

Senate Engrossed House Bill

~~department of child safety; continuation~~
(now: child safety; department continuation; procedures)

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

CHAPTER 143
HOUSE BILL 2447

AN ACT

AMENDING SECTIONS 8-201, 8-455 AND 8-458, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-469; AMENDING SECTION 8-807, ARIZONA REVISED STATUTES; REPEALING SECTION 41-3024.06, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3028.04; 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 8-201, Arizona Revised Statutes, is amended to
3 read:
4 8-201. Definitions
5 In this title, unless the context otherwise requires:
6 1. "Abandoned" means the failure of the parent to provide
7 reasonable support and to maintain regular contact with the child,
8 including providing normal supervision. Abandoned includes a judicial
9 finding that a parent has made only minimal efforts to support and
10 communicate with the child. Failure to maintain a normal parental
11 relationship with the child without just cause for a period of six months
12 constitutes prima facie evidence of abandonment.
13 2. "Abuse" means the infliction or allowing of physical injury,
14 impairment of bodily function or disfigurement or the infliction of or
15 allowing another person to cause serious emotional damage as evidenced by
16 severe anxiety, depression, withdrawal or untoward aggressive behavior and
17 which emotional damage is diagnosed by a medical doctor or psychologist
18 and is caused by the acts or omissions of an individual who has the care,
19 custody and control of a child. Abuse includes:
20 (a) Inflicting or allowing sexual abuse pursuant to section
21 13-1404, sexual conduct with a minor pursuant to section 13-1405, sexual
22 assault pursuant to section 13-1406, molestation of a child pursuant to
23 section 13-1410, commercial sexual exploitation of a minor pursuant to
24 section 13-3552, sexual exploitation of a minor pursuant to section
25 13-3553, incest pursuant to section 13-3608 or child sex trafficking
26 pursuant to section 13-3212.
27 (b) Physical injury that results from allowing a child to enter or
28 remain in any structure or vehicle in which volatile, toxic or flammable
29 chemicals are found or equipment is possessed by any person for the
30 purpose of manufacturing a dangerous drug as defined in section 13-3401.
31 (c) Unreasonable confinement of a child.
32 3. "Adult" means a person who is eighteen years of age or older.
33 4. "Adult court" means the appropriate justice court, municipal
34 court or criminal division of the superior court that has jurisdiction to
35 hear proceedings concerning offenses committed by juveniles as provided in
36 sections 8-327 and 13-501.
37 5. "Award" or "commit" means to assign legal custody.
38 6. "Child", "youth" or "juvenile" means an individual who is under
39 eighteen years of age.
40 7. "Complaint" means a written statement of the essential facts
41 constituting a public offense that is any of the following:
42 (a) Made on an oath before a judge or commissioner of the superior
43 court or an authorized juvenile hearing officer.
44 (b) Made pursuant to section 13-3903.

1 (c) Accompanied by an affidavit of a law enforcement officer or
2 employee that swears on information and belief to the accuracy of the
3 complaint pursuant to section 13-4261.

4 8. "Criminal conduct allegation" means an allegation of conduct by
5 a parent, guardian or custodian of a child or an adult member of the
6 victim's household that, if true, would constitute any of the following:

7 (a) A violation of section 13-3623 involving child abuse.

8 (b) A felony offense that constitutes domestic violence as defined
9 in section 13-3601.

10 (c) A violation of section 13-1404 or 13-1406 involving a minor.

11 (d) A violation of section 13-1405, 13-1410 or 13-1417.

12 (e) Any other act of abuse that is classified as a felony.

13 (f) An offense that constitutes domestic violence as defined in
14 section 13-3601 and that involves a minor who is a victim of or was in
15 imminent danger during the domestic violence.

16 9. "Custodian" means a person, other than a parent or legal
17 guardian, who stands in loco parentis to the child or a person to whom
18 legal custody of the child has been given by order of the juvenile court.

19 10. "DCS report" means a communication received by the centralized
20 intake hotline that alleges child abuse or neglect and that meets the
21 criteria for a report as prescribed in section 8-455.

