

Senate Engrossed House Bill

~~department of child safety; continuation~~  
(now: child safety; department continuation; procedures)

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
Second Regular Session  
2024

# HOUSE BILL 2447

AN ACT

AMENDING SECTIONS 8-201, 8-455 AND 8-458, ARIZONA REVISED STATUTES;  
AMENDING TITLE 8, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 8-469; AMENDING SECTION 8-807, ARIZONA REVISED STATUTES;  
REPEALING SECTION 41-3024.06, ARIZONA REVISED STATUTES; AMENDING TITLE 41,  
CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION  
41-3028.04; 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  
7 reasonable support and to maintain regular contact with the child,  
8 including providing normal supervision. Abandoned includes a judicial  
9 finding that a parent has made only minimal efforts to support and  
10 communicate with the child. Failure to maintain a normal parental  
11 relationship with the child without just cause for a period of six months  
12 constitutes prima facie evidence of abandonment.

13 2. "Abuse" means the infliction or allowing of physical injury,  
14 impairment of bodily function or disfigurement or the infliction of or  
15 allowing another person to cause serious emotional damage as evidenced by  
16 severe anxiety, depression, withdrawal or untoward aggressive behavior and  
17 which emotional damage is diagnosed by a medical doctor or psychologist  
18 and is caused by the acts or omissions of an individual who has the care,  
19 custody and control of a child. Abuse includes:

20 (a) Inflicting or allowing sexual abuse pursuant to section  
21 13-1404, sexual conduct with a minor pursuant to section 13-1405, sexual  
22 assault pursuant to section 13-1406, molestation of a child pursuant to  
23 section 13-1410, commercial sexual exploitation of a minor pursuant to  
24 section 13-3552, sexual exploitation of a minor pursuant to section  
25 13-3553, incest pursuant to section 13-3608 or child sex trafficking  
26 pursuant to section 13-3212.

27 (b) Physical injury that results from allowing a child to enter or  
28 remain in any structure or vehicle in which volatile, toxic or flammable  
29 chemicals are found or equipment is possessed by any person for the  
30 purpose of manufacturing a dangerous drug as defined in section 13-3401.

31 (c) Unreasonable confinement of a child.

32 3. "Adult" means a person who is eighteen years of age or older.

33 4. "Adult court" means the appropriate justice court, municipal  
34 court or criminal division of the superior court that has jurisdiction to  
35 hear proceedings concerning offenses committed by juveniles as provided in  
36 sections 8-327 and 13-501.

37 5. "Award" or "commit" means to assign legal custody.

38 6. "Child", "youth" or "juvenile" means an individual who is under  
39 eighteen years of age.

40 7. "Complaint" means a written statement of the essential facts  
41 constituting a public offense that is any of the following:

42 (a) Made on an oath before a judge or commissioner of the superior  
43 court or an authorized juvenile hearing officer.

44 (b) Made pursuant to section 13-3903.

1 (c) Accompanied by an affidavit of a law enforcement officer or  
2 employee that swears on information and belief to the accuracy of the  
3 complaint pursuant to section 13-4261.

4 8. "Criminal conduct allegation" means an allegation of conduct by  
5 a parent, guardian or custodian of a child or an adult member of the  
6 victim's household that, if true, would constitute any of the following:

7 (a) A violation of section 13-3623 involving child abuse.

8 (b) A felony offense that constitutes domestic violence as defined  
9 in section 13-3601.

10 (c) A violation of section 13-1404 or 13-1406 involving a minor.

11 (d) A violation of section 13-1405, 13-1410 or 13-1417.

12 (e) Any other act of abuse that is classified as a felony.

13 (f) An offense that constitutes domestic violence as defined in  
14 section 13-3601 and that involves a minor who is a victim of or was in  
15 imminent danger during the domestic violence.

16 9. "Custodian" means a person, other than a parent or legal  
17 guardian, who stands in loco parentis to the child or a person to whom  
18 legal custody of the child has been given by order of the juvenile court.

