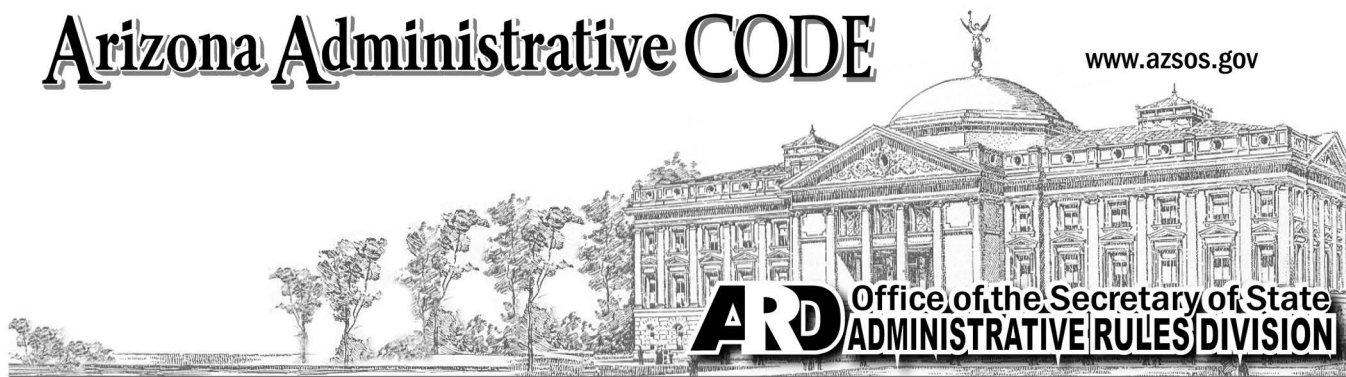




21 A.A.C. 3

Supp. 23-3

TITLE 21. CHILD SAFETY

CHAPTER 3. DEPARTMENT OF CHILD SAFETY - CENTRALIZED INTAKE HOTLINE

The table of contents on page one contains links to the referenced page numbers in this Chapter.

Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of
July 1, 2023 through September 30, 2023

[R21-3-202.](#) [Preliminary Screening 3](#)

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The release of this Chapter in Supp. 23-3 replaces Supp. 15-4, 1-3 pages.

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), Administrative Rules Division, accepts state agency rule notice and other legal filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into Titles. Titles are divided into Chapters. A Chapter includes state agency rules. Rules in Chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each Chapter.

First Quarter: January 1 - March 31
Second Quarter: April 1 - June 30
Third Quarter: July 1 - September 30
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. §§ 41-1012(B) and A.R.S. § 41-5505.

A certification verifies the authenticity of each *Code* Chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, www.azleg.gov. An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

SESSION LAW REFERENCES

Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, www.azsos.gov under Services-> Legislative Filings.

EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at www.azsos.gov/rules, click on the *Administrative Register* link.

Editor’s notes at the beginning of a Chapter provide information about rulemaking Sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

PERSONAL USE/COMMERCIAL USE

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Rhonda Paschal, rules managing editor, assisted with the editing of this Chapter.

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Administrative Rules Division

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TITLE 21. CHILD SAFETY

CHAPTER 3. DEPARTMENT OF CHILD SAFETY - CENTRALIZED INTAKE HOTLINE

Authority: A.R.S. § 8-453(A)(5)

Supp. 23-3

CHAPTER TABLE OF CONTENTS

Editor's Note: Chapter 3 contains rules which were exempt from the regular rulemaking process under Laws 2014, 2nd Special Session, Ch. 1, Sec. 158. The law required the Department to post on its website proposed exempt rulemakings for a minimum of 30 days, at which time the public could provide written comments. In addition, at least two public hearings were held prior to the filing of the final exempt rules. Because the Department solicited comments on its proposed exempt rules, the rules filed with the Office of the Secretary of State are considered final exempt rules (Supp. 15-4).

ARTICLE 1. DEFINITIONS

Article 1, consisting of Section R21-3-101, made by final exempt rulemaking at 21 A.A.R. 3247, effective January 26, 2016 (Supp. 15-4).

Section

R21-3-101. Definitions 2

ARTICLE 2. RECEIPT AND SCREENING OF COMMUNICATIONS

Article 2, consisting of Sections R21-3-201 through R21-3-204, made by final exempt rulemaking at 21 A.A.R. 3247, effective January 26, 2016 (Supp. 15-4).