22 11. "Delinquency hearing" means a proceeding in the juvenile court
23 to determine whether a juvenile has committed a specific delinquent act as
24 set forth in a petition.

25 12. "Delinquent act" means an act by a juvenile that if committed
26 by an adult would be a criminal offense or a petty offense, a violation of
27 any law of this state, or of another state if the act occurred in that
28 state, or a law of the United States, or a violation of any law that can
29 only be violated by a minor and that has been designated as a delinquent
30 offense, or any ordinance of a city, county or political subdivision of
31 this state defining crime. Delinquent act does not include an offense
32 under section 13-501, subsection A or B if the offense is filed in adult
33 court. Any juvenile who is prosecuted as an adult or who is remanded for
34 prosecution as an adult shall not be adjudicated as a delinquent juvenile
35 for the same offense.

36 13. "Delinquent juvenile" means a child who is adjudicated to have
37 committed a delinquent act.

38 14. "Department" means the department of child safety.

39 15. "Dependent child":

40 (a) Means a child who is adjudicated to be:

41 (i) In need of proper and effective parental care and control and
42 who has no parent or guardian, or one who has no parent or guardian
43 willing to exercise or capable of exercising such care and control.

44 (ii) Destitute or who is not provided with the necessities of life,
45 including adequate food, clothing, shelter or medical care.

1 (iii) A child whose home is unfit by reason of abuse, neglect,
2 cruelty or depravity by a parent, a guardian or any other person having
3 custody or care of the child.

4 (iv) Under eight years of age and who is found to have committed an
5 act that would result in adjudication as a delinquent juvenile or
6 incorrigible child if committed by an older juvenile or child.

7 (v) Incompetent or not restorable to competency and who is alleged
8 to have committed a serious offense as defined in section 13-706.

9 (b) Does not include a child who in good faith is being furnished
10 Christian Science treatment by a duly accredited practitioner if none of
11 the circumstances described in subdivision (a) of this paragraph exists.

12 16. "Detention" means the temporary confinement of a juvenile who
13 requires secure care in a physically restricting facility that is
14 completely surrounded by a locked and physically secure barrier with
15 restricted ingress and egress for the protection of the juvenile or the
16 community pending court disposition or as a condition of probation.

17 17. "Director" means the director of the department.

18 18. "Health professional" has the same meaning prescribed in
19 section 32-3201.

20 19. "Incorrigible child" means a child who:

21 (a) Is adjudicated as a child who refuses to obey the reasonable
22 and proper orders or directions of a parent, guardian or custodian and who
23 is beyond the control of that person.

24 (b) Is habitually truant from school as defined in section 15-803,
25 subsection C.

26 (c) Is a runaway from the child's home or parent, guardian or
27 custodian.

28 (d) Habitually behaves in such a manner as to injure or endanger
29 the morals or health of self or others.

30 (e) Commits any act constituting an offense that can only be
31 committed by a minor and that is not designated as a delinquent act.

32 (f) Fails to obey any lawful order of a court of competent
33 jurisdiction given in a noncriminal action.

34 20. "Independent living program" includes a residential program
35 with supervision of less than twenty-four hours a day.

36 21. "Juvenile court" means the juvenile division of the superior
37 court when exercising its jurisdiction over children in any proceeding
38 relating to delinquency, dependency or incorrigibility.

39 22. "Law enforcement officer" means a peace officer, sheriff,
40 deputy sheriff, municipal police officer or constable.

41 23. "Medical director of a mental health agency":

42 (a) Means a psychiatrist, or licensed physician experienced in
43 psychiatric matters, who is designated in writing by the governing body of
44 the agency as the person in charge of the medical services of the agency,

1 or a psychiatrist designated by the governing body to act for the
2 director.

3 (b) Includes the superintendent of the state hospital.

4 24. "Mental health agency" means any private or public facility
5 that is licensed by this state as a mental health treatment agency, a
6 psychiatric hospital, a psychiatric unit of a general hospital or a
7 residential treatment center for emotionally disturbed children and that
8 uses secure settings or mechanical restraints.

