

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**

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

**Chapter 2: Certification and Licensing Programs**

**~~Section 7-203~~ 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**

**A. Definitions.**—In addition to the definitions in the Arizona Code of Judicial Administration (ACJA) § 7-201.01, this section, unless otherwise specified, 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 ~~provided~~ defined in A.R.S. § 8-101(2).

“Child” means ~~“any person an individual under eighteen years of age 18”~~ “any person an individual under eighteen years of age 18” as ~~provided in~~ under A.R.S. § 8-101(4).

“Client” means a qualified individual.

“Confidential intermediary” means an individual who ~~completes~~ meets and maintains the requirements for certification ~~as provided in under ACJA § 7-201, this chapter and A.R.S. § 8-134, and this section and who~~ 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), ~~“a person an individual who was previously adjudicated a dependent child in a dependency proceeding that has been dismissed by order of the juvenile court.”~~ as provided in A.R.S. § 8-501(4).

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

“~~Qualified Individual~~ individual” means ~~a person~~ an individual listed in A.R.S. § 8-134(A) as

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

“Search” means the process ~~in which a confidential intermediary, on the request of a qualified individual when initiated by a qualified individual and ordered by a court, in which a confidential intermediary reviews may inspect records including court, department of child safety, agency, and public or other authorized maternity home records about an adoption to locate information regarding an about an individual who is the subject of the search adoptee, birth parent, adoptive parent, birth sibling of an adoptee, or sibling of a former dependent child.~~

“Sibling” means ~~“a person includes individuals who shares share a common biological parent, stepparent, or adoptive parent” as provided in 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**

**BA. Applicability Authority.** ~~This section governs the confidential intermediary and sibling information exchange programs and applies to every confidential intermediary in the state. This section is read together with the provisions of ACJA § 7-201, but if there is a conflict between ACJA § 7-201 and this section, the provisions of this section govern. This section is also read together with the confidential intermediary provisions in A.R.S. §§ 8-134 and 8-543, including the following:~~

1. Confidential intermediary program. ~~Under A.R.S. § 8-134(JI), the supreme court administers an individual must not act as a 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 unless the individual possesses a confidential intermediary certificate issued by the supreme court.~~
2. Sibling information exchange program.
  - a. ~~Under A.R.S. § 8-543(CA), a person participating in the supreme court’s administrative office of the courts establishes the sibling information exchange program must use a confidential intermediary.~~
  - b. Under A.R.S. § 8-543(E), the supreme court adopts the rules necessary for the program’s implementation.

**CB. Purpose.** ~~This section, together Together with ACJA § 7-201(C) 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**

**DA. Administration—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).

~~1. Role and Responsibilities of the Supreme Court.~~

~~a. Under A.R.S. § 8-134(I), the supreme court administers the confidential intermediary program, adopts rules and procedures for its implementation, including rules providing for the qualifications; required fees; minimum standards for certification, training, and standards of conduct of confidential intermediaries; and the fees that may be charged by a confidential intermediary.~~

~~2. Role and Responsibilities of the Administrative Office of the Courts.~~

~~a. Under A.R.S. § 8-543(A), the administrative office of the courts is responsible for establishing a sibling information exchange program to facilitate contact between a former dependent child and the child's sibling or siblings.~~

~~b. The role and responsibilities of the director and deputy director of the administrative office of the courts are as stated in ACJA § 7-201(D).~~

~~c. The role and responsibilities of the division director and division staff of the certification and licensing division of the administrative office of the courts are as stated in ACJA § 7-201(D).~~

### **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.

**3B. Confidential Intermediary Board Composition.** Under ACJA § 7-201(D)(5), the confidential intermediary board is established, consisting of has 7 members, as follows:

~~(a)~~1. Three certified confidential intermediaries who have been confidential intermediaries for no less than at least 5-3 years;

- ~~(b)2.~~ One superior court judicial officer or trial court administrator;
- ~~(e)3.~~ One attorney, with ~~no less than~~ at least 5 years of experience in adoption law, or one 1 adoption agency-related representative;
- ~~(d)4.~~ One public member; and
- ~~(e)5.~~ One additional member appointed by the chief justice ~~of the supreme court.~~

**4C. Meetings.** The board must hold regular meetings at least once each year. ~~meets as needed to carry out its responsibilities.~~

~~5. Fund. The division must deposit all collected fees in the confidential intermediary and fiduciary fund established by A.R.S. § 8-135(A).~~

### **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.

#### **EB. Initial Certification Requirements.**

1. ~~Application for Initial Certification.~~ Personal qualifications. ~~In addition to the A candidate for confidential intermediary certification must satisfy the personal qualification requirements of under ACJA § 7-201(E)–7-201.09(B), an applicant must meet the following requirements:.~~
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).

