

ARIZONA DEPARTMENT OF CHILD SAFETY

Five-Year-Review Report

Title 6. Economic Security

Chapter 5. Social Services

Article 69. Child Placing Agency Licensing Standards

July 29, 2021

1. Authorization of the rule by existing statutes

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

Specific Statutory Authority: A.R.S. § 8-503 (A)(4)(a)

2. The objective of each rule:

| Rule | Objective |
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| R6-5-6901. Objectives | The objective of Article 69 is to establish licensing and operating standards to promote quality services for children and unmarried mothers whose needs are not adequately met in their family homes. |
| R6-5-6902. Authority | The objective of this rule is to state the specific statutory authority for the rules contained in Article 69. |
| R6-5-6903. Definitions | The objective of these rules is to promote and ensure uniform understanding of terminology used by the Department throughout this Article. |
| R6-5-6904. Licensing Requirements | The objective of this rule is to establish the initial licensing requirements and the initial licensing procedure for a Child Placing Agency in the state of Arizona. The rule also establishes the criteria for issuance of a provisional or regular license. |
| R6-5-6905. Denial, Suspension, or Revocation of a License | The objective of this rule is to clarify the circumstances under which the Department may deny, suspend, or revoke a child placing agency license. This rule also requires the Department to notify a licensee in writing of an adverse licensing action, and provide an opportunity for the licensee to request an administrative hearing. |
| R6-5-6906. License Renewal Requirements | The objective of this rule is to establish requirements to renew a Child Placing Agency license and to specify the circumstances of when a license renewal is required. |
| R6-5-6907. Standards for Licensing and Operating a Child Placing Agency | The objective of this rule is to establish the criteria for operating a Child Placing Agency. Categories of requirements covered include, staffing, organizational structure, financing, reporting, personnel, supervision of children in care and foster homes, provision of services, and facility standards. |

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| R6-5-6908. Confidentiality | The objective of this rule is to establish the requirements for Child Placing Agencies regarding using and safeguarding the confidential information of children. |
| R6-5-6909. Civil Rights | The objective of this rule is to establish the requirement of Child Placing Agencies to adhere to the Department of Economic Security's rules in regards to civil rights. |
| R6-5-6910. Fair Labor Standards Act | The objective of this rule is to establish the requirement for the Child Placing Agency's employee hiring and compensation policies to comply with the Fair Labor Standards Act. |

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

| Rule | Explanation |
|---|---|
| R6-5-6903. Definitions | Some definitions in this Section are not effective as they are outdated. |
| R6-5-6904. Licensing Requirements | The rules in this Section need to be clarified to reflect current statute (A.R.S. § 8-505 (C)) expectations in relation to licensing study and investigation. |
| R6-5-6905 Denial, Suspension, or Revocation of a License | The rules in this Section can be made more effective by revising the rule to reflect current adverse licensing action procedures to make them more understandable. For example, elaborating on specific reasons for revocation, denial or suspension will make this rule more understandable. |
| R6-5-6906. License Renewal Requirements | The rules in this Section are outdated and can be made more effective by revising the rule to reflect current procedures and updating citations. |
| R6-5-6907. Standards for Licensing and Operating a Child Placing Agency | The rules in this Section are outdated and can be made more effective by revising the rule to reflect the current requirements, procedures, and accurate legal references for the licensing of Child Placing Agencies. References to rules no longer in effect needs to be updated to reflect new Department rules. |
| R6-5-6908. Confidentiality | This rule can be made more effective by revising the rule to reflect the appropriate statutory reference for the Department in lieu of the repealed DES rule that is referenced. |
| R6-5-6909. Civil Rights | This rule can be made more effective by revising the rule to reflect the appropriate statutory reference for the Department in lieu of the repealed DES rule that is referenced. |

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

| Rule | Explanation |
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| R6-5-6902. Authority | The rule in this Section is not consistent with other statutes. For example, this Section indicates that A.R.S. §§ 8-501 through 8-520 apply to a Child Placing Agency; however, not all statutes apply to an Agency. A.R.S. § 46-134 also does not apply. |
| R6-5-6903. Definitions | Some definitions in this Section refer to outdated statutes and Arizona Administrative Codes: (L) should reference A.R.S. § 8-501 (6); and (N) should reference all relevant A.R.S. Additionally, the terms are outdated and should be aligned to terms used in A.A.C. Title 21. |
| R6-5-6904. Licensing Requirements | R6-5-6904 indicates that a licensing study is required by A.R.S. § 8-505 (C); however, statute details the requirements for investigation of an agency and does not require a licensing study. Additionally, this Section should reflect the current requirements contained in A.R.S. § 41-1758.07. |
| R6-5-6907. Standards for Licensing and Operating a Child Placing Agency | This Section contains outdated statute and Administrative Code references; for example several references to A.A.C. Title 6 no longer apply; and reference to A.R.S. § 8-511 is not correct. |
| R6-5-6908. Confidentiality | Reference to A.A.C. Title 6 in this Section is incorrect. |
| R6-5-6909. Civil Rights | Reference to A.A.C. Title 6 in this Section is incorrect. |

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

| Rule | Explanation |
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| Multiple. As referenced in paragraphs #3 and #4. | The rules are enforced as written for the exception of those rules identified under #3 and #4 of this report due to the rules being in conflict with other rules and statutes or contrary to current practice. A.R.S. § 8-451, effective May 29, 2014, created the Arizona Department of Child Safety and the responsibilities and authority in Article 69 for Child Welfare Agency licensing were transferred to the new state agency. The Department proposes to resolve the issues identified in this report by creating new rules that will be under A.A.C. Title 21. Department of Child Safety. |

