

Senate Engrossed

DCS; tiered central registry; hearings

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

CHAPTER 127
SENATE BILL 1664

AN ACT

AMENDING SECTIONS 8-802, 8-804 AND 8-804.01, ARIZONA REVISED STATUTES;
AMENDING TITLE 8, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY
ADDING SECTION 8-804.02; AMENDING SECTIONS 8-811, 8-841 AND 41-619.57,
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 8-802, Arizona Revised Statutes, is amended to
3 read:

4 8-802. Child safety worker; fingerprint clearance cards;
5 interview requirements; temporary custody limit;
6 cooperation and coordination; alteration of files;
7 violation; classification

8 A. The department shall employ child safety workers. All persons
9 who are employed as child safety workers shall have a valid fingerprint
10 clearance card that is issued pursuant to section 41-1758.07 or shall
11 apply for a fingerprint clearance card within seven working days ~~of~~ AFTER
12 employment. A child safety worker shall certify on forms that are
13 provided by the department and that are notarized whether the worker is
14 awaiting trial on or has ever been convicted of any of the criminal
15 offenses listed in section 41-1758.07, subsections B and C in this state
16 or similar offenses in another state or jurisdiction.

17 B. A worker shall not interview a child without the prior written
18 consent of the parent, guardian or custodian of the child unless either:

19 1. The child initiates contact with the worker.

20 2. The child who is interviewed is the subject of or is the sibling
21 of or living with the child who is the subject of an abuse or abandonment
22 investigation pursuant to section 8-456.

23 3. The interview is conducted pursuant to the terms of the
24 protocols established pursuant to section 8-817.

25 C. A child shall not remain in temporary custody for a period
26 exceeding seventy-two hours, excluding Saturdays, Sundays and holidays,
27 unless a dependency petition is filed. ~~If a petition is not filed and the~~
28 ~~child is released to the child's parent, guardian or custodian, the worker~~
29 ~~shall file a report of removal with the central registry within~~
30 ~~seventy-two hours of the child's release. The report shall include:~~

31 ~~1. The dates of previous referrals, investigations or temporary~~
32 ~~custody.~~

33 ~~2. The dates on which other children in the family have been taken~~
34 ~~into temporary custody.~~

35 D. All child safety workers shall be trained and demonstrate
36 competency in:

37 1. The duty to protect the legal rights of children and families
38 from the time of the initial contact through treatment. The training
39 shall include knowledge of a child's rights as a victim of crime.

40 2. The legal rights of parents.

41 3. Impact and intervention practices related to adverse childhood
42 experiences, culturally and linguistically appropriate service delivery,
43 domestic violence, family engagement, communication with special
44 populations and trauma informed responses.

1 E. All child safety workers shall cooperate and coordinate with the
2 office of child welfare investigations to carry out the purposes of
3 section 8-471.

4 F. All child safety workers and child welfare investigations
5 workers shall cooperate and coordinate with the inspections bureau to
6 carry out the purposes of section 8-458.

7 G. All child welfare investigations workers and inspections bureau
8 workers shall cooperate and coordinate with the rest of the department to
9 achieve the purposes of this title.

10 H. ~~Any~~ A person who alters a client file for the purpose of fraud
11 or misrepresentation is guilty of a class 2 misdemeanor.

12 Sec. 2. Section 8-804, Arizona Revised Statutes, is amended to
13 read:

14 8-804. Central registry; notification; definition

15 A. The department shall maintain a central registry of ~~reports of~~
16 child abuse and neglect ~~that are substantiated and the outcome of the~~
17 ~~investigation of these reports made under this article. A finding made by~~
18 ~~a court pursuant to section 8-844, subsection C that a child is dependent~~
19 ~~based on an allegation of abuse or neglect shall be recorded as a~~
20 ~~substantiated finding of abuse or neglect. The department shall~~
21 ~~incorporate duplicate reports on the same incident in the original report~~
22 ~~and shall not classify duplicate reports as new reports.~~

23 B. The department shall conduct central registry background checks
24 and shall use the information contained in the central registry only for
25 the following purposes:

26 1. As a factor to determine qualifications for any of the
27 following:

28 (a) Foster home licensing.

