



**ARIZONA STATE SENATE**  
*Fifty-Sixth Legislature, First Regular Session*

**VETOED**

FACT SHEET FOR S.B. 1252

~~child fatality review committee; establishment~~  
(NOW: maltreatment oversight committee; establishment)

Purpose

Effective July 1, 2024, establishes the Independent Maltreatment Fatality and Near Fatality Oversight Committee (Committee) to review fatalities and near fatalities resulting from abuse and neglect. Outlines Committee membership, powers, duties and confidentiality requirements.

Background

The State Child Fatality Review Team (State CFR Team) is established within the Department of Health Services (DHS) for the purposes of: 1) developing a child fatalities data collection system; 2) providing training to cooperating agencies, individuals and local child fatality review teams on the use of the child fatalities data system; 3) conducting and submitting an annual statistical report on the incidence and causes of child fatalities in Arizona during the past fiscal year; 4) developing standards and protocols for local child fatality review teams and providing training and technical assistance to these teams; 5) developing protocols for child fatality investigations; 6) educating the public regarding the incidence and causes of child fatalities as well as the public's role in preventing these deaths; and 7) informing the Governor and Legislature of the need for specific recommendations regarding unexplained infant death ([A.R.S. § 36-3501](#)).

The Department of Child Safety (DCS) has the primary purpose of protecting children. DCS must: 1) investigate reports of abuse and neglect; 2) assess, promote and support the safety of a child in a safe and stable family or other appropriate placement in response to allegations of abuse or neglect; 3) work cooperatively with law enforcement regarding reports that include criminal conduct allegations; and 4) without compromising child safety, coordinate services to achieve and maintain permanency on behalf of the child, strengthen the family and provide prevention, intervention and treatment services. To provide oversight of DCS, DCS must provide access to DCS information to outlined entities if the information is reasonably necessary for the entity to perform the entity's official duties. *DCS information* includes all information, except information contained in child welfare agency licensing records, that DCS gathers during the course of an investigation from the time a file is opened and until it is closed (A.R.S. §§ [8-451](#); [8-452](#); [8-453](#); and [8-807](#)).

A *near fatality* is an act that, as certified by a physician, places a child in serious or critical condition ([A.R.S. § 8-807.01](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

*Committee Membership*

1. Establishes the Committee within the Arizona Department of Administration (ADOA) consisting of:
  - a) the following nonvoting advisory members:
    - i. the Director of DCS or their designee;
    - ii. the Director of the Department of Economic Security or their designee;
    - iii. the Cochairpersons of the Joint Legislative Oversight Committee on DCS or their designees; and
    - iv. a juvenile court judge who is appointed by the Chief Justice of the Arizona Supreme Court who has significant experience in child dependency cases or their designee;
  - b) the following voting members who are appointed by the Director of ADOA:
    - i. a licensed pediatrician who has professional experience relating to child neglect and abuse;
    - ii. a county medical examiner;
    - iii. a peace officer who has experience in investigating child abuse and neglect fatalities and near fatalities;
    - iv. a practicing attorney who has experience representing children in dependency law matters;
    - v. a practicing social worker;
    - vi. a parent advocate who has experience in the dependent child protection system;
    - vii. a person who is a former foster child;
    - viii. a currently or formerly licensed foster parent; and
    - ix. a person who has expertise in data analytics.
2. Sets the initial terms of Committee members appointed by the Director of ADOA as follows:
  - a) three terms ending January 1, 2026;
  - b) three terms ending January 1, 2027; and
  - c) three terms ending January 1, 2028.
3. Specifies that Committee advisory members are not members for the purposes of determining if a quorum is present.
4. Prohibits Committee members who are appointed by the Director of ADOA from being current or former employees of DCS.
5. Allows Committee members to continue service until a successor is appointed.
6. Requires Committee voting members to select a chairperson.
7. Requires Committee members appointed by the Director of ADOA to serve staggered three-year terms and requires vacancies occurring other than by expiration of a term to be filled in the same manner for the remainder of the unexpired term.
8. Specifies that Committee members are not eligible to receive compensation or reimbursement of expenses.

9. Allows the Committee to employ an executive director to assist the Committee and requires the executive director to have experience in DCS procedures, policies and laws.

