



Multidisciplinary Protocol for the Joint Investigation of Child Abuse

Developed by the
Multidisciplinary Team

Gila County Children's Justice Project

*Originally adopted 1995
Revised 2009, 2012, 2015*



Bradley D. Beauchamp

THE CHILDREN'S JUSTICE PROJECT

The Children's Justice Project is a federally funded, multi-agency effort intended to improve the handling of crimes against children. The three primary goals of the project are:

- 1) To improve interagency communication and cooperation
- 2) To raise the skill level of all professionals involved in child abuse cases, and
- 3) To reduce trauma to the child by coordinating victim services and conducting joint, videotaped interviews.

The Multidisciplinary Team (MDT) is comprised of professionals representing all disciplines associated with child abuse cases and was crafted to achieve these goals.

The *Multidisciplinary Protocol for Investigations of Child Abuse* (Protocol) is developed to serve as the model for how child abuse cases should be handled by each discipline. This Protocol is intended to establish the course of action and reference sources for interagency cooperation in the investigation, prosecution, and management of child neglect and physical and sexual abuse cases. To ensure accuracy in regard to changes in law, technology, and community need, the Protocol is revised on an ongoing basis. Free trainings on the Protocol have been and will continue to be provided to all disciplines involved. Research has shown that when multidisciplinary protocols are followed, arrest and prosecution rates increase and trauma to the child decreases.

The model set forth by the Children's Justice Project and the Protocol strongly supports and encourages the use of child abuse assessment/child advocacy centers. These specially designed centers help reduce the trauma to the child victim and his/her family by offering investigative and victim service needs at one child-friendly location. These services typically include, but are not limited to, police and the Department of Child Safety (DCS) investigations, forensic interviews, medical exams, county attorney consultation, victim advocacy, crisis counseling and referrals.

STATEMENT OF PURPOSE

These protocols are offered to assist all children, both victims and witnesses and serve as a model for handling child abuse cases within Gila County. The goal is to treat each child with dignity, fairness and respect and to minimize secondary trauma often associated with child abuse investigations.

Protocols initially developed in 1995 were revised in 2009, 2012 and 2015 to further specify practices being followed after receiving reports alleging crimes against children. This Protocol is intended as a guideline and a reference source for interagency cooperation in the investigation, prosecution and management of child neglect, physical and/or sexual abuse cases. Any variance from the Protocol must be documented for reporting purposes pursuant to A.R.S. §8-817.

While it is recognized that each agency has its own mandate to fulfill, the multidisciplinary team [MDT] recognizes no one single agency or discipline can fully address the problem of child abuse. Therefore, each agency must be both cognizant of the needs and rights of the victim under Arizona law, as well as sensitive to the needs of other professionals involved. We have chosen to make the best interest and safety of children our overriding concern where any interagency conflict may exist.

Joined in the effort to mobilize our different strengths, we have endeavored to: 1) clarify each agency's duties and responsibilities, 2) limit the number of interviews of the child victim, and 3) provide a consistent and efficient approach to the investigation, prosecution and management of cases involving children.

As County Attorney, I wish to thank the member agencies and commend them for their commitment and dedication to working cooperatively in the handling of cases involving abused children. Every child deserves to be treated with dignity, compassion and respect. This Protocol provides a model for treatment consistent with these principles.

Bradley D. Beauchamp
Gila County Attorney



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AGENCY AGREEMENT

The following Gila County agencies agree:

- To actively participate in the implementation of this multidisciplinary approach to joint investigation of criminal conduct child abuse allegations; including sharing relevant information;
- To join ongoing, cooperative efforts to improve both this Protocol and its practice in Gila County;
- To make every effort to incorporate these guidelines into their internal policies and practices;
- To participate in collaborative activities to improve joint investigations including: multidisciplinary case reviews, trainings, dispute resolution processes and case tracking per A.R.S. Sec. §8-817. (see Appendix)

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Definitions Pertaining to Crimes Against Children

This material is intended to provide guidelines and is not to be considered legal advice. Emphasis has been added in some sections.

For purposes of coordinated (joint) investigation pursuant to statutory mandates a “criminal conduct allegation” pursuant to A.R.S. §8-801 (2) means an allegation of conduct by a parent, guardian, custodian or adult member of the victim’s household of a child that, if true, would constitute any of the following:

- Sexual Conduct with a Minor
- Sexual Abuse or Sexual Assault of a Minor
- Molestation of a Child
- Incest Involving a Child
- Child Prostitution
- Commercial Sexual Exploitation of a Minor
- Sexual Exploitation of a Minor
- Child Abuse (Physical Abuse and Severe Neglect)
- Death of a Child
- Certain Domestic Violence Offenses that rise to the level of a felony (Pursuant to A.R.S. §13-3601), excluding property crimes

ABUSE

“Abuse” per A.R.S. §8-201 means the infliction of or allowing of physical injury, impairment of bodily function, or disfigurement or the infliction of or allowing another person to cause serious emotional damage as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior and which emotional damage is diagnosed by a medical doctor or psychologist pursuant to A.R.S. §8-821 and is caused by the acts or omissions of an individual having care, custody and control of a child. Abuse shall include inflicting or allowing sexual abuse pursuant to A.R.S. §13-1404, sexual conduct with a minor pursuant to A.R.S. §13-1405, sexual assault pursuant to A.R.S. §13-1406, molestation of a child pursuant to A.R.S. §13-1410, commercial sexual exploitation of a minor pursuant to A.R.S. §13-3552, sexual exploitation of a minor pursuant to A.R.S. §13-3553, incest pursuant to A.R.S. §13-3608 or child prostitution pursuant to A.R.S. §13-3212.

“Drug Endangered Children” per A.R.S. §13-3623

The terms “endangered” and “abuse” include, but are not limited to circumstances in which a child or vulnerable adult is permitted to enter or remain in a structure or vehicle in which volatile, toxic, or flammable chemicals are found or equipment is possessed by any person to the purpose of manufacturing a dangerous drug in violation of A.R.S. §13-3407, subsection a, paragraph 4.

“Physical Injury” per A.R.S. §13-3623 means the impairment of physical condition and includes any:

- skin bruising;
- pressure sores;
- bleeding;
- failure to thrive;
- malnutrition;
- dehydration;
- health or welfare;
- burns;
- fracture of any bone;
- subdural hematoma;
- soft tissue swelling;
- injury to any internal organ; or
- physical condition which imperils.

“Serious Physical Injury” means physical injury which creates:

- a reasonable risk of death; or
- that causes serious or permanent disfigurement; or
- serious impairment of health; or
- loss or protracted impairment of the function of any bodily organ or limb.

EMOTIONAL ABUSE

A.R.S. §8-821 permits a DCS Specialist or law enforcement officer to take temporary custody of a child who is suffering serious emotional damage which can only be diagnosed by a medical doctor or psychologist. The child shall be immediately examined and after the examination the child shall be released to the custody of the parent, guardian, or custodian unless the examination reveals abuse.

NEGLECT

“Neglect or Neglected” means the inability or unwillingness of a parent, guardian or custodian of a child to provide that child with supervision, food, clothing, shelter or medical care IF that inability or unwillingness causes substantial risk of harm to the child’s health or welfare, except if the inability of a parent or guardian to provide services to meet the needs of a child with a disability or chronic illness is solely the result of the unavailability of reasonable services.

Determination of Neglect

In determining if a child is neglected, consideration shall be given to:

- The drug or alcohol abuse of the child’s parent, guardian or custodian.
- The use by the mother of a dangerous drug, a narcotic drug or alcohol during pregnancy if the child, at birth or within a year after birth, is demonstrably adversely affected by this use.

“Substantial Risk of Harm” means actual, tangible and measurable harm or risk of harm to the child which may include physical, emotional, medical, sexual or other types of harm to the child.

SEXUAL CRIMES

CHILD PROSTITUTION (A.R.S. §13-3212)

A person commits child prostitution by knowingly:

- Causing any minor to engage in prostitution;
- Using a minor for purposes of prostitution;
- Permitting a minor under such person’s custody or control to engage in prostitution;
- Receiving any benefit for or on account of procuring or placing a minor in any place or in the charge or custody of any person for the purposes of prostitution;
- Receiving any benefit pursuant to an agreement to participate in the proceeds of prostitution of a minor;
- Financing, managing, supervising, controlling or owning, either alone or in association with others, prostitution activity involving a minor;
- Transporting or financing the transportation of any minor through or across this state with the intent that such minor engage in prostitution.

COMMERCIAL SEXUAL EXPLOITATION OF A MINOR (A.R.S. §13-3552)

A person commits commercial sexual exploitation of a minor by knowingly:

- Using, employing, persuading, enticing, inducing, or coercing a minor to engage in or assist others to engage in exploitive exhibition or other sexual conduct for the purpose of producing any depiction or live act depicting such conduct;
- Using, employing, persuading, enticing or coercing a minor to expose the genitals or anus or areola or nipple of the female breast for financial or commercial gain;
- Permitting a minor under such person’s custody or control to engage in or assist others to engage in exploitive exhibition or other sexual conduct for the purpose of producing any visual depiction or live act depicting such conduct;
- Transporting or financing the transportation of any minor through or across this state with the intent that such minor engage in prostitution, exploitive exhibition or other sexual conduct for the purpose of producing a visual depiction or live act depicting such conduct.

INCEST (A.R.S. §13-3608)

Persons who are eighteen or more years of age and are within the degree of consanguinity within which marriages are declared by law to be incestuous and void, who knowingly intermarry with each other, or who knowingly commit fornication or adultery with each other.

MOLESTATION OF A CHILD (A.R.S. §13-1410)

A person commits molestation of a child by intentionally or knowingly engaging in or causing a person to engage in sexual contact, except sexual contact with the female breast, with a child under fifteen years of age.

SEXUAL ABUSE (A.R.S. §13-1404)

A person commits sexual abuse by intentionally or knowingly engaging in sexual contact with any person fifteen or more years of age without the consent of that person, or with any person who is under fifteen years of age if the sexual contact involves only the female breast.