Section

R21-3-201. Receipt of Information; Centralized Intake Hotline 2
R21-3-202. Preliminary Screening3
R21-3-203. Disposition of Communications3
R21-3-204. Quality Assurance3

TITLE 21. CHILD SAFETY

CHAPTER 3. DEPARTMENT OF CHILD SAFETY - CENTRALIZED INTAKE HOTLINE

ARTICLE 1. DEFINITIONS

R21-3-101. Definitions

The definitions in A.R.S. §§ 8-101, 8-201, 8-501, 8-455, 8-531 and 8-801, and the following definitions apply in this Chapter and Title 21, Chapter 4:

1. "Abuse" means the same as in A.R.S. § 8-201.
2. "Centralized Intake Hotline" or "the Hotline" means the same as in A.R.S. § 8-455.
3. "Child" means the same as in A.R.S. § 8-101.
4. "Child Safety Specialist" means the same as "child safety worker" as in A.R.S. § 8-801.
5. "Child safety services" means the same as in A.R.S. § 8-801.
6. "Child welfare agency" means the same as in A.R.S. § 8-501.
7. "Criminal conduct allegation" means the same as in A.R.S. § 8-201.
8. "Criminal investigation" means an investigation of criminal allegations conducted by a law enforcement agency.
9. "Criminal offense" means an allegation of abuse and neglect perpetrated by someone other than a parent, guardian, custodian, or other adult member of the child's household that, if true, would constitute a felony offense.
10. "Custodian" means a person defined in A.R.S. § 8-201.
11. "DCS Investigator" means a DCS employee who investigates allegations of child abuse or neglect pursuant to A.R.S. §§ 8-456 and 8-471.
12. "DCS Report" means a communication received by the Centralized Intake Hotline that alleges child abuse or neglect that meets the criteria for a report as set forth in A.R.S. § 8-455.
13. "Department" or "DCS" means the Arizona Department of Child Safety.
14. "Finding" means one of the following:
 - a. The Department has determined during its investigation that probable cause exists to substantiate the allegation of abuse or neglect of a child, and
 - i. The specific person responsible has been identified, or
 - ii. The specific person responsible has not been identified,
 - b. The Department has determined during its investigation that the allegation of abuse or neglect is unsubstantiated; or
 - c. After a thorough search, the Department is unable to locate the alleged abused or neglected child.
15. "Guardian" means the same as a person who has the duty and authority of a "Guardianship of the person" in A.R.S. § 8-531.
16. "Household member" means a parent, guardian, custodian, or an adult who at the time of the alleged abuse or neglect resided in the child victim's home.
17. "Incoming communication" or "communication" means contact with DCS concerning alleged abuse or neglect of a child by any method that is received by or ultimately directed to the Centralized Intake Hotline.
18. "Intake Specialist" means the same as "hotline worker" in A.R.S. § 8-455 and means an employee of the Department trained in Centralized Intake Hotline procedures.
19. "Investigation" means using investigative techniques to search out and examine the facts to determine whether a child has been abused or neglected as provided for in A.R.S. §§ 8-456 and 8-471.
20. "Investigative protocols," also called "Joint investigative protocols" and "Multi-disciplinary Protocols," means a guide for the conduct of criminal conduct investigations mandated by A.R.S. § 8-817.
21. "Neglect" or "neglected" means the same as in A.R.S. § 8-201.
22. "OCWI Investigator" means a DCS Investigator who is assigned to the Office of Child Welfare Investigations, and whose primary duties and responsibilities are prescribed in A.R.S. § 8-471.
23. "Other child in the home" means a child residing in the same home as either the alleged child victim or the alleged perpetrator at the time of the alleged abuse or neglect.
24. "Out-of-Home placement" means the same as in A.R.S. § 8-501.
25. "Parent" means the same as in A.R.S. § 8-501.
26. "Probable cause" means some credible evidence that abuse or neglect occurred.
27. "PSRT" means the Department's Protective Services Review Team that administers the process described in A.R.S. § 8-811 for review and appeal of proposed substantiated findings of child abuse or neglect.
28. "Reporting Source" means a person who reports child abuse or neglect to the Department or to a peace officer as prescribed in A.R.S. § 13-3620, even if the communication does not meet the criteria for a DCS report as set forth in A.R.S. § 8-455.
29. "Response time" means the period of time designated by the Hotline and begins when a DCS report is assigned to a DCS field unit for investigation and ends when the DCS Investigator initiates the investigation by an attempt to make in-person contact with the alleged child victim. Any proposed changes to the response time shall be submitted to the DCS Community Advisory Committee as established in A.R.S. § 8-459 for review and discussion prior to implementation.
30. "Safe haven provider" means the same as in A.R.S. § 13-3623.01.
31. "Substantiated" means that there is probable cause to believe the child was abused or neglected.
32. "Temporary custody" means the same as in A.R.S. § 8-821.
33. "Unsubstantiated" means that there was insufficient evidence to substantiate that the child was abused or neglected when the finding was entered into the Department's case management information system.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3247, effective January 26, 2016 (Supp. 15-4).

ARTICLE 2. RECEIPT AND SCREENING OF COMMUNICATIONS**R21-3-201. Receipt of Information; Centralized Intake Hotline**

- A. The Department shall operate a Centralized Intake Hotline to receive and screen communications of suspected abuse or neglect of a child.
- B. The Department shall publicize on the Department's website the availability and the purposes of the Centralized Intake Hotline.
- C. The Department shall accept an anonymous communication if the source refuses to provide identifying and contact information.

