

Multidisciplinary Protocol for the Investigation of Child Abuse



Navajo County, Arizona

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**Developed by the:
Navajo County Interagency Council**

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Navajo County Attorney

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**MULTIDISCIPLINARY PROTOCOL FOR THE
INVESTIGATION OF CHILD ABUSE**

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**AGENCIES CURRENTLY PARTICIPATING ON THE
INTERAGENCY COUNCIL**

Alice's Place Domestic Violence Program
Arizona Baptist Children's Services
Blue Ridge Unified School District
Community Counseling Centers
DES - Child Protective Services
DES - Division of Developmental Disabilities
Dilkon Police Department
Family Healing Center
Federal Bureau of Investigation
Holbrook Police Department
Holbrook Unified School District
Leupp Social Services
NAOMI House
Navajo County Attorney
Navajo County Sheriff
Navajo County Superintendent of Schools
Navajo County Superior Court - Court-Appointed Special Advocates
Navajo Nation - Division of Social Services
Navajo Nation DSS - Navajo Child Special Advocacy Project
Navapache Regional Medical Center
Northern Arizona Regional Behavioral Health Authority
Pinetop-Lakeside Police Department
Show Low Police Department
Victim Services - Navajo County Attorney
White Mountain Apache Tribe - Department of Social Services
White Mountain Safe House
Winslow Indian Health Center
Winslow Memorial Hospital
Winslow Police Department

STATEMENTS OF SUPPORT

The following Navajo County Interagency Council member agencies have signed statements of support agreeing to actively participate in the implementation of this Multidisciplinary Protocol for the Joint Investigation of Child Abuse; to join in ongoing cooperative efforts to improve both this protocol and its practice in Navajo County; and to make every effort to incorporate these guidelines into their internal policies and practices for the purposes of caring for children in Navajo County to the best of their abilities. These agencies have also agreed to participate in collaborative activities to improve joint investigation of and response to child abuse and neglect in Navajo County including: multi-disciplinary case reviews involving the sharing of information as allowed by law and policy; trainings; dispute and barrier resolution processes; and case tracking and reporting.

Melvin Bowers, Jr.
Navajo County Attorney

Greg Donewar, Chief
Holbrook Police Department

Stephen Garrett, Chief
Winslow Police Department

James Griffith, Chief
Show Low Police Department

Terry Ringey, Chief
Pinetop-Lakeside Police Department

Bernard W. Huser, Commander
Navajo County Sheriff's Office

CJ Wischmann, Supervisor
Child Protective Services
Investigation Unit

AJ Brown,
Superintendent of Schools
Navajo County

Hannah Rishel, M.D.
Medical Director/Pediatrician
Family Healing Center

Jeffrey Hamblen
Chief Executive Officer
Winslow Memorial Hospital

Perry Mitchell, M.D.
Chief of Staff
Winslow Indian Health Care Center

Evelyn Marez
Navajo County Attorney's Office
Victim Services Director

Dr. Robert Wilderman, CEO
Community Counseling Centers

Michael T. Roach
Investigator/Program Monitor
Division of Developmental
Disabilities

STATEMENT OF PURPOSE

This Protocol is offered to assist all children, both victims and witnesses, and to serve as a guide and model for handling child abuse and neglect cases within Navajo County. The goal is to treat children with dignity and respect and to minimize secondary trauma that is often associated with child abuse investigations.

The Navajo County Interagency Council is comprised of representatives of agencies with statutory responsibility for responding to child abuse and neglect in Navajo County. The purpose of the Council is to develop interagency cooperation and procedures that will assist abused and neglected children. The intent of the Council is to treat all children involved in child abuse or neglect with dignity and respect by providing a systematic approach to the investigation of cases. The protocol recognizes the knowledge, standards and contribution of each discipline while placing paramount importance on the well being of the child victim. While this protocol can serve as a reference source for those who investigate these cases, its most significant purpose may be as a tangible expression by the members of the Council to cooperate to reduce the trauma of child abuse and neglect for the children of Navajo County.

I. CHILD PROTECTIVE SERVICES PROTOCOL

1. PROCESS FOR CONDUCTING JOINT INVESTIGATIONS ON EXTREMELY SERIOUS CONDUCT ALLEGATIONS (ESCA)

A. Definitions

Extremely Serious Conduct (ESC) is defined as:

- ARS 13-3623 - Child Abuse
- 13-3601 - felony - Domestic Violence
- 13-1404 - Sexual Abuse (involving a minor)
- 13-1405 - Sexual Conduct with a Minor
- 13-1406 - Sexual Assault (involving a minor)
- 13-1410 - Molestation of a Child
- 13-1417 - Continuous Sexual Abuse of a Child

and/or any other act of abuse that is classified as a felony:

- * Indecent Exposure to a person under the age of 15 13-1402;
- * Public Sexual Indecency to a Minor 13-1403;
- * Surreptitious photographing, videotaping, filming or digitally recording 13-3019;
- * Child Prostitution 13-3212;
- * Furnishing harmful items to minors 13-3506;
- * Commercial Sexual Exploitation of a Minor 13-3552;
- * Sexual exploitation of a minor 13-3553;
- * Admitting Minor to public displays of sexual conduct 13-3556;
- * Duty to Report Abuse 13-3620;

B. Guidelines for what constitutes a Joint Investigation

The role of CPS is to assure the safety of the child

The role of Law Enforcement is to investigate criminal allegations

Law enforcement and CPS shall coordinate and agree upon their response and investigation assisting each agency to know:

- * Who will respond
- * When they will respond
- * Where they will respond
- * What information each agency has on the persons involved in the reported incident.

Each agency shall respect the mandated response times of the other agency.

Each agency shall respond in a manner that preserves evidence, protects the

victim and the non-offending family and/or witnesses and enhances the professional role of each agency.

If, during the course of an investigation that is not deemed to be an Extremely Serious Conduct Allegation (ESCA), the matter is now identified as an ESCA, the investigating agency shall notify the other agency in the manner proscribed in this protocol.

Disagreement on response; Contact the appropriate supervisor of the agency with whom you disagree. Utilize "chain of command", starting with the supervisor directly responsible for the professional that you disagree with.

Be prepared to identify issues and cite relevant statutory or policy conflicts.

Information sharing: During a joint investigation of an ESCA crime, relevant information to assure a safe temporary placement for a child (local agency involvement records, criminal history etc) will be made available to CPS from law enforcement sources. CPS shall make past CPS involvements and history available to law enforcement.

Documentation of joint investigation: CPS and law enforcement shall document in their reports that this is a joint investigation.

Forensic Interview: CPS and law enforcement investigators shall monitor and/or participate in forensic interviews conducted by their counterparts whenever possible. If this is not possible, digital/video and audio tapes of the interview shall be made available to their counterparts.

Ongoing Investigation: CPS and law enforcement shall work in consultation with each other throughout the course of the investigation, prosecution and civil process.

