

Senate Engrossed

child services; safety assessment model

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

CHAPTER 195

SENATE BILL 1307

AN ACT

AMENDING SECTIONS 8-456, 8-817 AND 8-822, 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 8-456, Arizona Revised Statutes, is amended to
3 read:

4 8-456. Investigative function; training; voice stress
5 analysis; recordings; criminal offenses; definitions

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

9 ~~1. Uniform safety and risk assessment tools to determine whether~~
10 ~~the conduct constitutes abuse or neglect and the severity of the abuse or~~
11 ~~neglect.~~

12 1. AN EVIDENCE-INFORMED SAFETY ASSESSMENT MODEL TO ASSESS THE
13 SAFETY OF A CHILD.

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

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

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

20 B. The office of child welfare investigations shall investigate DCS
21 reports that contain a criminal conduct allegation as provided in sections
22 8-471 and 8-817.

23 C. THE DEPARTMENT SHALL USE AN EVIDENCE-INFORMED SAFETY ASSESSMENT
24 MODEL TO ASSESS THE SAFETY OF A CHILD.

25 ~~D.~~ D. After receiving a DCS report from the centralized intake
26 hotline pursuant to section 8-455, an investigator shall do all of the
27 following:

28 1. Make a prompt and thorough investigation. An investigation must
29 evaluate and determine the nature, extent and cause of any condition
30 created by the parents, guardian or custodian or an adult member of the
31 victim's household that would tend to support or refute the allegation
32 that the child is a victim of abuse or neglect and determine the name, age
33 and condition of other children in the home. If an investigator has
34 sufficient information to determine that the child is not a victim of
35 abuse or neglect, the investigator may close the investigation.

36 2. If required by section 8-821 and subject to section 8-471, take
37 a child into temporary custody. Law enforcement officers shall cooperate
38 with the department to remove a child from the custody of the child's
39 parents, guardian or custodian when necessary.

40 ~~D.~~ E. The department may not use covert voice stress analysis
41 during an investigation to determine if abuse or neglect exists. The
42 department may not use overt voice stress analysis during an investigation
43 unless the person on whom the analysis is used gives informed
44 consent. Results of computer voice stress analysis are not admissible in
45 court.

1 ~~E.~~ F. After an investigation, an investigator shall:
2 1. Determine whether any child is in need of child safety services
3 consistent with the evaluation and determination made pursuant to
4 subsection ~~E.~~ D of this section.
5 2. If appropriate pursuant to section 8-846, offer to the family of
6 any child who is found to be a child in need of child safety services
7 those services that are designed to correct unresolved problems that would
8 indicate a reason to adjudicate the child dependent.
9 3. Submit a written report of the investigator's investigation to:
10 (a) The department's case management information system within a
11 reasonable amount of time that does not exceed forty-five days after
12 receipt of the DCS report except as provided in section 8-811. If the
13 investigation involves allegations regarding a child who at the time of
14 the alleged incident was in the custody of a child welfare agency licensed
15 by the department under this title, a copy of the report and any
16 additional investigative or other related reports must be provided to the
17 board of directors of the agency or to the administrative head of the
18 agency unless the incident is alleged to have been committed by the
19 person. The department shall excise all information with regard to the
20 identity of the source of the reports.
21 (b) The appropriate court forty-eight hours before a dependency
22 hearing pursuant to a petition of dependency or within twenty-one days
23 after a petition of dependency is filed, whichever is earlier. On receipt
24 of the report the court shall make the report available to all parties and
25 counsel.
26 4. Accept a child into voluntary placement pursuant to section
27 8-806.
28 5. Identify, promptly obtain and abide by court orders that
29 restrict or deny custody, visitation or contact by a parent or other
30 person in the home with the child and notify appropriate personnel in the
31 department to preclude violations of a court order in the provision of any
32 services.
33 ~~F.~~ G. In conducting an investigation pursuant to this section, if
34 the investigator is made aware that an allegation of abuse or neglect may
35 also have been made in another state, the investigator shall contact the
36 appropriate agency in that state to attempt to determine the outcome of
37 any investigation of that allegation.
38 ~~G.~~ H. If an investigation indicates a reason to believe that a
39 criminal offense has been committed, the investigator shall immediately
40 provide the information to the appropriate law enforcement agency and the
41 office of child welfare investigations, unless the information was
42 previously provided pursuant to section 8-455.
43 ~~H.~~ I. Except in judicial proceedings, a parent or legal guardian
44 may not be prohibited from recording conversations with the department
45 pursuant to this section.

1 J. BEFORE IMPLEMENTING A NEW SAFETY ASSESSMENT MODEL, THE
2 DEPARTMENT SHALL PRESENT THE PROPOSED CHANGE TO THE JOINT LEGISLATIVE
3 OVERSIGHT COMMITTEE ON THE DEPARTMENT OF CHILD SAFETY ESTABLISHED BY
4 SECTION 41-1292 OR TO THE COMMITTEES WITH JURISDICTION OVER THE DEPARTMENT
5 IN THE SENATE AND HOUSE OF REPRESENTATIVES.

6 ~~I.~~ K. For the purposes of this section: ~~;~~

7 1. "EVIDENCE-INFORMED" MEANS BASED ON THE BEST AVAILABLE CHILD
8 WELFARE RESEARCH AND PRACTICE INFORMATION.

