

House Engrossed

missing; abducted; runaway children

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

HOUSE BILL 2479

AN ACT

AMENDING SECTION 8-810, ARIZONA REVISED STATUTES; RELATING TO CHILD WELFARE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-810, Arizona Revised Statutes, is amended to
3 read:

4 8-810. Missing; abducted; runaway children; notification;
5 training; audit

6 A. IMMEDIATELY OR within twenty-four hours after receiving a report
7 made pursuant to section 13-3620 or receiving information during the
8 course of providing services that indicates a child who is a ward of the
9 court or who is in the care of the department is missing, abducted or a
10 runaway and the child's location is unknown, the department shall notify
11 the appropriate law enforcement agency to make the record entry as
12 follows:

13 1. For an abducted child, the Arizona criminal justice information
14 system.

15 2. For an abducted, missing or runaway child, the national crime
16 information center missing person database.

17 B. IMMEDIATELY OR within twenty-four hours after receiving a report
18 of a missing, abducted or runaway child, the department shall do the
19 following:

20 1. Report information on the missing, abducted or runaway child to
21 the national center for missing and exploited children.

22 2. Unless it is determined by the primary investigative agency that
23 it will hinder investigation or location efforts, contact the following
24 persons to obtain information about the child's disappearance:

25 (a) The child's parents.

26 (b) The child's known relatives.

27 (c) The child's out-of-home caregivers.

28 (d) The child's attorney.

29 (e) The child's guardian or guardian ad litem.

30 (f) The child's court appointed special advocate.

31 (g) THE CHILD'S SCHOOL, FRIENDS OR HOUSEHOLD MEMBERS OR OTHER
32 PERSONS WHO MAY HAVE RELEVANT INFORMATION ABOUT THE CIRCUMSTANCES
33 SURROUNDING THE CHILD'S ABDUCTION OR DISAPPEARANCE.

34 ~~(g)~~ (h) Any other persons known to the department who may have
35 relevant information regarding the child's location.

36 3. Unless it is determined by the primary investigative agency that
37 it will hinder investigation or location efforts, provide a notice of
38 disappearance in writing ~~or~~ AND telephonically to the following persons:

39 (a) The child's parents.

40 (b) The child's known relatives.

41 (c) The child's out-of-home caregivers.

42 (d) The child's attorney.

43 (e) The child's guardian or guardian ad litem.

44 (f) The child's court appointed special advocate.

45 (g) A judicial officer in any judicial matter involving the child.

1 (h) The duty assistant attorney general to initiate a motion for a
2 pickup.

3 (i) If the child is a member of an Indian tribe in this state, the
4 child's Indian tribe.

5 C. ~~For a missing, abducted or runaway child~~ IMMEDIATELY OR WITHIN
6 TWENTY-FOUR HOURS AFTER RECEIVING A REPORT, the department shall ~~notify~~
7 REQUEST the appropriate law enforcement agency. ~~The law enforcement~~
8 ~~agency shall~~ TO determine if the situation meets amber alert criteria or
9 silver alert criteria pursuant to section 41-1728. THE APPROPRIATE LAW
10 ENFORCEMENT AGENCY SHALL DOCUMENT ITS RESPONSE REGARDING AMBER ALERT OR
11 SILVER ALERT CRITERIA.

12 D. Within ~~forty-eight~~ TWENTY-FOUR hours after receiving a report of
13 a missing, abducted or runaway child, the DEPARTMENT SHALL PROVIDE THE
14 local law enforcement agency WITH, AND THE LOCAL LAW ENFORCEMENT AGENCY
15 shall provide to all local media outlets and post to social media
16 platforms, all of the following information regarding the child and, if
17 known, the child's abductor:

18 1. A complete physical description of the child and, if known, the
19 child's abductor.

20 2. The last known location of the child or, if known, the child's
21 abductor.

22 3. A description of the clothing the child or, if known, the
23 child's abductor was last known to be wearing.

24 4. A description of any vehicle that may be involved with the
25 child's disappearance.

26 5. Current photos of the child and, if available, the child's
27 abductor.

28 6. A law enforcement telephone number.

29 7. Information regarding any offered rewards.

30 E. THE APPROPRIATE LAW ENFORCEMENT AGENCY SHALL UPDATE SOCIAL MEDIA
31 PLATFORMS EVERY FOURTEEN CALENDAR DAYS WITH UPDATED INFORMATION REGARDING
32 THE MISSING, ABDUCTED OR RUNAWAY CHILD.

33 F. FOR A CHILD WHO HAS BEEN MISSING OR ABDUCTED OR WHO HAS BEEN A
34 RUNAWAY FOR TWO OR MORE YEARS, THE APPROPRIATE LAW ENFORCEMENT AGENCY
35 SHALL WORK WITH A SPECIALIZED ARTIST TO CREATE AN AGE-APPROPRIATE
36 PROGRESSION IMAGE OF THE CHILD.

