

Senate Engrossed

DCS; policies; procedures

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SENATE BILL 1496

AN ACT

AMENDING SECTIONS 8-468, 8-514.07 AND 8-810, ARIZONA REVISED STATUTES;
AMENDING SECTION 8-811, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2024,
CHAPTER 47, SECTION 5; REPEALING SECTION 8-811, ARIZONA REVISED STATUTES,
AS AMENDED BY LAWS 2024, CHAPTER 127, SECTION 5; 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 8-468, Arizona Revised Statutes, is amended to
3 read:

4 8-468. Federal benefits; dependent children; application;
5 prohibition; accounting; notice; annual review

6 A. For all children in the care of the department of child safety,
7 the department ~~of child safety~~ shall determine whether each child is
8 receiving or eligible for benefits administered by the social security
9 administration or the veterans administration within sixty days after the
10 child enters the department's care. If the department ~~of child safety~~
11 determines that a child is eligible or may be eligible for federal
12 benefits, the department ~~of child safety~~ shall apply for the benefits on
13 behalf of the child.

14 B. If a child is already receiving benefits before entering the
15 department's care or if the department applies for benefits on behalf of
16 the child, the department shall ~~identify, in consultation with the child~~
17 ~~and the child's attorney, a representative payee in accordance with 20~~
18 ~~Code of Federal Regulations sections 404.2021 and 416.621 and shall apply~~
19 ~~to become the representative payee only if no other suitable candidate is~~
20 ~~available~~ APPLY TO SERVE AS THE REPRESENTATIVE PAYEE UNTIL SOMEONE OTHER
21 THAN THE DEPARTMENT IS APPOINTED TO SERVE AS THE REPRESENTATIVE PAYEE. If
22 the department ~~of child safety~~ is appointed to serve as the representative
23 payee, the department:

24 1. May not use the child's federal benefits, other benefits,
25 savings or assets to pay for or to reimburse the department ~~of child~~
26 ~~safety~~ or this state for any of the costs of the child's care.

27 2. May use the child's federal benefits for the child's unmet needs
28 beyond what the department ~~of child safety~~ is obligated, IS required or
29 agrees to pay.

30 3. Shall establish an appropriate account to use and conserve the
31 child's benefits in the child's best interest for current unmet needs and
32 future needs in a manner consistent with federal and state asset and
33 resource limits. The account may include any of the following:

34 (a) A special needs trust.

35 (b) A pooled special needs trust.

36 (c) An achieving a better life experience account established
37 pursuant to section 529a of the internal revenue code.

38 (d) Any other trust account determined not to interfere with social
39 security or asset limitations for any other benefit program.

40 4. In addition to the requirements ~~of~~ PRESCRIBED IN section
41 14-9115, shall provide an annual accounting as to the use, application or
42 conservation of the child's federal benefits to the child, the child's
43 attorney and the child's parents or guardians.

1 ~~5. Shall periodically review if someone other than the department~~
2 ~~is available to apply to assume the role of representative payee and could~~
3 ~~better serve in that role in the child's best interests.~~

4 5. FOLLOWING THE INITIAL APPLICATION TO SERVE AS THE REPRESENTATIVE
5 PAYEE, SHALL REMAIN THE REPRESENTATIVE PAYEE ONLY IF NO OTHER APPROPRIATE
6 PERSON IS AVAILABLE TO SERVE AS THE REPRESENTATIVE PAYEE. WITHIN THIRTY
7 DAYS AFTER THE APPLICATION TO SERVE AS THE REPRESENTATIVE PAYEE IS
8 APPROVED BY THE SOCIAL SECURITY ADMINISTRATION AND AT EACH SUBSEQUENT
9 REPORT AND REVIEW HEARING OR PERMANENCY PLANNING HEARING, THE DEPARTMENT
10 SHALL FILE WITH THE COURT DOCUMENTATION OF THE DEPARTMENT'S EFFORTS TO
11 IDENTIFY AN APPROPRIATE PERSON WHO IS OUTSIDE OF THE DEPARTMENT AND WHO
12 COULD BETTER SERVE AS THE REPRESENTATIVE PAYEE.

