Mandated Reporting Overview

Department of Child Safety
Introductions

• Brooke Essayli, Program Administrator

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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)

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<th>March</th>
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Pre & Post
Check for Understanding
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.
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.