

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. 2006- 72  
CONFIDENTIAL INTERMEDIARIES )  
 )  
\_\_\_\_\_ )

WHEREAS on June 19, 2006 the Arizona Judicial Council approved and recommended the attached amended version of the Arizona Code of Judicial Administration § 7-203 for adoption, and

WHEREAS a January 1, 2007 general effective date and a November 1, 2006 effective date for continuing education requirements are advisable, and

WHEREAS new members of the Confidential Intermediary Board (“Board”) must be appointed and trained before they begin service, and

WHEREAS transition from a three-year to a two-year renewal cycle must be implemented upon expiration of current certificates on October 31 of each year through 2008,

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the Arizona Code of Judicial Administration § 7-203 is amended as indicated in the attached document effective January 1, 2007 except as otherwise ordered below.

IT IS FURTHER ORDERED that members of the Board shall be appointed and receive training regarding the provisions of §§ 7-201 and 7-203 as amended, before the January 1, 2007 effective date of their service on the Board.

IT IS FURTHER ORDERED that an application for renewal of certification by a confidential intermediary whose current certification expires on October 31, 2006 shall be governed by the affidavit of compliance and random audit requirements of subsection (L)(9)(a) and (d) of § 7-203, as amended.

IT IS FURTHER ORDERED that a confidential intermediary whose current certification expires after January 1, 2007 shall not be governed by the renewal requirements of §§ 7-203 and 7-201 as amended until the expiration of the current certification and that a confidential intermediary whose certification expires on October 31, 2007 may apply for renewal of certification for one year subject to payment of a renewal fee of fifty dollars.

IT IS FURTHER ORDERED that effective November 1, 2006 all confidential intermediaries shall comply with the provisions of the continuing education policies contained in subsection (L) of § 7-203 as amended, except that a confidential intermediary whose current certification expires October 31, 2007 or October 31, 2008 is not subject to the ethics and six hour per year continuing education requirements until renewal of the certification.

IT IS FURTHER ORDERED that staff of the Certification and Licensing Division of the Administrative Office of the Courts shall notify each certified confidential intermediary of the confidential intermediary's certification expiration date and of the renewal fees and the continuing education requirements that apply as a result of this Order.

Dated this 6th day of September, 2006.

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RUTH V. MCGREGOR  
Chief Justice

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

**A. Definitions.** In addition to the definitions in ACJA § 7-201(A), in this section the following definitions apply:

“Adoptee” means an individual adopted pursuant to A.R.S. §§ 8-102 and ~~8-132~~ 14-8101.

“Adult” means ~~“a person eighteen years of age or older,”~~ as provided by A.R.S. § ~~8-101(1)~~.

“Agency” means “a person other than the division licensed by the division to place children for adoption, including an attorney or law firm;” as provided by A.R.S. § 8-101(2).

“A.R.S.” means the Arizona Revised Statutes.

“Article” means ~~“Title 8, Article 1. General Provisions, Chapter 1”~~ of the Arizona Revised Statutes.

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

“Confidential intermediary” means a person who completes the requirements for certification as established by ACJA § 7-201, this section and A.R.S. § 8-134 and who possesses a valid confidential intermediary certificate issued by the supreme court. ~~A confidential intermediary is authorized to access and inspect sealed court and other confidential records for the purpose of locating parties pursuant to A.R. S. § 8-134 to arrange a contact or share information between the individual who initiates a search and the person who is the subject of the search.~~

“Mentor” means a certified confidential intermediary who assists an inexperienced certified confidential intermediary throughout a case.

“Search” means the process where a confidential intermediary, upon the request of a birth parent, adoptive parent, adoptee or birth sibling of an adoptee, or upon a court order, reviews court, ~~and~~ agency, and public or other authorized records to locate information regarding an adoptee, birth parent, adoptive parent or birth sibling of an adoptee.

**B. Applicability.** This ~~code~~ section governs the ~~c~~Confidential ~~i~~ntermediary ~~p~~rogram, applies to every confidential intermediary in the state and is read in connection with ACJA § 7-201: General Requirements. In the event of a conflict between this section and ACJA § 7-201, the provisions of this section shall govern ~~prevail~~. A.R.S. § 8-134(J) provides:

A person shall not act as a confidential intermediary unless the person possesses a confidential intermediary certificate issued by the supreme court. In order to be certified as a confidential intermediary a person shall meet and maintain the minimum standards prescribed by this section and the rules adopted by the supreme court.