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

| Rule | Explanation |
|---|---|
| R6-5-6903. Definitions | These rules could be improved and made clearer by updating citations to reflect current administrative rule and state and federal laws. These rules can also be improved by updating antiquated terms, such as “board homes,” and “caseworker supervisor.” The rules can also be written with more accuracy by replacing references to the Department of Economic Security, and the Department of Health Services, where appropriate, with references to the Department of Child Safety. |
| R6-5-6905. Denial, suspension, or revocation of a License | These rules can be made more understandable by specifying the Department's current procedures, such as issuing initial and renewal licensing applications, explaining the licensing requirements and identifying circumstances calling for an adverse licensing action. The rules can be made more understandable by updating licensing and operating standards to reflect current statute. For example, confidentiality, fingerprinting and initial licensing requirements do not reflect current state laws. |
| R6-5-6906 License Renewal Requirements | This Section can be made more clear by adding information pertaining to timeframes to complete a renewal application per A.R.S. § 41-1072. |
| Multiple. As referenced in paragraphs #3 and #4. | The rules are not clear, concise, and understandable for the reasons detailed under #3 and #4 of this report due to the rules being in conflict with other rules and statutes or contrary to current practice. A.R.S. § 8-451, effective May 29, 2014, created the Arizona Department of Child Safety and the responsibilities and authority in Article 69 for Child Welfare Agency (includes Child Placing Agency) licensing were transferred to the new state agency. The Department proposes to resolve the issues identified in this report by creating new rules that will be under A.A.C. Title 21. Department of Child Safety. |
| Article 69 | The rules in this Article can also be more clear, concise, and understandable by combining, under one Article, the rules that apply to both a Child Placing Agency and a Residential Group Care Facility as both fall under the definition of a Child Welfare Agency. |

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 previous Five-Year-Review Report was completed in July 2016. Since 2016, the economic impact of administering these rules have not significantly changed.

The rules in Article 69 are necessary to provide businesses with the information required to license and operate a Child Placing Agency in the state of Arizona. As of July 9, 2021, the Department licenses six (6) Child Placing Agencies.

The Office of Licensing and Regulation (OLR) is a program unit within the Department of Child Safety. Since the 2016 Five-Year-Review Report of this Article, the unit underwent a reorganization. However, the reorganization did not change the functions listed in the 2016 Five-Year-Review Report. The reorganization also did not lead to an increase or change in the number of staffing. The following funding information applies to OLR as a whole and is not specific to the functions related to this Article. OLR is funded by state General Fund and Federal Funds.

| OLR - Fiscal Year 2021 | | | | | | | | | | | | | |
|-----------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------------------|
| FY2021 Budget Fiscal Month | | | | | | | | | | | | | |
| Expense Category | JUL | AUG | SEP | OCT | NOV | DEC | JAN | FEB | MAR | APR | MAY | JUN | Grand Total |
| PERSONAL SERVICES | \$258,294 | \$175,562 | \$186,502 | \$162,337 | \$165,403 | \$258,786 | \$169,225 | \$171,155 | \$171,919 | \$175,572 | \$162,157 | \$161,647 | \$2,218,561 |
| EMPLOYEE RELATED - OTHER | \$92,893 | \$76,487 | \$76,783 | \$71,562 | \$72,464 | \$109,932 | \$72,668 | \$73,345 | \$73,712 | \$72,754 | \$69,541 | \$71,382 | \$933,523 |
| OTHER OPERATING | \$1,005 | \$1,116 | \$1,977 | \$164,222 | \$96,255 | \$43,176 | \$57,270 | \$58,517 | \$39,889 | \$103,535 | \$50,512 | \$34,481 | \$651,955 |
| PROFESSIONAL & OUTSIDE SVCS | | | | \$138 | | | | | \$4,132 | \$3,757 | \$9,204 | \$12,597 | \$29,828 |
| IN-STATE TRAVEL | \$303 | | \$760 | \$897 | \$1,842 | \$1,228 | \$1,754 | \$99 | \$884 | \$36 | \$772 | \$2,566 | \$11,140 |
| TRAVEL - OUT OF STATE | | | | | | | | | \$215 | | | | \$215 |
| Grand Total | \$352,495 | \$253,166 | \$266,022 | \$399,155 | \$335,964 | \$413,122 | \$300,917 | \$295,745 | \$290,752 | \$355,654 | \$292,186 | \$278,792 | \$3,833,971 |

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?**
 The previous Five-Year-Review Report was completed in July 2016. The intent was that the rules in Title 6, Chapter 5, Article 69 would be replaced by rulemaking which would place the rules under Title 21. Child Safety. The report indicated that the rules which will be under Title 21 would be submitted to the Governor's Regulatory Review Council in September 2017. Although delayed, the Department is currently working on updating the rules and incorporating them into Title 21.
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 rules in this Article are outdated and will be replaced with new and updated rules that will fall under Title 21. Department of Child Safety. Pending the promulgation of the new rules that will be under Title 21, the Department continues to believe that the operation of the Office of Licensing and Regulation imposes the least cost and burden to regulated public and to the general public, while safeguarding the interests of the protected public.

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

The corresponding federal law is, 42 U.S.C. § 675. The rules in Article 69 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 rules are exempt from A.R.S. § 41-1037. A.R.S. § 41-1037(A)(5) provides an exception to the requirement to use a general permit for a permit, license, or authorization issued pursuant to sections A.R.S. §§ 8-503 and 8-505.

14. Proposed course of action

The Department of Child Safety continues to work on drafting the rules that will go under Title 21 and replace the rules under this Article. The new rules will be under A.A.C. Title 21, Chapter 7. Upon finalizing the rules under Title 21, the Department proposes to submit a request to expire the rules in this Article by January 2022.

ARIZONA DEPARTMENT OF CHILD SAFETY

Five-Year-Review Report

Title 6. Economic Security

Chapter 5. Social Services

Article 74. Licensing Process and Licensing Requirements for Child Welfare Agencies Operating Residential Group Care Facilities and Outdoor Experience Programs

July 29, 2021

1. Authorization of the rule by existing statutes

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

Specific Statutory Authority: A.R.S. § 8-503(A)(4)(a)

