

Mandated Reporting Overview

Department of Child Safety



Introductions

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Objectives:

Upon completion of the presentation viewers will be able identify:

- Relevant laws and Attorney General's opinions that guide child abuse reporting in Arizona
- Who must report
- What must be reported
- When to report
- Where to report
- What to expect when contacting the Department of Child Safety



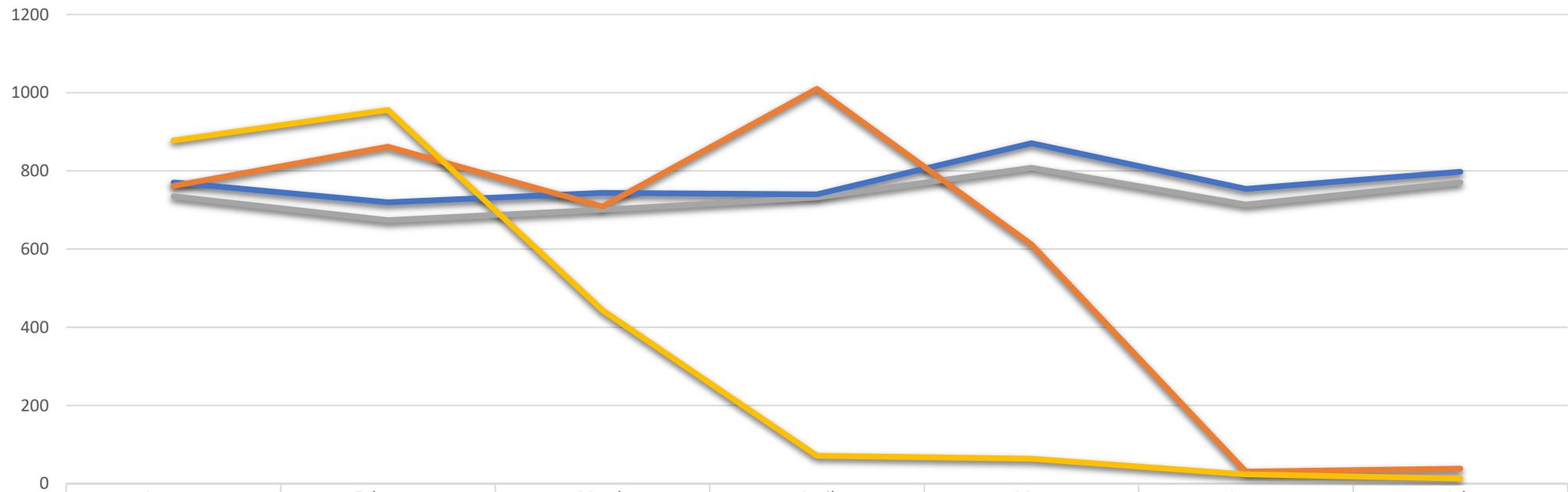
Child Abuse Hotline Stats

- Our top three mandated reporters are law enforcement, medical professionals, and education professionals
- Due to the COVID-19 pandemic and school closures, call volume to the child abuse hotline has dropped
- Specifically, calls from education professionals as mandated reporters have dropped 90%
- This is of great concern to the department as we know children are experiencing abuse and are in need of protection



Hotline Call Volume Comparison

Monthly Reports from School Setting/Law Enforcement Sources (2019 vs. 2020)



	January	February	March	April	May	June	July
2019 - Law	735	674	701	732	808	714	771
2020 - Law	771	720	744	740	871	754	798
2019 - School	762	862	709	1010	612	31	39
2020 - School	878	956	444	72	64	24	13

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Pre & Post Check for Understanding

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Report to DCS, Law Enforcement or Discuss with Parents...

1. A student reports that their peer was sexually abused by their coach.
2. A student reports that their peer does not attend class because the peer's parent is ill.
3. A student presents with a bruised bite mark on their arm and reports that their parent bit them as discipline.
4. A student reports that their parents fight a lot. One time a parent pointed a gun at the other parent and the student got in the middle of them in order to help and deescalate.



Report to DCS, Law Enforcement or Discuss with Parents...

5. A student reports that their grandparent who lives in the home, and has Alzheimer's always leaves their medication out when babysitting and the student's two-year old sibling sometimes eats the medication.
6. A student presents with a bruising around their entire left eye and reports that they were elbowed during the school's basketball game last night.
7. A student chronically reports to school unkempt, malodorous, and sleepy.
8. A student reports that another student got mad at them and stabbed them with a pencil, the student has a visible puncture injury from the tip of the pencil piercing their skin.



Relevant Laws

- Arizona Revised Statute § 13-3620
 - Covers mandatory child abuse reporting
- Arizona Revised Statute § 8-455
 - Covers centralized intake hotline purpose and screening
- Arizona Revised Statute § 8-201
 - Covers definitions related to child safety, including references to criminal code abuse statutes



Relevant Rules and Opinion

- Arizona Administrative Code, (Rule) R21-3-202
- Attorney General's Opinion, I07-006 (R06-012)
- L.A.R. v. Ludwig



Who Must Report

All School Personnel

- A.R.S. § 13-3620 provides that “***school personnel***” must report based upon a “***reasonable belief***” that abuse or a reportable offense has occurred



Who Must Report

Certainly includes *teachers* and *administrators*, but also:

- Nurse
- Counselor
- Psychologist
- Social Worker
- Behavioral Health Professional
- Classroom Aide
- Office Clerical Staff
- Cafeteria Worker
- Custodian
- Bus Driver and Bus Assistant
- “School Personnel” means all school personnel

Any Other Person Who has Responsibility for Children

- School Resource Officer
- School Volunteers
- Coaches
- Field Trip Chaperones



What Must Be Reported

A.R.S. § 13-3620

“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...”



What Must Be Reported

- What is reasonable belief?
 - Legal Standard--“Reasonable belief means that if there are any facts from which one could reasonably conclude that a child has been abused, the person knowing those facts is required to report the facts to the appropriate authorities.” L.A.R. v. Ludwig
 - Observable signs of abuse, injury, or neglect form reasonable belief
 - Verbal or written disclosure from a child, may form reasonable belief
 - Reliable information from a third party, may form reasonable belief



What Must Be Reported

- **Physical Injury**—to a minor, if suspected by other than accidental means
 - Examples—bruises, pressure sores, burns, bleeding, fractures, malnutrition, soft tissue swelling, internal bleeding, “any physical condition that imperils health or welfare”
- What about playground “horseplay” or schoolyard fights?
 - Attorney General’s opinions I07-006, say that playground injuries that you reasonably believe are ***non-accidental*** must be reported
 - Attorney General says that even if the injury is caused by a student who lacks the cognitive ability to control or understand right from wrong, their conduct is still a mandatory report situation.
 - The primary purpose of the Reporting Statute is not to punish the wrongdoer, but is, rather, to protect the child.
 - The key distinction—Was the physical injury caused by accident or was it non-accidental?
 - If non-accidental, make a report



What Must Be Reported

- ***Abuse*** - can be physical, emotional or sexual abuse
 - Inflicting physical injuries
 - Inflicting serious emotional damage
 - Sexual abuse or sexual acts upon minors
 - Permitting a child to enter or remain in any home, structure or vehicle where people are manufacturing dangerous drugs
- ***Neglect*** - Inability or unwillingness of a parent or guardian to provide proper supervision that exposes the child to unreasonable risk of harm to the child's health or welfare
 - Lack of food
 - Lack of clothing
 - Lack of proper shelter
 - Lack of proper medical care
 - Exposing children to other harms—sex acts, drugs, violence



What Must Be Reported

“Reportable Offenses” listed in A.R.S. § 13-3620(P)

- List of criminal offenses, which includes such things as:
 - Indecent exposure
 - Public Sexual Indecency
 - Sexual Assault
 - Child Molestation
 - Unlawful Distribution of Nude Images—Sexting—intentionally disclosing electronic images of a person without that person’s consent
 - Sexual Conduct with a Minor
 - No required reporting if conduct involves only minors 14, 15, 16, or 17 years of age and nothing indicates the conduct is anything other than consensual
- Don’t worry about strict statutory elements of these listed crimes (When in doubt, make a report)



In-Person vs. Virtual Environments

Virtual environments do not change the reasonable belief that abuse or neglect is or has occurred

