

Senate Engrossed

DCS information; review; location

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

SENATE BILL 1245

AN ACT

AMENDING SECTION 8-807, 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 8-807, 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. This information shall not be further disclosed
36 unless a court has ordered the disclosure of this information, the
37 information has been disclosed in a public or court record, or the
38 information has been disclosed in the course of a public meeting or court
39 proceeding. To request a file pursuant to this paragraph:

40 (a) The legislator shall submit a written request for DCS
41 information to the presiding officer of the body of which the state
42 legislator is a member. The request shall state the name of the person
43 whose case file is to be reviewed and any other information that will
44 assist the department in locating the file. The presiding officer may

1 authorize a legislative staff member to attend with the legislator any
2 meeting to review the file.

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

5 (c) The department shall make the necessary arrangements for the
6 legislator to review the file at A SECURE LOCATION WITHIN A LEGISLATIVE
7 CHAMBER OR AT an office of the department, chosen by the legislator,
8 within ten working days.

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

12 6. An independent oversight committee established pursuant to
13 section 41-3801.

14 7. The governor who shall not disclose any information unless a
15 court has ordered the disclosure of the information, the information has
16 been disclosed in a public or court record or the information has been
17 disclosed in the course of a public meeting or court proceeding.

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

32 K. The department or a person who is not specifically authorized by
33 this section to obtain DCS information may petition a judge of the
34 superior court to order the department to release DCS information. The
35 plaintiff shall provide notice to the county attorney and to the attorney
36 and guardian ad litem for the child, who have standing and may participate
37 in the action. The court shall review the requested records in camera and
38 shall balance the rights of the parties who are entitled to
39 confidentiality pursuant to this section against the rights of the parties
40 who are seeking the release of the DCS information. The court may release
41 otherwise confidential DCS information only if the rights of the parties
42 seeking the DCS information and any benefits from releasing the DCS
43 information outweigh the rights of the parties who are entitled to
44 confidentiality and any harm that may result from releasing the DCS
45 information. The court shall take reasonable steps to prevent any clearly

1 unwarranted invasions of privacy and protect the privacy and dignity of
2 victims of crime pursuant to article II, section 2.1, subsection C,
3 Constitution of Arizona.

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

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

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

38 O. The department shall provide DCS information on request to a
39 prospective adoptive parent, foster parent or guardian, if the information
40 concerns a child the prospective adoptive parent, foster parent or
41 guardian seeks to adopt or provide care for.

42 P. If the department receives information that is confidential by
43 law, the department shall maintain the confidentiality of the information
44 as prescribed in the applicable law.

1 Q. A person may authorize the release of DCS information about the
2 person but may not waive the confidentiality of DCS information concerning
3 any other person.

4 R. The department may provide a summary of the outcome of a
5 department investigation to the person who reported the suspected child
6 abuse or neglect.

7 S. The department shall adopt rules to facilitate the accessibility
8 of DCS information.

9 T. The department or a person who receives DCS information pursuant
10 to subsection B of this section shall provide DCS information to law
11 enforcement and a court to protect the safety of any employee of the
12 department or the office of the attorney general or to protect a family
13 member of such an employee.

14 U. A person who receives DCS information shall maintain the
15 confidentiality of the information and shall not further disclose the
16 information unless the disclosure is authorized by law or a court order.

17 V. The department may charge a fee for copying costs required to
18 prepare DCS information for release pursuant to this section or section
19 8-807.01.

20 W. Unless explicitly prohibited by law, it is the public policy of
21 this state that the department shall provide both of the following:

22 1. All DCS information and direct remote access to the department's
23 automated case management system to the office of the ombudsman-citizen's
24 aide and the auditor general.

25 2. Direct remote access to the department's automated case
26 management system and any DCS information that is necessary to perform the
27 foster care review board's statutory duties to the supreme court.

28 X. A person who violates this section is guilty of a class 2
29 misdemeanor.