2. The objective of each rule:

| Rule | Objective |
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| R6-5-7401. Definitions | The objective of this rule is to provide a uniform set of definitions used throughout this Article. |
| R6-5-7402. Request for Initial Application – New Applicant | The objective of this rule is to establish the procedure for initiating the Child Welfare Agency licensing process, including the responsibilities of both the applicant and the Department. |
| R6-5-7403. Letter of Intent – New Applicant | The objective of this rule is to establish the process for an applicant to submit a letter of intent to the Department for a new license and the Department’s responsibility to respond to the letter of intent. This rule also provides a description of the specific information that is required to be contained in the letter. |
| R6-5-7404. The Licensing Consultation; Time for Completion of Application | The objective of this rule is to establish the Department’s responsibility to conduct a licensing consultation with a new applicant. This rule also explains the information that is to be covered during the consultation. Furthermore, this rule establishes the beginning of the administrative completeness review time frame that is to be followed in regard to the receipt and processing of an initial license. |
| R6-5-7405. Complete Application; Initial License – New Applicant | The objective of this rule is to establish the information and supporting documentation that is required to be submitted as part of an initial license application package. This rule further establishes that all of the identified information and supporting documentation must be submitted for an application to be considered complete. The rule informs the public and the applicant that the Department may ask for additional information to determine the applicant’s fitness to hold a license or an operating certificate. |

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| R6-5-7406. Site Inspection | The objective of this rule is to establish the Department’s responsibility to conduct a site visit after receiving a complete application package. This rule also provides specific information in regard to the areas of focus during a site visit, plus the Department’s requirements in regard to the administrative completeness review time frame and providing written notification of administrative completeness or deficiency to the applicant. |
| R6-5-7407. Licensing Study | The objective of this rule is to establish the Department’s requirement to summarize the results of the site visit, and other information gathered during the licensing process in a written licensing study, which shall be the basis for the licensing decision. The rule also informs the applicant that a copy of the licensing study may be obtained from the Department. |
| R6-5-7408. Licensing Decision: Issuance; Denial; Time-Frames | The objective of this rule is to establish the Department’s responsibility to issue a written licensing decision explaining whether the Licensing Authority will grant or deny a license, and the terms of the license. This rule also provides the Department’s substantive review time frame requirement for issuing an initial license. |
| R6-5-7409. Licenses and Operating Certificates: Form; Term; Nontransferability | The objective of this rule is to establish the information the Department is required to include on a license or operating certificate. This rule also establishes the terms and date of expiration of the license or operating certificate. Furthermore, the rule provides notice that a license or operating certificate cannot be transferred or assigned if there is a change of ownership. Finally, the rule defines when a change of ownership occurs. |
| R6-5-7410. Licensed Agency: Application for an Operating Certificate for an Additional Satellite Facility | The objective of this rule is to establish the requirements for a currently licensed agency to initiate a request for an operating certificate at a satellite facility and the Department’s response for the licensing process for an additional satellite facility. |
| R6-5-7411. Application for Renewal of License and Operating Certificates | The objective of this rule is to specify the information and documentation a licensee must submit to annually renew a license and if applicable, any operating certificates. |
| R6-5-7412. Renewal of License and Operating Certificates: Site | The objective of this rule is to establish Department requirements for receiving and processing a license renewal application. This rule also provides the Department’s administrative completeness and substantive review time frame requirements for issuing a renewed license. |

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| Inspection; Time-frames; Standard for Issuance | |
| R6-5-7413. Notification to Licensing Authority of Changes Affecting License; Staff Changes | The objective of this rule is to establish the requirements for the notification to the Department of any planned substantial changes to the licensed agency, and provides the circumstances of what constitutes a substantial change. This rule also establishes the requirements for an agency to submit a completed Central Registry form to the Department for the hiring or separation of each paid staff member. |
| R6-5-7414. Amended License or Operating Certificate | The objective of this rule is to establish the Department's requirements in regards to issuance of an amended license or operating certificate. The rule also clarifies when a licensing agency must apply for an amended license or operating certificate. |
| R6-5-7415. Alternative Method of Compliance | The objective of this rule is to establish the conditions for approving and the requirements for processing of an alternative method of compliance. |
| R6-5-7416. Monitoring | The objective of this rule is to establish the Department's requirement to monitor the ongoing operations of agencies and facilities. This rule also provides examples of the types of activities that may be monitored. The rule identifies the expectations of an agency cooperating with the monitoring functions of the Department. |
| R6-5-7417. Complaints; Investigations | The objective of this rule is to establish the Department's responsibilities, requirements and methods in response to complaints received about a licensee, agency or facility. |
| R6-5-7418. Corrective Action | The objective of this rule is to establish Department criteria for use of a corrective action plan for noted deficiencies. The rule also states the requirements for an agency to write and submit a plan to the Department, and the Department's subsequent process for receiving, reviewing, and approving the plan. |
| R6-5-7419. Provisional License | The objective of this rule is to establish the Department's authority to issue a provisional license in response to an agency or facility that temporarily cannot meet the standards prescribed in Article 74. This rule also provides criteria regarding the Department's decision to create and process a provisional license. |
| R6-5-7420. Denials, Suspension, and Revocation of a License or Operating Certificate | The objective of this rule is to establish the Department's authority to deny, suspend, or revoke a license or operating certificate and defines the circumstances under which the Department may deny, suspend, or revoke a license or operating certificate. |

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| R6-5-7421. Adverse Action; Procedures; Effective Date | The objective of this rule is to establish Department procedures for taking an adverse action against a licensee. The required information in the written notification of the adverse action from the Department to the licensee are included in the rule. This rule also explains which adverse actions are not appealable, and defines when an adverse action takes effect. |
| R6-5-7422. Appeals | The objective of this rule is to establish the right of an applicant to appeal the denial of a license, or a licensee to appeal an adverse action. |
| R6-5-7423. Statement of Purpose; Program Description and Evaluation; Compliance With Adopted Policies; Client Rights; Single Category of Care | The objective of this rule is to establish the requirements for an agency or facility to have a written statement of purpose; a written description of all services; to evaluate the program annually; to comply with its adopted policies; to have a statement of client rights; and to ensure that it does not combine its child welfare program with other forms of care. |
| R6-5-7424. Governing Body | The objective of this rule is to establish the requirement that an agency shall have a governing body. This rule also identifies specific requirements and responsibilities of the governing body. |
| R6-5-7425. Business and Fiscal Management; Annual Audit | The objective of this rule is to establish requirements for an agency's business and fiscal management practices. This rule also establishes the requirement that an agency obtain an annual, fiscal year-end audit by an independent certified public accountant, and describes the type of information that shall be included in an audit. |
| R6-5-7426. Insurance Coverage | The objective of this rule is to establish the minimum amounts of coverage that an agency shall carry in its liability and vehicle insurance policies. |
| R6-5-7427. Confidentiality | The objective of this rule is to establish the requirements in regard to maintaining the confidentiality of records and information concerning children in care and their families. The rule also describes criteria for an agency to release or withhold information from a child's record. |
| R6-5-7428. Children's Records: Contents, Maintenance, Destruction | The objective of this rule is to require and to establish and maintain a separate case record for each child in care. This rule also provides a specific list of information that shall be maintained in the child's case record. Furthermore, this rule provides requirements for maintaining the case records of children, and for the destruction of these records. |
| R6-5-7429. Grievances | The objective of this rule is to establish the requirements for the receipt, consideration, and resolution of grievances brought to the licensee by children in care and their |