C. When Joint Investigation is required - A joint investigation is required in response to any report of ESCA that occurred in Navajo County (see definition of specific ESCA in "A")

Out of jurisdiction crime within the state of Arizona - Time is of the essence for crimes that require a joint investigation. An appropriate law enforcement agency of a non-Navajo County jurisdiction may contact a Navajo County law enforcement agency to request a courtesy interview or other investigative assistance. Local CPS agencies will assist other CPS units if the child resides in the Navajo County service area. The guidelines set forth in this protocol shall be followed.

Out of jurisdiction crime outside of the state of Arizona - Law enforcement agencies outside of the state of Arizona often contact an Arizona agency for assistance in an investigation. CPS agencies outside of the state of

Arizona often contact Arizona CPS for assistance in an investigation. Navajo County law enforcement and CPS agencies will assist as their agency protocol allows and when possible, in accordance with the guidelines regarding ESCA.

D. Interagency Notification: If the report of an ESCA has been made to CPS, CPS shall immediately notify a law enforcement representative from the appropriate jurisdiction. If the report is first made to law enforcement, law enforcement shall immediately notify the Hotline and may also notify a representative from CPS in the proper local office. This notification shall be made to the representative in a manner that assures receipt (verbal relay of information rather than written, phone message or e-mail). Fax or e-mail messaging is recommended as backup confirmation. It is recommended that the agencies notify each other prior to responding to the circumstance, thereby permitting an agreed upon and coordinated response. It is understood that exigent circumstances may require a expedited response to protect the safety of a victim, non-offending family member or witness.

Contacting Law Enforcement: Contact dispatch for the appropriate agency. Notify dispatch that this is a joint investigation that requires a law enforcement response. (See MOU & separate training bulletin or dispatch protocol). This does not preclude a CPS professional from directly contacting an investigator.

Contacting CPS: Contact the CPS Hotline using the law enforcement designated line. The law enforcement professional may also notify a representative from CPS in the proper local office.

It is understood that specially trained CPS or law enforcement investigators are not available at all times for immediate response. In the absence of a specially trained investigator, each agency shall communicate with an agency representative (CPS or law enforcement) that shares the powers and duties of that agency.

E. Procedures for mandated and other reporters - The allied professionals responding to ESCAs in Navajo County encourage mandated and other reporters to contact both CPS and law enforcement when making a report of suspected abuse/neglect.

2. STANDARDS FOR CONDUCTING JOINT INVESTIGATIONS

A. Guidelines for first responders
First responders are generally defined as those individuals, usually patrol officers/deputies or CPS investigators, who are the first to arrive at the scene where a report of child maltreatment has been made. In order to minimize further

trauma and ensure an effective investigation, first responders should limit their questioning of the child victim to the following four questions:

- * What happened?
- * When did it happen?
- * Where were you when it happened??
- * Who did this?

The first responder should then contact the appropriate detective or supervisor to ensure that a trained forensic interviewer will conduct a forensic interview of the child(ren).

B. Forensic Medical Exams

Forensic medical exams are performed by a Sexual Assault Nurse or other trained forensic medical professional. The Navajo County Attorney will review the circumstances of each request for a forensic medical evaluation. The facts of each circumstance are reviewed by the Navajo County Attorney or his designee to assure that necessary medical evaluations are performed. When examinations are performed within 120 hours of the incident, the examination generally consists of the following: Physical examination, public safety Sex Crime Evidence Kit and Colposcopy. When an examination is conducted after 120 hours has elapsed since the incident, the examination generally consists of the following: Physical examination and Colposcopy. In the case of a victim in need of emergency medical treatment, the victim shall be medically stabilized at a medical facility and then receive a forensic medical examination. If a trained forensic medical professional is not available at the medical facility, the victim shall be transported for a forensic medical examination by a trained forensic medical professional. In general, the forensic sexual assault examination should not be performed at the medical facility unless the victim cannot be treated and cleared as medically stable.

C. Forensic Interviews

A forensic interview of children alleging abuse or neglect shall be conducted by persons who are trained to conduct forensic interviews. The interview, whenever possible, should be conducted in a child-friendly environment that is equipped to videotape and audiotape the interview. The forensic interviewer shall have completed a training curriculum, such as the introductory and advanced training offered by the Arizona Children's Justice Task Force. The forensic interviewer shall participate in periodic peer reviews that include reviews of actual videotaped forensic interviews.

3. TRAINING

A. Mandated Reporter Training

Mandated Reporter Training in Navajo County shall be in accordance with the curriculum available through CPS and will be offered annually to all mandated reporters of child abuse and neglect.

B. Multi-Disciplinary Investigations Training

The Navajo County Attorney, the Navajo County Sheriff, chief law enforcement officers for each municipality and each CPS supervisor in Navajo County shall assure that their employees involved in ESCA investigations shall attend training developed to execute this protocol. This training will include cross training between CPS, prosecution, local assistant attorney generals and law enforcement to assure they understand the roles and mandates of each agency involved.

C. Forensic interview training

It is the goal of this county to have a team of selected investigators complete appropriate training as promptly as possible. Forensic interviewers shall receive extensive training and demonstrate an ability to perform fact-based interviews. Training should include completion of at least 40 hours of a nationally recognized advanced training curriculum, such as the training seminar offered by the Arizona Children's Justice Task Force, "Finding Words" training or the program offered by the American Prosecutor's Research Institute.

4. PROCEDURES FOR MULTIDISCIPLINARY RESPONSE AND COORDINATION

Sharing information

During a joint investigation of an ESCA crime, relevant information to assure a safe temporary placement for a child (local agency involvement records, CCH etc) will be made available to CPS from law enforcement sources. CPS shall make past CPS involvements and history available to law enforcement. It is understood that certain information may be deemed to be confidential. If there is a dispute as to release of information, refer to this protocol section #7 - Dispute Resolution.

Coordinating related criminal child abuse/neglect and dependency cases

On occasion a family might be involved in the adult and/or juvenile criminal justice systems and/or the civil court system. The purpose, demands and constraints of each of these systems varies. It is the responsibility of the administration of each of these systems to assure adequate communication and access to allied professionals (CPS, schools, law enforcement, probation, mental health, prosecutors, etc.). Child safety is paramount, and permanency for children involved in dependency proceedings shall not be inappropriately delayed.

A. Ongoing notification of case status

CPS and law enforcement shall work in consultation with each other throughout the course of the investigation, prosecution and civil process. This is best accomplished by staffing ESCA cases utilizing the "Case Review" process. The Navajo County Attorney's Office will forward all ESCA investigations to the IAC

Coordinator for Case Review. The IAC Coordinator or designee shall coordinate this review process. Each law enforcement jurisdiction shall participate in a quarterly review of each ESCA case investigated during that quarter. The Case Review teams consist of (at a minimum) law enforcement, prosecution and CPS. Other appropriate professional members can include; Adult Protective Services, medical, behavioral health, victim advocacy and school personnel.

5. PROCESS FOR ENSURING PROTOCOL COMPLIANCE

A. Procedures for tracking protocol compliance

Protocol compliance will be tracked during Case Reviews (see 4.C). Failure to comply with this published protocol will be forwarded to the appropriate supervisor of the agency not in compliance.

