

REFERENCE TITLE: parents' rights; guardianship; notice; attestation

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

HB 2661

Introduced by
Representatives Fink: Blackman, Peña

AN ACT

AMENDING SECTION 8-809.01, ARIZONA REVISED STATUTES; RELATING TO DEPENDENT CHILDREN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-809.01, Arizona Revised Statutes, is amended
3 to read:

4 8-809.01. Parents, guardians and custodians; rights

5 A. On initial contact with a child safety worker, a parent,
6 guardian or custodian WHO IS under investigation for an allegation of
7 abuse or neglect has the following rights:

8 1. To be informed of the specific complaint or allegation against
9 that person and that any responses to the complaint or allegation may be
10 used in a subsequent court proceeding.

11 2. To refuse to cooperate with the investigation or receive child
12 safety services offered pursuant to the investigation. A child may not be
13 temporarily removed based solely on a parent's, guardian's or custodian's
14 refusal to cooperate with the investigation.

15 3. Unless otherwise ordered by the court, to deny the worker entry
16 into the parent's, guardian's or custodian's home.

17 4. To respond to allegations either verbally or in writing and to
18 have this information considered in determining ~~if~~ WHETHER the child
19 requires child safety services.

20 5. To report a violation of the rights specified in this section
21 without fear of punishment, interference, coercion or retaliation.

22 6. To appeal determinations made by the department.

23 7. To seek the advice of an attorney and to have an attorney
24 present when questioned by a worker.

25 8. Unless otherwise ordered by the court, to refuse to do any of
26 the following:

27 (a) Sign a release of information document.

28 (b) Consent to take a drug or alcohol test.

29 (c) Submit to a mental health evaluation.

30 9. To receive information about the investigation and the
31 department's decision-making process.

32 10. TO BE ADVISED THAT THE PARENT OR GUARDIAN MAY DELEGATE
33 TEMPORARY GUARDIANSHIP OF THE CHILD PURSUANT TO SECTION 14-5104.

34 11. TO FILE A COMPLAINT OR NOTIFY THE JUVENILE COURT PURSUANT TO
35 SUBSECTION E OF THIS SECTION IF THE PARENT, GUARDIAN OR CUSTODIAN BELIEVES
36 THAT THE PARENT'S, GUARDIAN'S OR CUSTODIAN'S RIGHTS UNDER THIS SECTION ARE
37 BEING VIOLATED.

38 ~~10-~~ 12. To be informed both verbally and in writing of these
39 rights and any parental rights under state law and to provide written
40 acknowledgement of receipt of these rights. THE PARENT, GUARDIAN OR
41 CUSTODIAN SHALL PROVIDE A SIGNED ATTESTATION THAT THE PARENT, GUARDIAN OR
42 CUSTODIAN UNDERSTANDS THE RIGHTS PROVIDED TO THE PARENT, GUARDIAN OR
43 CUSTODIAN UNDER THIS SECTION.

1 B. If a child safety worker has probable cause to believe that
2 exigent circumstances exist that present an imminent danger to the child,
3 the worker shall take all lawful measures to protect the child pursuant to
4 sections 8-821 and 8-822 before providing the notice of rights pursuant to
5 subsection A of this section.

6 C. Unless parental rights have been terminated, ~~OR~~ OR exigent
7 circumstances exist or as otherwise ordered by the court, a parent,
8 guardian or custodian whose child is placed in the department's custody
9 has the following rights:

10 1. To not have the child taken into department custody without the
11 department providing the reasons for removal and information supporting
12 the removal.

13 2. To the extent practicable, TO be immediately notified verbally
14 or in writing that the child was taken into custody.

15 3. To receive information on the services available to the child,
16 parent, guardian or custodian and the dependency process and timelines.

17 4. To have an attorney present or an attorney appointed by the
18 court at all court proceedings.

19 5. To be timely notified of the date, time and location of all
20 hearings and to participate in all hearings.

21 6. Whenever possible, to participate in the development of a case
22 plan.

23 7. To receive services if the child has been removed from the home,
24 including services that facilitate reunification of the family.

25 8. To maintain contact with the child unless it is determined by
26 the department or court to be harmful to the child's safety or well-being.

27 9. To be consulted about the child's medical care, education and
28 grooming.

29 10. To request that the child be returned if the court finds by a
30 preponderance of the evidence that the return of the child would not
31 create a substantial risk of harm to the child's physical, mental or
32 emotional health or safety.

33 D. The department shall provide information regarding a parent's,
34 guardian's or custodian's rights pursuant to this section and assistance
35 in understanding and enforcing these rights to each parent, guardian and
36 custodian on initial contact with a child safety worker or when there is a
37 change in the child's case plan. The information shall include the
38 telephone number and email address of the department, the department's
39 office of the ombudsman and the ombudsman-citizen aide.

40 E. If a parent, guardian or custodian believes that the person's
41 rights under this section have been violated, the parent, guardian or
42 custodian or the person's representative may:

43 1. File a complaint with the department, the department's office of
44 the ombudsman or the ombudsman-citizens aide pursuant to section 41-1376.
45 A formal grievance may be initiated with the ombudsman at any time.

1 2. Notify the juvenile court in the child's ongoing dependency or
2 severance proceeding, either orally or in writing, that the parent's,
3 guardian's or custodian's rights are being violated and request
4 appropriate equitable relief. The court shall act on the notification as
5 necessary within its discretion to promote the best interest of the child.
6 F. The rights provided in this section do not establish an
7 independent cause of action.