

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

**CHAPTER 300**  
**HOUSE BILL 2522**

AN ACT

AMENDING SECTIONS 8-201, 8-455, 8-456, 8-471, 8-804.01 AND 8-807.01, ARIZONA  
REVISED STATUTES; RELATING TO THE DEPARTMENT OF CHILD SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 8-201, Arizona Revised Statutes, is amended to  
3 read:  
4 8-201. Definitions  
5 In this title, unless the context otherwise requires:  
6 1. "Abandoned" means the failure of the parent to provide reasonable  
7 support and to maintain regular contact with the child, including providing  
8 normal supervision. Abandoned includes a judicial finding that a parent has  
9 made only minimal efforts to support and communicate with the child. Failure  
10 to maintain a normal parental relationship with the child without just cause  
11 for a period of six months constitutes prima facie evidence of abandonment.  
12 2. "Abuse" means the infliction or allowing of physical injury,  
13 impairment of bodily function or disfigurement or the infliction of or  
14 allowing another person to cause serious emotional damage as evidenced by  
15 severe anxiety, depression, withdrawal or untoward aggressive behavior and  
16 which emotional damage is diagnosed by a medical doctor or psychologist and  
17 is caused by the acts or omissions of an individual who has the care, custody  
18 and control of a child. Abuse includes:  
19 (a) Inflicting or allowing sexual abuse pursuant to section 13-1404,  
20 sexual conduct with a minor pursuant to section 13-1405, sexual assault  
21 pursuant to section 13-1406, molestation of a child pursuant to section  
22 13-1410, commercial sexual exploitation of a minor pursuant to section  
23 13-3552, sexual exploitation of a minor pursuant to section 13-3553, incest  
24 pursuant to section 13-3608 or child prostitution pursuant to section  
25 13-3212.  
26 (b) Physical injury that results from permitting a child to enter or  
27 remain in any structure or vehicle in which volatile, toxic or flammable  
28 chemicals are found or equipment is possessed by any person for the purpose  
29 of manufacturing a dangerous drug as defined in section 13-3401.  
30 (c) Unreasonable confinement of a child.  
31 3. "Adult" means a person who is eighteen years of age or older.  
32 4. "Adult court" means the appropriate justice court, municipal court  
33 or criminal division of the superior court that has jurisdiction to hear  
34 proceedings concerning offenses committed by juveniles as provided in  
35 sections 8-327 and 13-501.  
36 5. "Award" or "commit" means to assign legal custody.  
37 6. "Child", "youth" or "juvenile" means an individual who is under the  
38 age of eighteen years.  
39 7. "Complaint" means a written statement of the essential facts  
40 constituting a public offense that is any of the following:  
41 (a) Made on an oath before a judge or commissioner of the superior  
42 court or an authorized juvenile hearing officer.  
43 (b) Made pursuant to section 13-3903.  
44 (c) Accompanied by an affidavit of a law enforcement officer or  
45 employee that swears on information and belief to the accuracy of the  
46 complaint pursuant to section 13-4261.

- 1           8. "Criminal conduct allegation" means an allegation of conduct by a  
2 parent, guardian or custodian of a child or an adult member of the victim's  
3 household that, if true, would constitute any of the following:  
4           (a) A violation of section 13-3623 involving child abuse.  
5           (b) A felony offense that constitutes domestic violence as defined in  
6 section 13-3601.  
7           (c) A violation of section 13-1404 or 13-1406 involving a minor.  
8           (d) A violation of section 13-1405, 13-1410 or 13-1417.  
9           (e) Any other act of abuse that is classified as a felony.  
10          (f) An offense that constitutes domestic violence as defined in  
11 section 13-3601 and that involves a minor who is a victim of or was in  
12 imminent danger during the domestic violence.
- 13          9. "Custodian" means a person, other than a parent or legal guardian,  
14 who stands in loco parentis to the child or a person to whom legal custody of  
15 the child has been given by order of the juvenile court.
- 16          10. "DCS REPORT" MEANS A COMMUNICATION RECEIVED BY THE CENTRALIZED  
17 INTAKE HOTLINE THAT ALLEGES CHILD ABUSE OR NEGLECT AND THAT MEETS THE  
18 CRITERIA FOR A REPORT AS PRESCRIBED IN SECTION 8-455.
- 19          ~~10-~~ 11. "Delinquency hearing" means a proceeding in the juvenile court  
20 to determine whether a juvenile has committed a specific delinquent act as  
21 set forth in a petition.
- 22          ~~11-~~ 12. "Delinquent act" means an act by a juvenile that if committed  
23 by an adult would be a criminal offense or a petty offense, a violation of  
24 any law of this state, or of another state if the act occurred in that state,  
25 or a law of the United States, or a violation of any law that can only be  
26 violated by a minor and that has been designated as a delinquent offense, or  
27 any ordinance of a city, county or political subdivision of this state  
28 defining crime. Delinquent act does not include an offense under section  
29 13-501, subsection A or B if the offense is filed in adult court. Any  
30 juvenile who is prosecuted as an adult or who is remanded for prosecution as  
31 an adult shall not be adjudicated as a delinquent juvenile for the same  
32 offense.
- 33          ~~12-~~ 13. "Delinquent juvenile" means a child who is adjudicated to have  
34 committed a delinquent act.
- 35          ~~13-~~ 14. "Department" means the department of child safety.
- 36          ~~14-~~ 15. "Dependent child":  
37           (a) Means a child who is adjudicated to be:  
38           (i) In need of proper and effective parental care and control and who  
39 has no parent or guardian, or one who has no parent or guardian willing to  
40 exercise or capable of exercising such care and control.  
41           (ii) Destitute or who is not provided with the necessities of life,  
42 including adequate food, clothing, shelter or medical care.  
43           (iii) A child whose home is unfit by reason of abuse, neglect, cruelty  
44 or depravity by a parent, a guardian or any other person having custody or  
45 care of the child.

