

House Engrossed Senate Bill

~~child fatality review committee; establishment~~
(now: maltreatment oversight committee; establishment)

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SENATE BILL 1252

AN ACT

AMENDING SECTIONS 8-801, 8-807, 12-2294 AND 36-3501, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 8; AMENDING SECTION 41-3024.14, ARIZONA REVISED STATUTES; RELATING TO MALTREATMENT FATALITIES AND NEAR FATALITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-801, Arizona Revised Statutes, is amended to
3 read:

4 8-801. Definitions

5 In this article and articles 9, 10, 11, 12, 13 and 14 of this
6 chapter, unless the context otherwise requires:

7 1. "Child safety services" means a specialized child welfare
8 program that is administered by the department as provided in this chapter
9 and that investigates allegations of and seeks to prevent, intervene in
10 and treat abuse, ~~and~~ neglect, to promote the well-being of the child in a
11 permanent home and to coordinate services to strengthen the family.

12 2. "Child safety worker" or "worker" means a person who has been
13 selected by and trained under the requirements prescribed by the
14 department and who assists in carrying out the provisions of this article.

15 3. "DCS INFORMATION":

16 (a) INCLUDES ALL INFORMATION THE DEPARTMENT GATHERS DURING THE
17 COURSE OF AN INVESTIGATION CONDUCTED UNDER THIS CHAPTER FROM THE TIME A
18 FILE IS OPENED AND UNTIL IT IS CLOSED.

19 (b) DOES NOT INCLUDE INFORMATION THAT IS CONTAINED IN CHILD WELFARE
20 AGENCY LICENSING RECORDS.

21 ~~3.~~ 4. "In-home intervention" means a program of services provided
22 pursuant to article 14 of this chapter while the child is still in the
23 custody of the parent, guardian or custodian.

24 ~~4.~~ 5. "Relative" has the same meaning prescribed in section 8-501.

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

27 8-807. DCS information; public record; use; confidentiality;
28 violation; classification

29 A. DCS information shall be maintained by the department as
30 required by federal law as a condition of the allocation of federal monies
31 to this state. All exceptions for the public release of DCS information
32 shall be construed as openly as possible under federal law.

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

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

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

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

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

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

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

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

18 F. The department may provide:

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

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

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

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

34 G. The department shall disclose DCS information to a county
35 medical examiner or an alternate medical examiner directing an
36 investigation into the circumstances surrounding a death pursuant to
37 section 11-593.

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

40 I. To provide oversight of the department, the department shall
41 provide access to DCS information to the following persons, if the DCS
42 information is reasonably necessary for the person to perform the person's
43 official duties:

44 1. Federal or state auditors.

1 2. Persons conducting any accreditation deemed necessary by the
2 department.

3 3. A standing committee of the legislature or a committee appointed
4 by the president of the senate or the speaker of the house of
5 representatives for purposes of conducting investigations related to the
6 legislative oversight of the department. This information shall not be
7 further disclosed unless a court has ordered the disclosure of this
8 information, the information has been disclosed in a public or court
9 record, or the information has been disclosed in the course of a public
10 meeting or court proceeding.

11 4. A legislator who requests DCS information in the regular course
12 of the legislator's duties. A legislator may discuss this information
13 with another legislator if the other legislator has signed the form
14 prescribed in subdivision (d) of this paragraph in regard to the specific
15 file that will be discussed. This information shall not be further
16 disclosed unless a court has ordered the disclosure of this information,
17 the information has been disclosed in a public or court record, or the
18 information has been disclosed in the course of a public meeting or court
19 proceeding. To request a file pursuant to this paragraph:

20 (a) The legislator shall submit a written request for DCS
21 information to the presiding officer of the body of which the state
22 legislator is a member. The request shall state the name of the person
23 whose case file is to be reviewed and any other information that will
24 assist the department in locating the file. The presiding officer may
25 authorize a legislative staff member to attend with the legislator any
26 meeting to review the file.

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

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

32 (d) The legislator and staff member shall sign a form, consistent
33 with the requirements of this paragraph and paragraph 3 of this
34 subsection, before reviewing the file, that outlines the confidentiality
35 laws governing department files and penalties for further release of the
36 information.

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

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

42 7. The governor who shall not disclose any information unless a
43 court has ordered the disclosure of the information, the information has
44 been disclosed in a public or court record or the information has been
45 disclosed in the course of a public meeting or court proceeding.

1 8. THE INDEPENDENT MALTREATMENT FATALITY AND NEAR FATALITY
2 OVERSIGHT COMMITTEE ESTABLISHED BY SECTION 41-812.

3 J. A person who has been denied DCS information regarding a
4 fatality or near fatality caused by abuse, abandonment or neglect pursuant
5 to subsection L of this section or section 8-807.01 may bring a special
6 action pursuant to section 39-121.02 in the superior court to order the
7 department to release that DCS information. A legislator has standing to
8 bring or to join a special action regarding the release of DCS information
9 or to challenge the redaction of released DCS information. The plaintiff
10 shall provide notice to the county attorney, who has standing and may
11 participate in the action. The court shall review the requested records
12 in camera and order disclosure consistent with subsections A and L of this
13 section and section 8-807.01. The court shall take reasonable steps to
14 prevent any clearly unwarranted invasions of privacy and protect the
15 privacy and dignity of victims of crime pursuant to article II, section
16 2.1, subsection C, Constitution of Arizona.

