

Senate Engrossed

DCS information; central registry; exceptions

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

CHAPTER 160

SENATE BILL 1438

AN ACT

AMENDING SECTION 8-804, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-804.03; AMENDING SECTIONS 8-807, 41-619.54 AND 41-619.57, ARIZONA REVISED STATUTES; 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 8-804, Arizona Revised Statutes, is amended to
3 read:

4 8-804. Central registry; notification; definition

5 A. The department shall maintain a central registry of child abuse
6 and neglect.

7 B. The department shall conduct central registry background checks
8 and shall use the information contained in the central registry only for
9 the following purposes:

10 1. As a factor to determine qualifications for any of the
11 following:

12 (a) Foster home licensing.

13 (b) Adoptive parent certification.

14 (c) Individuals who apply for child welfare agency licensing.

15 (d) Child care home certification.

16 (e) Registration of unregulated child care homes with the child
17 care resource and referral system.

18 (f) Home and community based services certification for services to
19 children or vulnerable adults.

20 (g) An adult who works in a group home, residential treatment
21 center, shelter or other congregate care setting.

22 2. As a factor to determine qualifications for persons who are
23 employed or who are applying for employment with this state in positions
24 that provide direct service to children or vulnerable adults.

25 3. As a factor to determine qualifications for individuals who are
26 employed or who are applying for employment with a child welfare agency in
27 positions that provide direct service to children or vulnerable adults.

28 4. As a factor to determine qualifications for positions that
29 provide direct service to children or vulnerable adults for:

30 (a) Any person who applies for a contract with this state and that
31 person's employees.

32 (b) All employees of a contractor.

33 (c) A subcontractor of a contractor and the subcontractor's
34 employees.

35 (d) Prospective employees of the contractor or subcontractor at the
36 request of the prospective employer.

37 5. To provide information to licensees that do not contract with
38 this state regarding persons who are employed or seeking employment to
39 provide direct services to children pursuant to title 36, chapter 7.1.

40 6. To identify and review reports concerning individual children
41 and families, in order to facilitate the assessment of safety and risk.

42 7. To determine the nature and scope of child abuse and neglect in
43 this state and to provide statewide statistical and demographic
44 information concerning trends in child abuse and neglect.

1 8. To allow comparisons of this state's statistical data with
2 national data.

3 9. To comply with section 8-804.01, subsection B.

4 10. To provide information to licensees described in subsection D
5 of this section regarding persons who are employed or seeking employment
6 to provide direct services to children in a licensed behavioral health
7 residential facility.

8 11. To provide information to licensees regarding persons who are
9 employed or seeking employment in an intermediate care facility for
10 individuals with intellectual disabilities.

11 C. Licensees that do not contract with the state and that employ
12 persons who provide direct services to children pursuant to title 36,
13 chapter 7.1 must submit to the department of child safety in a manner
14 prescribed by the department of child safety information necessary to
15 conduct central registry background checks. The department of health
16 services shall verify whether licensees, pursuant to title 36, chapter
17 7.1, have complied with the requirements of this subsection and any rules
18 adopted by the department of health services to implement this subsection.

19 D. Licensees that do not contract with this state, that contract
20 with the federal government, that receive only federal monies and that
21 employ persons who provide direct services to children in a licensed
22 behavioral health residential facility pursuant to title 36, chapter 4
23 must submit to the department of child safety in a manner prescribed by
24 the department of child safety information necessary to conduct central
25 registry background checks. The department of child safety may charge a
26 fee to licensees to conduct central registry background checks pursuant to
27 this subsection. The department of health services shall verify whether
28 the licensees, pursuant to title 36, chapter 4, have complied with the
29 requirements of this subsection.

30 E. Licensees that employ persons to provide direct care in an
31 intermediate care facility for individuals with intellectual disabilities
32 must submit to the department of child safety in a manner prescribed by
33 the department of child safety information necessary to conduct central
34 registry background checks. The department of health services shall
35 verify whether the licensees, pursuant to title 36, chapter 4, comply with
36 the requirement of this subsection.

37 F. The department shall maintain entries in the central registry in
38 accordance with the rules adopted pursuant to section 8-804.02 for not
39 more than twenty-five years after the date of a court finding of abuse or
40 neglect.

41 G. At least monthly the department shall purge central registry
42 entries pursuant to the time frames established by rules adopted pursuant
43 to section 8-804.02.

44 H. Any person who was the subject of a department investigation may
45 request confirmation that the department has purged information about the

1 person pursuant to subsection G of this section. On receipt of this
2 request, the department shall provide the person with written confirmation
3 that the department has no record containing identifying information about
4 that person.

5 I. The department shall notify a person, contractor or licensee
6 identified in subsection B, paragraph 4, subdivisions (a), (b) and (c) and
7 subsection B, paragraphs 5, 10 and 11 of this section who is disqualified
8 because of a central registry check conducted pursuant to subsection B of
9 this section that the person may apply to the board of fingerprinting for
10 a central registry exception pursuant to section 41-619.57.

