

Senate Engrossed House Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 319

HOUSE BILL 2721

AN ACT

AMENDING TITLE 41, CHAPTER 14, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1969.01; RELATING TO THE DEPARTMENT OF ECONOMIC SECURITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 41, chapter 14, article 1, Arizona Revised Statutes,
3 is amended by adding section 41-1969.01, to read:

4 41-1969.01. Office of child welfare investigations; training;
5 responsibilities; annual report

6 A. IN ADDITION TO THE POWERS AND DUTIES OF THE DIRECTOR PURSUANT TO
7 SECTIONS 41-1953 AND 41-1954, THE DIRECTOR SHALL ESTABLISH THE OFFICE OF
8 CHILD WELFARE INVESTIGATIONS WITHIN THE DEPARTMENT. THE DIRECTOR IS
9 RESPONSIBLE FOR THE DIRECTION, OPERATION AND CONTROL OF THE OFFICE.

10 B. THE OFFICE SHALL EMPLOY CHILD WELFARE INVESTIGATORS WHO HAVE
11 RECEIVED TRAINING TO UNDERSTAND LAW ENFORCEMENT'S ROLE IN CASES OF CRIMINAL
12 CHILD ABUSE OR NEGLECT AND IN SOCIAL SERVICES OFFERED BY THE DEPARTMENT.
13 CHILD WELFARE INVESTIGATORS DO NOT HAVE THE AUTHORITY OF PEACE OFFICERS. A
14 CHILD WELFARE INVESTIGATOR IS AN EMPLOYEE OF THE DEPARTMENT AND SHALL COMPLY
15 WITH THE FINGERPRINT REQUIREMENTS OF SECTION 41-1968.

16 C. THE DEPARTMENT, IN COORDINATION WITH THE ARIZONA PEACE OFFICER
17 STANDARDS AND TRAINING BOARD, SHALL PROVIDE CHILD WELFARE INVESTIGATORS WITH
18 TRAINING. THE TRAINING SHALL BE, AT A MINIMUM, IN THE FOLLOWING AREAS:

- 19 1. FIRST RESPONDER'S TRAINING TO REPORTS OF CHILD ABUSE.
- 20 2. FORENSIC INTERVIEWING AND PROCESSES.
- 21 3. CHILD PHYSICAL AND SEXUAL ABUSE INVESTIGATION TRAINING.
- 22 4. THE PROTOCOLS ESTABLISHED PURSUANT TO SECTION 8-817.
- 23 5. RELEVANT LAW ENFORCEMENT PROCEDURES, INCLUDING THE COLLECTION AND
24 PRESERVATION OF EVIDENCE.

25 6. A CHILD'S CONSTITUTIONAL RIGHTS AS A VICTIM OF A CRIME PURSUANT TO
26 ARTICLE II, SECTION 2.1, CONSTITUTION OF ARIZONA.

- 27 7. ANY OTHER TRAINING AS DIRECTED BY THE DIRECTOR.

28 D. A CHILD WELFARE INVESTIGATOR SHALL:

- 29 1. PROTECT CHILDREN.
- 30 2. RESPOND TO AND INVESTIGATE ALL CRIMINAL CONDUCT ALLEGATIONS AS
31 DEFINED IN SECTION 8-801 RECEIVED BY THE DEPARTMENT.

32 3. RECEIVE FROM ANY SOURCE ORAL OR WRITTEN INFORMATION REGARDING A
33 CHILD WHO MAY BE IN NEED OF PROTECTIVE SERVICES BECAUSE OF CRIMINAL CHILD
34 ABUSE OR NEGLECT. AN INVESTIGATOR SHALL NOT INTERVIEW A CHILD WITHOUT THE
35 PRIOR WRITTEN CONSENT OF THE PARENT, GUARDIAN OR CUSTODIAN OF THE CHILD
36 UNLESS EITHER:

37 (a) THE CHILD INITIATES CONTACT WITH THE INVESTIGATOR.

38 (b) THE CHILD WHO IS INTERVIEWED IS THE SUBJECT OF, IS THE SIBLING OF
39 OR LIVING WITH THE CHILD WHO IS THE SUBJECT OF AN ABUSE OR ABANDONMENT
40 INVESTIGATION PURSUANT TO PARAGRAPH 4, SUBDIVISION (b) OF THIS SUBSECTION.

41 (c) THE INTERVIEW IS CONDUCTED PURSUANT TO THE TERMS OF THE PROTOCOLS
42 ESTABLISHED PURSUANT TO SECTION 8-817.

43 4. AFTER THE RECEIPT OF ANY REPORT OR INFORMATION PURSUANT TO
44 PARAGRAPH 2 OR 3 OF THIS SUBSECTION, IMMEDIATELY DO BOTH OF THE FOLLOWING:

1 (a) NOTIFY THE APPROPRIATE MUNICIPAL OR COUNTY LAW ENFORCEMENT AGENCY.

2 (b) MAKE A PROMPT AND THOROUGH INVESTIGATION OF THE NATURE, EXTENT AND
3 CAUSE OF ANY CONDITION THAT WOULD TEND TO SUPPORT OR REFUTE THE ALLEGATION
4 THAT THE CHILD SHOULD BE ADJUDICATED DEPENDENT AND THE NAME, AGE AND
5 CONDITION OF OTHER CHILDREN IN THE HOME. A CRIMINAL CONDUCT ALLEGATION SHALL
6 BE INVESTIGATED WITH THE APPROPRIATE MUNICIPAL OR COUNTY LAW ENFORCEMENT
7 AGENCY ACCORDING TO THE PROTOCOLS ESTABLISHED PURSUANT TO SECTION 8-817.