17 K. The department or a person who is not specifically authorized by
18 this section to obtain DCS information may petition a judge of the
19 superior court to order the department to release DCS information. The
20 plaintiff shall provide notice to the county attorney and to the attorney
21 and guardian ad litem for the child, who have standing and may participate
22 in the action. The court shall review the requested records in camera and
23 shall balance the rights of the parties who are entitled to
24 confidentiality pursuant to this section against the rights of the parties
25 who are seeking the release of the DCS information. The court may release
26 otherwise confidential DCS information only if the rights of the parties
27 seeking the DCS information and any benefits from releasing the DCS
28 information outweigh the rights of the parties who are entitled to
29 confidentiality and any harm that may result from releasing the DCS
30 information. The court shall take reasonable steps to prevent any clearly
31 unwarranted invasions of privacy and protect the privacy and dignity of
32 victims of crime pursuant to article II, section 2.1, subsection C,
33 Constitution of Arizona.

34 L. Except as provided in subsection M of this section, before it
35 releases records under this section or section 8-807.01, the department
36 shall take whatever precautions it determines are reasonably necessary to
37 protect the identity and safety of a person who reports child abuse or
38 neglect and to protect any other person if the department believes that
39 disclosure of the DCS information would be likely to endanger the life or
40 safety of any person. The department is not required by this section to
41 disclose DCS information if the department demonstrates that disclosure
42 would cause a specific, material harm to a department investigation. The
43 department is not required by this section to disclose DCS information if,
44 in consultation with the county attorney, the county attorney demonstrates

1 that disclosure would cause a specific, material harm to a criminal
2 investigation or prosecution.

3 M. A person who is the subject of an unfounded report or complaint
4 made pursuant to this article or article 9, 10, 11, 12, 13 or 14 of this
5 chapter and who believes that the report or complaint was made in bad
6 faith or with malicious intent may petition a judge of the superior court
7 to order the department to release the DCS information. The petition
8 shall specifically set forth reasons supporting the person's belief that
9 the report or complaint was made in bad faith or with malicious intent.
10 The court shall review the DCS information in camera and the person filing
11 the petition shall be allowed to present evidence in support of the
12 petition. If the court determines that there is a reasonable question of
13 fact as to whether the report or complaint was made in bad faith or with
14 malicious intent and that disclosure of the identity of the person making
15 the report or complaint would not be likely to endanger the life or safety
16 of the person making the report or complaint, it shall provide a copy of
17 the DCS information to the person filing the petition and the original DCS
18 information is subject to discovery in a subsequent civil action regarding
19 the making of the report or complaint.

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

24 O. The department shall provide DCS information on request to a
25 prospective adoptive parent, foster parent or guardian, if the information
26 concerns a child the prospective adoptive parent, foster parent or
27 guardian seeks to adopt or provide care for.

28 P. If the department receives information that is confidential by
29 law, the department shall maintain the confidentiality of the information
30 as prescribed in the applicable law.

31 Q. A person may authorize the release of DCS information about the
32 person but may not waive the confidentiality of DCS information concerning
33 any other person.

34 R. The department may provide a summary of the outcome of a
35 department investigation to the person who reported the suspected child
36 abuse or neglect.

37 S. The department shall adopt rules to facilitate the accessibility
38 of DCS information.

39 T. The department or a person who receives DCS information pursuant
40 to subsection B of this section shall provide DCS information to law
41 enforcement and a court to protect the safety of any employee of the
42 department or the office of the attorney general or to protect a family
43 member of such an employee.

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

4 V. The department may charge a fee for copying costs required to
5 prepare DCS information for release pursuant to this section or section
6 8-807.01.

7 W. A person who violates this section is guilty of a class 2
8 misdemeanor.

9 ~~X. For the purposes of this section, "DCS information" includes all
10 information the department gathers during the course of an investigation
11 conducted under this chapter from the time a file is opened and until it
12 is closed. DCS information does not include information that is contained
13 in child welfare agency licensing records.~~

14 Sec. 3. Section 12-2294, Arizona Revised Statutes, is amended to
15 read:

16 12-2294. Release of medical records and payment records to
17 third parties

18 A. A health care provider shall disclose medical records or payment
19 records, or the information contained in medical records or payment
20 records, without the patient's written authorization as otherwise required
21 by law or when ordered by a court or tribunal of competent jurisdiction.

22 B. A health care provider may disclose medical records or payment
23 records, or the information contained in medical records or payment
24 records, pursuant to written authorization signed by the patient or the
25 patient's health care decision maker.

