

REFERENCE TITLE: maltreatment oversight committee; establishment

State of Arizona  
Senate  
Fifty-sixth Legislature  
Second Regular Session  
2024

## **SB 1235**

Introduced by  
Senators Shamp: Gowan

### AN ACT

AMENDING SECTIONS 8-807, 12-2294 AND 36-3501, ARIZONA REVISED STATUTES;  
AMENDING TITLE 41, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING ARTICLE  
8; AMENDING SECTION 41-3024.14, ARIZONA REVISED STATUTES; RELATING TO  
MALTREATMENT FATALITIES AND NEAR FATALITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

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

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

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

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

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

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

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

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

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

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

40 F. The department may provide:

41 1. DCS information to confirm, clarify, correct or supplement  
42 information concerning an allegation or actual instance of child abuse or  
43 neglect that has been made public by a source or sources outside the  
44 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 8. THE INDEPENDENT MALTREATMENT FATALITY AND NEAR FATALITY  
24 OVERSIGHT COMMITTEE ESTABLISHED BY SECTION 41-812.

25 J. A person who has been denied DCS information regarding a  
26 fatality or near fatality caused by abuse, abandonment or neglect pursuant  
27 to subsection L of this section or section 8-807.01 may bring a special  
28 action pursuant to section 39-121.02 in the superior court to order the  
29 department to release that DCS information. A legislator has standing to  
30 bring or to join a special action regarding the release of DCS information  
31 or to challenge the redaction of released DCS information. The plaintiff  
32 shall provide notice to the county attorney, who has standing and may  
33 participate in the action. The court shall review the requested records  
34 in camera and order disclosure consistent with subsections A and L of this  
35 section and section 8-807.01. The court shall take reasonable steps to  
36 prevent any clearly unwarranted invasions of privacy and protect the  
37 privacy and dignity of victims of crime pursuant to article II, section  
38 2.1, subsection C, Constitution of Arizona.

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

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

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

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

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



1 B. A health care provider may disclose medical records or payment  
2 records, or the information contained in medical records or payment  
3 records, pursuant to written authorization signed by the patient or the  
4 patient's health care decision maker.

5 C. A health care provider may disclose medical records or payment  
6 records or the information contained in medical records or payment records  
7 and a clinical laboratory may disclose clinical laboratory results without  
8 the written authorization of the patient or the patient's health care  
9 decision maker as otherwise authorized by state or federal law, including  
10 the health insurance portability and accountability act privacy standards  
11 (45 Code of Federal Regulations part 160 and part 164, subpart E), or as  
12 follows:

13 1. To health care providers who are currently providing health care  
14 to the patient for the purpose of ~~diagnosis~~ **DIAGNOSING** or ~~treatment of~~  
15 **TREATING** the patient.

16 2. To health care providers who have previously provided treatment  
17 to the patient, to the extent that the records pertain to the provided  
18 treatment.

19 3. To ambulance attendants as defined in section 36-2201 for the  
20 purpose of providing care to or transferring the patient whose records are  
21 requested.

22 4. To a private agency that accredits health care providers and  
23 with whom the health care provider has an agreement requiring the agency  
24 to protect the confidentiality of patient information.

25 5. To a health profession regulatory board as defined in section  
26 32-3201.

27 6. To health care providers for the purpose of conducting  
28 utilization review, peer review and quality assurance pursuant to section  
29 36-441, 36-445, 36-2402 or 36-2917.

30 7. To a person or entity that provides services to the patient's  
31 health care providers or clinical laboratories and with whom the health  
32 care provider or clinical laboratory has an agreement requiring the person  
33 or entity to protect the confidentiality of patient information and as  
34 required by the health insurance portability and accountability act  
35 privacy standards, 45 Code of Federal Regulations part 164, subpart E.

36 8. To the legal representative of a health care provider in  
37 possession of the medical records or payment records for the purpose of  
38 securing legal advice.

39 9. To the patient's third party payor or the payor's contractor.

40 10. To the industrial commission of Arizona or parties to an  
41 industrial commission claim pursuant to title 23, chapter 6.

