

State of Arizona  
House of Representatives  
Forty-fifth Legislature  
First Regular Session  
2001

# HOUSE BILL 2208

AN ACT

AMENDING SECTION 8-514.03, ARIZONA REVISED STATUTES; AMENDING TITLE 8, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 12; AMENDING SECTIONS 46-142, 46-342.01 AND 46-345, ARIZONA REVISED STATUTES; PROVIDING FOR THE DELAYED REPEAL OF TITLE 8, CHAPTER 12, ARIZONA REVISED STATUTES; MAKING APPROPRIATIONS; RELATING TO SOCIAL ASSISTANCE PROGRAMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-514.03, Arizona Revised Statutes, is amended to  
3 read:

4 8-514.03. Kinship foster care; requirements; investigation

5 A. The department shall establish kinship foster care services for a  
6 child who has been removed from the child's home and is in the custody of the  
7 department. The program shall promote the placement of the child with the  
8 child's relative for kinship foster care.

9 B. A kinship foster care parent applicant who is not a licensed foster  
10 care parent shall be at least eighteen years of age. The applicant and each  
11 member of the applicant's household who is at least eighteen years of age  
12 shall submit a full set of fingerprints to the department for the purpose of  
13 obtaining a state and federal criminal records check pursuant to section  
14 41-1750 and Public Law 92-544. The department of public safety may exchange  
15 this fingerprint data with the federal bureau of investigation. The  
16 department shall determine if the applicant is able to meet the child's  
17 health and safety needs by conducting one or more home visits and  
18 interviewing the applicant. The department of economic security may  
19 interview other household members, review the applicant's personal and  
20 professional references and conduct child protective services central  
21 registry checks.

22 C. If the department determines that a kinship foster care placement  
23 is not in the best interest of the child, the department shall provide  
24 written notification to the applicant within fifteen business days. The  
25 notice shall include the specific reason for denial, the applicant's right to  
26 appeal and the process for reviewing the decision.

27 D. A kinship foster care parent may be eligible to receive the  
28 following financial services for the child:

29 1. Full foster care benefits, including payment if the kinship foster  
30 care parent becomes a licensed foster care home.

31 2. Temporary assistance for needy families cash assistance payments  
32 for a child only case and supplemental financial support.

33 ~~E. IF THE KINSHIP FOSTER CARE PARENT IS A GRANDPARENT OF THE CHILD,~~  
34 ~~THE DEPARTMENT SHALL USE MONIES APPROPRIATED FOR THE PURPOSE OF THIS~~  
35 ~~SUBSECTION TO PAY TEMPORARY ASSISTANCE FOR NEEDY FAMILIES CASH ASSISTANCE~~  
36 ~~PAYMENTS TO THE GRANDPARENT IN ADDITION TO THOSE RECEIVED PURSUANT TO~~  
37 ~~SUBSECTION D OF THIS SECTION. THE AMOUNT OF THE PAYMENT PER CHILD SHALL BE~~  
38 ~~NO GREATER THAN TWO HUNDRED FIFTY DOLLARS EACH MONTH INCLUDING ANY TEMPORARY~~  
39 ~~ASSISTANCE FOR NEEDY FAMILIES CASH ASSISTANCE PAYMENT RECEIVED PURSUANT TO~~  
40 ~~SUBSECTION D OF THIS SECTION.~~

41 ~~E.~~ F. The department shall establish procedures for child welfare  
42 workers to inform kinship foster care families about available financial and  
43 nonfinancial services and eligibility requirements and shall assist the  
44 families in completing the necessary application.



1 B. THE DEPARTMENT SHALL GIVE PRIORITY FOR CONTRACTING FOR PROGRAMS IN  
2 COMMUNITIES THAT HAVE HIGH RATES OF TEEN PREGNANCY, VIOLENCE AND DELINQUENCY  
3 AND IN WHICH A HIGH PERCENTAGE OF THE SCHOOL CHILDREN RECEIVE FREE OR REDUCED  
4 PRICE LUNCHES.