B. Periodic reviews of and updates to local protocols

This protocol will be reviewed annually to ascertain the need for updates. A representative from the Navajo County Attorney's Office, CPS, law enforcement (at a minimum) shall be involved in this review. Any update shall be communicated to CPS, Navajo County law enforcement agencies and affected area professionals.

6. PROCEDURES FOR A LOCAL (COUNTY) ANNUAL REPORT

An annual report shall be transmitted to the Governor, the Speaker of the House of Representatives and the President of the Senate within 45 days after the end of the (state) fiscal year. The Navajo County Attorney, the Navajo County Sheriff, the chief law enforcement officers for each municipality in the county and CPS shall provide information as outlined in this protocol within 15 days after the end of the (state) fiscal year.

Information included in this report shall include:

Law Enforcement Information

- * Number of cases involving an ESCA that were jointly investigated using the criterion set forth in this protocol
- * A summary of barrier and challenges encountered by law enforcement and CPS to fulfill the dictates of this protocol
- * Number of joint investigations in each law enforcement jurisdiction

County Attorney Information

- * Number of ESCA cases submitted/referred to the County Attorney for prosecution
- * Number of ESCA cases submitted by law enforcement that were charged
- * Number of ESCA cases submitted to the County Attorney that resulted in trial or plea agreements
- * Number ESCA cases submitted to the County Attorney that resulted in convictions

CPS Information

- * Number of calls to the CPS Hotline involving incidents in the Navajo County area of responsibility and priority levels of those calls
- * Number of ESCA calls that were substantiated
- * Number of ESCA calls that resulted in removal of children

7. PROCEDURES FOR DISPUTE RESOLUTION

It is understood that conflicts may arise during a joint investigation and after. If conflict does occur, the concerned agency is advised to contact the immediate supervisor responsible for the agency with whom the concern is based. If the immediate supervisor cannot provide a satisfactory solution to the problem, the concerned agency may then utilize the "chain of command" for the other agency.

The Navajo County Attorney's Office and/or the Arizona Attorney General's Office may be used as a resource to answer questions regarding legalities.

LE and CPS are encouraged to utilize the IAC Coordinator to schedule a multi-agency meeting for the purpose of resolving misunderstandings, incomplete communication or other issues affecting the joint investigation of ESCA.

8. STANDARDS FOR INTERDISCIPLINARY INVESTIGATIONS INVOLVING NATIVE AMERICAN CHILDREN

A. Complying with Indian Child Welfare Act (ICWA)

Appropriate officials in the county shall receive relevant training on ICWA requirements. Juvenile court judges, assistant attorneys' general, and tribal authorities with experience handling ICWA matters may be best suited for this task. Tribal authorities will also be invited to participate in developing protocol components applicable to ICWA and other relevant multi-jurisdiction issues.

II. LAW ENFORCEMENT PROTOCOL

Arizona has mandated reporting requirements for suspected child abuse cases in section 13-3620 of the Arizona Revised Statutes. The department policies and procedures of the various agencies dictate how different types of investigations are conducted. This protocol requires investigative tasks be handled by the appropriate officers as dictated by their departmental policies. If the law enforcement agency received the report of child abuse from Child Protective Services, then the officer does not need to report the incident to them.

The initial contact between law enforcement and the victim may take place in the victim's home, school or day care center, a hospital, park or many other possible sites. The investigations will include relevant social, cultural and physical factors on the child/victim, and the parents/caretakers. Interviews with alleged victims, siblings, parents/caretakers, witnesses, and others with relevant information will be the focal point of the investigation. Officers should make every attempt to conduct a cursory interview of the victim and witnesses in a private setting. All of the necessary facts for a criminal investigation must be collected; however, the fewer times a child victim is asked the same questions, the less traumatized the victim. In addition, the investigating officer must decide if the child/victim needs medical care or if a danger persists which requires protective custody for the child.

Any evidence that may exist of the incident must be collected. In physical abuse or neglect cases immediate documentation of visible injuries or conditions is necessary. If any instruments were used in the abuse, they should be collected as evidence. In sexual abuse cases, the evidence of molestation may be discernible through a detailed medical examination or through the victim's actions and statements. A sexual assault evidence kit from the victim should only be collected by qualified medical personnel. Evidence collections and chain of custody are extremely important and can be used to confirm the victim and/or witness statements.

A. Guidelines for Joint Investigation

While there are many good reasons for conducting joint (CPS and law enforcement) investigations in cases of alleged child maltreatment, the primary objectives include ensuring the safety of children and pursuing prosecution, as appropriate, of perpetrators of such crimes. While joint investigations do not require "arm-in-arm" efforts between CPS and law enforcement, they do require a shared, cooperative approach where each agency works in consultation with the other.

Upon receipt of a report alleging extremely serious conduct allegations, the appropriate official (CPS or law enforcement) who is assigned or receives the report promptly notifies an appropriate official at the other agency via telephone

or in person. This would include reports classified initially as lesser or lower priority-type cases by CPS or law enforcement, but then turn out to involve extremely serious conduct allegations. As promptly as possible, both officials confirm the next steps to be taken to begin coordination of the investigation.

b) CPS and law enforcement investigators promptly share relevant information during the course of the investigation.

c) CPS and law enforcement investigators maintain ongoing contact during the course of the investigation to discuss its status and any steps needed to further fact-finding efforts and ensure the safety of children.

d) CPS and law enforcement investigators monitor and/or participate in forensic interviews conducted by their counterparts. At no time shall more than one forensic interviewer be in the room with a victim at the time of the interview.

e) There is an agreed-upon team (CPS and law enforcement) approach to investigating serious cases of child abuse and/or neglect which includes a written agreement between agencies.

f) Efforts to coordinate investigations should be documented in reports prepared by law enforcement and CPS investigators.

When a joint investigation is required

A joint investigation is required in response to any report of extremely serious conduct allegations (i.e., allegations which, if deemed true, would constitute a felony). A joint law enforcement CPS investigation will be conducted except if the report concerns a person who does not have care, custody or control of the minor, then the investigation will be conducted by law enforcement only per A.R.S. 13-3620A.

In some jurisdictions, moderate physical abuse cases (e.g., Priority 2s) may not result in immediate assignment of detectives. Instead, patrol officers may be involved in these investigations. Patrol officers investigating reports of physical abuse that involve a perpetrator who has care, custody or control of a minor must make a report to the CPS hotline. The patrol officer shall make every effort to cooperate with CPS, however; shall not be required to wait for a case worker prior to proceeding with the investigation.

When a joint investigation is not possible

There may be occasions when, for whatever reasons, a joint investigation is not possible. In these instances, CPS and the applicable law enforcement agency should conduct an appropriate review of the circumstances surrounding the case, determine what resources and/or steps are needed to support a joint investigation of similar cases in the future, and report the findings of this review to the county attorney's office.