19 10. "DCS report" means a communication received by the centralized  
20 intake hotline that alleges child abuse or neglect and that meets the  
21 criteria for a report as prescribed in section 8-455.

22 11. "Delinquency hearing" means a proceeding in the juvenile court  
23 to determine whether a juvenile has committed a specific delinquent act as  
24 set forth in a petition.

25 12. "Delinquent act" means an act by a juvenile that if committed  
26 by an adult would be a criminal offense or a petty offense, a violation of  
27 any law of this state, or of another state if the act occurred in that  
28 state, or a law of the United States, or a violation of any law that can  
29 only be violated by a minor and that has been designated as a delinquent  
30 offense, or any ordinance of a city, county or political subdivision of  
31 this state defining crime. Delinquent act does not include an offense  
32 under section 13-501, subsection A or B if the offense is filed in adult  
33 court. Any juvenile who is prosecuted as an adult or who is remanded for  
34 prosecution as an adult shall not be adjudicated as a delinquent juvenile  
35 for the same offense.

36 13. "Delinquent juvenile" means a child who is adjudicated to have  
37 committed a delinquent act.

38 14. "Department" means the department of child safety.

39 15. "Dependent child":

40 (a) Means a child who is adjudicated to be:

41 (i) In need of proper and effective parental care and control and  
42 who has no parent or guardian, or one who has no parent or guardian  
43 willing to exercise or capable of exercising such care and control.

44 (ii) Destitute or who is not provided with the necessities of life,  
45 including adequate food, clothing, shelter or medical care.

1 (iii) A child whose home is unfit by reason of abuse, neglect,  
2 cruelty or depravity by a parent, a guardian or any other person having  
3 custody or care of the child.

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

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

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

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

17 17. "Director" means the director of the department.

18 18. "Health professional" has the same meaning prescribed in  
19 section 32-3201.

20 19. "Incorrigible child" means a child who:

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

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

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

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

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

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

34 20. "Independent living program" includes a residential program  
35 with supervision of less than twenty-four hours a day.

36 21. "Juvenile court" means the juvenile division of the superior  
37 court when exercising its jurisdiction over children in any proceeding  
38 relating to delinquency, dependency or incorrigibility.

39 22. "Law enforcement officer" means a peace officer, sheriff,  
40 deputy sheriff, municipal police officer or constable.

41 23. "Medical director of a mental health agency":

42 (a) Means a psychiatrist, or licensed physician experienced in  
43 psychiatric matters, who is designated in writing by the governing body of  
44 the agency as the person in charge of the medical services of the agency,

1 or a psychiatrist designated by the governing body to act for the  
2 director.

3 (b) Includes the superintendent of the state hospital.

4 24. "Mental health agency" means any private or public facility  
5 that is licensed by this state as a mental health treatment agency, a  
6 psychiatric hospital, a psychiatric unit of a general hospital or a  
7 residential treatment center for emotionally disturbed children and that  
8 uses secure settings or mechanical restraints.

9 25. "Neglect" or "neglected" means:

10 (a) The inability or unwillingness of a parent, guardian or  
11 custodian of a child to provide that child with supervision, food,  
12 clothing, shelter or medical care if that inability or unwillingness  
13 causes substantial risk of harm to the child's health or welfare, except  
14 if the inability of a parent, guardian or custodian to provide services to  
15 meet the needs of a child with a disability or chronic illness is solely  
16 the result of the unavailability of reasonable services.

17 (b) Allowing a child to enter or remain in any structure or vehicle  
18 in which volatile, toxic or flammable chemicals are found or equipment is  
19 possessed by any person with the intent and for the purpose of  
20 manufacturing a dangerous drug as defined in section 13-3401.

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

30 (i) Clinical indicators in the prenatal period including maternal  
31 and newborn presentation.

32 (ii) History of substance use or abuse.

33 (iii) Medical history.

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

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

39 (e) Deliberate exposure of a child by a parent, guardian or  
40 custodian to sexual conduct as defined in section 13-3551 or to sexual  
41 contact, oral sexual contact or sexual intercourse as defined in section  
42 13-1401, bestiality as prescribed in section 13-1411 or explicit sexual  
43 materials as defined in section 13-3507.