5 C. THE DEPARTMENT SHALL REQUIRE THAT ALL PROVIDER PROPOSALS FOR  
6 CONTRACTS INCLUDE:

7 1. A BASIS FOR DETERMINING WHETHER THE PROGRAM ACTIVITIES ARE  
8 INNOVATIVE AND INCORPORATE BEST PRACTICES.

9 2. A PLAN TO MAKE THE PROGRAM SELF-SUSTAINING WITHIN THREE YEARS.

10 D. ALL CONTRACTS WITH PROVIDERS TERMINATE FROM AND AFTER JUNE 30, 2004  
11 UNLESS A CONTRACT PROVIDES FOR AN EARLIER TERMINATION DATE.

12 8-1103. Collaboration with community; sibling programs

13 A. IN DEVELOPING AND OPERATING A PROGRAM, THE PROVIDER SHALL  
14 COLLABORATE WITH SCHOOLS, LOCAL BUSINESSES, CHILD CARE PROGRAMS, PUBLIC AND  
15 PRIVATE AGENCIES, PARENTS AND OTHER CONCERNED CITIZENS TO MAXIMIZE THE IMPACT  
16 OF THE PROGRAM.

17 B. THE PROVIDER SHALL WORK WITH THE PROGRAMS PURSUANT TO SUBSECTION A  
18 TO IDENTIFY YOUTHS WHO HAVE RECEIVED A NEGATIVE PREGNANCY TEST OR WHO HAVE  
19 SIBLINGS WHO ARE EITHER PREGNANT OR PARENTING YOUTHS. THE PROVIDER SHALL  
20 CONDUCT OUTREACH ACTIVITIES TO ANY YOUTHS WHO ARE IDENTIFIED THROUGH THIS  
21 PROCESS.

22 C. THE PROVIDER SHALL COORDINATE WITH OTHER AGENCIES THAT SERVE  
23 YOUNGER CHILDREN TO PROVIDE ACTIVITIES FOR SIBLINGS OF YOUTHS WHO PARTICIPATE  
24 IN A PROGRAM.

25 8-1104. Program requirements; transportation; incentives

26 A. A PROGRAM SHALL:

27 1. PROVIDE A DIVERSE CHOICE OF ACTIVITIES THAT MAY INCLUDE:

28 (a) TUTORING AND SUPPLEMENTING INSTRUCTION IN BASIC SKILLS SUCH AS  
29 READING, MATHEMATICS AND SCIENCE.

30 (b) YOUTH LEADERSHIP ACTIVITIES.

31 (c) VOLUNTEER AND COMMUNITY SERVICE OPPORTUNITIES.

32 (d) POSTSECONDARY EDUCATION AWARENESS AND PREPARATION.

33 (e) HOMEWORK ASSISTANCE.

34 (f) COURSES AND ENRICHMENT IN THE ARTS AND CULTURE.

35 (g) COMPUTER INSTRUCTION.

36 (h) EMPLOYMENT PREPARATION AND TRAINING.

37 (i) ACTIVITIES LINKED TO LAW ENFORCEMENT.

38 (j) SUPERVISED RECREATION AND ATHLETIC PROGRAMS AND EVENTS.

39 (k) DRUG AND VIOLENCE PREVENTION CURRICULA AND COUNSELING.

40 (l) MENTORING.

41 (m) LANGUAGE INSTRUCTION, INCLUDING ENGLISH AS A SECOND LANGUAGE.

42 (n) VOCATION AWARENESS AND PREPARATION.

43 (o) CHARACTER EDUCATION PROGRAMS AS DEFINED IN SECTION 15-154.01.

44 2. FOCUS ON BUILDING THE STRENGTHS OF INDIVIDUAL YOUTHS AND  
45 COMMUNITIES.