SEXUAL ASSAULT (A.R.S. §13-1405)

A person commits sexual assault by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person.

SEXUAL CONDUCT WITH A MINOR (A.R.S. §13-1405)

A person commits sexual conduct with a minor by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under eighteen years of age. (This statute has been interpreted by the courts to include attempts to engage in this behavior, even if the attempt is only verbal.)

SEXUAL EXPLOITATION OF A MINOR (A.R.S. §13-3553)

A person commits sexual exploitation of a minor by knowingly:

- Recording, filming, photographing, developing or duplicating any visual depiction in which a minor is engaged in exploitive exhibition or other sexual conduct;
- Distribution, transporting, exhibiting, receiving, selling, purchasing, electronically transmitting, possessing or exchanging any visual depiction in which a minor is engaged in exploitive exhibition or other sexual conduct.

ADDITIONAL DEFINITIONS

“Oral sexual contact” means oral contact with the penis, vulva or anus.

“Exploitive exhibition” means the actual or simulated exhibition of the genitals or pubic or rectal areas of any person for the purpose of sexual stimulation of the viewer.

“Producing” means financing, directing, manufacturing, issuing, publishing or advertising for pecuniary gain.

“Prostitution” means engaging in or agreeing or offering to engage in sexual conduct with any person under a fee arrangement with that person or any other person.

“Sexual contact” means any direct or indirect touching, fondling or manipulating of any part of the genitals, anus or female breast by any part of the body or by any object or causing a person to engage in such conduct.

“Sexual conduct” means sexual intercourse or oral sexual contact.

“Sexual intercourse” means penetration into the penis, vulva or anus by any part of the body or by any object or masturbatory contact with the penis or vulva.

“Simulated” means any depicting of the genitals or rectal areas that give the appearance of sexual contact or incipient sexual conduct.

“Spouse” means any person who is legally married and cohabitating.

“Sadomasochistic abuse” means flagellation or torture by or upon a person who is nude or clad in undergarments or in revealing or bizarre costume or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

“Visual depiction” includes each visual image that is contained in an undeveloped film, videotape or photograph or data stored in any form and that is capable of conversion into a visual image.

“Without consent” includes any of the following:

- The victim is coerced by the immediate use or threatened use of force against a person or property;
- The victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep, or any other similar impairment of cognition and such condition is known or should have reasonably been known to the defendant;
- The victim is intentionally deceived as to the nature of the act;
- The victim is intentionally deceived to erroneously believe that the person is the victim’s spouse.

Duty to Report Suspected Abuse

§ 13-3620. Duty to report abuse, physical injury, neglect and denial or deprivation of medical or surgical care or nourishment of minors; medical records; exception; violation; classification; definitions

- A. Any person who reasonably believes that a minor is or has been the victim of physical injury, abuse, child abuse, a reportable offense or neglect that appears to have been inflicted on the minor by other than accidental means or that is not explained by the available medical history as being accidental in nature or who reasonably believes there has been a denial or deprivation of necessary medical treatment or surgical care or nourishment with the intent to cause or allow death of an infant who is protected under § 36-2281 shall **immediately** report or cause reports to be made of this information to a law enforcement office or to the Department of Child Safety, except if the report concerns a person who does not have care, custody or control of the minor, the report shall be made to a law enforcement officer only. A member of the clergy, Christian Science practitioner or priest who has received a confidential communication or a confession in that person's role as a member of the clergy, Christian Science practitioner or a priest in the course of the discipline enjoined by the church to which the member of the clergy, Christian Science practitioner or priest belongs, may withhold reporting of the communication or confession if the member of the clergy, Christian Science practitioner or priest determines that is reasonable and necessary within the concepts of the religion. This exemption applies only to the communication or confession and not to personal observations the member of the clergy, Christian Science practitioner or priest may otherwise make of the minor. For the purposes of this subsection, "person" means:
1. Any physician, physician's assistant, optometrist, dentist, osteopath, chiropractor, podiatrist, behavioral health professional, nurse, psychologist, counselor or social worker who develops the reasonable belief in the course of treating a patient.
 2. Any law enforcement officer, member of the clergy, priest or Christian Science practitioner.
 3. The parent, stepparent or guardian of the minor.
 4. School personnel or domestic violence victim advocate who develops a reasonable belief in the course of their employment.
 5. Any other person who has the responsibility for the care or treatment of the minor.
- B. A report is not required under this section for conduct prescribed by §§ 13-1404 and 13-1405 if the conduct involves only minors who are fourteen, fifteen, sixteen or seventeen years of age, and there is nothing to indicate that the conduct is other than consensual.

- C. If a physician, psychologist or behavioral health professional receives a statement from a person other than a parent, stepparent, guardian or custodian of the minor during the course of providing sex offender treatment that is not court ordered or that does not occur while the offender is incarcerated in the State Department of Corrections or the Department of Juvenile Corrections, the physician, psychologist or behavioral health professional may withhold the reporting of that statement if the physician, psychologist or behavioral health professional determines it is reasonable and necessary to accomplish the purposes of the treatment.
- D. Reports shall be made immediately by telephone, email or in person. The reports shall contain:
1. The names and addresses of the minor and the minor's parents or the person or persons having custody of the minor if known.
 2. The minor's age and the nature and extent of the minor's abuse, child abuse, physical injury or neglect, including any evidence of previous abuse, child abuse, physical injury or neglect.
 3. Any other information that the person believes might be helpful in establishing the cause of the abuse, child abuse, physical injury or neglect.
- E. A health care professional who is regulated pursuant to Title 32 and who, after a routine newborn physical assessment of a newborn infant's health status or following notification of positive toxicology screens of a newborn infant, reasonably believes that the newborn infant may be affected by the presence of alcohol or a drug listed in § 13-3401 shall immediately report this information, or cause a report to be made, to the Department of Child Safety. For the purposes of this Subsection, "newborn infant" means an infant who is under thirty days of age.
- F. Any person other than one required to report or cause reports to be made under Subsection A of this Section who reasonably believes that a minor is or has been a victim of abuse, child abuse, physical injury, a reportable offense or neglect may report the information to a law enforcement officer or to the Department of Child Safety, except if the report concerns a person who does not have care, custody or control of the minor, the report shall be made to a law enforcement officer only.
- G. A person who has custody or control of medical records of a minor for whom a report is required or authorized under this section shall make the records, or a copy of the records, available to a law enforcement officer or the Department of Child Safety worker investigating the minor's neglect, child abuse, physical injury or abuse upon written request for the records signed by the law enforcement officer or the child safety worker. Records disclosed pursuant to this Subsection are confidential and may be used only in a judicial or administrative proceeding or investigation resulting from a report required or authorized under this Section.

- H. When telephone or in-person reports are received by a law enforcement officer, the officer shall immediately notify the Department of Child Safety and make the information available to them. Notwithstanding any other statute, when the Department of Child Safety receives these reports by telephone or in person, it shall immediately notify a law enforcement officer in the appropriate jurisdiction.
- I. Any person who is required to receive reports pursuant to Subsection A of this Section may take or cause to be taken photographs of the minor and the vicinity involved. Medical examinations of the minor may be performed.
- J. A person who furnishes a report, information or records required or authorized under this Section, or a person who participates in a judicial or administrative proceeding or investigation resulting from a report, information or records required or authorized under this Section, is immune from any civil or criminal liability by reason of that action unless the person acted with malice or unless the person has been charged with or is suspected of abusing or neglecting the child or children in question.
- K. Except for the attorney client privilege or the privilege under Subsection L of this Section, no privilege applies to any:
 - 1. Civil or criminal litigation or administrative proceeding in which a minor's neglect, dependency, abuse, child abuse, physical injury or abandonment is an issue.
 - 2. Judicial or administrative proceeding resulting from a report, information or records submitted pursuant to this Section.
 - 3. Investigation of a minor's child abuse, physical injury, neglect or abuse conducted by a law enforcement officer or the Department of Child Safety.
- L. In any civil or criminal litigation in which a child's neglect, dependency, physical injury, abuse, child abuse or abandonment is an issue, a member of the clergy, a Christian Science practitioner or a priest shall not, without his consent, be examined as a witness concerning any confession made to him in his role as a member of the clergy, a Christian Science practitioner or a priest in the course of the discipline enjoined by the church to which he belongs. Nothing in this Subsection discharges a member of the clergy, a Christian Science practitioner or a priest from the duty to report pursuant to Subsection A of this Section.
- M. If psychiatric records are requested pursuant to Subsection G of this Section, the custodian of the records shall notify the attending psychiatrist, who may excise from the records, before they are made available:
 - 1. Personal information about individuals other than the patient.

2. Information regarding specific diagnosis or treatment of a psychiatric condition, if the attending psychiatrist certifies in writing that release of the information would be detrimental to the patient's health or treatment.
- N. If any portion of a psychiatric record is excised pursuant to Subsection M of this Section, a court, upon application of a law enforcement officer or a DCS worker, may order that the entire record or any portion of the record that contains information relevant to the reported abuse, child abuse, physical injury or neglect be made available to the law enforcement officer or the Department of Child Safety worker investigating the abuse, child abuse, physical injury or neglect.
- O. A person who violates this Section is guilty of a Class 1 misdemeanor, except if the failure to report involves a reportable offense, the person is guilty of a Class 6 felony.
- P. For the purposes of this Section:
1. "Abuse" has the same meaning prescribed in § 8-201.
 2. "Child abuse" means child abuse pursuant to § 13-3623.
 3. "Neglect" has the same meaning prescribed in § 8-201.
 4. "Reportable offense" means any of the following:
 - a. Any offense listed in Chapters 14 and 35.1 of this Title or § 13-3506.01.
 - b. Surreptitious photographing, videotaping, filming or digitally recording of a minor pursuant to § 13-3019.
 - c. Child prostitution pursuant to § 13-3212.
 - d. Incest pursuant to § 13-3608.