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| | parents. The rule also requires the agency to establish a log for documenting grievances and the retention of grievance records. |
| R6-5-7430. Staff Management and Staff Records | The objective of this rule is to establish the requirements for managing staff and for maintaining staff records. This rule addresses the requirement to have written staff policies and procedures and the components of these documents; the requirement to maintain a personnel file for each paid and unpaid staff member, as well as the specific information to be included in each file. The rule also prescribes the proper maintenance and storage requirements of agency personnel files. |
| R6-5-7431. General Qualifications for Staff | The objective of this rule is to establish the required general qualifications of staff, including fingerprinting, passing a criminal records check and obtaining a physical examination before providing services to children and their families. |
| R6-5-7432. Qualifications for Specific Positions or Tasks; Exclusions | The objective of this rule is to establish the qualifications, and describe the tasks for several specific positions identified within the agency. This rule also addresses exclusions for educational attainment requirements for specified circumstances. |
| R6-5-7433. Orientation and Training for Staff | The objective of this rule is to establish the requirements for an agency to have a written plan to provide an initial orientation; the number of ongoing training hours, and acceptable topics for staff members. |
| R6-5-7434. Notification of Unusual Incidents and Other Occurrences | The objective of this rule is to identify what constitutes an unusual incident and requires an agency to document such incident. The rule also establishes the timeframes for reporting unusual incidents and other occurrences to the Department. |
| R6-5-7435. Investigations of Child Maltreatment | The objective of this rule is to establish the requirement for an agency to have written procedures for handling alleged and suspected incidents of child maltreatment. The rules also describes the minimum provisions that must be included in these procedures and the requirement for all staff to read and sign a statement describing the duty to report alleged and suspected incidents of child maltreatment, as required in statute. |
| R6-5-7436. Runaways and Missing Children | The objective of this rule is to establish the requirement for an agency to have a written policy and procedure for handling runaways and missing children, and to describe the minimum provisions that must be included in the policy. |
| R6-5-7437. Staff Coverage; Staff-child Ratios | The objective of this rule is to establish the requirement for an agency to have a written plan describing the staffing for each facility and specifies the required staff coverage schedule and prescribes the number of staff to child ratios. |
| R6-5-7438. Admission and | The objective of this rule is to establish admission and intake process requirements for an agency to be reflected in its written policies and procedures. This rule also |

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| Intake; Criteria; Process; Restrictions | addresses restrictions for admissions and procedures for handling emergency admissions. |
| R6-5-7439. Information and Services Provided to the Placing Agency or Person | The objective of this rule is to specify the required information to a placing agency or person, as well as the deadline by which an agency must provide this information; including but not limited to a child in care's education program, services and treatment strategies, and the agency's visitation and communication policy. |
| R6-5-7440. Orientation Process for a Child in Care | The objective of this rule is to establish the requirement for an agency to provide an orientation to each child admitted into care, and provides specific requirements as to what information and components shall be included in the orientation as well as the time frame for completion. |
| R6-5-7441. Child's Service Plan: Preparation; Review; Planning Participants | The objective of this rule is to establish the requirement for a personalized service plan for each child in care; including timeframes for plan development and review, as well as requirements for the content and who participates in the implementation of each service plan. |
| R6-5-7442. Discharge; Discharge Summary | The objective of this rule is to establish the requirement for an agency to have written policy and procedures for planned and unplanned discharges of children in care. This rule also provides specific requirements and timeframes in regards to the completion of a discharge summary. |
| R6-5-7443. Personal Care of Children | The objective of this rule is to establish the requirements of the licensed facility for providing for the personal care and hygiene of children in care. |
| R6-5-7444. Children's Clothing and Personal Belongings | The objective of this rule is to establish the requirements in regards to the management of clothing and belongings of children in care. |
| R6-5-7445. Children's Money; Restitution | The objective of this rule is to establish the requirements and practices that an agency is to follow in order to provide opportunities for children in care to develop a sense of the value of money. |
| R6-5-7446. Nutrition, Menus, and Food Service | The objective of this rule is to establish the requirements and standards for a licensed facility in regards to nutrition, menus and food services provided for children in care. |
| R6-5-7447. Sleeping Arrangements | The objective of this rule is to establish the requirements for sleeping arrangements in licensed facilities. |
| R6-5-7448. Visitation, Outings, Mail and Telephones | The objective of this rule is to establish the requirements in regards to visitation, mail, telephone calls, and other forms of communication for children in care. This rule also establishes the requirement that an agency have a written policy and procedures for |

