

REFERENCE TITLE: child abuse; investigation protocols

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

SB 1700

Introduced by
Senator Gonzales

AN ACT

AMENDING SECTION 8-817, ARIZONA REVISED STATUTES; RELATING TO DEPENDENT CHILDREN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-817, Arizona Revised Statutes, is amended to
3 read:

4 8-817. Initial screening and safety assessment and
5 investigation protocols

6 A. The department shall develop, establish and implement initial
7 screening and safety assessment protocols in consultation with the
8 attorney general and statewide with county attorneys, chiefs of police,
9 sheriffs, medical experts, victims' rights advocates, domestic violence
10 victim advocates and mandatory reporters. Any initial screening and
11 safety assessment tools shall be based on sound methodology and shall
12 ensure valid and reliable responses. The department shall establish
13 written policies and procedures to implement the use of the initial
14 screening and safety assessment protocols.

15 B. To ensure thorough investigations of those accused of crimes
16 against children, in each county, the county attorney, in cooperation with
17 the sheriff, the chief law enforcement officer for each municipality in
18 the county and the department shall develop, adopt and implement protocols
19 to guide the conduct of investigations of allegations involving criminal
20 conduct. The protocols shall include:

21 1. The process for notification of receipt of criminal conduct
22 allegations.

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

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

27 4. Procedures for sharing information and standards for the timely
28 disclosure of information.

29 5. Procedures for coordination of screening, response and
30 investigation with other involved professional disciplines and
31 notification of case status and standards for the timely disclosure of
32 related information.

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

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

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

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

4 (b) Information from each county attorney regarding the number of
5 cases presented for review, the number of persons charged in those cases,
6 the reasons why charges were not pursued and the disposition of these
7 cases.

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

9 9. Procedures for dispute resolution.

10 10. PROCEDURES AND RECOMMENDATIONS FOR THE USE OF A CHILDREN'S
11 ADVOCACY CENTER FOR THE INVESTIGATION, PROSECUTION AND TREATMENT OF CHILD
12 ABUSE. FOR THE PURPOSES OF THIS PARAGRAPH, "CHILDREN'S ADVOCACY CENTER"
13 MEANS A CHILD-FOCUSED FACILITY THAT:

14 (a) IS IN GOOD STANDING WITH A CHILD AND FAMILY ADVOCACY NETWORK
15 THAT IS RECEIVING FUNDING THROUGH THE VICTIMS OF CHILD ABUSE ACT OF 1990
16 (P.L. 101-647; 104 STAT. 4792) THAT IS LOCATED IN THIS STATE AND THAT
17 PROVIDES SUPPORT, TRAINING AND GUIDANCE TO ALL CHILD AND FAMILY ADVOCACY
18 CENTERS IN THIS STATE.

19 (b) DOES ALL OF THE FOLLOWING:

20 (i) COORDINATES A MULTIDISCIPLINARY PROCESS FOR THE INVESTIGATION,
21 PROSECUTION AND TREATMENT OF CHILD ABUSE.

22 (ii) PROVIDES A LOCATION FOR FORENSIC INTERVIEWS.

23 (iii) COORDINATES ACCESS TO SERVICES SUCH AS MEDICAL EVALUATIONS,
24 ADVOCACY, THERAPY AND CASE REVIEW BY MULTIDISCIPLINARY TEAMS WITHIN THE
25 CONTEXT OF COUNTY PROTOCOLS.

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

32 D. The county attorney and the law enforcement agency shall
33 cooperate with the department pursuant to the investigation protocols
34 adopted in this section.