Law Enforcement Protocol

The purpose of law enforcement's response to incidents of criminal acts involving children is to determine if a crime has been committed, and if so, to discover the facts and evidence necessary to bring the individual(s) responsible into the Criminal Justice System. While pursuing the criminal investigation, law enforcement must be concerned with more than just statutory requirements and case law. Law enforcement personnel must be cognizant of the needs and rights of the victim as well as the responsibilities of other organizations involved in the investigation, treatment and recovery of the victim.

Coordination is mandated by law in cases of allegations involving criminal conduct. To this end, law enforcement personnel are required to coordinate their efforts with those of the Department of Child Safety [DCS] as well as the prosecuting attorney. During such investigations, law enforcement, DCS and advocacy center staff will, as soon as immediately practicable, share relevant information, maintain on-going contact and monitor and/or participate in forensic interviews conducted by their counterparts. These efforts will clearly be documented in reports prepared by each agency.

When law enforcement responds to a call involving any offense of physical or sexual abuse or neglect, including children exposed to dangerous or narcotic drugs being used, grown, manufactured or sold by a person responsible for the child's care or a call involving a child who is otherwise determined to be in danger in their home environment, the responding officer shall **immediately** notify the

DCS Hotline
1-877 238-4501

The law enforcement investigator or supervisor is responsible for determining whether or not a criminal investigative response will be initiated.

It is the position of the Gila County Attorney's Office that all minor victims and/or witnesses seven (7) years of age or under (mentally or physically) be interviewed by a dedicated forensic interviewer through Childhelp-Gila CAC or another CAC/FAC. The Gila County Interviewing Team of law enforcement personnel may conduct a forensic interview with children 8 years of age or older when:

- 1) the child is not mentally delayed;
- 2) the case does not involve chronic abuse;
- 3) the team member feels comfortable in conducting the interview; and
- 4) the victim/family is not requesting the interview be conducted by someone other than law enforcement personnel.

The decision on who will conduct the interview is made by the law enforcement agency with jurisdiction in the matter. (See Appendix for Guidelines for Forensic Interviews)

Prior authorization from the Gila County Attorney's Office is required for all forensic interviews. Authorization is also required if the child is 8 years old or older and could be interviewed by a member of the Gila County Interviewing Team, if the investigator is requesting the interview be conducted by CGCAC, another CAC or another interviewer outside the Gila County Team. This may include, but is not limited to: 1) cases where the victim/family is requesting the interview be conducted by someone other than law enforcement, 2) cases where law enforcement personnel or the department feel it is in the best interest of the child to have the interview conducted by a dedicated forensic interviewer, or 3) cases where the investigator believes another individual will conduct the interview in a more neutral, unbiased manner.

Fully trained members on the Gila County Interviewing Team (GCIT) may be asked to assist with interviews by the investigator assigned to the case, Childhelp-Gila CAC or the Gila County Attorney's Office in cases involving several victims/witnesses or when the interviewer is unable to conduct the interview in a neutral, unbiased manner.

If a forensic medical exam is needed, the investigator is responsible for scheduling the exam with a qualified service provider. **In cases where both a forensic medical exam and interview are needed the investigator may:**

- 1) Schedule both at a full service advocacy center to reduce travel time and minimize impact on the victim and family.
- 2) Request a forensic interviewer from Gila County travel to conduct the interview outside the county and maintain continuity of services for children in Gila County.
- 3) Recommend the forensic interview be scheduled in Gila County on a separate day. In making this decision, the investigator should take into consideration the time of the forensic medical exam, age of the child and preference of the victim and family.

Child Sexual Abuse

I. Initial Response

- A. Initial responders or patrol officers may establish jurisdiction and the elements of the crime. (Use of the term patrol officer in this Protocol does not override departmental policies that require specified acts or decisions to be made by a supervisor or investigator). Patrol officers may interview the reporting source, away from the victim, witnesses or other reporting sources, in order to:
 1. Obtain the facts of the reported crime;
 2. Determine if the child is in imminent danger;
 3. Determine if the victim may require medical attention; and
 4. Determine jurisdiction
 - (a) If within departmental jurisdiction, continue per this Protocol.

(b) If not within departmental jurisdiction, patrol officers will coordinate with the appropriate jurisdiction and document actions as necessary.

- B. The Gila County Attorney's Office strongly recommends ALL law enforcement personnel or DCS specialists successfully complete the following core training requirements prior to conducting interviews with child victims or witnesses who are under the age of 12.

Core training includes:

- 8 hour Basic Forensic Interview Training [BFIT] offered through the State of Arizona.
- 40 hour Advanced Forensic Interview Training [AFIT] offered through the State of Arizona.
- 8 hour Basic Investigations of Child Physical Abuse Crimes & Child Homicide
- 8 hour Basic Investigations of Child Sexual Abuse Crimes
- 4 hour Child Abuse Confrontation Calls (or One Party Consent Calls)

Personnel who have not completed core trainings may interview victims over 12 years of age. Interviews with children ages 8-12 years may be conducted by LE who have not met all of the core training requirements when directed to do so by agency directors after consulting with the County Attorney's Office.

Requests for equivalent training waivers must be approved by the GCAO.

1. Victim interviews should be conducted using a facility equipped with video/recording equipment to document the interview. [A soft room, the mobile unit or another facility outside Gila County may be used as appropriate]
2. Patrol officers should interview the suspect only if the suspect is present and aware of the investigation. If a suspect is not aware of the investigation, the suspect should not be contacted without prior consultation with Detectives.
3. Patrol officers may interview witnesses. Dates of birth, social security numbers and other biographical information will be obtained.
4. Child witnesses and any siblings or children within the home will be interviewed only after consultation with Detectives.

- C. Once it is determined that a crime has been committed, patrol officers may then continue the initial case preparation:

1. Assess the need for immediate medical evaluation. If a medical evaluation is needed, contact a detective. **Note** in cases of sexual abuse in which the incident reportedly occurred within the past **120** hours, it is imperative to contact a detective promptly in order for the victim to receive a forensic medical exam.
2. Assess the need for scene preservation and/or photographs.

3. Assess the need for a search warrant. If a search warrant is needed, immediately contact a detective. Investigators may contact the Gila County Attorney's Office in regard to sealing the affidavit of the search warrant.
 4. Assess the need for immediate arrest if the suspect is present. The officer should give consideration to:
 - a. The suspect's risk of flight to avoid prosecution.
 - b. The suspect's danger to the community.
- D. Patrol officers should consult with detectives or a Deputy County Attorney, if necessary to:
1. Assess the need for a detective to respond to the crime scene, hospital, school, or other location.
 2. As soon as law enforcement determines DCS may have jurisdiction on the matter under investigation, law enforcement will notify the DCS Hotline at 1-877-238-4501 and provide sufficient information for DCS to coordinate their response with law enforcement.

II. Investigation

- A. The investigation should be conducted by a Detective or designated department personnel. The investigators responsibilities include:
1. Interviewing the reporting source to determine the circumstances of disclosure.
 2. Interviewing the victim:
 - a. Schedule an interview for the victim to be conducted by Gila County CAC (if the victim is 7 years of age or under) or with another qualified forensic interviewer for victims 8 years of age or older.
 - b. Coordinate the interview with the DCS investigator assigned to the case. If DCS is unable to attend the interview, a copy of the interview is provided to the DCS investigator to eliminate the need for multiple interviews of the child victim.
 - c. Schedule a forensic medical exam at an advocacy center equipped to provide this service. Several CAC's or FAC's in Maricopa County or surrounding counties are available to Gila County investigators.
 - d. If a parent or guardian interferes with an interview of the child victim or for other appropriate reasons; the officer/investigator may have the authority to interview the children using the temporary custody notice (TCN) under ARS § 8-821.
 3. Conducting crime scene(s) investigation and evidence processing.
 4. Interviewing the family and other witnesses. Obtain dates of birth, social security numbers, and other biographical information including where child witnesses attend school.
 5. Obtaining a copy of the medical examination report and interviewing medical personnel. Sending a copy of the medical report to DCS.

6. Conducting investigative research on:
 - a. Prior convictions of the suspect;
 - b. Prior police reports involving the suspect, victim(s) or witness(es);
 - c. Prior unreported allegations involving the suspect(s), victim(s) or witness(es);
 - d. Current and prior DCS reports.
7. Interviewing the suspect:
 - a. The suspect should be interviewed **only** with law enforcement present;
 - b. DCS shall, when possible, be notified of the suspect interview; should be aware of the content of the suspect interview; and
 - c. The interview should be audio taped or, if possible, video taped.
8. Determining the need to arrest the suspect based on:
 - a. The risk of flight to avoid prosecution;
 - b. The danger to the community; and
 - c. Conducting any other necessary investigations.

III. Case Presentation

- A. The case file should include a complete copy of the police report, a copy of audiotapes, video tapes, any photographs and tapes of 911 calls.
 1. All medical records of the child, all reports received from the Department of Child Safety on the child and/or family, prior relevant police reports and any other information obtained during the investigation shall be submitted in a timely manner.
 2. Attorney General Office documents should included, specifically dependency hearing transcripts, or depositions, information from other cases etc., within 10 days following the hearing.
- B. **If the case is filed** and the case goes to Grand Jury or a Preliminary Hearing, the assigned detective should present the case. If he/she does not feel comfortable presenting the medical evidence, he/she shall notify the Deputy County Attorney, who can subpoena a forensic nurse/physician to the Grand Jury or Preliminary Hearing for testimony regarding medical findings.
- C. **If the case is not filed**, notification of the decision not to file shall be the responsibility of the County Attorney's Office. The victim's representatives as well as DCS should be notified of the decision.
- D. **If after filing, further investigation** is requested and the suspect is in custody, a Detective shall be assigned. All requested information should be presented to the Deputy County Attorney 24 hours prior to Grand Jury or Preliminary Hearing.
- E. If the Deputy County Attorney refers the case back to the law enforcement for further investigation:

1. The case should be returned to the original case detective, if possible;
2. The requested information should be obtained as soon as possible; and
3. The GCAO must be advised if the investigating agency decides to inactivate or close the case within 30 days.

