



**ARIZONA STATE SENATE**  
*Fifty-Sixth Legislature, Second Regular Session*

**AMENDED**

FACT SHEET FOR H.B. 2479

missing; abducted; runaway children

Purpose

Requires the Department of Child Safety (DCS) to fulfill additional procedures and modified notification and reporting requirements for cases involving missing, abducted or runaway children.

Background

Within 24 hours of receiving a report that a child who is a ward of the court or in DCS care (dependent child) is missing, abducted or runaway and the child's location is unknown, DCS must: 1) notify the appropriate law enforcement agency (LEA) to determine if the situation meets amber or silver alert criteria and make the record entry in the Arizona Criminal Justice Commission information system for an abducted child and the National Crime Information Center missing person database for an abducted, missing or runaway child; 2) report information on the missing, abducted or runaway child to the National Center for Missing and Exploited Children (NCMEC); and 3) unless determined a hinderance to the investigation or location effort, contact persons to obtain information about the child's disappearance, including the child's parents, known relatives, guardian or guardian ad-litem, out-of-home caregivers, attorney, court-appointed special advocate and any other persons who may have relevant information regarding the child's location and provide a notice of disappearance in writing or telephonically to all contacted persons, including the Duty Assistant Attorney General (AG) representing DCS that initiates a motion for pickup, a judicial officer in any judicial matter involving the child and the child's Indian tribe, if applicable. Within 48 hours of receiving the report, the local LEA must provide all local media outlets and social media platforms with outlined information regarding the child and, if known, the child's abductor.

Until the missing, abducted or runaway child is located or the child reaches the age of majority, DCS must make ongoing efforts that include: 1) continued contact with LEAs, the child's parents, guardian, custodian and other known relatives, current and former foster families, the child's school and known acquaintances; 2) continued in-person searching of locations and places where the child may be found and review of any associated social media accounts; 3) continued search efforts with DCS field staff and LEAs; and 4) referral to DCS's Office of Child Welfare Investigations for assistance, if exigent circumstances exist.

When the child is located, DCS must: 1) inform the involved LEAs, the AG's Office, and NCMEC; 2) have in-person contact with the child within 24 hours of being located; 3) obtain a medical exam for the child; and 4) assess the child's experiences while absent, including screening to determine if the child is a sex trafficking victim, the appropriateness of the child returning to the child's current placement and factors that contributed to the child's absence ([A.R.S. § 8-810](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires DCS, immediately or within 24 hours after receiving a report that a dependent child is missing, abducted or runaway and the child's location is unknown (missing child), to:
  - a) notify the appropriate LEA which must determine and document, rather than determine, if the situation meets amber alert or silver alert criteria;
  - b) report prescribed information to NCMEC;
  - c) contact prescribed persons; and
  - d) provide a notice of disappearance in writing and telephonically, rather than in writing or telephonically, to all contacted persons, the Duty Assistant AG and any applicable judicial officers or Indian tribes.
2. Adds, to the prescribed persons contacted immediately or within 24 hours after receiving a report, the child's school, friends or household members or other persons who may have relevant information about the circumstances surrounding the child's abduction or disappearance.
3. Requires the appropriate LEA to update social media platforms with updated information regarding the missing child.
4. Requires, if the child has been missing, abducted or a runaway for two or more years, the appropriate LEA to work, when possible, with a specialized artist to create an age-appropriate progression image of the child.
5. Specifies that DCS must contact law enforcement every seven calendar days, rather than frequently, and document the information provided and received until the missing child is located or reaches the age of majority.
6. Requires DCS to immediately develop, refine, implement and provide initial training to newly hired employees before any children are assigned to the newly hired employee's caseload.
7. Specifies that the outlined ongoing efforts made by DCS are monthly ongoing efforts and includes the following monthly ongoing efforts:
  - a) continued search efforts with DCS field staff who have access to databases that may help in the search for information or leads regarding the missing child; and
  - b) requesting that the appropriate LEA conduct welfare checks at any location where the child may be.
8. Requires DCS, within 24 hours after the missing child is located, to comply with the prescribed requirements and in addition:
  - a) contact any individuals who were initially notified of the child's disappearance;
  - b) report to the appropriate LEA if it is determined that the child is a sex trafficking victim;
  - c) determine the need for additional behavioral health services and support; and
  - d) review the case to assess the primary factors that contributed to the child being missing, abducted or a runaway and, to the extent possible and appropriate, respond to those factors in current and subsequent case decisions.