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

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

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

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

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

8 26. "Newborn infant" means a child who is under thirty days of age.

9 27. "Petition" means a written statement of the essential facts  
10 that allege delinquency, incorrigibility or dependency.

11 28. "Prevention" means the creation of conditions, opportunities  
12 and experiences that encourage and develop healthy, self-sufficient  
13 children and that occur before the onset of problems.

14 29. "Protective supervision" means supervision that is ordered by  
15 the juvenile court of children who are found to be dependent or  
16 incorrigible.

17 30. "Qualified young adult" means a former dependent child who is  
18 at least eighteen years of age and not over twenty-one years of age, who  
19 meets the criteria for an extended foster care program pursuant to section  
20 8-521.02 and who signs a voluntary agreement to participate in the  
21 program.

22 31. "Referral" means a report that is submitted to the juvenile  
23 court and that alleges that a child is dependent or incorrigible or that a  
24 juvenile has committed a delinquent or criminal act.

25 32. "Secure care" means confinement in a facility that is  
26 completely surrounded by a locked and physically secure barrier with  
27 restricted ingress and egress.

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

31 (a) Seriously impairs mental faculties.

32 (b) Causes serious anxiety, depression, withdrawal or social  
33 dysfunction behavior to the extent that the child suffers dysfunction that  
34 requires treatment.

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

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

44 (a) Creates a reasonable risk of death.

45 (b) Causes serious or permanent disfigurement.

- 1 (c) Causes significant physical pain.
- 2 (d) Causes serious impairment of health.
- 3 (e) Causes the loss or protracted impairment of an organ or limb.
- 4 (f) Is the result of sexual abuse pursuant to section 13-1404,
- 5 sexual conduct with a minor pursuant to section 13-1405, sexual assault
- 6 pursuant to section 13-1406, molestation of a child pursuant to section
- 7 13-1410, child sex trafficking pursuant to section 13-3212, commercial
- 8 sexual exploitation of a minor pursuant to section 13-3552, sexual
- 9 exploitation of a minor pursuant to section 13-3553 or incest pursuant to
- 10 section 13-3608.

11 35. "Shelter care" means the temporary care of a child in any  
12 public or private facility or home that is licensed by this state and that  
13 offers a physically nonsecure environment that is characterized by the  
14 absence of physically restricting construction or hardware and that  
15 provides the child access to the surrounding community.

16 36. "STANDARDIZED HOTLINE ASSESSMENT TOOL" MEANS ANY WRITTEN TOOL  
17 USED TO MAKE A DETERMINATION THAT THE ALLEGATION OF ABUSE OR NEGLECT THAT  
18 IS THE SUBJECT OF A REPORT RECEIVED PURSUANT TO SECTION 8-455 INVOLVES  
19 CONDUCT THAT WARRANTS INVESTIGATION BY THE DEPARTMENT PURSUANT TO SECTION  
20 8-456 OR 8-471.

21 ~~36.~~ 37. "Young adult administrative review" means an  
22 administrative review of a voluntary extended foster care case plan with  
23 the qualified young adult, the department's case specialist or designee,  
24 an independent party who is not responsible for the case management of or  
25 the delivery of services to the qualified young adult and any other  
26 individual the young adult invites.

27 Sec. 2. Section 8-455, Arizona Revised Statutes, is amended to  
28 read:

29 8-455. Centralized intake hotline; purposes; report of  
30 possible crime; DCS report; risk assessment tools;  
31 access to information; public awareness; definitions

32 A. The department shall operate and maintain a centralized intake  
33 hotline to protect children by receiving at all times communications  
34 concerning suspected abuse or neglect. If a person communicates suspected  
35 abuse or neglect to a department employee other than through the hotline,  
36 the employee shall refer the person or communication to the hotline.

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

39 1. Record communications made concerning suspected abuse or  
40 neglect.