1 (iv) Under eight years of age and who is found to have committed an  
2 act that would result in adjudication as a delinquent juvenile or  
3 incorrigible child if committed by an older juvenile or child.

4 (v) Incompetent or not restorable to competency and who is alleged to  
5 have committed a serious offense as defined in section 13-706.

6 (b) Does not include a child who in good faith is being furnished  
7 Christian Science treatment by a duly accredited practitioner if none of the  
8 circumstances described in subdivision (a) of this paragraph exists.

9 ~~15-~~ 16. "Detention" means the temporary confinement of a juvenile who  
10 requires secure care in a physically restricting facility that is completely  
11 surrounded by a locked and physically secure barrier with restricted ingress  
12 and egress for the protection of the juvenile or the community pending court  
13 disposition or as a condition of probation.

14 ~~16-~~ 17. "Director" means the director of the department.

15 ~~17-~~ 18. "Health professional" has the same meaning prescribed in  
16 section 32-3201.

17 ~~18-~~ 19. "Incorrigible child" means a child who:

18 (a) Is adjudicated as a child who refuses to obey the reasonable and  
19 proper orders or directions of a parent, guardian or custodian and who is  
20 beyond the control of that person.

21 (b) Is habitually truant from school as defined in section 15-803,  
22 subsection C.

23 (c) Is a runaway from the child's home or parent, guardian or  
24 custodian.

25 (d) Habitually behaves in such a manner as to injure or endanger the  
26 morals or health of self or others.

27 (e) Commits any act constituting an offense that can only be committed  
28 by a minor and that is not designated as a delinquent act.

29 (f) Fails to obey any lawful order of a court of competent  
30 jurisdiction given in a noncriminal action.

31 ~~19-~~ 20. "Independent living program" includes a residential program  
32 with supervision of less than twenty-four hours a day.

33 ~~20-~~ 21. "Juvenile court" means the juvenile division of the superior  
34 court when exercising its jurisdiction over children in any proceeding  
35 relating to delinquency, dependency or incorrigibility.

36 ~~21-~~ 22. "Law enforcement officer" means a peace officer, sheriff,  
37 deputy sheriff, municipal police officer or constable.

38 ~~22-~~ 23. "Medical director of a mental health agency" means a  
39 psychiatrist, or licensed physician experienced in psychiatric matters, who  
40 is designated in writing by the governing body of the agency as the person in  
41 charge of the medical services of the agency, or a psychiatrist designated by  
42 the governing body to act for the director. The term includes the  
43 superintendent of the state hospital.

44 ~~23-~~ 24. "Mental health agency" means any private or public facility  
45 that is licensed by this state as a mental health treatment agency, a  
46 psychiatric hospital, a psychiatric unit of a general hospital or a

1 residential treatment center for emotionally disturbed children and that uses  
2 secure settings or mechanical restraints.

3 ~~24.~~ 25. "Neglect" or "neglected" means:

4 (a) The inability or unwillingness of a parent, guardian or custodian  
5 of a child to provide that child with supervision, food, clothing, shelter or  
6 medical care if that inability or unwillingness causes unreasonable risk of  
7 harm to the child's health or welfare, except if the inability of a parent,  
8 guardian or custodian to provide services to meet the needs of a child with a  
9 disability or chronic illness is solely the result of the unavailability of  
10 reasonable services.

11 (b) Permitting a child to enter or remain in any structure or vehicle  
12 in which volatile, toxic or flammable chemicals are found or equipment is  
13 possessed by any person for the purposes of manufacturing a dangerous drug as  
14 defined in section 13-3401.

