

REFERENCE TITLE: DCS; group homes; investigations

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

## **SB 1067**

Introduced by  
Senator Shope

AN ACT

AMENDING SECTIONS 8-201, 8-455, 8-456 AND 8-803, ARIZONA REVISED STATUTES;  
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. 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":

14 (a) Means the infliction or allowing of physical injury, impairment  
15 of bodily function or disfigurement or the infliction of or allowing  
16 another person to cause serious emotional damage as evidenced by severe  
17 anxiety, depression, withdrawal or untoward aggressive behavior and which  
18 emotional damage is diagnosed by a medical doctor or psychologist and is  
19 caused by the acts or omissions of an individual who has the care, custody  
20 and control of a child, **INCLUDING AN EMPLOYEE OF A CHILD WELFARE AGENCY**  
21 **WHERE A CHILD IS PLACED THAT IS LICENSED BY AND CONTRACTED WITH THE**  
22 **DEPARTMENT.** ~~Abuse~~

23 (b) Includes:

24 ~~(a)~~ (i) Inflicting or allowing sexual abuse pursuant to section  
25 13-1404, sexual conduct with a minor pursuant to section 13-1405, sexual  
26 assault pursuant to section 13-1406, molestation of a child pursuant to  
27 section 13-1410, commercial sexual exploitation of a minor pursuant to  
28 section 13-3552, sexual exploitation of a minor pursuant to section  
29 13-3553, incest pursuant to section 13-3608 or child sex trafficking  
30 pursuant to section 13-3212.

31 ~~(b)~~ (ii) Physical injury that results from allowing a child to  
32 enter or remain in any structure or vehicle in which volatile, toxic or  
33 flammable chemicals are found or equipment is possessed by any person for  
34 the purpose of manufacturing a dangerous drug as defined in section  
35 13-3401.

36 ~~(c)~~ (iii) Unreasonable confinement of a child.

37 3. "Adult" means a person who is eighteen years of age or older.

38 4. "Adult court" means the appropriate justice court, municipal  
39 court or criminal division of the superior court that has jurisdiction to  
40 hear proceedings concerning offenses committed by juveniles as provided in  
41 sections 8-327 and 13-501.

42 5. "Award" or "commit" means to assign legal custody.

43 6. "Child", "youth" or "juvenile" means an individual who is under  
44 eighteen years of age.

1           7. "Complaint" means a written statement of the essential facts  
2 constituting a public offense that is any of the following:

3           (a) Made on an oath before a judge or commissioner of the superior  
4 court or an authorized juvenile hearing officer.

5           (b) Made pursuant to section 13-3903.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           15. "Dependent child":

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4           (a) Means a psychiatrist, or licensed physician experienced in  
5 psychiatric matters, who is designated in writing by the governing body of  
6 the agency as the person in charge of the medical services of the agency,  
7 or a psychiatrist designated by the governing body to act for the  
8 director.

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

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

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

16          (a) The inability or unwillingness of a parent, guardian or  
17 custodian of a child to provide that child with supervision, food,  
18 clothing, shelter or medical care if that inability or unwillingness  
19 causes substantial risk of harm to the child's health or welfare, except  
20 if the inability of a parent, guardian or custodian to provide services to  
21 meet the needs of a child with a disability or chronic illness is solely  
22 the result of the unavailability of reasonable services.

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

27          (c) A determination by a health professional that a newborn infant  
28 was exposed prenatally to a drug or substance listed in section 13-3401  
29 and that this exposure was not the result of a medical treatment  
30 administered to the mother or the newborn infant by a health professional.  
31 This subdivision does not expand a health professional's duty to report  
32 neglect based on prenatal exposure to a drug or substance listed in  
33 section 13-3401 beyond the requirements prescribed pursuant to section  
34 13-3620, subsection E. The determination by the health professional shall  
35 be based on one or more of the following:

36           (i) Clinical indicators in the prenatal period including maternal  
37 and newborn presentation.

38           (ii) History of substance use or abuse.

39           (iii) Medical history.

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

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

1 (e) Deliberate exposure of a child by a parent, guardian or  
2 custodian to sexual conduct as defined in section 13-3551 or to sexual  
3 contact, oral sexual contact or sexual intercourse as defined in section  
4 13-1401, bestiality as prescribed in section 13-1411 or explicit sexual  
5 materials as defined in section 13-3507.

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

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

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

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

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

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

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

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

19 29. "Protective supervision" means supervision that is ordered by  
20 the juvenile court of children who are found to be dependent or  
21 incorrigible.