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| | situations when a child temporarily leaves the facility on a visit or outing with a person other than a staff member. |
| R6-5-7449. Educational and Vocational Services; Work Assignments | The objective of this rule is to establish the requirements for meeting each child's educational needs, possible enrollment in vocational services, and participation in work assignments for the purpose of instructional experience at the licensed facility. |
| R6-5-7450. Recreation, Leisure, Cultural Activities, and Community Interaction | The objective of this rule is to establish the requirements for providing and having recreational, cultural, religious, and leisure activities and opportunities available for children in care. |
| R6-5-7451. Religion, Culture, and Ethnic Heritage | The objective of this rule is to establish the requirements in regards to the religious, cultural, and ethnic needs of children in care. |
| R6-5-7452. Medical and Health Care | The objective of this rule is to establish the requirements for meeting the general medical, dental, and health care needs of children in care, including a timeline for when examinations need to occur. The rule also describes the contents of and need for the availability of a first-aid kit on the facility premises. |
| R6-5-7453. Medications | The objective of this rule is to establish the requirements for written policies and procedures for the administration and tracking of medications for children in care. |
| R6-5-7454. Storage of Medications | The objective of this rule is to establish the requirements for storing medications at a licensed facility. |
| R6-5-7455. Children's Medical and Dental Records | The objective of this rule is to establish the requirements for maintaining a comprehensive health record for each child in care. |
| R6-5-7456. Behavior Management | The objective of this rule is to establish the requirements for written policies and procedures for using behavior management techniques at a facility. The rule also describes restrictions for behavior management practices and the methods the Department will use to investigate a violation of these standards. |
| R6-5-7457. Body Searches | The objective of this rule is to establish the requirements for written policies and procedures for the use of body searches at a licensed facility. |
| R6-5-7458. Buildings; Grounds; and Water Supply | The objective of this rule is to establish the requirements in regards to maintenance and improvements of the building exterior and the grounds of a licensed facility. This rule also establishes requirements in regards to a facility's water supply. |

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| R6-5-7459. Building Interior | The objective of this rule is to establish the physical plant requirements such as the air temperature, electrical safety and lighting for the interior of a licensed facility for children in care. |
| R6-5-7460. Kitchens; Food Preparation; and Dining Areas | The objective of this rule is to establish the requirements for the maintenance and operation of a kitchen of a licensed facility. This rule also provides requirements for food preparation, equipment, and dining areas. |
| R6-5-7461. Sleeping Areas and Furnishings | The objective of this rule is to establish the requirements in regards to providing a designated sleeping area for children in care with an appropriate location and furnishings. |
| R6-5-7462. Bathrooms | The objective of this rule is to establish the requirements in regards to the number of fixtures, maintenance, and use of bathrooms at a licensed facility. |
| R6-5-7463. Other Facility Space; Staff Quarters | The objective of this rule is to establish the requirements to have administrative office space and staff quarters separate from children's areas. |
| R6-5-7464. Fire, Emergency, and Fire Prevention | The objective of this rule is to establish the requirements for written policies and procedures for handling emergency situations at a licensed facility, and educating children and staff on these procedures. This rule also provides requirements for fire prevention and control. |
| R6-5-7465. General Safety | The objective of this rule is to establish the requirements for ensuring the general safety of children in care in a licensed facility. |
| R6-5-7466. Swimming Areas | The objective of this rule is to establish the requirements for licensed facilities that have swimming areas, including structural, the presence of life-saving equipment and water quality. |
| R6-5-7467. Access; Transportation; Outings | The objective of this rule is to establish the requirements in regards to facility accessibility, transportation of children, outings, and vehicles used for transportation of children in care. |
| R6-5-7468. Special Provisions for Shelter Care Facilities | The objective of this rule is to establish requirements that are specific to shelter care facilities. The rule references other rules in this Article that also apply to or are exempt from shelter care facilities when possible. |
| R6-5-7469. Special Provisions and Exemptions for Outdoor Experience Programs | The objective of this rule is to establish the requirements, special provisions, and exemptions specific to an outdoor experience program. The rule references other rules in this Article that apply to an outdoor experience program when possible. |
| R6-5-7470. Planning Requirements for | The objective of this rule is to establish the outdoor experience program requirements for planning a trip, such as the itinerary and pre-departure procedures. |

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| Outdoor Experience Programs | |
| R6-5-7471 Special Physical Environment and Safety Requirements for Outdoor Experience Programs | The objective of this rule is to establish the requirements for an outdoor experience program in regard to general hazards, overall safety, and the physical environment for sleeping, using outdoor toilet areas and for meal preparation and serving. |
| Appendix 1 | The objective of this Appendix is to illustrate the distinctions between the type of services offered and other unique characteristics of a behavioral health agency versus a Child Welfare Agency. |

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

A.R.S. § 8-451, effective May 29, 2014, created the Arizona Department of Child Safety and the responsibilities and authority in Article 74 for Child Welfare Agency licensing were transferred to the new state agency. The Department is in the process of drafting rules that will be in A.A.C. Title 21 (Department of Child Safety), Chapter 7 (Child Welfare Agency Licensing) Article 1 (Definitions and Licensing Requirements) and Article 2 (Residential Group Care Facilities) and will replace the rules in this Article.

| Rule | Explanation |
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| R6-5-7401. Definitions | Some definitions in this section are outdated. The rules need to be updated to reflect current practice and reflect updated Arizona Revised Statutes. Additionally, this section makes references to the Department of Economic Security (DES) which should be replaced and reference the Department of Child Safety (DCS). |
| R6-5-7402. Request for Initial Application - New Applicant | The rule is outdated and needs to reflect updated procedures used by the Department of Child Safety. Additionally, the rules effectiveness can be improved by updating it to comply with amendments made to A.R.S. § 41-1002 in 2016. |
| R6-5-7403. Letter of Intent - New Applicant | The rules in this Section include outdated terminology and procedures. Though the objective of the rules in this Section is effective, the Department has assessed that the letter of intent is no longer needed as a factor for licensing. |
| R6-5-7404. The Licensing Consultation; Time for Completion of Application | The rules in this Section include an outdated reference to DES which needs to be updated to reference the Department of Child Safety (DCS). Additionally, this rule indicates that ADHS completes the health and safety inspections; however, these inspections are now completed by DCS. Health and Safety Inspections completed by DCS are now named as Life Safety Inspections. |