**C. Purpose.** In addition to the requirements of ACJA § 7-201(C), ~~T~~his section is intended to result

in the effective administration of the ~~c~~Confidential ~~i~~Intermediary ~~p~~Program, and in certification of confidential intermediaries who perform their responsibilities in a professional and competent manner, abiding by all applicable statutes and sections.

#### **D. Administration.**

1. Role and Responsibilities of the Supreme Court. ~~A.R.S. § 8-134(I) provides that:~~ In addition to the requirements of ACJA § 7-201(D), A.R.S. § 8-134(I) states:

The Arizona supreme court shall administer the confidential intermediary program. The court shall adopt rules and procedures necessary to implement the program, including qualifications, required fees, minimum standards for certification, training and standards of conduct of confidential intermediaries, and shall establish the fees that may be charged by a confidential intermediary.

2. Role and Responsibilities of the Director. ~~The role and responsibilities of the director are specified in § 7-201. In addition, the director shall appoint an advisory committee to meet no less than one time per year or as directed by the director for the purpose of making recommendations on matters pertaining to the Confidential Intermediary Program. These responsibilities are contained in ACJA § 7-201(D).~~

3. Role and Responsibilities of the Deputy Director. These responsibilities are contained in ACJA § 7-201(D).

3. 4. Role and Responsibilities of Division Staff. ~~the Program Coordinator. The role and~~ These responsibilities are contained of the program coordinator are specified in ACJA § 7-201(D). ~~In addition:~~

- a. ~~The program coordinator shall maintain a list of confidential intermediaries, shall make the list available to the public upon request and post it to the judicial department Website. The minimum required certification list information for posting on the judicial department Website is the name of the certificate holder. The applicant may identify, on the applicant application or application addendum, additional information, including the address, telephone number and e-mail address of the certificate holder, for posting to the judicial department Website.~~

- b. ~~The program coordinator may not post, or may remove, the name and other information of a confidential intermediary posted on the judicial department Website upon a determination of countervailing interests of confidentiality, privacy or the best interest of the public.~~

- c. ~~The program coordinator may charge for the cost of providing copies of the certification list or any other public records of the program. The program coordinator shall not charge a confidential intermediary for a copy of the list.~~

5. Confidential Intermediary Board. In addition to the requirements of ACJA § 7-201(D), the following requirements apply:

a. The confidential intermediary board is established, comprised of the following eleven members:

- (1) Four certified confidential intermediaries who have been confidential intermediaries for no less than five years;
- (2) One superior court judicial officer or trial court administrator;
- (3) One attorney;
- (4) Two public members;
- (5) One clerk of the superior court or designee;
- (6) One adoption agency related representative; and
- (7) One additional member appointed by the chief justice of the supreme court.

b. The board shall meet no less than two times per year for regular meetings.

4. 6. Fund. The ~~program coordinator~~ division staff shall deposit all collected fees in the cConfidential iIntermediary and fFiduciary fFund, in accordance with A.R.S. §§ 8-135(A), 12-284.03(8), 14-5651(A), and 36-342(B). A.R.S. § 8-135 (A) provides that: This fund consists “of the monies received pursuant to § 12-284.03, subsection A, paragraph 8, § 36-341, subsection B, §14-5651, subsection A...”“The supreme court shall administer the fund subject to legislative appropriation.”

#### **E. Initial Certification.**

1. Application for Initial Certification. The procedures for application for initial certification are specified in § 7-201. In addition to the requirements of ACJA § 7-201(E), the applicant shall meet the following requirements:

a. Fingerprinting. A.R.S. § 8-134(K) provides: “In carrying out the provisions of this section the supreme court shall require applicants for a confidential intermediary certificate to furnish fingerprints and the supreme court shall obtain criminal history record information pursuant to § 41-1750.”

b. Initial Training. The division staff shall provide initial training for confidential intermediary applicants no less than one time per year. The training shall consist of a minimum of twelve hours of instruction. All applicants for initial certification shall attend the entire initial training session.

c. Fees. An applicant shall pay the fees for certification specified in subsection (K).