37 ~~E.~~ G. The department shall do all of the following on an ongoing
38 basis until a missing, abducted or runaway child is located or the child
39 reaches the age of majority:

40 1. Document in writing every effort the department has made to
41 locate the missing, abducted or runaway child within ten days after the
42 effort to locate the child is taken. The written document shall specify
43 the notifications and documentation sent to individuals and departments
44 pursuant to the requirements of this section.

1 2. Contact law enforcement ~~frequently~~ EVERY SEVEN CALENDAR DAYS and
2 document the information provided and received.

3 3. For a child who has been missing or abducted or who has been a
4 runaway for two or more years, work with the national center for missing
5 and exploited children to create an age-progression image of the child.

6 ~~F.~~ H. The department shall IMMEDIATELY develop, ~~and~~ REFINE,
7 IMPLEMENT AND PROVIDE IMMEDIATE TRAINING TO NEWLY HIRED AND CURRENT
8 DEPARTMENT EMPLOYEES WHO HAVE DIRECT OVERSIGHT OF CHILDREN AND TO THE
9 DIRECT SUPERVISORS OF THESE EMPLOYEES. THE DEPARTMENT SHALL conduct
10 annual training for department employees who have direct oversight of
11 children and the direct supervisors of those employees. The training
12 shall include department policies for locating missing, abducted or
13 runaway children and the requirements for ongoing efforts to locate a
14 missing, abducted or runaway child, unless it is determined by the primary
15 investigative agency that it will hinder investigation or location
16 efforts. MONTHLY ongoing department efforts shall include all of the
17 following:

- 18 1. Continued contact with law enforcement agencies.
- 19 2. Continued contact with the child's parents, guardian or
20 custodian.
- 21 3. Continued contact with the child's known relatives.
- 22 4. Continued contact with current and former foster families of the
23 child.
- 24 5. Continued contact with the child's school.
- 25 6. Continued contact with known acquaintances of the child.
- 26 7. Continued in-person searching of locations and places where the
27 child may be found.
- 28 8. Continued review of any social media accounts that may be
29 associated with the child or the child's known acquaintances.
- 30 9. Continued efforts with law enforcement agencies in searching for
31 the child.
- 32 10. Continued search efforts with department field staff WHO HAVE
33 ACCESS TO DATABASES THAT MAY HELP IN THE SEARCH FOR INFORMATION OR LEADS
34 REGARDING THE MISSING, ABDUCTED OR RUNAWAY CHILD.
- 35 11. Referral to the department's office of child welfare
36 investigations for assistance if exigent circumstances exist.
- 37 12. REQUESTING THAT THE APPROPRIATE LAW ENFORCEMENT AGENCY CONDUCT
38 WELFARE CHECKS AT ANY LOCATION WHERE THE CHILD MAY BE.

39 ~~G.~~ I. WITHIN TWENTY-FOUR HOURS AFTER A MISSING, ABDUCTED OR
40 RUNAWAY CHILD IS LOCATED, the department shall do all of the following
41 ~~when a child is located~~:

- 42 1. Inform all of the following:
 - 43 (a) All law enforcement agencies involved in the child's case.
 - 44 (b) The attorney general's office.
 - 45 (c) The national center for missing and exploited children.

1 (d) ANY INDIVIDUALS WHO HAVE RECEIVED NOTICE PURSUANT TO SUBSECTION
2 B, PARAGRAPH 3 OF THIS SECTION.

3 2. Have in-person contact with the child ~~within twenty-four hours~~
4 ~~after the child is located.~~

5 3. Obtain a medical exam for the child.

6 4. Assess the child's experiences while absent from care, including
7 screening to determine if the child is a sex trafficking victim, AND
8 REPORT TO THE APPROPRIATE LAW ENFORCEMENT AGENCY IF IT IS DETERMINED THAT
9 THE CHILD IS A SEX TRAFFICKING VICTIM.

10 5. Assess the appropriateness of the child returning to the child's
11 current placement.

12 6. Assess factors that contributed to the child's absence.

13 7. DETERMINE THE NEED FOR ADDITIONAL BEHAVIORAL HEALTH SERVICES AND
14 SUPPORT.

15 8. REVIEW THE CASE TO ASSESS THE PRIMARY FACTORS THAT CONTRIBUTED
16 TO THE CHILD BEING MISSING OR ABDUCTED OR A RUNAWAY AND TO THE EXTENT
17 POSSIBLE AND APPROPRIATE RESPOND TO THOSE FACTORS IN CURRENT AND
18 SUBSEQUENT CASE DECISIONS.