8 5. TAKE A CHILD INTO TEMPORARY CUSTODY AS PROVIDED IN SECTION 8-821.
9 LAW ENFORCEMENT OFFICERS SHALL COOPERATE WITH THE DEPARTMENT TO REMOVE A
10 CHILD FROM THE CUSTODY OF THE CHILD'S PARENTS, GUARDIAN OR CUSTODIAN PURSUANT
11 TO SECTION 8-821.

12 6. AFTER INVESTIGATION, EVALUATE CONDITIONS CREATED BY THE PARENTS,
13 GUARDIAN OR CUSTODIAN THAT WOULD SUPPORT OR REFUTE THE ALLEGATION THAT THE
14 CHILD SHOULD BE ADJUDICATED DEPENDENT. THE INVESTIGATOR SHALL THEN DETERMINE
15 WHETHER ANY CHILD IS IN NEED OF PROTECTIVE SERVICES.

16 7. IDENTIFY, PROMPTLY OBTAIN AND ABIDE BY COURT ORDERS THAT RESTRICT
17 OR DENY CUSTODY, VISITATION OR CONTACT BY A PARENT OR OTHER PERSON IN THE
18 HOME WITH THE CHILD AND NOTIFY APPROPRIATE PERSONNEL WITHIN THE DEPARTMENT TO
19 PRECLUDE VIOLATIONS OF A COURT ORDER IN THE PROVISION OF ANY SERVICES.

20 E. UNLESS A DEPENDENCY PETITION IS FILED, A CHILD SHALL NOT REMAIN IN
21 TEMPORARY CUSTODY FOR A PERIOD EXCEEDING SEVENTY-TWO HOURS, EXCLUDING
22 SATURDAYS, SUNDAYS AND HOLIDAYS. IF A PETITION IS NOT FILED AND THE CHILD IS
23 RELEASED TO THE CHILD'S PARENT, GUARDIAN OR CUSTODIAN, THE INVESTIGATOR SHALL
24 FILE A REPORT OF REMOVAL WITHIN SEVENTY-TWO HOURS AFTER THE CHILD'S RELEASE.
25 THE REPORT SHALL INCLUDE:

26 1. THE DATES OF PREVIOUS REFERRALS, INVESTIGATIONS OR TEMPORARY
27 CUSTODY.

28 2. THE DATES ON WHICH OTHER CHILDREN IN THE FAMILY HAVE BEEN TAKEN
29 INTO TEMPORARY CUSTODY.

30 F. IN CONDUCTING AN INVESTIGATION PURSUANT TO THIS SECTION, IF THE
31 INVESTIGATOR IS MADE AWARE THAT AN ALLEGATION OF ABUSE OR NEGLECT MAY ALSO
32 HAVE BEEN MADE IN ANOTHER STATE, THE INVESTIGATOR SHALL CONTACT THE
33 APPROPRIATE AGENCY IN THAT STATE TO ATTEMPT TO DETERMINE THE OUTCOME OF ANY
34 INVESTIGATION OF THAT ALLEGATION.

35 G. THE OFFICE OF CHILD WELFARE INVESTIGATIONS SHALL SUBMIT AN ANNUAL
36 REPORT ON JOINT INVESTIGATIONS CONDUCTED DURING THE YEAR PURSUANT TO SECTION
37 8-817.

38 H. ALL INFORMATION THE OFFICE GATHERS DURING THE COURSE OF AN
39 INVESTIGATION CONDUCTED UNDER THIS SECTION IS CONFIDENTIAL INFORMATION AS
40 DEFINED IN SECTION 8-807.

41 Sec. 2. Effective date

42 Section 41-1969.01, Arizona Revised Statutes, as added by this act, is
43 effective from and after December 31, 2012.

~~APPROVED BY THE GOVERNOR MAY 9, 2012.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 10, 2012.~~

Passed the House February 23, 2012

Passed the Senate April 25, 2012

by the following vote: 55 Ayes,

by the following vote: 27 Ayes,

1 Nays, 3 Not Voting
1 vacant
[Signature]
Speaker of the House

1 Nays, 2 Not Voting
[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this 9th day of

May

at 4:05 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20____

at _____ o'clock _____ M.

Secretary of State

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 30, 2012,

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting



Speaker of the House

Cheryl Laube
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
30th day of April, 2012,

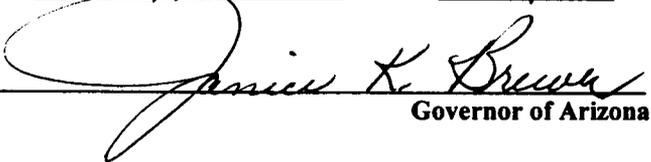
at 4:30 o'clock P M.


Secretary to the Governor

Approved this May day of

9, 2012,

at 4:05 o'clock P M.

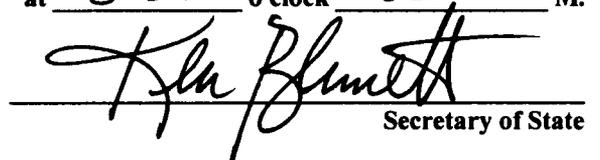

Governor of Arizona

H.B. 2721

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 10th day of May, 2012,

at 8:27 o'clock a M.


Secretary of State