13 6. NOT LATER THAN AN ANNUAL SCREENING OR ON THE REQUEST OF THE
14 CHILD OR THE CHILD'S ATTORNEY, SHALL CONSULT WITH THE PARTIES TO THE CASE
15 TO DETERMINE IF AN APPROPRIATE PERSON WHO IS OUTSIDE OF THE DEPARTMENT,
16 AND ON APPROVAL BY THE SOCIAL SECURITY ADMINISTRATION, COULD BETTER SERVE
17 AS THE REPRESENTATIVE PAYEE. THE DEPARTMENT SHALL ALSO CONSULT WITH THE
18 PARTIES WHENEVER A CHANGE IN CIRCUMSTANCES OCCURS THAT MIGHT MAKE AN
19 APPROPRIATE PERSON WHO IS OUTSIDE OF THE DEPARTMENT AVAILABLE TO SERVE AS
20 THE REPRESENTATIVE PAYEE.

21 C. The department ~~of child safety~~ shall notify the child, the
22 child's parents, unless parental rights have been terminated, the child's
23 guardian, the child's current placement and the child's attorney of any
24 application, decision or appeal related to a child's federal benefits. In
25 providing notice of any denial of benefits, the department shall consult
26 with the child's attorney and appeal the denial if it is in the child's
27 best interests.

28 D. The department shall annually review cases of children in the
29 department's care to determine whether a child may have become eligible
30 for benefits after the department's initial assessment.

31 E. Notwithstanding any other law, on termination of the
32 department's responsibility for the child, the department shall release
33 any monies remaining to the child's credit pursuant to the requirements of
34 the funding source or, in the absence of any requirements, shall release
35 the remaining monies to:

36 1. The child, if the child is at least eighteen years of age or is
37 emancipated.

38 2. The person who is responsible for the child if the child is a
39 minor and IS not emancipated.

40 Sec. 2. Section 8-514.07, Arizona Revised Statutes, is amended to
41 read:

42 8-514.07. Kinship foster care; relative identification and
43 notification; due diligence search

44 A. If a child is taken into temporary custody, as part of the
45 ongoing search, the department shall use due diligence in an initial

1 search to identify and notify adult relatives of the child and persons
2 with a significant relationship with the child within thirty days after
3 the child is taken into temporary custody.

4 B. The search to identify adult relatives of the child or persons
5 with a significant relationship with the child must include:

- 6 1. An interview with the child's parent.
- 7 2. An interview with the child.
- 8 3. Interviews with identified adult relatives.
- 9 4. Interviews with other persons who are likely to have information
10 regarding the location of adult relatives of the child or persons with a
11 significant relationship with the child.
- 12 5. A comprehensive search of available records that are likely to
13 help identify and locate a person being sought, including:
 - 14 (a) Employment records.
 - 15 (b) Vehicle registration records.
 - 16 (c) Child support enforcement records.
 - 17 (d) Utility accounts.
 - 18 (e) Previous residential addresses.
 - 19 (f) Law enforcement records.
 - 20 (g) State department of corrections records.
- 21 6. Thorough inquiries by the court of the parties during case
22 hearings.
- 23 7. Any other means the department deems likely to identify adult
24 relatives of the child or persons with a significant relationship with the
25 child.

26 C. Within thirty days after the child is taken into temporary
27 custody and at each subsequent review and report hearing or permanency
28 planning hearing, the department shall file with the court ~~documentation~~
29 AN INITIAL REPORT regarding attempts made pursuant to this section or as
30 otherwise required by the court to identify and notify adult relatives of
31 the child and persons with a significant relationship with the child. This
32 ~~documentation~~ INITIAL REPORT shall include a detailed narrative explaining
33 the department's efforts to consider each potential placement and the
34 specific outcome. THE DEPARTMENT SHALL UPDATE THE INITIAL REPORT THAT IS
35 FILED PURSUANT TO THIS SUBSECTION AT EACH SUBSEQUENT REPORT AND REVIEW
36 HEARING OR PERMANENCY PLANNING HEARING WITH ANY NEW INFORMATION THAT HAS
37 BEEN OBTAINED SINCE THE FILING OF THE LAST REPORT.

38 D. The department shall provide notice to adult relatives of the
39 child and persons with a significant relationship with the child who are
40 identified through the search requirements of this section. The notice
41 shall do the following:

- 42 1. Specify that the child has been or is being removed from the
43 child's parental custody.

1 2. Explain the options an adult relative of the child or a person
2 with a significant relationship with the child has to participate in the
3 care or placement of the child.

