

ARIZONA DEPARTMENT OF CHILD SAFETY

Five-Year-Review Report

Title 21. Child Safety

Chapter 5. Department of Child Safety - Permanency and Support services

Article 1. Interstate Compact on the Placement of Children

February 2020

1. Authorization of the rule by existing statutes

General Statutory Authority: A.R.S. § 8-453(A)(5)

Specific Statutory Authority: A.R.S. §§ 8-548 through 8-548.06, and A.R.S. § 8-453 (A)(9)(a)

2. The objective of each rule:

Rule	Objective
R21-5-101. Definitions	The objective of this rule is to provide a uniform set of definitions used throughout this Article.
R21-5-102. Authority	The objective of this rule is to provide the statutory authority for the rules in this Article.
R21-5-103. Conditions of Placement	The objective of this rule is to clearly state who and when someone can place a child in another Compact State.
R21-5-104. Financial Responsibility	The objective of this rule is to establish who is financially responsible for a child sent to another state.
R21-5-105. Applicability	The objective of this rule is to indicate when ICPC applies and when ICPC does not apply.
R21-5-106. Placement Approval	The objective of this rule is to establish the requirement for approval from both states before placing children across state lines.
R21-5-107. Operations	The objective of this rule is to establish that services are provided in accordance with federal and state law and indicate that interpreters will be made available.

3. Are the rules effective in achieving their objectives? Yes X No ___

4. Are the rules consistent with other rules and statutes? Yes X No ___

5. Are the rules enforced as written? Yes X No ___

6. **Are the rules clear, concise, and understandable?** Yes X No ___
7. **Has the agency received written criticisms of the rules within the last five years?** Yes ___ No X

8. **Economic, small business, and consumer impact comparison:**

The rules in Title 21, Chapter 5, Article 1 cover the Interstate Compact on the Placement of Children (ICPC). ICPC is a contract between and among the 50 states, District of Columbia, and the Virgin Islands, which provides standard national procedures to ensure suitable placement and supervision for children placed across state lines. Additionally, ICPC ensures that the individual or entity placing the child remains legally and financially responsible for the child following placement.

Four types of placements are covered:

1. Placements preliminary to an adoption;
2. Placements into foster care; including foster homes, group homes, and residential treatment facilities;
3. Placement with parents and relatives with court oversight; and
4. Placements of adjudicated delinquents into institutions in other states.

The persons directly affected by, bear the costs of, or directly benefit from the rules in this Article include children in out-of-home care or adoptive children who need to be placed across state line for permanency or placed in another state in a residential treatment facility, DCS, and other compact states. When children in foster care, adoptive children, and children requiring placement in a residential treatment facilities require placement in a state other than their state jurisdiction, placement must be approved by the ICPC.

During State Fiscal Year 2018, there were approximately 2700 children served by the Department’s ICPC Program. Approximately 55% of the children are children who leave Arizona and the other 45% of the children who are coming to Arizona from another state.

DCS ICPC Office

Services include foster and adoptive home studies and the supervision of the placements approved by ICPC for children residing in a state other than their state of jurisdiction. ICPC also approves the placement of children in residential treatment facilities outside of the child’s state of jurisdiction.

The ICPC Office also facilitates services and communication with the Interstate Compact for Juveniles (ICJ). When a child is in DCS care due to runaway status from another state, DCS must coordinate with the Interstate Compact for Juveniles (ICJ) in order to return the child to their home state.

In addition, the ICPC Office facilitates a connection to International Social Services, which coordinates the placement of an Arizona child in another country.

There are five (5) FTEs (Full-Time Employees) in the ICPC Office. This includes the ICPC Administrator, two (2) ICPC Coordinators, and two (2) administrative assistants. In addition, DCS has three (3) statewide contracts in place with agencies to conduct home studies and provide supervision for children placed in Arizona from another state. This office is responsible for the following functions:

- Interpret and provide support to internal and external stakeholders regarding the Interstate Compact and Placement of Children (ICPC).
- Develop policies, procedures, forms and booklets relating to compliance with ICPC regulations.
- Evaluate and make determinations on ICPC applications for placements to/from Arizona of foster children or adoptive children.
- Ensure compliance with ICPC law through monitoring case actions and progress.
- Communicate and problem solve with other state ICPC administrations.
- Provide technical assistance and educational training to attorneys, private child welfare and adoption agency staff, and DCS staff.
- Ensures that DCS and contracted vendors follow the ICPC protocols.
- Coordinates, develops, and identifies training activities for DCS staff.

Funding

Funding for Arizona’s ICPC Program is approximately \$2.4 million annually. The funding source is both state General Fund and Federal funds. This funding includes ICPC operations (staffing, supplies, overhead, etc.) and contracted services. There are no fees charged between Compact States. However, there is an annual fee to the state of Arizona of \$2,000.00 to participate in the national ICPC and an additional \$25,000.00 to participate with the national electronic system known as the “National Electronic Interstate Compact Enterprise (NEICE)”. This electronic system allows for a quick and secure exchange of data and documents between states.

9. **Has the agency received any business competitiveness analyses of the rules?** Yes ___ No X

10. **Has the agency completed the course of action indicated in the agency’s previous five-year-review report?**

This is the first review of the rules in Title 21, Chapter 5 Article 1. The rules in this Article were made by final exempt rulemaking, published in 21 A.A.R. 2979 on November 27, 2015 and became effective on January 2, 2016.

11. **A determination that the probable benefits of the rule outweigh within this state the probable costs of the rule, and the rule imposes the least burden and costs to regulated persons by the rule, including paperwork and other compliance costs, necessary to achieve the underlying regulatory objective:**

The Department believes that the current rules pose the minimum cost and burden to the persons regulated by these rules. Any costs related to the implementation of these rules are associated with running and monitoring the operations of the program. It is the Department's belief that any costs associated with the rules are offset by the greater benefit of partnering with other states in the placement of children outside their state's jurisdiction and ensuring the children's safety and protection. The purpose of ICPC is to place children with relatives, kin, or caregivers who are safe, suitable and able to meet the child's needs.

12. **Are the rules more stringent than corresponding federal laws?** Yes ___ No X

Federal laws 42 U.S.C. 622, U.S.C. 671, U.S.C 675, and U.S.C. 5113 apply to the rules of this Article. The rules in this Article are not more stringent than federal law.