26 C. A health care provider may disclose medical records or payment
27 records or the information contained in medical records or payment records
28 and a clinical laboratory may disclose clinical laboratory results without
29 the written authorization of the patient or the patient's health care
30 decision maker as otherwise authorized by state or federal law, including
31 the health insurance portability and accountability act privacy standards
32 (45 Code of Federal Regulations part 160 and part 164, subpart E), or as
33 follows:

34 1. To health care providers who are currently providing health care
35 to the patient for the purpose of ~~diagnosis~~ **DIAGNOSING** or ~~treatment of~~
36 **TREATING** the patient.

37 2. To health care providers who have previously provided treatment
38 to the patient, to the extent that the records pertain to the provided
39 treatment.

40 3. To ambulance attendants as defined in section 36-2201 for the
41 purpose of providing care to or transferring the patient whose records are
42 requested.

43 4. To a private agency that accredits health care providers and
44 with whom the health care provider has an agreement requiring the agency
45 to protect the confidentiality of patient information.

1 5. To a health profession regulatory board as defined in section
2 32-3201.

3 6. To health care providers for the purpose of conducting
4 utilization review, peer review and quality assurance pursuant to section
5 36-441, 36-445, 36-2402 or 36-2917.

6 7. To a person or entity that provides services to the patient's
7 health care providers or clinical laboratories and with whom the health
8 care provider or clinical laboratory has an agreement requiring the person
9 or entity to protect the confidentiality of patient information and as
10 required by the health insurance portability and accountability act
11 privacy standards, 45 Code of Federal Regulations part 164, subpart E.

12 8. To the legal representative of a health care provider in
13 possession of the medical records or payment records for the purpose of
14 securing legal advice.

15 9. To the patient's third party payor or the payor's contractor.

16 10. To the industrial commission of Arizona or parties to an
17 industrial commission claim pursuant to title 23, chapter 6.

18 11. TO THE INDEPENDENT MALTREATMENT FATALITY AND NEAR FATALITY
19 OVERSIGHT COMMITTEE ESTABLISHED BY SECTION 41-812.

20 D. A health care provider may disclose a deceased patient's medical
21 records or payment records or the information contained in medical records
22 or payment records to the patient's health care decision maker at the time
23 of the patient's death. A health care provider also may disclose a
24 deceased patient's medical records or payment records or the information
25 contained in medical records or payment records to the personal
26 representative or administrator of the estate of a deceased patient, or if
27 a personal representative or administrator has not been appointed, to the
28 following persons in the following order of priority, unless the deceased
29 patient during the deceased patient's lifetime or a person in a higher
30 order of priority has notified the health care provider in writing that
31 the deceased patient opposed the release of the medical records or payment
32 records:

33 1. The deceased patient's spouse, unless the patient and the
34 patient's spouse were legally separated at the time of the patient's
35 death.

36 2. The acting trustee of a trust created by the deceased patient
37 either alone or with the deceased patient's spouse if the trust was a
38 revocable inter vivos trust during the deceased patient's lifetime and the
39 deceased patient was a beneficiary of the trust during the deceased
40 patient's lifetime.

41 3. An adult child of the deceased patient.

42 4. A parent of the deceased patient.

43 5. An adult brother or sister of the deceased patient.

44 6. A guardian or conservator of the deceased patient at the time of
45 the patient's death.

1 E. A person who receives medical records or payment records
2 pursuant to this section shall not disclose those records without the
3 written authorization of the patient or the patient's health care decision
4 maker, unless otherwise authorized by law.

5 F. If a health care provider releases a patient's medical records
6 or payment records to a contractor for the purpose of duplicating or
7 disclosing the records on behalf of the health care provider, the
8 contractor shall not disclose any part or all of a patient's medical
9 records or payment records in its custody except as provided in this
10 article. After duplicating or disclosing a patient's medical records or
11 payment records on behalf of a health care provider, a contractor must
12 return the records to the health care provider who released the medical
13 records or payment records to the contractor.

14 Sec. 4. Section 36-3501, Arizona Revised Statutes, is amended to
15 read:

16 36-3501. Child fatality review team; membership; duties

17 A. The child fatality review team is established in the department
18 of health services. The team is composed of the head of the following
19 entities or that person's designee:

- 20 1. Attorney general.
- 21 2. Office of women's and children's health in the department of
22 health services.
- 23 3. Office of planning and health status monitoring in the
24 department of health services.
- 25 4. Arizona health care cost containment system.
- 26 5. Division of developmental disabilities in the department of
27 economic security.
- 28 6. Department of child safety.
- 29 7. Governor's office for children.
- 30 8. Administrative office of the courts.
- 31 9. Parent assistance office of the supreme court.
- 32 10. Department of juvenile corrections.
- 33 11. Arizona chapter of a national pediatric society.

34 B. The director of the department of health services shall appoint
35 the following members to serve staggered three-year terms:

- 36 1. A medical examiner who is a forensic pathologist.
- 37 2. A maternal and child health specialist involved with the
38 treatment of Native Americans.
- 39 3. A representative of a private nonprofit organization of tribal
40 governments in this state.
- 41 4. A representative of the Navajo tribe.
- 42 5. A representative of the United States military family advocacy
43 program.
- 44 6. A representative of a statewide prosecuting attorneys advisory
45 council.