4 3. Explain that financial assistance and other forms of support are
5 available to adult relatives of the child and persons with a significant
6 relationship with the child with whom the child is placed.

7 4. Describe the process for becoming a licensed foster parent and
8 the additional services and support that are available for children placed
9 in approved foster homes.

10 5. Require an adult relative of the child or a person with a
11 significant relationship with the child to respond within thirty days
12 after receiving notice that the child has been removed from the home.

13 E. If the child is not placed with an adult relative of the child
14 or person with a significant relationship with the child or the child is
15 placed with an adult relative or person with a significant relationship
16 with the child who is unable or unwilling to provide permanent placement
17 for the child, the department shall continue to conduct an ongoing search
18 for adult relatives of the child or persons with a significant
19 relationship with the child. ~~The department shall engage in search~~
20 ~~efforts~~

21 F. If, AFTER THE PERMANENCY HEARING HELD PURSUANT TO SECTION 8-862,
22 THE DEPARTMENT AND THE COURT DETERMINE THAT A CHILD IS PLACED WITH A
23 PROSPECTIVE PERMANENT PLACEMENT, THE DEPARTMENT MAY STOP SEARCH EFFORTS
24 UNLESS ordered by the court, a change in the child's placement occurs or a
25 party shows that the search is in the best interest of the child.

26 ~~F.~~ G. The department shall file with the court documentation of
27 both of the following:

28 1. The completed due diligence search efforts. This documentation
29 shall include:

30 (a) The names of and relevant information about adult relatives of
31 the child or persons with a significant relationship with the child.

32 (b) The steps taken by the department to locate and contact adult
33 relatives of the child or persons with a significant relationship with the
34 child.

35 (c) The responses received from adult relatives of the child or
36 persons with a significant relationship with the child.

37 (d) The dates of each attempted or completed contact with an adult
38 relative of the child or a person with a significant relationship with the
39 child.

40 (e) The reasons why an adult relative of the child or a person with
41 a significant relationship with the child was not considered for temporary
42 or permanent placement of the child.

43 2. All efforts for placement of the child through an interstate
44 compact agreement pursuant to section 8-548. This documentation shall
45 include:

1 (a) The names of adult relatives of the child or persons with a
2 significant relationship with the child who were considered for an
3 interstate placement.

4 (b) Any pending placement of the child through an interstate
5 compact agreement.

6 (c) All potential out-of-state placements outside of an interstate
7 compact agreement and the reasons such placements have not been initiated.

8 ~~G.~~ H. If an out-of-state placement option exists and the
9 department has failed to file a request with the receiving state pursuant
10 to the requirements of an interstate compact agreement pursuant to section
11 8-548, the court shall enter a finding that the department has not made a
12 due diligence search and shall order the department to file a request with
13 the receiving state pursuant to the terms of the interstate compact
14 agreement.

15 Sec. 3. Section 8-810, Arizona Revised Statutes, is amended to
16 read:

17 8-810. Missing; abducted; runaway children; notification;
18 training; audit

19 A. Immediately or within twenty-four hours after receiving a report
20 made pursuant to section 13-3620 or receiving information during the
21 course of providing services that indicates a child who is a ward of the
22 court or who is in the care of the department is missing, abducted or a
23 runaway and the child's location is unknown, the department shall notify
24 the appropriate law enforcement agency to make the record entry as
25 follows:

26 1. For an abducted child, the Arizona criminal justice information
27 system.

28 2. For an abducted, missing or runaway child, the national crime
29 information center missing person database.

30 B. Immediately or within twenty-four hours after receiving a report
31 of a missing, abducted or runaway child, the department shall do the
32 following:

33 1. Report information on the missing, abducted or runaway child to
34 the national center for missing and exploited children.

35 2. Unless it is determined by the primary investigative agency that
36 it will hinder investigation or location efforts: ~~;~~

37 (a) Contact the following persons to obtain information about the
38 child's disappearance:

39 ~~(a)~~ (i) The child's parents.

40 ~~(b)~~ (ii) The child's known relatives.

41 ~~(c)~~ (iii) The child's out-of-home caregivers.

42 ~~(d)~~ (iv) The child's attorney.

43 ~~(e)~~ (v) The child's guardian or guardian ad litem.

44 ~~(f)~~ (vi) The child's court appointed special advocate.

