

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**

**Part 7: Administrative Office of the Courts**

**Chapter 2: Certification and Licensing Programs**

**Article 3: Confidential Intermediary**

**Section 7-203: Scope**

Together with Article 1, this Article 3 governs the application, certification, and renewal process; the complaint and disciplinary process; and the administrative hearing process for confidential intermediaries. Under ACJA § 7-201, the provisions of Article 1 govern the confidential intermediary and sibling information exchange programs unless this article provides to the contrary, in which case the provisions of this article govern.

**Section 7-203.01: Definitions**

In addition to the definitions in the Arizona Code of Judicial Administration (ACJA) § 7-201.01, the following definitions apply to this article governing confidential intermediaries:

“Adoptee” means an individual, eligible for adoption under A.R.S. §§ 8-102 and 14-8101, who has been adopted.

“Adoption triad” means the adoptee, the adoptive parents, and the birth parents.

“Agency” means a person licensed by the department of child safety to place children for adoption, including an attorney or law firm, as defined in A.R.S. § 8-101(2).

“Child” means an individual under age 18 under A.R.S. § 8-101(4).

“Client” means a qualified individual.

“Confidential intermediary” means an individual who meets and maintains the requirements for certification under this chapter and A.R.S. § 8-134, possesses a valid confidential intermediary certificate issued by the supreme court, and is authorized to serve as a post-adoption liaison and access confidential information necessary to facilitate contact between adoption triad members under A.R.S. § 8-134 and between siblings separated by a dependency action under A.R.S. § 8-543.

“Former dependent child” means, under A.R.S. § 8-501(4), an individual who was previously adjudicated a dependent child in a dependency proceeding that has been dismissed by the juvenile court.

“Mentor” means a certified confidential intermediary who assists a less experienced certified confidential intermediary throughout a case.

“Qualified individual” means an individual listed in A.R.S. § 8-134(A) as eligible to use the services of a confidential intermediary listed with the court or a person eligible under A.R.S. § 8-543(B) to participate in the sibling information exchange program.

“Search” means the process initiated by a qualified individual and ordered by a court in which a confidential intermediary may inspect records including court, department of child safety, agency, and maternity home records about an adoption to locate information about an individual who is the subject of the search.

“Sibling” includes individuals who share a common biological parent, stepparent, or adoptive parent under A.R.S. § 8-543(F).

“Sibling Information Exchange Program (SIX)” means the program authorized under A.R.S. § 8-543, and administered by the supreme court, to provide former dependent children the ability to locate, and stay in touch with, siblings separated by a dependency action with the assistance of a confidential intermediary.

### **Section 7-203.02: Jurisdiction**

#### **A. Authority.**

1. Confidential intermediary program. Under A.R.S. § 8-134(I), the supreme court administers the confidential intermediary program and adopts the rules and procedures for implementing the program, including those establishing confidential intermediary qualifications; required fees; minimum standards for certification, training, and conduct; and the amounts that a confidential intermediary may charge.
2. Sibling information exchange program.
  - a. Under A.R.S. § 8-543(A), the supreme court’s administrative office of the courts establishes the sibling information exchange program.
  - b. Under A.R.S. § 8-543(E), the supreme court adopts the rules necessary for the program’s implementation.

**B. Purpose.** Together with Article 1, this section is intended to provide for the certification of confidential intermediaries and the effective administration of the confidential intermediary and sibling information exchange programs.

### **Section 7-203.03: Administration**

**A. Supreme Court.** The supreme court administers the confidential intermediary program through its administrative office of the courts, certification and licensing division.

**B. Fund.** The division must deposit all fees collected in administering the confidential intermediary program and the sibling information exchange program in the confidential intermediary and fiduciary fund established under A.R.S. § 8-135(A).