2. Qualifications for Initial Certification. In addition to the requirements of ACJA § 7-201, Aan applicant for certification as a confidential intermediary shall meet the following ~~criteria~~ minimum qualifications to qualify for application for certification and be:

- a. 21 years of age or more;
- b. A citizen of the United States or legal resident; and

- c. ~~Comply In compliance with all requirements for application for initial certification pursuant to ACJA § 7-201 and subsection (E) this section;~~
  - d. ~~Provide a full set of fingerprints, pursuant to § 7 201 and A.R.S. § 8 134(K). A.R.S. § 8 134(K) provides: "In carrying out the provisions of this section the supreme court shall require applicants for a confidential intermediary certificate to furnish fingerprints and the supreme court shall obtain criminal history record information pursuant to section 41 1750...;"~~
  - e. ~~Pay all applicable fees outlined in the Confidential Intermediary Program Fee Schedule incorporated as Appendix B;~~
  - f. ~~Successfully complete the initial training requirements pursuant to subsection E(3);~~
  - g. ~~Pass the examination testing the knowledge of the applicant as a confidential intermediary pursuant to subsection E(4);~~
  - h. ~~Agree to abide by the standards of conduct incorporated as Appendix A. Violations of the standards of conduct may be used as evidence of a violation of § 7 201 and § 7 203; and~~
  - i. ~~Agree to comply with the Arizona Revised Statutes, Arizona Rules of Court, Arizona Code of Judicial Administration (ACJA) and administrative orders adopted by the supreme court governing confidential intermediaries and the laws of other states if applicable.~~
3. ~~Initial Training. The procedures for the initial training are specified in § 7 201. In addition:~~
- a. ~~The program coordinator shall provide initial training for confidential intermediary applicants no less than one time per year. The training shall consist of a minimum of twelve hours of instruction. All new applicants shall attend the entire initial training session.~~
  - b. ~~The program coordinator shall make the training available to persons not seeking certification upon application, payment of training fees, and class availability.~~
4. ~~3. Examination. In addition to Tthe procedures for the examination are specified in requirements of ACJA § 7-201(E). In addition:~~
- a. ~~Each individual applicant for initial certification shall personally take and pass, to the satisfaction of the director an examination, reasonably testing the knowledge of an applicant as a confidential intermediary. The division staff program coordinator shall administer the examination no less than one time per year in conjunction with the initial training. The program coordinator shall inform each applicant, in writing, of the grade of the completed examination and whether the grade is passing or failing.~~
  - b. ~~An applicant who fails an examination for certification is entitled to one reexamination. If~~

~~the applicant fails the reexamination, the applicant shall not receive another examination. The applicant may retake the initial training and examination and pay the applicable fees the following year after failing the examination and subsequent reexamination.~~

5. ~~4. Decision Regarding Certification. These requirements are contained in ACJA § 7-201 (E). The procedures for decisions regarding certification are specified in § 7-201.~~
6. 5. Exemption from Certification. No certification is required of any agency licensed by the state or the Arizona Department of Economic Security pursuant to A.R.S. § 8-126 (1).

**F. Role and Responsibilities of Certificate Holders.** ~~The role and responsibilities of certificate holders are specified in § 7-201. In addition to the requirements of ACJA § 7-201 (F), t~~The following provisions also apply to confidential intermediaries:

1. Standards of Conduct. Each confidential intermediary shall adhere to ~~Appendix A, the standards of conduct adopted by the supreme court, pursuant to this section in subsection (J) and A.R.S. § 8-134 (I).~~
2. Identification. When accessing files related to a search, a confidential intermediary shall provide the valid photo identification issued by the ~~c~~Confidential I~~ntermediary p~~rogram with the request for appointment form identifying the individual as the confidential intermediary appointed to the case.
3. Parties. A confidential intermediary shall provide services only to those parties who are eligible pursuant to A.R.S. § 8-134(A) Arizona law.
  - a. A.R.S. § 8-134(A) provides ~~that~~:
    - A. Any of the following persons may use the services of a confidential intermediary who is listed with the court:
      1. The adoptive parents of an adoptee who is at least eighteen years of age or, if the adoptive parents are deceased, the adoptee's guardian.
      2. An adoptee if the adoptee is at least eighteen years of age.
      3. If an adoptee is deceased, the adoptee's spouse if the spouse is the legal parent or guardian of any child of the adoptee.
      4. If an adoptee is deceased, any progeny of the adoptee ~~person~~ who is at least eighteen years of age.
      5. Either of the birth parents of an adoptee.
      6. If the birth parent of an adoptee is deceased, the parent of the birth parent.

7. A biological sibling of the adoptee if the sibling is at least eighteen years of age.

b. A.R.S. § 8-134(G) and (H) further provides that:

G. On receipt of a written statement from a physician that explains in detail how a health condition may seriously affect the health of the adoptee or a direct descendant of the adoptee, the court shall order the confidential intermediary program to appoint a confidential intermediary. The confidential intermediary shall make a diligent effort to notify an adoptee who has attained eighteen years of age, an adoptive parent or guardian of an adoptee who has not attained eighteen years of age or a direct descendant of a deceased adoptee that the nonidentifying information is available and shall be provided on written request.

