CORRECTED May 27 2014

REFERENCE TITLE: appropriations; department of child safety.

State of Arizona Senate Fifty-first Legislature Second Special Session 2014

SB 1002

Introduced by Senator Shooter

AN ACT

AMENDING LAWS 2014, CHAPTER 4, SECTION 1; REPEALING LAWS 2014, CHAPTER 18, SECTION 26; AMENDING LAWS 2014, CHAPTER 18, SECTIONS 118 AND 140; MAKING APPROPRIATIONS AND BUDGET REDUCTIONS, LIMITATIONS AND TRANSFERS FOR THE DIFFERENT DEPARTMENTS OF THE STATE AND FOR STATE INSTITUTIONS; PROVIDING FOR CERTAIN REPORTING REQUIREMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona: 2 Section 1. Laws 2014, chapter 4, section 1 is amended to read: 3 Section 1. Supplemental appropriations: department of economic security: child safety and family services 4 5 positions 6 A. In addition to any other monies appropriated to the department of 7 economic security in fiscal year 2013-2014, the sum of \$5,748,000 from the state general fund, the sum of \$1,111,300 from total expenditure authority 8 9 and 192 FTE positions are appropriated in fiscal year 2013-2014 to the 10 department of economic security for child safety and family services 11 positions. 12 B. Beginning on the seventh day of the month following the effective 13 date of this act and on the seventh day of each month thereafter through June 14 30, 2015, the department of economic security or its successor agency shall 15 issue to the governor, the chairpersons of the house of representatives 16 appropriations and reform and human services committees and the senate 17 appropriations and health and human services committees and the staff 18 directors of the joint legislative budget committee and the governor's office 19 of strategic planning and budgeting a report on the department's progress in 20 hiring child safety and family services staff. The report shall include the 21 total number of child safety and family services FTE positions funded and the 22 total number of child safety and family services FTE positions filled on 23 January 31, 2014 and on the last day of each month thereafter. The 24 department shall delineate the increase in staff by caseworkers, hotline 25 staff, staff in training and non-caseworkers. 26 Sec. 2. Repeal 27 Laws 2014, chapter 18, section 26 is repealed. 28 Sec. 3. Laws 2014, chapter 18, section 118 is amended to read: 29 Sec. 118. Department of administration: department of child 30 safety: data center relocation: appropriation: 31 fiscal year 2014-2015 32 The sum of \$20,000,000 25,000,000 is appropriated in fiscal year 33 2014-2015 from the state general fund to the department of administration for 34 costs associated with the establishment of the division DEPARTMENT of child 35 safety and family services pursuant to executive order 2014-01 and the relocation of the data center operated by the department of economic 36 37 security. Before any expenditure of this amount, the department of economic 38 security CHILD SAFETY shall submit an expenditure plan to the joint 39 legislative budget committee for approval. 40 Sec. 4. Laws 2014, chapter 18, section 140 is amended to read: 41 Department of economic security; payment deferral; Sec. 140. 42 appropriation; fiscal year 2015-2016 43 In addition to any other appropriation reductions made in fiscal Α. 44 year 2014-2015, notwithstanding any other law, the department of economic

1 security shall defer \$35,000,000 21,000,000 in payments for services provided 2 in May and June 2015 until after July 1, 2015. 3 B. In addition to any other appropriations made in fiscal year 2015-2016, the sum of \$35,000,000 21,000,000 is appropriated from the state 4 5 general fund in fiscal year 2015-2016 to the department of economic security for the purpose of paying bills for services provided in May and June 2015. 6 7 C. Of the amounts deferred in subsection A of this section, payments 8 to child care providers may not be deferred. 9 D. Of the amounts deferred in subsection A of this section. May payments to providers of developmentally disabled services may not be 10 11 deferred. 12 Sec. 5. Appropriations; funding sources; purposes 13 Subject to applicable laws, the sums or sources of revenue set forth in 14 this act are appropriated for the fiscal years indicated and only from the 15 funding sources listed for the purposes and objects specified. If monies 16 from funding sources in this act are unavailable, no other funding source may 17 be used. Sec. 6. DEPARTMENT OF CHILD SAFETY 18 19 2014-15 20 3,045.1 FTE positions 21 Operating lump sum appropriation \$216,743,700 22 Overtime 12,865,000 23 Attorney general legal services 18,563,300 24 Records retention staff 597,400 25 Inspections bureau 2,748,400 26 General counsel 157,300 27 Office of child welfare 28 10,500,400 investigations 29 Retention pay 1,707,000 30 Adoption services 188,483,300 31 In-home preventive support 32 services 32,605,200 33 Out-of-home support services 139,266,800 34 Emergency and residential 35 placement 84,366,300 36 Foster care placement 55,932,000 37 Independent living maintenance 3,469,300 Intensive family services 38 8,500,000 39 Permanent guardianship subsidy 11,215,300 40 Grandparent stipends 1,000,000 41 Internet crimes against children 350,000 42 Training resources 5,150,000 43 DCS child care subsidy 39,753,600 44 Total appropriation - department of 45 child safety \$833,974,300