### **Section 7-203.04: Confidential Intermediary Board**

- A. Duties.** The confidential intermediary board exercises the authority and has the duties stated in ACJA § 7-201.04(D) and whenever board action is required under this chapter.
- B. Composition.** The confidential intermediary board has 7 members, as follows:
1. Three certified confidential intermediaries who have been confidential intermediaries for at least 3 years;
  2. One superior court judicial officer or trial court administrator;
  3. One attorney, with at least 5 years of experience in adoption law, or 1 adoption agency-related representative;
  4. One public member; and
  5. One additional member appointed by the chief justice.
- C. Meetings.** The board must hold regular meetings at least once each year.

### **Section 7-203.05: Initial Certification**

**A. Certification.**

1. Requirement. Individuals must be certified by the supreme court to act as confidential intermediaries authorized to conduct adoption triad member searches under A.R.S. § 8-134 and to assist siblings separated by a dependency action under A.R.S. § 8-543.
2. Exemption. Under A.R.S. § 8-134(B), the department of child safety and adoption agencies licensed by the state may serve as confidential intermediaries without certification by the supreme court.

**B. Requirements.**

1. Personal qualifications. A candidate for confidential intermediary certification must satisfy the personal qualification requirements under ACJA § 7-201.09(B).
2. Application. Candidates for confidential intermediary certification must file a completed application in compliance with ACJA § 7-201.10(B)(1)-(5), including:
  - a. Payment of the application fee specified in ACJA § 7-203.10(A)(1);
  - b. Submission of the required photograph under ACJA § 7-201.10(B)(3); and

- c. Compliance with the fingerprint requirement, and payment of the applicable fee for obtaining the applicant's criminal history records, under ACJA §§ 7-201.10(B)(3) and 7-203.10(A)(2).
  - 3. Initial Training. Applicants for initial certification must request and complete an initial training that includes a live training component.
    - a. The division must make initial training for confidential intermediary applicants available at least once each year.
    - b. The training must include information or instruction in:
      - (1) The Sibling Information Exchange (SIX) program;
      - (2) The confidential intermediary search process;
      - (3) Ethics;
      - (4) The initial certification and renewal process;
      - (5) The complaint, investigation, and disciplinary processes; and
      - (6) Accessing court and agency records.
  - 4. Examination. An applicant must pass an examination administered by the division as part of the initial training.
- C. Board Decision.** The process for the board's consideration of applications and for granting or denying initial certification is governed by ACJA § 7-201.13.

### **Section 7-203.06: Continuing Education**

#### **A. Purpose.**

- 1. This section's continuing education requirement is one way to ensure a confidential intermediary maintains competence to provide services post-certification—and remains current on changes in the profession and the Arizona judicial system.
- 2. This section is intended to:
  - a. Ensure compliance with applicable rules, statutes, and this chapter; and
  - b. Provide for even-handed application and enforcement of the continuing education requirements.

#### **B. Continuing Education Requirement.** A certified confidential intermediary must comply with the continuing education requirement to obtain renewal of their certification.

- 1. General requirement. A certified confidential intermediary must complete at least 12 hours of qualified continuing education during the 2-year continuing education period between

September 1 of each even-numbered year and August 31 of the next even-numbered year, as follows:

- a. Half of the total hours required must be earned in each year of the 2-year certification period. A certified confidential intermediary must complete 6 qualified continuing education hours during each 12-month period between September 1 of each calendar year and August 31 of the next calendar year.
  - b. At least 1 hour of the 6 hours earned each year must be in ethics.
2. Non-transferable.
- a. Continuing education hours may only be applied to satisfy the 6-hour requirement for the 12-month period in which hours were earned.
  - b. Excess continuing education hours completed in a 12-month period are not transferable to any other 12-month period.
3. Special rules during initial certification period.
- a. Pre-certification hours. During a confidential intermediary's initial certification period, they may use qualified continuing education hours earned before their initial certification to satisfy the continuing education requirement if all the following apply:
    - (1) The confidential intermediary was initially certified between September 1 of an even numbered-year and August 31 of the following odd-numbered year;
    - (2) The continuing education hours completed before initial certification were completed between September 1 of an even numbered-year and August 31 of the following odd-numbered year;
    - (3) The continuing education hours completed before initial certification would qualify as continuing education hours if completed after certification; and
    - (4) The confidential intermediary's initial certification does not follow a prior certification that lapsed without renewal.
  - b. Modification; initial year of certification. The continuing education requirement for the initial certification period of a confidential intermediary who was initially certified after September 1 of an odd-numbered year is adjusted under the following circumstances:
    - (1) A confidential intermediary initially certified during the 7-month period between September 1 of an odd-numbered year and March 31 of the immediately following even-numbered year must complete a total of 6 hours of continuing education during that 7-month period, including at least 1 hour of ethics.
    - (2) A confidential intermediary initially certified in the 5-month period between April 1 and August 31 of an even-numbered year must complete 3 hours of continuing education during that 5-month period, including at least 1 hour of ethics.

