

PROPOSED

SENATE AMENDMENTS TO H.B. 2447

(Reference to House engrossed bill)

1 Page 1, between lines 1 and 2, insert:

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 reasonable
7 support and to maintain regular contact with the child, including providing
8 normal supervision. Abandoned includes a judicial finding that a parent
9 has made only minimal efforts to support and communicate with the
10 child. Failure to maintain a normal parental relationship with the child
11 without just cause for a period of six months constitutes prima facie
12 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 and
18 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 13-1404,
21 sexual conduct with a minor pursuant to section 13-1405, sexual assault
22 pursuant to section 13-1406, molestation of a child pursuant to section
23 13-1410, commercial sexual exploitation of a minor pursuant to section
24 13-3552, sexual exploitation of a minor pursuant to section 13-3553, incest

1 pursuant to section 13-3608 or child sex trafficking pursuant to section
2 13-3212.

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

7 (c) Unreasonable confinement of a child.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 12. "Delinquent act" means an act by a juvenile that if committed by
14 an adult would be a criminal offense or a petty offense, a violation of any
15 law of this state, or of another state if the act occurred in that state,
16 or a law of the United States, or a violation of any law that can only be
17 violated by a minor and that has been designated as a delinquent offense,
18 or any ordinance of a city, county or political subdivision of this state
19 defining crime. Delinquent act does not include an offense under section
20 13-501, subsection A or B if the offense is filed in adult court. Any
21 juvenile who is prosecuted as an adult or who is remanded for prosecution
22 as an adult shall not be adjudicated as a delinquent juvenile for the same
23 offense.

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

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

27 15. "Dependent child":

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

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

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

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

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

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

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

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

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

20 18. "Health professional" has the same meaning prescribed in section
21 32-3201.

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

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

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

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

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

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

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

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

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

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

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

13 (a) Means a psychiatrist, or licensed physician experienced in
14 psychiatric matters, who is designated in writing by the governing body of
15 the agency as the person in charge of the medical services of the agency,
16 or a psychiatrist designated by the governing body to act for the
17 director.

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

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

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

25 (a) The inability or unwillingness of a parent, guardian or
26 custodian of a child to provide that child with supervision, food,
27 clothing, shelter or medical care if that inability or unwillingness causes
28 substantial risk of harm to the child's health or welfare, except if the
29 inability of a parent, guardian or custodian to provide services to meet
30 the needs of a child with a disability or chronic illness is solely the
31 result of the unavailability of reasonable services.

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

5 (c) A determination by a health professional that a newborn infant
6 was exposed prenatally to a drug or substance listed in section 13-3401 and
7 that this exposure was not the result of a medical treatment administered
8 to the mother or the newborn infant by a health professional. This
9 subdivision does not expand a health professional's duty to report neglect
10 based on prenatal exposure to a drug or substance listed in section 13-3401
11 beyond the requirements prescribed pursuant to section 13-3620,
12 subsection E. The determination by the health professional shall be based
13 on one or more of the following:

14 (i) Clinical indicators in the prenatal period including maternal
15 and newborn presentation.

16 (ii) History of substance use or abuse.

17 (iii) Medical history.

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

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

23 (e) Deliberate exposure of a child by a parent, guardian or
24 custodian to sexual conduct as defined in section 13-3551 or to sexual
25 contact, oral sexual contact or sexual intercourse as defined in section
26 13-1401, bestiality as prescribed in section 13-1411 or explicit sexual
27 materials as defined in section 13-3507.

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

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

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

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

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

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

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

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

9 29. "Protective supervision" means supervision that is ordered by
10 the juvenile court of children who are found to be dependent or
11 incorrigible.

12 30. "Qualified young adult" means a former dependent child who is at
13 least eighteen years of age and not over twenty-one years of age, who meets
14 the criteria for an extended foster care program pursuant to section
15 8-521.02 and who signs a voluntary agreement to participate in the program.

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

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

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

25 (a) Seriously impairs mental faculties.

26 (b) Causes serious anxiety, depression, withdrawal or social
27 dysfunction behavior to the extent that the child suffers dysfunction that
28 requires treatment.

29 (c) Is the result of sexual abuse pursuant to section 13-1404,
30 sexual conduct with a minor pursuant to section 13-1405, sexual assault
31 pursuant to section 13-1406, molestation of a child pursuant to section
32 13-1410, child sex trafficking pursuant to section 13-3212, commercial

1 sexual exploitation of a minor pursuant to section 13-3552, sexual
2 exploitation of a minor pursuant to section 13-3553 or incest pursuant to
3 section 13-3608.