Interagency notification

Whenever possible, interagency notification should occur via phone or in person, with email or fax notification as backup confirmation. This includes notification on cases not originally recognized as extremely serious conduct allegations.

Law enforcement and Child Protective Services should work together to investigate child abuse reports whenever possible. During joint investigations the initial interviews with the child, family, witnesses and other parties should be conducted together. Follow-up interviewing may be done by either or both agencies, however, it should be coordinated and all testimony and evidence shared. This level of coordination helps to not only reduce the trauma of those involved, but also reduces the chance that conflicting statements will be made to the investigators.

The lack of communication between agencies working the same case may leave investigators with a one-dimensional view of the case. For that reason information that is necessary for the successful investigation, intervention, and prosecution of any case needs to be shared. State law allows for information sharing between agencies in child abuse cases under section 13-3620, subsection D of the Arizona Revised Statutes.

Law enforcement and Child Protective Services are both concerned primarily with the protection of the child/victim, however, each agency has its own set of time constraints and legal response and reporting requirements. Procedural conflicts may result which can have an impact on not only the investigation, but also upon the emotional well-being of the child/victim. This makes joint training of the involved personnel imperative and the agencies are reminded to include colleagues from other agencies in the development of and attendance at training sessions.

B. Forensic interviews

Forensic interviews of children alleging abuse and/or neglect should be conducted by persons who have received extensive training and who have demonstrated the ability to perform fact-based interviews of children that do not contain leading questions and/or other ill-advised practices. "Extensive training" should include completion of at least 40 hours of nationally recognized advanced training curriculum. Examples of "nationally recognized training curriculum" include the five-day advanced forensic interview training seminar offered by the Arizona Children's Justice Task Force (CJTF) and Prevent Child Abuse, Inc.; the five-day Finding Words training program offered by the American Prosecutor's Research Institute (APRI); the five-day advanced training program offered by the American Professional Society on the Abuse of Children (APSAC); and the advanced training program offered by the National Children's Advocacy Center in Huntsville, Alabama.

Forensic interviewers who have attended the advanced forensic interview training should meet quarterly to conduct peer reviews of each others' interviews. The peer reviews should use the 'Criteria for Forensic Interview Transcript and Video Recording Interviews' form. The purpose of these reviews should be to critique each colleague's interviews for adherence to current practices and laws and for positive feedback.

Whenever possible, forensic interviews should be conducted in child-friendly environments that are suitably equipped to videotape and audiotape the interviews. This would include local interagency interview rooms or Arizona's child and family advocacy centers. Whenever possible, interviews should be monitored by an appropriate party to ensure that the content and methods used in the interview reflect best practices.

In cases involving multiple child interviewees every effort should be made to use more than one interviewer.

C. Procedures for Multidisciplinary Response and Coordination

1. Initial Report

- a. The initial report of child sexual abuse can come to either law enforcement or CPS. Joint investigation and cooperation is vital to the goals of protecting the victim and preparing a solid case.

Guidelines for first responders

"First responders" refer to those individuals, usually patrol officers or CPS investigators, who are the first to arrive at the scene where a report of child maltreatment has been made. In order to minimize further trauma to children and to enhance the fact-gathering process of the investigation, first responders particularly patrol officers (or the equivalent), should limit their questioning of children who allege abuse and/or neglect to the following four questions:

- * What happened?
- * When did it happen?
- * Where were you when it happened??
- * Who did this?

The first responder should not ask any more questions of the child(ren) beyond these four questions and should promptly contact the appropriate detective or supervisor to ensure that a trained forensic interviewer will conduct a forensic interview of the child(ren).

IMPORTANT NOTE: This recommended practice is in no way intended to

interfere with the first priority of child safety. CPS investigators, for example, have certain duties they are required to carry out when first responding to a report.

2. Interview with the Child

- a. Although there may be times that the victim needs to be interviewed right away all attempts will be made to forensically interview the victim child within 24 hours of the report. However, it is important that the child needing to be interviewed be well rested. Within 24 hours of the reported incident a decision should be made on how to jointly interview the child. This should include who from each agency will be involved, who should lead the interview and what information will be needed.- A representative from the requesting agency, i.e. CPS other LE jurisdiction, should observe the forensic interview from the observation room.
- b. The decision should be made as to where the interview should be conducted. The setting of the interview is vital in order to protect the victim.
 1. After determining the validity of the allegations, contact should be made with the County Attorney and coordination and consultation among law enforcement, CPS and prosecution should occur.
 2. In all initial interviews, video and audio tapes should be used. Video and audio tape interviews of the child should be used in lieu of calling the child/victim as a witness in either the preliminary hearing or before a grand jury. The video and audio tape interview of the child/victim should be sufficient to proceed through indictment without the child/victim being re-interviewed regarding the abuse. Only in those cases where a trial appears necessary should the child be re-interviewed about the abuse to avoid further victimization of the child/victim. Video and audio taped interviews should be done within 24 hours of the reported incident.
 3. The forensic interview should be conducted at one of the Interagency Interviewing Rooms so as to provide safe surroundings and to secure a video and audio recording of the interview. At no time shall a forensic interview be conducted in a public area such as a school or other such facility. Furthermore, at no time shall school personnel be privy to such interview.
 4. Only a preliminary interview could take place in other settings but care should be taken to avoid interviewing at the site of the abuse.
 5. A preliminary interview could be conducted in the presence of the non-abusing party, but only if it is determined before the interview that this person is supportive of the child/victim. A forensic interview shall not have any other persons present except the interviewee and the

interviewer.

6. The alleged perpetrator should not be present.

3. Case issues beyond the initial interview

- a. After interviewing the victim, decisions will need to be made as to the following:

1. Protection of the child/victim - This may require law enforcement, or CPS to take custody of the child. They may make any of these four choices:
 - a) The child/victim could be left in the home
 - b) Law enforcement could take the child/victim into protective custody
 - c) CPS could file a petition for custody
 - d) The perpetrator could be removed from the home

[These decisions may be based on an interview with the non-abusing party. In sexual abuse cases, it is rarely advisable to leave the perpetrator and the child/victim together in the home.]

2. What other evidence is needed and who will obtain it? It is generally recommended that the County Attorney become involved at this point to insure sufficiency of the evidence.
3. How/when to interview the non-abusing party? If the party is supportive, interview prior to victim, if non-supportive, interview after victim.
4. How to handle the perpetrator? Law enforcement should attempt to interview the perpetrator. The purpose of the interview should be determined jointly between law enforcement and CPS. The timing of perpetrator interviews will be at the discretion of the law enforcement investigator.
5. If the allegations are determined to be valid, law enforcement could seek a warrant for the perpetrator.
6. Filing of reports. All reports from participating agencies should be prepared within a reasonable period of time and submitted to the County Attorney's Office for review and disposition. All Rule 15 criteria will be adhered to.
7. Determining when the child will be needed to testify in the court process? This involves preparing the child/victim and insuring both protection and support. Ongoing contact between CPS, law enforcement, and the County Attorney's Office is important for management of the case.