- c. Following renewal of initial certification, the confidential intermediary must comply with the general requirement under (B)(1).

### **C. Compliance.**

1. Responsibility. Confidential intermediaries are responsible for monitoring their own compliance with the continuing education requirements, including maintaining documentation of continuing education hours completed during each 12-month period.
2. Documentation. Confidential intermediaries must obtain documentation about their continuing education activities from the sponsor of the program, including documentation of:
  - a. The sponsor's name;
  - b. The name, date, and location of the program;
  - c. The confidential intermediary's registration as an attendee;
  - d. The program's subject matter and content, including materials provided to attendees;
  - e. The program's agenda or schedule showing time allotted to introductory remarks, breaks, meals, and business meetings;
  - f. The confidential intermediary's "actual clock time" for the activity and, if different from the "actual clock time," the number of credit hours awarded by the sponsoring entity for full attendance; and
  - g. The signature of the sponsor or an official document issued by the sponsor signifying the confidential intermediary's completion of the program.
3. Reporting.
  - a. With renewal application. When applying for certification renewal, a confidential intermediary must affirm continuing education compliance for the ending certification period using the format directed by the division.
  - b. On request, a confidential intermediary must provide additional information about continuing education compliance as requested by the board or division in connection with a renewal application or continuing education documentation, including documentation about continuing education compliance in a prior licensing period.
4. Review and decision.
  - a. Findings. After reviewing continuing education documentation and any applicable

additional information requested, the board may:

- (1) Find compliance with the continuing education requirement;
  - (2) Require additional information from the confidential intermediary seeking renewal before making a decision;
  - (3) Find partial compliance with the continuing education requirement and order remedial measures; or
  - (4) Enter a finding of non-compliance.
- b. Notice. Within 10 days of the board's decision, the division must give the confidential intermediary written notice of the board's decision and the reasons for the decision.
- c. Review and decision.
- (1) If the board finds full or partial non-compliance with the continuing education requirements:
    - (a) Within 15 days after the date of written notice of the board's decision, the confidential intermediary may submit a written request for board review in the manner required for requests under ACJA § 7-201.28(A)(2).
    - (b) A request for board review includes a request to address the board in response.
    - (c) By making a request to address the board, the confidential intermediary also agrees to respond to board questions under oath or affirmation at the board meeting.
    - (d) Upon receiving a timely request for review, the division must notify the board chair of the need to place the matter on the board's agenda.
  - (2) There is no review of a request for additional information.
  - (3) Upon submission of a timely request for review, the confidential intermediary's existing license does not expire during board review if the board decision concerns compliance with the license renewal requirements.
  - (4) After hearing from the confidential intermediary and reviewing its decision, the board must issue a written, final decision.

#### **D. Qualified Continuing Education Activity.**

1. Subjects. Continuing education activity must:
  - a. Address areas of proficiency, competency, and performance of a confidential intermediary; and
  - b. Convey knowledge and increase understanding of the profession, search techniques, ethics, code of conduct, Arizona court jurisdiction, the role of courts and judges, the Arizona tribal court system, cultural issues, administrative matters, adoption, the adoption triad, and dependency.