9 25. "Neglect" or "neglected" means:

10 (a) The inability or unwillingness of a parent, guardian or
11 custodian of a child to provide that child with supervision, food,
12 clothing, shelter or medical care if that inability or unwillingness
13 causes substantial risk of harm to the child's health or welfare, except
14 if the inability of a parent, guardian or custodian to provide services to
15 meet the needs of a child with a disability or chronic illness is solely
16 the result of the unavailability of reasonable services.

17 (b) Allowing a child to enter or remain in any structure or vehicle
18 in which volatile, toxic or flammable chemicals are found or equipment is
19 possessed by any person with the intent and for the purpose of
20 manufacturing a dangerous drug as defined in section 13-3401.

21 (c) A determination by a health professional that a newborn infant
22 was exposed prenatally to a drug or substance listed in section 13-3401
23 and that this exposure was not the result of a medical treatment
24 administered to the mother or the newborn infant by a health
25 professional. This subdivision does not expand a health professional's
26 duty to report neglect based on prenatal exposure to a drug or substance
27 listed in section 13-3401 beyond the requirements prescribed pursuant to
28 section 13-3620, subsection E. The determination by the health
29 professional shall be based on one or more of the following:

30 (i) Clinical indicators in the prenatal period including maternal
31 and newborn presentation.

32 (ii) History of substance use or abuse.

33 (iii) Medical history.

34 (iv) Results of a toxicology or other laboratory test on the mother
35 or the newborn infant.

36 (d) Diagnosis by a health professional of an infant under one year
37 of age with clinical findings consistent with fetal alcohol syndrome or
38 fetal alcohol effects.

39 (e) Deliberate exposure of a child by a parent, guardian or
40 custodian to sexual conduct as defined in section 13-3551 or to sexual
41 contact, oral sexual contact or sexual intercourse as defined in section
42 13-1401, bestiality as prescribed in section 13-1411 or explicit sexual
43 materials as defined in section 13-3507.

1 (f) Any of the following acts committed by the child's parent,
2 guardian or custodian with reckless disregard as to whether the child is
3 physically present:

4 (i) Sexual contact as defined in section 13-1401.

5 (ii) Oral sexual contact as defined in section 13-1401.

6 (iii) Sexual intercourse as defined in section 13-1401.

7 (iv) Bestiality as prescribed in section 13-1411.

8 26. "Newborn infant" means a child who is under thirty days of age.

9 27. "Petition" means a written statement of the essential facts
10 that allege delinquency, incorrigibility or dependency.

11 28. "Prevention" means the creation of conditions, opportunities
12 and experiences that encourage and develop healthy, self-sufficient
13 children and that occur before the onset of problems.

14 29. "Protective supervision" means supervision that is ordered by
15 the juvenile court of children who are found to be dependent or
16 incorrigible.

17 30. "Qualified young adult" means a former dependent child who is
18 at least eighteen years of age and not over twenty-one years of age, who
19 meets the criteria for an extended foster care program pursuant to section
20 8-521.02 and who signs a voluntary agreement to participate in the
21 program.

22 31. "Referral" means a report that is submitted to the juvenile
23 court and that alleges that a child is dependent or incorrigible or that a
24 juvenile has committed a delinquent or criminal act.

25 32. "Secure care" means confinement in a facility that is
26 completely surrounded by a locked and physically secure barrier with
27 restricted ingress and egress.

28 33. "Serious emotional injury" means an injury that is diagnosed by
29 a medical doctor or a psychologist and that does any one or a combination
30 of the following:

31 (a) Seriously impairs mental faculties.

32 (b) Causes serious anxiety, depression, withdrawal or social
33 dysfunction behavior to the extent that the child suffers dysfunction that
34 requires treatment.