- 1 7. A representative of a statewide law enforcement officers
2 advisory council who is experienced in child homicide investigations.
- 3 8. A representative of an association of county health officers.
- 4 9. A child advocate who is not employed by or an officer of this
5 state or a political subdivision of this state.
- 6 10. A public member. If local teams are formed pursuant to this
7 article, the director of the department of health services shall select
8 this member from one of those local teams.
- 9 C. The team shall:
 - 10 1. Develop a child fatalities data collection system.
 - 11 2. Provide training to cooperating agencies, individuals and local
12 child fatality review teams on the use of the child fatalities data
13 [COLLECTION](#) system.
 - 14 3. Conduct an annual statistical report on the incidence and causes
15 of child fatalities in this state during the past fiscal year and submit a
16 copy of this report, including its recommendations for action, to the
17 governor, the president of the senate and the speaker of the house of
18 representatives on or before November 15 of each year.
 - 19 4. Encourage and assist in the development of local child fatality
20 review teams.
 - 21 5. Develop standards and protocols for local child fatality review
22 teams and provide training and technical assistance to these teams.
 - 23 6. Develop protocols for child fatality investigations, including
24 protocols for law enforcement agencies, prosecutors, medical examiners,
25 health care facilities and social service agencies.
 - 26 7. Study the adequacy of statutes, ordinances, rules, training and
27 services to determine what changes are needed to decrease the incidence of
28 preventable child fatalities and, as appropriate, take steps to implement
29 these changes.
 - 30 8. Provide case consultation on individual cases to local teams if
31 requested.
 - 32 9. Educate the public regarding the incidence and causes of child
33 fatalities as well as the public's role in preventing these deaths.
 - 34 10. Designate a team chairperson.
 - 35 11. Develop and distribute an informational brochure that describes
36 the purpose, function and authority of a team. The brochure shall be
37 available at the offices of the department of health services.
 - 38 12. Evaluate the incidence and causes of maternal fatalities
39 associated with pregnancy in this state. For the purposes of this
40 paragraph, "maternal fatalities associated with pregnancy" means the death
41 of a woman while she is pregnant or within one year after the end of her
42 pregnancy.
 - 43 13. Inform the governor and the legislature of the need for
44 specific recommendations regarding unexplained infant death.

1 14. Periodically review the infant death investigation checklist
2 developed by the department of health services pursuant to section
3 36-3506. In reviewing the checklist, the review team shall consider
4 guidelines endorsed by national infant death organizations.

5 15. ON A FINDING THAT A CHILD'S FATALITY WAS THE RESULT OF
6 MALTREATMENT, SUBMIT TO THE INDEPENDENT MALTREATMENT FATALITY AND NEAR
7 FATALITY OVERSIGHT COMMITTEE ESTABLISHED BY SECTION 41-812 THE CHILD'S
8 DEATH CERTIFICATE AND A NOTICE OF FINDING THAT ABUSE OR NEGLECT
9 CONTRIBUTED TO THE CHILD'S DEATH AND THAT THERE WAS AN OPEN OR CLOSED CASE
10 WITH THE DEPARTMENT OF CHILD SAFETY AT THE TIME OF THE CHILD'S DEATH.

11 D. Team members are not eligible to receive compensation, but
12 members appointed pursuant to subsection B are eligible for reimbursement
13 of expenses pursuant to title 38, chapter 4, article 2.

14 E. The department of health services shall provide professional and
15 administrative support to the team.

16 F. Notwithstanding subsections C and D of this section, this
17 section does not require expenditures above the revenue available from the
18 child fatality review fund.

19 Sec. 5. Title 41, chapter 4, Arizona Revised Statutes, is amended
20 by adding article 8, to read:

21 ARTICLE 8. INDEPENDENT MALTREATMENT
22 FATALITY AND NEAR FATALITY OVERSIGHT COMMITTEE

23 41-811. Definitions

24 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- 25 1. "CHILD" INCLUDES A QUALIFIED YOUNG ADULT.
26 2. "COMMITTEE" MEANS THE INDEPENDENT MALTREATMENT FATALITY AND NEAR
27 FATALITY OVERSIGHT COMMITTEE.
28 3. "DEPARTMENT" MEANS THE DEPARTMENT OF CHILD SAFETY.
29 4. "NEAR FATALITY" HAS THE SAME MEANING PRESCRIBED IN SECTION
30 8-807.01.
31 5. "QUALIFIED YOUNG ADULT" HAS THE SAME MEANING PRESCRIBED IN
32 SECTION 8-201.