## 2. Activities.

- a. Conferences. A confidential intermediary may receive continuing education credit for attendance at a conference relevant to the profession. If a conference is directly related to the confidential intermediary profession, a confidential intermediary may satisfy all 6 hours of that year's continuing education at the conference if the requirements of this section are satisfied, including the "actual clock time," 1-hour ethics, and documentation requirements.
- b. Educational institutions. A confidential intermediary may receive no more than 50% of the total number of continuing education credit hours in each 12-month continuing education period by achieving a passing grade in ~~for~~ a course provided by a university, college, or other accredited educational institution if the course is relevant to the confidential intermediary profession, adoption, adoption searches, or a related field. A passing grade is a "C" or better or a grade of "pass" in a pass/fail grading system. The amount of continuing education credit is determined by multiplying the number of credit hours awarded by the educational institution by 2.
- c. Authoring or coauthoring articles. A confidential intermediary may receive up to 1 hour of continuing education credit in each 12-month continuing education period for authoring or coauthoring an article of at least 1,000 words on the subjects of adoptions, adoption searches, the adoption triad, or dependency if the article is published in a state or nationally recognized professional journal. A confidential intermediary may only receive credit for 1 publication of an article.
- d. Self-Study. A confidential intermediary may receive continuing education credit for self-study activities, including taking correspondence courses, reviewing procedure manuals, watching video presentations, listening to audio materials, attending online seminars, and other methods of independent learning. A confidential intermediary will not receive more than 50 % of the total number of continuing education hours required in a 12-month continuing education period through self-study. The remaining hours must be earned through instruction by 1 or more faculty or facilitators to an individual or a group using real-time interaction ("live training").
- e. Teaching.
  - (1) A confidential intermediary may receive up to 6 hours of continuing education credit in each 12-month continuing education period for serving as an instructor, speaker, panelist, or faculty member of an instructional seminar directly related to the confidential intermediary profession as follows:
    - (a) A confidential intermediary may receive continuing education credit for the presentation time; and
    - (b) The confidential intermediary may also receive up to 2 hours of actual preparation time for each hour of original presentation time.
  - (2) For subsequent presentations, a confidential intermediary:
    - (a) Will not receive duplicate credit for subsequent presentations of the same

program during the same 12-month certification period.

- (b) May receive continuing education credit for actual presentation time for duplicate programs presented in a different 12-month continuing education period but will not receive continuing education credit for preparation time for those duplicate programs.

5. Eligible Time.

a. Calculation.

- (1) The time in attendance at a qualified education activity that may be counted to satisfy a confidential intermediary's continuing education requirement is the "actual clock time."
- (2) "Actual clock time" is the total number of hours attended, minus the time spent for introductory remarks, breaks, meals, and business meetings.
- (3) After completion of the first 30 minutes of "actual clock time," credit is earned in 15-minute increments or 0.25 hours.

b. Minimum time. A confidential intermediary may receive continuing education credit for qualified activity only if it consists of at least 30 minutes or 0.5 hours of "actual clock time" attended by the confidential intermediary.

c. Maximum credit. A confidential intermediary will not receive more than 3 hours of continuing education credit through any single continuing education activity in a 12-month continuing education period unless approved by the board as directly related to the confidential intermediary profession.

**E. Non-Qualifying Activities.** The following activities do not qualify for continuing education credit for confidential intermediaries:

- 1. Programs or training completed to qualify for initial certification;
- 2. Mentoring activities;
- 3. Attending or participating in professional or association business meetings, general sessions, elections, policymaking sessions, or program orientation;
- 4. Serving on committees or councils or as an officer in a professional organization;
- 5. Completing activities required by the board as part of disciplinary action;
- 6. Repeating a qualified continuing education activity within the same 12-month continuing education period; and
- 7. Attending part, but not all, of a continuing education activity.

**F. Extension or Waiver.** A confidential intermediary seeking renewal of certification who has not fully complied with the continuing education requirement may request an extension or waiver of the continuing education requirement for up to 90 days on a showing of extenuating circumstances under this section instead of ACJA § 7-201.07(B).