11 J. Before being employed in a position that provides direct
12 services to children or vulnerable adults pursuant to subsection B,
13 paragraphs 4, 5, 10 and 11 or subsections C, D and E of this section,
14 employees shall certify, under penalty of perjury, on forms that are
15 provided by the department whether an allegation of abuse or neglect was
16 made against them and was placed on the central registry. The forms are
17 confidential. If this certification does not indicate a current
18 investigation or a substantiated report of abuse or neglect, the employee
19 may provide direct services pending the findings of the central registry
20 check.

21 K. A person who is granted a central registry exception pursuant to
22 section 41-619.57 is not entitled to a contract, employment, licensure,
23 certification or other benefit because the person has been granted a
24 central registry exception.

25 L. An agency of this state that conducts central registry
26 background checks as a factor to determine qualifications for positions
27 that provide direct services to children or vulnerable adults shall
28 publish a list of disqualifying acts of abuse or neglect.

29 M. An agency of this state that conducts central registry
30 background checks may provide information contained in the central
31 registry on all reports of child abuse and neglect that are substantiated
32 and the outcomes of the investigations of the reports to carry out this
33 section. Identifying information regarding any person other than the
34 perpetrator may not be released. Information received pursuant to this
35 section may not be further disseminated unless authorized by law or court
36 order.

37 N. The department may enter into an agreement with another state
38 agency to allow that agency to conduct the central registry background
39 checks required by this section.

40 O. THE DEPARTMENT SHALL PROVIDE ALL INFORMATION IN THE CENTRAL
41 REGISTRY TO THE BOARD OF FINGERPRINTING PURSUANT TO SECTION 8-804.03.

42 ~~O~~ P. For the purposes of this section, "intermediate care
43 facility for individuals with intellectual disabilities" has the same
44 meaning prescribed in section 36-551.

1 Sec. 2. Title 8, chapter 4, article 8, Arizona Revised Statutes, is
2 amended by adding section 8-804.03, to read:

3 8-804.03. DCS information; central registry information;
4 board of fingerprinting

5 NOTWITHSTANDING ANY OTHER LAW, THE DEPARTMENT SHALL PROVIDE ALL DCS
6 INFORMATION AND ALL INFORMATION IN THE CENTRAL REGISTRY ESTABLISHED
7 PURSUANT TO SECTION 8-804 THAT IS REQUIRED BY THE BOARD OF FINGERPRINTING
8 TO THE BOARD OF FINGERPRINTING FOR THE PURPOSE OF DETERMINING CENTRAL
9 REGISTRY EXCEPTIONS PURSUANT TO SECTION 41-619.57.

10 Sec. 3. Section 8-807, Arizona Revised Statutes, is amended to
11 read:

12 8-807. DCS information; public record; use; confidentiality;
13 violation; classification

14 A. DCS information shall be maintained by the department as
15 required by federal law as a condition of the allocation of federal monies
16 to this state. All exceptions for the public release of DCS information
17 shall be construed as openly as possible under federal law.

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

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

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

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

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

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

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

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

3 F. The department may provide:

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

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

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

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

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

23 H. Access to DCS information in the central registry shall be
24 provided as prescribed in ~~section~~ **SECTIONS** 8-804 **AND** 8-804.03.

25 I. To provide oversight of the department, the department shall
26 provide access to DCS information to the following persons, if the DCS
27 information is reasonably necessary for the person to perform the person's
28 official duties:

29 1. Federal or state auditors.

30 2. Persons conducting any accreditation deemed necessary by the
31 department.

32 3. A standing committee of the legislature or a committee appointed
33 by the president of the senate or the speaker of the house of
34 representatives for purposes of conducting investigations related to the
35 legislative oversight of the department. This information shall not be
36 further disclosed unless a court has ordered the disclosure of this
37 information, the information has been disclosed in a public or court
38 record, or the information has been disclosed in the course of a public
39 meeting or court proceeding.

40 4. A legislator who requests DCS information in the regular course
41 of the legislator's duties. A legislator may discuss this information
42 with another legislator. This information shall not be further disclosed
43 unless a court has ordered the disclosure of this information, the
44 information has been disclosed in a public or court record, or the

1 information has been disclosed in the course of a public meeting or court
2 proceeding. To request a file pursuant to this paragraph:

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

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

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

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

18 6. An independent oversight committee established pursuant to
19 section 41-3801.

20 7. The governor who shall not disclose any information unless a
21 court has ordered the disclosure of the information, the information has
22 been disclosed in a public or court record or the information has been
23 disclosed in the course of a public meeting or court proceeding.

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

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

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

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

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

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

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

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

33 X. A person who violates this section is guilty of a class 2
34 misdemeanor.

35 Sec. 4. Section 41-619.54, Arizona Revised Statutes, is amended to
36 read:

37 41-619.54. Confidentiality of criminal record and central
38 registry information; exception; reporting;
39 violation; classification

40 A. All criminal history record information and central registry
41 information that is maintained by the board is confidential, except that
42 criminal history record information and central registry information may
43 be disclosed pursuant to a determination for a good cause exception
44 pursuant to section 41-619.55 or pursuant to a central registry exception
45 pursuant to section 41-619.57.