Child Physical Abuse/Neglect

I. Initial Report

- A. Patrol officers may establish the elements of the crime of physical abuse or neglect, and jurisdiction.
 1. Patrol officers may interview the reporting source, away from the victim, witness(es) or other reporting sources in order to:
 - a. Obtain the facts of the reported crime;
 - b. Determine if the child is in imminent danger;
 - c. Determine if the victim may require medical attention; and
 - d. Determine jurisdiction
 - (1) If within departmental jurisdiction, continue per this Protocol.
 - (2) If not within departmental jurisdiction, patrol officers will document their actions and coordinate with the appropriate jurisdiction.
 2. Patrol officers may interview witness(es). Date of birth, social security numbers, and other biographical information including where child witness(es) attend school will be obtained. It is recommended that child witness(es) and any siblings or children within the home be interviewed after consultation with a detective.
 3. If the suspect is at the scene and:
 - a. If the child is not taken to the hospital in serious condition, the patrol officer may conduct an initial interview of the suspect or ensure that a detective does so immediately. Obtain the suspect's version of what happened (e.g., determining if it was a discipline measure; if a weapon or instrument was used; or if it was an alleged accident);
 - b. If the child is admitted to the hospital, a decision as to whether or not the patrol officer may interview the suspect and/or caretaker should be made in consultation with a detective. The patrol officer should not disclose any medical information to the caretaker(s) regarding the condition of the child or possible mechanisms of injury. The patrol officer should also encourage the medical personnel not to disclose this information until they consult with detectives; and
 4. Document and preserve the scene through photographs if possible.
- B. Once it is determined that a crime has been committed, Patrol Officers may then continue the initial case preparation:

1. Assess the need for medical intervention and ensure the child is taken to a hospital if necessary.
2. If the child is admitted to a hospital, and in any case requiring medical attention, the Investigations Unit should be notified immediately.
3. Depending on the severity of the injury, the unit could be Homicide or the detail handling physical abuse cases in the agency. It is recommended that Patrol Officers consult with Detectives on all child abuse cases to assess the need for a forensic medical exam.
4. Assess the need for scene preservation and/or evidence collection. Scenes involving death shall immediately be secured. Consult with Investigations regarding search warrants and/or consent searches. If the child or suspect gives information regarding a weapon, instrument, or mechanism of the injury, a search warrant or consent form should be obtained.
5. Document any physical injury to the child with digital or 35 mm photographs. Photographs should depict the child's entire body and face, and not just the external manifestations of abuse. Photographs should include a ruler and color bar where possible. In cases of severe physical abuse and/or severe neglect, a consent form or search warrant should be used to obtain photographs or video of the entire household as well as other evidence that could be used to substantiate any future charging.
6. As soon as law enforcement determines that the matter is under investigation, law enforcement shall notify the DCS Hotline at 1-877-238-4501 and provide sufficient information for DCS to coordinate their response with law enforcement.

II. Investigation

A. Non-hospitalized Children

1. A detective reviews the initial report and continues the investigation by interviewing the family, siblings, other witnesses, etc. as dictated by the facts of the case. If the minor is under eight (8) years of age (mentally or physically), the Advocacy Center in Gila County is contacted to conduct a forensic interviews after authorization from the County Attorney's Office.
2. If not already done and if appropriate digital or 35 mm photographs are taken to document the abuse, the detective should ensure additional follow up photographs are taken as needed.
3. DCS shall be contacted to obtain prior reports and to determine what action is being taken on the referral. If DCS is involved, law enforcement shall share information with them.
4. The suspect's prior police history should be determined, paying particular attention to assault and domestic violence contacts.
5. The Investigations Unit should obtain relevant medical records on the child and interview appropriate medical personnel.
6. A detective should interview the suspect if not already interviewed. If the

suspect has not invoked his/her rights, re-interview to complete his/her account of the events. If the suspect has not already been booked, the detective shall assess the risk of flight to avoid prosecution and determine if the suspect should be arrested in light of all the information obtained.

7. The need for a forensic medical exam should be assessed.

B. Hospitalized Children

1. The Deputy County Attorney on call for physical abuse cases shall be notified as soon as possible on all cases where a child is admitted to a hospital or dies as a result of suspected child abuse.
2. The Investigations Unit shall assume responsibility for the investigation of all hospitalized child abuse cases as soon as they are notified by the patrol officer.
3. The Investigations Unit should ensure that the scene(s) is (are) identified and secured pending issuance of a search warrant.
4. A detective shall obtain an initial statement from the most qualified physician (not the intern or resident on duty) as to time frames, mechanisms of injury and symptoms the child would be expected to show, given the injury sustained.
5. Interviews should be conducted with all caretakers, suspects and witnesses, including specialized physicians (e.g. neurosurgeons, pediatric radiologists, etc.). Interviews of the caretakers shall focus not only on the current injury, but also on a thorough background of the child's health and upbringing.
6. All medical records including recent and previous hospitalizations, doctor or Emergency Room visits by the child should be requested for the investigation.
7. Search warrants are to be utilized, where appropriate, to ensure a thorough scene investigation. Investigators may contact the County Attorney's Office regarding sealing the affidavit of search warrant.
8. DCS shall be contacted to obtain prior reports and to determine what action is being taken on the report. If DCS is involved, law enforcement shall share information with them.

III. Case Presentation

- A. The case file should include a complete copy of the police report; a copy of audiotapes; videotapes; photographs; and tapes of 911 calls.
 1. All medical records of the child; records on the child and family obtained from DCS; prior relevant police reports and any other information obtained during the investigation shall be submitted in a timely manner.
 2. Attorney General Office documents should be included, specifically; dependency hearing transcripts, or depositions, information from other cases etc. within 10 days following the hearing.
- B. **If the case is filed**, the case goes to Grand Jury or Preliminary Hearing. The assigned detective should present the case. If he or she does not feel comfortable with presenting the medical evidence, he/she shall notify the

Deputy County Attorney, who can subpoena a physician or Forensic Nurse Examiner to the Grand Jury or Preliminary Hearing for testimony regarding medical findings.

- C. **If the case is not filed**, notification of the decision not to file shall be the responsibility of the County Attorney's Office. The victim's representatives as well as DCS should be notified of the decision.
- D. **If a post-filing follow-up** is requested and the suspect is in custody, a detective shall be assigned. All requested information should be presented to the Deputy County Attorney 24 hours prior to Grand Jury or Preliminary Hearing.
- E. If the Deputy County Attorney refers the case back to the law enforcement agency for further investigation:
 - 1. The case should be returned to the original case detective if possible;
 - 2. The requested information should be obtained as soon as possible; and
 - 3. The GCAO must be advised if the investigating agency decides to inactivate/close the case within 30 days of such action.

IV. Dispute Resolution (See appendix).

Department of Child Safety Protocol

The primary role of the Department of Child Safety [DCS] is to protect children by investigating allegations of abuse and neglect, promoting the well being of the child in a permanent home, coordinating services to strengthen the family and prevent, intervene and treat abuse and neglect [ARS § 8-800]. DCS is responsible for investigating and assessing child safety pertaining to in-home allegations of any act, failure to act or a pattern of behavior on the part of a parent, guardian, custodian or adult member of the victim's household that may result in compromising the safety and well being of the child; considered to be any person under the age of 18. Ultimately our job is to protect the child by engaging the family so that if possible the child can remain in the home, and if that is not possible and the child has to be removed, the family will make the required changes so that the child can return home rapidly.

The DCS Specialist or Supervisor must notify the appropriate municipal or county law enforcement agency when a report alleges a criminal conduct allegation prior to initiating the DCS investigation.

The DCS Specialist must coordinate the investigation with the identified law enforcement agency. Coordination requires a shared, cooperative approach and ongoing consultation, collaboration and communication. A joint investigation shall include:

- a. Developing a plan to initiate and complete the investigation;
- b. Responding with law enforcement;
- c. Frequent and open communication to discuss the status of the case; and
- d. Obtaining and sharing information in a timely manner, particularly at the following critical communication points:
 - Completion of interviews
 - Return of the child victim to the home (Safety Plan)
 - Filing of a dependency petition (Team Decision Making Meeting)
 - Disclosure of information about the criminal conduct

Prior to case closure; DCS Specialist shall identify additional steps needed to ensure the safety of the children and pursue prosecution as appropriate. The assigned DCS Specialist must initiate the investigation within the assigned response time (see Appendix on DCS Response System & Mitigating Factors).

If law enforcement is not able to respond jointly within the response time requirements established for the department, explain to the law enforcement agency the department must proceed with its investigation to ensure the child's safety.

When a child is identified as a victim in a report alleging criminal conduct, the DCS Specialist must protect the child victim against harassment, intimidation and abuse. This includes not allowing the alleged abusive person or any other person to threaten, coerce, or pressure the child victim, or to be present during interviews, family meetings, or other departmental actions with the child victim.

The Office of Child Welfare Investigations Protocol

The Office of Child Welfare Investigations (OCWI) was legislated into existence pursuant to House Bill 2721 and receives its statutory authority within Arizona Revised Statute 41-1969.01. The OCWI is the latest augmentation to Arizona's Child Welfare System and was born out of Governor Jan Brewer's Child Safety Task Force. The task force was chaired by Maricopa County Attorney Bill Montgomery and co-chaired by Director Clarence Carter of Arizona's Department of Economic Security.

The statutory obligation of the Office of Child Welfare Investigations (OCWI) is to protect children by investigating criminal conduct allegations of child abuse within the State of Arizona. These investigations are to be conducted with law enforcement to maximize the joint investigative process in coordination with multi-disciplinary team partners. The mission of the Office of Child Welfare Investigation is to provide thorough, uniform investigations of child abuse to better protect children and increase the likelihood of criminal prosecution of offenders.