1           3. USE YOUTHS AS A RESOURCE TO STRENGTHEN AND BUILD COMMUNITIES.  
2           4. PROVIDE NUTRITIOUS SNACKS.  
3           5. BE CULTURALLY APPROPRIATE.  
4           B. A PROVIDER SHALL PROVIDE TRANSPORTATION BETWEEN THE PROGRAM SITE  
5 AND A YOUTH'S HOME OR SCHOOL.  
6           C. A PROGRAM MAY PROVIDE A YOUTH WITH AN INDIVIDUAL DEVELOPMENT  
7 ACCOUNT OR NONMONETARY INCENTIVES TO PARTICIPATE IN THE PROGRAM.  
8           8-1105. Program supervision; training; group size  
9           A. A PROGRAM SHALL BE PROVIDED IN A STRUCTURED, SAFE AND SUPERVISED  
10 ENVIRONMENT.  
11           B. A PROVIDER SHALL PROVIDE ADEQUATE TRAINING TO ALL STAFF AND  
12 VOLUNTEERS WHO SUPERVISE PROGRAM ACTIVITIES.  
13           C. A PROVIDER SHALL NOT PROVIDE PROGRAM ACTIVITIES TO GROUPS LARGER  
14 THAN THIRTY YOUTHS. AN ADULT PROGRAM STAFF MEMBER OR TRAINED ADULT VOLUNTEER  
15 SHALL NOT SUPERVISE MORE THAN THIRTEEN YOUTHS IN ANY PROGRAM ACTIVITY.  
16           D. A PROVIDER MAY ALLOW A YOUTH TO WORK UNDER ADULT SUPERVISION WITH  
17 YOUNGER CHILDREN PARTICIPATING IN THE PROGRAM. A YOUTH WORKING PURSUANT TO  
18 THIS SUBSECTION IS NOT AN ADULT SUPERVISOR OR A YOUTH FOR THE PURPOSE OF  
19 MEETING THE SUPERVISION REQUIREMENTS PRESCRIBED IN SUBSECTION C.  
20           8-1106. Evaluation of programs; report  
21           A. THE DEPARTMENT SHALL CONTRACT WITH A PERSON TO ANNUALLY EVALUATE  
22 THE PROGRAMS.  
23           B. THE EVALUATOR SHALL WORK WITH THE PROVIDERS TO DEVELOP MEASUREMENT  
24 INSTRUMENTS AND COLLECT INFORMATION ABOUT YOUTHS PARTICIPATING IN THE  
25 PROGRAMS CONCERNING ALL OF THE FOLLOWING:  
26           1. IMPROVEMENT IN ATTITUDES TOWARD SEXUAL RESTRAINT.  
27           2. IMPROVED DECISION MAKING AND RESILIENCY SKILLS.  
28           3. IMPROVED OR SUSTAINED SCHOOL ATTENDANCE.  
29           4. IMPROVED SCHOOL RETENTION RATES.  
30           C. THE EVALUATOR SHALL WORK WITH MEMBERS OF THE COMMUNITY TO DEVELOP  
31 MEASUREMENT INSTRUMENTS AND COLLECT INFORMATION CONCERNING REDUCTION IN ALL  
32 OF THE FOLLOWING:  
33           1. TEEN PREGNANCY AND SEXUALLY TRANSMITTED DISEASES AMONG TEENS.  
34           2. TEEN SUBSTANCE ABUSE AND USE.  
35           3. DELINQUENT ACTIVITY.  
36           4. TEEN VIOLENCE.  
37           D. THE EVALUATOR SHALL SUBMIT A REPORT OF ITS FINDINGS TO THE  
38 DEPARTMENT ON OR BEFORE DECEMBER 31 OF EACH YEAR.  
39           Sec. 3. Section 46-142, Arizona Revised Statutes, is amended to read:  
40           46-142. Wheels to work program  
41           A. The department shall contract with a private entity to establish  
42 ~~the A STATEWIDE wheels to work program. in two locations in Maricopa county,~~  
43 ~~one location in Pima county and one location each in three other~~  
44 ~~counties. The program may be expanded statewide one year after establishment~~  
45 ~~of the locations designated in this subsection.~~

