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## **SB 1458: congregate care; dependent children; procedures**

**Sponsor: Senator Bennett, LD 1**

**Committee on Health & Human Services**

### **Overview**

Provides processes and procedures for placing a child in a congregate care placement setting and modifies the Department of Child Safety (DCS) reporting requirements.

### **History**

The primary purpose of DCS is to protect children. To achieve this DCS will do and focus equally on: 1) investigating reports of abuse and neglect; 2) assessing, promoting and supporting the safety of a child in a safe and stable family or other appropriate placement in response to allegations of abuse and neglect; 3) cooperating with law enforcement regarding reports that include allegations of criminal conduct; and 4) coordinating services to achieve and maintain permanency for the child, strengthen the family and provide prevention, intervention and treatment services without compromising the child's safety ([A.R.S. § 8-451](#)).

DCS is required to make available program and outcomes data on its website in a format that can be downloaded and is conducive to analysis. As well as make available the following information on a semiannual basis: 1) success in meeting training requirements; 2) caseloads for child safety workers; 3) the number of new and closed reports; 4) the number of case-carrying caseworkers in each region; 5) the number of investigations by region; 6) the number of children being served in-home and out-of-home by each region; 7) the total number of reports received; 8) the number of reports not responded to; and 9) the number of reports assigned for investigation; 10) the number of reports for investigations; 11) the number of children reported to DCS; 13) the number of children entering out-of-home care by county during the reporting period; 14) the number and percentage of children who have remained in a shelter or receiving home for more than 21 consecutive days; 15) the number of children placed in the care, custody and control of DCS; and 16) the number of children who died while in the custody of DCS ([A.R.S. § 8-526](#)).

### **Provisions**

#### ***Child Welfare Reporting Requirements***

1. Requires DCS child welfare data to list sex and ethnicity as categories when reporting the number and percentage of children who are in DCS custody at the end of the reporting period and who are in out-of-home placement. (Sec. 1)
2. Requires DCS child welfare data to include the number and percentage of dependent children who are under 12 years of age and who experienced a congregate care placement during the current reporting period and as categorized by:
  - a) age;
  - b) ethnicity;
  - c) sex;

- d) type of congregate care placement;
- e) reason for congregate care placement;
- f) length of time in congregate care placement of less than 30 days, 31 days to 12 consecutive months, 12 to 24 consecutive months and more than 24 consecutive months, including the median, average and range of the number of out-of-home placements;
- g) the number of approvals by the DCS Director or their designee sought and received for the placement of a child who is under 12 years old in a congregate care setting; and
- h) the number of court approvals sought and received for the placement of a child who is under 12 years old in a congregate care setting. (Sec. 1)

### ***Congregate Care Placement***

3. Allows a child to be placed in a congregate care setting only with the prior written approval of the DCS Director or, if the DCS Director is absent, a designee who reports to the DCS Director and who does not have authority over the placement of children. (Sec. 2)
4. Requires the written approval of the DCS Director or their designee to document that the placement is required for any of the following reasons:
  - a) to place the child with the child's siblings;
  - b) to place the child with a parent who has been adjudicated a dependent child;
  - c) to address the child's documented exceptional needs, which can only be met by a specifically identified congregate care provider; or
  - d) to complete an evaluation of the child's placement needs. (Sec. 2)
5. Requires DCS, before seeking the approval of the DCS Director or their designee to place a child in a congregate care setting, to:
  - a) assemble a family and permanency team (Team) for the child;
  - b) initiate efforts to identify adult relatives or persons with a significant relationship with the child as a kinship caregiver for possible placement;
  - c) conduct a preplacement visit to the congregate care setting unless impracticable;
  - d) engage the child, if developmentally appropriate, the child's attorney and members of the Team in making a recommendation for the child's placement; and
  - e) document the child's Team's placement recommendations, including any alternatives considered, for review by the DCS Director or their designee before approving or disapproving placing the child in a congregate care setting. (Sec. 2)
6. Specifies that the Team must consist of the following:
  - a) the child, if developmentally appropriate;
  - b) the child's attorney, if one has been appointed;
  - c) appropriate biological family members, adult relatives and persons with a significant relationship with the child; and
  - d) appropriate professionals, including medical or mental health providers, teachers or clergy. (Sec. 2)
7. Requires the preplacement visit to include the child, if developmentally appropriate, the child's attorney, if one has been appointed, and members of the child's Team. (Sec. 2)
8. Allows DCS to use teams that were previously established to support the child and the child's family as the child's Team. (Sec. 2)

9. Requires a qualified individual, within 30 days after placing a child in a congregate care setting, to work with the child, the child's attorney, the child's family members and the child's Team to do all of the following:
  - a) assess the child's strengths and needs using an age-appropriate, evidence-based, validated and functional assessment tool;
  - b) determine whether the needs of the child can be met through placement with adult relatives or persons with a significant relationship with the child or in a foster home; and
  - c) develop a list of child-specific short-term and long-term behavioral health goals. (Sec. 2)
10. Requires the child, the child's attorney, the child's family members and the child's Team, if the child's needs cannot be met through placement with adult relatives or persons with a significant relationship with the child or in a foster home, to determine which setting will provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals for the child. (Sec. 2)
11. Requires DCS, within 30 days after placing a child in a congregate care setting, to document in the child's case plan all of the following:
  - a) DCS's reasonable and good faith efforts to identify and include all the individuals on the child's Team;
  - b) any evidence demonstrating that the parents from whom the child was removed provided input on the members of the child's Team;
  - c) contact information for members of the child's Team, including contact information for other adult family members and persons with a significant relationship with the child who are not part of the child's Team;
  - d) evidence that meetings of the child's Team, including meetings relating to the assessment of the child are held at a time and place that is convenient for the child's family;
  - e) evidence of DCS's ongoing efforts to identify potential placement with an adult relative or other persons with a significant relationship with the child;
  - f) evidence that the child's assessment was conducted with the child's Team;
  - g) information regarding the placement preferences of the child's Team; and
  - h) if the placement preferences of the child and the child's Team are not the placement setting recommended by the qualified individual conducting the child's assessment, the reasons why the preferences of the child and the child's Team were not recommended. (Sec. 2)
12. Requires the placement preferences to recognize a preference for a child to be placed with the child's siblings unless there is a finding by the court that such placement is contrary to the best interest of the child. (Sec. 2)
13. Requires the qualified individual, if the qualified individual conducting the child's assessment determines that the child should not be placed with an adult relative or person with a significant relationship with the child or in a foster home, to specify in writing the reasons why the needs of the child cannot be met by an adult relative or person with a significant relationship with the child or in a foster home. (Sec. 2)
14. States that a shortage or lack of foster homes cannot be considered a reason for determining that the needs of the child cannot be met in a foster home. (Sec. 2)

15. Requires the qualified individual to specify in writing:
  - a) why the recommended placement in a congregate care setting will provide the child with the most effective and appropriate level of care in the least restrictive environment; and
  - b) how that placement is consistent with the short-term and long-term goals for the child. (Sec. 2)
16. Requires the court, within 60 days after a child is placed in a congregate care setting, to conduct a hearing. (Sec. 2)
17. Requires the court to do all of the following at the hearing:
  - a) consider the assessment, determination and documentation made by the qualified individual who conducted the child's assessment;
  - b) determine whether the needs of the child can be met through placement with an adult relative or person with a significant relationship with the child or in a foster home; and
  - c) approve or disapprove the congregate care placement. (Sec. 2)
18. Directs the court, if they determine that the needs of the child cannot be met through placement with an adult relative or person with a significant relationship with the child or in a foster care home, to:
  - a) determine whether the placement of the child in a congregate care setting provides the most effective and appropriate level of care for the child in the least restrictive environment; and
  - b) whether that placement is consistent with the short-term and long-term goals for the child. (Sec. 2)
19. Requires the court's approval or disapproval of the child's placement to be included in the child's case plan. (Sec. 2)
20. Allows DCS, if the child is removed from a congregate care setting and placed with an adult relative or person with a significant relationship with the child or in a foster home within 60 days after being placed in a congregate care setting, to notify the court of the change in placement and request that the hearing be vacated. (Sec. 2)
21. Requires DCS, at each status review and permanency hearing held after the placement of the child in a congregate care setting, to submit the following information to the court:
  - a) evidence that ongoing assessments of the child continue to demonstrate that the needs of the child cannot be met through placement with an adult relative or person with a significant relationship with the child or in a foster home;
  - b) evidence that the placement in a congregate care setting provides the most effective and appropriate level of care for the child in the least restrictive environment;
  - c) evidence that the placement is consistent with the short-term and long-term goals of the child;
  - d) documentation of the child's specific treatment or service needs that are being addressed in the congregate care placement and the length of time the child is expected to require the treatment or services; and
  - e) documentation of DCS's efforts to prepare the child to return home or be placed with an adult relative, a person with a significant relationship with the child, a foster family, a legal guardian or an adoptive parent. (Sec. 2)

22. Requires the court, at each status review and permanency hearing held after the child is placed in a congregate care setting to:
  - a) consider the evidence and documentation provided by DCS;
  - b) make a finding as to whether the needs of the child can be met through placement with an adult relative or person with a significant relationship with the child or in a foster home; and
  - c) approve or disapprove the child's continued congregate care placement. (Sec. 2)
23. Requires the court, if the needs of the child cannot be met through placement with an adult relative or person with a significant relationship with the child or in a foster care home, to:
  - a) determine whether the continued placement of the child in a congregate care setting provides the most effective and appropriate level of care for the child in the least restrictive environment; and
  - b) whether that placement is consistent with the short-term and long-term goals for the child. (Sec. 2)
24. Requires DCS, if a child is placed in a congregate care setting for more than six consecutive or nonconsecutive months, to submit a report to the court every 30 days. (Sec. 2)
25. Requires the report to include both of the following:
  - a) updated evidence and documentation submitted; and
  - b) a request from the DCS Director or their designee for court approval of the continued placement of the child in the child's current congregate care placement. (Sec. 2)
26. Requires the court, on receipt of the submitted report, to do the following:
  - a) consider the evidence and documentation submitted by DCS;
  - b) determine whether the continued placement of the child in a congregate care setting provides the most effective and appropriate level of care for the child in the least restrictive environment and whether that placement is consistent with the short-term and long-term goals of the child; and
  - c) approve the child's continued congregate care placement or set a hearing for further consideration of the child's ongoing placement in a congregate care setting. (Sec. 2)
27. Allows the court, on its own motion or at the request of any party, to consider the child's placement in a congregate care setting. (Sec. 2)
28. Defines terms. (Sec. 2)
29. Makes technical and conforming changes. (Sec. 1)

<input type="checkbox"/> Prop 105 (45 votes) <input type="checkbox"/> Prop 108 (40 votes) <input type="checkbox"/> Emergency (40 votes) <input type="checkbox"/> Fiscal Note
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