33 41-812. Independent maltreatment fatality and near fatality
34 oversight committee; membership

35 A. THE INDEPENDENT MALTREATMENT FATALITY AND NEAR FATALITY
36 OVERSIGHT COMMITTEE IS ESTABLISHED IN THE DEPARTMENT OF ADMINISTRATION
37 CONSISTING OF THE FOLLOWING MEMBERS:

- 38 1. THE FOLLOWING ADVISORY MEMBERS:
39 (a) THE DIRECTOR OF THE DEPARTMENT OF CHILD SAFETY OR THE
40 DIRECTOR'S DESIGNEE.
41 (b) THE DIRECTOR OF THE DEPARTMENT OF ECONOMIC SECURITY OR THE
42 DIRECTOR'S DESIGNEE.
43 (c) THE COCHAIRPERSONS OF THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE
44 ON THE DEPARTMENT OF CHILD SAFETY ESTABLISHED BY SECTION 41-1292 OR THEIR
45 DESIGNEES.

1 (d) A JUVENILE COURT JUDGE WHO IS APPOINTED BY THE CHIEF JUSTICE OF
2 THE SUPREME COURT AND WHO HAS SIGNIFICANT EXPERIENCE IN CHILD DEPENDENCY
3 CASES, OR THE JUDGE'S DESIGNEE.

4 2. THE FOLLOWING MEMBERS WHO ARE APPOINTED BY THE DIRECTOR OF THE
5 DEPARTMENT OF ADMINISTRATION:

6 (a) A LICENSED PEDIATRICIAN WHO HAS PROFESSIONAL EXPERIENCE
7 RELATING TO CHILD NEGLECT AND ABUSE.

8 (b) A COUNTY MEDICAL EXAMINER.

9 (c) A PEACE OFFICER WHO HAS EXPERIENCE INVESTIGATING CHILD ABUSE
10 AND NEGLECT FATALITIES AND NEAR FATALITIES.

11 (d) A PRACTICING ATTORNEY WHO HAS EXPERIENCE REPRESENTING CHILDREN
12 IN DEPENDENCY LAW MATTERS.

13 (e) A PRACTICING SOCIAL WORKER.

14 (f) A PARENT ADVOCATE WHO HAS EXPERIENCE IN THE DEPENDENT CHILD
15 PROTECTION SYSTEM.

16 (g) A PERSON WHO IS A FORMER FOSTER CHILD.

17 (h) A CURRENTLY OR FORMERLY LICENSED FOSTER PARENT.

18 (i) A PERSON WHO HAS EXPERTISE IN DATA ANALYTICS.

19 B. MEMBERS WHO ARE SERVING PURSUANT TO SUBSECTION A, PARAGRAPH 1 OF
20 THIS SECTION ARE NONVOTING MEMBERS AND ARE NOT MEMBERS FOR THE PURPOSES OF
21 DETERMINING IF A QUORUM IS PRESENT.

22 C. MEMBERS WHO ARE APPOINTED PURSUANT TO SUBSECTION A, PARAGRAPH 2
23 OF THIS SECTION MAY NOT BE CURRENT OR FORMER EMPLOYEES OF THE DEPARTMENT
24 OF CHILD SERVICES.

25 D. THE VOTING MEMBERS SHALL SELECT A CHAIRPERSON.

26 E. MEMBERS WHO ARE APPOINTED PURSUANT TO SUBSECTION A, PARAGRAPH 2
27 OF THIS SECTION SERVE STAGGERED THREE-YEAR TERMS. VACANCIES OCCURRING
28 OTHER THAN BY EXPIRATION OF TERM SHALL BE FILLED IN THE SAME MANNER FOR
29 THE REMAINDER OF THE UNEXPIRED TERM. MEMBERS MAY CONTINUE TO SERVE UNTIL
30 A SUCCESSOR IS APPOINTED.

31 F. COMMITTEE MEMBERS ARE NOT ELIGIBLE TO RECEIVE COMPENSATION OR
32 REIMBURSEMENT OF EXPENSES.

33 G. THE COMMITTEE MAY EMPLOY AN EXECUTIVE DIRECTOR TO ASSIST THE
34 COMMITTEE. THE EXECUTIVE DIRECTOR SHALL HAVE EXPERIENCE IN DEPARTMENT
35 PROCEDURES, POLICIES AND LAWS.

36 41-813. Committee; powers; duties; annual report

37 THE COMMITTEE SHALL:

38 1. CONDUCT A THOROUGH REVIEW OF EACH CHILD MALTREATMENT FATALITY OR
39 NEAR FATALITY. THE REVIEW SHALL INCLUDE:

40 (a) A REVIEW OF ALL AVAILABLE CASE RECORDS RELATING TO CHILD
41 FATALITIES OR NEAR FATALITIES IN WHICH CHILD MALTREATMENT IS SUSPECTED AND
42 IN WHICH THE CHILD, A PARENT, A CAREGIVER, A SIBLING OR A HOUSEHOLD MEMBER
43 WAS THE SUBJECT OF A CURRENT OR PREVIOUS DEPARTMENT INVESTIGATION.

1 (b) INTERVIEWS WITH EMPLOYEES OF THIS STATE OR ITS POLITICAL
2 SUBDIVISIONS WHO ARE INVOLVED WITH, WHO HAVE BEEN INVOLVED WITH OR WHO MAY
3 HAVE KNOWLEDGE OF THE CIRCUMSTANCES AND FACTS OF THE CASE OR OF ANY
4 SERVICES PROVIDED BY THE DEPARTMENT, ANY STATE AGENCY OR ANY POLITICAL
5 SUBDIVISION OF THIS STATE TO THE CHILD OR THE CHILD'S PARENTS, SIBLINGS,
6 GUARDIANS OR CAREGIVERS.