H. On receipt of a written statement from a physician that explains in detail why a serious health condition of the adoptee or a direct descendant of the adoptee should be communicated to the birth parent or biological sibling to enable the birth parent or biological sibling to make an informed medical decision, the court shall order the confidential intermediary program to appoint a confidential intermediary. The confidential intermediary shall make a diligent effort to notify those individuals that the nonidentifying information is available and shall be provided on written request.

4. Sharing of Information. A.R.S. § 8-134 provides that:

C. ~~...~~[A] a confidential intermediary may inspect documents compiled pursuant to this article. Documents include the court records, division records, agency records and maternity home records. The confidential intermediary shall keep confidential all information obtained during the course of the investigation. The intermediary shall use confidential information only to arrange a contact or share information between the person who initiates the search and the person who is the subject of the search. A confidential intermediary shall review the court record before making any contact with an adoptee to determine if an affidavit has been filed pursuant to subsection E of this section. Except as provided pursuant to subsection A, paragraphs 1, 2, 4 and 7 and subsection G of this section, a confidential intermediary shall not contact persons under twenty-one years of age.

D. The confidential intermediary shall obtain written consent from the person who initiated the search and the person who is the subject of the search before arranging for the sharing of identifying information or a contact between them. If the confidential intermediary discovers the subject of the search is deceased or that the identity of the birth father was unknown to or not revealed by the birth mother, the confidential intermediary shall share this information with the



person initiating the search. If the confidential intermediary, after a diligent effort, is unable to locate the subject of the search to obtain written consent to share information, the confidential intermediary shall share this information with the person initiating the search and prepare and place with the compiled documents a written report describing search efforts. If the person who initiated the search petitions the court to release identifying information, the court shall review the report prepared by the confidential intermediary and shall decide if the information may be released and in what manner the information may be released if the court determines there is good cause.

- E. An adoptive parent who has not informed an adoptee that the adoptee was adopted may file an affidavit so stating with the court where the adoption took place. The affidavit may be withdrawn at any time by the adoptive parent. If an affidavit is a part of the court record, the confidential intermediary shall not make contact with the adoptee unless the adoptive parent withdraws the affidavit and grants permission in writing or the adoptee has filed an affidavit stating that the adoptee knows about the adoption and wishes to make contact with the birth parent.
  - F. A birth parent who has not informed the parent's biological offspring of the existence of the adoptee may file an affidavit so stating with the court where the adoption took place. The affidavit may be withdrawn at any time by the birth parent. If an affidavit is a part of the court record, the confidential intermediary shall not make contact with the biological sibling unless the birth parent withdraws the affidavit and grants permission in writing or the biological sibling has filed an affidavit stating that the biological sibling knows about the adoptee and wishes to make contact with the adoptee.
- ~~5. Client fees. A confidential intermediary may charge fees for adoption search related services as listed on the Client Fee Schedule incorporated as Appendix C.~~
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 shall submit a notice of withdrawal form to division staff for that search.
  - b. The confidential intermediary shall submit to division staff a finalization report for each case the confidential intermediary withdraws from, pursuant to subsection (F)(6).
6. Finalization Report. A confidential intermediary shall file with division staff a finalization report on all completed searches or searches where the confidential intermediary has withdrawn within 45 days of the withdrawal. These requirements also apply when a confidential intermediary voluntarily surrenders their certificate or their certificate is placed on inactive status.
- a. The finalization report shall 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;
- (4) Original appointment form issued by division staff; and
- (5) A summary report of the search process and outcome.

b. The confidential intermediary shall file a copy of the finalization report with the juvenile court in the county the adoption was finalized. The finalization report shall include:

- (1) Original consent or refusal documents;
- (2) Documentation of a consultation or mentoring agreement; and
- (3) A summary report of the search process and outcome.

7. Retention of Records. A confidential intermediary shall maintain all search related documentation, including receipts for every search for no less than five years.

8. Voluntary Surrender or Request for Inactive Status. In addition to the requirements of ACJA § 7-201(E)(7) and (E)(8), when a confidential intermediary voluntarily surrenders their certificate or is placed on inactive status, the confidential intermediary shall:

- a. Submit a notice of withdrawal form pursuant to subsection (F)(5) for each open search approved for the confidential intermediary;
- b. Provide notice of the withdrawal to each affected client; and
- c. Submit the finalization report pursuant to subsection (F)(6).