42 **11. TO THE INDEPENDENT MALTREATMENT FATALITY AND NEAR FATALITY**  
43 **OVERSIGHT COMMITTEE ESTABLISHED BY SECTION 41-812.**

44 D. A health care provider may disclose a deceased patient's medical  
45 records or payment records or the information contained in medical records

1 or payment records to the patient's health care decision maker at the time  
2 of the patient's death. A health care provider also may disclose a  
3 deceased patient's medical records or payment records or the information  
4 contained in medical records or payment records to the personal  
5 representative or administrator of the estate of a deceased patient, or if  
6 a personal representative or administrator has not been appointed, to the  
7 following persons in the following order of priority, unless the deceased  
8 patient during the deceased patient's lifetime or a person in a higher  
9 order of priority has notified the health care provider in writing that  
10 the deceased patient opposed the release of the medical records or payment  
11 records:

12 1. The deceased patient's spouse, unless the patient and the  
13 patient's spouse were legally separated at the time of the patient's  
14 death.

15 2. The acting trustee of a trust created by the deceased patient  
16 either alone or with the deceased patient's spouse if the trust was a  
17 revocable inter vivos trust during the deceased patient's lifetime and the  
18 deceased patient was a beneficiary of the trust during the deceased  
19 patient's lifetime.

20 3. An adult child of the deceased patient.

21 4. A parent of the deceased patient.

22 5. An adult brother or sister of the deceased patient.

23 6. A guardian or conservator of the deceased patient at the time of  
24 the patient's death.

25 E. A person who receives medical records or payment records  
26 pursuant to this section shall not disclose those records without the  
27 written authorization of the patient or the patient's health care decision  
28 maker, unless otherwise authorized by law.

29 F. If a health care provider releases a patient's medical records  
30 or payment records to a contractor for the purpose of duplicating or  
31 disclosing the records on behalf of the health care provider, the  
32 contractor shall not disclose any part or all of a patient's medical  
33 records or payment records in its custody except as provided in this  
34 article. After duplicating or disclosing a patient's medical records or  
35 payment records on behalf of a health care provider, a contractor must  
36 return the records to the health care provider who released the medical  
37 records or payment records to the contractor.

38 Sec. 3. Section 36-3501, Arizona Revised Statutes, is amended to  
39 read:

40 36-3501. Child fatality review team; membership; duties

41 A. The child fatality review team is established in the department  
42 of health services. The team is composed of the head of the following  
43 entities or that person's designee:

44 1. Attorney general.



- 1           2. Office of women's and children's health in the department of  
2 health services.
- 3           3. Office of planning and health status monitoring in the  
4 department of health services.
- 5           4. Arizona health care cost containment system.
- 6           5. Division of developmental disabilities in the department of  
7 economic security.
- 8           6. Department of child safety.
- 9           7. Governor's office for children.
- 10          8. Administrative office of the courts.
- 11          9. Parent assistance office of the supreme court.
- 12          10. Department of juvenile corrections.
- 13          11. Arizona chapter of a national pediatric society.
- 14          B. The director of the department of health services shall appoint  
15 the following members to serve staggered three-year terms:
  - 16           1. A medical examiner who is a forensic pathologist.
  - 17           2. A maternal and child health specialist involved with the  
18 treatment of Native Americans.
  - 19           3. A representative of a private nonprofit organization of tribal  
20 governments in this state.
  - 21           4. A representative of the Navajo tribe.
  - 22           5. A representative of the United States military family advocacy  
23 program.
  - 24           6. A representative of a statewide prosecuting attorneys advisory  
25 council.
  - 26           7. A representative of a statewide law enforcement officers  
27 advisory council who is experienced in child homicide investigations.
  - 28           8. A representative of an association of county health officers.
  - 29           9. A child advocate who is not employed by or an officer of this  
30 state or a political subdivision of this state.
  - 31           10. A public member. If local teams are formed pursuant to this  
32 article, the director of the department of health services shall select  
33 this member from one of those local teams.
- 34          C. The team shall:
  - 35           1. Develop a child fatalities data collection system.
  - 36           2. Provide training to cooperating agencies, individuals and local  
37 child fatality review teams on the use of the child fatalities data  
38 **COLLECTION** system.
  - 39           3. Conduct an annual statistical report on the incidence and causes  
40 of child fatalities in this state during the past fiscal year and submit a  
41 copy of this report, including its recommendations for action, to the  
42 governor, the president of the senate and the speaker of the house of  
43 representatives on or before November 15 of each year.
  - 44           4. Encourage and assist in the development of local child fatality  
45 review teams.