1 ~~(g)~~ (vii) The child's school, friends or household members or
2 other persons who may have relevant information about the circumstances
3 surrounding the child's abduction or disappearance.

4 ~~(h)~~ (viii) Any other persons known to the department who may have
5 relevant information regarding the child's location.

6 ~~3. Unless it is determined by the primary investigative agency that~~
7 ~~it will hinder investigation or location efforts,~~

8 (b) Provide a notice of disappearance in writing ~~and~~ OR
9 telephonically to the following persons:

10 ~~(a)~~ (i) The child's parents.

11 ~~(b)~~ (ii) The child's known relatives.

12 ~~(c)~~ (iii) The child's out-of-home caregivers.

13 ~~(d)~~ (iv) The child's attorney.

14 ~~(e)~~ (v) The child's guardian or guardian ad litem.

15 ~~(f)~~ (vi) The child's court appointed special advocate.

16 ~~(g)~~ (vii) A judicial officer in any judicial matter involving the
17 child.

18 ~~(h)~~ (viii) The duty assistant attorney general to initiate a
19 motion for a pickup.

20 ~~(i)~~ (ix) If the child is a member of an Indian tribe in this
21 state, the child's Indian tribe.

22 C. Immediately or within twenty-four hours after receiving a report
23 PURSUANT TO THIS SECTION, the department shall request the appropriate law
24 enforcement agency to determine if the situation meets amber alert
25 criteria or ~~silver~~ SEEK AND FIND alert criteria pursuant to section
26 41-1728. The appropriate law enforcement agency shall document its
27 response regarding amber alert or ~~silver~~ SEEK AND FIND alert criteria.

28 D. Within forty-eight hours after receiving a report of a missing,
29 abducted or runaway child, the department shall provide the local law
30 enforcement agency with, and the local law enforcement agency shall
31 provide to all local media outlets and post to social media platforms, all
32 of the following information regarding the child and, if known, the
33 child's abductor:

34 1. A complete physical description of the child and, if known, the
35 child's abductor.

36 2. The last known location of the child or, if known, the child's
37 abductor.

38 3. A description of the clothing the child or, if known, the
39 child's abductor was last known to be wearing.

40 4. A description of any vehicle that may be involved with the
41 child's disappearance.

42 5. Current photos of the child and, if available, the child's
43 abductor.

44 6. A law enforcement telephone number.

45 7. Information regarding any offered rewards.

1 E. The appropriate law enforcement agency shall update social media
2 platforms with updated information regarding the missing, abducted or
3 runaway child.

4 F. For a child who has been missing or abducted or who has been a
5 runaway for two or more years, the appropriate law enforcement agency
6 shall work, when possible, to create an age-appropriate progression image
7 of the child.

8 G. The department shall do all of the following on an ongoing basis
9 until a missing, abducted or runaway child is located or the child reaches
10 the age of majority:

11 1. Document in writing every effort the department has made to
12 locate the missing, abducted or runaway child within ten days after the
13 effort to locate the child is taken. The written document shall specify
14 the notifications and documentation sent to individuals and departments
15 pursuant to the requirements of this section.

16 2. Contact law enforcement every seven calendar days and document
17 the information provided and received.

18 3. For a child who has been missing or abducted or who has been a
19 runaway for two or more years, work with the national center for missing
20 and exploited children to create an age-progression image of the child.

21 H. The department shall immediately develop, refine, implement and
22 provide initial training to newly hired employees. A newly hired employee
23 must receive this initial training before any children are assigned to the
24 newly hired employee's caseload. The department shall conduct annual
25 training for department employees who have direct oversight of children
26 and the direct supervisors of those employees. The training shall include
27 department policies for locating missing, abducted or runaway children and
28 the requirements for ongoing efforts to locate a missing, abducted or
29 runaway child, unless it is determined by the primary investigative agency
30 that it will hinder investigation or location efforts. Monthly ongoing
31 department efforts shall include all of the following:

32 1. Continued contact with law enforcement agencies.

33 2. Continued contact with the child's parents, guardian or
34 custodian.

35 3. Continued contact with the child's known relatives.

36 4. Continued contact with current and former foster families of the
37 child.

38 5. Continued contact with the child's school.

39 6. Continued contact with known acquaintances of the child.

40 7. Continued in-person searching of locations and places where the
41 child may be found.