41 2. Immediately take steps necessary to identify and locate prior  
42 communications and DCS reports related to the current communication using  
43 the department's data system and the central registry system of this  
44 state.

1           3. Quickly and efficiently provide information to a law enforcement  
2 agency or prepare a DCS report as required by this section.

3           4. Determine the proper initial priority level of investigation  
4 based on the report screening assessment and direct the DCS report to the  
5 appropriate part of the department based on this determination.

6           C. If a communication provides a reason to believe that a criminal  
7 offense has been committed and the communication does not meet the  
8 criteria for a DCS report, the hotline worker shall immediately provide  
9 the information to the appropriate law enforcement agency.

10          D. A hotline worker shall prepare a DCS report if the identity or  
11 current location of the child victim, the child's family or the person  
12 suspected of abuse or neglect is known or can be reasonably ascertained  
13 and all of the following are alleged:

14           1. The suspected conduct would constitute abuse or neglect. **IF THE**  
15 **SUSPECTED CONDUCT INVOLVES NEGLECT AS DEFINED IN SECTION 8-201, PARAGRAPH**  
16 **25, SUBDIVISION (c) AND A HEALTH PROFESSIONAL DETERMINES THAT THE NEWBORN**  
17 **INFANT WAS EXPOSED PRENATALLY TO CANNABIS AS DEFINED IN SECTION 13-3401,**  
18 **THE DEPARTMENT SHALL VERIFY WHETHER THE MOTHER IS A QUALIFYING PATIENT AS**  
19 **DEFINED IN SECTION 36-2801 AND POSSESSES A VALID REGISTRY IDENTIFICATION**  
20 **CARD ISSUED PURSUANT TO SECTION 36-2804.03.**

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

23           3. The suspected victim of the conduct is a resident of or present  
24 in this state.

25           4. The person suspected of committing the abuse or neglect is the  
26 parent, guardian or custodian of the victim or an adult member of the  
27 victim's household.

28          E. Except for criminal conduct allegations, the department is not  
29 required to prepare a DCS report if all of the following apply:

30           1. The suspected conduct occurred more than three years before the  
31 communication to the hotline.

32           2. There is no information or indication that a child is currently  
33 being abused or neglected.

34          F. Investigations of DCS reports shall be conducted as provided in  
35 section 8-456 except for investigations containing allegations of criminal  
36 conduct, which shall be conducted as provided in section 8-471.

37          G. The department is not required to prepare a DCS report  
38 concerning alleged abuse or neglect if the alleged act or acts occurred in  
39 a foreign country and the child is in the custody of the federal  
40 government.

41          H. The department shall develop and train hotline workers to use  
42 ~~uniform risk~~ **STANDARDIZED HOTLINE** assessment tools to determine:

43           1. Whether the suspected conduct constitutes abuse or neglect and  
44 the severity of the suspected abuse or neglect.

1           2. Whether the suspected abuse or neglect involves criminal  
2 conduct, even if the communication does not result in the preparation of a  
3 DCS report.

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

6           I. A DCS report must include, if available, all of the following:

7           1. The name, address or contact information for the person making  
8 the communication.

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

12           3. The name, address and other location or contact information for  
13 the child.

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

16           5. Any information regarding possible prior abuse or neglect,  
17 including reference to any communication or DCS report involving the  
18 child, the child's siblings or the person suspected of committing the  
19 abuse or neglect.

20           J. Information gathered through the hotline must be made available  
21 to an employee of the department in order to perform the employee's  
22 duties. The office of child welfare investigations and the inspections  
23 bureau must have immediate access to all records of the hotline.

24           K. A representative of the:

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

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

29           L. The department shall publicize the availability and the purposes  
30 of the centralized intake hotline.

31           M. For the purposes of this section:

32           1. "Centralized intake hotline" means the system developed pursuant  
33 to this section regardless of the communication methods or technologies  
34 used to implement the system.

35           2. "Criminal offense" means an allegation of conduct against a  
36 child by a person other than a parent, guardian or custodian of the child  
37 victim or another adult member of the child's household that, if true,  
38 would constitute a felony offense.