- ~~a. Fingerprinting. Under A.R.S. § 8-134(K), the supreme court must require an applicant to furnish fingerprints and must obtain criminal history record information on each applicant for certification.~~
- ~~b3. 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 within one at least once each year of a request.~~
- ~~b. The training must include information or instruction in the areas of:~~
- ~~(1) the The Sibling Information Exchange (SIX) program;~~
- ~~(2) the The confidential intermediary search process;~~
- ~~(3) ethics Ethics;~~
- ~~(4) The initial certification application for and renewal of certification process;~~
- ~~(5) the The process for complaints complaint, and their investigation, the and disciplinary process processes; and~~
- ~~(6) accessing Accessing court and agency records. All applicants for initial certification must complete the entire initial training, including a live training component.~~
- ~~c. Fees. An applicant must pay the fees for certification specified in subsection (K).~~
- ~~2. **Qualifications for Initial Certification.** In addition to the requirements of ACJA § 7-201, an applicant for certification as a confidential intermediary must meet the following minimum qualifications and be:~~
- ~~a. At least 21 years of age;~~
- ~~b. A citizen of the United States or legal resident; and~~
- ~~c. In compliance with all application requirements for initial certification under ACJA § 7-201 and subsection (E).~~
- ~~34. Examination. An applicant must pass an In addition to the requirements of ACJA § 7-201(E), the division must administer an examination administered by the division in conjunction with the live training component as part of the initial training.~~
- ~~4C. **Board Decision Regarding Certification.** Certification decisions are The process for the board's consideration of applications and for granting or denying initial certification is governed by ACJA § 7-201.13(E).~~
- ~~5. Exemption from Certification. No certification is required of any agency licensed by the state under A.R.S. § 8-126(1) or the Arizona Department of Economic Security.~~

## 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).

## SHOWING How Proposed § 7-203.06 Revises Current § 7-203(L)

### Section 7-203.06: Continuing Education

#### Continuing Education Policy.

#### ±A. Purpose.

- a1. ~~Ongoing~~ This section's continuing education requirement is one method way to ensure a confidential intermediary maintains competence in the field after competent to provide services post-certification is obtained. Continuing education also provides opportunities for confidential intermediaries to keep abreast of and remains current on changes in the profession and the Arizona judicial system.
- b2. ~~Under ACJA § 7-201(D), the board must make recommendations to the supreme court regarding rules, policies, and procedures to implement and enforce the requirements regarding confidential intermediaries, including those for continuing education. This subsection section is intended to:~~
  - a. ~~provide direction to confidential intermediaries to ensure~~ Ensure compliance with applicable rules, statutes, and this chapter; and
  - b. ~~the continuing education requirements and to provide~~ Provide for equitable 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.

21. ~~Applicability-General requirement. All~~ A certified confidential intermediary intermediaries holding individual certification must complete a minimum of at least 6-12 hours of approved qualified continuing education during the 12-month 2-year continuing education period between each September 1 of each even-numbered year and August 31 of the following next even-numbered year, as follows: for a total of no fewer than 12 hours of continuing education completed by no later than August 31 of every even-numbered year.
  - 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 Of the 6 qualified continuing education hours of continuing education required during each 12-month period between September 1 of each calendar year and August 31 of the next calendar year.
  - b. at At least 1 hour of the 6 hours earned each year must be in ethics.
2. Non-transferable.
  - a. Hours completed Continuing education hours may only be applied to satisfy the requirements 6-hour requirement for the 12-month period in which the participation occurred 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.**

- 31. ~~Responsibilities of Confidential Intermediaries~~Responsibility. a. ~~Each confidential intermediary Confidential intermediaries are responsible for monitoring their own must ensure compliance with the continuing education requirements; including maintain maintaining documentation of continuing education hours completed for during each 12-month period; including course content and course materials, for 5 years; and submit such documentation to the division on the request of the board or the division.~~
  - 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
  
- 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. Upon request, each a confidential intermediary must provide any additional information required about continuing education compliance as requested by the board or the division in connection with their review of any a renewal application or continuing education documentation-, including documentation about continuing education compliance in a prior licensing period.
- e. ~~Continuing education not recognized for credit upon board review does not relieve the confidential intermediary of the responsibility to complete the required hours of continuing education.~~

### 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.

**4D. Authorized-Qualified Continuing Education Activities Activity.**

a1. Continuing Education Subjects. Continuing education activity must:

a. address-Address areas of proficiency, competency, and performance of a confidential intermediary; and

b. impart-Convey knowledge and increase understanding of the profession, search techniques, ethics, code of conduct, Arizona court jurisdiction-and-responsibilities, the role of courts and judges, the Arizona tribal court system, cultural issues, administrative matters, adoption, the adoption triad, and dependency.

