



ARIZONA STATE SENATE
Fifty-Sixth Legislature, First Regular Session

AMENDED
FACT SHEET FOR H.B. 2213

TPT; exemption; utilities; residential customers
(NOW: case management; remote access; requirements)

Purpose

Requires the Department of Child Safety (DCS) to provide the Arizona Supreme Court, the Auditor General and the Office of the Ombudsman-Citizens Aide (Ombudsman) with direct remote access to all automated case management systems that are used by DCS.

Background

Current statute requires DCS information to be maintained by DCS as required by federal law as a condition of the allocation of federal monies to Arizona. DCS, or a person who receives DCS information must provide DCS information to a federal agency, a state agency, a tribal agency, a law enforcement agency, a prosecutor, an attorney or a guardian ad litem representing a child victim of crime, a school, a community service provider, a contact service provider or any other person that is providing services related to DCS. DCS must disclose DCS information to a court, a party in a dependency or termination of parental rights proceeding or the party's attorney, the foster care review board or a court appointed special advocate for statutorily outlined purposes ([A.R.S. § 8-807](#)).

To provide oversight of DCS, DCS must provide access to DCS information to the following persons if the DCS information is reasonably necessary for the person to perform the person's official duties: 1) federal or state auditors; 2) persons conducting any accreditation deemed necessary by DCS; 3) a standing committee of the Legislature or a committee appointed by the President of the Senate or the Speaker of the House of Representatives for the purposes of conducting investigations related to legislative oversight of DCS; 4) a legislator who requests DCS information in the regular course of the legislator's duties; 5) a citizen review panel, child fatality review team and the Ombudsman; 6) an independent oversight committee on persons with developmental disabilities; and 7) the Governor ([A.R.S. § 8-807](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires DCS to provide, to the Arizona Supreme Court, direct remote access to all automated case management systems that are used by DCS for the Arizona Supreme Court to use in assisting a local foster care review board in performing the boards duties.
2. Requires DCS, if information is not available through the DCS automated case management systems, to provide the Arizona Supreme Court with a hard copy of all records kept by DCS

for the Arizona Supreme Court to use in assisting a local foster care review board in performing their duties.

3. Removes the requirement that DCS and the Administrative Office of the Courts, on behalf of the State Foster Care Review Board must enter into a data sharing agreement to govern the parameters of the automated information exchange.
4. Requires DCS to provide information necessary for foster care review boards to perform their statutory duties through direct remote online access to all DCS information identified by the foster care review board as necessary for the performance of the board's duties.
5. Requires DCS to furnish any hard copy record pertaining to a case assigned to a foster care review board that is necessary for the performance of the board's duties, if the information contained in the record is not available in an automated case management system used by DCS.
6. States that it is the public policy of Arizona, unless explicitly prohibited by law, that DCS must provide both of the following:
 - a) all DCS information and direct remote access to the DCS automated case management system to the Ombudsman and the Auditor General; and
 - b) direct remote access to the DCS automated case management system and any DCS information that is necessary to perform the Foster Care Review Board's statutory duties to the Supreme Court.
7. Defines *DCS information* as information that:
 - a) includes all information that DCS gathers during the course of an investigation from the time a file is opened and until it is closed; and
 - b) does not include information that is contained in child welfare agency licensing records.
8. Makes technical and conforming changes.
9. Becomes effective on the general effective date.

Amendments Adopted by Committee

1. Removes the requirement that DCS keep all DCS information in separate categories within the DCS case management information system.
2. States that it is the public policy of Arizona, unless explicitly prohibited by law, that DCS must provide both of the following:
 - a) all DCS information and direct remote access to the DCS automated case management system to the Ombudsman and the Auditor General; and
 - b) direct remote access to the DCS automated case management system and any DCS information that is necessary to perform the Foster Care Review Board's statutory duties to the Supreme Court.
3. Removes the stipulation that any person or entity charged with interpreting the outlined statute relating to DCS and the Ombudsman must construe the outlined statute to be in favor of open access for the Ombudsman.

4. Removes the stipulation that nothing in the outlined statute relating to DCS and the Ombudsman must be construed as to restrict or permit DCS to restrict the access of the Ombudsman to the DCS automated case management system or any DCS information.
5. Removes the stipulation that this legislation does not permit public disclosure of records maintained by the Ombudsman subject to confidentiality.

House Action

Senate Action

WM	2/8/23	W/D		JUD	3/23/23	DPA	7-0-0
GOV	2/15/23	DPA/SE	9-0-0-0				
3 rd Read	3/1/23		31-28-1				

Prepared by Senate Research

March 23, 2023

ZD/SB/sr