29 (b) Adoptive parent certification.

30 (c) Individuals who apply for child welfare agency licensing.

31 (d) Child care home certification.

32 (e) Registration of unregulated child care homes with the child
33 care resource and referral system.

34 (f) Home and community based services certification for services to
35 children or vulnerable adults.

36 (g) An adult who works in a group home, residential treatment
37 center, shelter or other congregate care setting.

38 2. As a factor to determine qualifications for persons who are
39 employed or who are applying for employment with this state in positions
40 that provide direct service to children or vulnerable adults.

41 3. As a factor to determine qualifications for individuals who are
42 employed or who are applying for employment with a child welfare agency in
43 positions that provide direct service to children or vulnerable adults.

44 4. As a factor to determine qualifications for positions that
45 provide direct service to children or vulnerable adults for:

1 (a) Any person who applies for a contract with this state and that
2 person's employees.

3 (b) All employees of a contractor.

4 (c) A subcontractor of a contractor and the subcontractor's
5 employees.

6 (d) Prospective employees of the contractor or subcontractor at the
7 request of the prospective employer.

8 5. To provide information to licensees that do not contract with
9 this state regarding persons who are employed or seeking employment to
10 provide direct services to children pursuant to title 36, chapter 7.1.

11 6. To identify and review reports concerning individual children
12 and families, in order to facilitate the assessment of safety and risk.

13 7. To determine the nature and scope of child abuse and neglect in
14 this state and to provide statewide statistical and demographic
15 information concerning trends in child abuse and neglect.

16 8. To allow comparisons of this state's statistical data with
17 national data.

18 9. To comply with section 8-804.01, subsection B.

19 10. To provide information to licensees described in subsection D
20 of this section regarding persons who are employed or seeking employment
21 to provide direct services to children in a licensed behavioral health
22 residential facility.

23 11. To provide information to licensees regarding persons who are
24 employed or seeking employment in an intermediate care facility for
25 individuals with intellectual disabilities.

26 C. Licensees that do not contract with the state and that employ
27 persons who provide direct services to children pursuant to title 36,
28 chapter 7.1 must submit to the department of child safety in a manner
29 prescribed by the department of child safety information necessary to
30 conduct central registry background checks. The department of health
31 services shall verify whether licensees, pursuant to title 36, chapter
32 7.1, have complied with the requirements of this subsection and any rules
33 adopted by the department of health services to implement this subsection.

34 D. Licensees that do not contract with this state, that contract
35 with the federal government, that receive only federal monies and that
36 employ persons who provide direct services to children in a licensed
37 behavioral health residential facility pursuant to title 36, chapter 4
38 must submit to the department of child safety in a manner prescribed by
39 the department of child safety information necessary to conduct central
40 registry background checks. The department of child safety may charge a
41 fee to licensees to conduct central registry background checks pursuant to
42 this subsection. The department of health services shall verify whether
43 the licensees, pursuant to title 36, chapter 4, have complied with the
44 requirements of this subsection.

1 E. Licensees that employ persons to provide direct care in an
2 intermediate care facility for individuals with intellectual disabilities
3 must submit to the department of child safety in a manner prescribed by
4 the department of child safety information necessary to conduct central
5 registry background checks. The department of health services shall
6 verify whether the licensees, pursuant to title 36, chapter 4, comply with
7 the requirement of this subsection.