OCWI Criteria

As of this Gila County Multi-Disciplinary Protocol Update, the following is the OCWI callout criteria:

If the DCS report contains a criminal conduct allegation, the Child Abuse Hotline will determine if the criminal conduct allegation meets the OCWI criteria for an investigation as outlined:

- OCWI is contacted by DCS Hotline on all DCS reports regarding a child fatality of any age and will assess each report to determine if a response is needed. OCWI will assist in investigations at the request of DCS or any law enforcement agency in the state asking for their assistance.
- Currently OCWI primarily responds to child victims under the age of six (0 through 5 years of age) and within Maricopa or Pima counties; however, OCWI will continue to assist outside of the Maricopa and Pima counties at the request of DCS and/or law enforcement.
- OCWI maintains an ORI for the purpose of employing criminal research analysts who assist in the investigations, particularly in locating missing families of endangered, abducted and/or vulnerable children.

DCS/OCWI Initial Response:

- I. Upon assignment of a report, the DCS Specialist/OCWI Investigator will conduct an initial review of historical information.
 - a. The DCS Specialist/OCWI Investigator will conduct an initial DPS criminal history check on the alleged perpetrators and adults in the home. The criminal history information should be used in developing a strategy to initiate and assist in decision making concerning the safety of the children and DCS/OCWI staff.
 - b. The DCS Specialist/OCWI Investigator will review the DCS prior history on the family and alleged perpetrators identified in the report.
- II. If available, the DCS Specialist/OCWI Investigator will contact and interview the source of the report.
- III. The DCS Specialist/OCWI Investigator will contact law enforcement to develop an investigative plan pursuant to the joint investigative protocol.
 - a. The investigative plan will be staffed with the DCS/OCWI Manager or designee.
 - b. The DCS Specialist/OCWI will still respond in the event of no response or inability/refusal by law enforcement.
- IV. The DCS Specialist/OCWI Investigator will participate in a briefing with Law Enforcement to coordinate investigative assignments. This should include the following:
 - a. Coordination regarding which entity will complete interviews of report participants and agreement as to the order of interviews.
 - b. Coordination and assignment of other investigative tasks.
- V. All reasonable support and assistance shall be provided to staff members who experience violence or the threat of violence while conducting criminal conduct investigations. If information indicates that a situation may be dangerous, the DCS Specialist/OCWI Investigator should request an escort from law enforcement. If involved in a dangerous situation while escorted by law enforcement, wait in a safe area and be available to engage in the criminal conduct investigation when the situation is secured by law enforcement. If unescorted and involved in a dangerous situation, leave immediately, call 9-1-1, and notify an DCS/OCWI Manager when safe.

Conducting Interviews:

- I. In consultation with DCS/OCWI and law enforcement, determine who will be interviewed and what location is most suitable.
 - a. In addition to the members of the household, identify other persons known to have information that will help determine whether the child is safe at the present time, whether abuse occurred, and to what extent there is risk of future harm. Individuals who know the family may be able to support the family during the process and if needed, assist the family in creating a safe environment for the child.
 - b. Consider the advantages and disadvantages of interviewing at school, at home, in the office or in another safe and neutral location.
 - c. When interviewing the child, consider how to conduct the interviews in a way that maximizes the ability to elicit spontaneous responses and to decrease the possibility of coached or rehearsed answers. Ask open ended questions. [All OCWI Investigators will be trained in basic and advanced interviewing techniques].

- II. Determine if interviews should be by appointment or unannounced.
 - a. Given the particular allegations, how important is it to observe the home environment untouched?
 - b. Given the particular allegation, how important is it to interview or observe the child(ren) alone prior to the parent's knowledge?
 - c. From the information available, does it seem likely that the family will cooperate with or be resistant to the investigation?
 - d. Does the information indicate the family is relatively stable with strong ties to the community or are they likely to avoid investigation by leaving before you arrive?

- III. Determine if the interview should be conducted alone or in the company of another staff member, or in case of safety concerns, a law enforcement officer.
 - a. From the information available, what is the likelihood of encountering violent behavior, illegal activities or weapons in the home or the community?
 - b. How isolated is the family's home?
 - c. How many people are likely to be present?
 - d. How many will need to be interviewed?
 - e. Is there any indication that an interpreter will be necessary?
 - f. Does the situation demand the specialized expertise of another staff member?

Specific Material Harm

The department's case records are confidential and shall not be released, except as specified by law. Information received from the OCWI, including the OCWI documentation within the CHILDS case record, is DCS information and subject to the same confidentiality protection afforded all DCS information. [CHILDS refers to the data collection system used by DCS and the OCWI]

When a case involves a cooperative investigation with the OCWI and a records request is received or a dependency is initiated, the Child Safety Specialist will contact the OCWI Investigator prior to releasing any information.

In an open dependency case, the Child Safety Specialist has an ongoing duty to disclose information, including information that was received from the OCWI and law enforcement, to the other dependency parties unless disclosure could:

- Endanger a person;
- Identify the reporting source of a DCS report;
- Cause specific, material harm to an investigation; or
- Violate a federal or state law

Within 24 hours prior to the preliminary protective hearing, the Child Safety Specialist must disclose all DCS information to the other parties in the dependency. The Child Safety Specialist must continue disclosing all DCS information to dependency parties throughout the life of the dependency within five days of creating or receiving the information. In addition, the department is required to promptly provide DCS information regarding a case of child abuse, abandonment or neglect that has resulted in a fatality or near fatality.

The department is not required to release information when such release would cause a specific, material harm to a Department of Child Safety or criminal investigation or when such release would likely endanger the life or safety of any person. If the department releases information, it must take reasonable precautions to protect the identity and safety of the reporting source.

If it is believed that the release of records may harm a criminal investigation, the OCWI Investigator (or the Child Safety Specialist in a case not involving the OCWI) will contact the County Attorney's Office. If the County Attorney agrees that the disclosure of information would cause a specific, material harm to the criminal investigation, the County Attorney must provide DCS with written documentation supporting his/her assertion.

DISPUTE RESOLUTION (See Appendix)

Child Advocacy Center Protocol

Childhelp-Gila Children's Advocacy Center (CGCAC) operates on an as needed basis and as such does not maintain specific hours. Law enforcement or the prosecuting attorney may request a forensic interview or other services by contacting the program manager. The program manager will notify appropriate staff and necessary arrangements for the interview using the mobile unit or soft room.

I. Case Referral

- A. A case may be referred to CGCAC by law enforcement, or the county prosecutor only. Any referral must be made by an investigator with supervisory approval.
- B. Referrals are documented on an intake form. If a referral is declined or services are not completed the reason will be noted on the intake form.

III. Victim Advocacy

Childhelp-Gila Children's Advocacy Center provides clients with information and referrals for victim advocacy services through the Gila County Attorney's Office, Division of Victim Services. CGCAC and the Gila County Attorney's Victim Advocate work together to ensure victim advocacy services are provided and continued throughout the prosecution phase of the case. These services may be continued longer if needed or requested. Services provided by the CGCAC and Gila County Attorney's Victim Advocate may include:

- A. Victim and non-offending family member stabilization.
- B. Providing victims with information about the victim rights, crime victim compensation forms and referrals to mental health, legal and/or other services in the community.
- C. Assistance in filling out crime victim and other forms as needed.
- D. Follow up services will include contact throughout the criminal justice process, or as needed by the client and non-offending family members.
- E. Educating clients and non-offending family members about partners in the system, and the roles they play.
- F. Court preparation and accompaniment will be provided by the Gila County Attorney's Office Victim Advocate.

IV. Forensic Interviews

A. Intake Form

An intake form is available to law enforcement officers and may be completed electronically prior to the forensic interview and emailed or faxed to the program manager/forensic interviewer. If the information is not available before the scheduled interview, the Detective may bring a hard copy of the form to the interview or ask that the form be completed by CGCAC staff. The detective is asked to provide:

1. Victim's name and date of birth (DOB);
2. Non-offending guardian's information (including contact information);
3. Sibling information;
4. Law enforcement and DCS case numbers; and
5. Suspect's name and DOB

B. Interviews

Forensic interviews conducted by CGCAC will be video and/or audio recorded. A CD, DVD, and/or audiotape of the interview recording will be released to:

- Law enforcement
- DCS Investigator
- County Attorney's Office having jurisdiction of the case

Other requests for copies of interviews must go through the Gila County Attorney's Office.

C. ADA Needs

The Childhelp mobile unit or a designated soft room may present physical barriers for a person with certain disabilities and as such may necessitate the use of an alternate interview site.

1. When needed, interviews for persons requiring a facility meeting ADA requirements will be conducted at the soft room in the Payson Police Department.
2. Other arrangements will be made to provide services to persons with special needs.

- D. Law enforcement or DCS investigators may determine that in the best interest of the case, the interview should be conducted outside of Gila County. The Childhelp mobile unit may be able to travel to the location or another advocacy center may be used with CGCAC staff travelling to that location to provide services. If another advocacy center is not available and the Childhelp mobile unit cannot accommodate the interview request, every effort should be made for the interview to be audio taped. Investigators will also make an effort to ensure the victim and non-offending family members have contact information and access to services offered by CGCAC.

V. Training for Forensic Interviewers

Any professional conducting an interview on a child 7 years of age or under, a special needs adolescent or special needs adult through CGCAC is required to have successfully completed the following:

- 8 hour Basic Forensic Interview Training [BFIT] offered through the State of Arizona.
- 40 hour Advanced Forensic Interview Training [AFIT] offered through the State of Arizona.
- Training on Interviewing Reluctant, Traumatized and Pre-School Children (recommended)
- Training on Developmental and Linguistic Consideration for interviewing children with disabilities (recommended)
- Participate in a peer review process with other interviewers.

Requests for an equivalent training waiver must be approved by the GCAO.

Forensic interviews and mental health services offered through CGCAC will be separate by practice and policy. Forensic interviews will **not** be conducted by any person who would/may later provide mental health services to the client. Forensic interviews will be conducted by a professionally trained forensic interviewer or law enforcement. Mental health services are referred to community resources.

VI. Case Review

A. Purpose

Childhelp-Gila Children's Advocacy Center and partnering agencies will conduct a case review on regular schedule to:

1. Discuss cases of special interest that will help to educate the team process;
2. Ensure cases receive needed attention from all agencies;
3. Help coordinate cases still in the system; and.
4. Assist in gathering information for case tracking.