1           5. Develop standards and protocols for local child fatality review  
2 teams and provide training and technical assistance to these teams.

3           6. Develop protocols for child fatality investigations, including  
4 protocols for law enforcement agencies, prosecutors, medical examiners,  
5 health care facilities and social service agencies.

6           7. Study the adequacy of statutes, ordinances, rules, training and  
7 services to determine what changes are needed to decrease the incidence of  
8 preventable child fatalities and, as appropriate, take steps to implement  
9 these changes.

10          8. Provide case consultation on individual cases to local teams if  
11 requested.

12          9. Educate the public regarding the incidence and causes of child  
13 fatalities as well as the public's role in preventing these deaths.

14          10. Designate a team chairperson.

15          11. Develop and distribute an informational brochure that describes  
16 the purpose, function and authority of a team. The brochure shall be  
17 available at the offices of the department of health services.

18          12. Evaluate the incidence and causes of maternal fatalities  
19 associated with pregnancy in this state. For the purposes of this  
20 paragraph, "maternal fatalities associated with pregnancy" means the death  
21 of a woman while she is pregnant or within one year after the end of her  
22 pregnancy.

23          13. Inform the governor and the legislature of the need for  
24 specific recommendations regarding unexplained infant death.

25          14. Periodically review the infant death investigation checklist  
26 developed by the department of health services pursuant to section  
27 36-3506. In reviewing the checklist, the review team shall consider  
28 guidelines endorsed by national infant death organizations.

29          15. ON A FINDING THAT A CHILD'S FATALITY WAS THE RESULT OF  
30 MALTREATMENT, SUBMIT TO THE INDEPENDENT MALTREATMENT FATALITY AND NEAR  
31 FATALITY OVERSIGHT COMMITTEE ESTABLISHED BY SECTION 41-812 THE CHILD'S  
32 DEATH CERTIFICATE AND A NOTICE OF FINDING THAT ABUSE OR NEGLIGENCE  
33 CONTRIBUTED TO THE CHILD'S DEATH AND THAT THERE WAS AN OPEN OR CLOSED CASE  
34 WITH THE DEPARTMENT OF CHILD SAFETY AT THE TIME OF THE CHILD'S DEATH.

35          D. Team members are not eligible to receive compensation, but  
36 members appointed pursuant to subsection B are eligible for reimbursement  
37 of expenses pursuant to title 38, chapter 4, article 2.

38          E. The department of health services shall provide professional and  
39 administrative support to the team.

40          F. Notwithstanding subsections C and D of this section, this  
41 section does not require expenditures above the revenue available from the  
42 child fatality review fund.

1           Sec. 4. Title 41, chapter 4, Arizona Revised Statutes, is amended  
2 by adding article 8, to read:

3                           ARTICLE 8. INDEPENDENT MALTREATMENT  
4                           FATALITY AND NEAR FATALITY OVERSIGHT COMMITTEE

5           41-811. Definitions

6           IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7           1. "CHILD" INCLUDES A QUALIFIED YOUNG ADULT.

8           2. "COMMITTEE" MEANS THE INDEPENDENT MALTREATMENT FATALITY AND NEAR  
9 FATALITY OVERSIGHT COMMITTEE.

10          3. "DEPARTMENT" MEANS THE DEPARTMENT OF CHILD SAFETY.

11          4. "NEAR FATALITY" HAS THE SAME MEANING PRESCRIBED IN SECTION  
12 8-807.01.

13          5. "QUALIFIED YOUNG ADULT" HAS THE SAME MEANING PRESCRIBED IN  
14 SECTION 8-201.