8 ~~F. If the department of economic security received a report before~~
9 ~~September 1, 1999 and determined that the report was substantiated, the~~
10 ~~department of child safety shall maintain the report in the central~~
11 ~~registry until eighteen years from the child victim's date of birth.~~

12 ~~G. If the department of economic security or the department of~~
13 ~~child safety received a report on or after September 1, 1999 and~~
14 ~~determined that the report was substantiated, the department of child~~
15 ~~safety shall maintain the report in the central registry for a maximum of~~
16 ~~twenty-five years after the date of the report. If the department of~~
17 ~~child safety maintains reports in the central registry for less than~~
18 ~~twenty-five years, the department shall adopt rules to designate the~~
19 ~~length of time it must maintain those reports in the central registry.~~

20 ~~H. The department shall annually purge reports and investigative~~
21 ~~outcomes received pursuant to the time frames prescribed in subsections F~~
22 ~~and G of this section.~~

23 F. THE DEPARTMENT SHALL MAINTAIN ENTRIES IN THE CENTRAL REGISTRY IN
24 ACCORDANCE WITH THE RULES ADOPTED PURSUANT TO SECTION 8-804.02 FOR NOT
25 MORE THAN TWENTY-FIVE YEARS AFTER THE DATE OF A COURT FINDING OF ABUSE OR
26 NEGLECT.

27 G. AT LEAST MONTHLY THE DEPARTMENT SHALL PURGE CENTRAL REGISTRY
28 ENTRIES PURSUANT TO THE TIME FRAMES ESTABLISHED BY RULES ADOPTED PURSUANT
29 TO SECTION 8-804.02.

30 ~~F.~~ H. Any person who was the subject of a department investigation
31 may request confirmation that the department has purged information about
32 the person pursuant to subsection ~~H~~ G of this section. On receipt of
33 this request, the department shall provide the person with written
34 confirmation that the department has no record containing identifying
35 information about that person.

36 ~~F.~~ I. The department shall notify a person, contractor or licensee
37 identified in subsection B, paragraph 4, subdivisions (a), (b) and (c) and
38 subsection B, paragraphs 5, 10 and 11 of this section who is disqualified
39 because of a central registry check conducted pursuant to subsection B of
40 this section that the person may apply to the board of fingerprinting for
41 a central registry exception pursuant to section 41-619.57.

42 ~~K.~~ J. Before being employed in a position that provides direct
43 services to children or vulnerable adults pursuant to subsection B,
44 paragraphs 4, 5, 10 and 11 or subsections C, D and E of this section,
45 employees shall certify, under penalty of perjury, on forms that are

1 provided by the department whether an allegation of abuse or neglect was
2 made against them and was ~~substantiated~~ PLACED ON THE CENTRAL REGISTRY.
3 The forms are confidential. If this certification does not indicate a
4 current investigation or a substantiated report of abuse or neglect, the
5 employee may provide direct services pending the findings of the central
6 registry check.

7 ~~K.~~ K. A person who is granted a central registry exception
8 pursuant to section 41-619.57 is not entitled to a contract, employment,
9 licensure, certification or other benefit because the person has been
10 granted a central registry exception.

11 ~~M.~~ L. An agency of this state that conducts central registry
12 background checks as a factor to determine qualifications for positions
13 that provide direct services to children or vulnerable adults shall
14 publish a list of disqualifying acts of ~~substantiated~~ abuse or neglect.

15 ~~N.~~ M. An agency of this state that conducts central registry
16 background checks may provide information contained in the central
17 registry on all reports of child abuse and neglect that are substantiated
18 and the outcomes of the investigations of the reports to carry out this
19 section. Identifying information regarding any person other than the
20 perpetrator may not be released. Information received pursuant to this
21 section may not be further disseminated unless authorized by law or court
22 order.

23 ~~O.~~ N. The department may enter into an agreement with another
24 state agency to allow that agency to conduct the central registry
25 background checks required by this section.

26 ~~P.~~ O. For the purposes of this section, "intermediate care
27 facility for individuals with intellectual disabilities" has the same
28 meaning prescribed in section 36-551.

29 Sec. 3. Section 8-804.01, Arizona Revised Statutes, is amended to
30 read:

31 8-804.01. Maintenance of reports; records

32 A. All reports of child abuse and neglect and related records shall
33 be maintained in the department's case management information system in
34 accordance with the time frames established in the department's records
35 retention schedule.