15 (c) A determination by a health professional that a newborn infant was  
16 exposed prenatally to a drug or substance listed in section 13-3401 and that  
17 this exposure was not the result of a medical treatment administered to the  
18 mother or the newborn infant by a health professional. This subdivision does  
19 not expand a health professional's duty to report neglect based on prenatal  
20 exposure to a drug or substance listed in section 13-3401 beyond the  
21 requirements prescribed pursuant to section 13-3620, subsection E. The  
22 determination by the health professional shall be based on one or more of the  
23 following:

24 (i) Clinical indicators in the prenatal period including maternal and  
25 newborn presentation.

26 (ii) History of substance use or abuse.

27 (iii) Medical history.

28 (iv) Results of a toxicology or other laboratory test on the mother or  
29 the newborn infant.

30 (d) Diagnosis by a health professional of an infant under one year of  
31 age with clinical findings consistent with fetal alcohol syndrome or fetal  
32 alcohol effects.

33 (e) Deliberate exposure of a child by a parent, guardian or custodian  
34 to sexual conduct as defined in section 13-3551 or to sexual contact, oral  
35 sexual contact or sexual intercourse as defined in section 13-1401,  
36 bestiality as prescribed in section 13-1411 or explicit sexual materials as  
37 defined in section 13-3507.

38 (f) Any of the following acts committed by the child's parent,  
39 guardian or custodian with reckless disregard as to whether the child is  
40 physically present:

41 (i) Sexual contact as defined in section 13-1401.

42 (ii) Oral sexual contact as defined in section 13-1401.

43 (iii) Sexual intercourse as defined in section 13-1401.

44 (iv) Bestiality as prescribed in section 13-1411.

45 ~~25.~~ 26. "Newborn infant" means a child who is under thirty days of  
46 age.

1           ~~26.~~ 27. "Petition" means a written statement of the essential facts  
2 that allege delinquency, incorrigibility or dependency.

3           ~~27.~~ 28. "Prevention" means the creation of conditions, opportunities  
4 and experiences that encourage and develop healthy, self-sufficient children  
5 and that occur before the onset of problems.

6           ~~28.~~ 29. "Protective supervision" means supervision that is ordered by  
7 the juvenile court of children who are found to be dependent or incorrigible.

8           ~~29.~~ 30. "Referral" means a report that is submitted to the juvenile  
9 court and that alleges that a child is dependent or incorrigible or that a  
10 juvenile has committed a delinquent or criminal act.

11           ~~30. "Report for investigation" means a report prepared pursuant to~~  
12 ~~section 8-455, subsection D.~~

13           31. "Secure care" means confinement in a facility that is completely  
14 surrounded by a locked and physically secure barrier with restricted ingress  
15 and egress.

16           32. "Serious emotional injury" means an injury that is diagnosed by a  
17 medical doctor or a psychologist and that does any one or a combination of  
18 the following:

19           (a) Seriously impairs mental faculties.

20           (b) Causes serious anxiety, depression, withdrawal or social  
21 dysfunction behavior to the extent that the child suffers dysfunction that  
22 requires treatment.

23           (c) Is the result of sexual abuse pursuant to section 13-1404, sexual  
24 conduct with a minor pursuant to section 13-1405, sexual assault pursuant to  
25 section 13-1406, molestation of a child pursuant to section 13-1410, child  
26 prostitution pursuant to section 13-3212, commercial sexual exploitation of a  
27 minor pursuant to section 13-3552, sexual exploitation of a minor pursuant to  
28 section 13-3553 or incest pursuant to section 13-3608.

29           33. "Serious physical injury" means an injury that is diagnosed by a  
30 medical doctor and that does any one or a combination of the following:

31           (a) Creates a reasonable risk of death.

32           (b) Causes serious or permanent disfigurement.

33           (c) Causes significant physical pain.

34           (d) Causes serious impairment of health.

35           (e) Causes the loss or protracted impairment of an organ or limb.

36           (f) Is the result of sexual abuse pursuant to section 13-1404, sexual  
37 conduct with a minor pursuant to section 13-1405, sexual assault pursuant to  
38 section 13-1406, molestation of a child pursuant to section 13-1410, child  
39 prostitution pursuant to section 13-3212, commercial sexual exploitation of a  
40 minor pursuant to section 13-3552, sexual exploitation of a minor pursuant to  
41 section 13-3553 or incest pursuant to section 13-3608.

42           34. "Shelter care" means the temporary care of a child in any public or  
43 private facility or home that is licensed by this state and that offers a  
44 physically nonsecure environment that is characterized by the absence of  
45 physically restricting construction or hardware and that provides the child  
46 access to the surrounding community.