1 B. The private entity shall determine whether to accept OR PROVIDE the  
2 vehicle based on the needs of the program and any budgetary constraints. The  
3 private entity shall only accept OR PROVIDE driveable vehicles. The private  
4 entity shall not accept vehicles for parts or scrap. The private entity  
5 shall assume the title on acceptance of ~~a donation~~ THE VEHICLE OR AS  
6 PRESCRIBED IN SUBSECTION D OF THIS SECTION.

7 C. ~~After donation of~~ IF the vehicle IS DONATED, the donor is not  
8 liable for any damage, repair, emissions compliance, vehicle insurance or  
9 determination of vehicle safety.

10 D. A PRIVATE ENTITY MAY PURCHASE A VEHICLE FOR USE IN THE PROGRAM.

11 E. IF THE PRIVATE ENTITY PURCHASES THE VEHICLE, THE PRIVATE ENTITY IS  
12 LIABLE FOR ANY DAMAGE, REPAIR, EMISSIONS COMPLIANCE OR VEHICLE  
13 INSURANCE. THE PRIVATE ENTITY SHALL BE RESPONSIBLE FOR THE SAFETY OF THE  
14 VEHICLE. IF THE PRIVATE ENTITY PURCHASES A VEHICLE, THE PRIVATE ENTITY SHALL  
15 ACCEPT THE TITLE AND RELEASE THE SELLER FROM LIABILITY FOR ANY DAMAGE,  
16 REPAIR, EMISSIONS COMPLIANCE, VEHICLE INSURANCE OR DETERMINATION OF VEHICLE  
17 SAFETY.

18 F. THE PRIVATE ENTITY IS NOT ENTITLED TO A TAX CREDIT PURSUANT TO  
19 SECTIONS 43-1090.01 OR 43-1177.

20 ~~D-~~ G. The private entity may accept donations of repairs to ~~the~~  
21 ~~vehicles~~ A VEHICLE for the first ~~twelve~~ SIX months of the use of the vehicle.

22 ~~E-~~ H. ~~Donated~~ Vehicles shall be available for a six month lease for  
23 twenty dollars a month to qualified recipients of temporary assistance for  
24 needy families, former recipients within the last two years or parents who  
25 have a household income at or below one hundred fifty per cent of the federal  
26 poverty level, who have a verifiable job for which the vehicle is essential  
27 transportation, WHO RESIDE IN THIS STATE, who possess a valid Arizona driver  
28 license and who are insurable. The department shall give priority to current  
29 and former recipients of temporary assistance for needy families. The  
30 department shall certify to the private entity that the wheels to work  
31 applicant is a qualified individual, THAT ALL OTHER METHODS OF ASSISTING WITH  
32 PUBLIC OR PRIVATE TRANSPORTATION WERE EXPLORED AND THAT THE DEPARTMENT HAS  
33 DETERMINED THAT NO OTHER METHOD OF TRANSPORTATION ASSISTANCE IS  
34 FEASIBLE. ~~After six months, the qualified individual shall provide insurance~~  
35 ~~for the vehicle and continue paying the twenty dollars a month for an~~  
36 ~~additional six months.~~ During ~~this twelve~~ THE SIX month period, the private  
37 entity shall provide all necessary repairs to the vehicle and ensure  
38 emissions compliance, except that the qualified individual is responsible for  
39 normal vehicle maintenance. The qualified individual shall receive the title  
40 to the vehicle ~~after completing~~ AT THE END OF the ~~twelve~~ SIX month lease,  
41 PROVIDED THE QUALIFIED INDIVIDUAL HAS COMPLIED WITH THE TERMS OF THE LEASE.