36 B. In addition to the purposes prescribed in section 8-807, reports
37 and related records maintained pursuant to subsection A of this section
38 shall be used by the department only for the following purposes:

39 1. To assess the safety and risk to a child when conducting an
40 investigation or identification of abuse or neglect.

41 2. To determine placement for a child, including determining what
42 is the least restrictive setting.

43 3. To license foster homes, to certify adoptive homes or to use in
44 the department's employment decisions.

1 4. To determine the type and level of services and treatment
2 provided to the child and the child's family.

3 5. To assist in a criminal investigation or prosecution of child
4 abuse or neglect.

5 6. To meet state and federal reporting requirements.

6 C. Notwithstanding section 8-807 and except as otherwise provided
7 by law, reports and related records maintained pursuant to subsection A of
8 this section shall not be used for purposes of employment or background
9 checks, except for background checks conducted pursuant to section 8-804,
10 subsection B. Only information contained in the central registry may be
11 used to conduct background checks pursuant to section 8-804, subsection B.

12 D. ~~If probable cause exists that abuse or neglect of a child has~~
13 ~~occurred~~ IF THE FINDING OF CHILD ABUSE OR NEGLECT IS SUPPORTED BY A
14 PREPONDERANCE OF THE EVIDENCE, the department shall record this finding.
15 The department may make this finding independent of whether a specific
16 person is identified as responsible for the abuse or neglect.

17 E. If the department is unable to locate a child who is the subject
18 of a report of abuse or neglect, the department shall record this finding
19 separate from its other findings.

20 F. Subject to the requirements of sections 8-804 and 8-811,
21 whenever possible, the department shall determine if a specific person is
22 responsible for the abuse or neglect of a child.

23 Sec. 4. Title 8, chapter 4, article 8, Arizona Revised Statutes, is
24 amended by adding section 8-804.02, to read:

25 8-804.02. Tiered system for placement on central registry;
26 rules

27 A. THE DEPARTMENT SHALL ADOPT RULES BY SEPTEMBER 15, 2025 TO
28 ESTABLISH A TIERED SYSTEM FOR THE PLACEMENT AND MAINTENANCE OF PERSONS
29 FOUND TO HAVE COMMITTED AN ACT OF CHILD ABUSE OR NEGLECT ON THE CENTRAL
30 REGISTRY OF CHILD ABUSE AND NEGLECT. IN ADOPTING RULES, THE DEPARTMENT
31 SHALL:

32 1. CONSIDER THE NEXUS BETWEEN THE ACT OF ABUSE OR NEGLECT AND THE
33 POTENTIAL RISK A PERSON FOUND TO HAVE COMMITTED AN ACT OF ABUSE OR NEGLECT
34 MAY POSE IF THE PERSON WERE IN A POSITION OR SETTING OUTSIDE OF THE
35 PERSON'S HOME THAT INVOLVES THE CARE OF OR SUBSTANTIAL CONTACT WITH
36 CHILDREN.

37 2. DETERMINE WHICH ACTS OF ABUSE OR NEGLECT REQUIRE THE PLACEMENT
38 OF A PERSON ON THE CENTRAL REGISTRY.

39 3. DESIGNATE TIERS BASED ON THE TYPE OF ABUSE OR NEGLECT AND THE
40 NEXUS OF THAT ABUSE OR NEGLECT TO POTENTIAL RISK AND SPECIFY THE LENGTH OF
41 TIME THAT ENTRIES IN EACH TIER MUST BE MAINTAINED. THE LENGTH OF TIME FOR
42 EACH TIER MAY NOT EXCEED TWENTY-FIVE YEARS.

43 4. INCLUDE STANDARDS AND PROCEDURES FOR A PERSON WHO IS LISTED ON
44 THE CENTRAL REGISTRY TO REQUEST EARLY REMOVAL FROM THE CENTRAL REGISTRY.

1 B. ON OR BEFORE MAY 15, 2026, THE DEPARTMENT SHALL CONFORM ALL
2 ENTRIES IN THE CENTRAL REGISTRY, REGARDLESS OF THE DATE OF ENTRY, TO THE
3 RULES ADOPTED PURSUANT TO SUBSECTION A OF THIS SECTION.

4 Sec. 5. Section 8-811, Arizona Revised Statutes, is amended to
5 read:

6 8-811. Hearing process; definitions

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

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

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

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

19 D. The department shall not disclose any information related to the
20 investigation of the allegation except as provided in sections 8-456,
21 8-807, 8-807.01 and 13-3620.

22 E. If a request for a hearing is made pursuant to subsection C of
23 this section, the department shall conduct a review before the hearing.
24 The department shall provide an opportunity for the accused person to
25 provide written or verbal information to support the position that the
26 department should not substantiate the allegation. If the department
27 determines that ~~there is no probable cause that the accused person engaged~~
28 ~~in the alleged conduct~~ THE PROPOSED FINDING IS NOT SUPPORTED BY A
29 PREPONDERANCE OF THE EVIDENCE, the department shall amend the information
30 or finding in the report and shall notify the person and a hearing shall
31 not be held.

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

- 37 1. The person is a party in a pending civil, criminal or
38 administrative proceeding in which the allegations of abuse or neglect are
39 at issue.
- 40 2. The person is a party in a pending juvenile proceeding in which
41 the allegations of abuse or neglect are at issue.
- 42 3. A court or administrative law judge has made findings as to the
43 alleged abuse or neglect.
- 44 4. A court has found that a child is dependent or has terminated a
45 parent's rights based on an allegation of abuse or neglect.

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

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

10 I. If the department does not amend the information or finding in
11 the report as prescribed in subsection E of this section, the department
12 shall notify the office of administrative hearings of the request for a
13 hearing ~~no~~ NOT later than five days after completion of the review. The
14 department shall forward all records, reports and other relevant
15 information with the request for hearing within ten days. The department
16 shall redact the identity of the reporting source before transmitting the
17 information to the office of administrative hearings.

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

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

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

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

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

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

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

37 K. On completion of the presentation of evidence, the
38 administrative law judge shall determine if ~~probable cause exists to~~
39 ~~sustain the department's finding that the parent, guardian or custodian~~
40 ~~abused or neglected the child~~ THE PROPOSED FINDING IS SUPPORTED BY A
41 PREPONDERANCE OF THE EVIDENCE. If the administrative law judge determines
42 that ~~probable cause exists to sustain the department's finding of abuse or~~
43 ~~neglect~~ THE PROPOSED FINDING IS SUPPORTED BY A PREPONDERANCE OF THE
44 EVIDENCE, the sustained finding shall be entered into the central registry
45 as a substantiated report. If the administrative law judge determines

1 that ~~probable cause does not exist to sustain the department's finding~~ THE
2 PROPOSED FINDING IS NOT SUPPORTED BY A PREPONDERANCE OF THE EVIDENCE, the
3 administrative law judge shall order the department to amend the
4 information or finding in the report.

5 L. When the department is requested to verify pursuant to section
6 8-807, if the central registry contains a substantiated report about a
7 specific person, the department shall determine if the report was taken
8 after January 1, 1998. If the report was taken after January 1, 1998, the
9 department shall notify the requestor of the substantiated finding. If
10 the report was taken before January 1, 1998, the department shall notify
11 the person of the person's right to request an administrative hearing.
12 The department shall not send this notification if the person was a party
13 in a civil, criminal or administrative proceeding in which the allegations
14 of abuse or neglect were at issue. The provisions of this section shall
15 apply to the person's appeal.

16 M. The department shall provide the parent, guardian or custodian
17 who is the subject of the investigation and the person who reported the
18 suspected child abuse or neglect if that person is the child's parent,
19 guardian or custodian with a copy of the outcome of the investigation at
20 one of the following times:

21 1. If the report is unsubstantiated.

22 2. If ~~probable cause exists that abuse or neglect has occurred~~ THE
23 PROPOSED FINDING IS SUPPORTED BY A PREPONDERANCE OF THE EVIDENCE but a
24 specific person is not identified as having abused or neglected the child.

25 3. After the time to request a hearing has lapsed pursuant to
26 subsection C of this section without the department receiving a request
27 for a hearing.

28 4. After a final administrative decision has been made pursuant to
29 section 41-1092.08.

30 N. For the purposes of this section:

31 1. "Amend the finding" means to change the finding from
32 substantiated to unsubstantiated.

33 2. "Amend the information" means to change information identifying
34 the accused of having abused or neglected a child.

35 Sec. 6. Section 8-841, Arizona Revised Statutes, is amended to
36 read:

37 8-841. Dependency petition; service; preliminary orders;
38 hearing

39 A. Except as provided in subsection B of this section the
40 department or any interested party may file a petition to commence
41 proceedings in the juvenile court alleging that a child is dependent.

42 B. An interested party may not file a dependency petition
43 concerning a child who has been adjudicated delinquent and is under the
44 jurisdiction of the juvenile court, who is awaiting delinquency
45 adjudication or disposition or who has been released from the department

1 of juvenile corrections within the previous six months, unless both of the
2 following occur:

3 1. The interested party contacts the department pursuant to section
4 8-455 at least fourteen days before filing the petition and provides the
5 department with notice of the intent to file a petition pursuant to this
6 subsection, the allegations contained in the petition and the factual
7 basis supporting the allegations.

8 2. The interested party affirms in the petition that the
9 requirements of paragraph 1 of this subsection have been met.

10 C. The petition shall be verified and shall contain all of the
11 following:

12 1. The name, age and address, if any, of the child on whose behalf
13 the petition is brought.

14 2. The names and addresses, if known, of both parents and any
15 guardian of the child.

16 3. A concise statement of the facts to support the conclusion that
17 the child is dependent.

18 4. If the child was taken into temporary custody, the date and time
19 the child was taken into custody.

20 5. Whether the department believes that an aggravating circumstance
21 described in section 8-846, subsection D, paragraph 1 exists.

22 6. A statement whether the child is subject to the Indian child
23 welfare act of 1978 (P.L. 95-608; 92 Stat. 3069; 25 United States Code
24 sections 1901 through 1963).

25 D. The person who files the petition shall have the petition and a
26 notice served on:

27 1. The parents and any guardian of the child.

28 2. The child's guardian ad litem or attorney.

29 3. Any person who has filed a petition to adopt or who has physical
30 custody pursuant to a court order in a foster-adoptive placement.

31 4. The department if the petition is filed pursuant to subsection B
32 of this section.

33 E. The notice shall contain all of the following:

34 1. The name and address of the person to whom the notice is
35 directed.

36 2. The date, time and place of the hearing on the petition.

37 3. The name of the child on whose behalf the petition has been
38 filed.

39 4. A statement that the parent or guardian and the child are
40 entitled to have an attorney present at the hearing and that, if the
41 parent or guardian is indigent and cannot afford an attorney and wants to
42 be represented by an attorney, one will be provided.

43 5. A statement that the parent or guardian must be prepared to
44 provide to the court at the initial dependency hearing the names, the type
45 of relationship and all available information necessary to locate persons

1 who are related to the child or who have a significant relationship with
2 the child.

3 6. A statement that the hearing may result in further proceedings
4 for permanent guardianship or to terminate parental rights.

5 7. A STATEMENT THAT AS A RESULT OF THE HEARING OR FURTHER
6 PROCEEDINGS, THE PARENT OR GUARDIAN COULD BE PLACED ON THE CENTRAL
7 REGISTRY OF CHILD ABUSE AND NEGLECT.

8 F. The petition and notice shall be served on a parent or guardian
9 as soon as possible after the petition is filed and at least five days
10 before the initial dependency hearing if the parent or guardian did not
11 attend the preliminary protective hearing. If a parent or guardian does
12 attend the preliminary protective hearing, the petition and notice shall
13 be served at the preliminary protective hearing.

14 G. Except as provided in subsection H of this section, on the
15 filing of the petition, the court may issue any temporary orders necessary
16 to provide for the safety and welfare of the child.

17 H. If a petition is filed pursuant to subsection B of this section,
18 the court may not issue any temporary orders with respect to the
19 department, including placing the child in the department's legal or
20 physical custody, joining the department as a party or ordering the
21 department to provide any services to the child or the family, without
22 first conducting a hearing. At the hearing, the court shall take evidence
23 on the request of the department or a party. The court shall provide the
24 department and a party at least ~~seventy-two hours~~ SEVENTY-TWO HOURS
25 written or electronic notice of the hearing and an opportunity to be heard
26 as to any proposed orders. If the department is provided proper notice
27 and fails to appear, the court may proceed with the hearing.

28 Sec. 7. Section 41-619.57, Arizona Revised Statutes, is amended to
29 read:

30 41-619.57. Central registry exceptions; expedited review; hearing

31 A. The board shall determine central registry exceptions ~~for each~~
32 ~~substantiated report~~ pursuant to section 8-804. The board shall determine
33 a central registry exception after an expedited review or after a central
34 registry exception hearing. The board shall conduct an expedited review
35 within twenty days after receiving an application for a central registry
36 exception.

37 B. Within forty-five days after conducting an expedited review, the
38 board shall hold a central registry exception hearing if the board
39 determines that the applicant does not qualify for a central registry
40 exception under an expedited review but is qualified to apply for a
41 central registry exception and the applicant submits an application for a
42 central registry exception within the time limits prescribed by rule.

43 C. When determining whether a person is eligible to receive a
44 central registry exception pursuant to section 8-804, the board shall
45 consider whether the person has shown to the board's satisfaction that the

1 person is successfully rehabilitated and is not a recidivist. Before
2 granting a central registry exception under expedited review, the board
3 shall consider all of the criteria listed in subsection E of this section.

4 D. The following persons shall be present during central registry
5 exception hearings:

6 1. The board or its hearing officer.

7 2. The person who requested the central registry exception hearing.

8 The person may be accompanied by a representative at the hearing.

9 E. The board may grant a central registry exception at a hearing if
10 the person shows to the board's satisfaction that the person is
11 successfully rehabilitated and is not a recidivist. The board may
12 consider the person's criminal record in determining if a person has been
13 successfully rehabilitated. If the applicant fails to appear at the
14 hearing without good cause, the board may deny a central registry
15 exception. The board shall grant or deny a central registry exception
16 within eighty days after the central registry exception hearing. Before
17 granting a central registry exception at a hearing the board shall
18 consider all of the following in accordance with board rule:

19 1. The extent of the person's central registry records.

20 2. The length of time that has elapsed since the abuse or neglect
21 occurred.

22 3. The nature of the abuse or neglect.

23 4. Any applicable mitigating circumstances.

24 5. The degree to which the person participated in the abuse or
25 neglect.

26 6. The extent of the person's rehabilitation, including:

27 (a) Evidence of positive action to change the person's behavior,
28 such as completion of counseling or a drug treatment, domestic violence or
29 parenting program.

30 (b) Personal references attesting to the person's rehabilitation.

31 F. If the board grants a central registry exception to a person,
32 the board shall notify the department of child safety, the department of
33 economic security or the department of health services, as appropriate, in
34 writing.

35 G. A person who is granted a central registry exception is not
36 entitled to have the person's report and investigation outcome purged from
37 the central registry except as required pursuant to section 8-804,
38 subsections G AND H ~~and I~~.

39 H. Pending the outcome of a central registry exception
40 determination, a central registry exception applicant may not provide
41 direct services to children pursuant to title 36, chapter 7.1.

42 I. The board is exempt from chapter 6, article 10 of this title.

S.B. 1664

APPROVED BY THE GOVERNOR APRIL 9, 2024.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 9, 2024.