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

- 6 (a) Creates a reasonable risk of death.
- 7 (b) Causes serious or permanent disfigurement.
- 8 (c) Causes significant physical pain.
- 9 (d) Causes serious impairment of health.
- 10 (e) Causes the loss or protracted impairment of an organ or limb.
- 11 (f) Is the result of sexual abuse pursuant to section 13-1404,

12 sexual conduct with a minor pursuant to section 13-1405, sexual assault
13 pursuant to section 13-1406, molestation of a child pursuant to section
14 13-1410, child sex trafficking pursuant to section 13-3212, commercial
15 sexual exploitation of a minor pursuant to section 13-3552, sexual
16 exploitation of a minor pursuant to section 13-3553 or incest pursuant to
17 section 13-3608.

18 35. "Shelter care" means the temporary care of a child in any public
19 or private facility or home that is licensed by this state and that offers
20 a physically nonsecure environment that is characterized by the absence of
21 physically restricting construction or hardware and that provides the child
22 access to the surrounding community.

23 36. "STANDARDIZED HOTLINE ASSESSMENT TOOL" MEANS ANY WRITTEN TOOL
24 USED TO MAKE A DETERMINATION THAT THE ALLEGATION OF ABUSE OR NEGLECT THAT
25 IS THE SUBJECT OF A REPORT RECEIVED PURSUANT TO SECTION 8-455 INVOLVES
26 CONDUCT THAT WARRANTS INVESTIGATION BY THE DEPARTMENT PURSUANT TO SECTION
27 8-456.

28 ~~36.~~ 37. "Young adult administrative review" means an administrative
29 review of a voluntary extended foster care case plan with the qualified
30 young adult, the department's case specialist or designee, an independent
31 party who is not responsible for the case management of or the delivery of

1 services to the qualified young adult and any other individual the young
2 adult invites.

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

4 8-455. Centralized intake hotline; purposes; report of
5 possible crime; DCS report; risk assessment tools;
6 access to information; public awareness; definitions

7 A. The department shall operate and maintain a centralized intake
8 hotline to protect children by receiving at all times communications
9 concerning suspected abuse or neglect. If a person communicates suspected
10 abuse or neglect to a department employee other than through the hotline,
11 the employee shall refer the person or communication to the hotline.

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

14 1. Record communications made concerning suspected abuse or neglect.

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

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

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

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

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

31 1. The suspected conduct would constitute abuse or neglect. **IF THE**
32 **SUSPECTED CONDUCT INVOLVES NEGLECT AS DEFINED IN SECTION 8-201, PARAGRAPH**

1 25, SUBDIVISION (c) AND A HEALTH PROFESSIONAL DETERMINES THAT THE NEWBORN
2 INFANT WAS EXPOSED PRENATALLY TO CANNABIS AS DEFINED IN SECTION 13-3401,
3 THE DEPARTMENT SHALL CONDUCT AN INVESTIGATION TO DETERMINE IF THE MOTHER IS
4 A QUALIFYING PATIENT AS DEFINED IN SECTION 36-2801 AND POSSESSES A VALID
5 REGISTRY IDENTIFICATION CARD ISSUED PURSUANT TO SECTION 36-2804.03.

6 2. The suspected victim of the conduct is under eighteen years of
7 age.

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

10 4. The person suspected of committing the abuse or neglect is the
11 parent, guardian or custodian of the victim or an adult member of the
12 victim's household.

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

15 1. The suspected conduct occurred more than three years before the
16 communication to the hotline.

17 2. There is no information or indication that a child is currently
18 being abused or neglected.

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

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

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

27 1. Whether the suspected conduct constitutes abuse or neglect and
28 the severity of the suspected abuse or neglect.

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

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

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

4 1. The name, address or contact information for the person making
5 the communication.

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

9 3. The name, address and other location or contact information for
10 the child.

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

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

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

21 K. A representative of the:

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

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

26 L. The department shall publicize the availability and the purposes
27 of the centralized intake hotline.

28 M. For the purposes of this section:

29 1. "Centralized intake hotline" means the system developed pursuant
30 to this section regardless of the communication methods or technologies
31 used to implement the system.

