

REFERENCE TITLE: DCS; investigations; interviews; recording

State of Arizona  
House of Representatives  
Fifty-seventh Legislature  
First Regular Session  
2025

## **HB 2436**

Introduced by  
Representative Gress

AN ACT

AMENDING SECTION 8-456, ARIZONA REVISED STATUTES; APPROPRIATING MONIES;  
RELATING TO THE DEPARTMENT OF CHILD SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-456, Arizona Revised Statutes, is amended to  
3 read:

4 8-456. Investigative function; training; voice stress  
5 analysis; recordings; criminal offenses; definitions

6 A. The department shall train all investigators in forensic  
7 interviewing and processes and the protocols established pursuant to  
8 section 8-817. The training must include:

9 1. An evidence-informed safety assessment model to assess the  
10 safety of a child.

11 2. The duty to protect the legal and due process rights of children  
12 and families from the time of the initial contact through case closure.

13 3. Instruction on a child's rights as a crime victim and  
14 instruction on the legal rights of parents.

15 4. A checklist or other mechanism to assist the investigator in  
16 giving consideration to the relevant factors in each investigation.

17 B. The office of child welfare investigations shall investigate DCS  
18 reports that contain a criminal conduct allegation as provided in sections  
19 8-471 and 8-817.

20 C. The department shall use an evidence-informed safety assessment  
21 model to assess the safety of a child.

22 D. After receiving a DCS report from the centralized intake hotline  
23 pursuant to section 8-455, an investigator shall do all of the following:

24 1. Make a prompt and thorough investigation. An investigation must  
25 evaluate and determine the nature, extent and cause of any condition  
26 created by the parents, guardian or custodian, an adult member of the  
27 victim's household or an employee of a child welfare agency where the  
28 child is placed that is licensed by and contracted with the department  
29 that would tend to support or refute the allegation that the child is a  
30 victim of abuse or neglect and determine the name, age and condition of  
31 other children in the home. If an investigator has sufficient information  
32 to determine that the child is not a victim of abuse or neglect, the  
33 investigator may close the investigation.

34 2. If required by section 8-821 and subject to section 8-471, take  
35 a child into temporary custody. Law enforcement officers shall cooperate  
36 with the department to remove a child from the custody of the child's  
37 parents, guardian or custodian when necessary.

38 E. The department may not use covert voice stress analysis during  
39 an investigation to determine if abuse or neglect exists. The department  
40 may not use overt voice stress analysis during an investigation unless the  
41 person on whom the analysis is used gives informed consent. Results of  
42 computer voice stress analysis are not admissible in court.

43 F. After an investigation, an investigator shall:

44 1. Determine whether any child is in need of child safety services  
45 consistent with the evaluation and determination made pursuant to  
46 subsection D of this section.

1           2. If appropriate pursuant to section 8-846, offer to the family of  
2 any child who is found to be a child in need of child safety services  
3 those services that are designed to correct unresolved problems that would  
4 indicate a reason to adjudicate the child dependent.

5           3. Submit a written report of the investigator's investigation to:

6           (a) The department's case management information system within a  
7 reasonable amount of time that does not exceed forty-five days after  
8 receipt of the DCS report except as provided in section 8-811. If the  
9 investigation involves allegations regarding a child who at the time of  
10 the alleged incident was in the custody of a child welfare agency licensed  
11 by the department under this title, a copy of the report and any  
12 additional investigative or other related reports must be provided to the  
13 board of directors of the agency or to the administrative head of the  
14 agency unless the incident is alleged to have been committed by the  
15 person. The department shall excise all information with regard to the  
16 identity of the source of the reports.

17           (b) The appropriate court forty-eight hours before a dependency  
18 hearing pursuant to a petition of dependency or within twenty-one days  
19 after a petition of dependency is filed, whichever is earlier. On receipt  
20 of the report the court shall make the report available to all parties and  
21 counsel.

22           4. Accept a child into voluntary placement pursuant to section  
23 8-806.

24           5. Identify, promptly obtain and abide by court orders that  
25 restrict or deny custody, visitation or contact by a parent or other  
26 person in the home with the child and notify appropriate personnel in the  
27 department to preclude violations of a court order in the provision of any  
28 services.

29           G. In conducting an investigation pursuant to this section, if the  
30 investigator is made aware that an allegation of abuse or neglect may also  
31 have been made in another state, the investigator shall contact the  
32 appropriate agency in that state to attempt to determine the outcome of  
33 any investigation of that allegation.

