

REFERENCE TITLE: DCS; investigations; interviews; recording

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

HB 2322

Introduced by
Representatives Gress: Diaz, Livingston, Martinez; Senator Angius

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 AUDIOTAPE OR VIDEOTAPE ANY
43 INTERVIEW THAT THE DEPARTMENT CONDUCTS WITH A CHILD PURSUANT TO THIS
44 SECTION UNLESS 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. Conditional enactment; notice

27 A. This act does not become effective unless on or before December
28 31, 2036 federal legislation is enacted that provides grants to states
29 that require the recording of interviews conducted by the department of
30 child safety.

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

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

35 2. That the condition was not met.