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| R6-5-7405. Complete Application; Initial License - New Applicant | The rules in this Section contain outdated terminology, timeframes and procedures that need to be replaced with updated information. In addition to health and safety inspections now named as "Life Safety Inspections", these inspections are now completed by DCS instead of ADHS. |
| R6-5-7406. Site Inspection | This rules in this Section are outdated; health and safety inspections are now named as "Life Safety Inspections" and are now completed by DCS. |
| R6-5-7407. Licensing Study | Effectiveness in this Section can be improved by updating the rules to reflect current requirements for Tribal group homes and for Child Welfare Agencies not contracted with the State. The rule can be made more effective by updating it to comply with A.R.S. § 41-1002 |
| R6-5-7409. Licenses and Operating Certificates: Form; Term; Nontransferability | The rules in this Section are outdated and effectiveness can be improved by replacing outdated procedures with updated procedures used by the Department of Child Safety. |
| R6-5-7410. Licensed Agency: Application for an Operating Certificate for an Additional Satellite Facility | The rules in this Section are outdated and effectiveness can be improved by updating terminology and procedures used by the Department of Child Safety. Updates to this rule should also include that inspections are now named "Life Safety Inspections" and are now completed by DCS instead of ADHS. |
| R6-5-7411. Application for Renewal of License and Operating Certificates | The rules in this Section are outdated and effectiveness can be improved by updating terminology, timelines, and procedures used by the Department of Child Safety. Updates to this rule should also include that inspections are now named "Life Safety Inspections" and are now completed by DCS instead of ADHS. |
| R6-5-7412. Renewal of License and Operating Certificates: Site Inspection; Time-frames; Standard for Issuance | The rules in this Section are outdated and effectiveness can be improved by updating terminology, timelines, and procedures used by the Department of Child Safety. Updates to this rule should also include that inspections are now named "Life Safety Inspections" and are now completed by DCS instead of ADHS. |
| R6-5-7413. Notification to Licensing Authority of Changes Affecting License; Staff Changes | The rules in this Section are outdated and effectiveness can be improved by updating terms and procedures used by the Department of Child Safety. Effectiveness can also be improved by adding requirements, such as notifying the Department when a residential group care facility closes or is going to make significant changes. |
| R6-5-7414. Amended License or Operating Certificate | The rules in this Section are outdated and can be made more effective by updating terminology, procedures and requirements related to fingerprinting and criminal background checks to comply with current statute. Additionally, this |

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| | rule should be updated to reflect that the Department of Child Safety completes the health and safety inspections (now known as "Life Safety Inspections") instead of ADHS. |
| R6-5-7415. Alternative Method of Compliance | The rules in this Section are outdated and can be made more effective by replacing outdated procedures with any updated procedures used by the Department of Child Safety. |
| R6-5-7416. Monitoring | The rules in this Section has outdated general language with specific language such as the minimum number of unannounced inspections. Other specific language would include stipulating that the unannounced inspections can be conducted at any time of night or day. The rules in this Section for conducting investigations are outdated and can be made more effective by replacing outdated procedures with any updated procedures used by the Department of Child Safety. |
| R6-5-7417. Complaints; Investigations | The rules in this Section can be made more effective by updating references to statute (replacing reference to A.R.S. § 8-546.01(C) to match current State statute A.R.S. § 8-456(C)) and updating procedures used by the Department of Child Safety. |
| R6-5-7420. Denial, Suspension, and Revocation of a License or Operating Certificate | The rules can be made more effective by correcting the citation A.R.S. § 46-141 to read A.R.S. § 41-1758.07. |
| R6-5-7424. Governing Body | The rules can be made more effective by correcting references to statute and updating requirements for the governing body, such as background checks. |
| R6-5-7425. Business and Fiscal Management; Annual Audit | The rules can be made more effective by reevaluating requirements in terms of the type and size of a Child Welfare Agency. |
| R6-5-7426. Insurance Coverage | The rules in this Section can be made more effective by reevaluating the requirements. |
| R6-5-7427. Confidentiality | The rules in this Section can be made more effective by aligning rules with A.R.S. § 8-807. |
| R6-5-7428. Children's Records: Contents, Maintenance, Destruction | The rules in this Section can be made more effective by ensuring requirements reflect A.R.S. § 8-807. |
| R6-5-7430. Staff Management and Staff Records | The rules in this Section contains outdated names of "forms" and procedures and effectiveness can be improved by updating terms and procedures used by the Department of Child Safety. |

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| R6-5-7431. General Qualifications for Staff | The rules in this Section are outdated and effectiveness can be improved by aligning rules with statutory requirements, such as fingerprint clearance card requirements, as well as updating statute references. Effectiveness in the rules in this Section can also be improved by revising the required qualifications of agency staff. |
| R6-5-7432. Qualifications for specific positions or tasks; exclusions | The effectiveness of the rules in this Section can be improved by revising qualifications of staff to reflect various levels of care and correcting references to statutes. |
| R6-5-7433. Orientation and Training for Staff | The rules can be made more effective by listing the training requirements for part-time staff, reevaluating restrictions on training delivery models, and specifying the type of training required, but not the specific title of the training. |
| R6-5-7434. Notification of Unusual Incidents and Other Occurrences | The rules in this Section should be updated to reflect current practice. |
| R6-5-7435. Investigations of Child Maltreatment. | The rules in this Section can be made more effective by updating references to statute (replacing reference to A.R.S. § 8-546.01(C) to match current State statute A.R.S. § 8-456(C)). The rules in this Section for conducting investigations are outdated and can be made more effective by replacing outdated procedures with any updated procedures used by the Department of Child Safety. |
| R6-5-7436. Runaways and Missing Children | The rules in this Section can be made more effective by updating it to conform to Public Law 113-183. Preventing Sex Trafficking and Strengthening Families Act. The rule in this section should be updated to reflect current practice. |
| R6-5-7437. Staff Coverage; Staff-child Ratios | The rules in this Section are outdated. Effectiveness of the rules in this Section can be improved by updating ratios that reflect current best practice and clarifying staff-child ratio expectations. |
| R6-5-7438. Admission and Intake; Criteria; Process; Restrictions | The rules in this Section are outdated and effectiveness can be improved by updating the rules to detail current practice. |
| R6-5-7439. Information and Services Provided to the Placing Agency or Person. | The rules in this Section are outdated and effectiveness can be improved by updating to reflect current practice. |
| R6-5-7440. | The effectiveness of this rule can be improved by clarifying expectations and process for providing a child in care an orientation to the facility. |