42 8. Continued review of any social media accounts that may be
43 associated with the child or the child's known acquaintances.

44 9. Continued efforts with law enforcement agencies in searching for
45 the child.

1 10. Continued search efforts with department field staff who have
2 access to databases that may help in the search for information or leads
3 regarding the missing, abducted or runaway child.

4 11. Referral to the department's office of child welfare
5 investigations for assistance if exigent circumstances exist.

6 12. Requesting that the appropriate law enforcement agency conduct
7 welfare checks at any location where the child may be.

8 I. Within twenty-four hours after a missing, abducted or runaway
9 child is located, the department shall do all of the following:

10 1. Inform all of the following:

11 (a) All law enforcement agencies involved in the child's case.

12 (b) The attorney general's office.

13 (c) The national center for missing and exploited children.

14 (d) Any individuals who have received notice pursuant to subsection
15 B, paragraph 3 of this section.

16 2. Have in-person contact with the child.

17 3. Obtain a medical exam for the child.

18 4. Assess the child's experiences while absent from care, including
19 screening to determine if the child is a sex trafficking victim, and
20 report to the appropriate law enforcement agency if it is determined that
21 the child is a sex trafficking victim.

22 5. Assess the appropriateness of the child returning to the child's
23 current placement.

24 6. Assess factors that contributed to the child's absence.

25 7. Determine the need for additional behavioral health services and
26 support.

27 8. Review the case to assess the primary factors that contributed
28 to the child being missing or abducted or a runaway and to the extent
29 possible and appropriate respond to those factors in current and
30 subsequent case decisions.

31 J. Within sixty days after September 14, 2024, the department shall
32 develop a checklist for department specialists. The checklist shall be
33 distributed to each caseworker to assist department specialists in
34 fulfilling the department's duties prescribed by this section. The
35 checklist shall have a mechanism to mark department duties as completed
36 within the timelines specified by this section.

37 K. Beginning ninety days after September 14, 2024, the department
38 shall provide a monthly report to the governor, the president of the
39 senate and the speaker of the house of representatives. The report shall
40 include all of the following:

41 1. The names of all current missing, abducted or runaway children.
42 The names of missing, abducted or runaway children shall be kept
43 confidential and may not be distributed outside of the monthly report.

44 2. An acknowledgement that the department made the notifications
45 prescribed by this section within the prescribed time frames. If the

1 department failed to make the notifications ~~with~~ WITHIN the prescribed
2 time frames, the department shall include a detailed explanation of the
3 reason why the notifications were not made within the prescribed time
4 frames.

5 3. The department's compliance with ongoing search efforts made to
6 locate missing, abducted or runaway children.

7 4. The department's compliance with subsection I of this section.

8 5. On the return of a runaway child to the department's care, the
9 reason why the child ran away.

10 L. Within one hundred fifty days after September 14, 2024 and on a
11 monthly basis thereafter, the department shall submit to the joint
12 legislative budget committee, the senate health and human services
13 committee and the house of representatives health and human services
14 committee, or their successor committees, a report that includes all of
15 the following:

16 1. The department's compliance with all of the requirements of this
17 section.

18 2. The number of missing, abducted and runaway children.

19 3. The number of missing, abducted and runaway children who have
20 been found.

21 4. The percentage of times the department was in compliance with
22 the requirements prescribed in subsections A, B, C and D of this section.

23 M. If the report submitted pursuant to subsection L of this section
24 shows a less than ninety-five percent compliance rate with the
25 requirements prescribed in subsection L, paragraph 4 of this section for
26 more than four consecutive or nonconsecutive months in a twelve-month
27 period, the department shall establish a missing, abducted and runaway
28 children unit within the department. The missing, abducted and runaway
29 children unit shall have at least four employees with at least one
30 employee available twenty-four hours a day. The missing, abducted and
31 runaway children unit may enter into contracts with any vendor necessary
32 to ensure the department is in compliance with this section. If the
33 missing, abducted and runaway children unit is established, the unit shall
34 submit a report to the governor, the president of the senate, the speaker
35 of the house of representatives and the joint legislative oversight
36 committee on the department of child safety established by section
37 41-1292. The report shall do all of the following:

38 1. Identify the reasons why the department is not in compliance
39 with the requirements prescribed in subsections A, B, C and D of this
40 section.

