection (B)(2);
2. No earlier than 60 days before the anticipated due date, if the conference is held before the child's birth;
3. At least 24 hours before presenting a birth parent with the consent form for signature; and
4. At a time which takes into account the known medical and emotional condition of the birth parents.

C. The person conducting the pre-consent conference shall provide the birth parent with a sample consent form and shall convey the information described in subsection (A) in a language and form that the birth parent can understand.

D. The person conducting the pre-consent conference shall document that the information was given and understood and shall obtain the birth parent's signature on the documentation. If the conference is telephonic as prescribed in subsection (E), the person may obtain the signature later through the mail. If the conference is not held, the person shall document the reasons, as prescribed in subsection (E).

E. The pre-consent conference may be telephonic and is not required if the birth parent cannot be located or refuses to participate in the conference; however, the entity shall document the reason why the conference did not occur.

F. If required to obtain a consent from a birth father under A.R.S. § 8-106, the adoption entity shall, prior to obtaining the birth father's signature, advise the birth father of the matters listed in subsection (A), in a form and language the birth father can understand. The advice may be included on the consent form.

Historical Note

Adopted effective January 2, 1996 (Supp. 96-1).
Amended by final rulemaking at 5 A.A.R. 1006, effective March 18, 1999 (Supp. 99-1).

R6-5-6612. Consent to Adopt; Unknown Birth Parent

A. A person who obtains a birth parent's signature on a consent shall not do so until the person determines:
1. That the requirements of R6-5-6611 have been met;
2. That the birth parent is not acting under duress;
3. That the birth parent is physically and mentally capable of exercising informed consent; and
4. That the birth parent has revealed all information known about the identity and location of the other birth parent.

B. No one shall advise a birth parent to falsely state that he or she does not know the identity or location of the other birth parent.

C. When a birth parent professes not to know the identity or location of the other birth parent, the person taking the consent shall explain the risks and consequences of this response, including the following:
1. Potential invalidation of the adoption;
2. Potential detriment to the child's social and physical well-being, due to lack of information concerning the unidentified birth parent's social and medical history; and

3. Potential penalties for perjury.

D. The adoption entity shall document all action taken in compliance with this Section.

E. When a birth parent knows, but refuses to disclose, the identity or location of the other birth parent, the adoption entity shall advise the birth parent as provided in subsection (C) and shall also explain that the court may refuse to finalize the adoption.

F. The adoption entity shall give the birth parent a copy of the consent and retain a copy in the permanent adoption file.

G. The adoption entity shall request a search of the confidential register of information which the Arizona Department of Health Services maintains pursuant to A.R.S. § 8-106.01 if:
1. A birth father's identity is unknown or undisclosed, and
2. The adoption entity believes that a search of the register may prevent disruption of a placement or an adoption.

Historical Note
Adopted effective January 2, 1996 (Supp. 96-1).

R6-5-6613. Adoptable Child: Assessment and Service Plan

A. Prior to selecting an adoptive placement for an adoptable child, the adoption entity shall:
1. Assess the child's medical, psychological, social, and developmental needs and shall design an adoptive family profile consistent with the child's needs and best interests;
2. Design a written plan of developmentally appropriate preplacement and post-placement services necessary to facilitate the child's adjustment to placement;
3. Assess whether the child is a potential candidate for an adoption subsidy.

B. The plan shall, at a minimum, include:
1. Placing the child on the Registry if there is no adoptive family readily available to adopt the child;
2. Giving the child a developmentally appropriate explanation of the adoption process.

C. The adoption entity shall provide the child with services in accordance with the child's plan.

Historical Note
Adopted effective January 2, 1996 (Supp. 96-1).

R6-5-6614. Placement Determination

A. An adoption entity shall have and follow a written policy for making placement recommendations and decisions in both direct placement and agency placement adoptions.

B. Except as otherwise provided in subsection (C), in an agency placement adoption, the placement decision shall be made by a team which shall, at a minimum, include:
1. The case manager or person who assessed the adoptable child, and
2. The case manager or person who is knowledgeable about the potential adoptive families for the adoptable child.

C. In international adoptions, where the case worker who assessed the child is out of the country and unavailable, the agency shall include the person who is most familiar with the adoptable child's needs.

D. In an agency placement adoption, an adoption entity shall place an adoptable child in the adoptive setting which best meets the child's needs. In determining who can best meet the needs, the adoption entity shall consider all relevant factors, including, without limitation:
1. The wishes of the child's birth parent;
2. Family relationships between the child and the adoptive family members;
3. The racial, cultural, and ethnic background of the child and the family members;
4. The family's ability to financially provide for the child and to meet the child's emotional, physical, mental, and social needs;
5. The placement of the child's siblings;
6. The availability of relatives, the adoptable child's former foster parents, or other significant persons to provide support to the adoptive family and child; and
7. All information in the case files of the child and the adoptive family.

E. The adoption entity shall document the placement decision.
1. For adoptions conducted pursuant to the ICPC, the documentation shall comply with the requirements of the ICPC regarding documentation of suitability, as prescribed in A.R.S. § 8-548.
2. For all other adoptions, the documentation shall include the following:
   a. The adoptive child's critical needs and characteristics that weighed most heavily in the placement determination,
   b. The names and general family characteristics of those adoptive parents who most closely matched the child's needs and who were most seriously considered for placement, and
   c. The reasons why the particular adoptive parent chosen for placement best matched the child's needs and characteristics.

F. For adoptions not covered by the ICPC, the adoption entity may document the placement decision in a file or placement log that is separate from clients' case files.

Historical Note
Adopted effective January 2, 1996 (Supp. 96-1).

R6-5-6615. Provision of Information on Placed Child

After selecting an adoptive placement for a child, and before placing the child with the chosen adoptive parent, the adoption entity shall provide the adoptive parent with all nonidentifying information available on the child, including, without limitation, the following:
1. All records concerning the child's medical, social, legal, family, and educational background;
2. All records concerning the birth parents' medical, social, legal, family, and educational background;
3. The medical and social background on the child's other immediate family members, including siblings and birth grandparents;
4. The child's plan of adoption services, as described in R6-5-6613; and
5. Advice on adoption subsidy that may be available for the child.

Historical Note
Adopted effective January 2, 1996 (Supp. 96-1).

R6-5-6616. Transportation

An adoption entity which transports adoptive children shall:
1. Ensure that any such entity or person who transports an adoptive child is informed of the child's medical needs and is capable of meeting any medical needs that are reasonably likely to arise during transport;
2. Not leave an adoptive child unattended during transportation unless the adoption entity has determined, and documented in the child's record, that the child is physically and emotionally capable of traveling alone;
3. Require all persons who provide transport to carry personal identification and a written statement from the agency describing the person's authority and responsibilities while performing transport duties;

4. Require proof of identification from any person accepting temporary or permanent responsibility for an adoptive child during the course of placement; and
5. Document all transportation plans and actual transportation events in the child's record.

Historical Note
Adopted effective January 2, 1996 (Supp. 96-1).

R6-5-6617. Placement Investigation and Report

A. When an adoption entity performs a placement investigation as required by A.R.S. § 8-105(F) and (I), the investigation shall include:
1. At least one visit with the family after the child is in the home; the visit shall include at least one conference alone with the placed child, if developmentally appropriate;
2. Any other investigative efforts necessary to make a report on the matters listed in A.R.S § 8-105(F).

B. Upon completion of the placement investigation, the adoption entity shall prepare a placement report in compliance with A.R.S. § 8-105(F) and (I).

C. In determining whether to recommend approval of the placement, the adoption entity shall consider all factors bearing on the suitability of the adoptive placement, including the factors listed in R6-5-6614(C).

D. The adoption entity shall document all action taken to conduct the placement investigation.

Historical Note
Adopted effective January 2, 1996 (Supp. 96-1).

R6-5-6618. Placement Services

A. An adoption entity shall make counseling services available to the adoptive family as the entity deems reasonable and necessary to facilitate the child's acceptance into the family and to preserve stability. The adoption entity may make such services available by advising the adoptive family that such services may be beneficial and referring the adoptive family to community resources and providers.

B. The adoption entity shall make information on adoption related educational and supportive resources available to adoptive families.

Historical Note
Adopted effective January 2, 1996 (Supp. 96-1).

R6-5-6619. Post-placement Supervision: Non-foster Parent Placements

A. When a child is placed for adoption with a person who is not the child's foster parent, a case manager from the adoption entity shall visit the home within 30 calendar days of the date of adoptive placement to:
1. Ensure that the adoptive parent received all available nonidentifying information on the child;
2. Address any questions or concerns the adoptive parent or child may have about the adoption process or placement;
3. Ensure that the family has addressed the educational needs of a school-age child; and
4. Ensure that an adoptive parent who works has made appropriate child care arrangements.

B. Following the initial placement visit described in subsection (A), a case manager from the adoption entity shall:
1. Visit the adoptive family at least once every three months until the adoption is finalized except, when the adoptive child is a child with special needs, the visits shall occur at least once a month. During the first six months following the initial placement visit, at least alternating visits shall occur at the adoptive family's home;
2. Interview all members of the adoptive family's household during the placement supervision period; and
3. Discuss the following issues with the adoptive parent if appropriate in light of the child's age and development:
   a. How the presence of the child has changed familial relationships;
   b. How the child and the extended family view each other;
   c. The role each family member has assumed regarding child care and discipline;
   d. How the parent is coping with the needs and demands of the placed child;
   e. How the child challenges or tests the placement and how the family reacts to these episodes, including any feelings of insecurity about the propriety of the family members' response;
   f. How the family perceives the child's sense of identity and the need to fill in gaps in the child's history; and
   g. How the child has adjusted to the school environment; and
4. If developmentally appropriate, privately interview the child about the child's feelings about the adoption and the matters listed in subsection (B)(3), at each supervisory visit.

C. The case manager shall document all contacts and communications made pursuant to this Section.

Historical Note
Adopted effective January 2, 1996 (Supp. 96-1).
Amended by final rulemaking at 5 A.A.R. 1006, effective March 18, 1999 (Supp. 99-1)

R6-5-6620. Post-placement Supervision: Foster Parent Placements

A. When a foster parent plans to adopt a foster child who is age 5 or older, a case worker from the adoption entity shall privately interview the child and all members of the adoptive family household who are age 5 or older about their feelings towards the adoption, before the adoption consent is signed.

B. When a child is placed for adoption with a person who has been a foster parent to the child, a case manager from the adoption entity shall conduct home visits at least every two months from the time legal consent for adoption has been signed until the finalization of adoption. If the adoptive child is a child with special needs, the case manager shall visit at least once a month.

C. During such visits, the case manager shall:
1. If developmentally appropriate, privately interview the child to discuss the child's feelings about the adoption; and
2. Interview all members of the adoptive family household, including children, if developmentally appropriate, to discuss, at a minimum, the matters listed in R6-5-6619(B)(3).

D. The case manager shall document all contacts and communications made pursuant to this Section.

Historical Note
Adopted effective January 2, 1996 (Supp. 96-1).

R6-5-6621. Protracted Placements

If an adoption is not finalized within two years from the date of consent, and the child is still placed in the adoptive home, the agency handling the adoption shall provide the Department with written documentation explaining the reason why the adoption has not been finalized, no later than 30 calendar days after the two-year period has ended.

Historical Note
Adopted effective January 2, 1996 (Supp. 96-1).

R6-5-6622. Finalizing the Placement
An adoption entity shall cooperate with the adoptive parent and the attorney, if any, retained by the adoptive parent, to finalize the adoption.

1. The entity shall provide all information and documents needed to finalize the adoption and shall file a final written report to the court at least 14 calendar days before the final adoption hearing, or at such other time as the Court may require. The report shall include the information listed in this subsection, unless the entity has already provided this information in an earlier report, and the information has not changed since the earlier report.
   a. The name and age of each adoptive parent and the relationship, if any, of each adoptive parent to the child to be adopted;
   b. The name, age, and birthplace of the child to be adopted, and whether any or all of this information is unknown to the adoptive parent;
   c. The entity or other source from which the adoptive parent received the child to be adopted;
   d. The circumstances surrounding the surrender of the child to the entity;
   e. The results of the entity's evaluation of the child and of the adoptive parent, including a description of the care the child is receiving and the adjustment of the child and parent, and a summary statement of the entity's recommendation to the court regarding finalization;
   f. A full description of any property belonging to the child to be adopted;
   g. An itemized statement of all fees and costs the adoptive parent paid in connection with the adoption, as prescribed in R6-5-6503.
2. If developmentally appropriate, the entity shall solicit and consider the child's wishes concerning adoption.
3. The entity shall notify AHCCCSA of any potential third party payors, as prescribed in A.R.S. § 36-2903.01(T), if the entity has not already done so.

Historical Note
Adopted effective January 2, 1996 (Supp. 96-1).

R6-5-6623. Placement Disruption

A. When a placement fails, the adoption entity shall provide services, including counseling to the family and child, to help them cope with the loss and separation.

B. An adoption entity shall have and follow written procedures for an adoptive placement disruption. The procedures shall include:
   1. Provision of counselling services to the adoptive family and child as needed; and
   2. Provision for placement of the child in another adoptive home or other developmentally appropriate living arrangement.

C. The agency shall document the reasons for the disruption and shall take such information into account when making future placements for the adoptive parent and the child.

Historical Note
Adopted effective January 2, 1996 (Supp. 96-1).

R6-5-6624. Confidentiality
Any person who participates in an adoption or provides adoption services shall abide by the confidentiality requirements prescribed in A.R.S. §§ 8-120, 8-121, and 36-2903.01(S).

Historical Note
Adopted effective January 2, 1996 (Supp. 96-1).

ARTICLE 67. ADOPTION SUBSIDY

R6-5-6701. Objective
Adoption subsidy is a program which provides monetary assistance and special services for children who otherwise may not be adopted, making it possible to secure permanent legal homes with qualified adoptive parent applicants who meet adoption agency standards with one exception: that being the financial ability to support the child(ren).

Historical Note
Adopted effective May 17, 1976 (Supp. 76-3). Amended effective June 19, 1979 (Supp. 79-3).

R6-5-6702. Authority
The adoption subsidy program is authorized under A.R.S. Title 8, Chapter 1, Article 2, Sections 8-141 through 8-145.

Historical Note
Adopted effective May 17, 1976 (Supp. 76-3).

R6-5-6703. Description of services
Depending on the needs of the child, the subsidy may be for special services and/or money payments and for a limited period or until the child is 18 years of age, or for any combination thereof.

Historical Note
Adopted effective May 17, 1976 (Supp. 76-3).

R6-5-6704. Definitions

A. "Adoption subsidy." Providing monetary assistance and/or special services to secure permanent legal homes for children who otherwise may not be adopted.

B. "Adoptive parents." Any adult or adults who are residents of Arizona, whether married, unmarried or legally separated, who qualify to adopt children or have adopted children.

C. "Adoptive parents of another state." Any adult or adults who are residents of a state other than Arizona who qualify to adopt children, or have adopted children, according to the laws of that state.

D. "Child." *Any person under the age of 18 years who is legally free for adoption, who has either become emotionally attached to the prospective adoptive parents while in their care as a foster child or who otherwise may not be adopted because of any of the following special circumstances:*
   1. Physical or mental disability.
   2. Emotional disturbance.
   3. High risk of physical or mental disease.
   4. Age.
   5. Sibling relationship.
   6. Racial or ethnic factors.
   7. Any combination of circumstances described by paragraph (1) through (6). (A.R.S. § 8-141).

E. "Foster parents." Any adult or adults maintaining a foster home.

F. "Money payments." Monthly subsistence payments for the child.

G. "Special services subsidy." Payment to adoptive parents or to the provider of services for expenses incurred in the provision of medical/dental, psychiatric/psychological, special education/day treatment and other services to meet the pre-existing or otherwise indicated health related needs or risks of the child.

Historical Note
Adopted effective May 17, 1976 (Supp. 76-3). Amended effective June 19, 1979 (Supp. 79-3).

R6-5-6705. Policy

A. Foster parents interested in adopting a child in their home or any other persons interested in adopting a child who is in custody of the Department or a licensed child-placing agency in Arizona, may apply to the Department of Economic Security to have the child certified for adoption subsidy.

B. A child who is in the custody of the Department or a licensed child-placing agency in Arizona when eligibility for subsidy is certified shall remain eligible and may receive subsidy, regardless of the domicile or residence of the adopting parents at the time of application for adoption, placement, legal order of adoption or thereafter.

C. All persons approved for the program as adoptive parents must meet adoption agency standards, with one exception; that being the financial ability to support the child.

D. The child for whom subsidy is to be considered must be:
1. In the custody of the Department and a ward of the court or in the custody of a licensed child-placing agency in Arizona.
2. Legally free for adoption.

E. An adoption subsidy agreement must be signed prior to entry the order of adoption.

F. An adoption subsidy may:
1. Commence at any time after subsidy is approved and the child has been placed for adoption.
2. Vary with the needs due to the special circumstance of the adopted child and with the availability of other resources.
3. Continue as long as the needs of the child exist and the child is a legal dependent of the adoptive parents, but not beyond 18 years of age.
4. Be for special services only.
5. Be for money payments only.
6. Be for special services and money payments.
7. Not exceed money payments allowable for foster family care.
8. Include, in the case of a special service, the reasonable fee for the service rendered.

G. All direct benefits available to the child shall be subtracted from the subsidy. Such benefits include, but are not limited to the following: Social Security, A.S.I., Veterans Administration, Tribal and Insurance Benefits.

H. There shall be an annual review by the Department of all continuing subsidies to ascertain the need for continuing or adjusting the subsidy.

I. The adoption subsidy will be suspended if the child is placed in the care, custody, and control of an agency or individual other that the adoptive parents or custody, and control of an agency or individual other than the adoptive parents or if the child's needs no longer exist. In the event the child is placed in foster care the subsidy shall be suspended for that period of time when the child is out of the home. The subsidy may be resumed upon the child's return to the home if the need still exists.

J. In the event the adoptive parents move out of state, the subsidy shall be continued so long as the child's need is confirmed and documented in the child's record.

K. All records regarding subsidized adoption shall be confidential and may be disclosed only in accordance with the state laws and/or regulations of the Department of Economic Security.

Historical Note

Adopted effective May 17, 1976 (Supp. 76-3). Amended effective June 19, 1979 (Supp. 79-3).

R6-5-6706. Types of subsidy

A. Money payments
1. Amount and method of payment.
   a. Money payments shall not exceed the current rate for foster family care and shall be automatically adjusted whenever foster family care rates are changed.
   b. The subsidy shall be paid on a monthly basis and be issued to the adoptive parents.
2. Duration
   a. Time limited subsidy: Payments for a specified period of time.
   b. Long term subsidy: Payments for an unspecified period of time which may extend until the child reaches the age of 18.
   c. Delayed subsidy: Entering into an agreement on anticipated future needs for money payments.

B. Special services subsidy
1. Children to be considered for special services subsidy shall include:
   a. Children with a known, pre-existing condition which will require treatment or surgery after adoptive placement and/or after the legal order of adoption.
   b. Children who, because of their genetic background, medical or social history, face a recognized high risk that a related physical or mental condition may later develop.
2. Services covered include, but are not limited to:
   a. Treatment of medical, dental and emotional conditions.
   b. Other health related services such as physical therapy, rehabilitation training, speech and hearing therapy, and purchase or rental of wheelchairs, braces, crutches, prostheses, glasses and hearing aids.
3. Limitation
   a. Evaluation must be made on the adoptive parents' medical and hospital insurance and of other public and voluntary community services (such as Crippled Children's Services) to determine whether treatment and related costs can be covered by one or more of the existing health programs. Available resources must be utilized. Verification must be recorded in the case record. If these resources fully cover the child's special needs, subsidy may still be approved to guarantee continued services to the child should the availability of insurance or other resources fail in the future.
   b. The subsidy shall not include provision for payment of routine medical care or health problems that occur subsequent to the final order of adoption.
   c. Evaluation must be made of Public School District Special Education Programs to determine whether they can meet the child's educational needs. In cases where the School District certifies that no appropriate program is provided but cannot pay any or all of the cost of Special Education in a non-public school program, the Department may supplement or pay full tuition. The non-public school must be certified by the Arizona State Department of Public Education for such Special Education. Before this payment may be approved, all authorized methods for payment by the Public School and the Department of Education must be exhausted. Verified information must be documented in the Case Record.
4. Amount and method of payment
   a. The amount of the subsidy for health related services shall be limited to a usual, customary and reasonable fee for the service rendered.

b. The amount of subsidy for day treatment or special education shall be no more than the total monthly tuition less any amount which can be paid by the school and any amount which may be paid through voucher by the State Department of Education.
c. The subsidy payments will be made directly to the adoptive parents, who will then pay the provider. Exception: In the event of high cost health related services, such as hospitalization and surgery, if the adoptive parents prefer not to handle these large sums of money, payment may be made directly to the provider.

Historical Note
Adopted effective May 17, 1976 (Supp. 76-3). Amended effective June 19, 1979 (Supp. 79-3).

R6-5-6707. Certification of the child for adoption subsidy

A. The child with special needs shall be evaluated by qualified specialists as to the medical/dental, psychiatric/psychological, developmental/educational, and other health related services needed. This shall be done prior to selection of an adoptive family.
B. The child who has become emotionally attached to his foster parents shall:
1. Be currently in a foster home which meets the standards for certification for adoption; except for the financial ability to support the child; and,
2. Have a psychiatric or psychological evaluation which indicates the child has established such significant emotional ties with the foster parents as to be unable to readily accept another family; or,
3. Have established such a meaningful relationship with the foster parents that the most appropriate plan is adoption by the foster parents, as determined by the Social Services Worker and Social Services Supervisor.
C. The child with special needs due to age; sibling relationship; and/or racial or ethnic factors may also be certified for adoption subsidy when such factors impede the child's adoptive placement.
D. The Social Services Worker responsible for case planning for the child shall, after obtaining comprehensive evaluation of the child's needs, complete the required forms to request Department certification of the child as appropriate for adoption subsidy.
E. Reasons for which the child is certified may change at anytime after subsidy is approved and the child has been placed for adoption, but prior to entry of the order of adoption.
F. The Department will approve or deny each request for certification.
G. Approval of the child for subsidy may be completed before the child is placed in an adoptive home.
H. The adoptive family must apply and be approved before payment may be made on behalf of the child.

Historical Note
Adopted effective May 17, 1976 (Supp. 76-3). Amended effective June 19, 1979 (Supp. 79-3).

R6-5-6708. Adoptive parents application for subsidy

A. The adoptive parents shall be court certified or approved as an adoptive home.
B. It shall be determined that appropriate resources for placement of the child have been considered and carefully evaluated, and that the adoptive family wishing to apply shall be considered the most appropriate placement for the specific child(ren).
C. The adoptive parents shall submit a written application on forms provided by the Department.
D. The Department must make a decision to approve or deny the application within 30 days after the application is received.

Historical Note
Adopted effective May 17, 1976 (Supp. 76-3). Amended effective June 19, 1979 (Supp. 79-3).

R6-5-6709. Department responsibility

A. The Department shall:
1. Advise adoptive parents that adoption subsidy is available for children meeting the following special circumstances:
   a. Physical or mental disability
   b. Emotional disturbance
   c. High risk of physical or mental disease
   d. Age
   e. Sibling relationship
   f. Racial or ethic factors
   g. Any combination of circumstances described by subparagraphs (a) through (f).
2. Advise adoptive parents regarding subsidy prior to preplacement visit between child and potential adoptive parents.
3. After the placement of a certified child in the adoptive home, evaluate the adoptive family's medical and hospital insurance and address the limitations of the agreement.
4. Approve and sign the Agreement between the Department of Economic Security and adoptive parents regarding Subsidy Payments.
B. Shall accept application to have child certified for adoption subsidy:
1. Determine child's eligibility for subsidy.
2. Approve or disapprove the application submitted by the adoptive parents regarding Subsidy Payments.
C. If the child is determined eligible, the Application will be approved and the adoptive parents shall be asked to sign the Agreement.
D. If the application for a subsidy is disapproved, the Department shall send a decision letter within ten days of making the decision stating the reason(s) for disapproval and the fact the applicant has a right to appeal.
E. Subsidy payments may begin when the certified child is placed for adoption and the subsidy is approved.

Historical Note
Adopted effective May 17, 1976 (Supp. 76-3). Former Section R6-5-6709 repealed, former Section R6-5-6710 renumbered and amended as Section R6-5-6709 effective June 19, 1979 (Supp. 79-3).

R6-5-6710. Revisions

If at any time the circumstances of the child or the family change materially, the original agreement shall be reviewed at that time and may be modified at the request of the family or the Department.

Historical Note
Adopted effective May 17, 1976 (Supp. 76-3). Former Section R6-5-6710 renumbered and amended as Section R6-5-6709, former Section R6-5-6711 renumbered and amended as Section R6-5-6710 effective June 19, 1979 (Supp. 79-3).

R6-5-6711. Case management

A. The case shall remain open as long as the child continues to be approved for subsidy. The functions and responsibilities of the Department will be limited to documenting need and making subsidy payments.

B. Confidentiality. The files and regulations of the Department regarding the disclosure and use of confidential information concerning the client, as set forth in A.A.C. Title 6, Chapter 5, Article 23, "Safeguarding for Records and Information" shall apply to all services provided under this Article.
C. Appeals. The rules and regulations of the Department set forth in A.A.C. Title 6, Chapter 5, Article 25, "Complaints and Appeals" shall apply to all services provided under this Article.
D. Civil rights. The rules and regulations of the Department set forth in A.A.C. Title 6, Chapter 5, Article 26, "Civil Rights" shall apply to all services provided under this Article.
E. Closing the service. The service will be closed when the child is no longer approved for subsidy.

Historical Note
Adopted effective May 17, 1976 (Supp. 76-3). Former Section R6-5-6711 renumbered and amended as Section R6-5-6710, former Section R6-5-6713 renumbered and amended as Section R6-5-6711 effective June 19, 1979 (Supp. 79-3).

R6-5-6712. Repealed

Historical Note
Adopted effective May 17, 1976 (Supp. 76-3). Repealed effective June 19, 1979 (Supp. 79-3).

R6-5-6713. Renumbered

Historical Note
Adopted effective May 17, 1976 (Supp. 76-3). Renumbered and amended as Section R6-5-6711 effective June 19, 1979 (Supp. 79-3).

ARTICLE 68. REPEALED

R6-5-6801. Repealed

Historical Note
Adopted effective May 26, 1977 (Supp. 77-3). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-6802. Repealed

Historical Note
Adopted effective May 26, 1977 (Supp. 77-3). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-6803. Repealed

Historical Note
Adopted effective May 26, 1977 (Supp. 77-3). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-6804. Repealed

Historical Note
Adopted effective May 26, 1977 (Supp. 77-3). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-6805. Repealed

Historical Note
Adopted effective May 26, 1977 (Supp. 77-3). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-6806. Repealed

Historical Note
Adopted effective May 26, 1977 (Supp. 77-3). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-6807. Repealed

Historical Note
Adopted effective May 26, 1977 (Supp. 77-3). Repealed effective June 5, 1997 (Supp. 97-2).

R6-5-6808. Repealed

Historical Note
Adopted effective May 26, 1977 (Supp. 77-3). Repealed effective June 5, 1997 (Supp. 97-2).

ARTICLE 69. CHILD PLACING AGENCY LICENSING STANDARDS

R6-5-6901. Objectives
The objective of this Article is to establish licensing and operating standards to promote quality services for children and unmarried mothers whose needs are not adequately met in their family homes.

Historical Note
Adopted effective August 31, 1978 (Supp. 78-4).

R6-5-6902. Authority
A.R.S. §§ 8-501 through 8-520 and 46-134.

Historical Note
Adopted effective August 31, 1978 (Supp. 78-4).

R6-5-6903. Definitions
A. "Adult." Any person 18 years of age or older.
B. "Authorized representative." A designated employee of the Department.
C. "Casework supervisor." A person who holds a Bachelor's degree from a university or college and has at least three years of casework experience in a certified or licensed family/child welfare agency.
D. "Caseworker." A person who holds a Bachelor's degree from a university or college and who has training and/or experience in the field of behavioral science.
E. "Child." Any person under 18 years of age.
F. "Child placing agency." A child welfare agency which is authorized in its license to place children.
G. "Department." The Arizona State Department of Economic Security.
H. "Division." The Arizona State Department of Economic Security.
I. "Executive Director." The person responsible for overall administration of the child placing agency; also referred to as Administrator, or Director.
J. "Foster care." A social service which, for a planned period, provides substitute care for a child when its own family cannot care for it for a temporary or extended period of time. Foster care may be in a private family home or a group home.
K. "Foster child." A child placed in a foster home or child welfare agency.
L. "Foster home." A home maintained by an individual or individuals having the care or control of children, other than those related to each other by blood or marriage, or related to such individuals, or who are legal wards of such individuals (A.R.S. § 8-501(4)).
M. "License." The legal authorization to operate a child placing agency issued by the Arizona Department of Economic Security.
N. "Licensed medical practitioner." Any physician or surgeon licensed under the laws of this State to practice medicine pursuant to Title 32, Chapter 13 and 17 (A.R.S. § 36-501(4)).
O. "Licensing." Includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal or amendment of a license.

P. "Parent or parents." The natural or adoptive parent or parents of the child.

Q. "Provisional license." A temporary license to operate a Child Placing Agency, issued by the Arizona Department of Economic Security for a period not to exceed six months; a provisional license is issued to an agency that is temporarily unable to conform to all licensing standards and where the deficiencies are minor, correctable and not potentially injurious to the safety or welfare of a child and the agency agrees to correct the deficiency or deficiencies, and where there is a demonstrated need for the services. A provisional license is not renewable.

R. "Receiving foster home." A licensed foster home suitable for immediate placement of children when taken into custody or pending medical examination and court disposition which is designated as a receiving foster home and it is licensed.

S. "Regular foster home." A licensed foster home suitable for placement of not more than five minor children.

T. "Regular license." A license to operate a Child Placing Agency, issued by the Arizona Department of Economic Security; a regular license which may be issued following a provisional license is valid for one year from the date of issuance and must be renewed annually.

U. "Social worker." A person who holds a Master of Social Work degree from an accredited school of social work.

V. "Special foster home." A licensed foster home capable of handling not more than five minor children who require special care for physical, mental or emotional reasons or have been adjudicated a delinquent (A.R.S. § 8-501(10)).

Historical Note
Adopted effective August 31, 1978 (Supp. 78-4).

R6-5-6904. Licensing requirements

A. Consultation. Individuals, association, institutions or corporations considering the establishment of a Child Placing Agency shall consult the Social Services Bureau of the department about such plans:
1. Before a specific program is developed;
2. Before filing a petition for corporation; and
3. Before an application is filed.

B. Application. Individuals, associations, institutions or corporations shall make written application to the Department for a Child Placing Agency license.

C. Fingerprints
1. All members of the Child Placing Agency staff having contact with the foster children must be fingerprinted, and the fingerprints submitted to the Department for a criminal records check.
2. A license for a Child Placing Agency will not be issued, or will be revoked, if any staff member, having contact with foster children has ever been convicted of a sex offense, has been involved in child abuse, child neglect, selling narcotics, or contributing to the delinquency of a minor, or has a substantial criminal record.

D. Demonstration of need for services in the community. Evidence of need shall consist of:
1. Communication from community leaders in the field of child welfare indicating a need for the services proposed by the applicant or
2. Recent research data establishing a need for the services being proposed by the applicant.

E. Licensing study
1. A study will be made as required by A.R.S. § 8-505(C) by an authorized representative of the Department to evaluate the potential and actual ability of the Child Placing Agency to provide services to children according to the Standards prescribed in this Article.
2. To obtain this information, the authorized representative of the Department must make at least one visit to evaluate the agency setting and interview the Director and staff.
3. In addition, the authorized representative of the Department shall review documentary evidence provided by the Executive Director of the Child Placing Agency regarding agency operation and services to be provided.

F. Provisional license
1. A provisional license shall be issued to any Child Placing Agency that is temporarily unable to conform to all licensing standards, and where the deficiencies are minor, correctable and not potentially injurious to the safety or welfare of the children served, and where the agency agrees to correct the deficiencies, and where there is a demonstrated need for the services.
2. A provisional license is valid for up to six months and may not be renewed.
3. Prior to the expiration of the provisional license, a review of Standards will be conducted by the Department to determine eligibility for regular licensing. The Child Placing Agency must meet all licensing standards for the issuance of a regular license.

G. Regular license
1. The license is valid for one year from the date of issuance and must be renewed annually.
2. Each license shall state in general terms the kind of child welfare services the licensee is authorized to undertake; and the number of children that can be received or placed and supervised in foster homes, their ages and sex, and the geographical area the agency is equipped to serve (A.R.S. § 8-505(D)).

H. Supervision by the Department. The Department shall provide training, consultation and technical assistance to Child Placing Agencies.

Historical Note
Adopted effective August 31, 1978 (Supp. 78-4).

R6-5-6905. Denial, suspension, or revocation of a license

A. The Department shall deny, suspend or revoke any license when:
1. The Child Placing Agency is not in compliance with the licensing standards of the Department, Arizona state or federal statutes, city or county ordinances or codes; or
2. The care and/or services needed by children are not provided.

B. A license that has been suspended can be reinstated by the correction of the deficiency.

C. When a license is revoked, it is necessary to correct the deficiency and make a new application.

D. When an initial application, or an application for a renewal of a license is denied, or a license is revoked or suspended, a written notification of the action shall be forwarded by certified mail to the applicant or licensee.
1. The written notice shall state the reasons for the denial, revocation or suspension with references to applicable statutes, regulations and standards.
2. The Department shall notify the Child Placing Agency of the right to request a hearing within 20 days after receipt of the written notice.
3. The hearing shall be held within ten days of the request, and at that time the applicant or holder shall have the right to present testimony and confront witnesses.
4. When a hearing is requested, the denial, suspension or revocation of the license shall not become final until after the hearing decision is published.

5. The fair hearing process shall be in accordance with A.A.C. Title 6, Chapter 5, Article 24.

Historical Note
Adopted effective August 31, 1978 (Supp. 78-4).

R6-5-6906. License renewal requirements

A. Every regular license shall expire one year from the date of issuance and may be renewed annually upon application of the Child Placing Agency.
1. License renewal is not automatic.
2. License renewal requires:
   a. A consultation;
   b. An application;
   c. A written description of services provided; and
   d. Licensing study (see R6-5-6904(E)).
3. For license renewal, each Child Placing Agency must meet all standards for licensing as specified in this Article.

B. An application for the renewal for a Child Placing Agency shall be made in the same manner as the original application. A licensee shall reapply when:
1. The present license will expire within 30 days to 60 days; or
2. There is a plan to move within 30 days from the address on the current license; or
3. There is substantial material change in the program and/or purpose of the Child Placing Agency.

Historical Note
Adopted effective August 31, 1978 (Supp. 78-4).