42 ~~F-~~ I. If the QUALIFIED individual stops employment, THE QUALIFIED  
43 INDIVIDUAL SHALL HAVE up to a thirty day period ~~shall be granted for~~  
44 ~~reemployment or the vehicle shall be returned~~ TO BECOME REEMPLOYED OR THE

1 QUALIFIED INDIVIDUAL SHALL RETURN THE VEHICLE in accordance with the  
2 ~~agreement~~ LEASE.

3 ~~G.~~ J. If the QUALIFIED individual is convicted of any felony, a class  
4 1 misdemeanor or driving under the influence of alcohol or drugs in violation  
5 of title 28, chapter 4, article 3, the vehicle shall be returned in  
6 accordance with the ~~agreement~~ LEASE.

7 K. IF THE QUALIFIED INDIVIDUAL DOES NOT MAINTAIN RESIDENCY IN THIS  
8 STATE, THE QUALIFIED INDIVIDUAL SHALL RETURN THE VEHICLE IN ACCORDANCE WITH  
9 THE LEASE.

10 Sec. 4. Section 46-342.01, Arizona Revised Statutes, is amended to  
11 read:

12 46-342.01. Contract provisions; performance based incentives;  
13 cost savings

14 A. In establishing performance based incentives pursuant to section  
15 46-342, subsection C, the Arizona works agency procurement board may include:

16 1. An incentive from administrative savings achieved beyond the ten  
17 per cent savings in administrative costs required by section 46-342,  
18 subsection D, paragraph 8.

19 2. An incentive of not more than twenty-five per cent of the caseload  
20 reduction savings, if any, realized by the Arizona works agency, as  
21 determined by the joint legislative budget committee pursuant to subsection B  
22 of this section.

23 B. FROM AND AFTER DECEMBER 31, 2001, THE AUDITOR GENERAL SHALL CONDUCT  
24 AN ANNUAL AUDIT OF THE ARIZONA WORKS PROGRAM. THE AUDITOR GENERAL SHALL  
25 PROVIDE ANNUAL AUDIT REPORTS TO THE PRESIDENT OF THE SENATE, THE SPEAKER OF  
26 THE HOUSE OF REPRESENTATIVES, THE GOVERNOR AND THE JOINT LEGISLATIVE BUDGET  
27 COMMITTEE ON OR BEFORE DECEMBER 31 AND SHALL PROVIDE A COPY OF THIS REPORT TO  
28 THE SECRETARY OF STATE AND THE DIRECTOR OF THE ARIZONA STATE LIBRARY,  
29 ARCHIVES AND PUBLIC RECORDS.

30 ~~B.~~ C. On or before February 15 of each year, the joint legislative  
31 budget committee shall determine the cash benefit dollar amount savings  
32 attributable to caseload reduction, if any, achieved for the previous  
33 calendar year by Arizona works.

34 ~~C.~~ D. The Arizona works AGENCY procurement board may award incentives  
35 from savings achieved pursuant to subsection A of this section to the Arizona  
36 works agency for satisfactory performance in meeting criteria as determined  
37 by the board, including:

- 38 1. Placement of participants in paid employment.
- 39 2. Participants' salaries and benefits in paid employment.
- 40 3. The number of participants in paid employment ninety days after  
41 placement.
- 42 4. Work participation rates.
- 43 5. Caseload reduction savings.

44 ~~D.~~ E. The Arizona works agency may use any savings in administrative  
45 expenses above the ten per cent required by law or reduction of caseload,

1 including any incentives derived from these savings, as awarded by the  
2 procurement board pursuant to section 46-342, subsection C and this section,  
3 to enhance services provided to persons eligible for the Arizona works  
4 program and to pay contractor incentives in accordance with the terms of the  
5 contract.

