



Bill Number: S.B. 1246

Farnsworth Floor Amendment

Reference to: printed bill

Amendment drafted by: Leg Council

#### FLOOR AMENDMENT EXPLANATION

---

1. Removes, from the definition of *neglect* of a child, the exception for the inability of a parent, guardian or custodian to provide a child with supervision, clothing, food, shelter or medical care solely due to the lack of available financial resources.
2. Prohibits the inability of a parent, guardian or custodian to provide a child with supervision, clothing, food, shelter or medical care solely due to the lack of available financial resources from being considered neglect of a child.

FARNSWORTH FLOOR AMENDMENT  
SENATE AMENDMENTS TO S.B. 1246  
(Reference to printed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.

[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Section 8-201, Arizona Revised Statutes, is amended to  
3 read:

4 8-201. Definitions

5 In this title, unless the context otherwise requires:

6 1. "Abandoned" means the failure of the parent to provide  
7 reasonable support and to maintain regular contact with the child,  
8 including providing normal supervision. Abandoned includes a judicial  
9 finding that a parent has made only minimal efforts to support and  
10 communicate with the child. Failure to maintain a normal parental  
11 relationship with the child without just cause for a period of six months  
12 constitutes prima facie evidence of abandonment.

13 2. "Abuse":

14 (a) Means the infliction or allowing of physical injury, impairment  
15 of bodily function or disfigurement or the infliction of or allowing  
16 another person to cause serious emotional damage as evidenced by severe  
17 anxiety, depression, withdrawal or untoward aggressive behavior and which  
18 emotional damage is diagnosed by a medical doctor or psychologist and is  
19 caused by the acts or omissions of an individual who has the care, custody  
20 and control of a child, including an employee of a child welfare agency  
21 where a child is placed that is licensed by and contracted with the  
22 department.

23 (b) Includes:

24 (i) Inflicting or allowing sexual abuse pursuant to section  
25 13-1404, sexual conduct with a minor pursuant to section 13-1405, sexual  
26 assault pursuant to section 13-1406, molestation of a child pursuant to  
27 section 13-1410, commercial sexual exploitation of a minor pursuant to  
28 section 13-3552, sexual exploitation of a minor pursuant to section

1 13-3553, incest pursuant to section 13-3608 or child sex trafficking  
2 pursuant to section 13-3212.

3 (ii) Physical injury that results from allowing a child to enter or  
4 remain in any structure or vehicle in which volatile, toxic or flammable  
5 chemicals are found or equipment is possessed by any person for the  
6 purpose of manufacturing a dangerous drug as defined in section 13-3401.

7 (iii) Unreasonable confinement of a child.

8 3. "Adult" means a person who is eighteen years of age or older.

9 4. "Adult court" means the appropriate justice court, municipal  
10 court or criminal division of the superior court that has jurisdiction to  
11 hear proceedings concerning offenses committed by juveniles as provided in  
12 sections 8-327 and 13-501.

13 5. "Award" or "commit" means to assign legal custody.

14 6. "Child", "youth" or "juvenile" means an individual who is under  
15 eighteen years of age.

16 7. "Complaint" means a written statement of the essential facts  
17 constituting a public offense that is any of the following:

18 (a) Made on an oath before a judge or commissioner of the superior  
19 court or an authorized juvenile hearing officer.

20 (b) Made pursuant to section 13-3903.

21 (c) Accompanied by an affidavit of a law enforcement officer or  
22 employee that swears on information and belief to the accuracy of the  
23 complaint pursuant to section 13-4261.

24 8. "Criminal conduct allegation" means an allegation of conduct by  
25 a parent, guardian or custodian of a child or an adult member of the  
26 victim's household that, if true, would constitute any of the following:

27 (a) A violation of section 13-3623 involving child abuse.

28 (b) A felony offense that constitutes domestic violence as defined  
29 in section 13-3601.

30 (c) A violation of section 13-1404 or 13-1406 involving a minor.

31 (d) A violation of section 13-1405, 13-1410 or 13-1417.

32 (e) Any other act of abuse that is classified as a felony.

33 (f) An offense that constitutes domestic violence as defined in  
34 section 13-3601 and that involves a minor who is a victim of or was in  
35 imminent danger during the domestic violence.

36 9. "Custodian" means a person, other than a parent or legal  
37 guardian, who stands in loco parentis to the child or a person to whom  
38 legal custody of the child has been given by order of the juvenile court.