7 2. INFORM THE CHILD'S PARENTS, GUARDIAN OR CAREGIVER THAT THE
8 COMMITTEE HAS COMMENCED A FATALITY OR NEAR FATALITY REVIEW. THE COMMITTEE
9 MAY NOT COMPEL A PARENT, GUARDIAN OR CAREGIVER TO PROVIDE INFORMATION TO
10 THE COMMITTEE. THE COMMITTEE SHALL INFORM THE PARENTS, GUARDIAN OR
11 CAREGIVER OF THE RIGHT TO PRESENT ANY INFORMATION TO THE COMMITTEE THAT
12 THE PARENTS, GUARDIAN OR CAREGIVER BELIEVES WILL ASSIST THE COMMITTEE WITH
13 THE COMMITTEE'S REVIEW.

14 3. DEVELOP AN UNDERSTANDING OF THE CIRCUMSTANCES SURROUNDING A
15 CHILD MALTREATMENT FATALITY OR NEAR FATALITY AND THE CAUSES OF AND
16 RESPONSES FOLLOWING A CHILD MALTREATMENT FATALITY OR NEAR FATALITY AND
17 IDENTIFY FACTORS THAT MAY HAVE CONTRIBUTED TO THE CHILD MALTREATMENT
18 FATALITY OR NEAR FATALITY.

19 4. CRITICALLY ANALYZE THE CHILD SAFETY SYSTEM AS THE SYSTEM
20 INTERACTED WITH THE CHILD AND THE CHILD'S FAMILY FOR EACH FATALITY OR NEAR
21 FATALITY TO IDENTIFY IMPROVEMENTS THAT COULD MITIGATE FUTURE CHILD
22 MALTREATMENT FATALITIES OR NEAR FATALITIES, INCLUDING:

23 (a) THE FAILURE TO COMPLY WITH APPLICABLE STATUTES, RULES AND
24 POLICIES.

25 (b) THE EXTENT OF THE CHILD'S AND THE CHILD'S FAMILY'S PRIOR
26 INVOLVEMENT WITH THE CHILD SAFETY SYSTEM.

27 (c) SYSTEMATIC FACTORS THAT MAY HAVE CONTRIBUTED TO THE CHILD
28 MALTREATMENT FATALITY OR NEAR FATALITY, INCLUDING THE ADEQUACY OF
29 INTERAGENCY COORDINATION AND COMMUNICATION.

30 5. IDENTIFY BEST PRACTICES AND SERVICES THAT MAY HAVE PREVENTED THE
31 CHILD MALTREATMENT FATALITY OR NEAR FATALITY.

32 6. MAINTAIN A PUBLICLY ACCESSIBLE WEBSITE. THE WEBSITE SHALL
33 INCLUDE:

34 (a) BIOGRAPHICAL INFORMATION FOR ALL MEMBERS OF THE COMMITTEE.

35 (b) ALL ANNUAL REPORTS.

36 (c) REPORTS OF STATUTORY, REGULATORY OR POLICY RECOMMENDATIONS MADE
37 TO THE LEGISLATURE OR ANY STATE AGENCY AND ANY ACTIONS TAKEN BY THE
38 LEGISLATURE OR A STATE AGENCY IN RESPONSE TO THESE RECOMMENDATIONS.

39 (d) ANNUAL DATA AND TRENDS ANALYZED AND PRESENTED IN A MANNER
40 ACCESSIBLE TO THE PUBLIC.

41 7. ANALYZE AND PUBLISH ANNUAL DATA AND TRENDS RELATED TO
42 OBSERVATIONS MADE DURING INDIVIDUAL FATALITY AND NEAR FATALITY REVIEWS
43 CONDUCTED DURING THE CURRENT FISCAL YEAR AND FOR EACH PRIOR FISCAL YEAR
44 FOR WHICH THERE IS DATA. THE COMMITTEE SHALL MAINTAIN A TEN-YEAR
45 ANALYSIS.

1 8. ON OR BEFORE JUNE 30 OF EACH YEAR, PRODUCE, PUBLISH AND
2 DISTRIBUTE AN ANNUAL CHILD MALTREATMENT FATALITY OR NEAR FATALITY REPORT
3 THAT INCLUDES ALL OF THE FOLLOWING:

4 (a) INFORMATION THAT DETAILS THE SPECIFIC FACTS AND CIRCUMSTANCES
5 OF EACH CASE INVOLVING A CHILD MALTREATMENT FATALITY OR NEAR FATALITY
6 DURING THE PRIOR YEAR AND THE SERVICES AND RESOURCES PROVIDED TO THE
7 CHILD, THE CHILD'S SIBLINGS, THE CHILD'S PARENTS, GUARDIANS OR CAREGIVERS
8 AND HOUSEHOLD MEMBERS.