TITLE 21. CHILD SAFETY

CHAPTER 3. DEPARTMENT OF CHILD SAFETY - CENTRALIZED INTAKE HOTLINE

- D. When the Centralized Intake Hotline receives an incoming communication, the Intake Specialist shall gather relevant information to determine whether it meets the criteria for a DCS Report as prescribed in A.R.S. § 8-455.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3247, effective January 26, 2016 (Supp. 15-4).

R21-3-202. Preliminary Screening

The following allegations standing alone do not meet the criteria for a DCS Report unless the communication also includes an allegation of child abuse or neglect as defined in A.R.S. § 8-201 and otherwise meets the criteria as set forth in A.R.S. § 8-455:

1. The child is absent from school;
2. The child is age eight years or older and has allegedly committed a delinquent act;
3. The sibling of a child eight years or older has allegedly committed a delinquent act;
4. The sibling or other child living in the home who is age eight years or older allegedly committed a delinquent act against the alleged child victim;
5. The child's parents are absent from the home or are unable to care for the child but made appropriate arrangements for the child's care;
6. The child is receiving treatment from an accredited Christian Science practitioner, or other religious or spiritual healer, but the child's health is not:
 - a. In imminent risk of harm; or
 - b. Endangered by the lack of medical care;
7. The child has minor hygienic problems;
8. The child is the subject of a custody or visitation dispute;
9. The spiritual neglect of a child or the religious practices or beliefs to which a child is exposed;
10. The child's parent, guardian, or custodian questions the use of or refuses to put the child on psychiatric medication but the child's health is not:
 - a. In imminent risk of harm; or
 - b. Endangered by the refusal to put the child on the recommended psychiatric medicine; or
11. The child is a safe haven newborn infant. A child is considered a safe haven newborn infant if the parent or agent of the parent voluntarily delivered the newborn to a safe haven provider per A.R.S. §§ 8-528 and 13-3623.01; and following a physical examination of the child at a hospital the child is determined to be unharmed, and 30 days of age or younger. The child shall not qualify as a safe haven newborn infant if:
 - a. The physical examination results in suspicion of abuse or neglect that meets criteria as a DCS Report; or
 - b. The child is believed to be an alleged victim in an open DCS Report.
12. The child is in the custody of the federal government, and the alleged abuse or neglect occurred in a foreign country;
13. The suspected perpetrator is deceased and there is no indication that the perpetrator's death occurred during an act of abuse or neglect against the child; or
14. The suspected perpetrator's parental rights are terminated as to the alleged child victim.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3247, effective January 26, 2016 (Supp. 15-4).

Amended by final rulemaking at 29 A.A.R. 1697 (August 4, 2023), effective September 10, 2023 (Supp. 23-3).

R21-3-203. Disposition of Communications

- A. DCS Report. If a communication meets criteria for a DCS Report, the Intake Specialist shall:
1. Enter the DCS Report information into the Department's case management information system;
 2. Assign an appropriate response time, ranging from an immediate response to a response time not to exceed seven days;
 3. Immediately transmit the DCS Report to the appropriate field unit; and
 4. Inform the reporting source that the information meets criteria for a DCS Report, that the report will be sent to a field unit, and provide the reporting source, when identified, with contact information for the field unit.
- B. Non-report. If a communication does not meet criteria for a DCS Report, the Intake Specialist:
1. Shall record the information regarding a child who is already in the Department's care, custody, and control, and forward it to the Child Safety Specialist managing that child's case;
 2. Shall advise the reporting source to notify the appropriate law enforcement agency of an allegation of child abuse or neglect by a person other than a child's parent, guardian, custodian, or adult member of the household;
 3. Shall inform the reporting source that the information does not meet criteria for a DCS Report, and that the information will be documented in the Department's case management information system; and
 4. May refer the reporting source to a community resource, when appropriate.
- C. Forwarding information on non-DCS Reports. If a communication does not meet criteria for a DCS Report, the Intake Specialist shall forward the information or allegations of abuse or neglect to:
1. The appropriate law enforcement agency concerning a felony criminal offense against a child;
 2. The DCS Office of Licensing and Regulation, if the communication involves a DCS licensed out-of-home placement;
 3. The appropriate child protection agency, if the child lives in another jurisdiction;
 4. The appropriate licensing or certifying agency if a child is at a state licensed or certified child care home or facility;
 5. The appropriate licensing agency if a child is at a state licensed behavioral health facility; or
 6. The Arizona Department of Economic Security (DES) Adult Protective Services if the alleged victim is over the age of 18 years.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3247, effective January 26, 2016 (Supp. 15-4).

R21-3-204. Quality Assurance

The Department shall conduct a review at least weekly of communications concerning alleged abuse or neglect of a child, which do not meet criteria for a DCS Report, to verify the communications are properly classified.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3247, effective January 26, 2016 (Supp. 15-4).