15          41-812. Independent maltreatment fatality and near fatality  
16 oversight committee; membership

17          A. THE INDEPENDENT MALTREATMENT FATALITY AND NEAR FATALITY  
18 OVERSIGHT COMMITTEE IS ESTABLISHED IN THE DEPARTMENT OF ADMINISTRATION  
19 CONSISTING OF THE FOLLOWING MEMBERS:

20           1. THE FOLLOWING ADVISORY MEMBERS:

21           (a) THE DIRECTOR OF THE DEPARTMENT OF CHILD SAFETY OR THE  
22 DIRECTOR'S DESIGNEE.

23           (b) THE DIRECTOR OF THE DEPARTMENT OF ECONOMIC SECURITY OR THE  
24 DIRECTOR'S DESIGNEE.

25           (c) THE COCHAIRPERSONS OF THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE  
26 ON THE DEPARTMENT OF CHILD SAFETY ESTABLISHED BY SECTION 41-1292 OR THEIR  
27 DESIGNEES.

28           (d) A JUVENILE COURT JUDGE WHO IS APPOINTED BY THE CHIEF JUSTICE OF  
29 THE SUPREME COURT AND WHO HAS SIGNIFICANT EXPERIENCE IN CHILD DEPENDENCY  
30 CASES, OR THE JUDGE'S DESIGNEE.

31           2. THE FOLLOWING MEMBERS WHO ARE APPOINTED BY THE DIRECTOR OF THE  
32 DEPARTMENT OF ADMINISTRATION:

33           (a) A LICENSED PEDIATRICIAN WHO HAS PROFESSIONAL EXPERIENCE  
34 RELATING TO CHILD NEGLECT AND ABUSE.

35           (b) A COUNTY MEDICAL EXAMINER.

36           (c) A PEACE OFFICER WHO HAS EXPERIENCE INVESTIGATING CHILD ABUSE  
37 AND NEGLECT FATALITIES AND NEAR FATALITIES.

38           (d) A PRACTICING ATTORNEY WHO HAS EXPERIENCE REPRESENTING CHILDREN  
39 IN DEPENDENCY LAW MATTERS.

40           (e) A PRACTICING SOCIAL WORKER.

41           (f) A PARENT ADVOCATE WHO HAS EXPERIENCE IN THE DEPENDENT CHILD  
42 PROTECTION SYSTEM.

43           (g) A PERSON WHO IS A FORMER FOSTER CHILD.

44           (h) A CURRENTLY OR FORMERLY LICENSED FOSTER PARENT.

45           (i) A PERSON WHO HAS EXPERTISE IN DATA ANALYTICS.

1 B. MEMBERS WHO ARE SERVING PURSUANT TO SUBSECTION A, PARAGRAPH 1 OF  
2 THIS SECTION ARE NONVOTING MEMBERS AND ARE NOT MEMBERS FOR THE PURPOSES OF  
3 DETERMINING IF A QUORUM IS PRESENT.

4 C. MEMBERS WHO ARE APPOINTED PURSUANT TO SUBSECTION A, PARAGRAPH 2  
5 OF THIS SECTION MAY NOT BE CURRENT OR FORMER EMPLOYEES OF THE DEPARTMENT  
6 OF CHILD SERVICES.

7 D. THE VOTING MEMBERS SHALL SELECT A CHAIRPERSON.

8 E. MEMBERS WHO ARE APPOINTED PURSUANT TO SUBSECTION A, PARAGRAPH 2  
9 OF THIS SECTION SERVE STAGGERED THREE-YEAR TERMS. VACANCIES OCCURRING  
10 OTHER THAN BY EXPIRATION OF TERM SHALL BE FILLED IN THE SAME MANNER FOR  
11 THE REMAINDER OF THE UNEXPIRED TERM. MEMBERS MAY CONTINUE TO SERVE UNTIL  
12 A SUCCESSOR IS APPOINTED.

13 F. COMMITTEE MEMBERS ARE NOT ELIGIBLE TO RECEIVE COMPENSATION OR  
14 REIMBURSEMENT OF EXPENSES.

15 G. THE COMMITTEE MAY EMPLOY AN EXECUTIVE DIRECTOR TO ASSIST THE  
16 COMMITTEE. THE EXECUTIVE DIRECTOR SHALL HAVE EXPERIENCE IN DEPARTMENT  
17 PROCEDURES, POLICIES AND LAWS.