19 J. WITHIN SIXTY DAYS AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO
20 THIS SECTION, THE DEPARTMENT SHALL ENTER INTO A CONTRACT WITH A PROVIDER
21 TO DEVELOP A CHECKLIST FOR DEPARTMENT SPECIALISTS. THE CHECKLIST SHALL BE
22 UPLOADED TO DEPARTMENT SOFTWARE AND SHALL ASSIST DEPARTMENT SPECIALISTS IN
23 FULFILLING THE DEPARTMENT'S DUTIES PRESCRIBED BY THIS SECTION. THE
24 CHECKLIST SHALL HAVE A MECHANISM TO MARK DEPARTMENT DUTIES AS COMPLETED
25 WITHIN THE TIMELINES SPECIFIED BY THIS SECTION.

26 K. BEGINNING NINETY DAYS AFTER THE EFFECTIVE DATE OF THIS AMENDMENT
27 TO THIS SECTION, THE DEPARTMENT SHALL PROVIDE A MONTHLY REPORT TO THE
28 PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.
29 THE REPORT SHALL INCLUDE ALL OF THE FOLLOWING:

30 1. THE NAMES OF ALL CURRENT MISSING, ABDUCTED OR RUNAWAY CHILDREN.

31 2. AN ACKNOWLEDGEMENT THAT THE DEPARTMENT MADE THE NOTIFICATIONS
32 PRESCRIBED BY THIS SECTION WITHIN THE PRESCRIBED TIME FRAMES. IF THE
33 DEPARTMENT FAILED TO MAKE THE NOTIFICATIONS WITH THE PRESCRIBED TIME
34 FRAMES, THE DEPARTMENT SHALL INCLUDE A DETAILED EXPLANATION OF THE REASON
35 WHY THE NOTIFICATIONS WERE NOT MADE WITHIN THE PRESCRIBED TIME FRAMES.

36 3. THE DEPARTMENT'S COMPLIANCE WITH ONGOING SEARCH EFFORTS MADE TO
37 LOCATE MISSING, ABDUCTED OR RUNAWAY CHILDREN.

38 4. THE DEPARTMENT'S COMPLIANCE WITH SUBSECTION I OF THIS SECTION.

39 L. WITHIN ONE HUNDRED FIFTY DAYS AFTER THE EFFECTIVE DATE OF THIS
40 AMENDMENT TO THIS SECTION AND ON A QUARTERLY BASIS THEREAFTER, THE
41 DEPARTMENT SHALL SUBMIT TO THE JOINT LEGISLATIVE BUDGET COMMITTEE, THE
42 SENATE HEALTH AND HUMAN SERVICES COMMITTEE AND THE HOUSE OF
43 REPRESENTATIVES HEALTH AND HUMAN SERVICES COMMITTEE, OR THEIR SUCCESSOR
44 COMMITTEES, A REPORT THAT INCLUDES ALL OF THE FOLLOWING:

- 1 1. THE DEPARTMENT'S COMPLIANCE WITH THE REQUIREMENTS OF THIS
2 SECTION.
3 2. THE NUMBER OF MISSING, ABDUCTED AND RUNAWAY CHILDREN.
4 3. THE NUMBER OF MISSING, ABDUCTED AND RUNAWAY CHILDREN WHO HAVE
5 BEEN FOUND.
6 M. THE LEGISLATURE MAY CONVENE AN OVERSIGHT COMMITTEE TO ADDRESS
7 PROBLEMS AND DEVIATIONS FROM POLICY AND PROCEDURE AND RECOMMEND CORRECTIVE
8 ACTION PLANS. THE LEGISLATURE SHALL REQUEST AN ANNUAL INDEPENDENT AUDIT
9 OF THE DEPARTMENT'S COMPLIANCE WITH THIS SECTION. IF THE INDEPENDENT
10 AUDIT DETERMINES THAT THE DEPARTMENT IS NOT IN COMPLIANCE, THE DEPARTMENT
11 SHALL CONTRACT WITH A THIRD PARTY TO OVERSEE EFFORTS TO LOCATE MISSING,
12 ABDUCTED AND RUNAWAY CHILDREN.
13 ~~H.~~ N. The legislature may convene the joint legislative oversight
14 committee on the department of child safety established by section 41-1292
15 to address concerns and deviations from policy and procedure and provide
16 recommendations. The legislature may request an annual independent audit
17 of the department's compliance with this section. If the independent
18 audit determines that the department is not in compliance, the independent
19 audit shall provide recommendations for improving the department's efforts
20 to locate missing, abducted or runaway children. IF THE JOINT LEGISLATIVE
21 OVERSIGHT COMMITTEE ON THE DEPARTMENT OF CHILD SAFETY DETERMINES THAT THE
22 DEPARTMENT HAS CONTINUALLY FAILED TO FOLLOW THE LAW, THE DEPARTMENT SHALL
23 CONTRACT WITH A THIRD PARTY TO OVERSEE EFFORTS TO LOCATE MISSING, ABDUCTED
24 AND RUNAWAY CHILDREN.