III. NAVAJO COUNTY ATTORNEY PROTOCOL

The Navajo County Attorney's Office (NCAO) reviews any investigation submitted by law enforcement agencies for possible filing of criminal charges. An attorney is on call to assist law enforcement agencies in the investigation of these cases, if needed, and to answer legal questions that may arise during the course of an investigation. The on-call attorney may visit the scene, assist in search warrant preparation or otherwise work with law enforcement.

After an investigation is completed by law enforcement or the suspect is booked into jail, the agency report is submitted to the NCAO for review. A charging attorney will review the report and decide if the case is to be filed, returned to the investigating agency for additional investigation, or declined for prosecution.

If a suspect is arrested and booked into jail, an attorney may attend the Initial Appearance to argue for appropriate bond or other specific terms and conditions of release. It is important that law enforcement notifies the on-call attorney if there is a need to attend the Initial Appearance, especially if the attorney has not been involved prior to arrest.

If a suspect has been booked, a complaint must be filed (charges filed) within 48 hours of an Initial Appearance (which occurs within 24 hours of booking into jail) in order to maintain the bond or release conditions which were set at the Initial Appearance. If charges are not filed, the defendant is released from custody and all Initial Appearance conditions no longer apply. If the defendant was released at his Initial Appearance (on his own recognizance or on bond) and no complaint is filed within 48 hours, all release conditions will no longer apply and any bond posted will be exonerated. As a practical matter, not all defendants who are arrested will have charges filed, since further investigation may be necessary before the NCAO is ready to file the case, or the case may not meet the standards for prosecution. If the suspect is out of custody, there is no legally imposed time limit for filing cases, other than the Statute of Limitations.

If a case is declined for prosecution, a letter indicating this decision will be mailed to the victim and the police agency by NCAO. The victim has a right to confer with the prosecutor regarding a decision not to prosecute. Cases are declined for several reasons, but primarily because they do not meet the office standard, which is that the case must have a reasonable likelihood of conviction at trial. A case is not rejected solely on the basis of the victim's or family's refusal to cooperate. All cases which are turned down may, of course, be re-evaluated if new evidence is presented. The Statute of Limitations allows for charges to be filed as outlined in A.R.S. §13-107.

If a case requires more investigation, the charging attorney will list the information necessary in a letter to the investigating agency with a time limit for the information to be submitted for further review for charges. If after the time limit stated in the letter, no information is received from the investigating agency, the case will be declined for insufficient evidence to prosecute.

If a case is filed, the NCAO shall issue appropriate charges. Felony cases may be sent to a Preliminary Hearing or taken before the Grand Jury for a determination of probable cause; the majority of cases will be taken before the Grand Jury. Grand Jury proceedings are not open to the public.

It is the policy of the NCAO that the Victim Services Division of the county attorney's office be notified by the charging attorney when a case is opened. Once the case is opened the Deputy Attorney and/or the Victim Witness Advocate will contact the victim as soon as possible to discuss the process and obtain input as to a possible disposition.

NCAO policy is to use a team approach to prosecution, involving the Deputy County Attorney, Victim Services Advocate, Detectives, Legal Assistants and County Attorney Investigator. The County Attorney Investigator is utilized to assist the prosecutor once a case is filed. The Deputy County Attorney will also work with the victim, parent, guardian *ad litem* or the victim's attorney in conjunction with the Victim Services Advocate, depending on the case. If the case has involved Child Protective Services (CPS) or Adult Protective Services (APS) intervention, the Deputy County Attorney will attempt to work with the assigned caseworker, recognizing that the goals of the agencies are not always the same.

While not all cases are appropriate for plea offers, the majority will involve an offer to plead guilty to an original charge or to a lesser charge. The Plea Agreement also sets forth a range of sentence which may be imposed, and may set forth certain agreements regarding terms of sentence. A Plea Agreement ensures finality for the victim, a finding of guilty by the Court and an order of restitution, which can cover counseling costs for the victim. Plea offers should be extended well in advance of the trial date so that cases may be resolved as rapidly as possible.

Any proposed plea negotiations will be communicated to the victim via the Victim Services Advocate or the Attorney. If the victim disagrees with the proposed plea offer, he/she shall be given the opportunity to discuss it with the Deputy County Attorney and, if necessary, with the supervisor. If the conflict is still not resolved, the victim retains the right to notify the pre-sentence probation officer and the Court of their opinion. Final disposition is, of course, within the discretion of the Court to either accept or reject the plea offer.

The NCAO recognizes that many victims and/or witnesses are apprehensive about testifying. The NCAO has found that such apprehension is generally caused by unfamiliarity with the trial process, uncertainty regarding whether the case is proceeding to trial, and unnecessary delays.

Trial preparation is the responsibility of the Deputy County Attorney. During the case preparation stage, the Deputy County Attorney should meet with the victim and witnesses in order to orient them to the trial process. The Deputy County Attorney should strive to develop a rapport with the victim, particularly in child victim cases. If possible, the Deputy County Attorney, along with the Victim Services Advocate, may initially meet with the victim at the county attorney's office or a location where the victim feels comfortable. In all but rare cases, the victim will be taken into a courtroom and the Deputy County Attorney and/or the Victim Services Advocate will explain courtroom procedures to the victim.

Prior to trial, the Deputy County Attorney or the Victim Services Advocate will discuss with the victim and the victim's representative the possible outcomes of the trial and the sentencing possibilities.

At the victim's option, the victim may submit to an interview by the defense attorney. The Deputy County Attorney will be present at the victim's request and will actively participate in the interview. In addition, the Deputy County Attorney will make necessary arrangements for any reasonable conditions requested by the victim, including the presence of the Victim Services Advocate or another person to act as a support person.

The Deputy County Attorney or his/her representative will arrange defense interviews of other witnesses, at the defense's request. In addition, the Deputy County Attorney or his/her representative will be present and will tape-record the interviews. The Victim Services Advocate may assist in arranging interviews of victims, their family members and any special-needs witnesses.

The NCAO recognizes that child sexual and physical abuse cases often require retention of expert witnesses. In those cases, the NCAO will pay reasonable fees. Often, however, professionals are requested to testify because they are material witnesses (i.e., they have seen the child or are involved in the case), rather than as expert witnesses. In such situations, the professional is not entitled to expert witness fees. The NCAO recognizes that experts and professional witnesses have scheduling difficulties and will attempt to give adequate notice of a pending trial date as well as work with the witness in determining the proper presentation of the witness' testimony.

The Deputy County Attorney realizes that prosecution is a team effort. All members of the team are under a continuing obligation to exchange information about the case. All team members will report to the Deputy County Attorney and new matters discovered.

If a defendant is acquitted, the Deputy County Attorney and/or the Victim Services Advocate will inform the interested parties and team members of the jury verdict. A jury may be unable to reach a decision (hung jury) and the case may be retried or disposed of by plea. It is the Deputy County Attorney's responsibility to keep the victim informed of these matters.

