

REFERENCE TITLE: DCS; tiered central registry; hearings

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

SB 1664

Introduced by
Senator Gowan

AN ACT

AMENDING SECTIONS 8-456, 8-802, 8-804 AND 8-804.01, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-804.02; REPEALING SECTION 8-811, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 8-811; AMENDING SECTIONS 8-841, 41-619.57 AND 41-1092.02, ARIZONA REVISED STATUTES; RELATING TO THE DEPARTMENT OF CHILD SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

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

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

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

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

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

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

17 B. The office of child welfare investigations shall investigate DCS
18 reports that contain a criminal conduct allegation as provided in sections
19 8-471 and 8-817.

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

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

24 1. Make a prompt and thorough investigation. An investigation must
25 evaluate and determine the nature, extent and cause of any condition
26 created by the parents, guardian or custodian or an adult member of the
27 victim's household that would tend to support or refute the allegation
28 that the child is a victim of abuse or neglect and determine the name, age
29 and condition of other children in the home. If an investigator has
30 sufficient information to determine that the child is not a victim of
31 abuse or neglect, the investigator may close the investigation.

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

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

41 F. After an investigation, an investigator shall:

42 1. Determine whether any child is in need of child safety services
43 consistent with the evaluation and determination made pursuant to
44 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. 2. Section 8-802, Arizona Revised Statutes, is amended to
9 read:

10 8-802. Child safety worker; fingerprint clearance cards;
11 interview requirements; temporary custody limit;
12 cooperation and coordination; alteration of files;
13 violation; classification

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

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

25 1. The child initiates contact with the worker.

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

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

31 C. A child shall not remain in temporary custody for a period
32 exceeding seventy-two hours, excluding Saturdays, Sundays and holidays,
33 unless a dependency petition is filed. ~~if a petition is not filed and the~~
34 ~~child is released to the child's parent, guardian or custodian, the worker~~
35 ~~shall file a report of removal with the central registry within~~
36 ~~seventy-two hours of the child's release. The report shall include:~~

37 ~~1. The dates of previous referrals, investigations or temporary~~
38 ~~custody.~~

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

41 D. All child safety workers shall be trained and demonstrate
42 competency in:

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

1 2. The legal rights of parents.

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

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

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

12 G. All child welfare investigations workers and inspections bureau
13 workers shall cooperate and coordinate with the rest of the department to
14 achieve the purposes of this title.

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

17 Sec. 3. Section 8-804, Arizona Revised Statutes, is amended to
18 read:

19 8-804. Central registry; notification; definition

20 A. The department shall maintain a central registry of ~~reports of~~
21 child abuse and neglect ~~that are substantiated and the outcome of the~~
22 ~~investigation of these reports made under this article. A finding made by~~
23 ~~a court pursuant to section 8-844, subsection C that a child is dependent~~
24 ~~based on an allegation of abuse or neglect shall be recorded as a~~
25 ~~substantiated finding of abuse or neglect. The department shall~~
26 ~~incorporate duplicate reports on the same incident in the original report~~
27 ~~and shall not classify duplicate reports as new reports. THE DEPARTMENT~~
28 ~~MAY ENTER PERSONS FOUND TO HAVE COMMITTED AN ACT OF CHILD ABUSE OR NEGLECT~~
29 ~~IN THE CENTRAL REGISTRY ONLY ON A FINDING FROM A COURT OF BOTH OF THE~~
30 ~~FOLLOWING:~~

31 1. A CHILD IS A DEPENDENT CHILD BASED ON AN ALLEGATION OF ABUSE OR
32 NEGLECT PURSUANT TO SECTION 8-844, SUBSECTION C OR THAT A PERSON HAS
33 COMMITTED AN ACT OF CHILD ABUSE OR NEGLECT.

34 2. THE NATURE AND CIRCUMSTANCES OF THE ABUSE OR NEGLECT INDICATE
35 THAT THE PERSON WOULD PRESENT A SIGNIFICANT RISK OF COMMITTING ABUSE OR
36 NEGLECT IF THE PERSON WERE IN A POSITION OR SETTING OUTSIDE OF THE
37 PERSON'S HOME THAT INVOLVES CARE OF OR SUBSTANTIAL CONTACT WITH CHILDREN.

