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Interagency Council

Maricopa County Children's Justice Project

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Bill Montgomery
Maricopa County Attorney

MULTIDISCIPLINARY PROTOCOL FOR THE INVESTIGATION OF CHILD ABUSE

This Protocol was published under the auspices of the Interagency Council of the Maricopa County Children's Justice Project, with grant funding from the Governor's Division for Children.

In December 2003, the State Legislature passed significant revisions to the child protection statutes of Arizona. These changes included a directive to develop a county-wide Protocol for law enforcement, social service agencies, and prosecutors.

In 2013 and 2015, the State Legislative established the Office of Child Welfare Investigations and the Department of Child Safety, with the primary purpose of protecting children.

As County Attorney, I wish to thank the member agencies and commend them for their commitment and dedication to working cooperatively in the handling of cases involving abused children. The delivery of professional services and treatment within a coordinated framework promotes a therapeutic environment within which a child can feel safe and secure. Every child deserves to be treated with dignity, compassion and respect. This Protocol provides a model for treatment consistent with these principles.

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In December 2003, the Arizona Legislature enacted legislation mandating the development of a county-wide protocol for the A.R.S §8-817 B&C. Representatives from DCYF, Child Protective Services, the Maricopa County Attorney's Office, the Maricopa County Sheriff's Office, the Attorney General's Office, and the Chiefs of Police of municipalities in Maricopa County, joined together to revise the existing Multidisciplinary Protocol for the Investigation of Child Abuse. These revisions were made in July, 2004.


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7/1/04 Date



James Mckens, Child Protective Services
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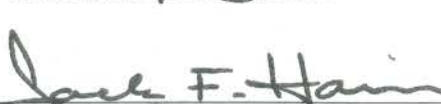

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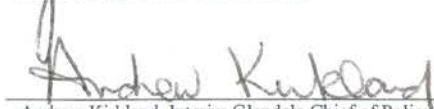

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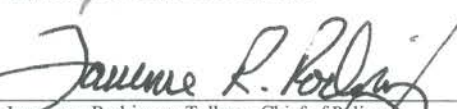

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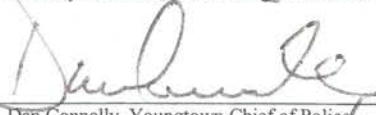

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Arizona Governor's Office	Maricopa County Superior Court
Arizona State University	Mesa Police Department
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Avondale Police Department	Peoria Police Department
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Creighton Elementary School District	St. Joseph's Hospital
El Mirage Police Department	Surprise Police Department
Fort McDowell Police Department	Tempe Police Department
Gilbert Police Department	Tolleson Police Department
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STATEMENTS OF SUPPORT

In 1995 the following individuals, representing their professional agencies, signed statements supporting the Protocol as an effective tool to minimize trauma to children and to serve as a guideline for coordination of efforts with other community agencies.

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STATEMENT OF PURPOSE

This Protocol, initially developed in 1995, is offered to coordinate the involvement and interaction of each agency in Maricopa County involved with providing care, treatment, and assistance to all children, whether victims or witnesses, where criminal conduct is suspected. This Protocol serves to ensure each child is treated with dignity, fairness, and respect and protected from harassment, intimidation, or abuse, and to minimize the secondary trauma that can accompany investigations of criminal conduct.

This Protocol was revised in 1999, 2003 and in 2004, in response to House Bill 2024 to further specify Protocol practices followed for reports of criminal conduct (see Appendix DD), as defined in A.R.S. §8-801. In 2008, the Protocol was again revised to incorporate new legislation and update language to reflect technological advances available in handling child abuse cases.

This Protocol is developed, adopted, and implemented to guide the conduct of investigations of allegations involving criminal conduct and to ensure thorough investigations of those accused of crimes against children. Each respective agency, therefore, is required to ensure that policies and procedures are developed and implemented to comply with this Protocol and as required by ARS §8-817. The manner of each agency's compliance with this Protocol is a function of the agency's role in the child abuse cases, their available resources, and the circumstances of each individual case. Nevertheless, any variances from this Protocol must be documented for reporting purposes pursuant to ARS §8-817.

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

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

THE CHILDREN'S JUSTICE PROJECT

The Children's Justice Project is a federally funded, multi-agency effort intended to improve the handling of crimes against children. The three primary goals of the Project are: (1) to improve interagency communication and cooperation, (2) to raise the skill level of all professionals involved in child abuse cases, and (3) to reduce trauma to the child by coordinating victim services and conducting joint videotaped interviews. IAC is comprised of professionals representing all disciplines associated with child abuse cases and was created to achieve these goals.

In 1995, the IAC developed the ***Multidisciplinary Protocol for the Investigation of Child Abuse*** (Protocol) to serve as the model for how child abuse cases should be handled by each discipline. This Protocol is intended to establish the course of action and reference sources for interagency cooperation in the investigation, prosecution, and management of child neglect, physical and sexual abuse cases. To ensure accuracy in regard to changes in law, technology, and community need, the Protocol is revised on an ongoing basis. Free trainings on the Protocol have been and continue to be provided to all disciplines involved. Research has shown that when multidisciplinary Protocols are followed arrest and prosecution rates increase and trauma to the child decreases.

The model set forth by the Children's Justice Project and the Protocol strongly supports and encourages the use of child abuse assessment/child advocacy centers. These specially designed centers help reduce the trauma to the child victim and his/her family by offering investigative and victim service needs at one child-friendly location. These services include, but are not limited to, police and Child Protective Service (CPS) investigations, child-friendly interviews, medical exams, county attorney consultation, crisis counseling, and referrals. The Children's Justice Project is proud that Maricopa County now has five (5) centers to help the children of Arizona:

- The Center Against Family Violence, Mesa, AZ
- The Childhelp Children's Center of AZ, Phoenix, AZ
- The West Valley Advocacy Center, Glendale, AZ
- The Scottsdale Family Advocacy Center, Scottsdale, AZ
- The Southwest Family Advocacy Center, Goodyear, AZ

MULTIDISCIPLINARY PROTOCOL FOR THE INVESTIGATION OF CHILD ABUSE

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I. LAW ENFORCEMENT PROTOCOL

The purpose of law enforcement's response to allegations of criminal conduct involving children is to determine if a crime has been committed and to bring to light those facts and circumstances necessary to successfully prosecute the perpetrator(s) and hold them accountable for their criminal conduct. While pursuing the criminal investigation, law enforcement must be concerned with more than just statutory requirements and case law. Law enforcement personnel must be cognizant of the needs of the victim and their rights as victims of crime, as well as the responsibilities of other organizations involved in the treatment, support and recovery of the victim (for Flowchart of System, see Appendix 2).

Coordination is mandated by law in cases of allegations involving criminal conduct. To this end, police are required to coordinate their efforts with those of DCS, as well as the prosecuting agency. During an investigation, DCS and law enforcement investigators will, as soon as is immediately practicable, share relevant information, maintain on-going contact and monitor and/or participate in forensic interviews conducted by their counterparts.

When DCS receives information regarding an in-progress criminal conduct allegation that indicates a child is in danger, they shall immediately notify the appropriate law enforcement agency using 9-1-1 and follow all applicable provisions of this Protocol.

When the information received by DCS indicates the child is not in immediate danger but nevertheless involves allegations of criminal conduct, DCS shall immediately contact the appropriate law enforcement agency dispatch/communications center (see Appendix 25 for phone numbers) and request notification be made to the on-duty supervisor or appropriate agency section responsible for compliance with this Protocol under the circumstances of the case.

Upon receiving this information, the responsible law enforcement supervisor shall contact the DCS Investigator as immediately as possible and they will coordinate an appropriate response based on: the circumstances of the call; individual agency guidelines; availability of resources; and, the need for a coordinated multi-agency on-scene response consistent with this Protocol. The law enforcement supervisor is responsible for determining whether or not a criminal investigative response will be initiated. If the call alleges the presence of children in an illegal methamphetamine lab operation they will follow the Arizona Drug Endangered Children Protocol (see Appendix 29).

Effective investigation by law enforcement agencies hinges on the establishment of a specialized unit to investigate these violent crimes. Smaller agencies are encouraged to designate a "specialist" if the number of investigations does not warrant a unit. This specialized unit, whether it consists of one part-time or several full-time detective/investigators should: 1) be a voluntary assignment; 2) receive intensive training in the investigation of the neglect, physical and sexual abuse of children; 3) meet the minimum qualifications as set forth in Appendix A, the Interview Protocol for Children; 4) establish and maintain a close working relationship with DCS and the Maricopa County Attorney's Office; 5) have the specialized unit or position a permanent component of the agency and 6) retain trained and skilled detective/investigators/supervisors for as long as possible.

In Maricopa County, six (6) centers have been established. These specially designed centers, which are available for use by all law enforcement agencies, benefit both the investigation and the victim by creating a one stop facility for the investigative process and for crisis intervention. Interview-qualified detectives/investigators may use the child friendly rooms for videotaping victim interviews, or they may request that a dedicated interviewer conduct the victim interview. In certain cases, dedicated interviewers are recommended (see Appendix 1). Another benefit of these centers is that forensic medical exams are offered on site. Medical personnel specializing in the examination and treatment of child abuse conduct these exams. The Maricopa County Attorney's Office and DCS have offices at each center, and are available for questions or referrals. Also, victims are less traumatized by the amiable environment, which provides crisis intervention and referral services to both the victim and his/her family.

If victim hospitalization is not required, it is highly recommended that police departments utilize one of the six (6) centers for the investigation of cases of sexual abuse and cases of physical abuse that require a medical evaluation.

I. Child Sexual Abuse

A. Initial report

1. Patrol officers may establish the elements of the crime and jurisdiction. (Use of the term patrol officer in this Protocol does not override departmental policies that require specified acts or decisions to be made by a supervisor or investigator).
 - a. Patrol officers may interview the reporting source, away from the victim, witnesses, or other reporting sources, in order to:
 - (1) Obtain the facts of the reported crime
 - (2) Determine if the child is in imminent danger
 - (3) Determine if the victim may require medical attention
 - (4) Determine jurisdiction
 - (a) If within departmental jurisdiction or if jurisdiction cannot be determined, continue per this Protocol
 - (b) If not within departmental jurisdiction, patrol officers will document their actions and coordinate with the appropriate jurisdiction.
 - b. Interview-qualified detectives/investigators, DCS investigators, or dedicated interviewers should conduct interviews of the victim utilizing the interview Protocol (see Appendix 1).
 - c. Patrol officers should only interview the suspect if the suspect is present and aware of the investigation. When possible, patrol

officers should get approval of the unit supervisor prior to conducting a suspect interview. If the suspect is not aware of the investigation, the suspect should not be contacted without prior consultation with detectives/investigators.

- d. Patrol officers may conduct limited interviews of child witnesses regarding the incident. In addition, patrol officers should attempt to obtain information such as, full name, date-of-birth, social security number, and other biographical information including where the child witness attends school. When possible, biographical and locating information should not be audio or video recorded.
- e. It is recommended, when resources allow, that child witnesses and any siblings or children within the home be interviewed by interview-qualified investigators, DCS investigators, or dedicated interviewers. The decision whether interviews of child witnesses, siblings, or other children in the home should be conducted by a forensic interview-qualified investigator, DCS investigator, or center interviewer will be made by a supervisor or the investigative detail responsible for investigating child sexual abuse.
 - (1) In making this decision, general limited questions may be asked of the child witnesses, siblings, or other children within the home to determine the nature of the information the child witnesses, siblings, or other children within the home appear to have.
 - (2) If an agency's resources do not allow a forensic interview qualified investigator to conduct these interviews, the agency may contact the nearest advocacy center for assistance (see Appendix 7 or the forensic interview callout list).

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

- a. Assess the need for immediate medical evaluation as the victim may need an immediate forensic medical exam. If a medical evaluation is needed, promptly contact the investigations detail. Note that in cases of sexual abuse in which the incident occurred within the past 120 hours it is imperative that the investigations detail be contacted as soon as practicable, as the victim may need a forensic medical exam, pursuant to the Medical Protocol (section III).
- b. Assess the need for a search warrant. If a search warrant is needed, immediately contact the investigations detail. Investigators may contact the County Attorney's Office in regard to sealing the affidavit of the search warrant.

- c. Assess the need for immediate arrest if the suspect is present. The officer should examine:
 - (1) Danger posed to the victim and the victim's rights as a victim of crime.
 - (2) The suspect's risk of flight to avoid prosecution;
 - (3) The suspect's danger to the community. Patrol officers may consult with the investigations detail or a supervisor, if necessary.
- d. Assess the need for scene preservation and/or photographs;
- e. Assess the need for a detective/investigator to respond to the crime scene, hospital, school or other location;
- f. As soon as law enforcement determines that DCS may also have jurisdiction on the matter under investigation, law enforcement will notify the DCS Hotline, provide the police report number and sufficient information for DCS to coordinate their response with law enforcement.

B. Investigation

The investigation should be conducted by a detective/investigator. The detective/investigator's responsibilities include:

- 1. Interviewing the reporting source to determine the circumstances of disclosure.
- 2. Interviewing the victim:
 - a. Arrange an interview of the victim. The child's interview should be conducted per the Interview Protocol for Children (Appendix 1).
 - b. Coordinate the interview with DCS if they are involved in the case. If a joint interview with DCS is not feasible and the circumstances dictate DCS involvement, the victim interview should be shared with DCS in order to eliminate unnecessary or multiple interviews of the child victim.
 - c. Arrange for a medical examination at a center (see Appendix 7). Detectives/investigators may consult with Maricopa County Attorney's Office to determine the appropriate medical response.
 - d. If a parent or guardian interferes with an interview of the child victim or for other appropriate reasons, the officer/investigator may have

the authority to interview the children utilizing the temporary custody notice (TCN) under ARS 8-821 (*see ARS 8-821*).

3. Conducting crime scene(s) investigation and evidence processing.
 4. Interviewing the family and other witnesses. Obtain dates of birth, social security numbers, and other biographical information including where child witnesses attend school, however, when possible, biographical and locating information should not be audio or video recorded.
 5. Obtaining a copy of the medical examination report and interview medical personnel. Send a copy of the medical examination report to DCS.
 6. Conducting investigative research on:
 - a. Prior convictions of the suspect;
 - b. Prior police reports involving the suspect, victim(s) or witness(es);
 - c. Prior unreported allegations involving the suspect, victim(s) or witness(es); and
 - d. Current and prior DCS reports.
 7. Interviewing the suspect.
 - a. The suspect should be interviewed only with law enforcement personnel present; and
 - b. DCS shall, when possible, be notified of the suspect interview; and should be aware of the content of the suspect interview; and
 - c. The interview should be videotaped or, if not possible, audio-taped.
 8. Determining the need to arrest the suspect based on:
 - a. The need to conduct any further investigation.
 - b. The risk of flight to avoid prosecution; and
 - c. The danger to the community.
- C. Case presentation
1. The case file should include a complete copy of the following:
 - a. Police report; a copy of audio and video recordings; any photographs; and tapes of 911 calls.

- b. All medical records of the child; DCS files on the child and family; prior relevant police reports and any other information obtained during the investigation shall be submitted in a timely manner.
 - c. The case file should include a copy of all non-privileged information from the DCS investigation that is in law enforcement's possession. This should also include any relevant, non-privileged, non-duplicative information concerning the victim or witnesses from the Attorney General Office's file pertaining to the dependency, severance or related investigation or action. Upon request of the County Attorney law enforcement shall obtain the police version of any DCS reports. The appropriate law enforcement investigator should notify the DCS investigator assigned to the case prior to submittal for prosecution to ensure the information above has been provided to law enforcement. The DCS investigator is responsible for facilitating the delivery of the information to the law enforcement investigator in a timely manner.
 - d. The DCS investigator should confirm whether or not the Attorney General's Office has items such as dependency hearing transcripts or depositions. Any questions as to what documents should be included should be resolved by mutual agreement by the Attorney General's Office and the Maricopa County Attorney's Office.
- 2. When possible, if no decision has been reached after 30 days, the reviewing deputy county attorney will notify the investigator and DCS case worker of the status of the case.
 - 3. If the case is filed and:
 - a. The case goes to Grand Jury; when possible, the assigned detective/investigator should present the case at Grand Jury. If he or she does not feel comfortable with presenting the medical evidence, he/she shall notify the deputy county attorney, who can subpoena a physician to the Grand Jury for testimony regarding medical findings.
 - b. The case goes to preliminary hearing, when possible, the detective/investigator or investigating officer may be subpoenaed.
 - 4. If the case is not filed, notification of the decision not to file shall be the responsibility of the County Attorney's Office. The victim's representatives, the investigating officer, as well as DCS should be notified of the decision by the Maricopa County Attorney's Office within 30 days.
 - 5. If a post-filing further is requested and the suspect is in custody, a detective/investigator shall be assigned. All requested information should be presented to the deputy county attorney 24 hours prior to Grand Jury or a preliminary hearing.

6. If the deputy county attorney refers the case back to the law enforcement for further investigation
 - a. The case should be returned to the original case agent, if possible.
 - b. The requested information should be obtained as soon as possible; and
 - c. The Maricopa County Attorney's Office will advise the investigating agency of cases that were furthered and not resubmitted within 30 days.

II. Child Physical Abuse/Neglect

A. Initial report

1. Patrol officers may establish the elements of the crime of physical abuse or neglect, and jurisdiction.
 - a. Patrol officers may interview the reporting source, away from the victim, witnesses, or other reporting sources, in order to:
 - (1) Obtain the facts of the reported crime;
 - (2) Determine if the child is in imminent danger;
 - (3) Determine if the victim may require medical attention; and
 - (4) Determine jurisdiction
 - (a) If within departmental jurisdiction, continue per this Protocol;
 - (b) If not within departmental jurisdiction, patrol officers will document their actions and coordinate with the appropriate jurisdiction.
 - b. Patrol officers may interview the child victim, only if the child is verbal and has not spontaneously provided the following information about the abuse to law enforcement. Only these specific questions should be asked:
 - (1) What happened?
 - (2) Who did this?
 - (3) Where were you when this happened?

- (4) When did this happen?
- (5) Where do you go to school? (This question should be asked off tape)

Patrol officers should document their observations of the child and any spontaneous statements.

c. Patrol officers may interview witnesses. Dates of birth, social security numbers, and other biographical information including where child witnesses attend school should be obtained, however when possible, this portion of the interview should not be audio or video recorded. It is recommended that child witnesses and any siblings or children within the home be interviewed by interview qualified detective/investigators, DCS investigators, or dedicated interviewers.

d. If the suspect is at the scene and:

(1) The child is not taken to the hospital in serious condition the patrol officer may conduct an initial interview of the suspect or ensure that a detective/investigator does so immediately. Obtain the suspect's version of what happened (e.g., determining if it was a discipline measure; if a weapon or instrument was used; or if it was an alleged accident).

(2) The child is admitted to the hospital, a decision as to whether or not the patrol officer may interview the suspect and/or caretaker should be made in consultation with Investigations. The patrol officer should not disclose any medical information to the caretaker(s) regarding the condition of the child or possible mechanisms of injury. The patrol officer should also encourage the medical personnel not to disclose this information until they consult with detective/investigators.

e. Assess the need for scene preservation and photographs.

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

a. Assess the need for medical intervention and ensure that the child is taken to a hospital if necessary. If the child is admitted to a hospital, and in any case requiring medical attention, investigations unit should be notified immediately. Depending on the severity of the injury, this unit could be homicide or the detail handling physical abuse cases in the agency. Patrol officers should consult with the investigations detail on all serious injury physical child abuse cases to assess the need for a forensic medical exam.

- b. Assess the need for scene preservation and/or evidence collection. Consult with investigations regarding search warrants and/or consent searches. If the child or suspect gives information regarding a weapon, instrument, or mechanism of the injury, a search warrant or consent form should be obtained.
- c. Document any physical injury to the child with digital photographs. Photographs should depict the child's entire body and face, not just the external manifestations of abuse. Photographs should include ruler and color bar where possible. In cases of severe physical abuse and/or severe neglect, a consent form or search warrant should be used to obtain photographs or video of the entire household.
- d. As soon as law enforcement determines that DCS may also have jurisdiction on the matter under investigation, law enforcement will notify the DCS Hotline and provide sufficient information for DCS to coordinate their response with law enforcement. (DCS section)

B. Investigation

- 1. Non-hospitalized children (list is not in any priority order)
 - a. A detective/investigator reviews the initial report and continues the investigation by interviewing the family, siblings, other witnesses, etc., as dictated by the facts of the case. If the child victim is interviewed, it should be conducted per the Interview Protocol for Children, Appendix 1.
 - b. If not already done and if appropriate, ~~35 mm or~~ digital photographs are taken to document the abuse. A detective/investigator should ensure that additional follow-up photographs are taken as needed.
 - c. DCS shall be contacted to obtain prior reports and to determine what action DCS is taking on the referral. If DCS is involved, law enforcement shall share information with them.
 - d. The suspect's prior police history should be determined, paying particular attention to assault and domestic violence contacts.
 - e. The investigations unit should obtain relevant medical records on the child and interview appropriate medical personnel.
 - f. A detective/investigator should interview the suspect if not already interviewed. If the suspect has not invoked his/her rights, re-interview to complete his/her account of the events. If the suspect has not already been booked, the detective/investigator shall

assess the risk of flight to avoid prosecution and determine if the suspect should be arrested in light of all the information obtained.

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

2. Hospitalized children (list is not in any priority order)

a. The deputy county attorney on call for physical abuse cases shall be notified as soon as possible on all cases where a child is admitted to a hospital or dies as a result of suspected child abuse.

b. The investigations unit shall assume responsibility for the investigation of all hospitalized child abuse cases as soon as they are notified by the patrol officer.

c. The investigations unit should ensure that the scene(s) is (are) identified and secured pending issuance of a search warrant or signed consent.

d. A detective/investigator shall obtain an initial statement from the most qualified physician (not the intern or resident on duty) as to time frames, mechanisms of injury and symptoms the child would be expected to show, given the injury sustained.

e. Interviews should be conducted with all caretakers, suspects and witnesses, including specialized physicians (e.g., neurosurgeons, pediatric radiologists, etc.). Interviews of the caretakers shall focus not only on the current injury, but also on a thorough background of the child's health and upbringing.

f. All medical records including recent and previous hospitalizations, doctor or emergency room visits by the child should be requested for the investigation.

g. Search warrants are to be utilized, where appropriate, to ensure a thorough scene investigation. Investigators may contact the County Attorney's Office regarding sealing the affidavit of the search warrant.

h. DCS shall be contacted to obtain prior reports and to determine what action DCS is taking on the referral. If DCS is involved, law enforcement shall share information with them.

C. Case presentation

1. The case file should include a complete copy of the following:

a. Police report; a copy of audio and video recordings, photographs; and tapes of 911 calls.

- b. All medical records of the child; DCS files on the child and family including any DCS records in law enforcement possession and police versions of any current and prior DCS reports, prior relevant police reports and any other information obtained during the investigation shall be submitted in a timely manner.
 - b. The case file should include a copy of all non-privileged information from the DCS investigation, including the DCS case file, and any relevant, non-privileged, non-duplicative information concerning the victim or witnesses from the Attorney General Office's file pertaining to the dependency, severance, or related investigation, or action. The DCS investigator is responsible for facilitating the delivery of the information to the law enforcement investigator in a timely manner. The appropriate law enforcement investigator should notify the DCS investigator assigned to the case prior to submittal for prosecution to ensure the information above has been provided to law enforcement. The child welfare investigator or DCS worker should confirm whether or not the Attorney General's Office has items such as dependency hearing transcripts or depositions. Any questions as to what documents should be included should be resolved by mutual agreement by the Attorney General's Office and the Maricopa County Attorney's Office.
- 2. When possible, if no decision has been reached after 30 days, the reviewing deputy county attorney will notify the investigator and DCS investigator of the status of the case.
- 3. If the case is filed and:
 - a. The case goes to Grand Jury; when possible the assigned detective/investigator should present the case at Grand Jury. If he or she does not feel comfortable with presenting the medical evidence, he/she shall notify the deputy county attorney, who can subpoena a physician to the Grand Jury for testimony regarding medical findings.
 - b. The case goes to a preliminary hearing, when possible, the detective/investigator or investigating officer may be subpoenaed.
- 4. If the case is not filed, notification of the decision not to file shall be the responsibility of the County Attorney's Office. The victim's representatives, the investigating officer, as well as DCS should be notified of the decision by the Maricopa County Attorney's Office within 30 days.
- 5. If a post-filing further is requested and the suspect is in custody, a detective/investigator shall be assigned. All requested information should be presented to the deputy county attorney 24 hours prior to Grand Jury or preliminary hearing

6. If the deputy county attorney refers the case back to the law enforcement agency for further investigation:
 - a. The case should be returned to the original case agent if possible; and
 - b. The requested information should be obtained as soon as possible.
 - c. The Maricopa County Attorney's Office will advise the investigating agency of cases that were furthered and not resubmitted within 30 days.

III. Training for law enforcement personnel on crimes against children

- A. In addition to any other training mandated by the agency, law enforcement personnel who in the course of their current duties are required to be a first responder to a reported incident of child abuse/neglect, should have the First Responders Training to Reports of-Child Abuse/Neglect (see Appendix GG) or its equivalent that will include the following topics:
 1. Law Enforcement, DCS and School Sections from the Maricopa County Multidisciplinary Protocol for the Investigation of Child Abuse
 2. Arizona Constitution, Article 2, §2.1 Victim's Bill of Rights, Title 13, Chapter 40
 3. Relevant sections of Title 13 for specific criminal conduct provisions
 4. Relevant sections of Title 8 and Title 1
 5. Scene Preservation – Photos, Evidence Collection, Searches
 6. Temporary Custody Notices
 7. Juvenile Law
 8. Reporting Law
 9. Resources
 10. Arizona Drug Endangered Children Protocol (Appendix JJ)
- B. Law enforcement personnel responsible for continuing an investigation, above or beyond first responders, for a reported incident of child abuse/neglect, should receive the following training and/or its equivalent (see Appendix HH):
 1. Investigation of Physical Abuse Crimes Against Children and Medical Aspects; or

2. The Investigation of Sexual Crimes Against Children; and
 3. Basic Forensic Interviewing; and
 4. Preservation and Collection of Biological Evidence. DNA training – 8 hour course and/or the National Institute of Justice's online course (DNA.gov) or its equivalent.
 5. Interviewing Suspects in Physical and Sexual Abuse Cases.
 6. Confrontation Calls.
- C. Any individual tasked with conducting an interview of a child for the purpose of obtaining evidence/statements for use in judicial hearings/trials, shall have received a 40 hours of training in Advanced Forensic Interviewing. The Children's Justice Task Force Advanced Forensic Interview training meets the standards required. Any equivalent course must address the same standards.

IV. Dispute Resolution

Pursuant to House Bill 2024, Child Abuse Protocols shall contain procedures for dispute resolution among law enforcement, DCS and the County Attorney's Office.

II. DCS PROTOCOL

In 2013, the Office of Child Welfare Investigations (OCWI) was established following the enactment of Arizona House Bill 2721, and derives its statutory authority within Arizona Revised Statutes § 8-471. The office may employ research analysts and peace officers for the purpose of obtaining an originating agency identification number to have direct access to criminal history report information. In 2015, the Department of Child Safety (DCS) was established to replace Child Protective Services and OCWI became an agency within the Department of Child Safety. The Office of Child Welfare Investigations is charged with investigating criminal conduct (CC) allegations of child abuse with the appropriate local law enforcement agency. This chapter outlines the role and responsibility of DCS when conducting a joint investigation of a criminal conduct allegation pursuant to A.R.S. 8-817.

The Child Abuse Hotline receives reports of child neglect and/or abuse twenty-four (24) hours a day, seven (7) days a week and initiates prompt investigation (see Appendix 4, A.R.S. §8-455 and Appendix 3, A.R.S. §13-3620). If the information received indicates that the alleged abuse or neglect is not within DCS jurisdiction, the Hotline will immediately cross report the information to the appropriate law enforcement jurisdiction and will direct the reporter to call the appropriate law enforcement agency. This information shall be reported even if the identify or location of either the victim or person suspected of the abuse or neglect is unknown.

Reporting sources do not need to have answers to all interview questions. If the incoming communication meets the definition of a report, the field unit contact information will be provided to the source and the report will be transmitted to the field unit. The field Supervisor then assigns the report to a DCS Investigator to complete the investigation. A DCS Investigator may be an OCWI Investigator or a Child Safety Specialist with advanced training consistent with A.R.S. § 8-471. A Child Safety Specialist with the training may work the investigation to assist in the child safety assessment and case management.

DCS actions may result in removal of children from the home of the parents/caregivers, and DCS offer an array of supportive services found in the community and information on particular programs to strengthen the family unit. When there are concerns about a child's safety in the home, DCS attempts to engage the child's family to the greatest extent possible in planning for voluntary interventions that minimize intrusion to the family, while ensuring the safety of the child. These alternatives include: developing a safety plan with a safety monitor in the home to ensure child safety while DCS provides additional resources to the family; or the parent or guardian agrees that the child will be placed out of the home by signing a Voluntary Placement Agreement (in a voluntary placement, the child will be placed out of the home with a relative or licensed out-of-home care provider for up to 90 days while the Department works with the family to resolve the safety threats). **When a child is unsafe due to present or impending danger, DCS will take immediate action, which include a protective action plan or safety plan to ensure the safety of the child.**

Pursuant to A.R.S. § 8-821(B), when a child is found to be a victim of criminal conduct or is in present or impending danger or there is no parent/guardian able or willing to provide care for the child, DCS and law enforcement have the authority to remove the child(ren) from the home for up to seventy-two (72) hours excluding weekends or holidays (see Appendix 27). DCS may also remove a child for up to twelve (12) hours to obtain a medical/psychological evaluation in order to make a determination if abuse or neglect has occurred.

If DCS is unable to work with the family to ensure the safety of child(ren) in the home within seventy-two (72) hours (not counting holidays or weekends), then a dependency petition is filed with Maricopa County Juvenile Court. The Juvenile Court Judge has the final decision on making the child(ren) a ward of the court through this process. Once the petition is filed, then a case plan is developed with the parties to promote behavioral changes in the parents, guardian or custodian that will prevent future abuse or neglect of the child. The parents and children are referred to appropriate services, including a referrals to the Regional Behavioral Health Authority (RBHA), Community Providers, and/or DCS to meet their identified needs.

DCS Investigators are assigned reports by their Unit Supervisor. Investigators adhere to the following procedures:

I. Joint Investigation with Law Enforcement

- A. Reports of criminal conduct shall be handled jointly with law enforcement. These reports are designated needing a Priority 1 response (within two hours) or a Priority 2 (within 24 hours) (as designated in Appendix 5 (Hotline Report Decision Tool) because the safety of the child has not been ensured. If a child is or may be present at a methamphetamine lab or similar drug environment, the law enforcement/DCS investigation may be conducted in accordance with the Arizona Drug Endangered Children (DEC) Protocol, which is contained in Appendix 29.
 - 1. When DCS receives information regarding an in-progress criminal conduct allegation that indicates a child is in danger, DCS shall notify the appropriate law enforcement agency using 9-1-1.
 - 2. When information received by DCS indicates the child is not in danger but further investigation is warranted, DCS shall contact the appropriate law enforcement agency dispatch/communications center (see Appendix 25 for phone numbers) and request notification be made to the on-duty supervisor or appropriate agency section where contact will be made.
 - 3. Upon receiving this information, the responsible law enforcement supervisor will contact the Investigator as soon as possible and coordinate an appropriate response based on: the circumstances of the call; individual agency policy; availability of resources; and the need for a coordinated multi-agency on scene response.
 - 4. All other DCS reports will be reported to law enforcement by telephone contact or by forwarding the Police version of the Report Summary to law enforcement.
- B. Joint investigations require a shared, cooperative approach with ongoing consultation, collaboration and communication. DCS and law enforcement investigators, as soon as practicable, will share relevant information, maintain ongoing contact and monitor and/or participate in forensic interviews conducted by their counterparts. During the joint investigation, DCS should notify law

enforcement of all known information, including the filing of a dependency petition, the disclosing of additional incidents of abuse/neglect, and the returning of the child victim to the home or moving the child victim from foster care to relative placement. Coordination will be stressed when the report alleges or the investigation indicates the child is a victim of sexual abuse and/or a criminal investigation of the alleged child abuse or neglect is in progress.

II. Interview Protocol

A. Child interviews (Initial and Investigative)

1. The Investigator and law enforcement will coordinate a joint interview of the child victim and other children in the home, to eliminate the need for multiple interviews.
2. Any interview with a child shall be conducted in compliance with the Interview Protocol for Children (see Appendix 1). Interviews of alleged criminal conduct victims shall be conducted by a forensic trained interviewer.
3. Initial assessments are generally unannounced to maximize the gathering of relevant facts.
4. Initial assessments of alleged child victims will be video and/or audio recorded.
5. If a joint investigative interview is not feasible, information from the victim interview shall be shared with law enforcement.
6. The alleged abusive parent, guardian or custodian shall not be present during the interviews with alleged child victims.

B. Parent/Caretaker Interviews

1. The Investigator shall cooperate and work in conjunction with law enforcement prior to interviewing the parent/caretakers, whenever applicable.
2. On initial contact with a parent/caretaker, the Investigator shall comply with the requirements of A.R.S. § 8-803. While the specific complaint or allegation must be given to the parent/caretaker, the Investigator shall not disclose any information which may impede the investigation.
3. Initial assessments are generally unannounced to maximize the gathering of relevant facts. Arrangements should be made so that the interview is conducted privately.

C. Depending on the needs and facts of the case, the following is the recommended sequence for interviewing:

1. Source of report;
2. Alleged victim if the child's age and intellectual/emotional functioning permit;
3. Siblings/other children in the home;
4. Non-abusing spouse/caretaker;
5. Alleged abusive caretaker; and
6. Other persons who may have information regarding the alleged abuse or neglect, such as school personnel, child care providers, relatives and neighbors.

When an interview is audio or video recorded, the Investigator should indicate in the recording the date, time and location of the interview and identify all persons present.

III. Case Management Protocol

- A. Obtain a medical examination of the child victim following guidelines of the medical evaluation Protocol (see Medical Protocol).
- B. A Child Safety Specialist completes the Child Safety and Risk Assessment. Analyzing the information collected, working with the family to develop an appropriate after care plan, or a case plan if it is determined DCS intervention is needed during the investigation.
- C. Consult with the Unit Supervisor and/or other agency personnel to determine the need to remove the child from the family based upon the information gathered and the safety threat and impending danger to the child. In an emergency, the Investigator will consult with a supervisor immediately after taking temporary custody of the child, and obtain supervisory approval.
- D. Make a finding on the allegations and then notify the parent, guardian or custodian in writing of this information. All proposed substantiated findings will be sent to the Protective Services Review Team, who will notify the alleged perpetrator of their rights.
- E. Include in the case file a copy of all non-privileged information from the DCS investigation, including the DCS case file, and any relevant, non-privileged, non-duplicative information concerning the victim or witnesses from the Attorney General Office's file pertaining to the dependency, severance or related investigation or action. The Investigator is responsible for facilitating the delivery of the information to the law enforcement investigator in a timely manner. The appropriate law enforcement investigator should notify the DCS Investigator

assigned to the case prior to submittal for prosecution to ensure the information above has been provided to law enforcement. The DCS Investigator should confirm whether or not the Attorney General's Office has items such as dependency hearing transcripts or depositions. Any questions regarding what documents should be included should be resolved by mutual agreement between the Attorney General's Office and the Maricopa County Attorney's Office.

IV. Victims' Rights

A. In Arizona, victims of crimes are afforded certain rights which are guaranteed by Arizona Statutes and the Arizona Constitution. This includes the right to be protected against harassment, intimidation, or abuse and to be treated with respect, dignity and fairness, as applicable pursuant to Article II, Section 2.1, Constitution of Arizona.

1. All agencies covered by this Protocol shall ensure that victim's rights are preserved and protected. All agencies must abide by all criminal court orders governing contact between a victim and defendant and protection, including terms and conditions of release.
2. Under Arizona law, victims have a right to privacy. If a defense attorney wishes to interview a victim, he or she must make the request through the prosecutor's office. All agencies must honor this statutorily-required procedure.
3. The release of any records of a victim is governed by Arizona law and precludes the use of a subpoena from a criminal defendant absent an order of the court. Accordingly, any requests for victim records should be brought to the attention of the County Attorney's Office and the assigned case prosecutor.

B. In any case that has been categorized as "criminal conduct" that involves ongoing criminal investigation, or in any case where criminal prosecution is pending, the parallel TDM process as described in the TDM Protocol, shall be used to keep the alleged perpetrator separate from the child.

V. Training

A. A.R.S. §8-817(b) (6) mandates that protocols shall include "the training required for the involved child safety workers, law enforcement officers and prosecutors to execute the investigation protocols, including forensic interviewing skills." Listed below are available trainings that are designed to meet or exceed this legislative mandate. In addition to any other training mandated by the agency, OCWI personnel who in the course of their current duties are required to be a first responder to a reported incident of child abuse/neglect, should have the First Responders Training to Reports of Child Abuse/Neglect or its equivalent that will include the following topics:

1. The Joint Investigation protocols for Maricopa County.
2. Relevant Sections of Title 13

3. Relevant Sections of Title 8
 4. Relevant law enforcement procedures: Scene Preservation – Photos, Evidence Collection, Search and Seizure
 5. Temporary Custody Notices
 6. Juvenile Rights
 7. Reporting Law
 8. Resources
 9. Arizona Drug Endangered Children Protocol
 10. Sex Trafficking Awareness and Intervention Training
 11. A child's rights as a victim of crime under the Arizona Constitution and Title 13.
 12. Forensic Interviewing – basic course
 13. Impact and intervention practices related to adverse childhood experiences, culturally and linguistically appropriate service delivery, domestic violence, family engagement, communication with special populations and trauma informed responses.
 14. Any other training required by law or as directed by the DCS Director.
- B. DCS personnel responsible for continuing an investigation, above or beyond first responders, for a reported incident of child abuse/neglect, should receive the following training or its equivalent:
1. Child Physical Abuse Investigations and Medical Aspects
 2. The Investigation of Sexual Crimes Against Children
- C. Any individual tasked with conducting an interview of a child for the purpose of obtaining evidence/statements for use in preliminary protective hearings or criminal proceedings, shall complete advanced forensic interviewing as described in Appendix 1. The Children's Justice Task Force Advanced Forensic Interview training meets the standards required. Any equivalent course must address the same standards.
- D. A Child Safety Specialist who responds to a report of a criminal conduct allegation, in lieu of an Investigator, shall have the equivalent training of an Investigator. A.A.C.21-4-103. The drafters of this Protocol recognize that DCS often sends out Initial responders to respond who then are also responsible for

the complete investigation of a case. Therefore, in situations where this is the case the agency shall ensure that these initial responders also receive the complete investigative training necessary to perform their duties.

VI. Dispute Resolution

- A. Pursuant to A.R.S. § 8-817(B)(9), Child Abuse Protocols shall contain procedures for dispute resolution among law enforcement, DCS and the County Attorney's Office.
- B. DCS and law enforcement may schedule regular multidisciplinary team meetings. Misunderstandings, incomplete communication, or other issues affecting the joint investigation of criminal conduct may be addressed at these meetings.

VII. Annual Report

Pursuant to A.R.S. § 8-817 (B)(8), DCS shall transmit to the Governor, the Speaker of the House of Representatives, and the President of the Senate, no later than August 14th of each year, a report that includes:

- The number of criminal conduct allegations investigated;
- How many of these investigations were conducted jointly; and
- The reasons why a joint investigation did not take place.

VIII. Definitions

For purposes of this chapter:

- A. "Child Safety Specialist" means
- B. "DCS" means the Department of Child Safety and includes the Office of Child Welfare Investigations.
- C. "Investigator" means persons employed and trained pursuant to A.R.S. § 8-471 to investigate criminal conduct allegations that are within the jurisdiction of the Department of Child Safety.

III. MEDICAL PROTOCOL

Medical personnel have a complex role in child abuse cases. Evidence of child abuse may be detected during an examination or disclosures of abuse may be made to medical personnel. Since medical personnel are mandated reporters of child abuse per A.R.S. §13-3620, this Protocol will outline child abuse reporting guidelines. Patients may also be present for child abuse evaluation. Guidelines for medical evaluation have been addressed for these situations.

Child abuse examinations must be performed by medical personnel who are competent in the forensic exam of children as well as in providing expert testimony in judicial proceedings. It is understood that medical personnel have an obligation to inform the immediate family regarding the health and welfare of the child. However, it is imperative that medical personnel remain objective in the evaluation and not confront the family or speculate on the nature of the injury. The medical personnel should be able to document their education, training and experience in the area of child abuse and neglect. In Maricopa County there are five Child Abuse Assessment/Advocacy Centers staffed by physicians, nurse practitioners, and/or forensic nurse examiners with the necessary qualifications to provide child abuse examinations (see Appendix L), and, when medically appropriate, it is strongly suggested that these exams be conducted at one of the five centers.

I. Presentation of Suspected Child Abuse Cases

Suspected child abuse can be made known to medical personnel by three different means:

A. A parent or caretaker requests a child abuse evaluation:

1. Triage the urgency of medical need, i.e., severe trauma or excessive bleeding vs. minor contusions. A child's physical/medical safety is always the paramount concern.
2. Determine if the police and/or DCS have been notified.
 - a. If notification has been made, re-contact that agency(s) to determine if an officer and/or DCS Investigator will be responding **and** if the agency is requesting that a medical evaluation be performed.
 - b. If notification has not been made, make every attempt to obtain background information on the child and alleged abuse from the parent/caretaker while out of earshot of the child. If further information regarding the abuse is necessary, obtain basic information from the child as outlined below. If

there is reasonable belief to suspect child abuse, a report must be made. See reporting procedure outlined below.

- B. Evidence of child abuse is observed during routine or unrelated exam:
 - 1. Utilize the "obtaining basic information from the child" procedure listed below.
 - 2. If there is reasonable belief to suspect child abuse, utilize the reporting procedure outlined below.
 - 3. Do not notify parent and/or caretaker prior to police and DCS notification. It is understood that the forensic medical professional has an obligation to inform the immediate family regarding the health and welfare of the child. However, it is imperative the medical personnel remain objective in the evaluation and not confront the family or speculate on the nature of the injury.
- C. A child self discloses abuse to medical personnel:
 - 1. Follow the procedure for obtaining basic information from the child as outlined below.
 - 2. If someone reasonably believes child abuse has occurred, a child abuse report must be made. See reporting procedure outlined below.

II. Obtaining basic information from the child:

- A. If possible, find a quiet private spot to talk with the child away from the parent and/or caretaker.
- B. Do not make promises to the child, such as "I won't tell anyone" or "No one will have to go to jail." Simply reassure the child that you will do whatever is necessary to keep them safe.
- C. If the following information has not already been volunteered, ask the child only these four questions:
 - 1. What happened?
 - 2. Who did it?
 - 3. When did it happen?
 - 4. Where did it happen?

- D. Document exact quotes provided by the child.

III. Procedure for Reporting Child Abuse

When a person reasonably believes that child abuse has occurred, a report must be made. The person knowing those facts is required to report those facts to a police officer or to DCS. This Protocol recommends that the report be made by calling both the DCS Hotline (602-530-1832 or 602-530-1831) and the law enforcement agency where the abuse occurred. However, if the report concerns a person who does not have care, custody or control of the minor, the report shall be made to a police officer only. If unsure where the abuse occurred, the report should be made to the agency where the child lives.

A. When reporting to DCS:

1. Document the name of the hotline worker;
2. Document the DCS office to which the case is being assigned, including the supervisor name and phone number;
3. Document the name (or copy the identification) of the DCS employee upon arrival.
4. Document whether the report alleges an instance of criminal conduct.

B. When reporting to law enforcement:

1. Ask if and when the officer/investigator is expected to respond;
2. Document the name and badge number of officer/investigator upon arrival;
3. Document the DR # assigned to the case.

A written report is also mandatory per A.R.S. §13-3620. Sample report forms are provided in Appendix II. Hospitals and medical offices may modify or create their own form provided the pertinent information per the statute is provided. The written report must be sent to DCS within 72 hours. A copy of the report should be mailed to:

DCS, P.O. Box 44240
Phoenix, AZ, 85064-4240

The report may also be faxed to the DCS Hotline at:

(602) 530-1832
(602) 530-1833

This may also be accomplished by handing a copy of the written report to the responding DCS Investigator. Law enforcement officers responding would also find a copy of the written report beneficial if it is available upon their arrival. It should be documented who has received a copy of the report. The original report should be kept on file at the hospital/medical office.

IV. Working in Conjunction With the Child Abuse/Advocacy Centers

It is generally law enforcement who contacts medical personnel from one of the advocacy centers to request a forensic medical evaluation of sexual abuse/physical abuse cases and DCS who contacts medical personnel from one of the advocacy centers for a physical abuse examination. However, either agency may make that referral. Patients throughout Arizona may be seen at the six (6) centers.

As a rule, the medical personnel will not accept a case until there is law enforcement and/or DCS involvement. However, if there is a problem in getting law enforcement or DCS to respond, or if the emergency department/practicing physician believes that a forensic exam should be conducted as soon as possible, then the on-call medical personnel can be contacted for advice (see Appendix 7 for center contact information).

Concerning the issue of the Emergency Medical Treatment and Labor Act (EMTALA), the transfer of a suspected child abuse victim to one of the centers can be done after the medical screening examination (MSE) has been completed. This MSE should generally be an uncomplicated procedure because the majority of child abuse victims do not require emergency medical care. If DCS and/or law enforcement is ready to transport and the MSE is not yet complete then DCS or law enforcement may contact the center's medical personnel for advice. The center's medical personnel may then contact the hospital/medical office physician.

Unless there is concern about significant bleeding, a genital and anal examination should not be done if the case is to be transferred to a center. Also, if the case is to be transferred, total body x-rays (skeletal surveys) should not be done prior to contacting the center's medical personnel. If the patient is going to be admitted to the hospital, it is suggested that one of the center's medical personnel be notified.