2. Activities.

ea. 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 requirements at the conference, providing that the confidential intermediary satisfies the if the requirements of this section are satisfied, including the "actual clock time," 1-hour ethics, and documentation requirement-requirements. Introductory remarks, breaks, meals, business meetings, and general sessions of the conference do not qualify as continuing education hours.

eb. University, College and Other Educational Institution Courses-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 institutionally-accredited educational program-institution if the course is relevant to the confidential intermediary profession, adoption, adoption searches, or a related field. if the confidential intermediary successfully completes the course with a A passing grade of is a "C" or better or a grade of "pass" in a pass/fail grading system. A confidential intermediary may receive-The amount of continuing education credit is determined by multiplying of up to two times the number of credit hours awarded by the educational institution by 2. if the course is relevant to the confidential intermediary profession, adoption, adoption searches, or a related field. The maximum hours of continuing education credits earned from educational course work may not exceed 50 percent of the total number of continuing education hours required during the 12 month, continuing education period.

ec. Authoring or Coauthoring Articles-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 -directly related to-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; and if the article is a minimum of 1,000 words in length. A confidential intermediary may earn a maximum of 1 hour of continuing education credit each year for authoring an article or articles in the 12 month, continuing education period. A confidential intermediary may not-only receive credit for the same article published in more than one-1 publication or republished in the same publication in later editions of an article.

fd. 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 ~~The maximum hours of continuing education credits earned in a self-study format must not exceed 50 percent-%~~ of the total number of continuing education hours required ~~during the~~ in a 12-month, continuing education period through self-study. The remaining hours must be ~~obtained~~ earned through ~~training or education instruction provided by one-1~~ or more faculty or facilitators to an individual or a group using real-time interaction (“live training”).

ge. ~~Serving as Faculty 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) ~~plus~~ The confidential intermediary may also receive up to ~~two-2~~ hours of actual preparation time for each hour of original presentation time. ~~The maximum hours of continuing education credits earned as faculty credit may not exceed 50 percent of the total number of continuing education hours required during the 12-month, continuing education period.~~

(2) For subsequent presentations, a ~~A~~ confidential intermediary:

(a) ~~may~~ Will not receive duplicate credit for ~~repeating a presentation~~ 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. ~~Minimum Eligible Time.~~

a. ~~Calculation. Each continuing education activity must consist of at least 30 minutes of actual clock time spent in actual attendance at and completion of a continuing education activity.~~

(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 a ~~continuing education activity~~ “actual clock time,” credit ~~will be recognized~~ 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.~~

6c. ~~Maximum Credit credit. Unless the board otherwise determines a continuing education activity is directly related to the confidential intermediary profession, a ~~A~~ confidential intermediary ~~may will~~ not receive more than 3 hours of continuing education credit through any ~~one~~ single continuing education~~

activity in a 12-month, continuing education period unless approved by the board as directly related to the confidential intermediary profession.

~~7E. Non-Qualifying Activities. a.~~—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.)~~ Attendance or participation at 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; ~~and~~

~~(5.)~~ ~~Activities completed as~~ Completing activities required by the board as part of a disciplinary action; ~~;~~

~~b6. Repeat of an Activity.~~ Continuing Repeating a qualified continuing education activities repeated during a activity within the same 12-month, continuing education period do not qualify for credited duplicate hours; and

~~e7. If a confidential intermediary attends~~ Attending part, but not all, of a continuing education activity, ~~the confidential intermediary is not eligible to claim partial credit completion.~~

~~8. Documentation of Attendance or Completion.~~ When attending or completing a continuing education activity, a confidential intermediary must obtain documentation of attendance or completion from the sponsoring entity that must include at least all of the following:

~~a.~~ Name of the sponsor;

~~b.~~ Name of the participant;

~~c.~~ Topic of the subject matter;

~~d.~~ Number of hours actually attended or the number of credit hours awarded by the sponsoring entity;

~~e.~~ Date and place of the program; and

~~f.~~ Signature of the sponsor or an official document from the sponsoring entity.

~~9. Compliance and Non-Compliance.~~

~~a. Affirmation of Compliance.~~ A confidential intermediary must affirm continuing education compliance when applying for renewal of certification. The affirmation must be in the format provided by the division.

~~b. Proration of Continuing Education.~~

~~(1) A confidential intermediary initially certified between September 1 of an odd-numbered year and March 31 of the following even-numbered year must complete a total of six hours of~~

continuing education, including at least one hour of ethics. In subsequent certification periods, the confidential intermediary must meet the requirements in (L)(2).

(2) A confidential intermediary initially certified between April 1 and August 31 of an even-numbered year must complete three hours of continuing education, including at least one hour of ethics. In subsequent certification periods, the confidential intermediary must meet the requirements in (L)(2).

(3) A confidential intermediary initially certified between September 1 of an even-numbered year and August 31 of the following odd-numbered year who, before their initial certification but during this period, completed activities that would qualify as continuing education hours under subsection (L) if completed by a licensee, may apply those hours toward the continuing education requirements for the first renewal of certification.

(4) These proration of continuing education provisions do not apply to a confidential intermediary who previously held certification, allowed the certification to lapse, and was subsequently granted certification during the renewal period.

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

(1.) No later than August 31 of the even-numbered year, the A confidential intermediary seeking an extension or waiver of all or part of the continuing education requirement must submit an affirmation to the board stating the facts and circumstances negatively impacting the confidential intermediary's ability to fully comply with the continuing education requirements for that period and requesting an file a request for an extension or waiver of the requirements with the division before the end of the no later than the August 31<sup>st</sup> close of the continuing education period for which the extension or waiver is sought. On a showing of extenuating circumstances, the board may grant an extension of a maximum of 90 days for the confidential intermediary to complete the continuing education requirement.