9 (b) A CASE-SPECIFIC SYSTEMATIC REVIEW OF THE FACTS AND FINDINGS
10 HIGHLIGHTING THE SYSTEM'S STRENGTHS, SUCCESSSES, WEAKNESSES AND FAILURES.

11 (c) LONGITUDINAL DATA IDENTIFYING COMMONLY OCCURRING CIRCUMSTANCES
12 RELATED TO FATALITIES AND NEAR FATALITIES AND THE SERVICES BEING OFFERED
13 TO THE CHILD OR THE CHILD'S FAMILY AND BEING RECEIVED BY THE CHILD OR THE
14 CHILD'S FAMILY.

15 (d) SPECIFIC RECOMMENDATIONS FOR IMPROVING STATUTES, RULES AND
16 POLICIES BASED ON THE REVIEWS CONDUCTED DURING THE PRECEDING YEAR. THESE
17 RECOMMENDATIONS SHALL ADDRESS ALL ASPECTS OF CHILD PROTECTION AND SHALL
18 FOLLOW UP ON RECOMMENDATIONS FROM PRIOR REPORTS.

19 (e) A LIST OF ALL RECOMMENDATIONS THAT WERE SUBMITTED TO THE
20 DEPARTMENT, A STATE AGENCY AND THE LEGISLATURE ALONG WITH THE RESPONSES
21 RECEIVED.

22 (f) AN ANALYSIS OF FISCAL TRENDS.

23 9. POST THE ANNUAL CHILD FATALITY OR NEAR FATALITY REPORT ON THE
24 COMMITTEE'S WEBSITE. THE REPORT SHALL NOT CONTAIN ANY PERSONAL
25 IDENTIFYING INFORMATION. THE REPORT SHALL BE EASILY ACCESSIBLE ON THE
26 WEBSITE.

27 10. SUBMIT A COPY OF THE ANNUAL CHILD FATALITY OR NEAR FATALITY
28 REPORT TO THE GOVERNOR, THE SECRETARY OF STATE, THE PRESIDENT OF THE
29 SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE COCHAIRPERSONS OF
30 THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON THE DEPARTMENT OF CHILD
31 SAFETY, THE DIRECTOR OF THE DEPARTMENT OF CHILD SAFETY, THE DIRECTOR OF
32 THE DEPARTMENT OF HEALTH SERVICES AND THE DIRECTOR OF THE DEPARTMENT OF
33 ECONOMIC SECURITY.

34 41-814. Access to records and information; confidentiality;
35 violation; classification

36 A. THE COMMITTEE SHALL HAVE ONGOING ACCESS TO COMPLETE AND
37 UNREDACTED RECORDS IN THE CUSTODY OF THE DEPARTMENT AND DIRECT REMOTE
38 ACCESS TO ANY AUTOMATED CASE MANAGEMENT SYSTEM USED BY THE DEPARTMENT.

39 B. THE COMMITTEE SHALL HAVE ACCESS TO RELEVANT RECORDS AND
40 INFORMATION CREATED BY ANY STATE AGENCY, EDUCATIONAL INSTITUTION OR
41 MEDICAL PROVIDER OF THE CHILD, THE CHILD'S SIBLINGS, THE CHILD'S PARENTS,
42 GUARDIANS OR CAREGIVERS AND HOUSEHOLD MEMBERS.

1 C. ON REQUEST OF THE COMMITTEE CHAIRPERSON OR THE CHAIRPERSON'S
2 DESIGNEE TO ANY ENTITY OR AGENCY, THE COMMITTEE, WITHIN FIVE DAYS
3 EXCLUDING WEEKENDS AND HOLIDAYS, SHALL BE PROVIDED WITH ACCESS TO
4 INFORMATION AND RECORDS REGARDING A CHILD MALTREATMENT FATALITY OR NEAR
5 FATALITY OR INFORMATION AND RECORDS REGARDING THE CHILD'S SIBLINGS, THE
6 CHILD'S PARENTS, GUARDIANS OR CAREGIVERS AND HOUSEHOLD MEMBERS.

7 D. A LAW ENFORCEMENT AGENCY, WITH THE APPROVAL OF THE PROSECUTING
8 ATTORNEY, MAY WITHHOLD INVESTIGATIVE RECORDS THAT INTERFERE WITH A PENDING
9 CRIMINAL INVESTIGATION OR PROSECUTION.

10 E. THE COMMITTEE CHAIRPERSON OR THE CHAIRPERSON'S DESIGNEE MAY
11 APPLY TO THE SUPERIOR COURT FOR A SUBPOENA AS NECESSARY TO COMPEL THE
12 PRODUCTION OF BOOKS, RECORDS, DOCUMENTS AND OTHER EVIDENCE RELATED TO A
13 CHILD MALTREATMENT FATALITY OR A NEAR FATALITY. SUBPOENAS ISSUED SHALL BE
14 SERVED AND, ON APPLICATION TO THE COURT BY THE CHAIRPERSON OR THE
15 CHAIRPERSON'S DESIGNEE, ENFORCED IN THE MANNER PROVIDED BY LAW FOR THE
16 SERVICE AND ENFORCEMENT OF SUBPOENAS. A LAW ENFORCEMENT AGENCY IS NOT
17 REQUIRED TO PRODUCE THE INFORMATION REQUESTED UNDER THE SUBPOENA IF THE
18 SUBPOENAED EVIDENCE RELATES TO A PENDING CRIMINAL INVESTIGATION OR
19 PROSECUTION.