B. Logistics

1. Case reviews are held at monthly multidisciplinary team (MDT) meetings in Globe and Payson (time and location approved by MDT members);
2. The Childhelp-Gila Children's Advocacy Center program manager or designee will be responsible for facilitating the meetings;
3. The CGCAC program manager or designee will be responsible for notifying members of upcoming meetings and any follow up after the meeting;
4. Each representative attending a MDT case review shall sign a confidentiality agreement; and
5. No notes will be taken at case reviews.

C. Agency Representation

Representatives from the following partner agencies should attend MDT case review meetings

1. Law enforcement;
2. The Department of Child Safety (DCS);
3. Gila County Attorney's Office;
4. Mental health providers;
5. Victim Services; and
6. Childhelp-Gila County Advocacy Center

D. Confidentiality Statement Purpose

CGCAC recognizes maintaining confidentiality of identifying data is crucial to the continued confidence, ethical health, and success of the program.

1. All records of a confidential nature, including those containing specific identifying information of any kind, shall be securely stored;
2. Data systems are maintained on a secured website, through Childhelp and backed up on a regular basis;
3. Client files are kept in a locked cabinet located at the Payson Police Department; and
4. Client information is highly confidential and cannot be shared with anyone outside of the direct investigation. Any breach of confidentiality will be referred to the appropriate agency for investigation and disciplinary action.

VII. Background Checks

It is the policy of the Childhelp-Gila Children's Advocacy Center that all staff and volunteers undergo a criminal background check through Arizona Department of Public Safety equal to that required for a mental health provider. Fingerprint cards will be a part of the employee's file.

VIII. Dispute Resolution (See Appendix)

County Attorney – Prosecution Protocol

The GCAO has long emphasized a sensitive and coordinated approach to the prosecution of child physical and sexual abuse cases through vertical prosecution and specialized training.

Special consideration is given to the selection of the attorneys who prosecute child involving child physical and/or sexual abuse cases.

1. All sex crimes attorneys are experienced prosecutors and trial advocates.
2. The attorneys are carefully chosen for their expertise, interest and sensitivity to the myriad of issues surrounding child victims/witnesses.
3. The attorneys are expected to remain current on case law and research on victim and offender related dynamics. They are also expected to be familiar with the medical issues and literature on child sexual/physical abuse.

Upon appointment to either child abuse or sex crimes an attorney must complete the following training:

1. 8 Hour basic forensic interview training;
2. 40 hour advanced forensic interview training; (Because this course involves practicum for interviewing and testifying designed primarily for law enforcement and child protective services workers, the attorney may audit the course);
3. 8-Hour basic training on child physical abuse;
4. The attorneys must complete two of the following within two years:
 - a. Investigation and prosecution of child abuse: Equal Justice for Children;
 - b. Investigation and prosecution of child fatalities and physical abuse;
 - c. Child Proof: Advance Trial Advocacy for Child Abuse Prosecutors.
5. Because training opportunities vary, the attorney may substitute another similar training for any of the above requirements with the approval of the County Attorney.

I. Duties of the Sex Crimes Attorney

A. On-Call

1. On-call attorneys assist law enforcement agencies in child abuse investigations.
2. The on-call attorney may:
 - a. Visit the scene;
 - b. Assist in the preparation of a search warrant;
 - c. Answer legal inquiries;
 - d. Attend the initial appearance; and/or
 - e. Attend the autopsy.

B. Charging Review

The on-call attorney will review all investigations submitted by law enforcement agencies involving sexual assaults, child sexual abuse, child exploitation, indecent exposure, child abuse, child homicide, custodial interference or kidnapping for the possible filing of criminal charges.

1. After the investigation is completed by law enforcement, the police agency submits a departmental report to the attorney for review.
2. Submittals are designated either as Out-of-Custody or In Custody.
 - a. Out-of-Custody Submittals:
 - (1) Aside from the statute of limitations, there is no legal time limit imposed for filing charges;
 - (2) Submittals should have a reviewing decision made within 90 days from the date the submittal was received by the Gila County Attorney's Office.
 - b. In-Custody Submittals:
 - (1) Charges via a complaint must be filed within 48 hours of an initial appearance (an "Initial Appearance" occurs within 24 hours of being booked into jail) in order to maintain the bond or release conditions, which were set at the initial appearance. The 48 hours does not include weekends and holidays.
 - (2) If charges are not filed within the 48 hour time frame, the defendant will be released from custody. Any bond or other release conditions that have been imposed at the initial appearance will be exonerated or otherwise lifted.
 - (3) If, at the initial appearance, the defendant was released on his own recognizance, on bond, or to pre-trial services, and charges were not filed, all release conditions will no longer apply and any bond posted will be exonerated.
 - (4) For a complaint to be filed in a timely fashion, the agency must fax or otherwise present a copy of the report to the charging attorney within twenty-four (24) hours of the initial appearance.
 - c. As a practical matter, not all defendants who are arrested will have charges filed.
 - (1) There will be instances where further investigation will be necessary before the case is ready to be filed, or,
 - (2) The case may not meet the County Attorney's Office standards for prosecution.

II. Processing Submittals

- A. Once the investigation has been submitted, a reviewing attorney reads the report(s) and decides if the submittal is to be furthered for additional investigation, declined for prosecution or filed.
 1. Submittals furthered for additional investigation:

- a. The reviewing attorney will list with specificity the information necessary for prosecution.
 - b. The submittal is then returned to the investigating agency to complete the investigation, with a copy to DCS.
 - c. At this juncture, the law enforcement agency has two options:
 - (1) To complete the investigation; or
 - (2) To inactivate/close the investigation.
If the decision is to inactivate/close the investigation, then a letter to the County Attorney shall be sent stating the basis for the decision.
 - d. When the requested further investigation is complete, the law enforcement agency will re-submit the report for the County Attorney's review.
 - e. If the agency does not pursue the investigation, the County Attorney's Office must be notified in writing, **WITHIN THIRTY (30) DAYS**.
2. Submittals declined for prosecution:
 - a. The primary reason submittals are declined for prosecution is a failure to meet the office-charging standard, i.e. the submittal, when reviewed as a trial case, has no reasonable likelihood of conviction.
 - b. The County Attorney's Office will not reject a case solely on the basis that the victim or victim's family refuses to cooperate with prosecution.
 - c. When the reviewing attorney determines a decline is appropriate, the County Attorney may review the submittal at the specific request of the victim, DCS or law enforcement.
 - d. A letter indicating the decline decision will be mailed to the victim and/or the victim's lawful representative (i.e. parent or guardian) by the County Attorney's Office.
 - e. The submittal is then returned to law enforcement indicating the decision not to file and a copy sent to DCS.
 - f. The victim or the victim's lawful representative has the right to confer with the initial reviewing prosecutor regarding the decision not to prosecute.
 - g. All cases that are **NOT FILED** may be re-evaluated if new evidence is presented.
 - h. With the exception of homicide and, as of 2001, any Class 2 Sex Crimes (Chapter 14 or 35.1) case which has no statute of limitations, the statute of limitations for any felony allows for a prosecution up to seven (7) years from disclosure of the crime. (See Appendix ARS 13-107)
 3. If a submittal is appropriate for prosecution:
 - a. The Deputy County Attorney shall issue appropriate charges.
 - b. A probable cause determination must be made through either a Preliminary Hearing or a Grand Jury.
 - c. The majority of child physical or sexual abuse cases will be taken to Grand Jury. Grand Jury proceedings are not open to the public and do not subject the victim to the stress of testifying.

III. Vertical Prosecution – A Team Approach

- A. The County Attorney’s Office utilizes vertical prosecution with a team approach in child sexual abuse, child physical abuse and homicide cases.

Vertical prosecution means the same County Attorney who reviewed the submittal and filed the charges will prosecute the case.

- B. The County Attorney’s policy is to use a team approach in prosecution. The team consists of the Deputy County Attorney, County Attorney Detectives, Victim Advocate, Legal Assistants and outside agencies, such as the Department of Child Safety.
 - 1. County Attorney Detectives may be utilized to assist the prosecutor once a case is filed.
 - 2. Victim Advocates act as a liaison between the Deputy County Attorney and the victim’s representative. The Deputy County Attorney, in conjunction with the victim advocate work with the victim, parent, guardian *ad litem* or the victim’s attorney on the case.
 - 3. Legal Assistants help in the research and preparation of motions regarding special issues surrounding child sexual and physical abuse prosecutions.
 - 4. The Department of Child Safety is an independent State agency that deals with civil issues involving the child victim. If a case involves DCS intervention, the Deputy County Attorney will attempt to work with the designated caseworker, recognizing the goals for case resolution will not necessarily be the same for each agency.
 - 5. Prosecution is a team effort among the investigative agency, the prosecutor, the Victim Advocate, the victim and the witnesses. All members of the team are under a continuing obligation to exchange information about the case. The assigned Detective is encouraged to assist prosecution during the trial.

IV. Case Dispositions – Change of Plea or Trial

- A. Once the case is assigned to a Deputy County Attorney, the attorney and/or the Victim Advocate will contact the victim as soon as practicable to discuss the process and obtain input as to a possible disposition.
 - 1. Sex crimes and serious physical abuse cases are staffed for disposition by the Deputy County Attorney and County Attorney.
 - 2. Plea guidelines as well as prior case dispositions will be used in making plea offers in order to provide consistency of dispositions among similar cases.
 - 3. Serious physical injury cases utilize office plea guidelines, with the child abuse prosecutor managing the case disposition based on the specifics of the case.
 - 4. In all child abuse cases that involve more than one count, it is anticipated that any plea offer will include lifetime probation. Lifetime probation may

be imposed even in cases that include a term of imprisonment.