13. **For rules adopted after July 29, 2010 that require the issuance of a regulatory permit, license, or agency authorization, whether the rules are in compliance with the general permit requirements of A.R.S. § 41-1037 or explain why the agency believes an exception applies:**

The Department has determined that A.R.S. § 41-1037 does not apply to these rules. The rules in this Article do not require the issuance of a regulatory permit, license, or agency authorization.

14. **Proposed course of action**

The Department has reviewed the current rules and does not plan any rulemaking activity for these rules at this time.

ARIZONA DEPARTMENT OF CHILD SAFETY

Five-Year-Review Report

Title 21. Child Safety

Chapter 5. Department of Child Safety - Permanency and Support services

Article 3. Department of Adoption Services

Article 4. Adoption Entity Services

March 2020

1. Authorization of the rule by existing statutes

General Statutory Authority: A.R.S. § 8-453(A)(5)

Specific Statutory Authority: A.R.S. §§ 8-105, 8-112, 8-120, 8-121, 8-130, 8-171, 8-172, 8-173

2. The objective of each rule:

Article 3: Department Adoption Services

Rule	Objective
R21-5-301. Definitions	The objective of this rule is to provide a uniform set of definitions used throughout this Article, Article 4 of this Chapter, and Chapter 9 all under Title 21.
R21-5-302. Adoption Registry: Information Maintained; Confidentiality	The objective of this rule is to identify and define the Department’s responsibility for maintenance of the Adoption Registry, content to be maintained, and information required for the release of information.
R21-5-303. Department Adoption Services	The objective of this rule is to identify the adoption services provided by the Department.
R21-5-304. Department Procedures for Processing Certification Applications	The objective of this rule is to provide a process for receipt of an adoption certification application and a process when the application is complete or incomplete.
R21-5-305. Department Priorities for	The objective of this rule is to inform certification applicants about how the Department prioritizes applications.

Receipt of Services	
R21-5-306. Department Recruitment Efforts	The objective of this rule is to provide a process the Department will follow for the recruitment of adoptive parents.
R21-5-308. Termination of Adoption Services	The objective of this rule is to identify when the Department considers it appropriate to terminate services to an applicant, adoptive parent and/or an adoptive child.

Article 4: Adoption Entity Services

Rule	Objective
R21-5-401. Definitions	The objective of this rule is to indicate that the definitions in Article 3 of this same Chapter also apply to this Article.
R21-5-402. Recruitment	The objective of this rule is to identify the elements required and prohibited when conducting adoption recruitment.
R21-5-403. Orientation: Persons Interested in Adoption	The objective of this rule is to establish that the adoption entity must provide an orientation process to persons seeking to adopt unless otherwise permitted by this rule.
R21-5-404. Application for Certification	The objective of this rule is to identify the requirements that an adoption entity must gather from a person seeking to adopt.
R21-5-405. Certification Investigation	The objective of this rule is to identify the requirements an adoption entity must complete conducting a certification investigation on the person seeking to adopt.
R21-5-406. Certification Report and Recommendation	The objective of this rule is to identify the information gathered and used to recommend or deny an applicant for certification and responsibility to notify the applicant of such recommendation.
R21-5-407. Renewal of Certification	The objective of this rule is to identify what is required to extend adoption certification beyond the expiration date.
R21-5-408. Communication with Adoptive	The objective of this rule is to outline the information the adoption entity is required to provide, upon request, to the certified adoptive parent awaiting placement.

Parents Awaiting Placement	
R21-5-409. Prohibitions Regarding Birth Parents	The objective of this rule is to identify information that cannot be provided to a birth parent who is signing a consent to an adoption.
R21-5-410. Information about Birth Parents	The objective of this rule is to identify information that should be obtained from the birth parent(s) consenting to an adoption.
R21-5-411. Pre-consent Conference with Birth Parents	The objective of this rule is to establish the requirements of a pre-consent conference with the birth parent(s) and the information that must be covered at the conference.
R21-5-412. Consent to Adopt; Unknown Birth Parents	The objective of this rule is to specify how the adoption entity will handle obtaining the consent of a birth parent and how the adoption agency will address the issue of the unknown birth parent.
R21-5-413. Adoptable Child: Assessment and Service Plan	The objective of this rule is to identify the steps the adoption entity is responsible for before placing a child in an adoptive placement.
R21-5-414. Placement Determination	The objective of this rule is to ensure that all parties to adoption are made aware of how an adoption entity or the Department makes a placement decision.
R21-5-415. Provision of Information on Placed Child	The objective of this rule is to ensure that prospective adoptive families receive essential non-identifying information about an adoptive child before making the adoptive placement.
R21-5-416. Transportation	The objective of this rule is to specify the safeguards required of an adoption entity when transporting an adoptive child, to assure the safety and protection of the child.
R21-5-417. Placement Services	The objective of this rule is to provide information on post-placement services available to adoptive parents.
R21-5-418. Post-placement Supervision: Non-	The objective of this rule is to identify what is required of the adoption entity when providing post-placement supervision of children being adopted by non-foster parents.

foster Parent Placement	
R21-5-419. Post-placement Supervision: Foster Parent Placement	The objective of this rule is to identify what is required of the adoption entity when providing post-placement supervision of children being adopted by foster parents.
R21-5-420. Protracted Placement	The objective of this rule is to prevent unnecessary protracted placements by providing a disincentive to an adoption entity. It requires the adoption entity to report to the Department the reason why an adoption has not finalized after two years.
R21-5-421. Finalizing the Placement	The objective of this rule is to identify what information the adoption entity must provide to the court before the hearing on the petition to adopt.
R21-5-422. Placement Disruption	The objective of this rule is to identify what is required of the adoption entity when an adoptive placement disrupts.
R21-5-423. Confidentiality	The objective of this rule is to require persons who participate in adoption to abide by statutory confidentiality requirements.

3. **Are the rules effective in achieving their objectives?** Yes X No

4. **Are the rules consistent with other rules and statutes?** Yes No X

Rule	Explanation
R21-5-421. Finalizing the Placement	R21-5-421 (1) states that entity must provide the court with documents and information at least 14 days before the final adoption hearing. This does not comply with A.R.S. § 8-112 (A) which states that a social study must be submitted to the court ten days before the hearing on the petition to adopt. DCS currently follows the statute requirements.

5. **Are the rules enforced as written?** Yes No X

Rule	Explanation
R21-5-421. Finalizing the Placement	As identified in #4 above, rule is not consistent with statute. DCS follows the statute requirements.