**G. Renewal of Certification.** ~~The requirements for renewal of certification are specified in § 7-201.~~ In addition to the requirements of ACJA § 7-201(G), the following requirements apply:

1. Expiration Date. All certificates expire at midnight on Certification expires every three years from October 31, 1999 2006 and every even-numbered year thereafter. A certificate holder is responsible for meeting all requirements for renewal as described in § 7-201 and this subsection prior to expiration of the certificate.

2. Continuing Education. Training. All confidential intermediaries shall complete at least ~~eighteen~~ twelve hours of ~~approved~~ continuing education pursuant to subsection (L). ~~every three years to meet the training requirements for renewal.~~

3. ~~Notification of Decision. The procedures for notification of the decision regarding renewal of certification are specified in § 7-201.~~

**H. Complaints, Investigations, Disciplinary Proceedings Action and Certification and**

**Disciplinary Hearings.** ~~The procedures for complaints, investigation, disciplinary action and hearings are specified in~~ These requirements are contained in ACJA § 7-201(H).

- I. Policies and Procedures for Board Members.** ~~These requirements are contained in ACJA § 7-201(I).~~

**APPENDIX A**  
**Confidential Intermediary Program**  
**Standards of Conduct**

- J. Standards of Conduct. Preamble.** ~~The following standards of conduct are hereby adopted by the Arizona Supreme Court to apply to all confidential intermediaries pursuant to A.R.S. § 8-134(I). It is the purpose of the supreme court to provide these standards of conduct to establish minimum standards for performance by confidential intermediaries and to ensure confidentiality of the search and consent process.~~

—**Standard 1. Confidentiality.**

- a. ~~The confidential intermediary shall keep paramount in all actions the importance and significance of confidentiality. The confidential intermediary shall exercise extreme care and diligence in respecting the privacy and confidentiality of all parties involved in the search.~~
- b. ~~a.~~ The confidential intermediary shall keep confidential all information obtained during the course of the search and shall use said confidential information only to arrange a contact or to share that information which is permitted by A.R.S. § 8-134 between the person who initiated the search and the person who is the subject of the search.
- c. ~~b.~~ The confidential intermediary shall review the court records to determine whether an affidavit has been filed by a party consenting to or blocking contact and act according to the wishes expressed by such an affidavit.
- d. ~~e.~~ The confidential intermediary shall perform duties and ~~the responsibilities of the confidential intermediary~~ pursuant to Arizona laws relating to adoption including limitations on the release of information.
- e. ~~d.~~ The confidential intermediary shall maintain required records in a professional manner while protecting the confidentiality of information contained in the records.
- f. ~~e.~~ The confidential intermediary, having located the sought-after party, shall divulge only that information necessary to allow the client and located party to make an informed decision whether or not to consent to the release of identifying information. In order to meet the requirements of informed consent, the confidential intermediary shall share only the information necessary for the physical safety and protection of the parties and their families. The confidential intermediary shall present such information in a

nonjudgmental manner.

- ~~g.~~ ~~f.~~ On a case-by-case basis, the confidential intermediary may consult with another confidential intermediary sharing only that information on a case which is 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 discharge summary shall clearly designate the consulting confidential intermediary. All confidentiality restrictions apply to both confidential intermediaries.
- ~~h.~~ ~~g.~~ The confidential intermediary may act as a mentor to assist an inexperienced confidential intermediary. The inexperienced confidential intermediary and the mentoring confidential intermediary may share confidential information for the purpose of instruction for the result of an increased skill level and a successful search. The request for appointment form and the discharge summary shall clearly designate the mentoring confidential intermediary. All confidentiality restrictions apply to both confidential intermediaries.

**Standard 2. Skills and Knowledge.**

- ~~a.~~ The confidential intermediary shall demonstrate adequate skills and knowledge to perform the work of a confidential intermediary and shall fulfill ongoing ~~training~~ continuing education requirements ~~as specified by the program~~ to maintain professional growth as specified by ACJA § 7-201 and subsection (L).
- ~~b.~~ ~~a.~~ The confidential intermediary has an obligation to have knowledge and keep informed of all current and applicable laws regarding adoption issues.
- ~~c.~~ ~~b.~~ The confidential intermediary shall inform the parties of the availability of resources for support.
- ~~d.~~ ~~e.~~ The confidential intermediary has a responsibility to maintain a working knowledge of documents and information customarily contained in court and agency files.
- ~~e.~~ ~~d.~~ The confidential intermediary shall possess the necessary verbal and written communication skills sufficient to perform the confidential intermediary role, including an aptitude for communicating in person, by telephone and by correspondence.
- ~~f.~~ ~~e.~~ The confidential intermediary shall manage each case proficiently. Skills required include, but are not limited to, skills necessary to perform the search, make contact, maintain records and discharge the case in a timely fashion.
- ~~g.~~ ~~f.~~ The confidential intermediary shall keep the client reasonably informed about the status of the search and promptly comply with reasonable requests for information.
- ~~h.~~ ~~g.~~ The confidential intermediary shall prepare complete, accurate and understandable reports and discharge summaries.