*Committee Powers and Duties*

10. Requires the Committee to conduct a thorough review of each child maltreatment fatality or near fatality, including:
  - a) a review of all available case records relating to child fatalities or near fatalities in which child maltreatment is suspected and in which the child, a parent, a caregiver, a sibling or a household member was the subject of a previous DCS investigation; and
  - b) interviews with individuals who are involved with or who may have knowledge of the circumstances and facts of the case or of services provided by DCS, a state agency or any political subdivision to the child or the child's parents, siblings, guardians or caregivers.
11. Requires the Committee to inform the child's parents, guardian or caregiver that the Committee has commenced a fatality or near fatality review.
12. Prohibits the Committee from compelling a parent, guardian or caregiver to provide information to the Committee.
13. Requires the Committee to inform the child's parents, guardian or caregiver of the right to present any information to the Committee that they believe will assist the Committee with the review.
14. Requires the Committee to develop an understanding of the circumstances surrounding a child maltreatment fatality or near fatality and the causes of and responses following a child maltreatment fatality or near fatality and identify factors that may have contributed to the child maltreatment fatality or near fatality.
15. Requires the Committee to critically analyze the child safety system as the system interacted with the child and the child's family for each fatality and near fatality to identify improvements that could mitigate future child maltreatment fatalities or near fatalities, including:
  - a) the failure to comply with applicable statutes, rules and policies;
  - b) the extent or prior involvement with the child safety system; and
  - c) systematic factors that may have contributed to the child maltreatment fatality or near fatality, including the adequacy of interagency coordination and communication.
16. Requires the Committee to identify best practices and services that may have prevented the child maltreatment fatality or near fatality.
17. Requires the Committee to maintain a publicly accessible website that includes:
  - a) biographical information for all Committee members;
  - b) all annual reports;
  - c) reports of statutory, regulatory or policy recommendations made to the Legislature or any state agency and any actions in response to the recommendations; and
  - d) annual data and trends analyzed and presented in a manner accessible to the public.

18. Requires the Committee to:
  - a) analyze and publish annual data and trends relating to observations made during individual fatality and near fatality reviews for the current fiscal year and for each prior fiscal year for which there is data; and
  - b) maintain a 10-year analysis.
19. Requires the Committee, by June 20 of each year, to produce, publish and distribute an annual child maltreatment fatality or near fatality report that includes:
  - a) information that details the specific facts and circumstances of each case involving a child maltreatment fatality or near fatality during the prior year and the services and resources provided to the child, the child's siblings, the child's parents, guardians or caregivers and household members;
  - b) a case-specific systematic review of the facts and findings highlighting the system's strengths, successes, weaknesses and failures;
  - c) longitudinal data identifying commonly occurring circumstances and services being offered to the child or the child's family relating to fatalities and near fatalities;
  - d) specific recommendations for improving statutes, rules and policies based on the reviews conducted during the preceding year, which must address all aspects of child protection and follow up on recommendations from prior reports;
  - e) a list of all recommendations submitted to DCS, a state agency and the Legislature along with the responses received; and
  - f) an analysis of fiscal trends.
20. Requires the Committee to post the annual child fatality or near fatality report in an easily accessible location on its website and prohibits the report from containing any personal identifying information.
21. Requires the Committee to submit a copy of the annual child fatality or near fatality report to the Governor, Secretary of State, President of the Senate, Speaker of the House of Representatives, Co-chairs of the Joint Legislative Oversight Committee on DCS, Director of DCS, Director of DHS and Director of DES.

#### ***Confirmed Child Fatality***

22. Requires the State CFR Team, on a finding that a child's fatality was the result of maltreatment, to submit to the Committee the child's death certificate and a notice of finding that abuse or neglect contributed to the child's death and that there was an open or closed case with DCS at the time of the child's death.
23. Requires DCS to notify the Committee within 48 hours after a confirmed child fatality or near fatality.

#### ***Records and Information Confidentiality***

24. Requires DCS, on request of the Committee, to provide the Committee access to complete and unredacted records related to the case, within five days of receipt, excluding weekends and holidays.