38 B. The department shall conduct central registry background checks
39 and shall use the information contained in the central registry only for
40 the following purposes:

41 1. As a factor to determine qualifications for any of the
42 following:

43 (a) Foster home licensing.

44 (b) Adoptive parent certification.

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

1 (d) Child care home certification.

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

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

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

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

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

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

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

18 (b) All employees of a contractor.

19 (c) A subcontractor of a contractor and the subcontractor's
20 employees.

21 (d) Prospective employees of the contractor or subcontractor at the
22 request of the prospective employer.

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

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

28 7. To determine the nature and scope of child abuse and neglect in
29 this state and to provide statewide statistical and demographic
30 information concerning trends in child abuse and neglect.

31 8. To allow comparisons of this state's statistical data with
32 national data.

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

34 10. To provide information to licensees described in subsection D
35 of this section regarding persons who are employed or seeking employment
36 to provide direct services to children in a licensed behavioral health
37 residential facility.

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

41 C. Licensees that do not contract with the state and that employ
42 persons who provide direct services to children pursuant to title 36,
43 chapter 7.1 must submit to the department of child safety in a manner
44 prescribed by the department of child safety information necessary to
45 conduct central registry background checks. The department of health

1 services shall verify whether licensees, pursuant to title 36, chapter
2 7.1, have complied with the requirements of this subsection and any rules
3 adopted by the department of health services to implement this subsection.

4 D. Licensees that do not contract with this state, that contract
5 with the federal government, that receive only federal monies and that
6 employ persons who provide direct services to children in a licensed
7 behavioral health residential facility pursuant to title 36, chapter 4
8 must submit to the department of child safety in a manner prescribed by
9 the department of child safety information necessary to conduct central
10 registry background checks. The department of child safety may charge a
11 fee to licensees to conduct central registry background checks pursuant to
12 this subsection. The department of health services shall verify whether
13 the licensees, pursuant to title 36, chapter 4, have complied with the
14 requirements of this subsection.

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

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

26 ~~G. If the department of economic security or the department of
27 child safety received a report on or after September 1, 1999 and
28 determined that the report was substantiated, the department of child
29 safety shall maintain the report in the central registry for a maximum of
30 twenty-five years after the date of the report. If the department of
31 child safety maintains reports in the central registry for less than
32 twenty-five years, the department shall adopt rules to designate the
33 length of time it must maintain those reports in the central registry.~~

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

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

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

44 ~~F.~~ H. Any person who was the subject of a department investigation
45 may request confirmation that the department has purged information about

1 the person pursuant to subsection ~~H~~ G of this section. On receipt of
2 this request, the department shall provide the person with written
3 confirmation that the department has no record containing identifying
4 information about that person.

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

11 ~~K~~ J. Before being employed in a position that provides direct
12 services to children or vulnerable adults pursuant to subsection B,
13 paragraphs 4, 5, 10 and 11 or subsections C, D and E of this section,
14 employees shall certify, under penalty of perjury, on forms that are
15 provided by the department whether ~~an allegation~~ A COURT FINDING of abuse
16 or neglect was made against them ~~and was substantiated~~. The forms are
17 confidential. If this certification does not indicate a ~~current~~
18 ~~investigation or a substantiated report~~ COURT FINDING of abuse or neglect,
19 the employee may provide direct services pending the findings of the
20 central registry check.

21 ~~L~~ K. A person who is granted a central registry exception
22 pursuant to section 41-619.57 is not entitled to a contract, employment,
23 licensure, certification or other benefit because the person has been
24 granted a central registry exception.

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

29 ~~N~~ M. An agency of this state that conducts central registry
30 background checks may provide information contained in the central
31 registry on all ~~reports~~ COURT FINDINGS of child abuse and neglect ~~that are~~
32 ~~substantiated and the outcomes of the investigations of the reports~~ to
33 carry out this section. Identifying information regarding any person
34 other than the perpetrator may not be released. Information received
35 pursuant to this section may not be further disseminated unless authorized
36 by law or court order.