18 41-813. Committee; powers; duties; annual report

19 THE COMMITTEE SHALL:

20 1. CONDUCT A THOROUGH REVIEW OF EACH CHILD MALTREATMENT FATALITY OR  
21 NEAR FATALITY. THE REVIEW SHALL INCLUDE:

22 (a) A REVIEW OF ALL AVAILABLE CASE RECORDS RELATING TO CHILD  
23 FATALITIES OR NEAR FATALITIES IN WHICH CHILD MALTREATMENT IS SUSPECTED AND  
24 IN WHICH THE CHILD, A PARENT, A CAREGIVER, A SIBLING OR A HOUSEHOLD MEMBER  
25 WAS THE SUBJECT OF A CURRENT OR PREVIOUS DEPARTMENT INVESTIGATION.

26 (b) INTERVIEWS WITH EMPLOYEES OF THIS STATE OR ITS POLITICAL  
27 SUBDIVISIONS WHO ARE INVOLVED WITH, WHO HAVE BEEN INVOLVED WITH OR WHO MAY  
28 HAVE KNOWLEDGE OF THE CIRCUMSTANCES AND FACTS OF THE CASE OR OF ANY  
29 SERVICES PROVIDED BY THE DEPARTMENT, ANY STATE AGENCY OR ANY POLITICAL  
30 SUBDIVISION OF THIS STATE TO THE CHILD OR THE CHILD'S PARENTS, SIBLINGS,  
31 GUARDIANS OR CAREGIVERS.

32 2. INFORM THE CHILD'S PARENTS, GUARDIAN OR CAREGIVER THAT THE  
33 COMMITTEE HAS COMMENCED A FATALITY OR NEAR FATALITY REVIEW. THE COMMITTEE  
34 MAY NOT COMPEL A PARENT, GUARDIAN OR CAREGIVER TO PROVIDE INFORMATION TO  
35 THE COMMITTEE. THE COMMITTEE SHALL INFORM THE PARENTS, GUARDIAN OR  
36 CAREGIVER OF THE RIGHT TO PRESENT ANY INFORMATION TO THE COMMITTEE THAT  
37 THE PARENTS, GUARDIAN OR CAREGIVER BELIEVES WILL ASSIST THE COMMITTEE WITH  
38 THE COMMITTEE'S REVIEW.

39 3. DEVELOP AN UNDERSTANDING OF THE CIRCUMSTANCES SURROUNDING A  
40 CHILD MALTREATMENT FATALITY OR NEAR FATALITY AND THE CAUSES OF AND  
41 RESPONSES FOLLOWING A CHILD MALTREATMENT FATALITY OR NEAR FATALITY AND  
42 IDENTIFY FACTORS THAT MAY HAVE CONTRIBUTED TO THE CHILD MALTREATMENT  
43 FATALITY OR NEAR FATALITY.

44 4. CRITICALLY ANALYZE THE CHILD SAFETY SYSTEM AS THE SYSTEM  
45 INTERACTED WITH THE CHILD AND THE CHILD'S FAMILY FOR EACH FATALITY OR NEAR

1 FATALITY TO IDENTIFY IMPROVEMENTS THAT COULD MITIGATE FUTURE CHILD  
2 MALTREATMENT FATALITIES OR NEAR FATALITIES, INCLUDING:

3 (a) THE FAILURE TO COMPLY WITH APPLICABLE STATUTES, RULES AND  
4 POLICIES.

5 (b) THE EXTENT OF THE CHILD'S AND THE CHILD'S FAMILY'S PRIOR  
6 INVOLVEMENT WITH THE CHILD SAFETY SYSTEM.

7 (c) SYSTEMATIC FACTORS THAT MAY HAVE CONTRIBUTED TO THE CHILD  
8 MALTREATMENT FATALITY OR NEAR FATALITY, INCLUDING THE ADEQUACY OF  
9 INTERAGENCY COORDINATION AND COMMUNICATION.

10 5. IDENTIFY BEST PRACTICES AND SERVICES THAT MAY HAVE PREVENTED THE  
11 CHILD MALTREATMENT FATALITY OR NEAR FATALITY.