Medical records from this incident must be released to law enforcement and/or DCS, per A.R.S. §13-3620(C), upon their written request and signature on a medical release form. The parent/guardian does NOT have to give permission for this release. The release of medical records should also be expeditious, as police and DCS will need the records for their investigations.

V. The Medical Evaluation

The medical evaluation, which primarily addresses the well-being and safety of the child, may also yield legal evidence. Therefore, it is an important part of the evaluation of the child abuse victim. It is possible however; that the physical exam will not prove or disprove that abuse has occurred, especially when the concern is sexual abuse. The majority of "after 120 hour" sex abuse exams are normal, but this does not preclude the possibility the abuse occurred. The most important part of the evaluation is the history given by the child. It is understood that the medical personnel has an obligation to inform the immediate family regarding the health and welfare of the child. However, it is imperative the medical personnel remain objective in the evaluation and not confront the family or speculate on the nature of the injury.

The comprehensive physical exam must be performed by medical personnel who are competent in the forensic exam of children as well as in providing expert testimony in judicial proceedings. These professionals must be able to document their education, training and experience in the area of child abuse and neglect. In Maricopa County there are five (5) centers staffed by medical personnel with the necessary qualifications to provide child abuse examinations (see Appendix 7), and, when medically appropriate, it is strongly suggested that these exams be conducted at one of the five (5) centers.

VI. Sexual Abuse

A. The forensic interview and videotaping:

If conducted at a center, the forensic interview should be done prior to physical examination. Medical personnel conducting the exam should view the interview if possible. The child should not be re-interviewed by medical personnel.

B. The Medical evaluation:

1. Indications for forensic medical examinations:

a. Children who give a history of sexual abuse.

Best practice suggests that children who give a history of sexual abuse occurring any time in the past where there is the possibility that evidence may be found, should be seen for medical personnel, dependant upon the circumstances. Occasionally some personnel will question the need for a medical evaluation if the child is giving a history of minimal sexual contact. It is known that children may under-report the extent of abusive activities at the initial disclosure. Therefore, to decide that a child does not need an exam because there is only a history of exposure or fondling over

clothing, for example, may result in missing physical findings or non-detection of treatable diseases.

b. Sexual abuse/assault within 120 hours:

Children and adolescents, regardless of gender, who have alleged sexual abuse within the previous 120 hours, may need a forensic medical exam to collect specimens and document injuries. This decision should be made in consultation with the available medical personnel from the center. In the event a discrepancy occurs between law enforcement and medical personnel regarding obtaining an exam, the on-call deputy county attorney should be consulted. If an exam is to be completed, the victim should be advised not to bathe, change clothing, etc., prior to the exam.

c. Genital/rectal pain or bleeding:

Children experiencing these symptoms need to be seen as soon as possible so that the site of the bleeding or cause of the pain can be identified. This will help to differentiate accidental from non-accidental injuries and sexually transmitted infections from non-sexually transmitted ones.

d. Sexually transmitted diseases (when there is no disclosure of abuse):

- (1) Gonorrhea, Syphilis, Chlamydia, Trichomonas, Genital Herpes and Venereal Warts. Children diagnosed with these infections definitely need to be seen for a forensic exam, even if the diagnosis/treatment has occurred elsewhere. Any lab reports that exist must accompany the child when he/she is seen.
- (2) HIV Positive. Children who have tested positive for HIV should be seen for an exam if the source of the virus is not known. With respect to perinatal transmission, if the HIV positive child is older than 12 months when the positive status is discovered, it should not be assumed that he/she acquired the virus from the HIV positive mother.

(3) Gardnerella or Monilia. If there is no history or other indication of sexual abuse, children with these infections do not need to be seen for a forensic exam.

(4) Other Genital Infections. For children who have less common infections, the need for an exam can be determined by a discussion with available medical personnel. Girls who have a vaginal discharge need to be medically evaluated as soon as possible to determine the cause of the discharge. This may be done by the child's primary care physician or by available medical personnel from the center.

e. Exhibition of some sexualized behavior without reasonable grounds to believe abuse has occurred.

It is appropriate to refer these children for counseling as a first intervention rather than making a report. The exam can then be done if the child gives a history of molest or if the therapist, after working with the child for awhile, feels that sexual abuse most likely has occurred even though the child has still given no history.

f. Children who are preverbal, non-verbal, or developmentally delayed:

The forensic exam is an essential ingredient of the investigation after a report has been made.

g. Adolescents:

(1) In regard to sexual abuse/assault occurring more than 120 hours prior to the report, children may have evidence of healing trauma and thus a forensic exam may be appropriate after consulting with appropriate medical personnel.

(2) Adolescents disclosing "consensual sex:"

(a) If there is a question as to whether the sexual contact was "consensual" or "non-consensual", a forensic medical exam should be done.

(b) If the victim is under 15 years old, a forensic exam should be done.

- (c) If the youth/victim is age 15, 16, or 17, and the partner/alleged perpetrator is less than 19 years of age or attending High School and is no more than 24 months older than the youth/victim, the on-call deputy county attorney may be contacted for advice. In other cases, a forensic medical exam should be done if the circumstances call for it.

- h. Pregnant teens:

Medical personnel must consider the possibility of sexual abuse in pregnant teen cases and must comply with the mandatory reporting law (see Appendix 3). If the pregnant teen is under 15 years of age, then the medical personnel must make a child abuse report immediately. An abortion should not be done prior to the law enforcement investigation. If an abortion is done, fetal tissue can be used to identify the father of the baby. A forensic exam is not required, unless the circumstances call for it. If the teen is 15 years or older, the situation may still be a reportable offense.

- i. Custody disputes:

One exam is appropriate subsequent to a report being made. However, personnel who deal with abuse evaluations should not be influenced by those parents who want frequent medical exams after visitations, unless, of course, there is an additional history of reasonable concern about sexual abuse.

- j. Molest allegations/concerns during regular medical exams by community/emergency department physicians:

After consideration of history, behavioral changes and examination findings, the medical personnel must make a child abuse report, if there is reasonable suspicion that sexual abuse has occurred. DCS/law enforcement can then request a forensic exam.

- 2. Procedure for forensic medical examination:

- a. These aspects of the exam are pertinent to all cases, regardless of the time interval from the incident.

- (1) A complete medical history (including immunizations) should be obtained from the caretaker and the child. If

the caretaker is not present, then an effort to contact them by phone should be made only with law enforcement and/or DCS approval. This is to ensure that the investigation is not compromised. Medical personnel should, however, convey to law enforcement/DCS any urgent need for the medical history.

- (2) The child should be given a choice of whether he/she would like a supportive person (of their own choosing) in the exam room. If this person is disruptive during the exam, medical personnel may ask him/her to leave.
- (3) After the regular physical examination, carefully examine the genital and anal areas to detect any injury. This must be done with good illumination, and can involve the use of magnification. Photographic and/or video documentation of the genital/anal areas is recommended, but is not required. Medical personnel's primary obligation (keeping in mind the best interest of the child) is to do a thorough and accurate exam of the genital/anal areas; photographs are a secondary consideration.
- (4) Carefully examine the entire body to detect any signs of trauma, neglect, or abnormal medical conditions. Photographic and/or video documentation of any positive findings is recommended. If the law enforcement photographer is not available to do this, then a medical unit should have an appropriate camera.
- (5) Consider testing for pregnancy and sexually (and non-sexually) transmitted diseases, such as gonorrhea, syphilis, Chlamydia, herpes, trichomonas, staph, strep, candida and HIV. These lab tests may be available on site. However, patients thirteen (13) years and older should be offered referral to the Health Department for HIV testing, and thus will have the choice of confidential versus anonymous testing.
- (6) Prepare a forensic medical report. This report should be completed in a timely manner unless a particular lab test result or treatment result (e.g., the opening of a labial adhesion) must first be available.

- b. When the exam is done within 120 hours of the alleged sexual abuse, in addition to the above medical exam procedure, consideration must be given to whether or not a sexual assault examination needs to be done. The sexual assault examination includes (but is not limited to):
 - (1) Paper bagging individual items of clothing separately;
 - (2) Collecting specimens by means of swabs to detect perpetrator body fluids (saliva, semen, etc.);
 - (3) Collecting other debris (trace evidence) which may be present;
 - (4) Collecting reference specimens from the victim (saliva, blood, etc.);
 - (5) Proper drying technique and handling of specimens to prevent deterioration, contamination;
 - (6) Proper packaging and storing of all specimens; and
 - (7) Maintaining the chain of custody.

VII. Physical Abuse and Neglect

A. The forensic interview and videotaping:

If conducted at a child abuse assessment/advocacy center, the forensic interview should be done prior to physical examination. Medical personnel conducting the exam should view the interview if possible. The child should not be re-interviewed by medical personnel.

B. Indications for forensic medical examinations:

Children suspected by DCS, law enforcement or medical personnel of having been physically abused or neglected should have an exam as soon as possible. Children with fairly minor visible injuries may have serious internal injuries (see Appendix M for additional guidelines).

C. Procedure for forensic examinations:

This exam should include:

1. A complete past medical history and the history of the suspected abuse, which should be obtained from personnel who interviewed the child.
2. Inspection of the genital/anal areas with good lighting because children who experience one type of abuse are at risk for all forms of abuse. If the history or exam reveals that sexual abuse is a concern, then the sexual abuse procedure should also be followed.
3. Appropriate lab studies to document the medical conditions caused by injury and to exclude such medical conditions as bleeding disorders.
4. Imaging studies may be indicated to discover and document injuries that are not externally apparent by physical exam. These studies may include radiographs, ultrasound scans, computerized tomography scanning, nuclear scanning, and magnetic resonance imaging. The studies needed in any given case are variable and must be determined on a case-by-case basis. However, x-rays of the entire skeleton are indicated in most children less than two (2) years of age and in selected children over two (2) years old if physical abuse is suspected. It is recommended that these studies be done at hospitals that have a pediatric radiologist.
5. Color photographs should be done to document visible injuries as well as locations where injuries are not present. A measuring device, color scale and identification label should appear in the photograph. If the law enforcement photographer is not available to do this, the medical unit should have an appropriate camera.
6. A forensic medical record must be prepared. This report should be completed on the day of the exam unless an opinion cannot be given until a particular lab or radiology result is available.
7. On occasion, a review of medical records of prior medical care may play an important role.

IV. COUNTY ATTORNEY PROTOCOL

The Maricopa County Attorney's Office has long emphasized a sensitive and coordinated approach to the prosecution of child physical and sexual abuse cases through the establishment of specialized units, including the Sex Crimes East Bureau, Sex Crimes West Bureau, the Family Violence Bureau and the Capital Litigation Bureau.

I. Office Layout and Personnel

- A. The Family Violence Bureau prosecutes all physical abuse cases, including child homicides.
- B. The Sex Crimes East and West Bureaus prosecute sexual crimes against children, including sexual exploitation of a minor and sex trafficking cases. The East and West Bureaus handle cases in their respective areas of the county. Cases investigated by the Maricopa County Sheriff's Office and the Phoenix Police Department are divided between the two bureaus by squad.
- C. Special consideration is given to the selection of the attorneys for the sex crimes and family violence bureaus.
 - 1. All sex crimes and family violence bureau attorneys are carefully chosen for their skills, interest and sensitivity to the myriad of issues surrounding child victims/witnesses.
 - 2. The attorneys are expected to remain current on case law and research on victim and offender related dynamics. They are also expected to be familiar with the medical issues and literature on child sexual/physical abuse.
- D. The family violence bureau attorneys must complete the following training in the specified time periods:
 - 1. Basic Forensic Interviewing Training (within six (6) months);
 - 2. 40-Hour Advanced Forensic Interviewing Training (within one (1) year);
 - 3. Basic Training on Child Physical Abuse (within one (1) year);
 - 4. DNA Training – "Handbook for Prosecutor" from DNA.gov (within one (1) year);
 - 5. The attorney must complete two (2) of the following within two (2) years:
 - a. 24 hours of training on investigation and prosecution of child physical abuse, 16 of which must be offered out of office.
 - b. Investigation and Prosecution of Child Fatalities and Physical Abuse; and

- c. Childproof: Advanced Trial Advocacy for Child Abuse Prosecutors.
 - 6. Because training opportunities vary, the attorney may substitute another similar training for any of the above requirements with bureau chief approval.
- E. The sex crimes attorneys must complete the following training in the specified time periods:
- 1. Basic Forensic Interviewing Training (within six (6) months);
 - 2. 40-Hour Advanced Forensic Interviewing Training (within one (1) year);
 - 3. DNA Training – “Handbook for Prosecutors” from DNA.gov
 - 4. 8-Hour Basic Course of Investigation of Sex Crimes (within one (1) year);
 - 5. 24 hours of training on investigation and prosecution of sexual abuse, 16 of which must be offered out of office. (within first year);
 - 6. Childproof, offered by NDAA (within two (2) years).
 - 7. Because training opportunities vary, the attorney may substitute another similar training for any of the above requirements with bureau chief approval.

II. Duties of the Sex Crimes and Family Violence Bureau Attorney

A. On-Call:

- 1. Attorneys from each bureau rotate the on-call assignment. On-call attorneys assist law enforcement agencies in child abuse investigations.
- 2. The on-call attorney may:
 - a. Visit the scene or observe other portions of the investigation
 - b. Assist in the preparation of a search warrant
 - c. Answer legal inquiries
 - d. Attend the initial appearance, and
 - e. Attend the autopsy

B. Review of Submittals:

The sex crimes bureau will review all investigations submitted by law enforcement agencies involving sexual offenses except for cases that solely involve adult prostitution.

The Family Violence Bureau will review all investigations submitted by law enforcement agencies involving child abuse, child homicide, custodial interference or kidnapping for the possible filing of criminal charges.

1. After the investigation is completed by law enforcement, the police agency submits the departmental report to the bureau for attorney review.
2. Submittals are designated either as "basket" or "in-jail."
 - a. "Basket" submittals are those sent for review while the suspect is out of custody.
 - (1) Aside from the statute of limitations, there is legally no time limit imposed for filing charges on a "basket" submittal.
 - (2) The County Attorney's policy is that "basket" submittals should have a reviewing decision made within 30 days from the date the submittal was received by the Maricopa County Attorney's Office.
 - b. "In-jail" submittals, as the name suggests, are those in which a suspect has been arrested and booked into jail.
 - (1) Charges, via a complaint, must be filed within 48 hours of an Initial Appearance (an Initial Appearance occurs within 24 hours of being booked into jail) in order to maintain the bond or release conditions which were set at the Initial Appearance. The 48 hours does not include weekends and holidays.
 - (2) If charges are not filed within the 48-hour time frame, the defendant will be released from custody. Any bond or other release conditions that have been imposed at the Initial Appearance will be exonerated or otherwise lifted.
 - c. As a practical matter, not all defendants who are arrested will have charges filed.
 - (1) There will be instances where further investigation may be necessary before the case is ready to be filed; or
 - (2) The case may not meet the County Attorney's Office standard for prosecution.

- d. If the suspect has been booked on the charges and the prosecutor will either be furthering the case for additional investigation or not filing the case, the reviewing prosecutor shall attempt to advise the case agent of that decision prior to the suspect's release.

III. Processing Submittals

- A. Once the investigation has been submitted, the bureau supervisor assigns the submittal to a reviewing attorney, who will read the report(s) and decide if the submittal is to be furthered for additional investigation, declined for prosecution or filed.
 - 1. In the Family Violence Bureau, in jail submittals may be staffed with at least one other attorney or with the group at the weekly staffing meeting.
 - 2. In the case of child homicide submittals, both in-jail and basket, the responsible bureau and the investigating agency shall meet to discuss possible charges, investigative needs, and ensure open communication regarding the timing of the filing of the charges.
 - 3. Submittals furthered for more investigation:
 - a. The reviewing attorney will list with specificity the information necessary for prosecution.
 - b. The submittal is then returned to the investigating agency to complete the investigation.
 - c. At this juncture, the law enforcement agency has two investigation options:
 - (1) To complete the investigation; or
 - (2) To inactivate/close the investigation.
 - d. When the requested further investigation is completed, the law enforcement agency may re-submit the report, when appropriate, for the deputy county attorney's review.
 - 4. Submittals declined for prosecution
 - a. The primary reason submittals are declined for prosecution is that they do not meet the office's charging standard: i.e., that the submittal, when viewed as a trial case, has no reasonable likelihood of conviction.

- b. The County Attorney's Office will not reject a case solely on the basis that the victim or victim's family refuses to cooperate with prosecution.
 - c. In Family Violence, when the reviewing attorney determines that the submittal is inappropriate for prosecution, a supervisor or other attorney at the supervisor's request shall review the submittal upon request to make an independent judgment whether prosecution should be declined.
 - d. In Sex Crimes, when In the Sex Crimes Bureau, no case may be turned down without the concurrence of another attorney.
 - e. If there is a difference of opinion between the two reviewing attorneys as to whether the submittal should be declined or filed, the submittal will be staffed by a quorum of the sex crimes/or family violence bureau attorneys and/or reviewed by the bureau supervisor.
5. If the consensus is to decline prosecution:
- a. A letter indicating that decision will be mailed to the victim and/or the victim's lawful representative (i.e., parent or guardian) by the County Attorney's Office.
 - b. A letter to law enforcement indicating the decision not to file shall be sent within 30 days.
 - c. The victim or the victim's lawful representative has the right to confer with the initial reviewing prosecutor regarding the decision not to prosecute.
 - d. All submittals that are not filed may be re-evaluated if new evidence is presented.
 - e. Beginning in 2001, there is no Statute of Limitations for any class 2 felony sex crimes (chapter 14 or 35.1). The Statute of Limitations for other felonies allows for a prosecution up to seven (7) years from disclosure of the crime (see A.R.S. §13-107).
6. If a submittal is appropriate for prosecution:
- a. The deputy county attorney shall issue appropriate charges.
 - b. A probable cause determination must be made through either a Preliminary Hearing or a Grand Jury.

- c. A deputy county attorney may choose to send a case to a Preliminary Hearing if it is likely to be easily resolved through plea negotiations.
- d. Other cases will be taken to the Grand Jury. Grand Jury proceedings are not open to the public, and they do not subject the victim to the stress of testifying.
- e. The County Attorney's Office shall notify law enforcement of the decision to file.

IV. Vertical Prosecution – A Team Approach

- A. The County Attorney's Office utilizes vertical prosecution within a team approach in child sexual abuse, child physical abuse and homicide cases.
- B. Regardless of which bureau prosecutes the case, the County Attorney's policy is to use a team approach to prosecution. The team consists of the deputy county attorney, county attorney investigators, victim advocates, legal assistants, legal secretaries and outside agencies, such as law enforcement, and DCS.
 - 1. County attorney investigators may be utilized to assist the prosecutor once a case is filed and will comply with the requirements in Appendix 1 prior to interviewing a minor
 - 2. Victim advocates act as liaisons between the deputy county attorney and the victim or the victim's representative. The deputy county attorney, in conjunction with the victim advocate, will work with the victim, parent, guardian ad litem or the victim's attorney on the case.
 - 3. Legal assistants help in the research and preparation of motions regarding special issues surrounding child sexual and physical abuse prosecutions.
 - 4. DCS is an independent State agency that deals with civil issues involving the child victim. If a case involves DCS intervention, the deputy county attorney will attempt to work with the assigned investigator and/or caseworker, recognizing that the goals for the case resolution of the two agencies are not necessarily the same.
 - 5. Prosecution is a team effort among the investigative agency, the prosecutor, the victim advocate, the victim and the witnesses. All members of the team are under a continuing obligation to exchange information about the case. The assigned detective/investigator should assist prosecution during the trial.

V. Case Dispositions – Change of Plea or Trial

- A. Once the case is assigned to a deputy county attorney, the attorney and/or the victim advocate will contact the victim as soon as practicable to discuss the process and obtain input as to a possible disposition.
1. Sex crimes and family violence cases are staffed for disposition. A case is staffed by the deputy county attorney, the supervisor and at least one other attorney.
 2. Plea guidelines as well as prior case dispositions will be utilized in making plea offers in order to provide consistency of dispositions among similar cases.
 3. Serious physical injury cases utilize office plea guidelines, but the child abuse prosecutor manages the case disposition based on the specifics of the case.
 4. While not all cases are appropriate for plea offers, the majority of cases will involve an offer to plead guilty to a lesser sentence. Plea dispositions are advantageous because they ensure finality for the victim, a judgment of guilt by the court, an admission of wrongdoing by the defendant, and an order of restitution for damages incurred by the victim.
 5. In child sexual abuse cases that involve more than one count, it is anticipated that any plea offer will include lifetime probation. Lifetime probation may be imposed even in cases that include a term of imprisonment.
 6. The County Attorney's Office has policies that dictate how soon a plea offer should be extended and when it should be revoked.
 7. The offer decided at the staffing will then be communicated to the victim via the victim advocate or the attorney. It is the duty of the County Attorney's Office to see that justice is served in the handling of criminal cases. In that endeavor, it is recognized that the opinion of the victim as to what is just in their case may differ from the views of this office.
 - a. If the victim's view of a disposition diverges from the staffing offer, he or she shall be given the opportunity to discuss their disagreement with the deputy county attorney and, if necessary, with the bureau supervisor.
 - b. If the difference of opinion is still not resolved, the victim has the right and opportunity to notify the pre-sentence probation officer and the court of their opinion.
 - c. Final disposition of a disputed negotiated plea rests with the discretion of the court to either accept or reject the plea offer.

- B. If a case cannot be resolved by way of Change of Plea, the case is set for trial. The Maricopa County Attorney's Office recognizes that many victims and/or their lawful representatives are apprehensive about testifying. Trial apprehension is caused by:

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

VI. Trial Disposition – Trial and Victim Preparation

- A. Trial preparation is the responsibility of the deputy county attorney.
1. The deputy county attorney should meet with the victim in order to acquaint the victim with the trial process.
 2. The deputy county attorney should strive to develop rapport with the victim.
 3. The deputy county attorney along with the victim advocate may initially meet with the victim in his or her own home or another place where the victim feels comfortable.
- B. Victim preparation is the responsibility of the deputy county attorney with the assistance of the victim advocate.
1. In all but very rare cases, the victim will be required to testify in court if the matter proceeds to trial.
 2. Prior to the trial, the victim will be taken into a courtroom and the deputy county attorney and/or the victim advocate will explain courtroom protocol and procedures to the victim. The victim will also be given the opportunity to attend the "Kids in Court" program (see Kids in Court Program Overview).
 3. The deputy county attorney is aware that the courtroom may be intimidating to the child/victim.

- a. In appropriate cases, the deputy county attorney will request adaptation of the courtroom in order to fit the victim's needs or pursue videotaped or closed circuit testimony.
- b. When handled properly, trial testimony can be a powerful aid to the victim recovery process.
- c. The deputy county attorney takes an active role in the victim's recovery process by the manner in which he/she handles a case destined for trial.
 - (1) If requested to do so, the deputy county attorney will assist the victim in selecting a support person to be present during the victim's testimony, in addition to the victim advocate. The support person cannot otherwise be a witness in the case because he or she will be unable to be present with the victim in the courtroom, unless he or she is the victim's legal representative.
 - (2) In appropriate cases, the deputy county attorney will notify the victim of the County Attorney's Office K9 Victim Support Program. This program consists of specially trained facility dogs and their handlers. These dogs are available to attend court hearings as well as pretrial meetings with victims and child witnesses.
 - (3) The deputy county attorney will seek appointment of an interpreter or guardian ad litem for a victim in appropriate cases.
- 4. Prior to trial, the deputy county attorney or the victim advocate will discuss the possible outcomes of the trial with the victim and the victim's representative.
- 5. At the option of the victim, he or she may submit to an interview by the defense attorney.
 - a. The deputy county attorney will be present at the victim's request and will actively participate in the interview.
 - b. The deputy county attorney will make necessary arrangements for any reasonable conditions requested by the victim, including:
 - (1) The presence of the victim advocate who acts as a support person for the victim, or
 - (2) The presence of another support person
 - (3) The presence of a K9 Victim Support Program dog.

- c. The deputy county attorney or his/her representative will arrange defense interviews of witnesses at the defense's request.
 - (1) The deputy county attorney or his/her representative will be present and will record the interview.
 - (2) The victim advocate will arrange interviews with victims, their family members, and any special needs witnesses.
- C. The County Attorney's Office recognizes that child sexual and physical abuse cases often require retention of expert witnesses.
 - 1. In those cases, the County Attorney's Office will pay reasonable fees for that expertise.
 - 2. Professionals are required to testify because they are material witnesses (i.e., they have seen and evaluated the child or are involved in the case within their professional capacity) rather than expert witnesses. In such situations, the professional is not entitled to expert witness compensation.
 - 3. Expert and professional witnesses often have scheduling difficulties. The deputy county attorney shall strive to give adequate notice of a pending trial date to these witnesses, recognizing that court delays occur for reasons beyond the deputy county attorney's control.
 - 4. Special consideration will be given to the experts and professional witnesses to accommodate their schedules in coordinating a time for their testimony. Obvious constraints are imposed on the prosecutor, but efforts will be made to minimize the inconvenience to the expert or professional witness.

VII. Jury Verdicts

- A. Once the case has been presented and the jury returns with a verdict, the deputy county attorney and/or the victim advocate will inform the interested parties and team members of the case outcome.
 - 1. A jury has three (3) options in reaching a verdict on any of the charges;
 - a. Not guilty, in which case the defendant is acquitted, charges are dismissed and defendant is free from future prosecution on that matter;
 - b. Guilty, in which case the defendant is bound over for sentencing; or
 - c. "Hung Jury" in which case the jury was unable to reach a unanimous verdict as to the defendant's guilt or innocence.

- (1) Officially, this results in a mistrial, and the case is reset for trial. The case may be re-tried, resolved by plea, or dismissed.
- (2) It is the deputy county attorney's responsibility to consult with and keep the victim informed of the decision regarding the final disposition of the case.

VIII. Sentencing

- A. If the defendant pleads guilty or no contest, or if the jury finds the defendant guilty, the deputy county attorney and/or the victim advocate will inform the victim of the sentencing procedure.
- B. The sentencing date is generally 30 to 60 days after conviction.
- C. The duties of the deputy county attorney include:
 1. Submitting to the adult probation officer an adult probation packet, which includes:
 - a. The departmental reports;
 - b. The indictment, information, or complaint;
 - c. Copy of the plea agreement (when applicable);
 - d. Victim's contact information;
 - e. Other relevant information; and
 - f. The deputy county attorney's sentencing recommendation unless the deputy county attorney chooses to withhold a recommendation until the time of sentencing.
 2. Informing the victim of his/her right to restitution and the right to seek a criminal restitution order.
 3. Informing the victim of sentencing procedure options, such as:
 - a. The defendant may seek a continuance of the original sentencing date in order to present mitigating evidence;
 - b. The State may seek a continuance in order to present aggravating evidence; or
 - c. Either side may request a mental health examination under Rule 26.5, Arizona Rules of Criminal Procedure.

4. Informing the victim of his/her sentencing options at the sentencing proceeding:
 - a. The victim or the victim's lawful representative has the right to be present at the sentencing;
 - b. The victim or the victim's lawful representative has the right to address the court.
5. Assisting the victim in addressing the court.
 - a. The deputy county attorney may request of the court that the matter proceed in chambers.
 - b. The deputy county attorney or victim advocate may assist the victim in preparing a written statement to present to the court.

IX. Post Conviction Relief and Appeals

- A. The deputy county attorney and/or the victim advocate will explain to the victim and his/her representative the possibility of a review via petition for Post-Conviction Relief (PCR) or an Appeal.
 1. PCR is a legal review of the Change of Plea proceeding. PCR's are handled by the Maricopa County Attorney's Office Appeals Division.
 2. An appeal is legal review of the trial proceedings. Appeals are handled by the Attorney General's Office.

X. Dispute Resolution

- A. Pursuant to A.R.S. § 8-817, child abuse protocols shall contain procedures for dispute resolution among law enforcement, DCS and the County Attorney's Office.

V. VICTIM RIGHTS AND SERVICES PROTOCOL

The Maricopa County Attorney's Office Victim Services Division is a prosecutor based victim assistance program. Advocates assigned to the major crimes bureaus and juvenile bureaus assist victims of child physical and sexual abuse during the course of prosecution. After a defendant has been charged or arraigned on a felony offense, a victim advocate is assigned to the case. Advocates provide criminal or juvenile justice system information and support, advocacy, and social service referrals to assist the victim's emotional recovery from the crime.

The primary role of the advocate is to provide information and assistance to the victim and the victim's family. If the advocate were to question the victim or victim's family about the facts of a case, the advocate would put him/herself in the position of being a potential witness, which would preclude the advocate from being with the victim or the victim's family in the courtroom. Therefore, the victim advocate does not discuss the facts of the case with the victim or the victim's family. If a child victim starts to disclose any information regarding the facts to the advocate, the advocate will explain to the child victim the need to provide the information to the assigned detective/investigator. Advocates provide the following services to victims of offenses prosecuted by the Maricopa County Attorney's Office:

- I. Criminal or Juvenile Justice System Information
 - A. Advocates provide the victim or the victim's lawful representative the following:
 1. Information about the charges filed against the defendant and his/her custody status;
 2. Information about the various steps a case will take as it progresses through the justice system, up to and including sentencing;
 3. An explanation of the victim's rights, and if the victim and/or their lawful representative wishes to exercise their rights, the advocate will assist them in doing so;
 4. Notification of court dates if the victim and/or the victim's lawful representative elects to exercise their rights; in cases where the victim is in the care/custody of DCS and/or has a guardian ad litem, the advocate will keep the DCS Investigator and/or the guardian ad litem informed of the ongoing status of the case if they have requested to be notified;
 5. A more detailed explanation of the various court proceedings, what those proceedings mean, what could possibly happen during the proceedings, as well as advising the victim and/or the victim's lawful representative of their options as criminal justice events occur;
 6. *If funding is available*, transportation arrangements for in-state or out-of-state travel for the victim and/or the victim's lawful representative if they are needed for interviews, court appearances, etc;

7. Information about the pre-sentence report and facilitation of the victim's and/or the victim's lawful representative's input into the report; this includes scheduling an interview for the victim with the adult probation pre-sentence investigator prior to sentencing; and
8. Information regarding the victim's and/or the victim's lawful representatives' post conviction notification rights; this includes advising the victim and/or the victim's lawful representative on how to obtain information about the defendant's custody status.

II. Supportive Services

- A. Victim advocates provide the following supportive services when appropriate, during the course of prosecution:
 1. The victim advocate may initially meet with the victim in his or her own home or another place where the victim feels comfortable, to establish rapport with the victim and his/her family, to assess family dynamics, and to assess the need for counseling referrals;
 2. Assisting the victim and/or the victim's lawful representative in understanding how the crime has affected him/her emotionally, helping to relieve any anxiety associated with his/her participation in prosecution, and helping the victim or the victim's lawful representative understand what will happen with the case and how events may impact them;
 3. Scheduling an interview with the defense attorney, if the victim or the victim's lawful representative has agreed to be interviewed or has agreed for the victim to be interviewed, at the victim's or the victim's lawful representative's convenience, and accompanying him/her to the interview to provide emotional support. This includes providing them information on interview Protocol;
 4. Acting as an emotional support for the victim and/or the victim's lawful representative by attending court proceedings with him/her and explaining those proceedings;
 5. Providing continuous, on-going short term counseling and crisis intervention for the victim throughout the prosecution of the case, and assisting him/her in all that happens during his/her involvement with the criminal or juvenile justice process;
 6. Providing available emergency assistance for victims, if requested and if they qualify, for assistance with lunch money for children who must appear in court, clothing, and shelter;
 7. Addressing any concerns that the victims may have regarding their safety and that of their family throughout the criminal justice process, and taking appropriate action to ensure their safety;

8. Providing a comfortable waiting area for victims to use during court proceedings away from and out of sight of the defendant and defense witnesses; and
9. Providing the victim and/or the victim's lawful representative with a courtroom preview prior to trial. This may be done with or without the deputy county attorney, depending on the circumstances.

III. Advocacy

A. The victim advocate advocates on the victim's behalf by:

1. Acting as a liaison between the deputy county attorney prosecuting the case, and the victim and/or the victim's lawful representative by facilitating communication between the two;
2. Keeping the prosecutor apprised of the victim's well being, the victim's and/or the victim's lawful representative's opinion regarding prosecution, and the victim's expectations concerning the final disposition of the case;
3. Helping the victim and/or the victim's lawful representative exercise their rights, including facilitating the victim's wish to make an oral statement to the court regarding pleas, continuances, or sentencing; and
4. Acting as a liaison between the victim and/or the victim's lawful representative and his/her school, employer, landlords, or others to minimize hardships arising from the crime or the victim's participation in prosecution.

IV. Social Service Assistance

A. The victim advocate provides social service assistance by:

1. Providing referrals for counseling, housing, financial assistance, food assistance, or other social service needs; and
2. Providing referrals to the Maricopa County Attorney's Victim Compensation Bureau for assistance with compensable expenses.

V. Special Services for Child Victims and Witnesses

A. In addition to the above, victim advocates will provide the following for child victims and witnesses:

1. Ensuring that all communication with the child is in age appropriate language;

2. Assessing and advising the deputy county attorney of the child's development and communication skills in order to facilitate the deputy county attorney's ability to effectively communicate with the child;
2. Scheduling the child to attend the "Kids in Court" program if it is expected that the case will proceed to trial and if the child wishes to participate; and
3. Providing information to the victim's custodial non-offending parent(s) to facilitate their ability to help the child.

VI. In Arizona, victims of crimes are afforded certain rights which are guaranteed by Arizona Statutes and the Arizona Constitution.

- A. All agencies covered by this Protocol shall ensure that victim's rights are preserved and protected. All agencies must abide by all criminal court orders governing contact between a victim and defendant and protection, including terms and conditions of release.
- B. Under Arizona law, victims have a right to privacy. If a defense attorney wishes to interview a victim, he or she must make the request through the prosecutor's office. All agencies must honor this statutorily-required procedure.
- C. Arizona law establishes a legal privilege between a crime victim advocate and a crime victim. The privilege is held by the crime victim and as such, except for limited circumstances, a victim advocate shall not disclose any communication, between the advocate and the victim, unless the victim consents to the disclosure. Any communication that contains exculpatory evidence or which causes an advocate to reasonably believe that the victim has committed or will commit perjury is not privileged and will be disclosed to the assigned prosecutor. (A.R.S. 13-4430)
- D. The release of any records of a victim is governed by Arizona law and precludes the use of a subpoena from a criminal defendant absent an order of the court. Accordingly, any requests for victim records should be immediately brought to the attention of the County Attorney's Office and the assigned case prosecutor.

VI. JUDICIAL PROTOCOL

Testifying in court is an emotional experience for most adult witnesses. For a child it may be a frightening experience. In some cases there is a need to adjust the courtroom for the needs of children. The Rules of Evidence give the court broad discretion to meet those needs and to promote the search for truth. It is important for judges to take a proactive role when it comes to children in the courtroom as justice in many cases depends on common sense sensitivity to the need(s) of child witnesses.

The following outline provides some guidelines for judges to follow in accommodating children as witnesses in a criminal justice system that is set up for adults. Many of these suggestions will depend on the individual circumstances of the particular child witness. The court and the prosecution should always be aware of the dangers in creating error when special procedures are used which may affect the defendant's rights.

I. Judicial Training

Judges should receive specialized training on developmental issues relating to child witnesses, child hearsay exceptions, closed circuit television and videotape testimony, propensity testimony, child pornography, child exploitation, cycle of domestic violence, DNA and other medical or scientific evidence, the use of experts as witnesses, and other acts committed by the defendant.

II. Language Abilities

Judges should ensure that the child understands the questions being asked in court by requiring attorneys on both sides to use age appropriate language and to avoid complex/compound sentences.

- A. When administering the oath to a young child, an age appropriate oath shall be administered such as a promise to tell "what really happened."
- B. Arizona law provides that every person is competent to be a witness. Thus, there is no need for a separate competency hearing. (See A.R.S. §13-4061) If a judge decides to conduct a competency hearing the prosecutor should be allowed to conduct the questioning.
- C. Arizona law prohibits psychological exams to determine credibility.

III. Attorney Conduct

- A. The court should set ground rules for attorneys interact with child witnesses. Attorneys should be instructed to:
 - 1. Use normal, conversational tones;

2. Avoid lengthy objections (objections should be handled away from child);
3. Remain in a neutral location while questioning the child. (This is especially important if a defendant represents himself); and
4. Consider a crime victim's right to privacy regarding addresses and phone numbers.

IV. Reducing Courtroom Trauma

A. The court should consider:

1. Allowing a support person or a courtroom dog to be nearby/next to the child;
2. Allowing the child to hold a blanket, a stuffed animal, a doll, or other small comforting object;
3. Providing a small table and chairs for testimony rather than the witness stand in some cases;
4. Providing a pillow or booster chair for the witness chair;
5. Allowing the child to view the actual courtroom where the child will testify;
6. Letting the bailiff provide water and tissue to the child, and adjusting the microphone for the child;
7. The child's schedule or daily routine when scheduling the child's testimony;
8. Clearing the courtroom of spectators other than the press upon proper findings of necessity;
9. Letting the child know it is okay to tell the judge if he/she doesn't understand a question; and
10. Providing a separate space for the child victim/witnesses and his/her family from the defendant and non-supportive family, etc.

- B. The court should be aware of:
 - 1. Younger children's reduced attention spans and the need for breaks. The court should provide opportunities for the child to use the restroom; and
 - 2. Signs of distress in the child.
- C. Unless the prosecutor or victim specifically requests otherwise, changes of pleas and sentencings should be done in the courtroom instead of in chambers so that the victim(s) need not be in close proximity to the defendant.
- D. In cases where a defendant is representing himself, consider special accommodations, such as having the defendant write out the questions that an advisory counsel would ask or the use of video or closed circuit TV. The court must make case specific findings as to the necessity of such accommodations.

V. Priority Case Scheduling

It is important that the prosecutor establish good communication with the child. Therefore, do not assume that prosecutors can be interchanged. Judges should provide for flexibility to take the child's testimony out of order if this best suits the child. Judges should also consider scheduling child victim cases on a priority basis when the prosecutor files a certificate of special public importance pursuant to A.R.S. § 13-123.

VI. Victim's Rights

Upon request, the victims or victim representatives are to be heard at release, change of plea, and sentencing hearings.

- A. Conditions of release terms should be explicit as to whether the defendant is prohibited from phone, personal, or written contact and whether the defendant is prohibited from being in the victim's neighborhood and/or workplace;
 - B. If the defendant is released pending trial, the court should order the defendant to be supervised by pretrial services even if the defendant posted a bond.
 - C. DCS should be endorsed on all minute entries in cases in which DCS has an open case involving the child crime victim. In such cases, copies of the release conditions should also be provided to DCS.
- VII. When allegations

of child abuse arise during a judicial proceeding, judges should consider referring the investigation of these allegations to the proper authorities.

VIII. Guardian Ad Litem

Where it appears that the child victim's rights as a victim of crime are not being adequately asserted by the parent, custodian, or guardian, the court should appoint a guardian ad litem charged with asserting the child's rights as a victim of crime.

VII. MENTAL HEALTH INTERVENTION PROTOCOL

Mental Health professionals should be advocates for victims and children. As such, they may provide primary therapeutic intervention, support to families, relevant information about child abuse, and be a source of referral for child abuse allegations because of their contact with children and their families. A primary concern of the mental health professional is to prevent re-victimization of the child. It may be the therapist who hears the initial disclosure, either directly from the victim or indirectly from a third person. Since reporting of child abuse is mandatory for mental health professionals, it is incumbent upon the professional to be familiar with current theory and research on child physical and sexual abuse.

The Arizona mandatory reporting law, A.R.S. §13-3620 (see Appendix C), requires that mental health and social service professionals, and other persons having responsibility for the care or treatment of children, who reasonably believe that a minor has been the victim of physical injury, abuse, child abuse, a reportable offense or neglect, are mandated to report the matter immediately. "Reasonably believe" for reporting means 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 immediately report those facts to a police officer or to CPS. However, if the report concerns a person who does not have care, custody or control of the minor, the report shall be made to a police officer only. When in doubt, make the report to both agencies.

The statute also states that anyone who reports a case of suspected child abuse is immune from liability in any civil or criminal proceeding resulting from the report unless the reporter has been charged with or is suspected of committing the abuse, or is acting with malice. Mental health professionals are responsible for maintaining current awareness of any statutory changes that may occur in the reporting law.

Every mental health agency needs to establish a procedure for following the mandatory reporting law. Every mental health practitioner should be familiar with the specific reporting requirements as defined by the professional standards of his/her governing board (i.e. psychiatrist, psychologist, counselor, social worker, etc.). This Protocol provides guidelines as to how mental health professionals can best fulfill their legal and professional mandates, while working in conjunction with the agencies responsible for the investigation of child abuse cases.

I. Agency Responsibilities

- A. Mental health agencies should each designate a child abuse coordinator. The child abuse coordinator, henceforth in this document to be referred to as coordinator, should potentially be the clinical director and/or clinical supervisor. The coordinator should receive the following training:
 - 1. Mandatory Reporter Training
 - 2. Multidisciplinary Protocol Training
 - 3. Introduction to Advocacy Centers
 - 4. Understanding the Importance of Limited Interviews

5. Indications of Child Abuse

The coordinator will provide support and assistance to the therapist/employee who received the initial disclosure through the child abuse reporting process. An alternate coordinator should also be designated in order to assist in the absence of the primary coordinator.

Please note that in the case of a private practitioner, the therapist will be solely responsible for all steps of reporting described herein.

- B. Mental health agencies should authorize yearly training on child abuse for the entire staff. The coordinator shall make every effort to work with the Children's Justice Coordinator to authorize and set yearly training for the entire mental health agency staff.
- C. Mental health agencies should adopt a standardized, child abuse reporting form to be utilized for the mandatory written report. A sample is included in the appendix of this Protocol (see Appendix II). Agencies may adopt the sample provided or may create a form that provides the necessary information.
- D. The limitations to confidentiality should be discussed during the therapist's intake session. The mental health agencies need to educate the client/child and parent(s) about the limitations to confidentiality. The limitations include but are not limited to: safety of self, safety of others, and report of alleged child abuse (see Appendix 3).

II. Receiving the Initial Disclosure

- A. Child's self disclosure
 - 1. When it appears that a child is disclosing information about possible abuse, the professional receiving such information should listen and ask no leading questions. If the child does not spontaneously provide the information, the following questions should be asked:
 - a. What happened?
 - b. Who did it?
 - c. Where were you when it happened?
 - d. When did it happen?
- B. No further questioning by the mental health professional should be done at this time. If the child has spontaneously answered any of these four questions, do not ask that question. Document verbatim statements in writing, using quotes, from the child's disclosure. It is not necessary to make any video/audio recording, the

therapist's primary role is to treat the child and not investigate the allegations. If you make an electronic record, you and your record are likely to be subpoenaed.

- C. Once the initial disclosure has been made, further questioning or interviewing of the child should be done only by the investigating professionals. Further questioning may contaminate the forensic interview and/or create additional trauma for the child. There are centers available where victim interviews meet the requirements of both criminal and CPS investigations and are conducted by specially trained interviewers (see Appendixes A and L). These interviews are video and/or audio taped and become forensic evidence. This reduces the need for repeated interviews of the child victim.

- D. Disastrous response to disclosure is one of the greatest trauma triggers.

Do NOT make 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, etc.

Do NOT make any assumptions.

Do NOT minimize the effect that the offender's action will have on the child.

II. Observations of injury and/or unusual behavior

- A. Mental health professionals should be observant of bruising, injury, markings, or unusual behavior that may be the result of abuse or neglect.
- B. A person observing the injuries or unusual behavior may ask the four questions listed in the previous section to attempt to ascertain the cause of injury. If the child's responses lead to the suspicion of abuse, report this to law enforcement and/or CPS Hotline.
- C. If the teen is 15 years or older, the situation may still be a reportable offense. Mental health professionals must consider the possibility of sexual abuse in pregnant teen cases and must comply with the mandatory reporting law (see Appendix 3).

III. Third Party Report of Abuse

If a third party informs the mental health professional that a client/child may be the victim of abuse or neglect, the third party should be encouraged to make a report. However, it will still be the mental health professional's responsibility to make a report to law enforcement and/or the CPS Hotline.

IV. Reporting Child Abuse

When a mental health professional reasonably believes that a minor has been the victim of abuse, he/she should:

- A. Notify the agency's coordinator or, if unavailable, a supervisor of the disclosure. If there are questions as to whether information received constitutes abuse and should be reported, contact the CPS Hotline at 1- 888 – SOS – CHILD (or 1 – 888- 767 – 2445) and they will advise.
- B. With assistance from the coordinator, report the suspected abuse immediately to the law enforcement agency in the jurisdiction where the offense took place. If the report concerns a person who has care, custody or control of the minor also call the CPS Hotline. Notify the agencies if reporting to both CPS and law enforcement.
- C. Remember that it is ultimately the responsibility of the person receiving the initial disclosure, making the initial observations, or receiving the third party report of abuse to make a report to the proper authorities. The person receiving the disclosure should not assume that the coordinator or other mental health agency staff has made the report.

IV. Therapist's Responsibilities

- A. The therapist's primary goal is to facilitate healing in the child who has been victimized. This may include working with family members to negotiate changes in the child's environment, assisting the family in aligning with the victim to provide emotional support and protection, and assisting in minimizing secondary trauma during the legal process.
- B. In this role, the therapist should delay primary trauma intervention until after the forensic interview and investigation has been completed by the appropriate agency. In the interim, supportive therapy should be provided. Examples of supportive interventions- include:
 - 1. Coordinating care with the law enforcement case agent, legal professionals, DCS caseworkers, and other members of the team.
 - 2. Encouraging the child's parent or caretaker to not allow contact between the victim and alleged offender. Coordinating with law enforcement and legal partners as needed to assure no contact.
 - 3. Taking appropriate steps to ensure the safety of other children in the home. Working with the team and parents to educate about safety and supervision of the other children.
 - 4. Stabilizing the victim's environment by supporting removal of the alleged offender.
- C. Mental health professionals, who prefer not to work with child abuse victims, or lack expertise in this area, may also contact the Maricopa County Attorney's Victim Services Division or the Victim Compensation Bureau, to seek referrals to mental health professionals who specialize in working with child abuse victims.