If the defendant is convicted, the Deputy County Attorney and/or the Victim Services Advocate will inform the victim and his/her representative. The Deputy County Attorney and/or the Victim Services Advocate will describe the next sequence of events in the process, which may include meeting with the pre-sentence report writer assigned, submitting a letter to the judge, and explaining the victim's right to personally address the Court at sentencing. The sentencing date is usually 30 to 60 days after a plea or verdict.

The Deputy County Attorney will make available to the Adult Probation Department all departmental reports and other relevant information. In addition, it is the duty of the Deputy County Attorney to inform the victim and his/her representative of the victim's right to receive restitution in the case. The Deputy County Attorney will seek a restitution order for all eligible expenses and damages for which the defendant is legally responsible.

The Deputy County Attorney and/or Victim Services Advocate will inform the victim and his/her representative of the possibilities at sentencing. This includes informing both that the defendant may seek a continuance of the original sentencing date in order to present mitigating evidence, that the State may seek a continuance in order to present aggravating evidence, and that either side may request a diagnostic evaluation and mental health examination under Arizona Rules of Criminal Procedure 26.5. The Deputy County Attorney and/or Victim Services Advocate will inform the victim and his/her representative that the victim has a right to be present at the sentencing hearing and to address the Court.

The Deputy County Attorney and/or Victim Services Advocate will explain to the victim and his/her representative the possibility of an appeal or a petition for post-conviction relief (PCR). PCR's are handled by the NCAO, while appeals are handled by the Arizona Attorney General's Office.

**IV. VICTIM SERVICE ADVOCATES
OF THE NAVAJO COUNTY ATTORNEY'S OFFICE**

1. There are no on-call advocates available at this time to respond to crime victims at hospitals, crime scenes, police stations, etc. If the investigative agency feels the need for an advocate they may request their presence through the on-call Deputy County Attorney.

CRISIS RESPONSE SERVICES

- A. If called to the scene the advocate will introduce themselves to the crime victim and explain their role. They offer to assist with practical concerns, such as immediate safety of the child and non-offending parent.
- B. The advocate will remain with the victim and non-offending parent during the time that law enforcement is present and for sometime thereafter to provide support and encouragement.
- C. The advocate will not generally be present during the actual interview of the child by law enforcement.
- D. The advocate will help the non-offending parent identify immediate needs regarding the health and welfare of the child. For instance, the advocate may discuss medical care, intervention with school counselors, referral to social service agencies and temporary housing if necessary. The victim or non-offending parent will be encouraged to identify support systems available to the family.
- E. The advocate will briefly discuss the victim compensation program, which may be able to provide funds for counseling, medical expenses, funeral expenses and lost wages as a direct result of the crime. The advocate will leave with the victim the necessary paperwork to fill out and return to the compensation program in order to apply for these funds.
- F. Based on the advocate's observations, he/she may identify other immediate needs of the victim and/or the child: encouraging intake of fluids (if all physical exams are completed); asking if they are on any medications which were missed due to crisis reporting; inquiring about other children in the home who need attention (such as being met at the school bus or picked up at friend's house, etc.) Much crisis intervention work involves remembering those things on behalf of the victims in crisis who may forget the simple day-today tasks.
- G. The advocate's responsibility is to predict and to prepare. The victim advocate is not charged with gathering information. It may be necessary for the advocate to redefine his or her role frequently during interaction with the victim.

- H. The advocate will attempt to secure an arrangement which assures safety for the child and/or non-offending parent before the advocate terminates the meeting.
- I. The advocate who has responded on the crisis call will be available for follow-up with the victim or will arrange to have someone else contact the victim the next day.

SECOND LEVEL OF ASSISTANCE

1. Once a case is opened, the charging attorney of the Navajo County Attorney shall contact the Victim Services Division and brief them on the status of the case.
2. The advocate will make initial contact wither by telephone or letter asking the victim to contact the office. This will acquaint the victim with the services that are available from the prosecutor's office and an overview of what the victim can expect from the criminal justice system. The advocate will work to establish a rapport with the victim.
3. The advocate shall assess any needs the victim may have, including safety concerns, and provide community resources to obtain those needs.
4. The advocate will discuss the victim compensation program, which may be able to provide funds for counseling, medical expenses, funeral expenses and lost wages as a direct result of the crime. The advocate will leave with the victim the necessary paperwork to fill out and return to the compensation program in order to apply for these funds.
5. The advocate will ascertain what the victim would like to see occur in the case and relay that information to the prosecutor or arrange for a meeting between the prosecutor and victim, where the advocate can be present at the request of the victim or prosecutor.
6. The advocate will offer a court escort to any and all court proceedings which the victim is entitled to attend or attend those hearing on behalf of the victim at their request.
7. The advocate will prepare the victim for trial, along with the prosecutor, including introducing them to the courtroom and explaining the trial proceedings.
8. The advocate will work to keep the victim informed regarding the criminal justice process, including any court dates, interviews, depositions, hearings, plea offers, or restitution.
9. At the close of the case, the advocate will explain any opportunities for further participation whether it is a post conviction relief or an appeal.

AGENCIES WITH ANCILLARY STATUTORY RESPONSIBILITY

DUTY TO REPORT

Counselors, medical practitioners, school personnel, etc. shall report cases of suspected child abuse and neglect to Children's Protective Services and the local police agency. (See attached copy of A.R.S. 13.3620 Duty to Report statute)

V. MEDICAL PROTOCOL

EXAMINATION PROCESS

Upon arrival at any Emergency Department, law requires a medical screening. Frequently a forensic interview will take place prior to the medical-forensic examination. The forensic interview will be held elsewhere and is not to be conducted by medical staff. This eliminates the need for hospital staff to question the child about the assault details.

Medical Evaluation Indications:

1. Children who give a history of sexual abuse
2. Sexual abuse within 120 hours
3. Genital/Rectal pain or bleeding
4. Sexually Transmitted Diseases (when there is no disclosure of abuse)
5. Exhibition of some sexualized behavior without reasonable grounds to believe abuse has occurred
6. Children who are pre-verbal, non-verbal, or developmentally delayed for whom there is a suspicion of abuse

MEDICAL-FORENSIC EXAMINATIONS

Medical-forensic examinations should be completed by physicians or nurse examiners who are competent in the forensic examination process, collection and handling of evidence, as well as providing expert testimony. If highly trained forensic medical examiners are not available, an Emergency Department physician or its designee should perform the examination. Each hospital must determine its own capabilities and adhere to their own guidelines of practice. Any suspected child victim who has been referred by CPS and law enforcement for medical assessment will receive a complete history and physical examination detailing any and all injuries and gathering evidence of harm.

The general procedure to be followed will include:

1. A history of present illness (chief complaint) and review of systems will be obtained from the child, preferably without the adult present. This information will be obtained from the forensic interviewer if that process has been completed. Review of systems will be obtained from the child. If the

following information has not already been volunteered, ask the child only these four questions:

- * What happened?
- * When did it happen?
- * Where were you when it happened??
- * Who did this?