- ~~i.~~ ~~h.~~ The confidential intermediary shall conduct each search demonstrating efforts appropriate to the case.
- ~~j.~~ ~~i.~~ The confidential intermediary shall perform a diligent and expedient search if the search is a court-ordered medical search.
- ~~k.~~ ~~j.~~ The confidential intermediary shall otherwise perform a search using proper diligence pursuant to the agreement between the confidential intermediary and client.

**Standard 3. Fees and Expenses.**

- ~~a.~~ The confidential intermediary shall charge only those fees and expenses that are reasonable in amounts and necessarily incurred in order to conduct the search and provide services pursuant to Arizona law, ~~the~~ ACJA § 7-201, this section and administrative orders adopted by the supreme court.
- ~~b.~~ ~~a.~~ The confidential intermediary shall not charge more than the amounts permitted pursuant to ~~Appendix C, the Client Fee Schedule subsection (M),~~ subsections (M) and (N), adopted by the supreme court.
- ~~c.~~ ~~b.~~ The confidential intermediary shall return to the client all fees collected in advance but not earned.

**Standard 4. Sensitivity and Professionalism.**

- ~~a.~~ The confidential intermediary shall 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. This includes the ability to empathize with others, be discreet in dealing with confidential information and recognize the emotions of adoption members.
- ~~b.~~ ~~a.~~ The confidential intermediary shall strive to develop professional objectivity regarding biases, attitudes and beliefs about adoption and reunion issues.
- ~~c.~~ ~~b.~~ The confidential intermediary shall demonstrate the ability to work with individuals regardless of differing culture, ethnicity or lifestyle.
- ~~d.~~ ~~e.~~ The confidential intermediary shall not remove adoption case records from agency or court files or falsify or alter records.
- ~~e.~~ ~~d.~~ The confidential intermediary shall not use materials or employ methods that are not consistent with the role of a confidential intermediary and shall not use materials or employ methods for personal benefit or in ways that conflict with the goals and role of a confidential intermediary.

- ~~f.~~ e. The confidential intermediary shall 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 education and information. A confidential intermediary shall demonstrate understanding of how the confidential intermediary role differs from that of a counselor or an advocate.
- ~~g.~~ f. The confidential intermediary shall not provide or offer to provide legal advice in the role of a confidential intermediary.
- ~~h.~~ g. The confidential intermediary shall not violate any rules or policies regarding the ~~c~~Confidential ~~i~~ntermediary ~~p~~rogram as established by the supreme court or conduct themselves in a manner that would reflect adversely on the judiciary, courts or other agencies involved in the administration of justice.

**Standard 5. Ethics.**

- ~~a.~~ The search and reunion of adopted individuals, adoptive parents and birth parents are highly charged emotionally. Because the primary sources of information about the unknown parties are confidential, the confidential intermediary is held to the highest standards of trust, impartiality and respect in the performance of services.
- ~~b.~~ a. The confidential intermediary shall perform services in a manner consistent with legal and ethical standards.
- ~~c.~~ b. The confidential intermediary shall not assume the role of an advocate or use coercion or undue influence to persuade any party to the search to take or not to take any action.
- ~~d.~~ e. The confidential intermediary shall be cognizant of personal limitations of knowledge and experience and may consult other experienced confidential intermediaries ~~or the program staff~~ about a case if ACJA §§ 7-201, § 7-203, administrative orders, Arizona statutes, standards of conduct or training manuals do not provide the guidance necessary to address difficult ethical issues. Nonetheless, the confidential intermediary is ultimately responsible for decisions made in regard to the case.
- ~~e.~~ d. The confidential intermediary shall avoid any conflict of interest or the appearance of a conflict of interest.
  - (1) The confidential intermediary shall not accept appointment to a case or continue on a case involving a relative or business associate or a personal friend where the relationship is such that the relative, business associate or personal friend may exert undue pressure on the confidential intermediary.
  - (2) The confidential intermediary shall not accept an appointment or continue on any case where the confidential intermediary cannot act in an objective manner or perform services as required.
  - (3) The confidential intermediary shall not accept an appointment or serve as a confidential intermediary for the purpose of taking advantage of any party to the

search for personal or professional gain.

- f. e. The confidential intermediary shall avoid misrepresenting the purposes of the ~~C~~confidential ~~I~~intermediary ~~P~~program, the confidential intermediary's qualifications, fees or any other information relating to the role of the confidential intermediary. The confidential intermediary shall avoid misrepresenting to any client or any party located any circumstances or information specific to a case.
- g. f. The confidential intermediary shall avoid utilizing certification in any manner to gain access to information or services for purposes other than those of the ~~c~~confidential ~~I~~intermediary ~~p~~program.

**Standard 7.6.** Compliance. The confidential intermediary shall perform all services and discharge all obligations in accordance with current Arizona and federal laws, ACJA §§ 7-201, § 7-203 and administrative orders adopted by the supreme court governing the certification of confidential intermediaries.

**~~APPENDIX B~~**  
**~~Confidential Intermediary Program~~**  
**~~Certification Fee Schedule~~**

**K. Fee Schedule.** Pursuant to A.R.S. § 8-134(I), the ~~Arizona~~ sSupreme ~~c~~court shall administer the ~~c~~confidential ~~i~~intermediary ~~p~~program. The court shall adopt rules and procedures necessary to implement the program, including qualifications, required and permissible fees.

**~~A. Required Fees for Confidential Intermediary Certification~~**

1. Initial Certification Fees

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 and ~~Examination~~ Fee \$ 150.00 \$100.00

(~~Includes one copy of the training manual and the examination and one reexamination, taken within 90 days, if applicable~~)

d. ~~3.~~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.)

~~a. Initial Training Session~~ \$ 150.00

~~(Includes one copy of the training manual and the examination and one reexamination, taken within 90 days, if applicable)~~

~~b. Fingerprint Application Processing Fee~~

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

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. 2. Individual Renewal Certification Fees

a. Individual Renewal Certification Fee \$100.00

~~b. Renewal Training Session:~~ \$ 75.00

~~(Includes one copy of the training materials)~~

b. 4. Governmental Agency Renewal Certification

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

c. Late Renewal \$ 50.00

d. Inactive Status \$ 50.00

e. Delinquent Continuing Education \$ 50.00

a. Renewal Training Session \$ 75.00



~~(Includes one copy of the training materials)~~

~~B. Training Materials Available for Purchase Separately~~

~~4. 1. Initial Training Manual(s) Miscellaneous Fees.~~

~~2. Renewal Training Manual(s)~~

~~a. Replacement of Certificate, Badge or Name Change \$ 25.00~~

~~b. Public Record Request per Page Copy \$ .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 ACJA § 7-201(D) the board shall make recommendations to the supreme court regarding rules, policies, and procedures to implement and enforce the requirements regarding confidential intermediaries, including 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):

a. All confidential intermediaries shall attend six hours of approved continuing education each year for a total of twelve hours of continuing education during each certificate period. A confidential intermediary shall complete a minimum of one hour each year of the continuing education requirement in an ethics based curriculum. The confidential intermediary shall submit documentation of completion of the continuing education requirement upon the request of the board or division staff. Hours of participation are not transferable to certification periods other than the one in which the participation

occurred.

- b. From and after November 1, 2006 and for every renewal of certification after that date, all confidential intermediaries shall comply with these adopted policies regarding continuing education.

3. Responsibilities of Confidential Intermediaries.

- a. It is the responsibility of each confidential intermediary to ensure compliance with the continuing education requirements, maintain documentation of completion of continuing education, and to submit the maintained documentation to division staff upon the request of the board or division staff.
- b. Upon request, each confidential intermediary shall provide any additional information required by the board or division staff when reviewing renewal applications and 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 shall address areas of proficiency, competency, and performance of a confidential intermediary, impart knowledge and understanding of the profession, search techniques, Arizona court jurisdiction and responsibilities, Arizona tribal court system, cultural issues, administrative matters and areas involving adoption and the adoption triad.
- b. Conferences. A confidential intermediary may receive continuing education credit for attendance at a conference relevant to the profession. A confidential intermediary may receive 100 percent of the continuing education credits for attendance at the conference, if the conference is directly related to the confidential intermediary profession. 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 if the course is relevant to the confidential intermediary profession, adoption, adoption searches or a related field, up to two times the number of credit hours awarded by the educational institution. The maximum hours of continuing education credits earned from educational course work shall not exceed 50 percent of the total number of continuing education hours required for renewal.

