

House Engrossed

DCS; investigations; interviews; recording

State of Arizona  
House of Representatives  
Fifty-seventh Legislature  
Second Regular Session  
2026

# HOUSE BILL 2322

AN ACT

AMENDING SECTION 8-456, 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 8-456, 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:

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

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

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

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

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

25           4. Accept a child into voluntary placement pursuant to section  
26 8-806.

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

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

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

42           I. THE DEPARTMENT SHALL RECORD BY AUDIO OR VIDEO ANY INTERVIEW THAT  
43 THE DEPARTMENT CONDUCTS WITH A CHILD PURSUANT TO THIS SECTION UNLESS  
44 EITHER OF THE FOLLOWING OCCURS:

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

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

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

13           ~~I.~~ K. Except in judicial proceedings, a parent or legal guardian  
14 may not be prohibited from recording conversations with the department  
15 pursuant to this section.

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

21           ~~K.~~ M. For the purposes of this section:

22           1. "Evidence-informed" means based on the best available child  
23 welfare research and practice information.

24           2. "Investigator" means an employee of the department who  
25 investigates allegations of abuse or neglect pursuant to a DCS report.

26           Sec. 2. Grant application requirement; delayed repeal

27           A. If federal legislation is enacted that provides grants to states  
28 for the recording of interviews conducted by the department of child  
29 safety, the director of the department of child safety shall apply for a  
30 grant. If a grant is received, the department shall implement the audio  
31 and video recording requirements of section 8-456, subsection I, Arizona  
32 Revised Statutes, as added by this act.

33           B. The director shall apply for a grant annually until a grant is  
34 awarded.

35           C. This section is repealed from and after December 31, 2036.

36           Sec. 3. Conditional enactment; notice

37           A. This act does not become effective unless on or before December  
38 31, 2036 federal legislation is enacted that provides grants to states for  
39 the recording of interviews conducted by the department of child safety.

40           B. The director of the department of child safety shall notify the  
41 director of the Arizona legislative council in writing on or before  
42 December 31, 2036 either:

43           1. Of the date on which the condition was met.

44           2. That the condition was not met.