Document exact quotes provided by the child.

2. A medical history will be obtained from the caretaker of the child. If a caretaker has not accompanied the child and is not the offender/suspected offender, an attempt will be made to reach them by phone.
3. It will be up to the discretion of the examiner as to whether any adult can remain with the child during the forensic medical examination.
4. A complete head to toe physical examination, including a genital and anal exam.
5. Colposcopy will be used when appropriate.
6. Sexual assault kit will be obtained from the Law Enforcement Agency involved and directions within the kit will be carefully followed.
 7. The physician will meet with the adult(s) accompanying the child to explain medical findings, provide any needed referrals, and answer questions.
 8. A formal report is provided to the referral source within 1 week of the appointment.
9. Referral for follow-up medical care. It is recommended that patients be referred for follow-up examination with their own physician within 2-3 weeks to retest for pregnancy and sexually transmitted diseases. Additional local resources for anonymous testing for HIV should be available (County Health Department).

VI. MENTAL HEALTH AGENCY PROTOCOL

Staff of mental health agencies are mandated reporters of child abuse. When there is reasonable ground to suspect it, child abuse must be reported. Reports are made to the Arizona Child Protective Services (CPS) and/or to local law enforcement. See ARS 13-3620 A telephone report is followed by a written report.

As a mental health provider, it is not your job to determine whether in fact abuse occurred. However, if a child discloses information about possible abuse, you can ask and document (preferably verbatim) responses to the following questions: "What happened? Who did it? Where did it happen? and When did it happen.?" Going beyond these fact-based questions may contaminate the forensic interview or even create additional trauma for the child. Ask no leading questions. As a mental health provider, your job is to facilitate the child's healing. CPS or law enforcement are trained in forensic interviewing and are responsible for determining if abuse is substantiated.

Effective February 2004, children removed from home by CPS are seen for intake within 24 hours of removal by a DHS-licensed, public sector mental health agency (i.e., Community Counseling Centers, Apache Tribal Behavioral Health). While such removal may be in the best interest of the child, the act of removal, in and of itself, can cause the child to experience trauma. The intake assessment is designed to identify possible signs of trauma and other mental health needs the child may be experiencing or may be expected to experience. Upon intake, these children are enrolled in the RBHA behavioral health system and treated so that identified problems can be resolved. The focus here is on *early intervention* and prevention of re-victimization.

Families in treatment are encouraged to complement their mental health care with a full range of services that are culturally relevant. These may include consultation with clergy, a medicine man, Native American traditional ceremony, other faith based spiritual help, or other supports to meet the family's needs.

Mental health providers are encouraged to participate in annual training on child abuse theory, research, treatment and reporting laws.

VII. SCHOOLS PROTOCOL

By law, all school personnel are required to report if they reasonably suspect or have knowledge that abuse or neglect has occurred. If a "child care custodian" fails to report known or suspected child abuse or neglect, he or she is guilty of a misdemeanor that is punishable under Arizona Revised Statute 13-3620.

In order to assure that reporting requirements are met each school system and site must develop appropriate methods and procedures for handling these reports. The following areas should be addressed when developing those procedures:

1. All staff should be trained in the legal requirements for the identification and reporting of child abuse and neglect.
2. An appropriate staff member should be designated to coordinate suspected child abuse cases (an alternate should also be designated to assist in the absence of primary staff coordinator).
3. A quiet, private place should be provided in which to listen to and document the child's disclosure, and complete the report form provided by CPS.
4. Information sharing between the school and the investigating agencies should be facilitated by making the role of school personnel (child care custodians) clear.

Operating procedure

1. When it appears that a child is disclosing information that may be considered abuse, the staff member should listen carefully at that moment. When possible, a quiet, private place should be provided in order to facilitate the conversation and accurately identify and document the abuse.
2. The only questions school personnel should ask are those necessary to complete the required reporting form. They should listen openly and speak in a positive tone at the child's level. If the child has not spontaneously provided the following information about the abuse, only these exact questions should be asked as needed to complete the information:

- * What happened?
- * When did it happen?
- * Where were you when it happened??
- * Who did this?

Effort should be made to remember the child's exact words during the disclosure since these quotes will later be documented on the reporting form.

3. The child should be made to feel believed through the use of verbal support and reassurance. It is important to also make it clear that the abuse was not his or her fault.

4. The child abuse site coordinator (or the alternate) should be contacted for assistance.
5. With the coordinator's help, the one page report form provided by Children's Protective Services should be completed.
6. The Child Abuse "Hotline" and local law enforcement should be notified so that they can determine if the child can safely return home.
7. The written report must be sent to the appropriate agency within 36 hours.

Upon receiving the information, Children's Protective Services or law enforcement may send an investigator to the school site in order to interview the child. It is not within the law for school personnel to conduct or sit in on the interview; school staff may only be present during the investigative interview if the child makes a request for their attendance. Staff's role is to document information and support the child during this process.

Parents or other school personnel should not be notified of the report. The agencies that were notified have the responsibility for doing this. Staff should continue to provide reassurance to the child but further questions about the abuse should not be asked. This has been known to add to the emotional strain the child is already under.

School personnel have many legal responsibilities and constraints as participants in this process. It is important to be familiar with all of them.

VIII. OTHER SERVICE PROVIDERS PROTOCOL

Oftentimes miscellaneous Service Providers are the source of referral for child abuse allegations because of their extensive contact with children on a regular basis. They are often the first persons to whom children disclose abuse or who suspect abuse because they recognize behavioral changes in the children and because the children and family members themselves trust these providers enough to confide in. Service Providers include but are not confined to:

1. Foster Parents
2. Home Therapy Providers
3. Members of Clergy
4. Big Brothers/Big Sister type organizations
5. Division of Developmental Disabilities

Service Providers are responsible and required by law to report all cases of suspected abuse. Therefore, Service Providers should be familiar with the legal requirements for the identification and reporting of child abuse.

The Arizona mandatory reporting law, A.R.S. 13-3620 (See Appendix C) requires that school personnel, or any person who has responsibility for the care or treatment of a minor, who reasonably believes that a minor has been the victim of physical injury, abuse, child abuse, a reportable offense or neglect shall immediately report or cause a report to be made of this information. This means that if there are any facts from which one could reasonably conclude that a child has been the victim of one of the above listed offenses, the person knowing those facts is required to report those facts to the appropriate authorities. This immediate report is to be made regardless of who the alleged perpetrator is. Your duty is to report, not to investigate. If service providers fail to report known or suspected child abuse or neglect, then they have committed a crime that is punishable under Arizona state law.

Both statutes (A.R.S. 13-3620 and 15-514) grant immunity from civil damages to those making reports, provided the report was made in good faith.

A.R.S. 13-3620 also grants immunity from any criminal proceeding to those making reports, unless the reporter has been charged with or is suspected of committing the abuse or is acting with malice.