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

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

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

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

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

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

14 B. ON OR BEFORE MAY 15, 2025, THE DEPARTMENT SHALL CONFORM ALL
15 ENTRIES IN THE CENTRAL REGISTRY, REGARDLESS OF THE DATE OF ENTRY, TO THE
16 RULES ADOPTED PURSUANT TO SUBSECTION A OF THIS SECTION.

17 C. THE DEPARTMENT SHALL MAKE A REASONABLE EFFORT TO NOTIFY ANY
18 INDIVIDUAL WHOSE CENTRAL REGISTRY ENTRY WAS ALTERED AS A RESULT OF RULES
19 ADOPTED PURSUANT TO THIS SECTION.

20 Sec. 6. Repeal

21 Section 8-811, Arizona Revised Statutes, is repealed.

22 Sec. 7. Title 8, chapter 4, article 8, Arizona Revised Statutes, is
23 amended by adding a new section 8-811, to read:

24 8-811. Hearing process

25 A. AFTER A REPORT OF ABUSE OR NEGLECT THAT DOES NOT RESULT IN A
26 DEPENDENCY PETITION PURSUANT TO SECTION 8-841 IS SUBSTANTIATED, THE
27 DEPARTMENT MAY PETITION THE JUVENILE COURT FOR BOTH OF THE FOLLOWING
28 FINDINGS:

29 1. THAT A PERSON HAS COMMITTED AN ACT OF CHILD ABUSE OR NEGLECT.

30 2. THAT THE NATURE AND CIRCUMSTANCES OF THE ABUSE OR NEGLECT
31 INDICATE THAT THE PERSON WOULD PRESENT A SIGNIFICANT RISK OF COMMITTING
32 ABUSE OR NEGLECT IF THE PERSON WERE IN A POSITION OR SETTING OUTSIDE OF
33 THE PERSON'S HOME THAT INVOLVES THE CARE OF OR SUBSTANTIAL CONTACT WITH
34 CHILDREN.

35 B. ON RECEIVING THE COURT'S FINDINGS UNDER SUBSECTION A OF THIS
36 SECTION, THE DEPARTMENT MAY PLACE THE PERSON ON THE CENTRAL REGISTRY
37 PURSUANT TO SECTION 8-804.

38 C. A PETITION THAT IS FILED PURSUANT TO SUBSECTION A OF THIS
39 SECTION SHALL BE VERIFIED AND SHALL CONTAIN ALL OF THE FOLLOWING:

40 1. THE NAME AND ADDRESS, IF KNOWN, OF THE PERSON WHO IS ALLEGED TO
41 HAVE COMMITTED AN ACT OF CHILD ABUSE OR NEGLECT.

42 2. THE NAME AND AGE OF THE CHILD WHOM THE PERSON IS ALLEGED TO HAVE
43 ABUSED OR NEGLECTED.

1 3. THE NAMES AND ADDRESSES, IF KNOWN, OF BOTH PARENTS AND THE
2 GUARDIAN, IF ANY, OF THE CHILD WHO IS ALLEGED TO HAVE BEEN ABUSED OR
3 NEGLECTED.

4 4. A CONCISE STATEMENT OF THE FACTS TO SUPPORT THE CONCLUSION THAT
5 THE PERSON AGAINST WHOM THE PETITION HAS BEEN FILED HAS COMMITTED AN ACT
6 OF ABUSE OR NEGLECT AGAINST THE CHILD NAMED IN THE PETITION AND THAT THE
7 NATURE AND CIRCUMSTANCES OF THE ABUSE OR NEGLECT INDICATE THAT THE PERSON
8 WOULD PRESENT A SIGNIFICANT RISK OF COMMITTING ABUSE OR NEGLECT IF THE
9 PERSON WERE IN A POSITION OR SETTING OUTSIDE OF THE PERSON'S HOME THAT
10 INVOLVES THE CARE OF OR SUBSTANTIAL CONTACT WITH CHILDREN.