34           H. If an investigation indicates a reason to believe that a  
35 criminal offense has been committed, the investigator shall immediately  
36 provide the information to the appropriate law enforcement agency and the  
37 office of child welfare investigations, unless the information was  
38 previously provided pursuant to section 8-455.

39           I. THE DEPARTMENT SHALL AUDIOTAPE OR VIDEOTAPE ANY INTERVIEW THAT  
40 THE DEPARTMENT CONDUCTS WITH A CHILD PURSUANT TO THIS SECTION UNLESS  
41 EITHER OF THE FOLLOWING OCCURS:

42           1. THE RECORDING EQUIPMENT MALFUNCTIONS AND THE MALFUNCTION IS NOT  
43 THE RESULT OF A FAILURE TO MAINTAIN THE EQUIPMENT OR PROVIDE ADEQUATE  
44 SUPPLIES FOR THE EQUIPMENT.

1           2. DUE TO CIRCUMSTANCES THAT COULD NOT HAVE BEEN REASONABLY  
2 FORESEEN BY THE DEPARTMENT, THE DEPARTMENT DOES NOT HAVE THE NECESSARY  
3 RECORDING EQUIPMENT.

4           J. A PERSON WHO IS CHARGED WITH A CRIMINAL OFFENSE INVOLVING ABUSE  
5 OR NEGLECT OF A CHILD DOES NOT HAVE STANDING TO OBJECT TO THE DEPARTMENT'S  
6 FAILURE TO COMPLY WITH SUBSECTION I OF THIS SECTION. THE DEPARTMENT'S  
7 FAILURE TO COMPLY WITH SUBSECTION I OF THIS SECTION IS NOT GROUNDS FOR  
8 PRECLUDING STATEMENTS MADE BY A CHILD DURING AN INTERVIEW THAT ARE  
9 OTHERWISE ADMISSIBLE IN A CRIMINAL OR DEPENDENCY PROCEEDING.

10          K. ANY PARTY TO A CHILD WELFARE FORENSIC INTERVIEW MAY AUDIOTAPE OR  
11 VIDEOTAPE THE INTERVIEW.

12          L. BEGINNING IN FISCAL YEAR 2026-2027 AND EACH FISCAL YEAR  
13 THEREAFTER, THE SUM OF \$1,000,000 IS APPROPRIATED TO THE DEPARTMENT OF  
14 CHILD SAFETY FOR THE PURCHASE AND MAINTENANCE OF AUDIO AND VIDEO RECORDING  
15 EQUIPMENT FOR RECORDING INTERVIEWS PURSUANT TO SUBSECTION I OF THIS  
16 SECTION.

17          ~~I.~~ M. Except in judicial proceedings, a parent or legal guardian  
18 may not be prohibited from recording conversations with the department  
19 pursuant to this section.

20          ~~J.~~ N. Before implementing a new safety assessment model, the  
21 department shall present the proposed change to the joint legislative  
22 oversight committee on the department of child safety established by  
23 section 41-1292 or to the committees with jurisdiction over the department  
24 in the senate and house of representatives.

25          ~~K.~~ O. For the purposes of this section:

26           1. "CHILD WELFARE FORENSIC INTERVIEW" MEANS A DOCUMENTED INTERVIEW  
27 WITH ANY RELEVANT PARTY, INCLUDING A CHILD OR AN ADULT, THAT IS CONDUCTED  
28 BY THE DEPARTMENT PURSUANT TO THIS SECTION IN ORDER TO ELICIT INFORMATION  
29 REGARDING CONCERNS OF ABUSE, NEGLECT OR VIOLENCE.

30           ~~L.~~ 2. "Evidence-informed" means based on the best available child  
31 welfare research and practice information.

32           ~~M.~~ 3. "Investigator" means an employee of the department who  
33 investigates allegations of abuse or neglect pursuant to a DCS report.

34          Sec. 2. Appropriation; department of child safety; recording  
35 equipment; exemption

36          A. The sum of \$3,500,000 is appropriated from the state general  
37 fund in fiscal year 2025-2026 to the department of child safety for the  
38 purchase and maintenance of audio and video recording equipment for  
39 recording of interviews pursuant to section 8-456, Arizona Revised  
40 Statutes, as amended by this act.

41          B. The appropriation made in subsection A of this section is exempt  
42 from the provisions of section 35-190, Arizona Revised Statutes, relating  
43 to lapsing of appropriations.