25. Requires the Committee to have ongoing access to complete and unredacted records in the custody of DCS and direct remote access to any automated case management system used by DCS.
26. Requires the Committee to have access to relevant records and information created by any state agency, educational institution or medical provider of the child, the child's siblings, the child's parents, guardians or caregivers and household members.
27. Requires, on request of the Chairperson or their designee to any entity or agency, the Committee, within five days excluding weekends and holidays, to be provided with access to information and records regarding a child maltreatment fatality or near fatality or information and records regarding the child's siblings, the child's parents, guardians or caregivers and household members.
28. Allows a law enforcement agency, with approval of the prosecuting attorney, to withhold investigative records that interfere with a pending criminal investigation or prosecution.
29. Allows the Committee Chairperson or their designee to apply to the superior court for a subpoena as necessary to compel the production of books, records, documents and other evidence related to a child maltreatment fatality or near fatality.
30. Requires, on application to the court by the chairperson or the chairperson's designee, an issued subpoena to be served and enforced in the manner provided by law.
31. Exempts a law enforcement agency from producing the information requested under the subpoena if the subpoenaed evidence relates to a pending criminal investigation or prosecution.
32. Specifies that all information and records acquired by the Committee are confidential and not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding, except that information, documents and records otherwise available from other sources are not immune from subpoena, discovery or introduction into evidence through those sources solely because they were presented to or reviewed by the Committee.
33. Prohibits members of the Committee, persons attending a Committee meeting and persons who present information to the Committee from being questioned in any civil or criminal proceeding regarding information presented in or opinions formed as a result of a Committee meeting.
34. Specifies that Committee meetings in which the Committee is reviewing the facts and circumstances of a child maltreatment fatality or near fatality are closed to the public.
35. Classifies, as a class 2 misdemeanor, a violation of the outlined confidentiality requirements.
36. Requires DCS to provide the Committee access to DCS information, if the information is necessary to perform the duties of the Committee.
37. Allows a health care provider to disclose medical or payment records or the information therein to the Committee.

38. Allows a clinical laboratory to disclose clinical laboratory results without the written authorization of the patient or the patient's health care decision maker to the Committee.

*Miscellaneous*

39. Applies the definition of *DCS information* to statutes governing child dependency and permanent guardianship.
40. Defines *child* to include a former dependent child who is between 18 and 21 years old who meets the statutory criteria for an extended foster care program and who signs a voluntary agreement to participate in the extended foster care program.
41. Defines terms.
42. Contains a purpose statement.
43. Makes technical and conforming changes.
44. Becomes effective on July 1, 2024.

Amendments Adopted by Committee of the Whole

1. Renames the Committee.
2. Removes the authority of the Committee to conduct interviews with the child's parents, guardians or caregivers.
3. Requires the Committee to inform the child's parents, guardian or caregiver that the Committee has commenced a review.
4. Prohibits the Committee from compelling a parent, guardian or caregiver to provide information.
5. Requires the Committee to inform the child's parents, guardian or caregiver of the right to present any information that they believe will assist with the review.
6. Modifies the individuals that the Committee may interview.
7. Removes the requirement that the State CFR Team submit all materials corresponding to a child's fatality to the Committee.
8. Requires, upon a child's death as a result of maltreatment, the State CFR Team to submit a notice to the Committee.
9. Modifies requirements relating to the analysis of the child safety system and systemic factors that may have contributed to the child fatality or near fatality.
10. Removes the requirement that the Committee provide a confidential notice to DCS that a review has begun and that the review be completed within 60 days of the notice.

11. Removes the requirement that the Committee provide ongoing reports to DCS that detail specified information.
12. Modifies the Committee membership.
13. Requires the Committee to interview state or other governmental employees who are involved with, have been involved with or may have knowledge of a case and any services provided.
14. Specifies that the longitudinal data in the report identifies commonly occurring circumstances and services being offered to and received by the child or the child’s family.
15. Requires the Committee’s website to be publicly accessible.
16. Modifies the annual data and trends published by the Committee.
17. Modifies the prescribed list of recipients of the report.
18. Makes technical and conforming changes.

Amendments Adopted by the House of Representatives

1. Specifies that DCS must provide the complete and unredacted records relating to the case within five business days.
2. Adds a delayed effective date of July 1, 2024.
3. Makes technical and conforming changes.

Governor's Veto Message

The Governor indicates in her [veto message](#) that the creation of an additional review committee inefficiently duplicates the work of existing oversight bodies, unnecessarily furthers mistrust of caseworkers and may place additional burdens on traumatized or grieving families.

Senate Action

House Action

GOV	2/16/23	DP	5-3-0	RA	3/22/23	DP	7-0-0-0
3 <sup>rd</sup> Read	3/9/23		18-12-0	3 <sup>rd</sup> Read	4/26/23		33-25-1-0-1

Vetoed by the Governor 5/8/23

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