1. A confidential intermediary seeking an extension or waiver of all or part of the continuing education requirement must file a request for an extension or waiver with the division no later than the August 31 close of the continuing education period for which the extension or waiver is sought.
2. A written request for an extension of time to comply with the continuing education requirement or a waiver of the requirement for the 12-month continuing education period must:
  - a. Include a detailed explanation of the facts supporting a finding of the extenuating circumstances that negatively impact the confidential intermediary's ability to fully comply with the continuing education requirements for that period;
  - b. Be signed and dated by the confidential intermediary; and
  - c. Include, immediately above the confidential intermediary's signature, the following statement: "I, [printed name of confidential intermediary], affirm that my statements and the information in my request for extension or waiver are true and correct and this information under penalty of perjury."
3. The division must review the written request and make a recommendation to the board.
4. In determining whether extenuating circumstances exist to support a requested extension or waiver of the continuing education requirement, the board must consider whether the confidential intermediary has been unable to devote sufficient hours to fulfill the continuing education requirement during the current 12-month certificate period because of:
  - a. Full-time service in the armed forces of the United States during a substantial part of the certification period;
  - b. An incapacitating illness documented by a statement from a currently licensed physician treating the confidential intermediary;
  - c. A physical inability to obtain approved programs documented by a statement from a currently licensed physician treating the confidential intermediary; or
  - d. Any other special circumstances the board deems appropriate.
5. If the board finds the confidential intermediary has demonstrated extenuating circumstances, the board may, as it finds appropriate under the circumstances:

- a. Grant a one-time extension of up to 90 days for the confidential intermediary to complete the continuing education requirement; or
  - b. Waive all or part of the continuing education requirement for the 12-month continuing education period under specified terms and conditions.
6. A confidential intermediary whose certificate is under restriction or has been suspended or revoked by the board is not eligible to request a waiver or extension of the continuing education requirement.

**G. Random Compliance Audits.** The division may randomly select at least 10% of confidential intermediary renewal applications to audit compliance with the continuing education requirement. A confidential intermediary's failure to respond to, or refusal to comply with, a continuing education compliance audit-related request from the board or division may result in denial of renewal of certification or disciplinary action.

**H. Failure to Comply.** A confidential intermediary who fails to complete any portion of the continuing education requirement by the deadline, falsifies documents, or misrepresents attendance or an activity is subject to denial of license renewal and disciplinary action and sanctions under ACJA § 7-201.30, including assessment of the delinquent continuing education fee under ACJA § 7-203.11(C)(5).

### **Section 7-203.07: Certification Renewal**

**A. Authority.** Renewal of confidential intermediary certification is governed by ACJA § 7-201.19 and this section.

**B. Timing.**

1. Expiration date. Confidential intermediary certificates expire at midnight on October 31 of each even-numbered year.
2. Timely filing. By timely filing a complete certification renewal application, the confidential intermediary's existing certificate does not expire during the renewal process. A confidential intermediary's renewal application is timely if filed with the division from September 1 through September 30 of each even-numbered year.

**C. Renewal Application.** In addition to completing the renewal application form specified by the division, the following requirements apply to confidential intermediary certification renewal applications.

1. Late fee. The late fee under ACJA 7-203.11(K)(3)(e) must be paid:
  - a. When a confidential intermediary files an untimely renewal application under ACJA § 7-203.06(C)(3).

- b. When a confidential intermediary files a renewal application after their certificate expires.
2. Continuing Education. A certified confidential intermediary must affirm continuing education compliance under ACJA § 7-202.13 when applying for renewal of certification.

### **Section 7-203.08: Code of Conduct**

**A. Applicability.** The Confidential Intermediary Code of Conduct is the minimum standard of performance for confidential intermediaries adopted by the supreme court.