22 30. "Qualified young adult" means a former dependent child who is  
23 at least eighteen years of age and not over twenty-one years of age, who  
24 meets the criteria for an extended foster care program pursuant to section  
25 8-521.02 and who signs a voluntary agreement to participate in the  
26 program.

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

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

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

36 (a) Seriously impairs mental faculties.

37 (b) Causes serious anxiety, depression, withdrawal or social  
38 dysfunction behavior to the extent that the child suffers dysfunction that  
39 requires treatment.

40 (c) Is the result of sexual abuse pursuant to section 13-1404,  
41 sexual conduct with a minor pursuant to section 13-1405, sexual assault  
42 pursuant to section 13-1406, molestation of a child pursuant to section  
43 13-1410, child sex trafficking pursuant to section 13-3212, commercial  
44 sexual exploitation of a minor pursuant to section 13-3552, sexual

1 exploitation of a minor pursuant to section 13-3553 or incest pursuant to  
2 section 13-3608.

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

5 (a) Creates a reasonable risk of death.

6 (b) Causes serious or permanent disfigurement.

7 (c) Causes significant physical pain.

8 (d) Causes serious impairment of health.

9 (e) Causes the loss or protracted impairment of an organ or limb.

10 (f) Is the result of sexual abuse pursuant to section 13-1404,  
11 sexual conduct with a minor pursuant to section 13-1405, sexual assault  
12 pursuant to section 13-1406, molestation of a child pursuant to section  
13 13-1410, child sex trafficking pursuant to section 13-3212, commercial  
14 sexual exploitation of a minor pursuant to section 13-3552, sexual  
15 exploitation of a minor pursuant to section 13-3553 or incest pursuant to  
16 section 13-3608.

17 35. "Shelter care" means the temporary care of a child in any  
18 public or private facility or home that is licensed by this state and that  
19 offers a physically nonsecure environment that is characterized by the  
20 absence of physically restricting construction or hardware and that  
21 provides the child access to the surrounding community.

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

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

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

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

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

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

42 2. Immediately take steps necessary to identify and locate prior  
43 communications and DCS reports related to the current communication using  
44 the department's data system and the central registry system of this  
45 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.

15           2. The suspected victim of the conduct is under eighteen years of  
16 age.

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

19           4. The person suspected of committing the abuse or neglect is the  
20 parent, guardian or custodian of the victim or an adult member of the  
21 victim's household.

22          E. A HOTLINE WORKER SHALL PREPARE A DCS REPORT IF THE IDENTITY OF  
23 THE PERSON WHO IS SUSPECTED OF ABUSE IS AN EMPLOYEE OF A CHILD WELFARE  
24 AGENCY AND BOTH OF THE FOLLOWING APPLY:

25           1. THE CHILD VICTIM IS PLACED WITH THE AGENCY.

26           2. THE AGENCY IS LICENSED BY AND CONTRACTED WITH THE DEPARTMENT.

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

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

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

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

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

40          ~~H.~~ I. The department shall develop and train hotline workers to  
41 use uniform risk assessment tools to determine:

42           1. Whether the suspected conduct constitutes abuse or neglect and  
43 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.~~ J. A DCS report must include, if available, all of the  
7 following:

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

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

13          3. THE NAME, ADDRESS AND OTHER LOCATION OR CONTACT INFORMATION OF  
14 AN EMPLOYEE OF A CHILD WELFARE AGENCY WHO IS SUSPECTED OF COMMITTING ABUSE  
15 IF BOTH OF THE FOLLOWING APPLY:

16           (a) THE CHILD VICTIM IS PLACED WITH THE AGENCY.

17           (b) THE AGENCY IS LICENSED BY AND CONTRACTED WITH THE DEPARTMENT.

18          ~~S.~~ 4. The name, address and other location or contact information  
19 for the child.

20          ~~T.~~ 5. The nature and extent of the indications of the child's  
21 abuse or neglect, including any indication of physical injury.

22          ~~U.~~ 6. Any information regarding possible prior abuse or neglect,  
23 including reference to any communication or DCS report involving the  
24 child, the child's siblings or the person suspected of committing the  
25 abuse or neglect.

26          ~~V.~~ K. Information gathered through the hotline must be made  
27 available to an employee of the department in order to perform the  
28 employee's duties. The office of child welfare investigations and the  
29 inspections bureau must have immediate access to all records of the  
30 hotline.

31          ~~W.~~ L. A representative of the:

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

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

36          ~~X.~~ M. The department shall publicize the availability and the  
37 purposes of the centralized intake hotline.