6 Sec. 5. Section 46-345, Arizona Revised Statutes, is amended to read:

7 46-345. Evaluation; independent entity

8 A. At the end of the fourth year of the pilot program, an independent  
9 evaluator selected ~~within twelve months after the effective date of this~~  
10 ~~amendment to this section~~ BY AUGUST 21, 1999 by the Arizona works AGENCY  
11 procurement board shall conduct and complete a performance review of the  
12 pilot program that includes the following data:

13 1. ~~Has~~ WHETHER the outside vendor HAS met the requirements of the  
14 contract.

15 2. ~~Has~~ WHETHER the OUTSIDE vendor HAS met the goals of the Arizona  
16 works program.

17 3. ~~Has~~ WHETHER the OUTSIDE vendor HAS met the requirements of the  
18 performance bond.

19 4. The fiscal impact of Arizona works implementation.

20 5. Client survey data designed, issued and collected by the evaluator  
21 measuring client satisfaction with the program.

22 6. The impact of Arizona works on the placement of recipients in paid  
23 employment, caseload reduction, development of community partnerships,  
24 placement of individuals who were previously exempt under the job  
25 opportunities and basic skills program before August, 1996, placement of  
26 individuals with higher than average lengths of stay on the program, and  
27 compliance with federal work participation rates.

28 7. A comparison of the Arizona works program with the department of  
29 economic security empower redesign program with regard to the data listed in  
30 ~~subsection A~~, paragraphs 4, 5 and 6 and similar data gathered by the  
31 department of economic security, THE AUDITOR GENERAL and the joint  
32 legislative budget committee, including information required ~~in Laws 1997,~~  
33 ~~chapter 300, section 76~~ FOR ANY ANNUAL REPORT RELATING TO WELFARE REFORM  
34 IMPLEMENTATION.

35 B. The report shall be submitted to the president of the senate, the  
36 speaker of the house of representatives, the joint legislative budget  
37 committee, the Arizona works AGENCY procurement board and the governor by  
38 January 1, 2003.

39 Sec. 6. Delayed repeal

40 Title 8, chapter 12, Arizona Revised Statutes, as added by this act, is  
41 repealed from and after December 31, 2004.

42 Sec. 7. Appropriations; purpose; exemption

43 A. The sum of \$500,000 is appropriated from the temporary assistance  
44 for needy families block grant in each of the fiscal years 2001-2002 and

1 2002-2003 to the department of economic security for the purposes prescribed  
2 in section 8-514.03, Arizona Revised Statutes, as amended by this act.

3 B. The sum of \$4,000,000 is appropriated from the temporary assistance  
4 for needy families block grant monies in fiscal year 2001-2002 to the  
5 department of economic security for the purposes prescribed in title 8,  
6 chapter 12, Arizona Revised Statutes, as added by this act. The department  
7 shall not use more than three per cent of these monies to pay the costs of  
8 administering this act. These administrative costs include the costs for  
9 evaluation that are incurred pursuant to section 8-1106, Arizona Revised  
10 Statutes, as added by this act.

11 C. The sum of \$212,000 is appropriated from the state general fund and  
12 the sum of \$398,000 is appropriated from the temporary assistance for needy  
13 families block grant in fiscal year 2001-2002 to the department of economic  
14 security for distribution to the Hopi Tribe for the start-up and operational  
15 costs of the Hopi office of child support and for the Hopi temporary  
16 assistance for needy families program.

17 D. The appropriation made in subsection B of this section is exempt  
18 from the provisions of section 35-190, Arizona Revised Statutes, relating to  
19 lapsing of appropriations, except that all monies remaining unencumbered or  
20 unexpended on June 30, 2004 revert to the temporary assistance for needy  
21 families block grant.

22 E. The appropriations made in subsection C of this section are  
23 available for use for both of the fiscal years 2001-2002 and 2002-2003 and  
24 future years' federal funding shall come directly from the Hopi Tribe.

25 Sec. 8. Effective date

26 Section 46-142, Arizona Revised Statutes, as amended by this act, is  
27 effective from and after June 30, 2001.