1           Sec. 2. Section 8-455, Arizona Revised Statutes, is amended to read:  
2           8-455. Centralized intake hotline; purposes; report of possible  
3                 crime; DCS report; risk assessment tools; access to  
4                 information; public awareness; definition

5           A. The department shall operate and maintain a centralized intake  
6           hotline to protect children by receiving at all times communications  
7           concerning suspected abuse or neglect. If a person communicates suspected  
8           abuse or neglect to a department employee other than through the hotline, the  
9           employee shall refer the person or communication to the hotline.

10          B. The hotline is the first step in the safety assessment and  
11          investigation process and must be operated to:

12           1. Record communications made concerning suspected abuse or neglect.

13           2. Immediately take steps necessary to identify and locate prior  
14          communications and DCS reports ~~for investigation~~ related to the current  
15          communication using the department's data system and the central registry  
16          system of this state.

17           3. Quickly and efficiently provide information to a law enforcement  
18          agency or prepare a DCS report ~~for investigation~~ as required by this section.

19           4. Determine the proper initial priority level of investigation based  
20          on the ~~risk~~ REPORT SCREENING assessment and direct the DCS report ~~for~~  
21          ~~investigation~~ to the appropriate part of the department based on this  
22          determination.

23          C. If a communication provides a reason to believe that a criminal  
24          offense has been committed ~~AND THE COMMUNICATION DOES NOT MEET THE CRITERIA~~  
25          ~~FOR A DCS REPORT~~, the hotline worker shall immediately provide the  
26          information to ~~both of the following:~~

27           ~~1. The appropriate law enforcement agency pursuant to the protocols~~  
28          ~~developed pursuant to section 8-817.~~

29           ~~2. If a report for investigation is prepared as required in subsection~~  
30          ~~D of this section and the suspected criminal offense is a criminal conduct~~  
31          ~~allegation, the office of child welfare investigations~~ THE APPROPRIATE LAW  
32          ENFORCEMENT AGENCY.

33          D. A hotline worker shall prepare a DCS report ~~for investigation~~ if  
34          ~~THE IDENTITY OR CURRENT LOCATION OF THE CHILD VICTIM, THE CHILD'S FAMILY OR~~  
35          ~~THE PERSON SUSPECTED OF ABUSE OR NEGLECT IS KNOWN OR CAN BE REASONABLY~~  
36          ~~ASCERTAINED AND~~ all of the following are alleged:

37           1. The suspected conduct would constitute abuse or neglect.

38           2. The suspected victim of the conduct is under eighteen years of age.

39           3. The suspected victim of the conduct is a resident of or present in  
40          this state. ~~or any act involved in the suspected abuse or neglect occurred~~  
41          ~~in this state.~~

42           4. The person suspected of committing the abuse or neglect is the  
43          parent, guardian or custodian of the victim or an adult member of the  
44          victim's household.

45          E. ~~EXCEPT FOR CRIMINAL CONDUCT ALLEGATIONS, THE DEPARTMENT IS NOT~~  
46          ~~REQUIRED TO PREPARE A DCS REPORT IF ALL OF THE FOLLOWING APPLY:~~

1           1. THE SUSPECTED CONDUCT OCCURRED MORE THAN THREE YEARS BEFORE THE  
2 COMMUNICATION TO THE HOTLINE.

3           2. THERE IS NO INFORMATION OR INDICATION THAT A CHILD IS CURRENTLY  
4 BEING ABUSED OR NEGLECTED.

5           ~~E. F. All reports for investigation must be investigated~~  
6 INVESTIGATIONS OF DCS REPORTS SHALL BE CONDUCTED as provided in section 8-456  
7 EXCEPT FOR INVESTIGATIONS CONTAINING ALLEGATIONS OF CRIMINAL CONDUCT, WHICH  
8 SHALL BE CONDUCTED AS PROVIDED IN SECTION 8-471.

9           ~~F. If otherwise required by:~~

10           ~~1. Subsection C of this section, information must be provided to the~~  
11 ~~appropriate law enforcement agency even if the identity or location of the~~  
12 ~~person suspected of abuse or neglect or the victim of the abuse or neglect is~~  
13 ~~not known.~~

14           ~~2. Subsection D of this section, a report for investigation must be~~  
15 ~~prepared even if the identity or location of the person suspected of abuse or~~  
16 ~~neglect or the victim of the abuse or neglect is not known.~~

17           G. The department shall develop and train hotline workers to use  
18 uniform risk assessment tools to determine:

19           1. Whether the suspected conduct constitutes abuse or neglect and the  
20 severity of the suspected abuse or neglect.

21           2. Whether the suspected abuse or neglect involves criminal conduct,  
22 even if the communication does not result in the preparation of a DCS report  
23 ~~for investigation.~~

24           3. The appropriate investigative track for referral based on the risk  
25 to the child's safety.

26           H. A DCS report ~~for investigation~~ must include, if available, all of  
27 the following:

28           1. The name, address or contact information for the person making the  
29 communication.