39 10. "DCS report" means a communication received by the centralized  
40 intake hotline that alleges child abuse or neglect and that meets the  
41 criteria for a report as prescribed in section 8-455.

42 11. "Delinquency hearing" means a proceeding in the juvenile court  
43 to determine whether a juvenile has committed a specific delinquent act as  
44 set forth in a petition.

45 12. "Delinquent act" means an act by a juvenile that if committed  
46 by an adult would be a criminal offense or a petty offense, a violation of  
47 any law of this state, or of another state if the act occurred in that

1 state, or a law of the United States, or a violation of any law that can  
2 only be violated by a minor and that has been designated as a delinquent  
3 offense, or any ordinance of a city, county or political subdivision of  
4 this state defining crime. Delinquent act does not include an offense  
5 under section 13-501, subsection A or B if the offense is filed in adult  
6 court. Any juvenile who is prosecuted as an adult or who is remanded for  
7 prosecution as an adult shall not be adjudicated as a delinquent juvenile  
8 for the same offense.

9       13. "Delinquent juvenile" means a child who is adjudicated to have  
10 committed a delinquent act.

11       14. "Department" means the department of child safety.

12       15. "Dependent child":

13       (a) Means a child who is adjudicated to be:

14       (i) In need of proper and effective parental care and control and  
15 who has no parent or guardian, or one who has no parent or guardian  
16 willing to exercise or capable of exercising such care and control.

17       (ii) Destitute or who is not provided with the necessities of life,  
18 including adequate food, clothing, shelter or medical care.

19       (iii) A child whose home is unfit by reason of abuse, neglect,  
20 cruelty or depravity by a parent, a guardian or any other person having  
21 custody or care of the child.

22       (iv) Under eight years of age and who is found to have committed an  
23 act that would result in adjudication as a delinquent juvenile or  
24 incorrigible child if committed by an older juvenile or child.

25       (v) Incompetent or not restorable to competency and who is alleged  
26 to have committed a serious offense as defined in section 13-706.

27       (b) Does not include a child who in good faith is being furnished  
28 Christian Science treatment by a duly accredited practitioner if none of  
29 the circumstances described in subdivision (a) of this paragraph exists.

30       16. "Detention" means the temporary confinement of a juvenile who  
31 requires secure care in a physically restricting facility that is  
32 completely surrounded by a locked and physically secure barrier with  
33 restricted ingress and egress for the protection of the juvenile or the  
34 community pending court disposition or as a condition of probation.

35       17. "Director" means the director of the department.

36       18. "Health professional" has the same meaning prescribed in  
37 section 32-3201.

38       19. "Incorrigible child" means a child who:

39       (a) Is adjudicated as a child who refuses to obey the reasonable  
40 and proper orders or directions of a parent, guardian or custodian and who  
41 is beyond the control of that person.

42       (b) Is habitually truant from school as defined in section 15-803,  
43 subsection C.

44       (c) Is a runaway from the child's home or parent, guardian or  
45 custodian.

46       (d) Habitually behaves in such a manner as to injure or endanger  
47 the morals or health of self or others.

1 (e) Commits any act constituting an offense that can only be  
2 committed by a minor and that is not designated as a delinquent act.

3 (f) Fails to obey any lawful order of a court of competent  
4 jurisdiction given in a noncriminal action.

5 20. "Independent living program" includes a residential program  
6 with supervision of less than twenty-four hours a day.

7 21. "Juvenile court" means the juvenile division of the superior  
8 court when exercising its jurisdiction over children in any proceeding  
9 relating to delinquency, dependency or incorrigibility.

10 22. "Law enforcement officer" means a peace officer, sheriff,  
11 deputy sheriff, municipal police officer or constable.

12 23. "Medical director of a mental health agency":

13 (a) Means a psychiatrist, or licensed physician experienced in  
14 psychiatric matters, who is designated in writing by the governing body of  
15 the agency as the person in charge of the medical services of the agency,  
16 or a psychiatrist designated by the governing body to act for the  
17 director.

18 (b) Includes the superintendent of the state hospital.

19 24. "Mental health agency" means any private or public facility  
20 that is licensed by this state as a mental health treatment agency, a  
21 psychiatric hospital, a psychiatric unit of a general hospital or a  
22 residential treatment center for emotionally disturbed children and that  
23 uses secure settings or mechanical restraints.

