

REFERENCE TITLE: CPS; court orders

State of Arizona
House of Representatives
Forty-eighth Legislature
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2008

HB 2594

Introduced by
Representatives Adams, Murphy: Anderson, Barto, Clark, Farley

AN ACT

AMENDING SECTION 8-802, 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 8-802, Arizona Revised Statutes, is amended to
3 read:

4 8-802. Child protective services worker; fingerprint clearance
5 cards; powers and duties; alteration of files;
6 violation; classification

7 A. The department of economic security shall employ child protective
8 services workers. All persons who are employed as child protective services
9 workers shall have a valid fingerprint clearance card that is issued pursuant
10 to title 41, chapter 12, article 3.1 or shall apply for a fingerprint
11 clearance card within seven working days of employment. A child protective
12 services worker shall certify on forms that are provided by the department of
13 economic security and that are notarized whether the worker is awaiting trial
14 on or has ever been convicted of any of the criminal offenses listed in
15 section 41-1758.03, subsections B and C in this state or similar offenses in
16 another state or jurisdiction.

17 B. The department may cooperate with county agencies and community
18 social services agencies to achieve the purposes of this section.

19 C. A child protective services worker shall:

20 1. Promote the safety and protection of children.

21 2. Accept, screen and assess reports of abuse or neglect pursuant to
22 section 8-817.

23 3. Receive reports of dependent, abused or abandoned children and be
24 prepared to provide temporary foster care for such children on a twenty-four
25 hour basis.

26 4. Receive from any source oral or written information regarding a
27 child who may be in need of protective services. A worker shall not
28 interview a child without the prior written consent of the parent, guardian
29 or custodian of the child unless either:

30 (a) The child initiates contact with the worker.

31 (b) The child who is interviewed is the subject of or is the sibling
32 of or living with the child who is the subject of an abuse or abandonment
33 investigation pursuant to paragraph 5, subdivision (b) of this subsection.

34 5. After the receipt of any report or information pursuant to
35 paragraph 2, 3 or 4 of this subsection, immediately do both of the following:

36 (a) Notify the municipal or county law enforcement agency.

37 (b) Make a prompt and thorough investigation of the nature, extent and
38 cause of any condition that would tend to support or refute the allegation
39 that the child should be adjudicated dependent and the name, age and
40 condition of other children in the home. An extremely serious conduct
41 allegation shall be investigated according to the protocols established
42 pursuant to section 8-817 with the appropriate municipal or county law
43 enforcement agency as provided in section 8-817.

1 6. Take a child into temporary custody as provided in section 8-821.
2 Law enforcement officers shall cooperate with the department to remove a
3 child from the custody of the child's parents, guardian or custodian when
4 necessary.

5 7. After investigation, evaluate conditions created by the parents,
6 guardian or custodian that would support or refute the allegation that the
7 child should be adjudicated dependent. The child protective services worker
8 shall then determine whether any child is in need of protective services.

9 8. Offer to the family of any child who is found to be a child in need
10 of protective services those services that are designed to correct unresolved
11 problems that would indicate a reason to adjudicate the child dependent.

12 9. Submit a written report of the worker's investigation to:

13 (a) The department's case management information system within
14 twenty-one days after receipt of the initial information except as provided
15 in section 8-811. If the investigation involves allegations regarding a
16 child who at the time of the alleged incident was in the custody of a child
17 welfare agency licensed by the department of economic security under this
18 title, a copy of the report and any additional investigative or other related
19 reports shall be provided to the board of directors of the agency or to the
20 administrative head of the agency unless the incident is alleged to have been
21 committed by the person. The department shall excise all information with
22 regard to the identity of the source of the reports.

23 (b) The appropriate court forty-eight hours before a dependency
24 hearing pursuant to a petition of dependency or within twenty-one days after
25 a petition of dependency is filed, whichever is earlier. On receipt of the
26 report the court shall make the report available to all parties and counsel.

27 10. Accept a child into voluntary placement pursuant to section 8-806.

28 11. PROMPTLY OBTAIN AND ABIDE BY COURT ORDERS THAT RESTRICT OR DENY
29 CUSTODY, VISITATION OR CONTACT BY A PARENT OR OTHER PERSON IN THE HOME WITH
30 THE CHILD.

31 D. No child shall remain in temporary custody for a period exceeding
32 seventy-two hours, excluding Saturdays, Sundays and holidays, unless a
33 dependency petition is filed. If no petition is filed and the child is
34 released to the child's parent, guardian or custodian, the worker shall file
35 a report of removal with the central registry within seventy-two hours of the
36 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 E. The department shall provide child protective services workers who
42 investigate allegations of abuse and neglect with training in forensic
43 interviewing and processes, the protocols developed pursuant to section 8-817
44 and relevant law enforcement procedures. All child protective services
45 workers shall be trained in their duty to protect the legal rights of

1 children and families from the time of the initial contact through treatment.
2 The training for child protective services workers shall also include
3 instruction on the legal rights of parents and the requirements for legal
4 search and seizure by law enforcement officers.

5 F. In conducting an investigation pursuant to this section, if the
6 worker is made aware that an allegation of abuse or neglect may also have
7 been made in another state, the worker shall contact the appropriate agency
8 in that state to attempt to determine the outcome of any investigation of
9 that allegation.

10 G. Any person who alters a client file for the purpose of fraud or
11 misrepresentation is guilty of a class 2 misdemeanor.