39           Sec. 3. Section 8-458, Arizona Revised Statutes, is amended to  
40 read:

41           8-458. Inspections bureau; monitoring and evaluation; quality  
42                                   assurance process

43           A. The director shall establish an inspections bureau to do both of  
44 the following:



1           Sec. 5. Section 8-807, Arizona Revised Statutes, is amended to  
2 read:

3           8-807. DCS information; public record; use; confidentiality;  
4           violation; classification

5           A. DCS information shall be maintained by the department as  
6 required by federal law as a condition of the allocation of federal monies  
7 to this state. All exceptions for the public release of DCS information  
8 shall be construed as openly as possible under federal law.

9           B. The department, or a person who receives DCS information  
10 pursuant to this subsection, shall provide DCS information to a federal  
11 agency, a state agency, a tribal agency, a county or municipal agency, a  
12 law enforcement agency, a prosecutor, an attorney or a guardian ad litem  
13 representing a child victim of crime pursuant to article II, section 2.1,  
14 Constitution of Arizona, a school, a community service provider, a  
15 contract service provider or any other person that is providing services  
16 pursuant to this article or article 9, 10, 11, 12, 13 or 14 of this  
17 chapter:

18           1. To meet its duties to provide for the safety and permanency of a  
19 child, provide services to a parent, guardian or custodian or provide  
20 services to family members to strengthen the family pursuant to this  
21 article or article 9, 10, 11, 12, 13 or 14 of this chapter.

22           2. To enforce or prosecute any violation involving child abuse or  
23 neglect or to assert the rights of the child as a victim of a crime.

24           3. To provide information to a defendant after a criminal charge  
25 has been filed as required by an order of the criminal court.

26           4. To help investigate and prosecute any violation involving  
27 domestic violence as defined in section 13-3601 or violent sexual assault  
28 as prescribed in section 13-1423.

29           C. The department shall disclose DCS information to a court, a  
30 party in a dependency or termination of parental rights proceeding or the  
31 party's attorney, the foster care review board or a court appointed  
32 special advocate for the purposes of and as prescribed in this title.

33           D. The department shall disclose DCS information to a domestic  
34 relations, family or conciliation court if the DCS information is  
35 necessary to promote the safety and well-being of children. The court  
36 shall notify the parties that it has received the DCS information.

37           E. A person or agent of a person who is the subject of DCS  
38 information shall have access to DCS information concerning that person.

39           F. The department may provide:

40           1. DCS information to confirm, clarify, correct or supplement  
41 information concerning an allegation or actual instance of child abuse or  
42 neglect that has been made public by a source or sources outside the  
43 department.

1           2. DCS information to a person who is conducting bona fide  
2 research, the results of which might provide DCS information that is  
3 beneficial in improving the department.

4           3. Access to DCS information to the parent, guardian or custodian  
5 of a child if the DCS information is reasonably necessary to promote the  
6 safety, permanency and well-being of the child.

7           4. DCS information if an employee of the department has a  
8 reasonable belief that exigent circumstances exist. For the purposes of  
9 this paragraph, "exigent circumstances" means a condition or situation in  
10 which the death of or serious injury to a child will likely result in the  
11 near future without immediate intervention.

12           G. The department shall disclose DCS information to a county  
13 medical examiner or an alternate medical examiner directing an  
14 investigation into the circumstances surrounding a death pursuant to  
15 section 11-593.

16           H. Access to DCS information in the central registry shall be  
17 provided as prescribed in section 8-804.

18           I. To provide oversight of the department, the department shall  
19 provide access to DCS information to the following persons, if the DCS  
20 information is reasonably necessary for the person to perform the person's  
21 official duties:

22           1. Federal or state auditors.

23           2. Persons conducting any accreditation deemed necessary by the  
24 department.

25           3. A standing committee of the legislature or a committee appointed  
26 by the president of the senate or the speaker of the house of  
27 representatives for purposes of conducting investigations related to the  
28 legislative oversight of the department. This information shall not be  
29 further disclosed unless a court has ordered the disclosure of this  
30 information, the information has been disclosed in a public or court  
31 record, or the information has been disclosed in the course of a public  
32 meeting or court proceeding.