20 F. ALL INFORMATION AND RECORDS ACQUIRED BY THE COMMITTEE ARE
21 CONFIDENTIAL AND ARE NOT SUBJECT TO SUBPOENA, DISCOVERY OR INTRODUCTION
22 INTO EVIDENCE IN ANY CIVIL OR CRIMINAL PROCEEDING, EXCEPT THAT
23 INFORMATION, DOCUMENTS AND RECORDS OTHERWISE AVAILABLE FROM OTHER SOURCES
24 ARE NOT IMMUNE FROM SUBPOENA, DISCOVERY OR INTRODUCTION INTO EVIDENCE
25 THROUGH THOSE SOURCES SOLELY BECAUSE THEY WERE PRESENTED TO OR REVIEWED BY
26 THE COMMITTEE.

27 G. MEMBERS OF THE COMMITTEE, PERSONS ATTENDING A COMMITTEE MEETING
28 AND PERSONS WHO PRESENT INFORMATION TO THE COMMITTEE MAY NOT BE QUESTIONED
29 IN ANY CIVIL OR CRIMINAL PROCEEDING REGARDING INFORMATION PRESENTED IN OR
30 OPINIONS FORMED AS A RESULT OF A MEETING. THIS SUBSECTION DOES NOT
31 PREVENT A PERSON FROM TESTIFYING TO INFORMATION THAT IS OBTAINED
32 INDEPENDENTLY OF THE TEAM OR THAT IS PUBLIC INFORMATION.

33 H. COMMITTEE MEETINGS IN WHICH THE COMMITTEE IS REVIEWING THE FACTS
34 AND CIRCUMSTANCES OF A CHILD MALTREATMENT FATALITY OR NEAR FATALITY ARE
35 CLOSED TO THE PUBLIC AND ARE NOT SUBJECT TO TITLE 38, CHAPTER 3,
36 ARTICLE 3.1. ALL OTHER TEAM MEETINGS ARE OPEN TO THE PUBLIC.

37 I. A PERSON WHO VIOLATES THE CONFIDENTIALITY REQUIREMENTS OF THIS
38 SECTION IS GUILTY OF A CLASS 2 MISDEMEANOR.

39 41-815. Committee access to case records

40 THE DEPARTMENT OF CHILD SAFETY SHALL NOTIFY THE COMMITTEE WITHIN
41 FORTY-EIGHT HOURS AFTER CONFIRMING THE FACT THAT A CHILD SUFFERED A
42 FATALITY OR NEAR FATALITY AS A RESULT OF ABUSE, ABANDONMENT OR NEGLECT.
43 ON REQUEST OF THE COMMITTEE, THE DEPARTMENT, WITHIN FIVE DAYS, EXCLUDING
44 WEEKENDS AND HOLIDAYS, SHALL PROVIDE THE COMMITTEE ACCESS TO COMPLETE AND

1 UNREDACTED RECORDS RELATED TO THE CASE UNDER REVIEW, UNLESS EXPRESSLY
2 PROHIBITED BY LAW.

3 Sec. 6. Section 41-3024.14, Arizona Revised Statutes, is amended to
4 read:

5 41-3024.14. Department of administration; termination July 1,
6 2024

7 A. The department of administration terminates on July 1, 2024.

8 B. Title 41, chapter 4, articles 1, 2, 3, 4, 5, ~~and~~ 7 and 8 AND
9 title 18, chapter 1 are repealed on January 1, 2025.

10 Sec. 7. Initial terms of independent maltreatment fatality
11 and near fatality oversight committee

12 A. Notwithstanding section 41-812, Arizona Revised Statutes, as
13 added by this act, the initial terms of members of the independent
14 maltreatment fatality and near fatality oversight committee who are
15 appointed pursuant to section 41-812, subsection A, paragraph 2, Arizona
16 Revised Statutes, as added by this act, are:

- 17 1. Three terms ending January 1, 2026.
- 18 2. Three terms ending January 1, 2027.
- 19 3. Three terms ending January 1, 2028.

20 B. The director of the department of administration shall make all
21 subsequent appointments as prescribed by statute.

22 Sec. 8. Purpose

23 Pursuant to section 41-2955, subsection E, Arizona Revised Statutes,
24 the legislature establishes the independent maltreatment fatality and near
25 fatality oversight committee to review fatalities and near fatalities
26 resulting from abuse and neglect and to lead to greater understanding of
27 the causes of and methods of preventing maltreatment fatalities or near
28 fatalities.

29 Sec. 9. Effective date

30 This act is effective from and after June 30, 2024.