12 6. MAINTAIN A PUBLICLY ACCESSIBLE WEBSITE. THE WEBSITE SHALL  
13 INCLUDE:

14 (a) BIOGRAPHICAL INFORMATION FOR ALL MEMBERS OF THE COMMITTEE.

15 (b) ALL ANNUAL REPORTS.

16 (c) REPORTS OF STATUTORY, REGULATORY OR POLICY RECOMMENDATIONS MADE  
17 TO THE LEGISLATURE OR ANY STATE AGENCY AND ANY ACTIONS TAKEN BY THE  
18 LEGISLATURE OR A STATE AGENCY IN RESPONSE TO THESE RECOMMENDATIONS.

19 (d) ANNUAL DATA AND TRENDS ANALYZED AND PRESENTED IN A MANNER  
20 ACCESSIBLE TO THE PUBLIC.

21 7. ANALYZE AND PUBLISH ANNUAL DATA AND TRENDS RELATED TO  
22 OBSERVATIONS MADE DURING INDIVIDUAL FATALITY AND NEAR FATALITY REVIEWS  
23 CONDUCTED DURING THE CURRENT FISCAL YEAR AND FOR EACH PRIOR FISCAL YEAR  
24 FOR WHICH THERE IS DATA. THE COMMITTEE SHALL MAINTAIN A TEN-YEAR  
25 ANALYSIS.

26 8. ON OR BEFORE JUNE 30 OF EACH YEAR, PRODUCE, PUBLISH AND  
27 DISTRIBUTE AN ANNUAL CHILD MALTREATMENT FATALITY OR NEAR FATALITY REPORT  
28 THAT INCLUDES ALL OF THE FOLLOWING:

29 (a) INFORMATION THAT DETAILS THE SPECIFIC FACTS AND CIRCUMSTANCES  
30 OF EACH CASE INVOLVING A CHILD MALTREATMENT FATALITY OR NEAR FATALITY  
31 DURING THE PRIOR YEAR AND THE SERVICES AND RESOURCES PROVIDED TO THE  
32 CHILD, THE CHILD'S SIBLINGS, THE CHILD'S PARENTS, GUARDIANS OR CAREGIVERS  
33 AND HOUSEHOLD MEMBERS.

34 (b) A CASE-SPECIFIC SYSTEMATIC REVIEW OF THE FACTS AND FINDINGS  
35 HIGHLIGHTING THE SYSTEM'S STRENGTHS, SUCCESSSES, WEAKNESSES AND FAILURES.

36 (c) LONGITUDINAL DATA IDENTIFYING COMMONLY OCCURRING CIRCUMSTANCES  
37 RELATED TO FATALITIES AND NEAR FATALITIES AND THE SERVICES BEING OFFERED  
38 TO THE CHILD OR THE CHILD'S FAMILY AND BEING RECEIVED BY THE CHILD OR THE  
39 CHILD'S FAMILY.

40 (d) SPECIFIC RECOMMENDATIONS FOR IMPROVING STATUTES, RULES AND  
41 POLICIES BASED ON THE REVIEWS CONDUCTED DURING THE PRECEDING YEAR. THESE  
42 RECOMMENDATIONS SHALL ADDRESS ALL ASPECTS OF CHILD PROTECTION AND SHALL  
43 FOLLOW UP ON RECOMMENDATIONS FROM PRIOR REPORTS.

1 (e) A LIST OF ALL RECOMMENDATIONS THAT WERE SUBMITTED TO THE  
2 DEPARTMENT, A STATE AGENCY AND THE LEGISLATURE ALONG WITH THE RESPONSES  
3 RECEIVED.

4 (f) AN ANALYSIS OF FISCAL TRENDS.

5 9. POST THE ANNUAL CHILD FATALITY OR NEAR FATALITY REPORT ON THE  
6 COMMITTEE'S WEBSITE. THE REPORT SHALL NOT CONTAIN ANY PERSONAL  
7 IDENTIFYING INFORMATION. THE REPORT SHALL BE EASILY ACCESSIBLE ON THE  
8 WEBSITE.