35 (c) Is the result of sexual abuse pursuant to section 13-1404,
36 sexual conduct with a minor pursuant to section 13-1405, sexual assault
37 pursuant to section 13-1406, molestation of a child pursuant to section
38 13-1410, child sex trafficking pursuant to section 13-3212, commercial
39 sexual exploitation of a minor pursuant to section 13-3552, sexual
40 exploitation of a minor pursuant to section 13-3553 or incest pursuant to
41 section 13-3608.

42 34. "Serious physical injury" means an injury that is diagnosed by
43 a medical doctor and that does any one or a combination of the following:

44 (a) Creates a reasonable risk of death.

45 (b) Causes serious or permanent disfigurement.

- 1 (c) Causes significant physical pain.
- 2 (d) Causes serious impairment of health.
- 3 (e) Causes the loss or protracted impairment of an organ or limb.
- 4 (f) Is the result of sexual abuse pursuant to section 13-1404,
- 5 sexual conduct with a minor pursuant to section 13-1405, sexual assault
- 6 pursuant to section 13-1406, molestation of a child pursuant to section
- 7 13-1410, child sex trafficking pursuant to section 13-3212, commercial
- 8 sexual exploitation of a minor pursuant to section 13-3552, sexual
- 9 exploitation of a minor pursuant to section 13-3553 or incest pursuant to
- 10 section 13-3608.

11 35. "Shelter care" means the temporary care of a child in any
12 public or private facility or home that is licensed by this state and that
13 offers a physically nonsecure environment that is characterized by the
14 absence of physically restricting construction or hardware and that
15 provides the child access to the surrounding community.

16 36. "STANDARDIZED HOTLINE ASSESSMENT TOOL" MEANS ANY WRITTEN TOOL
17 USED TO MAKE A DETERMINATION THAT THE ALLEGATION OF ABUSE OR NEGLECT THAT
18 IS THE SUBJECT OF A REPORT RECEIVED PURSUANT TO SECTION 8-455 INVOLVES
19 CONDUCT THAT WARRANTS INVESTIGATION BY THE DEPARTMENT PURSUANT TO SECTION
20 8-456 OR 8-471.

21 ~~36.~~ 37. "Young adult administrative review" means an
22 administrative review of a voluntary extended foster care case plan with
23 the qualified young adult, the department's case specialist or designee,
24 an independent party who is not responsible for the case management of or
25 the delivery of services to the qualified young adult and any other
26 individual the young adult invites.

27 Sec. 2. Section 8-455, Arizona Revised Statutes, is amended to
28 read:

29 8-455. Centralized intake hotline; purposes; report of
30 possible crime; DCS report; risk assessment tools;
31 access to information; public awareness; definitions

32 A. The department shall operate and maintain a centralized intake
33 hotline to protect children by receiving at all times communications
34 concerning suspected abuse or neglect. If a person communicates suspected
35 abuse or neglect to a department employee other than through the hotline,
36 the employee shall refer the person or communication to the hotline.

37 B. The hotline is the first step in the safety assessment and
38 investigation process and must be operated to:

39 1. Record communications made concerning suspected abuse or
40 neglect.

41 2. Immediately take steps necessary to identify and locate prior
42 communications and DCS reports related to the current communication using
43 the department's data system and the central registry system of this
44 state.

1 3. Quickly and efficiently provide information to a law enforcement
2 agency or prepare a DCS report as required by this section.

3 4. Determine the proper initial priority level of investigation
4 based on the report screening assessment and direct the DCS report to the
5 appropriate part of the department based on this determination.

6 C. If a communication provides a reason to believe that a criminal
7 offense has been committed and the communication does not meet the
8 criteria for a DCS report, the hotline worker shall immediately provide
9 the information to the appropriate law enforcement agency.