30           2. The name, address and other location or contact information for the  
31 parent, guardian or custodian of the child or other adult member of the  
32 child's household who is suspected of committing the abuse or neglect.

33           3. The name, address and other location or contact information for the  
34 child.

35           4. The nature and extent of the indications of the child's abuse or  
36 neglect, including any indication of physical injury.

37           5. Any information regarding possible prior abuse or neglect,  
38 including reference to any communication or DCS report ~~for investigation~~  
39 involving the child, the child's siblings or the person suspected of  
40 COMMITTING THE abuse or neglect.

41           I. Information gathered through the hotline must be made available to  
42 an employee of the department in order to perform the employee's duties. The  
43 office of child welfare investigations and the inspections bureau must have  
44 immediate access to all records of the hotline.

45           J. A representative of the:

1           1. Office of child welfare investigations must be embedded in the  
2 hotline to carry out the purposes of section 8-471.

3           2. Inspections bureau must be embedded in the hotline to carry out the  
4 purposes of section 8-458.

5           K. The department shall publicize the availability and the purposes of  
6 the centralized intake hotline.

7           L. For the purposes of this section, :

8           1. "Centralized intake hotline" means the system developed pursuant to  
9 this section regardless of the communication methods or technologies used to  
10 implement the system.

11           2. "CRIMINAL OFFENSE" MEANS AN ALLEGATION OF CONDUCT AGAINST A CHILD  
12 BY A PERSON OTHER THAN A PARENT, GUARDIAN OR CUSTODIAN OF THE CHILD VICTIM OR  
13 ANOTHER ADULT MEMBER OF THE CHILD'S HOUSEHOLD THAT, IF TRUE, WOULD CONSTITUTE  
14 A FELONY OFFENSE.

15           Sec. 3. Section 8-456, Arizona Revised Statutes, is amended to read:

16           8-456. Investigative function; training; criminal offenses;  
17 definition

18           A. The department shall train all investigators in forensic  
19 interviewing and processes and the protocols established pursuant to section  
20 8-817. The training must include:

21           1. Uniform safety and risk assessment tools to determine whether the  
22 conduct constitutes abuse or neglect and the severity of the abuse or  
23 neglect.

24           2. The duty to protect the legal and due process rights of children  
25 and families from the time of the initial contact through case closure.

26           3. Instruction on a child's rights as a crime victim and instruction  
27 on the legal rights of parents.

28           4. A checklist or other mechanism to assist the investigator in giving  
29 consideration to the relevant factors in each investigation.

30           B. The office of child welfare investigations shall investigate DCS  
31 reports ~~for investigation~~ that contain a criminal conduct allegation as  
32 provided in sections 8-471 and 8-817.

33           C. After receiving a DCS report ~~for investigation~~ from the centralized  
34 intake hotline pursuant to section 8-455, an investigator shall do all of the  
35 following:

36           1. Make a prompt and thorough investigation. An investigation must  
37 evaluate and determine the nature, extent and cause of any condition created  
38 by the parents, guardian or custodian or an adult member of the victim's  
39 household that would tend to support or refute the allegation that the child  
40 is a victim of abuse or neglect and determine the name, age and condition of  
41 other children in the home. If an investigator has sufficient information to  
42 determine that the child is not a victim of abuse or neglect, the  
43 investigator may close the investigation.

44           2. If required by section 8-821 and subject to section 8-471, take a  
45 child into temporary custody. Law enforcement officers shall cooperate with

1 the department to remove a child from the custody of the child's parents,  
2 guardian or custodian when necessary.

3 D. After an investigation, an investigator shall:

4 1. Determine whether any child is in need of child safety services  
5 consistent with the evaluation and determination made pursuant to subsection  
6 C of this section.

7 2. If appropriate pursuant to section 8-846, offer to the family of  
8 any child who is found to be a child in need of child safety services those  
9 services that are designed to correct unresolved problems that would indicate  
10 a reason to adjudicate the child dependent.

11 3. Submit a written report of the investigator's investigation to:

12 (a) The department's case management information system within a  
13 reasonable amount of time that does not exceed forty-five days after receipt  
14 of the DCS report ~~for investigation~~ except as provided in section 8-811. If  
15 the investigation involves allegations regarding a child who at the time of  
16 the alleged incident was in the custody of a child welfare agency licensed by  
17 the department under this title, a copy of the report and any additional  
18 investigative or other related reports must be provided to the board of  
19 directors of the agency or to the administrative head of the agency unless  
20 the incident is alleged to have been committed by the person. The department  
21 shall excise all information with regard to the identity of the source of the  
22 reports.

23 (b) The appropriate court forty-eight hours before a dependency  
24 hearing pursuant to a petition of dependency or within twenty-one days after  
25 a petition of dependency is filed, whichever is earlier. On receipt of the  
26 report the court shall make the report available to all parties and counsel.