41 2. Identify the methods by which the missing, abducted and runaway
42 children unit will achieve a ninety-five percent compliance rate with the
43 requirements prescribed in subsections A, B, C and D of this section.

1 3. Include organizational changes that the department will make to
2 ensure compliance with the requirements prescribed in subsections A, B, C
3 and D of this section.

4 4. Recommend legislative changes that are necessary to ensure the
5 department's compliance with the requirements prescribed in subsections A,
6 B, C and D of this section.

7 N. The legislature may convene an oversight committee to address
8 problems and deviations from policy and procedure and recommend corrective
9 action plans. The legislature shall request an annual independent audit
10 of the department's compliance with this section. If the independent
11 audit determines that the department is not in compliance, the department
12 shall contract with a consulting firm that is licensed by this state for
13 investigative services. The consulting firm shall present recommendations
14 to the oversight committee on how to improve compliance with this section.

15 O. The legislature may convene the joint legislative oversight
16 committee on the department of child safety established by section 41-1292
17 to address concerns and deviations from policy and procedure and provide
18 recommendations. The legislature may request an annual independent audit
19 of the department's compliance with this section. If the independent
20 audit determines that the department is not in compliance, the independent
21 audit shall provide recommendations for improving the department's efforts
22 to locate missing, abducted or runaway children. If the joint legislative
23 oversight committee on the department of child safety determines that the
24 department, after the establishment of the missing, abducted and runaway
25 children unit, has failed to meet the requirements of subsection M of this
26 section for a period of more than two months, the department shall
27 contract with a consulting firm that is licensed by this state for
28 investigative services. The consulting firm shall present recommendations
29 to the joint legislative oversight committee **ON THE DEPARTMENT OF CHILD**
30 **SAFETY** on how to improve compliance with this section.

31 Sec. 4. Section 8-811, Arizona Revised Statutes, as amended by Laws
32 2024, chapter 47, section 5, is amended to read:

33 8-811. Hearing process; definitions

34 A. The department shall notify a person who is alleged to have
35 abused or neglected a child that the department intends to substantiate
36 the allegation in the central registry pursuant to section 8-804 and of
37 that person's right:

- 38 1. To receive a copy of the report containing the allegation.
- 39 2. To a hearing before the entry into the central registry.

40 B. The department shall provide the notice prescribed in subsection
41 A of this section by first class mail or by personal service no more than
42 fourteen days after completion of the investigation.

43 C. A request for a hearing on the proposed finding must be received
44 by the department within twenty days after the mailing or personal service
45 of the notice by the department.

1 D. The department shall not disclose any information related to the
2 investigation of the allegation except as provided in sections 8-456,
3 8-807, 8-807.01 and 13-3620.

4 E. If a request for a hearing is made pursuant to subsection C of
5 this section, the department shall conduct a review before the hearing.
6 The department shall provide an opportunity for the accused person to
7 provide written or verbal information to support the position that the
8 department should not substantiate the allegation. If the department
9 determines that ~~there is no probable cause that the accused person engaged~~
10 ~~in the alleged conduct~~ THE PROPOSED FINDING IS NOT SUPPORTED BY A
11 PREPONDERANCE OF THE EVIDENCE, the department shall amend the information
12 or finding in the report and shall notify the person and a hearing shall
13 not be held.

14 F. Notwithstanding section 41-1092.03, the notification prescribed
15 in subsection A of this section shall also state that if the department
16 does not amend the information or finding in the report as prescribed in
17 subsection E of this section within sixty days after it receives the
18 request for a hearing the person has a right to a hearing unless:

19 1. The person is a party in a pending civil, criminal or
20 administrative proceeding in which the allegations of abuse or neglect are
21 at issue.

22 2. The person is a party in a pending juvenile proceeding in which
23 the allegations of abuse or neglect are at issue.

24 3. A court or administrative law judge has made findings as to the
25 alleged abuse or neglect.

26 4. A court has found that a child is dependent or has terminated a
27 parent's rights based on an allegation of abuse or neglect.

28 G. If the court or administrative law judge in a pending proceeding
29 described in subsection F, paragraph 1 or 2 of this section does not make
30 a finding of abuse or neglect and the matter is no longer pending in that
31 forum, the person has a right to a hearing pursuant to subsection F of
32 this section.

33 H. If the court or administrative law judge in a proceeding
34 described in subsection F of this section has made a finding of abuse or
35 neglect, the finding shall be entered into the central registry as a
36 substantiated report.