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| Orientation Process for a Child In Care | |
| R6-5-7441. Child's Service Plan: Preparation; Review; Planning Participants | This Section could be made more effective by revising requirements and practices to avoid duplicate or multiple service plans for one child. |
| R6-5-7442. Discharge: Discharge Summary | The rules in this Section are outdated and effectiveness can be improved by updating them to reflect current standards and process for when a child is being discharge from the facility. |
| R6-5-7443. Personal Care of Children | The rules in this Section are outdated and effectiveness can be improved by updating them to reflect current expectations in the provision of personal care services and products for a child in care. |
| R6-5-7446. Nutrition, Menus, and Food Service | The rules in this Section are outdated. Effectiveness can be improved by updating the rules to reflect current practice. |
| R6-5-7447. Sleeping Arrangements | The rules in this Section can be made more effective by clarifying the requirements for a sleeping area, such as square footage requirement, requirement to provide a bed and mattress, prohibition against staff sleeping with a child, and a privacy requirement for the child. The rules in this Section should be updated to reflect current practice. |
| R6-5-7449. Educational and Vocational Services; Work assignments | The rules in this Section are not effective in detailing expectations and current practice. Effectiveness of the rules in this Section can be improved by updating them to reflect current practice. |
| R6-4-7451. Religion, Culture, and Ethnic Heritage | The rules in this Section are not effective as the rules do not clearly state that an Agency shall not encourage the Agency's religious practices on a child in care. The rules can be made more effective by clarifying current practice. |
| R6-5-7453. Medication | The rules in this section are outdated and effectiveness can be improved by updating to current practice. |
| R6-5-7454. Storage of Medications | The rules in this Section are outdated and effectiveness can be improved by updating the rules to reflect current practice. |
| R6-5-7455. Children's Medical and Dental Records | The rules in this section are outdated and can be improved by updating them to reflect current practice. |
| R6-5-7456. Behavioral Management | The rules in this section are outdated and can be improved by updating them to reflect current practice. |
| R6-5-7457. Body Searches | The rules in this Section are outdated and effectiveness can be improved by detailing what an Agency can and cannot do when conducting personal searches. |

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| R6-5-7458. Building; Grounds; and water supply | The rules in this Section are outdated and effectiveness can be improved by updating the rules to reflect current practice policies. |
| R6-5-7459. Building Interior | The rules in this Section can be made more effective by clarifying that Agencies need to comply with any current building and zoning codes. |
| R6-5-7460. Kitchens; Food Preparation; and Dining Areas | The rules in this Section are outdated and effectiveness can be improved by removing outdated rules referring to ADHS requirements regarding commercial kitchens, because those rules have been amended or repealed. The rule can also be made more effective by reevaluating requirements for kitchen appliances and area as well as requirements for food preparation in a residential group care facility. |
| R6-5-7461. Sleeping Areas and Furnishings | The rules in this Section can be made more effective by clarifying requirements for a sleeping area for a child in care. |
| R6-5-7462. Bathroom | The rules in this Section can be made more effective by updating requirements to comply with current building code, zoning. |
| R6-5-7464. Fire, Emergency, and Fire Prevention | The rules in this Section can be made more effective by updating requirements to comply with current building code, zoning and fire safety requirements. |
| R6-5-7465. General Safety | The rules in this Section can be made more effective by updating requirements to comply with current building and zoning codes. |
| R6-5-7466. Swimming Areas | The rules in this Section are outdated and can be made more effective by updating the rules to meet current requirements in A.A.C. Title 21, Chapter 8. |
| R6-5-7467. Access; Transportation; Outings | The rules in this Section, specifically R6-5-7467 (C)(1) is not effective as there have been instances in which a Child Welfare Agency focuses on the two examples provided in rule. The rules can be more effective by updating them to reflect current practice. |
| R6-5-7469, R6-5-7470 and R6-5-7471 Outdoor Experience | The rules in this Section are outdated. The Department of Child Safety must evaluation the need for these rules. |
| Appendix | The Appendix is not effective as this Section is outdated and no longer in use. |

4. **Are the rules consistent with other rules and statutes?**

Yes ___ No X

| Rule | Explanation |
|-----------|---|
| R6-5-7401 | This section contains outdated citations of the Arizona Revised Statutes. |
| R6-5-7402 | This section does not reflect current requirements in A.R.S. § 41-1002. |

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| R6-5-7403 | This section does not reflect current requirements in A.R.S. § 41-1002. |
| R6-5-7404 | This section is not consistent with the requirements in A.A.C. Title 21, Chapter 8. |
| R6-5-7405 | This section does not reflect current requirements in A.A.C. Title 21, Chapter 8. |
| R6-5-7406 | This section does not reflect current requirements in A.A.C. Title 21, Chapter 8. |
| R6-5-7407 | This section is not consistent with the requirements in A.R.S. § 41-1002. |
| R6-5-7417 | This section contains outdated citations of the Arizona Revised Statutes. |
| R6-5-7420 | This section does not reflect current fingerprint requirements in A.R.S. § 41-1758.07 or A.R.S. § 46-141. This section also contains incorrect citations of the Arizona Revised Statutes. |
| R6-5-7424 | This section does not reflect current fingerprint requirements in A.R.S. § 41-1758.07 or A.R.S. § 46-141. |
| R6-5-7427 | This section does not reflect requirements in A.R.S. § 8-807. |
| R6-5-7428 | This section does not reflect requirements in A.R.S. § 8-807. |
| R6-5-7431 | This section does not reflect current fingerprint requirements in A.R.S. § 41-1758.07 or A.R.S. § 46-141. |
| R6-5-7432 | This section prescribes specific vendors for training rather than establishing general standards for training. This section does not reflect requirements in A.R.S. § 41-1758.07 or A.R.S. § 46-141. |
| R6-5-7454 | This section is inconsistent with A.A.C. Title 21, Chapter 8 (R21-8-108). |
| R6-5-7460 | This section contains outdated citations of the Arizona Administrative Code. |
| R6-5-7566 | This section is inconsistent with A.A.C. Title 21, Chapter 8 (R21-8-113). |
| R6-5-7467 | This section contains outdated citations of the Arizona Administrative Code. |