27 4. Accept a child into voluntary placement pursuant to section 8-806.

28 5. Identify, promptly obtain and abide by court orders that restrict  
29 or deny custody, visitation or contact by a parent or other person in the  
30 home with the child and notify appropriate personnel in the department to  
31 preclude violations of a court order in the provision of any services.

32 E. In conducting an investigation pursuant to this section, if the  
33 investigator is made aware that an allegation of abuse or neglect may also  
34 have been made in another state, the investigator shall contact the  
35 appropriate agency in that state to attempt to determine the outcome of any  
36 investigation of that allegation.

37 F. If an investigation indicates a reason to believe that a criminal  
38 offense has been committed, the investigator shall immediately provide the  
39 information to the appropriate law enforcement agency and the office of child  
40 welfare investigations, unless the information was previously provided  
41 pursuant to section 8-455.

42 G. For the purposes of this section, "investigator" means an employee  
43 of the department who investigates allegations of abuse or neglect pursuant  
44 to a DCS report ~~for investigation~~.

45 Sec. 4. Section 8-471, Arizona Revised Statutes, is amended to read:

1           8-471. Office of child welfare investigations: training:  
2                   responsibilities: annual report

3           A. The director shall establish the office of child welfare  
4 investigations within the department. The director is responsible for the  
5 direction, operation and control of the office.

6           B. The duties of the office include investigating criminal conduct  
7 allegations, coordinating with other parts of the department and law  
8 enforcement, establishing task forces for the investigation of criminal  
9 conduct and other duties as may be assigned by the director.

10          C. The office shall employ child welfare investigators who have  
11 received training to understand law enforcement's role in cases of criminal  
12 child abuse or neglect and in social services offered by the department. The  
13 office may employ research analysts and peace officers for the purpose of  
14 obtaining an originating agency identification number to have direct access  
15 to criminal history report information. Each person hired by the office is  
16 an employee of the department, is subject to title 41, chapter 4, article 4  
17 and shall comply with the fingerprint requirements of section 8-802.

18          D. The department, in coordination with the Arizona peace officer  
19 standards and training board, shall provide child welfare investigators with  
20 training. The training shall be, at a minimum, in the following areas:

- 21           1. First responder training on responding to reports of child abuse.
- 22           2. Forensic interviewing and processes.
- 23           3. Child physical and sexual abuse investigation.
- 24           4. The protocols established pursuant to section 8-817.
- 25           5. Relevant law enforcement procedures, including the collection and  
26 preservation of evidence.

27           6. A child's constitutional rights as a victim of a crime pursuant to  
28 article II, section 2.1, Constitution of Arizona.

29           7. Impact and intervention practices related to adverse childhood  
30 experiences, culturally and linguistically appropriate service delivery,  
31 domestic violence, family engagement, communication with special populations  
32 and trauma informed responses.

33           8. Any other training as directed by the director.

34          E. A child welfare investigator shall:

35           1. Protect children.  
36           2. Assess, respond to or investigate all criminal conduct allegations,  
37 which shall be a priority, but not otherwise exercise the authority of a  
38 peace officer.

39           3. Not interview a child without the prior written consent of the  
40 parent, guardian or custodian of the child unless either:

41           (a) The child initiates contact with the investigator.

42           (b) The child who is interviewed is the subject of, is the sibling of  
43 or is living with the child who is the subject of an abuse or abandonment  
44 investigation pursuant to paragraph 4, subdivision (b) of this subsection.

45           (c) The interview is conducted pursuant to the terms of the protocols  
46 established pursuant to section 8-817.

1           4. After the receipt of any report or information pursuant to  
2 paragraph 2 of this subsection, immediately do both of the following:

3           (a) Notify the appropriate municipal or county law enforcement agency  
4 if they have not already been notified.

5           (b) Make a prompt and thorough investigation of the nature, extent and  
6 cause of any condition that would tend to support or refute the report of  
7 child abuse or neglect when investigating allegations pursuant to paragraph 2  
8 of this subsection. A criminal conduct allegation shall be investigated with  
9 the appropriate municipal or county law enforcement agency according to the  
10 protocols established pursuant to section 8-817.

11           5. Take a child into temporary custody as provided in section 8-821.  
12 Law enforcement officers shall cooperate with the department to remove a  
13 child from the custody of the child's parents, guardian or custodian pursuant  
14 to section 8-821. A child welfare investigator who is responding to or  
15 investigating a report containing a criminal conduct allegation shall have  
16 the primary responsibility for making the decision whether to take a child  
17 into temporary custody.

18           6. Evaluate conditions created by the parents, guardian or custodian  
19 that would support or refute the allegation that the child should be  
20 adjudicated dependent. The investigator shall then determine whether any  
21 child is in need of child safety services.