1 B. Persons who are present at a good cause exception hearing or a
2 central registry exception hearing shall not discuss or share any criminal
3 history record information or central registry information outside of the
4 good cause exception hearing.

5 C. Except as provided in subsection D of this section, criminal
6 history record information, central registry information, good cause
7 exception determinations and hearings and central registry exception
8 determinations and hearings are exempt from title 39, chapter 1.

9 D. On or before December 1 of each year the board shall report the
10 number of applications for a good cause exception and for a central
11 registry exception and the number of good cause exceptions and central
12 registry exceptions that were granted for the twelve month period ending
13 September 30. The report shall itemize the number of applications and the
14 number of applications granted for each of the sections listed in section
15 41-619.51, paragraph ~~5~~ 6. For each of these sections, the report shall
16 further itemize each offense listed in section 41-1758.03, subsections B
17 and C and section 41-1758.07, subsections B and C for which a good cause
18 exception was applied for and for which a good cause exception was
19 granted. The board shall provide a copy of the report to the governor,
20 the speaker of the house of representatives and the president of the
21 senate.

22 E. A PERSON WHO KNOWINGLY DISCLOSES CONFIDENTIAL DCS INFORMATION OR
23 CENTRAL REGISTRY INFORMATION IS GUILTY OF A CLASS 5 FELONY. FOR THE
24 PURPOSES OF THIS SUBSECTION, "DCS INFORMATION" HAS THE SAME MEANING
25 PRESCRIBED IN SECTION 8-801.

26 Sec. 5. Section 41-619.57, Arizona Revised Statutes, is amended to
27 read:

28 41-619.57. Central registry exceptions: expedited review:
29 hearing

30 A. The board shall determine central registry exceptions pursuant
31 to section 8-804. The board shall determine a central registry exception
32 after an expedited review or after a central registry exception hearing.
33 The board shall conduct an expedited review within twenty days after
34 receiving an application for a central registry exception.

35 B. Within forty-five days after conducting an expedited review, the
36 board shall hold a central registry exception hearing if the board
37 determines that the applicant does not qualify for a central registry
38 exception under an expedited review but is qualified to apply for a
39 central registry exception and the applicant submits an application for a
40 central registry exception within the time limits prescribed by rule.

41 C. When determining whether a person is eligible to receive a
42 central registry exception pursuant to section 8-804, the board shall
43 consider whether the person has shown to the board's satisfaction that the
44 person is successfully rehabilitated and is not a recidivist. Before

1 granting a central registry exception under expedited review, the board
2 shall consider all of the criteria listed in subsection E of this section.

3 D. The following persons shall be present during central registry
4 exception hearings:

5 1. The board or its hearing officer.

6 2. The person who requested the central registry exception hearing.
7 The person may be accompanied by a representative at the hearing.

8 E. The board may grant a central registry exception at a hearing if
9 the person shows to the board's satisfaction that the person is
10 successfully rehabilitated and is not a recidivist. The board may
11 consider the person's criminal record in determining if a person has been
12 successfully rehabilitated. If the applicant fails to appear at the
13 hearing without good cause, the board may deny a central registry
14 exception. The board shall grant or deny a central registry exception
15 within eighty days after the central registry exception hearing. Before
16 granting a central registry exception at a hearing the board shall
17 consider all of the following in accordance with board rule:

18 1. The extent of the person's central registry records.

19 2. The length of time that has elapsed since the abuse or neglect
20 occurred.

21 3. The nature of the abuse or neglect.

22 4. Any applicable mitigating circumstances.

23 5. The degree to which the person participated in the abuse or
24 neglect.

25 6. The extent of the person's rehabilitation, including:

26 (a) Evidence of positive action to change the person's behavior,
27 such as completion of counseling or a drug treatment, domestic violence or
28 parenting program.

29 (b) Personal references attesting to the person's rehabilitation.

30 F. If the board grants a central registry exception to a person,
31 the board shall notify the department of child safety, the department of
32 economic security or the department of health services, as appropriate, in
33 writing.

34 G. A person who is granted a central registry exception is not
35 entitled to have the person's report and investigation outcome purged from
36 the central registry except as required pursuant to section 8-804,
37 subsections G and H.

38 H. Pending the outcome of a central registry exception
39 determination, a central registry exception applicant may not provide
40 direct services to children pursuant to title 36, chapter 7.1.

41 I. THE BOARD SHALL HAVE ACCESS TO ALL DCS INFORMATION AND CENTRAL
42 REGISTRY INFORMATION PURSUANT TO SECTIONS 8-804, 8-804.03 AND 8-807 FOR
43 THE PURPOSES OF DETERMINING A CENTRAL REGISTRY EXCEPTION.

44 ~~I.~~ J. The board is exempt from chapter 6, article 10 of this
45 title.

APPROVED BY THE GOVERNOR MAY 12, 2025.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 12, 2025.