**B. Compliance.**

1. A confidential intermediary must comply with this section in addition to ACJA § 7-201.20.
2. Violation of the Confidential Intermediary Code of Conduct is grounds for discipline under ACJA § 7-201.21(A)(2), (A)(3), and (B)(14).

**C. Performance Standards.**

1. Requirement. A confidential intermediary must perform all services and discharge all obligations according to the requirements imposed on confidential intermediaries under this section, this chapter, Arizona and federal laws, and court orders, including administrative orders issued by the supreme court.
2. Identification. When accessing files related to a search, a confidential intermediary must provide the valid photo identification issued by the confidential intermediary program.
3. Parties. A confidential intermediary may provide services only to qualified individuals.
4. Finalization report.
  - a. A confidential intermediary must file a finalization report with the division within 45 days of:
    - (1) Every completed search; and
    - (2) When the confidential intermediary is no longer providing search services to a qualified individual.
  - b. A finalization report must include:
    - (1) A copy of any consent or refusal documents;
    - (2) Documentation of any consultation or mentoring agreement;
    - (3) A copy of the file review statement; and
    - (4) A summary report of the search process and outcome.

5. Withdrawal.

- a. From a search. A confidential intermediary may withdraw from a search for any reason by filing with the division:

- (1) A notice of withdrawal for that search on a form provided by the division.
- (2) A finalization report under (5)(b) for each case in which the confidential intermediary withdraws.

- b. After voluntary surrender or transfer to inactive status. A confidential intermediary who voluntarily surrenders their certificate under ACJA § 7-201.16 or transfers to inactive status under ACJA § 7-201.17 must:

- (1) Submit the (5)(a)(1) notice of withdrawal for each of the confidential intermediary's open searches;
- (2) Provide a copy of the notice of withdrawal to each affected client; and
- (3) Submit a finalization report under (4) for each of the confidential intermediary's open searches.

6. Records Retention. A confidential intermediary must maintain all search-related documentation, including receipts, for every search for at least 5 years.

7. Confidentiality.

- a. The confidential intermediary must exercise the highest degree of care and diligence in respecting the privacy and confidentiality of all parties in a search.

- b. Under A.R.S. § 8-134 and A.R.S. § 8-543, the confidential intermediary may only use confidential information obtained during a search to:

- (1) Arrange a contact between the person who initiated the search and the person who is the subject of the search; and
- (2) Share information between the person who initiates the search and the person who is the subject of the search.

- c. The confidential intermediary must maintain records in a professional manner that protects the confidentiality of information contained in the records.

- d. A confidential intermediary may consult with another confidential intermediary on a case-by-case basis and disclose only the case information necessary for the specific purpose of soliciting ideas or information to assist the confidential intermediary in carrying out a search.

- (1) The case finalization report must clearly disclose the use of any consulting confidential intermediary.
- (2) The confidentiality restrictions under this section apply to both the confidential intermediary conducting the search and the consulting confidential intermediary.

e. A confidential intermediary may act as a mentor to assist a less experienced confidential intermediary. The inexperienced confidential intermediary and the mentoring confidential intermediary may share confidential information as necessary for the purpose of instruction, to increase the inexperienced confidential intermediary's skill level, and to increase the likelihood of a successful search.

- (1) If the inexperienced confidential intermediary is conducting the search, the case finalization report filed by the inexperienced confidential intermediary must clearly disclose the use of any mentoring confidential intermediary.
- (2) If the mentoring confidential intermediary is conducting the search, the case finalization report filed by the mentoring confidential intermediary must clearly disclose the use of any inexperienced confidential intermediary.
- (3) The confidentiality restrictions under this section apply to both the mentoring confidential intermediary and the inexperienced confidential intermediary.