- D. Therapists should inform the victim and caretakers about the legal process. (Refer to Flow Chart, Appendix B). If a therapist is unfamiliar with the legal process he/she can refer the family to victim services.
- E. During treatment, if the child discloses further information regarding the reported abuse, the therapist shall document direct quotes and promptly report this information to the law enforcement case agent and/or DCS investigator.
- F. During treatment, if the child discloses additional allegations of abuse, the therapist shall document direct quotes and promptly report this information to law enforcement and/or the CPS Hotline.
- G. Per A.R.S. §13-3620 (see Appendix C), mandated reporters, including mental health practitioners, may be requested to release records to CPS and/or law enforcement. Offender treatment records may also be obtained pursuant to A.R.S. §13-3620 in any civil, criminal, or administrative proceeding or investigation conducted by CPS or law enforcement in which a child's neglect, dependency, abuse or abandonment is an issue. Thus, written records should be complete, concise, clear and factual, and include the child's disclosure statements documented in quotes. A mental health practitioner who has any questions regarding the release, or requested release, of records should contact the assigned or on-call deputy county attorney. Any records taken or obtained by the deputy county attorney, CPS, or law enforcement are subject to the rules of disclosure.
- H. Therapists should not disclose facts regarding the allegations to the offender, victim, non-offending parent, caretakers or family members prior to the forensic investigation. Explain to the non-offending parent, caretaker and other family members that the facts of the alleged abuse should not be discussed until after the investigative interview is completed by police/DCS. Therapists should educate the parent/caretaker that the child may need to talk. Parent/caretakers should listen, be supportive of the child, and seek support from the treatment professional during this time. After the investigation is completed, the non-offending parent/caretaker should be fully informed about the details of the allegations.
- I. Professionals involved in the treatment of various parties (i.e. victim, offender, non-offending parents and siblings) should collaborate with each other to support effective treatment.
- J. Therapists should maintain appropriate boundaries in their work with the child and family members.
 - 1. The victim should have a separate therapist from the alleged offender.
 - 2. The "no contact" rules between offender and victim should be followed consistently. Premature confrontation between a victim and the alleged offender should not occur.

3. The victim's therapist should not have direct contact with the alleged offender. Communication should be between the victim's and the alleged offender's respective therapists.
 4. The victim therapist should be familiar with the adult and juvenile probation department's special conditions of probation for sex offenders and the guidelines for family reunification. In cases that are adjudicated, the probation department will mandate these conditions (see Appendixes R, S, T, U, X, Y, and AA).
- K. Therapists should provide support to the child victim through the legal process, as appropriate. In cases where prosecution occurs, a victim advocate may be assigned. The role of the victim advocate includes providing information about the criminal justice system and victim's rights; notification of court dates; visiting a courtroom with the victim; and being a support person during interviews, depositions, and/or court sessions. The therapist should provide emotional support to the victim during this process, in conjunction with the preparation done by the victim advocate.
- L. The therapist should be prepared to be called as a witness, although this will not always be necessary. This may be done by interview, deposition and/or appearance in court. Therapists should be aware that there may be legal limitations regarding the content and scope of their testimony. The therapist should contact the assigned or on-call deputy county attorney concerning any questions regarding requests for interviews, depositions, or court appearances.

VIII. SCHOOL PROTOCOL

School personnel are often the source of referral for child abuse allegations because of their extensive contact with children on a daily basis. They are often the first persons to whom children disclose abuse or who suspect abuse because they recognize behavioral changes in the children. School personnel are required by law to report all cases of suspected abuse. Therefore, school personnel 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 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 abuse, sexual abuse, emotional abuse or child neglect shall immediately report or cause a report to be made of this information. This means that if there are any facts or circumstances from which one could reasonably believe 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 a police officer or to DCS. However, if the report concerns a person who does not have care, custody or control of the minor, the report shall be made to a police officer only. If unsure who has care, custody, or control call both the police and DCS. This immediate report is to be made regardless of who the alleged perpetrator is, even if the offender is a juvenile. Your duty is to report, not to investigate. If school personnel fail to report known or suspected child abuse or neglect, then they have committed a crime that is punishable under Arizona state law.

In addition to the mandate in A.R. S. §13-3620, A.R.S. §15-514(A) states that any certified person or governing board member who reasonably suspects or receives a reasonable allegation that a person certified by the State Board of Education has engaged in conduct involving minors that would be subject to the reporting requirement of A.R.S. §13-3620 shall report or cause reports to be made to the Department of Education in writing as soon as is reasonably practicable but no later than three (3) business days after the person first suspects or receives an allegation of the conduct.

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 a uniform, countywide reporting policy be adopted by every school district and charter schools. Uniform procedures that cross school district lines will serve to:

- Increase the confidence of school personnel in reporting suspected abuse;
- Improve interagency communication and cooperation between schools, law enforcement and DCS;
- Minimize the number of times the child victim is interviewed;

- Ensure that the appropriate and most qualified professionals conduct the investigation;
- Minimize disclosure trauma to the child victim.

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

I. Responsibility of School Administration

- A. Each school or district should adopt a policy requiring school personnel and volunteers to report child abuse and receive training in mandated reporting.
- B. Designate a child abuse coordinator for each school. An alternate coordinator should also be designated and trained to assist in the absence of the primary coordinator. The coordinator and the alternate should have access to an area that will provide privacy and a telephone for reporting. The coordinator will act as liaison between the school, DCS, and law enforcement.
 1. The coordinator should receive the following training:
 - a. Mandatory Reporter Training
 - b. Multidisciplinary Protocol Training
 - c. Introduction to Advocacy Centers
 - d. Understanding the Importance of Limited Interviews
 - e. Indications of Child Abuse
- C. Each school should provide yearly training on child abuse for its staff. The coordinator may set this training. The coordinator ~~shall~~ may work with the Children's Justice Coordinator (if necessary or desired) to authorize and set yearly training for the entire school staff. The Children's Justice Coordinator can be reached at 602-271-4500.

II. Responsibilities of School Personnel

- A. School personnel typically 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. A third party report is a report of abuse from somebody other than the child.

1. Child's self-disclosure or observations

- 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. The person receiving such information shall listen openly and speak at the child's level in a positive, non-judgmental tone.
- b. 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:
 - (1) What happened?
 - (2) Who did it?
 - (3) Where were you when it happened?
 - (4) When did it happen?
- c. 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.
- d. The law does not recognize confidentiality between a student and school personnel. School personnel 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.
- e. School personnel should be observant of bruising, injury, markings, or unusual behavior that may be the result of abuse or neglect. School personnel should never take photos.
- f. A person observing injury may ask the four questions listed in the previous section to attempt to ascertain the cause of injury. If the child's responses lead to suspicion of abuse report this to the school coordinator. If there are inconsistencies between the child's report of cause and the type of injury, report this information to the school coordinator.

- g. If unusual behavior is observed, consult with the school coordinator, and ensure that any required reports are made.
- h. School personnel must consider the possibility of sexual abuse in pregnant teen cases. If the pregnant teen is under 15 years of age, then school personnel must make a child abuse report immediately. If the teen is 15 years or older, the situation may still be a reportable offense. School personnel must comply with the mandatory reporting law (see Appendix 3).

2. Third party report of abuse

If a third party informs school personnel that they have reasonable suspicion to believe a child may be the victim of abuse or neglect, the third party should be encouraged to make a report. However, it will still be the school personnel's responsibility to make a report to law enforcement and /or the DCS Hotline immediately. If the third party reporter has answered the four questions (what?, who?, where?, and when?), then no further questions should be asked of the victim about the alleged abuse. This reporting requirement applies if the information about suspected child abuse is learned during the course of their employment. This would also apply while the employee was off duty and the third party reporter had reason to believe the person was an employee of the school.

- B. All information about child abuse is to be shared with the school's coordinator who will assist in the reporting process. The coordinator will also be available as a resource if there are any questions about abuse. See school coordinator section below for reporting guidelines.
- C. The ultimate responsibility to report to law enforcement and the DCS Hotline is that of the person receiving the initial disclosure. The person receiving this disclosure should also report to the child abuse coordinator, who can assist in making this report. The person receiving the disclosure should not assume that the child abuse coordinator or other school personnel have made the report. All reports must be made immediately. The coordinator should provide verification to the person who received the disclosure that a report has been made.
- D. School personnel shall maintain confidentiality of all information regarding the abuse report. The child abuse report shall be maintained in a file separate from the child's educational file. Do NOT contact or provide information to the parent(s), guardian(s), or custodian(s) and/or the alleged perpetrator. Refer all inquiries to police, OCWI or DCS.

School personnel may disclose only the police officer's name and badge number, or the DCS field office information. It is the duty of police and DCS, not school personnel, to notify parents of the investigation. Premature and/or inappropriate notifications can hinder investigations and potentially create precarious situations.

III. Responsibilities of School Coordinator

- A. The school's coordinator will work with school personnel in facilitating the reporting of suspected child abuse and/or neglect. The school's coordinator should:
 - 4. Be available for school personnel to share information about suspected abuse.
 - a. If the information is incomplete, the coordinator may ask only those approved questions (see school personnel section) 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 DCS Hotline at 1-888-SOS-CHILD (or 1-888-767-2445). DCS will evaluate the information and determine if a report should be made.
- B. Assist police and DCS upon their arrival by sharing information and providing a private place on campus for the agencies to meet with the child and/or with the reporting source.
- C. Contact the appropriate school personnel who need to know in order to protect the child. If the principal is not the school child abuse coordinator, the principals should be advised when child abuse reports are made because investigating agencies often respond first to the main office. The principal is also frequently the first to receive calls from parents and would need to know how and where to direct their inquiries.
- D. If a parent or guardian calls or comes to the school in an effort to locate a child being interviewed, sheltered or removed from school grounds, the coordinator (or principal) should refer the parent or guardian to DCS and the law enforcement agency for information.
- E. The coordinator should maintain the confidentiality of the case. The school's coordinator will contact DCS to obtain the legally authorized information about the case and will keep other school personnel (child's teacher, counselor, nurse, etc.) informed on a need to know basis in order

to better assist the child.

- F. DCS and/or law enforcement should communicate with the school's child abuse coordinator the results of the investigation only if the information will assist the child with the school routine. Any information shall be limited in order to maintain the confidentiality rights of the victims.
- H. The school coordinator shall also be responsible for coordinating on-going, on site training of school personnel in the identification and reporting of child abuse and neglect.

IV. Responsibilities of DCS and Law Enforcement

DCS and/or law enforcement officers shall conduct the investigation. The DCS investigator and/or law enforcement officer will provide proper identification and documentation and should confer with the coordinator/reporting party. See the Attorney General opinion, Appendix 6, for more information regarding the rights of DCS investigators and/or police officers while conducting child abuse investigations at schools.

- A. The DCS investigator and/or the law enforcement officer may, at their discretion:
 - 1. Enter the school grounds and investigate cases of suspected abuse without unnecessary disruption of normal school activities. It is preferred that this occur through the front office with the cooperation of the school staff.
 - 2. Interview the child victim, and all other children residing in the home, on school grounds outside of the presence of school personnel. School personnel may only be present during the interview at the request of the DCS investigator and/or law enforcement officer.
 - 3. Conduct interviews of the child without permission from or notice to the parent(s) and/or guardian(s).
 - 4. Remove the child from the school (take temporary custody) if necessary to further the investigation.
 - 5. Obtain school records by lawful means.
- B. Efforts will be made to minimize any emotional trauma to the child as well as preserve the confidentiality of the investigation and the rights of the child as a victim of crime. Joint DCS and law enforcement interviews are encouraged (see law enforcement and DCS sections of

this Protocol).

- C. If the DCS or law enforcement officer believes it is necessary, the child may be sheltered. The coordinator should be informed of this decision. DCS and/or law enforcement are required to notify the parents in writing within six (6) hours if a child is taken into temporary custody. Again, it is not the responsibility of school personnel to make notifications to the family.
- D. In the event of an investigation originating from a source other than the school, the DCS investigator and/or law enforcement officer will, as a courtesy, attempt to notify the coordinator.

IX. JUVENILE COURT

Juvenile Court, a division within the Arizona Superior Court, is given exclusive original jurisdiction to hear adoption, adoption certification, severance (termination of parental-child relationship), and dependency (civil child abuse or neglect) cases. Juvenile court has original jurisdiction to hear delinquency (juvenile offenses which would be criminal if filed in adult court) and incorrigibility, truancy, runaway, minor in possession of alcohol and other offenses that only apply to minors.

For the purposes of this protocol, only two areas of the juvenile court will be discussed - dependency and delinquency - as they affect the child abuse victim. For definitions of dependency and delinquency see ARS 8-201. The following guidelines are proposed in order to reduce system-induced trauma and minimize the number of times the child victim is interviewed.

I. Dependency

A. The court process

The juvenile court adjudicates matters involving the protection of minors who have been abused or neglected or have no parent or guardian willing or able to care for them. The cases are civil, rather than criminal, in nature and do not involve the juvenile. When a child is taken into protective custody by DCS a dependency petition must be filed within 72 hours, excluding weekends and holidays, or the child must be returned home. The law requires that when a child is removed from home the court must hold a conference and a preliminary protective hearing within five (5) to seven (7) days from the date of removal from the parent or guardian. The intent is to accelerate services to the child and the family. At the hearing, the parents or guardians may enter an admission or denial to the allegations in the petition.

If the dependency is not found at the preliminary protective hearing, a series of hearings may then be held. During each hearing, the parents or guardians are provided an opportunity to admit or deny the allegations made. A finding of dependency may be the result of an agreement of the parties or a decision by the judge after a contested hearing. The court, with input from the parents, the child, the guardian ad litem, the parent's attorneys, the Attorney General and DCS determines appropriate dependency orders. DCS prepares a report to the court presenting the findings of their investigation and making recommendations. The court may follow the recommendations or may modify them, or the parties may challenge them at a subsequent hearing.

DCS mission is to protect children from abuse and neglect and to help the family safely care for the child. When reunification is not possible, DCS develops a plan of permanence for the child's care through guardianship, severance of parental rights and adoption, or an alternative planned permanent living arrangement.

B. Child victim's testimony

Attorneys appear on behalf of parents, children, and DCS. Child victims are rarely called to testify in dependency matters. However, the child victim's testimony may be required in delinquency proceedings. Where a child victim's testimony is required, a guardian ad litem shall be appointed and charged with preserving and protecting any applicable rights of the child as a victim of crime.

C. Appointment of attorneys and guardians ad litem

The court automatically appoints an attorney for all parents in dependency cases. The court also appoints a guardian ad litem (GAL) to represent the best interests of every child. The court may also appoint an attorney for the child if the child is over age 12 and is advocating for outcomes contrary to conclusions presented by their GAL. A GAL is an attorney. However, there is no attorney-client privilege within that relationship. The guardian ad litem will report his/her findings to the court.

Representation of clients in dependency and severance cases involves an expertise not usually acquired in the general practice of law. Attorneys are expected to establish and maintain a level of expertise and training that will enable them to competently represent their child clients. Seeking additional training/advice from an experienced attorney/mentor is highly recommended. Sensitivity, understanding, patience and some knowledge of the criminal justice system may also be needed to handle these specialized cases.

D. Responsibilities of the attorney/guardian ad litem

It is recommended that the court order appointing the attorney/guardian ad litem completely state the authority and responsibilities to be carried out by those attorneys. Should a guardian ad litem be appointed to a case in which criminal prosecution is also occurring, the juvenile court should state the expectations regarding the guardian ad litem's involvement in the criminal matter. Additionally, any guardian ad litem appointed for a child victim of crime shall be charged with preserving and protecting the child's rights as a victim of crime.

II. Juvenile Court Delinquency

The delinquency section of the juvenile court faces issues of child abuse in two manners: (1) as perpetrators of the abuse, juveniles suspected of sexual offending are referred for investigation and supervision; (2) as victims, juveniles at any point in the system may present as suspected victims of child abuse.

A. Juveniles referred for sexual offending:

- 1 The court process as to the accused juvenile

- a. When the police apprehend a juvenile for a sexual offense, the police officer completes a "Juvenile Referral/Complaint" (henceforth to be referred to as the complaint), listing the charges and describing the offense. The police officer makes the judgment to either release the juvenile to his parents and send submit the complaint to the juvenile court or bring the child and the complaint to the juvenile detention facility. Such judgment is made by the police officer based on several criteria, including the perceived level of risk for re-offense.
- b. If the juvenile is not brought to detention, the complaint will be submitted to the juvenile court. The deputy county attorney has 45 days to review the charges and grade the complaint.
 - 1) The deputy county attorney will decide if the juvenile is to be prosecuted in the juvenile court. If the child is 14 years or older, the charges for certain offenses per A.R.S. 13-501 can be directly filed in adult criminal court. The deputy county attorney may also request transfer of charges to adult criminal court.
 - 2) If the decision is to file a petition in the juvenile court, a hearing will be set for formal court action.
 - 3) If the decision is made to file in the adult system, all paperwork will be completed by the Juvenile Crimes Division and forwarded to the appropriate Maricopa County Attorney's Office, Adult Division.
 - 4) The deputy county attorney reviewing the complaint may also decide there is not enough evidence to grade the charges and will request further investigation. The deputy county attorney then has an additional 30 days to review the complaint. If sufficient evidence cannot be gathered, there will be no formal charges. If there is sufficient evidence, the deputy county attorney will grade it to be filed in either juvenile or adult court.
 - 5) The deputy county attorney may also decide to turn the case down if there is not sufficient evidence to file charges and a request for further information from law enforcement would not be beneficial.
- c. If the juvenile is brought to detention, the screening officer on duty will, based on the results of the Detention Screening Instrument (DSI) and/or Risk Assessment Instrument (RAI) and specific circumstances of the case, either detain or release the juvenile to his parents/legal guardian. If the juvenile is not detained, the process cited in I(A)(1)(b) above will proceed. If the juvenile is detained, the complaint will be submitted to the deputy county attorney for grading within 24 hours. If the complaint is filed in the adult system, the juvenile will be transported from detention to the Madison Street Jail by the Juvenile Probation Department.
- d. After the petition has been filed, the first hearing set is the advisory

hearing (initial appearance/arraignment). This will take place within 24 hours on in-custody matters and within 30 days of the filing of petition on out of custody matters.

- e. If the juvenile denies the charges at the advisory hearing, an adjudication hearing (trial) will be set. This will occur within 45 days if the juvenile is detained or within 60 days if the juvenile is not detained. If the juvenile admits to the charges, a disposition hearing (sentencing) is set. This will occur within 30 days if the juvenile is detained or within 45 days if the juvenile is not detained. If at the adjudication hearing, the juvenile is adjudicated delinquent (found guilty), the disposition hearing will be set 30-45 days after the adjudication hearing. After a plea or delinquency adjudication by the court, a psychosexual evaluation and/or a sexual risk assessment may be ordered.
- f. At the disposition hearing, the juvenile may be placed on probation and allowed to return to living in the community with treatment on an outpatient basis; or he may be placed on probation while receiving treatment in a residential facility. Probation may be standard or intensive and may include up to one year in a juvenile detention facility, per complaint. Another possibility is that he may be sent to the Department of Juvenile Corrections for incarceration in a correctional facility. A last possibility is an "exceptional disposition", where no incarceration or probation is assigned. However, this is extremely rare in sexual offense cases.
- g. During the pendency of the case and if the juvenile is placed on probation, the case will be supervised by a juvenile probation officer who is a sexual offense specialist (a title within the juvenile probation department).

2 The court process as to the child victim's testimony

- a. If the accused juvenile denies the charges, the alleged child victim may be required to testify in the presence of the accused at the adjudication hearing. A victim advocate is assigned to familiarize the child victim with the court setting as well as the legal and court proceedings. The victim advocate will accompany the child victim to all interviews and court proceedings (see Victim Services Protocol).
- b. Efforts should be made so that the juvenile probation officer assigned to a sexual offense case pre-adjudication is a sexual offense specialist who has been specially trained to work with these issues. This juvenile probation officer will be investigating the needs of the accused in order to make a recommendations to the court regarding release conditions and disposition recommendations at the time of the disposition hearing. The juvenile probation officer will also contact a parent or guardian of the child victim for input on the recommendations. The juvenile probation officer will also answer questions and/or make recommendations for

counseling for the child victim.

- c. The child victim should NOT be interviewed by any court personnel regarding the details of the alleged offense. The family or guardian of the child victim will not be made to feel that their input on sanctions for the accused will be the determining factor in the decision that is made.

3 Appointment of attorneys for child victims

- a. In matters where the child victim's interests may not be protected, as in intra-familial child molest, the court may appoint an attorney/ guardian ad litem to represent the interests of the child victim and to preserve and protect the child's rights as a victim of crime.
- b. If the court orders the appointment of an attorney/guardian ad litem, it is recommended that the court order completely state the authority and responsibilities to be carried out by the attorney, including the preservation and protection of the child's rights as a victim of crime.
- c. The attorney/ guardian ad litem shall advise the court or provide input to the probation officer as to the child victim's feelings regarding sanctions, if need be. The victim advocate may also fill this role if a trusting relationship between the advocate and child victim has been developed.

4 Supervision of juvenile sex offenders

- a. The statutes require that the term of probation for a juvenile not exceed one year, but the term can be continued until the age of 18 if ordered by the court. (A.R.S. Title 8-341 B.5). Best practice is held to be protecting the community through treatment of the juvenile offender. Treatment is seldom short-term. Most juvenile sexual offenders will return before the court to have their probation extended for the sole purpose of treatment completion. The court ordered treatment will be terminated when probation ends.
- b. The court may impose specialized terms of probation, which may include peer relationship restrictions, contact with the victim restrictions, adult supervision, employment restrictions, etc.
- c. Statute allows that juveniles may be ordered to register as a sex offender until age 25. Community notification is not applicable to those adjudicated in the juvenile system. However, other statutes demand that schools be notified when a student is adjudicated of certain felonies, sexual misconduct being one of them. Also per the statutes, juveniles must submit to a DNA sample and, upon victim request, must submit to an HIV test. In the latter, a specific representative must be named to receive the test results.
- d. Probation supervision is conducted by probation officers who have had

extensive training on the specific issues related to juvenile sex offenders. The probation officer functions as an integral member of the treatment team, keeping the court aware of the juvenile's progress on probation and in any court-ordered treatment, therapy, or counseling.

- e. The standard frequency of probation officer contact is increased with the supervision of this population (see Appendixes W, X, and Y). In addition to a probation officer, juvenile sexual offenders on intensive probation are also monitored by a surveillance officer who makes random and variable contacts through the day, night, weekends, at home, school, work, and anywhere the juvenile has been given permission to spend time.
- f. Members of the juvenile offender's family are strongly encouraged to participate in treatment.
- g. The goal of the probation department is for a juvenile sexual offender to successfully complete treatment and be released from probation prior to turning 18. When there is no completion of treatment prior to age 18, the juvenile court loses jurisdiction and the young person is released from probation with no further supervision or court orders.

Selected sections of the Juvenile Court's Protocol for the handling of sexual offense cases are in the Appendix section of this Protocol.

B. Juveniles as suspected child abuse victims:

- 1 The probation department is committed to supporting and following the Multidisciplinary Protocol for the Investigation of Child Abuse guidelines for reporting suspected child abuse. Training in the Protocol has been added to the permanent New Employee training module.
- 2 Most suspected physical abuse is noticed when a child is brought into the detention facility by the police and undergoes the strip search by one of the child care staff. Any signs of trauma are to be immediately reported to the clinic nurse. The staff shall:
 - a. Ask only the four questions sanctioned by the Protocol;
 - 1) What happened?
 - 2) Who did it?
 - 3) When did it happen?
 - 4) Where did it happen?
 - b. Ask the clinic nurse to provide a cursory evaluation of the child's injury in order to determine if transportation to the emergency room and/or if a

medical exam is warranted;

- c. Phone in a report of the suspected abuse to law enforcement and to DCS. If the police officer who brought the child in is still present, notifying that officer will suffice as reporting to law enforcement;
- d. Write an Incident Report, documenting the physical signs and the child's answers to the four questions;
- e. Fax or mail a copy of the Incident Report to DCS;
- f. Forward a copy the Incident Report to the assigned probation officer;

X. JUVENILE PROBATION DEPARTMENT

Maricopa County

DURANGO FACILITY – 3131 West Durango Phoenix, AZ 85009-6292 – (602) 506-4011 – (602) 506-4143 (TTD)
SOUTHEAST FACILITY – 1810 South Lewis Street Mesa, AZ 85210-6234 – (602) 506-2619 – (602) 506-2260 (TTD)

CAROL L. BOONE – Chief Juvenile Probation Officer

I. Juvenile Court Delinquency

The delinquency section of the juvenile court system faces issues of child abuse in two manners:

- As perpetrators of the abuse, juveniles suspected of sexual offending are referred for investigation and supervision.
- As victims, juveniles at any point in the system may be presented as suspected victims of child abuse.

A. Juveniles Referred for Sexual Offending

1. The court process as to the accused Juvenile:
 - a) When law enforcement apprehends a juvenile for a sexual offense, the apprehending police officer will complete a "Juvenile Referral/Complaint" (henceforth to be referred to as the complaint), listing the charges and describing the offense. The police officer will make the judgment to either release the juvenile to his or her parent(s)/legal guardian(s) and submit the complaint to the juvenile court, or will bring the child and the complaint to the juvenile detention facility. Such judgment is made by the police officer based on several criteria, including the perceived level of risk for re-offense.
 - b) If the juvenile is not brought to the juvenile detention facility, the complaint will be submitted to the juvenile court. The deputy county attorney has 45 days to review the charges and grade the complaint.
2. Per A.R.S. §13-501, the deputy county attorney will decide if the juvenile is to be prosecuted in the juvenile court. If the child is fourteen (14) years or older, the charges for certain offenses (per A.R.S. §13-501) can be directly filed in the adult criminal court. The deputy county attorney may also request transfer of charges to the adult criminal court. The deputy county attorney may direct file or seek transfer of any juvenile over the age of 14 who is charged with a Class 2 or Class 3 felony sexually related offense to the adult criminal court. If the deputy county attorney requests the transfer of charges, a transfer hearing is set in juvenile court and the decision whether or not to transfer the case is made by the judge. (If the judge's decision is to not transfer a juvenile to adult criminal court, the case will proceed in juvenile court as noted in sections (A)(8-11) below.

3. If the judge's decision is made to transfer the case to the adult criminal court system, all paperwork will be completed by the Juvenile Crimes Division and forwarded to the appropriate Maricopa County Attorney's Office, Adult Division. The juvenile will be transported to Madison Street 4th Avenue Jail by the Maricopa County Sheriff's Office.
4. The deputy county attorney reviewing the complaint may decide there is not sufficient evidence to grade the charges and will request further investigation. The deputy county attorney then has an additional 30 days to review the complaint. If sufficient evidence cannot be gathered, there will be no formal charges. If sufficient evidence exists, the deputy county attorney will grade the case to be filed in either the juvenile court or the adult criminal court.
5. The deputy county attorney may also make a decision that there is not enough evidence to file charges, but that a request for further information from law enforcement would be meritless, and turn down charges submitted by law enforcement.
6. The deputy county attorney may also decide to turn the case down if there is not sufficient evidence to file charges and a request for further information from law enforcement would not be beneficial.
7. If the juvenile is brought to juvenile detention, the screening officer on duty, based on the Detention Screening Instrument (DSI) and/or Risk Assessment Instrument (RAI) and the specific circumstances in the case, will either detain or release the juvenile to his or her parent(s)/legal guardian(s). If the juvenile is not detained, the process cited in step 1. A 2 above will proceed. If the juvenile is detained, the complaint will be "Red-balled" and immediately assigned to the deputy county attorney for grading within 24 hours. If the complaint is filed in the adult court system, the juvenile will be transported from juvenile detention to the Madison Street 4th Avenue Jail by the Juvenile Probation Department.
8. After the petition has been filed, the first hearing set is an advisory hearing (initial appearance/arraignment) is set. This will take place within 24 hours on in- custody matters and within 30 days of the filing of petition on out-of-custody matters.
9. If the juvenile denies the charges at the advisory hearing, an adjudication hearing (trial) or Preadjudication Conference (PAC) will be set. Unless time is excluded, trial shall occur within 45 days if the juvenile is detained or within 60 days if the juvenile is not detained. If the juvenile admits to or is adjudicated (found guilty) of the charges, a disposition hearing (sentencing) is set. This will occur within 30 days if the juvenile is detained or within 45 days if the juvenile is not detained. If at the adjudication hearing, the juvenile is adjudicated delinquent (found guilty), the disposition hearing will be set 30in days if the juvenile is detained or 45

days if the juvenile is not detained. After a plea or delinquency adjudication by the court, a psychosexual evaluation and/or risk assessment may be ordered. If time is excluded, the disposition hearing may be set out to a later date in order to obtain a completed psychosexual evaluation and/or risk assessment prior to disposition.

10. At the disposition hearing, the juvenile may be placed on standard probation with addendum terms and allowed to return to living in the community with treatment on an outpatient basis, or the juvenile may be placed on probation while receiving treatment in a residential facility. (a) Probation Terms: Probation may be standard or intensive and may include up to one year deferred detention time in a juvenile detention facility. Another possibility is that the juvenile may be sent to the Arizona Department of Juvenile Corrections (ADJC) for incarceration in a correctional facility. A last possibility is an "exclusive disposition", where no incarceration or probation is assigned. However, this is extremely rare in sexual offense cases.
11. If the juvenile is placed on probation, the case will be supervised by a juvenile probation officer (JPO) and surveillance officer (SO) who are sexual offense specialists (a title specific within the juvenile probation department [JPD]). If the juvenile is returned to the home, the custodial parent(s)/legal guardian(s) will be informed of the juvenile probation department's guidelines for family contacts, visitation rules, and reunification. Otherwise, in the case where the victim is in the home, the offender will not be allowed to return home until certain treatment objectives have been met and the victim is ready and willing to have the offender home; a process which could take a significant amount of time to accomplish.
12. In conjunction with treatment, polygraph for the purposes of current offense, disclosure (sexual history), and maintenance occur throughout the juvenile's assignment to the Special Supervision Unit. This tool is used to assess the offender's progress in treatment.

B. The Court Process as to the Child Victim's Testimony

1. If the accused juvenile denies the charges, the alleged child victim may be required to testify in the presence of the accused at the adjudication hearing. A victim advocate is assigned to familiarize the child with the court setting as well as legal and court proceedings. The victim advocate will accompany the child to all interviews and court proceedings (see Victim Services Section). Where a child victim's testimony is required, a guardian ad litem shall be appointed and charged with preserving and protecting any applicable rights of the child as a victim of crime unless findings are made on the record that a guardian ad litem is not necessary to preserve and protect the victim's rights and there is no indication the child victim's parent or guardian may not be cooperative with prosecution of the juvenile's offense..

2. The JPO assigned to a sexual offense case pre-adjudication should be a sexual offense specialist who has been specially trained to work with these issues. This JPO will be investigating the needs of the accused in order to make a recommendation to the court regarding release conditions and disposition recommendations at the time of the disposition hearing. The JPO will also contact the parent or guardian of the child victim for input on the recommendations. The JPO will also answer questions and/or make recommendations for counseling for the child victim.
3. The child victim should **NOT** be interviewed by any court personnel regarding the details of the alleged offense. The family or guardian of the child victim will not be made to feel that their input on sanctions for the accused will be the determining factor in the decision that is made.

C. Appointment of Attorneys for Child Victims

1. In matters where the child victim's interests may not be protected, as in intra-familial child molestation, the court shall appoint an attorney/guardian ad litem to represent the interests of the child victim and to preserve and protect the child's rights as a victim of crime.
2. If the court orders the appointment of an attorney/guardian ad litem, it is recommended the court order completely state the authority and responsibilities to be carried out by the attorney/guardian, including the preservation and protection of the child's rights as a victim of crime.
3. The attorney/ guardian ad litem shall advise the court or provide input to the JPO as to the child victim's feelings regarding sanctions, if need be. The victim advocate may also fill this role if a trusting relationship between the advocate and the child has been developed.

D. Supervision of Juvenile Sex Offenders

1. The statutes require that the term of probation for a juvenile not exceed one year, but the term can be continued until the age of 18 if ordered by the court. (A.R.S. Title 8-341 B.5). The JPO may recommend an early release from probation anytime after 6 months, and may submit an administrative release request anytime after 12 months. The best practice is held to be protecting the community through treatment of the juvenile offender. Treatment is seldom short-term. Most juvenile sexual offenders will return before the court to have their probation extended for the sole purpose of treatment completion. The court-ordered treatment will be terminated when probation ends. However, once probation is terminated, court-ordered treatment also ends.
2. The court may impose specialized terms of probation, which may include peer relationship restrictions, contact with the victim, adult supervision, employment restrictions, etc.

3. There are statutes allowing that juveniles may be ordered to register as a sex offender until age 25. Community notification is not applicable to those adjudicated in the juvenile system. However, other statutes demand that schools be notified when a student is adjudicated of certain felonies, sexual misconduct being one of them. Also per the statutes, juveniles must submit to a DNA sample and be fingerprinted, upon victim request. The juvenile must submit to an HIV test if one is requested by the victim. In the latter, a specific representative must be named to receive the test results.
4. Probation supervision is conducted by JPO's who have had extensive training on the specific issues related to juvenile sex offenders. The JPO functions as an integral member of the treatment team, keeping the court aware of the juvenile's progress.
5. The standard frequency of JPO contact is increased with the supervision of this population. In addition to a JPO, juvenile sexual offenders on intensive probation are also monitored by a SO who makes random and variable contacts through the day, night, weekends, at home, school, work, and anywhere the juvenile has been given parental permission (in conjunction with the JPO) to spend time.
6. Members of the juvenile offender's family are strongly encouraged to participate in treatment.
7. The goal of the JPD is for a juvenile sexual offender to successfully complete treatment and be released from probation prior to turning age 18. When there is no completion of treatment prior to age 18, the juvenile court loses jurisdiction and the young person is released from probation with no further supervision or court orders. However, registration is likely to be requested of the court. Selected sections of the Juvenile Court's Protocol for the handling of sexual offense cases are in the Appendix section of this Protocol.

II. Juveniles as Suspected Child Abuse Victims

The JPD is committed to supporting and following the Multidisciplinary Protocol for the Investigation of Child Abuse guidelines for reporting suspected child abuse. Training in the Protocol has been added to the permanent JPD New Employee training module.

- A. Most suspected physical abuse may be noticed when a juvenile is brought to the juvenile detention facility by law enforcement (police officer) and undergoes the strip search by one of the juvenile detention child care staff.
 1. During regular clinic hours, any signs of trauma are to be immediately reported to the clinic nurse by the juvenile detention child care staff. **The clinic nurse staff shall ask only the four questions sanctioned by the Protocol:**

- a. What happened?
 - b. Who did it?
 - c. When did it happen?
 - d. Where did it happen?
 2. The juvenile detention child care staff will ask the clinic nurse to provide a cursory evaluation of the child's injury in order to determine if the youth is medically cleared to be detained. If the youth is not medically cleared, the police officer will be instructed to transport the youth of the action to the emergency room for a medical exam. Once the youth has been examined and medically cleared, the police officer will return the youth to the juvenile detention facility.
 3. If the clinic is closed and a juvenile detention staff member notices signs of physical trauma, the police officer will be notified to transport the youth to the hospital for a medical exam. Once the youth has been examined and medically cleared by the hospital, the youth will be returned to the juvenile detention facility by the police officer.
- B. If a youth reports to juvenile detention staff or juvenile detention medical personnel that they have been abused, **juvenile detention staff will ask only the four questions sanctioned by the Protocol:**
- a. What happened?
 - b. Who did it?
 - c. When did it happen?
 - d. Where did it happen?
- C. Juvenile Detention staff will telephone a report of the suspected abuse to law enforcement and to DCS. If the police officer who brought the child in is still present, notifying that police officer will suffice regarding the report to law enforcement.
- D. Juvenile detention staff will complete a Critical Incident Report, documenting the information, physical abuse signs, and the child's answers to the four questions. Juvenile detention staff will:
- a. Fax or mail a copy of the Critical Incident Report to DCS.
 - b. Forward a copy of the Critical Incident Report to the assigned JPO.

- c. File the original Critical Incident Report in the juvenile's detention file.
- A. If abuse is suspected in a juvenile who is not detained, JPD personnel must follow the same procedures as outlined above regarding reporting the incident to law enforcement and to DCS. The original Critical Incident Report is to be retained in the juvenile's file.

XI. ADULT PROBATION DEPARTMENT PROTOCOL

The Adult Probation Department primarily interacts with victims 1) in the preparation of a presentence investigation report for the court and 2) in the supervision of sentenced sex offenders in which any contact with minors and particularly the victim(s), is either expressly prohibited or carefully supervised. Any family unification/reunification will occur under guidelines that are structured and incremental. The risk to the community of any sex offender placed there by the court should be carefully evaluated on an ongoing basis. A third type of interaction with victims occurs if a probation employee in the course of their regular duties, develops a reasonable belief that a minor has been abused or neglected the employee is mandated to report the suspected abuse to DCS and law enforcement.

I. Presentence Investigation

A. Preparing the report

In the preparation of a presentence report, the probation officer's assignment is to summarize the case for the sentencing judge and make a recommendation regarding disposition. The police reports of the case are summarized, including the victim and offender demographics, grooming behaviors, i.e., the method by which the defendant coerced or manipulated the victim to submit, and a complete description of assault, including duration and use of weapon(s). The report also provides information about the eventual disclosure, response by others to the disclosure, and trauma to the victim. Much of the report requires information about the defendant, including his/her social history, prior criminal history, substance abuse, employment, mental health, financial status, and his/her interpretation of the offense and their level of accountability or denial.

B. Taking the victim's statement

1. An important part of the report involves the victim's statement. Officers shall contact the victim advocate before contacting the victim or victim's attorney if a notice of appearance has been filed in the case. The advocate has often established a rapport with the victim and therefore the victim might feel more comfortable talking with the investigator if the advocate is present. The victim(s) of the present offense and related offenses must be notified as soon as possible regarding the preparation of the sentencing report. The officer will advise the victim(s) of the date, time, and location of the sentencing and of their right to be present and heard at the proceeding. The presentence officer will request a written or verbal statement from the victim(s) to include in the presentence report, which will inquire into the victim(s) and their family's physical, emotional, and financial impact the offense has had on them.
3. When the victim is a minor, the officer shall contact the minor's parent or guardian to obtain the victim's statement. Every effort should be made to

accommodate the parent or guardian to make the interview as easy as possible.

4. More information about the victim's situation can be gathered from other contacts, such as the DCS specialist, the victim's counselor, the minor's attorney or guardian ad litem, significant members of the victim's family, and others who may wish to comment. Since a distressingly large number of victims have still not been in treatment by this time, they or their parents should be encouraged to obtain counseling.

C. Terms of probation

1. The defendant will not be allowed to return home, if there is a minor and/or if the victim(s) are in the home until certain treatment objectives have been met which could take years, if ever, to accomplish. The probation officer will review the specialized, sex offender conditions of probation with the defendant.
2. The specialized sex offender addendum should be recommended, unless there are exceptional circumstances. This will allow the supervising field officer the ability to further evaluate the case, to order further testing for the defendant, and to provide an appropriate degree of safety in the community for present and potential victims.

II. Field Supervision

A. Specialized officers

1. Probationers will be assigned to a specialized sex offender field officer, unless there are exceptional circumstances such as not having the specialized sex offender addendum as a term of probation. Specialized field officers have been trained to understand the intricate dynamics of sexual deviance, grooming and manipulation tactics, the offender's offense cycle, risk factors for re-offense, victimization issues, and treatment strategies and objectives. The philosophy of the specialized unit is to work with treatment providers as closely as possible, in order to provide consistency in messages given to the defendant about treatment goals, contact restrictions, and potential reunification plans when the victim is determined to be ready and willing. Reunification is driven by a victim-centered approach. No victim contact or reunification will occur if the victim and/or legal guardian are opposed. Should they desire eventual reunification, the victim will work closely with a therapist who specializes in victim treatment. The victim's therapist will work in conjunction with the offender's therapist before reunification can occur. If the victim's therapist deems the victim ready for the reunification procedure to begin and the offender's therapist concurs that the offender is ready, then the process may begin with prior approval of the probation officer and/or Court as stipulated in the conditions of probation. Some jurisdictions offer sub-specialized caseloads to address even more specific populations such as

transferred youth sex offenders and seriously mentally ill sex offenders. Sub-specialization may include continuation caseloads of low risk probationers who have served a substantial amount of time on their probation grant and are progressing well in sex offender treatment or have been successfully discharged from treatment.

2. After sentencing, the probation team is primarily responsible for intervening and protecting the victim against further abuse. The specialized unit is able to utilize the services of surveillance officers, as well as the probation officer, to assist in fieldwork, particularly evenings and weekends. Officers work on a continuing basis to assess the risk level of the offenders on their caseloads, determining the frequency of random field contacts. Offenders must adhere to strict definition of "no contact" with minors, a possible curfew, and appropriate residence away from minors, and other restrictions.

B. Offender treatment

1. All offenders ordered by the Court to abide by the sex offender conditions of probation, begin probation on a specialized caseload, and are considered high risk until evaluated. We have found it beneficial to begin treatment with an educational format. During this time, offenders are required to attend a series of classes, which presents to offenders new concepts that help offenders examine their behavior. They are also assessed to determine risk level and presence or absence of paraphilic interests and placed into an appropriate group placement, which they are court ordered to attend. They are presented with the expectations of cognitive behavioral therapy, testing requirements, and reunification procedures, if appropriate. Their spouses or partners are encouraged to attend.
2. Offenders are required to take a disclosure polygraph, which covers sexual history and usually reveals additional paraphilias that will need to be addressed in order for significant progress in learning to control deviant behavior to occur. Since offender self-report is often poor and incomplete, polygraph examinations are a useful tool for encouraging sexual offenders to disclose sexual secrets. The sex offender program focuses on eliminating sexually deviant behavior, which is often secretive and manipulative, and assists offenders in working toward healthy relationships.
3. The offender is placed in a cognitive-behavioral group closest to his place of residence. The contracted treatment providers are part of the supervision "team" that helps break down the secrecy and denial of many sex offenders. Open communication between therapists, probation officers, surveillance officers, and polygraphers is vital to the team approach. Group treatment also helps eliminate the tendencies toward secrecy and manipulation, which are not as easily extinguished in one-on-one counseling. The offender may be able to manipulate one therapist, but

it is much less likely that this will happen in a group of peers. Offenders are given a series of homework assignments, which must be successfully completed as they progress in therapy.

4. Offenders are not allowed contact with any minors, including their own, until certain assessments, including the polygraph, have been completed to determine the presence or absence of paraphilic interests, the nature of their offense (whether or not it involved minors), criminal and sexual deviance, and that certain treatment goals have been met.
 - a. The process of reunification is slow and structured. It is a major decision to return an offender back into an intimate living situation with the victim(s). The officer should not do so until both the offender and the therapist believe that the non-offending partner is able to protect the minors from further abuse. Both the partner and the offender need to be totally aware of the pre-offense thoughts, fantasies, and subtle ways of grooming the victim(s). The offender must also present a detailed plan for relapse prevention. The victim's readiness for reunification and the minor's safety should be paramount in guiding the reunification process. Reunification shall be based on the victim, secondary victim, offender, and chaperone demonstrating readiness. All victims should minimally have an evaluation by a therapist prior to any reunification process. Primary consideration should be given to the needs of the victim(s) as deemed appropriate.
 - b. At any time during the treatment process, the therapist may determine the need for adjunct counseling services such as family sessions and partners (couples) counseling. Partners' groups are extremely supportive and effective. Many family members report being angry at "the system", which they perceive as being responsible for their disrupted family. Group treatment and support can help redirect the responsibility toward the offender and also help the partner to become part of a strong support system for the minor. The attitude and strength of the minor victim's support system are crucial to recovery from sexual trauma.
 - c. Non-offending partners in sexual abuse cases often have been victimized themselves; they carry the additional burdens of providing a healthy and protective environment for minors in their care while attempting to deal with their own past victimization. The partner must be an active member of a partners' group and be evaluated as an appropriate chaperone before being considered an adequate protector of minors.

C. Monitoring

Specialized probation officers often attend various offender and/or victim therapy groups. This allows the officers to maintain awareness of the issues the offenders and their families are facing.

1. Officers monitor the offender's employment, access and risk to minors, substance abuse, use of free time, volunteer work, and other environmental areas. Detailed information is obtained about the offender's family members and other minors with whom the offender may come in contact. Adult chaperones must be fully informed about the offender's criminal offense and sign a written form of consent before any contact with the minor can occur.
2. Maintenance polygraphs should take place throughout the offender's term of probation. Probation officers will often review homework assigned in group, increase supervision, and verify with other family members the offender's accountability and behavioral changes. If appropriate, contact is made with schools and school counselors to determine if victims are progressing satisfactorily. Every attempt within the officer's power is made to assess the victims' emotional well being and provide for victim safety and recovery.

III. Mandatory Reporting of Suspected Abuse

- A. Adult probation department employees may be the first persons to whom minors disclose abuse or may detect possible abuse or neglect as a function of their job. The Arizona mandatory reporting law, A.R.S. §13-3620 (see Appendix C), also applies to probation department employees. If one reasonably believes that a minor has been neglected or abused, the probation department employee is required to immediately report the incident to DCS and to local law enforcement. However, if the report concerns a person who does not have care, custody or control of the minor, the report shall be made to a police officer only. The information about possible abuse may be received through the minor's self-report, the observation of neglect or physical injury, or third party disclosure.
PLEASE REFER TO A.R.S. §13-3620 FOR CURRENT REPORTING REQUIREMENTS FOR OFFENDER SELF DISCLOSURES.