10 D. A hotline worker shall prepare a DCS report if the identity or
11 current location of the child victim, the child's family or the person
12 suspected of abuse or neglect is known or can be reasonably ascertained
13 and all of the following are alleged:

14 1. The suspected conduct would constitute abuse or neglect. **IF THE**
15 **SUSPECTED CONDUCT INVOLVES NEGLECT AS DEFINED IN SECTION 8-201, PARAGRAPH**
16 **25, SUBDIVISION (c) AND A HEALTH PROFESSIONAL DETERMINES THAT THE NEWBORN**
17 **INFANT WAS EXPOSED PRENATALLY TO CANNABIS AS DEFINED IN SECTION 13-3401,**
18 **THE DEPARTMENT SHALL VERIFY WHETHER THE MOTHER IS A QUALIFYING PATIENT AS**
19 **DEFINED IN SECTION 36-2801 AND POSSESSES A VALID REGISTRY IDENTIFICATION**
20 **CARD ISSUED PURSUANT TO SECTION 36-2804.03.**

21 2. The suspected victim of the conduct is under eighteen years of
22 age.

23 3. The suspected victim of the conduct is a resident of or present
24 in this state.

25 4. The person suspected of committing the abuse or neglect is the
26 parent, guardian or custodian of the victim or an adult member of the
27 victim's household.

28 E. Except for criminal conduct allegations, the department is not
29 required to prepare a DCS report if all of the following apply:

30 1. The suspected conduct occurred more than three years before the
31 communication to the hotline.

32 2. There is no information or indication that a child is currently
33 being abused or neglected.

34 F. Investigations of DCS reports shall be conducted as provided in
35 section 8-456 except for investigations containing allegations of criminal
36 conduct, which shall be conducted as provided in section 8-471.

37 G. The department is not required to prepare a DCS report
38 concerning alleged abuse or neglect if the alleged act or acts occurred in
39 a foreign country and the child is in the custody of the federal
40 government.

41 H. The department shall develop and train hotline workers to use
42 ~~uniform risk~~ **STANDARDIZED HOTLINE** assessment tools to determine:

43 1. Whether the suspected conduct constitutes abuse or neglect and
44 the severity of the suspected abuse or neglect.

1 2. Whether the suspected abuse or neglect involves criminal
2 conduct, even if the communication does not result in the preparation of a
3 DCS report.

4 3. The appropriate investigative track for referral based on the
5 risk to the child's safety.

6 I. A DCS report must include, if available, all of the following:

7 1. The name, address or contact information for the person making
8 the communication.

9 2. The name, address and other location or contact information for
10 the parent, guardian or custodian of the child or other adult member of
11 the child's household who is suspected of committing the abuse or neglect.

12 3. The name, address and other location or contact information for
13 the child.

14 4. The nature and extent of the indications of the child's abuse or
15 neglect, including any indication of physical injury.

16 5. Any information regarding possible prior abuse or neglect,
17 including reference to any communication or DCS report involving the
18 child, the child's siblings or the person suspected of committing the
19 abuse or neglect.

20 J. Information gathered through the hotline must be made available
21 to an employee of the department in order to perform the employee's
22 duties. The office of child welfare investigations and the inspections
23 bureau must have immediate access to all records of the hotline.

24 K. A representative of the:

25 1. Office of child welfare investigations must be embedded in the
26 hotline to carry out the purposes of section 8-471.

27 2. Inspections bureau must be embedded in the hotline to carry out
28 the purposes of section 8-458.

29 L. The department shall publicize the availability and the purposes
30 of the centralized intake hotline.

31 M. For the purposes of this section:

32 1. "Centralized intake hotline" means the system developed pursuant
33 to this section regardless of the communication methods or technologies
34 used to implement the system.

35 2. "Criminal offense" means an allegation of conduct against a
36 child by a person other than a parent, guardian or custodian of the child
37 victim or another adult member of the child's household that, if true,
38 would constitute a felony offense.

39 Sec. 3. Section 8-458, Arizona Revised Statutes, is amended to
40 read:

41 8-458. Inspections bureau; monitoring and evaluation; quality
42 assurance process

43 A. The director shall establish an inspections bureau to do both of
44 the following:

1 Sec. 5. Section 8-807, Arizona Revised Statutes, is amended to
2 read:

3 8-807. DCS information; public record; use; confidentiality;
4 violation; classification

5 A. DCS information shall be maintained by the department as
6 required by federal law as a condition of the allocation of federal monies
7 to this state. All exceptions for the public release of DCS information
8 shall be construed as openly as possible under federal law.