6. Are the rules clear, concise, and understandable? Yes X No ___
7. Has the agency received written criticisms of the rules within the last five years? Yes ___ No X

8. **Economic, small business, and consumer impact comparison:**

The Department adopted rules in Title 21, Chapter 5, Articles 3 and 4 under its own title (Title 21. Child Safety) on January 24, 2016. There were no economic, small business and consumer impact statements prepared as part of the exempt rulemaking.

The Department of Child Safety is the state agency that provides child welfare services, which includes adoption services, and is authorized by Arizona Revised Statutes to promote the placement of children in permanent adoptive homes. The Department provides adoption services, contracts with private agencies to recruit adoptive homes, and licenses adoption agencies (Title 21, Chapter 9) in Arizona. The goal of adoption services is to place children with qualified adoptive parents in a permanent adoptive home.

Article 3 provides information pertaining to the services provided by the Department. Article 4 speaks to the responsibility of adoption entities.

As of January 31, 2020, there were 13,298 children ages zero to seventeen in out-of-home care. Of these children, 2,649 had a case plan goal of adoption.

The Department provides an array of accessible and individualized services designed to support permanency and adoption of children in the care of DCS. The Department directly or through contracts with private agencies provides the following adoption services:

- Recruits prospective adoptive parents.
- Informs persons interested in adopting a child about the adoption process.
- Conducts certification investigations of prospective adoptive parents.
- Takes adoption consents from birth parents.
- Prepares non-identifying, preplacement information on adoptive children for adoptive parents.
- Submits the names and profiles of adoptable children and certified adoptive parents for listing in the Central Adoption Registry.
- Prepares children for adoptive placement.
- Matches adoptable children with certified adoptive parents.
- Places adoptable children in the homes of certified adoptive parents.
- Investigates and reports to the court on the suitability of particular placements.
- Conducts social studies and preparing final reports to the court.

- Assists attorneys and families to complete the adoption process.

Adoption services provided by the Department are not assigned to specialized units; therefore, the number of employees dedicated to provide services under Article 3 is not available. The Department licenses approximately 17 private adoption agencies. Additionally, the Department contracts with 26 agencies to provide foster and adoption support services through DCS.

Funding for adoption services in FY 2019

- For adoption certification, the Department has expended \$563,675. This is funded by Title IV-E federal funds and State General Funds.
- For adoption promotion, the Department has expended \$278,208. This is funded by Title IV-B part II federal funds and State General Funds.
- For child specific recruitment, the Department as expended \$892,500. This is funded by Title IV-E federal funds and State General Funds.

9. **Has the agency received any business competitiveness analyses of the rules?** Yes ___ No X

10. **Has the agency completed the course of action indicated in the agency’s previous five-year-review report?**

This is the first review of the rules in Title 21, Chapter 5 Articles 3 and 4. The rules in these Articles were made by final exempt rulemaking, published in 21 A.A.R. 3255 on December 18, 2015 and became effective on January 24, 2016.

11. **A determination that the probable benefits of the rule outweigh within this state the probable costs of the rule, and the rule imposes the least burden and costs to regulated persons by the rule, including paperwork and other compliance costs, necessary to achieve the underlying regulatory objective:**

The Department believes that the current rules pose the minimum cost and burden to the persons regulated by these rules. Article 3 pertains to services provided by the Department. Article 4 pertains to the services provided by adoption entities. It is the belief that any cost associated with the rules are offset by the greater benefit of ensuring the safety and protection of Arizona children while seeking a permanent adoptive home for them.

12. **Are the rules more stringent than corresponding federal laws?** Yes ___ No X

Federal laws that apply to the rules of this Article includes the following: Adoption and Safe Families Act (ASFA) (P.L. 105-89); Adam Walsh Child Protection and Safety Act (P.L. 109-248); Adoption Promotion Act 2003 (P.L. 108-145); and Keeping Children and Families Safe Act 2003 (P.L. 108-36). The rules in these Articles are not more stringent than federal law.

13. For rules adopted after July 29, 2010 that require the issuance of a regulatory permit, license, or agency authorization, whether the rules are in compliance with the general permit requirements of A.R.S. § 41-1037 or explain why the agency believes an exception applies:

The Department has determined that A.R.S. 41-1037 does not apply to these rules because these rules do not require the issuance of a regulatory permit, license, or agency authorization.

14. Proposed course of action

The Department plans to request a moratorium exemption from the Governor's Office in accordance with Executive Order 2020-02 and to amend rules to address the concerns identified in this five-year-review report. The Department plans to complete and submit rulemaking for Council's review by December 2020.

ARIZONA DEPARTMENT OF CHILD SAFETY

Five-Year-Review Report

Title 21. Child Safety

Chapter 5. Department of Child Safety - Permanency and Support Services

Article 5. Adoption Subsidy

June 2020

1. Authorization of the rule by existing statutes

General Statutory Authority: A.R.S. § 8-453(A)(5)

Specific Statutory Authority: A.R.S. §§ 8-141 through 8-145 and §§ 8-161 through 8-166

2. The objective of each rule:

Rule	Objective
R21-5-501. Definitions	The objective of this rule is to provide definitions for terms used throughout the rules.
R21-5-502. Eligibility Criteria	The objective of this rule is detail the eligibility criteria in order for a child to receive adoption subsidy.
R21-5-503. Application for Adoption Subsidy	The objective of this rule is to establish that an adoptive parent must complete an application for adoption subsidy. It also details the information required on the application.
R21-5-504. Eligibility Determination	The objective of this rule is to address the Department's process for approving or denying an adoption subsidy application.
R21-5-505. Adoption Subsidy Agreement	The objective of this rule is to require an adoption subsidy agreement.
R21-5-506. Medical, Dental, and Mental Health Subsidy	The objective of this rule is to indicate the health services that are provided through subsidy.
R21-5-507. Maintenance Subsidy	The objective of this rule is to explain and detail what consists of maintenance subsidy.
R21-5-508. Special Services Subsidy	The purpose of this rule is to set the criteria and process for requesting subsidy for special circumstances.
R21-5-509. Nonrecurring Adoption Expenses	The purpose of this rule is to describe considerations for one-time expenses for adoption assistance.

R21-5-510. Annual Review; Reporting Change	The purpose of this rule is to indicate that adoption subsidy recipients must cooperate with an annual review and reporting changes.
R21-5-511. Termination of Adoption Subsidy	The purpose of this rule is to establish circumstances under which subsidy is terminated.
R21-5-512. New or Amended Adoption Subsidy Agreement	The purpose of this rule is to establish the process for requesting and amending the adoption subsidy agreement.
R21-5-513. Appeals	The purpose of this rule is to advise that the appeal process is located in Title 21, Chapter 1, Article 3.
R21-5-514. Confidentiality	The purpose of this rule is to inform that the Department follows federal and state confidentiality laws.