B. Minor's self-disclosure

1. When it appears that a minor is disclosing information about possible abuse, efforts should be made to promote a quiet, safe place to facilitate the conversation.
2. The person receiving the information shall listen openly and speak at the minor's level in a positive, non-judgmental manner.
3. If the minor has not spontaneously provided the following information about the abuse, only these exact questions should be asked as needed to complete the information:

- a. What happened?
 - b. Who did it?
 - c. Where were you when it happened?
 - d. When did it happen?
4. Efforts should be made to document or remember the minor's exact words during the disclosure since these quotes will later be included in the incident report.
 5. Probation employees should not make any promises to the minor, which cannot be guaranteed. For example, do not tell the minor "this does not have to be reported to the authorities", "you won't have to testify", "no one will go to jail", etc.
 6. Follow the reporting procedure as specified in section E (below).

C. Observations of injury, neglect and/or unusual behavior

1. Probation employees should be observant of bruising, injury, markings, or unusual behavior, which may be the result of abuse or neglect.
2. The employee observing the above may ask the four questions listed in the previous section to attempt to ascertain the cause.
3. If the responses lead to suspicion of abuse or if the responses are inconsistent with the observations, report as described in section D (below).

D. Third party report of abuse

If a third party informs probation employees that a minor may be the victim of abuse or neglect, the third party should be directed to report the information to both DCS and to the local law enforcement agency where the abuse/neglect has occurred. Probation department employees are also required to make the report. See reporting procedures in section E (below).

E. Reporting procedures

1. The employee, after observing or hearing about the suspected abuse as outlined in sections A through C above, shall immediately call DCS and the local law enforcement agency where the suspected abuse occurred (see A above). A written report will also be mailed to DCS within 72 hours of the initial report.

2. The employee shall not provide information about the suspected abuse to the parents or any alleged perpetrators, but instead refer them to DCS or the law enforcement agency involved.
3. If the information was from a third party (as described in section D above), document the information provided. Do not interview the minor, but remain observant. If any injury is observed the four questions listed in section B may be asked. After the third party has been directed to report the suspected abuse, the employee shall make a follow up report to DCS and the appropriate local law enforcement agency.
4. The incident will be documented in an incident report form as per the Adult Probation Department Policy Manual.

III. Juvenile Offenders on Adult Probation Supervision:

- A. Juveniles may be placed on adult probation if they are remanded from juvenile court or via direct filing of charges into adult court (see Juvenile Court Section - Juvenile Delinquency). Juveniles on adult probation supervision must adhere to the same legal requirements of registration, notification, and DNA procedures as mandated for adult offenders. However, all statutes governing status offenses still apply to these juveniles including, but not limited to, the responsibility of guardians for the minor, curfew, school attendance, and alcohol and tobacco laws.
- B. The requirements of prohibited/controlled contact with minors and/or potential victims, and the offense specific assessment and treatment, tend to be more complicated to arrange for juveniles. Great consideration should be given towards balancing the need for pro-social development while maintaining community safety. Exceptions are often made in terms of schooling and employment when balancing the no contact with minors' requirement.
- C. Every effort is made to keep the juvenile's family intact however safety of minor children/victims is paramount and may necessitate placement of the juvenile out of the home. This could include living with relatives or placement in residential sex offender treatment based on need and age at time of sentencing. DCS placement is only utilized as a last resort when no other options exist. Homeless shelters frequently will refuse to house juvenile sex offenders and an officer cannot knowingly allow a juvenile to sleep on the street.
- D. The supervising probation officer will contact the DCS Hotline (1-888-SOS-CHILD) to make a referral after all placement options have been exhausted. If the juvenile is in custody and no placement options are available upon release, the supervising probation officer will contact the DCS Hotline no later than thirty days prior to the juvenile's release from custody. If DCS is unable to assist with placement or states there is no available housing, the supervising probation officer will immediately contact the sentencing judge and request a guardian ad litem be appointed to effectively advocate for the juvenile in all issues required for successful resource management and delegation of placement in a residence.

XII. Child and Family Advocacy Centers

Child and Family Advocacy Centers exist to aid alleged victims and investigators in the process of child abuse investigations. The assistance provided by advocacy centers includes a child/family friendly setting where trained professionals work collaboratively to perform the functions of child abuse investigation, including forensic interviews and forensic medical examinations and provide resources and services for victims and their families. In Maricopa County there are six advocacy centers, serving child victims and adult victims of sexual assault and domestic violence and elder abuse:

Childhelp Children's Center of Arizona

2346 N. Central Ave.
Phoenix, AZ 85004
(602) 271-4500
Serves children 0-18

Scottsdale Family Advocacy Center

10225 E. Via Linda
Scottsdale, AZ 85258
(480) 312-6300
Serves children 0-18 and adults 18+

Mesa Center Against Family Violence

225 E. First St.
Mesa, AZ 85201
(480) 644-4075
Serves children 0-18 and adults 18+

Southwest Valley Family Advocacy Center

2333 N. Pebble Creek Parkway Suite
Goodyear, AZ 85338
(623) 333-7900
Serves children 0-18 and adults 18+

Phoenix Family Advocacy Center

2120 N. Central Ave., #250
Phoenix, AZ 85004
(602) 534-2120
Serves adults 18+

Glendale Family Advocacy Center

4600 W. Glendale Ave.
Glendale, AZ 85301
(623) 930-3720
Serves children 0-18 and adults 18+

There are additional Advocacy Centers available around the state which can be located:

<http://www.acfan.net/index.htm>

I. General Information

- A. Advocacy centers are generally open from 8 AM to 5 PM, Monday through Friday. Centers may be accessed after hours by contacting the local jurisdiction. Agencies that do not co-locate at a center should contact the on-call forensic interviewer or medical personnel.
- B. Known offenders and alleged perpetrators are not permitted at the advocacy centers. Children twelve years of age and younger, who may have initiated sexual behavior with another child may be interviewed at the advocacy center for purposes of determining their own possible victimization. Consideration for this will be made on a case by case basis after consultation with the center director or designee. For the safety and well-being of the children served by the advocacy center, known convicted or indicated sex offenders will not be permitted at the advocacy center.

- C. Each of the advocacy centers has co-location of some law enforcement agencies. When a visiting law enforcement agency is using a center, that agency should retain control of the case being investigated. Courtesy assistance from agencies co-located may be available, however ultimate responsibility lies with the agency bringing the case to the center.
- D. To the extent practicable, it is recommended that all advocacy centers adhere to National Children's Alliance standards and be associated with the state advocacy center network.

II. Investigation

A. Intake

Cases come to advocacy centers through primarily three sources. They can be brought to the attention of the advocacy center by child protective services, DCS or law enforcement agencies. If an alleged victim is referred through other means or the victim or family contacts the advocacy center directly they will be connected to either law enforcement or child protective services.

B. Forensic Interviews

Advocacy centers provide comfortable, private, victim-friendly settings that are both physically and psychologically safe for children and adults (or families). Interview rooms are equipped for recording purposes and an observation room is available for case agents to view the interview while it is being conducted so that the victim is interviewed by only one person. Agency representatives using advocacy centers for forensic interviews should be present to observe and document as appropriate in case there is need for clarification and follow-up. No one may be present for the interview without the permission of team members and/or the center director. Team members include law enforcement, DCS investigators, forensic medical professionals, and attorneys from either the Maricopa County Attorney's Office or the Attorney General's Office.

Rooms are available for team members to meet as well as to meet with parents. These rooms are not to be used to interview children.

C. Medical Evaluation

Specialized medical evaluation and treatment service referrals are an essential component of the evaluation. No family is required to hold current medical insurance or is responsible for any bill associated with a forensic medical exam scheduled by the advocacy center. All Advocacy center clients are eligible for forensic medical exams conducted at the advocacy center regardless of financial status. The medical provider is an integral part of the multidisciplinary team and will be available to discuss medical findings with the investigators and when relevant attend case review meetings.

D. Peer Review

Advocacy centers will be responsible for facilitating peer review to allow for each professional actively conducting forensic interviews to participate twice a year (semi-

annually). Designated interviewers and/or a Deputy County Attorney shall attend the peer review. Participation in peer review includes submission of a recorded interview and active critique of another's interview. Agencies not co-located in a center may work with the Children's Justice Coordinator to find an advocacy center available to conduct peer review (move to Appendix 1).

E. Case Review/Team Meetings

The purpose of a case review/team meeting is to:

1. Provide the investigators with the opportunity to discuss pending investigations and outcomes.
2. Exchange information among team members.
3. Discuss protection issues.
4. Develop an action plan that addresses identified issues.
5. Provide education to team members.

Case Review/Team meetings are attended at least monthly by the team members involved in open cases; county attorney's representatives, law enforcement, child welfare investigators, child protective services, medical providers, mental health providers and advocacy center staff. Team members and the center facilitator shall coordinate to add cases to the meeting agenda. Those members of the team who have a case on the agenda are expected to attend the meeting. A declaration of confidentiality shall be established at the onset of each case review, as team members professional responsibilities allow. Team meetings are the most effective and efficient method of informing members of case development. Often recommendations are decided during team meetings and are communicated to the proper individual. Team meetings are also a time to provide an informal setting with open discussion about issues that may arise in an individual case. These discussions may include agency interventions and limitations, issues of family dynamics, emotional disabilities, socioeconomics, cross-cultural values and behaviors, child rearing practices and religious beliefs, and improvement of services for victims and their family members. Agencies not co-located in a center may contact the Children's Justice Coordinator to find a center to conduct a case review.

F. Confidentiality

All team members and volunteers associated with the advocacy centers are responsible for protecting confidentiality and privacy of clients who have received services at the advocacy center as their professional responsibilities allow.

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Appendix 1: INTERVIEW PROTOCOL FOR CHILDREN

A. General Principals

1. Investigative interviews are to be approached with a neutral, fact finding attitude for the purpose of collecting information after an allegation of abuse has emerged.
2. The interviewer should be neutral and supportive.
3. The well-being and the best interests of the child should be of primary concern.
4. The interviews should be conducted in a comfortable atmosphere that enables the child to speak freely.
5. The language and interview approach used by the interviewer should be developmentally appropriate.
6. Interview procedures may be modified to accommodate very young children or children with special needs.

B. Preservation of Interviews

1. All interviews of children alleging sexual abuse should be video recorded.
2. Whenever possible, interviews of children alleging physical abuse, except the initial interview by the patrol officer, should be video recorded.
3. In order to protect a child victim's rights, locating information (e.g., the child's address and school) shall not be recorded.

C. Requirements of Child Interviewers (individuals meeting the following prerequisites will be considered trained to conduct forensic interviews. These prerequisites do not make one certified.)

The minimum prerequisites for a person conducting interviews of children shall include:

- a. Forty (40) hours of training in the investigative interviewing of children.¹
- b. Twenty-four (24) hours of training in child maltreatment, including but not limited to: trauma factors, cycles of abuse, mechanisms of abuse, dynamics of abuse, offender dynamics, courtroom testimony, and child development.
- c. Observation of interviews, or video recordings of interviews, of children at different developmental stages, to include: two (2) preschool, two (2) school age, and two (2) mentally challenged children.

¹ A free course providing this training has been created by the Children's Justice Task Force in conjunction with the Maricopa County Attorney's Office. The course is intended to be offered multiple times each year for Law Enforcement and/or DCS personnel who conduct interviews of children.

- d. Familiarity with legal issues and child physical and sexual abuse laws.
- e. Familiarity with literature concerning child maltreatment, language development, suggestibility, memory, children's ability to serve as witnesses, emotional, cognitive, and behavioral characteristics of traumatized children.
- f. Ongoing training (minimum of 8 hours a year) in child sexual and physical abuse, child development, and interviewing techniques through attendance of continuing professional education conferences, peer review, in service training and an ongoing review of professional literature. Peer review shall be attended every six months at a minimum.

D. Use of Dedicated Forensic Interviewers

It is recommended that dedicated forensic interviewers be utilized in the following situations:

- 1. Children with developmental disabilities.
- 2. Children under the age of seven.
- 3. Cases where there is an indication of lengthy, chronic abuse even if the victim is now an adult.
- 4. Children with significant emotional and/or behavioral symptoms.
- 5. Multiple victim cases if additional interviewers are needed pursuant to (E)(5).
- 6. Children sexually abused by persons unknown to the child or children who witness the abduction of another child by a stranger.
- 7. Children involved in a high conflict custody dispute.
- 8. Or in any other situation in which the detective or DCS investigator deems it necessary to utilize the forensic interviewer.

E. Process of the Child Interviews

- 1. Obtain relevant background information from the reporting source and/or the caretaker without having the child present.
- 2. Interview the child with only the interviewer and the child present in the interview room. A support animal may be present if the interviewer is a trained handler. In rare circumstances and at the request of the interviewer, a third party may be present for the interview. The third party sits in his/her own chair out of direct sight of the child and does not ask questions, speak, or react in any manner. Only as a last resort should the child be allowed to sit on the lap of the third party.

3. Conduct a semi-structured cognitive interview as follows:
 - a. Develop rapport discussing neutral topics to briefly ascertain the child's developmental level and language sample.
 - b. Explain the interview guidelines in a developmentally appropriate manner.
 - c. Obtain free narrative/recall - - allow spontaneous disclosures.
 - d. Ask open-ended questions concerning the alleged abuse to encourage descriptions of specific incidents.
 - e. Utilize focused questions in a non-leading manner to ascertain details of alleged abuse.
 - f. Allow the ventilation of emotions.
 - g. Summarize and close on a neutral topic.
4. Modify interview techniques as necessary for children with special needs or difficulties. Younger children may require more directive techniques during an interview due to their developmental limitations.
5. Utilize multiple qualified interviewers for multiple victim cases in order to avoid contamination of information.

F. Length of Interviews

1. School age children should not be interviewed for more than approximately fifty (50) minutes without a break.
2. Preschool children should not be interviewed for more than approximately thirty (30) minutes without a break.

G. Observation of the Interviews

The interview may be observed from a neutral location by only the following professionals:

1. Law enforcement personnel.
2. DCS workers investigating the allegations.
3. Medical personnel.
4. Deputy county attorneys and/or attorneys general.
5. The child's court appointed best interests attorney.
6. Mental health professionals

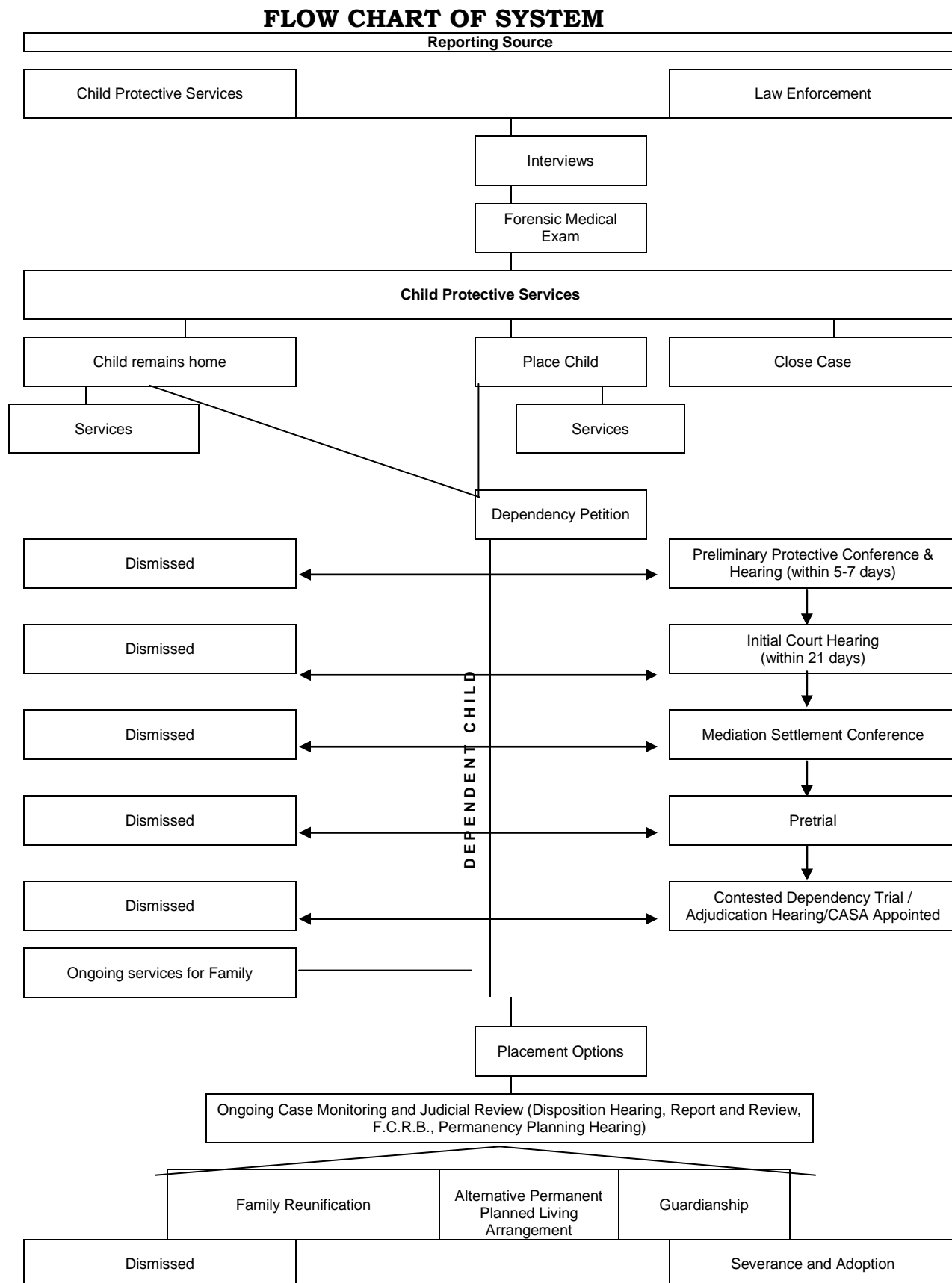
H. Use of Props

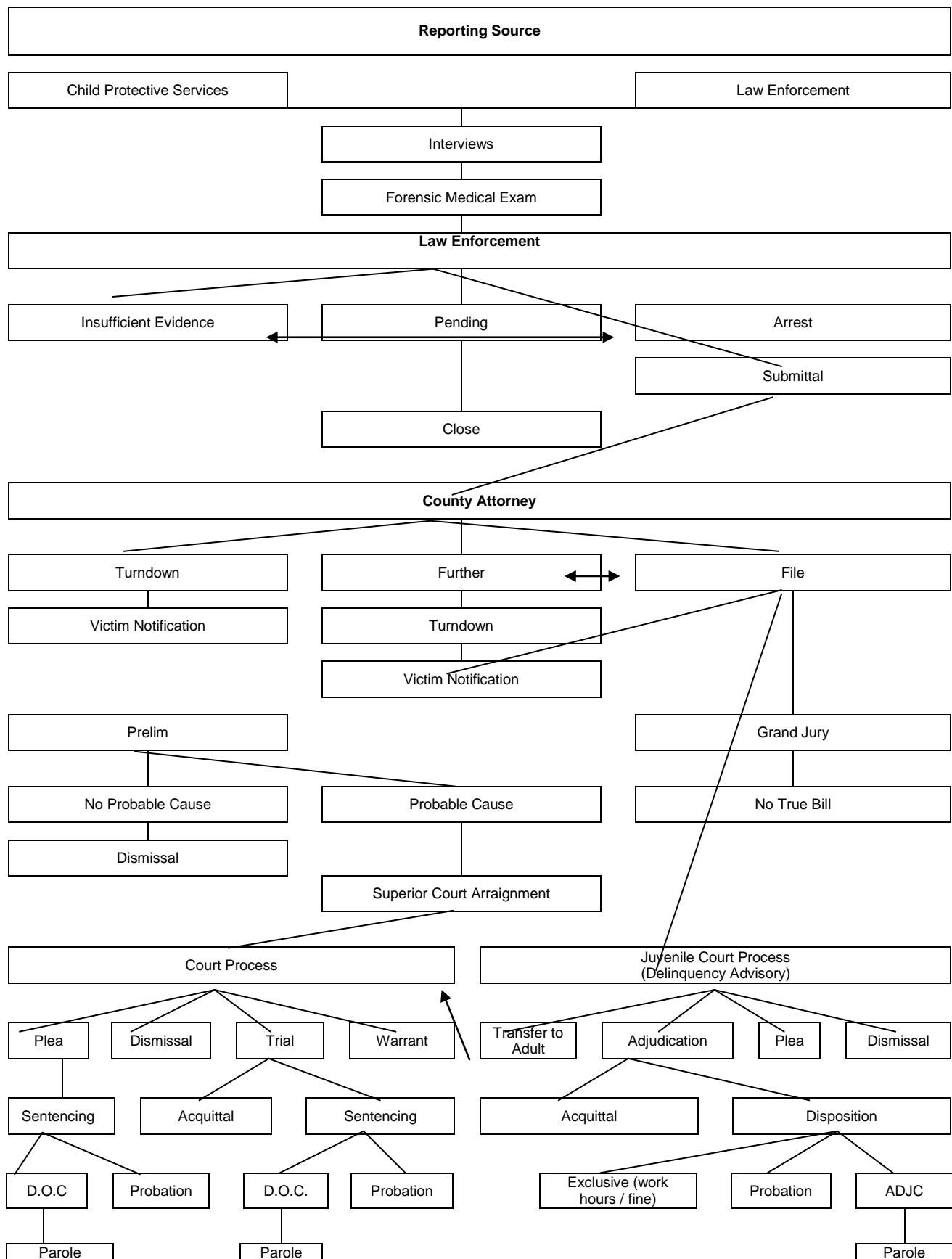
The use of props in an interview should be minimized. Props such as stuffed animals or drawings may be utilized at the interviewer's discretion to assist a reluctant child in the process of disclosure or the description of specific acts.

I. Peer Review

Advocacy center leadership will establish and implement a peer review program for agencies responsible for conducting forensic interviews. Participants should include: DCS, U.S. Attorney's Office, Attorney General's Office, Dedicated Forensic Interviewers, Law Enforcement Agencies and the County Attorney's Office.

APPENDIX 2: FLOW CHART OF SYSTEM





APPENDIX 3: MANDATED REPORTER LAW

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

A. Any person who reasonably believes that a minor is or has been the victim of physical injury, abuse, child abuse, a reportable offense or neglect that appears to have been inflicted on the minor by other than accidental means or that is not explained by the available medical history as being accidental in nature or who reasonably believes there has been a denial or deprivation of necessary medical treatment or surgical care or nourishment with the intent to cause or allow 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, 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. A member of the clergy, a Christian Science practitioner or a priest who has received a confidential communication or a confession in that person's role as a member of the clergy, as a Christian Science practitioner or as a priest in the course of the discipline enjoined by the church to which the member of the clergy, the Christian Science practitioner or the priest belongs may withhold reporting of the communication or confession if the member of the clergy, the Christian Science practitioner or the 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, the Christian Science practitioner or the 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, child welfare investigator, child safety worker, 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 advocates 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 either:

1. 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.
2. If a minor is of elementary school age, the physical injury occurs accidentally in the course of typical playground activity during a school day, occurs on the premises of the school that the minor attends and is reported to the legal parent or guardian of the minor and the school maintains a written record of the incident.

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 either electronically or by telephone. The reports shall contain the following information, if known:

1. The names and addresses of the minor and the minor's parents or the person or persons having custody of the minor.
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 the department of child safety. 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 the department of child safety, except if the report concerns a person who does not have care, custody or control of the minor, the report shall be made to a 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, child welfare investigator or child safety worker investigating the minor's neglect, child abuse, physical injury or abuse on written request for the records signed by the peace officer, child welfare investigator or child safety worker. Records disclosed pursuant to this subsection are confidential and may be used only in a judicial or administrative proceeding or investigation resulting from a report required or authorized under this section.

H. When reports are received by a peace officer, the officer shall immediately notify the department of child safety. Notwithstanding any other statute, when the department receives these reports, 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 the department of child safety.

L. In any civil or criminal litigation in which a child's neglect, dependency, physical injury, abuse, child abuse or abandonment is an issue, a member of the clergy, a Christian Science practitioner or a priest shall not, without his consent, be examined as a witness concerning any confession made to him in his role as a member of the clergy, a Christian Science practitioner or a priest in the course of the discipline enjoined by the church to which he belongs. This subsection does not discharge 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, on application of a peace officer, child welfare investigator or child safety 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, child welfare investigator or child safety worker investigating the abuse, child abuse, physical injury or neglect.

O. A person who violates this section is guilty of a class 1 misdemeanor, except if the failure to report involves a reportable offense, the person is guilty of a class 6 felony.

P. For the purposes of this section:

1. "Abuse" has the same meaning prescribed in 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 or viewing a minor pursuant to section 13-3019.

(c) Child prostitution pursuant to section 13-3212.

(d) Incest pursuant to section 13-3608.

(e) Unlawful mutilation pursuant to section 13-1214.

APPENDIX 4: OTHER APPLICABLE STATUTES

8-201. Definitions

In this title, unless the context otherwise requires:

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

2. "Abuse" means the infliction or allowing of physical injury, impairment of bodily function or disfigurement or the infliction of or allowing another person to cause serious emotional damage as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior and which emotional damage is diagnosed by a medical doctor or psychologist and is caused by the acts or omissions of an individual who has the care, custody and control of a child. Abuse includes:

(a) Inflicting or allowing sexual abuse pursuant to section 13-1404, sexual conduct with a minor pursuant to section 13-1405, sexual assault pursuant to section 13-1406, molestation of a child pursuant to section 13-1410, commercial sexual exploitation of a minor pursuant to section 13-3552, sexual exploitation of a minor pursuant to section 13-3553, incest pursuant to section 13-3608 or child prostitution pursuant to section 13-3212.

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

(c) Unreasonable confinement of a child.

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

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

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

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

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

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

(b) Made pursuant to section 13-3903.

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

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

- (a) A violation of section 13-3623 involving child abuse.
 - (b) A felony offense that constitutes domestic violence as defined in section 13-3601.
 - (c) A violation of section 13-1404 or 13-1406 involving a minor.
 - (d) A violation of section 13-1405, 13-1410 or 13-1417.
 - (e) Any other act of abuse that is classified as a felony.
 - (f) An offense that constitutes domestic violence as defined in section 13-3601 and that involves a minor who is a victim of or was in imminent danger during the domestic violence.
9. "Custodian" means a person, other than a parent or legal guardian, who stands in loco parentis to the child or a person to whom legal custody of the child has been given by order of the juvenile court.
10. "DCS report" means a communication received by the centralized intake hotline that alleges child abuse or neglect and that meets the criteria for a report as prescribed in section 8-455.
11. "Delinquency hearing" means a proceeding in the juvenile court to determine whether a juvenile has committed a specific delinquent act as set forth in a petition.
12. "Delinquent act" means an act by a juvenile that if committed by an adult would be a criminal offense or a petty offense, a violation of any law of this state, or of another state if the act occurred in that state, or a law of the United States, or a violation of any law that can only be violated by a minor and that has been designated as a delinquent offense, or any ordinance of a city, county or political subdivision of this state defining crime. Delinquent act does not include an offense under section 13-501, subsection A or B if the offense is filed in adult court. Any juvenile who is prosecuted as an adult or who is remanded for prosecution as an adult shall not be adjudicated as a delinquent juvenile for the same offense.
13. "Delinquent juvenile" means a child who is adjudicated to have committed a delinquent act.
14. "Department" means the department of child safety.
15. "Dependent child":
- (a) Means a child who is adjudicated to be:
 - (i) In need of proper and effective parental care and control and who has no parent or guardian, or one who has no parent or guardian willing to exercise or capable of exercising such care and control.
 - (ii) Destitute or who is not provided with the necessities of life, including adequate food, clothing, shelter or medical care.
 - (iii) A child whose home is unfit by reason of abuse, neglect, cruelty or depravity by a parent, a guardian or any other person having custody or care of the child.
 - (iv) Under eight years of age and who is found to have committed an act that would result in adjudication as a delinquent juvenile or incorrigible child if committed by an older juvenile or child.
 - (v) Incompetent or not restorable to competency and who is alleged to have committed a serious offense as defined in section 13-706.

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

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

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

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

19. "Incorrigible child" means a child who:

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

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

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

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

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

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

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

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

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

23. "Medical director of a mental health agency" means a psychiatrist, or licensed physician experienced in psychiatric matters, who is designated in writing by the governing body of the agency as the person in charge of the medical services of the agency, or a psychiatrist designated by the governing body to act for the director. The term includes the superintendent of the state hospital.

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

25. "Neglect" or "neglected" means:

(a) The inability or unwillingness of a parent, guardian or custodian of a child to provide that child with supervision, food, clothing, shelter or medical care if that inability or unwillingness causes unreasonable risk of harm to the child's health or welfare, except if the inability of a parent, guardian

or custodian to provide services to meet the needs of a child with a disability or chronic illness is solely the result of the unavailability of reasonable services.

(b) Permitting a child to enter or remain in any structure or vehicle in which volatile, toxic or flammable chemicals are found or equipment is possessed by any person for the purposes of manufacturing a dangerous drug as defined in section 13-3401.

(c) A determination by a health professional that a newborn infant was exposed prenatally to a drug or substance listed in section 13-3401 and that this exposure was not the result of a medical treatment administered to the mother or the newborn infant by a health professional. This subdivision does not expand a health professional's duty to report neglect based on prenatal exposure to a drug or substance listed in section 13-3401 beyond the requirements prescribed pursuant to section 13-3620, subsection E. The determination by the health professional shall be based on one or more of the following:

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

(ii) History of substance use or abuse.

(iii) Medical history.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Seriously impairs mental faculties.

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

(c) Is the result of sexual abuse pursuant to section 13-1404, sexual conduct with a minor pursuant to section 13-1405, sexual assault pursuant to section 13-1406, molestation of a child pursuant to section 13-1410, child prostitution pursuant to section 13-3212, commercial sexual exploitation of a minor pursuant to section 13-3552, sexual exploitation of a minor pursuant to section 13-3553 or incest pursuant to section 13-3608.

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

(a) Creates a reasonable risk of death.

(b) Causes serious or permanent disfigurement.

(c) Causes significant physical pain.

(d) Causes serious impairment of health.

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

(f) Is the result of sexual abuse pursuant to section 13-1404, sexual conduct with a minor pursuant to section 13-1405, sexual assault pursuant to section 13-1406, molestation of a child pursuant to section 13-1410, child prostitution pursuant to section 13-3212, commercial sexual exploitation of a minor pursuant to section 13-3552, sexual exploitation of a minor pursuant to section 13-3553 or incest pursuant to section 13-3608.

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

8-821. Taking into temporary custody; medical examination; placement; interference; violation; classification

A. A child shall be taken into temporary custody in proceedings to declare a child a temporary ward of the court to protect the child, pursuant to an order of the juvenile court on a petition by an interested person, a peace officer or a child safety worker under oath that reasonable grounds exist to believe that temporary custody is clearly necessary to protect the child from suffering abuse or neglect. If a child is taken into temporary custody pursuant to this section, the child's sibling shall also be taken into temporary custody only if reasonable grounds independently exist to believe that temporary custody is clearly necessary to protect the child from suffering abuse or neglect.

B. A child may be taken into temporary custody by a peace officer, a child welfare investigator or a child safety worker if temporary custody is clearly necessary to protect the child because probable cause exists to believe that the child is either:

1. A victim or will imminently become a victim of abuse or neglect.
2. Suffering serious physical or emotional injury that can only be diagnosed by a medical doctor or psychologist.
3. Physically injured as a result of living on premises where dangerous drugs or narcotic drugs are being manufactured. For the purposes of this paragraph, "dangerous drugs" and "narcotic drugs" have the same meanings prescribed in section 13-3401.
4. Reported by the department to be a missing child at risk of serious harm.

C. In determining if a child should be taken into temporary custody, the interested person, peace officer, child welfare investigator or child safety worker shall take into consideration:

1. As a paramount concern the child's health and safety.
2. Whether the parent is willing to participate in any services that are offered to the parent.

D. A person who takes a child into custody pursuant to subsection B, paragraph 2 of this section shall immediately have the child examined by a medical doctor or psychologist. After the examination the person shall release the child to the custody of the parent or guardian of the child unless the examination reveals abuse or neglect. Temporary custody of a child taken into custody pursuant to subsection B, paragraph 2 of this section shall not exceed twelve hours.

E. A child who is taken into temporary custody pursuant to this article shall not be detained in a police station, jail or lockup where adults charged with or convicted of a crime are detained.

F. A child shall not remain in temporary custody for more than seventy-two hours excluding Saturdays, Sundays and holidays unless a dependency petition is filed.

G. A person who knowingly interferes with the taking of a child into temporary custody under this section is guilty of a class 2 misdemeanor.

8-807. DCS information; public record; use; confidentiality; violation; classification; definition

A. DCS information shall be maintained by the department as required by federal law as a condition of the allocation of federal monies to this state. All exceptions for the public release of DCS information shall be construed as openly as possible under federal law.

B. The department, or a person who receives DCS information pursuant to this subsection, shall provide DCS information to a federal agency, a state agency, a tribal agency, a county or municipal agency, a law enforcement agency, a prosecutor, an attorney or a guardian ad litem representing a child victim of crime pursuant to article II, section 2.1, Constitution of Arizona, a school, a community service provider, a contract service provider or any other person that is providing services pursuant to this article or article 9, 10, 11, 12, 13 or 14 of this chapter:

1. To meet its duties to provide for the safety and permanency of a child, provide services to a parent, guardian or custodian or provide services to family members to strengthen the family pursuant to this article or article 9, 10, 11, 12, 13 or 14 of this chapter.

2. To enforce or prosecute any violation involving child abuse or neglect or to assert the rights of the child as a victim of a crime.

3. To provide information to a defendant after a criminal charge has been filed as required by an order of the criminal court.

4. To help investigate and prosecute any violation involving domestic violence as defined in section 13-3601 or violent sexual assault as prescribed in section 13-1423.

C. The department shall disclose DCS information to a court, a party in a dependency or termination of parental rights proceeding or the party's attorney, the foster care review board or a court appointed special advocate for the purposes of and as prescribed in this title.

D. The department shall disclose DCS information to a domestic relations, family or conciliation court if the DCS information is necessary to promote the safety and well-being of children. The court shall notify the parties that it has received the DCS information.

E. A person or agent of a person who is the subject of DCS information shall have access to DCS information concerning that person.

F. The department may provide:

1. DCS information to confirm, clarify, correct or supplement information concerning an allegation or actual instance of child abuse or neglect that has been made public by a source or sources outside the department.

2. DCS information to a person who is conducting bona fide research, the results of which might provide DCS information that is beneficial in improving the department.

3. Access to DCS information to the parent, guardian or custodian of a child if the DCS information is reasonably necessary to promote the safety, permanency and well-being of the child.

4. DCS information if an employee of the department has a reasonable belief that exigent circumstances exist. For the purposes of this paragraph, "exigent circumstances" means a condition or situation in which the death of or serious injury to a child will likely result in the near future without immediate intervention.

G. The department shall disclose DCS information to a county medical examiner or an alternate medical examiner directing an investigation into the circumstances surrounding a death pursuant to section 11-593.

H. Access to DCS information in the central registry shall be provided as prescribed in section 8-804.

I. To provide oversight of the department, the department shall provide access to DCS information to the following persons, if the DCS information is reasonably necessary for the person to perform the person's official duties:

1. Federal or state auditors.

2. Persons conducting any accreditation deemed necessary by the department.

3. A standing committee of the legislature or a committee appointed by the president of the senate or the speaker of the house of representatives for purposes of conducting investigations related to the legislative oversight of the department. This information shall not be further disclosed unless a court

has ordered the disclosure of this information, the information has been disclosed in a public or court record, or the information has been disclosed in the course of a public meeting or court proceeding.

4. A legislator who requests DCS information in the regular course of the legislator's duties. A legislator may discuss this information with another legislator if the other legislator has signed the form prescribed in subdivision (d) of this paragraph in regard to the specific file that will be discussed. This information shall not be further disclosed unless a court has ordered the disclosure of this information, the information has been disclosed in a public or court record, or the information has been disclosed in the course of a public meeting or court proceeding. To request a file pursuant to this paragraph:

(a) The legislator shall submit a written request for DCS information to the presiding officer of the body of which the state legislator is a member. The request shall state the name of the person whose case file is to be reviewed and any other information that will assist the department in locating the file.

(b) The presiding officer shall forward the request to the department within five working days of the receipt of the request.

(c) The department shall make the necessary arrangements for the legislator to review the file at an office of the department, chosen by the legislator, within ten working days.

(d) The legislator shall sign a form, consistent with the requirements of this paragraph and paragraph 3 of this subsection, before reviewing the file, that outlines the confidentiality laws governing department files and penalties for further release of the information.

5. A citizen review panel as prescribed by federal law, a child fatality review team as provided in title 36, chapter 35 and the office of ombudsman-citizens aide.

6. A human rights committee established pursuant to section 41-3801.

7. The governor who shall not disclose any information unless a court has ordered the disclosure of the information, the information has been disclosed in a public or court record or the information has been disclosed in the course of a public meeting or court proceeding.

J. A person who has been denied DCS information regarding a fatality or near fatality caused by abuse, abandonment or neglect pursuant to subsection L of this section or section 8-807.01 may bring a special action pursuant to section 39-121.02 in the superior court to order the department to release that DCS information. A legislator has standing to bring or to join a special action regarding the release of DCS information or to challenge the redaction of released DCS information. The plaintiff shall provide notice to the county attorney, who has standing and may participate in the action. The court shall review the requested records in camera and order disclosure consistent with subsections A and L of this section and section 8-807.01. The court shall take reasonable steps to prevent any clearly unwarranted invasions of privacy and protect the privacy and dignity of victims of crime pursuant to article II, section 2.1, subsection C, Constitution of Arizona.

K. The department or a person who is not specifically authorized by this section to obtain DCS information may petition a judge of the superior court to order the department to release DCS information. The plaintiff shall provide notice to the county attorney and to the attorney and guardian ad litem for the child, who have standing and may participate in the action. The court shall review the requested records in camera and shall balance the rights of the parties who are entitled to confidentiality pursuant to this section against the rights of the parties who are seeking the release of the DCS information. The court may release otherwise confidential DCS information only if the rights of the parties seeking the DCS information and any benefits from releasing the DCS information

outweigh the rights of the parties who are entitled to confidentiality and any harm that may result from releasing the DCS information. The court shall take reasonable steps to prevent any clearly unwarranted invasions of privacy and protect the privacy and dignity of victims of crime pursuant to article II, section 2.1, subsection C, Constitution of Arizona.

L. Except as provided in subsection M of this section, before it releases records under this section or section 8-807.01, the department shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of a person who reports child abuse or neglect and to protect any other person if the department believes that disclosure of the DCS information would be likely to endanger the life or safety of any person. The department is not required by this section to disclose DCS information if the department demonstrates that disclosure would cause a specific, material harm to a department investigation. The department is not required by this section to disclose DCS information if, in consultation with the county attorney, the county attorney demonstrates that disclosure would cause a specific, material harm to a criminal investigation or prosecution.

M. A person who is the subject of an unfounded report or complaint made pursuant to this article or article 9, 10, 11, 12, 13 or 14 of this chapter and who believes that the report or complaint was made in bad faith or with malicious intent may petition a judge of the superior court to order the department to release the DCS information. The petition shall specifically set forth reasons supporting the person's belief that the report or complaint was made in bad faith or with malicious intent. The court shall review the DCS information in camera and the person filing the petition shall be allowed to present evidence in support of the petition. If the court determines that there is a reasonable question of fact as to whether the report or complaint was made in bad faith or with malicious intent and that disclosure of the identity of the person making the report or complaint would not be likely to endanger the life or safety of the person making the report or complaint, it shall provide a copy of the DCS information to the person filing the petition and the original DCS information is subject to discovery in a subsequent civil action regarding the making of the report or complaint.

N. The department shall provide the person who conducts a forensic medical evaluation with any records the person requests, including social history and family history regarding the child, the child's siblings and the child's parents or guardians.

O. The department shall provide DCS information on request to a prospective adoptive parent, foster parent or guardian, if the information concerns a child the prospective adoptive parent, foster parent or guardian seeks to adopt or provide care for.

P. If the department receives information that is confidential by law, the department shall maintain the confidentiality of the information as prescribed in the applicable law.

Q. A person may authorize the release of DCS information about the person but may not waive the confidentiality of DCS information concerning any other person.

R. The department may provide a summary of the outcome of a department investigation to the person who reported the suspected child abuse or neglect.

S. The department shall adopt rules to facilitate the accessibility of DCS information.

T. The department or a person who receives DCS information pursuant to subsection B of this section shall provide DCS information to law enforcement and a court to protect the safety of any employee of the department or the office of the attorney general or to protect a family member of such an employee.

U. A person who receives DCS information shall maintain the confidentiality of the information and shall not further disclose the information unless the disclosure is authorized by law or a court order.

V. The department may charge a fee for copying costs required to prepare DCS information for release pursuant to this section or section 8-807.01.

W. A person who violates this section is guilty of a class 2 misdemeanor.

X. For the purposes of this section, "DCS information" includes all information the department gathers during the course of an investigation conducted under this chapter from the time a file is opened and until it is closed. DCS information does not include information that is contained in child welfare agency licensing records.

8-824. Preliminary protective hearing; probable cause; appointment of counsel

A. The court shall hold a preliminary protective hearing to review the taking into temporary custody of a child pursuant to section 8-821 not fewer than five days nor more than seven days after the child is taken into custody, excluding Saturdays, Sundays and holidays. If clearly necessary to prevent abuse or neglect, to preserve the rights of a party or for other good cause shown, the court may grant one continuance that does not exceed five days.

B. The following persons shall be present at the preliminary protective hearing:

1. The child's parents or guardian, unless they cannot be located or they fail to appear in response to the notice.
2. Counsel for the parents if one has been requested or retained.
3. The child's guardian ad litem or attorney.
4. The child safety worker and additional representatives of the department if requested by the department.
5. Counsel for the child safety worker.

C. If the court finds that it is in the best interests of the child, the court may allow the following to be present at the preliminary protective hearing:

1. The child.
2. Any relative or other interested person with whom the child is or might be placed as described in section 8-845, subsection A.
3. Witnesses called by the parties.
4. An advocate or interested person as requested by the parent or guardian.
5. Other persons who have knowledge of or an interest in the welfare of the child.

D. At the hearing, the court shall advise the parent or guardian of the following rights:

1. The right to counsel, including appointed counsel if the parent or guardian is indigent.
2. The right to cross-examine all witnesses who are called to testify against the parent or guardian.
3. The right to trial by court on the allegations in the petition.
4. The right to use the process of the court to compel the attendance of witnesses.

E. At the hearing, the court:

1. Shall receive a report of any agreement reached pursuant to section 8-823, subsection D. The report may be made orally.
2. Shall provide an opportunity for the child's parent or guardian, if present, and any other person who has relevant knowledge, to provide relevant testimony.
3. May limit testimony and evidence that is beyond the scope of the removal of the child, the child's need for continued protection, placement, visitation and services to be provided to the child and family.
4. May take into consideration as a mitigating factor the participation of the parent or guardian in the healthy families program established by section 8-481.
5. Shall take into consideration as a mitigating factor the availability of reasonable services to the parent or guardian to prevent or eliminate the need for removal of the child and the effort of the parent or guardian to obtain and participate in these services.
6. Shall inform the child's parent or guardian that the hearing may result in further proceedings to terminate parental rights.
7. Shall order the parent or guardian to provide the court with the names, the type of relationship and all available information necessary to locate persons who are related to the child or who have a significant relationship with the child. If there is not sufficient information available to locate a relative or person with a significant relationship with the child, the parent or guardian shall inform the court of this fact. The court shall further order the parent or guardian to inform the department immediately if the parent or guardian becomes aware of information related to the existence or location of a relative or person with a significant relationship to the child.
8. Shall inform the parent that substantially neglecting or wilfully refusing to remedy the circumstances that cause the child to be in an out-of-home placement, including refusing to participate in reunification services, is grounds for termination of parental rights to a child.
9. Shall give paramount consideration to the health and safety of the child.
10. Shall determine whether the department is attempting to identify and assess placement of the child with a grandparent or another member of the child's extended family including a person who has a significant relationship with the child.

11. Shall inform a foster parent, a preadoptive parent or a member of the child's extended family with whom the department has placed the child of the right to be heard in any proceeding to be held with respect to the child.

F. The petitioner has the burden of presenting evidence as to whether there is probable cause to believe that continued temporary custody is clearly necessary to prevent abuse or neglect pending the hearing on the dependency petition.

G. The department must make reasonable efforts to place a child with siblings and, if that is not possible, to maintain frequent visitation or other ongoing contact between all siblings.

H. If the child is in the temporary custody of the department, the department shall submit not later than the day before the hearing a written report to the court and the parties that states:

1. The reasons the child was removed from the parent's or guardian's custody.
2. Any services that have been provided to the child or the child's parent or guardian to prevent removal.
3. The need, if any, for continued temporary custody.
4. The types of service needed to facilitate the return of the child to the custody of the child's parents or guardian.
5. If the child is not placed with a grandparent, whether the child has any relatives or other interested parties as described in section 8-845, subsection A who may be able and willing to take temporary custody.
6. Any services that are requested by the parent or guardian but that are not provided and the reasons the services were not provided.
7. What efforts the department has made to place siblings together, and if they are not placed together, the specific reasons why this did not occur.
8. If the placement of siblings together was not possible for all or any of the siblings, efforts the department has made to facilitate communications among siblings and a proposal for frequent visitation or contact pursuant to subsection G of this section. If frequent visitation or contact with siblings is not recommended, the department shall state the reasons why this would be contrary to the child's or a sibling's safety or well-being.
9. A proposal for visitation with the child's parents or guardian and the results of any visitation that has occurred since the child was removed. The requirements of this paragraph do not apply to a specific parent or guardian if there is a court order relating to a criminal case that prohibits that parent or guardian from contact with the child. Before the department allows visitation it must first determine that there are no court orders relating to any superior court criminal case that prohibit the parent or guardian from contact with the child.
10. A proposed case plan for services to the family.

I. The parent or guardian shall state whether the parent or guardian admits or denies the allegations in the petition filed pursuant to section 8-841. If the parent or guardian admits or does not contest the allegations in the petition, the court shall determine that the parent or guardian understands the rights described in subsection D of this section and that the parent or guardian knowingly, intelligently and voluntarily waives these rights.