5. Plea offers should be extended within 30 days of arraignment, following office policy, and should be entered within 90 days after the arraignment date. Extensions of the plea offer may be granted but only with the approval from the County Attorney.
 6. The offer is communicated to the victim via the Victim Advocate or the attorney. It is the duty of the County Attorney's Office to see that justice is served in the handling of criminal cases. In that endeavor, it is recognized that the victim's opinion of what is just in their case may differ from the views of this office.
 - a. If the victim's view of the disposition diverges from the staffing offer, he or she shall be given the opportunity to discuss their disagreement with the Deputy County Attorney and, if necessary, with the County Attorney.
 - b. If the difference of the opinion is still not resolved, the victim has the right and opportunity to notify the pre-sentence probation officer and the court of their opinion.
 - c. Final disposition of a disputed negotiated plea rests with the discretion of the court to either accept or reject the plea offer.
- B. If a case cannot be resolved by a Change of Plea, the case is set for trial. The GCAO recognizes that many victims and/or their lawful representatives are apprehensive about testifying.

Trial apprehension may be caused by:

1. Unfamiliarity with the trial process;
2. Uncertainty regarding whether or not the case is proceeding to trial;
3. Unnecessary delays;
 - a. The Deputy County Attorney will not create any unnecessary delays.
 - b. The Deputy County Attorney will oppose any unnecessary delays.
4. Fear of testifying.

V. Trial Disposition – Trial and Victim Preparation

- A. Trial preparation is the responsibility of the Deputy County Attorney.
 1. The Deputy County Attorney should meet with the victim in order to acquaint the victim with the trial process.
 2. The Deputy County Attorney should strive to develop rapport with the victim.
- B. Victim preparation is the responsibility of the Deputy County Attorney with the assistance of the Victim Advocate.
 1. In all but very rare cases, the victims are required to testify in court.
 2. At least three days before the trial, the victim will be taken into a courtroom and the Deputy County Attorney will explain courtroom protocol and

- procedures to the victim.
3. The Deputy County Attorney is aware that the courtroom may be intimidating to the child/victim.
 - a. In appropriate cases, the Deputy County Attorney may request adaptation of the courtroom in order to fit the victim's needs.
 - b. When handled properly, trial testimony can be a powerful aid to the victim recovery process.
 - c. The Deputy County Attorney takes an active role in the victim's recovery process by the manner in which he/she handles a case destined for trial.
 - (1) If requested to do so, the Deputy County Attorney will assist the victim in selecting a support person to be present during the victim's testimony, in addition to the Victim Advocate.
 - (2) The support person cannot otherwise be a witness in the case, unless that individual is the victim representative.
 - (3) The Deputy County Attorney will seek appointment of an interpreter or guardian *ad litem* for a victim in appropriate cases.
 4. Prior to trial, the Deputy County Attorney and the Victim Advocate will discuss the possible outcomes of the trial with the victim and the victim's representative.
 5. At the option of the victim, he or she may submit to an interview by the defense attorney.
 - a. The Deputy County Attorney will be present at the victim's request and will actively participate in the interview.
 - b. The Deputy County Attorney will make necessary arrangements for any reasonable conditions requested by the victim, including;
 - (1) The presence of the Victim Advocate who acts as a support person for the victim, or
 - (2) The presence of another support person.
 - c. The Deputy County Attorney or his/her representative will arrange defense interviews of witnesses at the defense's request.
 - (1) The Deputy County Attorney or his/her representative will be present and will tape record the interview.
 - (2) The Victim Advocate will arrange interviews with the victims, their family members, and any special needs witnesses.
- C. The County Attorney's Office recognizes that child sexual and physical abuse cases often require retention of expert witnesses.
1. In those cases, the County Attorney's Office will pay reasonable fees for that expertise.
 2. Professionals who are required to testify because they are material witnesses (i.e. they have seen and evaluated the child or are involved in the case within their professional capacity) are not entitled to receive expert witness compensation.

3. Expert and professional witnesses often have scheduling difficulties. The Deputy County Attorney shall strive to give adequate notice of a pending trial date to these witnesses.
4. Special considerations will be given to the experts and professional witnesses to accommodate their schedules in coordinating a time for their testimony. Obvious constraints are imposed on the prosecutor, but efforts will be made to minimize the inconvenience to the expert or professional witness.

VI. Jury Verdicts

- A. Once the case has been presented and the jury returns with a verdict, the Deputy County Attorney and/or the Victim Advocate will inform the interested parties and team members of the case outcome.
 1. A jury has three (3) options in reaching a verdict on any of the charges:
 - a. Not guilty, in which case the defendant is acquitted, charges are dismissed and the defendant is free from future prosecution on that matter;
 - b. Guilty, in which case the defendant is bound over for sentencing;
 - c. “Hung Jury”, in which case the jury was unable to reach a unanimous verdict as to the defendant’s guilt or innocence.
 - (1) Officially, this results in a mistrial and the case is reset for trial. The case may be re-tried, resolved by plea, or dismissed.
 - (2) It is the Deputy County Attorney’s responsibility to consult with and keep the victim informed of the decision regarding the final disposition of the case.

VII. Sentencing

- A. If the defendant pleads guilty or no contest, or if the jury finds the defendant guilty, the Deputy County Attorney and/or the Victim Advocate will inform the victim of the sentencing procedure.
- B. The sentencing date is 30 to 90 days after conviction.
- C. The duties of the Deputy County Attorney include:
 1. Submitting an Adult Probation packet to the Adult Probation Officer. This packet includes:
 - a. Departmental reports;
 - b. The indictment, information or complaint;
 - c. A copy of the plea agreement (when applicable);
 - d. Victim’s biological information;
 - e. Other relevant information; and
 - f. The Deputy County Attorney’s sentencing recommendation.

- D. Upon request of the victim, the Deputy County Attorney:
 - 1. Will inform the victim of his/her rights to restitution.
 - 2. Will inform the victim of sentencing procedure options, such as:
 - a. The defendant may seek a continuance of the original sentencing date in order to present mitigating evidence;
 - b. The State may seek a continuance of the original sentencing date in order to present mitigating and/or aggravating evidence;
 - c. Either side may request a mental examination under Rule 26.5, Arizona Rules of Criminal Procedure.
 - 3. Will inform the victim of his/her sentencing options at the sentencing proceedings:
 - a. The victim or the victim's lawful representative has the right to be present at the sentencing;
 - b. The victim or the victim's lawful representative has the right to address the court.
 - 4. Will assist the victim in addressing the court.
 - a. The Deputy County Attorney may request of the court that the matter proceed in chambers.
 - b. The Deputy County Attorney may assist the victim in preparing a written impact statement to present to the court.

VIII. Post Conviction Relief and Appeals

- A. The Deputy County Attorney and/or the Victim Advocate will explain to the victim and his/her representative the possibility of a review via petition for Post-Conviction Relief (PCR) or an Appeal.
 - 1. PCR is a legal review of the changes of plea proceeding. PCRs are handled by the Deputy County Attorney.
 - 2. An appeal is legal review of the trial proceedings. Appeals are handled by the Attorney General's Office.

IX. Dispute Resolution (See Appendix)

Mental Health Providers Protocol

I. Mental Health

- A. Agencies in Gila County who provide mental health services will be an active partner in cases alleging child abuse. Mental Health agencies will make every effort to provide children/families with services or referrals to accommodate client needs. Gila CAC will make every effort to refer to culturally appropriate mental health services that may be offered in the community
- B. Mental health providers, in their role as a core component of the CAC, will be an active part of the case review process (see case review section).
- C. Mental health providers will also be a member in the process of continual protocol updates through the CAC and the GCAO.
- D. The CAC in Gila County will keep a list of referral agencies in the community that will contain current service information. CAC staff will review and update the referral list on an annual basis.

II. Crisis Intervention

Mental health providers will provide referrals for clients and non-offending family members to crisis intervention services as needed.

The crisis response team will provide crisis intervention and assist with any recommendation for additional, immediate, or future mental health services. In instances where the client may need hospitalization appropriate referrals and/or linkages will be provided by the mental health provider or crisis team.

III. Dispute Resolution (See Appendix)

Medical Providers Protocol

Gila County is not currently equipped to perform forensic medical exams for children who have been physically abused and/or sexually assaulted. If a forensic exam is needed, CAC's or FAC's in surrounding counties will be contacted by the detective to schedule the exam. A physician and/or a Forensic Nurse Examiner specializing in the examination of child abuse victims are available at these sites to conduct these exams. It is our belief that victims are less traumatized by the amiable environment, which provides crisis intervention and referral services to both the non-offending caregiver and the victim.

In cases where a forensic interview and medical exam are needed we recommended consideration be given to the following elements:

- **Time**
- **Age of the victim**
- **Potential impact to victim and family**
- **Potential benefit or detriment to scheduling the forensic interview in Gila County on a separate day**

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Multi-Agency Dispute Resolution

Pursuant to A.R.S. Section § 8-818 (B) (9) the Protocols for Joint Investigation shall include a procedure for dispute resolution between agencies. It is essential that law enforcement, the Department of Child Safety and the Gila County Attorney's Office communicate effectively. It is understood that conflicts may arise during a joint investigation and after.

Law enforcement and DCS are encouraged to actively participate in regularly scheduled multi-agency team meetings for the purpose of addressing and resolving misunderstandings, improving communication and cooperation or other issues affecting the joint investigation of child abuse. Each agency is committed to working as a team to ensure best practice models are followed in all investigations.

To ensure there is an effective line of communication the following procedures may be used.

- Disputes between DCS and law enforcement agencies should be resolved at the lowest level possible and in as informal a method as possible.
- If disputes cannot be resolved at the DCS Specialist/law enforcement officer level, the concerned agency should contact the immediate supervisor responsible for the agency with whom the concern is based.

If it is an urgent situation and no immediate supervisor available, the agency seeking resolution shall:

- Contact the appropriate DCS Assistant Program Manager or law enforcement supervisor responsible for the investigation of crimes against children or officer in question.
- If it is not an urgent situation or if the supervisors cannot provide a satisfactory resolution to the problem the agency filing the complaint may utilize the "chain of command" for the other agency.
- In the event the issue cannot be resolved between respective chains of command an upper management level meeting may be necessary. This conferring may be completed over the phone as necessary to accommodate a timely response and resolution.