8. Searches.

a. Duties. A confidential intermediary must:

- (1) Determine that the client requesting a search is a qualified person.
- (2) Conduct each search using efforts appropriate to the case.
- (3) Perform a diligent and expedient search in any court-ordered medical search.
- (4) In searches other than court-ordered medical searches, use the degree of diligence required by the agreement between the confidential intermediary and the client.
- (5) Review court records to determine whether a party filed an affidavit consenting to or blocking contact and act accordingly.
- (6) Comply with the Arizona laws relating to adoption, including those limiting the release of information.
- (7) After locating a sought-after party:
  - (a) Disclose to the client and located party only that information relevant to the physical safety and protection of the parties and their families as is necessary to allow the client and located party to make an informed decision about whether to consent to the release of identifying information.
  - (b) Present information relevant to the physical safety and protection of the parties and their families in a nonjudgmental manner.

b. Prohibitions. A confidential intermediary must not:

- (1) Remove adoption case records or sibling information records from agency or court files.
- (2) Falsify or alter records.

9. Skills and Knowledge. A confidential intermediary must:

- a. Have the skills and knowledge necessary to perform the work of a confidential intermediary.
- b. Maintain compliance with the continuing education requirement under ACJA § 7-

203.06.

- c. After obtaining certification, maintain competence in the field and ensure that their knowledge of all laws about adoption and sibling information exchange remains current.
- d. Maintain a working knowledge of documents and information customarily found in court and agency files.
- e. Possess the verbal and written communication skills necessary to perform the confidential intermediary role, including the skills necessary to effectively communicate in person, by telephone, and by email and other forms of correspondence.
- f. Efficiently manage each case and skillfully perform searches, make contacts, maintain records, and discharge cases in a timely fashion.

10. Communications. A confidential intermediary must:

- a. Keep the client reasonably informed about the status of their search.
- b. Promptly comply with reasonable requests for information.
- c. Prepare complete, accurate, and understandable reports, including finalization reports.

11. Reasonable charges.

- a. A confidential intermediary may only charge those fees and expenses reasonably and necessarily incurred in conducting the search and providing authorized services.
- b. A confidential intermediary may charge a client for the following fees and expenses:
  - (1) A one-time, set-up fee of up to \$100.00 for activities preliminary to search services, including any initial review and consultation related to search services.
  - (2) A fee of up to \$100.00 per hour for investigation and research services.
  - (3) A fee of up to \$50.00 per hour for bookkeeping or travel time.
  - (4) If the confidential intermediary incurred costs and expenses specific to a search, the confidential intermediary may charge the client the amount incurred without any mark-up.
  - (5) The amount of mileage billed must not exceed the current Arizona Department of Administration General Accounting Office personal vehicle mileage reimbursement rate published in the State of Arizona Accounting Manual.
- c. The confidential intermediary must return to the client all fees collected in advance but not earned.

12. Sensitivity and Professionalism.

- a. The confidential intermediary must exercise the highest degree of sensitivity and professionalism in all interactions with clients, the party located, and others with whom they come in contact during a search, and must exhibit an ability to:
  - (1) Empathize with others;
  - (2) Be discreet in dealing with confidential information;
  - (3) Navigate the emotions of adopted individuals, adoptive parents, birth parents, and former dependent children involved in the search and reunion process; and
  - (4) Inform the parties of the availability of resources for support.
- b. The confidential intermediary must strive to develop professional objectivity regarding biases, attitudes, and beliefs about adoption, reunion, and sibling information exchange issues.
- c. The confidential intermediary must demonstrate the ability to work with individuals regardless of their culture, ethnicity, religion, sexual orientation, or lifestyle.
- d. The confidential intermediary must not use materials or employ methods inconsistent or in conflict with the role of a confidential intermediary or for the confidential intermediary's personal benefit.
- e. Even if a confidential intermediary is otherwise qualified to do so, a confidential intermediary must not assume the role of a therapist, counselor, or advocate when acting as a confidential intermediary but may provide educational information.
- f. The confidential intermediary must not offer or provide legal advice when acting as a confidential intermediary.
- g. A confidential intermediary must not engage in conduct that would reflect adversely on the judiciary, the courts, or other agencies involved in the administration of justice.