R6-5-6907. Standards for licensing and operating a Child Placing Agency

A. Requirements for the staff of a Child Placing Agency
1. Executive Director. The Agency Board shall select an Executive Director.
   a. If the Executive Director is not directly involved in supervising child placing activities, the Director shall at least have a Bachelor's degree in a field related to social work such as administration, psychology, education or other allied profession, as well as demonstrated satisfactory experience in the area of service provided by the agency.
   b. If the Executive Director directly supervises child placing activities, he shall have a Master's degree in Social Work or at least a Bachelor's degree and a minimum of three years of experience in child welfare services in a certified or licensed family or child welfare agency.
2. Casework supervisor. The casework supervisor shall possess above average ability in casework practice and have knowledge of and skills applicable to casework supervision. The supervisor shall have a Bachelor's degree and at least three years of casework experience in a licensed family or child welfare agency.
3. Social worker. A person shall have a Master of Social Work degree from an accredited school of social work.
4. Caseworker. A caseworker shall have a Bachelor's degree from a university or college and have training and/or experience in the field of behavioral science.
5. Office staff. The agency shall have sufficient clerical services to keep correspondence, records, bookkeeping, and files current and in good order.
6. Consultants
   a. The agency shall have a consulting Licensed Medical Practitioner who makes recommendations as to the medical aspects of the agency program, coordinates medical care for selected children, and advises staff regarding the health problems of specific children.
   b. Psychiatric, psychological and legal consultation and/or services shall be available to the agency.

B. Requirements for the organization of a Child Placing Agency
1. Type of organization. A Child Placing Agency shall be maintained by the state, or a political subdivision thereof, a person, firm, corporation, association, or organization.
2. Incorporation
   a. Incorporated Child Placing Agencies shall provide the Department with a copy of the Articles of Incorporation and Bylaws and the Certificate of Incorporation issued by the Arizona Corporation Commission.
   b. The purpose for which the agency is incorporated shall be stated in its Articles of Incorporation and the agency shall not enter any other fields of service than those provided in its Articles of Incorporation.
3. Board of Directors
   a. All Child Placing agencies shall have a Board of Directors. The Department shall be provided a current list of all Board members, their address and office held.
   b. Persons employed by or who receive compensation from a group care agency (see Title 6, Chapter 5, Article 74) may not be Board members of a Child Placing Agency due to a possible conflict of interest.
   c. The Board of Directors shall:
      i. Assume responsibility, jointly with the Executive Director, for formulating the plans and policies of the Child Placing Agency.
      ii. Keep sufficiently informed through Board meetings and though the reports of its Executive Director and committees to ensure that the agency fulfills all of its functions in the best interest of the children.
      iii. Meet at least quarterly. Its executive committee shall meet as needed.
      iv. Keep minutes of each meeting which shall be made a permanent part of the records of the Child Placing Agency.
      v. Refrain from direct administration or operation of the Child Placing Agency, either through individual members or committees, except in emergencies.
      vi. Select and employ an Executive Director to whom the responsibility for administration of the agency shall be delegated and, when necessary, terminate such employment.
      vii. Require and approve the Child Placing Agency's annual program and financial reports.
   d. The Board of Directors should be composed of adult residents who have a genuine interest in child welfare, concern for social conditions in the community, and reflect equitably the ethnic and economic standing of the population served. The Board members should have sufficient time to discharge their obligations and have a variety of interests, talents and points of view so that no single group or profession will have a controlling voice.
   e. The names, addresses and offices held of all members of the Board of Directors shall be currently filed with the Department. All changes in composition of the Board of Directors or Officers of the Child Plac-

ing Agency must be reported to the Department in writing within 30 days of a change.

f. Provision should be made for replacement of members who become inactive for six months. Terms for Board members shall be overlapping and election of one-third of the Board membership annually is recommended to ensure continuity of policy, as well as the introduction of new and changing points of view. Administrators and staff of the Child Placing Agencies shall not be members of the Board of Directors. Agencies which do not have overlapping terms or which currently have administrators or staff members on their Board of Directors will have one year from the date of issuance of these standards to bring their Board of Directors into compliance.

4. Financing
   a. Requirement for sufficient funding. The agency must furnish evidence that it has sufficient funds to pay all start-up and operating costs through the year of operation for which a license may be issued.
   b. Budget and financial records
      i. Child Placing Agency shall operate on a budget which has been approved by its governing board before the beginning of the fiscal year.
      ii. A Child Placing Agency must maintain financial records of all receipts, disbursements, assets, and liabilities for at least three years. These records should be available for inspection by the Department upon request.
   c. Solicitation of funds from the public. Each Child Placing Agency shall comply with all local and state laws relating to the solicitation of funds.
5. Operations manual. Each agency shall compile an operations manual. It shall be available to all agency staff members, and all staff members shall be familiar with the contents. It shall contain:
   a. The overall philosophy, which guides the agency's services.
   b. A statement of the primary purpose, services, and goals of the agency.
   c. A chart of organizational structure.
   d. The agency's intake policies and procedures.
   e. The manual of the agency's governing board.
   f. The operational procedures, which guide the delivery of the agency's services.
   g. Copies of the agency's forms.
6. Records and reports
   a. Files. Case records and financial records shall be kept in a locked, fire-resistant file. Access to records shall be limited to the staff who have need for the data, and to authorized representatives of the Department.
   b. Case records
      i. The agency shall maintain up-to-date, confidential and well-organized case records. Each child's record should indicate, from the point of admission to discharge, the service plan and the progress of the child.
      ii. Records shall include the current information needed to provide services, make service plans, and evaluate each child.
      iii. The case record should be divided into sections for easy reference, with the material filed under the following headings, as appropriate:
         (1) Intake -- intake study, including referral material from other agencies, court, or referral sources;
         (2) Legal -- specific verified information relative to the status of the child's legal guardianship and custody. Statements, agreements, and consents signed by parent(s) or guardian(s) pertaining to the child's placement, financial responsibility, and other data required for protection of the child;
         (3) Medical -- medical history, including immunizations, physical defects, significant developmental history, illnesses, and hospital care and/or operations. Medical releases and/or authorizations for treatment or medical care, including the names of medical personnel involved. Records of all prescription medications consumed;
         (4) Dental -- date of examinations, etc.;
         (5) Psychological -- reports of psychological and/or psychiatric evaluations and examinations;
         (6) Progress -- periodic (not less than every three months) evaluation of the child's progress, adjustment, development and future plans and goals.
         (7) School -- school records indicating attendance and scholastic achievement;
         (8) Correspondence -- letters received or sent concerning the child;
         (9) Each record shall have a face sheet listing the following information which shall be kept up-to-date;
            (a) Full name of child, including aliases;
            (b) Date and place of birth (verified);
            (c) Sex;
            (d) Religion and race;
            (e) Names, addresses of parents and siblings;
            (f) Names, addresses and relationships of other responsible persons;
            (g) Date referred to the agency;
            (h) Date service was terminated;
            (i) Other pertinent identifying information.
   c. Reports
      i. Each agency shall maintain and report accurate statistics on children receiving services, and staff employed, on forms provided for that purpose by the Department. These reports shall include:
         (1) Form FC-005, "Foster Child Placement, Replacement and Discharge Central Registry Form," which must be submitted within five working days of the date action is taken.
         (2) Form LC-008, "Child Welfare Agency Employee Central Registry," which must be submitted within five days of employment or discharge.
      ii. The Child Placing Agency shall report to the Department any planned change of address, change in program, or other change which significantly affects the services provided. The Department shall be notified 30 days prior to any planned changes.

C. Requirements for the personnel of a Child Placing Agency

1. Personnel practices. An agency shall employ an individual only after careful evaluation of the applicant which will include references as to character, skills, knowledge, and experience.
2. Personnel policies. The agency shall maintain a manual of all personnel policies and procedures including job descriptions and all personnel forms. The written statement of personnel policies outlining personnel practices as they affect both employer and employee should include:
   a. The conditions of employment and the conditions under which employment may be terminated.
   b. Salary scales.
   c. Provision for sick leave, time off, and paid vacation.
   d. Information regarding employment benefits, such as retirement and insurance plans.
   e. Provision for periodic assessment of work performance.
   f. Provision for staff development through in-service training.
3. Personnel records
   a. A personnel record shall be maintained for each employee. This shall include identifying and qualifying information; such as, references, previous work history and education, date of employment and evaluation.
   b. When employees resign, retire, or are discharged, the date and reason for termination shall be recorded.

D. Placement services
1. Foster care
   a. Types of homes
      i. Boarding Home. A Boarding Home provides temporary or permanent care and compensation to the foster parents for room and board. These Boarding Homes may be either Regular or Special Foster Homes.
      ii. Free home. A free home provides temporary or permanent care without compensation other than special needs.
      iii. Work and Wage Home
         (1) Work and Wage Homes are those in which the child's duties within the home constitute reimbursement for room and board and for which the child may be paid an additional wage. These homes shall be used only as a resource for mature and well adjusted children from 16 to 18 years with good work skills. The Child Placing Agency shall prepare a written statement to be signed by the agency, foster parents and child which will clearly define:
            (a) The amount of work required; and
            (b) The remuneration the child is to receive and by whom; and
            (c) The work schedule which shall permit the child time for school attendance, study, recreation, and other normal activities for a child in this age group.
         (2) The Department shall not place adjudicated dependent children in Work and Wage Homes.
   b. Foster care placement procedures
      i. The agency shall follow the preplacement procedures set forth in A.R.S. § 8-511.
      ii. Following the preplacement procedures out lined in A.R.S. § 8-511, if it is determined that the child should be placed in foster care, the agency shall provide appropriate counseling services to the child and his parents to prepare them for the placement.
         (1) If the family does not explain the reason for placement and prepare the child for this experience, the representative of the Child Placing Agency should do so.
         (2) The representative of the Child Placing Agency should explain the foster home program to the parents.
      iii. When a child is placed in foster care, the Child Placing Agency shall comply with the requirements and procedures set forth in A.R.S. § 8-514(B) and (C).
2. Adoption. If authorized in its license to place children for adoption, the agency shall comply with all laws (including but not limited to A.R.S. Title 8, Chapter 1, Article 1) regarding the investigation of potential adoptive parent and the adoption of children. The agency shall comply with the requirements of the following rules of the Department:
   a. Title 6, Chapter 5, Article 65, Adoption Placement;
   b. Title 6, Chapter 5, Article 66, Adoption Study;
   c. Title 6, Chapter 5, Article 67, Adoption Subsidy; and
   d. Title 6, Chapter 6, Article 68, Relinquishment and Severance Services.
3. Parents
   a. When there are social and/or emotional problems regarding the pregnancy, social services shall be given in accordance with the needs of mother during pregnancy and to help her with plans for her rehabilitation after delivery.
   b. Unless inappropriate, the father shall be involved in planning for the mother and child.
   c. Services to unmarried parents may also include establishing paternity and shall include making suitable plans for the child.

E. Supervision
1. The licensed Child Placing Agency shall supervise:
   a. All children placed by the agency in foster homes; and
   b. All foster homes where children are placed by the agency.
2. The licensed Child Placing Agency's representative shall:
   a. Visit Receiving Foster Homes at least once per month;
   b. Visit Regular and Special Foster Homes at least once every three months; and
   c. Prepare written reports of the visits.
3. A Child Placing Agency may allow a child to participate in activities and functions generally accepted as usual or normal for his/her age group. Permission for a child to participate in activities shall be given in accordance with A.R.S. § 8-513.
4. Following the initial placement, the child placed in a setting other than that of his parent's home shall have medical examinations at periodic intervals, and not less than once every year.

F. Foster home studies
1. The study. Child Placing Agencies that wish to submit foster homes for licensing shall conduct an investigation of the foster home, meeting the standards established by

the Department in Title 6, Chapter 5, Article 58, Family Foster Home Licensing Standards.

2. Fingerprints. Foster parent applicants and members of the household, 18 years of age or older, must be fingerprinted, and the fingerprints submitted to the Department for a criminal records check.
3. Demonstration of health
   a. The potential foster care application, prior to licensing, shall furnish a report of a physical examination, done within the last six months, demonstrating that the person has good health and is free from any communicable disease.
   b. Prior to licensing, children of the foster care applicant shall have current immunizations as prescribed by the Arizona Department of Health Services.
4. Sanitation inspection. The Child Placing Agency shall request the local or state health department to conduct a sanitation inspection of the prospective foster home prior to licensing.
5. Licensing. If the foster home meets all requirements set by the Department, the Child Placing Agency shall submit an application stating the foster home's qualifications to the Department. The Child Placing Agency may also recommend the types of licensing and certification to be granted to the foster home. The Department shall review the foster home study, and issue a license for the foster home if all licensing standards have been met.
6. License renewal. Foster home license renewal is required annually by the Department.
7. Homes exempt from licensing by the Department. When a child is placed in a home by a means other than by a court order, and when the home receives no compensation from the state or any political subdivision of the state, licensing by the Department is not required.

G. Requirements of physical plant and equipment
1. Offices
   a. There should be sufficient office space for interviewing children and families and for supervisory conferences.
   b. The Child Placing Agency shall comply with any building, health, fire or other codes in effect in the jurisdiction where it is located.
2. Fire protection. All Child Placing Agencies shall have a written fire evacuation plan posted and should conduct fire drills at least every six months.
3. Telephone. There shall be telephone service in the Child Placing Agency.
4. Vehicle(s). The vehicle(s) for transporting children shall be in a safe operating condition and all drivers shall have a current driver's license. Persons who frequently transport children as a part of their employment shall have a chauffeur's license.
5. Insurance
   a. The Child Placing Agency shall provide for insurance coverage for adequate protection against accidents.
   b. Insurance coverage must include liability insurance to cover acts of children or staff, and protection against damages to, or loss of, buildings and other valuable properties.
   c. There shall be liability insurance on all vehicles transporting children.

Historical Note
Adopted effective August 31, 1978 (Supp. 78-4).

R6-5-6908. Confidentiality
The rules and regulations of the Department for securing and using confidential information concerning the client shall be followed. Refer to Title 6, Chapter 5, Article 23, "Safeguarding of Records and Information."

Historical Note
Adopted effective August 31, 1978 (Supp. 78-4).

R6-5-6909. Civil rights
The rules of the Department regarding civil rights shall be followed. Refer to Title 6, Chapter 5, Article 26, Civil Rights.

Historical Note
Adopted effective August 31, 1978 (Supp. 78-4).

R6-5-6910. Fair Labor Standards Act
The hiring and compensation policies of the Child Placing Agency shall comply with the Fair Labor Standards Act.

Historical Note
Adopted effective August 31, 1978 (Supp. 78-4).

ARTICLE 70. ADOPTION AGENCY LICENSING

R6-5-7001. Definitions
The definitions in R6-5-6501 apply in this Article.

Historical Note
Adopted as an emergency effective January 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 85-6). Emergency renewed effective April 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-2). Emergency expired. New Section adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7002. Who Shall Be Licensed

A. Only the following persons may perform the adoption services listed in subsection (B):
1. A person licensed as an agency;
2. An employee of or an independent contractor for an agency;
3. A person acting under the direct supervision and control of an adoption agency; or
4. A person or entity holding a statutory exemption from licensing pursuant to A.R.S. § 8-131, when such person is acting in the capacity described in such statutes.

B. Only persons listed in subsection (A) may perform the following adoption services:
1. Recruiting a birth parent to place a child through a particular agency;
2. Taking a birth parent's relinquishment and consent to adoption;
3. Taking physical custody of a child for placement into an adoptive home;
4. Placing a child in an adoptive home;
5. Monitoring, supervising, or finalizing an adoptive placement; and
6. Providing networking or matching services for a birth parent, an adoptive parent or an adoptive child.

C. Notwithstanding subsections (A) and (B), attorneys licensed to practice law in the state of Arizona may participate in direct placement adoptions to the extent allowed by A.R.S. Title 8, Chapter 1, Article 1.

Historical Note

Adopted as an emergency effective January 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 8S-6). Emergency renewed effective April 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-2). Emergency expired. New Section adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7003. Licensing: Initial Application; Fee

A. To apply for an adoption agency license, a person shall:
1. File a completed license application form with the Department; the form shall contain the information listed in subsection (B);
2. Submit the supporting documentation listed in subsection (C);
3. Pay a non-refundable, initial application fee of $400; and
4. Obtain and provide to the Department evidence that all agency employees or personnel having direct contact with children have been fingerprinted.

B. The application form shall contain the following information:
1. Agency name, address, and telephone number;
2. Address of all agency offices;
3. A written description of:
   a. All adoption services the applicant intends to provide,
   b. The fee the applicant will charge for each service,
   c. The cost to the applicant of providing each service,
   d. The time in the adoption process when the applicant will require clients to pay the fee described in subsection (B)(3)(b),
   e. The anticipated number of clients the applicant will serve, and
   f. The methods the applicant will use to recruit birth parents and prospective adoptive parents; and
4. A written explanation of how the applicant will provide adoption services, including:
   a. Number and description of staff who will provide the service, and
   b. Staff training requirements.

C. The applicant shall submit the following supporting documentation:
1. A current financial statement;
2. Applicable business organization documents, including:
   a. Articles of incorporation,
   b. By-laws,
   c. Partnership agreement,
   d. Annual reports for the preceding three years, and
   e. Financial audits for the preceding two years;
3. Copies of all documents, forms, and notices which the applicant will use with or provide to clients, including:
   a. Agency application for services,
   b. Adoptive parent certification application,
   c. Fee policy and schedule as prescribed by R-5-7031(B),
   d. Sample birth parent relinquishment and consent form,
   e. Informational or advertising brochures,
   f. Sample fee agreement,
   g. Sample birth parent agreement letter,
   h. Intake form,
   i. Sample case file,
   j. Court report format, and
   k. Statistical report;
4. Copies of the applicant's internal policies and operations manual;
5. A written plan showing how the applicant will pay start-up costs and its costs of operation during the first year; and
6. A list of the members of the agency's governing body required by R6-5-7011, including name, address, position in the agency, and term of membership.

D. An agency which does not have or maintain all or part of the supporting documentation listed in subsection (C) shall so indicate in a written statement filed with the application.

Historical Note

Adopted as an emergency effective January 21, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 85-6). Emergency renewed and amended effective April 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-2). Emergency expired. New Section adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7004. Licensing: Out-of-state Agencies

A. An out-of-state agency that wishes to become licensed in Arizona as an adoption agency shall comply with all requirements of R6-5-7003.

B. In addition to the documentation required by R6-5-7003, the out-of-state agency applicant shall file the following documents with the Department:
1. A copy of each license or authorization to perform adoption services the applicant holds in states other than Arizona or in a foreign country;
2. A consent allowing any out-of-state or foreign licensing authority to release information on the applicant to the Department; and
3. A written description of any license suspension or revocation proceedings pending or filed, or brought against:
   a. The applicant;
   b. The applicant's owner, if the applicant is acting as an individual or a sole proprietor;
   c. The partners of the applicant, if the applicant is a partnership; and
   d. The directors, officers, and shareholders holding more than a 10% ownership interest in the applicant if the applicant is a corporation.

Historical Note

Adopted as an emergency effective January 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 85-6). Emergency renewed and amended effective April 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-2). Emergency expired. New Section adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7005. Department Procedures for Processing License Applications

A. In this Section, a complete application package means:
1. For an initial license, the items listed in R6-5-7003; and
2. For a renewal license, the items listed in R6-5-7008.

B. Within 14 days of receiving an initial or renewal license application package, the Department shall notify the applicant that the package is either complete or incomplete, as required by A.R.S. § 41-1074(A). If the package is incomplete, the notice shall specify what information is missing, as required by A.R.S. § 41-1074(B).

C. An applicant with an incomplete package shall supply the missing information within 60 days from the date of the notice. If the applicant fails to do so, the Department may close the file. An applicant whose file has been closed and who later wishes to become licensed shall reapply.

D. Upon receipt of all missing information within 60 days, as specified in subsection (B), the Department shall notify the applicant that the application package is complete.

E. The Department shall not process an application for licensing, as described in R6-5-7006(A), until the applicant has fully complied with the requirements of R6-5-7003 or R6-5-7008, as applicable.

F. The Department shall issue a licensing decision no later than 90 days after receipt of a completed application package. The date of receipt is the postmark date of the notice advising the applicant that the package is complete.

G. For the purpose of A.R.S. § 41-1073, the Department establishes the following licensing time-frames for both initial and renewal licenses:
1. Administrative completeness review time-frame: 15 days;
2. Substantive review time-frame: 90 days; and
3. Overall time-frame: 105 days.

Historical Note

Adopted as an emergency effective January 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 85-6). Emergency renewed effective April 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-2). Emergency expired. New Section adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Amended by final rulemaking at 5 A.A.R. 1006, effective March 18, 1999 (Supp. 99-1).

R6-5-7006. License: Issuance; Denial

A. Prior to issuing a license to an applicant, the Department shall:
1. Review the application package;
2. Inspect the applicant's place of business, books of record, books of accounting, and system for client files;
3. Interview the applicant's staff, as necessary to familiarize the Department representative with the applicant's operations; and
4. As to out-of-state agency applicants, verify that the applicant is licensed out-of-state and investigate any complaints asserted against the applicant in other states.

B. Prior to issuing a license, the Department may submit the applicant's written fiscal plan for audit verification.

C. The Department may issue a license to an applicant who:
1. Has complied with all application and inspection requirements; and
2. Demonstrates that it:
   a. Has sufficient capital to pay all start-up costs; and
   b. Has sufficient capital, personnel, expertise, facilities, and equipment to provide the services it plans to offer;
   c. Does not intend to charge unreasonable fees; and
   d. Complies with the requirements of this Article and Article 66.

D. The Department may deny a license to:
1. An applicant which had a license revoked by another state or foreign country,
2. An applicant which employs personnel whose fingerprint background check shows that the employee has been convicted of or is awaiting trial on an offense listed in A.R.S. § 46-141,
3. An applicant which does not comply with one or more of the standards listed in subsection (C),
4. An applicant which has intentionally or recklessly jeopardized the well-being of a client,
5. An applicant which has a history or pattern of violations of applicable adoption statutes or rules, or
6. An applicant which violates the ICPC or ICWA during a licensing year.

E. When the Department denies a license, the Department shall send the applicant written notice explaining the reason for denial and the applicant's right to seek a fair hearing.

Historical Note

Adopted as an emergency effective January 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 85-6). Emergency renewed effective April 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-2). Emergency expired. New Section adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23,1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7007. License: Term; Nontransferability

A. The Department shall issue a license only to the agency for which application is made and for the location shown on the application.

B. A license expires one year from the date of issuance.

C. A license shall not be transferred or assigned and shall expire upon a change in agency ownership.

D. For the purpose of this Section, a change in ownership shall include the following events:
1. Sale or transfer of the agency,
2. Bulk sale or transfer of the agency's assets or liabilities,
3. Placement of the agency in the control of a court appointed receiver or trustee,
4. Bankruptcy of the agency,
5. Change in the composition of the partners or joint venturers of an agency organized as a partnership,
6. Sale or transfer of a controlling interest in the stock of a corporate agency, or
7. Loss of an agency's nonprofit status.

Historical Note

Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7008. Application for License Renewal; Fee

A. No earlier than 90 and no later than 45 days prior to the expiration date of a license, an agency may apply to the Department for license renewal.

B. The renewal application shall be on a Department form containing the information listed in R6-5-7003(B), except that the

agency shall obtain additional fingerprint clearance on continuing personnel every third year following original clearance.

C. An agency shall submit copies of the supporting documents listed in R6-5-7003(C) if the agency has changed, amended, or updated such documents since the agency last renewed its license.

D. With a renewal application, the agency shall also submit a renewal fee of $225 and the following documentation:
1. A current financial statement;
2. A copy of the agency's current budget required by R6-5-7022, and most recent audit report required by R6-5-7023;
3. Copies of any written complaints the agency has received about its performance during the expiring license year; and
4. A written description of any changes in program services or locations, or the population served by the agency.

Historical Note

Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7009. Renewal License: Issuance

A. The Department shall process a renewal application package pursuant to the procedures described in R6-5-7005 and R6-5-7006.

B. In addition to conducting an investigation as prescribed in R6-5-7006(A) and (B), the Department may:
1. Interview agency clients and references,
2. Observe agency staffings, and
3. Conduct field visits to agency branch offices.

C. In determining whether to renew a license, the Department may consider the licensee's past history from other licensing periods, and shall consider a repetitive pattern of violations of applicable adoption statutes or rules as evidence that the agency is unable to meet the standards for obtaining a license.

D. The Department may renew an agency's license when the agency:
1. Demonstrates that it meets the standards described in this Article,
2. Has complied with the requirements of this Article and Article 66 during the expiring period of licensure, and
3. Has corrected any prior circumstances which resulted in non-compliance status.

Historical Note

Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7010. Amended License

A. An agency which seeks to change its name, address, or offices, without a change in ownership, shall apply to the Department for an amended license at least 14 days prior to the effective date of the change.

B. The application shall be in writing and shall specify the information to be changed.

C. So long as the change does not cause the agency to fall out of compliance with the standards listed in this Article and Article 66, the Department shall issue an amended license which shall expire at the end of the agency's current licensing year.

Historical Note

Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Amended and adopted as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7011. Governing Body

A. The adoption agency shall have a governing body, which shall:
1. Establish the agency's policies and oversee the implementation of those policies;
2. Ensure that the agency has the capital, physical facilities, staff, and equipment to effectively implement the agency's policies and adoption program;
3. Ensure that the agency complies with:
   a. All legal agreements to which the agency is a party; and
   b. All relevant federal, state, and local laws;
4. Review and approve the agency's annual budget required by R6-5-7022 and the annual audit required by R6-5-7023; and
5. Notify the Department before making any substantial changes to the adoptions program set out in the agency's operations manual.

B. The agency shall advise the Department in writing of any changes in composition of the governing body within 30 days of the change.

Historical Note

Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7012. Agency Administrator

A. The agency shall have an administrator who is responsible for the agency's business operations.

B. The Administrator shall have the education and experience described in this subsection.
1. A bachelor's degree from an accredited college or university and two years of professional experience in the human services field, one year of which shall have been in a supervisory or administrative position; or
2. A master's or doctorate degree from an accredited graduate school in business or public administration or in one of the areas of study in the human services field, and one year of professional experience in the human services field.
3. Five years of experience as the administrator of an adoption agency may substitute for only the degree that is required in subsections (B)(1) or (B)(2).

C. The Administrator shall:
1. Oversee development and implementation of the agency's policy and procedures for program and fiscal operations;
2. Ensure that the agency achieves and maintains compliance with the requirements of this Article;
3. Oversee hiring, evaluation, and discharge of agency personnel in accordance with the agency's established personnel policies and this Article;
4. Establish and supervise working relationships with other social service agencies within the community.

D. An Administrator who directly supervises adoption activities shall also meet the requirements for a social services director prescribed in R6-5-7013.

Historical Note
Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7013. Social Services Director

A. The agency shall have a social services director who is responsible for the agency's casework and family services.

B. The social services director shall have the following education and experience:
1. A bachelor's degree in social work or a related human services field from an accredited college or university and three years of professional experience in services to children and families, two years of which shall be in adoption services; or
2. A master's degree in social work or a related human services field from an accredited college or university and a minimum of two years of professional experience in services to children and families.

C. The social services director shall, either personally or through a designee:
1. Supervise, manage, train, and evaluate all social work staff members and consultants;
2. Approve decisions regarding family and child eligibility for service, maternity and child care, transportation and placement arrangements, finalization, and any other changes in a child's legal status; and
3. Implement the agency's adoption program and services.

D. If the social services director delegates responsibility as prescribed in subsection (C), the social services director shall personally supervise the designee and shall oversee the performance of the duties described in subsection (C).

E. If the social services director performs the duties of an administrator, the director shall also meet the requirements for an administrator prescribed in R6-5-7012.

Historical Note
Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7014. Social Workers

A. The agency shall have social workers sufficient to meet the ratio requirements prescribed in R6-5-7020.

B. A social worker shall have the following qualifications:
1. A bachelor's degree in social work or a related human services field from an accredited college or university and two years of professional experience in a human services field; or
2. A master's degree in social work or in a related human services field from an accredited college or university.

C. A social worker shall:
1. Maintain up-to-date case records on cases assigned to the worker;
2. Prepare certification and placement reports and home studies for adoptive applicants and parents, and such other reports as the court may require;
3. Provide preplacement, placement, post-placement, or post-adoption services to clients.

Historical Note
Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7015. Agency Employees: Hiring; References; Fingerprinting

A. An agency shall obtain an application for employment or a resume from each employee. The application or resume shall contain, at a minimum, the following information on the applicant:
1. Name and current address and telephone number;
2. Educational history;
3. Degrees or certifications held;
4. Work history for five years prior to the date of the application, and the reasons for leaving each prior job;
5. A summary of all prior experience the applicant has had in the area for which the applicant is seeking employment;
6. A minimum of three professional references;
7. A minimum of three personal references; and
8. A list of any criminal convictions, excluding minor traffic violations.

B. An agency shall not hire an applicant for employment until:
1. The agency has personally contacted at least two of the applicant's professional references and one of the applicant's personal references;
2. The agency has verified that the applicant has the skills and training necessary to perform the task for which the agency is hiring the applicant; and
3. The applicant has submitted to a fingerprint and criminal records check as required by A.R.S. § 46-141.

C. The agency shall not knowingly hire or retain any staff member who is awaiting trial on, or has been charged with, been convicted of, pled guilty to, or entered into a plea agreement regarding an offense listed in A.R.S. § 46-141.

D. The agency shall have written job descriptions for all employee and volunteer positions in the agency. The job descriptions shall include the essential functions of the job and any minimum qualifications or training required for the position.

Historical Note
Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7016. Agency Volunteers; Interns

An agency which uses volunteers or student interns shall follow the requirements of this Section.
1. An appropriate employee shall directly supervise each volunteer or intern. As used in this subsection, the term "appropriate" shall mean agency personnel with skills and training to guide the volunteer or intern in the performance of the designated tasks.
2. The agency shall subject each volunteer or intern who renders direct services to clients, to the same fingerprinting and reference checks the agency performs on agency employees.

3. For each volunteer or intern, the agency shall maintain a record of fingerprint clearance, reference check information, and any training provided. The agency shall retain the record for three years following the volunteer or intern's termination with the agency.

Historical Note

Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23,1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7017. Personnel Records

A. The agency shall maintain a personnel file for each agency employee. The file shall contain:
1. The employee's resume or written application for employment;
2. Documentation of the reference checks required by R6-5-7015(B);
3. Evidence of fingerprint and criminal records clearance;
4. A record of the expiration date and number of the employee's driver's or chauffeur's license, if the employee transports clients;
5. Copies of the employee's professional credentials or certifications, if relevant to the employee's job functions;
6. Documentation of initial and ongoing training the employee has received;
7. Periodic job performance evaluations; and
8. Dates of employment and separation, and reasons for separation.

B. The agency shall maintain employee personnel records for at least three years following the employee's separation from the agency.

Historical Note

Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23,1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7018. Training Requirements

A. An agency shall provide initial and ongoing training for professional employees.
1. Initial training shall include orientation to the agency and any of the agency's policies and procedures that are relevant to the employee's job.
2. Ongoing training shall include a minimum of 14 hours of annual training in the following, or related, subject areas:
   a. Adoption statutes and rules,
   b. Agency policies and procedures,
   c. Confidentiality, and
   d. The specific subject matter of employee's job.

B. The agency shall document all training in the employee's personnel file.

C. As used in this Section, "professional employee" shall mean any person who renders services directly to clients.

Historical Note

Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23,1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7019. Contracted Services

A. When an agency provides adoption services through persons who are not agency employees, volunteers, or interns, the agency shall retain only external professionals or consultants who are certified, licensed, or otherwise meet the qualifications described in Articles 66 and 70, to provide such services.

B. The agency shall not require clients to use medical, legal, psychological, psychiatric, or other professionals or consultants used or recommended by the agency. The agency may use consultants or persons selected by the agency's client, so long as the consultant designated by the client has the education, experience, or certification required to render the service.

Historical Note

Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7020. Staffing Ratios

A. An agency shall have sufficient staff to satisfy:
1. All statutory requirements for provision of adoption services;
2. All applicable requirements of this Article and Article 66; and
3. All requirements included in the agency's own operating and procedural manuals, policies, or guidance documents.

B. To determine sufficiency under subsection (A), the Department shall consider:
1. Complaints made against the agency;
2. The complexity of the individual needs of the clients served by the agency;
3. The professional training and experience of the agency's staff;
4. The specific functions assigned to individual agency staff;
5. The geographic area served by the agency and any travel time required for agency staff;
6. The respective amounts of time staff devote to various functions and responsibilities, including provision of services, court appearances, case documentation, professional training and development, and administrative tasks; and
7. Other similar factors bearing on caseload distribution.

C. Notwithstanding any other provision of this Article, a case manager whose caseload is predominantly a caseload of children with special needs shall not have a caseload in excess of 20 children.

Historical Note

Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7021. Operations Manual

A. An agency shall have a written operations manual which shall include:
1. A statement of the agency's purpose, philosophy, and program;
2. A list of any eligibility requirements for clients;

3. A description of services provided to clients and the name of any person or entity providing the service, if different from the agency and its employees;
4. An organizational chart explaining the agency's lines of authority;
5. Intake policies and procedures;
6. The operational procedures the agency follows for delivery of services;
7. Confidentiality policies and procedures;
8. Staff training policy;
9. Policy for use of volunteers;
10. Policy on student and intern placement;
11. Policy and procedures to be followed in the event of adoptive placement disruption; and
12. Policy for recruitment and selection of adoptive families.

B. The agency shall make the operations manual available to all agency personnel and shall ensure that personnel are familiar with and trained in those policies and procedures relevant to their job functions.

C. The agency shall make the operations manual available for review by clients, upon request.

Historical Note

Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 96-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7022. Agency Operations Budget; Financial Records

A. Before the start of the agency's fiscal year, the Governing Body shall adopt a budget which shall reflect sufficient funds to pay the costs of the agency's program and shall be based on the audit report prepared in compliance with R6-5-7023.

B. The agency shall operate within the budget adopted by the Governing Body.

C. The agency shall maintain financial records of receipts, disbursements, assets, and liabilities. The agency shall maintain its financial records in accordance with generally accepted accounting principles; the records shall accurately reflect the agency's financial position.

D. The agency shall maintain records showing the following information:
1. Each adoptive parent's original contract date with the agency,
2. Fees that each adoptive parent has paid to the agency and the date of such payments, and
3. Fees that the agency has charged to the adoptive parent.

E. The agency shall make all records described in this Section available for inspection by the Department at periodic inspections, or at other reasonable times upon Department request.

F. The agency shall retain financial records for five years, except for records involved in an audit, which records the agency shall retain for five years following completion of the audit.

Historical Note

Adopted as an emergency effective October 17, 1986, pursuant to A.F-S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7023. Annual Financial Audit

A. An agency shall obtain an annual, fiscal year-end, financial audit by an independent certified public accountant. The accountant shall conduct the audit in accordance with generally accepted auditing standards.

B. The agency shall obtain from the auditor a written audit report which shall include the following financial information:
1. Income statement,
2. Balance sheet,
3. Statement of cash flows,
4. Statement of monies or other benefits the agency has paid or transferred to other business entities or individuals affiliated with the agency, and
5. A record of any financial transactions between the agency and any other agency.