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.

(24.) The board must determine In determining whether extenuating circumstances exist. In reviewing the request to support a requested extension or waiver of the continuing education requirement, the board must consider if whether the confidential intermediary has been unable to devote sufficient hours to fulfill the requirements 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~~ 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.

~~(36.)~~ 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.

~~d. The board or the division may request documentation or additional information from a confidential intermediary applying for renewal to verify compliance with the continuing education requirements. If the confidential intermediary fails to provide the requested documentation or additional information, the board may deem the application for renewal incomplete and deny renewal of certification.~~

~~**eG. Random Compliance Audits of Continuing Education Compliance.** During each renewal review period, the The division ~~must~~ may randomly select at least 10% of confidential intermediary renewal applications to ~~demonstrate audit compliance with the~~ continuing education requirement ~~compliance~~. Refusal or a confidential intermediary's failure to respond to, or refusal to comply with, a request from the board or the division for ~~audit documentation of continuing education compliance~~ audit-related request from the board or division may result in denial of renewal of certification or disciplinary action ~~under ACJA § 7-201 and this section.~~~~

~~**fH. Failure to Comply.** A confidential intermediary who fails to complete any portion of the continuing education requirement by the deadline, ~~completes any portion of the continuing education requirement late,~~ 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 § 7-203.10(C)(5). ~~any or all of the following actions of the board:~~~~

- ~~(1) Assessment of the delinquent continuing education fee;~~
- ~~(2) Denial of renewal of certification; and~~
- ~~(3) Disciplinary action under ACJA § 7-201(H) and this section.~~

10. Board Decision Regarding Continuing Education Compliance.

- a. ~~Upon a review of continuing education documentation and any applicable additional information requested, the board may:
 
  - (1) ~~Recognize the confidential intermediary's compliance with the continuing education requirement;~~
  - (2) ~~Require additional information from the confidential intermediary seeking renewal before making a decision;~~
  - (3) ~~Recognize partial compliance with the requirement and order remedial measures; or~~
  - (4) ~~Enter a finding of non-compliance.~~~~
- b. ~~The division must promptly notify the confidential intermediary, in writing, of the board's decision. A confidential intermediary may appeal the decision by submitting a written request for review to the division within 15 days of receipt of notification of the board's decision. The confidential intermediary may request to appear before the board at the next available regularly scheduled board meeting.~~
- c. ~~The certification of a confidential intermediary who timely appeals a decision by the board regarding continuing education will continue active until a final decision is made by the board.~~
- d. ~~The board must issue its decision on the appeal in writing. The decision is final and binding.~~

### **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. A renewal application submitted during the month of October or later in each even-numbered year will be assessed the late renewal fee under subsection (K)(3)(e).

**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**

**~~F. Role and Responsibilities of Certificate Holders.~~** ~~In addition to the requirements of ACJA § 7-201(F), the following provisions apply to confidential intermediaries:~~

- ~~1. Standards of Conduct. A confidential intermediary must adhere to the standards of conduct in subsection (J).~~

**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 as defined in subsection (A).
4. Sharing of Information. A confidential intermediary may use confidential information only to arrange a contact or to share information between the person who initiates the search and the person who is the subject of the search as provided in A.R.S. § 8-134 and A.R.S. § 8-543.
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. ~~Notice of Withdrawal.~~

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

~~a.(1) If a confidential intermediary withdraws from a search, the confidential intermediary must submit a-A notice of withdrawal form to the division for that search on a form provided by the division.~~

~~b.(2) The confidential intermediary must submit to the division a-A finalization report under (5)(b) for each case in which the confidential intermediary withdraws-as required by subsection (F)(6).~~

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. Finalization Report.~~ ~~A confidential intermediary must file with the division a finalization report for every completed search and within 45 days of withdrawal on searches where the confidential intermediary has withdrawn.~~

~~a. The finalization report must include:~~

~~(1) A copy of the consent or refusal documents;~~

~~(2) Documentation of a consultation or mentoring agreement;~~

~~(3) A copy of the file review statement; and~~

~~(4) A summary report of the search process and outcome.~~

~~76. Records Retention of Records. A confidential intermediary must maintain all search-related documentation, including receipts, for every search for ~~no less than~~ at least 5 years.~~

~~8. Voluntary Surrender or Request for Inactive Status. ACJA § 7-201(E)(7) and (E)(8) govern the process for a confidential intermediary to voluntarily surrender their certificate or transfers to inactive status. In addition, the confidential intermediary who voluntarily surrenders their certificate or transfers to inactive status must:~~

~~a. Submit the notice of withdrawal required by subsection (F)(5) for each of the confidential intermediary's open searches;~~

~~b. Provide a copy of the notice of withdrawal to each affected client; and~~

~~c. Submit the finalization report required by subsection (F)(6) of this section for each of the confidential intermediary's open searches.~~

**G. Renewal of Certification.** In addition to the requirements of ACJA § 7-201(G) governing renewal of certification, the following requirements apply to confidential intermediaries:

~~1. Expiration Date. All certificates expire at midnight on October 31, of each even-numbered year.~~

~~2. A renewal application is timely if submitted during the month of September of each even-numbered year. A renewal application submitted during the month of October or later in each even-numbered year will be assessed the late renewal fee under subsection (K)(3)(c).~~

~~3. Continuing Education. All confidential intermediaries must complete at least 12 hours of continuing education under subsection (L).~~

~~**H. Complaints, Investigations, Disciplinary Proceedings and Certification and Disciplinary Hearings.** Complaints, investigations, disciplinary proceedings, certification hearings, and disciplinary hearings involving confidential intermediaries are governed by ACJA § 7-201(H).~~

~~**I. Policies and Procedures for Board Members.** The policies and procedures governing members of the confidential intermediary board are as stated in ACJA § 7-201(I).~~

~~**J. Standards of Conduct.** The following standards of conduct establishes minimum standards of performance for confidential intermediaries and to ensure the confidentiality of the search and consent process. These standards of conduct must be followed by all confidential intermediaries in the state of Arizona.~~

~~17. Confidentiality.~~

~~a. In all actions, the confidential intermediary must keep paramount the importance and significance of confidentiality. The confidential intermediary must exercise extreme~~

the highest degree of care and diligence in respecting the privacy and confidentiality of all parties involved in a search.

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

(1) to arrange Arrange a contact or to share, as permitted by A.R.S. §§ 8-143(D) and 8-543(C), 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.~~
- ~~e.(5) The confidential intermediary must review the Review court records to determine whether a party filed an affidavit consenting to or blocking contact and ~~must act according to the wishes expressed by such an affidavit accordingly.~~~~
- ~~d.(6) The confidential intermediary must perform all duties and responsibilities under Comply with the Arizona laws relating to adoption, including those limiting the release of information.~~
- ~~e.—The confidential intermediary must maintain required records in a professional manner that protects the confidentiality of information contained in the records.~~
- ~~f.(7) The confidential intermediary, having located the After locating a sought-after party, may:~~
  - ~~(a) disclose 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) The confidential intermediary must present such 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.~~
- ~~g.—On a case by case basis, the confidential intermediary may consult with another confidential intermediary and disclose only that case information necessary for the specific purpose of soliciting ideas or information that would assist the confidential intermediary in carrying out the search to arrange a contact. The case finalization report must clearly disclose the use of any consulting confidential intermediary. Except as provided in this subsection, all confidentiality restrictions apply to both confidential intermediaries.~~
- ~~h.—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 skill level and the likelihood of a successful search. The case finalization report must clearly disclose the use of any mentoring confidential intermediary. Except as provided in this subsection, all confidentiality restrictions apply to both confidential intermediaries.~~

29. Skills and Knowledge. A confidential intermediary must:

- ~~a. The confidential intermediary must demonstrate possession of Have the skills and~~

knowledge ~~adequate~~ necessary to perform the work of a confidential intermediary.

- ~~b. and must satisfy~~ Maintain compliance with the ongoing continuing education requirements of subsection ~~(L)~~ requirement under ACJA § 7-203.06.
- ~~bc.~~ After obtaining certification, ~~the confidential intermediary must~~ maintain competence in the field and ensure that their knowledge of all laws ~~application to~~ about adoption and sibling information exchange ~~issues~~ remains current.
- ~~e.~~ The confidential intermediary must inform the parties of the availability of resources for support.
- ~~d.~~ The confidential intermediary must maintain Maintain a working knowledge of documents and information customarily ~~contained~~ found in court and agency files.
- ~~e.~~ The confidential intermediary must possess Possess the verbal and written communication skills necessary to perform the confidential intermediary role, including ~~an aptitude for communicating~~ the skills necessary to effectively communicate in person, by telephone, and by email and other forms of correspondence.
- ~~f.~~ The confidential intermediary must manage Efficiently manage each case ~~proficiently~~ and ~~possess the skills necessary to~~ skillfully perform searches, make contacts, maintain records, and discharge cases in a timely fashion.

10. Communications. A confidential intermediary must:

- ~~ga.~~ The confidential intermediary must keep Keep the client reasonably informed about the status of ~~the~~ their search.
- ~~b.~~ and promptly Promptly comply with reasonable requests for information.
- ~~hc.~~ The confidential intermediary must prepare Prepare complete, accurate, and understandable reports, ~~and including~~ finalization reports.
- ~~i.~~ The confidential intermediary must conduct each search using efforts appropriate to the case.
- ~~j.~~ The confidential intermediary must perform a diligent and expedient search in any court ordered medical search. The confidential intermediary must perform all other searches using the degree of diligence required by the agreement between the confidential intermediary and the client.

311. Fees and Expenses Reasonable charges.

- ~~The~~ A confidential intermediary may only charge those fees and expenses reasonably and necessarily incurred in conducting the search and providing authorized services ~~under applicable statutes, ACJA § 7-201, this section, and administrative orders~~

~~adopted by the supreme court.~~

- b. ~~The~~ A confidential intermediary must ~~may not charge more than the amounts permitted under subsection (M) of this section.~~ 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.

#### 412. 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 ~~the~~ a search, including and must exhibit an ability to:
- ~~(1) the ability to empathize~~ Empathize with others;
  - ~~(2) be~~ Be ~~discreet in dealing with confidential information;~~ and
  - ~~(3) recognize~~ Navigate the emotions of adopted individuals, adoptive parents, birth parents, and former dependent children involved in the search and reunion process all involved parties; 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 remove adoption case or sibling information records from agency or court files or falsify or alter records.~~
- ed. The confidential intermediary must not use materials or employ methods inconsistent or in conflict with the goals and role of a confidential intermediary or for the confidential intermediary's personal benefit.

- ~~fe. The~~ Even if a confidential intermediary is otherwise qualified to do so, a confidential intermediary must not assume the role of a therapist, ~~or~~ counselor, or advocate when acting in the capacity of ~~as~~ a confidential intermediary, even if otherwise qualified to do so, but may provide initial educational information. A confidential intermediary must demonstrate an understanding of how the confidential intermediary role differs from that of a counselor or an advocate.
- gf. The confidential intermediary must not ~~provide or offer or to provide~~ legal advice ~~in the role of~~ when acting as a confidential intermediary.
- hg. ~~The~~ A confidential intermediary must not ~~violate any rules or policies established by the supreme court regarding the confidential intermediary or sibling information exchange programs or~~ engage in conduct ~~themselves in a manner that would reflect adversely on the judiciary, the courts, or other agencies involved in the administration of justice.~~

### §13. Ethics.

- a. ~~The search for and reunion of adopted individuals, adoptive parents and birth parents and former dependent children are emotionally charged events. Because the primary sources of information about the unknown parties are confidential, the~~ 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 ~~an~~ advocate or use coercion or undue influence to persuade any party to ~~the~~ a search to take or not take any action.
- d. A confidential intermediary must ~~be cognizant of~~ recognize any ~~limitations~~ limits on their knowledge, abilities, and experience and seek necessary guidance from written authorities or ~~. If ACJA § 7-201, this section, administrative orders, Arizona statutes, standards of conduct, or training manuals do not provide guidance sufficient to address difficult issues, the confidential intermediary may consult other experienced confidential intermediaries about a case under subsection (J)(1)(g)-(7)(d). Nonetheless, a~~ A confidential intermediary is ~~ultimately~~ 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.

~~ea.~~ 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) ~~The confidential intermediary must not accept a search request or continue on a A~~ case ~~involving~~ involves a relative, business associate, or ~~personal~~ close friend if the relationship is such that the relative, business associate, or ~~personal~~ close friend may exert undue pressure on the confidential intermediary; or

(2) ~~The confidential intermediary must not accept a search request on any case where~~ the The confidential intermediary cannot act in an objective manner or perform services as required.

~~(3)~~ 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.

~~f.~~ 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.

~~g.~~ 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.

~~6.~~ Compliance. The confidential intermediary must perform all services and discharge all obligations in accordance with current Arizona and federal laws, ACJA § 7-201, this section, and administrative orders adopted by the supreme court governing the certification of confidential intermediaries.

**Section 7-203.10: Fee Schedule**

**~~K. Fee Schedule.~~** Under its authority to administer the confidential intermediary and sibling information exchange programs, the supreme court adopts the following fee schedule:

**1A. Initial Certification Fees.**

- a1. Individual ~~Initial Certification Application Fee.~~
  - (1)a. For certification expiring more than ~~one~~ 1 year after application date \$100.00
  - (2)b. For certification expiring less than ~~one~~ 1 year after application date \$ 50.00
- b2. Fingerprint Application Processing Fee  
(Rate as set by Arizona law and subject to change.)
- e3. Initial Training: Live Training Component \$100.00
- d4. Government Agency Initial Certification \$ 0.00  
(~~Applicable to~~ The initial certification fee is waived for all designated agency representatives and agency individuals seeking ~~training or initial certification.~~ training or initial certification. ~~The initial certification fee is waived, but these applicants are required to pay only~~ the fees for training and fingerprinting.)

**2B. Examination Fees.**

- a1. Applicants for Initial Certification \$100.00
- b2. Reexaminations \$100.00  
(For any applicant who did not pass the examination on the first attempt. The \$100.00 fee applies to each reexamination.)
- e3. 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.)
- d4. ~~The fee for~~ Online Exam Administration; ~~Remote Proctoring is set~~  
(Set by the Administrative Director, Administrative Office of the Courts.)

**3C. Renewal Certification Certificate Renewal.**

- a1. Individual Certificate Renewal ~~Certification Fee~~ \$100.00
- b2. Governmental Agency Certificate Renewal ~~Certification~~ \$ 0.00  
(~~Applicable to~~ The renewal certification fee is waived for all designated agency representatives and agency individuals seeking renewal of certification. ~~The renewal certification fee is waived.~~)

e3. Late Renewal	\$100.00
d4. Inactive Status	\$ 50.00
e5. Delinquent Continuing Education	\$100.00

**4D. Miscellaneous Fees.**

a1. Replacement of Certificate, Badge or Name Change	\$ 50.00
b2. Public Record Request per Page Copy	\$ 0.50
e3. Certificate of Correctness of Copy of Record	\$ 18.00
d4. Reinstatement Application (Application for reinstatement to certification after suspension or revocation of certification.)	\$100.00
e5. Initial Training Manual for Purchase Separately from Certification	\$ 75.00

**L. Continuing Education Policy.**

~~1. Purpose.~~

- ~~a. Ongoing continuing education is one method to ensure confidential intermediaries maintain competence in the field after certification is obtained. Continuing education also provides opportunities for confidential intermediaries to keep abreast of changes in the profession and the Arizona judicial system.~~
- ~~b. Under ACJA § 7-201(D), the board must make recommendations to the supreme court regarding rules, policies, and procedures to implement and enforce the requirements regarding confidential intermediaries, including those for continuing education. This subsection is intended to provide direction to confidential intermediaries to ensure compliance with the continuing education requirements and to provide for equitable application and enforcement of the continuing education requirements.~~

~~2. Applicability. All confidential intermediaries holding individual certification must complete a minimum of 6 hours of approved continuing education during the 12-month period between each September 1 and August 31 of the following year, for a total of no fewer than 12 hours of continuing education completed by no later than August 31 of every even-numbered year. Of the 6 hours of continuing education required each year, at least 1 hour must be in ethics. Hours completed may only be applied to satisfy the requirements for the 12-month period in which the participation occurred. Excess continuing education hours completed in a 12-month period are not transferable to any other 12-month period.~~

~~3. Responsibilities of Confidential Intermediaries.~~

- a. ~~Each confidential intermediary must ensure compliance with the continuing education requirements; maintain documentation of continuing education hours completed for each 12-month period, including course content and course materials, for 5 years; and submit such documentation to the division on the request of the board or the division.~~
- b. ~~Upon request, each confidential intermediary must provide any additional information required by the board or the division in connection with their review of any renewal application or continuing education documentation.~~
- e. ~~Continuing education not recognized for credit upon board review does not relieve the confidential intermediary of the responsibility to complete the required hours of continuing education.~~

#### 4. ~~Authorized Continuing Education Activities.~~

- a. ~~Continuing Education. Continuing education activity must address areas of proficiency, competency, and performance of a confidential intermediary and impart knowledge and understanding of the profession, search techniques, Arizona court jurisdiction and responsibilities, the role of judges, the Arizona tribal court system, cultural issues, administrative matters, adoption, the adoption triad, and dependency.~~
- c. ~~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 requirements at the conference, providing that the confidential intermediary satisfies the 1-hour ethics requirement. Introductory remarks, breaks, meals, business meetings, and general sessions of the conference do not qualify as continuing education hours.~~
- d. ~~University, College and Other Educational Institution Courses. A confidential intermediary may receive continuing education credit for a course provided by a university, college, or other institutionally accredited educational program if the confidential intermediary successfully completes the course with a grade of "C" or better or a "pass" in a pass/fail grading system. A confidential intermediary may receive continuing education credit of up to two times the number of credit hours awarded by the educational institution if the course is relevant to the confidential intermediary profession, adoption, adoption searches, or a related field. The maximum hours of continuing education credits earned from educational course work may not exceed 50 percent of the total number of continuing education hours required during the 12-month, continuing education period.~~
- e. ~~Authoring or Coauthoring Articles. A confidential intermediary may receive continuing education credit for authoring or coauthoring an article directly related to the subjects of adoptions, adoption searches, the adoption triad, or dependency; if the article is published in a state or nationally recognized professional journal; and if the~~

- article is a minimum of 1,000 words in length. A confidential intermediary may earn a maximum of 1 hour of continuing education credit each year for authoring an article or articles in the 12-month, continuing education period. A confidential intermediary may not receive credit for the same article published in more than one publication or republished in the same publication in later editions.
- ~~f. 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. The maximum hours of continuing education credits earned in a self-study format must not exceed 50 percent of the total number of continuing education hours required during the 12-month, continuing education period. The remaining hours must be obtained through training or education provided by one or more faculty or facilitators to an individual or a group using real-time interaction (“live training”).~~
  - ~~g. Serving as Faculty. A confidential intermediary may receive continuing education credit for serving as an instructor, speaker, panelist or faculty member of an instructional seminar directly related to the confidential intermediary profession. A confidential intermediary may receive continuing education credit for the presentation time plus up to two hours of actual preparation time for each hour of presentation. The maximum hours of continuing education credits earned as faculty credit may not exceed 50 percent of the total number of continuing education hours required during the 12-month, continuing education period. A confidential intermediary may not receive duplicate credit for repeating a presentation during the certification period.~~
- ~~5. Minimum Time. Each continuing education activity must consist of at least 30 minutes of actual clock time spent in actual attendance at and completion of a continuing education activity. “Actual clock time” is the total number of hours attended, minus the time spent for introductory remarks, breaks, meals, and business meetings. After completion of the first 30 minutes of a continuing education activity, credit will be recognized in 15-minute increments.~~
- ~~6. Maximum Credit. Unless the board otherwise determines a continuing education activity is directly related to the confidential intermediary profession, a confidential intermediary may not receive more than 3 hours credit through one activity in a 12-month, continuing education period.~~
- ~~7. Non-Qualifying Activities.~~
- ~~a. 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) Attendance or participation at professional or association business meetings;~~~~



