

REFERENCE TITLE: child neglect; exception; financial resources

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SB 1246

Introduced by
Senator Farnsworth

AN ACT

AMENDING SECTION 8-201, ARIZONA REVISED STATUTES; RELATING TO CHILD
NEGLECT.

(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.

23 (b) Includes:

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

35 (iii) Unreasonable confinement of a child.

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

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

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

42 6. "Child", "youth" or "juvenile" means an individual who is under
43 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~~ PRESENTS AN IMMINENT risk of SERIOUS harm to the
20 child's health or welfare, except ~~if~~ FOR EITHER OF THE FOLLOWING:

21 (i) The inability of a parent, guardian or custodian to provide
22 services to meet the needs of a child with a disability or chronic illness
23 is solely the result of the unavailability of reasonable services.

24 (ii) THE INABILITY OF A PARENT, GUARDIAN OR CUSTODIAN TO PROVIDE A
25 CHILD WITH SUPERVISION, FOOD, CLOTHING, SHELTER OR MEDICAL CARE IS SOLELY
26 DUE TO A LACK OF FINANCIAL RESOURCES AVAILABLE TO THE PARENT, GUARDIAN OR
27 CUSTODIAN.

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

32 (c) A determination by a health professional that a newborn infant
33 was exposed prenatally to a drug or substance listed in section 13-3401
34 and that this exposure was not the result of a medical treatment
35 administered to the mother or the newborn infant by a health professional.
36 This subdivision does not expand a health professional's duty to report
37 neglect based on prenatal exposure to a drug or substance listed in
38 section 13-3401 beyond the requirements prescribed pursuant to section
39 13-3620, subsection E. The determination by the health professional shall
40 be based on one or more of the following:

41 (i) Clinical indicators in the prenatal period including maternal
42 and newborn presentation.

43 (ii) History of substance use or abuse.

44 (iii) Medical history.

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

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

6 (e) Deliberate exposure of a child by a parent, guardian or
7 custodian to sexual conduct as defined in section 13-3551 or to sexual
8 contact, oral sexual contact or sexual intercourse as defined in section
9 13-1401, bestiality as prescribed in section 13-1411 or explicit sexual
10 materials as defined in section 13-3507.

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

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

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

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

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

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

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

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

24 29. "Protective supervision" means supervision that is ordered by
25 the juvenile court of children who are found to be dependent or
26 incorrigible.

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

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

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

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

41 (a) Seriously impairs mental faculties.

42 (b) Causes serious anxiety, depression, withdrawal or social
43 dysfunction behavior to the extent that the child suffers dysfunction that
44 requires treatment.

1 (c) Is the result of sexual abuse pursuant to section 13-1404,
2 sexual conduct with a minor pursuant to section 13-1405, sexual assault
3 pursuant to section 13-1406, molestation of a child pursuant to section
4 13-1410, child sex trafficking pursuant to section 13-3212, commercial
5 sexual exploitation of a minor pursuant to section 13-3552, sexual
6 exploitation of a minor pursuant to section 13-3553 or incest pursuant to
7 section 13-3608.

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

10 (a) Creates a reasonable risk of death.

11 (b) Causes serious or permanent disfigurement.

12 (c) Causes significant physical pain.

13 (d) Causes serious impairment of health.

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

15 (f) Is the result of sexual abuse pursuant to section 13-1404,
16 sexual conduct with a minor pursuant to section 13-1405, sexual assault
17 pursuant to section 13-1406, molestation of a child pursuant to section
18 13-1410, child sex trafficking pursuant to section 13-3212, commercial
19 sexual exploitation of a minor pursuant to section 13-3552, sexual
20 exploitation of a minor pursuant to section 13-3553 or incest pursuant to
21 section 13-3608.

22 35. "Shelter care" means the temporary care of a child in any
23 public or private facility or home that is licensed by this state and that
24 offers a physically nonsecure environment that is characterized by the
25 absence of physically restricting construction or hardware and that
26 provides the child access to the surrounding community.

27 36. "Standardized hotline assessment tool" means any written tool
28 used to make a determination that the allegation of abuse or neglect that
29 is the subject of a report received pursuant to section 8-455 involves
30 conduct that warrants investigation by the department pursuant to section
31 8-456 or 8-471.

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