

REFERENCE TITLE: DCS; team decision meeting; prohibition

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

SB 1423

Introduced by
Senator Wadsack: Representative Jones

AN ACT

AMENDING TITLE 8, CHAPTER 4, ARTICLE 4, ARIZONA REVISED STATUTES, BY
ADDING SECTION 8-530.04; RELATING TO CHILD WELFARE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 8, chapter 4, article 4, Arizona Revised Statutes,
3 is amended by adding section 8-530.04, to read:

4 8-530.04. Abuse or neglect allegation; child removal; team
5 decision meeting; prohibition; peer review team;
6 oversight hearing; rules; definition

7 A. NOTWITHSTANDING ANY OTHER LAW, ON RECEIVING AN ALLEGATION OF
8 ABUSE OR NEGLECT OR ON REMOVAL OF A CHILD FROM THE HOME, THE DEPARTMENT
9 MAY NOT CONDUCT A TEAM DECISION MEETING.

10 B. THE DEPARTMENT SHALL ESTABLISH A PEER REVIEW TEAM TO REVIEW ALL
11 ALLEGATIONS OF ABUSE OR NEGLECT OR REMOVALS OF A CHILD FROM THE HOME. THE
12 PEER REVIEW TEAM SHALL CONSIST OF THE FOLLOWING MEMBERS:

13 1. THREE PARENTS WHO HAVE BEEN THE SUBJECT OF PREVIOUS ALLEGATIONS
14 OF ABUSE OR NEGLECT OR WHO HAVE HAD A CHILD REMOVED FROM THE HOME PURSUANT
15 TO THIS TITLE.

16 2. ONE PHYSICIAN WHO HAS EXPERIENCE IN MATTERS THAT RELATE TO CHILD
17 ABUSE.

18 3. ONE LAWYER WHO HAS EXPERIENCE IN JUVENILE MATTERS.

19 C. DEPARTMENT EMPLOYEES OR FORMER EMPLOYEES MAY NOT SERVE ON THE
20 PEER REVIEW TEAM.

21 D. THE PEER REVIEW TEAM SHALL CONDUCT A HEARING TO REVIEW ALL
22 ALLEGATIONS OF ABUSE OR NEGLECT OR REMOVALS OF A CHILD FROM THE HOME
23 WITHIN FOURTEEN DAYS AFTER THE ALLEGATION OR REMOVAL TO DETERMINE IF THE
24 ALLEGATION OF ABUSE OR NEGLECT OR THE REMOVAL OF THE CHILD FROM THE HOME
25 IS SUBSTANTIATED IF THE PEER REVIEW TEAM DETERMINES THE ALLEGATION OF
26 ABUSE OR NEGLECT OR THE REMOVAL OF THE CHILD FROM THE HOME IS
27 UNSUBSTANTIATED, THE PEER REVIEW TEAM SHALL CLOSE THE INVESTIGATION AND
28 DISMISS THE CLAIM.

29 E. THE PEER REVIEW TEAM SHALL CONDUCT HEARINGS AT LEAST TWICE A
30 MONTH.

31 F. MEMBERS OF THE PEER REVIEW TEAM ARE ENTITLED TO RECEIVE
32 COMPENSATION PURSUANT TO SECTION 38-611.

33 G. THE DEPARTMENT MAY ADOPT RULES TO CARRY OUT THIS SECTION.

34 H. FOR THE PURPOSES OF THIS SECTION, "TEAM DECISION MEETING" MEANS
35 A MEETING THAT IS CONDUCTED BETWEEN DEPARTMENT EMPLOYEES AND A CHILD'S
36 PARENTS AND THAT IS DESIGNED TO ENGAGE PARENTS IN THE SAFETY, STABILITY
37 AND PERMANENCY OF A CHILD DURING THE INVESTIGATION AND REMOVAL PROCESS.

38 Sec. 2. Legislative findings

39 The legislature finds that:

40 1. The team decision meeting is an unconstitutional, nonjudicial
41 procedure that has been acting in a judicial capacity without the right to
42 a judge or a jury of peers.

43 2. The team decision meeting is an unlawful and unjust meeting.