1	Fund sources:	
2	State general fund	347,005,400
3	Federal child care and	
4	development fund block grant	27,000,000
5	Federal temporary assistance for	
6	needy families block grant	132,000,400
7	Child abuse prevention fund	1,459,100
8	Children and family services	
9	training program fund	207,700
10	Child safety expenditure authority	326,301,700
1 1		

Of the amounts appropriated for out-of-home support services, emergency 11 12 and residential placement and foster care placement, the department of child 13 safety may transfer up to ten per cent of the total amount of federal 14 temporary assistance for needy families block grant monies appropriated to 15 the department of economic security and the department of child safety to the 16 social services block grant for use in the following line items in the 17 department of child safety: out-of-home support services, emergency and 18 residential placement and foster care placement. Before transferring federal 19 temporary assistance for needy families block grant monies to the social 20 services block grant, the department of child safety shall report the 21 proposed amount of the transfer to the director of the joint legislative 22 budget committee. This report may be in the form of an expenditure plan that 23 is submitted at the beginning of the fiscal year and updated, if necessary, 24 throughout the fiscal year.

The department of child safety shall provide training to any new child safety FTE positions before assigning to any of these employees any client caseload duties.

It is the intent of the legislature that the department of child safety use its funding to achieve a one hundred per cent investigation rate.

Before the expenditure of monies from the intensive family services line item in fiscal year 2014-2015, the department of child safety shall submit an expenditure plan for review by the joint legislative budget committee. The expenditure plan must include an estimate of any comparable funding in the in-home preventive support services line item.

The amount appropriated for grandparent stipends must be used for a monthly stipend for a grandparent or any level of great-grandparent if a dependent child is placed in that person's care pursuant to department guidelines.

The department of child safety shall report to the joint legislative budget committee on its progress in implementing the auditor general's recommendations to improve performance-based contracting for foster home recruitment-related services on or before December 31, 2014. The department of child safety shall submit a report to the joint legislative budget committee on its progress in improving child safety hotline wait times and decreasing the abandoned call rate. The report must include the mean abandoned call rate along with the mean and median call wait times. The report must be submitted on or before February 1, 2015 for the prior year.

7 It is the intent of the legislature that the funding in the in-home 8 preventive support services line item be used for families whose children are 9 at risk of out-of-home placement due to abuse, neglect or dependency, while 10 the funding in the out-of-home support services line item is for children in 11 out-of-home placements.

The amount appropriated for retention pay is for one-time retention payments to caseworkers. As part of the June 7, 2015 hiring report required by section 12 of this act, the department shall submit a report on the department's caseworker staff retention rate in May 2015 as compared to May 2014.

17 On or before September 30, 2014, the department shall submit an 18 expenditure plan for the internet crimes against children appropriation to 19 the joint legislative budget committee.

The appropriation for the office of child welfare investigations is solely for the costs of employees directly hired by the office of child welfare investigations. At least thirty days before any transfer into or out of the office of child welfare investigations line item, the department shall report the proposed transfer to the director of the joint legislative budget committee.

In this section, "backlog" or "backlog cases" means nonactive cases for which documentation has not been entered in the child welfare automated system for at least sixty days and for which services have not been authorized for at least sixty days.

The fiscal year 2014-2015 amounts appropriated to the department of child safety include increases of the following amounts in the following line items to address backlog cases:

1. Overtime: \$4,465,000 from the state general fund. The executive
 estimates that there is no continuing need for this overtime in fiscal year
 2015-2016.

In-home preventive support services: \$4,173,100 from the state
 general fund. The executive estimates that these services will cost
 \$2,782,100 in fiscal year 2015-2016 and \$0 in fiscal year 2016-2017.

39 3. Out-of-home support services: \$7,620,300 from the state general
40 fund and \$3,116,600 from department of child safety expenditure authority.
41 The executive estimates that these services will cost \$5,082,200 in fiscal
42 year 2015-2016 and \$0 in fiscal year 2016-2017.

43 4. Foster care placement: \$6,815,900 from the state general fund and 44 \$2,787,700 from department of child safety expenditure authority. The executive estimates that these services will cost \$4,543,900 in fiscal year
 2015-2016 and \$0 in fiscal year 2016-2017.

3 On or before June 16, 2014, the department shall submit a report for 4 review by the joint legislative budget committee of proposed quarterly 5 benchmarks in fiscal year 2014–2015 for assessing progress in increasing the department's number of filled FTE positions, consistent with the FTE 6 7 positions authorized by this act, and in reducing the number of backlog 8 cases. The report must include a quarterly expenditure plan for any fiscal 9 year 2014-2015 monies appropriated for the hiring of positions and for 10 reducing the backlog.

0n or before September 30, 2014, and on or before the last day of every calendar quarter through June 30, 2016, the department shall present a report for review by the joint legislative budget committee on the progress made in increasing the department's number of filled FTE positions and in reducing the number of backlog cases, as outlined in the report submitted on or before June 16, 2014 and reviewed by the joint legislative budget committee as required by this act.

18 The quarterly report must provide the same information on the total 19 number of filled FTE positions as is required by the monthly hiring report 20 required by section 12 of this act.

21 The quarterly report must also delineate the disposition of backlog 22 cases as of the close of business on June 2, 2014 separately from the 23 disposition of cases reaching backlog status from and after June 2, 2014. 24 The quarterly report must provide an update on the change in the number of 25 cases separately for both groups. For both groups, the report must provide 26 the number of cases currently closed, the number of cases currently being 27 investigated, the number of cases currently in an out-of-home placement and 28 the number of cases currently receiving in-home preventive support services.

The quarterly report must also provide an update of the projected quarterly expenditure plan of the monies appropriated for the hiring of positions and for addressing the backlog, including a report of the actual expenditures. If the department is not able to report the actual expenditures for the backlog cases, the report must provide an estimate of the actual expenditures, including the methodology used to estimate the actual expenditures.

If the department is not able to report the actual expenditures for the backlog cases, the quarterly report must include an update of the short-term methods to improve the cost accounting for individual child welfare cases prior to full implementation of upgrades to the children's information and library and data source authorized by Laws 2014, chapter 18, section 123.

41 On or before August 1, 2014, the department shall issue a request for 42 information to interested vendors on using private entities to address the 43 backlog. The department shall report the results of its request for 44 information to the joint legislative budget committee as part of the 45 September 30, 2014 quarterly report required by this section.

1 The department of child safety shall forward a monthly report comparing 2 total expenditures for the month and year-to-date as compared to prior year 3 totals to the president of the senate, the speaker of the house of representatives, the chairpersons of the senate and house of representatives 4 5 appropriations committees and the director of the joint legislative budget 6 committee on or before the thirtieth of the following month. The report must 7 include a plan, if necessary, for eliminating any shortfall without a 8 supplemental appropriation.