9 10. SUBMIT A COPY OF THE ANNUAL CHILD FATALITY OR NEAR FATALITY  
10 REPORT TO THE GOVERNOR, THE SECRETARY OF STATE, THE PRESIDENT OF THE  
11 SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE COCHAIRPERSONS OF  
12 THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON THE DEPARTMENT OF CHILD  
13 SAFETY, THE DIRECTOR OF THE DEPARTMENT OF CHILD SAFETY, THE DIRECTOR OF  
14 THE DEPARTMENT OF HEALTH SERVICES AND THE DIRECTOR OF THE DEPARTMENT OF  
15 ECONOMIC SECURITY.

16 41-814. Access to records and information; confidentiality;  
17 violation; classification

18 A. THE COMMITTEE SHALL HAVE ONGOING ACCESS TO COMPLETE AND  
19 UNREDACTED RECORDS IN THE CUSTODY OF THE DEPARTMENT AND DIRECT REMOTE  
20 ACCESS TO ANY AUTOMATED CASE MANAGEMENT SYSTEM USED BY THE DEPARTMENT.

21 B. THE COMMITTEE SHALL HAVE ACCESS TO RELEVANT RECORDS AND  
22 INFORMATION CREATED BY ANY STATE AGENCY, EDUCATIONAL INSTITUTION OR  
23 MEDICAL PROVIDER OF THE CHILD, THE CHILD'S SIBLINGS, THE CHILD'S PARENTS,  
24 GUARDIANS OR CAREGIVERS AND HOUSEHOLD MEMBERS.

25 C. ON REQUEST OF THE COMMITTEE CHAIRPERSON OR THE CHAIRPERSON'S  
26 DESIGNEE TO ANY ENTITY OR AGENCY, THE COMMITTEE, WITHIN FIVE DAYS  
27 EXCLUDING WEEKENDS AND HOLIDAYS, SHALL BE PROVIDED WITH ACCESS TO  
28 INFORMATION AND RECORDS REGARDING A CHILD MALTREATMENT FATALITY OR NEAR  
29 FATALITY OR INFORMATION AND RECORDS REGARDING THE CHILD'S SIBLINGS, THE  
30 CHILD'S PARENTS, GUARDIANS OR CAREGIVERS AND HOUSEHOLD MEMBERS.

31 D. A LAW ENFORCEMENT AGENCY, WITH THE APPROVAL OF THE PROSECUTING  
32 ATTORNEY, MAY WITHHOLD INVESTIGATIVE RECORDS THAT INTERFERE WITH A PENDING  
33 CRIMINAL INVESTIGATION OR PROSECUTION.

34 E. THE COMMITTEE CHAIRPERSON OR THE CHAIRPERSON'S DESIGNEE MAY  
35 APPLY TO THE SUPERIOR COURT FOR A SUBPOENA AS NECESSARY TO COMPEL THE  
36 PRODUCTION OF BOOKS, RECORDS, DOCUMENTS AND OTHER EVIDENCE RELATED TO A  
37 CHILD MALTREATMENT FATALITY OR A NEAR FATALITY. SUBPOENAS ISSUED SHALL BE  
38 SERVED AND, ON APPLICATION TO THE COURT BY THE CHAIRPERSON OR THE  
39 CHAIRPERSON'S DESIGNEE, ENFORCED IN THE MANNER PROVIDED BY LAW FOR THE  
40 SERVICE AND ENFORCEMENT OF SUBPOENAS. A LAW ENFORCEMENT AGENCY IS NOT  
41 REQUIRED TO PRODUCE THE INFORMATION REQUESTED UNDER THE SUBPOENA IF THE  
42 SUBPOENAED EVIDENCE RELATES TO A PENDING CRIMINAL INVESTIGATION OR  
43 PROSECUTION.

44 F. ALL INFORMATION AND RECORDS ACQUIRED BY THE COMMITTEE ARE  
45 CONFIDENTIAL AND ARE NOT SUBJECT TO SUBPOENA, DISCOVERY OR INTRODUCTION

1 INTO EVIDENCE IN ANY CIVIL OR CRIMINAL PROCEEDING, EXCEPT THAT  
2 INFORMATION, DOCUMENTS AND RECORDS OTHERWISE AVAILABLE FROM OTHER SOURCES  
3 ARE NOT IMMUNE FROM SUBPOENA, DISCOVERY OR INTRODUCTION INTO EVIDENCE  
4 THROUGH THOSE SOURCES SOLELY BECAUSE THEY WERE PRESENTED TO OR REVIEWED BY  
5 THE COMMITTEE.