33           4. A legislator who requests DCS information in the regular course  
34 of the legislator's duties. A legislator may discuss this information  
35 with another legislator ~~if the other legislator has signed the form~~  
36 ~~prescribed in subdivision (d) of this paragraph in regard to the specific~~  
37 ~~file that will be discussed.~~ This information shall not be further  
38 disclosed unless a court has ordered the disclosure of this information,  
39 the information has been disclosed in a public or court record, or the  
40 information has been disclosed in the course of a public meeting or court  
41 proceeding. To request a file pursuant to this paragraph:

42           (a) The legislator shall submit a written request for DCS  
43 information to the presiding officer of the body of which the state  
44 legislator is a member. The request shall state the name of the person  
45 whose case file is to be reviewed and any other information that will

1 assist the department in locating the file. The presiding officer may  
2 authorize a legislative staff member to attend with the legislator any  
3 meeting to review the file.

4 (b) The presiding officer shall forward the request to the  
5 department within five working days of the receipt of the request.

6 (c) The department shall make the necessary arrangements for the  
7 legislator to review the file at an office of the department, chosen by  
8 the legislator, within ten working days.

9 ~~(d) The legislator and staff member shall sign a form, consistent  
10 with the requirements of this paragraph and paragraph 3 of this  
11 subsection, before reviewing the file, that outlines the confidentiality  
12 laws governing department files and penalties for further release of the  
13 information.~~

14 5. A citizen review panel as prescribed by federal law, a child  
15 fatality review team as provided in title 36, chapter 35 and the office of  
16 ombudsman-citizens aide.

17 6. An independent oversight committee established pursuant to  
18 section 41-3801.

19 7. The governor who shall not disclose any information unless a  
20 court has ordered the disclosure of the information, the information has  
21 been disclosed in a public or court record or the information has been  
22 disclosed in the course of a public meeting or court proceeding.

23 J. A person who has been denied DCS information regarding a  
24 fatality or near fatality caused by abuse, abandonment or neglect pursuant  
25 to subsection L of this section or section 8-807.01 may bring a special  
26 action pursuant to section 39-121.02 in the superior court to order the  
27 department to release that DCS information. A legislator has standing to  
28 bring or to join a special action regarding the release of DCS information  
29 or to challenge the redaction of released DCS information. The plaintiff  
30 shall provide notice to the county attorney, who has standing and may  
31 participate in the action. The court shall review the requested records  
32 in camera and order disclosure consistent with subsections A and L of this  
33 section and section 8-807.01. The court shall take reasonable steps to  
34 prevent any clearly unwarranted invasions of privacy and protect the  
35 privacy and dignity of victims of crime pursuant to article II, section  
36 2.1, subsection C, Constitution of Arizona.

37 K. The department or a person who is not specifically authorized by  
38 this section to obtain DCS information may petition a judge of the  
39 superior court to order the department to release DCS information. The  
40 plaintiff shall provide notice to the county attorney and to the attorney  
41 and guardian ad litem for the child, who have standing and may participate  
42 in the action. The court shall review the requested records in camera and  
43 shall balance the rights of the parties who are entitled to  
44 confidentiality pursuant to this section against the rights of the parties  
45 who are seeking the release of the DCS information. The court may release

1 otherwise confidential DCS information only if the rights of the parties  
2 seeking the DCS information and any benefits from releasing the DCS  
3 information outweigh the rights of the parties who are entitled to  
4 confidentiality and any harm that may result from releasing the DCS  
5 information. The court shall take reasonable steps to prevent any clearly  
6 unwarranted invasions of privacy and protect the privacy and dignity of  
7 victims of crime pursuant to article II, section 2.1, subsection C,  
8 Constitution of Arizona.