38          ~~Y.~~ N. For the purposes of this section:

39           1. "Centralized intake hotline" means the system developed pursuant  
40 to this section regardless of the communication methods or technologies  
41 used to implement the system.

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

1           Sec. 3. Section 8-456, Arizona Revised Statutes, is amended to  
2 read:

3           8-456. Investigative function; training; voice stress  
4                                   analysis; recordings; criminal offenses; definitions

5           A. The department shall train all investigators in forensic  
6 interviewing and processes and the protocols established pursuant to  
7 section 8-817. The training must include:

8           1. An evidence-informed safety assessment model to assess the  
9 safety of a child.

10           2. The duty to protect the legal and due process rights of children  
11 and families from the time of the initial contact through case closure.

12           3. Instruction on a child's rights as a crime victim and  
13 instruction on the legal rights of parents.

14           4. A checklist or other mechanism to assist the investigator in  
15 giving consideration to the relevant factors in each investigation.

16           B. The office of child welfare investigations shall investigate DCS  
17 reports that contain a criminal conduct allegation as provided in sections  
18 8-471 and 8-817.

19           C. The department shall use an evidence-informed safety assessment  
20 model to assess the safety of a child.

21           D. After receiving a DCS report from the centralized intake hotline  
22 pursuant to section 8-455, an investigator shall do all of the following:

23           1. Make a prompt and thorough investigation. An investigation must  
24 evaluate and determine the nature, extent and cause of any condition  
25 created by the parents, guardian or custodian, ~~or~~ an adult member of the  
26 victim's household **OR AN EMPLOYEE OF A CHILD WELFARE AGENCY WHERE THE**  
27 **CHILD IS PLACED THAT IS LICENSED BY AND CONTRACTED WITH THE DEPARTMENT**  
28 that would tend to support or refute the allegation that the child is a  
29 victim of abuse or neglect and determine the name, age and condition of  
30 other children in the home. If an investigator has sufficient information  
31 to determine that the child is not a victim of abuse or neglect, the  
32 investigator may close the investigation.

33           2. If required by section 8-821 and subject to section 8-471, take  
34 a child into temporary custody. Law enforcement officers shall cooperate  
35 with the department to remove a child from the custody of the child's  
36 parents, guardian or custodian when necessary.

37           E. The department may not use covert voice stress analysis during  
38 an investigation to determine if abuse or neglect exists. The department  
39 may not use overt voice stress analysis during an investigation unless the  
40 person on whom the analysis is used gives informed consent. Results of  
41 computer voice stress analysis are not admissible in court.

42           F. After an investigation, an investigator shall:

43           1. Determine whether any child is in need of child safety services  
44 consistent with the evaluation and determination made pursuant to  
45 subsection D of this section.

1           2. If appropriate pursuant to section 8-846, offer to the family of  
2 any child who is found to be a child in need of child safety services  
3 those services that are designed to correct unresolved problems that would  
4 indicate a reason to adjudicate the child dependent.

5           3. Submit a written report of the investigator's investigation to:

6           (a) The department's case management information system within a  
7 reasonable amount of time that does not exceed forty-five days after  
8 receipt of the DCS report except as provided in section 8-811. If the  
9 investigation involves allegations regarding a child who at the time of  
10 the alleged incident was in the custody of a child welfare agency licensed  
11 by the department under this title, a copy of the report and any  
12 additional investigative or other related reports must be provided to the  
13 board of directors of the agency or to the administrative head of the  
14 agency unless the incident is alleged to have been committed by the  
15 person. The department shall excise all information with regard to the  
16 identity of the source of the reports.

17           (b) The appropriate court forty-eight hours before a dependency  
18 hearing pursuant to a petition of dependency or within twenty-one days  
19 after a petition of dependency is filed, whichever is earlier. On receipt  
20 of the report the court shall make the report available to all parties and  
21 counsel.

22           4. Accept a child into voluntary placement pursuant to section  
23 8-806.

24           5. Identify, promptly obtain and abide by court orders that  
25 restrict or deny custody, visitation or contact by a parent or other  
26 person in the home with the child and notify appropriate personnel in the  
27 department to preclude violations of a court order in the provision of any  
28 services.

29           G. In conducting an investigation pursuant to this section, if the  
30 investigator is made aware that an allegation of abuse or neglect may also  
31 have been made in another state, the investigator shall contact the  
32 appropriate agency in that state to attempt to determine the outcome of  
33 any investigation of that allegation.