22           7. Identify, promptly obtain and abide by court orders that restrict  
23 or deny custody, visitation or contact by a parent or other person in the  
24 home with the child and notify appropriate personnel within the department to  
25 preclude violations of a court order in the provision of any services.

26           8. On initial contact with the parent, guardian or custodian of a  
27 child who is the subject of an investigation pursuant to this section,  
28 provide the parent, guardian or custodian with the allegation received by the  
29 department. This paragraph does not require the department to disclose  
30 details or information that would compromise an ongoing criminal  
31 investigation.

32           9. Have access to all records and information of the department  
33 necessary to carry out this section.

34           F. Unless a dependency petition is filed, a child shall not remain in  
35 temporary custody for a period exceeding seventy-two hours, excluding  
36 Saturdays, Sundays and holidays. If a petition is not filed, the child shall  
37 be released to the child's parent, guardian or custodian.

38           G. In conducting an investigation pursuant to this section, if the  
39 investigator is made aware that an allegation of abuse or neglect may also  
40 have been made in another state, the investigator shall contact the  
41 appropriate agency in that state to attempt to determine the outcome of any  
42 investigation of that allegation.

43           H. The office of child welfare investigations shall submit a report by  
44 August 15 each year to the governor, the speaker of the house of  
45 representatives, the president of the senate and the secretary of state that

1 includes the following information for the most recently completed fiscal  
2 year:

3 1. The number of DCS reports ~~for investigation~~ that involve criminal  
4 conduct allegations.

5 2. The number of joint investigations conducted pursuant to section  
6 8-817.

7 3. For each case in which a joint investigation did not occur pursuant  
8 to section 8-817, the reasons why the joint investigation did not occur.

9 I. All records gathered or created by the department during an  
10 investigation conducted under this section are confidential and shall be  
11 protected and released as prescribed in sections 8-807 and 8-807.01, except  
12 the department shall not release records if the department determines that  
13 the release of these records may compromise an ongoing investigation.

14 J. Notwithstanding any other law, the office of child welfare  
15 investigations is not responsible for conducting the criminal investigation  
16 of a criminal conduct allegation.

17 Sec. 5. Section 8-804.01, Arizona Revised Statutes, is amended to  
18 read:

19 8-804.01. Maintenance of reports; records

20 A. All reports of child abuse and neglect and related records shall be  
21 maintained in the department's case management information system in  
22 accordance with the time frames established in the department's records  
23 retention schedule.

24 B. In addition to the purposes prescribed in section 8-807, reports  
25 and related records maintained pursuant to subsection A of this section shall  
26 be used by the department only for the following purposes:

27 1. To assess the safety and risk to a child when conducting an  
28 investigation or identification of abuse or neglect.

29 2. To determine placement for a child ~~that~~, INCLUDING DETERMINING WHAT  
30 is the least restrictive setting.

31 3. TO LICENSE FOSTER HOMES, TO CERTIFY ADOPTIVE HOMES OR TO USE IN THE  
32 DEPARTMENT'S EMPLOYMENT DECISIONS.

33 ~~3-~~ 4. To determine the type and level of services and treatment  
34 provided to the child and the child's family.

35 ~~4-~~ 5. To assist in a criminal investigation or prosecution of child  
36 abuse or neglect.

37 ~~5-~~ 6. To meet state and federal reporting requirements.

38 C. Notwithstanding section 8-807 and except as otherwise provided by  
39 law, reports and related records maintained pursuant to subsection A of this  
40 section shall not be used for purposes of employment or background checks,  
41 except for background checks conducted pursuant to section 8-804,  
42 subsection B. Only information contained in the central registry may be used  
43 to conduct background checks pursuant to section 8-804, subsection B.

44 D. If probable cause exists that abuse or neglect of a child has  
45 occurred, the department shall record this finding. The department may make

1 this finding independent of whether a specific person is identified as  
2 responsible for the abuse or neglect.

3 E. If the department is unable to locate a child who is the subject of  
4 a report of abuse or neglect, the department shall record this finding  
5 separate from its other findings.

6 F. Subject to the requirements of sections 8-804 and 8-811, whenever  
7 possible, the department shall determine if a specific person is responsible  
8 for the abuse or neglect of a child.

9 Sec. 6. Section 8-807.01, Arizona Revised Statutes, is amended to  
10 read:

11 8-807.01. Incidents involving fatality or near fatality;  
12 definition

13 A. The department shall promptly provide DCS information to the public  
14 regarding a case of child abuse, abandonment or neglect that has resulted in  
15 a fatality or near fatality as follows:

16 1. The department shall provide preliminary information including at a  
17 minimum:

18 (a) In the case of a fatality, the name of the child who has died.

19 (b) The age, gender, county and general location of the residence of  
20 the child who has suffered a fatality or a near fatality.