9 2. "Investigator" means an employee of the department who
10 investigates allegations of abuse or neglect pursuant to a DCS report.

11 Sec. 2. Section 8-817, Arizona Revised Statutes, is amended to
12 read:

13 8-817. Initial screening and safety assessment and
14 investigation protocols

15 A. The department shall develop, establish and implement initial
16 screening and safety assessment protocols in consultation with the
17 attorney general and statewide with county attorneys, chiefs of police,
18 sheriffs, medical experts, victims' rights advocates, domestic violence
19 victim advocates and mandatory reporters. Any initial screening and
20 safety assessment ~~tools~~ MODEL shall be based on ~~sound methodology~~ AN
21 EVIDENCE-INFORMED SAFETY ASSESSMENT MODEL PRESCRIBED IN SECTION 8-456 and
22 shall ensure valid and reliable responses. The department shall establish
23 written policies and procedures to implement the use of the initial
24 screening and safety assessment protocols.

25 B. To ensure thorough investigations of those accused of crimes
26 against children, in each county, the county attorney, in cooperation with
27 the sheriff, the chief law enforcement officer for each municipality in
28 the county and the department shall develop, adopt and implement protocols
29 to guide the conduct of investigations of allegations involving criminal
30 conduct. The protocols shall include:

31 1. The process for notification of receipt of criminal conduct
32 allegations.

33 2. The standards for interdisciplinary investigations of specific
34 types of abuse and neglect, including timely forensic medical evaluations.

35 3. The standards for interdisciplinary investigations involving
36 Native American children in compliance with the Indian child welfare act.

37 4. Procedures for sharing information and standards for the timely
38 disclosure of information.

39 5. Procedures for coordination of screening, response and
40 investigation with other involved professional disciplines and
41 notification of case status and standards for the timely disclosure of
42 related information.

43 6. The training required for the involved child safety workers, law
44 enforcement officers and prosecutors to execute the investigation
45 protocols, including forensic interviewing skills.

1 7. The process to ensure review of and compliance with the
2 investigation protocols and the reporting of activity under the protocols.

3 8. Procedures for annual reports to be transmitted within
4 forty-five days after the end of each fiscal year independently from each
5 county attorney to the governor, the speaker of the house of
6 representatives and the president of the senate and a copy of these
7 reports to be provided to the secretary of state. Each report made
8 pursuant to this paragraph must be independently prepared and submitted
9 without any input from or communication with the other reporting entities.
10 Each report is a public document and shall include:

11 (a) The number of criminal conduct allegations investigated and how
12 many of these investigations were conducted jointly pursuant to the
13 investigation protocols established in this subsection.

14 (b) Information from each county attorney regarding the number of
15 cases presented for review, the number of persons charged in those cases,
16 the reasons why charges were not pursued and the disposition of these
17 cases.

18 (c) The reasons why a joint investigation did not take place.

19 9. Procedures for dispute resolution.

20 C. The department shall cooperate with the county attorney and the
21 appropriate law enforcement agency pursuant to the investigation protocols
22 adopted in this section. In instances of criminal conduct against a
23 child, the department shall protect the victim's rights of the children in
24 its custody against harassment, intimidation and abuse, as applicable,
25 pursuant to article II, section 2.1, Constitution of Arizona.

26 D. The county attorney and the law enforcement agency shall
27 cooperate with the department pursuant to the investigation protocols
28 adopted in this section.

29 Sec. 3. Section 8-822, Arizona Revised Statutes, is amended to
30 read:

31 8-822. Removal of child from home; rules and policies;
32 approval; definition

33 A. The department shall adopt rules and establish clear policies
34 and procedures, where appropriate, to:

35 1. Determine the circumstances under which it is appropriate to
36 remove a child from the custody of the child's parents, guardian or
37 custodian.

38 2. Ensure the immediate notification of the child's parents,
39 guardian or custodian regarding the removal of the child from home, school
40 or child care and the timely interview of the child and the child's
41 parent, guardian or custodian.

42 B. The department shall apply its rules, policies and safety ~~and~~
43 ~~risk~~ assessment ~~tools~~ MODEL PRESCRIBED IN SECTION 8-456 uniformly across
44 this state.

1 C. Except as provided in subsection D of this section, the
2 department may not remove a child from the custody of the child's parents,
3 guardian or custodian unless both of the following occur before the
4 removal:

5 1. The child safety worker who is recommending the removal submits
6 the reasons for removal and supporting information to the worker's
7 supervisor.

8 2. The worker's supervisor reviews the reasons and supporting
9 information and approves the removal.

10 D. If an emergency exists affecting the health or safety of a
11 child, a child safety worker may remove the child before notifying the
12 worker's supervisor. The child safety worker shall submit the reasons for
13 removal and supporting information to the worker's supervisor for the
14 supervisor's review and approval within two hours after the removal of the
15 child or, if the removal occurs after regular working hours, by 8:30 a.m.
16 the next day.

17 E. For the purposes of this section, "supervisor" includes the
18 permanent supervisor of a child safety worker and a temporary supervisor
19 assigned to the child safety worker in the absence of the permanent
20 supervisor.

APPROVED BY THE GOVERNOR APRIL 26, 2022.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 26, 2022.