11 D. THE DEPARTMENT SHALL SERVE THE PETITION AND NOTICE ON ALL OF THE
12 FOLLOWING:

13 1. THE PERSON WHO IS NAMED IN THE PETITION AS THE PERSON ALLEGED TO
14 HAVE COMMITTED AN ACT OF CHILD ABUSE OR NEGLECT.

15 2. THE PARENTS AND GUARDIAN, IF ANY, OF THE CHILD WHO IS ALLEGED TO
16 HAVE BEEN ABUSED OR NEGLECTED.

17 3. THE CHILD'S GUARDIAN AD LITEM OR ATTORNEY, IF KNOWN TO THE
18 DEPARTMENT.

19 E. THE NOTICE SHALL CONTAIN ALL OF THE FOLLOWING:

20 1. THE NAME AND ADDRESS OF THE PERSON TO WHOM THE NOTICE IS
21 DIRECTED.

22 2. THE NAME OF THE PERSON WHO IS ALLEGED TO HAVE COMMITTED AN ACT
23 OF CHILD ABUSE OR NEGLECT.

24 3. THE NAME OF THE CHILD WHO IS ALLEGED TO HAVE BEEN ABUSED OR
25 NEGLECTED.

26 4. THE DATE, TIME AND PLACE OF THE HEARING ON THE PETITION.

27 5. A STATEMENT THAT THE PERSON WHO IS ALLEGED TO HAVE COMMITTED AN
28 ACT OF CHILD ABUSE OR NEGLECT IS ENTITLED TO HAVE AN ATTORNEY PRESENT AT
29 THE HEARING AND THAT, IF THE PERSON IS INDIGENT AND CANNOT AFFORD AN
30 ATTORNEY AND WANTS TO BE REPRESENTED BY AN ATTORNEY, AN ATTORNEY WILL BE
31 PROVIDED.

32 6. A STATEMENT THAT AS THE RESULT OF THE HEARING OR FURTHER
33 PROCEEDINGS THE PERSON COULD BE PLACED ON THE CENTRAL REGISTRY OF CHILD
34 ABUSE AND NEGLECT.

35 F. THE COURT SHALL CONDUCT AN INITIAL HEARING WITHIN FORTY-FIVE
36 DAYS AFTER THE PETITION IS FILED AND A HEARING ON THE MERITS OF THE
37 ALLEGATIONS WITHIN NINETY DAYS FOLLOWING SERVICE OF THE PETITION.

38 G. AT EACH HEARING, THE COURT SHALL ENSURE THAT THE PERSON AGAINST
39 WHOM THE PETITION IS FILED HAS BEEN ADVISED OF THE FOLLOWING RIGHTS:

40 1. THE RIGHT TO COUNSEL, INCLUDING APPOINTED COUNSEL IF THE PERSON
41 IS INDIGENT.

42 2. THE RIGHT TO AN EVIDENTIARY HEARING TO CONTEST THE ALLEGATIONS
43 IN THE PETITION.

44 3. THE RIGHT TO CROSS-EXAMINE ALL WITNESSES THAT ARE CALLED TO
45 TESTIFY AGAINST THE PERSON AGAINST WHOM THE PETITION IS FILED.

1 4. THE RIGHT TO USE THE PROCESS OF THE COURT TO COMPEL THE
2 ATTENDANCE OF WITNESSES.

3 H. IF FOLLOWING THE HEARING, THE COURT:

4 1. FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT THE ALLEGATIONS
5 ARE TRUE, THE COURT SHALL MAKE THE FOLLOWING FINDINGS:

6 (a) THAT THE COURT HAS JURISDICTION OVER THE SUBJECT MATTER AND THE
7 PERSON BEFORE THE COURT.