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

| Rule | Explanation |
|---|---|
| Multiple. As entered under paragraphs #3 and #4 of this report. | The rules are enforced as written with the exception of those rules identified under #3 and #4 of this report due to the rules being in conflict with other rules and statutes or contrary to current practice. A.R.S. § 8-451, effective May 29, 2014, created the Arizona Department of Child Safety and the responsibilities and authority in Article 74 for Child Welfare Agency licensing were transferred to the new state agency. The Department proposes to resolve the issues identified in this report by creating new rules that will be under Title 21. Department of Child Safety. |

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

| Rule | Explanation |
|---|---|
| Multiple. As entered under paragraphs #3 and #4 of this report. | The rules are enforced as written with the exception of those rules identified under #3 and #4 of this report due to the rules being in conflict with other rules and statutes or contrary to current practice. A.R.S. § 8-451, effective May 29, 2014, created the Arizona Department of Child Safety and the responsibilities and authority in Article 74 for Child Welfare Agency licensing were transferred to the new state agency. The Department proposes to resolve the issues identified in this report by creating new rules that will be under Title 21. Department of Child Safety. |

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 previous Five-Year-Review Report was completed in July 2016. Since 2016, the economic impact of administering these rules had not significantly changed. However, on March 17, 2021, Governor Ducey signed into law House Bill 2399, creating a new statute, A.R.S. §8-467. The new statute allows the Department of Child Safety to charge a licensing fee for obtaining or maintaining a Child Welfare Agency license to those seeking licensure as a residential group care facility who, through their contracts, solely receive money from the federal government. Currently, the Department of Child Safety continues not to charge licensing fees; however, the Department is currently assessing the new statute and its economic impact which allows the Department to charge fees for non-contracting licensees.

As of July 9, 2021, OLR licenses 85 Child Welfare Agencies licensed by the Department to provide residential group care, four (4) Agencies that provide shelter care only, and 81 Agencies that provide both residential group care and shelter care in the State of Arizona. These agencies play a crucial role in providing for children in out-of-home care.

The agencies that are contracted with the Department of Child Safety, received over \$95 million from State contracts in 2021. Based on this level of economic activity, the Department believes the current rules continue to pose the least burden and cost on Arizona's Child Welfare Agencies.

Office of Licensing and Regulation

The Office of Licensing and Regulation (OLR) is a program unit within the Department of Child Safety. Since the 2016, the unit underwent a reorganization. However, the reorganization did not change the functions listed in the 2016 Five-Year-Review Report. The reorganization also did not lead to an increase or change in the number of staffing. As the Department analyzes the impact of the new statute, the Department will also analyze the

number of new staffing needed to address the impact of the new statute. The following funding information applies to OLR as a whole and is not specific to the functions related to this Article. OLR is funded by state General Fund and Federal Funds.

| OLR - Fiscal Year 2021 | | | | | | | | | | | | | |
|-----------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------------------|
| FY2021 Budget Fiscal Month | | | | | | | | | | | | | |
| Expense Category | JUL | AUG | SEP | OCT | NOV | DEC | JAN | FEB | MAR | APR | MAY | JUN | Grand Total |
| PERSONAL SERVICES | \$258,294 | \$175,562 | \$186,502 | \$162,337 | \$165,403 | \$258,786 | \$169,225 | \$171,155 | \$171,919 | \$175,572 | \$162,157 | \$161,647 | \$2,218,561 |
| EMPLOYEE RELATED - OTHER | \$92,893 | \$76,487 | \$76,783 | \$71,562 | \$72,464 | \$109,932 | \$72,668 | \$73,345 | \$73,712 | \$72,754 | \$69,541 | \$71,382 | \$933,523 |
| OTHER OPERATING | \$1,005 | \$1,116 | \$1,977 | \$164,222 | \$96,255 | \$43,176 | \$57,270 | \$58,517 | \$39,889 | \$103,535 | \$50,512 | \$34,481 | \$651,955 |
| PROFESSIONAL & OUTSIDE SVCS | | | | \$138 | | | | | \$4,132 | \$3,757 | \$9,204 | \$12,597 | \$29,828 |
| IN-STATE TRAVEL | \$303 | | \$760 | \$897 | \$1,842 | \$1,228 | \$1,754 | \$99 | \$884 | \$36 | \$772 | \$2,566 | \$11,140 |
| TRAVEL-OUT OF STATE | | | | | | | | | \$215 | | | | \$215 |
| Grand Total | \$352,495 | \$253,166 | \$266,022 | \$399,155 | \$335,964 | \$413,122 | \$300,917 | \$295,745 | \$290,752 | \$355,654 | \$292,186 | \$278,792 | \$3,833,971 |

The Department continues to believe that the operation of the Office of Licensing and Regulation imposes the least cost and burden to regulated public and to the general public, while safeguarding the interests of the protected public.

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?**

The previous Five-Year-Review Report was completed in July 2016. The intent was that the rules in Title 6, Chapter 5, Article 74 would be replaced by rulemaking which would place the rules under Title 21. Child Safety. The report indicated that the rules which will be under Title 21 would be submitted to the Governor's Regulatory Review Council in September 2017. Although delayed, the Department is currently working on updating the rules and incorporating them into Title 21.

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:**

In the Five-Year-Review Report completed in July 2016 reported that the Department had commissioned a study by an independent consulting group that was to evaluate the costs of operating a residential group care facility in Arizona and the Department’s contracted reimbursement rates. The Department reviewed the analysis completed by Burns and Associates, Inc. The focus of the analysis pertained to contractual rates and did not include an analysis that pertained to the rules in this Article.

The Department believes that the rules in this Article impose the least burden of compliance costs to persons regulated by these rules, while achieving the objectives outlined in this report for the protected public.

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

The corresponding federal law is 42 U.S.C. § 675. The rules in Article 74 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 rules are exempt from A.R.S. § 41-1037. A.R.S. § 41-1037(A)(5) provides an exception to the requirement to use a general permit for a permit, license, or authorization issued pursuant to A.R.S. §§ 8-503 and 8-505.

14. **Proposed course of action**

The Department of Child Safety continues to work on drafting the rules that will go under Title 21. Upon finalizing the rules under Title 21, the Department proposes to submit a request to expire the rules in this Article by January 2022.