9 Sec. 7. DEPARTMENT OF ECONOMIC SECURITY

9	Sec. 7. DEPARTMENT OF ECONOMIC SECORIT	
10		<u> 2014-15</u>
11	FTE positions	3,882.6
12	Operating lump sum appropriation	\$202,591,600
13	<u>Administration</u>	
14	Attorney general legal services	11,137,300
15	<u>Aging and adult services</u>	
16	Adult services	7,924,100
17	Community and emergency services	3,724,000
18	Coordinated homeless	2,522,600
19	Domestic violence prevention	12,123,700
20	<u>Benefits and medical eligibility</u>	
21	Temporary assistance for needy	
22	families cash benefits	44,999,400
23	Coordinated hunger	1,754,600
24	Tribal pass-through funding	4,680,300
25	<u>Child support enforcement</u>	
26	County participation	6,740,200
27	<u>Developmental disabilities</u>	
28	Case management – medicaid	47,727,500
29	Home and community based	
30	services – medicaid	804,205,900
31	Institutional services -	
32	medicaid	18,964,400
33	Medical services – medicaid	138,600,200
34	Arizona training program at	
35	Coolidge – medicaid	15,903,500
36	Medicare clawback payments	2,902,400
37	Case management – state-only	3,926,600
38	Home and community based	
39	services – state-only	21,296,700
40	State-funded long-term care	
41	services	26,527,900
42	Autism parenting skills –	
43	rural areas	300,000

1		Employment and rehabilitation services	
2		JOBS	11,005,600
3		Child care subsidy	98,396,600
4		Independent living rehabilitation	50,550,000
5		services	1,289,400
6		Rehabilitation services	3,799,100
7		Workforce investment act	5,799,100
8		services	53,654,600
9	Total	appropriation - department of	<u>JJ,0J4,000</u>
9 10	IULAI		¢1 E46 600 200
10		economic security Fund sources:	\$1,546,698,200
11			457 400 600
12		State general fund	457,428,600
-		Federal child care and	100 700 700
14		development fund block grant	103,769,700
15		Federal temporary assistance for	06 705 000
16		needy families block grant	86,705,000
17		Public assistance collections	
18		fund	427,000
19		Special administration fund	2,829,900
20		Spinal and head injuries trust	
21		fund	1,874,700
22		Statewide cost allocation plan	
23		fund	1,000,000
24		Child support enforcement	
25		administration fund	16,787,400
26		Domestic violence shelter fund	2,220,000
27		Long-term care system fund	31,198,500
28		Workforce investment act grant	56,060,000
29		Child support enforcement	
30		administration fund expenditure	
31		authority	40,397,800
32		Developmental disabilities medicai	d
33		expenditure authority	745,999,600
34		Administration	

35 In accordance with section 35-142.01, Arizona Revised Statutes, the 36 department of economic security shall remit to the department of administration any monies received as reimbursement from the federal 37 government or any other source for the operation of the department of 38 39 economic security west building and any other building lease-purchased by the 40 state of Arizona in which the department of economic security occupies space. The department of administration shall deposit these monies in the state 41 42 general fund.

1	Aging and adult services
2	All domestic violence shelter fund monies above \$2,220,000 received by
3	the department of economic security are appropriated for the domestic
4	violence prevention line item. Before the expenditure of these increased
5	monies, the department of economic security shall report the intended use of
6	monies above \$2,220,000 to the joint legislative budget committee.
7	The department of economic security shall report to the joint
8	legislative budget committee on the amount of state and federal monies
9	available statewide for domestic violence funding on or before December 15,
10	2014. The report must include, at a minimum, the amount of monies available
11	and the state fiscal agent receiving those monies.
12	Benefits and medical eligibility
13	The operating lump sum appropriation may be expended on Arizona health
14	care cost containment system eligibility determinations based on the results
15	of the Arizona random moment sampling survey.
16	Child support enforcement
17	All state shares of retained earnings, fees and federal incentives
18	above \$16,787,400 received by the division of child support enforcement are
19	appropriated for operating expenditures. New full-time equivalent positions
20	may be authorized with the increased funding. Before the expenditure of
21	these increased monies, the department of economic security shall report the
22	intended use of the monies to the joint legislative budget committee.
23	<u>Developmental disabilities</u>
24	The department of economic security shall report all new placements
25	into a state-owned ICF-MR or the Arizona training program at Coolidge campus
26	in fiscal year 2014-2015 to the president of the senate, the speaker of the
27	house of representatives, the chairpersons of the senate and house of
28	representatives appropriations committees and the director of the joint
29	legislative budget committee and the reason why this placement, rather than a
30	placement into a privately run facility for persons with developmental
31	disabilities, was deemed as the most appropriate placement. The department
32	shall also report if no new placements were made. The department shall make
33	this report available on or before July 15, 2015.
34	All monies in the long-term care system fund unexpended and
35	unencumbered at the end of fiscal year 2014–2015 revert to the state general

unencumbered at the end of fiscal year 2014-2015 revert to the state general fund, subject to approval by the Arizona health care cost containment system administration.

38 The appropriation for autism parenting skills - rural areas is for 39 training parents in counties with a population of less than five hundred 40 thousand persons according to the 2010 United States decennial census to 41 provide intensive behavioral treatment to children with autism who are 42 younger than five years of age.

The department shall report to the joint legislative budget committee on or before March 1 of each year on preliminary actuarial estimates of the capitation rate changes for the following fiscal year along with the reasons

1 for the estimated changes. For any actuarial estimates that include a range, 2 the total range from minimum to maximum may not be more than two per cent. 3 Before implementation of any changes in capitation rates for the long-term 4 care program, the department shall submit a report for review by the joint 5 legislative budget committee. Before the department implements any changes in policy affecting the amount, sufficiency, duration and scope of health 6 7 care services and who may provide services, the department shall prepare a 8 fiscal impact analysis on the potential effects of this change on the 9 following year's capitation rates. If the fiscal analysis demonstrates that these changes will result in additional state costs of \$500,000 or more for a 10 11 given fiscal year, the department shall submit the policy changes for review 12 by the joint legislative budget committee.

Before implementation of any developmentally disabled or long-term care statewide provider rate adjustments not already specifically authorized by the legislature, court mandates or changes to federal law, the department shall submit a report for review by the joint legislative budget committee. The report must include, at a minimum, the estimated cost of the provider rate adjustment and the ongoing source of funding for the adjustment, if applicable.

20 It is the intent of the legislature that the department of economic 21 security increase home and community based service provider rates by two per 22 cent above the June 30, 2014 rate beginning on July 1, 2014. The two per 23 cent provider rate increase for home and community based service provider 24 rates may not be used for any administrative costs of the department of 25 economic security. It is the intent of the legislature that the department 26 of economic security not reduce any developmentally disabled provider rates 27 in order to fund increases for other developmentally disabled provider 28 service rates.

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Employment and rehabilitation services

It is the intent of the legislature that the combined number of children authorized pusuant to section 46-803, subsections D and F, Arizona Revised Statutes, be maintained throughout the year at a minimum of 8,500 children. The department shall prioritize child care assistance for families who qualify for assistance pursuant to section 46-803, subsection F, Arizona Revised Statutes, on the waiting lists established pursuant to section 46-803, subsection I, Arizona Revised Statutes.

All federal workforce investment act monies that are received by this state in excess of \$56,060,000 are appropriated to the workforce investment act services line item. Before the expenditure of these increased monies, the department of economic security shall report the intended use of monies above \$56,060,000 to the joint legislative budget committee. 1

<u>Departmentwide</u>

The above appropriations are in addition to funds granted to the state by the federal government for the same purposes but are deemed to include the sums deposited in the state treasury to the credit of the department of economic security pursuant to section 42-5029, Arizona Revised Statutes.

6 The department of economic security shall forward a monthly report 7 comparing total expenditures for the month and year-to-date as compared to 8 prior year totals to the president of the senate, the speaker of the house of 9 representatives, the chairpersons of the senate and house of representatives 10 appropriations committees and the director of the joint legislative budget 11 committee on or before the thirtieth of the following month. The report must 12 include an estimate of potential shortfalls in entitlement programs and 13 potential federal and other funds, such as the statewide assessment for 14 indirect costs, and any projected surplus in state-supported programs that 15 may be available to offset these shortfalls and a plan, if necessary, for 16 eliminating any shortfall without a supplemental appropriation.

17 Any federal temporary assistance for needy families block grant monies 18 received in fiscal year 2014-2015, including the beginning balance, by the 19 department of economic security in excess of \$218,705,400 is appropriated to 20 the department in fiscal year 2014-2015. For every dollar the department of 21 economic security receives in federal temporary assistance for needy families 22 block grant monies in fiscal year 2014-2015 in excess of the \$218,705,400 23 appropriated to the department of economic security and the department of 24 child safety, minus any fiscal year 2013-2014 revertments expected to be 25 spent as administrative adjustments in fiscal year 2014-2015, the state 26 general fund appropriations for the department of economic security and the 27 department of child safety are proportionally reduced by a corresponding 28 dollar amount. The department of economic security shall report to the joint 29 legislative budget committee and the governor's office of strategic planning 30 and budgeting on or before September 1, 2014 its estimate of how much of the 31 fiscal year 2013-2014 revertments of the department of economic security and 32 the department of child safety will be spent as administrative adjustments in 33 fiscal year 2014-2015 and excluded from the total amount of federal temporary 34 assistance for needy families block grant monies. On or before June 30, 35 2015, the department of economic security shall notify the joint legislative 36 budget committee and the governor's office of strategic planning and 37 budgeting of the amount of state general fund monies, if any, that will not 38 be expended under this provision.