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

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

6 8-458. Inspections bureau; monitoring and evaluation; quality
7 assurance process

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

10 1. Ensure that department policies and procedures are being followed
11 by all staff in accordance with federal and state law.

12 2. Promptly notify the director of department actions that
13 constitute a significant violation of policy or state or federal law.

14 B. The inspections bureau shall monitor specific programs and
15 services and shall continuously improve the practices of the department.
16 Monitoring and evaluation:

17 1. May be by formal audits, various levels of inspections, program
18 evaluation and any other quality assurance activity deemed appropriate by
19 the director.

20 2. Must include suggestions for policy changes and evaluation of
21 best practices and programming.

22 C. THE INSPECTIONS BUREAU SHALL ISSUE A REPORT THAT CLEARLY STATES
23 THE JUSTIFICATION FOR ANY PROPOSED CHANGE IN A STANDARDIZED HOTLINE
24 ASSESSMENT TOOL THAT IS NOT A RESULT OF LEGISLATIVE ACTION OR AN ADOPTED
25 ADMINISTRATIVE RULE. THE INSPECTIONS BUREAU SHALL SUBMIT THIS REPORT TO
26 THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON THE DEPARTMENT OF CHILD SAFETY
27 ESTABLISHED BY SECTION 41-1292 AT LEAST THIRTY DAYS BEFORE THE PROPOSED
28 CHANGE IN A STANDARDIZED HOTLINE ASSESSMENT TOOL IS IMPLEMENTED.

29 ~~C.~~ D. The department shall establish a quality assurance process
30 and methodology by which data-based decisions are made. This process must
31 include consistently measuring process outcomes and examining current
32 practices through quality assurance activities. The department shall use

1 this quality assurance data to establish appropriate programs and improve
2 practices within the department.

3 ~~E.~~ E. If possible, the inspections bureau shall attempt to correct
4 the problems at the immediate level by coaching, mentoring and teaching
5 employees who are present during the inspection.

6 ~~F.~~ F. The inspections bureau shall have access to all records and
7 information of the department necessary to carry out this section.

8 Sec. 4. Title 8, chapter 4, article 1, Arizona Revised Statutes, is
9 amended by adding section 8-469, to read:

10 8-469. Child welfare agencies; foster homes; group foster
11 homes; proposed rate increases; expenditure review

12 BEFORE THE DEPARTMENT INCREASES THE CHILD PLACEMENT RATE FOR A CHILD
13 WELFARE AGENCY, FOSTER HOME OR GROUP FOSTER HOME, THE DEPARTMENT SHALL
14 SUBMIT THE PROPOSED CHILD PLACEMENT RATE INCREASE TO THE JOINT LEGISLATIVE
15 BUDGET COMMITTEE FOR REVIEW. THE DEPARTMENT SHALL SUBMIT THE PROPOSED
16 INCREASE IN THE CHILD PLACEMENT RATE TO THE JOINT LEGISLATIVE BUDGET
17 COMMITTEE IN THE FISCAL YEAR IN WHICH THE PROPOSED CHILD PLACEMENT RATE
18 INCREASE IS TO TAKE EFFECT.

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

20 8-807. DCS information; public record; use; confidentiality;
21 violation; classification

22 A. DCS information shall be maintained by the department as required
23 by federal law as a condition of the allocation of federal monies to this
24 state. All exceptions for the public release of DCS information shall be
25 construed as openly as possible under federal law.

26 B. The department, or a person who receives DCS information pursuant
27 to this subsection, shall provide DCS information to a federal agency, a
28 state agency, a tribal agency, a county or municipal agency, a law
29 enforcement agency, a prosecutor, an attorney or a guardian ad litem
30 representing a child victim of crime pursuant to article II, section 2.1,
31 Constitution of Arizona, a school, a community service provider, a contract

1 service provider or any other person that is providing services pursuant to
2 this article or article 9, 10, 11, 12, 13 or 14 of this chapter:

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

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

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

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

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

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

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

24 F. The department may provide:

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

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

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

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

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

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

14 I. To provide oversight of the department, the department shall
15 provide access to DCS information to the following persons, if the DCS
16 information is reasonably necessary for the person to perform the person's
17 official duties:

18 1. Federal or state auditors.

19 2. Persons conducting any accreditation deemed necessary by the
20 department.

