



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

**AMENDED**  
FACT SHEET FOR H.B. 2651

missing children; alert; notification; reporting

Purpose

Requires the Department of Child Safety (DCS) to fulfill additional notification and reporting requirements relating to cases involving missing, abducted or runaway children.

Background

Certain persons, including physicians, peace officers, child safety workers, parents and school personnel, who reasonably believe a minor is or has been the victim of physical injury, abuse, neglect, deprivation of necessary medical treatment or other reportable offenses must report or cause reports to be made to law enforcement or DCS ([A.R.S. § 13-3620](#)).

If DCS receives such a report, or receives information during the course of providing services, that indicates a child is at risk of serious harm and the child's location is unknown, DCS must notify the appropriate law enforcement agency and provide the information required to make the record entry into the Arizona Crime Information Center and the National Crime Information Center (NCIC) databases for missing persons, including information about the child, the parents, guardian, custodian or person of interest. The law enforcement agency must immediately enter the information into these databases ([A.R.S. § 8-810](#)).

If a law enforcement agency receives a report of a missing, kidnapped or runaway child, it must: 1) within two hours of receiving the report, submit outlined identifying information of the child, a recent photograph of the child, the date and location of last known contact and the category under which the child is reported missing; 2) not later than 30 days after original record entry, verify and update the record with additional information, including medical and dental records and a photograph taken within the previous 180 days; 3) institute or assist with appropriate search and investigative procedures; 4) maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) for the exchange of information and technical assistance in the missing child case; and 5) grant permission to the NCIC terminal contractor for Arizona to update the missing child record in the NCIC computer networks with additional information that is learned during the investigation and that relates to the missing child ([A.R.S. § 8-901](#)).

The Joint Legislative Budget Committee (JLBC) fiscal note indicates that H.B. 2651 would generate additional workload for DCS staff and increase agency operational costs, which may require additional full-time equivalent positions, with the actual magnitude of the costs depending on the number of missing children throughout the year. JLBC also estimates that the optional annual audit and possible third-party contract with DCS could generate additional costs, estimated between \$200,000 and \$300,000 based on similar audits, if the Legislature requires it ([JLBC fiscal note](#)).

Provisions

1. Requires DCS, within 24 hours of receiving a report that a child who is a ward of the court or in DCS care is missing, abducted or runaway and the child's location is unknown, to:
  - a) for an abducted child, notify the Arizona Criminal Justice Commission;
  - b) for an abducted, missing or runaway child, notify the NCIC missing person database.
  
2. Requires DCS, within 24 hours of receiving a report of a missing, abducted or runaway child, to:
  - a) report information on the missing, abducted or runaway child to the NCMEC;
  - b) contact the following persons to obtain information about the child's disappearance, unless it is determined by the primary investigative agency that it will hinder investigation or location efforts:
    - i. the child's parents;
    - ii. the child's known relatives;
    - iii. the child's out-of-home caregivers;
    - iv. the child's attorney;
    - v. the child's guardian or guardian ad-litem;
    - vi. the child's court appointed special advocate; and
    - vii. any other persons known to DCS who may have relevant information regarding the child's location;
  - c) unless it is determined by the primary investigative agency that it will hinder investigation or location efforts, provide a notice of disappearance in writing and telephonically to all persons listed above, as well as:
    - i. a judicial officer in any judicial matter involving the child;
    - ii. the Duty Assistant Attorney General (AG) representing DCS to initiate a motion for pickup; and
    - iii. the child's Indian tribe, if applicable.
  
3. Requires DCS to notify the appropriate law enforcement agency of a missing, abducted or runaway child, so that the law enforcement agency can determine if the situation meets an amber alert or silver alert criteria.
  
4. Requires the local law enforcement agency, within 48 hours after receiving a report of a missing, abducted or runaway child, to provide all local media outlets and social media platforms with the following information:
  - a) a complete physical description of the child and, if known, the child's abductor;
  - b) the last known location of the child or, if known, the child's abductor;
  - c) a description of the clothing the child or, if known, the child's abductor was last known to be wearing;
  - d) a description of any vehicle that may be involved with the child's disappearance;
  - e) current photos of the child and, if available, the child's abductor;
  - f) a law enforcement telephone number; and
  - g) information regarding any offered rewards.

