



DEPARTMENT OF CHILD SAFETY

Stakeholder Input: DCS Administrative Rules

Executive Order 2017-02

August 30, 2017

Governor's Executive Order 2017-02, required state agencies to report no later than September 1, 2017, their efforts made to solicit comments from their respective regulated or stakeholder community on which rules the regulated community believes to be overly burdensome and not necessary to protect consumers, public health, or public safety.

In compliance with this Order, the Department of Child Safety ("Department") announced on the Department's website that it was seeking public input on the Administrative Rules. The announcement was viewable on the Department's main web page. The announcement offered the public two methods for providing comments:

E-mail: PolicyUnit@azdcs.gov;

Mail: Department of Child Safety
Field Resources and Policy Unit
P.O. Box 6030, S/C C010-23
Phoenix, Arizona 85005

Additionally, the Department sent an email to several community stakeholders who previously expressed interest in providing feedback on Department Administrative Rules. The same information and methods of supplying feedback were included in the email to community stakeholders.

The Department received one email in reference to Title 21, Chapter 5, Article 3. The commenter expressed concern with the definition of "legally available" child.

"Anyway, doing what I can to look through the regulations you reference, I'd like to draw your attention in particular to my concern related to Title 21, Chapter 5, Article 3, I think, with regards to the legal definition of a "legally available" child.

I could not find any regulations showing that next-of-kin would be given priority over unrelated Arizona foster families in adoption proceedings. I find that extremely problematic – to be blunt, violating of U.S. constitutional law – both for affected children, and also for next-of-kin who would be able and willing to adopt the affected child(ren) in a given case."

The input received has been reviewed, and it is the assessment of the Department that the rule is not overly burdensome or unnecessary. The definition of a “legally available” child under Title 21, Chapter 5, Article 3 does not address placement preferences for the purpose of adoption, nor does any other section of this rule.

The Department’s Administrative Rules housed in Title 21 currently consists of seven chapters. The Department solicited feedback through the following:

- Posted draft rules on the webpage. Allowed for written comments to be submitted by email or mail.
- Held public meetings soliciting feedback on the rules.
- Received a survey of foster parents which was conducted by the Arizona Council of Human Services Providers.
- Informal meetings with licensed foster parents seeking input from them on proposed modifications and recommendations to ensure the comments from the public were adequately addressed and that the Department’s responses were appropriate.

The majority of the Department’s Administrative Rules were implemented in late 2015 and early 2016. The process of drafting the Department’s Administrative Rules included efforts to engage and seek feedback from stakeholders. All feedback received was reviewed and considered in finalizing the rules. In December 2016, the Department submitted a comprehensive report of findings of a review of the implementation of foster home licensing rules, guidelines, and checklists. This was provided to the Speaker of the House of Representatives and the President of the Senate in response to House Bill 2705.

The Department continues to convert all the pertinent Administrative Rules, which are currently housed under the Department of Economic Security. The Department entered a notice of docket opening regarding the licensing of Child Welfare Agencies, as published by the Arizona Administrative Register, on May 19, 2017. The Department will seek informal and formal input from our stakeholder community. Additionally, a draft of the proposed rules will be posted on the Department’s webpage for public review and to allow for public comment. The Department will also conduct oral proceedings on the Child Welfare Agency proposed rules. These methods offer community stakeholders the opportunity to provide input on the Administrative Rules. The following email address is also available for the public or community stakeholders to ask questions and/or provide feedback on the Administrative Rules: PolicyUnit@azdcs.gov.