

Senate Engrossed House Bill
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 hours after receiving a report of a missing,
13 abducted or runaway child, the DEPARTMENT SHALL PROVIDE THE local law
14 enforcement agency WITH, AND THE LOCAL LAW ENFORCEMENT AGENCY shall
15 provide to all local media outlets and post to social media platforms, all
16 of the following information regarding the child and, if known, the
17 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 WITH UPDATED INFORMATION REGARDING THE MISSING, ABDUCTED OR
32 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, WHEN POSSIBLE, TO CREATE AN AGE-APPROPRIATE PROGRESSION IMAGE
36 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 INITIAL TRAINING TO NEWLY HIRED EMPLOYEES. A NEWLY
8 HIRED EMPLOYEE MUST RECEIVE THIS INITIAL TRAINING BEFORE ANY CHILDREN ARE
9 ASSIGNED TO THE NEWLY HIRED EMPLOYEE'S CASELOAD. THE DEPARTMENT SHALL
10 conduct annual training for department employees who have direct oversight
11 of 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 DEVELOP A CHECKLIST FOR DEPARTMENT
21 SPECIALISTS. THE CHECKLIST SHALL BE DISTRIBUTED TO EACH CASEWORKER TO
22 ASSIST DEPARTMENT SPECIALISTS IN FULFILLING THE DEPARTMENT'S DUTIES
23 PRESCRIBED BY THIS SECTION. THE CHECKLIST SHALL HAVE A MECHANISM TO MARK
24 DEPARTMENT DUTIES AS COMPLETED WITHIN THE TIMELINES SPECIFIED BY THIS
25 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 GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
29 REPRESENTATIVES. THE REPORT SHALL INCLUDE ALL OF THE FOLLOWING:

30 1. THE NAMES OF ALL CURRENT MISSING, ABDUCTED OR RUNAWAY
31 CHILDREN. THE NAMES OF MISSING, ABDUCTED OR RUNAWAY CHILDREN SHALL BE
32 KEPT CONFIDENTIAL AND MAY NOT BE DISTRIBUTED OUTSIDE OF THE MONTHLY
33 REPORT.

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

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

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

42 5. ON THE RETURN OF A RUNAWAY CHILD TO THE DEPARTMENT'S CARE, THE
43 REASON WHY THE CHILD RAN AWAY.

44 L. WITHIN ONE HUNDRED FIFTY DAYS AFTER THE EFFECTIVE DATE OF THIS
45 AMENDMENT TO THIS SECTION AND ON A MONTHLY BASIS THEREAFTER, THE

1 DEPARTMENT SHALL SUBMIT TO THE JOINT LEGISLATIVE BUDGET COMMITTEE, THE
2 SENATE HEALTH AND HUMAN SERVICES COMMITTEE AND THE HOUSE OF
3 REPRESENTATIVES HEALTH AND HUMAN SERVICES COMMITTEE, OR THEIR SUCCESSOR
4 COMMITTEES, A REPORT THAT INCLUDES ALL OF THE FOLLOWING:

5 1. THE DEPARTMENT'S COMPLIANCE WITH ALL OF THE REQUIREMENTS OF THIS
6 SECTION.

7 2. THE NUMBER OF MISSING, ABDUCTED AND RUNAWAY CHILDREN.

8 3. THE NUMBER OF MISSING, ABDUCTED AND RUNAWAY CHILDREN WHO HAVE
9 BEEN FOUND.

10 4. THE PERCENTAGE OF TIMES THE DEPARTMENT WAS IN COMPLIANCE WITH
11 THE REQUIREMENTS PRESCRIBED IN SUBSECTIONS A, B, C AND D OF THIS SECTION.