- In addition to observations made in-person, reasonable belief may exist if any of the following are observed in the child's home during videoconferencing:
 - Physical violence occurring in the home
 - Weapons, medications, or drugs left within reach of children
 - Child is left alone for long periods of time
 - Child appears injured with conflicting explanation or malnourished without a known medical reason



NOT Within DCS Authority

Administrative Rules R21-3-202

- Educational neglect
- Delinquency for children age 8+
- Absent parents who made appropriate arrangements for a child's care
- A child receiving medical treatment from an accredited Christian Science Practitioner or any other religious or spiritual healer
 - Unless a child's health is endangered or there is imminent risk of harm
- Minor hygiene concerns
- Custody or visitation disputes



When to Report

Must be reported “immediately”

- Report immediately by telephone or electronically
 - “Immediately” means immediately and without delay
 - Not an excuse that you thought another person was making the report
 - You cannot “delegate” your mandate to report to another person
- **“To comply with the reporting statute, a person required to report must make the required report immediately and without delay as soon as the person forms a reasonable belief that a child has been abused.” (Attorney General opinion 107-006).**



Where to Report

A.R.S. § 13-3620

- “...shall *immediately* report or cause reports to be made of this information to a peace officer, to the department of child safety or to a tribal law enforcement or social services agency for any Indian minor who resides on an Indian reservation, *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.*



Where to Report

- Local Law Enforcement Agency
- Department of Child Safety, when the suspect assumes, care custody or control of the minor.
 - A.R.S. § 8-455 (D)(4) provides that a hotline worker shall prepare a DCS report if “the person suspected of committing the abuse or neglect is the parent, guardian, or custodian of the victim or an adult member of the victim’s household.”
- Tribal Law Enforcement or Tribal Social Services, when the child is Native American and resides on tribal land.



Where to Report

- Reporting to a school or district’s “point of contact” based on local operating procedures does not fulfill the statutory requirement to report (regardless of the school or district’s policy).
- “Mere belief [that someone else has reported] without verification is insufficient.” (Attorney General opinion, 107-006)



How to Report

Hotline Information

- 1-888-SOS-CHILD (1-888-767-2445)

Online Reporting Service:

- <https://dcs.az.gov/services/suspect-abuse-report-it-now>
 - Professional mandated reporters have the ability to report concerns electronically
 - Non-emergency situations, where the child is not in immediate danger
 - Available Monday thru Friday, 8:00am to 7:00pm



Primary Hotline Functions

- Assess concerns to determine if information meets DCS report criteria for investigation
- Assign a response time to DCS reports
- Document all concerns reported regardless of call outcome
- Cross report to the appropriate agencies when needed
- Share information with other state, county, and tribal child protection agencies



What to Expect When Reporting to DCS

- Interview conducted using standardized questions to understand, who, what, when, where, why
- Outcome of the call will be provided (screen-in/report OR screen-out/non-report)
- If DCS report criteria is met, it means an investigation will occur
- The source may be called for follow-up questions
- If report criteria is not met, the information may be cross-reported to another agency that has authority to investigate
- All screened-out concerns are checked by a quality assurance specialist
- If a family has an open case, all screened-out concerns are forwarded to the assigned case manager for review



Confidentiality

DCS operates under confidentiality law, A.R.S. 8-807, prohibiting the release of the reporting source's name except under very specific provisions:

- Court orders its release
- Law enforcement needs it for an investigation
- Necessary to provide for the immediate safety of a child
 - DCS records are confidential and cannot be released by the Hotline
 - Fear of substantial harm to the reporting source is documented by the Hotline Specialist

Arizona Administrative Code, R21-3-201, states, “The Department shall accept an anonymous communication if the source refuses to provide identifying and contact information.”



Why doesn't the information reported to the Hotline meet criteria for a DCS Report?

A.R.S. § 8-455, requires that the following criteria be met in order for DCS to prepare a report for investigation:

- The suspected conduct would constitute abuse or neglect
- The alleged victim is under eighteen years of age
- The suspected victim of the conduct is a resident of or present in Arizona
- The person suspected of committing the abuse or neglect is the parent, guardian, or custodian of the victim or an adult member of the victim's household
- The location or identity of the child/family can be reasonably ascertained



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Thank you

Slides 11-17 and 20 were fully are partially quoted from “Abuse Reporting Requirements in Arizona Schools—When in Doubt, Make a Report” Jeff Stratman, Esq.