9 L. Except as provided in subsection M of this section, before it  
10 releases records under this section or section 8-807.01, the department  
11 shall take whatever precautions it determines are reasonably necessary to  
12 protect the identity and safety of a person who reports child abuse or  
13 neglect and to protect any other person if the department believes that  
14 disclosure of the DCS information would be likely to endanger the life or  
15 safety of any person. The department is not required by this section to  
16 disclose DCS information if the department demonstrates that disclosure  
17 would cause a specific, material harm to a department investigation. The  
18 department is not required by this section to disclose DCS information if,  
19 in consultation with the county attorney, the county attorney demonstrates  
20 that disclosure would cause a specific, material harm to a criminal  
21 investigation or prosecution.

22 M. A person who is the subject of an unfounded report or complaint  
23 made pursuant to this article or article 9, 10, 11, 12, 13 or 14 of this  
24 chapter and who believes that the report or complaint was made in bad  
25 faith or with malicious intent may petition a judge of the superior court  
26 to order the department to release the DCS information. The petition  
27 shall specifically set forth reasons supporting the person's belief that  
28 the report or complaint was made in bad faith or with malicious intent.  
29 The court shall review the DCS information in camera and the person filing  
30 the petition shall be allowed to present evidence in support of the  
31 petition. If the court determines that there is a reasonable question of  
32 fact as to whether the report or complaint was made in bad faith or with  
33 malicious intent and that disclosure of the identity of the person making  
34 the report or complaint would not be likely to endanger the life or safety  
35 of the person making the report or complaint, it shall provide a copy of  
36 the DCS information to the person filing the petition and the original DCS  
37 information is subject to discovery in a subsequent civil action regarding  
38 the making of the report or complaint.

39 N. The department shall provide the person who conducts a forensic  
40 medical evaluation with any records the person requests, including social  
41 history and family history regarding the child, the child's siblings and  
42 the child's parents or guardians.

43 O. The department shall provide DCS information on request to a  
44 prospective adoptive parent, foster parent or guardian, if the information

1 concerns a child the prospective adoptive parent, foster parent or  
2 guardian seeks to adopt or provide care for.

3 P. If the department receives information that is confidential by  
4 law, the department shall maintain the confidentiality of the information  
5 as prescribed in the applicable law.

6 Q. A person may authorize the release of DCS information about the  
7 person but may not waive the confidentiality of DCS information concerning  
8 any other person.

9 R. The department may provide a summary of the outcome of a  
10 department investigation to the person who reported the suspected child  
11 abuse or neglect.

12 S. The department shall adopt rules to facilitate the accessibility  
13 of DCS information.

14 T. The department or a person who receives DCS information pursuant  
15 to subsection B of this section shall provide DCS information to law  
16 enforcement and a court to protect the safety of any employee of the  
17 department or the office of the attorney general or to protect a family  
18 member of such an employee.

19 U. A person who receives DCS information shall maintain the  
20 confidentiality of the information and shall not further disclose the  
21 information unless the disclosure is authorized by law or a court order.

22 V. The department may charge a fee for copying costs required to  
23 prepare DCS information for release pursuant to this section or section  
24 8-807.01.

25 W. Unless explicitly prohibited by law, it is the public policy of  
26 this state that the department shall provide both of the following:

27 1. All DCS information and direct remote access to the department's  
28 automated case management system to the office of the ombudsman-citizen's  
29 aide and the auditor general.

30 2. Direct remote access to the department's automated case  
31 management system and any DCS information that is necessary to perform the  
32 foster care review board's statutory duties to the supreme court.

33 X. A person who violates this section is guilty of a class 2  
34 misdemeanor.

35 Sec. 6. Repeal  
36 Section 41-3024.06, Arizona Revised Statutes, is repealed.

37 Sec. 7. Title 41, chapter 27, article 2, Arizona Revised Statutes,  
38 is amended by adding section 41-3028.04, to read:

39 41-3028.04. Department of child safety; termination July 1,  
40 2028

41 A. THE DEPARTMENT OF CHILD SAFETY TERMINATES ON JULY 1, 2028.

42 B. TITLE 8, CHAPTER 4 AND THIS SECTION ARE REPEALED ON JANUARY 1,  
43 2029.

