

COMMITTEE ON HEALTH & HUMAN SERVICES  
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2378  
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

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

4 8-112. Social studies; requirements

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

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

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

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

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

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

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

23 6. A state and federal criminal records check of the prospective  
24 adoptive parent and each adult who is living permanently with the  
25 prospective adoptive parent except a birth or legal parent with custody of

1 the child. A valid fingerprint clearance card **THAT IS ISSUED** pursuant to  
2 section 41-1758.07 satisfies this requirement. The court may order an  
3 additional state and federal criminal records check for good cause.

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

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

9 C. The social study conducted pursuant to subsection A of this  
10 section is part of the case file and shall contain a definite  
11 recommendation for or against the proposed adoption and the reasons for  
12 that recommendation.

13 D. The social study conducted pursuant to subsection A of this  
14 section shall consist only of the results of the state and federal criminal  
15 records check and the central registry records check conducted pursuant to  
16 subsection B of this section if ~~either~~ **ANY** of the following is true:

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

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

25 **3. THE CHILD IS FREE FOR ADOPTION AND A WARD OF THE COURT, IS AT**  
26 **LEAST SIXTEEN YEARS OF AGE, CONSENTS TO THE ADOPTION AND HAS BEEN PLACED BY**  
27 **THE DEPARTMENT WITH AND LIVED WITH THE PROSPECTIVE ADOPTIVE PARENT FOR AT**  
28 **LEAST SIX MONTHS.**

29 E. If the child being considered for adoption has resided with the  
30 prospective adoptive parent for at least six months and the prospective  
31 adoptive parent either has adopted a child or was appointed the permanent  
32 guardian of the child within three years preceding the current application,  
33 or is a foster parent who is licensed by this state, the social study

1 conducted pursuant to subsection A of this section may consist only of the  
2 following:

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

5 2. A review of any material changes in circumstances that have  
6 occurred since the previous adoption, permanent guardianship or license  
7 renewal that affect the prospective adoptive parent's ability to adopt the  
8 child or for the child to be placed in the prospective adoptive parent's  
9 home.

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

11 8-113. Removal from home; expedited hearings; probationary  
12 period; rights and responsibilities; visitation  
13 limitations

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

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

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

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

27 1. Within sixty days if the child has resided in the home of the  
28 prospective adoptive parent or parents for at least one year immediately  
29 preceding the filing of the petition for adoption. If the prospective  
30 adoptive parent is the stepparent of the child, this requirement applies  
31 only if the stepparent has been married to the birth or legal parent of the  
32 child for at least one year.

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

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

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

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

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

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

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

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

27           3. THE CHILD IS FREE FOR ADOPTION AND A WARD OF THE COURT, IS AT  
28 LEAST SIXTEEN YEARS OF AGE, CONSENTS TO THE ADOPTION AND HAS BEEN PLACED BY  
29 THE DEPARTMENT WITH AND LIVED WITH THE PROSPECTIVE ADOPTIVE PARENT FOR AT  
30 LEAST SIX MONTHS.

31           ~~3.~~ 4. The court finds other compelling reasons relating to the  
32 special needs and welfare of the child to expedite the hearing.

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

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

6 2. The right to consent to necessary medical procedures for the  
7 child.

8 3. The right to consent to participation in social and athletic  
9 activities for the child.

10 4. The responsibility to provide proper care and support for the  
11 child in addition to that already provided by the placing agency or  
12 division.

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

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

19 7. On request, the right to notification from the agency or the  
20 division of an appeal of the termination of the birth parent's parental  
21 rights.

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

24 8-514.08. Educational decisions; parental notification;  
25 failure to participate

26 A. THE DEPARTMENT SHALL NOTIFY A BIOLOGICAL OR ADOPTIVE PARENT WHOSE  
27 CHILD IS IN THE CUSTODY OF THE DEPARTMENT AND WHOSE PARENTAL RIGHTS HAVE  
28 NOT BEEN TERMINATED OF ANY MEETING INVOLVING EDUCATIONAL DECISIONS  
29 CONCERNING THE CHILD, UNLESS A COURT HAS ORDERED OTHERWISE.

30 B. IF THE BIOLOGICAL OR ADOPTIVE PARENTS OF A CHILD DO NOT ATTEMPT  
31 TO PARTICIPATE IN EDUCATIONAL DECISIONS, A FOSTER PARENT OR KINSHIP CARE  
32 PARENT AUTHORIZED BY THE DEPARTMENT MAY MAKE EDUCATIONAL DECISIONS  
33 CONCERNING THE CHILD.

1           Sec. 4. Section 8-807.01, Arizona Revised Statutes, is amended to  
2 read:

3           8-807.01. Incidents involving fatality or near fatality;  
4                           definition

5           A. The department shall promptly provide DCS information to the  
6 public regarding a case of child abuse, abandonment or neglect that has  
7 resulted in a fatality or near fatality as follows:

8           1. The department shall provide preliminary information including at  
9 a minimum:

10           (a) In the case of a fatality, the name of the child who has died.

11           (b) The age, gender, county and general location of the residence of  
12 the child who has suffered a fatality or a near fatality.

13           (c) The fact that a child suffered a fatality or near fatality as  
14 the result of abuse, abandonment or neglect.

15           (d) The name, age and city, town or general location of the  
16 residence of the alleged perpetrator, if available, unless the disclosure  
17 would violate the privacy of victims of crime pursuant to article II,  
18 section 2.1, Constitution of Arizona.