9. Instructs DCS, within 60 days after the general effective date, to develop a checklist for DCS specialists and requires the checklist to:
  - a) be distributed to each caseworker;
  - b) assist DCS specialists in fulfilling DCS duties, as prescribed; and
  - c) have a mechanism to mark DCS duties as completed within specified timelines.
10. Instructs DCS, beginning 90 days after the general effective date, to provide a monthly report to the Governor, the President of the Senate (President) and the Speaker of the House of Representatives (House) that includes:
  - a) the names of all current missing children;
  - b) an acknowledgement that DCS made the prescribed notifications within the prescribed time frames or a detailed explanation of the reason why the prescribed notifications were not made within the prescribed time frames, if those notifications were not made;
  - c) DCS's compliance with ongoing search efforts made to locate missing children;
  - d) DCS's compliance with the outlined requirements for a missing child who is located; and
  - e) on the return of a runaway child to DCS's care, the reason why the child ran away.
11. Stipulates that the reported names of missing children must be kept confidential and may not be distributed outside of the monthly report.
12. Instructs DCS, within 150 days of the general effective date and on a monthly basis thereafter, to submit a report to the Joint Legislative Budget Committee and the Senate and House Health and Human Services Committees, or their successor committees, that includes:
  - a) DCS's compliance with all of the prescribed requirements;
  - b) the numbers of missing children and missing children who have been found; and
  - c) the percentage of times DCS was in compliance with the outlined requirements for a missing child that must be completed immediately or within 24 and 48 hours of the report (outlined 24-hour and 48-hour requirements).
13. Instructs DCS to establish a missing, abducted and runaway children unit (unit) within DCS if the submitted report shows less than 95 percent compliance for more than 4 consecutive or nonconsecutive months in a 12-month period.
14. Requires the unit to have at least four employees with at least one employee available 24 hours a day.
15. Allows the unit to enter into contracts with any vendor necessary to ensure DCS is in compliance with the outlined 24-hour and 48-hour requirements.
16. Requires an established unit to submit a report to the Governor, President, Speaker of the House (Speaker) and Joint Legislative Oversight Committee on DCS that:
  - a) identifies the reasons why DCS is not in compliance with the outlined 24-hour and 48-hour requirements;
  - b) identifies the methods by which the unit will achieve a 95 percent compliance rate with the outlined 24-hour and 48-hour requirements;
  - c) includes organizational changes that DCS will make to ensure compliance with the outlined 24-hour and 48-hour requirements; and
  - d) recommends legislative changes that are necessary to ensure DCS's compliance with the outlined 24-hour and 48-hour requirements.

17. Allows the Legislature to convene an oversight committee to address problems and deviations from policy and procedure and recommend corrective action plans.
18. Requires the Legislature to request an annual independent audit of DCS's compliance.
19. Requires DCS to contract with a third party to oversee efforts to locate missing children if the independent audit determines DCS is not in compliance.
20. Makes conforming changes.
21. Becomes effective on the general effective date.

Amendments Adopted by Committee

1. Instructs DCS to provide initial training to newly hired employees before assigning any children to a caseload.
2. Requires the checklist to be distributed to each caseworker rather than uploaded to DCS software.
3. Removes the requirement for DCS to enter into a contract with a provider to develop a checklist.
4. Modifies DCS's monthly report to:
  - a) add the Governor to the required recipients;
  - b) include the reason why a child ran away; and
  - c) keep the names of all current missing children confidential and prohibit the distribution of those names outside of the monthly report.
5. Requires the report on DCS compliance to be submitted monthly, rather than quarterly, and adds the percentage of times DCS was in compliance.
6. Adds the requirement for DCS to establish the unit, as prescribed, if the prescribed report shows less than 95 percent compliance.
7. Requires an established unit to submit a report, as outlined.
8. Allows the LEA to work with a specialized artist, when possible, to create a progression photo.
9. Reinstates the 48-hour timeframe in which DCS must provide an LEA with prescribed information to provide to local media outlets and post to social media platforms.
10. Removes the requirement for the appropriate LEA to update social media every 14 calendar days with updated information regarding the missing, abducted or runaway child.
11. Removes the requirement for DCS to contract with a third party to oversee efforts to locate missing runaway children if the Joint Legislative Oversight Committee on DCS determines that DCS has continually failed to follow the law.
12. Makes conforming changes.

FACT SHEET – Amended

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House Action

MAPS            2/12/24    DP    11-0-4-0  
3<sup>rd</sup> Read        2/22/24            37-20-2-0-1

Senate Action

TTMC           3/18/24    DPA    7-0-0

Prepared by Senate Research

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KJA/EB/slp