- d. Authoring or Coauthoring Articles. A confidential intermediary may receive continuing education credit for authoring or coauthoring an article directly related to areas of adoptions, adoption searches or triad issues, 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 one hour of continuing education credit each year for authoring of articles. A confidential intermediary shall 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 correspondence courses, procedure manuals, video and audio tapes, online computer seminars, and other methods of independent learning. The maximum hours of continuing education credits earned in a self study format shall not exceed 50 percent of the total number of continuing education hours required for renewal.
  - f. Serving as Faculty. A confidential intermediary may receive continuing education credit for serving as an instructor, speaker, panel or faculty member of an instructional seminar directly related to the profession of confidential intermediary. A confidential intermediary may receive continuing education credit for the presentation time and up to two hours of preparation time for each hour of presentation. The maximum hours of continuing education credits earned as faculty credit shall not exceed 50 percent of the total number of continuing education hours required for renewal and a confidential intermediary shall not receive duplicate credit for repeating a presentation during the certificate period.
5. Minimum Time. Each continuing education activity shall consist of at least 30 minutes of actual clock time spent by a confidential intermediary in actual attendance at and completion of a continuing education activity. “Actual clock time” includes 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 shall be recognized in fifteen 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 shall not receive more than 50 percent of the credit requirement for the certificate period through one activity.
7. Non-Qualifying Activities.
- a. The following activities shall not qualify for continuing education credit for confidential intermediaries:
    - (1) Program training completed to qualify for certification;
    - (2) Mentoring. A confidential intermediary shall not receive continuing education credit for

- 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 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 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 confidential intermediary shall obtain documentation of attendance or completion from the sponsoring entity. At a minimum, this documentation shall include the:
- 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 of Compliance. A confidential intermediary shall submit an affidavit of continuing education compliance when applying for renewal of certification. The affidavit shall be in the format provided by the division staff.
- b. Proration of Continuing Education Requirement. A confidential intermediary whose certificate expires less than one year from the effective date of certification shall complete no less than six hours of continuing education credit during the balance of the certification period. In subsequent certification periods, the confidential intermediary shall complete the biennial twelve hour continuing education requirement. Proration of the continuing education requirement does not apply to confidential intermediaries who previously held certification and allowed their certification to lapse.
- 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 confidential intermediary submits a notarized written statement to the board, explaining the facts regarding non-compliance 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. Upon 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 shall determine whether extenuating circumstances exist. In reviewing the request, the board shall 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 certificate period;
    - (b) an incapacitating illness documented by a statement from a currently licensed physician;
    - (c) a physical inability to travel to the sites of approved programs documented by a statement from a currently licensed physician; 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. Random Audits of Continuing Education Compliance. During each renewal review period, the board shall direct division staff to randomly select a specified number of confidential intermediaries 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 division staff for audit documentation of continuing education compliance may result in denial of renewal of certification or disciplinary action pursuant to ACJA § 7-201 and this section.
- e. 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 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 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 shall 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 within fifteen 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 shall continue in force until a final decision is made by the board.
  
- d. The board shall make the decision on the appeal in writing. The decision is final and binding.

**APPENDIX C**  
**Confidential Intermediary Program**  
**Client Fee Schedule**

**M. Client Fee Schedule.** Pursuant to A.R.S. § 8-134(I), the ~~Arizona~~ Supreme ~~Court~~ shall administer the ~~c~~Confidential ~~i~~Intermediary ~~p~~Program. The court shall adopt rules and procedures necessary to implement the program, including required and permissible fees. A confidential intermediary may charge clients an amount not to exceed the fees listed in this subsection ~~appendix~~ for adoption search related services.

A- 1. Initial Appointment Fee \$ 25.00 \$100.00

(This is a one time fee the confidential intermediary may charge and collect for services that result in a search appointment. ~~These s~~Services include ~~are as follows:~~ initial consultation related to services; and processes and initial application with the ~~c~~Confidential ~~i~~Intermediary ~~p~~Program to establish the search appointment.)

~~B.~~ 2. Investigation/Research Hourly Rate \$ ~~50.00~~ \$100.00

(Maximum rate allowable.)

~~C.~~ 3. Bookkeeping/Travel Hourly Rate \$ ~~15.00~~ \$ 50.00

(Maximum rate allowable.)

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

(Current ~~S~~state of Arizona mileage allowance as posted on the Arizona government's ~~W~~website.)