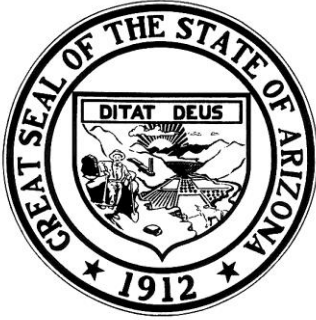


HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **SB 1003**

Townsend #1 Floor Amendment

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1. Prohibits DCS from using covert or overt computer voice-stress analysis when investigating if abuse or neglect exists.
 2. Specifies that overt or covert computer voice-stress analysis test results are not admissible in court.
 3. Prohibits DCS from maintaining computer voice-stress analysis documentation in their case files.

Amendment explanation prepared by Rick

Phone Number 926-3848

lcs

4/17/2017

TOWNSEND FLOOR AMENDMENT #1
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1003
(Reference to Senate engrossed bill)

1 Page 1, between lines 1 and 2, insert:

2 "Section 1. Section 8-471, Arizona Revised Statutes, is amended to
3 read:

4 8-471. Office of child welfare investigations; training;
5 responsibilities; annual report; voice stress
6 analysis

7 A. The director shall establish the office of child welfare
8 investigations within the department. The director is responsible for the
9 direction, operation and control of the office.

10 B. The duties of the office include investigating criminal conduct
11 allegations, coordinating with other parts of the department and law
12 enforcement, establishing task forces for the investigation of criminal
13 conduct and other duties as may be assigned by the director.

14 C. The office shall employ child welfare investigators who have
15 received training to understand law enforcement's role in cases of criminal
16 child abuse or neglect and in social services offered by the department.
17 The office may employ research analysts and peace officers for the purpose
18 of obtaining an originating agency identification number to have direct
19 access to criminal history report information. Each person hired by the
20 office is an employee of the department, is subject to title 41, chapter 4,
21 article 4 and shall comply with the fingerprint requirements of section
22 8-802.

1 D. The department, in coordination with the Arizona peace officer
2 standards and training board, shall provide child welfare investigators
3 with training. The training shall be, at a minimum, in the following
4 areas:

- 5 1. First responder training on responding to reports of child abuse.
- 6 2. Forensic interviewing and processes.
- 7 3. Child physical and sexual abuse investigation.
- 8 4. The protocols established pursuant to section 8-817.
- 9 5. Relevant law enforcement procedures, including the collection and
10 preservation of evidence.
- 11 6. A child's constitutional rights as a victim of a crime pursuant
12 to article II, section 2.1, Constitution of Arizona.
- 13 7. Impact and intervention practices related to adverse childhood
14 experiences, culturally and linguistically appropriate service delivery,
15 domestic violence, family engagement, communication with special
16 populations and trauma informed responses.
- 17 8. Any other training as directed by the director.

18 E. A child welfare investigator shall:
19 1. Protect children.
20 2. Assess, respond to or investigate all criminal conduct
21 allegations, which shall be a priority, but not otherwise exercise the
22 authority of a peace officer.

23 3. Not interview a child without the prior written consent of the
24 parent, guardian or custodian of the child unless either:

- 25 (a) The child initiates contact with the investigator.
- 26 (b) The child who is interviewed is the subject of, is the sibling
27 of or is living with the child who is the subject of an abuse or
28 abandonment investigation pursuant to paragraph 4, subdivision (b) of this
29 subsection.

30 (c) The interview is conducted pursuant to the terms of the
31 protocols established pursuant to section 8-817.

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

3 (a) Notify the appropriate municipal or county law enforcement
4 agency if they have not already been notified.

5 (b) Make a prompt and thorough investigation of the nature, extent
6 and cause of any condition that would tend to support or refute the report
7 of child abuse or neglect when investigating allegations pursuant to
8 paragraph 2 of this subsection. A criminal conduct allegation shall be
9 investigated with the appropriate municipal or county law enforcement
10 agency according to the protocols established pursuant to section 8-817.

11 5. Take a child into temporary custody as provided in section 8-821.
12 Law enforcement officers shall cooperate with the department to remove a
13 child from the custody of the child's parents, guardian or custodian
14 pursuant to section 8-821. A child welfare investigator who is responding
15 to or investigating a report containing a criminal conduct allegation shall
16 have the primary responsibility for making the decision whether to take a
17 child into temporary custody.

18 6. Evaluate conditions created by the parents, guardian or custodian
19 that would support or refute the allegation that the child should be
20 adjudicated dependent. The investigator shall then determine whether any
21 child is in need of child safety services.

22 7. Identify, promptly obtain and abide by court orders that restrict
23 or deny custody, visitation or contact by a parent or other person in the
24 home with the child and notify appropriate personnel within the department
25 to preclude violations of a court order in the provision of any services.

26 8. On initial contact with the parent, guardian or custodian of a
27 child who is the subject of an investigation pursuant to this section,
28 provide the parent, guardian or custodian with the allegation received by
29 the department. This paragraph does not require the department to disclose
30 details or information that would compromise an ongoing criminal
31 investigation.

1 9. Have access to all records and information of the department
2 necessary to carry out this section.

3 F. Unless a dependency petition is filed, a child shall not remain
4 in temporary custody for a period exceeding seventy-two hours, excluding
5 Saturdays, Sundays and holidays. If a petition is not filed, the child
6 shall be released to the child's parent, guardian or custodian.

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

12 H. The office of child welfare investigations shall submit a report
13 by August 15 each year to the governor, the speaker of the house of
14 representatives, the president of the senate and the secretary of state
15 that includes the following information for the most recently completed
16 fiscal year:

17 1. The number of DCS reports that involve criminal conduct
18 allegations.

19 2. The number of joint investigations conducted pursuant to section
20 8-817.

21 3. For each case in which a joint investigation did not occur
22 pursuant to section 8-817, the reasons why the joint investigation did not
23 occur.

24 I. All records gathered or created by the department during an
25 investigation conducted under this section are confidential and shall be
26 protected and released as prescribed in sections 8-807 and 8-807.01, except
27 the department shall not release records if the department determines that
28 the release of these records may compromise an ongoing investigation.

29 J. Notwithstanding any other law, the office of child welfare
30 investigations is not responsible for conducting the criminal investigation
31 of a criminal conduct allegation.

1 K. THE DEPARTMENT MAY NOT USE OVERT OR COVERT VOICE STRESS ANALYSIS
2 DURING AN INVESTIGATION TO DETERMINE IF ABUSE OR NEGLECT EXISTS AND MAY NOT
3 MAINTAIN DOCUMENTATION REGARDING COMPUTER VOICE STRESS ANALYSIS IN
4 DEPARTMENT FILES. RESULTS OF COMPUTER VOICE STRESS ANALYSIS ARE NOT
5 ADMISSIBLE IN COURT."

6 Renumber to conform

7 Amend title to conform

KELLY TOWNSEND

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04/17/2017

10:00 AM

C: kcb