12 M. IF THE REPORT SUBMITTED PURSUANT TO SUBSECTION L OF THIS SECTION
13 SHOWS A LESS THAN NINETY-FIVE PERCENT COMPLIANCE RATE WITH THE
14 REQUIREMENTS PRESCRIBED IN SUBSECTION L, PARAGRAPH 4 OF THIS SECTION FOR
15 MORE THAN FOUR CONSECUTIVE OR NONCONSECUTIVE MONTHS IN A TWELVE-MONTH
16 PERIOD, THE DEPARTMENT SHALL ESTABLISH A MISSING, ABDUCTED AND RUNAWAY
17 CHILDREN UNIT WITHIN THE DEPARTMENT. THE MISSING, ABDUCTED AND RUNAWAY
18 CHILDREN UNIT SHALL HAVE AT LEAST FOUR EMPLOYEES WITH AT LEAST ONE
19 EMPLOYEE AVAILABLE TWENTY-FOUR HOURS A DAY. THE MISSING, ABDUCTED AND
20 RUNAWAY CHILDREN UNIT MAY ENTER INTO CONTRACTS WITH ANY VENDOR NECESSARY
21 TO ENSURE THE DEPARTMENT IS IN COMPLIANCE WITH THIS SECTION. IF THE
22 MISSING, ABDUCTED AND RUNAWAY CHILDREN UNIT IS ESTABLISHED, THE UNIT SHALL
23 SUBMIT A REPORT TO THE GOVERNOR, THE PRESIDENT OF THE SENATE, THE SPEAKER
24 OF THE HOUSE OF REPRESENTATIVES AND THE JOINT LEGISLATIVE OVERSIGHT
25 COMMITTEE ON THE DEPARTMENT OF CHILD SAFETY ESTABLISHED BY SECTION
26 41-1292. THE REPORT SHALL DO ALL OF THE FOLLOWING:

27 1. IDENTIFY THE REASONS WHY THE DEPARTMENT IS NOT IN COMPLIANCE
28 WITH THE REQUIREMENTS PRESCRIBED IN SUBSECTIONS A, B, C AND D OF THIS
29 SECTION.

30 2. IDENTIFY THE METHODS BY WHICH THE MISSING, ABDUCTED AND RUNAWAY
31 CHILDREN UNIT WILL ACHIEVE A NINETY-FIVE PERCENT COMPLIANCE RATE WITH THE
32 REQUIREMENTS PRESCRIBED IN SUBSECTIONS A, B, C AND D OF THIS SECTION.

33 3. INCLUDE ORGANIZATIONAL CHANGES THAT THE DEPARTMENT WILL MAKE TO
34 ENSURE COMPLIANCE WITH THE REQUIREMENTS PRESCRIBED IN SUBSECTIONS A, B, C
35 AND D OF THIS SECTION.

36 4. RECOMMEND LEGISLATIVE CHANGES THAT ARE NECESSARY TO ENSURE THE
37 DEPARTMENT'S COMPLIANCE WITH THE REQUIREMENTS PRESCRIBED IN SUBSECTIONS A,
38 B, C AND D OF THIS SECTION.

39 N. THE LEGISLATURE MAY CONVENE AN OVERSIGHT COMMITTEE TO ADDRESS
40 PROBLEMS AND DEVIATIONS FROM POLICY AND PROCEDURE AND RECOMMEND CORRECTIVE
41 ACTION PLANS. THE LEGISLATURE SHALL REQUEST AN ANNUAL INDEPENDENT AUDIT
42 OF THE DEPARTMENT'S COMPLIANCE WITH THIS SECTION. IF THE INDEPENDENT
43 AUDIT DETERMINES THAT THE DEPARTMENT IS NOT IN COMPLIANCE, THE DEPARTMENT
44 SHALL CONTRACT WITH A CONSULTING FIRM THAT IS LICENSED BY THIS STATE FOR

1 INVESTIGATIVE SERVICES. THE CONSULTING FIRM SHALL PRESENT RECOMMENDATIONS
2 TO THE OVERSIGHT COMMITTEE ON HOW TO IMPROVE COMPLIANCE WITH THIS SECTION.

3 ~~H.~~ 0. The legislature may convene the joint legislative oversight
4 committee on the department of child safety established by section 41-1292
5 to address concerns and deviations from policy and procedure and provide
6 recommendations. The legislature may request an annual independent audit
7 of the department's compliance with this section. If the independent
8 audit determines that the department is not in compliance, the independent
9 audit shall provide recommendations for improving the department's efforts
10 to locate missing, abducted or runaway children. IF THE JOINT LEGISLATIVE
11 OVERSIGHT COMMITTEE ON THE DEPARTMENT OF CHILD SAFETY DETERMINES THAT THE
12 DEPARTMENT, AFTER THE ESTABLISHMENT OF THE MISSING, ABDUCTED AND RUNAWAY
13 CHILDREN UNIT, HAS FAILED TO MEET THE REQUIREMENTS OF SUBSECTION M OF THIS
14 SECTION FOR A PERIOD OF MORE THAN TWO MONTHS, THE DEPARTMENT SHALL
15 CONTRACT WITH A CONSULTING FIRM THAT IS LICENSED BY THIS STATE FOR
16 INVESTIGATIVE SERVICES. THE CONSULTING FIRM SHALL PRESENT RECOMMENDATIONS
17 TO THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HOW TO IMPROVE COMPLIANCE
18 WITH THIS SECTION.