

REFERENCE TITLE: *Limitation of authority*

State of Arizona
House of Representatives
Forty-fifth Legislature
First Regular Session
2001

HB 2557

Introduced by

Representatives Johnson, Laughter, Cooley, Jarrett, Farnsworth, Pearce,
Kraft, Brimhall, Blendu, Graf: Allen, Anderson, Carpenter, Flake, Foster,
Gleason, Gray, Hanson, Huffman, Knaperek, Marsh, McClure, Nelson, Robson,
Somers, Tully, Weiers

AN ACT

AMENDING SECTION 8-821, ARIZONA REVISED STATUTES; RELATING TO PROTECTIVE SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-821, Arizona Revised Statutes, is amended to
3 read:

4 8-821. Taking into temporary custody; medical examination;
5 placement; interference; classification

6 A. A child shall be taken into temporary custody in proceedings to
7 declare a child a temporary ward of the court to protect the child, pursuant
8 to an order of the juvenile court on a petition by an interested person, a
9 peace officer or a child protective services worker under oath that
10 reasonable grounds exist to believe that temporary custody is clearly
11 necessary to protect the child from suffering abuse or neglect.

12 B. A child may be taken into temporary custody by a peace officer or a
13 child protective services worker if temporary custody is clearly necessary to
14 protect the child because the child is either:

15 1. Suffering or will imminently suffer abuse or neglect.

16 2. Suffering serious physical or emotional damage that can only be
17 diagnosed by a medical doctor or psychologist.

18 C. In determining if a child should be taken into temporary custody,
19 the interested person, peace officer or child protective services worker may
20 take into consideration as a mitigating factor the participation of the
21 parent or guardian in the healthy families program established by section
22 8-701.

23 D. In determining if a child should be taken into temporary custody,
24 the interested person, peace officer or child protective services worker
25 shall take into consideration as a paramount concern the child's health and
26 safety and shall consider as a mitigating factor the availability of
27 reasonable services to the parent or guardian to prevent or eliminate the
28 need for removal of the child and the effort of the parent or guardian to
29 obtain and participate in these services.

30 E. A person who takes a child into custody pursuant to subsection B,
31 paragraph 2 of this section shall immediately have the child examined by a
32 medical doctor or psychologist. After the examination the person shall
33 release the child to the custody of the parent or guardian of the child
34 unless the examination reveals abuse or neglect. Temporary custody of a
35 child taken into custody pursuant to subsection B, paragraph 2 of this
36 section shall not exceed twelve hours.

37 F. A child taken into temporary custody pursuant to this article shall
38 not be detained in a police station, jail or lockup where adults charged with
39 or convicted of a crime are detained.

40 G. A child shall not remain in temporary custody for more than
41 forty-eight hours excluding Saturdays, Sundays and holidays unless a
42 dependency petition is filed.

1 H. THE FACT THAT A PARENT OR GUARDIAN REFUSES TO PUT A CHILD ON A
2 PSYCHIATRIC MEDICATION OR QUESTIONS THE USE OF THAT MEDICATION IS NOT ABUSE
3 OR NEGLECT AND IS NOT BY ITSELF A SUFFICIENT REASON FOR CHILD PROTECTIVE
4 SERVICES, A PEACE OFFICER OR A COURT TO TAKE ANY ACTION PURSUANT TO THIS
5 CHAPTER.

6 ~~H.~~ I. A person who knowingly interferes with the taking of a child
7 into temporary custody under this section is guilty of a class 2 misdemeanor.