19           (e) Whether there have been reports, or any current or past cases,  
20 of abuse, abandonment or neglect involving the child or the alleged  
21 perpetrator.

22           (f) Actions taken by the department in response to the fatality or  
23 near fatality of the child.

24           (g) A detailed synopsis of prior reports or cases of abuse,  
25 abandonment or neglect involving the child or the alleged perpetrator and  
26 of the actions taken or determinations made by the department in response  
27 to these reports or cases.

28           2. On request by any person, the department shall promptly provide  
29 additional DCS information to the requestor in a case of child abuse,  
30 abandonment or neglect that has resulted in a fatality or a near fatality.  
31 Before releasing additional DCS information, the department shall promptly  
32 notify the county attorney of any decision to release that information, and  
33 the county attorney shall promptly inform the department if it believes the

1 release would cause a specific, material harm to a criminal investigation  
2 or prosecution. After consulting with the county attorney, pursuant to  
3 paragraph 3 of this subsection, the department shall produce to the  
4 requestor as much additional DCS information as promptly as possible about  
5 a case of child abuse, abandonment or neglect that resulted in a fatality  
6 or near fatality.

7 3. On request, the department shall continue to provide DCS  
8 information promptly to the public about a fatality or near fatality  
9 unless:

10 (a) After consultation with the county attorney, the county attorney  
11 demonstrates that release of particular DCS information would cause a  
12 specific, material harm to a criminal investigation or prosecution.

13 (b) The release would violate section 8-807, subsection A or L or  
14 the privacy of victims of crime pursuant to article II, section 2.1,  
15 Constitution of Arizona.

16 4. If any person believes that the county attorney has failed to  
17 demonstrate that release would cause a specific, material harm to a  
18 criminal investigation or prosecution, that person may file an action in  
19 superior court pursuant to title 39, chapter 1, article 2 and section  
20 8-807, subsection J and request the court to review the DCS information in  
21 camera to determine if disclosure should be ordered.

22 5. Within ninety days after the date of the DCS report for a case  
23 involving a fatality or a near fatality, the department shall provide to  
24 the public a summary report that:

25 (a) May include any actions taken by the department in response to  
26 the case, any changes in policies or practices that have been made to  
27 address any issues raised in the review of the case and any recommendations  
28 for further changes in policies, practices, rules or statutes to address  
29 those issues.

30 (b) Shall include the information prescribed in subsection B of this  
31 section if the child was residing in the child's home and in subsection C  
32 of this section if the child was placed in an out-of-home placement.

1           B. If the summary report prescribed in subsection A, paragraph 5 of  
2 this section involves a child who was residing in the child's home, the  
3 summary report shall contain a summary of all of the following:

4           1. Whether services pursuant to this chapter were being provided to  
5 the child, a member of the child's family or the person suspected of the  
6 abuse or neglect at the time of the incident and the date of the last  
7 contact before the incident between the entity providing the services and  
8 the person receiving the services.

9           2. Whether the child, a member of the child's family or the person  
10 suspected of the abuse or neglect was the subject of a DCS report at the  
11 time of the incident.

12           3. All involvement of the child's parents and of the person  
13 suspected of the abuse or neglect in a situation for which a DCS report was  
14 made or in services provided pursuant to this chapter in the five years  
15 preceding the incident involving a fatality or a near fatality.

16           4. Any investigation pursuant to a DCS report concerning the child,  
17 a member of the child's family or the person suspected of the abuse or  
18 neglect or services provided to the child or the child's family since the  
19 date of the incident involving a fatality or a near fatality.

20           5. WHETHER THE CHILD WAS REPORTED SUBSTANCE EXPOSED PURSUANT TO  
21 SECTION 13-3620.

22           C. If the summary report prescribed in subsection A, paragraph 5 of  
23 this section involves a child who was in out-of-home placement, the summary  
24 report shall include the name of any agency the licensee was licensed by,  
25 the licensing history of the out-of-home placement, including the type of  
26 license held by the operator of the placement, the period for which the  
27 placement has been licensed and a summary of all violations by the licensee  
28 and any other actions by the licensee or an employee of the licensee that  
29 constitute a substantial failure to protect and promote the health, safety  
30 and welfare of a child.

31           D. For the purposes of this section, "near fatality" means an act  
32 that, as certified by a physician, including the child's treating  
33 physician, places a child in serious or critical condition.



1           Sec. 5. Section 8-810, Arizona Revised Statutes, is amended to read:

2           8-810. Missing children; notification; entry into databases

3           A. If the department receives a report made pursuant to section  
4           13-3620 or receives information during the course of providing services  
5           that indicates a child is at risk of serious harm ~~and~~ OR the child's  
6           location is unknown, the department shall notify the appropriate law  
7           enforcement agency and provide the information required to make the record  
8           entry into the Arizona crime information center and the national crime  
9           information center missing person databases. This includes information  
10          about the child and child's parent, guardian, ~~OR~~ OR custodian or A person of  
11          interest.

12          B. The appropriate law enforcement agency shall immediately enter  
13          the information provided by the department pursuant to subsection A of this  
14          section into the Arizona crime information center and the national crime  
15          information center missing person databases.

16          C. THE DEPARTMENT MAY NOT PETITION FOR THE DISMISSAL OF A DEPENDENCY  
17          ACTION CONCERNING A CHILD WHOSE LOCATION IS UNKNOWN BEFORE THE CHILD  
18          BECOMES EIGHTEEN YEARS OF AGE."

19 Amend title to conform

And, as so amended, it do pass

NANCY K. BARTO  
CHAIRMAN

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