37 I. If the department does not amend the information or finding in
38 the report as prescribed in subsection E of this section, the department
39 shall notify the office of administrative hearings of the request for a
40 hearing ~~no~~ NOT later than five days after completion of the review. The
41 department shall forward all records, reports and other relevant
42 information with the request for hearing within ten days. The department
43 shall redact the identity of the reporting source before transmitting the
44 information to the office of administrative hearings.

1 J. The office of administrative hearings shall hold a hearing
2 pursuant to title 41, chapter 6, article 10, with the following
3 exceptions:

4 1. A child who is the victim of or a witness to abuse or neglect is
5 not required to testify at the hearing.

6 2. A child's hearsay statement is admissible if the time, content
7 and circumstances of that statement are sufficiently indicative of its
8 reliability.

9 3. The identity of the reporting source of the abuse or neglect
10 shall not be disclosed without the permission of the reporting source.

11 4. The reporting source is not required to testify.

12 5. A written statement from the reporting source may be admitted if
13 the time, content and circumstances of that statement are sufficiently
14 indicative of its reliability.

15 6. If the person requesting the hearing fails to appear, the
16 hearing shall be vacated and a substantiated finding of abuse or neglect
17 shall be entered. On good cause shown, the hearing may be rescheduled if
18 the request is made within fifteen calendar days after the date of the
19 notice vacating the hearing for failure to appear.

20 K. On completion of the presentation of evidence, the
21 administrative law judge shall determine if ~~probable cause exists to~~
22 ~~sustain the department's finding that the parent, guardian, employee of a~~
23 ~~child welfare agency where the child was placed that was licensed by and~~
24 ~~contracted with the department at the time of the abuse or custodian~~
25 ~~abused the child or the parent, guardian or custodian neglected the child~~
26 **THE PROPOSED FINDING IS SUPPORTED BY A PREPONDERANCE OF THE EVIDENCE.** If
27 the administrative law judge determines that ~~probable cause exists to~~
28 ~~sustain the department's finding of abuse or neglect~~ **THE PROPOSED FINDING**
29 **IS SUPPORTED BY A PREPONDERANCE OF THE EVIDENCE,** the sustained finding
30 shall be entered into the central registry as a substantiated report. If
31 the administrative law judge determines that ~~probable cause does not exist~~
32 ~~to sustain the department's finding~~ **THE PROPOSED FINDING IS NOT SUPPORTED**
33 **BY A PREPONDERANCE OF THE EVIDENCE,** the administrative law judge shall
34 order the department to amend the information or finding in the report.

35 L. When the department is requested to verify pursuant to section
36 8-807, if the central registry contains a substantiated report about a
37 specific person, the department shall determine if the report was taken
38 after January 1, 1998. If the report was taken after January 1, 1998, the
39 department shall notify the requestor of the substantiated finding. If
40 the report was taken before January 1, 1998, the department shall notify
41 the person of the person's right to request an administrative hearing.
42 The department shall not send this notification if the person was a party
43 in a civil, criminal or administrative proceeding in which the allegations
44 of abuse or neglect were at issue. The provisions of this section shall
45 apply to the person's appeal.

1 M. The department shall provide the parent, guardian or custodian
2 who is the subject of the investigation and the person who reported the
3 suspected child abuse or neglect if that person is the child's parent,
4 guardian or custodian with a copy of the outcome of the investigation at
5 one of the following times:
6 1. If the report is unsubstantiated.
7 2. If ~~probable cause exists that abuse or neglect has occurred~~ THE
8 PROPOSED FINDING IS SUPPORTED BY A PREPONDERANCE OF THE EVIDENCE but a
9 specific person is not identified as having abused or neglected the child.
10 3. After the time to request a hearing has lapsed pursuant to
11 subsection C of this section without the department receiving a request
12 for a hearing.
13 4. After a final administrative decision has been made pursuant to
14 section 41-1092.08.
15 N. For the purposes of this section:
16 1. "Amend the finding" means to change the finding from
17 substantiated to unsubstantiated.
18 2. "Amend the information" means to change information identifying
19 the accused of having abused or neglected a child.
20 Sec. 5. Repeal
21 Section 8-811, Arizona Revised Statutes, as amended by Laws 2024,
22 chapter 127, section 5, is repealed.