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

29 4. A legislator who requests DCS information in the regular course
30 of the legislator's duties. A legislator may discuss this information with
31 another legislator ~~if the other legislator has signed the form prescribed~~
32 ~~in subdivision (d) of this paragraph in regard to the specific file that~~

1 ~~will be discussed~~. This information shall not be further disclosed unless
2 a court has ordered the disclosure of this information, the information has
3 been disclosed in a public or court record, or the information has been
4 disclosed in the course of a public meeting or court proceeding. To
5 request a file pursuant to this paragraph:

6 (a) The legislator shall submit a written request for DCS
7 information to the presiding officer of the body of which the state
8 legislator is a member. The request shall state the name of the person
9 whose case file is to be reviewed and any other information that will
10 assist the department in locating the file. The presiding officer may
11 authorize a legislative staff member to attend with the legislator any
12 meeting to review the file.

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

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

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

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

25 6. An independent oversight committee established pursuant to
26 section 41-3801.

27 7. The governor who shall not disclose any information unless a
28 court has ordered the disclosure of the information, the information has
29 been disclosed in a public or court record or the information has been
30 disclosed in the course of a public meeting or court proceeding.

31 J. A person who has been denied DCS information regarding a fatality
32 or near fatality caused by abuse, abandonment or neglect pursuant to

1 subsection L of this section or section 8-807.01 may bring a special action
2 pursuant to section 39-121.02 in the superior court to order the department
3 to release that DCS information. A legislator has standing to bring or to
4 join a special action regarding the release of DCS information or to
5 challenge the redaction of released DCS information. The plaintiff shall
6 provide notice to the county attorney, who has standing and may participate
7 in the action. The court shall review the requested records in camera and
8 order disclosure consistent with subsections A and L of this section and
9 section 8-807.01. The court shall take reasonable steps to prevent any
10 clearly unwarranted invasions of privacy and protect the privacy and
11 dignity of victims of crime pursuant to article II, section 2.1, subsection
12 C, Constitution of Arizona.

13 K. The department or a person who is not specifically authorized by
14 this section to obtain DCS information may petition a judge of the superior
15 court to order the department to release DCS information. The plaintiff
16 shall provide notice to the county attorney and to the attorney and
17 guardian ad litem for the child, who have standing and may participate in
18 the action. The court shall review the requested records in camera and
19 shall balance the rights of the parties who are entitled to confidentiality
20 pursuant to this section against the rights of the parties who are seeking
21 the release of the DCS information. The court may release otherwise
22 confidential DCS information only if the rights of the parties seeking the
23 DCS information and any benefits from releasing the DCS information
24 outweigh the rights of the parties who are entitled to confidentiality and
25 any harm that may result from releasing the DCS information. The court
26 shall take reasonable steps to prevent any clearly unwarranted invasions of
27 privacy and protect the privacy and dignity of victims of crime pursuant to
28 article II, section 2.1, subsection C, Constitution of Arizona.

29 L. Except as provided in subsection M of this section, before it
30 releases records under this section or section 8-807.01, the department
31 shall take whatever precautions it determines are reasonably necessary to
32 protect the identity and safety of a person who reports child abuse or

1 neglect and to protect any other person if the department believes that
2 disclosure of the DCS information would be likely to endanger the life or
3 safety of any person. The department is not required by this section to
4 disclose DCS information if the department demonstrates that disclosure
5 would cause a specific, material harm to a department investigation. The
6 department is not required by this section to disclose DCS information if,
7 in consultation with the county attorney, the county attorney demonstrates
8 that disclosure would cause a specific, material harm to a criminal
9 investigation or prosecution.

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

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

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

1 concerns a child the prospective adoptive parent, foster parent or guardian
2 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.

1 X. A person who violates this section is guilty of a class 2
2 misdemeanor."

3 Renumber to conform

4 Page 1, line 6, strike "State foster care review board" insert "Department of
5 child safety"

6 Between lines 10 and 11, insert:

7 "Sec. 8. Department of child safety; child placement rate
8 increases; report

9 On or before November 1, 2024, the department of child safety shall
10 submit to the joint legislative budget committee a report that details all
11 requests for increases in the child placement rate for a child welfare
12 agency, a foster home and a group foster home that the department received
13 as of January 1, 2023 and the department's justification for approval or
14 denial of the increase in the child welfare agency's, foster home's or
15 group foster home's request for a child placement rate increase."

16 Renumber to conform

17 Line 17, strike "1 and 2" insert "6 and 7"

18 Amend title to conform

THOMAS "T.J." SHOPE

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