3. **Are the rules effective in achieving their objectives?** Yes X No ___

4. **Are the rules consistent with other rules and statutes?** Yes ___ No X

Rule	Explanation
R21-5-502. Eligibility Criteria	In 2019, A.R.S. § 8-144 changed to expand eligibility criteria for adoption subsidy. Eligibility Criteria in R21-5-502(C)(1) needs to be expanded to include children who may now meet the eligibility criteria to receive adoption subsidy services.
R21-5-510. Annual Review; Reporting Change	In 2018, A.R.S. § 8-144 changed the review requirement of adoption subsidy from annual to periodic reviews. The section title and R21-5-510(A) need to be updated to reflect the statutory change.
R21-5-511. Termination of Adoption Subsidy	In 2019, A.R.S. § 8-144 changed eligibility and allows children to continue receiving adoption subsidy past high school graduation if they were adopted at age 16 or 17 and meet the criteria established in statute. This section needs to be amended to include the statutory changes.

5. **Are the rules enforced as written?** Yes ___ No X

Rule	Explanation
R21-5-510. Annual Review; Reporting Change	As mentioned in #4 above, Arizona Revised Statute changed in 2018. The Department currently follows statutory requirements and proposes to conduct rulemaking to update the rules.

R21-5-511. Termination of Adoption Subsidy	As mentioned in #4 above, Arizona Revised Statute changed in 2019. The Department currently follows statutory requirements and proposes to conduct rulemaking to update the rules.
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6. **Are the rules clear, concise, and understandable?** Yes ___ No X

Rule	Explanation
R21-5-502. Eligibility Criteria	The Department plans to amend rules in R21-5-502 C.1. to include statutory updates. As mentioned in #4 of this report, in 2019 Arizona Revised Statute § 8-144 changed to expand eligibility criteria for adoption subsidy.
R21-5-510. Annual Review; Reporting Change	The Department plans to amend the section title and R21-5-510(A) to reflect the statutory change from an “Annual Review” to a “Periodic Review”. As mentioned in #4 of this report, in 2018 Arizona Revised Statute changed this requirement.
R21-5-511. Termination of Adoption Subsidy	The Department plans to amend this section by adding language to reflect statutory change in which the eligibility criteria changed to allow children to continue receiving adoption subsidy past high school graduation if they were adopted at age 16 or 17 and meet the eligibility criteria set in statute.

7. **Has the agency received written criticisms of the rules within the last five years?** Yes ___ No X

8. **Economic, small business, and consumer impact comparison:**

The Department adopted the rules in Title 21, Chapter 5, Article 5 under its own title (Title 21. Child Safety) on January 24, 2016. There was no economic, small business and consumer impact statements prepared as part of the exempt rulemaking.

Adoption Assistance in Arizona is provided for special needs children, as defined by A.R.S. § 8-141(A)(14), who are adopted in the State of Arizona. Adoption assistance services provide the following:

- Medical coverage through AHCCCS or the state’s Medicaid plan when child resides in another state.
- Nonrecurring expenses (one-time expenses) to cover necessary legal expenses related to adoption of the child.
- Monthly maintenance payments to adoptive parents to assist with covering expenses related to child’s special needs.
- Special services subsidy to cover medically necessary services that are not available through any other community resource.
- Case management and advocacy for children receiving adoption subsidy.

In calendar year 2019, approximately 34,202 children received adoption subsidy services. This number includes an additional 1,975 children who were adopted and began receiving adoption subsidy services. Also in 2019, approximately 1,473 children exited the adoption subsidy program primarily due to reaching the maximum age for receiving adoption subsidy services.

The Department's Subsidy Unit is responsible for processing, reviewing, and monitoring the adoption subsidy program as well as the guardian subsidy program, which is not subject to the rules of this report. Due to the Department's organizational structure, costs associated with the adoption subsidy program is not readily quantifiable. The program is administered by the Assistant Director for Foster Care and Post Permanency Supports. The Subsidy Program is staffed with 37 full-time employees, consisting of one (1) Manager, four (4) Supervisors, 21 Subsidy Specialists, six (6) support staff, two (2) Behavioral Health Specialists, and three (3) Eligibility Specialists. This staff is responsible for the following adoption subsidy functions:

- Processes applications for adoption subsidy and work with DCS Specialists and clients when applications are incomplete or may include inaccurate information.
- Reviews applications to determine eligibility.
- Notifies applicants of approval or denial of application.
- Creates and enters information onto the DCS electronic database system.
- Processes referrals to the Arizona Health Care Cost Containment System (AHCCCS) when child lives in Arizona and the child is eligible.
- Processes referrals to Interstate Compact on Adoption and Medical Assistance (ICAMA) when the adopted child lives in another state and may be eligible for Medicaid in that state.
- Assists families and children who are also receiving services through other state or federal programs, such as the Arizona Long Term Care System (ALTCS), DES Division of Developmental Disability (DDD), private insurance, and the educational system.
- Advocates for the child when managing the Behavioral Health services, as necessary.
- Coordinates payment for non-recurring expenses.
- Conducts periodic reviews of adoption subsidy cases based on a questionnaire mailed to parents.
- Reviews reports and determines if any updates to services are necessary.
- Coordinates with the educational system when the child receiving services has reached 18 years of age and continues to receive services from the educational system.
- Ensures continuity of adoption subsidy and services when status of care with the adoptive parent changes.
- Reviews and closes adoption subsidy and services as appropriate.
- Provides technical assistance to DCS staff, attorneys, adoptive parents, and external stakeholders to ensure children achieve permanency.

Funding for adoption subsidy

The funding source for adoption subsidy services is provided through Title IV-E Adoption, Adoption Incentive, TANF and from General State Funds for children who are not Title IV-E eligible. The funding sources for Non-recurring Adoption Expenses and Home Recruitment Expenses are a combination of Title IV-E Adoption, Promoting Safe and Stable Families: Title IV-B, Subpart 2, and General State funds.

FY 19 Adoption Expenses

Maintenance Subsidy	\$	232,347,262
Special Services Subsidy	\$	676,484
Non-Recurring Expenses	\$	4,413,073
Home Recruitment Expenses	\$	1,210,160

9. **Has the agency received any business competitiveness analyses of the rules?** Yes ___ No X

10. **Has the agency completed the course of action indicated in the agency’s previous five-year-review report?**

This is the first review of the rules in Title 21, Chapter 5 Article 5. The rules in this Article were made by final exempt rulemaking, published in 21 A.A.R. 3255 on December 18, 2015 and became effective on January 24, 2016.

11. **A determination that the probable benefits of the rule outweigh within this state the probable costs of the rule, and the rule imposes the least burden and costs to regulated persons by the rule, including paperwork and other compliance costs, necessary to achieve the underlying regulatory objective:**

The Department believes that the current rules pose the minimum cost and burden to the persons regulated by these rules. This Article pertains to the adoption subsidy program provided by the Department. This Article provides information and guidelines on the requirements on who is eligible to receive adoption subsidy services, as well as the criteria for continuing to receive adoption subsidy services and the circumstances for when to terminate adoption subsidy services. The Department bears the cost associated with the rules in this Article. However, as mentioned in #8 of this report, the Department also receives Federal Funds for the provision of adoption subsidy services for children who are Title IV-E eligible. Additionally, the rules support better outcomes for youth by establishing permanent connections, supports through early adulthood, and lasting supports that reduce impacts to other systemic issues is a cost benefit. The benefit of these rules is to provide better outcomes for children and to ensure that they do not languish in the child welfare system, which could have potential negative impact to their well-being if permanency is not achieved. In addition, the State is able to draw

down federal dollars based on their federal participation through the IV-E program to ensure that children are able to achieve permanency in safe homes.

12. **Are the rules more stringent than corresponding federal laws?** Yes ___ No X

The rules are not more stringent than corresponding federal laws. Federal laws that apply to these rules are: 42 U.S.C. § 473 and 42 U.S.C. § 673.

13. **For rules adopted after July 29, 2010 that require the issuance of a regulatory permit, license, or agency authorization, whether the rules are in compliance with the general permit requirements of A.R.S. § 41-1037 or explain why the agency believes an exception applies:**

The Department has determined that A.R.S. § 41-1037 does not apply to these rules because these rules do not require the issuance of a regulatory permit, license, or agency authorization.

14. **Proposed course of action**

The Department plans to request a moratorium exemption from the Governor's Office in accordance with Executive Order 2020-02 and to amend rules to address the concerns identified in this five-year-review report. The Department plans to complete and submit rulemaking for Council's review by December 2020.

ARIZONA DEPARTMENT OF CHILD SAFETY

Five-Year-Review Report

Title 21. Child Safety

Chapter 1. Department of Child Safety - Administration

Article 4. Fingerprinting

October 2020

1. Authorization of the rule by existing statutes

General Statutory Authority: A.R.S. § 8-453(A)(5)

Specific Statutory Authority: A.R.S. § 46-141

2. The objective of each rule:

Rule	Objective
R21-1-401. Definitions	The objective of this rule is to provide definitions for terms used throughout the rules in this Article.
R21-1-402. Applicability	The objective of this rule is to state who these rules apply to or do not apply to.
R21-1-403. Time Period Prior to Results of Personnel Criminal Records Check or Issuance of a Level One Fingerprint Clearance Card	The objective of this rule is to establish that a person pending results of a criminal background check or pending a Level One fingerprint clearance card cannot provide unsupervised direct services to juveniles.
R21-1-404. Effect of No Criminal History Disclosed	The objective of this rule is to state that a person completing a criminal self-disclosure and discloses no criminal history per A.R.S. can provide supervised direct care to juveniles.
R21-1-405. Effect of Proscribed Criminal History Disclosed or Discovered	The objective of this rule is to state that a person who discloses criminal history or criminal history is discovered may not provide direct care services or have contact with juveniles unless a good cause exception is granted.
R1-1-406. Effect of Denied, Expired, Revoked or Suspended Level One Fingerprint Clearance Card	The objective of this rule is to state that a provider must not allow an employee provide direct care or have contact with juveniles when an employee's fingerprint clearance card has been denied, expired, suspended, or revoked.

3. Are the rules effective in achieving their objectives?

Yes **X** No

4. **Are the rules consistent with other rules and statutes?** Yes ___ No X

Rule	Explanation
R21-1-401, R21-1-403 through R21-1-406	In 2019, A.R.S. § 46-141 was amended. As a result, all but one Section of this Article should be updated. One of the statutory changes in A.R.S. § 46-141, for example, now requires all employees of a residential group care facility to comply with fingerprinting and obtain a fingerprint clearance card. Additionally, specific references to statute should be updated. An example of a reference that should be updated is rule references A.R.S. § 46-141 (I) which is now be A.R.S. § 46-141 (J).

5. **Are the rules enforced as written?** Yes ___ No X

Rule	Explanation
R21-1-401, R21-1-403 through R21-1-406	As mentioned in #4, Arizona Revised Statute § 46-141 was amended in 2019. Five of the six Sections in this Article need to be updated to reflect the statutory changes. The Department currently follows statutory requirements and proposes to conduct rulemaking to update the rules.

6. **Are the rules clear, concise, and understandable?** Yes ___ No X

Rule	Explanation
R21-1-401, R21-1-403 through R21-1-406	The rules in these Sections need to be clarified in order for the agencies to have a clear understanding of what is required and expected of them regarding fingerprinting and the Level One fingerprint clearance card. The Department proposes to conduct rulemaking to update the rules because, as mentioned in #4 of this report, Arizona Revised Statute § 46-141 was amended in 2019. The Department currently follows statutory requirements.

7. **Has the agency received written criticisms of the rules within the last five years?** Yes X No ___

During the Department's exempt rulemaking process in 2015, the Department received the following comments: Clarify the term criminal background check versus obtaining a valid Level One fingerprint clearance card; and describe any work a new hire may perform pending the issue of a valid Level One fingerprint clearance card. The Department reviewed and incorporated comments where applicable in the final rule package.

8. **Economic, small business, and consumer impact comparison:**

The Department adopted the rules in Title 21, Chapter 1, Article 4 under its own title (Title 21, Child Safety) on November 30, 2015. There was no economic, small business and consumer impact statements prepared as part of the exempt rulemaking.