8 (b) THE FACTUAL BASIS FOR FINDING THAT THE PERSON HAS COMMITTED AN
9 ACT OF CHILD ABUSE OR NEGLECT AND THAT, DUE TO THE NATURE AND
10 CIRCUMSTANCES OF THE ABUSE OR NEGLECT, THE PERSON WOULD PRESENT A
11 SIGNIFICANT RISK OF COMMITTING ABUSE OR NEGLECT IF THE PERSON WERE IN A
12 POSITION OR SETTING OUTSIDE OF THE PERSON'S HOME THAT INVOLVES THE CARE OF
13 OR SUBSTANTIAL CONTACT WITH CHILDREN.

14 (c) THAT THE DEPARTMENT MAY PLACE THE PERSON ON THE CENTRAL
15 REGISTRY.

16 2. DOES NOT FIND BY A PREPONDERANCE OF THE EVIDENCE THAT THE
17 ALLEGATIONS CONTAINED IN THE PETITION ARE TRUE, THE COURT SHALL DISMISS
18 THE PETITION, AND THE DEPARTMENT MAY NOT PLACE THE PERSON ON THE CENTRAL
19 REGISTRY.

20 I. IF THE PERSON AGAINST WHOM THE PETITION IS FILED DOES NOT APPEAR
21 AT THE HEARING, THE COURT MAY FIND THAT THE PERSON HAS WAIVED THE RIGHT TO
22 CONTEST THE PETITION AND MAY MAKE FINDINGS THAT THE PERSON HAS COMMITTED
23 AN ACT OF ABUSE OR NEGLECT AND THAT, DUE TO THE NATURE AND CIRCUMSTANCES
24 OF THE ABUSE OR NEGLECT, THE PERSON WOULD PRESENT A SIGNIFICANT RISK OF
25 COMMITTING ABUSE OR NEGLECT IF THE PERSON WERE IN A POSITION OR SETTING
26 OUTSIDE THE PERSON'S HOME THAT INVOLVES THE CARE OF OR SUBSTANTIAL CONTACT
27 WITH CHILDREN BASED ON THE RECORD AND EVIDENCE PRESENTED AS PROVIDED IN
28 RULES PRESCRIBED BY THE SUPREME COURT.

29 Sec. 8. Section 8-841, Arizona Revised Statutes, is amended to
30 read:

31 8-841. Dependency petition; service; preliminary orders;
32 hearing

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

36 B. An interested party may not file a dependency petition
37 concerning a child who has been adjudicated delinquent and is under the
38 jurisdiction of the juvenile court, who is awaiting delinquency
39 adjudication or disposition or who has been released from the department
40 of juvenile corrections within the previous six months, unless both of the
41 following occur:

42 1. The interested party contacts the department pursuant to section
43 8-455 at least fourteen days before filing the petition and provides the
44 department with notice of the intent to file a petition pursuant to this

1 subsection, the allegations contained in the petition and the factual
2 basis supporting the allegations.

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

5 C. The petition shall be verified and shall contain all of the
6 following:

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

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

11 3. A concise statement of the facts to support the conclusion that
12 the child is dependent.

13 4. If the child was taken into temporary custody, the date and time
14 the child was taken into custody.

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

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

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

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

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

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

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

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

29 1. The name and address of the person to whom the notice is
30 directed.

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

32 3. The name of the child on whose behalf the petition has been
33 filed.

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

38 5. A statement that the parent or guardian must be prepared to
39 provide to the court at the initial dependency hearing the names, the type
40 of relationship and all available information necessary to locate persons
41 who are related to the child or who have a significant relationship with
42 the child.

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

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

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

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

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

26 Sec. 9. Section 41-619.57, Arizona Revised Statutes, is amended to
27 read:

28 41-619.57. Central registry exceptions; expedited review; hearing

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

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

41 C. When determining whether a person is eligible to receive a
42 central registry exception pursuant to section 8-804, the board shall
43 consider whether the person has shown to the board's satisfaction that the
44 person is successfully rehabilitated and is not a recidivist. Before

1 granting a central registry exception under expedited review, the board
2 shall consider all of the criteria listed in subsection E of this section.

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

5 1. The board or its hearing officer.

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

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

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

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

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

21 3. The nature of the abuse or neglect.