5. Requires DCS, on an ongoing basis until a missing, abducted or runaway child is located or the child reaches the age of majority, to:
  - a) document in writing every effort DCS has made to locate the missing, abducted or runaway child within 10 days after the effort to locate the child is taken, specifying the notifications and documentation sent to individuals and departments as outlined;
  - b) contact law enforcement frequently and document the information provided and received; and
  - c) for a child who has been missing or abducted or who has been a runaway for two or more years, work with the NCMEC to create an age-progression image of the child.
6. Requires DCS to develop and conduct annual training for employees who have direct oversight of children and the direct supervisors of those employees, unless it is determined by the primary investigative agency that it will hinder investigation or location efforts.
7. Requires the training to include DCS policies for locating missing, abducted or runaway children and the requirements for ongoing efforts to locate a missing, abducted or runaway child.
8. Requires ongoing efforts to include:
  - a) continued contact with law enforcement agencies;
  - b) continued contact with the child's parents, guardian, custodian and other known relatives;
  - c) continued contact with current and former foster families of the child;
  - d) continued contact with the child's school;
  - e) continued contact with known acquaintances of the child;
  - f) continued in-person searching of locations and places where the child may be found;
  - g) continued review of any social media accounts that may be associated with the child or the child's known acquaintances;
  - h) continued efforts with law enforcement agencies in searching for the child;
  - i) continued search efforts with DCS field staff; and
  - j) referral to DCS's office of child welfare investigations for assistance, if exigent circumstances exist.
9. Requires DCS to do all of the following when a child is located:
  - a) inform law enforcement agencies involved in the child's case, the AG's office, and the NCMEC;
  - b) have in-person contact with the child within 24 hours of the child being located;
  - c) obtain a medical exam for the child;
  - d) assess the child's experiences while absent, including screening to determine if the child is a sex trafficking victim;
  - e) assess the appropriateness of the child returning to the child's current placement; and
  - f) assess factors that contributed to the child's absence.
10. Allows the Legislature to convene the Joint Legislative Oversight Committee on DCS (Oversight Committee) to address concerns and deviations from policy and procedure and provide recommendations.
11. Requires DCS to submit a monthly report to the Oversight Committee that provides information regarding DCS's compliance with efforts required by this legislation.

12. Allows the Legislature to request an annual independent audit of DCS's compliance with this legislation.
13. Requires the independent audit, if the independent audit determines DCS is not in compliance, to provide recommendations for improving the DCS's efforts to locate missing, abducted or runaway children.
14. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

1. Requires DCS to report information on a missing, abducted or runaway child directly to the NCMEC, rather than reporting to a law enforcement agency which would then report to the NCMEC.
2. Stipulates that DCS must contact outlined persons to notify and obtain information relating to a child's disappearance, unless the primary investigative agency determines it will hinder investigation or location efforts.
3. Requires DCS to provide notice of a disappearance directly to the Duty Assistant AG to initiate a motion for pickup, rather than notifying the appropriate law enforcement agency which would then notify the AG.
4. Requires a law enforcement agency that has been notified of a missing, abducted or runaway child to determine if the situation meets Amber Alert criteria or Silver Alert criteria pursuant to statute.
5. Requires a local law enforcement agency to provide outlined information to social media platforms, in addition to all local media outlets.
6. Requires written documentation tracking ongoing efforts by DCS to locate a child to specify the notifications and documentation sent to individuals and departments as prescribed in this legislation.
7. Requires DCS to contact law enforcement frequently, rather than every seven days, when making ongoing efforts.
8. Removes the requirement for DCS to update social media platforms every 14 days with information regarding the child.
9. Requires DCS to work with NCMEC, rather than a specialized artist, to create an age-progression image of a child who has been missing for two or more years.
10. Adds continued contact with the child's parents, guardians, custodian and known relatives as ongoing efforts that must be made by DCS.
11. Requires DCS protocol that must be followed after a child is located to include screening to determine if the child is a sex trafficking victim.

12. Removes the requirement for DCS to provide the President of the Senate and Speaker of the House of Representatives with a monthly report containing prescribed information.
13. Allows the Legislature to convene the Oversight Committee to address concerns and deviations from policy and procedure and provide recommendations.
14. Requires DCS to submit a monthly report to the Oversight Committee that provides information regarding DCS's compliance with efforts required pursuant to this legislation.
15. Allows a third-party independent audit, if requested by the Legislature, to provide recommendations for improving DCS efforts if DCS is found not in compliance, rather than allowing the third-party to oversee DCS efforts.

House Action

MAPS            2/13/23    DP    9-3-3-0  
3<sup>rd</sup> Read        3/1/23                    31-28-1

Senate Action

MAPS            3/22/23    DP    5-2-0

Prepared by Senate Research  
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ZD/sr