9 B. The department, or a person who receives DCS information
10 pursuant to this subsection, shall provide DCS information to a federal
11 agency, a state agency, a tribal agency, a county or municipal agency, a
12 law enforcement agency, a prosecutor, an attorney or a guardian ad litem
13 representing a child victim of crime pursuant to article II, section 2.1,
14 Constitution of Arizona, a school, a community service provider, a
15 contract service provider or any other person that is providing services
16 pursuant to this article or article 9, 10, 11, 12, 13 or 14 of this
17 chapter:

18 1. To meet its duties to provide for the safety and permanency of a
19 child, provide services to a parent, guardian or custodian or provide
20 services to family members to strengthen the family pursuant to this
21 article or article 9, 10, 11, 12, 13 or 14 of this chapter.

22 2. To enforce or prosecute any violation involving child abuse or
23 neglect or to assert the rights of the child as a victim of a crime.

24 3. To provide information to a defendant after a criminal charge
25 has been filed as required by an order of the criminal court.

26 4. To help investigate and prosecute any violation involving
27 domestic violence as defined in section 13-3601 or violent sexual assault
28 as prescribed in section 13-1423.

29 C. The department shall disclose DCS information to a court, a
30 party in a dependency or termination of parental rights proceeding or the
31 party's attorney, the foster care review board or a court appointed
32 special advocate for the purposes of and as prescribed in this title.

33 D. The department shall disclose DCS information to a domestic
34 relations, family or conciliation court if the DCS information is
35 necessary to promote the safety and well-being of children. The court
36 shall notify the parties that it has received the DCS information.

37 E. A person or agent of a person who is the subject of DCS
38 information shall have access to DCS information concerning that person.

39 F. The department may provide:

40 1. DCS information to confirm, clarify, correct or supplement
41 information concerning an allegation or actual instance of child abuse or
42 neglect that has been made public by a source or sources outside the
43 department.

1 2. DCS information to a person who is conducting bona fide
2 research, the results of which might provide DCS information that is
3 beneficial in improving the department.

4 3. Access to DCS information to the parent, guardian or custodian
5 of a child if the DCS information is reasonably necessary to promote the
6 safety, permanency and well-being of the child.

7 4. DCS information if an employee of the department has a
8 reasonable belief that exigent circumstances exist. For the purposes of
9 this paragraph, "exigent circumstances" means a condition or situation in
10 which the death of or serious injury to a child will likely result in the
11 near future without immediate intervention.

12 G. The department shall disclose DCS information to a county
13 medical examiner or an alternate medical examiner directing an
14 investigation into the circumstances surrounding a death pursuant to
15 section 11-593.

16 H. Access to DCS information in the central registry shall be
17 provided as prescribed in section 8-804.

18 I. To provide oversight of the department, the department shall
19 provide access to DCS information to the following persons, if the DCS
20 information is reasonably necessary for the person to perform the person's
21 official duties:

22 1. Federal or state auditors.

23 2. Persons conducting any accreditation deemed necessary by the
24 department.

25 3. A standing committee of the legislature or a committee appointed
26 by the president of the senate or the speaker of the house of
27 representatives for purposes of conducting investigations related to the
28 legislative oversight of the department. This information shall not be
29 further disclosed unless a court has ordered the disclosure of this
30 information, the information has been disclosed in a public or court
31 record, or the information has been disclosed in the course of a public
32 meeting or court proceeding.

33 4. A legislator who requests DCS information in the regular course
34 of the legislator's duties. A legislator may discuss this information
35 with another legislator ~~if the other legislator has signed the form~~
36 ~~prescribed in subdivision (d) of this paragraph in regard to the specific~~
37 ~~file that will be discussed.~~ This information shall not be further
38 disclosed unless a court has ordered the disclosure of this information,
39 the information has been disclosed in a public or court record, or the
40 information has been disclosed in the course of a public meeting or court
41 proceeding. To request a file pursuant to this paragraph:

42 (a) The legislator shall submit a written request for DCS
43 information to the presiding officer of the body of which the state
44 legislator is a member. The request shall state the name of the person
45 whose case file is to be reviewed and any other information that will

1 assist the department in locating the file. The presiding officer may
2 authorize a legislative staff member to attend with the legislator any
3 meeting to review the file.