### 13. Ethics.

- a. The confidential intermediary must conduct themselves according to the highest standards of trust, impartiality, and respect in performing services.
- b. The confidential intermediary must perform services in a manner consistent with legal and ethical standards.
- c. The confidential intermediary must not assume the role of advocate or use coercion or undue influence to persuade any party to a search to take or not take any action.
- d. A confidential intermediary must recognize any limits on their knowledge, abilities, and experience and seek necessary guidance from written authorities or other experienced confidential intermediaries under (7)(d). A confidential intermediary remains responsible for decisions made in any case in which another confidential

intermediary is consulted.

- e. The confidential intermediary must not misrepresent the purposes of the confidential intermediary or sibling information exchange programs, the confidential intermediary's qualifications, fees, or any other information relating to the role of the confidential intermediary. The confidential intermediary must not misrepresent any circumstances or information specific to a case to any client or any party located.
- f. The confidential intermediary must not utilize certification in any manner to gain access to information or services for purposes other than those of the confidential intermediary program.

14. Conflict of interest.

- a. The confidential intermediary must avoid any conflict of interest or the appearance of a conflict of interest by not accepting a search request, continuing work on a search request, or otherwise serving as a confidential intermediary, including when:
  - (1) A case involves a relative, business associate, or close friend if the relationship is such that the relative, business associate, or close friend may exert undue pressure on the confidential intermediary; or
  - (2) The confidential intermediary cannot act in an objective manner or perform services as required.
- b. The confidential intermediary must not accept a search request or serve as a confidential intermediary for the purpose of taking advantage of any party to the search for personal or professional gain.
- c. For purposes of this provision, "conflict of interest" means the circumstance where a confidential intermediary's search for a qualified individual may benefit or harm a personal, business, or employment interest of the confidential intermediary or their relative, business associate, or close friend or where the confidential intermediary's professional judgment is compromised.

**Section 7-203.10: Fee Schedule**

**A. Initial Certification Fees.**

- 1. Individual Application Fee.
  - a. For certification expiring more than 1 year after application date \$100.00
  - b. For certification expiring less than 1 year after application date \$ 50.00
- 2. Fingerprint Application Processing Fee  
(Rate as set by Arizona law and subject to change.)

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| 3. Initial Training: Live Training Component   | \$100.00 |
| 4. Government Agency Initial Certification   | \$ 0.00  |
| (The initial certification fee is waived for all designated agency representatives and agency individuals seeking initial certification, but these applicants are required to pay the fees for training and fingerprinting.) |          |

**B. Examination Fees.**

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|--|----------|
| 1. Applicants for Initial Certification  | \$100.00 |
| 2. Reexaminations  | \$100.00 |
| (For any applicant who did not pass the examination on the first attempt. The \$100.00 fee applies to each reexamination.)           |          |
| 3. Reregistration for Examination  | \$100.00 |
| (For any applicant who registers for an examination date and fails to appear at the designated site on the scheduled date and time.) |          |
| 4. Online Exam Administration-Remote Proctoring  |          |
| (Set by the Administrative Director, Administrative Office of the Courts.)   |          |

**C. Certificate Renewal.**

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| 1. Individual Certificate Renewal  | \$100.00 |
| 2. Governmental Agency Certificate Renewal   | \$ 0.00  |
| (The renewal certification fee is waived for all designated agency representatives and agency individuals seeking renewal of certification.) |          |
| 3. Late Renewal  | \$100.00 |
| 4. Inactive Status   | \$ 50.00 |
| 5. Delinquent Continuing Education   | \$100.00 |

**D. Miscellaneous Fees.**

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|---|----------|
| 1. Replacement of Certificate, Badge or Name Change | \$ 50.00 |
| 2. Public Record Request per Page Copy              | \$ 0.50  |
| 3. Certificate of Correctness of Copy of Record     | \$ 18.00 |
| 4. Reinstatement Application                        | \$100.00 |

(Application for reinstatement to certification after suspension or revocation of certification.)

- 5. Initial Training Manual for Purchase Separately from Certification \$ 75.00