34           H. If an investigation indicates a reason to believe that a  
35 criminal offense has been committed, the investigator shall immediately  
36 provide the information to the appropriate law enforcement agency and the  
37 office of child welfare investigations, unless the information was  
38 previously provided pursuant to section 8-455.

39           I. Except in judicial proceedings, a parent or legal guardian may  
40 not be prohibited from recording conversations with the department  
41 pursuant to this section.

42           J. Before implementing a new safety assessment model, the  
43 department shall present the proposed change to the joint legislative  
44 oversight committee on the department of child safety established by

1 section 41-1292 or to the committees with jurisdiction over the department  
2 in the senate and house of representatives.

3 K. For the purposes of this section:

4 1. "Evidence-informed" means based on the best available child  
5 welfare research and practice information.

6 2. "Investigator" means an employee of the department who  
7 investigates allegations of abuse or neglect pursuant to a DCS report.

8 Sec. 4. Section 8-803, Arizona Revised Statutes, is amended to  
9 read:

10 8-803. Limitation of authority; duty to inform

11 A. On initial contact with a parent, guardian or custodian OR AN  
12 EMPLOYEE OF A CHILD WELFARE AGENCY WHERE A CHILD IS PLACED THAT IS  
13 LICENSED BY AND CONTRACTED WITH THE DEPARTMENT WHO IS under investigation  
14 pursuant to this article, a child safety worker shall:

15 1. Inform the family OR EMPLOYEE, both verbally and in writing,  
16 making reasonable efforts to receive written acknowledgement from the  
17 parent, guardian or custodian, of receipt of all of the following  
18 information:

19 (a) That the family OR EMPLOYEE is under investigation by the  
20 department.

21 (b) The specific complaint or allegation made against that person.

22 (c) That the worker has no legal authority to compel the family OR  
23 EMPLOYEE to cooperate with the investigation or to receive child safety  
24 services offered pursuant to the investigation.

25 (d) That absent a court order, the family may deny the worker entry  
26 into the family's home.

27 (e) That the family OR EMPLOYEE has the right to seek the advice of  
28 an attorney and to have an attorney present when questioned by a worker.

29 (f) That anything the person says or writes may be used in a court  
30 proceeding.

31 (g) That the family OR EMPLOYEE may refuse to do any of the  
32 following:

33 (i) Sign a release of information document.

34 (ii) Consent to take a drug or alcohol test.

35 (iii) Submit to a mental health evaluation.

36 (h) The worker's authority to petition the juvenile court for a  
37 determination that a child is dependent.

38 (i) The person's right to file a complaint with the  
39 ombudsman-citizens aide pursuant to section 41-1376. The worker shall  
40 provide the telephone number and email address of the ombudsman-citizens  
41 aide.

42 (j) The person's right to appeal determinations made by the  
43 department.

44 (k) Information outlining parental rights under the laws of the  
45 state, IF APPLICABLE.

1           2. Provide information to the family about the investigation and  
2 child safety decision-making process, document that this information has  
3 been provided and make reasonable efforts to receive written  
4 acknowledgement of receipt of this information. If the worker's  
5 reasonable efforts to obtain written acknowledgement of receipt of the  
6 information are unsuccessful, the worker shall document the reason why  
7 efforts to obtain written acknowledgement were unsuccessful.

8           B. The child safety worker shall also inform the person about whom  
9 the report was made about that person's right to respond to the  
10 allegations either verbally or in writing, including any documentation,  
11 and to have this information considered in determining if the child is in  
12 need of child safety services. The worker shall tell the person that  
13 anything the person says or writes can be used in a court proceeding. If  
14 the person makes a verbal response, the worker shall include the response  
15 in the written report of the investigation. If the person makes a written  
16 response, including any documentation, the worker shall include this  
17 response and the documentation in the case file. Information provided in  
18 response to the allegations shall be considered during the investigation  
19 by the worker. The worker shall maintain the response and documentation  
20 in the case file and provide this information to the court before a  
21 hearing or trial relating to the dependency petition.

22           C. If the family declines to cooperate with the investigation or to  
23 accept or to participate in the offered services, or if the worker  
24 otherwise believes that the child should be adjudicated dependent, the  
25 worker may file with the juvenile court a petition requesting that the  
26 child in need of child safety services be adjudicated dependent.

27           D. Refusal to cooperate in the investigation or to participate in  
28 the offered services does not constitute grounds for temporary custody of  
29 a child except if there is a clear necessity for temporary custody as  
30 provided in section 8-821.