22 4. Any applicable mitigating circumstances.

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

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

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

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

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

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

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

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

1 Sec. 10. Section 41-1092.02, Arizona Revised Statutes, is amended
2 to read:

3 41-1092.02. Appealable agency actions; application of
4 procedural rules; exemption from article

5 A. This article applies to all contested cases as defined in
6 section 41-1001 and all appealable agency actions, except contested cases
7 with or appealable agency actions of:

- 8 1. The state department of corrections.
- 9 2. The board of executive clemency.
- 10 3. The industrial commission of Arizona.
- 11 4. The Arizona corporation commission.
- 12 5. The Arizona board of regents and institutions under its
13 jurisdiction.
- 14 6. The state personnel board.
- 15 7. The department of juvenile corrections.
- 16 8. The department of transportation, except as provided in title
17 28, chapter 30, article 2.
- 18 9. The department of economic security except as provided in
19 section 46-458.
- 20 10. The department of revenue regarding:
 - 21 (a) Income tax or withholding tax.
 - 22 (b) Any tax issue related to information associated with the
23 reporting of income tax or withholding tax unless the taxpayer requests in
24 writing that this article apply and waives confidentiality under title 42,
25 chapter 2, article 1.
 - 26 11. The board of tax appeals.
 - 27 12. The state board of equalization.
 - 28 13. The state board of education, but only in connection with
29 contested cases and appealable agency actions related to either:
 - 30 (a) Applications for issuance or renewal of a certificate and
31 discipline of certificate holders and noncertificated persons pursuant to
32 sections 15-203, 15-505, 15-534, 15-534.01, 15-535, 15-545 and 15-550.
 - 33 (b) The Arizona empowerment scholarship account program pursuant to
34 title 15, chapter 19.
 - 35 14. The board of fingerprinting.
 - 36 15. The department of child safety except as provided in ~~sections~~
37 ~~SECTION 8-506.01 and 8-811.~~

38 B. Unless waived by all parties, an administrative law judge shall
39 conduct all hearings under this article, and the procedural rules set
40 forth in this article and rules made by the director apply.

41 C. Except as provided in subsection A of this section:

- 42 1. A contested case heard by the office of administrative hearings
43 regarding taxes administered under title 42 shall be subject to section
44 42-1251.

1 2. A final decision of the office of administrative hearings
2 regarding taxes administered under title 42 may be appealed by either
3 party to the director of the department of revenue, or a taxpayer may file
4 and appeal directly to the board of tax appeals pursuant to section
5 42-1253.

6 D. Except as provided in subsections A, B, E, F and G of this
7 section and notwithstanding any other administrative proceeding or
8 judicial review process established in statute or administrative rule,
9 this article applies to all appealable agency actions and to all contested
10 cases.

11 E. Except for a contested case or an appealable agency action
12 regarding unclaimed property, sections 41-1092.03, 41-1092.08 and
13 41-1092.09 do not apply to the department of revenue.

14 F. The board of appeals established by section 37-213 is exempt
15 from:

16 1. The time frames for hearings and decisions provided in section
17 41-1092.05, subsection A, section 41-1092.08 and section 41-1092.09.

18 2. The requirement in section 41-1092.06, subsection A to hold an
19 informal settlement conference at the appellant's request if the sole
20 subject of an appeal pursuant to section 37-215 is the estimate of value
21 reported in an appraisal of lands or improvements.

22 G. Auction protest procedures pursuant to title 37, chapter 2,
23 article 4.1 are exempt from this article.

24 Sec. 11. Effective date

25 Sections 8-456, 8-802, 8-804 and 8-804.01, Arizona Revised Statutes,
26 as amended by this act, section 8-804.02, Arizona Revised Statutes, as
27 added by this act, section 8-811, Arizona Revised Statutes, as repealed by
28 this act, section 8-811, Arizona Revised Statutes, as added by this act,
29 and sections 41-619.57 and 41-1092.02, Arizona Revised Statutes, as
30 amended by this act, are effective from and after March 14, 2025.