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Sec. 8. <u>Appropriation; office of ombudsman-citizens aide;</u> <u>intent; exemption</u>

A. The sum of \$828,500 is appropriated from the state general fund in fiscal year 2014-2015 to the office of ombudsman-citizens aide for the operating expenses of the office. It is the intent of the legislature that the ombudsman-citizens aide prioritize the investigation and processing of complaints relating to the department of child safety.

1 B. The appropriation made in subsection A of this section is exempt 2 from the provisions of section 35-190, Arizona Revised Statutes, relating to 3 lapsing of appropriations. 4 Sec. 9. Appropriation: auditor general: independent consultant: 5 performance evaluation: exemption 6 A. The sum of \$250,000 is appropriated from the state general fund in 7 fiscal year 2014–2015 to the auditor general to engage an independent 8 consultant with expertise in child welfare system planning and operations to 9 examine the current child protective services system and consider best 10 practices to improve the delivery of services in this state and to provide 11 consultation on the effective establishment of the new department of child 12 safety with a focus on implementation challenges. 13 B. The appropriation made in subsection A of this section is exempt 14 from the provisions of section 35-190, Arizona Revised Statutes, relating to 15 lapsing of appropriations. 16 Sec. 10. <u>Supplemental appropriation; department of economic</u> 17 security; emergency and residential placement 18 In addition to any other monies appropriated in fiscal year 2013-2014, 19 the sum of \$5,050,000 from the state general fund is appropriated in fiscal 20 year 2013-2014 to the department of economic security division of child 21 safety and family services for emergency and residential placement. 22 Sec. 11. Department of child safety; payment deferral; 23 appropriation; fiscal year 2015-2016 24 In addition to any other appropriation reductions made in fiscal Α. 25 year 2014-2015, notwithstanding any other law, the department of child safety 26 shall defer \$11,000,000 in payments for services provided in May and June 27 2015 until after July 1, 2015. 28 B. In addition to any other appropriations made in fiscal year 29 2015-2016, the sum of \$11,000,000 is appropriated from the state general fund 30 in fiscal year 2015-2016 to the department of child safety for the purpose of 31 paying bills for services provided in May and June 2015. 32 C. Of the amounts deferred in subsection A of this section, payments 33 to child care providers may not be deferred. 34 Sec. 12. Child safety positions: hiring reports 35 Beginning on the seventh day of the month following the effective date 36 of this act and on the seventh day of each month thereafter through June 30, 37 2015, the department of child safety shall issue to the governor, the 38 chairpersons of the house of representatives appropriations and reform and 39 human services committees and the senate appropriations and health and human 40 services committees and the staff directors of the joint legislative budget 41 committee and the governor's office of strategic planning and budgeting a 42 report on the department's total number of filled FTE positions. The report 43 must include the total number of department of child safety FTE positions 44 funded and the total number of child safety FTE positions filled on 45 January 31, 2014 and on the last day of each month thereafter. The department shall delineate the increase in staff by caseworkers, hotline staff, staff in training and all other workers. The budgeted increase since January 2014 includes the 192 FTE positions authorized by Laws 2014, chapter 4, the 75 FTE positions authorized by Laws 2014, chapter 18 and incorporated into this act and the 185.2 new FTE positions and the 99 transferred FTE positions authorized by this act.

- 7 Sec. 13. <u>Definitions</u>
- 8
- For the purposes of this act:

9 1. "Expenditure authority" means that the fund sources are 10 continuously appropriated monies that are included in the individual line 11 items of appropriations.

"Review by the joint legislative budget committee" means a review
 by a vote of a majority of a quorum of the members.