Arizona Revised Statute § 8-817

Initial screening and safety assessment and investigation protocols; investigations

- The department shall develop initial screening and safety assessment protocols in consultation with the attorney general and statewide with county attorneys, chiefs of police, sheriffs, medical experts, victims rights advocates, domestic violence victim advocates, department of economic security and mandatory reporters. Any initial screening and safety assessment tools shall be based on sound methodology and shall ensure valid and reliable responses. The department shall establish written policies and procedures to implement the use of the initial screening and safety assessment protocols.

- In each county, the county attorney, the sheriff, the chief law enforcement officer for each municipality in the county and the department of economic security shall develop and implement protocols for the cooperation in investigating allegations involving extremely serious conduct. The protocol shall include:
 1. The process for notification of receipt of extremely serious conduct allegations.
 2. The standards for interdisciplinary investigations of specific types of abuse and neglect, including timely forensic medical evaluations.
 3. The standards for interdisciplinary investigations involving Native American children in compliance with the Indian Welfare Act.
 4. Procedures for sharing information.
 5. Procedures for coordination of screening, response and investigation with other involved professional disciplines and notification of case status.
 6. The training required for the involved child protective services workers, law enforcement officers and prosecutors to execute the investigation protocols, including forensic interviewing skills.
 7. The process to ensure review of and compliance with the investigation protocols and the reporting of activity under the protocols.
 8. Procedures for an annual report to be transmitted within forty-five days after the end of each fiscal year to the governor, the speaker of the house of representatives, and the president of the senate.
 9. Procedures for the dispute resolution.

- The department, the appropriate County Attorney and the appropriate law enforcement agency shall cooperate in the investigation of criminal conduct allegation in accordance with the investigation protocols established pursuant to this section.

Arizona Revised Statute § 13-107

§13-107. Time limitations

- A. A prosecution for any homicide, any offense that is listed in chapter 14 or 35.1 of this title and that is a class 2 felony, any violent sexual assault pursuant to Section §13-1423, any violation of Section §13-2308.01, any misuse of public monies or a felony involving falsification of public records or any attempt to commit an offense listed in this subsection may be commenced at any time.
- B. Except as otherwise provided in this section, prosecutions for other offenses must be commenced within the following periods after actual discovery by the state or the political subdivision having jurisdiction of the offense or discovery by the state or the political subdivision that should have occurred with the exercise of reasonable diligence, whichever first occurs:
 - 1. For a class 2 through a class 6 felony, seven years.
 - 2. For a misdemeanor, one year.
 - 3. For a petty offense, six months.
- C. For the purposes of subsection B of this section, a prosecution is commenced when an indictment, information or complaint is filed.
- D. The period of limitation does not run during any time when the accused is absent from the state or has no reasonably ascertainable place of abode within the state.
- E. The period of limitation does not run for a serious offense as defined in section 13-706 during any time when the identity of the person who commits the offense or offenses is unknown.
- F. The time limitation within which a prosecution of a class 6 felony shall commence shall be determined pursuant to subsection B, paragraph 1 of this section, irrespective of whether a court enters a judgment of conviction for or a prosecuting attorney designates the offense as a misdemeanor.
- G. If a complaint, indictment or information, filed before the period of limitation has expired, is dismissed for any reason a new prosecution may be commenced within six months after the dismissal becomes final even if the period of limitation has expired at the time of the dismissal or will expire within six months of the dismissal.

DCS RESPONSE SYSTEM & MITIGATING FACTORS

DCS RESPONSE SYSTEM

RESPONSE TIME 1 (Standard Response Time 2 Hours; Mitigated Response Time 24 Hours)

For the purpose of determining the initial response to a report at the Centralized Intake Hotline, present danger refers to an immediate, significant and clearly observable family condition present now which has resulted in or is likely to result in serious or severe harm requiring an immediate initial response.

The following conditions suggest that a child may be in present danger:

EXTENT OF MALTREATMENT

1. Death of a child due to physical abuse, neglect or suspicious death
2. Serious injuries including but not limited to:
 - Fractures
 - Immersion burns, second or third degree burns
 - Shaken baby syndrome
 - Multiple plane injuries
3. Serious injuries to face or head including but not limited to:
 - Bruises
 - Cuts
 - Abrasions
 - Swelling
4. Injuries to a non-ambulatory child
5. Injuries to a child up to one (1) year of age
6. Unknown injuries, but child under the age of six (6) observed or reported to be forcefully struck in the face, head, neck, genitalia or abdomen which could likely cause an injury.
7. Child injured during an incident of domestic violence.
8. The restriction of movement or confinement of a child to an enclosed area and/or uses a threat of harm or intimidation to force a child to remain in a location or position which may include:
 - Tying a child's arms or legs together
 - Tying a child to an object
 - Locking a child in a cage
9. Physical injury resulting from permitting a child to enter or remain in a structure or vehicle that is used for the purposes of manufacturing dangerous drugs.
10. Living environment is an immediate threat to child's safety. This would include the most serious health circumstances, such as buildings capable of falling in, exposure

to elements in extreme weather, fire hazards, electrical wiring exposed, weapons accessible and available, access to dangerous objects or harmful substances, manufacturing of drugs (i.e. meth lab), etc.

11. Child presents with clear physical indicators of malnourishment, as dehydrated or failure to thrive (a.k.a. poor weight gain or pediatric undernourishment).
12. Child requires emergency medical care and caregiver is unwilling or unable to seek treatment.
13. A substance exposed newborn who is scheduled for discharge within 24 hours or is at home. Substance exposed newborn is defined as an infant (birth to one (1) year of age) exposed prenatally to alcohol or drugs including an infant who is exhibiting symptoms consistent with fetal alcohol syndrome or fetal alcohol effects.
14. Caregiver provides the child prescribed/non-prescribed or adult medications, or illegal drugs or alcohol and the child requires emergency medical care.
15. Child left alone and is not capable of caring for self or other children.
16. Evidence or disclosure of current sexual abuse (sexual contact only) **and** the perpetrator currently has or will have access within the next 48 hours to the identified victim. This does not include historical allegations of sexual abuse, unless there is a clear threat of reoccurrence.

CHILD FUNCTIONING

17. Child is extremely fearful because of their home situation, present circumstance or because of a threat of additional abuse or neglect. This does not refer to fear of legal disciplinary practices or generalized fear.
18. Child is a danger to self or others now and caregiver cannot or will not control the child's behavior.

ADULT FUNCTIONING

19. Child was in close proximity to an incident of domestic violence and could have been injured. This includes being held by one of the adults during the incident.
20. Caregiver is described as physically or verbally imposing and threatening, brandishing weapons, or currently behaving in attacking or aggressive ways.
21. The caregiver describes or acts toward the child in predominantly negative terms or has a distorted view of the child or has extremely unrealistic expectations given the child's age or level of development.
22. Caregiver is **incapacitated** due to substance use/abuse, behavioral/mental illness including depression and situational stress, physical impairment, and/or cognitive functioning **and** is unable to perform parental responsibilities consistent with basic needs or child safety, leaving the child in a threatened state.
23. Caregiver is actively placing child in dangerous situations or fails to protect the child from imminent threats from other persons.
24. Caregiver permits a child to enter or remain in a structure or vehicle that is used for the purposes of manufacturing dangerous drugs.

25. Evidence of abuse or neglect and the caregiver denies access to or will flee with child to avoid CPS contact.

RESPONSE TIME 2 (Standard Response Time 48 Hours; Mitigated Response Time 72 Hours)

Impending danger refers to a family condition (behavior, emotion, motive, perception, or situation) that may not be occurring in the present but is likely to occur in the immediate to near future and will likely result in serious or severe harm to a child.

All information gathered is analyzed to the following five factors – if all safety threshold criteria are met, the report meets Response Time #2 criteria.

SAFETY THRESHOLD CRITERIA – HOTLINE VERSION

- Specific & Observable – The family’s condition can be described in specific behavioral terms.
- Out of Control – Beyond the control of any adult in the household to prevent the impending danger or unknown whether any adult is present or able to control the situation
- Vulnerable Child – Reliant or dependent on others for protection
- Severity – Likely to cause serious or severe harm to a child
- Imminence (Specific Time Frame) – Likely to occur within the next 72 hours

RESPONSE TIME 3 (Standard Response Time 72 Hours; Mitigated Response Time 96 Hours)

Reports that do not rise to the level of present or impending danger, but there is an incident of abuse or neglect that has happened in the past 30 days. This includes a current minor injury to the child.

RESPONSE TIME 4 – (Standard Response Time 7 Consecutive Days; Standard Response Time Can Not Be Mitigated)

Reports that do not rise to the level of present or impending danger, but when:

- There is an incident of abuse or neglect that happened more than 30 days ago, or
- The date of last occurrence is unknown and there is no current physical indicator of maltreatment, or
- There is UNREASONABLE risk of harm to the child’s health or welfare.

MITIGATING FACTORS

- Child is hospitalized and will remain hospitalized until the initial response is made during the mitigated response time.
- Child is under continuous supervision of a responsible adult as confirmed by a professional mandated reporting source and will remain there until the initial response is made during the mitigated response time.
- Child death and confirmation that there is no other child in the home or the alleged perpetrator has no access to another child.

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Guidelines for Forensic Interviews

A. General Principles

- 1. Investigative forensic interviews are to be approached with a neutral, fact-finding attitude for the purpose of collecting information after an allegation of abuse has occurred.**
- 2. The interviewer should appear neutral and supportive.**
- 3. The well-being and best interest of the child should be of primary concern.**
- 4. The interview should be conducted in a child-friendly, comfortable environment.**
- 5. The language and interviewing approach used by the interviewer should be developmentally appropriate.**
- 6. Interview procedures may be modified to accommodate very young children or children with special needs.**
- 7. Forensic interviews should be audio/video recorded.**

B. Qualifications of the Interviewer

- 1. Forensic Interviewers should have a knowledge base and continuing education in the following areas:**
 - a) Child development**
 - b) Sexual abuse and physical abuse dynamics**
 - c) Interviewing techniques**
 - d) Legal issues and child abuse laws**
- 2. It is recommended that forensic interviewers routinely participate in peer review**