6 G. MEMBERS OF THE COMMITTEE, PERSONS ATTENDING A COMMITTEE MEETING  
7 AND PERSONS WHO PRESENT INFORMATION TO THE COMMITTEE MAY NOT BE QUESTIONED  
8 IN ANY CIVIL OR CRIMINAL PROCEEDING REGARDING INFORMATION PRESENTED IN OR  
9 OPINIONS FORMED AS A RESULT OF A MEETING. THIS SUBSECTION DOES NOT  
10 PREVENT A PERSON FROM TESTIFYING TO INFORMATION THAT IS OBTAINED  
11 INDEPENDENTLY OF THE TEAM OR THAT IS PUBLIC INFORMATION.

12 H. COMMITTEE MEETINGS IN WHICH THE COMMITTEE IS REVIEWING THE FACTS  
13 AND CIRCUMSTANCES OF A CHILD MALTREATMENT FATALITY OR NEAR FATALITY ARE  
14 CLOSED TO THE PUBLIC AND ARE NOT SUBJECT TO TITLE 38, CHAPTER 3,  
15 ARTICLE 3.1. ALL OTHER TEAM MEETINGS ARE OPEN TO THE PUBLIC.

16 I. A PERSON WHO VIOLATES THE CONFIDENTIALITY REQUIREMENTS OF THIS  
17 SECTION IS GUILTY OF A CLASS 2 MISDEMEANOR.

18 41-815. Committee access to case records

19 THE DEPARTMENT OF CHILD SAFETY SHALL NOTIFY THE COMMITTEE WITHIN  
20 FORTY-EIGHT HOURS AFTER CONFIRMING THE FACT THAT A CHILD SUFFERED A  
21 FATALITY OR NEAR FATALITY AS A RESULT OF ABUSE, ABANDONMENT OR NEGLECT.  
22 ON REQUEST OF THE COMMITTEE, THE DEPARTMENT, WITHIN FIVE DAYS, EXCLUDING  
23 WEEKENDS AND HOLIDAYS, SHALL PROVIDE THE COMMITTEE ACCESS TO COMPLETE AND  
24 UNREDACTED RECORDS RELATED TO THE CASE UNDER REVIEW, UNLESS EXPRESSLY  
25 PROHIBITED BY LAW.

26 Sec. 5. Section 41-3024.14, Arizona Revised Statutes, is amended to  
27 read:

28 41-3024.14. Department of administration; termination July 1,  
29 2024

30 A. The department of administration terminates on July 1, 2024.

31 B. Title 41, chapter 4, articles 1, 2, 3, 4, 5, ~~and~~ 7 and 8 AND  
32 title 18, chapter 1 are repealed on January 1, 2025.

33 Sec. 6. Initial terms of independent maltreatment fatality  
34 and near fatality oversight committee

35 A. Notwithstanding section 41-812, Arizona Revised Statutes, as  
36 added by this act, the initial terms of members of the independent  
37 maltreatment fatality and near fatality oversight committee who are  
38 appointed pursuant to section 41-812, subsection A, paragraph 2, Arizona  
39 Revised Statutes, as added by this act, are:

- 40 1. Three terms ending January 1, 2027.
- 41 2. Three terms ending January 1, 2028.
- 42 3. Three terms ending January 1, 2029.

43 B. The director of the department of administration shall make all  
44 subsequent appointments as prescribed by statute.

1           Sec. 7. Purpose

2           Pursuant to section 41-2955, subsection E, Arizona Revised Statutes,  
3 the legislature establishes the independent maltreatment fatality and near  
4 fatality oversight committee to review fatalities and near fatalities  
5 resulting from abuse and neglect and to lead to greater understanding of  
6 the causes of and methods of preventing maltreatment fatalities or near  
7 fatalities.

8           Sec. 8. Effective date

9           This act is effective from and after June 30, 2025.