The cost associated with the requirements in the rules in Article 4, Fingerprinting are directed by A.R.S. § 46-141. The rules in Article 4 do not have an additional economic impact on the Department, consumers, or small businesses from those already imposed as a result of the Arizona Revised Statute. The rules in Article 4 are applicable to agencies or persons who apply for license or contract with the Department. However, the rules in Article 4 are not applicable to foster home licensing requirements or for adoption certifications. The Department of Public Safety (DPS) currently contracts with the vendor, Thales Gelmato, for fingerprinting. The vendor then forwards the digital fingerprints to DPS who completes the criminal background check. Thales Gelmato provides an online portal where consumers can register to apply for a background check, pay for the cost, find locations where their fingerprints can be taken, and check their fingerprint application status.

The Office of Licensing and Regulation (OLR), a unit within the Department, verifies that licensed agencies and their employees are compliant and remain compliant with these rules and statute. OLR also receives notification when a person's Level One fingerprint clearance card has been denied, suspended, or revoked. OLR notifies and coordinates with agencies when a licensee's or employee of the licensee's fingerprint clearance card has been denied, suspended, or revoked. The Department's Office of Procurement and Contracts verifies that a contractor with the Department is compliant and remains compliant with these rules and statutes. The Department also has established the Fidelity and Compliance Services (FCS) unit within the Office of Procurement and Contracts that routinely conducts provider site visits to audit provider personnel files including the review of central registry background checks and Level One fingerprint clearance card checks.

The Department does not charge a fee for monitoring compliance with this Article and does not pay or reimburse for the cost associated with compliance with this Article. The vendor, Thales Gelmato, charges the applicant a fee associated with fingerprinting and the Arizona Level One fingerprint clearance card. Depending on the services the agency or contractor is providing, either some or all agency employees must be fingerprinted and hold a valid Arizona Level One fingerprint clearance card. Agencies take different approaches to managing payment; there are some agencies that cover the cost for their employees while others make it the responsibility of the employee or those applying for a job with the agency.

The Department believes the rules support statute and provide further guidance. The Department also believes that the rules do not add a burden of cost to those already a result of the statutory requirement.

9. **Has the agency received any business competitiveness analyses of the rules?** Yes ___ No X

10. Has the agency completed the course of action indicated in the agency’s previous five-year-review report?

This is the first review of the rules in Title 21, Chapter 1 Article 4. The rules in this Article were made by final exempt rulemaking and became effective on November 30, 2015.

11. A determination that the probable benefits of the rule outweigh within this state the probable costs of the rule, and the rule imposes the least burden and costs to regulated persons by the rule, including paperwork and other compliance costs, necessary to achieve the underlying regulatory objective:

The Department believes of the rule outweigh the probable costs of the rule. The rules in the Article 4 support and provide further guidance on the requirements already set by Arizona Revised Statute.

12. Are the rules more stringent than corresponding federal laws? Yes No

42 U.S.C. § 671. The rules are not more stringent than federal law.

13. For rules adopted after July 29, 2010 that require the issuance of a regulatory permit, license, or agency authorization, whether the rules are in compliance with the general permit requirements of A.R.S. § 41-1037 or explain why the agency believes an exception applies:

The Department has determined that A.R.S. § 41-1037 does not apply to these rules because these rules do not require the issuance of a regulatory permit, license, or agency authorization.

14. Proposed course of action

The Department plans to request a moratorium exemption from the Governor’s Office in accordance with Executive Order 2020-02 and to amend rules to address the concerns identified in this five-year-review report. The Department plans to complete and submit rulemaking for Council’s review by July 2021.

ARIZONA DEPARTMENT OF CHILD SAFETY

Five-Year-Review Report

Title 21. Child Safety

Chapter 9. Department of Child Safety - Adoption Agency Licensing

Article 1. Definitions

Article 2. Adoption Agency Licensing Requirements

October 2020

1. Authorization of the rule by existing statutes

General Statutory Authority: A.R.S. § 8-453(A)(5)

Specific Statutory Authority: A.R.S. §§ 8-120, 8-121, 8-126, 8-127, 8-129, 8-130, 8-132, 8-134, and 46-141

2. The objective of each rule:

Article 1. Definitions

Rule	Objective
R21-9-101. Definitions	The objective of this rule is to promote a uniform understanding of terminology used throughout this Chapter.

Article 2. Adoption Agency Licensing Requirements

Rule	Objective
R21-9-201. Who Shall Be Licensed	The objective of this rule is to establish who may perform adoption services and what services they can perform.
R21-9-202. Adoption Agency License; Initial Application Package; Fee	The objective of this rule is to establish the initial licensing requirements and the initial licensing procedure for an adoption agency. This rule also establishes a non-refundable fee of \$400 for an initial application.
R21-9-203. Additional Requirements for Licensing; Out-of-state and Foreign Adoption Services	The objective of this rule is to establish that an out-of-state adoption agency or an agency that is to conduct foreign adoptions must comply with the requirements of this Section in addition to those outlined in R21-9-202.
R21-9-204. Department Procedures for Processing License Applications; Licensing Time Frames	The objective of this rule is to establish the procedures to be followed by the Department to process adoption license applications. The rule also clarifies what the Department will consider a complete initial and renewal application.
R21-9-205. License: Issuance Denial	The objective of this rule is to establish the procedures the Department will follow when processing and evaluating a license application. This rule also establishes

	the criteria the Department will use to determine whether a license is to be issued or denied.
R21-9-206. License: Term; Non-transferability	The objective of this rule is to establish parameters regarding the issuance of an adoption license, and prohibits the transference or assignment of a license.
R21-9-207. Application for License Renewal; Fee	The objective of this rule is to establish the requirement for annual renewal of a license and to specify the requirements for license renewal. This rule also establishes a non-refundable fee of \$225 for a renewal application.
R21-9-208. Renewal License; Issuance	The objective of this rule is to establish the procedures the Department will follow when processing and evaluating a license renewal application. This rule also establishes the criteria the Department will use to determine if a license will be renewed.
R21-9-209. Amended License	The objective of this rule is to establish when an adoption agency must request an amendment. This rule also establishes the Department's criteria to issue an amended license and clarifies when an amended license expires.
R21-9-210. Governing Body	The objective of this rule is to establish that an adoption agency is required to have a governing body. The rule also describes who serves as the governing body and their responsibilities.
R21-9-211. Adoption Agency Administrator	The objective of this rule is to establish that an adoption agency is required to have an agency administrator. The rule also describes the educational and experience required for the administrator and the administrator's responsibilities.
R21-9-212. Social Services Director	The objective of this rule is to establish that an adoption agency is required to have a social services director. This rule also describes the educational and experience required of the social services director and describes the social services director's responsibilities.
R21-9-213. Social Workers	The objective of this rule is to establish that an adoption agency is required to have sufficient social workers. This rule also describes the minimum educational and experience requirements for the social worker as well as describes the roles and duties of a social worker.
R21-9-214. Adoption Agency Employee: Hiring; References; Fingerprinting	The objective of this rule is to establish requirements pertaining to the hiring of new job applicants. This rule also emphasizes requirements in regards to reference checks and fingerprinting.
R21-9-215. Adoption Agency Volunteers; Interns	The objective of this rule is to establish standards in relation to the use of volunteers or student interns.

