

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

HOUSE BILL 2263

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 worker has no legal authority to compel the family to cooperate with the~~
11 ~~investigation or to receive protective services offered pursuant to the~~
12 ~~investigation. The worker shall inform the family of the worker's authority~~
13 ~~to petition the juvenile court for a determination that a child is dependent.~~
14 ~~The worker shall inform the parent, guardian or custodian of that person's~~
15 ~~right to participate in the mediation program in the attorney general's~~
16 ~~office, to file a complaint with the ombudsman-citizens aide pursuant to~~
17 ~~section 41-1376 and to appeal determinations made by child protective~~
18 ~~services. The worker shall provide the telephone numbers of these state~~
19 ~~agencies. The worker shall supply the information prescribed in this~~
20 ~~subsection and information outlining parental rights under the laws of this~~
21 ~~state in writing and shall make all reasonable efforts to receive written~~
22 ~~acknowledgment from the parent, guardian or custodian.~~, BOTH VERBALLY AND IN
23 WRITING, MAKING REASONABLE EFFORTS TO RECEIVE WRITTEN ACKNOWLEDGEMENT FROM
24 THE PARENT, GUARDIAN, OR CUSTODIAN, OF RECEIPT OF ALL OF THE FOLLOWING
25 INFORMATION:

- 26 1. THAT THE FAMILY IS UNDER INVESTIGATION BY THE DEPARTMENT.
- 27 2. THE SPECIFIC COMPLAINT OR ALLEGATION MADE AGAINST THAT PERSON.
- 28 3. THAT THE WORKER HAS NO LEGAL AUTHORITY TO COMPEL THE FAMILY TO
29 COOPERATE WITH THE INVESTIGATION OR TO RECEIVE PROTECTIVE SERVICES OFFERED
30 PURSUANT TO THE INVESTIGATION.
- 31 4. THE WORKER'S AUTHORITY TO PETITION THE JUVENILE COURT FOR A
32 DETERMINATION THAT A CHILD IS DEPENDENT.
- 33 5. THE PERSON'S RIGHT TO PARTICIPATE IN A MEDIATION PROGRAM IN THE
34 ATTORNEY GENERAL'S OFFICE. THE WORKER SHALL PROVIDE THE TELEPHONE NUMBER OF
35 THE ATTORNEY GENERAL'S OFFICE MEDIATION PROGRAM.
- 36 6. THE PERSON'S RIGHT TO FILE A COMPLAINT WITH THE OMBUDSMAN-CITIZEN
37 AIDE PURSUANT TO SECTION 41-1376. THE WORKER SHALL PROVIDE THE TELEPHONE
38 NUMBER OF THE OMBUDSMAN-CITIZEN AIDE.
- 39 7. THE PERSON'S RIGHT TO APPEAL DETERMINATIONS MADE BY CHILD
40 PROTECTIVE SERVICES.
- 41 8. INFORMATION OUTLINING PARENTAL RIGHTS UNDER THE LAWS OF THE STATE.

42 B. The child protective services worker shall also inform the person
43 about whom the report was made about that person's right to respond to the
44 allegations either verbally or in writing, including any documentation, and
45 to have this information considered in determining if the child is in need of

1 protective services. The worker shall tell the person that anything the
2 person says or writes can be used in a court proceeding. If the person makes
3 a verbal response, the worker shall include the response in the written
4 report of the investigation. If the person makes a written response,
5 including any documentation, the worker shall include this response and the
6 documentation in the case file. Information provided in response to the
7 allegations shall be considered during the investigation by the worker. The
8 worker shall maintain the response and documentation in the case file and
9 provide this information to the court before a hearing or trial relating to
10 the dependency petition.

11 C. If the family declines to cooperate with the investigation or to
12 accept or to participate in the offered services, or if the worker otherwise
13 believes that the child should be adjudicated dependent, the worker may file
14 with the juvenile court a petition requesting that the child in need of
15 protective services be adjudicated dependent.

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