

REFERENCE TITLE: DCS; sexual abuse allegations; interviews

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

SB 1631

Introduced by
Senators Werner: Angius

AN ACT

AMENDING SECTION 8-817, ARIZONA REVISED STATUTES; RELATING TO CRIMINAL
CONDUCT ALLEGATION INVESTIGATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-817, Arizona Revised Statutes, is amended to
3 read:

4 8-817. Initial screening and safety assessment and
5 investigation protocols

6 A. The department shall develop, establish and implement initial
7 screening and safety assessment protocols in consultation with the
8 attorney general and statewide with county attorneys, chiefs of police,
9 sheriffs, medical experts, victims' rights advocates, domestic violence
10 victim advocates and mandatory reporters. Any initial screening and
11 safety assessment model shall be based on an evidence-informed safety
12 assessment model prescribed in section 8-456 and shall ensure valid and
13 reliable responses. The department shall establish written policies and
14 procedures to implement the use of the initial screening and safety
15 assessment protocols.

16 B. To ensure thorough investigations of those accused of crimes
17 against children, in each county, the county attorney, in cooperation with
18 the sheriff, the chief law enforcement officer for each municipality in
19 the county and the department shall develop, adopt and implement protocols
20 to guide the conduct of investigations of allegations involving criminal
21 conduct. The protocols shall include:

22 1. The process for notification of receipt of criminal conduct
23 allegations.

24 2. The standards for interdisciplinary investigations of specific
25 types of abuse and neglect, including timely forensic medical evaluations.

26 3. The standards for interdisciplinary investigations involving
27 Native American children in compliance with the Indian child welfare act.

28 4. Procedures for sharing information and standards for the timely
29 disclosure of information.

30 5. Procedures for coordination of screening, response and
31 investigation with other involved professional disciplines and
32 notification of case status and standards for the timely disclosure of
33 related information.

34 6. The training required for the involved child safety workers, law
35 enforcement officers and prosecutors to execute the investigation
36 protocols, including forensic interviewing skills.

37 7. The process to ensure review of and compliance with the
38 investigation protocols and the reporting of activity under the protocols.

39 8. Procedures for annual reports to be transmitted within
40 forty-five days after the end of each fiscal year independently from each
41 county attorney to the governor, the speaker of the house of
42 representatives and the president of the senate and a copy of these
43 reports to be provided to the secretary of state. Each report made
44 pursuant to this paragraph must be independently prepared and submitted

1 without any input from or communication with the other reporting entities.
2 Each report is a public document and shall include:

3 (a) The number of criminal conduct allegations investigated and how
4 many of these investigations were conducted jointly pursuant to the
5 investigation protocols established in this subsection.

6 (b) Information from each county attorney regarding the number of
7 cases presented for review, the number of persons charged in those cases,
8 the reasons why charges were not pursued and the disposition of these
9 cases.

10 (c) The reasons why a joint investigation did not take place.

11 9. Procedures for dispute resolution.

12 10. A REQUIREMENT THAT IF A CHILD ALLEGES SEXUAL ABUSE OR A REPORT
13 OF AN ALLEGATION OF ABUSE OR NEGLECT ALLEGES SEXUAL ABUSE, A PERSON WHO IS
14 TRAINED IN FORENSIC INTERVIEWING MUST CONDUCT A FORENSIC INTERVIEW WITH
15 THE CHILD IMMEDIATELY OR WITHIN SEVENTY-TWO HOURS AFTER RECEIVING THE
16 REPORT OF AN ALLEGATION OF ABUSE OR NEGLECT THAT ALLEGES SEXUAL ABUSE.
17 FOR THE PURPOSES OF THIS PARAGRAPH, "SEXUAL ABUSE" MEANS INFLECTING OR
18 ALLOWING ANY OF THE FOLLOWING OFFENSES:

19 (a) SEXUAL ABUSE PURSUANT TO SECTION 13-1404.

20 (b) SEXUAL CONDUCT WITH A MINOR PURSUANT TO SECTION 13-1405.

21 (c) SEXUAL ASSAULT PURSUANT TO SECTION 13-1406.

22 (d) MOLESTATION OF A CHILD PURSUANT TO SECTION 13-1410.

23 (e) COMMERCIAL SEXUAL EXPLOITATION OF A MINOR PURSUANT TO SECTION
24 13-3552.

25 (f) SEXUAL EXPLOITATION OF A MINOR PURSUANT TO SECTION 13-3553.

26 (g) INCEST PURSUANT TO SECTION 13-3608.

27 (h) CHILD SEX TRAFFICKING PURSUANT TO SECTION 13-3212.

28 C. THE SEVENTY-TWO-HOUR INTERVIEW REQUIREMENT PRESCRIBED IN
29 SUBSECTION B, PARAGRAPH 10 OF THIS SECTION DOES NOT APPLY IF THE
30 DEPARTMENT SHOWS GOOD CAUSE FOR THE DELAY. FOR THE PURPOSES OF THIS
31 SUBSECTION, "GOOD CAUSE" INCLUDES ALL OF THE FOLLOWING:

32 1. THE CHILD IS RECEIVING IN-PATIENT CARE FOR PHYSICAL OR MENTAL
33 HEALTH CARE DURING THE SEVENTY-TWO-HOUR PERIOD.

34 2. THE CHILD IS NOT PHYSICALLY PRESENT IN THIS STATE OR HAS NOT
35 BEEN LOCATED BY THE DEPARTMENT.

36 3. THE CHILD'S PARENT OR GUARDIAN IS NOT THE SUBJECT OF THE REPORT
37 OF AN ALLEGATION OF ABUSE OR NEGLECT THAT ALLEGES SEXUAL ABUSE BUT HAS NOT
38 BEEN RESPONSIVE OR IS UNABLE OR UNWILLING TO MAKE THE CHILD AVAILABLE FOR
39 THE FORENSIC INTERVIEW DURING THE SEVENTY-TWO-HOUR PERIOD.

40 4. ANY OTHER GOOD CAUSE THAT IS DOCUMENTED BY THE DEPARTMENT.

41 ~~C.~~ D. The department shall cooperate with the county attorney and
42 the appropriate law enforcement agency pursuant to the investigation
43 protocols adopted in this section. In instances of criminal conduct
44 against a child, the department shall protect the victim's rights of the

1 children in its custody against harassment, intimidation and abuse, as
2 applicable, pursuant to article II, section 2.1, Constitution of Arizona.

3 ~~D.~~ E. The county attorney and the law enforcement agency shall
4 cooperate with the department pursuant to the investigation protocols
5 adopted in this section.

6 F. A FAILURE TO MEET THE REQUIREMENTS OF THIS SECTION DOES NOT
7 AFFECT THE ADMISSIBILITY OF EVIDENCE OR STATEMENTS THAT ARE MADE BY A
8 CHILD IN ANY CRIMINAL, CIVIL OR DEPENDENCY PROCEEDING.