24 25. "Neglect" or "neglected" means:

25 (a) The inability or unwillingness of a parent, guardian or  
26 custodian of a child to provide that child with supervision, food,  
27 clothing, shelter or medical care if that inability or unwillingness  
28 [causes substantial] ~~[PRESENTS AN IMMINENT]~~ risk of SERIOUS harm to the  
29 child's health or welfare, except [if] ~~[FOR EITHER OF THE FOLLOWING:~~

30 ~~(i)]~~ the inability of a parent, guardian or custodian to provide  
31 services to meet the needs of a child with a disability or chronic illness  
32 is solely the result of the unavailability of reasonable services.

33 ~~[(ii) THE INABILITY OF A PARENT, GUARDIAN OR CUSTODIAN TO PROVIDE A~~  
34 ~~CHILD WITH SUPERVISION, FOOD, CLOTHING, SHELTER OR MEDICAL CARE IS SOLELY~~  
35 ~~DUE TO A LACK OF FINANCIAL RESOURCES AVAILABLE TO THE PARENT, GUARDIAN OR~~  
36 ~~CUSTODIAN.]~~

37 (b) Allowing a child to enter or remain in any structure or vehicle  
38 in which volatile, toxic or flammable chemicals are found or equipment is  
39 possessed by any person with the intent and for the purpose of  
40 manufacturing a dangerous drug as defined in section 13-3401.

41 (c) A determination by a health professional that a newborn infant  
42 was exposed prenatally to a drug or substance listed in section 13-3401  
43 and that this exposure was not the result of a medical treatment  
44 administered to the mother or the newborn infant by a health professional.  
45 This subdivision does not expand a health professional's duty to report  
46 neglect based on prenatal exposure to a drug or substance listed in  
47 section 13-3401 beyond the requirements prescribed pursuant to section

1 13-3620, subsection E. The determination by the health professional shall  
2 be based on one or more of the following:

3 (i) Clinical indicators in the prenatal period including maternal  
4 and newborn presentation.

5 (ii) History of substance use or abuse.

6 (iii) Medical history.

7 (iv) Results of a toxicology or other laboratory test on the mother  
8 or the newborn infant.

9 (d) Diagnosis by a health professional of an infant under one year  
10 of age with clinical findings consistent with fetal alcohol syndrome or  
11 fetal alcohol effects.

12 (e) Deliberate exposure of a child by a parent, guardian or  
13 custodian to sexual conduct as defined in section 13-3551 or to sexual  
14 contact, oral sexual contact or sexual intercourse as defined in section  
15 13-1401, bestiality as prescribed in section 13-1411 or explicit sexual  
16 materials as defined in section 13-3507.

17 (f) Any of the following acts committed by the child's parent,  
18 guardian or custodian with reckless disregard as to whether the child is  
19 physically present:

20 (i) Sexual contact as defined in section 13-1401.

21 (ii) Oral sexual contact as defined in section 13-1401.

22 (iii) Sexual intercourse as defined in section 13-1401.

23 (iv) Bestiality as prescribed in section 13-1411.

24 26. "Newborn infant" means a child who is under thirty days of age.

25 27. "Petition" means a written statement of the essential facts  
26 that allege delinquency, incorrigibility or dependency.

27 28. "Prevention" means the creation of conditions, opportunities  
28 and experiences that encourage and develop healthy, self-sufficient  
29 children and that occur before the onset of problems.

30 29. "Protective supervision" means supervision that is ordered by  
31 the juvenile court of children who are found to be dependent or  
32 incorrigible.

33 30. "Qualified young adult" means a former dependent child who is  
34 at least eighteen years of age and not over twenty-one years of age, who  
35 meets the criteria for an extended foster care program pursuant to section  
36 8-521.02 and who signs a voluntary agreement to participate in the  
37 program.

38 31. "Referral" means a report that is submitted to the juvenile  
39 court and that alleges that a child is dependent or incorrigible or that a  
40 juvenile has committed a delinquent or criminal act.

41 32. "Secure care" means confinement in a facility that is  
42 completely surrounded by a locked and physically secure barrier with  
43 restricted ingress and egress.

44 33. "Serious emotional injury" means an injury that is diagnosed by  
45 a medical doctor or a psychologist and that does any one or a combination  
46 of the following:

47 (a) Seriously impairs mental faculties.

