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Senate: HHS DP 7-0-0-0 | 3rd Read 28-0-2-0

House: HHS DP 9-0-0-1

SB 1664: DCS; tiered central registry; hearings

Sponsor: Senator Gowan, LD 19

Caucus & COW

Overview

Directs the Arizona Department of Child Safety, beginning September 15, 2025, to implement a tiered system relating to persons placed on the central registry of abuse and neglect based on the severity of the abuse or neglect and the risk a person presents to commit further acts of abuse or neglect.

History

The primary purpose of DCS is to protect children. To achieve this DCS will do and focus equally on: 1) investigating reports of abuse and neglect; 2) assessing, promoting and supporting the safety of a child in a safe and stable family or other appropriate placement in response to allegations of abuse and neglect; 3) cooperating with law enforcement regarding reports that include allegations of criminal conduct; and 4) coordinating services to achieve and maintain permanency for the child, strengthen the family and provide prevention, intervention and treatment services without compromising the child's safety ([A.R.S. § 8-451](#)).

DCS maintains a central registry of substantiated reports of child abuse and neglect and the outcomes of the associated investigations. DCS uses the central registry to perform background checks to determine qualifications for: 1) foster home licensure; 2) adoptive parent certification; 3) child welfare agency licensure; 4) childcare home certification; 5) registration of unregulated childcare homes with the childcare resource and referral system; and 6) home and community based services certification for services to children or vulnerable adults.

Additionally, DCS utilizes the central registry to perform background checks and to determine qualifications for the following, if they provide direct services to children or vulnerable adults: 1) state employees and prospective state employees; 2) employees and prospective employees of child welfare agencies; 3) state contractors and subcontractors; and 4) employees and prospective employees of state contractors and subcontractors. Statute requires licensees that do not contract with the state and that employ persons who provide direct services for childcare programs to submit information to DCS for the purpose of conducting a central registry background check ([A.R.S. § 8-804](#)).

Provisions

1. Directs DCS to record a finding of child abuse or neglect if the finding is supported by a preponderance of the evidence, rather than if probable cause exists. (Sec. 3)
2. Requires DCS to adopt rules, by September 15, 2025, to establish a tiered system in the central registry for abuse and neglect for the placement of persons who commit child abuse or neglect as found by the court. (Sec. 4)

3. Requires DCS in adopting rules to:
 - a) designate tiers based on the type or abuse or neglect and the risk of future abuse or neglect and specify the length of time a person must be on the registry for each tier;
 - b) determine which acts of abuse or neglect require placement on the central registry;
 - c) consider the act of abuse or neglect and the risk of the person who commits the abuse or neglect may pose if the person is in a setting that involves the care of or substantial contact with children; and
 - d) include procedures for a person listed on the central registry to request early removal. (Sec. 4)
4. Directs DCS to:
 - a) purge central registry entries at least monthly according to the timeframes established by adopted rules;
 - b) make a reasonable effort to notify any person whose central registry entry was altered as a result of the adoption of rules;
 - c) designate time frames for how long a person is maintained on the central registry based on the type of abuse or neglect and the risk of the person committing further abuse and neglect, as outlined;
 - d) conform all entries in the central registry to the tiered system, by May 15, 2026; and
 - e) maintain entries in the central registry for a maximum of 25 years after the date of a court finding of abuse or neglect. (Sec. 2, 4)
5. Requires a person subject to an allegation of child abuse or neglect, to disclose the allegation before being employed in a position that provides direct services to vulnerable adults or children, only if the allegation is placed on the central registry. (Sec. 2)
6. Requires DCS to provide a parent, guardian or custodian who is the subject of the investigation and who reported the suspected child abuse or neglect if that person is the child's parent, guardian or custodian with a copy of the outcome of the investigation if the proposed finding is supported by a preponderance of evidence but a specific person is not identified as having abused or neglected the child. (Sec. 5)
7. Requires DCS, if a proposed finding is not supported by a preponderance of the evidence, to amend the information or finding in the DCS report and notify the person that a hearing won't be held. (Sec. 5)
8. Requires a judge to determine if the proposed finding is supported by a preponderance of the evidence for an allegation of child abuse or neglect. (Sec. 5)
9. Asserts that a substantiated finding must be entered into the central registry as a substantiated report if the administrative law judge determines the proposed finding is supported by a preponderance of the evidence. (Sec. 5)
10. Requires a notice for a dependency proceeding to include a statement that as a result of the proceedings the parent or guardian may be placed on the central registry. (Sec. 6)
11. Makes technical and conforming changes. (Sec. 1-2, 5-7)

<input type="checkbox"/> Prop 105 (45 votes) <input type="checkbox"/> Prop 108 (40 votes) <input type="checkbox"/> Emergency (40 votes) <input type="checkbox"/> Fiscal Note
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