4 (b) The presiding officer shall forward the request to the
5 department within five working days of the receipt of the request.

6 (c) The department shall make the necessary arrangements for the
7 legislator to review the file at an office of the department, chosen by
8 the legislator, within ten working days.

9 ~~(d) The legislator and staff member shall sign a form, consistent
10 with the requirements of this paragraph and paragraph 3 of this
11 subsection, before reviewing the file, that outlines the confidentiality
12 laws governing department files and penalties for further release of the
13 information.~~

14 5. A citizen review panel as prescribed by federal law, a child
15 fatality review team as provided in title 36, chapter 35 and the office of
16 ombudsman-citizens aide.

17 6. An independent oversight committee established pursuant to
18 section 41-3801.

19 7. The governor who shall not disclose any information unless a
20 court has ordered the disclosure of the information, the information has
21 been disclosed in a public or court record or the information has been
22 disclosed in the course of a public meeting or court proceeding.

23 J. A person who has been denied DCS information regarding a
24 fatality or near fatality caused by abuse, abandonment or neglect pursuant
25 to subsection L of this section or section 8-807.01 may bring a special
26 action pursuant to section 39-121.02 in the superior court to order the
27 department to release that DCS information. A legislator has standing to
28 bring or to join a special action regarding the release of DCS information
29 or to challenge the redaction of released DCS information. The plaintiff
30 shall provide notice to the county attorney, who has standing and may
31 participate in the action. The court shall review the requested records
32 in camera and order disclosure consistent with subsections A and L of this
33 section and section 8-807.01. The court shall take reasonable steps to
34 prevent any clearly unwarranted invasions of privacy and protect the
35 privacy and dignity of victims of crime pursuant to article II, section
36 2.1, subsection C, Constitution of Arizona.

37 K. The department or a person who is not specifically authorized by
38 this section to obtain DCS information may petition a judge of the
39 superior court to order the department to release DCS information. The
40 plaintiff shall provide notice to the county attorney and to the attorney
41 and guardian ad litem for the child, who have standing and may participate
42 in the action. The court shall review the requested records in camera and
43 shall balance the rights of the parties who are entitled to
44 confidentiality pursuant to this section against the rights of the parties
45 who are seeking the release of the DCS information. The court may release

1 otherwise confidential DCS information only if the rights of the parties
2 seeking the DCS information and any benefits from releasing the DCS
3 information outweigh the rights of the parties who are entitled to
4 confidentiality and any harm that may result from releasing the DCS
5 information. The court shall take reasonable steps to prevent any clearly
6 unwarranted invasions of privacy and protect the privacy and dignity of
7 victims of crime pursuant to article II, section 2.1, subsection C,
8 Constitution of Arizona.

9 L. Except as provided in subsection M of this section, before it
10 releases records under this section or section 8-807.01, the department
11 shall take whatever precautions it determines are reasonably necessary to
12 protect the identity and safety of a person who reports child abuse or
13 neglect and to protect any other person if the department believes that
14 disclosure of the DCS information would be likely to endanger the life or
15 safety of any person. The department is not required by this section to
16 disclose DCS information if the department demonstrates that disclosure
17 would cause a specific, material harm to a department investigation. The
18 department is not required by this section to disclose DCS information if,
19 in consultation with the county attorney, the county attorney demonstrates
20 that disclosure would cause a specific, material harm to a criminal
21 investigation or prosecution.