21 (c) The fact that a child suffered a fatality or near fatality as the  
22 result of abuse, abandonment or neglect.

23 (d) The name, age and city, town or general location of the residence  
24 of the alleged perpetrator, if available, unless the disclosure would violate  
25 the privacy of victims of crime pursuant to article II, section 2.1,  
26 Constitution of Arizona.

27 (e) Whether there have been reports, or any current or past cases, of  
28 abuse, abandonment or neglect involving the child or the alleged perpetrator.

29 (f) Actions taken by the department in response to the fatality or  
30 near fatality of the child.

31 (g) A detailed synopsis of prior reports or cases of abuse,  
32 abandonment or neglect involving the child or the alleged perpetrator and of  
33 the actions taken or determinations made by the department in response to  
34 these reports or cases.

35 2. On request by any person, the department shall promptly provide  
36 additional DCS information to the requestor in a case of child abuse,  
37 abandonment or neglect that has resulted in a fatality or a near fatality.  
38 Before releasing additional DCS information, the department shall promptly  
39 notify the county attorney of any decision to release that information, and  
40 the county attorney shall promptly inform the department if it believes the  
41 release would cause a specific, material harm to a criminal investigation or  
42 prosecution. After consulting with the county attorney, pursuant to  
43 paragraph 3 of this subsection, the department shall produce to the requestor  
44 as much additional DCS information as promptly as possible about a case of  
45 child abuse, abandonment or neglect that resulted in a fatality or near  
46 fatality.

1           3. On request, the department shall continue to provide DCS  
2 information promptly to the public about a fatality or near fatality unless:

3           (a) After consultation with the county attorney, the county attorney  
4 demonstrates that release of particular DCS information would cause a  
5 specific, material harm to a criminal investigation or prosecution.

6           (b) The release would violate section 8-807, subsection A or L or the  
7 privacy of victims of crime pursuant to article II, section 2.1, Constitution  
8 of Arizona.

9           4. If any person believes that the county attorney has failed to  
10 demonstrate that release would cause a specific, material harm to a criminal  
11 investigation or prosecution, that person may file an action in superior  
12 court pursuant to title 39, chapter 1, article 2 and section 8-807,  
13 subsection J and request the court to review the DCS information in camera to  
14 determine if disclosure should be ordered.

15           5. Within ninety days after the date of the DCS report ~~for~~  
16 ~~investigation~~ for a case involving a fatality or a near fatality, the  
17 department shall provide to the public a summary report that:

18           (a) May include any actions taken by the department in response to the  
19 case, any changes in policies or practices that have been made to address any  
20 issues raised in the review of the case and any recommendations for further  
21 changes in policies, practices, rules or statutes to address those issues.

22           (b) Shall include the information prescribed in subsection B of this  
23 section if the child was residing in the child's home and in subsection C of  
24 this section if the child was placed in an out-of-home placement.

25           B. If the summary report prescribed in subsection A, paragraph 5 of  
26 this section involves a child who was residing in the child's home, the  
27 summary report shall contain a summary of all of the following:

28           1. Whether services pursuant to this chapter were being provided to  
29 the child, a member of the child's family or the person suspected of the  
30 abuse or neglect at the time of the incident and the date of the last contact  
31 before the incident between the entity providing the services and the person  
32 receiving the services.

33           2. Whether the child, a member of the child's family or the person  
34 suspected of the abuse or neglect was the subject of a DCS report ~~for~~  
35 ~~investigation~~ at the time of the incident.

36           3. All involvement of the child's parents and of the person suspected  
37 of the abuse or neglect in a situation for which a DCS report ~~for~~  
38 ~~investigation~~ was made or in services provided pursuant to this chapter in  
39 the five years preceding the incident involving a fatality or a near  
40 fatality.

41           4. Any investigation pursuant to a DCS report ~~for investigation~~  
42 concerning the child, a member of the child's family or the person suspected  
43 of the abuse or neglect or services provided to the child or the child's  
44 family since the date of the incident involving a fatality or a near  
45 fatality.

1           C. If the summary report prescribed in subsection A, paragraph 5 of  
2 this section involves a child who was in out-of-home placement, the summary  
3 report shall include the name of any agency the licensee was licensed by, the  
4 licensing history of the out-of-home placement, including the type of license  
5 held by the operator of the placement, the period for which the placement has  
6 been licensed and a summary of all violations by the licensee and any other  
7 actions by the licensee or an employee of the licensee that constitute a  
8 substantial failure to protect and promote the health, safety and welfare of  
9 a child.

10           D. For the purposes of this section, "near fatality" means an act  
11 that, as certified by a physician, including the child's treating physician,  
12 places a child in serious or critical condition.

APPROVED BY THE GOVERNOR MAY 17, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 17, 2016.