R21-9-216. Personnel Records	The objective of this rule is to establish the requirement for an adoption agency to maintain a personnel file for each agency employee. This rule also establishes personnel record retention.
R21-9-217. Training Requirements	The objective of this rule is to establish the adoption agency's responsibility to provide initial and ongoing training for professional employees. This rule also requires the adoption agency document the training provided.
R21-9-218. Contracted Services	The objective of this rule is to establish the requirements regarding the use of contracted services.
R21-9-219. Staffing Ratios	The objective of this rule is to state adoption agencies must comply with the staffing ratios as described in rule. This rule also establishes the criteria OLR will use to determine if an agency is complying with the staffing ratios.
R21-9-220. Operations Manual	The objective of this rule is to require an adoption agency to have an operations manual and describes what should be included in the operations manual. This rule also directs the adoption agency to make its operations manual available to all agency personnel, and for review by clients, upon request.
R21-9-221. Adoption Agency Operations Budget; Financial Records	The objective of this rule is to establish requirements for an adoption agency in regard to adopting a budget and maintaining financial records.
R21-9-222. Annual Financial Audit	The objective of this rule is to require an adoption agency to obtain an annual, fiscal year-end audit by an independent certified public accountant. This rule also describes the information an adoption agency with an annual income of less than \$250,000 may submit in lieu of an annual, fiscal year-end audit.
R21-9-223. Insurance Coverage	The objective of this rule is to establish the minimum amounts of coverage that an adoption agency must carry in a liability insurance policy.
R21-9-224. Physical Space Requirements; Transportation of a Child	The objective of this rule is to establish that an adoption agency must not discuss confidential matters in public and is required to have sufficient physical space to meet in Arizona to ensure privacy and security. The rule also outlines the requirements for record storage, meeting areas and transportation.
R21-9-225. Protecting Confidentiality for Adoption Records	The objective of this rule is to require the adoption agency to have written policy on maintenance and security of adoption records and specifies information it must include. The rule also provides related statutes.
R21-9-226. Recordkeeping Requirements: Adoptive Children	The objective of this rule is to establish that an adoption agency is required to maintain a case record for each adoptive child and describes the specific information maintained in the case record.

R21-9-227. Recordkeeping Requirements: Adoptive Parents	The objective of this rule is to establish that an adoption agency is required to maintain a case record for each adoptive parent and describes what the case record must include.
R21-9-228. Reporting Requirements: Abuse; Adoption Agency Change; Change of Circumstances of a Child or Family	The objective of this rule is to state that an adoption agency is required to report suspected child abuse or neglect. The rule also outlines changes within the adoption agency that must be reported to DCS/OLR by the adoption agency.
R21-9-229. Closure of Adoption Agency: Record Requirements	The objective of this rule is to specify what actions the adoption agency must take when closing its agency.
R21-9-230. Birth Parent: Service Agreement; Prohibitions	The objective of this rule is to detail the requirements that an adoption agency is to follow before entering into an agreement and providing services to a birth parent. This rule also specifies information the adoption agency must provide a birth parent.
R21-9-231. Adoption Fees; Reasonableness	The objective of this rule is to establish that an adoption agency is not to charge clients more than a reasonable fee for services and outlines what an adoption agency cannot do as it pertains to fees. The rule also requires an adoption agency to have a fee policy that is shared with a client.
R21-9-232. Adoption Fee Agreement	The objective of this rule is to establish the requirement for an adoption agency to enter into a written fee agreement with an adoptive parent before providing services. This rule also provides specific information as to the components of this agreement.
R21-9-233. Monitoring: Inspections and Interviews; Compliance Audit	The objective of this rule is to establish the Department's responsibility to monitor the ongoing operations of each adoption agency.
R21-9-234. Complaints; Investigations	The objective of this rule is to establish the Department's responsibilities in response to complaints received about an adoption agency.
R21-9-235. Noncompliance Status: Corrective Action Plan	The objective of this rule is to describe the Department's responsibilities when placing an adoption agency in noncompliance status. The rule also indicates an adoption agency's responsibility to respond to a noncompliance status notification.
R21-9-236. Suspension	The objective of this rule is to establish the Department's authority to suspend a license, clarify when a license may be suspended, and state the Department's

	responsibilities. The rule also clarifies what services the adoption agency may and may not provide when their license is suspended.
R21-9-237. Revocation	The objective of this rule is to establish the Department's authority to revoke a license and clarifies when the Department may revoke a license. This rule also details the Department's and the adoption agency's responsibilities in relation to the revocation.
R21-9-238. Adverse Action: Procedures	The objective of this rule is to define an adverse action and detail the Department's responsibilities when taking an adverse action against an adoption agency.
R21-9-239. Appeals	The objective of this rule is to establish the right of an adoption agency to appeal an adverse action taken by the Department. This rule also details the adoption agency's timeframes for filing an appeal and refers OLR to Title 21, Chapter 1, Article 3 for the appeal process.
R21-9-240. International Adoptions	The objective of this rule is to establish the requirements in regards to international adoptions.

3. **Are the rules effective in achieving their objectives?** Yes X No

4. **Are the rules consistent with other rules and statutes?** Yes No X

Rule	Explanation
R21-9-207	In 2019 A.R.S. § 46-141 amended the fingerprint and Level One fingerprint clearance card requirements to include a person licensed by the Department or employed by the licensee. The rule needs to be updated to reflect the amended statute.
R21-9-224	R21-9-224 (E) includes a weight criteria for use of the child restraint system that is not a criteria under A.R.S. § 28-907. Also, R21-9-224 (E)(3)(b) applies the child restraint system criteria to children ages five to eight years old; whereas A.R.S. § 28-907 B. refers to children ages at least five years and under eight years old. The rule needs to be updated to reflect statutory requirements.