J. At the hearing, if the child is not returned to the parent or guardian, the court shall:

1. Enter orders regarding the placement of the child pending the determination of the dependency petition and visitation, if any.

2. If a relative is identified as a possible placement for the child, notify the relative of the right to be heard in any proceeding to be held with respect to the child.

13-107. Time limitations

A. A prosecution for any homicide, any conspiracy to commit homicide that results in the death of a person, any offense that is listed in chapter 14 or 35.1 of this title and that is a class 2 felony, any violent sexual assault pursuant to section 13-1423, any violation of section 13-2308.01, any misuse of public monies or a felony involving falsification of public records or any attempt to commit an offense listed in this subsection may be commenced at any time.

B. Except as otherwise provided in this section and section 28-672, prosecutions for other offenses must be commenced within the following periods after actual discovery by the state or the political subdivision having jurisdiction of the offense or discovery by the state or the political subdivision that should have occurred with the exercise of reasonable diligence, whichever first occurs:

1. For a class 2 through a class 6 felony, seven years.

2. For a misdemeanor, one year.

3. For a petty offense, six months.

C. For the purposes of subsection B of this section, a prosecution is commenced when an indictment, information or complaint is filed.

D. The period of limitation does not run during any time when the accused is absent from the state or has no reasonably ascertainable place of abode within the state.

E. The period of limitation does not run for a serious offense as defined in section 13-706 during any time when the identity of the person who commits the offense or offenses is unknown.

F. The time limitation within which a prosecution of a class 6 felony shall commence shall be determined pursuant to subsection B, paragraph 1 of this section, irrespective of whether a court enters a judgment of conviction for or a prosecuting attorney designates the offense as a misdemeanor.

G. If a complaint, indictment or information filed before the period of limitation has expired is dismissed for any reason, a new prosecution may be commenced within six months after the dismissal becomes final even if the period of limitation has expired at the time of the dismissal or will expire within six months of the dismissal.

3. Determine if the tasks and services set forth in the case plan are reasonable and necessary to carry out the case plan.

41-1959. Confidential information; permissible disclosure; rules; violation; classification

A. Unless otherwise provided by law, all personally identifiable information concerning any applicant, claimant, recipient, employer or client or concerning any person involved in an adult protective services action, other than a perpetrator against whom an allegation of abuse, neglect or exploitation has been substantiated pursuant to section 46-458, is confidential and shall not be released unless ordered by a superior court judge or provided for by rule of court except as provided in subsections B, C and D of this section. Department records and files that contain information related to investigations conducted by child protective services or the department of child safety are confidential. The department shall release this information only as prescribed by section 8-807.

B. Employees of the department of economic security, the department of law and the court may obtain the information described in subsection A of this section in the performance of their duties as authorized by rules adopted by the director.

C. Employees of the department of economic security, the department of law and the court may release any information that is otherwise held confidential under this section under any of the following circumstances:

1. To the applicant, claimant, recipient, employer or client if a request is made in writing by any of such persons specifically requesting information that directly relates to the person requesting such information.
2. To the extent necessary to make claims on behalf of a client for public or private assistance, insurance or health or medical assistance pursuant to title 11, chapter 2, article 7 or title 36, chapter 29 to which the client may be entitled.
3. In oral and written communications involving the provision of services or the referral to services between employees of, persons under contract with, or persons holding a general employment relationship with the department of economic security, the department of law or the juvenile court.
4. If the disclosure of otherwise confidential information is necessary to protect against a clear and substantial risk of imminent serious injury to a client.
5. To agencies of the federal government, this state or any political subdivision of this state for official purposes. All information received by a governmental agency pursuant to this paragraph shall be maintained as confidential, except where pertinent to a criminal prosecution.
6. To foster parents and persons certified to adopt if necessary to assist in the placement with or care of a child by such persons.
7. In any judicial or administrative proceeding involving an adult protective services client if the director of the department considers the information pertinent to the proceeding.
8. To the entities as specified in section 23-722.04, subsections A and E for the development of a state workforce evaluation data system and program performance purposes and other program and research purposes as defined in a data sharing agreement but not including information regarding adult or child protection actions.

D. Notwithstanding section 46-135, a standing committee of the legislature or a committee appointed by the president of the senate or the speaker of the house of representatives may obtain the information described in subsection A of this section on written notification to the director. Information obtained pursuant to this subsection may be used only for purposes of conducting investigations related to legislative oversight of the department. Information that is personally identifiable shall not be further disclosed.

E. Any violation of this section is a class 2 misdemeanor.

F. The department shall establish safeguards against the unauthorized use or disclosure of confidential information in title IV-D cases.

13-4061. Competency of witness

In any criminal trial every person is competent to be a witness.

8-401. Detention hearing

The victim has the right to be heard at the detention hearing of the person suspected of committing the delinquent act against the victim.

8-301. Commencement of proceedings

A proceeding under this chapter may be commenced by one of the following procedures:

1. By transfer of a case from another court as provided in section 8-302.
2. By the filing of a petition by the county attorney.
3. For an offense other than a felony, by the referral of a uniform Arizona traffic ticket and complaint form.

APPENDIX 5: PRIORITIZING REPORTS AND RESPONSE

Prioritizing Reports and Response

The Child Abuse Hotline shall assign each report a risk level and tracking characteristic, if applicable.

The Child Abuse Hotline shall notify the local office by telephone of the receipt of the report and its risk level for a high risk report or through a CHILDS Alert as soon as possible. The local office and Group Care CPS Specialist shall cross-report to the appropriate law enforcement agency of the report, following district procedures.

Following the guidelines below, the Hotline Specialist is to determine and assign the appropriate risk level for the alleged abuse and neglect.

The timeframes for investigations are based on the following determinations of high risk, moderate risk, and low risk.

If there are extenuating circumstances that either require a faster response time or allow for a slower response, Hotline Specialists have the ability to aggravate or mitigate a report based on Aggravating or Mitigating Factors, or the Hotline Specialist can consult with the field regarding aggravation or mitigation, or leave this decision up to the field.

High Risk Situations

High Risk Physical Abuse—Severe/life threatening injuries requiring emergency medical treatment and/OR parent presents severe physical harm to a child NOW.

The following injuries or situations constitute High Risk Abuse:

- Injuries requiring emergency medical treatment that may include:
 - ☑ Head injury with risk of Central Nervous System damage
 - ☑ Internal injury
 - ☑ Multiple injuries or multiple plan injuries (battering)
 - ☑ Severe facial bruises
 - ☑ Fractures or bruises in a non-ambulatory child
 - ☑ Fractures
 - ☑ Instrumentation injury with risk of impairment
 - ☑ Immersion burns
 - ☑ Second and third degree burns
 - ☑ Parent guardian or custodian provides prescribed/non-prescribed or illegal drugs or alcohol to a child **under the age of six (6)** and the child is exhibiting symptoms of the drug or alcohol
 - ☑ Child under the age of twenty-four (24) months is shaken (shaken baby syndrome)
 - ☑ Child under the age of six (6) observed or reported to be struck in the head, face, neck, genitals or abdomen which could likely cause an injury
 - ☑ Physical abuse by a parent, guardian, or custodian who has a previous substantiated Priority 1 or High Risk report
 - ☑ Parent, guardian or custodian threatens or presents serious bodily harm to a child **NOW**

High Risk Neglect—Severe/life threatening situations requiring emergency intervention due to the absence of a parent, or a parent who is either unable due to physical or mental limitations or is unwilling to provide minimally adequate care.

The Following Situations Constitute High Risk Neglect:

- **Delayed or** untreated medical condition which is life threatening or permanently disabling which may include Infant Doe, comatose state or debilitation from starvation or possible non-organic failure to thrive (aka pediatric under nutrition, poor weight gain).
- Child of any age who is alone and cannot care for self or for other children due to physical, emotional, or mental inability. (This includes a parent, guardian, or custodian who is incarcerated or hospitalized.)

- Child under the age of six (6) is alone **NOW**.
- Child six (6) to nine (9) years of age is alone for three (3) hours or longer or unknown when parent, guardian, or custodian will return.
- Imminent harm to child under the age of six (6) due to inadequate supervision by parent, guardian, or custodian.
- Neglect results in serious physical injury or illness requiring emergency medical treatment. *NOTE: Failure to use child restraints pursuant to ARS § 28-907 are not reports.*
- Imminent harm to child due to health or safety hazards in living environment which may include exposure to the elements.
- Child **assessed** as suicidal by qualified mental health professional and parent, guardian, or custodian is unwilling to secure needed emergency medical treatment including psychiatric treatment.
- No parent willing to provide immediate care for a child and child is with a caregiver who is unable or unwilling to care for the child **NOW** or child is left to his or her own resources.
- History of extensive gestational substance abuse to child under three (3) months of age or mother or child tests positive for non-prescribed or illegal drug or alcohol at time of birth.
- Child under two (2) months of age displays non-prescribed or illegal drug or alcohol withdrawal symptoms.
- Mother is using cocaine, heroin, methamphetamines, or PCP and is breastfeeding a child.

High Risk Sexual Abuse—Physical evidence of sexual abuse reported by a medical doctor or child reporting sexual abuse within the past seven (7) days.

The following situations constitute High Risk Sexual Abuse:

- Physical evidence of sexual abuse reported by a medical doctor or child reporting sexual abuse within the past 7 days.
- Child reporting vaginal or anal penetration or oral sexual contact (oral contact with the penis, vulva, or anus) within past seventy-two (72) hours AND has not been examined by a medical doctor.

High Risk Response Times
Standard Response Time—SRT: 2 hours
Mitigated Response Time—MRT: 24 hours

Moderate Risk

Moderate Risk Physical Abuse—Serious/multiple injuries which may require medical treatment and/or a child at risk for serious physical abuse if no intervention is received.

The following injuries or situations are considered Moderate Risk Abuse:

- Injuries: **That May Require Medical Treatment** which may include:
 - ☒ Multiple injuries or multiple plane injuries
 - ☒ Injuries to torso or extremities
 - ☒ Injuries to child under age one (1)
 - ☒ Fractures
 - ☒ Parent, guardian, or custodian provides prescribed/non-prescribed or illegal drug or alcohol to a child **six (6) years of age or older** and the child is exhibiting symptoms of the drug or alcohol
 - ☒ Munchausen's Syndrome by Proxy
 - ☒ Low Risk injury to child under the age of six (6)

- ☑ Child six (6) years of age or older observed or reported to be struck in the head, face, neck, genitals, or abdomen which could likely cause an injury
- ☑ Parent, guardian or custodian **presents serious bodily harm to a child or** fears or threatens to harm child if no intervention received and he or she has a previous **substantiated** report of physical abuse
- ☑ Newborn child (under 3 months of age) born to parents whose parental rights have been previously terminated

Moderate Risk Neglect—Serious/Non-life threatening situations requiring intervention due to the absence of a parent, or a parent who is unable due to physical or mental limitations or is unwilling to provide minimally adequate care.

The following situations constitute Moderate Risk Neglect:

- Child age eleven (11) to thirteen (13) years of age caring for a child age six (6) or younger for twelve (12) hours or longer.
- Living environment presents health or safety hazards to a child under the age of six (6) which may include human/animal feces, indisposed garbage, exposed wiring, access to dangerous objects or harmful substances, etc.
- Due to inadequate supervision **or encouragement** by parent, guardian or custodian **sexual conduct or physical injury occurs between children.** This includes a licensed or certified DES facility or a licensed DHS Level I, II or III Behavioral Health Treatment facility
- (If the information is on a foster parent, group care facility, RTC, etc. use the designated questions. If it does not meet the criteria of a report for field investigation, send the information to the licensing specialist and case manager. If the licensing inquiry reveals inadequate supervision, the specialist will call back to make a report)
- No parent willing to care for a child and child is with a caregiver who is unable or unwilling to continue caring for the child less than ONE (1) WEEK.
- Newborn child (under 3 months of age) born to parents whose parental rights have been previously terminated.

Moderate Risk Sexual Abuse—Sexual behavior or attempted sexual behavior occurring 8 days or up to 1 year ago and/or child is exhibiting indicators consistent with sexual abuse.

The following situations constitute moderate risk sexual abuse:

- Several behavior within the past eight (8) to fourteen (14) days including sexual abuse, sexual assault, sexual exploitation of a minor, commercial sexual exploitation of a minor, incest, child prostitution, molestation of a child, and sexual conduct with a minor.
- Attempted sexual behavior or sexual behavior when last occurrence is unknown or when last occurred beyond fourteen (14) days and up to **one (1) year** including sexual abuse, sexual assault, sexual exploitation of a minor, commercial sexual exploitation of a minor, incest, child prostitution, molestation of a child and sexual conduct with a minor
- Parent, guardian or custodian suggests or entices a child to engage in sexual behavior, but there is no actual touching, including encouraging a child to view pornographic materials
- Child is exhibiting physical or behavioral indicators which are consistent with sexual abuse **AND** there are indicators the behavior is caused by parent, guardian, or custodian
- Child is living in the home with a person convicted of a sexual offense against a child

Moderate Risk Emotional Abuse—Child diagnosed by a mental health professional as exhibiting symptoms of emotional abuse caused by a parent.

The following constitutes Moderate Risk Emotional Abuse:

- Child diagnosed by qualified mental health professional as exhibiting severe anxiety, depression, withdrawal, or untoward aggressive behavior which could be due to serious emotional damage by parent, guardian or custodian.

<p style="text-align: center;">Moderate Risk Response Times: SRT: 48 Hours Aggravated Response Time—ART: 24 Hours MRT: 72 Hours</p>

Low Risk

Low Risk Abuse—Injuries not requiring medical treatment and/or parent threatens physical harm if no intervention is received.

- The following injuries or situations are considered Low Risk Abuse:
 - ☑ Injuries **Not Requiring Medical Treatment** which may include:
 - * First degree or cigarette burns
 - * Injury to buttocks or scalp (i.e., hair loss)
 - * Injury to bony body parts (i.e., shins, knees, elbow, etc.)
 - * Single or small bruises
 - * Parent, guardian or custodian provides prescribed/non-prescribed or illegal drugs or alcohol to a child and the child is exhibiting symptoms of the drug or alcohol
 - * Bleeding (i.e., hit in face, bloody nose)
 - * Parent, guardian or custodian fears, or threatens to harm a child if no intervention is received.

Low Risk Neglect—Situations which may require intervention due to the absence of a parent, or a parent who is unable due to physical or mental limitations or is unwilling to provide minimally adequate care, which includes exploitation of a child.

The following situations constitute Low Risk Neglect:

- Delayed or untreated medical problem causes child pain or debilitation that is not life threatening AND parent, guardian, or custodian is unwilling to secure medical treatment
- Child under the age of nine (9), who is not alone at the time of the report, but has been left alone within the past fourteen (14) days
- Parent, guardian or custodian demonstrates an inability to care for a child within the past thirty (30) days including leaving a child with inappropriate or inadequate caregivers
- Living environment presents health or safety hazards to a child six (6) years of age or older which may include human/animal feces, indisposed garbage, exposed wiring, access to dangerous objects or harmful substances, etc.
- Food not provided and child is chronically hungry
- Significant developmental delays due to neglect
- Use of a child by a parent, guardian, or custodian for material gain which may include forcing the child to panhandle, steal, or perform other illegal activities

- Parent, guardian, or custodian is not protecting child from a person who does not live in the home AND who abused a child
- No parent willing to care for a child and child is with a caregiver who is unable or unwilling to continue caring for the child beyond ONE (1) WEEK UP TO THIRTY (30) DAYS (reporting source will need to call back if beyond thirty (30) days)

Low Risk Sexual Abuse—Sexual behavior or attempted sexual behavior occurring beyond 1 year and perpetrator currently has access to a child.

The following situations constitute Low Risk Sexual Abuse:

- Parent, guardian or custodian sexually abused a child in the past **AND** is now living in a home with a child.
- Attempted sexual behavior or sexual behavior when last occurrence was beyond **one (1) year** including sexual abuse, sexual assault, sexual exploitation of a minor, commercial sexual exploitation of a minor, incest, child prostitution, molestation of a child, and sexual conduct with a minor **and the perpetrator currently has access to the child.**

Low Risk Emotional Abuse—Parent demonstrates behavior which may result in emotional trauma to a child.

The following constitutes Low Risk Emotional Abuse:

- Parent, guardian or custodian demonstrates behavior or child reports parent, guardian or custodian behavior which is likely to have the effect of **fear** rejection, isolation, humiliation or debasement of a child.

<p align="center">Low Risk Response Times: SRT: 72 Hours Aggravated Response Time—ART: 48 Hours MRT: 72 Hours Excluding Weekends & Holidays</p>
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Potential Risk

Potential Risk Of Physical Abuse—Child at risk of physical injury due to stressors in the home.

The following situations constitute Potential Risk of Physical Abuse:

- Home environment stressors place child at risk of physical abuse which may include:
 - ☒ domestic violence
 - ☒ mental illness
 - ☒ substance abuse
 - ☒ history of physical abuse with no current injury, etc.

Potential Risk Of Neglect—Child at risk of neglect due to stressors in the home.

The following situations constitute Potential Risk of Neglect:

- Parent, guardian or custodian has no resources to provide for child's needs (supervision, food, clothing, shelter, and medical care) and child's needs may be neglected.
- Home environment stressors place child at risk of neglect which may include mental illness, substance abuse, etc.

- Living environment is likely to present a health or safety hazard to a child
- Child adjudicated dependent due to finding of incompetence or not restorable to competency pursuant to [ARS § 8-201](#).
- Sexual conduct or physical injury between children and unknown if parent, guardian, or custodian will protect.
- Complaint by law enforcement or officer of juvenile court alleging dependency due to a delinquent or incorrigible act committed by a child under age eight (8) [\[ARS §8-201\]](#).

<p align="center">Potential Risk Response Times: SRT: 7 Consecutive Days ART: 72 Hours Excluding Weekends & Holidays</p>

TRACKING CHARACTERISTICS

Tracking Characteristics

Does not require an investigation, but may require an action.

TB—Notice that a family or alleged abusive person known to another state CPS is residing in or believed to be relocating to Arizona.

TD—Request for courtesy assessment from another state CPS to ensure safety of a child.

TE—Runaways from other states or shelter due to out-of-state request or courtesy ICPC shelter.

TF—Court ordered pick up (domestic relations)

TG—Mental health treat needed, but cannot be obtained without CPS intervention

PI—Physical Injury Between Children

SX—Sexual Conduct Between Children

SPGA—Successor Permanent Guardianship Action

Tracking Characteristics

Requires an investigation and must include at least one report allegation

AB—Abandonment

DV—Domestic Violence

FR—False Report Indicated

NF—Near Fatality—an act, certified by a physician, placed the child in serious or critical condition

SEN—Substance Exposed Newborn

TH—Child in care, custody and control of DES via court order or Voluntary Foster Placement Agreement

TJ—Administrative ordered investigation

TK—Court ordered investigation

TL—Private dependency petition

TM—Substance abuse contributes to the maltreatment

TN—DES certified child care home

TO—Family resides on Indian Reservation or Military Base

TP—Family Assistance Administration (AFDC teenage parent recipient) report.

TSH—Safe Haven Newborn

TPI—Physical Injury Between Children

TSX—Sexual Conduct Between Children

SPG—Successor Permanent Guardianship

Aggravating and Mitigating Factors

AGGRAVATING FACTORS

(Requires documentation in the case record by the supervisor)

- A1 Child victim placed in temporary custody by law enforcement or court order
- A2 Parent, guardian or custodian is described as volatile or dangerous
- A3 Ability to locate child victim is time limited
- A4 Family in crisis NOW
- A5 Chronicity including previous validated or undetermined investigated reports
- A6 Special needs of child victim place child victim at greater risk
- A7 Child victim in care, custody and control of DES via court order or Voluntary Foster Placement Agreement
- A8 Administrative directive for quicker response time
- A9 Child victim expressing fear of maltreatment if going home

MITIGATING FACTORS

(Requires documentation in the case record by the supervisor)

- M1 No perpetrator access to child victim during the determined response time
- M2 Child victim hospitalized or in other safe environment and will remain there during the determined response time
- M3 Maltreatment occurred thirty (30) days or longer prior to report for child victim age one (1) or older
- M4 Family receiving treatment related to report allegation and, in the opinion of the treatment provider, the child victim will be safe during the determined response time
- M5 Law enforcement report and no contact with CPS by phone at time of law enforcement response; may mitigate up to Potential Risk Standard Response Time

A SEN report may be mitigated if one or more of the following factors are present:

- M7 The Mother is currently living with non-substance using partner or extended family.
- M8 The mother's drug usage was limited to marijuana.
- M9 The child will remain hospitalized for 24 hours or longer.

APPENDIX 6: ATTORNEY GENERAL OPINION



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

GRANT WOODS
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

MAIN PHONE : 542-5025
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October 2, 1998

Dr. Linda J. Blessing, Director
Arizona Department of Economic Security
1717 West Jefferson Street
Phoenix, Arizona 85005

RE: I98-008 (R98-017)

Dear Dr. Blessing:

You recently requested a format opinion about whether private schools may impose requirements or limitations on Child Protective Services ("CPS") specialists who seek to interview children on school property. We conclude that Arizona law authorizes a CPS specialist to interview a child on school property without school-imposed requirements or limitations. In particular, we determine that the Legislature directed CPS to "immediately" "make a *prompt and thorough* investigation" to refute or substantiate an allegation about whether a child should be adjudicated dependent.¹ Arizona Revised Statutes Annotated ("A.R.S.") § 8-802(C)(3)(b) (emphasis added); *see also* A.R.S. § 8-304(B). Moreover, the rules of the Department of Economic Security ("DES") relating to CPS's investigations of child abuse, neglect, dependency, or exploitation provide that "a child may be interviewed at any site deemed appropriate by the Child Protective Services worker." Arizona Administrative Code ("A.A.C.") R6-5-5504(B). Personnel of both public and private schools also have a duty to protect the children under their care and to cooperate in the reporting and investigation of abuse, abandonment, dependency, or neglect. A.R.S. § 13-3620.² Consequently, we find no legal basis

¹ A "dependent child" is one who is (i) adjudicated to be in need of appropriate and effective parental care and control, (ii) destitute, not being provided with the necessities of life, or in a home that is unfit due to abuse, neglect, cruelty or depravity of either parent, or (iii) younger than eight and committed an act that would have resulted in the child being adjudicated delinquent or incorrigible if the child were older. A.R.S. § 8-546(A)(6).

² Section 13-3620, A.R.S., requires school personnel, counselors, nurses, clergymen, priests, doctors, parents, and others responsible for the care and treatment of children who have reasonable grounds to believe that a minor has been the victim of abuse, injury, exploitation, or neglect to immediately report the information to a peace officer or CPS. That statute also requires release of confidential records to the peace officer or CPS specialist conducting the investigation and waives many of the privileges prohibiting disclosure of confidential information in litigation and administrative proceedings in which a child's abuse, abandonment, dependency, or neglect is an issue. *See also* A.R.S. § 8-805(B).

on which schools – whether public (traditional and charter) or private (parochial or nonsectarian) – may erect barriers that impede the goal of protecting the welfare of children.

Background

DES accepts reports of possible child abuse, neglect, exploitation, or abandonment twenty-four hours a day, seven days a week. A.R.S. § 8-802(C)(1) and A.A.C. R6-5-5503(A). DES operates a statewide, toll-free telephone service to receive these reports. Between July 1, 1996 and June 30, 1997, DES received 38,229 incoming communications to the Child Abuse Hotline that met the criteria of a report for investigation of maltreatment. ARIZONA DEPARTMENT OF ECONOMIC SECURITY, DIVISION OF CHILDREN, YOUTH AND FAMILIES, *Annual Report for July 1, 1996 through June 30, 1997 at 2* (September 30, 1997). Forty-five percent of the reports related to allegations of neglect, 36% relayed concerns of physical abuse, 8% of the reports alleged sexual abuse, 8% encompassed reports of abandonment, 3% of the reports noted concerns of emotional abuse, and less than 1% of the reports concerned exploitation. *Id.*

When DES receives a report of child abuse, neglect, exploitation, or abandonment its Central Intake Unit is to evaluate the information to determine if the report should be referred for field investigation. DEPARTMENT OF ECONOMIC SECURITY, CHILDREN'S SERVICES MANUAL, ADMINISTRATION FOR CHILDREN, YOUTH AND FAMILIES, *Investigation and Assessment*, Chapter 5-1 (July 21, 1997). If DES determines that a field investigation is appropriate, it is to gather further information on the specific incident and then assess previous reports about the family and the status of prior cases. *Id.* at 5-2. Next, DES is to evaluate case-specific aggravating and mitigating factors and then prioritize the report. *Id.* at 5-3. DES is to make every effort to ensure that all CPS reports in a local office are assigned for field investigation or are referred to a CPS supervisor for an alternative investigation. *Id.* at 5-4.

Although DES's first priority in conducting an investigation is to determine whether the child who is the subject of the report (and all other children in the home) are safe from harm, it should also respect the rights of parents, guardians, and custodians. *Id.* at 5-8 and 5-11.³ In conducting its interviews, the CPS worker must make many judgment calls. Among the preinterview decisions that confront CPS specialists in each investigation are: who should be interviewed, where the interviews should take place, in what order interviews should occur, whether interviews should be prearranged or unannounced, and who should be present during the interviews. *See id.* at 5-10. One obvious option that allows CPS to complete its investigation

³ See also A.R.S. § 8-803(A) ("Upon initial contact with a parent, guardian or custodian under investigation pursuant to this article, a protective services worker shall inform the family that the family is under investigation . . .").

promptly and immediately is to interview children at their schools.

Analysis

Parents and guardians are primarily responsible for the care and protection of their children. See, e.g., *Lehr v. Robertson*, 463 U.S. 248, 258 (1983). The State intercedes only when there is a report of abuse, neglect, or dependence where the health and welfare of a child may be imperiled. See, e.g., A.R.S. §§ 8-304 (formerly A.R.S. § 8-224) (investigation of alleged acts of delinquency, dependency, and incorrigibility) and 8-802 (scope of responsibilities of CPS specialists); *Bohn v. County of Dakota*, 772 F.2d 1433, 1439 (8th Cir. 1985), *cert. denied*, 475 U.S. 1014 (1986) (recognizing the State's strong interest in "protecting powerless children who have not attained their age of majority but may be subject to abuse or neglect").

CPS's right to interview children on private school property during an investigation to evaluate allegations of abuse, dependency, neglect, or exploitation is based solidly on its statutory mandate and the explicit and implicit power to fulfill that mandate. First, CPS is required to "immediately," "promptly and thoroughly" investigate conditions that tend to support or rebut an allegation that a child should be adjudicated dependent. A.R.S. § 8-802(C)(3)(b). This statutory authority is consistent with the traditional role of the State as sovereign and guardian of persons under legal disability such as infants and children. See *Stewart v. Superior Court*, 163 Ariz. 227, 230, 787 P.2d 126, 129 (App. 1989). Indeed, courts routinely have recognized the State's compelling interest in identifying and protecting victims of child abuse when they have balanced the parents' constitutional interests in family autonomy against the State's intrusion into that interest during a child abuse, abandonment, neglect, or exploitation investigation. See, e.g., *Watterson v. Page*, 987 F.2d 1, 8 (1st Cir. 1993) ("the government has a compelling interest in the welfare of children, and the relationship between parent and child may be investigated"); *Fitzgerald v. Williamson*, 787 F.2d 403 (8th Cir. 1986) (caseworkers do not infringe on parents' liberty interest when the caseworker takes reasonable steps to protect a child from abuse); *Doe v. Staples*, 717 F.2d 953 (6th Cir. 1983), *cert. denied*, 465 U.S. 1033 (the State can remove a child from an abusive parent for the best interest of the child). We are aware of no privacy or liberty interest that a private school might possess that would override the State's compelling interest in making a prompt and thorough investigation of reports of child abuse, abandonment, neglect, or exploitation.

Second, although a private school may have a general right to prohibit entry onto its property, Arizona statutes, decisional law, and administrative rules authorize appropriate interview and intervention activities. The Arizona Court of Appeals has recognized that peace officers, with reason to believe that a child's health, morals, or welfare are being endangered,

have a right and legal duty to act.⁴ *State v. Hunt*, 2 Ariz. App. 6, 12, 406 P.2d 208, 214 (App. 1965); cf. A.A.C. R6-5-5504(F) ("a child can be removed if suffering or in danger of imminently suffering abuse"). Authorized action includes entering onto private property, investigating, and taking the child into custody, if necessary, with or without a search warrant and with or without the consent of all persons who have a proprietary interest in the premises.⁵ *Hunt*, 2 Ariz. App. at 12, 406 P.2d at 214. When investigating allegations of child abuse, abandonment, neglect, or exploitation, we see little distinction between a peace officer's legal duty and responsibility and that of a CPS specialist.⁶ CPS specialists and peace officers have the authority to investigate and immediately take a child into temporary custody regardless of where the child is located. A.R.S. § 8-821. Compare A.R.S. § 8-304(A) (formerly A.R.S. § 8-224(A)) (law enforcement officers have responsibility to investigate completely alleged acts of delinquency or incorrigibility) with A.R.S. § 8-304(B) (formerly A.R.S. § 8-224(B)) (CPS specialists have responsibility to investigate completely all complaints of alleged dependency, and DES has responsibility for the disposition of a child unless the matter requires intervention of the juvenile court).

As the court recognized in *Hunt*:

Considering Bernal's obligations as a peace officer and the details of Miss Hengsteler's description of Tina's condition just related to him, he had a duty to proceed forthwith, without delaying to get anyone's permission (whether it be a magistrate's or the property owners') to extend the protective arm of the State of Arizona through its juvenile code to Tina without being concerned with what or who was responsible, or what

⁴ Our analysis assumes that CPS workers, before approaching private school officials to interview a student, have sufficient cause to initiate an investigation into child abuse, abandonment, neglect, or exploitation.

⁵ In 1965, when *Hunt* was decided, the statutory authority under which the peace officer acted provided as follows: "This article shall not be construed to prohibit a peace officer from taking into custody a child . . . whose surroundings are such as to endanger his health, morals, or welfare unless immediate action is taken." A.R.S. § 8-221 (1965).

⁶ The Arizona Court of Appeals recently agreed when it found that constitutional due process protections came into play when determining the voluntariness of a confession of a suspected child abuser obtained by a CPS specialist. *In Re Timothy C.*, 275 Ariz. Adv. Rep. 43 (App. August 13, 1998). In *Timothy C.*, the CPS specialist interviewed a sibling of the alleged victim. The sibling was also the suspected abuser who was subject to possible criminal action pending the outcome of the investigation. The court considered the CPS specialist's interview as an example of "State action . . . under the State's police powers in the general sense." We note that the court did not place restrictions on CPS's right to investigate or interview under A.R.S. § 8-802, only the use that criminal prosecutors could make of the information that CPS obtained.

subsequent criminal or civil proceedings might be instituted. To enter her home to protect Tina is certainly not a judicial or quasi-judicial proceeding but a matter of protective custody.

If officer Bernal had delayed his actions unreasonably under these circumstances, he would have been remiss in this duty. To require him to determine the existence and extent of each person's proprietary interest in the premises and obtain their consent before performance of his duty under A.R.S. § 8-221 would, in this case, have rendered the statute nugatory.

2 Ariz. App. at 13, 406 P.2d at 215.

Furthermore, DES rule A.A.C. R6-5-504(B) authorizes CPS specialists who investigate reports of child abuse, neglect, dependency, or exploitation to interview a child "at any site deemed appropriate" by the CPS specialist. This rule was adopted in 1983 and is legally binding on private schools. See A.R.S. § 41-1001(18) (a "rule" means an agency statement of general applicability that implements, interprets or prescribes law or policy . . ."); see also *Herzberg v. David*, 27 Ariz. App. 418, 419, 555 P.2d 677, 679 (App. 1976) (rules adopted pursuant to statutory authority have the force and effect of law).

We recognize that not all CPS investigations require immediate access to a child victim or witness. The urgency of the interview will depend on the facts known to the CPS specialist at the time the specialist makes a request to interview a child at a private school. Because the CPS specialist must maintain confidentiality, the specialist is not at liberty to share this information with the school and thus must independently make a reasonable determination of urgency. See A.R.S. § 41-1959(A). For example, in some circumstances it might be reasonable and prudent for a CPS specialist to delay an interview until the end of a class to alleviate disruption to the school environment or to avoid embarrassment to the child being interviewed.⁷

Of course, when a CPS specialist arrives at a school, there are introductory and notification procedures that each CPS specialist should follow. At the outset, the specialist should (i) provide official identification to school officials, (ii) advise school officials of the

⁷ Section 8-821(B), A.R.S., allows peace officers and CPS specialists to take children into protective custody if it is clearly necessary to protect the child. We hope that a private school would not make such measures necessary by refusing to allow the CPS specialist to interview a child on school property. Such refusal could cause additional trauma to innocent and vulnerable children and will require CPS to resort to a legal process that is both unnecessary and intrusive to the child, the school, and the child's family merely to conduct an interview.

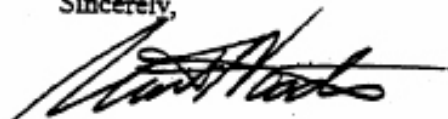
Dr. Linda J. Blessing, Director
Arizona Department of Economic Security
October 2, 1998
Page 6

specialist's need to interview the child while maintaining the confidentiality mandated by A.R.S. § 41-1959(A), and (iii) inform school officials whether parental consent is a necessary prerequisite for conducting the interview, A.R.S. § 8-802(C)(2)(a)-(b).³ This information will supply the school with the factual and legal prerequisites necessary to release the student to be interviewed.

Conclusion

We determine that A.R.S. § 8-802(C)(3)(b) (previously A.R.S. § 8-546.01), which requires a CPS specialist to *immediately* make a *prompt and thorough* investigation to refute or substantiate an allegation about whether a child should be adjudicated dependent, in conjunction with A.A.C. R6-5-5504(B), which provides a CPS specialist with discretion to interview a child at any site the specialist deems appropriate, authorize the CPS specialist to enter onto private school property to conduct interviews authorized by law. Personnel of both public and private schools have a duty to protect the children under their care and to cooperate in the reporting and investigation of abuse, dependency, neglect, or exploitation. Consequently, we find no legal basis on which schools – whether public (traditional or charter) or private (parochial or nonsectarian) – may erect barriers that impede the goal of protecting the welfare of children.

Sincerely,



Grant Woods
Attorney General

³ In pursuing its investigation, CPS specialists are not required to obtain parental consent to interview a child who initiates contact with the worker, a child who is the subject of the investigation, or a sibling of or a child living with the subject of the investigation. A.R.S. § 8-802(C)(2)(a)-(b). Once the CPS specialist confirms to school officials that the investigation is one that does not require parental consent, school officials may not interfere.

APPENDIX 8: OPERATING PROCEDURE

Section IV, Page 170
Revised 11/1/06

ADMINISTRATION FOR CHILDREN, YOUTH AND FAMILIES DISTRICT I OPERATING PROCEDURE

SUBJECT: Forensic Medical Exams

EFFECTIVE DATE: January 1, 2007

PREPARED BY: Dana Markusen, CPS Supervisor
Kathryn Coffman, M.D.
Diane Munoz, Saint Joseph Hospital
Stacey Willis, Child Help USA

APPROVED BY: _____
Gene Burns, Program Manager

PURPOSE: To clarify procedures for the authorization of a contracted forensic medical exam to assist with the investigation process.

OPERATING PROCEDURE:

In addition to the advocacy centers and St. Joseph's Childhelp, CPS case managers can now utilize Phoenix Children's Hospital for forensic medical exam.

Listed below are criteria for which a CPS supervisor may request a forensic medical exam:

- A child, 35 months old or younger, who has one or more fractures which are suspected non-accidental trauma.
- An infant, six months old or younger, who has bruising.
- A child with bruises on the abdomen or there is information of physical findings of abdominal trauma.
- A child with non-accidental burns or a child who has experienced severe physical abuse or neglect.
- An infant, 18 months old or younger, who is believed to be suffering from shaken baby syndrome.
- Siblings, 24 months old or younger, of a child who appears to have suffered: 1) non-accidental head injury with a risk of central nervous system damage; 2) non-accidental internal injuries; 3) non-accidental severe facial bruises; 4) non-accidental fractures or bruises on a non-ambulatory child; 5) non-accidental fractures; 6) instrumentation injury with risk of impairment; 7) non-accidental immersion burns; or 8) non-accidental second and third degree burns.
- Suspected sexual abuse in which the police decline to investigate.
- There are conflicting medical opinions as to the how an injury may have occurred.

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If a child meets all criteria listed above except the age criteria and a forensic medical evaluation for the child is desired, approval from the assigned APM shall be received. Additionally, an APM may approve a forensic evaluation for a high risk, drug exposed child. This is a child who is located in a home where

there is extensive drug usage, paraphernalia, sales, and access by the child to the drugs. This is not a child removed from a methamphetamine laboratory. Children removed from a methamphetamine laboratory are handled by the drug endangered children protocol.

All situations described above shall be discussed with the case manager's supervisor. After examining the facts of the investigation, the case manager and his or her supervisor will determine whether or not a forensic medical exam is needed to gather additional information to prove abuse/neglect. Should a forensic medical exam be needed, the supervisor will complete a Forensic Medical Exam Approval Form (attached) and send it to a contracted Forensic Medical Exam Physician. On an outpatient basis, the case manager and supervisor, in consultation with the Forensic physician, will have the ability to authorize the following laboratory services: 1) sexual abuse screen; 2) physical abuse screen; and 3) for suspected brain injuries either a brain CAT Scan or MRI brain test.

To receive reimbursement, the contractor will attach the Forensic Medical Exam Approval Form to their invoice. District Office will enter the service authorization and pay the bill. The invoice will be forwarded to the County Attorney. The County Attorney will then determine if their Office would be responsible for payment. Should the County state that they would assume financial responsibility, the County would reimburse the Agency.

NOTE: CPS will not assume financial responsibility for sexual abuse exams, as this service is covered by the County Attorney. Nor will CPS be responsible for any forensic medical exam, unless there is an approval made by the CPS supervisor.

APPENDIX 9: FORENSIC MEDICAL EXAM APPROVAL FORM

Section IV, Page 172

CASE NAME:

CASE ID#:

PARTICIPANT NAME:

PARTICIPANT ID #:

CASE MANAGER:

DATE:

The above listed case has been staffed with the assigned case manager and supervisor in accordance to District I policy. Dr. _____ (Contracted Physician) has been authorized to conduct a forensic medical exam on _____ (today's date)

Additional comments:

Authorized Test

- | | | |
|------------------------------------|---|---|
| <input type="checkbox"/> Sex Abuse | <input type="checkbox"/> Physical Abuse | <input type="checkbox"/> High Risk Drug Child |
| <input type="checkbox"/> CT Scan | <input type="checkbox"/> MRI Brain | |

Signature of Case Manager: _____ Date: _____

Signature of Supervisor: _____ Date: _____

Signature of APM _____ Date: _____

Distribution: **CPS Case File**
Contracted Forensic Medical Exam Physician

APPENDIX 10: Maricopa County Attorney's Office Policies & Procedures

CHAPTER PLEA AGREEMENTS	EFFECTIVE DATE 10/15/94	PROCEDURE # 7.12.0
SECTION PLEA NEGOTIATION – SEX CRIMES GUIDELINES		
DISTRIBUTION TRIAL ATTORNEYS	REVISION DATE 2/05/07	REVISION # 2

Circumstances related to the interests of justice, issues in the case, and characteristics of the defendant should be considered to determine an appropriate case disposition in sex crimes, including sexual assault and dangerous crimes against children offenses cases. Plea offers are never determined by the results of a risk assessment.

Certain offenders warrant the maximum penalty possible for their crimes. In cases where the defendant faces a mandatory minimum sentence of 35 years or more as determined by the legislature, a plea offer of no less than 35 years shall be extended if there is no issue as to identification and there is a strong likelihood of conviction based on at least one of the following:

1. Defendant specifically admits to sexually assaulting the victims;
2. The charges involve multiple victims who do not know the defendant and who are unknown to each other;
3. The sexual acts and lack of consent is documented on film or another similar medium that also shows the identities of the perpetrator and victims;
4. DNA taken from the victim's or defendant's body supports the charged offense, and consent is not a viable issue;
5. There is an unbiased eyewitness to the sexual assaults; or
6. Fingerprint evidence conclusively implicates the defendant.

Deviations from this sentencing minimum shall be approved by the Chief Deputy in appropriate cases.

In addition, if there are any Sexual Exploitation of a Minor charges, the defendant is required to plead to one count of Sexual Exploitation of a Minor and stipulate to at least the presumptive sentence for that count, in addition to and consecutive to the above plea offer.

For offenses not covered by Prosecution Policy #7.1, Violent Crimes – “Plead to the Lead” and #7.1.1, Violent Crimes – DCAC Pleads to DCAC Guidelines and to determine whether a harsher offer than the minimum authorized by #7.1 or #7.1.1 is appropriate, factors that should be considered include, but are not limited to, the following:

1. Strength of the evidence in the case;
2. Critical witness availability, including victim's ability to testify;
3. The danger that the defendant will reoffend;
4. The age of victim and the age of the defendant;
5. The number of victims and the number of offenses;
6. Duration of molest/victim's age at onset of molest;
7. Force, threats, or coercion used/use of weapon/ use of objects;
8. Drugs and/or alcohol used on victim;
9. Pornography possessed or used/photos taken;
10. Prior convictions - sex or not;

11. Prior uncharged offenses or sexual misconduct;
12. Previous probation supervision;
13. Defendant's previous counseling attempts;
14. Psychological and/or physical trauma suffered by the victim;
15. Victim input;
16. Investigating officer input;
17. Relationship between victim and defendant;
18. Degree of defendant's planning and preparation;
19. Defendant's deviancy;
20. Defendant's assaultive behavior;
21. Victim previously molested (if defendant knew); and
22. Defendant in position of trust.

A. GENERAL GUIDELINES

In addition to the requirements of Prosecution Policies #7.1, Violent Crimes – “Plead to the Lead,” and #7.1.1, Violent Crimes – DCAC Pleads to DCAC Guidelines, the following guidelines apply to all sex crimes.

1. “No contest” pleas shall be offered only upon Bureau Chief approval.
2. Any plea agreement should contain a stipulation for reimbursement of medical expenses paid by the county pursuant to A.R.S. § 13-1414.
3. For sexual offenses that are not DCAC offenses or sexual assault, such as public sexual indecency to a minor, indecent exposure to a minor, sexual abuse, and sexual conduct with a minor 15 and over, a lengthy term of probation (10 years plus) shall be included in the plea agreement.
4. The Maricopa County Attorney's Office shall not request that the defendant participate in a risk assessment without Bureau Chief approval.

B. DEFENDANTS WHO WERE JUVENILES WHEN OFFENSE(S) COMMITTED

Mandatory prison may not be appropriate for all defendants who were under the age of 18 at the time that they committed an act (or acts) constituting a sex crime. Plea offers in these cases must be staffed with the Bureau Chief.

Plea offers are to be based on Maricopa County Attorney's Office policy and the judgment of members of the Child Exploitation Bureau in the Major Crimes II Division or the Major Crimes Bureau in the Southeast Division. Plea offers are never determined by the results of a risk assessment.

A. SEXUAL EXPLOITATION OF A MINOR

Sexual Exploitation of a Minor, a class 2 felony dangerous crime against children, involves depictions of the actual sexual or physical abuse of real children, including digital images that may be distributed world-wide and exist forever. It has been determined that there is a strong causal link between possession and distribution of these images and commission of hands on offenses of physical and sexual abuse of children. Therefore, the Maricopa County Attorney's Office presumes that the defendants charged with Sexual Exploitation of a Minor represent a danger to children and the

community and the presumptive disposition for this offense is a term of imprisonment with an additional count of lifetime probation.

To determine an appropriate offer, factors that should be considered include, but are not limited to, the following:

1. The number of images possessed and/or the number of different media used to store the images;
2. The type and degree of sexual activity depicted;
3. The ages of the children depicted in the images;
4. Whether or not the defendant used the images for personal sexual arousal;
5. The danger that the defendant will reoffend;
6. Whether or not the defendant exhibited, provided, distributed, or displayed the image(s) to a minor;
7. Use of encryption technology or other file protection devices by the defendant;
8. Whether or not the defendant attempted to conceal the defendant's identity by spoofing the defendant's e-mail address, utilizing the IP address of another, or by any other means;
9. Possession of any item(s) that indicate a proclivity towards sexual interest in children;
10. Whether or not the defendant subscribed to or accessed any newsgroup, web site, chat room, IRC channel or other similar service that is associated with the sexual exploitation of minors;
11. Whether or not there is any evidence of luring/enticing minors into engaging in sexual activity;
12. The defendant's willingness to cooperate with treatment; or
13. Any other relevant factor as determined by the group staffing the case and the Bureau Chief.

If a mitigated offer is warranted, the minimum offer for first time offenders who 1) have no "hands-on" offense behaviors; 2) pose a relatively low risk to reoffend given appropriate treatment; and 3) may be appropriate for community supervision, is to plead guilty to a preparatory offense with lifetime probation in conjunction with a jail term as an initial condition of probation.

Plea offers to a term of probation less than the defendant's lifetime and/or without a required jail term may only be made with Bureau Chief approval.

B. LURING A MINOR FOR SEXUAL EXPLOITATION

The offer for defendants charged with Luring a Minor for Sexual Exploitation, a class 3 felony, dangerous crime against children, or Attempted Sexual Conduct With a Minor based on conduct

constituting the same offense as Luring, is a plea to the charge and lifetime probation with a one year flat jail term to be served as an initial condition of probation. The following factors, if present, shall weigh against deviation from the offer described above:

1. An age difference of four years between the defendant and the person from whom the defendant was soliciting sexual acts (or, in the case of an undercover detective, the age that the defendant thought the person was);
2. The defendant traveled across state lines or a significant distance to commit the offense;
3. The defendant exhibited a substantial degree of preparation and planning to have sexual contact with the child;
4. A likelihood that the defendant will reoffend;
5. The defendant exhibited, provided, distributed, or displayed image(s) that are harmful or obscene to minors;
6. The defendant attempted to conceal the defendant's identity by spoofing the e-mail address, utilizing the IP address of another, or by any other means;
7. The defendant subscribed to or accessed any newsgroup, web site, chat room, IRC channel or other similar service that is associated with the sexual exploitation of minors;
8. Any other relevant factor as determined by the group staffing the case and the Bureau Chief.

C. DEFENDANTS WHO WERE JUVENILES WHEN OFFENSE(S) COMMITTED

Prison time may not be appropriate for all defendants who were under the age of 18 at the time that they committed an act (or acts) constituting Sexual Exploitation of a Minor or Luring a Minor for Sexual Exploitation. Plea offers in these cases must be staffed with the Bureau Chief.

These plea guidelines are intended to provide Deputy County Attorneys with guidance in reaching appropriate dispositions in cases involving family violence. When prosecuting family violence cases, the goals of the Maricopa County Attorney's Office are:

To protect the safety of victims and children that may be present,

To hold defendants accountable for the criminal offense,

To stop offenders from committing future acts of family violence by

- ◆ Incarcerating and/or intensively supervising the activities of violent or chronic family violence defendants; or
- ◆ Incarcerating family violence defendants who cause permanent and/or life threatening injury and/or have convictions for violent behavior; or

- ◆ Providing appropriate family violence defendants with an opportunity for rehabilitation through specialized post-conviction probation programs.

A. CASE DISPOSITION GUIDELINES - MISDEMEANORS

Many domestic violence offenses committed in unincorporated areas of the county are cited into Justice Court. In addition, violations of Orders of Protection or Injunctions Against Harassment issued by Justice Courts or Superior Court are prosecuted in Justice Court.

Every effort should be made to obtain a conviction and sentence that will reduce future incidents of domestic violence. Keeping in mind that delay generally benefits the defendant more than the State or the victim, continuances should be requested or agreed to only if necessary for the case, or to maintain an ethical and credible working relationship with the court and/or counsel.

All domestic violence cases present the continuing potential for danger. Lack of action, even at the victim's request, is usually not appropriate. Aggressive prosecution is the best route. Prosecutors should use reasonable efforts to obtain an appropriate conviction while considering the victim's input. ARS ~~3101~~13-3601(M) should only be offered as a plea disposition

in circumstances where the defendant has no prior record for domestic violence, the offense is a statutorily eligible offense, and the prosecutor is assured that the defendant is a low risk for re-offending. In all plea dispositions, DCA'S shall require, as a term of probation, that the defendant participate in the Chrysalis Domestic Violence Offender Intervention Program pursuant to ARS ☐ 13-3601.01. Anger control or substance abuse counseling alone is not sufficient. [See Prosecution Policies and Procedures # 14.13]

Prosecutors handling misdemeanor domestic violence cases may contact the Family Violence Bureau for consultation, especially for cases that may require special handling.

B. CASE DISPOSITION GUIDELINES – FELONIES

1. Family violence cases will not be diverted under ARS ~~3101~~13-3601(M) without Bureau Chief approval. Only statutory defined offenses may be considered for diversion under ARS ☐ 13-3601.
2. The following broad guidelines should be followed for all family violence cases:
 - a. Generally, the best plea offer should be made at a preliminary hearing unless circumstances arise after the defendant has been arraigned which impact the case;
 - b. All plea offers made in Superior Court should be staffed with other Family Violence Bureau DCA's. The DCA assigned to the case should consult with the assigned Advocate prior to the case staffing regarding the victim's opinion about a plea, prior history of family violence, prior referrals to Child Protective Services or Adult Protective Services, and any other pertinent information. Plea offers should also be staffed with the Bureau Chief if the offer is outside the parameters of these plea guidelines or the general plea policies of the office;
 - c. The provisions of Prosecution Policies and Procedures # 7.2.1 will be followed regarding the staffing of serious cases;

- d. 'No contest' pleas are discouraged and must be approved by the Bureau Chief;
 - e. In cases involving serious or violent offenses, and/or defendants with a history of family violence, especially child abuse, plea offers should provide for prison, a prison term followed by lifetime probation, or lifetime probation. (Note: Life-time probation is only available in class 3-6 child abuse cases if the offense occurred after July 13, 1995.)
 - f. In any plea involving a domestic violence offense in which a defendant will receive a sentence of probation, domestic violence counseling should be stipulated (anger control counseling alone is insufficient).
 - g. In some child abuse cases, parenting skills or other appropriate counseling should be stipulated.
3. The following risk factors should be considered when determining an appropriate plea in family violence cases:
- a. If the offense involved domestic violence:
 - 1) The status of the relationship between the defendant and the victim has a bearing on the offender's risk for re-offending:

Was the victim separated from the defendant or preparing to separate?
 Has the relationship been long-standing?
 Was the victim a teenager, inexperienced, or highly susceptible to control and manipulation?
 Is the victim financially dependant upon the defendant, is the victim socially isolated, has the defendant been stalking the victim?
 - 2) The presence of children during the offense, the degree of harm or potential harm to the children;
 - 3) The presence of 'lethality indicators'. If several 'lethality indicators' were present at the time of the crime, the likelihood that the defendant will resort to homicide in the future is increased. The following are the lethality factors:
 - ◆ Threats of homicide or suicide
 - ◆ Fantasies of homicide or suicide
 - ◆ Use of weapons
 - ◆ 'Ownership' of the battered partner
 - ◆ Centrality of the partner
 - ◆ Separation violence
 - ◆ Escalation of batterer risk
 - ◆ Hostage taking
 - ◆ Depression
 - ◆ Repeated outreach to law enforcement
 - ◆ Access to the battered woman and/or to family members

[Refer to Appendix 7.13 for more detailed information about lethality indicators.]

- b. In child abuse cases:
 - 1) The presence of outside stressors such as loss of a job, death in the family, financial problems (defendants who commit child abuse when coping with outside stressors may be at a lower risk for re-offending);
 - 2) Prior referrals to Child Protective Services.
- c. In elder abuse cases:
 - 1) The presence of outside stressors such as loss of a job, death in the family, financial problems (defendants who commit elder abuse when coping with outside stressors may be at a lower risk for re-offending);
 - 2) Prior referrals to Adult Protective Services.
- d. The following risk factors apply for all cases handled by the Family Violence Bureau:
 - 1) The degree of violence present during the offense for which the defendant is charged:

The nature of the injuries inflicted upon the victim, including the permanence of the injuries;

The location of the injuries, for example defendants who inflict injuries in locations that are hidden by the victim's clothing in an attempt to prevent the disclosure of the abuse are at a higher risk for re-offending;

Violence directed at other family members, family pets, or threats made to harm members of the extended family;
 - 2) Whether or not weapons were used or threatened during the offense, and the type of weapon used or exhibited;
 - 3) The defendant's psychological history and history of substance abuse (defendants who have a substance abuse problem coupled with a behavioral health problem or character disorder are at a higher risk for re-offending).
- 4. The following case related issues should also be considered in determining an appropriate plea:
 - a. The availability of corroborating evidence and the strengths and weaknesses of the case;
 - b. The defendant's criminal history and history of abuse, whether reported or not;

- c. The victim's opinion, the victim's lawyer's opinion, or the opinion of the child victim's guardian ad litem regarding the outcome of the case;
- d. The victim's and witnesses availability to testify;
- e. Whether or not there is a motivation for the victim(s) or witness(es) to fabricate;

Has the defendant been threatening the victim or members of the victim's family during the course of prosecution?

Has the defendant made financial promises to the victim or members of the victim's family?

- f. Whether or not the justification defense of discipline was warranted in a child abuse offense. [ARS ~~413~~(1)]
- g. The input of a Child Protective Services worker regarding concurrent dependency proceedings. A disposition by CPS to close the case or return the child to the custody of the parent or guardian is not dispositive of the criminal case. However, coordination with CPS regarding the disposition of the criminal case is important.

C. UNCOOPERATIVE VICTIMS

A case will not be dismissed solely because a victim requests it or recants. While the intent is not to re-victimize the victim, the integrity of the system established to protect citizens from abuse must be preserved and the cycle of family violence must be stopped. When the victim's refusal to prosecute combined with insufficient corroborating evidence results in no reasonable likelihood of conviction, the DCA shall consult with his/her Bureau Chief regarding appropriate disposition.

D. DISMISSALS

The motion to dismiss shall state the specific reasons for the dismissal.

E. PLEA AGREEMENT FORMS

Plea agreement forms should be marked 'D.V.' following the name of the crime the defendant is pleading to if the case was previously designated a domestic violence case (pursuant to ARS ~~13~~ 3601). Cases which should be coded 'D.V.' include cases in which the victim is the defendant's spouse, former spouse, cohabitant, or former cohabitant; a person with whom the defendant has or is going to have a child or has or formerly had a dating or engagement relationship; the child, step-child, or foster child of the defendant; or the parent of the defendant.

APPENDIX 11: SEX OFFENDER PRESENTENCE REPORT

In conducting pre-sentence reports on sex offenders there are a number of issues unique to this population that should be addressed. This manual section is a guideline and should be used in conjunction with all standard policy and procedures for pre-sentence.

A pre-sentence report is prepared for the judge after a defendant has been found guilty or has pled guilty to an offense. The purpose of this report is to provide the judge with as much information as possible in order to arrive at a decision regarding sentencing.

Be aware that recent legislation has mandated many new legal mandates that need to be addressed by probation staff.

Plea Agreement:

It is important that the pre-sentence officer thoroughly review the defendant's plea agreement and if probation is available, explain the implications. This would include an explanation of lifetime probation, sex offender therapy, "no contact" terms and if applicable, reunification policy.

Description of Offense:

The first section of the report is a concise, yet comprehensive description of the offense from the police reports, and should include:

1. The victim's and offender's ages and their relationship, if any.
2. A description of the assault behaviors.
3. The location and setting of the assault(s).
4. The method by which the defendant coerced, enticed, intimidated, threatened, manipulated, or forced the victim to submit, and tried to keep the victim from disclosing the abuse.
5. Weapons which may have been used or present during this offense.
6. The time span over which the assaultive behaviors occurred.
7. The manner in which the assault was disclosed, and the response to the victim.
8. Any information in the police report about trauma to the victim (either physical or emotional).

Summarize any significant remarks made by the defendant to the arresting or investigating officers or caseworkers and any other information about the defendant's attitude at the time of arrest as mentioned in the police report.

Defendant's Statement:

Summarize statements made by the defendant in person or in writing regarding the circumstances of the offense. Note any difference between statements made here and to the arresting officer or investigator.

Victim's Statement:

In most cases, begin by calling Victim Services for insight into the victim's present situation. The advocate has often established a rapport with the victim, who might feel more comfortable talking

with another stranger if the advocate is present. Every effort should be made to accommodate the victim and make this interview as easy as possible. It is helpful to let them know that this is probably the last time they'll have to talk to someone from the Court before sentencing. He or she has already had to tell the details to numerous individuals, and it should not be necessary to repeat them (although if that seems to be what they want to do, they should be allowed to do so). The main objective is to try to determine the degree of trauma to the victim(s), whether they have received counseling, the monetary cost involved, and how they presently view the offender with regard to sentencing.

If the victim is a child, some of the question will have to be answered by the child's parent or guardian. Again, every effort should be made to make the child comfortable and keep the interview as short as possible. If the child is young, the parent or guardian may choose to speak for the child.

Interested Parties:

Every effort should be made to interview, when applicable, the CPS worker (and CPS records), the investigating detective, the victim's counselor, the child's attorney or guardian ad litem, significant members of the victim's family, and significant members of the defendant's family, particularly if reunification is a possibility. The defendant's spouse should also be made aware of the sex offender terms and conditions. A signed release of information may be necessary to obtain this information.

If the defendant has been evaluated by a psychologist or psychiatrist, or has been involved in therapy, relevant statements and conclusions from the evaluation can be mentioned here. If nothing has been submitted in writing, it is extremely important to try to contact the therapist. It is also important to note if the professional submitting the evaluation has had any significant experience evaluating or treating sex offenders.

Social History:

Obtain the usual family history, paying special attention to family members with whom the defendant is presently involved. Obtain names, ages, and addresses of defendant's wife or partner, ex-wife, etc., particularly if she is the mother of the victim. Obtain names and ages of all defendant's children, grandchildren, or partner's children and grandchildren. Inquire about any history of sexual deviancy in defendant's family or origin (if it is not applicable to the report add it to working notes).

Obtain a sexual history, which includes the defendant's earliest sexual experiences, the ages of his partners, any deviant history such as exhibitionism, voyeurism, and extensive use of pornography.

Examine the defendant's employment history for a pattern of instability, long periods of unemployment, and access to children. Obtain and verify the details of the defendant's present job, including specific address and phone number, name of employer, hours worked, and actual type of work performed.

If the defendant relates significant health issues, verification should be attempted. If the defendant has a history of mental health treatment, he should be asked to sign a release of information to the appropriate facilities of therapists, both in and out of state. Therapists should be contacted, if possible. Any medications taken should be listed.

Substance Use/Abuse:

Obtain as complete a history as possible of defendant's use of alcohol and other drugs. Does he blame alcohol for the offense? Does the use of drugs appear to play a part in his offense cycle? If he has been in treatment, ask for name, type of facility, dates and length of treatment, and whether treatment was "completed".

Financial Status and Evaluation:

Obtain as clear a picture as possible of the defendant's ability to pay for financial restitution, court fees, sex offender treatment, testing and family treatment. Discuss the possibilities of maintaining two separate residences if family reunification is a goal in the case.

Prior Criminal History:

Every attempt should be made to thoroughly research sex offense arrests/dispositions, in and out of state. If possible, order police reports on all prior arrests, or, at the very least, all prior sex-related arrests. Often a "criminal trespass" or "aggravated assault" or "domestic violence" arrest will provide useful information. If there is a juvenile history, order the file and examine the record and the psychological reports carefully for relevant information. If the defendant was incarcerated as a juvenile or on juvenile probation, attempt to obtain information on any treatment received.

Final Discussion and Evaluation and Recommendations:

In this final section, give an objective picture of the defendant's case, based on the facts presented in the first part of the report. Do not repeat prior statements. Summarize the essence of the crime, using language that appropriately describes the defendant's actions toward the victim. Do not use words like "fondling", which implies affection and consent. If appropriate describe any pattern of grooming, manipulation, and secrecy. Summarize the trauma suffered by the victim as a result of the defendant's assault. Point out information about the defendant or the offense that adds to the defendant's risk level; e.g. relationship to victim, substance abuse, victimization of both genders, victimization of different age levels, prior offenses, particularly sex offense, reports of additional deviant behavior, unstable employment history.

Discuss the awarding of probation with all its restrictions as a way of imposing external control as a means of protecting the community while the defendant is granted a chance to gain insight into his behavior and learn the means of internal control. Discuss the positive aspects of the defendant's environment and support system that can lead to success on probation.

If all information on the defendant is purely self-report, emphasize that social and sexual history information needs to be further validated by additional testing, which will be part of the terms of probation, should that be the disposition of the case. Emphasize that the treatment providers selected for this very important process should be experts in working with sexual offenders.

Recommendations:

In discussing terms of probation, stress that all sex offender terms should be imposed initially to allow the supervising field officer to further evaluate the case and determine if any of the specialized sex offender terms can be removed. "No contact with children" should include the defendant's own children, emphasize that for a convicted sex offender to be living in an intimate living situation with any children is a high-risk situation which the Court should take every precaution to prevent.

If the offense is a sexual offense, but the defendant has pled to a non-sexual offense such as aggravated assault, the sex offender terms can still be ordered. Also, according to A.R.S. 13-3621b, if the offense pled to a non-sex offense, but there was a finding of "sexual motivation" by the Court, the defendant may be required to register as a sex offender.

Should jail, with or without work furlough, be an option, no contact with children should occur at anytime during this period, at visitation or on the job.

Always consider the options of recommending intensive probation to provide for maximum surveillance, especially when prison is received for another count or cause number.

A Community Punishment Program term, for the sex offender component, should be recommended to provide for possible program resources, particularly for victims and families.

Community Notification Risk Assessment:

A risk assessment shall be done on all sex offenders as outlined in A.R.S. 13-3821. The pre-sentence officer will fill out the Community Notification Risk Assessment and turn it in with the completed pre-sentence report.

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For a current copy, please contact the Probation Department.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY ADULT PROBATION DEPARTMENT
APPENDIX 12: SEX OFFENDER – DEFINITION OF NO CONTACT

(Revised January 2003)

Name: _____

Cause Number(s): _____

A MINOR IS ANYONE UNDER THE AGE OF 18

Contact can mean several things:

- _____ 1. Actual **physical** touching. Report this contact to your probation team.
- _____ 2. **Association** or **relationship** taking any action which initiates or furthers a relationship with a minor such as writing letters, sending messages, buying presents, etc. Should a minor contact you, terminate the contact immediately. Report these contacts to your probation team.
- _____ 3. **Communication** in any form is contact. This includes verbal, non-verbal, written, graphic and electronic communication. Report this contact to your probation team.
- _____ 4. **Proximity Contact:** Proximity means being near or close to someone or something.

IN A PUBLIC PLACE AND MINORS ARE NOT KNOWN

This would mean if you are in any public place and you encounter a minor who you do not know, you must leave the immediate area of the minor. Do not pay attention to minors; do not look at the minors; do not talk to minors; do not communicate with the minors (verbally or non-verbally), even if the minor is attempting to initiate contact. If you engage in any activity, regardless of when, where, and what and a minor enters your proximity or attempts to initiate contact, you must leave the immediate area. If the minor persists in trying to communicate, you should leave the public place immediately.

You must minimize such contact with minors, who you do not know, by timing visits to public places when minors are least likely to be present.

Report this contact to your probation team.

IN A PUBLIC PLACE AND A MINOR IS KNOWN

If you are in a public place and you encounter a minor you know, you must make sure the minor does not see you. Then you must leave the public place immediately. If the victim is encountered, leave immediately. Report this contact to your probation team.

NON-PUBLIC PLACE AND A MINOR IS PRESENT-KNOWN OR UNKNOWN

If you are in a private area such as your house, a friend's house, club, etc. and a minor is present, you must leave the place immediately, whether or not you know the minor. Report this contact to your probation team.

- _____ 5. **Direct** contact is one-on-one contact with a minor. This includes, but is not limited to in-person visits, touching, talking on the phone, letters or written notes, making proximity contact with a minor. Report this contact to your probation team.
- _____ 6. **Indirect** contact is making contact with a minor through another person. This includes asking another person to forward a communication of any type, to a minor. Report this contact to your probation team.
- _____ 7. A **supervisor/chaperone** is a person who has been approved by the probation officer to supervise a contact between a minor and an offender. The approval must be prior to the contact and in writing. The probation officer and the judge are the only people who can approve a supervisor/chaperone. Your counselor or attorney cannot. Supervisors/chaperones must complete the required treatment, know the details of the offense, and report violations to the probation team.
- _____ **This does not mean that just another adult is present.**
- _____ 8. **Supervised contact** is when an offender is allowed to have contact with a minor under prearranged conditions and times and must be approved in advance and in writing, by the probation officer. Any deviations must be approved, in advance, by the probation officer.

NEVER PLACE THE RESPONSIBILITY ON A MINOR TO AVOID CONTACT. WHEN IN DOUBT CONTACT YOUR PROBATION TEAM.

I have read and/or had read to me the definition of "No Contact."

Defendant
Date

Date

Probation or Surveillance Officer

Appendix 13: SUPERIOR COURT OF ARIZONA – SPECIAL CONDITIONS OF PROBATION

SEX OFFENDER Review and Acknowledgement

Name: _____

Cause Number(s): _____

- _____ 1. Do not initiate, establish or maintain contact with any male or female child under the age of 18, including relatives, or attempt to do so, without the prior written approval of the APD. Sign and abide by the APD definition of “no contact.”
- _____ 2. Have no contact with the victim(s) without prior written approval of the APD.
- _____ 3. Do not go to or loiter near schools, school yards, parks, playgrounds, arcades, swimming pools or other places primarily used by children under the age of 18, or as deemed inappropriate by the APD, and without written approval of the APD.
- _____ 4. Do not date, socialize, or enter into a sexual relationship with any person who has children under the age of 18 without the prior written approval of the APD.
- _____ 5. At the discretion of the APD, attend, actively participate, and remain in sex offender treatment. Authorize therapists to disclose to the Court and the APD information about your progress in treatment.
- _____ 6. Submit to any program of psychological or physiological assessment at the direction of the APD, including but not limited to, the penile plethysmograph and/or the polygraph, to assist in treatment, planning and case monitoring.
- _____ 7. Residence, employment, and education, including any temporary changes, must have the advanced written approval of the APD.
- _____ 8. Do not travel outside Maricopa County without the advanced written approval of the APD.
- _____ 9. Abide by any curfew imposed by the APD.
- _____ 10. Do not possess any sexually stimulating or sexually oriented material, in any form, without the prior written approval of the APD, or patronize any adults-only establishment where such material or entertainment is available.
- _____ 11. Do not possess children’s clothing, toys, games, videos, etc. without prior written approval of the APD.
- _____ 12. Be responsible for your appearance, including the wearing of undergarments and clothing in locations where another person might see you.
- _____ 13. Do not hitchhike or pick up hitchhikers.
- _____ 14. Do not operate a motor vehicle without prior written approval of the APD.
- _____ 15. Do not use any computer equipment or access the internet without prior written approval of the APD. If granted use or access, abide by the APD computer usage guidelines.

Receipt and Acknowledgement: On this date, we have discussed and reviewed the conditions of your probation and the consequences that could follow if you do not respect and obey them in every detail. The fact that the Court has set these conditions and that you have acknowledged receipt and understanding of them by signing the document entitled “Judgement and Order Suspending Sentence and Imposing Conditions of Probation” is sufficient to enforce your compliance for the duration of your probation term. At this time, I am further reinforcing the point that I expect your full cooperation in complying with the orders of this document and under no circumstances will you be authorized to deviate from this responsibility except through a Petition to Modify Conditions or Regulations of Probation granted by the Court. It is of utmost importance that you understand that all conditions of probation, particularly those left to the discretion of the probation officer, will not be altered or adjusted in any way, except in writing and containing a date and signature of that officer. In Arizona a conviction for a new criminal act committed while on probation carries mandatory imprisonment as the punishment pursuant to A.R.S. 13-604.02 which is printed on the back of this document and should be read and reviewed if any questions exist. I have (read the above) and/or (had the above explained to me) and fully understand the conditions of my probation and my responsibilities to comply with the orders of the Court. I fully understand the directives of the probation officer and I have no additional questions as to my expected behavior.

Defendant

Date

Probation or Surveillance Officer

Date

Appendix 14: VISITATION RULES AND RESTRICTIONS

(Revised 2004)

Outside The Home:

1. You must not be alone with children of either gender.
2. Your contacts with children must be approved and supervised by an approved chaperone.
3. You must be within eyesight of your chaperone at all times.
4. You must not discipline children.
5. You must not discuss issues related to sexuality or dating with children.
6. You must not play the “victim” with children.
7. All visits must have prior approval of treatment team and your probation officer.
8. You must make every effort to use private (one-person) restrooms whenever possible. If not, you must not use the restroom when children are present. If children come in while you are using the facility, you must vacate the restroom immediately.
9. You must not go swimming with children or remain in the area where children are swimming.
10. You must have no “secrets” with children.
11. Appropriate attire, including undergarments, must be worn by all parties.
12. Any discussion of the abuse between the offender and the children must take place in the treatment setting.
13. Horseplay and tickling must be avoided.
14. Rules on any physical contact with children in the household should be pre-approved by the supervising probation team and therapist(s).
15. You must keep a log of the events of the visit and share the log with your treatment group.

Home Visits:

1. You must follow all of the guidelines listed above.
2. You must never enter the children's bedroom.
3. You must use bathroom facilities in private, and always lock the door.
4. When you are in the bedroom, the door must be shut and locked.
5. You must be fully dressed any time you leave your bedroom or bathroom.
6. You must not leave your bedroom while your spouse is asleep.
7. None of the children's friends should be allowed to spend the night without communications and approval of their parents and your probation officer.

Chaperone Responsibilities:

1. You must never let the offender out of eyesight.
2. You must never leave the offender alone with the children or with an unapproved chaperone.
3. You must not initiate or allow any physical contact between children and the offender.
4. You must be the sole disciplinarian of the children.
5. You must not allow the offender to discuss sexuality, discipline, legal, treatment, or problems of any nature with the children.
6. You must not allow the offender to frequent places guaranteed that children will be present.
7. In the home, you must make sure that when the offender is in the bathroom or the bedroom, the door is shut and locked.
8. In public, you must ensure that the offender uses a private (one-person) bathroom, or you must stand outside the public bathroom and monitor who enters that facility. If you observe

children go into the restroom, you must make sure that the offender comes out in no longer than two (2) minutes.

9. You must make sure that the offender does not go swimming when in the presence of children. You must make sure that whenever possible, the children are entirely clothed when the offender is present or nearby. If other children under eighteen (18) come into your area and are partially clothed, you and the offender must leave the area immediately.
10. You are to make sure that the offender completes his log of the events accurately.

This document is representative of the rules surrounding visitation as used by our contracted sex offender treatment providers. Documents may have variation dependant upon each agencies' rules and specific client needs.

APPENDIX 15: SEX OFFENDERS

CONCERNS REGARDING FAMILY CONTACT AND PREMATURE REUNIFICATION

(Revised May 2008)

Damage done to children who are molested and/or raised by someone who molests children is multifaceted. The belief systems of persons who molest children are often significantly distorted. Even after offenses are admitted, these beliefs remain intact.

The presence of an untrained chaperone does not prevent the offender from passing this belief system on to his own children. Thirty-five (35) to forty (40) percent of child molest offenders were molested as children, but many more report they learned beliefs and attitudes which predisposed them to offense behaviors from adults whom they know or believe to have been offenders themselves. This is why incest is usually multi-generational. We work to interrupt such patterns of multi-generational abuse.

Many offenders who have been caught and placed on probation initially proceed as if the offense behaviors were somehow not an important part of their character and as if the fantasies and behaviors were easy to extinguish. This is known within the profession as reconstruction. Until an offender has spent time in treatment and demonstrated he takes his offense history and propensity seriously, his association with children is likely to be inappropriate. It takes time for offenders to recognize any of their pre-offense thoughts, fantasies or subtle ways of grooming their victims. If neither he nor his chaperone are aware of subtle ways of grooming their victims, the environment cannot be made adequately safe for the children, whether or not they are the victims, siblings of the victim(s), or of the same age or gender as the victim.

We prefer that spouses of untreated offenders do not make final decisions as to whether the offender is going to be invited to visit or rejoin the family until the spouse has established herself as an independent person who believes in her own ability to manage the family without him. It is obvious that a dependent spouse is not likely to report reoffense behaviors if she is not prepared to manage her family without the offender.

The process is breaking emotional dependency and fully digesting what her husband has done helps prepare the spouse to supervise him and to protect her children. Sometimes, however, this same process results in spouses choosing separation and divorce, perhaps without further contact between her children and the offender. The healthier partners among our cases postpone decisions about visitation and reunification until they have seen significant changes in the offender's attitudes and behaviors. This way, there are far fewer false starts or roller-coaster rides for the children involved. The children handle linear processes much better, even if they seem slow at first.

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For a current copy, please contact the Probation Department.

APPENDIX 16: SUPERVISED CONTACT WITH CHILDREN & THE REUNIFICATION/UNIFICATION PROCEDURE

(Revised May 2008)

Conditions of probation typically prohibit sex offenders from having contact with children. In some situations, the supervising probation officer may allow contact with minors if the probationer appears to be a low risk to offend against minors or is considered nonparaphilic based on evaluation and results from a variety of assessment tools and the probationer's offense history. In other cases, however, the probationer must demonstrate that certain treatment objectives have been met before the probation officer permits the probationer to have supervised contact with any children.

The offender must be able to demonstrate an ability to explain his/her past patterns of pre-offense thought, fantasies and grooming behaviors. The offender must have his/her paraphilic interest under control and is not having active fantasies involving children. The offender must recruit and appropriately educate/inform chaperones so they can foster the probationer's growth and progress. The offender must know his cycle of offense and be able to articulate its relevance for his life and be actively and positively participating in group therapy. The offender must have permission of his therapist, the victim's therapist, the group, and receive final approval from his probation officer.

Reunification/Unification is the step-by-step process whereby the offender is returned to the family where the offense occurred and the victim currently resides, or allowed to reside in a home with children under the age of eighteen, or wishes to have continued contact with any child under the age of eighteen. The process is designed to ensure the maximum safety of the victim or other potential victims residing within that family.

Reunification is driven by a victim-centered approach. No victim contact or reunification will occur if the victim and/or legal guardian are opposed. Should they desire eventual reunification, the victim will work closely with a therapist who specializes in victim treatment. The victim's therapist will work in conjunction with the offender's therapist before reunification can occur. If the victim's therapist deems the victim ready for the reunification procedure to begin and the offender's therapist concurs that the offender is ready, then the process may begin. Unification and reunification shall be based on the probationer, chaperone, the victim, and secondary victims demonstrating readiness. All victims should minimally have an evaluation by a therapist prior to any reunification process. Primary consideration should be given to the needs of the victim(s) as deemed appropriate. At any time during the treatment process, the therapist may determine the need for adjunct counseling services such as individual sessions, family sessions, and partners (couples) counseling.

Chaperones/non-offending partners - The purpose of treatment and supervision is to utilize evidence-based practices to promote positive behavioral change, manage risk, prevent further victimization, and enhance community safety. One important component of targeted interventions is utilizing the probationer's natural and community supports to assist in promoting positive behavioral, pro-social change. The variety of treatment programs available can assist probationers with enhancing existing relationships, developing new relationships, and in certain cases allow for reunification with victims or unification with non-victim minor children. The purpose of the Chaperone Program is to prepare pro-social friends and family for the varying degrees of supervised probationer contact with children when it is necessary for the probationer to have supervised contact with children. There will be situations when a probationer will be allowed unsupervised contact with minors either by Court order or as determined through assessments. Applicable assessments, evaluations, progress and needs of the probationer and the needs and relationships of the support systems shall determine the dosage and intensity of participation. Family counseling can be utilized as an adjunct treatment to help support

and foster a healthier relationship for the probationer and families beyond the parameters of offending behavior.

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APPENDIX 17: MARICOPA COUNTY JUVENILE PROBATION DEPARTMENT PROTOCOL FOR THE PROCESSING OF JUVENILE SEXUAL OFFENSES

SUPERVISION GUIDELINES

Supervision is the KEY element in the effective treatment of sexual offenders. The presence of someone who represents to the juvenile that he cannot be engaging in the covert activity which surrounds sexual offending is a major factor in altering the cognitive distortions which lead to the actual offending.

Because of the special risks to the community and unique needs of the juvenile sex offenders, supervision guidelines must be more demanding than those for a standard field caseload. Many of these juveniles are in residential treatment and require supervision to maintain their commitment to work the program and to assess their gradual re-entry to the community on home passes, etc. The juveniles who are living in the community require vigilant supervision in order to keep themselves out of risky situations as they progress in outpatient therapy to recognize and interrupt their own offense cycle.

Combined with this greater need for supervision are significantly more complex dynamics in the lives of the offenders and their families. In short, it is understood that these cases are extremely demanding in terms of the time and energy invested by the PO. Therefore, in order to provide adequate supervision, every attempt will be made to keep these caseload numbers low.

The following guidelines are based on the existence of manageable caseload size. The unit supervisor will have the discretion to lower these standards if caseloads become too high and unmanageable.

STANDARD OF CONTACTS

Child Contacts:

Personal contact guidelines will not begin until the child is placed on probation.

I. Contact of Juveniles in the community:

- A. Level 1 (maximum) – This will include all juveniles who have just been put on probation and any juvenile determined to be a high risk.
 - 1. The juvenile is responsible to report, telephonically, his whereabouts on a daily basis.
 - 2. PO will make weekly contact; personal contact at least every other week.
 - 3. SO will make at least two personal contacts per week, or as directed by PO.
- B. Level 2 (moderate) – Those juveniles who have been determined to be of moderate risk. This may include those who have maintained well on Level 1 for a period of time.
 - 1. Telephonic supervision is at discretion of PO.
 - 2. PO will make at least two contacts per month, one of which is personal.
 - 3. SO will make one personal contact every week or as directed by PO.

- C. Level 3 (minimum) – Those juveniles deemed to be low risk. This may include juveniles who have maintained well on probation for an extended period of time, who are still in need of maintenance supervision.

1. No telephonic supervision requirement.
2. PO will make one personal contact per month.
3. SO will make a minimum of one personal contact every other week or as directed by PO.

NOTE: It is understood that personal contacts are to be made primarily in the juvenile's home. However, efforts also need to be made to see juveniles at school, counseling, work or other locations in the community.

II. Contact of Juveniles in Residential Treatment Facilities

The PO is required to make personal contact with the juvenile at the placement twice a month. This contact must take place outside of the formal staffing. The SO will not be required to make contacts with these juveniles.

Family and Other Contacts

III. Parent / Guardian

A minimum of one personal contact per month with custodians of juveniles who live in the community is necessary. If the juvenile is in the community but not living with parents, some type of monthly contact with parents is also necessary. Personal contacts with parents of children in RTC are encouraged every other month, but may be substantiated with phone contacts.

IV. School and Detention Contacts

School and detention contacts will be the same as those for the standard field.

V. Treatment Provider Contacts

Minimum standards are addressed under Child Contacts. It is further understood that the PO will make every effort to attend or find a replacement for scheduled staffings.

Additionally, the PO will be responsible for monitoring the providers (inpatient or outpatient) and holding them accountable for the delivering of contracted services. This will likely require time spent on-site observing and making inquiries of clients and staff members.

VI. Community Involvement

Members of this unit view themselves as partners with a growing number of individuals and agencies within the community who are committed to preventing and responding to sexual abuse. Effort will be made to actively participate in this coalition.

APPENDIX 18: ARIZONA SUPERIOR COURT, MARICOPA COUNTY, JUVENILE DIVISION

In the matter of _____

JV # _____

This juvenile having been placed on STANDARD probation, IT IS ORDERED imposing the following terms:

As STANDARD TERMS

You are ordered to:

1. Live with _____, and not move without order of this court;
2. Notify your probation officer by phone within 24 hours if your family moves or your placement changes and give your probation officer the address and phone number of the new place where you are living. Also notify your probation officer of the phone number and address of your job, if you have one, or get one in the future;
3. Follow the rules established by your parent or other custodian and NOT run away;
4. Go to school every day, and attend every class, with no unexcused absences, or obtain a G.E.D., or look for work and if employed go to work as scheduled;
5. Call or visit your probation officer when you are told to do so by your probation officer;
6. Obey all laws, including curfew laws. And contact your probation officer within 24 hours after being questioned or arrested by any law enforcement officer;
7. Participate in and cooperate with any counseling arranged by your probation officer, your parents, your placement, your school or Value Options;
8. Allow and cooperate with drug and alcohol testing and treatment as directed by your probation officer or the Court;
9. NOT have or use any alcoholic beverage, methamphetamine, cocaine, marijuana or other illegal drug of intoxicating substance. Do NOT use intoxicating glue or paint unless in an authorized manner in school or work;
10. NOT leave Arizona unless you have permission from your probation officer;
11. NOT have or use a firearm, dangerous, deadly or prohibited weapon.
12. NOT knowingly associate with anyone who is violating the law. You shall NOT associate with anyone who is a known gang member or who is on probation or parole without the permission of your probation officer. You shall NOT associate with any of the following persons:

Commissioner/Judge of the Superior Court

I have read, understand, and had the terms of probation explained to me. I agree to obey them. If I do not obey them, I can be returned to Court, the Court may find I violated probation and order that I be detained, have terms added which may include a monetary assessment, restitution, and/or community work hours, or I can be committed to the Arizona Department of Juvenile Corrections until age 18. I ALSO UNDERSTAND THAT ANY JUDGEMENT MAY BE ENTERED AGAINST ME FOR THE AMOUNT OF ANY PAYMENTS I HAVE BEEN ORDERED TO MAKE WHICH STILL ARE DUE ON MY 18TH BIRTHDAY.

Juvenile's Signature

Date

Parent's Signature

Date

As SPECIAL TERMS

You are ordered to:

- ☐ 13. Pay through the Clerk of the Court, Juvenile Division, or by mail @ P.O. Box 29344, Phoenix, AZ 85038
- | Total | Minimum | Beginning | In Full By | Monthly |
|--|---------|-----------|------------|---------|
| <input type="checkbox"/> a. Restitution* | _____ | _____ | _____ | _____ |
| <input type="checkbox"/> b. Probation Fee | _____ | _____ | _____ | _____ |
| <input type="checkbox"/> c. Fine* | _____ | _____ | _____ | _____ |
| <input type="checkbox"/> d. Other | _____ | _____ | _____ | _____ |
| <input type="checkbox"/> e. Time Payment Fee | _____ | _____ | _____ | _____ |
- *Subject to Time Payment Fee
- ☐ 14. Complete _____ hours of community service by _____ and give written proof to your probation officer in either:
- ☐ a. Project SCRUB and pay the SCRUB fee of \$ _____
- ☐ b. Any other program or placement approved by your probation officer.
- ☐ 15. Participate in, cooperate with, and successfully complete any counseling, therapy, treatment, or placement which shall be arranged by your probation officer, including:
- ☐ a. Residential Care @ _____
- ☐ b. Day/Eve. Support @ _____
- ☐ c. Counseling @ _____
- ☐ d. Treatment @ _____
- ☐ e. NCTI _____
- ☐ f. Other @ _____
- ☐ 16. Abide by a court-ordered curfew of _____ p.m. on school or work nights and _____ p.m. on other nights.
- ☐ 17. Be detained in the Juvenile Detention Facility for _____ days from _____ and not to be released until _____ at _____ :_____. While detained you shall also participate in the HIP/SAP programs as directed by detention or probation staff, and comply with all of the requirements of that Program.
- ☐ 18. Abide by the Supplemental Terms as attached.
- ☐ 19. _____

Date

Probation Officer's Signature

Date

Parent's Signature

Date

Appendix 19: Supreme Court ADDENDUM

ARIZONA SUPERIOR COURT Maricopa County, Juvenile Division

In the matter of _____ JV # _____

ADDENDUM TO TERMS AND CONDITIONS OF PROBATION

(Standard or Intensive)

IT IS ORDERED that you also obey the following marked terms.

1. You shall not initiate, establish, or maintain any verbal, physical or written contact with any male or female child under the age of _____ nor attempt to do so except under circumstances approved in advance and in writing by your probation officer.
2. You shall not reside with any child under the age of _____ or contact such children in any manner, with the exception of the following family member(s) _____ unless approved in advance and in writing by your probation officer.
3. You shall not enter onto the premises, travel past, or loiter near where the victim resides except under the circumstances approved in advance and in writing by your probation officer. You shall have no correspondence, telephone contact, or communication through a third party.
4. You shall not go to or loiter near schoolyards, parks, playgrounds, city, state and county fairs, local carnivals, school field-trips, arcades, or other places primarily used by children under the age of _____ without specific written permission of your probation officer.
5. You shall actively participate in sex offender treatment and remain in such treatment at the direction of your probation officer.
6. You shall submit to any program of psychological, psychiatric or physiological assessment (other than the plethysmograph) at the direction of your probation officer, including the polygraph, to assist in treatment, planning and case monitoring.
7. You shall allow any therapist to disclose to the Court information about your attendance and progress in treatment.
8. Submit to a blood test for the presence of the human immunodeficiency virus pursuant to A.R.S. S 8-241N.
9. You shall not possess any sexually stimulating or sexually oriented material as deemed inappropriate by treatment staff, nor patronize any place where such material or entertainment is available.
10. You shall not have access to pay movie channels. This includes Pay-Per-View, HBO, Showtime, Cinemax, Playboy, Spice, or view "NC-17," "R" or "X" rated movies.
11. You shall be responsible for your appearance at all times. This includes the wearing of undergarments and clothing in places where another person may be expected to view you.
12. You shall not hitchhike or pick up hitchhikers.
13. You shall not operate a motor vehicle alone without specific written permission by your probation officer or unless accompanied by an adult approved in writing by your probation officer.
14. You shall not utilize 800 or 900 telephone numbers or the internet without specific, written permission of your probation officer.
15. You shall not play or engage in gaming: CD, DVD or computer games without prior written permission by your probation officer.
16. You shall not date without prior written permission of your probation officer and your therapist.
17. You shall not act as a baby-sitter or caregiver for any child.
18. _____

(Date)

(Commissioner/Judge of the Superior Court)

I have read, understand, and had these terms explained to me. I agree and obey them. If I do not obey them, I can be returned to Court, and if found in violation of probation, detained and have terms added which may include, but are not limited to, a monetary assessment, restitution, and/or community work hours or I can be committed to the Arizona Department of Juvenile Corrections.

(Date)

(Juvenile)

(Probation Officer)

(Parent)

DISTRIBUTION: White-Court Yellow-Juvenile Pink-Probation Officer

APPENDIX 20: SUPERIOR COURT, JUVENILE PROBATION DEPARTMENT

MARICOPA COUNTY

DURANGO FACILITY • 3125 West Durango • Phoenix, AZ 85009-6292 • (602) 506-4011 • 506-4143 (TDD)
SOUTHEAST FACILITY • 1810 South Lewis Street • Mesa, AZ 85210-6234 • (602) 506-2500 • 506-2260 (TDD)

CHERYLN K. TOWNSEND, Director of Juvenile Court Services

SEX OFFENDER REGISTRATION

Instructions for Family

ARS 13-3821 allows that a juvenile may be ordered by the Court to register as a sex offender if adjudicated of a sexual offense.

You have been ordered to register. You are required by law to register within 30 days of the order and to update your registration immediately if your residence changes.

By _____, you must report to and register at:
The Maricopa County Sheriff's Office, Records Section
201 W. Jefferson
Phoenix, AZ 85003
256-1070

The actual address of the Sheriff's Office is 102 W. Madison, but you must enter at 201 W. Jefferson, because you must go through the security check point. After you pass through Security, turn left. The Records Section is the inside room across from the cafeteria.

You must take:

- 1) I.D. (preferably picture ID.)
- 2) A copy of your signed probation terms.
- 3) Minute entries from the Adjudication, and Disposition Hearings, ordering your registration as a sex offender.

NOTICE: THIS IS NOT COMMUNITY NOTIFICATION!

No one will be notifying any of your neighbors.

If you move, you must return to the Sheriff's office and notify them of your address change.

The sheriff will visit you every 18 months for address verification.

THE DUTY TO REGISTER UNDER THIS SUBSECTION SHALL TERMINATE WHEN YOU REACH THE AGE OF 25.

APPENDIX 21: MARICOPA COUNTY JUVENILE PROBATION DEPARTMENT PROTOCOL FOR THE PROCESSING OF JUVENILE SEXUAL OFFENSES – REUNIFICATION OF FAMILY

REUNIFICATION OF FAMILY

When the sexual offender has victimized a member of his family who lives in the same house as he does, it is not "best practice" to return the offender to the home until treatment for both offender and victim has reached a stage considered therapeutically advisable. This is to diminish the risk of another offense and the likelihood that the victim will be re-traumatized at the offender's presence in the home. Because of the possible risk to victims and other younger children, the Court will often see fit to remove the perpetrator from the home if the victim lives there. Depending on the needs of the offender, he may be detained, sent to a residential placement, or an alternative placement in the home of a friend or family member without children may be sought. Further, the juvenile may be ordered to stop all contact with children under a certain age, even siblings, or such contact would be limited to only that which is directly supervised by an adult.

This separation from family would continue for as long as deemed necessary by the therapist(s) and probation officer. Most commonly, the separation would extend for several months, but the exact period would depend on the specific needs in each case. And although each case will be handled uniquely, the following commonly agreed upon prerequisites for reunification will be adhered to under normal circumstances:

1. Any child in the family who has been a victim must receive counseling from a qualified therapist, other than the one working with the offender. Communication between the offender's therapist and victim's therapist is critical to making an appropriate decision regarding if or when to reunify the offender with his family.
2. The first contact between the offender and victim will not take place until the therapists for both parties agree that such contact is in everyone's best interest. This initial contact should always be conducted in the therapeutic setting.
3. Following this, the therapists and JPO will decide upon a schedule of visitation between the offender and victim. This should follow a pattern of gradually increased periods of visitation. Obviously, such contacts will always take place under the direct supervision of a clearly identified responsible adult.
4. Prior to contact with the victim outside of the therapeutic setting, the offender should have completed a letter of clarification to the victim. This is an exercise in which the offender takes responsibility for his offense by clarifying his role in each aspect of the perpetration. In addition to the therapeutic benefit to the offender, this allows the victim to clearly identify him/herself as the victim rather than co-conspirator.
5. Prior to the juvenile's return home, the parent(s) should have received training from a therapist in sex offender dynamics and how they are to provide appropriate supervision within the home. The therapist will be able to give feedback on the readiness of the parent(s) to take on that responsibility. Likewise, younger children living in the home who are not victims should also be prepared by the therapist on how to safely live in the home with the offender.
6. The decision to return a child to home can only be made by a Judicial Order.

APPENDIX 22: MARICOPA COUNTY JUVENILE PROBATION DEPARTMENT PROTOCOL

DISCLOSURE

Although juvenile records are open to the public, the risk to the community is heightened in the case of sex offenders. Therefore, the JPO is required to be proactive in disclosing certain information in order to reduce community risk.

Disclosure to Schools:

In concert with the request of the Greater Phoenix Educational Management Council, the following policy has been formulated:

1. The Director of Special Education of the school district, where the child adjudicated of a sexual offense is enrolled, will be notified by a standard letter from the JPO.
2. The Principal, or designee, of the school where the child adjudicated of a sexual offense will be attending, will be notified in person.

Under FERPA (34 CFR 99.1-.66), the Family Educational Rights and Privacy Act, all school personnel are not privy to confidential and/or sensitive information about a student, but only those personnel who have a "need to know" in their capacity of working with the student. We are utilizing this guiding principle of "need to know" to govern what information is disclosed and to whom. The belief is that the school officials have a "need to know" this information in order to make reasonable efforts to protect other children. All disclosure will be documented in Contact Notes. The JPO will:

1. Disclose to school officials the offense for which the juvenile is adjudicated and any terms of probation, which may be essential for the school to know, ie: no contact orders.
2. Answer questions from these administrators to the extent that seems necessary.
3. Advocate for the limitation of this disclosure to the fewest number of school officials as possible urging them to use careful discrimination in the further disclosure of this information. Obviously, the offender may suffer unnecessary stigma if care is not exercised.

Disclosure to Employers:

As with disclosure to schools, the guiding principle will be "need to know" in deciding if and to whom disclosure should be made at an offender's place of employment.

The most important deciding factor is community risk or the potential that the job duties allow for the probationer being alone with potential victims, especially young children.

1. If the risk is deemed too great: the JPO may seek to restrict the offender's employment at such a site by Court order.
2. In cases where contact with potential victims is a concern, but deemed as a manageable risk, the JPO may direct the juvenile to disclose to the employer in the presence of the PO or with the verification of the PO, or the JPO may make disclosure of the juvenile's offense to the

probationer's direct supervisor. As with disclosure to schools, effort should be made to limit the extent of such disclosure.

The JPO will make the Judicial Officer aware of the juvenile's employment through all reports to the Court. Disclosure is to be documented in Contact Notes.

Disclosure to Churches, Service Organizations, etc., will be handled in the same manner.

Disclosure to Persons in a Chaperone capacity:

When a sex offender attempts to function in society according to norms of age appropriate behaviors and social activities, every effort will be made to accommodate this as a socially desirable behavior. A specialized Chaperone Contract has been created to allow disclosure and supervision for such activities as sleep-overs, Scouting activities, camp outs, Church retreats, etc. It is important to note that this is done only with the knowledge and consent of the juvenile and family.

APPENDIX 23: MARICOPA COUNTY JUVENILE PROBATION DEPARTMENT - POLYGRAPH

The Maricopa County Juvenile Probation Department does permit the use of the polygraph with juvenile sex offenders for two specific purposes:

1. The first is to gather as much information as possible regarding the offender's sexual misbehavior. The polygraph can be performed prior to the Disposition Hearing, if there is a specific Court order permitting it.
2. The second use of a polygraph is for the purpose of "maintenance". In other words, a polygraph can assist in verifying the juvenile's compliance with terms of probation, (i.e. no subsequent contact with younger children). The polygraph can be performed any time after the Disposition Hearing with the sanction of term #6 of the Addendum to terms of Probation. Several of the sex offender-specific placements (DMR and AYA) utilize polygraphs as a standard component to their programs.

The JPO's are well trained and aware that the polygraph is not considered to be as accurate with children under the age of 12.

The JPO will communicate to the polygrapher the topics to be addressed in the examination. The polygrapher will formulate the actual questions.

The policy of this unit is to only use the results of polygraphs as an aid to treatment. Results will not be used as the basis of a VOP petition. However, the information will be shared in court reports and with the provider of treatment services. If disclosure of new victims is one of the results, CPS will be notified. If the juvenile is in residential treatment and the disclosure involves a victim also at that facility, AOC and the agency will be notified.

The probation department contracts with the provider, Tom Ezell, for polygraph services. This service is accessed in the same manner as counseling. The Service Authorization code is 177 under the AOC contracts.

APPENDIX 24: Definitions of Abuse

The following material was adapted by the Interagency Council from CPS training materials. This material is intended simply to provide guidelines and is not to be considered legal advice. Emphasis has been added in some sections.

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

PHYSICAL ABUSE

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

- | | |
|----------------------|--|
| a. skin bruising | g. burns |
| b. pressure sores | h. fracture of any bone |
| c. bleeding | i. subdural hematoma |
| d. failure to thrive | j. soft tissue swelling |
| e. malnutrition | k. injury to any internal organ |
| f. dehydration | l. physical condition which imperils health or welfare |

“SERIOUS PHYSICAL INJURY” means physical injury which creates:

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

NEGLECT

“NEGLECT OR NEGLECTED” means the inability or unwillingness of a **PARENT, GUARDIAN OR CUSTODIAN** of a child to provide that child with supervision, food, clothing, shelter or medical care **IF** that inability or unwillingness **CAUSES SUBSTANTIAL RISK OF HARM** to the child’s health or welfare, except if the inability of a parent or guardian to provide services to meet the needs of a child with a disability or chronic illness is solely the result of the unavailability of reasonable services.

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

SEXUAL ABUSE

SEXUAL ABUSE (A.R.S. § 13-1404) A person commits sexual abuse by intentionally or knowingly engaging in sexual **CONTACT** with any person fifteen **or more years of age without the consent** of that person, **or** with any person who is **under fifteen** years of age if the **sexual CONTACT involves only the female breast**.

SEXUAL CONDUCT WITH A MINOR (A.R.S. § 13-1405) A person commits sexual **CONDUCT** with a minor by intentionally or knowingly engaging in **sexual intercourse or oral sexual CONTACT with any person who is under eighteen** years of age. (This statute has been interpreted by the courts to include attempts to engage in this behavior, even if the attempt is only verbal.)

SEXUAL ASSAULT (A.R.S. § 13-1406) A person commits sexual assault by intentionally or knowingly engaging in **sexual intercourse or oral sexual CONTACT with any person without consent** of such person.

MOLESTATION OF A CHILD (A.R.S. § 13-1410) A person commits molestation of a child by intentionally or knowingly engaging in or causing a person to engage in sexual contact, except sexual contact with the female breast, with a child under fifteen years of age.

CHILD PROSTITUTION (A.R.S. § 13-3212) A person commits child prostitution by knowingly:

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

COMMERCIAL SEXUAL EXPLOITATION OF A MINOR (A.R.S. § 13-3552) A person commits commercial sexual exploitation of a minor by knowingly:

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

SEXUAL EXPLOITATION OF A MINOR (A.R.S. § 13-3553) A person commits sexual exploitation of a minor by knowingly:

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

INCEST (A.R.S. § 13-3608) Persons who are eighteen **or more years of age** and are **within the degree of consanguinity** within which marriages are **declared by law to be incestuous** and void, who knowingly intermarry with each other, or who knowingly commit fornication or adultery with each other.

Additional Definitions:

1. "Sexual contact" means any direct or indirect touching, fondling, or manipulating of any part of the genitals, anus or female breast by any part of the body or by any object or causing a person to engage in such conduct.
2. "Without consent" includes any of the following:
 - a. The victim is coerced by the immediate use or threatened use of force against a person or property;
 - b. The victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep, or any other similar impairment of cognition and such condition is known or should have reasonably been known to the defendant;
 - c. The victim is intentionally deceived as to the nature of the act;
 - d. The victim is intentionally deceived to erroneously believe that the person is the victim's spouse.
3. "Spouse" means any person who is legally married and cohabiting.
4. "Sexual intercourse" means penetration into the penis, vulva, or anus by any part of the body or by any object or masturbatory contact with the penis or vulva.

5. "Oral sexual contact" means oral contact with the penis, vulva or anus.
 - a. "Exploitive exhibition" means the actual or simulated exhibition of the genitals or pubic or rectal areas or any person for the purpose of sexual stimulation of the viewer.
 - b. "Producing" means financing, directing, manufacturing, issuing, publishing, or advertising for pecuniary gain.
6. "Sexual conduct" means actual or simulated:
 - a. Sexual intercourse including genital-genital, oral-genital, anal-genital or oral-anal, whether between persons of the same or opposite sex;
 - b. Penetration of the vagina or rectum by any object except one does as part of a recognized medical procedure;
 - c. Sexual bestiality;
 - d. Masturbation for the purposes of the sexual stimulation of the viewer;
 - e. Sadomasochistic abuse for the purpose of sexual stimulation of the viewer;
 - f. Defecation or urination for the purpose of sexual stimulation of the viewer.
7. "Simulated" means any depicting of the genitals or rectal areas that give the appearance of sexual contact or incipient sexual conduct.
8. "Visual depiction" includes each visual image that is contained in an undeveloped film, videotape or photograph or data stored in any form and that is capable of conversion into a visual image.
9. "Prostitution" means engaging in or agreeing or offering to engage in sexual conduct with any person under a fee arrangement with that person or any other person.
10. "Sexual conduct" means sexual contact, sexual intercourse, or oral sexual contact, or sadomasochistic abuse.
11. "Sadomasochistic abuse" means flagellation or torture by or upon a person who is nude or clad in undergarments or in revealing or bizarre costume or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

EMOTIONAL ABUSE

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

The legal definition of emotional abuse is contained in A.R.S. § 8-201. "...serious emotional damage as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior and which emotional damage is **diagnosed by a medical doctor or psychologist** pursuant to section 8-821 **and which is CAUSED by the acts or omissions of an individual having care, custody and control of a child.**"

8-801. Definitions

In this article and articles 9, 10, 11, 12, 13 and 14 of this chapter, unless the context otherwise requires:

1. "Child safety services" means a specialized child welfare program that is administered by the department as provided in this chapter and that investigates allegations of and seeks to prevent, intervene in and treat abuse, and neglect, to promote the well-being of the child in a permanent home and to coordinate services to strengthen the family.
2. "Child safety worker" or "worker" means a person who has been selected by and trained under the requirements prescribed by the department and who assists in carrying out the provisions of this article.
3. "In-home intervention" means a program of services provided pursuant to article 14 of this chapter while the child is still in the custody of the parent, guardian or custodian.
4. "Relative" has the same meaning prescribed in section 8-501.

APPENDIX 25: Maricopa County Law Enforcement Agencies & Phone Numbers

Arizona Department of Public Safety.....	602-223-2000
Apache Junction.....	480-982-8260
ASU PD.....	480-965-3456
Avondale PD.....	623-333-7000
Buckeye PD.....	623-386-4421
Chandler PD.....	480-782-4130
Child Protective Services.....	1-888-767-2445
El Mirage PD.....	623-433-9500
Gilbert PD.....	480-503-6500
Glendale PD.....	623-930-3000
Goodyear PD.....	623-932-1220
Maricopa County Attorney's Office.....	602-506-3411
Maricopa County Sheriff's Office.....	602-876-1801
Mesa PD.....	480-644-2211
Paradise Valley PD.....	480-948-7418
Peoria PD.....	623-773-8311
Phoenix PD.....	602-262-6151
Scottsdale PD.....	480-312-5000
Surprise PD.....	623-222-4000
Tempe PD.....	480-350-8311
Tolleson PD.....	623-936-7186
Wickenburg PD.....	928-684-5411
Youngtown PD.....	623-974-3665

Appendix 26: Suspected Child Abuse/Neglect Report Form

Today's Date: _____

Circle Day of Week: **M** **Tu** **W** **Th** **F**

CHILD INFORMATION						
Last Name	First Name		Middle Name		AKA	
Social Security No.	Ethnicity	Date of Birth	Age	Grade	Height	Weight
Gender: M F						
Home Address		City		Zip	Home Phone	
COMPOSITION OF FAMILY (WHO LIVE IN HOUSEHOLD)						
Last Name	First Name	Gender	Relation to Student	Work Phone	Cell Phone / Pager No.	✓ If Alleged Perpetrator
ALLEGED PERPETRATOR(S) AND/OR WITNESS(ES) (IF NOT LISTED ABOVE)						
Last Name	First Name	Gender	Relation to Student	Address/Phone No.		✓ If Alleged Perpetrator

Nature of suspected abuse or neglect: (Check ☒ all that apply)

☐ Physical Abuse ☐ Sexual Abuse ☐ Neglect ☐ Other

How and when did school/agency become aware of the situation (include name of personnel who first learned of abuse).

What were the child's responses to the following four questions (use exact quotes and verbatim language).

- What happened? _____

- Who did it? _____
- When did it happen? _____
- Where did it happen? _____

Additional information volunteered by the child (use exact quotes and verbatim language whenever possible). **Note:** Please attach additional pages whenever needed.

Observation of the child's injury(ies) (if any): _____

Describe child's demeanor at time of disclosure and note recent changes observed: _____

Other information that might be helpful (such as the child's assessment of his/her risk): _____

1. Contact Appropriate Police Agency:
(List ☒ agency contacted)

Contact made with:

☐ _____ Police Department
() -
Officer _____ Badge # _____
DR # _____

Other agency, if any, notified:

☐ _____
() -
Officer _____ Badge # _____
DR # _____

2. Contact Child Protective Services (CPS):

1-888-767-2445

CPS Intake Worker _____
CPS Intake
P.O. Box 44240
Phoenix, Arizona 85064-4240

CPS Office Assigned _____

3. Within 72 hours of receiving report, mail a copy of this form to:

School/Agency Name _____

Address _____ City _____ Zip _____

Phone _____

Name of Person Who Received Disclosure _____

Name of Coordinator _____

Signature(s) of person(s) completing this report:

Name/Title _____ Date _____

Name/Title _____ Date _____

Name/Title _____ Date _____

Name/Title _____ Date _____

Check ☒ those that apply and record child's physical injury(ies), including shape, size, type (letter), and color (number) as appropriate, on the diagrams of the child to show location of the injury(ies).

☐ A = Burn ☐ B = Bruise ☐ C = Laceration ☐ D = Fracture ☐ E = Other
☐ 1 = Bright Red ☐ 2 = Purple ☐ 3 = Blue ☐ 4 = Green ☐ 5 = Yellow

Appendix 27: Arizona Revised Statutes, Title 8, Chapter 10, Article 2

The Arizona Revised Statutes have been updated with the 48th legislature, 1st Regular Session information and contain the version of the statutes effective January 1, 2008.

8-801. Definitions

In this article and articles 9, 10, 11, 12, 13 and 14 of this chapter, unless the context otherwise requires:

1. "Child safety services" means a specialized child welfare program that is administered by the department as provided in this chapter and that investigates allegations of and seeks to prevent, intervene in and treat abuse, and neglect, to promote the well-being of the child in a permanent home and to coordinate services to strengthen the family.
2. "Child safety worker" or "worker" means a person who has been selected by and trained under the requirements prescribed by the department and who assists in carrying out the provisions of this article.
3. "In-home intervention" means a program of services provided pursuant to article 14 of this chapter while the child is still in the custody of the parent, guardian or custodian.
4. "Relative" has the same meaning prescribed in section 8-501.

8-821. Taking into temporary custody; medical examination; placement; interference; violation; classification

A. A child shall be taken into temporary custody in proceedings to declare a child a temporary ward of the court to protect the child, pursuant to an order of the juvenile court on a petition by an interested person, a peace officer or a child safety worker under oath that reasonable grounds exist to believe that temporary custody is clearly necessary to protect the child from suffering abuse or neglect. If a child is taken into temporary custody pursuant to this section, the child's sibling shall also be taken into temporary custody only if reasonable grounds independently exist to believe that temporary custody is clearly necessary to protect the child from suffering abuse or neglect.

B. A child may be taken into temporary custody by a peace officer, a child welfare investigator or a child safety worker if temporary custody is clearly necessary to protect the child because probable cause exists to believe that the child is either:

1. A victim or will imminently become a victim of abuse or neglect.
2. Suffering serious physical or emotional injury that can only be diagnosed by a medical doctor or psychologist.
3. Physically injured as a result of living on premises where dangerous drugs or narcotic drugs are being manufactured. For the purposes of this paragraph, "dangerous drugs" and "narcotic drugs" have the same meanings prescribed in section 13-3401.
4. Reported by the department to be a missing child at risk of serious harm.

C. In determining if a child should be taken into temporary custody, the interested person, peace officer, child welfare investigator or child safety worker shall take into consideration:

1. As a paramount concern the child's health and safety.

2. Whether the parent is willing to participate in any services that are offered to the parent.

D. A person who takes a child into custody pursuant to subsection B, paragraph 2 of this section shall immediately have the child examined by a medical doctor or psychologist. After the examination the person shall release the child to the custody of the parent or guardian of the child unless the examination reveals abuse or neglect. Temporary custody of a child taken into custody pursuant to subsection B, paragraph 2 of this section shall not exceed twelve hours.

E. A child who is taken into temporary custody pursuant to this article shall not be detained in a police station, jail or lockup where adults charged with or convicted of a crime are detained.

F. A child shall not remain in temporary custody for more than seventy-two hours excluding Saturdays, Sundays and holidays unless a dependency petition is filed.

G. A person who knowingly interferes with the taking of a child into temporary custody under this section is guilty of a class 2 misdemeanor.

8-822. Removal of child from home; rules and policies; approval; definition

A. The department shall adopt rules and establish clear policies and procedures, where appropriate, to:

1. Determine the circumstances under which it is appropriate to remove a child from the custody of the child's parents, guardian or custodian.

2. Ensure the immediate notification of the child's parents, guardian or custodian regarding the removal of the child from home, school or child care and the timely interview of the child and the child's parent, guardian or custodian.

B. The department shall apply its rules, policies and safety and risk assessment tools uniformly across this state.

C. Except as provided in subsection D of this section, the department may not remove a child from the custody of the child's parents, guardian or custodian unless both of the following occur before the removal:

1. The child safety worker who is recommending the removal submits the reasons for removal and supporting information to the worker's supervisor.

2. The worker's supervisor reviews the reasons and supporting information and approves the removal.

D. If an emergency exists affecting the health or safety of a child, a child safety worker may remove the child before notifying the worker's supervisor. The child safety worker shall submit the reasons for removal and supporting information to the worker's supervisor for the supervisor's review and approval within two hours after the removal of the child or, if the removal occurs after regular working hours, by 8:30 a.m. the next day.

E. For the purposes of this section, "supervisor" includes the permanent supervisor of a child safety worker and a temporary supervisor assigned to the child safety worker in the absence of the permanent supervisor.

8-823. Notice of taking into temporary custody

A. If a child is taken into temporary custody pursuant to this article, the interested person, peace officer or child safety worker taking the child into custody shall provide written notice within six hours to the parent or guardian of the child, unless:

1. The parent or guardian is present when the child is taken into custody, then written and verbal notice shall be provided immediately.
2. The residence of the parent or guardian is outside this state and notice cannot be provided within six hours, then written notice shall be provided within twenty-four hours.
3. The residence of the parent or guardian is not ascertainable, then reasonable efforts shall be made to locate and notify the parent or guardian of the child as soon as possible.

B. The written notice shall contain a signature line for the parent or guardian to acknowledge receipt of both written and verbal notices. The written and verbal notices shall contain the name of the person and agency taking the child into custody, the location from which the child was taken and all of the following information:

1. Specific reasons as to why the child is being removed. The notice shall list the specific factors that caused the determination of imminent danger.
2. Services that are available to the parent or guardian, including a statement of parental rights and information on how to contact the ombudsman-citizens aide's office and an explanation of the services that office offers.
3. The date and time of the taking into custody.
4. The name and telephone number of the agency responsible for the child.
5. A statement of the reasons for temporary custody of the child.
6. A statement that the child must be returned within seventy-two hours excluding Saturdays, Sundays and holidays unless a dependency petition is filed and a statement that a child in temporary custody for examination pursuant to section 8-821, subsection B, paragraph 2 must be returned within twelve hours unless abuse or neglect is diagnosed.
7. One of the following:
 - (a) If a dependency petition has not been filed or if the information prescribed in subdivision (b) is not available, a statement that if a dependency petition is filed, the parent or guardian will be provided a written notice no later than twenty-four hours after the petition is filed that contains the information prescribed in subdivision (b).
 - (b) In all other cases, the date, time and place of the preliminary protective hearing to be held pursuant to section 8-824 and the requirements of subsection D of this section.
8. A statement of the right of the parent or guardian to counsel and that counsel will be appointed pursuant to section 8-221 through the juvenile court if a dependency petition is filed and the person is indigent.

9. Information regarding the ability of the person about whom the report was made to provide a verbal, telephonic or written response to the allegations. A verbal response shall be included in the written report of the investigation. A written response, including any documentation, shall be included in the case file.

10. A statement that the hearing may result in further proceedings to terminate parental rights.

11. A statement that the parent or guardian must immediately provide to the department the names, the type of relationship and all available information necessary to locate persons who are related to the child or who have a significant relationship with the child. If there is not sufficient information available to locate a relative or person with a significant relationship with the child, the parent shall inform the department of this fact. If the parent or guardian obtains information regarding the existence or location of a relative or person with a significant relationship with the child, the parent or guardian shall immediately provide that information to the department.

12. A statement that the parent or guardian must be prepared to provide to the court at the preliminary protective hearing the names, the type of relationship and all available information necessary to locate persons who are related to the child or who have a significant relationship with the child.

C. The child safety worker shall provide the parent or guardian with the notice even if the parent or guardian refuses to sign the acknowledgment.

D. Immediately before the time of the preliminary protective hearing, the persons described in section 8-824, subsection B shall meet and attempt to reach an agreement about placement of the child, services to be provided to the child, parent or guardian and visitation of the child. The parties shall meet with their counsel, if any, before this meeting. Consideration shall be given to the availability of reasonable services to the parent or guardian and the child's health and safety shall be a paramount concern. The persons described in section 8-824, subsection C may attend the meeting to reach an agreement.

E. If a dependency petition is filed by the department, the child safety worker is responsible for delivering the notice of the preliminary protective hearing prescribed in subsection B, paragraph 7 of this section to the parent or guardian. In all other cases, the person who files the dependency petition is responsible for delivery of this notice to the parent or guardian. If the location of the parent or guardian is unknown, the person who is responsible for serving this notice shall make reasonable efforts to locate and notify the parent or guardian.

8-824. Preliminary protective hearing; probable cause; appointment of counsel

A. The court shall hold a preliminary protective hearing to review the taking into temporary custody of a child pursuant to section 8-821 not fewer than five days nor more than seven days after the child is taken into custody, excluding Saturdays, Sundays and holidays. If clearly necessary to prevent abuse or neglect, to preserve the rights of a party or for other good cause shown, the court may grant one continuance that does not exceed five days.

B. The following persons shall be present at the preliminary protective hearing:

1. The child's parents or guardian, unless they cannot be located or they fail to appear in response to the notice.
2. Counsel for the parents if one has been requested or retained.
3. The child's guardian ad litem or attorney.

4. The child safety worker and additional representatives of the department if requested by the department.

5. Counsel for the child safety worker.

C. If the court finds that it is in the best interests of the child, the court may allow the following to be present at the preliminary protective hearing:

1. The child.

2. Any relative or other interested person with whom the child is or might be placed as described in section 8-845, subsection A.

3. Witnesses called by the parties.

4. An advocate or interested person as requested by the parent or guardian.

5. Other persons who have knowledge of or an interest in the welfare of the child.

D. At the hearing, the court shall advise the parent or guardian of the following rights:

1. The right to counsel, including appointed counsel if the parent or guardian is indigent.

2. The right to cross-examine all witnesses who are called to testify against the parent or guardian.

3. The right to trial by court on the allegations in the petition.

4. The right to use the process of the court to compel the attendance of witnesses.

E. At the hearing, the court:

1. Shall receive a report of any agreement reached pursuant to section 8-823, subsection D. The report may be made orally.

2. Shall provide an opportunity for the child's parent or guardian, if present, and any other person who has relevant knowledge, to provide relevant testimony.

3. May limit testimony and evidence that is beyond the scope of the removal of the child, the child's need for continued protection, placement, visitation and services to be provided to the child and family.

4. May take into consideration as a mitigating factor the participation of the parent or guardian in the healthy families program established by section 8-481.

5. Shall take into consideration as a mitigating factor the availability of reasonable services to the parent or guardian to prevent or eliminate the need for removal of the child and the effort of the parent or guardian to obtain and participate in these services.

6. Shall inform the child's parent or guardian that the hearing may result in further proceedings to terminate parental rights.

7. Shall order the parent or guardian to provide the court with the names, the type of relationship and all available information necessary to locate persons who are related to the child or who have a significant relationship with the child. If there is not sufficient information available to locate a relative or person with a significant relationship with the child, the parent or guardian shall inform the court of

this fact. The court shall further order the parent or guardian to inform the department immediately if the parent or guardian becomes aware of information related to the existence or location of a relative or person with a significant relationship to the child.

8. Shall inform the parent that substantially neglecting or wilfully refusing to remedy the circumstances that cause the child to be in an out-of-home placement, including refusing to participate in reunification services, is grounds for termination of parental rights to a child.

9. Shall give paramount consideration to the health and safety of the child.

10. Shall determine whether the department is attempting to identify and assess placement of the child with a grandparent or another member of the child's extended family including a person who has a significant relationship with the child.

11. Shall inform a foster parent, a preadoptive parent or a member of the child's extended family with whom the department has placed the child of the right to be heard in any proceeding to be held with respect to the child.

F. The petitioner has the burden of presenting evidence as to whether there is probable cause to believe that continued temporary custody is clearly necessary to prevent abuse or neglect pending the hearing on the dependency petition.

G. The department must make reasonable efforts to place a child with siblings and, if that is not possible, to maintain frequent visitation or other ongoing contact between all siblings.

H. If the child is in the temporary custody of the department, the department shall submit not later than the day before the hearing a written report to the court and the parties that states:

1. The reasons the child was removed from the parent's or guardian's custody.
2. Any services that have been provided to the child or the child's parent or guardian to prevent removal.
3. The need, if any, for continued temporary custody.
4. The types of service needed to facilitate the return of the child to the custody of the child's parents or guardian.
5. If the child is not placed with a grandparent, whether the child has any relatives or other interested parties as described in section 8-845, subsection A who may be able and willing to take temporary custody.
6. Any services that are requested by the parent or guardian but that are not provided and the reasons the services were not provided.
7. What efforts the department has made to place siblings together, and if they are not placed together, the specific reasons why this did not occur.
8. If the placement of siblings together was not possible for all or any of the siblings, efforts the department has made to facilitate communications among siblings and a proposal for frequent visitation or contact pursuant to subsection G of this section. If frequent visitation or contact with siblings is not recommended, the department shall state the reasons why this would be contrary to the child's or a sibling's safety or well-being.

9. A proposal for visitation with the child's parents or guardian and the results of any visitation that has occurred since the child was removed. The requirements of this paragraph do not apply to a specific parent or guardian if there is a court order relating to a criminal case that prohibits that parent or guardian from contact with the child. Before the department allows visitation it must first determine that there are no court orders relating to any superior court criminal case that prohibit the parent or guardian from contact with the child.

10. A proposed case plan for services to the family.

I. The parent or guardian shall state whether the parent or guardian admits or denies the allegations in the petition filed pursuant to section 8-841. If the parent or guardian admits or does not contest the allegations in the petition, the court shall determine that the parent or guardian understands the rights described in subsection D of this section and that the parent or guardian knowingly, intelligently and voluntarily waives these rights.

J. At the hearing, if the child is not returned to the parent or guardian, the court shall:

1. Enter orders regarding the placement of the child pending the determination of the dependency petition and visitation, if any.
2. If a relative is identified as a possible placement for the child, notify the relative of the right to be heard in any proceeding to be held with respect to the child.
3. Determine if the tasks and services set forth in the case plan are reasonable and necessary to carry out the case plan.

8-825. Court determinations in preliminary protective hearing

A. The court's determination in the preliminary protective hearing may be based on evidence that is hearsay, in whole or in part, in the following forms:

1. The allegations of the petition.
2. An affidavit.
3. Sworn testimony.
4. The written reports of expert witnesses.
5. The department's written reports if the child safety worker is present and available for cross-examination.
6. Documentary evidence without foundation if there is a substantial basis for believing the foundation will be available at the dependency hearing and the document is otherwise admissible.
7. The testimony of a witness concerning the declarations of another person if the evidence is cumulative or there is a reasonable ground to believe that the other person will be personally available for trial.

B. Evidence considered by the court pursuant to subsection A of this section shall also include any available evidence of substantiated allegations of abuse or neglect committed in another jurisdiction.

C. The court shall determine whether temporary custody of the child is clearly necessary to prevent abuse or neglect pending the hearing on the dependency petition. The court:

1. On finding that the petitioner has not met the burden prescribed in section 8-824, subsection F, shall return the child to the child's parent, guardian or custodian pending the dependency hearing.

2. On finding that the petitioner has met the burden prescribed in section 8-824, subsection F, may declare the child a temporary ward of the court pending the dependency hearing.

D. The court shall also determine if reasonable efforts were made to prevent or eliminate the need for removal of a child from the child's home and if services are available that would eliminate the need for continued removal. If the child is:

1. In the custody of the department, the court shall order the department to make reasonable efforts to provide services to the child and parent to facilitate the reunification of the family, except as provided in section 8-846.

2. Not in the custody of the department and the department is not a party, the court may direct the parties to participate in reasonable services that will facilitate reunification of the family or another permanent plan for the child. The court shall not require the department to provide services pursuant to this paragraph.

8-826. Further hearings and proceedings

If a parent or guardian denies the allegations at the preliminary protective hearing the court may set the date for the dependency adjudication hearing as to that parent or guardian. An initial dependency hearing shall not be held as to that parent or guardian. The court shall also schedule the settlement conference, pretrial conference or mediation that is prescribed in section 8-844. The court shall also instruct the parent or guardian that the failure to appear at the pretrial conference, settlement conference or dependency adjudication hearing may result in an adjudication of dependency and disposition as to the parent or guardian who does not appear.

8-827. Background checks of adults residing in potential emergency placement homes; disqualifying criminal offenses; definitions

A. If a child is removed from the custody of the child's parent, guardian or custodian and an emergency placement is offered by an authorized tribe, an authorized tribe may request, in accordance with the procedures prescribed in 28 Code of Federal Regulations sections 901.1 through 901.4, that each person who is at least eighteen years of age and who is residing in a home where the potential emergency placement is to be made consent to both of the following:

1. A preliminary state and federal name-based background check.

2. Within fifteen days after the date the name-based background check is conducted, the submission of a full set of the person's fingerprints to an authorized tribe for the purpose of obtaining a state and federal criminal records check pursuant to section 41-1750 and Public Law 92-544. The department of public safety may exchange this fingerprint data with the federal bureau of investigation.

B. An adult who consents to name-based and fingerprint background checks pursuant to subsection A of this section shall submit to an authorized tribe a full set of fingerprints and written permission authorizing the authorized tribe to submit the fingerprints to the department of public safety for the processing of the state and federal criminal records check. The department of public safety shall provide the results of the name-based and fingerprint background checks to the authorized tribe that submitted the request.

C. If a name-based background check demonstrates that none of the adults residing in the home where the emergency placement is to be made has been convicted of a disqualifying criminal

offense, the authorized tribe may place the child in the home pending the outcome of the fingerprint background check.

D. If an adult refuses to consent to a request by an authorized tribe for name-based and fingerprint background checks, the authorized tribe may not place the child in a home in which the adult resides or, if the child was already placed in the home, the authorized tribe shall immediately remove the child from the home.

E. If an authorized tribe requests name-based and fingerprint background checks pursuant to this section, the authorized tribe may not make an emergency placement or continue an emergency placement in a home in which an adult resident has been convicted of a disqualifying criminal offense.

F. If an emergency placement is denied as a result of a name-based background check of an adult resident and the adult resident contests the denial, the adult resident, within fifteen calendar days after the denial, may submit to the authorized tribe a complete set of fingerprints for the purpose of obtaining a state and federal criminal records check pursuant to section 41-1750 and Public Law 92-544.

G. For the purposes of this section:

1. "Authorized tribe" means the tribal child safety unit, or its designee, that is responsible for overseeing foster care licensing for an Indian tribe located in this state and that has a valid tribal fingerprint program user agreement with the department of public safety.
2. "Disqualifying criminal offense" means an offense listed in section 41-1758.07, subsection B or C.
3. "Emergency placement" means an instance in which an authorized tribe provides protective services and places a child in the home of private individuals, including family, neighbors or friends of the child.

8-829. Judicial determinations; timing; documentation

A. If a child has been removed from the child's home, the court shall make protecting the child from abuse or neglect the first priority and shall make the following determinations within the following time periods:

1. In the court's first order that sanctions the removal, whether continuation of the child's residence in the home would be contrary to the welfare of the child. This order may be the temporary order that the court issues on the filing of a dependency petition.
2. At the preliminary protective hearing, whether the department made attempts to identify and assess placement with the child's grandparent or another member of the child's extended family including a person who has a significant relationship with the child.
3. Within sixty days after the child is removed from the child's home, whether reasonable efforts have been made to prevent removal of the child or whether it was reasonable to make no efforts to prevent removal of the child.
4. If the child is not placed with a grandparent or another member of the child's extended family including a person who has a significant relationship with the child within sixty days after the child is removed from the child's home, why such placement is not in the best interests of the child. The petitioner has the burden of presenting evidence that such placement is not in the child's best interests at the first court hearing thereafter.

5. Within twelve months after the child is removed from the child's home and once every twelve months thereafter, whether reasonable efforts have been made to finalize the existing permanency plan.

6. If the child is under three years of age, within six months after the child is removed from the child's home, whether reasonable efforts have been made to provide reunification services to the parent and whether a parent of a child who is under three years of age has substantially neglected or wilfully refused to participate in reunification services offered by the department.

B. The court shall make each determination described in subsection A on a case-by-case basis and shall set forth in its written order the specific factual basis for each determination. In making its determination, the court shall consider documentation that is reasonably available at the time of the determination.

8-830. Residential drug treatment center; services; program termination; definitions

A. The department shall contract with a provider to conduct family assessments, provide case management and provide the necessary services, including residential drug treatment services, to protect the child and support the family on referral from the department pursuant to section 8-821.

B. The contract shall require that the provider establish a continuum of services for families through written agreements with community agencies and organizations to provide required services to families. The provider may purchase or obtain without cost the services of any agency or organization that may provide resources to assist the family.

C. The contract shall require that the provider initiate a thorough family assessment and necessary services as soon as practicable after the provider receives the referral from the department.

D. The department shall provide information to the provider concerning the current report and may provide any information from records it deems appropriate. All information received by the provider regarding the report of abuse or neglect and department records is subject to the confidentiality requirements of section 8-807. Information in the records of the provider concerning the families served by the program is available for the purposes of evaluating the program.

E. If at any time during the course of service delivery the provider determines that the child is in imminent danger of abuse or neglect, the provider shall immediately report the case to the department or the appropriate law enforcement agency, or both, for appropriate action. In all cases the provider and any agency under subcontract to the provider shall retain records of information on initial and ongoing contact with the family and the final disposition of the case and shall provide this information to the department.

F. The department shall require that the provider establish a local advisory board composed of appropriate community representatives, including representation from families in the community and local public agencies. The local advisory board shall ensure that a continuum of services is provided for families and shall provide oversight to the program.

G. The department shall develop performance standards for the contracts, provide training to the provider or organization staff involved in service delivery to these families regarding child abuse and neglect and monitor the performance of the providers.

H. The contract entered into pursuant to this section shall be for a term of ten years. The program established by this section ends on July 1, 2014 pursuant to section 41-3102.

I. For the purposes of this section:

1. "Provider" means a community or faith-based provider that is awarded a contract by the department.
2. "Services" includes:
 - (a) Family assessment.
 - (b) Case management.
 - (c) Child day care.
 - (d) Housing search and relocation.
 - (e) Parenting skills training.
 - (f) Supportive intervention and guidance counseling.
 - (g) Transportation.
 - (h) Emergency services.
 - (i) Intensive family preservation.
 - (j) Parent aide services.
 - (k) Residential drug treatment services.
 - (l) Additional services that the department determines are necessary to meet the needs of the families.

APPENDIX 28 - DISPUTE RESOLUTION PROCEDURES

MARICOPA COUNTY ATTORNEY'S OFFICE DISPUTE RESOLUTION PROCESS

Dispute from a Deputy County Attorney (DCA) to an outside agency -

- Bring the matter to the attention of an MCAO Bureau Chief and obtain clearance to attempt informal resolution by personal communication with Officer/CPS worker/Deputy Attorney General.
- If unsuccessful, DCA will discuss result with MCAO Bureau Chief and determine the next step to be taken. In most cases the Bureau Chief will discuss with the immediate supervisor in the other agency.
- If issue[s] remain unresolved after contact with the immediate supervisor, the Bureau Chief should staff the issue with their Division Chief to determine what additional steps will be taken. If further review is desired the Division Chief will attempt to follow the review process established by the outside agency. The Division Chief may also elect to contact more senior management in the outside agency or may ask the MCAO Law Enforcement Liaison for assistance.
- Lodging a formal complaint with an outside agency should be done only when informal options have been explored and only as a last resort.
- Formal complaints to an outside agency will be initiated only by the County Attorney, Chief Deputy or Law Enforcement Liaison.
- No contact with the head of another agency expressing criticism of that agency shall be made without prior approval by the County Attorney, Chief Deputy or Law Enforcement Liaison. In most cases it will be necessary for such contact to be made by the County Attorney, Chief Deputy or their designee.

Dispute from outside agency personnel with a Deputy County Attorney -

- Attempt resolution by personal communication with the MCAO Deputy County Attorney.
- If issues remain unresolved, the outside agency worker should contact the Bureau Chief of the MCAO DCA and request a review of the DCA's decision/action.
- If the Bureau Chief is unable to resolve the matter, the outside agency worker with their immediate supervisor's knowledge [and following any other requirements of their parent agency] may contact either the Division Chief or the Law Enforcement Liaison [or both] and request further review. If the issues remain unresolved after review by a Division Chief, the outside agency worker may request that the Law Enforcement Liaison engage in further review in consultation with the Division Chief.
- If issues remain unresolved the outside agency worker may request the Division Chief or Law Enforcement Liaison to staff their decision[s] with the Chief Deputy.
- Appeals from the decision of the Chief Deputy staffing process should be cleared through the outside agency's senior management and communicated through the Division Chief, Law Enforcement Liaison or Chief Deputy unless made by the head of the outside agency.

LAW ENFORCEMENT AGENCIES

DISPUTE RESOLUTION PROCESS

It is essential that Law Enforcement, Child Protective Services, and the Maricopa County Attorney's Office communicate effectively. To ensure there is an effective line of communication the following procedure should be utilized.

Dispute from outside agency with patrol officer/deputy –

- In circumstances when patrol officers/deputies respond to an incident and there is a need to seek resolution beyond the officers/deputies ability, the respective agency seeking resolution shall speak to the on-duty supervisor from that law enforcement agency.
- In the event there is no on-duty supervisor, the agency seeking resolution shall contact law enforcement communications (dispatch), see Appendix EE, and request the detective supervisor that is responsible for the investigation of crimes against children be paged or called. When a law enforcement supervisor/detective supervisor is contacted with concerns regarding a specific incident, all necessary steps will be taken to resolve the complaint.
- In the event the issue can not be resolved at that level, the DCS or County Attorney representative will notify their respective chain of command asking for a meeting at the management level. This conferring may be completed over the phone as necessary to accommodate a timely response.

Dispute from outside agency with detective/investigator –

- In circumstances when child crimes investigators are investigating a complaint and there is an issue that requires resolution beyond the detectives' ability, the detective's supervisor shall be notified.
- If this is not sufficient to resolve the issue, the DCS or County Attorney representative shall notify their respective chain of command asking for a meeting at the management level. This conferring may be completed over the phone as necessary to accommodate a timely response.

Dispute from law enforcement personnel with an outside agency –

- Officers / Deputies shall use a similar process to raise concerns with the County Attorney's Office or with Department of Child Services as appropriate and within their prescribed guidelines.

DEPARTMENT OF CHILD SERVICES

DISPUTE RESOLUTION PROCESS

Dispute from an Investigator, DCS Specialist, Unit Supervisor with an outside agency:

- The DCS employee will follow all guidelines from the dispute resolution process found in the Interagency Protocol document for the Maricopa County Attorney's Office and Law Enforcement.
- Lodging a formal complaint with an outside agency should be done only when informal options, using the chain of command, have been explored and no resolution has been reached by the interested parties.

- Formal complaints to an outside agency will be initiated only by the Unit Supervisor.

Dispute from outside agency personnel with a CPS Specialist –

- Attempt resolution with the DCS Specialist by personal communication.
- If issues remain unresolved, make contact with the Unit Supervisor. Explain in detail what the outstanding issue entails.
- If issues remain unresolved, contact the appropriate Chief of the Office of Child Welfare Investigations for final review of the circumstances of the dispute.
- Any individual agency barriers will need to be addressed with senior management from the respective entities to engage in conflict resolution pertaining to the Interagency Protocol in Maricopa County.

Appendix 29: Arizona Drug Endangered Children (DEC) Multidisciplinary / Integrated Protocol

APENDIX 30: Sample church/ civic community policy and procedures for the protection of minors

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Church/ Civic Community Policy and Procedures for the Protection of Minors

Policy

It is the policy of the Church/ Civic Community that any sexual, physical or emotional abuse of minors is not acceptable and will not be tolerated.

Procedures

Article 1. Policy Requirements

A. Application

This policy applies to all personnel and volunteers. For the purpose of this policy “personnel” and “volunteers” shall include the following
Define types of personnel in the Church/ Civic Community

B. Availability of Policy and Procedures for the Protection of Minors

The Church/ Civic Community is committed to maintaining open and transparent standards of ministerial and appropriate boundaries for personnel and volunteers. To communicate these standards, the *Policy and Procedures for the Protection of Minors* can be made available as follows:

1. Website
2. Print

Availability of the *Policy and Procedures for the Protection of Minors* shall be communicated and acknowledged at least annually to the church/civic community.

Prevention & Education

Article 2. Value of a Safe Environment

The Church/ Civic Community is committed to providing a safe environment where we value and honor every individual. Ideally no minor will ever be abused; these policies are intended to achieve this ideal. The Church/ Civic Community is dedicated to upholding a culture of safety and the protection of children from abuse.

Defining healthy boundaries and policies to maintain safe environments are not meant to undermine the importance of personal contact or the ministerial role in any way. Rather, they are meant to assist all personnel and volunteers within the Church/ Civic Community in Phoenix to interact safely with consistent written standards which will safeguard all minors, the well being of the community, and the integrity of the Church/ Civic Community.

Article 3. Safe Environment Requirements:

All adults serving in the Church/ Civic Community shall:

1. Be aware of signs of child abuse.
2. Follow policies and take steps to prevent abuse and protect minors.

3. Abide by Arizona Statutes and written Church/ Civic Community procedures if abuse is suspected or observed. (See Appendix I - Directory of Terms).

A. Training

How will you train all personnel and volunteers about maintaining a safe environment and to prevent child abuse?

1. Who will be trained
2. How will they be trained

B. Vendors

All vendors who come into contact or interact in any way with minors on the premises of a Church or Civic Community or who conduct business or who provide services on the property.

This policy applies only to Vendors who:

1. Come into contact or interact in any way with minors at a location,

OR

2. Are on the property of a church/ civic community weekly or at least 5 times per month.

The Vendor Safe Environment Compliance Form (See Appendix VIII) must be completed, signed and dated by an authorized officer, director or agent of the Vendor and must be returned to the Church/ Civic Community location before the Vendor can conduct business or provide services.

In completing the Vendor Safe Environment Compliance Form, the authorized officer, director or agent of Vendor must certify:

1. All of Vendor's employees, agents, contractors or subcontractors who come into contact or interact in any way with minors or who come on the property of the church/ civic community weekly or at least 5 times per month have completed a fingerprint clearance check, and have furnished Vendor with proof of DPS fingerprint clearance or a front and back copy of FBI Fingerprint Clearance Card for the employee;
2. None of Vendor's employees, agents, contractors or subcontractors who come into contact or interact in any way with minors or who come on the property of a the church/ civic community weekly or at least 5 times per month are awaiting trial or have ever been convicted or have ever admitted in open court or pursuant to a plea agreement to having committed any of the criminal offenses enumerated on the Vendor Safe Environment Compliance Form.
3. That if any of Vendor's employees, agents, contractors or subcontractors have been adjudicated to be or is a registered sex offender, that said person will never come on to the property of a church/civic community or perform work on that property at any time.

Examples of Vendors who must complete the Vendor Safe Environment Compliance Form prior to performing any work at a church/ civic community location:

- Vending machine company with employees who are regularly on property near minors to service/fill machines
- Caterers or food service companies who serve meals on property on a regular basis
- Contracted gardeners or landscape maintenance employees
- Contracted maintenance personnel (i.e., custodial, mechanical or security personnel who have access to the diocesan location daily or weekly)
- Contracted providers of after-school programs

Exceptions to this Vendor policy:

- U.S. Postal Service Employees
- Parcel Delivery (FedEx, UPS, Airborne Express, DHL, other local vendors)
- Contractors for repair calls that last four consecutive days or less (i.e., Plumbing, Heating/Air Conditioning, Technology, etc.)
- Garbage/Trash/Recyclable collectors
- Delivery person for items such as: food, beverages, or supplies.
- Vendors that come into contact or interact with minors on a diocesan property for four consecutive days or less and are directly supervised by personnel during entire visit (i.e., school photographers, health screening, events such as educational presentations, etc.)

C. Outside Organizations:

Outside organizations who come into contact or interact in any way with minors or who host events/meetings weekly or at least 5 times per month at the church/ civic community must meet the following guidelines:

1. Each leader(s) (permanent/temporary/replacement), who will be on the premises during hosted events/meetings must be in compliance with volunteer safe environment training requirements. This includes each leader(s) completing the following:
 - a. Safe Environment training
 - b. Annual update of the Outside Organization Compliance Form (see Appendix XI)
 - c. Sign the *Code of Ethics* (Appendix III)
 - d. Face-to-face interview conducted by the church/ civic community contact
 - e. Reference check conducted by the church/ civic community contact
2. Organization must annually submit name(s) and contact information of all leaders who will be on the premises during hosted events/meetings to the church/ civic community.
3. Organization leader(s) must agree to comply with the *Policy and Procedures for the Protection of Minors*

Article 4. Screening Employees and Volunteers

A. Records/Applications:

1. All employees must have an employee application and proof of fingerprint clearance. Both shall be maintained in a secure location in the church/ civic community office.
2. All volunteers must submit a Volunteer Application Form (see Appendix VI) providing access to his/her personal information to assess their suitability to serve. These applications will be maintained in a secured locked facility in the church/ civic community office.
3. The following volunteers must be fingerprinted: (Who are they)

State level fingerprint clearance records will be valid for a period of three years from the date the cards are reviewed by the Arizona Department of Public Safety. At the end of the three year state clearance period, all abovementioned volunteers' fingerprints must be reprocessed.

B. Face to Face Interviews:

1. Are to be completed on all **new** volunteers
2. Are to be completed on a random selection of **existing** volunteers

C. Reference Checks:

1. Are to be completed on all **new** volunteers
2. Are to be completed on a random selection of **existing** volunteers

Rescreening (i.e., new records/application, additional interview, additional reference checks) may be performed as often as needed at the discretion of the church/ civic community.

D. Identifying Registered Sex Offenders:

An important part of abuse prevention includes identifying registered sex offenders who may frequent the church/ civic community. Therefore the following steps will be taken: (what steps will you take to track down these offenders)

Article 5. Assuring a Safe Environment in Programs that Serve Minors

In order to provide a safe environment for minors, all programs sponsored by the church/ civic community shall be supervised/administered **by at least two adults**.

A. Church/ Civic Community personnel and volunteers shall:

1. Maintain high ethical and professional standards.
2. Establish appropriate boundaries.
3. Know and abide by the *Policy and Procedures for the Protection of Minors*.
4. Know how and to whom to report inappropriate behavior (boundary violations) and how to report abuse.
5. Act as role models of proper values
6. Avoid situations of extreme personal self-disclosure.

7. Avoid giving personal gifts. Since gift giving can be a form of buying loyalty or silence, it should be done on a group basis. Gifts, if given, should be modest and should be given only with the knowledge of the minor's parents.

B. Program Leadership shall:

1. Annually review and approve all programs for minors in church/ civic community. A list of these programs shall be maintained and shall include activities, purpose, sponsors or coordinators of the programs, meeting times and locations.
2. Ensure that the volunteers are monitored and that sufficient supervision exists.
3. Ensure that all volunteers are following the Safe Environment Requirements including training, application, fingerprinting, reference check, and face to face interview (as applicable).
4. Know the number and whereabouts of participants.
5. Maintain records of attendance and/or sign in sheets for each class/session.
6. Know the location of emergency equipment, first aid kit, fire extinguisher and be aware of building layout and location of emergency exits.
7. Establish a plan for contacting parents/guardians in case of an emergency.
8. Communicate the designated meeting place in case of an evacuation/emergency.

C. Social Media

1. Personnel and volunteers may communicate with minors through the church/ civic community communications such as church/ civic community websites, blogs, group social networking profiles (i.e., Facebook, Twitter, etc.), office phones, and email for the purpose of the church/ civic community programs.
 - a. Church/ Civic Community communications must be transparent, which includes public availability, parental access, and continuous monitoring by supervisor(s).
2. Church/ Civic Community personnel and volunteers may not communicate with minors through personal or private means including, but not limited to, websites, blogs, social networking profiles, text messaging, phone calls, instant messaging, emails, etc.

D. Parent's rights include:

Parents have a right to observe programs and activities in which their children are involved with permission of administration. Parents who participate in or have continuous, ongoing contact with their child's program shall fulfill the Safe Environment requirements for church/ civic community personnel and volunteers.

E. Guidelines/Requirements for Overnight Accommodations for Programs Serving Minors

1. Leadership shall:
 - a. Seek to assure that rooms at a retreat center or hotel/motel empty into interior halls that are lighted and secure.
 - b. Seek hotels/motels with security officers on staff.
 - c. House minors together according to gender.
 - d. Ensure no adult rooms with a minor unless the two are related.
 - e. Make rooming lists available to the chaperones and the hotel security officer.

- f. Take care to ensure a safe environment for showering, bathing and dressing. Adults and minors shall do these activities at different times and, when possible, in different locations.
- g. Secure signed parent permission form which outlines the exact nature of the activity and location prior to leaving on a trip. This includes day and overnight trips.
- h. Secure Drivers Information Sheet and verify insurance coverage from church/ civic community personnel and volunteers.
- i. For travel outside the country, it is highly recommended that world-wide travel insurance coverage is purchased 30 days prior to travel.

2. Dorm and Large Room Facility Settings

In dorms or other large room facility settings where multiple participants are lodging overnight, a minimum of two adults are permitted to lodge in the same room as same-gender minors. They are encouraged to use the beds closest to the door and farthest away from minors.

F. Minors Serving In Church/ Civic Community Programs

Minors serving in programs (i.e., aides in classrooms/religious education, childcare, ushers, lectors, choir, etc.) are an important part of service within the Church/ Civic Community.

Following are standards for their service:

1. Minors, 12-18 years old, serving in programs must attend an age/grade appropriate Safe Environment Educational session annually, adhere to the *Policy and Procedures for the Protection of Minors* and have submitted a completed Youth Volunteer Acknowledgement Form. (See Appendix VII)
2. Minors serving in programs must adhere to the appropriate interactions and behaviors as referenced in Appendix II.
3. Minors must always serve with at least two Safe Environment trained adults.
4. Minors under the age of 12 are not to be placed in a position of responsibility and/or leadership.

Transportation

Guidelines for transporting minors are defined in the *Transportation Policy* which is located in Appendix IX.

Reporting

Article 6. Applicable Laws

This policy will be implemented in accordance with Arizona Revised Statute 13-3620, (See Appendix II - Directory of Terms) and all other State statutes; federal law; as well as additional local laws and ordinances. All church/ civic community personnel and volunteers must comply with all applicable laws regarding reporting of incidents of actual, alleged or suspected abuse and with procedures outlined in this policy. Federal statutes may contain reporting requirements applicable to Indian Reservations.

Article 7. Obligation To Report

All church/ civic community personnel and volunteers, while acting within the scope of their service in a church/ civic community, are mandated to report any incidents of actual, alleged or suspected abuse of minors to law enforcement and Child Protective Services, as specified by law. (See Appendix I – Directory of Terms)

The failure of church/ civic community personnel and volunteers to report incidents of actual, alleged or suspected abuse as required by law and in this policy, will be subject to disciplinary action up to and including dismissal and could be subject to criminal penalties under state or federal law.

Article 8. Procedures To Report Suspected and Alleged Abuse

(See Appendix IV – Minor Abuse Reporting Form)

- A. When church/ civic community personnel or a volunteer has reasonable belief that sexual, physical, emotional abuse or neglect has occurred, they are mandated to make a report to civil authorities. In the case of reasonable belief, church/ civic community personnel or a volunteer must:
1. **Immediately report** the allegations by phone or in person to law enforcement and Child Protective Services.
 2. Complete the Minor Abuse Reporting Form with summary found in Appendix IV, and then mail or fax form to appropriate law enforcement and Child Protective Services within 72 hours.
 3. After reporting, do not attempt to investigate and do not discuss the incident with anyone unless required to do so in conjunction with the investigation.
- B. When a minor reports sexual abuse to a church/ civic community personnel or a volunteer that person should:
1. Listen attentively to the minor.
 2. Stay calm and keep the minor in a safe environment.
 3. Leave questioning of the child for the trained interviewer.
 4. Assure and validate the child: the abuse was not his/her fault and they did the right thing by reporting. Do not make promises to the child about reporting or what will happen.
 5. When the minor is stable and secure with another adult, **immediately report** the allegations by phone or in person, to law enforcement and Child Protective Services.
 6. Complete the Minor Abuse Reporting Form with summary found in Appendix IV, and then mail or fax form to appropriate law enforcement and Child Protective Services within 72 hours.
 7. After reporting do not attempt to investigate and do not discuss the incident with anyone unless required to do so in conjunction with the investigation.
- C. When personnel or a volunteer receives a report of physical or emotional abuse from a minor, he/she should follow the steps listed above in letter B with the exception of step three. At that point they may ask what happened, who did it, when did it happen, and where did it happen.

D. The church/ civic community is committed to working in good faith with law enforcement, OCWI and Child Protective Services. So as not to compromise an investigation, those who make the report shall not discuss the incident with anyone unless required to do so in conjunction with the investigation.

Article 9. Immunity for Reporters of Abuse Made in Good Faith

According to Arizona State Law, persons who make a report of abuse in good faith and without malice are entitled to immunity from any civil and criminal liability.

Article 10. Adults Reporting Past Abuse

An adult who alleges abuse as a child, the Arizona reporting law (ARS 13-3620) does not apply. The individual has the right to make a report to law enforcement. A report to law enforcement is highly encouraged and support will be offered to assist the individual in making the report.

Article 11. Anonymous or Unspecified Reports of Abuse

An anonymous report or unspecified report is a report that does not provide sufficient information to ascertain the identity of the victim, of the accused, of the accuser, or to proceed with an investigation. A person who is the subject of an anonymous or unspecified report of sexual misconduct as set forth in this section may be notified of the report. Anonymous reports are discouraged since they may inhibit a thorough investigation.

Article 12. Discipline for Violation of the Church/ Civic Community *Policy and Procedures for the Protection of Minors*

Employees, volunteers, and clerics are bound to abide by the Church/ Civic Community *Policy and Procedures for the Protection of Minors*. A proven violation of the *Policy and Procedures for the Protection of Minors* by church/ civic community personnel or a volunteer of the Church/ Civic Community is subject to consequences, which may include termination from one's position and/or restrictions on future service.

Article 13. Reintegrating Offenders back into the Church/ Civic Community

Persons who are registered sex offenders and desire to attend the church/ civic community are encouraged to contact the Church/ Civic Community Office to determine eligibility to participate in this program. It is a voluntary program that results in a written agreement that is signed by the church/ civic community leader, the offender, his/her probation officer and all other involved parties.

Appendix I

Directory of Terms

Arizona Statute 13-3620: Duty to report abuse, physical injury, neglect...Full text can be located at the following website: <http://www.azleg.state.az.us/ars/13/03620.htm>

Arizona Statute 15-512: (Vendors) Establishes fingerprinting requirements for contractors, subcontractors, vendors, or any employee of a contractor, subcontractor or vendor who is contracted to provide services on a regular basis on school property. Defines “regular basis on school property” and authorizes school district to charge the costs of the fingerprint check to the contractor, subcontractor or vendor or to the employee of the contractor, subcontractor or vendor... Full text can be located at the following website: <http://www.azleg.state.az.us/ars/15/00512.htm>

Emotional abuse: When a parent, guardian or custodian demonstrates behavior which is likely to have the effect of terror, rejection, isolation, humiliation or debasement of a child. Child is exhibiting severe anxiety, depression, withdrawal or untoward aggressive behavior which could be due to serious emotional damage by a parent, guardian, or custodian which can only be diagnosed by a medical doctor or psychologist

Minor: A person who has not reached full legal age (18 years old.) For the purpose of training requirements and youth volunteer status, the term “minor” also includes a person who is of full legal age, enrolled in High School and is declared as a dependent on the parents most recent federal income tax form.

Neglect: The inability or unwillingness of a parent, guardian or custodian of a child to provide that child with supervision, food, clothing, shelter or medical care if that inability or unwillingness causes unreasonable risk of harm to the child's health or welfare (Extracted from Arizona Revised Statute §8-201)

Physical Abuse: Impairment of a minor's physical condition and includes any of the following: skin bruising, pressure sores, bleeding, failure to thrive, malnutrition, dehydration, burns, fracture of a bone, subdural hematoma, soft tissue swelling, injury to any organ, and any physical condition which imperils health or welfare

Reasonable Belief: When a person has any facts from which one could reasonably conclude that a minor may have been neglected and/or abused

Sexual Abuse: Intentionally or knowingly engaging in sexual contact or conduct with a minor. Abuse can include inflicting or allowing sexual abuse, sexual conduct with a minor, sexual assault, molestation of a child, commercial sexual exploitation of a minor, sexual exploitation of a minor, incest, or child prostitution as detailed in the Arizona Revised Statutes. Sexual abuse also includes the acquisition, possession, or distribution of pornographic images of minors for purposes of sexual gratification, by whatever means or using whatever technology

Social Media: Forms of electronic communication (i.e., web sites for social networking and blogging) through which users create online communities to share information, ideas, personal messages, and other content (i.e., videos)

Appendix II

Interactions & Behaviors

The lists provided below are not intended to be exhaustive.
If you identify inappropriate behaviors/interactions you must report them to the program supervisor. If you suspect abuse call law enforcement and Child Protective Services.

<p style="text-align: center;"><i>Appropriate Interactions & Behaviors</i></p> <p>Appropriate affection between personnel/volunteers and minors which constitutes positive interaction.</p> <p>Depending on the circumstances, the following forms of interactions and behaviors are customarily (but not always) regarded as appropriate ways to maintain healthy boundaries:</p>	<p style="text-align: center;"><i>Inappropriate Interactions & Behaviors</i></p> <p>Some forms of behavior and physical interactions have been used by adults to initiate inappropriate contact with minors. To maintain the safest possible environment for minors and to respect everyone's dignity, the following are examples of interactions and behaviors that are not appropriate and not to be used :</p>
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Interactions – Physical & Verbal

<p style="text-align: center;"><i>Appropriate Physical Interactions</i></p> <ul style="list-style-type: none"> • Side hugs Shoulder-to-shoulder hugs • “Temple” hugs • Handshakes • “High-fives” • Pats on the head or back when culturally appropriate • Touching hands, shoulders, or arm around shoulders • Holding hands (with smaller children in escorting situations) • Holding hands during prayer 	<p style="text-align: center;"><i>Inappropriate Physical Interactions</i></p> <ul style="list-style-type: none"> • Any form of affection that is unwanted by the minor • Showing affection in isolated areas • Physical contact insisted on or requested by the adult • Inappropriate or lengthy embraces • Full frontal hugs • Kisses on the mouth • Touching knees, legs, buttocks, chest or genital areas • Wrestling, “rough housing”, tackle football or tickling • Piggyback rides • Touch, pull, push or strike a minor in anger • Allowing a minor to cling to an adult’s leg • Any type of massage between adults and minors
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<i>Appropriate Verbal Interactions</i>	<i>Inappropriate Verbal Interactions</i>
<ul style="list-style-type: none"> • Positive affirmation • Appropriate jokes • Encouragement • Verbal praise 	<ul style="list-style-type: none"> • Name calling • Cursing • Telling off-color or sexual jokes • Racial insults or ethnic slurs • Shaming or belittling • Compliments that relate to physique or body development • Telling secrets, asking minors to keep secrets • Using harsh language that may frighten, threaten, intimidate or humiliate a minor • Making derogatory remarks about the minor or his/her family • Discussing sexual encounters with minor • Involving minors in the personal problems or issues of adults

Behaviors

<i>Appropriate Behavior</i>	<i>Inappropriate Behavior</i>
<ul style="list-style-type: none"> • Communicating with minors through Church/ Civic Community communications such as: websites, blogs, group social networking profiles (i.e., Facebook, Twitter, etc.), office phones, or email for the purpose of church/ civic community programs. • Providing a safe environment where the dignity of every individual is ensured • Knowing how and where to report inappropriate behavior • Knowing how and where to report alleged/suspected abuse • Maintaining a professional relationship when interacting with minors, avoiding emotional attachment and/or vulnerable situations • Maintaining an awareness of the powerful attraction of minors to adults in positions of authority and trust. If a personal or physical dependency begins to develop, the minor is to be referred to another qualified adult. • Notifying parents when on-going pastoral care of a minor is necessary. • Giving a modest gift to a group of minors 	<ul style="list-style-type: none"> • Communicating with minors through PERSONAL/PRIVATE means including but not limited to: websites, blogs, social networking profiles, text messaging, home/cell phones, instant messaging, or e-mail. • Participating in online gaming with a minor. • Being alone with a minor(s), without another responsible adult present, in any closed area that is inappropriate while working in the scope of ministry program. Including but not limited to: a vehicle, restaurant, residence, sleeping facility, locker room, rest room, hot-tub or pool. • Allowing minors to have, or assist minors in gaining, access to alcohol, drugs, pornographic material, or any illegal substance. • Allowing minors to have, or assist minors in gaining, access to inappropriate media such as: websites, movies, videos, music, audiotapes, DVDs, or CDs, etc. • Photographing minors while at school or in catechetical programs without the proper parental/guardian consent. • Singling out a minor with a personal gift.

Appendix III Code of Ethics

It is the policy of the Church/ Civic Community that any sexual, physical, or emotional abuse of minors is not acceptable and will not be tolerated.

Church/ Civic Community personnel, volunteers, and outside organizations while working in their scope of ministry SHALL:

- Abide by the Church/ Civic Community *Policy and Procedures for the Protection of Minors*
- Maintain healthy boundaries by adhering to the chart of interactions and behaviors found in Appendix III of the *Policy and Procedures for the Protection of Minors*.
- Conduct themselves in a manner that is consistent with the discipline, norms, and teachings of the Church/ Civic Community.
- Provide a professional environment that is free from all forms of abuse including intimidation and harassment
- Accept personal responsibility to protect all minors from all forms of abuse
- Report concerns about boundary violations or other questionable behaviors and circumstances to the program supervisor, pastor or principal
- Immediately report any suspected abuse or neglect of a minor in accordance with the Arizona state law and Church/Civic Community Policies.

Church/ Civic Community personnel, volunteers, and outside organizations while working in their scope of ministry SHALL NOT:

- Abuse a minor
- Take advantage of supervisory and/or authoritative relationship, or any relationship of trust for their own benefit

Because it is impossible to compile a comprehensive list of specific acts constituting misconduct, personnel, volunteers and outside organizations must use common sense, guided by the principles set forth above, to direct their behavior and to abide by the current Church/ Civic Community *Policy and Procedures for the Protection of Minors*.

By signing below I am stating that I have received a copy of this *Code of Ethics*, I have read it, understand it, and I agree to abide by it. I also understand that by signing below I agree to abide by the *Policy and Procedures for the Protection of Minors*.

A violation of this *Code of Ethics* can result in disciplinary action up to and including removal from serving in programs and/or termination of employment.

Date Printed Last Name Printed First Name Signature

Appendix IV

Minor Abuse Reporting Form

As per Arizona Revised Statute 13-3620: After a call is made to law enforcement (Police) and Child Protective Services (CPS) to report suspected or alleged abuse, a written summary must be submitted to appropriate law enforcement and Child Protective Services by mail or fax within seventy-two (72) hours. Providing law enforcement and CPS with this Minor Abuse Reporting Form will satisfy that requirement.

General Information			
Date/Time reported to Law Enforcement:	Location or fax # of where to send this form:	Name of Person report was given to. Badge number if available:	Law Enforcement Phone Number used to make report:
Date/Time reported to CPS:	Location or fax # of where to send this form:	Name of Person report was given to:	CPS Phone Number used to make report:
Person Making Report			
Last Name of Person Making Report:	First Name of Person Making Report:	Contact Number(s): Home - Cell -	
Parent / Person(s) Having Custody of Minor			
(1) Parent, Guardian or Custodian Last Name	Parent, Guardian or Custodian First Name	<input type="checkbox"/> Parent <input type="checkbox"/> Guardian <input type="checkbox"/> Custodian	
Home Street Address	City	State	Zip
Home Phone Number	Work Phone Number	Cell Phone Number	
(2) Parent, Guardian or Custodian Last Name	Parent, Guardian or Custodian First Name	<input type="checkbox"/> Parent <input type="checkbox"/> Guardian <input type="checkbox"/> Custodian	
Home Street Address	City	State	Zip
Home Phone Number	Work Phone Number	Cell Phone Number	
Minor(s) Information			
(1) Minor's Last Name	Minor's First Name	Minor's Date of Birth	
Home Street Address	City	State	Zip
(2) Minor's Last Name	Minor's First Name	Minor's Date of Birth	
Home Street Address	City	State	Zip

In summary below include the following:

- Description of the incident/observation.
- If physical abuse or neglect, include nature and extent of the current and/or previous injuries or physical neglect.
- Any other relevant information.

Appendix V

Procedures & Phone Numbers to Report Abuse

LOCAL LAW ENFORCEMENT

ANTHEM	602-876-1011 / 602-262-6151
APACHE JUNCTION	480-982-8260
AVONDALE	623-333-7000
BAGDAD	928-771-3260
BAPCHULE /SACATON	520-562-4511 / 520-562-3361
BUCKEYE	623-386-4421
BULLHEAD CITY	928-763-1999
CAMP VERDE	928-567-6621
CAREFREE	602-876-1011
CASHION	623-333-7001
CAVE CREEK	602-876-1011
CHANDLER	480-782-4130
COCONINO COUNTY	928-774-4523
COTTONWOOD	928-649-1397
EL MIRAGE	623-933-1341
FLAGSTAFF	928-774-1414
FOUNTAIN HILLS	602-252-7840
GILA BEND	602-876-1011
GILBERT	480-503-6500
GLENDALE	623-930-3000
GOODYEAR	623-932-1220
GRAND CANYON	Inside the Park: 928-638-7805 Outside the Park: 928-774-4523
GUADALUPE	602-876-1011
KINGMAN	928-753-1911
LAKE HAVASU CITY	928-855-4111
LAVEEN	602-876-1011
LITCHFIELD	602-876-1011
MARICOPA COUNTY	602-876-1011
MESA	480-644-2211
MOHAVE COUNTY	928-753-0753
PARADISE VALLEY	480-948-7410
PEORIA	623-773-7061
PHOENIX	602-262-6151
PRESCOTT	928-445-3131
PRESCOTT VALLEY	928-772-9267
QUEEN CREEK	602-876-1011
SCOTTSDALE	480-312-5000
SEDONA	928-282-3100
SELIGMAN	928-771-3266
SUN CITY	602-876-1011
SUN CITY WEST	602-876-1011
SUN LAKES	602-876-1011
SURPRISE	623-222-4000
TEMPE	480-350-8311
TOLLESON	623-936-7186
YAVAPAI COUNTY	928-771-3260
YOUNGTOWN	602-876-1011
WICKENBURG	928-684-5411
WILLIAMS	928-635-4461

Child Protective Services (CPS) Statewide 1-888-767- 2445 Toll Free / TTD 1-800-530-1831

Native American Reservations: Blackwater, Sacaton, Bapchule, Santan, Laveen, and Maricopa– 520-562-3396

If Physical/Emotional Abuse, of a child has been revealed to you or you have reasonable belief or have observed that there is abuse:

1. Listen attentively to the minor.
2. Stay calm and keep the minor in a safe environment.
3. Ask these questions:
4. What happened?, Who did it?, When did it happen?, and Where did it happen?
5. Assure and validate the child: the abuse was not his/her fault and they did the right thing by reporting.
6. When the minor is stable and secure with another adult, **immediately report** the allegations by phone or in person to law enforcement and Child Protective Services.
7. Complete the Minor Abuse Reporting Form, with summary, and then mail or fax form to appropriate law enforcement and Child Protective Services within 72 hours.
8. After reporting, do not attempt to investigate and do not discuss the incident with anyone unless required to do so in conjunction with the investigation.

If Sexual Abuse, of a child has been revealed to you or you have reasonable belief or have observed that there is abuse:

1. Listen attentively to the minor.
2. Stay calm and keep the minor in a safe environment.
3. Leave questioning of the child for the trained interviewer.
4. Assure and validate the child: the abuse was not his/her fault and they did the right thing by reporting. **Do not promise**
5. When the minor is stable and secure with another adult, **immediately report** the allegations by phone or in person to law enforcement and Child Protective Services.
6. Complete the Minor Abuse Reporting Form, with summary, and then mail or fax form to appropriate law enforcement and Child Protective Services within 72 hours.
7. After reporting, do not attempt to investigate and do not discuss the incident with anyone unless required to do so in conjunction with the investigation.

Appendix VI Volunteer Application

The **Church/ Civic Community** appreciates your willingness to share your faith, time and talents. Providing safe and secure programs for our members is of the utmost importance to us. The information gathered in this application is designed to help us secure a safe environment for the people of our community. For your privacy, this form will be stored in a secured locked facility.

PERSONAL INFORMATION				
Last Name, Suffix (i.e., Jr/Sr.)	First Name	Middle Initial	Date of Birth	
Street Address	City	State	Zip	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
Length at current address _____ Years _____ Months		If you have resided at this location less than 3 years list previous address(es) below.		
Most Recent Previous Address		City	State	Zip
Additional Previous Address		City	State	Zip
Home Phone Number	Cell Phone Number	Email Address		
PRIMARY VOLUNTEER INFORMATION				
Primary Volunteer Location Parish <input type="checkbox"/> School <input type="checkbox"/> Both <input type="checkbox"/>				
Primary Location Name		<div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 2px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 2px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em;"></div>		
Are you a registered Parishioner Yes <input type="checkbox"/> No <input type="checkbox"/>				
Type of Volunteer <input type="checkbox"/> Work in food pantry, meal service, provide ministerial service in private homes <input type="checkbox"/> Serves minors <input type="checkbox"/> None of the above		List the name of all titles/ministries in which you desire to participate <div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 2px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em;"></div>		
What interests you about serving in the above location?				
What has prepared you to serve in the above location?				
ADDITIONAL VOLUNTEER LOCATIONS				
1) Church/ Civic Center location <div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 2px;"></div> <input type="checkbox"/> Work in food pantry, meal service, provide ministerial service in private homes <input type="checkbox"/> Serves minors <input type="checkbox"/> None of the above		2) Church/ Civic Center name and city <div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 2px;"></div> <input type="checkbox"/> Work in food pantry, meal service, provide ministerial service in private homes <input type="checkbox"/> Serves minors <input type="checkbox"/> None of the above		
3) Church / Civic Center location <div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 2px;"></div> <input type="checkbox"/> Work in food pantry, meal service, provide ministerial service in private homes <input type="checkbox"/> Serves minors		4) Church/ Civic Center name and city <div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 2px;"></div> <input type="checkbox"/> Work in food pantry, meal service, provide ministerial service in private homes <input type="checkbox"/> Serves minors		

<input type="checkbox"/> None of the above	<input type="checkbox"/> None of the above
--	--

VOLUNTEER HISTORY <input type="checkbox"/> Check here if you do not have volunteer history

Volunteer Organization	Position	Start Date	End Date	Duties
Street Address	City	State	Zip	
Contact Name	Title			
Phone Number	E-mail Address			

Volunteer Organization	Position	Start Date	End Date	Duties
Street Address	City	State	Zip	
Contact Name	Title			
Phone Number	E-mail Address			

EMPLOYMENT <input type="checkbox"/> Check here if you are not currently employed

Current Employer:	Position	Years Employed
Street Address	City	State
	Zip	

REFERENCES (A minimum of three required. If residing in Arizona less than three years two of the references must be from previous location)

Reference Name (Professional)	Address (Street/City/State/Zip)	Daytime Phone Number
Email Address	How long have you known this reference?	Agreed to be a reference <input type="checkbox"/> Yes <input type="checkbox"/> No
Reference Name (Professional)	Address (Street/City/State/Zip)	Daytime Phone Number
Email Address	How long have you known this reference?	Agreed to be a reference <input type="checkbox"/> Yes <input type="checkbox"/> No
Reference Name (Personal / Family Member)	Address (Street/City/State/Zip)	Daytime Phone Number
Email Address	How long have you known this reference?	Agreed to be a reference <input type="checkbox"/> Yes <input type="checkbox"/> No
Reference Name (Personal / Family Member)	Address (Street/City/State/Zip)	Daytime Phone Number
Email Address	How long have you known this reference?	Agreed to be a reference <input type="checkbox"/> Yes <input type="checkbox"/> No

Reference Name (Personal / Family Member)	Address (Street/City/State/Zip)	Daytime Phone Number
Email Address	How long have you known this reference?	Agreed to be a reference <input type="checkbox"/> Yes <input type="checkbox"/> No

BACKGROUND CHECK INFORMATION

Have you changed your last name in the past 5 years? ☐ Yes ☐ No

If yes, was name change due to a marriage/divorce? ☐ Yes ☐ No

If yes, what was your previous last name? _____

Have you ever been arrested for, charged with, convicted of or admitted to physically, sexually, or emotionally abusing or assaulting a child or an adult?

☐ Yes ☐ No If yes, explain _____

Have you ever been arrested for, charged with, convicted of or admitted to a misdemeanor or felony? ☐ Yes ☐ No

If yes, please list the offense, date, jurisdiction and outcome. _____

Do you have any outstanding warrants, either in Arizona or in any other state? ☐ Yes ☐ No

If yes, list reason for warrant. _____

Is there anyone living in your home that is a registered sex offender, been accused of or is awaiting trial for a criminal offense against a child? ☐ Yes ☐ No

If yes, explain. _____

FOUNDATION SAFE ENVIRONMENT TRAINING CLASS INFORMATION

Class Name _____ Date _____

Location of Class _____

DECLARATION – Please read each statement and initial on the lines below (*Do not make check marks*).

(initials only)

_____ I declare that all statements contained in this application are true and that any misrepresentation or omission is cause for rejection of my application or dismissal from my ministry involvement.

(initials only)

_____ I understand that a background check may be conducted prior to and during my service. I authorize investigations of all statements contained in the application.

(initials only)

_____ I agree to observe all Church/ Civic Center guidelines and policies for the program in which I am applying.

***** PLEASE SIGN BELOW AFTER YOU HAVE READ AND INITIALED THE ABOVE STATEMENTS.**

Applicant Signature: _____ **Date:** _____

Trainer Review

I verify applicant completed the initial training, application and that each declaration statement has been initialed.

Trainer Name (Please Print) : _____ Trainer Signature: _____ Date: _____

Office Use Only

Interview Complete ☐ Yes ☐ No

Reference Checks Complete (Minimum of Three) ☐ Yes ☐ No

Approved to Volunteer ☐ Yes ☐ No ☐ Yes With Listed Restriction(s) _____

Appendix VII

Youth Volunteer Acknowledgement Form

The information below lists the requirements for all youth volunteers serving and can be found in the Church/ Civic Center *Policy and Procedures for the Protection of Minors*:

Minors Serving In Church/ Civic Center Programs

Minors serving in programs are an important part of service within the Church/ Civic Center.

Following are standards for their service:

1. Minors, 12-18 years old, serving in programs must attend an age/grade appropriate Safe Environment Educational session annually, adhere to the *Policy and Procedures for the Protection of Minors* and have submitted a completed Youth Volunteer Acknowledgement Form.
2. Minors serving in programs must adhere to the appropriate interactions and behaviors as referenced in Appendix III.
3. Minors must always serve with at least two Safe Environment trained adults.
4. Minors under the age of 12 are not to be placed in a position of responsibility and/or leadership.

Parish/School Name: _____ Program: _____

As a youth volunteer for the parish/school and program listed above, I agree to abide by the standards listed above from the Church/ Civic Center *Policy and Procedures for the Protection of Minors*.

Youth Volunteer Name (Please Print)

Age/Grade

Youth Volunteer Signature

Date

As a parent/guardian of the youth volunteer, by signing this document I am providing permission for my child to volunteer in the parish and/or school program listed above and I will assist my child in ensuring a Safe Environment is maintained for all children and youth in the Church/ Civic Center.

Parent/Guardian Name (Please Print)

Parent/Guardian Signature

Date

Appendix VIII

Safe Environment Compliance Form (Vendors, Contractors and Subcontractors)

The Church/ Civic Community appreciates your willingness to share your gifts and skills with us. As part of our mission to provide a safe and secure environment for our community, and any others who may be on our premises or property, we require that all vendors, contractors and subcontractors who come into contact or interact in any way with minors on the premises of a church/ civic community location or who conduct business or who provide services on the property of a church/ civic community weekly or at least 5 times a month, provide certain information regarding their organization and employees, and certify that such information is correct.

VENDOR INFORMATION				
Name of Company:				
Type of Organization (corporation, partnership, limited liability company) and Place of Domicile				
Last Name of Owner	First Name of Owner	Middle Initial	Email Address	
Home Street Address	City, State, Zip	Phone Number	Gender of Owner: <input type="checkbox"/> Male <input type="checkbox"/> Female	
Last Name of Person Completing this Form (if different than Owner)	First Name of Person Completing this Form (if different than Owner)	Position/Title of Person Completing this Form (if different than Owner)		
Home Street Address (if different than above)	City, State, Zip (if different than above)	Phone Number (if different than above)	Email Address (if different than above)	
What church/ civic community? List Name(s) & Location(s)				
What services will the company be performing at the church/ civic community?				
What will be the length of the project or work to be performed at said institution(s)? (Dates)				
How many times per week will the Company's employees be on the property of said institution(s)?				
By signing this Compliance Form, I hereby represent and agree that I am duly authorized to act for and on behalf of the Company and to execute and deliver this Compliance Form on behalf of the Company, and that this Compliance Form is and shall be binding upon the Company.				
<div style="border-bottom: 1px solid black; width: 100%;"></div> Print Name	<div style="border-bottom: 1px solid black; width: 100%;"></div> Signature		<div style="border-bottom: 1px solid black; width: 100%;"></div> Date	

EMPLOYEE INFORMATION

Names and positions of all employees, agents, contractors or subcontractors of the Company (hereinafter "Employees") who may come into contact or interact in any way with minors on the property of the church/ civic community or who will be on the property of a Diocesan location weekly or at least 5 times per month.:

Employee Name (First and Last)	Position	Diocesan Location	Supervisor Name

CERTIFICATIONS – Please read each statement and **initial** on the line to the left (**do not make check marks**).

(initials only)

_____ I certify that all of the Employees listed above have completed a fingerprint clearance check, and have furnished the Company with proof of DPS fingerprint clearance or front and back of FBI Fingerprint Clearance Card.

(initials only)

_____ I certify that DPS or FBI fingerprint clearances have been furnished by all of the Employees listed above, and by any other Employees who may come into contact or interact in any way with minors on the premises of a Diocesan location or who may be on the property of a location weekly or at least 5 times per month, and I certify that the clearance cards indicate that all of the Employees listed above have "No Record."

(initials only)

_____ I certify that none of the Employees listed above, and that none of the other Employees who may come into contact or interact in any way with minors at a Diocesan location or who may be on the property of a Church/ Civic Community location weekly or at least 5 times per month, are either awaiting trial or have ever been convicted or adjudicated delinquent or have ever admitted in open court or pursuant to a plea agreement to having committed any of the criminal offenses or attempted criminal offenses set forth below, either in Arizona or in any other state:

1. Sexual abuse of a minor.
2. Incest.
3. First or second degree murder.
4. Kidnapping.
5. Arson.
6. Sexual assault.
7. Sexual exploitation of a minor.

8. Felony offenses involving contributing to the delinquency of a minor.
9. Commercial sexual exploitation of a minor.
10. Felony offenses involving sale, distribution or transportation of, offer to sell, transport, or distribute or conspiracy to sell, transport or distribute marijuana or dangerous or narcotic drugs.
11. Felony offenses involving the possession or use of marijuana, dangerous drugs or narcotic drugs.
12. Misdemeanor offenses involving the possession or use of marijuana or dangerous drugs.
13. Burglary in the first degree.
14. Burglary in the second or third degree.
15. Aggravated or armed robbery.
16. Robbery.
17. A dangerous crime against children as defined in Arizona Revised Statute 13-705.
18. Child abuse.
19. Sexual conduct with a minor.
20. Molestation of a child.
21. Manslaughter.
22. Aggravated assault.
23. Assault.
24. Exploitation of minors involving drug offenses.
25. Luring
26. Indecent exposure
27. PSI

(initials only)

_____ I certify that no Employee of the Company or of any of its contractors or subcontractors has been adjudicated to be or is a registered sex offender.

-OR-

(initials only)

_____ I certify that any Employee of the Company or of any of its contractors or subcontractors who has been adjudicated to be or is a registered sex offender, will never come on to the property of a Diocesan location or perform work on that property at any time.

(initials only)

_____ I understand that the Church/ Civic Community *Policy and Procedures for the Protection of Minors* is available at [\(website\)](#) and I agree that all of our employees that will be on a Church/ Civic Community location will abide by said policy. Employees will conduct themselves in an appropriate manner by exhibiting respect and professional behavior that is required in the presence of minors and in sacred places.

(initials only)

_____ I certify that I will update this form as any new employees are hired who may come into contact or interact in any way with minors at a location or who may be on the property of a location weekly or at least 5 times per month. I further certify that all statements and information contained in this Compliance Form are true and that any misrepresentation or omission is cause for rejection of the Company's permission to be on the property of a Diocese of Phoenix location, and further, that any misrepresentation or omission is cause for the termination and/or cancellation of any contract with said location.

Print Name

Signature

Date

Appendix IX

Transportation Policy

Policy Statement

Transportation is critical to many of the pastoral and charitable works of the Local Church. While never failing in this mission of service, we must at the same time seek to develop and implement practices aimed at limiting the risk associated with our transportation activities and protecting the financial and other assets that the faithful have made available to us specifically for the purpose of carrying out our mission.

Related policy information

1. Church/ Civic Community-owned Vehicles

- a. Drivers must be 21 years of age or older.
- b. If minors are transported, driver must be 25 years of age or older.
- c. Drivers must have a valid driver's license and no physical disability that could in any way impair their ability to drive the vehicle.
- d. Each driver must complete a "Driver Information Sheet" The sheets are retained on file for the duration of each individual's service as a driver.
- e. Annual driving records must be obtained for frequent or regular drivers of church/ civic community vehicles. The record can be obtained from www.azdot.gov. The form is titled .Motor Vehicle Record Request.
- f. The use of 10 to 15 passenger vans to transport children or adults is prohibited. The vans may be used for cargo vans only if all but the two front seats are removed.
- g. Beginning July 1, 2007 all vans and buses must meet Federal Motor Vehicle Safety Standards (FMVSS) for visibility, bus body structure requirements for rollover accidents, strength of body panel joints and occupant protection requirements for passenger seating and barriers.
- h. Seat belts must be used at all times. Each occupant must have a seat belt. No passengers are permitted in the bed of a pick up or in the cargo area of a vehicle. This requirement does not apply to buses which are not equipped with seat belts, provided they meet the federal requirements as stated in §1.g.
- i. Church*-owned vehicles may be driven outside of the United States only if adequate insurance is purchased for these occasions. If such a trip is planned, the Diocesan Claims/Risk Manager must be consulted.

2. Personal Vehicles used for Church/ Civic Community Business

- a. Drivers must be 21 years of age or older.
- b. If minors are transported, driver must be 25 years of age or older.
- c. Drivers must have a valid driver's license and no physical disability that could in any way impair their ability to drive the vehicle.
- d. The attached driver information form must be completed for each driver and kept in church/ civic community files.
- e. The use of 10-15 passenger vans to transport children or adults is prohibited. The vans may be used for cargo vans only if all but the two front seats are removed.
- f. The vehicle must be currently registered and in good operating condition and have all safety equipment as required by law.
- g. The vehicle must be insured for the following minimum liability limits: \$100,000 per person and \$300,000 per accident.

3. Rented/leased vehicles

- a. The rental or lease of 10-15 passenger vans to transport children or adults is prohibited.
- b. When a vehicle is being rented or leased and the following conditions are met, liability insurance must be purchased from the rental agency: (a) minors will be transported in the vehicle or (b) non-church*-employees will be transported in the vehicle.
- c. If vehicle will be driven to Mexico, purchase Mexican Insurance. Make two copies and keep one in the vehicle and one with the group leader.

4. Chartered Vehicles

- a. Obtain a Certificate of Auto Liability naming the Church/ Civic Community and location as an additional insured. Minimum liability limits are \$1,000,000 combined single limit. If more than 15 people are being transported then minimum acceptable limits are \$5,000,000 combined single limit.

*The use of the word "church" here refers to all institutions of the Diocese of Phoenix that participate in its group insurance program.

Appendix X

DRIVER INFORMATION FORM

(Please Type or Print)

DRIVER INFORMATION				
Driver Last Name:	First Name:	Middle Initial	Date of Birth	
Street address:		City:	State:	Zip Code:
Phone #:	Drivers License #:	State:	Expiration Date:	

VEHICLE INFORMATION				
Name of Owner:				
Owner Street address:		City:	State:	Zip Code:
License Plate #:	State:	Date of Expiration:		
Model of Vehicle:		Make of Vehicle:	Year of Vehicle:	

If more than one vehicle is to be used, the above information must be provided for each vehicle.

INSURANCE INFORMATION		
When using a privately owned vehicle, the insurance coverage is the limit of the insurance policy covering that specific vehicle.		
Insurance Company:	Policy #:	Date of Expiration:
Liability Limits of Policy*:		

**Please Note: The minimum acceptable limits for privately owned vehicles are \$100,000/\$300,000.*

CERTIFICATION	
<p>I certify that the information given on this form is true and correct to the best of my knowledge. I understand that as a volunteer driver, I must be 21 years of age or older. I must be 25 years of age or older to transport minors. I must possess a valid driver's license, have the proper and current license and vehicle registration and have the required insurance coverage in effect on any vehicle used.</p>	
<hr/> <i>Signature</i>	<hr/> <i>Date</i>

Appendix XI

Safe Environment Outside Organization Compliance Form

As part of our mission to provide a safe and secure environment, we require that all outside organizations who come into contact or interact in any way with minors or who host events weekly or at least 5 times per month at a church/ civic center location meet church/ civic center Safe Environment guidelines. Each outside organization leader, (permanent/temporary/replacement), on a church/ civic center property must provide certain information regarding themselves and their organization by completing the Outside Organization Compliance Form.

OUTSIDE ORGANIZATION INFORMATION:

Name of Organization

Type of Organization and Place of Domicile

Type of service provided by Organization

Reason organization is meeting on church/ civic center premise(s)?

Name(s) and city(ies) of parish(es), school(s) or Diocesan Institution(s) where you serve as a leader for your organization.

List your (church/ civic center) contact(s) (Provide Name, Phone & Email address)?

What activities will your organization be engaged in ?

How often will your organization use the facility?

LEADERSHIP INFORMATION

Last Name

First Name

Middle Initial

Date of Birth

Home Street Address

City

State

Zip

Gender:

☐ Male

☐ Female

Length at address _____ Years _____ Months If you have resided at this location less than 3 years list previous address(es) below.

Most Recent Previous Address

City

State

Zip

Additional Previous Address

City

State

Zip

Home Phone Number

Cell Phone Number

Organization Position/Title

E-mail Address

REFERENCES FOR LEADERSHIP PERSON

(A minimum of three required. If residing in Diocese of Phoenix less than three years two of the references must be from previous location.)

Reference Name (Professional)	Address (Street/City/State/Zip)	Daytime Phone Number
Email Address	How long have you known this reference?	Agreed to be a reference <input type="checkbox"/> Yes <input type="checkbox"/> No
Reference Name (Professional)	Address (Street/City/State/Zip)	Daytime Phone Number
Email Address	How long have you known this reference?	Agreed to be a reference <input type="checkbox"/> Yes <input type="checkbox"/> No
Reference Name (Personal / Family Member)	Address (Street/City/State/Zip)	Daytime Phone Number
Email Address	How long have you known this reference?	Agreed to be a reference <input type="checkbox"/> Yes <input type="checkbox"/> No
Reference Name (Personal / Family Member)	Address (Street/City/State/Zip)	Daytime Phone Number
Email Address	How long have you known this reference?	Agreed to be a reference <input type="checkbox"/> Yes <input type="checkbox"/> No
Reference Name (Personal / Family Member)	Address (Street/City/State/Zip)	Daytime Phone Number
Email Address	How long have you known this reference?	Agreed to be a reference <input type="checkbox"/> Yes <input type="checkbox"/> No

BACKGROUND CHECK INFORMATION FOR LEADERSHIP PERSONHave you changed your last name in the past 5 years? ☐ Yes ☐ NoIf yes, was name change due to a marriage/divorce? ☐ Yes ☐ No

If yes, what was your previous last name? _____

Have you, or to your knowledge, has any member of your organization that will be at a church/ civic center location ever been arrested for, charged with, convicted of or admitted to physically, sexually, or emotionally abusing or assaulting a child or an adult?

☐ Yes ☐ No If yes, explain _____Have you, or any member of your organization that will be at a church/ civic center location, ever been arrested for, charged with, convicted of or admitted to a misdemeanor or felony? ☐ Yes ☐ No

If yes, please list the offense, date, jurisdiction and outcome. _____

Do you, or to your knowledge, does any member of your organization have any outstanding warrants, either in Arizona or in any other state? ☐ Yes ☐ No

If yes, list reason for warrant. _____

Do you, or does any member of your organization that will be at a church/ civic center location, have anyone living in your/their home that is a registered sex offender, been accused of or is awaiting trial for a criminal offense against a child?

☐ Yes ☐ No

If yes, explain. _____

FOUNDATION SAFE ENVIRONMENT TRAINING CLASS FOR LEADERSHIP PERSON

Class Name _____ Date _____

Location of Class _____

DECLARATION/CERTIFICATION OF LEADERSHIP PERSON – Please read each statement and **initial** on the lines below (***Do not make check marks***).

(initials only)

_____ I understand that a background check may be conducted prior to and during my service. I authorize investigations of all statements contained in the Outside Organization Compliance Form.

(initials only)

_____ I understand that the church/ civic center *Policy and Procedures for the Protection of Minors* is available at [website](#) and I agree that all members of our organization that will be on a the church/ civic center location will abide by said policy.

(initials only)

_____ I certify that all members of our organization will observe the Church/ Civic Center rules and regulations while on the property of any Church/ Civic Center location, and that all members of our organization will conduct themselves in a professional manner and will exhibit the respect and good behavior that is required in the presence of children and in sacred places.

(initials only)

_____ I certify that I will update this form annually. I further certify that all statements and information contained in this Compliance Form are true and that any misrepresentation or omission is cause for rejection of the organization to be on the property of a Church/ Civic Center location, and further, that any misrepresentation or omission is cause for the termination and/or cancellation of any contract with said organization.

(initials only)

_____ By signing this Compliance Form, I hereby represent and agree that I am duly authorized to act for and on behalf of the said organization, and that this Compliance Form is and shall be binding upon the Organization.

***** PLEASE SIGN BELOW AFTER YOU HAVE READ AND INITIALED THE ABOVE STATEMENTS.**

Applicant Signature: _____ **Date:** _____

Trainer Review

I verify applicant completed the initial training, Outside Organization Compliance Form and that each declaration statement has been initialed.

Trainer Name (Please Print): _____ **Trainer Signature:** _____ **Date:** _____

Office Use Only

Interview Complete ☐ Yes ☐ No

Reference Checks Complete (Minimum of Three) ☐ Yes ☐ No

Grant permission to be on Diocesan premise(s) ☐ Yes ☐ No ☐ Yes With Listed Restriction(s)