



ARIZONA HOUSE OF REPRESENTATIVES

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First Regular Session

House: JUD DP 8-0-0-0 | 3rd Read DP 56-0-4-0-0
Senate: JUD DP 7-0-0-0 | 3rd Read DPA 30-0-0-0-0

HB 2516: child abuse; investigations; forensic interview

Sponsor: Representative Parker B, LD 10

Senate Engrossed

Overview

Requires a person who takes a child into custody because of an exigent circumstance to immediately have the child forensically interviewed by a person who is trained in forensic interviewing and allows the person to have the child examined by an appropriately licensed physician or health care provider.

History

Current law allows a child to be taken into temporary custody pursuant to a court order or the consent of the child's parent or guardian. In some cases, however, a peace officer, child welfare investigator or child safety worker may take a child into temporary custody without a court order if it is clearly necessary to protect the child because exigent circumstances exist. *Exigent circumstances* exist if there is probable cause to believe that the child is likely to suffer serious harm in the time it would take to obtain a court order for removal and either of the following is true:

- 1) There is no less intrusive alternative to taking temporary custody of the child that would reasonably and sufficiently protect the child's health or safety; or
- 2) Probable cause exists to believe that the child is a victim of sexual abuse or abuse involving serious physical injury that can be diagnosed only by an appropriately licensed physician or health care provider.

A person who takes a child into custody due to exigent circumstances involving sexual abuse or serious physical injury must immediately have the child examined by an appropriately licensed physician or health care provider. Unless the examination reveals abuse, the person must release the child into the custody of the parent or guardian ([A.R.S. § 8-821](#)).

Statute also creates a duty for certain persons who have responsibility for the care or treatment of a minor, such as certain family members, medical professionals or school personnel, who reasonably believe that the minor has been the victim of non-accidental physical injury, abuse, child abuse, a reportable offense or neglect to immediately report this information to applicable authorities. A *reportable offense* includes, among other offenses, violation of [A.R.S. § 13-3506.01](#), which criminalizes sending harmful items to minors by electronic means ([A.R.S. § 13-3620](#)).

Provisions

1. Requires a person who takes a child into custody because of an exigent circumstance to immediately have the child forensically interviewed by a person who is trained in forensic interviewing pursuant to a protocol established in [A.R.S. § 8-817](#). (Sec. 1)
2. Allows a person who takes a child into custody because of exigent circumstances to have the child examined by an appropriately licensed physician or an appropriately licensed health care provider who has specific training in evaluating child abuse. (Sec. 1)

3. Changes the definition of a *reportable offense* by replacing [A.R.S. § 13-3506.01](#), which criminalizes providing harmful items to minors by electronic means, with [A.R.S. § 13-3506](#), which criminalizes providing harmful items to minors by non-electronic means. (Sec. 2)
4. Makes conforming changes. (Sec. 1, 2)

Senate Amendments

1. Specifies that, if a person takes a child into custody because of an exigent circumstance, the person must immediately have the child forensically interviewed.
2. Allows, rather than requires, a person who takes a child into custody because an exigent circumstance to have the child medically examined by a licensed physician or health care provider.

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note