It is highly recommended that meetings and training sessions be provided for Service Providers within Navajo County informing them of the laws requiring them to report abuse and the proper protocol to follow when they learn of or suspect abuse. A uniform, countywide reporting policy for Service Providers within Navajo County would serve to:

1. Increase confidence of Service Providers in reporting suspected abuse;
2. Improve interagency communication and cooperation between Providers, law enforcement and CPS;
3. Minimize the number of times the child victim is interviewed;
4. Insure that the appropriate and most qualified professionals conduct the investigation;

5. Minimize disclosure trauma to the child victim.

This Protocol contains guidelines to achieve these goals. The role of Service Providers in this process has been clearly delineated.

I. Responsibility of Administrators of Service Providers

A. Authorize yearly training on child abuse for the entire staff

B. Adopt a standardized, child abuse reporting form

II. Responsibilities of Service Providers

A. Service Providers generally will receive information about possible abuse in one of three ways: the child will self report, physical injury or unusual behavior will be observed, or a third party will disclose the abuse.

1. Child's self-disclosure

a. When it appears that a child is disclosing information about possible abuse, efforts should be made to provide a quiet, private place to facilitate the conversation.

b. The person receiving such information shall listen openly and speak at the child's level in a positive, non-judgmental tone.

c. If the child has not spontaneously provided the following information about the abuse, only these exact questions should be asked as needed to complete the information:

* What happened?

* When did it happen?

* Where were you when it happened??

* Who did this?

d. Effort should be made to remember the child's exact words during the disclosure since these quotes will later be documented on the reporting form.

e. Providers should NOT make any promises to the child that cannot be guaranteed. For example, do not tell the child "this does not have to be reported to the authorities", "you won't have to testify", "no one will go to jail", "I won't tell anyone else", etc.

f. Report this information to the Service Provider's Administrator or Supervisor, and ensure that required reports are made.

2. Observations of injury and/or unusual behavior

a. Providers should be observant of bruising, injury, markings, or unusual behavior that may be the result of abuse or neglect.

b. A person observing injury may ask the four questions listed in the previous section to attempt to ascertain the cause of injury. Report to their Administrator if the child's responses lead to suspicion of abuse. If there are inconsistencies between the child's report of cause and the type of injury, report this information to their Administrator.

c. If unusual behavior is observed, consult with the Administrator, and ensure that any required reports are made.

3. Third party report of abuse

a. If a third party informs a service provider that a child may be the victim of abuse or neglect then the provider should report the abuse to their Administrator.

B. All information about child abuse is to be shared with the provider's Supervisor or Administrator who will assist in the reporting process. The Supervisor will also be available as a resource if there are any questions about abuse. Remember that it is ultimately the responsibility of the person receiving the initial disclosure or making the initial observations of abuse to ensure that a report is made to the proper authorities.

C. Service Providers shall maintain confidentiality of all information regarding the abuse report. Do NOT contact or provide information to the parent(s) and/or the alleged perpetrator. Refer all inquiries to police or CPS. It is the duty of Police and CPS, not Service Providers to notify parents of the investigation. Premature and/or inappropriate notifications can hinder investigations and potentially create precarious situations.

III. Responsibilities of Supervisors of Service Providers

A. Authorize yearly training on child abuse for the entire staff

B. Adopt a standardized, child abuse reporting form

C Work with providers in facilitating the reporting of suspected child abuse and/or neglect. The Supervisor should:

1. Be available for providers to share information about suspected abuse

a. If the information is incomplete, the Supervisor may ask only those approved questions not previously answered. The child should NOT be re-questioned once the information has been disclosed regardless of which staff member received the initial disclosure.

b. If unsure if the information constitutes abuse or is reportable, contact the CPS Hotline at 1-888-SOS-CHILD (or 1-888-767-2445). CPS will evaluate the information and determine if a report should be made.

2. Assist in the documenting of information on the designated child abuse reporting form. Describe any visible injury.

3. Aid in phoning report of the information gathered on the reporting form to both the CPS Hotline (at the phone number listed above) and the law enforcement agency where the suspected abuse took place. If the location of occurrence is unknown, report to your local law enforcement agency. Notify the agencies that you are reporting to both CPS and police.

4. Per A.R.S. 13-3620 (see Appendix C), mail a copy of the written reporting form to CPS within 72 hours of making the initial report. The report should be mailed to: CPS, P.O. Box 44240, Phoenix,

AZ, 85064-4240. Copies of the report can, and should, also be made available to the CPS Specialist and/or Police Officer responding to the school.

D. Assist police and Child Protective Services upon their arrival by sharing information and providing a private place, if possible, for the agencies to meet with the child and/or with the reporting source.

ARS 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

(<http://www.azleg.state.az.us/ars/13/03620.htm>)

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 the death of an infant who is protected under section 36-2281 shall immediately report or cause reports to be made of this information to a peace officer or to child protective services in the department of economic security, 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 peace 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 it 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 peace 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 develop the reasonable belief in the course of their employment.
5. Any other person who has responsibility for the care or treatment of the minor.

B. A report is not required under this section for conduct prescribed by sections 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 or in person and shall be followed by a written report within seventy-two hours. 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 section 13-3401 shall immediately report this information, or cause a report to be made, to child protective services in the department of economic security. For the purposes of this subsection, "newborn infant" means a newborn 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 peace officer or to child protective services in the department of economic security, 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 peace 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 peace officer or child protective services worker investigating the minor's neglect, child abuse, physical injury or abuse on written request for the records signed by the peace officer or child protective services 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 peace officer, the officer shall immediately notify child protective services in the department of economic security and make the information available to them. Notwithstanding any other statute, when child protective services receives these reports by telephone or in person, it shall immediately notify a peace 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 involved 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 peace officer or child protective services in the department of economic security.

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 peace officer or child protective services 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 peace officer or child protective services 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 section 8-201.
2. "Child abuse" means child abuse pursuant to section 13-3623.
3. "Neglect" has the same meaning prescribed in section 8-201.
4. "Reportable offense" means any of the following:

- (a) Any offense listed in chapters 14 and 35.1 of this title or section 13-3506.01.
- (b) Surreptitious photographing, videotaping, filming or digitally recording of a minor pursuant to section 13-3019.
- (c) Child prostitution pursuant to section 13-3212.
- (d) Incest pursuant to section 13-3608.

**Extremely Serious Conduct Allegation (ESCA)
Information Form**

(To be completed by CPS with input from Law Enforcement and the County Attorney's Office)

Law Enforcement Agency:

DR#:

CPS investigator:

CPS #:

Victim Name:

Address:

Age: Telephone number:

Parent/Guardian Name:

Address:

Telephone number:

Suspect Name:

Address:

Age:

Telephone number:

Relationship to victim:

Date of Report:

Date of ESCA:

Crime:

Arrest? Y/N

Date of Arrest:

Charge:

Juvenile or Adult? J/A

Referred to County Attorney? Y/N

Date Referred:

Charged? Y/N

Declined? Y/N

Reason:

Returned for further investigation? Y/N

Plea Agreement? Y/N

Plea accepted:

Trial:

Adjudication:

Sentence:

Difficulties or challenges: