

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of:	)	
	)	
ARIZONA CODE OF JUDICIAL	)	Administrative Order
ADMINISTRATION § 7-203:	)	No. 2023 - <u>172</u>
CONFIDENTIAL INTERMEDIARY	)	(Affecting Administrative Order
	)	No. 2022-79)
	)	

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Proposed amendments to the above-captioned section of the Arizona Code of Judicial Administration (ACJA) came before the Arizona Judicial Council on October 12, 2023, were approved, and recommended for adoption.

Therefore, pursuant to Article 6, Section 3, Constitution of Arizona,

IT IS ORDERED that the amendments to ACJA § 7-203, as indicated on the attached document, are adopted. All other provisions of § 7-203 remain unchanged and in effect.

Dated this 1st day of November, 2023.

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ROBERT BRUTINEL  
Chief Justice

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**  
**Part 7: Administrative Office of the Courts**  
**Chapter 2: Certification and Licensing Programs**  
**Section 7-203: Confidential Intermediary**

**A. Definitions.** In this section, unless otherwise specified, the following definitions apply:

“Adoptee” means an individual, eligible for adopted pursuant to 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 ~~by~~ in A.R.S. § 8-101(2).

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

“Confidential intermediary” means an individual who completes the requirements for certification ~~established by~~ as provided in ACJA § 7-201, ~~this section and~~ A.R.S. § 8-134, and this section and who possesses a valid confidential intermediary certificate issued by the supreme court.

“Former dependent child” means “a person who was previously adjudicated a dependent child in a dependency proceeding that has been dismissed by order of the juvenile court” as provided ~~by~~ in ARS § 8-501(4).

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

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

“Search” means the process ~~where~~ in which a confidential intermediary, ~~upon~~ on the request of a qualified individual ~~pursuant to A.R.S. § 8-134(A) or A.R.S. § 8-543(B), or upon a when~~ ordered by a court order, reviews court, agency, and public or other authorized records to locate information regarding an adoptee, birth parent, adoptive parent, birth sibling of an adoptee, or sibling of a former dependent child.

“Sibling” means “a person who shares a common biological parent, stepparent or adoptive parent” as provided ~~by~~ in A.R.S. § 8-543(F).

**B. Applicability.** 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 general requirements and definitions in the provisions of ACJA §

7-201, ~~which section provides that in the event of but if there is~~ a conflict between ACJA § 7-201 and this section, the provisions of this section ~~shall~~ govern. This section is also read together with ~~statutory provisions applicable to the confidential intermediaries-intermediary provisions in A.R.S. §§ 8-134 and 8-543, including the following:~~

1. ~~Pursuant to~~ Under A.R.S. § 8-134(J), an individual must not act as a confidential intermediary unless the individual possesses a confidential intermediary certificate issued by the supreme court.
2. ~~Pursuant to~~ Under A.R.S. § 8-543(C), a person participating in the sibling information exchange program must use a confidential intermediary.

**C. Purpose.** ~~This section. In addition to the requirements of together with~~ ACJA § 7-201(C), ~~this section is intended to result in provide for~~ the effective administration of the confidential intermediary and sibling information exchange programs.

**D. Administration.**

1. Role and Responsibilities of the Supreme Court.
  - a. ~~Pursuant to~~ Under A.R.S. § 8-134(I), the supreme court administers the confidential intermediary program, ~~and is responsible for adopting-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. ~~Pursuant to~~ 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).
3. Confidential Intermediary Board. ~~Pursuant to~~ Under ACJA § 7-201(D)(5), the confidential intermediary board is established, consisting of 7 members, as follows:
  - (a) Three certified confidential intermediaries who have been confidential intermediaries for no less than 5 years;
  - (b) One superior court judicial officer or trial court administrator;
  - (c) One attorney with no less than 5 years of experience in adoption law or one adoption agency-related representative;

- (d) One public member; and
  - (e) One additional member appointed by the chief justice of the supreme court.
4. Meetings. The board meets as needed to carry out its responsibilities.
  5. Fund. The division ~~staff~~ must deposit all collected fees in the confidential intermediary and fiduciary fund established by A.R.S. § 8-135(A).

**E. Initial Certification.**

1. Application for Initial Certification. In addition to the requirements of ACJA § 7-201(E), ~~the an~~ applicant must meet the following requirements:
  - a. Fingerprinting. ~~Pursuant to~~ Under A.R.S. § 8-134(K), the supreme court must require ~~the an~~ applicant to furnish fingerprints and must obtain criminal history record information on each applicant for certification.
  - b. Initial Training. The division ~~staff~~ must ~~provide~~ make initial training for confidential intermediary applicants available within one year of a request no less than one time per year. The training must ~~consist of a minimum of twelve hours of~~ include information or instruction in the areas of the Sibling Information Exchange (SIX) program, the confidential intermediary search process, ethics, initial application for and renewal of certification, the process for complaints and their investigation, the disciplinary process, and accessing court and agency records. All applicants for initial certification must ~~attend~~ complete the entire initial training, including a live training session 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 application~~ for initial certification ~~pursuant to~~ under ACJA § 7-201 and subsection (E).
3. Examination. In addition to the requirements of ACJA § 7-201(E), the division ~~staff~~ shall must administer ~~the an~~ examination no less than one time per year in conjunction with the live training component of the initial training.
4. Decision Regarding Certification. ~~These requirements are contained in~~ Certification decisions are governed by ACJA § 7-201(E).

5. Exemption from Certification. No certification is required of any agency licensed by the state ~~or the Arizona Department of Economic Security pursuant to~~ under A.R.S. § 8-126 (1) or the Arizona Department of Economic Security.

**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. ~~Each~~ A confidential intermediary must adhere to the standards of conduct in subsection (J) ~~of this section~~.
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 ~~those parties who are eligible pursuant to A.R.S. § 8-134(A) or A.R.S. § 8-543(B)~~ 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.
5. Notice of Withdrawal. A confidential intermediary may withdraw from a search for any reason.
  - a. If a confidential intermediary withdraws from a search, the confidential intermediary must submit a notice of withdrawal form to the ~~division staff~~ for that search.
  - b. The confidential intermediary must submit to the ~~division staff~~ a finalization report for each case in which the confidential intermediary withdraws as required by subsection (F)(6) ~~of this section~~.
6. Finalization Report. A confidential intermediary must file with the ~~division staff~~ a finalization report ~~on all~~ for every completed searches 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.
7. Retention of Records. A confidential intermediary must maintain all search-related documentation, including receipts, for every search for no less than 5 years.

8. Voluntary Surrender or Request for Inactive Status. ACJA § 7-201(E)(7) and (E)(8) govern the process ~~when~~ for a confidential intermediary to voluntarily surrenders 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) ~~of this section~~ 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 ~~open search approved for~~ 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. ~~All certifications are valid until the expiration, voluntary surrender, suspension, or revocation of the certification becomes effective.~~
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).
23. Continuing Education. All confidential intermediaries must complete at least 12 hours of continuing education ~~pursuant to~~ under subsection (L) ~~of this section~~.

**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 ~~set forth~~ stated in ACJA § 7-201(I).

**J. Standards of Conduct.** The following standards of conduct ~~apply to all confidential intermediaries to establish~~ minimum standards for ~~of performance by~~ 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.

1. Confidentiality.
  - a. In all actions, the confidential intermediary must keep paramount the importance and

significance of confidentiality. The confidential intermediary must exercise extreme care and diligence in respecting the privacy and confidentiality of all parties involved in a search.

- b. The confidential intermediary must keep confidential all information obtained during ~~the course of~~ a search and may use ~~said~~ the confidential information only to arrange a contact or to share, as permitted by A.R.S. §§ 8-134(D) and ~~A.R.S. § 8-543(C)~~, between the person who initiated the search and the person who is the subject of the search.
- c. The confidential intermediary must review the court records to determine whether ~~an~~ a party filed an affidavit ~~has been filed by a party~~ consenting to or blocking contact and must act according to the wishes expressed by such an affidavit.
- d. The confidential intermediary must perform all duties and responsibilities ~~pursuant to~~ under Arizona laws relating to adoption, including those limiting the release of information.
- e. The confidential intermediary must maintain required records in a professional manner ~~while protecting that protects~~ the confidentiality of information contained in the records.
- f. The confidential intermediary, having located the sought-after party, may disclose to the client and located party only that information relevant to the physical safety and protection of the parties and their families as necessary to allow the client and located party to make an informed decision about whether to consent to the release of identifying information. The confidential intermediary must present such information in a nonjudgmental manner.
- 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 ~~paragraph~~ 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 ~~paragraph~~ subsection, all confidentiality restrictions apply to both confidential intermediaries.

## 2. Skills and Knowledge.

- a. The confidential intermediary must demonstrate possession of skills and knowledge adequate to perform the work of a confidential intermediary and must satisfy the ongoing continuing education requirements of subsection (L) ~~of this section~~.
  - b. After obtaining certification, ~~The~~the confidential intermediary must maintain competence in the field ~~after obtaining certification~~ and ensure that their knowledge of all laws application to adoption and sibling information exchange issues remains current.
  - c. The confidential intermediary must inform the parties of the availability of resources for support.
  - d. The confidential intermediary must maintain a working knowledge of documents and information customarily contained in court and agency files.
  - e. The confidential intermediary must possess the verbal and written communication skills necessary to perform the confidential intermediary role, including an aptitude for communicating in person, by telephone, and by correspondence.
  - f. The confidential intermediary must manage each case proficiently and possess the skills necessary to perform searches, make contacts, maintain records, and discharge cases in a timely fashion.
  - g. The confidential intermediary must keep the client reasonably informed about the status of the search and promptly comply with reasonable requests for information.
  - h. The confidential intermediary must prepare complete, accurate, and understandable reports and 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.
3. Fees and Expenses.
- a. The confidential intermediary may only charge fees and expenses reasonably and necessarily incurred in conducting the search and providing authorized services pursuant to ~~under applicable statutes~~ ~~Arizona law~~, ACJA § 7-201, this section, and administrative orders adopted by the supreme court.
  - b. The confidential intermediary must not charge more than the amounts permitted ~~pursuant to~~ under subsection (M) of this section.

- c. The confidential intermediary must return to the client all fees collected in advance but not earned.

#### 4. 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 search, ~~which includes including~~ the ability to empathize with others, be discreet in dealing with confidential information, and recognize the emotions of all involved parties.
- 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.
- e. The confidential intermediary must not use materials or employ methods ~~that are~~ inconsistent or in conflict with the goals and role of a confidential intermediary or for personal benefit, ~~or use materials or methods in ways that are inconsistent or in conflict with the goals and role of a confidential intermediary.~~
- f. The confidential intermediary must not assume the role of a therapist or counselor when acting in the capacity of 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.
- g. The confidential intermediary must not provide or offer to provide legal advice in the role of a confidential intermediary.
- h. The confidential intermediary must not violate any rules or policies established by the supreme court regarding the confidential intermediary or sibling information exchange programs or conduct themselves in a manner that would reflect adversely on the judiciary, the courts, or other agencies involved in the administration of justice.

#### 5. Ethics.

- a. The search for and reunion of adopted individuals, adoptive parents and birth parents and former dependent children are highly emotionally charged emotionally events. Because the primary sources of information about the unknown parties are

- confidential, the confidential intermediary must conduct themselves according to the highest standards of trust, impartiality, and respect in ~~the performance of 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 search to take or not take any action.
  - d. A confidential intermediary must be cognizant of any limitations on their knowledge and experience. 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 ~~pursuant to~~ under subsection (J)(1)(g) ~~of this section~~. Nonetheless, a confidential intermediary is ultimately responsible for decisions made in any case in which another confidential intermediary is consulted.
  - e. The confidential intermediary must avoid any conflict of interest or the appearance of a conflict of interest.
    - (1) The confidential intermediary must not accept a search request or continue on a case involving a relative, ~~or~~ business associate, or personal friend ~~where~~ if the relationship is such that the relative, business associate or personal friend may exert undue pressure on the confidential intermediary.
    - (2) The confidential intermediary must not accept a search request on any case where the confidential intermediary cannot act in an objective manner or perform services as required.
    - (3) 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.
  - 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.

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

1. Initial Certification

a. Individual Initial Certification

- |  |          |
|--|----------|
| (1) For certification expiring more than one year after application date | \$100.00 |
| (2) For certification expiring less than one year after application date | \$ 50.00 |

b. Fingerprint Application Processing Fee

(Rate as set by Arizona law and subject to change.)

c. Initial Training ~~Session~~: Live Training Component \$100.00

d. Government Agency Initial Certification

(Applicable to all designated agency representatives and agency individuals seeking training or certification. The initial certification fee is waived, applicants are required to pay only the fees for training and fingerprinting.)

2. Examination Fees

a. Applicants for Initial Certification \$ 50.00

b. Reexaminations \$ 50.00

(For any applicant who did not pass the examination on the first attempt. The \$50.00 fee applies to each reexamination.)

c. Reregistration for Examination \$ 50.00

(For any applicant who registers for an examination date and fails to appear at the designated site on the scheduled date and time.)

3. Renewal Certification

a. Individual Renewal Certification Fee \$100.00

b. Governmental Agency Renewal Certification

(Applicable to all designated agency representatives and agency

individuals seeking renewal of certification. The renewal certification fee is waived.)

- c. Late Renewal \$ 50.00
- d. Inactive Status \$ 50.00
- e. Delinquent Continuing Education \$ ~~50~~100.00

4. Miscellaneous Fees.

- a. Replacement of Certificate, Badge or Name Change \$ 25.00
- b. Public Record Request per Page Copy \$ 0.50
- c. Certificate of Correctness of Copy of Record \$ 18.00
- d. Reinstatement Application \$100.00

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

- e. 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. Pursuant to 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. ~~Pursuant to subsection (G)(2) of this section, all~~ All confidential intermediaries holding individual certification must attend ~~complete~~ a minimum of 6 hours of approved continuing education each year 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 each certification period. Of the 6 hours of continuing education required each year, at least 1 hour of which each year must be in an ethics-based curriculum. The confidential intermediary must submit documentation of completion of the continuing education requirement upon the request of the board or division staff. Hours of participation completed are not transferable to certification may only be applied to satisfy the requirements for the 12-month periods period other than the one in which the participation occurred. Excess continuing education hours completed in a year-12-month period are not transferable to any year-other 12-month period.~~

3. Responsibilities of Confidential Intermediaries.

- a. Each confidential intermediary must ensure compliance with the continuing education requirements; maintain documentation of ~~their completion of each year's continuing education hours completed for each 12-month period, including course content and course materials, requirement for 5 years after the end of the year to which the continuing education applies;~~ and to submit the ~~maintained such~~ documentation to ~~the division staff upon on~~ the request of the board or ~~the division staff~~.
- b. Upon request, each confidential intermediary must provide any additional information required by the board or ~~the division staff when reviewing in connection with their review of any renewal applications and or~~ continuing education documentation.
- c. Continuing education not recognized for credit upon board review does not ~~in any way~~ 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, ~~and subjects involving~~ adoption, the adoption triad, and dependency.
- b. 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 ~~for attendance at the conference, providing that the confidential intermediary satisfies the 1-hour ethics requirements during the applicable certification period.~~ Introductory remarks, breaks, meals, business meetings, and general sessions of the conference do not qualify as continuing education hours.
- c. 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 ~~certification~~ 12-month, continuing education period.
- d. 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, ~~or 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.
- e. 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 ~~shall~~ must not exceed 50 percent of the total number of continuing education hours required during the ~~certification~~ 12-month, continuing education period. The remaining hours must be obtained through ~~live training, meaning~~ training or education provided by one or more faculty or facilitators to an individual or a group using real-time interaction (“live training”).
- f. Serving as Faculty. A confidential intermediary may receive continuing education credit for serving as an instructor, speaker, ~~panel~~ panelist or faculty member of an instructional seminar directly related to the ~~profession of confidential intermediary profession~~. A confidential intermediary may receive continuing education credit for the presentation time ~~and 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 ~~certification~~ 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 ~~or and~~ completion of a continuing education activity. “Actual clock time” ~~includes~~ 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 ~~50 percent of the credit requirement for the certification period~~ 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, general sessions, elections, policymaking sessions, or program orientation;
    - (4) Serving on committees or councils or as an officers in a professional organization; and
    - (5) Activities completed as required by the board as part of a disciplinary action.
  - b. Repeat of an Activity. Continuing education activities repeated during a 12-month, continuing education certificate ~~certificate~~ period do not qualify for credited duplicate hours.
  - c. If a confidential intermediary attends 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, ~~each~~ a confidential intermediary must obtain documentation of attendance or completion from the sponsoring entity. ~~At a minimum, this documentation 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. ~~Affidavit~~ Affirmation of Compliance. A confidential intermediary must ~~submit an affidavit of affirm~~ continuing education compliance when applying for renewal of certification. The ~~affidavit~~ affirmation must be in the format provided by the division staff.

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.

~~b.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) ~~The~~ No later than August 31 of the even-numbered year, the confidential intermediary ~~submits a notarized written statement~~ must submit an affirmation to the board, ~~explaining the facts regarding non-compliance~~ 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 no later than the September 15<sup>th</sup> preceding the October 31<sup>st</sup> expiration of the certificate before the end of the August 31<sup>st</sup> continuing education period. ~~Upon~~ 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~~Full-time service in the armed forces of the United States during a substantial part of the certification period;
- (b) ~~an~~An incapacitating illness documented by a statement from a currently licensed physician treating the confidential intermediary;
- (c) ~~a~~A physical inability to ~~travel to the sites of~~ 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.

~~(4) The board or division staff 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.~~

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 board shall direct~~ the division staff to must randomly select a ~~specified number~~ at least 10% of confidential ~~intermediaries~~ intermediary renewal applications to demonstrate continuing education requirement compliance ~~through submission of proof of continuing education participation~~. Refusal or failure to respond to a request from the board or the division staff for audit documentation of continuing education compliance may result in denial of renewal of certification or disciplinary action ~~pursuant to~~ under ACJA § 7-201 and this section.

ef. 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 ~~pursuant to~~ 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 ~~compliance by~~ 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 ~~staff~~ 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 ~~confidential intermediary program~~ division within 15 days of receipt of notification of the board's decision. The confidential intermediary ~~requesting review~~ 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 ~~in force~~ 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.** Pursuant to 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
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(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
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3. Bookkeeping/Travel Hourly Rate	\$ 50.00
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4. Direct Costs and Expenses Billable at Rates Incurred	
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(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.)