22 M. A person who is the subject of an unfounded report or complaint
23 made pursuant to this article or article 9, 10, 11, 12, 13 or 14 of this
24 chapter and who believes that the report or complaint was made in bad
25 faith or with malicious intent may petition a judge of the superior court
26 to order the department to release the DCS information. The petition
27 shall specifically set forth reasons supporting the person's belief that
28 the report or complaint was made in bad faith or with malicious intent.
29 The court shall review the DCS information in camera and the person filing
30 the petition shall be allowed to present evidence in support of the
31 petition. If the court determines that there is a reasonable question of
32 fact as to whether the report or complaint was made in bad faith or with
33 malicious intent and that disclosure of the identity of the person making
34 the report or complaint would not be likely to endanger the life or safety
35 of the person making the report or complaint, it shall provide a copy of
36 the DCS information to the person filing the petition and the original DCS
37 information is subject to discovery in a subsequent civil action regarding
38 the making of the report or complaint.

39 N. The department shall provide the person who conducts a forensic
40 medical evaluation with any records the person requests, including social
41 history and family history regarding the child, the child's siblings and
42 the child's parents or guardians.

43 O. The department shall provide DCS information on request to a
44 prospective adoptive parent, foster parent or guardian, if the information

1 concerns a child the prospective adoptive parent, foster parent or
2 guardian seeks to adopt or provide care for.

3 P. If the department receives information that is confidential by
4 law, the department shall maintain the confidentiality of the information
5 as prescribed in the applicable law.

6 Q. A person may authorize the release of DCS information about the
7 person but may not waive the confidentiality of DCS information concerning
8 any other person.

9 R. The department may provide a summary of the outcome of a
10 department investigation to the person who reported the suspected child
11 abuse or neglect.

12 S. The department shall adopt rules to facilitate the accessibility
13 of DCS information.

14 T. The department or a person who receives DCS information pursuant
15 to subsection B of this section shall provide DCS information to law
16 enforcement and a court to protect the safety of any employee of the
17 department or the office of the attorney general or to protect a family
18 member of such an employee.

19 U. A person who receives DCS information shall maintain the
20 confidentiality of the information and shall not further disclose the
21 information unless the disclosure is authorized by law or a court order.

22 V. The department may charge a fee for copying costs required to
23 prepare DCS information for release pursuant to this section or section
24 8-807.01.

25 W. Unless explicitly prohibited by law, it is the public policy of
26 this state that the department shall provide both of the following:

27 1. All DCS information and direct remote access to the department's
28 automated case management system to the office of the ombudsman-citizen's
29 aide and the auditor general.

30 2. Direct remote access to the department's automated case
31 management system and any DCS information that is necessary to perform the
32 foster care review board's statutory duties to the supreme court.

33 X. A person who violates this section is guilty of a class 2
34 misdemeanor.

35 Sec. 6. Repeal
36 Section 41-3024.06, Arizona Revised Statutes, is repealed.

37 Sec. 7. Title 41, chapter 27, article 2, Arizona Revised Statutes,
38 is amended by adding section 41-3028.04, to read:

39 41-3028.04. Department of child safety; termination July 1,
40 2028

41 A. THE DEPARTMENT OF CHILD SAFETY TERMINATES ON JULY 1, 2028.

42 B. TITLE 8, CHAPTER 4 AND THIS SECTION ARE REPEALED ON JANUARY 1,
43 2029.

1 Sec. 8. Department of child safety; child placement rate
2 increases; report

3 On or before November 1, 2024, the department of child safety shall
4 submit to the joint legislative budget committee a report that details all
5 requests for increases in the child placement rate for a child welfare
6 agency and a group foster home that the department received as of January
7 1, 2023 and the department's justification for approval or denial of the
8 increase in the child welfare agency's or group foster home's request for
9 a child placement rate increase.

10 Sec. 9. Purpose

11 Pursuant to section 41-2955, subsection B, Arizona Revised Statutes,
12 the legislature continues the department of child safety to provide
13 services and resources to families and ensure the safety, permanency and
14 well-being of children.

15 Sec. 10. Retroactivity

16 Sections 6 and 7 of this act apply retroactively to from and after
17 July 1, 2024.

APPROVED BY THE GOVERNOR APRIL 10, 2024.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 10, 2024.