5. **Are the rules enforced as written?** Yes No X

Rule	Explanation
R21-9-207	As mentioned in #4 of this report, A.R.S. § 46-141 was amended in 2019. The Department currently follows statutory requirements and proposes to conduct rulemaking to update the rules.

R21-9-224	As mentioned in #4 of this report, the rules in this R21-9-224 (E) are not consistent with A.R.S. § 28-907. The Department currently enforces the statute requirements and proposes to amend rules to align with statute.
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6. **Are the rules clear, concise, and understandable?** Yes ___ No X

Rule	Explanation
R21-9-202	The rules in R21-9-202 (B)(2)(c) need to clarify that an applicant who held a license within three years prior to the current application or holds a license in another state needs to comply with the requirements of this rule. Also, R21-9-202 B (9)(b) should include reference to statute, A.R.S. § 8-132, as the statute outlines further expectations.
R21-9-205	The rules R21-9-205 (A)(4) should include that an adoption agency applicant must disclose any adoption agency licenses held in another state.
R21-9-207	The rules in this Section need to be updated to include statutory changes as mentioned in #5 of this report.
R21-9-214	The rules in R21-9-214 (B)(4) need to clarify that an adoption agency's new hire must complete an authorization form to allow the adoption agency to complete a Central Registry background check.
R21-9-224	The rules in R21-9-224 (E) should reference that an adoption agency must comply with child safety restraint systems as prescribed in A.R.S. § 28-907. As mentioned in #4 and #5 of this report, R21-9-224 (E) is not consistent with statute.
R21-9-228	The rules in R21-9-228 (A)(1) need to clarify that an adoption agency is expected to report any suspicion of child abuse or neglect in accordance with A.R.S. § 13-3620.
R21-9-229	The rules in R21-9-229 (A) should refer to A.R.S. § 8-120 which clearly outlines the requirements the adoption agency must comply with when closing.
R21-9-233	The rules in R21-9-233 (B)(1) need to clarify that monitoring visits by OLR are not limited to one announced and one unannounced onsite inspection.

7. **Has the agency received written criticisms of the rules within the last five years?** Yes X No ___

During the Department's exempt rulemaking process in 2015, the Department held a couple of public hearings where attendees were provided the opportunity to provide oral or written comments. Comments were received at the public hearings, on-line, and by U.S. mail. Examples of the comments included requests for greater flexibility and clarification of educational and certification requirements for staff, and suggestions for improved language concerning renewal of licenses and the conditions of written agreements with birth parents. The Department held a meeting with stakeholders to obtain clarification on and in support of their comments. The Department incorporated their comments where applicable into the final rule.

The fees covered in Article 2 were re-established in 2018. At the time of this rulemaking the Department did not receive any comments.

8. Economic, small business, and consumer impact comparison:

Title 21, Chapter 9, Articles 1 and 2 pertain to the licensure and operation of adoption agencies. A.R.S. § 41-1008 states that a fee established under an exempt rule making is effective for two years. A.R.S. § 8-126 grants the Department specific authority to charge fees for agency licensing and renewal. In 2018, the Department conducted regular rulemaking to re-establish the fees in Article 2. The Department charges an adoption agency a fee at the time of initial and renewal application. Adoption agencies assist in finding permanent homes for children in foster care and provide private adoption services (domestically and/or internationally).

The cost bearers and beneficiaries from rules in Chapter 9 include: Adoption Agencies; the Department of Child Safety; children in out-of-home care through the Department of Child Safety; the community at large. The Office of Licensing and Regulation (OLR) is a program unit within the Department of Child Safety and continues to be charged with the responsibilities that pertain to Title 21, Chapter 9. The Department does not anticipate allotting any new full-time employee positions or making changes to those currently allotted. The Department continues to believe that the current staffing and organization is adequate to implement and enforce the rules. There are no political subdivisions affected by these rules.

Agencies

Chapter 9 contains rules pertaining to licensure and operation of adoption agencies. During the 2019 calendar year, the Department did not process or issue any initial license; however, it did process and issue 19 renewal licenses, and one amended license under Chapter 9. Additionally, one adoption agency closed in the 2019 calendar year. There are no fees associated with amending or closing a license. As of September 1, 2020 there were 18 adoption agencies licensed by OLR. Of these, only five adoption agencies are also contracted with the Department to provide adoption services for children who are in the care and custody of the Department.

Department

OLR's organization and functions pertaining to processing and licensing adoption agencies remain the same as stated in the 2018 economic, small business and consumer impact statement. Costs associated with enforcement of these rules is not readily quantifiable due to the OLR's organization.

Funding for the operation of OLR is appropriated annually.

9. Has the agency received any business competitiveness analyses of the rules? Yes No

10. **Has the agency completed the course of action indicated in the agency’s previous five-year-review report?**

This is the first review of the rules in Title 21, Chapter 9 Articles 1 and 2. The rules in this Article were made by final exempt rulemaking and became effective on January 24, 2016.

11. **A determination that the probable benefits of the rule outweigh within this state the probable costs of the rule, and the rule imposes the least burden and costs to regulated persons by the rule, including paperwork and other compliance costs, necessary to achieve the underlying regulatory objective:**

The Department believes that the current rules pose the minimum cost and burden to the persons regulated by these rules. These Articles pertain to the licensing and monitoring of adoption agencies. The rules provide the process, guidelines, and expectations when a person(s) wants to apply and maintain an adoption agency license. The Department charges a minimal fee when a person(s) applies for a license as an adoption agency. The fee for an initial application is \$400 whereas the fee for reapplying for licensure is \$225 annually. These fees have not changed nor have been increased in over 20 years. The licensed adoption agencies provide adoption services to birth parents, adoptive parents, and children up for adoption both locally and/or internationally.

12. **Are the rules more stringent than corresponding federal laws?** Yes ___ No X

42 U.S.C. 671. The rules are not more stringent than federal law.

13. **For rules adopted after July 29, 2010 that require the issuance of a regulatory permit, license, or agency authorization, whether the rules are in compliance with the general permit requirements of A.R.S. § 41-1037 or explain why the agency believes an exception applies:**

Agencies providing adoption services are required to be licensed. Adoption agency licenses are exempt under A.R.S. § 41-1037 and do not require a general permit.

14. **Proposed course of action**

The Department plans to request a moratorium exemption from the Governor’s Office in accordance with Executive Order 2020-02 and to amend rules to address the concerns identified in this five-year-review report. The Department plans to complete and submit rulemaking for Council’s review by September 2021.