

REFERENCE TITLE: CPS; interviews; right to refuse

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2263

Introduced by
Representatives Groe: Barto, Biggs, Burges, Clark, Kavanagh, McLain,
Murphy, Nelson, Nichols, Pearce, Yarbrough

AN ACT

AMENDING SECTION 8-803, ARIZONA REVISED STATUTES; RELATING TO CHILD
PROTECTIVE SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-803, Arizona Revised Statutes, is amended to
3 read:

4 8-803. Limitation of authority; duty to inform

5 A. ~~Upon~~ **ON** initial contact with a parent, guardian or custodian under
6 investigation pursuant to this article, a child protective services worker
7 shall inform the family that the family is under investigation by the
8 department, shall inform the parent, guardian or custodian of the specific
9 complaint or allegation made against that person and shall make clear **THAT**
10 **THE FAMILY IS UNDER NO OBLIGATION TO ALLOW THE WORKER TO ENTER ITS HOME OR TO**
11 **INTERVIEW THE CHILD AND** that the worker has no legal authority to compel the
12 family to cooperate with the investigation or to receive protective services
13 offered pursuant to the investigation. The worker shall inform the family of
14 the worker's authority to petition the juvenile court for a determination
15 that a child is dependent. The worker shall inform the parent, guardian or
16 custodian of that person's right to participate in the mediation program in
17 the attorney general's office, to file a complaint with the
18 ombudsman-citizens aide pursuant to section 41-1376 and to appeal
19 determinations made by child protective services. The worker shall provide
20 the telephone numbers of these state agencies. The worker shall supply the
21 information prescribed in this subsection and information outlining parental
22 rights under the laws of this state in writing and shall make all reasonable
23 efforts to receive written acknowledgment from the parent, guardian or
24 custodian.

25 B. The child protective services worker shall also inform the person
26 about whom the report was made about that person's right to respond to the
27 allegations either verbally or in writing, including any documentation, and
28 to have this information considered in determining if the child is in need of
29 protective services. The worker shall tell the person that anything the
30 person says or writes can be used in a court proceeding. If the person makes
31 a verbal response, the worker shall include the response in the written
32 report of the investigation. If the person makes a written response,
33 including any documentation, the worker shall include this response and the
34 documentation in the case file. Information provided in response to the
35 allegations shall be considered during the investigation by the worker. The
36 worker shall maintain the response and documentation in the case file and
37 provide this information to the court before a hearing or trial relating to
38 the dependency petition.

39 C. If the family declines to cooperate with the investigation or to
40 accept or to participate in the offered services, or if the worker otherwise
41 believes that the child should be adjudicated dependent, the worker may file
42 with the juvenile court a petition requesting that the child in need of
43 protective services be adjudicated dependent.

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