~~their initial certification but during this period, completed activities that would qualify as continuing education hours under subsection (L) if completed by a licensee, may apply those hours toward the continuing education requirements for the first renewal of certification.~~

- ~~(4) These proration of continuing education provisions do not apply to a confidential intermediary who previously held certification, allowed the certification to lapse, and was subsequently granted certification during the renewal period.~~
- ~~c. Extension or Waiver of Continuing Education Requirements. A confidential intermediary seeking renewal of certification who has not fully complied with the continuing education requirements may request an extension or waiver of the continuing education requirements under the following conditions:~~
- ~~(1) No later than August 31 of the even-numbered year, the confidential intermediary must submit an affirmation to the board stating the facts and circumstances negatively impacting the confidential intermediary's ability to fully comply with the continuing education requirements for that period and requesting an extension or waiver of the requirements before the end of the August 31<sup>st</sup> continuing education period. On a showing of extenuating circumstances, the board may grant an extension of a maximum of 90 days for the confidential intermediary to complete the continuing education requirement.~~
  - ~~(2) The board must determine whether extenuating circumstances exist. In reviewing the request, the board must consider if the confidential intermediary has been unable to devote sufficient hours to fulfill the requirements during the 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.~~~~
  - ~~(3) A confidential intermediary whose certificate has been suspended or revoked by the board is not eligible to request a waiver or extension of the continuing education requirement.~~
- ~~d. The board or the division may request documentation or additional information from a confidential intermediary applying for renewal to verify compliance with the continuing education requirements. If the confidential intermediary fails to provide the requested documentation or additional information, the board may deem the application for renewal incomplete and deny renewal of certification.~~
- ~~e. Random Audits of Continuing Education Compliance. During each renewal review period, the division must randomly select at least 10% of confidential intermediary renewal applications to demonstrate continuing education requirement compliance. Refusal or failure to respond to a request from the board or the division for audit~~

~~documentation of continuing education compliance may result in denial of renewal of certification or disciplinary action under ACJA § 7-201 and this section.~~

~~f. A confidential intermediary who fails to complete the continuing education requirement, completes any portion of the continuing education requirement late, falsifies documents, or misrepresents attendance or an activity is subject to any or all of the following actions of the board:~~

- ~~(1) Assessment of the delinquent continuing education fee;~~
- ~~(2) Denial of renewal of certification; and~~
- ~~(3) Disciplinary action under ACJA § 7-201(H) and this section.~~

~~10. Board Decision Regarding Continuing Education Compliance.~~

~~a. Upon a review of continuing education documentation and any applicable additional information requested, the board may:~~

- ~~(1) Recognize the confidential intermediary's compliance with the continuing education requirement;~~
- ~~(2) Require additional information from the confidential intermediary seeking renewal before making a decision;~~
- ~~(3) Recognize partial compliance with the requirement and order remedial measures;~~
- ~~or~~
- ~~(4) Enter a finding of non-compliance.~~

~~b. The division must promptly notify the confidential intermediary, in writing, of the board's decision. A confidential intermediary may appeal the decision by submitting a written request for review to the division within 15 days of receipt of notification of the board's decision. The confidential intermediary may request to appear before the board at the next available regularly scheduled board meeting.~~

~~c. The certification of a confidential intermediary who timely appeals a decision by the board regarding continuing education will continue active until a final decision is made by the board.~~

~~d. The board must issue its decision on the appeal in writing. The decision is final and binding.~~

**M. Client Fee Schedule.** ~~Under the supreme court's authority to administer the confidential intermediary and sibling information exchange programs, a confidential intermediary may not charge clients fees for adoption search related services in excess of the following amounts:~~

~~1. Initial Search Set Up Fee \_\_\_\_\_ \$100.00~~

~~(This is a one-time fee the confidential intermediary may charge and collect for services that result in search services, including any initial review and~~

~~consultation related to search services.)~~

~~2. Investigation/Research Hourly Rate \$100.00~~

~~3. Bookkeeping/Travel Hourly Rate \$ 50.00~~

~~4. Direct Costs and Expenses Billable at Rates Incurred~~

~~(Mileage billed may not exceed the current Arizona Department of Administration General Accounting Office personal vehicle mileage reimbursement rate published in the State of Arizona Accounting Manual.)~~