Historical Note

Adopted as an emergency effective October 17, 1986, pursuant to A.P-S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7024. Insurance Coverage

An agency shall provide evidence that it maintains a blanket liability insurance policy for protection against financial loss, accidents, errors, and omissions in the minimum amount of $100,000 per person; $300,000 per accident.

Historical Note

Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23,1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7025. Protecting Confidentiality of Adoption Records

The agency shall have and follow a written policy for the maintenance and security of adoption records. The policy shall be consistent with A.R.S. §§ 8-120, 8-121, and 36-2903.01(S) and shall specify:
1. The personnel responsible for supervision and maintenance of records,
2. The persons who shall and may have access to the records,
3. The procedures for release of records.

Historical Note

Adopted as an emergency effective October 17, 1986, pursuant to A.P-S. §§ 41-1003, valid for only 90 days (Supp. 96-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7026. Recordkeeping Requirements: Adoptive Children

The agency shall maintain a case record for each adoptive child. Except as otherwise provided in A.R.S. § 8-129(A), the record shall be divided into two sections as follows:
1. Non-identifying information as required by A.R.S. § 8-129; and
2. Identifying information which shall include:
   a. Tapes, videos, or photos of the adoptive child or birth parent;
   b. Legal documents and reports required for adoption;
   c. Social, physical, mental, and educational history of the child's birth family;
   d. Social, physical, mental, and educational history of the adoptive child; and

e. A summary of all action taken to prepare the child for placement in the adoptive home.

Historical Note

Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23,1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7027. Recordkeeping Requirements: Adoptive Parents

The agency shall maintain a case record for each adoptive parent. If the adoptive parent is a member of the same family as another adoptive parent, the agency can maintain one file for the adoptive family. The file shall include:

1. Documentation showing that the adoptive parent received the orientation described in R6-5-6603,
2. The adoptive parent's application for certification,
3. The parent's certification report and any recertification reports,
4. A copy or description of the nonidentifying information the agency has provided to the adoptive parent pursuant to A.R.S. § 8-129(A), and
5. A summary of the adoptive placement decision and the preplacement and post-placement contacts with the family and the adoptive child.

Historical Note

Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 96-5). Emergency expired. Amended and adopted as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7028. Reporting Requirements: Abuse; Unauthorized Practice; Changes; Registry Information

A. During the period of time that an agency is providing services to an adoptive child or family, the agency shall:
1. Immediately report any suspected or alleged incident of maltreatment of an adoptive child to Child Protective Services; and
2. Immediately notify a Department licensing representative if an adoptive child dies or suffers a serious illness, bodily injury, or psychiatric episode.

B. An agency shall notify the Department orally of any of the following changes or events within 24 hours after the agency learns of their occurrence and shall submit written notification to the Department within five working days:
1. Permanent or temporary closure of the agency or any part thereof;
2. A criminal conviction or plea agreement involving any agency staff member, excluding minor traffic violations;
3. Filing of a lawsuit against the agency;
4. Filing of a lawsuit against agency personnel when the lawsuit relates to or is likely to adversely affect the provision of adoption services;
5. Damage to agency facilities which substantially disrupts the program or the agency's accessibility to clients; and
6. Knowledge of any child placement which the agency reasonably believes is not permitted by law.

C. The agency shall notify the Department in writing at least 30 calendar days prior to any of the following proposed changes and events, if known:
1. Any plans to reorganize the adoption program that would involve changes in target population, geographic area, services, or eligibility, and the reasons for the changes;
2. Any change in the identity of the agency administrator or social director; or
3. Any change in ownership as described in R6-5-7007(D).

D. When there is a change in the adoptive circumstances of a child or family listed on the Registry, the agency shall notify the Department of the change within five work days of receipt of information about the changed circumstances. For the purpose of this subsection, a change in adoptive circumstances shall include the following events:
1. Placement of a child,
2. Loss or renewal of certification, and
3. Disruption or failure of a placement.

Historical Note

Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7029. Birth Parent: Service Agreement; Prohibitions

A. Before providing services to a birth parent, an agency shall enter into a signed written agreement with the birth parent. The agreement shall:
1. Describe all services the agency will provide to the birth parent;
2. Explain, with an itemized statement of costs, any expense which the agency will require the birth parent to reimburse to the agency, and the circumstances giving rise to reimbursement;
3. Contain an itemized statement describing the nature, purpose, and amount of any payments the birth parent will receive from the adoptive parent; if the actual amount is not known, the agency shall describe how the amount will be calculated; and
4. Contain an itemized statement of all consideration the birth parent will receive in connection with the birth or adoption of a child, if not already described pursuant to subsection (A)(3).

B. Before or at the time of entering into a birth parent agreement with a birth mother, the adoption entity shall advise the birth mother of her obligations under A.R.S. § 8-106(F).

C. Before providing services to a birth parent, the adoption agency shall advise the birth parent of the Department's responsibility for licensing and monitoring agencies, and the public's right to register a complaint about an agency as prescribed in R6-5-7034.

Historical Note

Adopted as an emergency effective October 17, 1996, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7030. Adoption Fees; Reasonableness

A. An agency shall not charge clients more than a reasonable fee for services.

B. An agency shall establish, maintain, and follow a written policy on the fees it charges clients for adoption services. The fee policy shall include all of the agency's practices and procedures regarding fees, including the following:
1. A schedule of fees the agency charges for each specific service the agency offers, and the time in the adoption process when the client is required to pay the fee, broken down, at a minimum, as follows:

a. Preregistration and registration fees,
b. Application and orientation fees,
c. Certification application fee,
d. Certification investigation,
e. Certification report,
f. Certification renewal fees,
g. Placement services,
h. Placement investigation and report,
i. Foreign adoption services,
j. Post-placement services, and
k. Fees incurred when a child has special needs;

2. An explanation of any practice the agency may have for assessing fees based on pooled or averaged costs;
3. An explanation of the circumstances or conditions which would cause the agency to reduce, waive, suspend, or refund a fee, which circumstances may include:
   a. Adjustment made for the well-being of an adoptive child, and
   b. Adjustments made to accommodate an adoptive parent's limited ability to pay;
4. An explanation of the circumstances which would cause the agency to increase its fees; and
5. The procedures the agency follows to collect its fees.

C. An agency shall advise prospective and existing clients of its fee policy and shall make a copy of the policy available to clients upon request.

D. An agency shall not:
1. Condition a client's eligibility for, or receipt of, adoption services on the client's donation or agreement to donate money, goods, services, or other things of value, other than the regular scheduled adoption fees, to the agency or to an agency affiliate;
2. Obstruct or withhold finalization of a placement or adoption solely for nonpayment of fees;
3. Charge a client for any fee which the agency has not listed in the fee schedule, included in its fee policy, and disclosed to the client in the client's fee agreement letter; or
4. Charge a prospective adoptive parent advance fees contrary to R6-5-6603(C).

E. The Department may audit, or designate a certified public accountant to audit, an agency's fee structure.

F. The agency shall provide the Department and the agency's current adult clients with a copy of any changes made to the agency's fee policy, no less than 14 days prior to the effective date of the change.

G. An agency shall refund to a client any fees the client paid for services the agency failed to perform. Against any such refund, the agency may offset any amount due from the client for services the agency has performed and for which the client agreed to pay but has not paid.

Historical Note

Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 96-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7031. Adoption Fee Agreement

A. Before providing services to an adoptive parent, the agency shall enter into a written fee agreement with the adoptive parent. Both the adoptive parent and an authorized representative of the agency shall sign and date the agreement. The agency shall retain the original agreement in the adoptive parent's file and provide a copy to the adoptive parent.

B. The fee agreement shall include the following terms:
1. A description of all services the agency will provide to the adoptive parent and the fee for each service; the agreement shall specify how much of the fee is being allocated to cover medical expenses, including the cost of prenatal care and delivery;
2. A general description of any adoption services the agency is not providing but which are required to finalize the adoption, with an estimate of the costs of such services;
3. The terms of payment, including payment due dates and amounts:
4. A statement advising the client of the client's right to receive a copy of the agency's fee policy.

C. An agency shall not charge a fee, other than a certification application fee, or enter into an adoption fee agreement until after the potential client has received the orientation described in R6-5-6603.

Historical Note

Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 96-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7032. AHCCCS Reimbursement; Disclosure of Third-party Coverage

A. This Section applies to placements made pursuant to the ICPC.

B. When an agency has collected fees to cover the medical expenses of a birth mother or an adoptive child whose medical expenses were paid by AHCCCSA, the agency shall reimburse AHCCCSA for the monies AHCCCSA has expended on behalf of the birth mother or child for prenatal care and delivery of the child. The reimbursement amount shall not exceed the amount AHCCCSA has paid for capitation, reinsurance and fee-for-service costs.

C. An agency shall determine whether an adoptive parent has insurance that will cover the medical expenses of a birth mother or adoptive child whose medical expenses were paid for by AHCCCSA. If insurance is available, the agency shall provide AHCCCSA with information about the adoptive parent's insurance.

D. The Department shall provide AHCCCSA with a copy of the verified accounting form required by A.R.S. § 8-114.01 and A.A.C. R6-5-6503.01.

Historical Note

Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7033. Monitoring: Inspections and Interviews; Compliance Audit

A. The Department shall monitor the ongoing operations of each agency.

B. Monitoring activities may include the following:
1. At least one announced and one unannounced onsite inspection of each agency during the licensing year;
2. Interviews of agency personnel and clients;
3. A review of the agency's books, records, and sample client files; and
4. A compliance audit of the agency, as described in subsection (C).

C. Upon receipt of a complaint against an agency, or in response to observed deficiencies, the Department may conduct a compliance audit of the agency to assess the agency's compliance with applicable adoption licensing and adoption services statutes and rules.

D. An agency shall facilitate the Department's monitoring functions or compliance audit by:
1. Making the agency's books, files, records, manuals, premises, and facilities available to Department staff for inspection;
2. Allowing Department staff to interview agency personnel and employees; and
3. Enabling the Department to conduct interviews with agency clients.

Historical Note

Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23,1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7034. Complaints; Investigations

A. Any person may register a complaint about an adoption agency with the Department. The Department shall ask persons making oral complaints to put the complaint in writing.

B. Upon receipt of a complaint, or in response to deficiencies observed by Department staff, the Department shall investigate the allegations of the complaint.

C. The Department's investigation may include:
1. Interviews with the complaining party, agency staff members, and agency clients;
2. Inspections of agency records, files, or other documents related to the issues raised in the complaint; and
3. Any other activities necessary to substantiate or refute the allegations.

D. Upon completion of its investigation, the Department shall:
1. Find that the complaint is unsubstantiated and close the investigation;
2. Find that the complaint is substantiated and take appropriate disciplinary action against the agency, as described in this Article; or
3. Find that the complaint cannot be substantiated or refuted based on the available evidence.

E. The Department shall maintain a file on all complaints against an agency and shall make information on substantiated complaints available to the general public, upon request, and to the extent permitted by confidentiality laws.

Historical Note

Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7035. Noncompliance Status

A. The Department shall place an agency in noncompliance status when a Department representative observes or the Department receives and substantiates a complaint in an area which does not endanger the health, safety, or well-being of a client.

B. The Department shall mail the agency written notice of the noncompliance status and the reason for that status and recommendations for changes the agency can make to cure the identified problem.

C. No later than 10 working days following the postmark date of the noncompliance notice, the agency shall provide the Department with a written plan showing how the agency will correct the problem which resulted in the noncompliance status, with an estimated time-frame in which the agency shall implement the corrective action. The Department may extend the 10-day time-frame when the agency has demonstrated a good faith effort to address and resolve the identified problem.

D. Imposition of noncompliance status is not an adverse action and is not appealable.

Historical Note

Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7036. Suspension

A. The Department may suspend an agency's license for violations of the statutes or rules governing adoptions, or for any activity which may threaten the health, safety, or welfare of any agency client, including the following:
1. When the Department receives a CPS report of abuse or neglect alleged to have been committed by agency staff against a child, and the agency fails to take protective measures pending an investigative finding;
2. Conduct that causes disruption of a placement or adoption;
3. When an agency permits an employee who has failed to comply with fingerprinting requirements or who has been denied fingerprint clearance to continue providing services to children;
4. When an agency refuses to cooperate with Department requests for information which the Department requires for determining compliance with the statutes and rules governing provision of adoption services;
5. When an agency refuses to provide the Department with information the Department has requested during the course of a complaint investigation; or
6. When an agency fails to correct a problem which resulted in imposition of noncompliance status, within the time provided in the agency's corrective action plan.

B. The Department shall mail the agency written notice of the suspension, the reason for the suspension, and an explanation of the agency's right to appeal the suspension.

C. Except as otherwise provided in subsection (D), an agency may continue to place adoptable children who become available for placement and to finalize adoptions of placed children and adoptees during a period of suspension; the agency shall not recruit, accept, or register any new birth parents or adoptive parents.

D. When the Department finds that the physical or emotional health or safety of a client is in imminent danger, the Department may take immediate action to eliminate the danger. For the purpose of this subsection,
1. A situation involving imminent danger shall be those situations identified in A.R.S. § 8-223(C)(2) which would justify removal of a child;
2. Immediate action may include:
   a. Removal of children,
   b. Transfer of clients to another agency, or
   c. Other protective action designed to eliminate the danger or risk of harm.

E. If the agency does not correct the situation which led to suspension of its license, the Department shall initiate license revocation proceedings against the agency.

Historical Note
Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7037. Revocation

A. The Department may revoke a license for any of the following reasons:
1. When the agency violates a statute or rule governing provision of adoption services;
2. When the agency commits any activity which may threaten the health, safety, or welfare of any agency client, including, but not limited to the circumstances justifying license suspension, as prescribed in R6-5-7036;
3. When the agency commits fraud or intentional misrepresentation in obtaining or renewing its license;
4. When the agency commits fraud or intentional misrepresentation in dealing with its clients;
5. When the agency has obtained a birth parent's relinquishment and consent to adoption through duress, coercion, extortion, or intimidation;
6. When the agency knowingly fails to advise an adoptive parent that the adoptive child has been abused while in the agency's care or control; or
7. When the agency violates its agreement with a client for provision of services.

B. The Department shall mail the agency written notice of the revocation, the reason for the revocation, and an explanation of the agency's right to appeal the revocation.

C. A revocation is effective:
1. Twenty-one days after the postmark date of the revocation notice; or
2. In cases where the agency appeals the revocation, when an administrative hearing officer issues a decision affirming the revocation. If an agency further appeals a hearing officer's decision affirming a decision to revoke the agency's license, the revocation is effective until there is a higher administrative or judicial decision reversing or vacating the hearing officer's decision.

D. An agency which has had its license revoked shall perform no adoption services after the effective date of the revocation and shall surrender its license to the Department.

E. An agency which has had its license revoked shall cooperate with the Department to transfer all its clients to another agency.

Historical Note
Adopted as an emergency effective October 17, 1986, pursuant to A.P-S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7038. Adverse Action: Procedures

A. When the Department takes adverse action against a license applicant or adoption agency, the Department shall give the affected party written notice of such adverse action by first-class or registered mail.

B. For the purpose of this Section, the following are adverse actions:
1. Denial of an initial or renewal license, and
2. Suspension or revocation of a license.

C. The adverse action notice shall specify:
1. The action taken,
2. All reasons supporting such action, and
3. The procedures by which affected parties may contest the action taken.

Historical Note
Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

R6-5-7039. Appeals

A. An applicant or agency may appeal an adverse action other than imposition of noncompliance status, by filing a written notice of appeal with the Department's Adoptions Licensing Office no later than 20 days from the postmark date of the adverse action notice.

B. The notice of appeal shall specify the action being appealed, the reasons for the appeal, and a brief summary of why the Department's action was erroneous, unlawful, or improper.

C. The Department shall conduct an appeal from an adverse action as prescribed in 6 A.A.C. 5, Article 75.

D. The Department shall conduct an appeal from the decision of a hearing officer as prescribed in A.R.S. §§ 41-1992(D) and 41-1993 and R6-5-7518 through R6-5-7520.

Historical Note
Adopted as an emergency effective October 17, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1). Amended effective June 4, 1998 (Supp. 98-2).

R6-5-7040. International Adoptions

A. An agency shall not accept a foreign child for adoptive placement in the United States unless the government of the foreign child's country of origin authorized the placement.

B. The agency shall provide the Department with evidence of its authority from or agreements with a foreign country or placing organization. If the evidence of authority is not written in English, the agency shall provide an English language translation of the documentation.

C. The agency shall advise the adoptive parents of the need to have the child naturalized in the United States.

D. The agency shall provide adoptive parents with information about the child's foreign culture of origin.

Historical Note
Adopted as an emergency effective October 17, 1996, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-5). Emergency expired. Adopted without change as a permanent rule effective January 23, 1987 (Supp. 87-1). Section repealed, new Section adopted effective January 2, 1996 (Supp. 96-1).

ARTICLE 71. REPEALED

R6-5-7101. Repealed

Historical Note
Adopted as an emergency effective January 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 85-6). Emergency renewed effective April 1, 1986, pur-

suant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-2). Emergency expired. Permanent rule adopted effective July 11, 1986 (Supp. 86-4). Repealed effective April 9, 1998 (Supp. 98-2).

R6-5-7102. Repealed

Historical Note
Adopted as an emergency effective January 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 85-6). Emergency renewed effective April 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-2). Emergency expired. Permanent rule adopted effective July 11, 1986 (Supp. 86-4). Repealed effective April 9, 1998 (Supp. 98-2).

R6-5-7103. Repealed

Historical Note
Adopted as an emergency effective January 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 85-6). Emergency renewed effective April 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-2). Emergency expired. Permanent rule adopted effective July 11, 1986 (Supp. 86-4). Repealed effective April 9, 1998 (Supp. 98-2).

R6-5-7104. Repealed

Historical Note
Adopted as an emergency effective January 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 85-6). Emergency renewed effective April 1, 1986, pursuant to A.R.S. §§ 41-1003, valid for only 90 days (Supp. 86-2). Emergency expired. Permanent rule adopted effective July 11, 1986 (Supp. 86-4). Repealed effective April 9, 1998 (Supp. 98-2).

ARTICLE 72. REPEALED

Former Article 72 consisting of Sections R6-5-7201 through R6-5-7214 repealed effective July 12, 1984.

ARTICLE 73. REPEALED & RENUMBERED

Editor's Note: Article 73 was repealed except for Sections R6-5-7307 and R6-5-7308 which were both renumbered, effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7301. Repealed

Historical Note
Adopted effective January 21, 1985 (Supp. 85-1). Repealed effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7302. Repealed

Historical Note
Adopted effective January 21, 1985 (Supp. 85-1). Repealed effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7303. Repealed

Historical Note
Adopted effective January 21, 1985 (Supp. 85-1). Repealed effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7304. Repealed

Historical Note
Adopted effective January 21, 1985 (Supp. 85-1). Repealed effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7305. Repealed

Historical Note
Adopted effective January 21, 1985 (Supp. 85-1). Repealed effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7306. Repealed

Historical Note
Adopted effective January 21, 1985 (Supp. 85-1). Repealed effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7307. Renumbered

Historical Note
Adopted effective January 21, 1985 (Supp. 85-1). Section R6-5-7307 renumbered to R6-5-7470 and amended effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7308. Renumbered

Historical Note
Adopted effective January 21, 1985 (Supp. 85-1). Section R6-5-7308 renumbered to R6-5-7471 and amended effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7309. Repealed

Historical Note
Adopted effective January 21, 1985 (Supp. 85-1). Repealed effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

ARTICLE 74. LICENSING PROCESS AND LICENSING REQUIREMENTS FOR CHILD WELFARE AGENCIES OPERATING RESIDENTIAL GROUP CARE FACILITIES AND OUTDOOR EXPERIENCE PROGRAMS

R6-5-7401. Definitions

In addition to the definitions contained in A.R.S. § 8-501, the following definitions apply in this Article:

1. "Abandonment" has the same meaning ascribed to "abandoned" in A.R.S. § 8-546(A)(1).
2. *"Abuse" means the infliction or allowing of physical injury, impairment of bodily function or disfigurement or the infliction of or allowing another person to cause serious emotional damage as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior and which emotional damage is diagnosed by a medical doctor or psychologist pursuant to Section 8-223 and which is caused by the acts or omissions of an individual having care,* [physical] *custody and control of a child. Abuse shall include inflicting or allowing sexual abuse pursuant to Section 13-1404, sexual conduct with a minor pursuant to Section 13-1405, sexual assault pursuant to Section 13-1406, molestation of a child pursuant to Section 13-1410, commercial sexual exploitation of a minor pursuant to Section 13-3552, sexual exploitation of a minor pursuant to Section 13-3553, incest pursuant to Section 13-3608 or child prostitution pursuant to Section 13-3212.* A.R.S. § 8-546(A)(2).

3. "Accredited" means the approval and recognition of an institution of learning as maintaining those standards requisite for its graduates to gain admission to other institutions of higher learning or to achieve credentials for professional practice. An example of an accrediting body is the North Central Association of Colleges and Universities.
4. *"Administrative completeness review time frame" means the number of days from* [the Licensing Authority's] *receipt of an application for a license until* [the Licensing Authority] *determines that the application contains all components required by statute or rule, including all information required to be submitted by other government agencies. The administrative completeness review time frame does not include the period of time during which an agency provides public notice of the license application or performs a substantive review of the application.* A.R.S. § 41-1072(1).
5. "Adverse action" means suspension or revocation of a license, denial of a renewal license, or making a material change in licensing status.
6. "After-care" means services provided to a child after the child is discharged from a licensee's care and may also include services for the child's family.
7. "Applicant" means a person who submits a written application to the Licensing Authority to become licensed or to renew a license to operate a child welfare agency or a residential group care facility.
8. "Barracks" means a building that:
   a. Is designed and constructed or remodeled for the specific purpose of housing large numbers of children of the same gender;
   b. Has wide, open sleeping areas for children, under one roof;
   c. Is identified and described as a barracks or dormitory in the agency's promotional and organizational materials; and
   d. Is made known as a barracks or dormitory to placing agencies and persons considering placement of a child.
9. "Behavior management" means the policies, procedures, and techniques a licensee uses to control conduct as prescribed in R6-5-7456.
10. "Child placing agency" means a person or entity that is licensed or authorized to receive children for care, maintenance, or placement in a foster home, because:
    a. The Department has licensed the person or entity as a child welfare agency pursuant to A.R.S. § 8-505; or
    b. It is an entity with statutory authorization to place children.
11. *"Child welfare agency" or "agency" means:*
    a. Any agency or institution maintained by a person, firm, corporation, association, or organization to receive children for care and maintenance or for 24-hour social, emotional, or educational supervised care or who have been adjudicated as a delinquent or dependent child.
    b. Any institution that provides care for unmarried mothers and their children.
    c. Any agency maintained by the state, or a political subdivision thereof, person, firm, corporation, association, or organization to place children or unmarried mothers in a foster home. "Child welfare agency" or "agency" does not include state operated institutions or facilities, detention facilities for children established by law, camps operating less than 12 months per year or boarding schools which board children on a regular school year basis and where the child is off the grounds for at least 60 days or [a] *health care institution which is licensed by the department of health services pursuant to Section 36-405.* A.R.S. § 8-501(A)(1).
12. "Corrective action" means a specific course of conduct an agency will follow to remedy violations of the licensing requirements prescribed in this Article, within a specified period of time.
13. "Corrective action plan" means a written document describing an agency's corrective action, as prescribed in R6-5-7419.
14. "CPS" means Child Protective Services, a Department program responsible for investigating reports of child maltreatment.
15. "CPSCR" means the Child Protective Services Central Registry, a computerized database, which CPS maintains according to A.R.S. § 8-546.03.
16. "De-escalation" means a method of verbal communication or non-verbal signals and actions, or a combination of signals and actions, that interrupt a child's behavior crisis and calm the child.
17. "Department" or "DES" means the Department of Economic Security.
18. "Developmentally appropriate" means an action which takes into account:
    a. A child's age and family background;
    b. The predictable changes that occur in a child's physical, emotional, social, cultural, and cognitive development; and
    c. A child's individual pattern and timing of growth, personality, and learning style.
19. "DHS" means the Department of Health Services.
20. "Direct care staff" means the facility staff who provide primary personal care, guidance, and supervision to children in care.
21. "Discharge plan" means:
    a. A written description of:
       i. A program of action to prepare a child for release from a facility; and
       ii. After-care;
    b. That is developed by a licensee in cooperation with a child's service team.
22. "Discipline" means a teaching process through which a child learns to develop and maintain the self-control, self-reliance, self-esteem, and orderly conduct necessary to assume responsibilities, make daily living decisions, and live according to accepted levels of social behavior.
23. "Document" means to make and retain a permanent written or electronic record of a fact, event, circumstance, observation, contact, or communication.
24. "Exploitation" means the act of taking advantage of, or to make use of a child selfishly, unethically, or unjustly, for one's own advantage or profit, in a manner contrary to the best interests of the child, such as having a child panhandle, steal, or perform other illegal activities.
25. "Facility" or "residential group care facility" means a living environment operated by a child welfare agency, where children are in the care of adults unrelated to the children, 24 hours per day.
    a. "Facility" does not include a program licensed as a behavioral health service agency by the Department of Health Services under A.R.S. § 36-405 and 9 A.A.C. 20.

b. "Facility" does include an outdoor experience program.
c. When used in reference to an outdoor experience program, "facility" means the campsite at which or the mobile equipment in which children are housed.

26. "File" means a place where information is stored through written, electronic, or computerized means.
27. "Foot candles" means a unit of luminous intensity that can be measured with a light meter.
28. "Governing body" means an individual or group of individuals responsible for the policies, activities, and operations of a facility, as prescribed in R6-5-7424.
29. "Individual education plan" or "IEP" means a written document which describes educational goals for a particular child and the services the child needs to attain those goals.
30. "Institution" as used in A.R.S. § 8-501(A)(1) means an entity meeting two or more of the following criteria:
    a. Solicits charitable contributions;
    b. Is organized as a profit or non-profit corporation with a board of directors and officers;
    c. Publishes and distributes information or promotional materials about its program or operations;
    d. Requires residents to formally apply for residency through use of application forms or other similar paperwork;
    e. Operates a structured program of care pursuant to written policies, procedures, guidelines, or rules; or
    f. Advertises itself or holds itself out in the community as an institution that provides care or social services.
31. "Institution for Unwed Mothers and Children" means a child welfare agency, as described in A.R.S. § 8-501(A)(1)(a)(ii), that is licensed to care for unmarried mothers who are under age 18 at the time of admission to the agency and the children of those mothers.
32. "License" means a document issued by the Licensing Authority to an individual or non-governmental business, which authorizes the individual or business to operate a child welfare agency in compliance with this Article.
33. "Licensee" means the person or entity holding a license. When used in reference to a duty, task, or obligation, the term "licensee" includes the staff who work at an agency or facility and who are responsible for doing the acts necessary to fulfill the requirements of this Article.
34. "Licensed medical practitioner" means a person who holds a current license as a physician, surgeon, nurse practitioner, or physician's assistant pursuant to A.R.S. §§ 32-1401 et seq., Medicine and Surgery; A.R.S. §§ 32-1800 et seq., Osteopathic Physicians and Surgeons; A.R.S. §§ 32-2501 et seq., Physician's Assistant; and A.R.S. §§ 32-1601 et seq., Nursing and A.A.C. R4-19-503, Registered Nurse Practitioner, respectively.
35. "Licensing Authority" means the Department administrative unit which monitors and makes licensing determinations for agencies and facilities, including issuance, denial, suspension, and revocation of a license or operating certificate, and imposition of corrective action.
36. "Licensing representative" means a person employed by the Licensing Authority to investigate and monitor applicants and licensees.
37. "Licensing year" means a one-year time period that begins on the date an agency obtains its initial license to operate, and ends one year later.
38. "Living unit" means a specific grouping of children who are assigned to and share a distinct and common physical space within a facility.
39. "Maltreatment" means abuse, neglect, abandonment, or exploitation, of a child.
40. "Material change in licensing status" means, for the purpose of A.R.S. § 8-506.01,
    a. Any of the following actions:
        i. Denial, suspension, or revocation of an operating certificate;
        ii. At any time following issuance of an initial license, imposition of provisional license status, in lieu of a regular license as prescribed in R6-5-7419; or
        iii. A change in a term appearing on the face of a license or operating certificate, including: a.) Geographic area served; b.) Age, number, or gender of children served; or c.) Type of services offered;
    b. But does not include the act of placing an agency on a corrective action plan to bring the agency into compliance with licensing requirements as prescribed in R6-5-7418.
41. "Mechanical restraint" means:
    a. An article, device, or garment that:
        i. Restricts a child's freedom of movement or a portion of a child's body;
        ii. Cannot be removed by the child; and
        iii. Is used for the purpose of limiting the child's mobility;
    b. But does not include an orthopedic, surgical, or medical device which allows a child to heal from a medical condition or to participate in a treatment program.
42. "Medication" means an agent, such as a drug or remedy, used to prevent or treat disease, illness or injury, including both prescribed and over-the-counter agents.
43. "Mobile dwelling" means a structure, such as a trailer or recreational vehicle as defined in A.R.S. § 41-2142(30). Mobile dwelling does not mean a mobile, manufactured, prefabricated, or modular home as defined in A.R.S. § 41-2142(14), (24), or (26).
44. "Neglect" has the same meaning ascribed to it in A.R.S. § 8-546(A)(7).
45. "Non-ambulatory child" means a child who cannot walk due to a physical disability or impairment, rather than as a result of the child's normal age and developmental level.
46. "Operating certificate" means a document that the Licensing Authority issues to a particular facility that is run by an agency holding a license, as prescribed in R6-5-7409.
47. "Outdoor experience program" means a child welfare agency that is located in a cabin or portable structure such as a tent or covered wagon and primarily uses the outdoors to provide recreational and educational experiences in group living, either in a fixed campsite or in a program with an unfixed site, such as a wagon train or wilderness hike.
48. *"Out-of-home placement" means the placing of a child in the custody of an individual or agency other than with the child's parent or legal guardian and includes placement in temporary custody pursuant to Section 8-223, subsection B, paragraph 3 or subsection C, paragraph 2, voluntary placement pursuant to Section 8-546.05 or placement due to dependency actions.* A.R.S. § 8-501(A)(7).
49. *"Overall time frame" means the number of days after receipt of an application for a license during which* [the licensing authority] *determines whether to grant or deny*

a license. The overall time frame consists of both the administrative completeness review time frame and the substantive review time frame. A.R.S. § 41-1072(2).

50. Paid staff means:
    a. A licensee's paid employees who work at a facility;
    b. Any temporary worker or independent contractor the licensee uses as a temporary replacement for an employee who is sick, on leave, or unavailable; and
    c. Any independent contractor that the licensee retains to provide children in care with direct services at the facility.
51. *"Parent or parents" means the natural or adoptive parents of the child.* A.R.S. § 8-501(A)(8).
52. "Person" means an individual, partnership, joint stock company, business trust, voluntary association, corporation, or other form of business enterprise, including nonprofit or governmental organizations.
53. "Personally identifiable information" means any information which, when considered alone, or in combination with other information, identifies, or permits another person to readily identify the person who is the subject of the information, and includes:
    a. Name, address, and telephone number;
    b. Date of birth;
    c. Photograph;
    d. Fingerprints;
    e. Physical description;
    f. School;
    g. Place of employment; and
    h. Unique identifying number, including:
        i. Social security number;
        ii. Driver's license number;
        iii. License number; and
        iv. Court case number.
54. "Physical restraint" means the use of bodily force to restrict a child's freedom of movement, but does not include holding a child firmly enough to prevent the child from harming himself or herself, or others, but gently enough so that the child is not harmed by being held.
55. "Placing agency or person" means the child placing agency, parent, or guardian, having legal custody of a child and who makes the decision to send the child to reside at a particular agency.
56. "Potentially hazardous food" means a food that is:
    a. Natural or synthetic and capable of rapid and progressive growth of infectious or toxigenic microorganisms or the growth and production of Clostridium botulinum;
    b. Of animal origin and is raw or has been heated;
    c. Of plant origin and is heated or consists of raw seed sprouts;
    d. A cut melon; or
    e. A garlic and oil mixture.
57. "Program director" means a person who meets the qualifications listed in R6-5-7432(B).
58. *"Relative" means a grandparent, great grandparent, brother or sister of whole or half blood, aunt, uncle, or first cousin.* A.R.S. § 8-501(A)(11).
59. "Residential environment" means a facility building or any portion of a facility building that is used for living, sleeping, counseling, dining, or academic purposes.
60. "Restrictive behavior management" means a form of behavior control that is subject to limitations as prescribed in R6-5-7456(D).
61. "Safeguard" means to use reasonable and developmentally appropriate measures to minimize the risk of harm to a child in care and to ensure that a child in care will not be harmed by a particular object, substance, or activity. Where a specific method is not otherwise prescribed in this Article, safeguarding may include:
    a. Locking up a particular substance or item;
    b. Putting a substance or item beyond the reach of a child who is not mobile;
    c. Erecting a barrier which prevents a child from reaching a particular place, item, or substance;
    d. Mandating the use of protective safety devices; or
    e. Providing staff supervision.
62. "Seclusion" means placing a child alone in a room with closed, locked doors that cannot be opened from the inside as prohibited by R6-5-7456(C)(5).
63. "Service plan," which is sometimes described as a "case plan," means a goal-oriented, time-limited individualized program of action which:
    a. Describes the plans for treating and providing services to a child and the child's family, and
    b. Is developed by a licensee in cooperation with a child's service team.
64. "Service team" means the group of persons listed in R6-5-7441(E)(1) who participate in development and review of a child's service plan and discharge plan.
65. "Shelter care facility" means an agency facility that receives children for temporary out-of-home care, 24 hours per day, when children request care, or are placed in care by a placing agency, a law enforcement agency, a parent, a guardian, or a court.
66. "Significant person" means a person who is important or influential in a child's life and may include a family member or close friend.
67. "Sleeping area" means a single bedroom, or a cluster of two or more bedrooms, located in an adjacent area of a dwelling.
68. "Social worker" means a person with a bachelor's, master's, or doctoral degree in a field of organized work called social work, which is intended to advance the social conditions of a community through provision of counseling, guidance, and assistance, especially in the form of social services to individuals.
69. "Staff" means a licensee's paid staff and unpaid staff.
70. *"Substantive review time frame" means the number of days after the completion of the administrative completeness review time frame during which* [the licensing authority] *determines whether an application or applicant for a license meets all substantive criteria required by statute or rule. Any public notice and hearings required by law shall fall within the substantive review time frame.* A.R.S. § 41-1072(3).
71. "Swimming pool" means any on-grounds, natural or man-made body of water that is used for the purposes of swimming, recreation, or physical therapy, and includes spas and hot tubs.
72. "Threat" means an expression of intent to hurt, destroy, or take action prohibited by this Article or the licensee's policies, but does not include an expression of intent to impose a planned consequence for misbehavior if the consequence is not prohibited by this Article or the licensee's policies.
73. "Transitional program" means services provided to a child who is being emancipated as an adult, or a person who has reached the age of 18 and is considered an adult as a matter of law, in order to assist the child or person in becoming independent.

74. "Unpaid staff" means a licensee's volunteers, students, and interns who work, train, or assist at a facility.
75. "Unusual incident" means one or more of the events listed in R6-5-7434(C), (D), (E), or (G).
76. "Work day" means 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding Arizona state holidays.

Historical Note

Adopted effective May 19, 1977 (Supp. 77-3). Former Section R6-5-7401 repealed; new Section R6-5-7401 filed with the Secretary of State's Office May 15, 1997; adopted effective July 1, 1997 (Supp. 97-2).

R6-5-7402. Request for Initial Application - New Applicant

A. A person who wants to operate a residential group care facility shall initiate the licensing process by contacting the Licensing Authority to request an application for a child welfare agency license.

B. Upon request, the Licensing Authority shall send the prospective applicant an application package containing:
1. A cover letter outlining the licensing process and requesting a responsive letter of intent,
2. An application form,
3. A statement of requirements for licensure, and
4. A form the applicant can use to obtain city or county zoning clearance.

Historical Note

Adopted effective May 19, 1977 (Supp. 77-3). Former Section R6-5-7402 repealed; new Section R6-5-7402 filed with the Secretary of State's Office May 15, 1997; adopted effective July 1, 1997 (Supp. 97-2).

R6-5-7403. Letter of Intent - New Applicant

A. The prospective applicant shall prepare a responsive letter of intent to proceed with licensure, and return it to the Licensing Authority. The letter of intent shall include the following information:
1. The applicant's name, address, and telephone and telefacsimile numbers;
2. The name of the applicant's chief executive officer or administrator, with a description of that person's qualifications to operate the agency;
3. A description of community or statewide need for the service or program the applicant intends to provide;
4. A plan for financing the proposed agency during the first year of operation;
5. A statement that the applicant has conferred with the school district where the facility will be located to advise the district of any special needs that children likely to be in care at the facility may have; and
6. A description of the proposed agency's program and services, which shall address the following areas, if applicable:
   a. Any organization from which the applicant will seek accreditation;
   b. The form of on-campus educational programs the applicant will offer;
   c. The characteristics of the children the applicant plans to serve;
   d. The applicant's primary source of referrals;
   e. The frequency and method by which the applicant will provide or offer psychiatric, psychological, or counseling services;
   f. Whether the applicant will employ behavioral health practitioners, or contract for behavioral health services; and
   g. A general description of the number and qualifications of the applicant's professional staff.

B. Within 10 work days of receiving a letter of intent, a licensing representative shall contact the applicant.
1. If the Licensing Authority determines that an applicant may require licensure as a behavioral health service agency under A.R.S. § 36-405 and 9 A.A.C. 20, the Licensing Authority shall refer the applicant to the Department of Health Services for evaluation. In determining whether to refer an applicant to DHS, the Licensing Authority shall consider the factors set forth on Appendix 1.
2. For all other applicants, the representative shall schedule an appointment for a licensing consultation. The appointment shall occur within 45 calendar days of the date the Licensing Authority receives the letter of intent, unless the applicant requests a later consultation.
3. If DHS declines to license an applicant as a behavioral health service agency, and refers an applicant to the Department for licensure as a child welfare agency, the applicant shall contact the Licensing Authority to request a licensing consultation. The Licensing Authority shall schedule the consultation within 45 calendar days of the date of the request, unless the applicant requests a later consultation.

Historical Note

Adopted effective May 19, 1977 (Supp. 77-3). Amended subsection (O), paragraph (1) effective January 21, 1985 (Supp. 85-1). Former Section R6-5-7403 repealed; new Section R6-5-7403 filed with the Secretary of State's Office May 15, 1997; adopted effective July 1, 1997 (Supp. 97-2).

R6-5-7404. The Licensing Consultation; Time for Completion of Application

A. At the licensing consultation, a licensing representative shall review the licensing application form with the applicant. The licensing representative shall explain the requirements for licensure and shall advise the applicant about:
1. The information and documentation the applicant must provide to complete the application or licensing process, as set forth in R6-5-7405;
2. The fingerprinting and background checks required by A.R.S. § 46-141 and R6-5-7431;
3. The need for a DHS health and safety inspection of the agency and each facility, and the process for scheduling the inspection;
4. The need to obtain a fire inspection and zoning clearance for the each facility;
5. The need to confer with the local school district to discuss any special educational needs that the children to be served may present;
6. The timelines for submission of application information; and
7. The need for the Licensing Authority to conduct a site inspection as prescribed in R6-5-7406.

B. No later than 60 days after the licensing consultation, the applicant shall provide the Licensing Authority with a complete application package, as prescribed in R6-5-7405(A).

C. If the applicant cannot provide the information within 60 days, the applicant shall contact the Licensing Authority to request an extension of time. The Licensing Authority shall allow an extension for a fixed period of time, which shall not exceed 120 days past the original 60 days.

D. If the applicant fails to provide the information within the time periods specified in subsections (B) and (C), the Licensing

Authority shall close the applicant's file and send the applicant a written notice of closure. An applicant whose file has been closed shall reapply.

E. For an initial application, the administrative completeness review time-frame described in A.R.S. § 41-1072(1) begins when the applicant submits the application form and the required documentation listed in R6-5-7405(A).

Historical Note

Adopted effective May 19, 1977 (Supp. 77-3). Former Section R6-5-7404 repealed; new Section R6-5-7404 filed with the Secretary of State's Office May 15, 1997; adopted effective July 1, 1997 (Supp. 97-2).

R6-5-7405. Complete Application; Initial License - New Applicant

A. A complete application package for an initial license of a new agency shall contain the information and supporting documentation listed in this subsection.

1. Identification and background information: agency, facility, administrators.
   a. Name, address, and telephone and telefacsimile numbers for the agency and all facilities operated by the agency;
   b. Name, title, business address, and telephone and telefacsimile numbers of:
      i. The person who serves as the chief executive officer (CEO) as prescribed in R6-5-7432(A);
      ii. The person who serves as the program director as prescribed in R6-5-7432(B);
      iii. The person with delegated authority to act when the CEO is absent;
      iv. The person in charge of each separate facility as prescribed in R6-5-7432(C);
      v. Persons holding at least a 10% ownership interest in the applicant; and
      vi. The agency and facility medical directors, if applicable;
   c. The educational qualifications and work history for each person identified in subsection (A)(1)(b), with that person's attached resume, employment application, or curriculum vitae;
   d. A list of the members of the agency's governing body described in R6-5-7424, including: name, address, position in the agency, term of membership, and any relationship to the applicant;
   e. A list of licenses or certificates for provision of medical or social services, currently or previously held by the applicant or persons listed in subsection (A)(1)(b), including those held in this state or another state or country;
   f. A written description of any proceedings for denial, suspension or revocation of a license or certificate for provision of medical, psychological, behavioral health, or social services, pending or filed, or brought against the applicant or a person listed in subsection (A)(1)(b), including those held in this state or another state or country; and
   g. A written description of any litigation in which the applicant or a person listed in subsection (A)(1)(b) has been a party, including, without limitation, collection matters and bankruptcy proceedings during the 10 years preceding the date of application.
2. Business organization.
   a. An organizational chart for the agency and each separate facility, showing administrative structure and staffing, and lines of authority;
   b. Business organization documents appropriate to the applicant, including:
      i. Articles of incorporation, by-laws, annual reports for the preceding three years; or
      ii. Partnership or joint venture agreement;
   c. For corporations, a certificate of good standing from the Arizona Corporation Commission or comparable entity from a foreign state; and
   d. A statement as to whether the applicant is for-profit or not-for-profit if not explained in other documents already provided.
3. Staff.
   a. A list of the applicant's paid staff, including:
      i. Name;
      ii. Position or title;
      iii. Degrees, certificates, or licenses held;
      iii. Business address;
      iv. Date of hire;
      v. Date of last physical; and
      vi. Date of submission for fingerprinting and background clearance;
   b. Evidence that staff have submitted fingerprints and criminal background information, as prescribed in A.R.S. § 46-141 and R6-5-7431 and obtained a physical exam as prescribed in R6-5-7431(F); and
   c. For any staff whose primary residence is the facility,
      i. The name and date of birth of any persons residing with the staff member;
      ii. Evidence that any adult residing with the staff member has submitted fingerprints and criminal background information as prescribed in R6-5-7431 and is free from communicable diseases posing a danger to children in care, as prescribed in R6-5-7431(H); and
      iii. Evidence that the staff member's children who reside at the facility have current immunizations.
4. Financial Stability.
   a. A written, proposed operating budget for start up and the first year of operation;
   b. Verifiable documentation of funds available to pay start-up costs; the funds shall be in the form of cash or written authorization for a line of credit;
   c. Verifiable documentation of funds available to pay operating expenses for the first three months of operations; the funds shall be in the form of cash or written authorization for a line of credit;
   d. Verifiable documentation of financial resources to operate in accordance with the proposed operating budget for the remaining nine months of the licensing year; the resources may include:
      i. Cash;
      ii. Contracts for placement;
      iii. Donations;
      iv. Grants; and
      v. Authorization for a line of credit;
   e. If the applicant or one of the persons listed in subsection (A)(1)(b) has operated any child welfare agency in this state or any other state during the past 10 years, the most recent financial statement and financial audit for that agency, unless the most recent statement or audit is more than 10 years old; and
   f. A certificate of insurance, or letter of commitment from an insurer, showing that the applicant has insurance coverage as prescribed in R6-5-7426.

5. Program.
   a. Informational or advertising material about the agency and its facility;
   b. For each facility, a written description of:
      i. All services the applicant intends to provide;
      ii. The number and type of children the applicant will serve, including: age, gender, special needs, or particular behavior problems;
      iii. The anticipated sources of placement and referral;
      iv. Number and qualifications of paid staff who will provide services, including the staff-child ratio, per living unit, during a 24-hour day, for a seven-day week; and
   c. Program description, including:
      i. Goals and objectives;
      ii. Educational activities, with attached copy of Arizona Department of Education approval, if applicable;
      iii. Recreational activities;
      iv. Food and nutrition, with sample menus;
      v. Behavior management practices;
      vi. Religious practices, if any; and
      vii. Medical services.
6. Documentation, Forms, and Notices. Samples of all documents, forms, and notices which the applicant will use with or provide to children placed with the agency, the parents and guardians of those children, and the persons and entities who place children, including:
   a. Agency application for services;
   b. Agency placement agreement;
   c. Intake form;
   d. Child's case file and medical record;
   e. Forms for reports to courts and placing agencies;
   f. Statement of client rights;
   g. Unusual incident reports; and
   h. Sample medication logs.
7. Policies and Procedures. The applicant's internal policies, procedures, and operations manual.
8. Physical site and environment.
   a. The floor plan for each facility;
   b. A DHS health and safety inspection report for each facility;
   c. Documentation showing that the local zoning authority verifies that each agency facility complies with all applicable zoning requirements;
   d. Fire safety inspection report from the state fire marshall or a local fire department inspector for each facility;
   e. Any water supply report as prescribed in R6-5-7458(D);
   f. Gas equipment inspection report as prescribed in R6-5-7465(D)(1); and
   g. Any other inspection certificates or reports prescribed in this Article, and any building occupancy certificates.
9. Miscellaneous.
   a. A statement authorizing the Department to investigate the applicant;
   b. The signature, under penalty of perjury, of the agency administrator or person submitting the application, attesting to the truthfulness of the information contained in the application; and
   c. The date of application.

B. If an applicant has attached a copy of a policy or procedure which describes the applicant's practice or procedure on a particular issue, the applicant need not separately describe the policy or procedure on the application form, but shall indicate that the description is contained in a particular identified and attached policy.

C. If the Licensing Authority needs additional information to determine the applicant's fitness to hold a license or an operating certificate, ability to perform the duties of a licensee as prescribed in this Article, or ability to fulfill the requirements prescribed in the applicant's policies, procedures, and program description, the Licensing Authority may require the applicant to provide additional information, including a signed form permitting a specifically named person or entity to release information to the Licensing Authority.

D. An agency which does not have or is unable to obtain all or part of the information or supporting documentation listed in subsection (A) shall so indicate in a written statement filed with the application. The written statement shall explain why the information or documentation is unavailable.

Historical Note

Adopted effective May 19, 1977 (Supp. 77-3). Former Section R6-5-7405 repealed; new Section R6-5-7405 filed with the Secretary of State's Office May 15, 1997; adopted effective July 1, 1997 (Supp. 97-2).

R6-5-7406. Site Inspection

A. After receiving a complete application package, the Licensing Authority shall notify the applicant that the application is complete, and shall schedule the applicant for a site inspection, which may require more than one visit to a site.

B. The site inspection shall begin no later than 45 days after the Licensing Authority receives the applicant's completed application package.

C. During the site inspection, the licensing representative shall:
1. Inspect the facility to ensure that any deficiencies identified in the DHS inspection report have been remedied;
2. Verify that the facility meets the requirements of this Article;
3. Review the applicant's policies and procedures;
4. Review model client files;
5. Review personnel files;
6. Inspect the applicant's books, records, and proposed forms;
7. Interview one or more of the applicant's governing board members, incorporators or organizers, and a representative sampling of staff who have been hired; and
8. Inspect the applicant's computer security system and review the applicant's confidentiality safeguards.

D. For an initial application, the administrative completeness review time-frame described in A.R.S. § 41-1072(1) is 75 days. Before expiration of the time-frame, the Licensing Authority shall send the applicant written notice of administrative completeness or deficiency as prescribed in A.R.S. § 41-1074(A).

E. If the applicant does not supply the missing information, as prescribed in the notice, within 60 days of the notice date, the Licensing Authority may close the file. An applicant whose file has been closed, who later wishes to become licensed, may reapply.

Historical Note

Adopted effective May 19, 1977 (Supp. 77-3). Former Section R6-5-7406 repealed; new Section R6-5-7406 filed with the Secretary of State's Office May 15, 1997; adopted effective July 1, 1997 (Supp. 97-2).

R6-5-7407. Licensing Study

A. The licensing representative shall summarize the results of the site visit, and other information gathered during the licensing process in a written licensing study, which shall be the basis for the licensing decision.

B. The licensing study shall describe whether the applicant has:
1. Complied with all application and inspection requirements; and
2. Demonstrated that it has:
   a. The capital to pay all start-up costs and the financial ability to meet one year's operating expenses, as prescribed in R6-5-7405(A)(4);
   b. The staff, expertise, facilities, and equipment to provide the services it plans to offer; and
   c. The ability and intent to comply with the standards and requirements of this Article.

C. The applicant may obtain a copy of the licensing study, upon request.

Historical Note

Adopted effective May 19, 1977 (Supp. 77-3). Former Section R6-5-7407 repealed; new Section R6-5-7407 filed with the Secretary of State's Office May 15, 1997; adopted effective July 1, 1997 (Supp. 97-2).

R6-5-7408. Licensing Decision: Issuance; Denial; Time-Frames

A. The Licensing Authority shall issue a written licensing decision within 30 days of concluding the applicant's final site visit. This 30 day period is the substantive review time-frame required by A.R.S. § 41-1072(3).

B. The licensing decision shall explain whether the Licensing Authority will grant or deny a license, and the terms of the license.
1. If the Licensing Authority grants a license, the Licensing Authority shall send the license and any operating certificates with the notification letter.
2. If the Licensing Authority issues a provisional license as prescribed in R6-5-7419 or denies a license, the Licensing Authority shall send the notice by certified mail. The notice shall contain the information listed in R6-5-7421(B) for a notice of adverse action.

C. The overall time-frame for an initial license is 105 days.

Historical Note

Adopted effective May 19, 1977 (Supp. 77-3). Former Section R6-5-7408 repealed; new Section R6-5-7408 filed with the Secretary of State's Office May 15, 1997; adopted effective July 1, 1997 (Supp. 97-2).

R6-5-7409. Licenses and Operating Certificates: Form; Term; Nontransferability

A. If an agency's administrative office is located separately from an agency facility, the Licensing Authority shall issue a license to the agency and an operating certificate to each facility the agency operates. If the agency and facility occupy the same location, the Licensing Authority shall issue only a license, with the information required for an operating certificate.
1. A license shall:
   a. Identify the agency name, and the geographic area in which the agency is licensed to operate;
   b. List each facility the agency operates, and the total number of children the agency is authorized to serve; and
   c. Require the agency to operate each facility in accordance with the operating certificate issued to the particular facility.
2. An operating certificate shall:
   a. Identify the agency operating the facility;
   b. Identify the facility name, if different from the agency name, and the geographical area in which the facility is authorized to operate;
   c. List the type of service or program to be offered at the facility; and
   d. Specify the number, gender, and ages of children the facility may receive for care.

B. An operating certificate is not valid unless it has been issued in the name of an agency holding a license. Except as otherwise prescribed in subsection (A) for an agency and facility at the same location, a facility cannot operate without a current operating certificate.

C. A license and an operating certificate expire one year from the date of issuance, except as otherwise provided in R6-5-7410 for satellite facilities and in R6-5-7419 for provisional licenses.

D. An agency shall post its current license in the agency, in a conspicuous location, visible to the public. The agency shall post a facility's current operating certificate in a conspicuous location within the facility.

E. A license and an operating certificate cannot be transferred or assigned, and shall expire upon a change in ownership. For the purpose of this Section, a "change in ownership" includes any of the following events:
1. Sale or transfer of the agency or facility;
2. Bulk sale or transfer of the agency's or facility's assets or liabilities;
3. Placement of the agency or facility in the control of a court appointed receiver or trustee;
4. Bankruptcy of the agency or facility;
5. Change in the composition of the partners or joint venturers of an agency or facility organized as a partnership;
6. Sale or transfer of a controlling interest in the stock of a corporate agency or facility; or
7. Loss of an agency's or facility's nonprofit status.

Historical Note

Adopted effective May 19, 1977 (Supp. 77-3). Amended effective May 25, 1979 (Supp. 79-3). Amended subsection (H) effective January 2, 1981 (Supp. 81-1). Former Section R6-5-7409 repealed; new Section R6-5-7409 filed with the Secretary of State's Office May 15, 1997; adopted effective July 1, 1997 (Supp. 97-2).

R6-5-7410. Licensed Agency: Application for an Operating Certificate for an Additional Satellite Facility

A. A currently licensed agency that wishes to obtain an operating certificate for an additional satellite facility shall send the Licensing Authority a letter of intent. The letter of intent shall include the following information:
1. The applicant's name, address, and telephone and telefacsimile numbers;
2. The name of the applicant's chief executive officer or administrator;
3. The name, address, and telephone and telefacsimile numbers of the additional facility;
4. A request that the Licensing Authority schedule the additional facility for a DHS health and safety inspection;
5. The name of the person who will be in charge of the additional facility, with a description of that person's qualifications;
6. A description of program and services to be offered at the proposed facility, including any policy or procedures unique to the facility;
7. A statement as prescribed in R6-5-7403(A)(5) for the applicable school district; and

8. All of the information listed in R6-5-7405(A) that differs from the information already on file for the agency, including:
   a. Floor plan,
   b. Fire inspection,
   c. Zoning clearance letter,
   d. Certificate of insurance,
   e. Evidence of financial stability,
   f. List of paid staff with the information required by R6-5-7405(A)(3), and
   g. Facility staffing schedule.

B. Upon receipt of all information listed in subsection (A), and a report of the DHS health and safety inspection, the Licensing Authority shall schedule the facility for a site inspection, as provided in R6-5-7406.

C. The Licensing Authority shall prepare a licensing study and issue a licensing decision on the application for the additional operating certificate as prescribed in R6-5-7407 through R6-5-7408. In determining whether to grant an additional operating certificate to an agency operating under a provisional license, the Licensing Authority shall also consider:
1. The nature and extent of the problems giving rise to the deficiency that caused the agency to be placed on provisional license status; and
2. The agency's progress on its corrective action to resolve the problems.

D. An operating certificate for an additional satellite facility expires at the end of an agency's regular licensing year.

Historical Note
Adopted effective May 19, 1977 (Supp. 77-3). Former Section R6-5-7410 repealed; new Section R6-5-7410 filed with the Secretary of State's Office May 15, 1997; adopted effective July 1, 1997 (Supp. 97-2).

R6-5-7411. Application for Renewal of License and Operating Certificates

A. No earlier than 90 and no later than 60 days prior to the expiration date of a license, an agency may apply to the Licensing Authority for renewal of its license and any operating certificates. The Licensing Authority does not have a duty to notify the agency of license expiration. The agency shall contact the Licensing Authority to request a renewal application and to schedule a DHS health and safety inspection. The agency shall schedule its own fire inspection. Failure to timely apply or obtain inspections may result in suspension of the agency's license until the renewal process is completed.

B. An agency shall apply for renewal on a Department application form containing the information required in this Section.

C. An agency shall submit copies of the completed renewal application and supporting documents to the Licensing Authority. If the agency has not amended, changed or updated the information or documentation since the agency last applied for or renewed its license, the agency shall indicate "no change" on the documents submitted with the renewal application.

D. With a renewal application, the agency shall also submit the following documentation:
1. A current financial statement prepared by an independent certified public accountant who is not employed by the agency;
2. A certificate of current insurance coverage as prescribed in R6-5-7426;
3. A copy of the agency's current budget and the agency's audit report for its preceding fiscal year;
4. Identification of and the following background information on the agency, facility, and administrators:
   a. Name, address, and telephone and telefacsimile numbers for the agency and all facilities operated by the agency;
   b. Name, title, business address, and telephone and telefacsimile number of:
      i. The person who serves as the chief executive officer (CEO) as prescribed in R6-5-7432(A);
      ii. The person who serves as the program director as prescribed in R6-5-7432(B);
      iii. The person with delegated authority to act when the CEO is absent;
      iv. The person in charge of each separate facility as prescribed in R6-5-7432(C);
      v. Persons holding at least 10% ownership interest in the applicant; and
      vi. The agency and facility medical directors, if applicable;
   c. The educational qualifications and work history for each person listed in subsection (D)(4)(b), with that person's attached resume, employment application, or curriculum vitae;
   d. A list of the members of the agency's governing body described in R6-5-7424, including name, address, position in the agency, term of membership, and any relationship to the applicant;
   e. A list of licenses or certificates for provision of medical or social services currently or previously held by the applicant or persons listed in subsection (D)(4)(b), including those held in this state or another state or country; the list shall include the dates the person held the license or certificate;
   f. A written description of any proceedings for denial, suspension, or revocation of a license or certificate for provision of medical, psychological, behavioral health, or social services, pending or filed, or brought against the applicant or a person listed in subsection (D)(4)(b), including those held in this state or another state or country; and
   g. A written description of any litigation in which the applicant or a person listed in subsection (D)(4)(b) has been a party during the 10 years preceding the date of application, including, collection matters and bankruptcy proceedings.
5. An organizational chart for the agency and each separate facility, showing administrative structure and staffing, and lines of authority.
6. The following information on staff:
   a. A list of applicant's paid staff, including:
      i. Name;
      ii. Position or titles;
      iii. Degrees, certificates, or licenses held;
      iv. Business address;
      v. Date of hire;
      vi. Date of last physical; and
      vii. Date of submission for fingerprinting and background clearance;
   b. For any staff whose primary residence is the facility:
      i. The name and date of birth of any persons residing with a staff member;
      ii. Evidence that any adult residing with a staff member has submitted fingerprints and criminal background information as prescribed in R6-5-7431 and is free from communicable diseases posing a danger to children in care, as prescribed in R6-5-7431(H); and

iii. Evidence that the staff member's children who reside at the facility have current immunizations.

7. Copies of any written complaints the agency has received about its performance at its facilities during the expiring license year and the agency's response to the complaints; and
8. A written description of any changes in program services or locations, or the children served by the agency.

E. For a renewal application, the administrative completeness review time-frame described in A.R.S. § 41-1072(1) begins when the applicant submits a renewal application form and the required documentation listed in this Section.

Historical Note
Adopted effective May 19, 1977 (Supp. 77-3). Former Section R6-5-7411 repealed; new Section R6-5-7411 filed with the Secretary of State's Office May 15, 1997; adopted effective July 1, 1997 (Supp. 97-2). Amended by final rulemaking at 6 A.A.R. 4032, effective September 29, 2000 (Supp. 00-3).

R6-5-7412. Renewal of License and Operating Certificates: Site Inspection; Time-frames; Standard for Issuance

A. Upon receipt of a complete renewal application, the Licensing Authority shall schedule the renewal applicant for a DHS health and safety inspection.

B. Upon receipt of the DHS inspection report and a complete renewal application package, the Licensing Authority shall schedule the applicant for a site inspection of the agency and each agency facility.

C. At the renewal site inspection, the licensing representative shall investigate the agency and facilities as prescribed in R6-5-7406, and may also:
1. Interview staff,
2. Interview clients and references,
3. Observe staffings,
4. Review a random sample of client and staff files,
5. Conduct field visits to agency branch offices and facilities.

D. For a renewal application, the administrative completeness review time-frame described in A.R.S. § 41-1072(1) is 45 days. Before expiration of the time-frame, the Licensing Authority shall send the applicant written notice of administrative completeness or deficiency as prescribed in A.R.S. § 41-1074(A).

E. If the applicant does not supply the missing information, as prescribed in the notice, within 60 days of the notice date, the Licensing Authority may close the file. An applicant whose file has been closed, who later wishes to become licensed, may reapply.

F. The Licensing Authority shall issue a licensing decision within 25 calendar days of concluding the applicant's final site visit. This 25-day period is the substantive review time-frame under A.R.S. § 41-1072(3). The overall time-frame for a issuance of a renewal license is 70 days.

G. The Licensing Authority may renew an agency's license and any operating certificate for its facility when the agency and facility:
1. Demonstrate compliance with the standards set forth in applicable statutes and this Article;
2. Have complied with applicable statutes and the requirements of this Article during the expiring period of licensure; and
3. Have corrected any problems that resulted in imposition of a provisional license.

H. The Licensing Authority shall issue a renewal licensing decision as prescribed in R6-5-7408(B).

Historical Note
Adopted effective May 19, 1977 (Supp. 77-3). Former Section R6-5-7412 repealed; new Section R6-5-7412 filed with the Secretary of State's Office May 15, 1997; adopted effective July 1, 1997 (Supp. 97-2).

R6-5-7413. Notification to Licensing Authority of Changes Affecting License; Staff Changes

A. A licensee shall send the Licensing Authority written notification of any planned change in the licensee's name, ownership, agency location, facility location, governing board member, chief executive officer, or program director, at least one month before the change. If the change occurs without sufficient time for prior written notice, the licensee shall orally notify the Licensing Authority as soon as the change is known, and shall send the Licensing Authority written confirmation within 48 hours of giving oral notice.

B. If a licensee wishes to make a substantial change as described in subsection (C), the licensee shall:
1. Provide the Licensing Authority with prior written notice of the change at least one month before the effective date of the change; and
2. Apply for an amended license as prescribed in R6-5-7414.

C. As used in subsection (B), "substantial change" means any of the following:
1. An event that will cause the licensee to be out of compliance with:
   a. The terms stated on the face of the license or an operating certificate; or
   b. A standard prescribed in this Article;
2. A change in a building or a physical site at the agency or facility if that change will alter the level or nature of care provided to children; or
3. Substantive revision of the policies and procedures required by this Article.

D. Within five work days of a paid staff member's hiring or separation, the licensee shall complete and send the Licensing Authority a Department form LC-008, "Child Welfare Agency Employee Central Registry," with the following information on the paid staff member:
1. Name,
2. Date of birth,
3. Social security number,
4. Date fingerprinted and fingerprinting results,
5. Position held,
6. Date of and reason for separation from employment, and
7. Opportunity for rehire.

Historical Note
Adopted effective May 19, 1977 (Supp. 77-3). Former Section R6-5-7413 repealed; new Section R6-5-7413 filed with the Secretary of State's Office May 15, 1997; adopted effective July 1, 1997 (Supp. 97-2).

R6-5-7414. Amended License or Operating Certificate

A. The Licensing Authority may issue an amended license or operating certificate to reflect a change in an agency or facility name or the terms of a license or an operating certificate if the change does not cause the agency or facility to fall out of compliance with applicable statutes and this Article.

B. The Licensing Authority shall not issue a license for an agency or an operating certificate for a facility that has moved to a new location until the agency or facility has:
1. Provided the information listed in R6-5-7405(A)(8),

2. Passed a DHS health and safety inspection,
3. Passed a fire inspection,
4. Passed a Licensing Authority site inspection, and
5. Submitted any new staff and household members for fingerprinting and criminal background checks as prescribed in A.R.S. § 46-141 and R6-5-7431.

C. An amended license or operating certificate expires at the end of the agency or facility's regular licensing year.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7415. Alternative Method of Compliance

A. The Licensing Authority, with the approval of the Attorney General's Office, may permit a licensee to substitute an alternative method of compliance for a licensing requirement or objective prescribed in this Article and not otherwise required by law, if the following conditions are met:
1. The licensee seeking to achieve compliance through an alternative methodology proposes, to the satisfaction of the Licensing Authority, that the licensee can satisfy the objective of the requirement through the alternative methodology; and
2. Allowing the licensee to achieve compliance through an alternative method will not jeopardize the health, safety, or well-being of children who are or may be placed in the licensee's care.

B. Approval of an alternative methodology expires as prescribed in the written letter authorizing the alternative, or at the end of the licensing year, and must be annually renewed.

C. The Licensing Authority is not obligated to permit an alternative method of compliance or to renew approval of the alternative methodology.

D. The Licensing Authority shall document the alternative and the findings required by subsection (A) in the licensing file.

E. The Licensing Authority may revoke the licensee's permission to comply through an alternative method if the Licensing Authority finds that a condition listed in subsection (A)(1) or (2) is not met.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7416. Monitoring

A. The Licensing Authority shall monitor the ongoing operations of agencies and facilities.

B. Monitoring activities may include the following:
1. Announced and unannounced inspections of an agency or a facility, including both physical premises and internal operations, books, records, policies, procedures, logs, manuals, files, inspection reports, certificates, and any other document prescribed by this Article;
2. Interviews with clients, staff, or other persons with information about the agency; and
3. Observation of program activities.

C. A licensee shall cooperate with the Licensing Authority's monitoring functions. Cooperation includes:
1. Making the agency, facility, and program activities available to licensing representatives for inspection and observation;
2. Providing the Licensing Authority with information or documentation requested;
3. Making staff available for interview; and
4. Allowing children in care to be interviewed.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7417. Complaints; Investigations

A. If the Licensing Authority receives an oral complaint about a licensee, agency, or facility, the Licensing Authority shall ask the complaining party to submit the complaint in writing, but shall investigate complaints as prescribed in this Section even if the complaining party does not put the complaint in writing.

B. The Licensing Authority shall refer all complaints involving allegations of child maltreatment to CPS as required by A.R.S. § 13-3620 for investigation as prescribed in A.R.S. § 8-546.01(C).

C. The Licensing Authority shall investigate complaints about a licensee through one or more of the following methods:
1. Telephone contact with the licensee,
2. Interviews with the complaining party,
3. Interviews with the licensee's staff,
4. Interviews with the licensee's clients,
5. Interviews of witnesses to the matters at issue,
6. Inspections of records and documents related to the issues raised in the complaint,
7. Announced and unannounced inspections of the agency or a facility,
8. Evaluation of a law enforcement or CPS report for evidence of a licensing violation, and
9. Any other activity necessary to validate or refute the allegations.

D. A licensee shall cooperate in any Department investigation as prescribed in R6-5-7416(C).

E. Upon completion of an investigation as described in subsection (C), the Licensing Authority shall:
1. Find that the complaint is invalid, document the findings in the agency's licensing file, and close the investigation;
2. Find that the complaint is valid and take disciplinary action against the licensee as prescribed in R6-5-7419 and R6-5-7420, or require corrective action as prescribed in R6-5-7418; or
3. Find that the complaint cannot be validated or refuted based on the available evidence and document the finding in the licensing file.

F. The Licensing Authority shall provide the licensee with an oral report of any findings made under subsection (E) and, upon the licensee's request, a copy of the written findings placed in the licensee's file. At the time of giving the oral report, the licensing representative shall advise the licensee of the opportunity to obtain a copy of the written findings.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7418. Corrective Action

A. If a deficiency is correctable within a specified period of time and does not jeopardize the health or safety of a child, the Licensing Authority may place the agency on a corrective action plan to cure the deficiency in lieu of the disciplinary measures prescribed in R6-5-7419 and R6-5-7420.

B. In determining whether to require corrective action in lieu of other disciplinary action, the Licensing Authority shall consider the following criteria:
1. The nature of the deficiency;
2. Whether the deficiency can be corrected;
3. Whether the licensee and its affected staff understand the deficiency and show a willingness and ability to participate in corrective action;

4. The length of time required to implement corrective action;
5. Whether the same or similar deficiencies have occurred on prior occasions;
6. Whether the licensee has had prior corrective action plans, and, if so, the licensee's success in achieving the required goals of the plan;
7. The licensee's history in providing care; and
8. Other similar or comparable factors demonstrating the licensee's ability and willingness to follow through with a corrective action plan and avoid future deficiencies.

C. The agency shall prepare a corrective action plan for the review and approval of the Licensing Authority.
1. The plan shall explain:
   a. How the agency will remedy the non-compliance;
   b. The time periods for completing all corrective action; and
   c. The agency staff responsible for carrying out the corrective action plan.
2. The plan shall provide for the agency to send the Licensing Authority periodic reports on the agency's progress, and a final report when all corrective action is completed.
3. An authorized representative of the agency shall sign and date the corrective action plan.

D. In deciding whether to approve a plan, the Licensing Authority shall ensure that the plan:
1. Will correct the identified deficiency within a specified period of time;
2. Identifies persons responsible for executing the steps listed in the plan; and
3. Permits the Licensing Authority to monitor the Licensee's progress in completing the plan.

E. The Licensing Authority may conduct announced and unannounced inspections of the agency or facility to monitor implementation of a corrective action plan. The licensee shall cooperate in any monitoring inspection as prescribed in R6-5-7416(C).

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7419. Provisional License

A. If an agency or a facility is temporarily unable to conform to the standards prescribed in this Article, the Licensing Authority may issue a provisional license to the agency, or convert a regular license to provisional status, as prescribed in A.R.S. § 8-505(C). For the purpose of this Section, "temporarily unable" means a time period of six months or less.

B. The Licensing Authority may impose provisional license status on an agency operating multiple facilities even though less than all facilities are out of compliance.

C. The Licensing Authority may issue a provisional license only when:
1. The non-compliance is correctable; and
2. The non-compliance does not jeopardize the health, safety, or well-being of children in care.

D. If the Licensing Authority issues a provisional license, the agency shall cooperate with the Licensing Authority to develop a written corrective action plan that meets the requirements of R6-5-7418(C) and (D) and shall comply with the terms of the plan.

E. If an agency receives a provisional license at the time of annual renewal and the license is later converted to a regular license during the agency's licensing year, the regular license expires one year from the date the provisional license was issued.

F. If an agency receives a regular license at the time of annual renewal, and the license is converted to a provisional license during the agency's licensing year, the agency's license expires one year from the date the regular license was issued.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7420. Denial, Suspension, and Revocation of a License or Operating Certificate

A. The Licensing Authority may deny, suspend, or revoke a license or operating certificate when:
1. An applicant or licensee has violated or is not in compliance with licensing rules and standards, Arizona state or federal statutes, or city or county ordinances or codes;
2. An applicant or licensee refuses to cooperate with the Licensing Authority in providing information required by these rules or any information required to determine compliance with these rules;
3. An applicant or licensee misrepresents or fails to disclose information to the Department regarding qualifications, experience, or performance of duties;
4. A licensee fails to cooperate in developing a corrective action plan after a request by the Licensing Authority, or fails to comply with a corrective action plan; or
5. An applicant or licensee is unable or unwilling to meet the physical, emotional, social, educational, or psychological needs of children in care.

B. In determining whether to deny a license, to take disciplinary action against a licensee, or to renew a license, the Licensing Authority may consider the licensee's past history from other licensing periods, both in Arizona and in other jurisdictions, and shall consider a pattern of violations of applicable child welfare statutes or rules, as evidence that an applicant or licensee is unable or unwilling to meet the physical, emotional, social, educational, or psychological needs of children.

C. The Licensing Authority shall deny, suspend, or revoke a license when an individual applicant or licensee has been convicted of or is awaiting trial on the criminal offenses listed in A.R.S. § 46-141.

D. The Licensing Authority shall deny, suspend, or revoke a license when an agency or facility:
1. Retains staff who have been convicted of or are awaiting trial on the criminal offenses listed in A.R.S. § 46-141;
2. Allows an adult other than those described in subsection (D)(1), who has been convicted of or is awaiting trial on the offenses listed in A.R.S. § 46-141, to reside at a facility; or
3. Allows any staff or other adult at the facility, who has committed an offense listed in A.R.S. § 46-141(D), to have contact with children in care.

E. The Licensing Authority may deny, suspend, or revoke a license when an applicant or licensee, any staff member, or any other adult who resides at the facility, has been convicted of or found by a court to have committed, or is awaiting trial on any criminal offense, other than those listed in A.R.S. § 46-141. In determining whether a person's criminal history affects an applicant's or licensee's fitness to hold a license, the Licensing Authority shall consider all relevant factors, including the following:
1. The extent of the person's criminal record, if any;
2. The length of time which has elapsed since the offense was committed;
3. The nature of the offense and whether the offense was originally classified as a felony or a misdemeanor;
4. The circumstances surrounding the offense;

5. The degree to which the person participated in committing the offense;
6. The extent of the person's rehabilitation; and
7. The person's role within the agency or facility.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7421. Adverse Action; Procedures; Effective Date

A. When the Licensing Authority plans to take adverse action against a licensee, the Licensing Authority shall give the licensee written notice of the adverse action by certified mail.

B. The notice shall specify:
1. The action taken;
2. All reasons supporting the action;
3. The sections of law justifying the action;
4. The procedures by which an applicant or licensee may contest the action taken, and the time periods for doing so;
5. An explanation of the applicant or licensee's right to request an informal settlement conference as prescribed in A.R.S. § 41-1092.03(A); and
6. If the Licensing Authority summarily suspends a license as provided in A.R.S. § 41-1064(C), the required finding of emergency.

C. The following actions are not appealable adverse actions:
1. Imposition of a corrective action plan to bring the licensee into compliance with licensing requirements, absent any material change in licensing status;
2. Denial or revocation of permission for an alternate method of compliance or operation of a barracks facility as prescribed in R6-5-7461(B) and R6-5-7462(B); and
3. A staff member's failure to clear the criminal history check prescribed in R6-5-7431(B).

D. Except as otherwise provided in A.R.S. § 41-1064 for emergency suspensions, adverse action is effective:
1. If a licensee does not appeal the adverse action, 31 days after the postmark date of the notice prescribed in subsection (A); or
2. If the licensee appeals the adverse action, when there is a final administrative decision, as prescribed in A.R.S. § 41-1092.08(D), affirming the adverse action.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7422. Appeals

A. An applicant may appeal the denial of a license and a licensee may appeal adverse action under A.R.S. § 8-506.01 and A.R.S. Title 41, Chapter 6, Article 10.

B. The applicant or licensee shall file a notice of appeal with the Licensing Authority. The notice shall contain the information required by A.R.S. § 41-1092.03(B).

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7423. Statement of Purpose; Program Description and Evaluation; Compliance With Adopted Policies; Client Rights; Single Category of Care

A. A licensee shall have a written statement which describes its philosophy, purpose, and program for children in care, and the nature and extent of any family involvement in the program.

B. A licensee shall have a written description of all services each facility provides to children in care and their families and the methods of service delivery.

C. A licensee shall follow all plans, policies, and procedures the licensee adopts in accordance with this Article.

D. A licensee shall annually evaluate whether a facility is achieving the objectives described in R6-5-7405(A)(5)(c)(i). The licensee shall make a written report of the evaluation and provide a copy to the Licensing Authority at the time of license renewal.

E. A licensee shall have a statement of client rights.

F. A licensee shall not combine its child welfare program, as defined pursuant to subsection (A), with other forms of care or programming such as child care, nursing or convalescent care for adults, or adult developmental care unless the licensee:
1. Physically separates children in the child welfare program from persons in other programs, and
2. Prevents interaction between children in the child welfare program and persons in other programs.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7424. Governing Body

A. A licensee shall have a governing body to oversee the operations, policies, and practices of the agency and its facilities. The governing body shall be:
1. The board of directors for an agency that is a non-profit corporation, or
2. The board of directors or individual owner of an agency that is a for-profit organization.

B. The governing body shall:
1. Ensure that the licensee provides the services described in the licensee's statement of purpose;
2. Adopt an annual budget of anticipated income and expenditures necessary to provide the services described in the licensee's statement of purpose;
3. Approve the licensee's annual financial audit report;
4. Establish a policy and procedure for selection and retention of staff sufficient to operate the agency and its facilities in accordance with this Article;
5. Unless the licensee is a sole proprietorship, meet at least four times each year, and maintain records of attendance and minutes of the meetings;
6. Develop criteria and written procedures for selection of the governing body members, and the chief executive officer as required by R6-5-7432(A);
7. Employ a chief executive officer who meets the qualifications prescribed in R6-5-7432(A), to whom the governing body shall delegate responsibility for the daily administration and operation of the agency;
8. Regularly evaluate the chief executive officer's performance; and
9. Review and approve the agency's policies and procedures, and any amendments to them.

C. A licensee shall maintain a list of the governing body's members; the list shall include each member's the name, address, term of membership, and relationship to the licensee, if any.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7425. Business and Fiscal Management; Annual Audit

A. A licensee shall maintain complete and accurate accounts, books, and records as prescribed in this Article, and in accordance with generally accepted accounting practice.

B. A licensee shall operate on the annual budget approved by its governing board.

C. A licensee shall regularly record its financial transactions and maintain, for five years, its financial records including receipts, disbursements, assets, and liabilities.

D. A licensee shall have an annual, fiscal year-end, financial audit by an independent certified public accountant who shall conduct the audit in accordance with generally accepted auditing standards. The audit report shall include the following financial information:
1. Income statement,
2. Balance sheet,
3. Statement of cash flow,
4. A statement showing monies or other benefits the licensee has paid or transferred to any of the following:
   a. Business entities affiliated with the licensee,
   b. The licensee's directors or officers,
   c. The licensee's chief executive officer or program director,
   d. The family member of a person listed in subsections (D)(2)(e)(ii) or (iii), or
   e. Another agency.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7426. Insurance Coverage

A licensee shall have insurance coverage that provides protection against financial loss as prescribed in this Section.
1. The licensee shall carry liability insurance covering accidents, injuries, errors and omissions in the minimum amount of $100,000 per person, and $300,000 per accident or event.
2. The licensee shall ensure that any vehicle the licensee owns or uses to transport children in care has the following insurance coverage:
   a. Injury per person: $100,000,
   b. Injury per accident: $300,000, and
   c. Property damage: $25,000.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7427. Confidentiality

A. Except as otherwise allowed by law, a licensee's records concerning children in care and their families are confidential, and the licensee shall not disclose or knowingly permit the disclosure of confidential information.

B. A licensee shall have written policies and procedures for keeping records secure, in a manner that preserves confidentiality and prevents loss, tampering, or unauthorized use. The policies and procedures shall:
1. Be consistent with any laws applicable to the specific records at issue; and
2. Cover the following:
   a. The form in which children's records are maintained and stored;
   b. Identification of the staff who:
      i. Supervise the maintenance of records,
      ii. Have custody of records, and
      iii. Have access to records;
   c. The persons to whom records may be released and under what circumstances records may be released, including release of information to custodial and non-custodial parents and guardians;
   d. Photography, audio or audio-visual recording, and public identification of children; and
   e. Participation of children or use of children's records in data research.

C. Before using personally identifiable information for publicity, fundraising, or research, a licensee shall obtain:
1. A written consent to release, as prescribed in subsection (E), from the child who is the subject of the information, if developmentally appropriate; and
2. A written consent to release, as prescribed in subsection (E), from the child's placing agency or person; or
3. Written authorization from the court, if the child is a ward of the court.

D. A licensee may release personally identifiable information about a child or family to persons who require the information to treat or provide services to the child unless the release is prohibited by law.

E. A consent to release shall include the following information:
1. The name of the person or agency to whom the information is to be released;
2. A description of the information to be disclosed;
3. The reason for disclosure;
4. The expiration date of the consent, not to exceed six months from date of signature; and
5. The dated signature of the person authorizing the release.

F. Notwithstanding any other provision of this Article, in a medical emergency, the licensee shall promptly release information from a child's record to persons who require the information to treat the child.

G. A licensee may withhold information if, in the judgment of the professional person treating the child, or the agency's program director, the release of information would be contrary to the child's best interests, unless the release is:
1. Ordered by a court,
2. Mandated by federal or state law,
3. Required by the licensee's agreement with the placing agency or person, or
4. Required by the Department to assess the licensee's compliance with the law.

H. If a licensee withholds information pursuant to subsection (G), the licensee shall:
1. Document, in the child's record, the reason for withholding the information;
2. Advise the person who requested the information that the person may grieve the withholding pursuant to the licensee's internal grievance process adopted in accordance with R6-5-7429.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7428. Children's Records: Contents, Maintenance, Destruction

A. A licensee shall maintain a current, separate case record for each child in care. The record shall be readily accessible to persons providing services to the child and shall include at least the following information:
1. The name, gender, race, religion, birthdate, and birthplace of the child;
2. The name, address, telephone number, and marital status of the child's parents;
3. The date of admission and source of referral;
4. The name, address, telephone number, and relationship to the child of the person with whom the child was living prior to admission, if other than the child's parent;
5. All documents related to the child's referral and admission of the child to the facility;

6. Documentation of the current custody and legal guardianship of the child;
7. The child's court status, if applicable;
8. Consent forms signed by the placing agency or person at the time of placement, allowing the licensee to authorize necessary medical care, medications, routine tests, and immunizations;
9. Service plans and all reviews, revisions, notes, and updates reflecting the child's and family's goals, and progress towards achievement of goals;
10. A plan for permanent placement of the child;
11. Education records and reports;
12. Vocational training and employment records, if applicable;
13. Treatment and clinical records and reports; and
14. The discharge summary required by R6-5-7442(B).

B. A licensee shall have the medical records required by R6-5-7455. While the child is in care, the licensee may keep the child's medical records in a location separate from the records described in this Section. If the licensee keeps medical records in a separate location, the child's main record shall identify the location of the medical record.

C. All record entries shall be made in permanent ink or electronically. The licensee shall require personnel to date and legibly sign entries in a child's records.

D. If a licensee maintains a child's records in more than one place, the licensee shall:
1. Identify, in one location that is readily accessible to inspection by the Licensing Authority, the location of all parts of the record; and
2. Consolidate all records and notes into one case file, at one location, within 15 days following either:
   a. A request for consolidation from the Licensing Authority; or
   b. The date of the child's discharge from the facility.

E. A licensee shall maintain a child's record for the longest of the following time periods:
1. At least five years after the child's last discharge from the licensee's care;
2. At least three years after the child's 18th birthday; or
3. Another time period specified by applicable law or contract.

F. A licensee shall dispose of expired records in a manner that maintains confidentiality.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7429. Grievances

A. A licensee shall have a written policy and written procedures governing the receipt, consideration, and resolution of grievances brought to the licensee by children in care and their parents, regarding the licensee's program and care of children. The procedures shall:
1. Be written in a clear and simple manner that is developmentally appropriate for children in care;
2. Prohibit reprisal or retaliation against an individual who brings a grievance for the act of bringing the grievance;
3. Describe a process for fair and expeditious resolution of a grievance; and
4. Provide a means to tell the grievant about the action taken in response to the grievance.

B. A licensee shall maintain written records of grievance decisions for at least 12 months after the resolution.

C. The licensee shall maintain a log of grievances filed against the licensee. The licensee may keep a centralized agency log, or can maintain a separate log for each facility. The log shall include the following information:
1. Name of grievant;
2. Date grievance filed;
3. Description of the substance of the grievance;
4. Summary of the grievance resolution;
5. A copy of the grievance decision required by subsection (B), or a description of where the Licensing Authority can find the decision.

D. Copies of the grievance decisions may serve as the grievance log if:
1. The copies are kept in one central location that is readily accessible to the Licensing Authority,
2. The grievance decisions contain all the information listed in subsection (C), and
3. The licensee retains the decisions for at least three years following the date of grievance resolution.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2). Numbering for subsections (C) and (D) amended to correct typographical errors (Supp. 00-3).

R6-5-7430. Staff Management and Staff Records

A. A licensee shall have written staff policies and procedures which shall describe:
1. How the licensee recruits, screens, hires, supervises, trains, retains, develops, evaluates, disciplines, and terminates staff;
2. How the licensee handles staff resignations;
3. A job title, description and minimum qualifications for each position within the agency and all facilities;
4. The duties assigned to each position;
5. How the licensee handles staff grievances;
6. An organizational chart for the agency and all facilities; and
7. A method to assure privacy of staff records.

B. The licensee shall give all staff a copy of the person's own job description and allow staff access to the licensee's staff policies and procedures.

C. A licensee shall maintain a personnel record for all paid staff. The record shall include the following information, if applicable:
1. Application for employment including previous employment history and educational background;
2. Reference letters and documentation of phone notes on references that are dated and signed;
3. Documentation of the highest level of education achieved; the documentation may include a copy of a diploma, equivalence certificate, or record of notes of calls to educational institutions;
4. Medical examination reports on paid staff as required by R6-5-7431(F);
5. Medical examination reports on any other adult residing at the facility showing that the adult is free from communicable diseases as required by R6-5-7431(H);
6. Medical and immunization records on children who reside at the facility but are not in care, as required by R6-5-7431(H);
7. Copies of applicable professional licenses, credentials, and certifications, as required by R6-5-7431(A);
8. Documentation of fingerprinting and criminal records clearance as required by A.R.S. § 46-141 and R6-5-7431(B);
9. Record of all orientation and training received during employment;

10. Documentation showing that the paid staff member has read and agrees to abide by the facility's behavior management policies and procedures which shall include the dated signature of the paid staff member and a witness;
11. Documentation showing that the paid staff member has a valid driver's license if the paid staff member transports children;
12. Reports of all performance evaluations;
13. Documentation of any personnel actions or investigations that result in a written report;
14. Dates the paid staff member started and separated from employment; and
15. Reason for separation from employment.

D. A licensee shall maintain a personnel record on unpaid staff. The record shall include the following information, if applicable:
1. Application for work or study, including previous employment history and educational background;
2. Reference letters and documentation of phone notes on references that are dated and signed;
3. Medical examination reports, as required by R6-5-7431(F);
4. Copies of applicable professional licenses, credentials, and certifications, as required by R6-5-7431(A);
5. Documentation of fingerprinting and criminal records clearance as required by A.R.S. § 46-141 and R6-5-7431(B);
6. Record of all orientation and training received while affiliated with the licensee;
7. Documentation showing that the person has read and agrees to abide by the facility's behavior management policies and procedures which shall include the dated signature of the person and a witness;
8. Documentation showing that the person has a valid driver's license if the person transports children;
9. Reports of all performance evaluations;
10. Documentation of any personnel actions or investigations that result in a written report;
11. Dates the person began and ended affiliation with the licensee; and
12. Reason for ending affiliation with the licensee.

E. The licensee shall keep personnel records for at least three years after the staff member's separation from the licensee.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7431. General Qualifications for Staff

A. A licensee shall ensure that all staff providing services to children and their families under the licensee's program are currently certified, registered, or licensed as required by state law.

B. As prescribed in A.R.S. § 46-141, all staff having direct contact with children, and any persons age 18 or older who live at a facility, excluding children in care, shall be fingerprinted and shall certify on notarized forms provided by the Department whether they:
1. Are awaiting trial on or have ever been convicted of the following criminal offenses in this state or similar offenses in another state or jurisdiction:
   a. Sexual abuse of a minor;
   b. Incest;
   c. First or second degree murder;
   d. Kidnapping;
   e. Arson;
   f. Sexual assault;
   g. Sexual exploitation of a minor;
   h. Contributing to the delinquency of a minor;
   i. Commercial sexual exploitation of a minor;
   j. Felony offenses involving distribution of marijuana or dangerous or narcotic drugs;
   k. Burglary;
   l. Robbery;
   m. A dangerous crime against children as defined in A.R.S. § 13-604.01;
   n. Child abuse;
   o. Sexual conduct with a minor;
   p. Molestation of a child;
   q. Manslaughter;
   r. Aggravated assault; and
2. Have ever committed any of the acts listed in subsections (B)(1)(a), (g), (i), (m), (n), (o), and (p).

C. A licensee shall not knowingly employ, retain, or allow to reside at a facility, any staff, or person age 18 or above, who is awaiting trial on or has been convicted of any of the criminal offenses listed in subsection (B), or the same or similar offenses in another state or jurisdiction. A licensee shall not knowingly allow a person who has committed any of the offenses listed in subsection (B)(2) to have contact with children in care.

D. For all staff, a licensee shall:
1. Verify at least two years immediate, or most recent, past employment through reference checks;
2. Obtain at least three references from persons not related to the staff member by blood or marriage, who can attest to the staff member's character, knowledge, and skill.

E. The licensee shall document verification of the reference information required in subsection (D).

F. A licensee shall have staff providing direct care to children obtain a physical examination by a licensed medical practitioner before beginning assigned duties and at least every two years while working.

G. All staff shall be free from any communicable disease that poses a danger to children in care and shall have the capacity to perform the essential functions of that person's job.

H. Other adults who reside at the facility shall be free from communicable disease that poses a danger to children in care. Children who reside at the facility but are not in care shall have current immunizations and be free from communicable disease that poses a danger to children in care.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7432. Qualifications for Specific Positions or Tasks; Exclusions

A. Chief Executive Officer "CEO": A licensee shall have a chief executive officer for the agency. The CEO:
1. Is responsible for general management, administration, and operation of the agency in accordance with this Article;
2. Ensures that:
   a. Each child in care receives necessary professional services;
   b. Appropriately qualified staff render services to children in care; and
   c. The services are coordinated;
3. Shall have management experience and meet any other qualifications prescribed by the Governing Body;
4. Shall reside in Arizona;
5. Shall be accessible to staff, representatives of the Licensing Authority, and other governmental agencies; as used in this subsection, "accessible" means readily available to

answer questions and to handle problems or emergencies that arise, either personally or through a chain of command; and
6. Shall designate a qualified person to perform administrative responsibilities whenever the CEO is inaccessible.

B. Program Director: A licensee shall have at least one person who is responsible for development, implementation, and supervision of an agency's programs and services. This person shall have at least:
1. A master's degree in social work or a related area of study from an accredited school and at least one year experience in the child welfare or child care services field; or
2. A bachelor's degree in social work or a related area of study from an accredited school and two years of experience in the child welfare or child care services field.

C. Facility Supervisor: If a licensee operates more than one facility, the licensee shall designate a person to supervise the operations of each facility.

D. Supervisors: Any staff member who supervises, evaluates, or monitors the work of the direct care staff shall have at least six months paid child care experience and at least 3 1/2 years of any combination of the following:
1. Paid child care or related experience; or
2. Post-high school education in social work or a related field.

E. Direct Care Staff: A person who supervises, nurtures, or cares for a child in care shall have at least:
1. A high school diploma or equivalency degree and one year experience in working with children; or
2. One year post-high school education in a program leading to a degree in the field of child welfare or human services.

F. Program Instructors: A person who supervises, trains, or teaches children in the performance of a physical activity that poses an unusually high risk of harm, such as archery, river rafting, rock climbing, caving, rappelling, and hang gliding, shall:
1. Be currently certified to perform the activity, if applicable;
2. Have at least three years of experience related to the activity; or
3. Have at least three letters of reference attesting to skill and experience in the activity.

G. CPR and First Aid Certification: A licensee shall ensure that:
1. Direct care staff are certified in pediatric cardiopulmonary resuscitation (CPR) and in first aid by the American Red Cross, the American Heart Association, or the Arizona Chapter of the National Safety Council within three months of being hired and before caring alone for children in care.
2. At least one staff member per shift, per facility is currently certified in CPR and first aid.

H. Multiple Functions: A licensee may allow one person to perform multiple functions or fill more than one position so long as:
1. The person performing multiple functions is qualified for the jobs held; and
2. The licensee does not violate the requirements of this Article, including R6-5-7437 governing staff-child ratios.

I. Exclusions: The educational requirements set forth in this Section do not apply to persons employed with a licensee on the effective date of this Article. These requirements do apply to:
1. Persons hired as employees after the effective date of this Article; and
2. Persons who:
   a. Are employed with a licensee on the effective date of this Article;
   b. Subsequently separate from that employment; and
   c. Later seek employment with the same or a different licensee.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2). Amended by final rulemaking at 6 A.A.R. 4032, effective September 29, 2000 (Supp. 00-3).

R6-5-7433. Orientation and Training for Staff

A. A licensee shall have a written plan for orientation and training of all staff. The plan shall include a method for the licensee to evaluate whether the person has actually learned the information that was the subject of orientation or training.

B. All staff shall receive initial orientation and training before assignment to solo supervision of children. The initial orientation and training shall include:
1. Acquainting staff with the licensee's philosophy, organization, program, practices, and goals;
2. Familiarizing staff with the licensee's policies and procedures, including those on confidentiality, client and family rights, grievances, emergencies and evacuations, behavior management, preventing and reporting child maltreatment, recordkeeping, medications, infection control, and treatment philosophy;
3. Training staff in cardiopulmonary resuscitation (CPR) and first aid according to American Red Cross guidelines as prescribed in R6-5-7432(G);
4. Training staff to do the initial health screening prescribed in R6-5-7438(E)(9); the licensee shall have a licensed medical practitioner provide this training;
5. Training staff in de-escalation and any physical restraint practices used at the facility by an instructor qualified under this subsection. An instructor is qualified to train staff in de-escalation and physical restraint practices if:
   a. The instructor has a written curriculum that conforms to the requirements of this Article and state law.
   b. The classroom instruction provided conforms to the requirements of this Article and state law.
6. Familiarizing staff with the specific child care responsibilities outlined in the person's job description;
7. Training staff to recognize expected responses to and side effects of medications commonly prescribed for children in care; and
8. Training staff in the licensee's emergency admissions process if applicable to the licensee's services.

C. The licensee's training plan for ongoing training shall satisfy the requirements of this subsection.
1. A full-time support staff member shall receive at least four hours of annual training.
2. A full-time direct care staff member shall receive at least 24 hours of annual training.
3. The training shall cover matters related to the person's job responsibilities, and at least the following subjects, as appropriate to the characteristics of the children in care at the facility:
   a. Child management techniques;
   b. Discipline, crisis intervention, and behavior management techniques;
   c. A review of the licensee's policies;
   d. Health care issues and procedures;
   e. Maintenance of current certification in CPR and first aid;

f. Attachment and separation issues for children and families;
g. Sensitivity towards and skills related to cultural and ethnic differences;
h. Self-awareness, values, and professional ethics; and
i. Children's need for permanency and how the agency works to fulfill this need.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2). Amended by final rulemaking at 6 A.A.R. 4032, effective September 29, 2000 (Supp. 00-3).

R6-5-7434. Notification of Unusual Incidents and Other Occurrences

A. A licensee shall make a record of any unusual incident on an incident reporting form which shall include the following information:
1. Location of the unusual incident;
2. Name and address of any child involved in or observing the incident;
3. Name of the agency if different from the facility;
4. Name, title, and address of any staff involved in or observing the incident;
5. Name and address of any other person involved in or observing the incident;
6. Date of the incident;
7. Time of the incident;
8. Description of the incident; and
9. Licensee's response to the incident.

B. The licensee shall maintain a record of all unusual incidents occurring at the facility in a separate log or place, which shall permit the Licensing Authority to easily locate the incident reporting form if the licensee maintains the form in a location separate from the log.

C. When a child in care dies, the licensee shall notify the child's placing agency or person, and the Licensing Authority within two hours of knowledge of the death.

D. When a child in care suffers a serious illness, serious injury, or a severe psychiatric episode requiring hospitalization, the licensee shall notify the child's placing agency or person within 24 hours of knowledge of the occurrence.

E. A licensee shall comply with the statutory obligation to report child maltreatment, as prescribed in A.R.S. § 13-3620.

F. A licensee shall comply with any reporting requirements set forth in the licensee's contracts with placing agencies or persons.

G. No later than 5:00 p.m. on the next business day, the licensee shall notify the Licensing Authority when any of the following occurs:
1. Fire or a natural disaster affecting the licensee;
2. Law enforcement involvement in which a formal complaint is filed by or against the licensee, but excluding incidents of children cited solely for absence without leave from the facility;
3. Any incident of alleged child maltreatment of a child in care;
4. When a child in care or any other person suffers any injury from use of restrictive behavior management, and which requires treatment by a licensed medical practitioner;
5. When a child in care suffers any physical injury from an incident involving another child in care and requires treatment by a licensed medical practitioner;
6. When a child in care suffers an injury or psychiatric episode that is severe enough to require hospitalization or external medical intervention for the child; and
7. When a child in care requires external emergency services including a suicide watch.

H. Within five calendar days, a licensee shall give the Licensing Authority written documentation of an event listed in subsection (G) above. The documentation shall contain at least the information required by subsection (A), and may be a copy of the licensee's unusual incident reporting form.

I. If a child in care dies, a licensee shall notify the local law enforcement authority and cooperate in any arrangements for examination, autopsy, and burial.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7435. Investigations of Child Maltreatment

A. A licensee shall have written procedures for handling alleged and suspected incidents of child maltreatment, including at least the following provisions:
1. Reporting suspected incidents of maltreatment to law enforcement or Child Protective Services as required by A.R.S. § 13-3620;
2. Notifying the Licensing Authority, and notifying the child's placing agency or person if so requested;
3. Taking precautions to prevent further risk to the child who allegedly suffered the maltreatment and potential risk to other children in care;
4. Evaluating the retention of any staff who commit or allow child maltreatment; and
5. If the licensee internally investigates incidents, conducting the internal investigation.

B. A licensee shall require all staff to read and sign a statement describing the duty to report child maltreatment as prescribed in A.R.S. § 13-3620.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7436. Runaways and Missing Children

A licensee shall have a written policy and procedures for handling runaways and missing children. The policy shall include at least the following:
1. Procedures for making staff who provide services to a child with a history of or potential for running away, aware of that child's history or potential;
2. Procedures for immediately notifying the designated administrator of the child's facility or that person's designee when a child is discovered to be missing;
3. Procedures for notifying the local law enforcement agency, the child's placing agency or person, and others as necessary;
4. Procedures to prevent runaways; and
5. Procedures for submitting a written report to the child's placing agency or person within five days or the time specified in the placement agreement.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7437. Staff Coverage; Staff-child Ratios

A. A licensee shall have a written plan to minimize the risk of harm to children. The written plan shall describe the staffing for each facility, for 24 hours per day, seven days per week. The staffing plan shall explain:

1. How staff coverage is assured:
   a. When assigned staff are absent due to illness, vacation, or other leaves of absence; and
   b. During emergencies when only one staff member is on duty; and
2. The methods the licensee uses to assure adequate communication and support among staff to provide continuity of services to children.

B. A licensee shall also have a written staffing schedule for each facility shift; the schedule shall document the staff actually on duty during each shift. The licensee shall retain the schedules in one designated location for at least two years.

C. A licensee shall have at least the paid staff to child ratios prescribed in this subsection.
1. Age 12 and above:
   a. At least one paid staff member for each 10 children when children are under the licensee's direct supervision and awake.
   b. During sleep hours, at least one paid staff member in each building where children in care are sleeping.
2. Age 6 through 11:
   a. At least one paid staff member for each eight children when children are under the licensee's direct supervision and awake.
   b. During sleep hours, at least one paid staff member in each building where children in care are sleeping.
3. Age 3 through 5:
   a. At least one paid staff member for each six children when children are under the licensee's direct supervision and awake.
   b. At least one paid staff member in each building where children in care are sleeping.
4. Under age 3:
   a. At least one paid staff member for each five children when children are under the licensee's direct supervision and awake.
   b. At least one paid staff member for each six children when children are sleeping.
5. Nonambulatory children, under age 6: At least one paid staff member for each four children at all times.

D. For the purpose of the paid staff-child ratios set forth in subsection (C) above,
1. Students and volunteers do not count as staff;
2. A child who is not in care but who lives at the facility is counted as a child; and
3. Any paid staff member counted in the ratio must be someone who is qualified to provide direct child care as prescribed in R6-5-7432(E).

E. A licensee shall not fall below the minimum paid staff-child ratios specified in subsection (C), and shall, notwithstanding those ratios, have paid staff:
1. Sufficient to care for children as prescribed in this Article and in the licensee's own program description, statement of purpose, and policies;
2. That take into account the following factors:
   a. The ages, capabilities, developmental levels, and service plans of the children in care;
   b. The time of day and the size and nature of the facility; and
   c. The facility's history and the frequency and severity of unusual incidents, including runaways, sexual acting-out behavior, disciplinary problems, and injuries.

F. A licensee shall have sufficient numbers of qualified staff to perform the fiscal, clerical, food service, housekeeping, and maintenance functions prescribed in this Article and in the licensee's own policies.

G. A licensee shall make a good faith effort to employ staff who reflect the cultural and ethnic characteristics of the children in care.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2). Amended by final rulemaking at 6 A.A.R. 4032, effective September 29, 2000 (Supp. 00-3).

R6-5-7438. Admission and Intake; Criteria; Process; Restrictions

A. Admissions: A licensee shall have a written admissions policy, which shall:
1. Describe the licensee's admission criteria, including:
   a. Population to be served, including age range, gender, physical development, social behavior, and custody and guardianship status;
   b. Geographic area of service;
   c. The needs, problems, and child-related issues best served at the licensee's facility; and
   d. The method used to assign a child to a particular living unit;
2. Contain an acknowledgment that the licensee abides by the Interstate Compact on the Placement of Children, the Indian Child Welfare Act, and the Interstate Compact on Juveniles; and
3. Provide that the licensee shall not refuse admission to any child on the grounds of race, religion, or ethnic origin.

B. Age Limit; Continuing Care for Persons in High School: A licensee shall not admit a person who is age 18 or older, except a licensee may continue to care for an individual under age 22 who was a child in care and turned age 18 while in care, as long as the individual is currently enrolled in and regularly attending a high school program or vocational training program. A licensee shall not allow an individual to remain in care after the individual receives a high school degree or certificate of equivalency, or completes the vocational training program.

C. Admissions Outside of Criteria: A licensee shall not accept a child who is not within the licensee's admission criteria unless:
1. The placing agency or person specifically authorizes the admission after reviewing the agency's program description;
2. The admission is consistent with the terms of the agency's license and will not result in a violation of this Article; and
3. The child's individual service plan explains:
   a. The reasons for acceptance, and
   b. How the facility will meet the child's needs.

D. Intake Assessment:
1. A licensee shall not accept a child into care unless:
   a. The child has a current intake assessment covering the child's social, health, educational, legal, family, behavioral, psychological, and developmental history; or
   b. The licensee completes such an assessment within seven days following the child's admission.
2. In this subsection, "current" means within the six months prior to admission.

E. Admission and Intake Process and Requirements: The licensee shall have a written policy and procedures describing the process and requirements for both regular and emergency admissions and intake. The policy shall include the provisions listed in this subsection.

1. The licensee shall have a method to allow a child to participate in admission and intake decisions, including selection of a living unit, if developmentally appropriate and consistent with the licensee's program.
2. The licensee shall provide the placing agency or person with a reasonable opportunity to participate in admission and intake decisions.
3. Except for emergency admissions as prescribed in subsection (F), the licensee shall not admit a child unless the licensee has, at the time of or prior to admission:
   a. A written agreement with the child's placing agency;
   b. A court order; or
   c. The written consent of the child's custodial parent or guardian.
4. The licensee shall obtain any available medical information about the child before or at the time of the child's admission. The information may include:
   a. A report of a medical examination of the child performed within 45 days prior to admission;
   b. A report of a dental examination of the child performed within six months prior to admission; and
   c. The child's and family's medical history.
5. If the information described in subsection (D)(4) is not available, the licensee shall comply with the requirements of R6-5-7452 to obtain an examination.
6. At the time of or prior to admission, the licensee shall obtain written consent from the child's placing agency or person for the licensee to authorize routine medical and dental procedures for the child.
7. If a child is taking medication at the time of admission, the licensee shall:
   a. If the medication is in its original container, labeled by the dispensing pharmacist with a fill date, prescribing physician, and instructions for administration, document the receipt of the medication as prescribed in subsection (E)(7)(c); or
   b. If the medication is not in its original container, or if the container is not labeled as described in subsection (E)(7)(a), contact the prescribing physician to verify the medication administration schedule and reason for the medication; and
   c. Document the contact in the child's medical record required by R6-5-7455 and the medication administration schedule as prescribed in R6-5-7453(B).
8. A licensee shall not refill a prescription that a child brings at admission without having a licensed medical practitioner determine the child's need for the medication and documenting the need as prescribed in subsection (E)(7)(c).
9. Within 24 hours of a child's admission, a direct care staff member who has the training prescribed in R6-5-7433(B)(4), or a licensed medical practitioner, shall assess the child's general health, by:
   a. Looking at the child for signs of obvious physical injury and symptoms of disease or illness;
   b. Assessing the child for evidence of apparent vision and hearing problems; and
   c. Documenting any conditions or problems and referring the child for immediate or further assessment or treatment, if indicated.

F. Emergency Admissions: In an emergency situation requiring immediate placement, a licensee shall:
1. Gather as much information as possible about the child and the circumstances requiring placement;
2. Record this information in the child's record, within two days of admission, as an emergency admission notation; and
3. Keep an emergency admission record, which shall include at least the following information about the child:
   a. Physical health,
   b. Family history,
   c. Educational background,
   d. Legal status, and
   e. A statement explaining the need for care.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7439. Information and Services Provided to the Placing Agency or Person

A. No later than the date of a child's admission, a licensee shall provide information about the following subjects to the placing agency or person.
1. The licensee's statement of purpose and program description prescribed in R6-5-7423(A) and (B);
2. Daily routines at the facility where the child is or will be placed;
3. The behavior management policies and procedures prescribed in R6-5-7456;
4. Services and treatment strategies provided or used at the facility;
5. The visitation and communications policy prescribed by R6-5-7448;
6. The education program or method for providing a child with education;
7. Any religious practices observed by the licensee or religious observances required of children.

B. The licensee may provide the information in summary form or orally, but shall:
1. Convey the information in a language or form that the placing agency or person can understand;
2. Advise the placing agency or person that the licensee will provide a copy of the licensee's policies or procedures, upon request.
3. Provide the name and telephone number of a staff person that the placing agency or person may contact to obtain information about the program, facility, or child.

C. The licensee shall provide the placing agency or person with a copy of the licensee's grievance procedures required by R6-5-7429 and the statement of client rights required by R6-5-7423(C).

D. The licensee shall obtain the dated signature of the placing agency or person indicating receipt of the information listed in subsections (A) through (C).

E. Before obtaining the signature of a child's parent or guardian on a contract, consent, or release, the licensee shall explain the contents of the documents.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7440. Orientation Process for a Child In Care

A. A licensee shall provide a child admitted into care with the orientation described in this Section in a language and manner that the child can understand and to the extent developmentally appropriate to the child.

B. During the first full day of a child's placement, a licensee shall:
1. Explain the facility's emergency procedures,
2. Show the child where emergency exits are located,

3. Take the child on a tour of the facility, and
4. Introduce the child to staff and other residents.

C. During the first week following a child's admission and as part of each child's orientation, a licensee shall:
1. Familiarize the child with the licensee's program;
2. Explain the licensee's expectations and requirements for behavior;
3. Explain the criteria for successful participation in and completion of or emancipation from the program;
4. Make available a copy of the behavioral rules prescribed by R6-5-7456(A)(3)(a), (b), (c), (d), and (h);
5. Make available a copy of the visitation and communication policy prescribed by R6-5-7448; and
6. Describe and, upon request, make available a copy of the grievance procedures prescribed by R6-5-7429 and the statement of client rights prescribed by R6-5-7423(E).

D. The licensee shall document the orientation and other information given to a child in the child's case record.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7441. Child's Service Plan: Preparation; Review; Planning Participants

A. Service Plan Contents: A child in care shall have a personalized service plan tailored to the child's unique background, needs, strengths, weaknesses, and problems. The plan shall include at least the following information:
1. A description of services the child is to receive while in care, including services to ready the child for discharge or emancipation from the program;
2. Goals and objectives for the child;
3. Timelines for achieving each goal and objective;
4. Recommendations for any after-care;
5. Identification of persons invited to participate in service planning;
6. The names and, if available, signatures of the persons who participated in service planning;
7. Identification of persons responsible for implementing the service plan, with an explanation of each person's role; and

B. Timing for Plan Development and Review:
1. If a child has an existing service plan at the time of admission, the licensee shall:
   a. Review the plan before or at the time of the child's admission, and
   b. Assess the existing plan and make any necessary changes to conform to the requirements of this Section.
2. If a child does not have a service plan at the time of admission, the licensee shall initiate service planning at the time of admission.
3. Within seven days of a child's admission, a licensee shall document all interim planning efforts identifying the child's needs and initial plans for service.
4. No later than 30 days after the child's admission to a facility, the licensee shall complete the child's initial service plan and any initial modifications to an existing plan.

C. Plan Review: The licensee shall review and update a child's service plan at least every 90 days following completion of the child's service plan described in subsection (B)(4).

D. Planning Participants:
1. The licensee shall invite, or delegate the responsibility for inviting, at least the following persons to participate in development of the service plan and periodic review:
   a. A representative of the facility;
   b. A representative of the placing agency, if applicable;
   c. The child, if the child's presence is developmentally appropriate; and
   d. The child's parent or guardian.
2. At least one participant on the service team shall have the qualifications listed in R6-5-7432(B)(1) or (2).

E. Methods of Participation: The licensee shall allow service team members to participate in service planning through the following methods:
1. Attendance at a planning meeting,
2. Submission of a written report or documentation,
3. Review and approval of the plan through signing and dating, or
4. Audio or audio-visual teleconference.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7442. Discharge; Discharge Summary

A. Policy and Procedure: A licensee shall have written policy and procedures for planned and unplanned discharges of children.
1. Before a child's planned discharge, the licensee shall explain the discharge plan to the child and help the child understand the plan.
2. The licensee shall also explain the discharge plan to the person removing the child.
3. Before discharging a child to another out-of-home placement, the licensee shall make a reasonable effort to:
   a. Arrange for the service team to meet or communicate with a representative from the new placement to share information about the child; and
   b. Arrange for the child to visit the new placement.

B. Discharge Summary: Within 15 days of the date a child is discharged, the licensee shall complete a written discharge summary which shall include the following information:
1. The name, address, telephone number, and relationship of the person to whom the child was discharged;
2. The planned and actual discharge dates;
3. A summary of the contacts between the licensee and the facility or person to whom the child was discharged about the child's pending discharge;
4. A summary of services provided during care;
5. A list of medication provided during care, with a summary of the reasons for prescribing the medication and any outcomes of the medication;
6. A summary of progress toward service plan goals;
7. An assessment of the child's unmet needs and alternative services which might meet those needs;
8. Any after-care plan and identification of any person or agency responsible for follow-up services and after-care; and
9. For an unplanned discharge, a description of the circumstances surrounding the unplanned discharge, including the licensee's actions.

C. Notice of Unplanned Discharge: When a child's placing agency or person has not participated in the decision to discharge the child, the licensee shall notify the placing agency or person within one hour of discharge, or document attempts at notification.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7443. Personal Care of Children

A. A licensee shall provide children in care with:

1. Developmentally appropriate supervision, assistance, and instruction in, good habits of personal care and hygiene and culturally appropriate grooming;
2. Necessary toiletry items; and
3. The opportunity to have a daily shower or tub bath in private, as developmentally appropriate, or as otherwise prescribed in program policy.

B. A licensee shall not allow community use of grooming and hygiene articles such as towels, toothbrushes, soap, hairbrushes, and deodorants.

C. If a licensee restricts personal care or grooming practices, the licensee shall have a policy describing the restrictions and the reasons for the restrictions.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7444. Children's Clothing and Personal Belongings

A. A child may bring clothing and personal belongings to the facility and acquire belongings while in care, in accordance with the child's service plan and the facility's policy.

B. If a licensee limits a child's right to have, wear, or display certain clothes or personal belongings, the licensee shall:
1. Have a written policy explaining the limitations and the reasons for the limitations; and
2. Explain the limitations to the child in a form and manner that the child can understand.

C. When a child is admitted, the licensee shall inventory the child's clothing and personal belongings; the licensee shall provide a copy of the inventory to the placing agency or person and keep a copy in the child's file.

D. The licensee shall either store any restricted possessions or return the possessions to the child's placing agency or person.

E. The licensee shall ensure that each child has a personal supply of clean and seasonable clothing as required for health, comfort, and physical well-being and as appropriate to the child's age, gender, size, and individual needs.

F. The licensee shall allow a child to help select his or her own clothing when developmentally appropriate and allowed by programmatic requirements.

G. The licensee shall have a policy governing retention, return, and disposal of the clothes and personal belongings of a child who has had an unplanned discharge. At the time of a child's planned discharge, the licensee shall allow the child to take clothing and personal belongings.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7445. Children's Money; Restitution

The licensee shall provide opportunities for children to develop a sense of the value of money through allowances, earnings, spending, giving, and saving. Any practices regarding children's money shall comply with this Section.
1. The licensee shall have a written policy regarding allowances.
2. The licensee shall treat a child's money as that child's personal property.
3. The licensee may limit the amount of money to which a child may have access when the limitations are:
   a. In the child's best interest and explained in the child's service plan; or
   b. In accordance with the facility's program description.
4. The licensee shall not deduct sums from a child's allowance as restitution for damages caused by the child unless:
   a. The licensee has discussed restitution with the child; and
   b. The deduction is:
      i. Reasonable in amount,
      ii. Consistent with the child's ability to pay,
      iii. In accordance with the licensee's policy, and
      iv. Explained in the child's service plan.
5. The licensee shall maintain individual accounting records for the money of each child.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7446. Nutrition, Menus, and Food Service

A. A licensee shall have a written, dated menu of planned meals. The menu shall be available at the facility at least one week before meals are served. The licensee shall post the weekly menu in the dining area or in a location where children may review it. The licensee shall keep a copy of the menu and any menu substitutions on file for one year.

B. The licensee shall prepare and serve meals in compliance with the written, dated menus.

C. A registered nutritionist or dietitian shall either prepare or approve the licensee's menus. The licensee shall maintain a record of any approvals for one year, and keep the record in a central location at the agency or facility.

D. A licensee shall develop and follow a specialized menu for a child with special nutritional needs. The licensee shall make special menus available to nutritional staff, but shall not post special menus in an area that is readily seen by other children in care.

E. Menus shall reflect the religious, ethnic, and cultural differences of children in care.

F. When developmentally appropriate, a licensee shall allow children to make menu suggestions.

G. A licensee shall provide each child with at least three meals daily, with no more than 14 hours between the evening and morning meals. Between meal snacks shall not replace regular meals.

H. A licensee shall provide meal portions that are consistent with each child's caloric needs.

I. A licensee shall serve children meals that are substantially the same as those served to staff unless special dietary needs require differences in diet.

J. A licensee shall allow children to eat at a reasonable rate; unless otherwise prescribed in agency policy, staff shall encourage social interaction and conversation during meals.

K. A licensee shall have potable water available at all times.

L. Staff shall directly supervise children involved in food preparation.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2). Amended by final rulemaking at 6 A.A.R. 4032, effective September 29, 2000 (Supp. 00-3).

R6-5-7447. Sleeping Arrangements

A licensee shall comply with the sleeping arrangement provisions in this Section.
1. A child age 6 or older shall not share a bedroom with a child of the opposite gender.
2. A child shall not share a bedroom with an adult unless one of the conditions listed in this subsection is met.

a. The child is younger than age 3.
b. The child's service plan contains specific reasons and authorization from the placing agency or person for a shared bedroom.
c. The child has a temporary need for special adult care during sleeping hours and the need is documented in the child's service plan.
d. The child has regularly shared a bedroom with another child in the licensee's care; the other child has reached age 18; and the placing agency and licensee agree that continuing the shared arrangement is in the best interests of both the child and the adult.
e. The child is sharing a room with his or her mother.
f. The sleeping area at the facility is a barracks which has been approved as described in R6-5-7461(B) and R6-5-7462(B), and a paid staff member sleeps in the same room to supervise the children in care.

3. Only children age 8 or older may sleep on the upper bed of a bunk bed.
4. If a child has a documented record of behavior that poses a risk to other children in care, the licensee, in consultation with the placing agency or person, shall develop special sleeping arrangements for that child, to minimize the risk of harm to other children. The licensee shall document the arrangements in the child's service plan.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7448. Visitation, Outings, Mail, and Telephones

A. The licensee shall have a written policy and procedures regarding visitation, mail, telephone calls, and other forms of communication between children and family, friends, and other persons. The policy and procedures shall conform to the requirements of this Section.
1. The licensee shall allow a child reasonable privacy during a visit unless the child's service plan requires supervised visitation.
2. A licensee shall have facility visiting hours which meet the needs of the children and their parents.
3. A licensee shall not deny, monitor, or restrict a child's communication with the child's social worker, attorney, Court Appointed Special Advocate, guardian ad litem, or clergy. The licensee may establish a schedule and rules for communication to prohibit undue interference with programming.
4. A licensee shall not deny, monitor, or restrict communications between a child and the child's parent, guardian, or friends except as prescribed:
a. By court order;
b. In the child's service plan, which shall contain specific treatment reasons for the restriction which shall be time limited; or
c. In the facility's policy and statement of purpose required by R6-5-7423.
5. The licensee may require a child to open mail in the presence of staff in order to inspect the mail for contraband.
6. When a licensee is monitoring a communication as allowed in subsection (A)(4) above, the licensee shall tell the parties to the communication about the monitoring.

B. The licensee shall have written policy and procedures to govern situations when a child temporarily leaves the facility on a visit or outing with a person other than a staff member. The procedures shall include:
1. A method for recording the child's location, the duration of the activity, and the anticipated and actual time of the child's return;
2. The name, address, and telephone number of the person responsible for the child while the child is absent from the facility; and
3. A procedure for action if a child fails to return.

C. Subsection (B) does not apply to regularly scheduled trips to school.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7449. Educational and Vocational Services; Work Assignments

A. The licensee shall have a written policy regarding its educational program or a plan for ensuring that each child attends an educational program in accordance with state and local laws.

B. Within 10 local school days of a child's admission to a facility, the licensee shall arrange for the educational needs of the child. The arrangements shall:
1. Meet the child's individual needs;
2. Be consistent with the child's Individual Education Plan (I.E.P.) if applicable; and
3. Comply with federal and state education laws.

C. The licensee shall communicate with staff at an educational program in which a child in care is enrolled to discuss the child's progress. At a minimum, the licensee shall attend scheduled parent-teacher conferences.

D. If a child's service plan provides for the child to receive vocational services, the licensee shall comply with the plan requirements.

E. The licensee shall provide children in care with:
1. Space for quiet study;
2. Developmentally appropriate supervision and assistance with homework; and
3. Access to necessary reference materials.

F. The licensee may use work assignments to provide an instructional experience for children in care, but shall not use a child as an unpaid substitute for staff.

G. A work assignment shall be developmentally appropriate for a child, and scheduled at a time that does not interfere with other routine activities such as school, homework, sleep, and meals.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7450. Recreation, Leisure, Cultural Activities, and Community Interaction

A. A licensee shall have a written plan for making a variety of cultural, religious, indoor and outdoor recreational and leisure opportunities available for children in care. The plan shall:
1. Reflect the interests and needs of the children in care, including an allotment of time for children to pursue individual interests, and time to address the special needs of the children in the living unit;
2. Provide for use of community resources such as schools, museums, libraries, parks, recreational facilities, and places of worship; and
3. Specify procedures for children's participation in community activities and use of community resources.

B. A licensee shall help children in care learn about the community in which the facility is located and use community resources, as developmentally appropriate.

C. A licensee shall arrange transportation and supervision so that children in care can attend community activities and maximize use of community resources.

D. The licensee shall make available recreational equipment that is suitable to the size, age, and developmental level of children in care.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7451. Religion, Culture, and Ethnic Heritage

A. A licensee shall have a written description of:
1. Its religious orientation, if any;
2. Any religious practices observed at a facility;
3. Any restrictions on admission based on religion; and
4. How the licensee provides opportunities for each child to participate in religious activities in accordance with the faith of the child or the child's parent or guardian.

B. A licensee's program and the service plans of children in care shall reflect consideration of and sensitivity to the racial, cultural, ethnic, and religious backgrounds of children in care.

C. A licensee may encourage children to participate in religious, cultural, and ethnic activities but shall not require children to participate unless otherwise provided in the licensee's statement of purpose and program description.

D. If a child asks to change religious affiliation while in care, the licensee shall obtain the written permission of the child's parent or guardian before assisting the child in making the change. A licensee is not required to obtain this permission if a child changes religious affiliation without the licensee's assistance.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7452. Medical and Health Care

A. General health care.
1. A licensee shall have a written plan for meeting the preventive, routine, and emergency physical and mental health needs of children in care. The plan shall identify where and from whom children at a facility may obtain qualified health care, 24-hours per day, seven days per week.
2. A licensee shall ensure that children in care receive:
   a. Preventive health services, including routine medical examinations and dental cleanings and examinations; and
   b. The following health services, if necessary:
      i. Evaluation and diagnosis,
      ii. Treatment, and
      iii. Consultation.
3. A licensee shall ensure that a child in care receives a developmentally appropriate explanation of any health treatment the child receives, in a language and manner the child can understand.
4. A licensee shall not ignore a child's complaints of pain or illness and shall document persistent complaints and any actions taken in response to the complaints.

B. Medical care.
1. A licensee shall arrange for a physician, physician's assistant, or nurse practitioner to give a child a medical examination within one week of the child's admission unless:
   a. A licensed medical practitioner examined the child within the 45 days preceding the child's admission; and
   b. The licensee has a report of the examination as prescribed in R6-5-7438(E)(4)(a).
2. A licensee shall also arrange for a child in care to receive an annual medical exam from a physician, physician's assistant, or nurse practitioner.
3. The initial and annual medical examinations shall include:
   a. Screening for communicable disease unless restricted by law;
   b. Vision and hearing screening; and
   c. For children who wish to participate in sports or physically strenuous activities such as backpacking, an evaluation of the child's capacity to participate.
4. A licensee shall obtain a report of the examination, and, if applicable, a statement signed by the medical practitioner conducting the examination, or the practitioner's designee, regarding the child's capacity, fitness, and clearance to participate in sports or physically strenuous activities.
5. After attempting to determine a child's immunization history, a licensee shall arrange for the child to receive any routine immunizations and booster shots within 30 days of admission.

C. Dental care.
1. A licensee shall arrange for each child to have a dental examination within 60 days of admission unless the licensee is provided the written results of a dental examination conducted within six months prior to admission.
2. A licensee shall arrange for each child age 3 and older to receive a dental examination every six months.
3. In cooperation with the placing agency or person, a licensee shall arrange for a child to receive any prescribed dental care.

D. First aid. A licensee shall equip the residence of each living unit with at least the following first aid supplies:
1. Adhesive strip bandages;
2. Sterile, individually wrapped gauze squares;
3. Roller gauze;
4. Adhesive tape;
5. Individually wrapped non-stick sterile pads;
6. A triangular bandage to be used for a sling;
7. Disposable latex gloves;
8. A pair of scissors;
9. A pair of tweezers; and
10. A cardiopulmonary resuscitation mouth guard or mouth shield.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7453. Medications

A. A licensee shall have written policies and procedures governing medications. The policies and procedures shall specify:
1. The conditions under which medications can be prescribed and administered which shall be in accordance with any applicable laws;
2 The qualifications of the persons allowed to administer medications;
3. The qualifications of persons allowed to supervise self-administration of medication;
4. How a facility will document the prescription and administration of medication, medication errors, and drug reactions; and
5. How staff will notify a child's attending physician in cases of medication errors and drug reactions.

B. The licensee shall have a written medication schedule for each child who receives medication. The schedule shall include the following information:
1. Child's name;
2. Name of the prescribing physician;
3. Telephone number at which the prescribing physician can be reached in case of medical emergency;
4. Reason for prescribing the medication;
5. Date on which the medication was prescribed;
6. Generic or commercial name of the medication;
7. Dosage level and time of day when medication is to be administered, including any special administration instructions;
8. The date, time, and dosage administered; and
9. The signature of the person administering each dosage. If the medication is self-administered, the chart shall include the signature of the child and the person supervising the child's self-administration.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7454. Storage of Medications
A licensee shall store medications as prescribed in this Section.
1. Medications shall be kept in securely locked spaces that are not used for any other purpose and to which children do not have access.
2. All medications requiring refrigeration shall be stored separately from food items, in a locked container, in a refrigerator and under temperature ranges recommended by the manufacturer.
3. All prescription medication shall be kept in its original container which shall have a label with the following information:
   a. Child's name;
   b. Name of the medication;
   c. Prescribing physician;
   d. Date of purchase and, if known, expiration date; and
   e. Directions for administering.
4. All over-the-counter medication shall be kept in its original container with the manufacturer's label.
5. At least once every 90 days, the licensee shall dispose of all:
   a. Outdated medications;
   b. Medications for children no longer at the facility; and
   c. Medications specifically prescribed for an illness from which a child has recovered.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7455. Children's Medical and Dental Records
A licensee shall maintain health records for each child. The records shall include the information listed in this Section if available to the licensee.
1. The child's past medical history of:
   a. Immunizations,
   b. Serious illness or injuries,
   c. Surgeries,
   d. Known allergies, and
   e. Adverse drug reactions.
2. Developmental history.
3. Medication history.
4. History of any alcohol or substance abuse and treatment.
5. Immunizations provided while in care.
6. Medications received while in care and a record of any medication errors.
7. Copies of consents for treatment or care.
8. Authorization to participate in sports or physically strenuous activities, if applicable.
9. Reports of vision and hearing screening and physical and dental examinations.
10. Record of any treatment provided for specific illness or medical emergencies, including the name and location of medical personnel who provided treatment.
11. The name of the person or agency bearing financial responsibility for the child's health care.
12. Documentation showing the licensee's efforts, consistent with the terms of the placing agreement, to obtain glasses, hearing aids, prosthetic devices, corrective physical or dental devices, or any other health equipment recommended by a child's attending physician.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7456. Behavior Management
A. A licensee shall have written behavior management policies and procedures which shall:
1. Be developmentally appropriate for the children in care;
2. Be designed to encourage and support the development of self-control;
3. Describe the following:
   a. Behavior expectations of children;
   b. Consequences for violations of the licensee's policies and rules which shall be:
      i. Reasonably related to the violation; and
      ii. Administered without prolonged and unreasonable delay;
   c. Physical restraint and restrictive behavior management techniques used by the licensee;
   d. The kinds of behaviors warranting use of physical restraints or restrictive behavior management techniques;
   e. The licensee's methods of documenting use of physical restraints or restrictive behavior management techniques;
   f. Behavior management techniques which require supervisory authorization or written documentation before being used;
   g. The licensee's process for supervisory review to evaluate whether staff properly applied the restraints or techniques in a particular case; and
   h. Behavior management techniques prohibited by the licensee.

B. The licensee's staff are responsible for control and discipline of children in care. The licensee shall not allow children to discipline other children.

C. The licensee shall not threaten a child or allow any child to be subjected to maltreatment, abuse, neglect, or cruel, unusual, or corporal punishment, including the following practices:
1. Spanking or paddling a child;
2. All forms of physical violence inflicted in any manner upon the body;
3. Verbal abuse, ridicule, or humiliation;
4. Deprivation of shelter, bedding, food, water, clothing, sufficient sleep, or opportunity for toileting;
5. Force-feeding, except as prescribed by a licensed medical practitioner;
6. Placing a child in seclusion;

7. Requiring a child to take a painfully uncomfortable position, such as squatting or bending for extended periods of time; and
8. Administration of prescribed medication or medication dosage without specific physician authorization.

D. To determine whether a licensee has violated subsection (C)(7), the Licensing Authority shall consider all the circumstances at the time of the action, including the following:
1. The child's physical condition;
2. Whether the child was taking any medications that may have affected the child's ability to perform the action, such as psychotropic medications or antibiotics;
3. The climatic conditions under which the child was performing the action, such as intense heat or cold, rain, or snow;
4. The level of force, if any, the licensee used to require the child to perform the activity and whether any use of force resulted in injury to the child; and
5. Whether the activity was consistent with the licensee's program description and procedures.

E. The behavior management practices listed in this subsection are restricted. A licensee may use a restricted practice only when the licensee satisfies the conditions listed in subsection (F) and any additional conditions listed in this subsection.
1. Required physical exercises such as running laps or performing push-ups, and assignment of physically strenuous activities, except:
   a. As expressly prescribed in a child's service plan and as part of a regular physical conditioning program, or as part of a work experience that meets the requirements of R6-5-7449(F) and (G);
   b. With documented clearance by a physician who is knowledgeable about the physical activities in which the child will participate; and
   c. Within sight supervision of staff.
2. Disciplinary measures taken against a group because of the individual behavior of a member of the group.
3. Denial of visitation or communication with significant persons outside the facility solely as a consequence for inappropriate behavior.
4. Use of a mechanical restraint unless:
   a. The licensee's policy lists the qualifications of staff allowed to use the restraint;
   b. Staff allowed to use the restraint have received training in the proper use of the restraint;
   c. The licensee has documentation of the restraint training in the personnel file of the staff member;
   d. Use of the restraint is authorized in a child's individual service plan; and
   e. Staff have tried less restrictive measures which have failed.
5. Physical restraint, except:
   a. When the child needs restraint to prevent danger to the child or danger to another; and
   b. After staff have tried less restrictive measures which have failed.

F. A licensee may use a restricted practice only when the practice and the circumstances warranting its use are:
1. Consistent with the licensee's program description and purpose;
2. Described in the licensee's behavior management policy;
3. Used as prescribed in this Section; and
4. Not otherwise prohibited by these rules.

G. If a licensee cannot use a specific physical restraint or behavior management technique on a particular child, the child's service plan shall describe the restriction.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7457. Body Searches

If a licensee permits a body search of children in care, the licensee shall have a written policy describing the conditions warranting a body search and the procedures for conducting the search.
1. When searching a child, staff shall use the minimum amount of physical contact required to determine if the child has contraband.
2. The licensee shall not conduct an internal body cavity search on a child.
3. The licensee shall not use any instruments to search a child.
4. The licensee shall not conduct a strip search beyond underwear.
5. Unless a licensed medical practitioner is searching a child, a person of the same gender as the child shall do the search.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7458. Buildings; Grounds; and Water Supply

A. Structures and Improvements: A licensee shall maintain a facility's structures and improvements in good repair, free from danger to health or safety, and as prescribed in this subsection. The licensee shall:
1. Repair doors, windows and other building features that protect a building from weather damage or pest infestation, within 48 hours of finding that the building part is in disrepair;
2. Document efforts to make or obtain repairs if repairs cannot be completed in 48 hours;
3. Keep buildings free of vermin infestation;
4. Keep exits free of obstruction or impediments to immediate use; and
5. Have barriers appropriate to the developmental needs of children in care to prevent falls from porches and elevated areas, walkways, and stairs.

B. Exits: The licensee shall equip each building used by children with exits as prescribed in this subsection.
1. Each building shall have at least two exterior means of egress on each floor.
2. Exits above ground level shall have an outside fire escape or a fire-resistant stairwell that has been approved by the state or a local fire inspector.
3. Exit doors shall have only locks that allow the doors to be opened from the inside without use of a key or knowledge of special or restrictive operating procedures.

C. Grounds: A licensee shall maintain a facility's grounds in good condition, free from danger to health or safety, and as prescribed in this subsection. The licensee shall:
1. Store garbage and rubbish in non-combustible, covered containers, separate from play areas;
2. Remove refuse and recyclables from the building at least once a day;
3. Remove refuse and recyclables from the facility grounds at least once a week.
4. Use safeguarding measures to separate children in care from potentially hazardous areas on or near the facility grounds;
5. Maintain fences and other barriers in good repair; and
6. Locate and install playground or recreational equipment at the facility in accordance with the manufacturer's instructions and recommendations, and maintain the

equipment in good repair and in accordance with the manufacturer's instructions and recommendations.

D. Water supply: If a facility's water is from any source other than an approved public water supply, the licensee shall obtain a written water analysis report, showing that the water is potable and meets the applicable requirements for safe drinking water in 18 A.A.C. 4. The licensee shall get the analysis and report from a laboratory certified by the Department of Health Services before initial operation and each annual renewal.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7459. Building Interior

A. A licensee shall ensure that a facility's physical plant can structurally accommodate the physical and program needs of all children in care according to the standards prescribed in this Article and the licensee's own program description.

B. The licensee shall keep a facility clean and sanitary.

C. The licensee shall have and maintain furnishings as prescribed in this subsection.
1. All living areas shall have furniture designed to suit the size and capabilities of the children in care.
2. A licensee shall replace or repair broken, dilapidated, or defective furnishings and equipment.
3. A licensee shall have mirrors in the facility to permit children in care to examine their personal appearance.
4. A licensee shall secure the mirrors to walls at heights convenient to the children in care.

D. A licensee shall ensure that all spaces used by children have outside ventilation from a window, louvers, air conditioning, or other mechanical equipment. A window or door used for outside ventilation shall have a screen.

E. A licensee shall maintain a facility's residential environment at temperatures that do not:
1. Exceed 85° F,
2. Fall below 65° F during daylight hours, or
3. Fall below 60° F during sleeping hours.

F. A licensee shall use thermometers scaled at no more than 2 degree increments to determine temperature.

G. A licensee shall not use free-standing stoves that use wood, sawdust, coal, or pellets, or portable heaters as the primary source of heat for a residential area.

H. A licensee shall safeguard hot water radiators or steam radiators and pipes or any other heating device capable of causing a burn.

I. A licensee shall maintain and use all electrical equipment, wiring, cords, switches, sockets, and outlets in good working order, under safe conditions, in accordance with the manufacturer's recommendations, and as prescribed in this subsection.
1. Electrical outlets in areas accessible to children younger than 6 shall have safety plugs or plates.
2. The licensee shall not:
   a. Use extension cords exceeding 7 feet in length,
   b. Allow extension cords to be connected together to extend their length, or
   c. Allow extension cords to run across or through a room or to pass from one room into another.

J. A licensee shall provide illumination for a facility's rooms, corridors, and stairways so that children and personnel can perform activities and tasks safely and without eye strain.

K. A licensee shall illuminate a facility's outdoor walkways and premises so that children and personnel using areas at night can perform activities and tasks safely.

L. A licensee housing more than 10 children shall install and maintain emergency lighting systems in children's living quarters.
1. In this subsection, "emergency lighting system" means a battery or generator operated system that:
   a. Automatically activates if electrical power fails; and
   b. Provides sufficient light for persons to exit safely in an emergency.
2. If a licensee provides written documentation showing that a facility's emergency lighting system meets applicable city or county building codes for such systems, the system is presumed adequate to satisfy this subsection.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2). Amended by final rulemaking at 6 A.A.R. 4032, effective September 29, 2000 (Supp. 00-3).

R6-5-7460. Kitchens; Food Preparation; and Dining Areas

A. A licensee shall maintain a facility's kitchen and dining areas, and shall handle food, as prescribed in this Section.

B. The licensee shall:
1. Equip a facility kitchen used for meal preparation with the fixtures, appliances, equipment, tools, and utensils ("kitchen equipment") necessary for the safe and sanitary preparation, storage, service, and cleanup of food;
2. Keep kitchen equipment clean and in good working order;
3. Not use defective, damaged, tin, or aluminum dishes or utensils;
4. Not use disposable dinnerware or flatware on a daily basis unless the licensee provides evidence, at the time of initial licensure and at each renewal, that disposable items are necessary to protect the health or safety of children in care;
5. Maintain the temperature of potentially hazardous food at or below 45° F or above 140° F, except when the food is being handled or served;
6. Cover all food that is to be transported outside of the kitchen and dining areas of the facility; and
7. Not use home canned foods.

C. If a facility has more than 20 children, the licensee shall comply with the requirements in A.A.C. R9-8-132 through R9-8-137.

D. If a facility has less than 21 children, the licensee shall comply with A.A.C. R9-8-113, R9-8-115, R9-8-116, R9-8-117, and R9-8-121 through R9-8-127, and shall have:
1. One refrigerator for each 10 children at a facility; and
2. A three-compartment sink; or
3. A National Sanitation Foundation (NSF)-listed dishwasher; or
4. A domestic dishwasher with a sanitizer cycle.

E. A facility shall have clean dining areas and tables which allow children, staff, and guests to eat together.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7461. Sleeping Areas and Furnishings

A. A licensee shall provide each child in care with a designated area for rest and sleep as prescribed in this Section.
1. A licensee shall not use mobile dwellings, trailers, or vehicles as sleeping quarters.
2. The licensee shall provide children in care with bedroom space that:
   a. Has a direct source of natural light;

b. Has a window that:
   i. Opens to the outside without a grill or other impediment to immediate, emergency exit;
   ii. Can be easily opened from the inside;
   iii. Measures at least 22 inches on each side; and
   iv. Has a bottom sill that is no more than 48 inches from the floor; and
c. Is at least:
   i. A 74 square foot floor area for a single occupant;
   ii. A 50 square foot floor area for each occupant in a multiple sleeping area; or
   iii. A 40 square foot floor area for each crib.

3. The licensee shall provide each child in care with a bed that:
   a. Is proportional to the child's height,
   b. Is at least 30 inches wide,
   c. Has a solidly constructed bed frame, and
   d. Has safety railings if developmentally appropriate for the child using the bed.
4. If a licensee uses a bunk bed, the bed shall be limited to a double bunk, and shall have sufficient head room to allow the upper occupant to sit up.
5. A licensee shall use only cribs that have:
   a. Bars or slats no more than 2 3/8 inches apart;
   b. A mattress that fits snugly into the crib frame so that there is no space between the mattress and frame; and
   c. No openings through which a child could place his or her head.
6. A licensee shall provide sheets, pillow cases, and blankets for each child and shall maintain bedding in good repair, without tears or stains.
   a. The licensee shall ensure that sheets and pillowcases are washed at least weekly and more frequently if necessary.
   b. The licensee shall use water resistant bedding when necessary.
7. A licensee shall provide each child with a dresser or other storage space adequate to contain the child's belongings and a designated space for hanging clothing in or near the child's bedroom.

B. The square footage area prescribed in subsection (A)(2)(c) is presumed adequate. If a licensee operates a barracks type facility that does not meet these square footage requirements, the licensee shall present a written plan showing how the licensee's square footage provides enough space for sleeping, rest, study, recreation, ingress, and egress in an emergency. The Licensing Authority shall review and approve the plan if it is consistent with the licensee's described program and does not pose a risk of harm to children in care.

C. A licensee shall not have bedroom doors that can be locked.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2). Amended by final rulemaking at 6 A.A.R. 4032, effective September 29, 2000 (Supp. 00-3).

R6-5-7462. Bathrooms

A. A licensee shall maintain bathrooms and bathroom fixtures in good operating and sanitary condition, and as prescribed in this Section.
1. The licensee shall have facility bathrooms equipped with:
   a. At least one wash basin and one toilet for every six children in care;
   b. At least one bathtub or shower for every eight children in care;
   c. Cold and hot running water, with enough hot water to allow each child a daily bath or shower;
   d. Bathtubs and showers that are slip-resistant; and
   e. Toilets and bathtubs or showers which allow a child to have privacy, as developmentally appropriate, or as otherwise prescribed in written program policy.
2. The licensee shall not permit children age 5 or older who are of different genders to share a bathroom at the same time.
3. The licensee shall equip bathrooms to facilitate maximum self-help by children through one or more of the following methods:
   a. Providing children with step-stools to reach a sink,
   b. Providing smaller sized bathroom fixtures,
   c. Providing training toilets,
   d. Placing towel racks and dispensers at lower heights, or
   e. Other similar or comparable methods.
4. A licensee shall have bathrooms large enough to permit staff to help children who require it.
5. A licensee shall provide bathrooms with sufficient toilet paper, towels, soap, and other items required to maintain good personal hygiene, or shall provide children with personal supplies of these items.

B. The bathroom fixture requirements prescribed in subsections (A)(1)(a) and (b) are presumed adequate. If a licensee operates a barracks type facility which does not meet these requirements, the licensee shall present a written plan showing how the licensee's bathroom facilities permit children in care to maintain adequate hygiene. The Licensing Authority shall review and approve the plan if it is consistent with the licensee's described program and does not pose a risk of harm to children in care.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7463. Other Facility Space; Staff Quarters

A. A licensee shall ensure that a facility has:
1. A place other than children's living areas to serve as an administrative office for records, secretarial work, and bookkeeping; and
2. Space for private discussions and counseling sessions between individual children and staff.

B. If a licensee has staff who reside at the facility, the licensee shall provide those staff with living and sleeping space that is separate from children's areas, including a separate bathroom. The licensee shall provide the children of these staff, who also reside at the facility, with a residential environment that meets the requirements of this Article for children in care.

C. A licensee operating a barracks type facility that has been approved as described in R6-5-7461(B) and R6-5-7462(B) is not required to provide separate space as described in subsection (B).

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7464. Fire, Emergency, and Fire Prevention

A. Emergency Procedures: A licensee shall have written procedures for staff and children to follow in case of emergency or disaster (natural, medical, or human-caused). The procedures shall include the following:

1. Provisions for the evacuation of buildings, including the evacuation of children with physical disabilities;
2. Assignment of staff to specific tasks and responsibilities;
3. Instructions on the use of alarm systems and signals;
4. Specification of evacuation routes and procedures, with clearly marked diagrams; and
5. Notification as prescribed in R6-5-7434.

B. Emergency Practices and Drills: A licensee shall prepare staff and children to respond to emergencies as prescribed in this subsection.

1. The licensee shall train all staff to perform assigned tasks during emergencies, including the location and use of fire fighting equipment.
2. The licensee shall train staff and children to report fires and other emergencies in accordance with written emergency procedures.
3. The licensee shall post evacuation procedures in conspicuous locations throughout all buildings.
4. The licensee shall train staff and children in evacuation procedures and conduct emergency drills at least once a month as prescribed in this subsection.
   a. Practice drills shall include actual evacuation of children to safe areas.
   b. Drills shall be held at random times and under varying conditions to simulate the possible conditions in case of fire or other disaster.
   c. All persons in the building at the time of a drill shall participate in the drill.
5. A licensee shall maintain a record of all emergency drills. The record shall include:
   a. Date and time of drill,
   b. Total evacuation time,
   c. Exits used,
   d. Problems noted, and
   e. Measures taken to ensure that children understand the purpose of a drill and their responsibilities during a drill.

C. Fire Prevention and Control: A licensee shall have and maintain fire prevention and safety equipment as prescribed in this subsection.

1. In a facility's residential environment, the licensee shall install and maintain smoke detectors according to the manufacturer's instructions, recommendations, and test specifications and shall maintain smoke detectors in good working order. Each smoke detector shall have a signal to indicate that batteries are low or are not working properly.
2. The licensee shall put a smoke detector in each separate sleeping area.
3. The licensee shall clean and test smoke detectors at least every three months. The licensee shall keep a written record of the cleaning and testing at the facility.
4. A licensee shall install and maintain portable fire extinguishers appropriate in number and size to the area to be protected.
5. A licensee shall have a qualified person inspect and, if necessary, recharge fire extinguishers at least once a year and immediately after use.
6. A licensee shall:
   a. Document the dates that a fire extinguisher is charged and the person or agency responsible for charging it; and
   b. Attach the documentation to the extinguisher.

Historical Note

Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7465. General Safety

A. Ground Floor: A licensee shall house non-ambulatory children and children younger than 6 only on the ground floor.

B. Dangerous objects: A licensee shall safeguard all potentially dangerous objects, including:

1. Firearms and ammunition;
2. Recreation and hunting equipment;
3. Household and automotive tools;
4. Sharp objects such as knives, glass objects, and pieces of metal;
5. Fireplace tools, matches, and other types of lighters;
6. Machinery;
7. Electrical wires, boxes, and outlets;
8. Gas appliances;
9. Chemicals, cleaners, and toxic or flammable substances;
10. Swimming pools, ponds, spas, and other natural or artificial bodies of water; and
11. Motorized vehicles.

C. Water Temperature: A licensee shall maintain water that is accessible to children for personal use at a temperature at or below 120° F.

D. Gas appliances:

1. A licensee shall have a licensed and bonded heating and cooling technician annually inspect all gas-fired devices at a facility. The licensee shall get a written report of the inspection for submission to the Licensing Authority at the time of license renewal.
2. A licensee shall equip all gas-fired devices with an automatic pilot gas shut-off control.
3. A licensee shall remove the valves from unused gas outlets and cap the disconnected gas line with a standard pipe cap.
4. A licensee shall not use unvented water heaters.
5. A licensee shall not use kerosene or gasoline for lighting, cooking, or heating.
6. If a licensee uses a natural or propane gas burning device inside a facility, the licensee shall:
   a. Install, test, and check carbon monoxide monitoring equipment in a facility's residential environment according to the manufacturer's instructions;
   b. Maintain the monitoring equipment in good working condition; and
   c. At the facility, keep a copy of the manufacturer's instructions, and, for one year, a record of the tests.

E. Finishes and surfaces:

1. A licensee shall not surface walls or ceilings with materials containing lead except as allowed by law for protection from wood, pellet, or peat burning stoves.
2. A licensee shall not have any walls, equipment, furnishings, toys, or decorations surfaced with lead paint.
3. A licensee that accepts children who are under age 6, developmentally disabled, or severely emotionally disturbed, shall maintain the facility free of lead paint hazards, including permanent removal of any paint that a child may ingest.

F. Toxic and Flammable Substances:

1. A licensee shall ensure that any poisons and toxic or flammable substances used at a facility are used in a manner and under conditions that will not contaminate food or be hazardous to children.
2. A licensee shall ensure that containers of poisons and toxic or flammable substances are prominently and distinctly marked or labeled for easy identification of contents.
3. A licensee may burn trash only when:
   a. Local authorities and ordinances allow burning;

b. The fire is at least 50 feet from any building used for children's residences; and
c. An adult supervises any child involved in the burning.
4. A licensee shall not use charcoal or gas grills indoors or on covered porches.

G. Firearms, Weapons, and Recreational and Hunting Equipment:
1. A licensee shall ban firearms, explosives, and ammunition from a facility and grounds, except a licensee may allow the following:
a. Firearms maintained and used exclusively by trained security guards; and
b. Non-functional, permanently disabled firearms used for ceremonial purposes if such use is documented in the licensee's policy and procedures.
2. A licensee shall keep bows and arrows, knives, and other potentially hazardous hunting and recreational equipment in locked secure storage which is not accessible to children.

H. Tools and Equipment: A licensee shall maintain lawn and garden equipment and maintenance tools and equipment safe and in good repair, and shall allow children to use them only under the supervision of staff. Depending on the developmental level of the child, the supervision need not be direct supervision.

I. Telephone service:
1. A licensee shall equip each living unit with 24-hour telephone service or an intercom system linked to an outside telephone service.
2. A licensee shall conspicuously post, adjacent to the telephone,
a. The address and telephone number of the facility; and
b. Emergency telephone numbers, including fire, police, physician, poison control, Child Protective Services, and ambulance.

J. Smoking:
1. A licensee shall not expose a child in care to tobacco products or smoke.
2. A licensee shall not allow any person to use tobacco products inside buildings.
3. A licensee shall not allow a child in care to use or possess tobacco products.

K. Animals:
1. The licensee shall not maintain, at a facility, any animal that poses a danger to children in care.
2. The licensee shall have written evidence that dogs kept at a facility have current vaccinations against rabies.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7466. Swimming Areas

A. A licensee shall fence an outdoor swimming pool to separate it from all buildings, with a fence that:
1. Is at least 5 feet high, as measured on the exterior side of the fence; and
2. Has a self-closing, self-latching gate that opens away from the swimming pool. The licensee shall maintain the latching equipment in good working order.

B. If the licensee accepts children younger than 6, the fence shall:
1. Have no opening through which a spherical object of 4 inches in diameter can pass;
2. Have horizontal components which:
a. Are spaced at least 45 inches apart, measured vertically; or
b. Do not have any openings greater than 1 3/4 inches, measured horizontally; or
3. Not have any openings for handholds or footholds, or any horizontal components, that can be used to climb the fence from the outside.

C. Subsections (A) and (B) do not apply to outdoor swimming pools that are entirely surrounded by permanent walls or buildings with doors that can be locked, so long as the walls or building meet the requirements for fencing set forth in subsections (A) and (B).

D. A licensee shall lock all entrances to a swimming pool when the pool is not in use.

E. A licensee shall maintain the following life-saving equipment in good repair and readily accessible to the swimming pool:
1. A ring buoy with ½-inch width rope that is at least half the distance of the pool measured at its longest point, plus 10 feet; and
2. A shepherd's crook attached to its own pole.

F. At least one of the staff members supervising children in a pool, shall remain out of the water.

G. When a pool is in use, a licensee shall keep a daily log to record water quality test results of an on-grounds swimming pool and shall maintain the pool free from contamination in accordance with 9 A.A.C. 8, Article 8.

H. The licensee shall, when chlorination is used, maintain a free chlorine residual of between 0.1 and 4.0 parts per million, and a pH range of 7.0 to 8.0. A licensee may add dry or liquid chemical sources directly to pool water only when enough time exists for dispersal before use.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7467. Access; Transportation; Outings

A. Access.
1. A facility shall be accessible by public or private motor vehicle.
2. If the facility cannot be accessed by a road that is passable by motor vehicle 12 months of the year the licensee shall have alternative transportation arrangements to provide access to the facility.

B. Transportation.
1. A licensee shall provide, arrange, or negotiate responsibility for arranging, with the placing agency or person, transportation required to implement a child's service plan.
2. A licensee shall provide staff supervision in any vehicle the licensee uses to transport a child in care.

C. Outings.
1. For every facility sponsored outing which is not part of the daily routine, such as a recreational trip of four hours or more, or an outing where emergency medical services cannot respond within 12 minutes, a licensee shall maintain, at the facility, a record of the following information:
a. A list of children participating in the outing;
b. Departure time and anticipated return time;
c. License plate numbers of every vehicle used for the outing; and
d. Name, location, and, if known, telephone number of the destination.
2. The licensee shall give the driver of a vehicle written emergency information on each child who is participating in the outing and riding with that particular driver.
3. The person supervising the child shall keep the information during the outing. The information shall include:
a. Each child's medication requirements, if any;

b. Common and known potential adverse reactions a child may have to a medication;
c. Adverse reactions a child may have as the result of delay in administration of medication; and
d. Any other adverse reaction a child is likely to have due to the child's special needs, including allergic reactions to particular substances or insects.

4. The licensee shall tell the driver about a child's particular needs or problems which may reasonably cause difficulties during transportation, including seizures, tendency toward motion sickness, disability, anxiety, or other phobias.

D. Extended outings: If a licensee takes children in care on an outing that lasts more than 30 consecutive days, the licensee shall:
1. Obtain court permission for any children who are court wards;
2. Comply with the requirements in R6-5-7469 through R6-5-7471 governing outdoor experience programs.

E. Vehicles.
1. A licensee shall ensure that all vehicles used for the transportation of children in care:
   a. Are mechanically sound and in good repair,
   b. Conform to applicable motor vehicle laws, and
   c. Have equipment appropriate to the terrain and the weather.
2. The licensee shall not allow the number of individuals in a vehicle used to transport children in care to exceed the number of available seats and seat belts in a vehicle other than a bus. If the vehicle is a bus, the licensee shall not exceed the maximum stated occupancy on the bus inspection certificate.
3. A licensee serving nonambulatory children or children with disabilities shall provide access to transportation that accommodates the children's special needs and disabilities.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7468. Special Provisions for Shelter Care Facilities

A. General Requirements: A licensee operating a shelter care facility shall comply with all requirements prescribed in this Article, unless otherwise provided in this Section.

B. Admission Policy and Practice:
1. If a child has already been in shelter care for more than 42 days, a licensee shall not admit the child into shelter care at the licensee's facility, or permit the child to continue residing at the licensee's facility, unless the licensee has:
   a. Asked the child's placing agency or person to have a multidisciplinary team:
      i. Assess the child through a review of the child's records or in person; and
      ii. Develop a service plan for the child; and
   b. Documented the request in the child's record.
2. When a child self-refers to a shelter care facility, the licensee shall, within 24 hours of the child's arrival:
   a. Notify the Department or the child's guardian; and
   b. Document the placing agency or person's consent for the child's continued placement in a written agreement with the placing agency or person, or by obtaining a court order.
3. A licensee does not have to obtain medical information and consents before or at the time of a child's admission to a shelter care facility as prescribed in R6-5-7438(E)(4) and (5), but shall document attempts to obtain the medical consents from the placing agency or person within two days of the child's admission.
4. At the time of a child's admission, the licensee is not required to obtain the comprehensive intake assessment required by R6-5-7438(D), but shall work with the placing agency or person to compile information on and assess the child's current social, behavioral, psychological, developmental, health, legal, family, and educational status, as applicable to the child.

C. Staff-child ratio: A shelter care facility shall comply with the staff-child ratios prescribed in R6-5-7437, except that a licensee who accepts six or more children in care at a shelter facility shall have at least one awake staff member on duty during sleeping hours.

D. Staff development: In addition to the training requirements prescribed in R6-5-7433, a licensee shall train staff members who work at a shelter care facility to recognize the signs and effects of:
1. Substance use and abuse,
2. Common childhood illness, and
3. Communicable disease.

E. Medical care: A shelter care facility does not have to provide or arrange a medical examination as required by R6-5-7452(B)(1) unless the general health assessment required by R6-5-7438(E)(9) indicates a need for further medical attention.

F. Service planning: Unless a child remains in continuous shelter care for more than 42 consecutive days, a licensee operating a shelter care facility is not required to comply with the R6-5-7441 regarding service planning.

G. Children's records: A licensee shall maintain a record for each child in a shelter care facility as prescribed in R6-5-7428 except the licensee need not:
1. Comply with R6-5-7441, except as otherwise provided in subsection (F) above; or
2. Maintain treatment or clinical records and reports or progress monitoring notes as required by R6-5-7428(9) and (13).

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7469. Special Provisions and Exemptions for Outdoor Experience Programs

A. A licensee operating an outdoor experience program shall comply with the requirements in 6 A.A.C. 5, Article 74, except as otherwise provided in this Section.

B. An outdoor experience program shall not accept children younger than age 8.

C. An outdoor experience program is exempt from the requirements set forth in the following rules:
1. R6-5-7458. Buildings; Grounds; Water Supply;
2. R6-5-7459. Building Interior;
3. R6-5-7460. Kitchens; Food Preparation; and Dining Areas;
4. R6-5-7461. Sleeping Areas and Furnishings;
5. R6-5-7462. Bathrooms;
6. R6-5-7463. Other Facility Space; Staff Quarters;
7. R6-5-7464. Fire, Emergency, and Fire Prevention;
8. R6-5-7465. General Safety;
9. R6-5-7466. Swimming Areas;
10. R6-5-7467. Access; Transportation; Outings; and
11. R6-5-7468. Special Provisions for Shelter Care Facilities.

D. An outdoor experience program shall comply with the requirements in R6-5-7470 and R6-5-7471.

E. If there is a conflict between the requirements set forth in R6-5-7401 through R6-5-7468 and the requirements set forth in R6-5-7469 through R6-5-7471, the latter requirements govern.

Historical Note
Adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7470. Planning Requirements for Outdoor Experience Programs

A. Definitions. As used in this Section, the term "agency" means a licensee operating an outdoor experience program.

B. Trip itinerary. The agency shall develop a tentative day-to-day itinerary and a trip map for each trip prior to departure. One copy each of the itinerary and map shall be distributed as follows: to the agency for its office files; to the mobile program staff; when appropriate, to local authorities at each point on the itinerary before departure; to the child placing agency representative for each child who will be departing on the trip, and to the Department licensing representative. When major amendments to the itinerary are necessary due to unforeseen circumstances on the trip, written notification to the designated individuals shall be made. The itinerary shall reflect the following:
1. The travel schedule shall allow for daily periodic rest stops, relaxation, exercise, and personal time.
2. The travel schedule shall not exceed five consecutive days without at least two full intervening non-traveling days, unless emergency conditions such as storms force travel to safer sites.
3. The travel schedule shall specify the number of days of the trip, including departure and return dates and times, and mileage to be covered each day.
4. The travel schedule shall specify the route, specific tentatively planned locations of overnight stops, and activities in which children will participate.
5. The travel schedule shall specify the mode of transportation.

C. Trip plans. The agency shall develop written plans prior to the departure of each trip. These plans shall include:
1. The name, age, sex, address, and emergency phone number of each staff participant and of each child's parent or guardian and placing agency;
2. The exact location and access route for emergency rescue, search, fire, and medical assistance and law enforcement authorities at each program stop or location including the names, addresses, telephone numbers of other alternative means of communication with such authorities in case of an emergency. This information shall be included and identified on the trip map;
3. Contingency plans to deal with medical problems, fire, natural disasters, lost children, and other emergencies;
4. Plans for the care of any person who, for any reason, must be excluded from the program for a period of time;
5. Provision for and storage within ready access of the program staff, documents which fully identify the group, its leadership, ownership of equipment, purpose, insurance coverage, home base, and which contain completed health history forms and emergency treatment release forms;
6. Identification of appropriate sources or locations for water, food, doing laundry, bathing, liquid and solid waste, and garbage disposal;
7. A scheduled progress and condition report system between the mobile program and the agency administrator;
8. The maintenance by staff of a trip log which details each day's operation including travel time, mileage covered, and occurrences of the day;
9. The safe storage for all supplies and equipment while in transit as well as at the campsites.

D. Pre-departure procedures
1. The appropriate permissions shall be secured, if possible prior to departure, for traveling on roads and properties, using sites, and building fires.
2. Prior to departure, each child shall receive medical clearance from a physician in order to participate in the mobile portion of the program.
3. Prior to departure, all children and staff shall receive instruction in the safe and proper use of all equipment to be used on the trip.
4. Prior to departure, all children and staff shall be oriented as to safety regulations, emergency procedures, and transportation to emergency facilities or personnel, or both.
5. Prior to departure, the route, activities and logistics shall be approved in writing by the agency administrator.
6. An emergency liaison coordinator shall be appointed prior to departure. This coordinator or the coordinator's designee shall be available on a 24-hour basis. This person shall be located at the agency administrative office, and shall be at least 21 years of age and shall possess the following information about the program:
   a. Names of individuals on the trip, including the staff member in charge;
   b. Exact trip itinerary;
   c. Number of days, including departure and return dates and times;
   d. Rescue and evacuation plans and locations;
   e. Pertinent medical information about program participants.

Historical Note
Renumbered from R6-5-7307 to R6-5-7470 and amended effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

R6-5-7471. Special Physical Environment and Safety Requirements for Outdoor Experience Programs

A. Definition. As used in this Section, the term "agency" means a licensee operating an outdoor experience program.

B. Campsite location
1. General. The agency shall conduct activities on sites appropriate for the children in terms of individual needs, program goals, and access to service facilities.
2. Hazards
   a. When selecting a campsite, the agency shall consider supervision of children, security, evacuation routes, animal hazards, and weather conditions, including the possibilities of lightning or flood.
   b. A campsite shall be located on land that provides good drainage. A campsite shall not be located in a river bed or desert wash.
   c. A campsite shall be free of debris, poisonous vegetation, and uncontrolled weeds or brush.
   d. Children shall be warned and protected from hazardous areas such as traffic, cliffs, sinkholes, pits, falling rock or debris, abandoned excavations and poisonous vegetation. Hazardous areas shall be guarded or posted to reduce the possibility of accidents.

C. Physical environment
1. Sleeping shelters

a. All tents, teepees, or other sleeping shelters made of cloth shall be fire retardant or, if purchased after January 1985, shall be of the fiber-impregnated flame-retardant variety. Plastic sleeping enclosures of any type are prohibited.
b. Tents or other shelters used for sleeping areas shall be easily cleanable and in good repair, shall be structured and maintained in safe condition and shall afford adequate protection against inclement weather.
c. Tents or other types of temporary shelters shall provide sleeping space of not less than 15 square feet per person.
d. Campfires and open flames of any type are prohibited within 21 feet of any tent, teepee, or other sleeping shelter.
e. Smoking is prohibited within any sleeping shelter.
f. All sleeping shelters shall be posted with a permanent warning "No open flame in or near this shelter." This warning shall be on a sign or stenciled directly on the shelter.
g. Sleeping areas shall have direct exit access to the outside which is free of all obstruction or impediments to immediate use in the case of fire or other emergency.

2. Sleeping equipment
a. Sleeping equipment shall be provided by the agency and shall be clean, comfortable, non-toxic and fire-retardant.
b. Sleeping equipment shall provide reasonable insulation from cold and dampness. In addition to sleeping bag or blankets, insulation from the ground such as with a waterproof ground cloth or air or foam mattress shall be provided. A waterproof sleeping bag is not satisfactory.
c. All sleeping equipment shall be laundered, dry cleaned, and otherwise sanitized between assignment to different children or staff. Bedding shall be aired at least once every five days and laundered, dry cleaned, and sanitized once every 30 days.
d. Each child shall have a place for personal own sleeping equipment, clothes, and personal belongings. Such items shall be labeled or marked as to which child is using or owns such items.

3. Outdoor toilet areas
a. The agency with outdoor toilet areas shall provide facilities which allow for individual privacy.
b. Toilet areas shall be constructed, located and maintained so as to prevent any nuisance or public health hazard. Facilities provided for excreta and liquid waste disposal shall be maintained and operated in a sanitary manner as prescribed by the Department of Health Services in A.A.C. R9-8-301 through R9-3-308, and the Department of Environmental Quality in 18 A.A.C. 8, Article 6.
c. Toilet areas which do not have plumbing shall be located at least 75 feet from but within 300 feet of any living or sleeping area, or both, and shall be located at least 100 feet from any lake, stream, or water supply.
d. Toilets, outhouses, or portable shacks shall be adequate in number based on one seat for every 10 children in care.
i. There shall be a minimum of two seats if there are more than five children.
ii. If the agency serves physically disabled children, toilet facilities shall provide one seat for every eight persons.
e. Toilet facilities shall be well ventilated, allow for air circulation, be screened and periodically treated to deter insects, and be in good repair. An adequate supply of toilet paper shall be provided.
f. Toilets, outhouses, and portable shacks shall be cleaned and disinfected at least daily. Portable shacks shall be dumped daily in an approved dump station.
g. Toilet seats shall be constructed of nonporous materials. Wood is not acceptable.
h. Handwashing facilities shall be adjacent to the toilet area and shall be separate and apart from sinks and areas used for food preparation or washing pots, pans, kitchen, and eating utensils. Individual soaps and hand-drying devices shall be available.

4. Food preparation and serving
a. Menus. Menus shall be planned at least one week in advance and shall then be dated, posted, and kept on file for one year.
b. Food
i. All food and drink shall be stored to prevent spoilage. Only the foods which can be maintained in a wholesome condition with the equipment available shall be used.
ii. All milk and milk products utilized by the agency shall be obtained from sources approved by the State Department of Health Services.
iii. Only pasteurized milk and U.S. Government-inspected meat shall be served to the children. Powdered milk may only be used for cooking or when no refrigeration is available on a wilderness trip.
iv. Spoiled or contaminated foods shall not be used.
v. Raw fruits and vegetables shall be washed before use.
c. Preparation
i. All persons handling food shall wear clean outer garments and keep their hands and fingernails clean at all times while handling food, drink, utensils, or equipment.
ii. Smoking in the food preparation area is prohibited.
iii. Handwashing areas, including water, soap, and approved sanitary towels or other approved hand-drying devices, shall be provided adjacent to food preparation areas.
iv. Areas in which food and drink are stored, prepared or served, or in which utensils are washed, shall be rodent proof, rodent free, and rubbish free. They shall be cleaned after the serving of each meal. Any floors, walls, shelves, tables, utensils, and equipment in these areas shall be of such construction as to be easily cleaned, and shall be well lighted and ventilated.
v. All food preparation and service shall comply with applicable Department of Health Services food service rules in 9 A.A.C. 8, Article 1.
vi. No dish, receptacle, or utensil used in handling food for human consumption shall be used or kept for use if chipped, cracked, or broken.

vii. Prepared food shall be maintained at temperatures below 45° F or above 140° F; leftovers shall be reheated to 165° F.

d. Serving
i. Meal time shall be structured to make it a pleasant experience with sufficient time allowed for the children to eat at a reasonable, leisurely rate.
ii. Normal conversation shall be allowed and encouraged during meals.

e. Dish and utensil washing
i. Disposable or single-use dishes, utensils, receptacles or towels used in handling or preparing food shall be discarded after one use.
ii. Non-disposable food service dishes and utensils shall be cleaned and disinfected after each use in accordance with the following:
(1) A three-compartment sink or vat shall be used. Dishes and utensils shall be thoroughly scraped, washed with soap or detergent in hot water, kept clean, then rinsed free of detergents in clear water and then immersed for a period of at least two minutes in a warm or hot chlorine solution containing at no time less than 50 parts per million of available chlorine or such other solution as may be approved by the state or local health authority.
(2) Sinks shall be large enough to thoroughly immerse pots and pans.
(3) Dish towels shall not be used.
(4) Dishes and utensils shall be air dried. Drain boards shall be provided for draining dishes and utensils.

D. Equipment
1. Tools. Power tools, garden tools, and repair equipment shall be kept in a locked area and used by children only under adult supervision.
2. Protective clothing/equipment. Appropriate protective clothing/equipment shall be provided to children by the agency, when children are participating in potentially hazardous activities.
3. Program equipment
a. The agency shall use program equipment that is maintained in good repair, stored in such a manner as to safeguard the effectiveness of the equipment, and is given a complete safety check periodically and immediately prior to each use. Equipment shall be discarded after a period of time designated by the manufacturer.
b. The agency shall use program equipment appropriate to the age, size, and ability of each child in the activity.

E. Storage. The agency shall provide sufficient and appropriate storage facilities.
1. Toxic substances
a. The agency shall have securely locked storage spaces for all harmful materials. The keys to such storage spaces shall be available only to authorized staff members.
b. House and garden insecticides and other poisonous materials and all corrosive materials shall be kept in locked storage out of reach of children. Such storage shall not be in or near kitchen or food preparation or storage areas.
c. The agency shall have only those poisonous or toxic materials needed to maintain the program.
2. Drugs
a. A special cabinet shall be designated for medicine only. The medicine cabinet shall be kept locked and periodically cleaned. All outdated medications and those prescribed for past illnesses or for children discharged from the agency shall be destroyed.
b. All prescription medicines, drugs, etc., requiring refrigeration shall be marked with the required temperature range and stored in a refrigerator with a thermometer separate from food items and maintained under temperature ranges recommended by the manufacturer.
3. Flammable materials. Flammable liquids and gases shall be stored in metal containers only. The storage area must be separated from the rest of the living/program area.
4. Food
a. All food and drink shall be stored so as to be protected from dust, flies, vermin, rodents, and other contamination. No live animals shall be allowed in any area in which food or drink is stored.
b. Food and nontoxic cleaning supplies must be stored separately. Clean dishes and utensils shall be stored on properly covered shelves or in containers which are cleaned once a week with a chlorine solution (1 tablespoon of bleach to one gallon of water or an acceptable equivalent).
c. All perishable food items shall be kept refrigerated except during the time of preparation and service.
d. The temperature of refrigerated food must be maintained within a range from 38°F to 45°F.
e. A thermometer shall be located in each refrigerator, including ice boxes and ice chests, as well as electric or gas refrigerators. Where ice and ice boxes or chests are used, adequate ice shall be provided, meats and other highly perishable foods shall not be stored over 24 hours and ice chests shall be drained to prevent accumulation of water from melted ice.

F. Water
1. Approved source. The agency must have a sufficient water supply which is potable and from an approved source or purified for drinking, brushing teeth, and cooking.
2. Water purification. Water purification tablets or other means of disinfecting water shall be available at all times. The agency shall have a written policy on effective purification methods to be employed according to the water sources utilized and possible types of contamination.
3. Bathing. Warm water facilities shall be planned for and available for each child to bathe at least once a week.
4. Washing and laundering. Personal washing and laundering is not permitted in any body of water. Water used for these purposes shall be taken in a container from the lake, river or pond, and after use, shall be dumped on land at least 50 yards from the water source.
5. Drinking water
a. Cool, potable drinking water shall be available for all children at all times.
b. The use of a common drinking utensil is prohibited.

G. Sanitation
1. Health and Environmental requirements
a. The disposal of sewage, garbage, and other wastes shall be done in accordance with local health and applicable state requirements, as provided in 18 A.A.C. 8, Article 6 and 18 A.A.C. 9, Article 8.

b. The agency shall obtain sanitation inspections of mobile kitchens or mobile toilet facilities, or both, prior to each trip by state or county authorities. Written reports of the sanitary inspections shall be kept on file at the agency. The agency shall meet all local, state, and federal health rules and regulations.

2. Garbage and rubbish
   a. Garbage and rubbish shall be stored securely in durable, noncombustible, leakproof, non-absorbent containers covered with tight-fitting lids. Such containers shall be provided with a waterproof liner or thoroughly cleaned after each emptying.
   b. Garbage and rubbish storage shall be separate from living/sleeping areas.
   c. Garbage, rubbish and other solid wastes shall be disposed of twice weekly at an approved sanitary landfill or similar disposal facility. In areas where no facilities are immediately available, solid wastes shall be packed out or disposed of in a manner in accordance with the regulations governing the area.
3. Sewage and wastes
   a. Sewage and other liquid wastes shall be disposed of in a public sewage system or, in the absence thereof, in a manner approved by the local health authority.
   b. Where possible, adequate and safe sewage facilities with flush toilets shall be provided.
4. Insects and rodents. Methods utilized in control of insects and rodents shall be used in a safe, cautious manner to avoid poisonous or toxic contamination to human beings.

H. Safety

1. Emergency procedures
   a. The agency shall have and follow written procedures for staff and children in case of emergency. These procedures shall be developed with the assistance of qualified fire, safety, and rescue personnel and shall include provisions for the evacuation of all program areas and assignment of staff.
   b. The agency shall train staff and children to report fires and other emergencies appropriately. Children and staff shall be trained in fire prevention.
   c. The agency shall conduct emergency drills which shall include actual evacuation of children to safe areas at least monthly. The agency shall provide training for personnel on all shifts in performing assigned tasks during emergencies and making personnel familiar with the use of agency fire-fighting equipment.
      i. Emergency drills shall be held at unexpected times and under varying conditions to simulate the possible conditions of fire or other disasters.
      ii. All persons in the program area shall participate in emergency drills.
      iii. A record of such emergency drills shall be maintained.
      iv. The agency shall make special provisions for the evacuation of any physically handicapped children in the program.
      v. The agency shall help emotionally disturbed or perceptually handicapped children understand the nature of such drills.
2. General program safety
   a. The agency shall have written operating procedures, safety regulations, and emergency procedures for special program activities in which children participate, including aquatics, diving, lifesaving, instructional swimming, recreational swimming, water skiing, skin diving, scuba diving, boating, canoeing, rowing, sailing, crafts, bicycling, farming, horseback riding, mountaineering, rock climbing, rappelling, caving, outdoor living skills, physical fitness, snow and ice activities, archery, gymnastics, riflery, contact sports, backpacking, expedition travel, and animal handling.
   b. The agency shall provide the written operating procedures, safety regulations, and emergency procedures to the Department licensing staff for review and approval.
   c. All children and staff shall receive instruction in the safe and proper use of all equipment and animals to be used by the program.
   d. All children and staff shall be oriented as to safety regulations, emergency procedures and transportation to emergency facilities and/or personnel.
3. Electrical
   a. Electrical wiring and electrical appliances shall be installed in accordance with the Arizona State Fire Code at A.A.C. R4-36-201.
   b. Electrical wires extending over activity areas shall be fully insulated and located at least 12 feet above the activity area.
   c. All exposed wiring shall be fully insulated.
4. Gas appliances
   a. The installation of gas appliances for lighting, cooking, space heating, and water heating shall conform to state and local codes. Where no code applies, the provisions of A.R.S. §§ 36-1621 through 36-1626, together with the standards for the installation of gas appliances and gas piping, shall be followed.
   b. All unused gas outlets shall have the valves removed and shall be capped off with a standard pipe cap.
   c. Gasoline shall not be used for lighting, cooking, or heating.
5. Fire safety equipment
   a. Portable fire extinguishers shall be available and maintained for emergency fire protection. The number and type shall depend on the area to be protected.
   b. All fire extinguishers shall be inspected at least monthly by staff members for proper location and to determine whether they are accessible, fully charged, and operable.
   c. All fire extinguishers shall be inspected by an authorized fire extinguisher company at least once a year from the date of last charge and recharged immediately after use, or as otherwise necessary, showing the date of charging and the agency or company performing the work.
   d. A dependable method of sounding a fire alarm shall be maintained in every agency area where children are located.
   e. A written fire evacuation plan shall be posted.

I. Water safety

1. Water activities supervision
   a. A water activities program operated by the agency shall at all times be under the immediate supervision of a person holding current certification as a Red Cross Water Safety Instructor, a YMCA Instructor in swimming and life saving, or an Aquatic Instructor Boy Scouts of America. A water-activities program includes recreational and instructional swimming in a pool, on a beach, or other approved water areas,

rowing, canoeing, sailing, boating, water skiing, snorkeling and scuba diving.

b. The water activities supervisor shall provide pre-service training programs for participating children, supervise qualified lifeguards for water activities and maintain water activities equipment in safe working order.

c. There shall be a minimum of one guard currently certified in Red Cross Advanced Lifesaving, YMCA Lifesaving, or a Lifeguard Boy Scouts of America on duty for each 25 persons in or on the water, and in addition one staff member directly watching every 10 or less persons in or on the water.

2. Swimming procedures

a. American Red Cross, YMCA, or Boy Scouts of America tests shall be used to determine each child's swimming ability. Children shall be confined to an area equal to the limits of their swimming skills or an area requiring lesser skills for which they have been classified.

b. A method of supervising and checking bathers shall be established and enforced. The system used shall be supervised during swimming periods by a member of the aquatics staff and checks shall be conducted not less than every 10 minutes. A written "lost swimmer" plan shall be established and all staff shall know exactly what their duties are in case of an emergency.

c. Children shall swim only in areas designated by the water activities supervisor as safe.

d. Swimming is prohibited during the hours of darkness except in lighted pools.

3. Swimming areas

a. A swimming area shall be maintained in a clean and safe condition, free from holes, sharp edges, and hidden dangers. The agency shall post notice of any known hazard in the vicinity and shall properly safeguard children.

b. The swimming area shall have a delineation of areas for non-swimmers, intermediates, and swimmers in accordance with the standards of the American Red Cross, YMCA, Boy Scouts of America.

c. Lifesaving equipment shall be provided at a swimming area and placed so it is immediately available in case of an emergency. The equipment shall be kept in good working order and include a bell or whistle, two assist poles, and a ring buoy.

d. The water of a natural swimming area shall be free from contamination by garbage, refuse, sewage pollution, or foreign material.

4. Watercraft and water-skiing

a. Any watercraft activities shall be conducted during daylight hours and supervised by the aquatics program instructor. A U.S. Coast Guard-approved life preserver shall be provided for each occupant of a watercraft. A non-swimmer shall wear a vest-type Coast Guard-approved life preserver and not be permitted in a watercraft unless accompanied by a staff member. A child shall wear a vest-type Coast Guard-approved life preserver before entering and while in white water or on a lake when the water is rough or while water-skiing.

b. During a watercraft activity period, a lifeguard shall patrol the watercraft area in a lifeboat. A watercraft docking area shall not be in the swimming area.

c. The swimming area shall not be used for the launching or stopping of water-skiers.

d. The agency which requires or permits children to use watercraft shall have special coverage for such activities included in the agency's liability insurance.

J. Communications. The agency shall have a plan for emergency communication and communication equipment available with each mobile program unit, which may include:

1. Telephone in camp units and outposts;
2. Two-way radio or walkie-talkie;
3. Knowledge of phone or radio locations on backpack, horseback, canoe or car trips, such as Ranger stations in remote areas;
4. Simple code by flag, smoke, or mirror or other means if planned in advance.

K. Transportation

1. Vehicles

a. The agency shall provide or arrange transportation necessary for implementing the child's service plan.

b. Vehicles used in transporting children in care of the agency shall be licensed and inspected in accordance with Arizona state law.

c. Vehicles used for the transportation of children shall be maintained in a safe condition and be equipped in a fashion appropriate for the season.

d. The agency shall maintain written evidence that all vehicles owned, leased, borrowed, or rented by the agency to transport children are serviced regularly and maintained safely.

e. Vehicles used for the transportation of children shall be equipped with a first-aid kit and emergency accessories including tools, a fire extinguisher and flares or reflectors.

f. The agency shall not allow the number of persons in any vehicle used to transport children to exceed the number of available seats in the vehicle.

g. The agency shall not transport children in open truck beds or in trailers.

h. The agency shall ensure that any vehicle used to transport children has the following minimum amounts of liability insurance:

Injury per person: $300,000
Injury per accident: $1,000,000

2. Drivers

a. Any person transporting children in care of the agency shall be licensed to operate that class of vehicle according to Arizona state law.

b. The agency shall provide adequate supervision in any vehicle used by the agency to transport children in care.

c. The agency shall ascertain the nature of any need or problem of a child which might cause difficulties during transportation, such as seizures, a tendency towards motion sickness, or a disability. The agency shall communicate such information to the operator of any vehicle transporting children in care.

3. Transportation of nonambulatory children. The following additional arrangements are required for agencies serving handicapped, nonambulatory children.

a. A ramp device to permit entry and exit of a child from the vehicle must be provided for all vehicles except automobiles used to transport physically handicapped children. A hydraulic lift may be utilized provided that a ramp is also available in case of emergency.

b. In all land vehicles except automobiles, wheelchairs shall be securely fastened to the floor.
c. In all land vehicles except automobiles, the arrangement of the wheelchairs shall provide an adequate aisle space and shall not impede access to the exit door of the vehicle.

4. Emergency transportation
a. The agency shall have means of transporting children in cases of emergency.
b. The agency shall have a written plan for transportation of injured persons to emergency medical services.

L. Animals
1. Safety. The agency shall be responsible for the care and behavior of pets or any animals allowed or used in the program. Animals shall have had necessary rabies shots.
2. Insurance. The agency which requires or permits children to ride horses or other domesticated animals shall have specific coverage for such activities included in the agency's liability insurance.
3. Sanitation. A temporary, shelter, corral, tie-rail, or hitching post shall be located beyond 50 feet of an area where food is prepared, cooked, or served. Fly repellents and daily removal of manure shall be used to prevent such a location from becoming an attraction for or breeding place for flies.

Historical Note

Renumbered from R6-5-7308 and amended effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

APPENDIX 1

FACTOR	INDICIA OF A BEHAVIORAL HEALTH AGENCY	INDICIA OF A CHILD WELFARE AGENCY
1. Primary purpose	To provide mental health treatment	To provide a safe & healthy living environment
2. Accreditation	JCAHO; COA; CARF	COA; Never JCAHO for this specific facility seeking licensure
3. Nursing Services	Integrated into services	Occasional use
4. On-campus educational services	Primarily seriously emotionally disturbed (SED); occasional regular education	Primarily regular education & learning disabilities; occasional SED
5. Population served	Described as psychiatrically disordered; seriously emotionally disturbed; psychologically disturbed	Described as behavior disordered, delinquent, dependent, neglected, undersocialized
6. Self-description	Behavioral Health Program Psychiatric Facility Psychosocial orientation	Child Welfare Agency; Social Services Agency; Educational orientation; Re-education
7. Primary source of referrals	Psychologists; psychiatrists; Insurance companies; CHAMPUS; RBHA's	DES; Juvenile courts; Juvenile Corrections; RBHA's as transition or with wrap-around
8. Counseling, psychological, psychiatric services	Routinely provided to all clients	Provided only on an "as-needed" basis
9. Location of behavioral health services	Within the program	Usually in office of contracted practitioner
10. Behavioral health practitioners	Employees or contractors	Usually contracted services; may be contractor from another program or agency
11. Case work services	Social workers, if any, are only part of professional staff	Social workers are primary part of professional staff
12. Staff titles; direct care workers	Behavioral health technicians; psychiatric technicians; psychiatric nurses	House parents; child care workers; teaching parents

Historical Note

Appendix 1 adopted effective July 1, 1997; filed with the Secretary of State's Office May 15, 1997 (Supp. 97-2).

ARTICLE 75. APPEAL AND HEARING PROCEDURES FOR ADVERSE ACTION AGAINST FAMILY FOSTER HOMES, ADOPTION AGENCIES, FAMILY CHILD CARE HOME PROVIDERS, AND PERSONS LISTED ON THE CHILD CARE RESOURCE AND REFERRAL SYSTEM

R6-5-7501. Definitions

The following definitions apply in this Article.

1. "Adverse action" means:
   a. Denial, suspension, or revocation of a child care provider's certification, an adoption agency license, or a foster home license; and
   b. Exclusion from the child care resource and referral system described in A.R.S. § 41-1967.
2. "Administration" means the Department organizational unit responsible for taking adverse action which is the subject of an appeal. "Administration" includes the Division of Children, Youth, and Families and the Child Care Administration.
3. "Adoption agency" has the meaning ascribed to "agency" in A.R.S. § 8-101(2).
4. "Appeals Board" means the Department's independent, quasi-judicial, administrative appellate body, established under A.R.S. § 23-672, and authorized to review administrative decisions issued by hearing officers as prescribed in A.R.S. § 41-1992(D).
5. "Appellant" means a person who seeks a hearing with the Office of Appeals to challenge adverse action taken by the Department.
6. "Child Care Administration" means the administrative unit within the Department which is responsible for certification and supervision of family child care home providers and administration of the Child Care Resource and Referral System.
7. "Child Care Resource and Referral System," which is sometimes referred to as "CCR&R," means the child care provider information system which the Department administers under A.R.S. § 41-1967.
8. "Department" means the Arizona Department of Economic Security.
9. "Division of Children, Youth, and Families" means the administrative unit in the Department responsible for licensing foster homes and adoption agencies.
10. "Family child care home provider" has the meaning prescribed in R6-5-5201(29).
11. "Foster parent" has the meaning prescribed in A.R.S. § 8-501(A)(5).
12. "Hearing officer" means an individual appointed by the Department Director under A.R.S. § 41-1992(A) to conduct hearings when an appellant challenges adverse action.
13. "Licensee" means a person:
    a. Applying for a license as, or currently licensed as, a foster parent or an adoption agency;
    b. Applying for certification as, or certified as, a family child care home provider; or
    c. Listed on the Child Care Resource and Referral System.
14. "Office of Appeals" means the Department's independent, quasi-judicial, administrative hearing body which includes hearing officers appointed under A.R.S. § 41-1992(A).
15. "Person" means a natural person, partnership, joint venture, company, corporation, firm, association, society, or institution.

Historical Note
Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7502. Entitlement to a Hearing; Appealable Action

A. A licensee who disputes adverse action may obtain an administrative hearing to challenge the action as provided in this Article.

B. 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 clear a fingerprint check or criminal history check;
3. Imposition of noncompliance status as prescribed in R6-5-7035;
4. Imposition of a corrective action plan as prescribed in R6-5-5818;
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 as prescribed in A.R.S. § 8-509(D).

C. Findings made in a Child Protective Services ("CPS") investigation are not appealable under this Article. A person may appeal findings made in a CPS investigation of a licensee as prescribed in A.R.S. § 8-546.12.

Historical Note
Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7503. 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. A document mailed by the Department is deemed given to the addressee on the date mailed to the addressee's last known address. The mailing date is presumed to be the date shown on the document, unless the facts show otherwise.

Historical Note
Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7504. Request for Hearing: Form; Time Limits; Presumptions

A. Except as otherwise provided in R6-5-5010(A) and R6-5-5227, a person who wishes to appeal an adverse action shall file a written request for hearing with the Administration within 20 days of the date on the notice or letter advising the person of the adverse action. The Administration shall provide a form for this purpose, and, upon request, shall help an appellant fill out the form.

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

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

D. A request for hearing is deemed filed:
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 (D)(1).

E. The Department may determine that a document was timely filed if the sender of the document can demonstrate 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.

F. When the Office of Appeals receives a request for hearing that was not timely filed, the Office of Appeals shall schedule a hearing to determine whether the delay in submission is excused as provided in subsection (E).

G. An appellant whose appeal is denied as untimely may petition for review as provided in R6-5-7518.

Historical Note
Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7505. Administration: Transmittal of Appeal

An Administration that receives a request for appeal shall send the Office of Appeals a copy of the request and the adverse action notice within two work days of receipt of the request.

Historical Note
Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7506. Stay of Adverse Action Pending Appeal

A. The Department shall not carry out the adverse action until the time for appeal has run, except as otherwise provided in subsection (C), and in the following circumstances:
1. The appellant expressly waives the delay of action; or
2. The appellant
   a. Is subject to the same adverse action for reasons other than those that are the subject of the current adverse action notice, and
   b. Received notice of and failed to timely appeal the adverse action being imposed for reasons other than those that are the subject of the current notice.

B. If an appellant timely appeals an adverse action as provided in R6-5-7504, the Department shall not carry out the adverse action until a hearing officer issues a decision affirming the adverse action, except as otherwise provided in subsection (C), and in the following circumstances:
1. The appellant expressly waives the delay of action;
2. The appellant
   a. Is subject to the same adverse action for reasons other than those that are the subject of the current adverse action notice; and
   b. Received notice of and failed to timely appeal the adverse action being imposed for reasons other than those that are the subject of the current notice;
3. The appeal challenges an action that is not appealable according to R6-5-7502(B);
4. The appellant withdraws the request for hearing; or
5. The appellant fails to appear for the hearing.

C. The Department may summarily suspend a license, a certificate, or registration on the CCR & R, as provided in A.R.S. § 41-1064(C).

Historical Note
Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7507. Hearings: Location; Notice; Time

A. The Office of Appeals shall schedule the hearing. The Office of Appeals may schedule a telephonic hearing or permit a witness to appear telephonically.

B. Unless the parties stipulate to another hearing date, the Office of Appeals shall schedule the hearing as follows:
1. For appeals of adverse action against a foster parent, within 10 days of the date the Department receives the appellant's request for hearing, as required by A.R.S. § 8-506; and
2. For all other appeals, no earlier than 20 days from the date the Department receives the appellant's request for hearing.

C. The Office of Appeals shall mail a notice of hearing to all interested parties at least 20 days before the scheduled hearing date, except where the hearing is scheduled within the 10-day period specified in subsection (B)(1). For hearings scheduled within the 10-day period, the Office of Appeals shall notify the parties telephonically and send written notice at the earliest date practicable.

D. The notice of hearing shall be in writing and shall include the following information:
1. The date, time, and place of the hearing;
2. The name of the hearing officer;
3. A general statement of the issues involved in the case;
4. A statement listing the parties' rights, as specified in R6-5-7511; and
5. A general statement of the hearing procedures.

Historical Note
Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7508. Rescheduling the Hearing

A. An appellant may ask for postponement of a hearing by calling or writing the Office of Appeals and providing good cause as to why the hearing should be postponed. Good cause exists where circumstances beyond the appellant's reasonable control make it difficult or burdensome for the appellant to attend the hearing on the scheduled date.

B. Except in emergency circumstances, the appellant shall ensure that the Office of Appeals receives the request for postponement at least five work days before the scheduled hearing date. The Office of Appeals may deny an untimely request. Emergency circumstances mean circumstances
1. Beyond the reasonable control of the party;
2. Which did not arise until after the five-day period; and
3. Which could not reasonably have been anticipated.

C. When the Office of Appeals reschedules a hearing under this Section or R6-5-7514, the Office of Appeals shall notify all interested parties, in writing, prior to the hearing. The 20-day notice requirement in R6-5-7507(C) does not apply to rescheduled hearings.

Historical Note
Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7509. Hearing Officer: Duties and Qualifications

A. An impartial hearing officer in the Office of Appeals shall conduct all hearings.

B. The hearing officer shall:
1. Administer oaths and affirmations;

2. Regulate and conduct hearings in an orderly and dignified manner that avoids unnecessary repetition and affords due process to all participants;
3. Ensure that all relevant issues are considered;
4. Exclude irrelevant evidence from the record;
5. Request, receive, and incorporate into the record, relevant evidence;
6. Upon compliance with the requirements of R6-5-7511, subpoena witnesses or documents needed for the hearing;
7. Open, conduct, and close the hearing;
8. Rule on the admissibility of evidence offered at the hearing;
9. Direct the order of proof at the hearing;
10. Upon the request of a party, or on the hearing officer's own motion, and for good cause shown, take action the hearing officer deems necessary for the proper disposition of an appeal, including the following:
    a. Disqualify himself or herself from the case;
    b. Continue the hearing to a future date or time;
    c. Prior to the entry of a final decision, reopen the hearing to take additional evidence;
    d. Deny or dismiss an appeal or request for hearing in accordance with the provisions of this Article; and
    e. Exclude non-party witnesses from the hearing room; and
11. Issue a written decision resolving the appeal.

Historical Note
Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7510. Change of Hearing Officer; Challenges for Cause

A. A party may request a change of hearing officer as prescribed in A.R.S. § 41-1992(B) by filing an affidavit which shall include:
1. The case name and number;
2. The hearing officer assigned to the case; and
3. The name and signature of the party requesting the change.

B. The party requesting the change shall file the affidavit with the Office of Appeals and send a copy to all other parties at least five days before the scheduled hearing date.

C. Unless a party is challenging a hearing officer for cause as provided in subsection (D), a party may request only one change of hearing officer.

D. At any time before a hearing officer renders a decision, a party may challenge a hearing officer on the grounds that the hearing officer is not impartial or disinterested in the case.

E. A party who brings a challenge for cause shall file a request as provided in subsection (A) and send a copy of the request to all other parties. The request shall explain the reason why the assigned hearing officer is not impartial or disinterested.

F. The hearing officer being challenged for cause may hear and decide the challenge unless:
1. A party specifically requests that another hearing officer make the determination, or
2. The assigned hearing officer disqualifies himself or herself from the decision.

G. The Office of Appeals shall transfer the case to another hearing officer when:
1. A party requests a change as provided in subsections (A) through (C), or
2. A hearing officer is removed for cause as provided in subsections (D) through (F).

H. The Office of Appeals shall send the parties written notice of the new hearing officer assignment.

Historical Note
Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7511. 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. Department documents are available to the appellant as prescribed in R6-5-7512(2).

B. If the party cannot procure the voluntary attendance of the witness or production of the evidence, the party may ask the hearing officer assigned to the case to issue a subpoena for a witness, document, or other physical evidence.

C. The party seeking the subpoena shall send the hearing officer a written request for a subpoena. The request shall include:
1. The case name and number;
2. The name of the party requesting the subpoena;
3. The name and address of any person to be subpoenaed, with a description of the subject matter of the witness's anticipated testimony;
4. A description of any documents or physical evidence to be subpoenaed, including the title, appearance, and location of the item, and the name and address of the person in possession of the item; and
5. A description of the party's efforts to obtain the witness or evidence by voluntary means.

D. A party who wants a subpoena shall ask for the subpoena at least five days before the scheduled hearing date.

E. The hearing officer shall deny the request if the witness's testimony or the physical evidence is not relevant to an issue in the case or is cumulative.

F. The Office of Appeals shall prepare all subpoenas and serve them by certified mail, return receipt requested, except that the Office of Appeals may serve subpoenas to state employees who are appearing in the course of their state employment, by regular mail, hand-delivery, or state courier service.

Historical Note
Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7512. Parties' Rights

A party to a hearing has the following rights:
1. The right to request a postponement of the hearing, as provided in this Article;
2. The right to copy, before or during the hearing, any documents in the Department's file on the appellant, and documents the Department may use at the hearing, except documents shielded by the attorney-client or work-product privilege, or as otherwise prohibited by federal or state confidentiality laws;
3. The right to request a change of hearing officer as provided in A.R.S. § 41-1992(B) and R6-5-7510;
4. The right to request subpoenas for witnesses and evidence as provided in R6-5-7511;
5. The right to present the case in person or through an authorized representative, subject to any limitations prescribed in the Rules of the Supreme Court of Arizona, Rule 31(a);
6. The right to present evidence and to cross-examine witnesses; and
7. The right to further appeal, as provided in R6-5-7518 and R6-5-7520, if dissatisfied with an Office of Appeals' decision.

Historical Note
Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7513. 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 with-

drawal form available for this purpose. An appellant may also orally withdraw an appeal on the open record.

B. Upon receipt of a withdrawal request signed by the appellant or the appellant's representative, or a statement of withdrawal made on the record, the Office of Appeals shall dismiss the appeal.

Historical Note
Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7514. Failure to Appear; Default; Reopening

A. If an appellant fails to appear at the scheduled hearing, the hearing officer shall:
1. Enter a default and issue a decision dismissing the appeal, except as provided in subsection (B);
2. Rule summarily on the available record; or
3. Adjourn the hearing to a later date and time.

B. The hearing officer shall not enter a default if the appellant notifies the Office of Appeals, before the scheduled time of hearing, that the appellant cannot attend the hearing, due to good cause, and still desires a hearing or wishes to have the matter considered on the available record.

C. No later than 10 days after a scheduled hearing date at which a party failed to appear, the non-appearing party may file a request to reopen the proceedings. The request shall be in writing and shall demonstrate good cause for the party's failure to appear.

D. The hearing officer may decide the issue of good cause on the available record or may set the matter for briefing or for hearing.

E. If the hearing officer finds that the party had good cause for non-appearance, the hearing officer shall reopen the proceedings and schedule a de novo hearing with notice to all interested parties as prescribed in R6-5-7508(C).

F. Good cause exists where the non-appearing party demonstrates excusable neglect for both the failure to appear and the failure to timely notify the hearing officer. "Excusable neglect" has the meaning applied to "excusable neglect" as that term is used in Arizona Rules of Civil Procedure, Rule 60(c).

Historical Note
Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7515. Hearing Proceedings

A. The hearing is a de novo proceeding. The Department has the initial burden of going forward with evidence to support the adverse action being appealed.

B. To prevail, the appellant shall prove, by a preponderance of the evidence, that the Department's action was unauthorized, unlawful, or an abuse of discretion.

C. The Arizona Rules of Evidence do not apply at the hearing. The hearing officer may admit and give probative effect to evidence as prescribed in A.R.S. § 23-674(D).

D. The Office of Appeals shall tape record all hearings or record the hearing by other stenographic means. The Department need not transcribe the proceedings unless a transcription is required for further administrative or judicial proceedings.

E. The Office of Appeals charges a fee of 15¢ per page for providing a transcript. A party may obtain a waiver of the fee by submitting an affidavit stating that the party cannot afford to pay for the transcript.

F. A party may, at his or her own expense, arrange to have a court reporter present to transcribe the hearing.

G. The hearing officer shall call the hearing to order and dispose of any pre-hearing motions or issues.

H. With the consent of the hearing officer, the parties may stipulate to factual findings or legal conclusions.

I. Upon request and with the consent of the hearing officer, a party may make opening and closing statements. The hearing officer shall consider any statements as argument and not evidence. Unless the hearing officer allows a longer period of time, a statement shall not exceed three minutes.

J. A party may testify, present evidence, and cross-examine adverse witnesses. The hearing officer may also take witness testimony or admit documentary or physical evidence on his or her own motion.

K. The hearing officer shall keep a complete record of all proceedings in connection with an appeal and shall exclude any irrelevant evidence.

L. The hearing officer may require the parties to submit memoranda on issues in the case if the hearing officer finds that the memoranda would assist the hearing officer in deciding the case. The hearing officer shall establish a briefing schedule for any required memoranda.

Historical Note
Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7516. Hearing Decision

A. No later than 60 days after the date the appellant files a request for hearing with the Department, the hearing officer shall render a decision based solely on the evidence and testimony produced at the hearing, and the applicable law. The 60-day time limit is extended for any delay caused by the appellant.

B. The hearing decision shall include:
1. Findings of fact concerning the issue on appeal;
2. Citations to the law and authority applicable to the issue on appeal;
3. A statement of the conclusions derived from the controlling facts and law, and the reasons for the conclusions;
4. The name of the hearing officer;
5. The date of the decision; and
6. A statement of further appeal rights and the time period for exercising those rights.

C. The Office of Appeals shall mail a copy of the decision to each party's representative, or to the party if the party is unrepresented.

Historical Note
Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7517. Effect of the Decision

A. If the hearing officer affirms the adverse action against the appellant, the adverse action is effective on the mailing date of the hearing officer's decision. The adverse action remains effective until the appellant appeals and obtains a higher administrative or judicial decision reversing or vacating the hearing officer's decision.

B. If the hearing officer reverses the Administration's decision to take adverse action, the Administration shall not take the action unless and until the Appeals Board or Arizona Court of Appeals issues a decision affirming the adverse action.

Historical Note
Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7518. Further Administrative Appeal

A. A party may appeal an adverse decision issued by a hearing officer to the Department's Appeals Board, as prescribed in A.R.S. § 41-1992(C) and (D), by filing a written petition for review with the Office of Appeals within 15 days of the mailing date of the hearing officer's decision.

B. The petition for review shall:
1. Be in writing,
2. Describe why the party disagrees with the hearing officer's decision, and
3. Be signed and dated by the party or the party's representative.

C. The party petitioning for review shall mail a copy of the petition to all other parties.

D. The Office of Appeals shall have the proceedings of the hearing below transcribed for the Appeals Board.

Historical Note
Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7519. Appeals Board

A. The Appeals Board shall conduct proceedings in accordance with A.R.S. § 41-1992(D) and A.R.S. § 23-672.

B. Following notice to the parties, the Appeals Board may receive additional evidence or hold a hearing if the Appeals Board finds that additional information would help in deciding the appeal. The Board may also remand the case to the Office of Appeals for rehearing, specifying the nature of the additional evidence required, or any further issues to be considered.

C. The Appeals Board shall decide the appeal based solely on the record of proceedings before the hearing officer and any further evidence or testimony presented to the Board.

D. The Appeals Board shall issue, and mail to all parties, a final written decision affirming, reversing, setting aside, or modifying the hearing officer's decision. The Board's decision shall specify the parties' rights to further review and the time for filing a request for review.

Historical Note
Adopted effective June 4, 1998 (Supp. 98-2).

R6-5-7520. Judicial Review

Any party adversely affected by an Appeals Board decision may seek judicial review as prescribed in A.R.S. § 41-1993.

Historical Note
Adopted effective June 4, 1998 (Supp. 98-2).

ARTICLE 76. REPEALED

R6-5-7601. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7602. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7603. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7604. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).

R6-5-7605. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7606. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7607. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7608. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7609. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7610. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7611. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7612. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7613. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7614. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7615. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7616. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7617. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7618. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7619. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7620. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7621. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7622. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7623. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7624. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7625. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7626. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7627. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7628. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7629. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7630. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7631. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7632. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7633. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7634. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7635. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7636. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7637. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7638. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-7639. Repealed

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).
Repealed effective December 17, 1993 (Supp. 93-4).

ARTICLE 77. REPEALED

Former Article 77 consisting of Sections R6-5-7701 through R6-5-7704 repealed effective November 8, 1982.

ARTICLE 78. REPEALED

Former Article 78 consisting of Sections R6-5-7801 through R6-5-7804 repealed effective November 8, 1982.

ARTICLE 79. REPEALED

Former Article 79 consisting of Sections R6-5-7901 through R6-5-7913 repealed effective November 8, 1982.

ARTICLE 80. INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

R6-5-8001. Goals
Interstate services to children are provided to:

1. Achieve or maintain self-sufficiency including reduction or prevention of dependency.
2. Prevent or remedy abuse, neglect or exploitation of children, or preserve, rehabilitate or reunite families.
3. Prevent or reduce inappropriate institutional care.
4. Secure appropriate institutional care.

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).

R6-5-8002. Objectives
Purpose of the Interstate Compact on the Placement of Children is to:

1. Promote cooperation of the member states in the interstate placement of children.

2. Establish procedures for the placement of children between member states.
3. Assure that the jurisdictional arrangements are made for the care of children who are placed across state lines.
4. Allocate legal and administrative responsibility during the period of an interstate placement.

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).

R6-5-8003. Authority
A.R.S. §§ 8-503(6) and 8-548 through 8-548.06.

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).

R6-5-8004. Definitions
A. "Child." Any person under the age of 18.
B. "Compact." The Interstate Compact on the Placement of Children.
C. "Compact administrator." The Department employee who shall be general coordinator of activities under the compact in the state's jurisdiction and who, acting jointly with like officers of other party jurisdictions, shall have power to promulgate rules and regulations to carry out more effectively the terms and provisions of the compact.
D. "Compact state." A state which is a member of the Interstate Compact on the Placement of Children.
E. "Department." The Arizona State Department of Economic Security.
F. "Interstate placement." Any movement of a child from one state to another state for the purpose of establishing a suitable living environment and providing necessary care.
G. "Intra-state placement." The placement of a child within the state by an agency of that state.
H. "Placement." The arrangement for the care of a child in a foster home, relative home or adoptive home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic, or any institution primarily educational in character or any hospital or other medical facility.
I. "Receiving state." The state to which a child is sent, brought or caused to be sent or brought, whether by public authorities or private person or agencies and whether for placement with state or local public authorities or for placement with private agencies or persons.
J. "Sending agency"
1. A compact member state, officer or employee thereof,
2. A subdivision of a member state, officer or employee thereof,
3. A court of a member state, or,
4. A person, corporation, association, charitable agency or other entity which sends, brings or causes to be sent or brought any child to another member state.

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).

R6-5-8005. Placement agreement
A. Prior to sending, bringing or causing any child to be sent or brought into a receiving state for placement in foster care or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring, or place the child in the receiving state.
B. No person, court or public or private agency in a compact shall place a child in another compact state until the Compact Administrator in the receiving state has notified the Compact Administrator in the sending state on a prescribed form that such placement does not appear to be contrary to the interests of the child and does not violate any applicable laws of the receiving state.

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).

R6-5-8006. Financial responsibility
The sending person, court or public or private agency shall be held financially responsible for:
1. Sending the child to the receiving state.
2. Returning the child if such should be required by the receiving state.
3. Support, care, maintenance and treatment of the child during the period of placement.

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).

R6-5-8007. Eligibility
A. Interstate Compact statute applies:
1. To the placement of children in another compact state by an agency, court or person which has care or custody of the children.
2. To the placement of foreign-born children who are brought under the jurisdiction of a compact state by an international child placing agency.

B. Interstate Compact statute does not apply:
1. When a child is sent or brought into a receiving state by his parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or his guardian and is left with any such relative or non-agency guardian in the receiving state.
2. When a child is placed in an institution caring for the mentally ill, mentally defective or epileptic or in any institution primarily educational in character or in any hospital or other medical facility.
3. When a child is placed in a receiving state under the provisions of any other interstate compact to which both the sending and the receiving states are parties or any other agreement between the states which has the force of law.
4. To the placement of children into and out of the United States when the other jurisdiction involved is a foreign country.

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).

R6-5-8008. Placement approval
Approval must be obtained from the Compact Administrators in both the sending and receiving states prior to the placement of a child in another compact member state.

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).

R6-5-8009. Case management
A. Records and reports. Records shall be established and maintained and reports shall be submitted as prescribed by the Department.
B. Confidentiality. The rules and regulations of the Department for securing and using confidential information concerning the client will be followed. Refer to Title 6, Chapter 5, Article 23 (Safeguarding of Records and Information).
C. Civil rights. Refer to Title 6, Chapter 5, Article 26 (Civil Rights).

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).

R6-5-8010. Terminating the service
The sending agency shall retain jurisdiction over a child placed in another state until responsibility for the child is discharged with the concurrence of the authority in the receiving state.

Historical Note
Adopted effective September 16, 1976 (Supp. 76-4).

ARTICLE 81. REPEALED

Former Article 81 consisting of Sections R6-5-8101 through R6-5-8104 repealed effective November 8, 1982.

ARTICLE 82. REPEALED

Former Article 82 consisting of Sections R6-5-8201 through R6-5-8204 repealed effective November 8, 1982.

ARTICLE 83. REPEALED

R6-5-8301. Repealed

Historical Note
Adopted effective January 18, 1977 (Supp. 77-1).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-8302. Repealed

Historical Note
Adopted effective January 18, 1977 (Supp. 77-1).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-8303. Repealed

Historical Note
Adopted effective January 18, 1977 (Supp. 77-1).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-8304. Repealed

Historical Note
Adopted effective January 18, 1977 (Supp. 77-1).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-8305. Repealed

Historical Note
Adopted effective January 18, 1977 (Supp. 77-1).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-8306. Repealed

Historical Note
Adopted effective January 18, 1977 (Supp. 77-1).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-35-8307. Repealed

Historical Note
Adopted effective January 18, 1977 (Supp. 77-1).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-8308. Repealed

Historical Note
Adopted effective January 18, 1977 (Supp. 77-1).
Repealed effective December 17, 1993 (Supp. 93-4).

ARTICLE 84. REPEALED

Former Article 84 consisting of Sections R6-5-8401 through R6-5-8404 repealed effective November 8, 1982.

ARTICLE 85. REPEALED

Former Article 85 consisting of Sections R6-5-8501 through R6-5-8508 repealed effective November 8, 1982.

ARTICLE 86. REPEALED

R6-5-8601. Repealed

Historical Note
Adopted effective February 24, 1977 (Supp. 77-1).
Former Section R6-5-8601 repealed, new Section R6-5-8601 adopted effective March 8, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-8602. Repealed

Historical Note
Adopted effective February 24, 1977 (Supp. 77-1).
Former Section R6-5-8602 repealed, new Section R6-5-8602 adopted effective March 8, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-8603. Repealed

Historical Note
Adopted effective February 24, 1977 (Supp. 77-1).
Former Section R6-5-8603 repealed, new Section R6-5-8603 adopted effective March 8, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-8604. Repealed

Historical Note
Adopted effective February 24, 1977 (Supp. 77-1).
Former Section R6-5-8604 repealed, new Section R6-5-8604 adopted effective March 8, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

ARTICLE 87. REPEALED

R6-5-8701. Repealed

Historical Note
Adopted effective March 9, 1979 (Supp. 79-2). Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-8702. Repealed

Historical Note
Adopted effective March 9, 1979 (Supp. 79-2). Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-8703. Repealed

Historical Note
Adopted effective March 9, 1979 (Supp. 79-2). Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-8704. Repealed

Historical Note
Adopted effective March 9, 1979 (Supp. 79-2). Repealed effective December 17, 1993 (Supp. 93-4).

ARTICLE 88. REPEALED

Former Article 88 consisting of Sections R6-5-8801 through R6-5-8804 repealed effective November 8, 1982.

ARTICLE 89. RESERVED

ARTICLE 90. RESERVED

ARTICLE 91. REPEALED

R6-5-9101. Repealed

Historical Note
Adopted effective March 12, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-9102. Repealed

Historical Note
Adopted effective March 12, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-9103. Repealed

Historical Note
Adopted effective March 12, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-9104. Repealed

Historical Note
Adopted effective March 12, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

ARTICLE 92. REPEALED

R6-5-9201. Repealed

Historical Note
Adopted effective March 12, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-9202. Repealed

Historical Note
Adopted effective March 12, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-9203. Repealed

Historical Note
Adopted effective March 12, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-9204. Repealed

Historical Note
Adopted effective March 12, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

ARTICLE 93. REPEALED

Former Article 93 consisting of Sections R6-5-9301 through R6-5-9304 repealed effective November 8, 1982.

ARTICLE 94. REPEALED

Former Article 94 consisting of Sections R6-5-9401 through R6-5-9404 repealed effective November 8, 1982.

ARTICLE 95. REPEALED

Former Article 95 consisting of Sections R6-5-9501 through R6-5-9504 repealed effective November 8, 1982.

ARTICLE 96. REPEALED

Former Article 96 consisting of Sections R6-5-9601 through R6-5-9604 repealed effective November 8, 1982.

ARTICLE 97. REPEALED

Former Article 97 consisting of Sections R6-5-9701 through R6-5-9704 repealed effective November 8, 1982.

ARTICLE 98. REPEALED

Former Article 98 consisting of Sections R6-5-9801 through R6-5-9804 repealed effective November 8, 1982.

ARTICLE 99. REPEALED

Former Article 99 consisting of Sections R6-5-9901 through R6-5-9904 repealed effective November 8, 1982.

ARTICLE 100. REPEALED

Former Article 100 consisting of Sections R6-5-10001 through R6-5-10004 repealed effective November 8, 1982.

ARTICLE 101. REPEALED

Former Article 101 consisting of Sections R6-5-10101 through R6-5-10104 repealed effective November 8, 1982.

ARTICLE 102. REPEALED

Former Article 102 consisting of Sections R6-5-10201 through R6-5-10204 repealed effective November 8, 1982.

ARTICLE 103. REPEALED

Former Article 103 consisting of Sections R6-5-10301 through R6-5-10304 repealed effective November 8, 1982.

ARTICLE 104. REPEALED

R6-5-10401. Repealed

Historical Note
Adopted effective March 19, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-10402. Repealed

Historical Note
Adopted effective March 19, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-10403. Repealed

Historical Note
Adopted effective March 19, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-10404. Repealed

Historical Note
Adopted effective March 19, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

ARTICLE 105. REPEALED

R6-5-10501. Repealed

Historical Note
Adopted effective March 12, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-10502. Repealed

Historical Note
Adopted effective March 12, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-10503. Repealed

Historical Note
Adopted effective March 12, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

R6-5-10504. Repealed

Historical Note
Adopted effective March 12, 1979 (Supp. 79-2).
Repealed effective December 17, 1993 (Supp. 93-4).

ARTICLE 106. REPEALED

Former Article 106 consisting of Sections R6-5-10601 through R6-5-10604 repealed effective November 8, 1982.

ARTICLE 107. REPEALED

Former Article 107 consisting of Sections R6-5-10701 through R6-5-10704 repealed effective November 8, 1982.

ARTICLE 108. REPEALED

Former Article 108 consisting of Sections R6-5-10801 through R6-5-10804 repealed effective November 8, 1982.

ARTICLE 109. REPEALED

Former Article 109 consisting of Sections R6-5-10901 through R6-5-10904 repealed effective November 8, 1982.

ARTICLE 110. REPEALED

Former Article 110 consisting of Sections R6-5-11001 through R6-5-11004 repealed effective November 8, 1982.