1 (b) Causes serious anxiety, depression, withdrawal or social  
2 dysfunction behavior to the extent that the child suffers dysfunction that  
3 requires treatment.

4 (c) Is the result of sexual abuse pursuant to section 13-1404,  
5 sexual conduct with a minor pursuant to section 13-1405, sexual assault  
6 pursuant to section 13-1406, molestation of a child pursuant to section  
7 13-1410, child sex trafficking pursuant to section 13-3212, commercial  
8 sexual exploitation of a minor pursuant to section 13-3552, sexual  
9 exploitation of a minor pursuant to section 13-3553 or incest pursuant to  
10 section 13-3608.

11 34. "Serious physical injury" means an injury that is diagnosed by  
12 a medical doctor and that does any one or a combination of the following:

13 (a) Creates a reasonable risk of death.

14 (b) Causes serious or permanent disfigurement.

15 (c) Causes significant physical pain.

16 (d) Causes serious impairment of health.

17 (e) Causes the loss or protracted impairment of an organ or limb.

18 (f) Is the result of sexual abuse pursuant to section 13-1404,  
19 sexual conduct with a minor pursuant to section 13-1405, sexual assault  
20 pursuant to section 13-1406, molestation of a child pursuant to section  
21 13-1410, child sex trafficking pursuant to section 13-3212, commercial  
22 sexual exploitation of a minor pursuant to section 13-3552, sexual  
23 exploitation of a minor pursuant to section 13-3553 or incest pursuant to  
24 section 13-3608.

25 35. "Shelter care" means the temporary care of a child in any  
26 public or private facility or home that is licensed by this state and that  
27 offers a physically nonsecure environment that is characterized by the  
28 absence of physically restricting construction or hardware and that  
29 provides the child access to the surrounding community.

30 36. "Standardized hotline assessment tool" means any written tool  
31 used to make a determination that the allegation of abuse or neglect that  
32 is the subject of a report received pursuant to section 8-455 involves  
33 conduct that warrants investigation by the department pursuant to section  
34 8-456 or 8-471.

35 37. "Young adult administrative review" means an administrative  
36 review of a voluntary extended foster care case plan with the qualified  
37 young adult, the department's case specialist or designee, an independent  
38 party who is not responsible for the case management of or the delivery of  
39 services to the qualified young adult and any other individual the young  
40 adult invites.

41 <<Sec. 2. Section 8-201.01, Arizona Revised Statutes, is amended to  
42 read:

43 8-201.01. Prohibitions

44 A. Notwithstanding any other provision of this chapter or chapter  
45 4, articles 8, 9, 10, 11, 12, 13 and 14 of this title:

1           1. A child who in good faith is being furnished Christian Science  
2 treatment by a duly accredited practitioner shall not, for that reason  
3 alone, be considered to be an abused, neglected or dependent child.

4           2. A child whose parent, guardian or custodian refuses to put the  
5 child on a psychiatric medication or questions the use of a psychiatric  
6 medication shall not be considered to be an abused, neglected or dependent  
7 child for that reason alone.

8           B. A parent may not be considered as having abused, neglected or  
9 abandoned or [BE] charged with abuse, neglect or abandonment of a  
10 biological, foster or adoptive child solely for seeking inpatient  
11 treatment or an out-of-home placement if the child's behavioral health  
12 needs pose a risk to the safety and welfare of the family.

13           C. A parent may not be considered as having abused or neglected or  
14 [BE] charged with abuse or neglect of a child solely for bringing into the  
15 home a biological, foster or adoptive child whose behavioral health needs  
16 pose a risk to the safety and welfare of the family.

17           [D. A PARENT, GUARDIAN OR CUSTODIAN MAY NOT BE CONSIDERED AS HAVING  
18 NEGLECTED A CHILD IF THE PARENT, GUARDIAN OR CUSTODIAN IS UNABLE TO  
19 PROVIDE THE CHILD WITH SUPERVISION, FOOD, CLOTHING, SHELTER OR MEDICAL  
20 CARE SOLELY DUE TO A LACK OF FINANCIAL RESOURCES AVAILABLE TO THE PARENT,  
21 GUARDIAN OR CUSTODIAN.]>>

22 Enroll and engross to conform

23 Amend title to conform

DAVID C. FARNSWORTH

1246FloorFARNSWORTH.docx

02/10/2025

3:48 PM

C: LAT