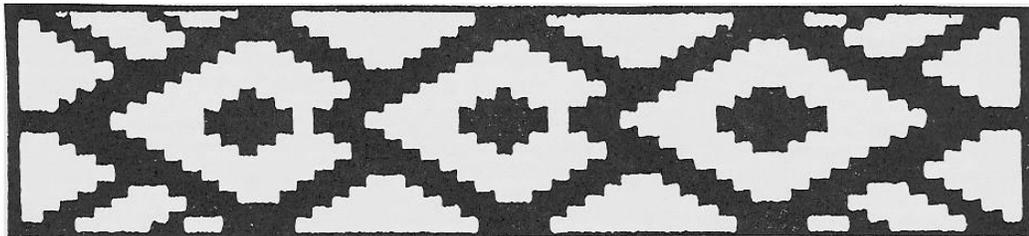
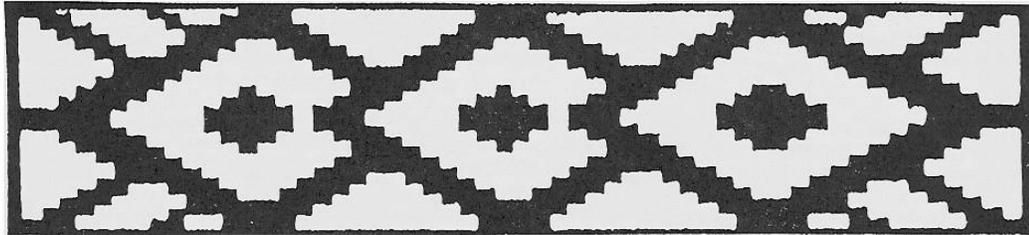


PIMA COUNTY PROTOCOLS
FOR THE
MULTIDISCIPLINARY INVESTIGATION
OF CHILD ABUSE



OFFICE OF THE PIMA COUNTY ATTORNEY
BARBARA LAWALL, PIMA COUNTY ATTORNEY
TUCSON, ARIZONA



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STATEMENT OF PURPOSE

This protocol, developed from a collaborative effort of government and non-governmental agencies that work with child victims and witnesses, is offered as a model for handling child abuse cases in Pima County. It provides guidelines to assist those who investigate and work with child abuse and domestic violence in reducing the secondary trauma that is often associated with such investigations.

The collaborative partners set the following goals for this document:

1. Recognition that children should be treated with dignity and respect.
2. Promotion of a system that recognizes the standards and contributions of the various disciplines involved.
3. Creation of workable guidelines for joint investigations of all allegations of criminal conduct. (*See Appendix L*)
4. Provision of a consistent and efficient approach to the investigation, prosecution and management of child abuse and neglect cases in Pima County.
5. Limitation of the number of interviews of the child victim or witness.
6. Development of a method of monitoring joint investigations and variances there from.

While protocols are designed as templates with the benefits of predictability and adherence in mind, individual steps within a particular protocol are certainly not intended to be followed by rote with unthinking or irrational rigidity. For example, technological and clinical advances, or circumstances belonging uniquely to the moment at hand, may justifiably operate to modify steps from those described herein and without altering the overall purpose or efficacy of that protocol. Accordingly, it is well-recognized by the authors that best practices within a particular discipline can encompass variations in, or evolution of, a process while still retaining absolute medical or functional integrity of the result.

While it is recognized that each partner/agency has its own mandate to fulfill, the Task Force 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, as well as sensitive to the needs of other professionals involved. Where any interagency conflict exists, the best interests of the child shall be the overriding concern.

HISTORY

The Pima County Task Force on Child Abuse Prosecution was formed in 1989 to address issues of investigation and prosecution of child abuse. In 1992 the Pima County Attorney's Office was the recipient of grant funds from the Governor's Office for Children to establish multi-disciplinary, interagency cooperation for the investigation and management of child abuse cases.

The Pima County Attorney's Office took the lead in utilizing the Task Force to develop a set of protocols which contained a comprehensive array of policies and procedures representing all applicable disciplines. The Pima County Task Force's Protocol for the Interagency Investigation of Child Abuse in Pima County came into existence in 1993. Over the succeeding years effective and meaningful partnerships were forged and strengthened among law enforcement agencies, Child Protective Services (CPS – since replaced by the Department of Child Safety, DCS), medical providers and the County Attorney's Office which enhanced the overall abilities of each agency to respond to cases of child abuse. Representatives of the partner agencies meet twice monthly in a Multi-Disciplinary Team (MDT) setting which allows for the review, and continued improvement in the system's response to the needs of children. The MDT supplanted the Task Force.

In 1999 the Protocol was revised to reflect the utilization by the partner agencies of the Southern Arizona Children's Advocacy Center. The Children's Advocacy Center provides forensic interview and medical services at a single facility. Crisis intervention, domestic violence support, and counseling referrals for victims and their non-offending family members are offered. Law enforcement and DCS are located in the Center's building, and are therefore immediately involved in the process. Case staffings and briefings occur there as well. (See Section III for the Advocacy Center's policy and procedural information).

In 2003 representatives of the Pima County Attorney's Office, law enforcement, Child Protective Services, non-profit organizations, legislators and the Governor's Office participated in a six month process to address issues relating to child protection and possible reform of the system which responds to crimes against children and issues of child welfare. The resultant House Bill redefined the mission of Child Protective Services and required that law enforcement and Child Protective Services jointly investigate all allegations of Criminal Conduct (See Appendix L).

In March of 2004, the Pima County Attorney's Office reconvened the Pima County Task Force on Child Abuse Prosecution to revise the existing Protocol. Original members of the Task Force, as well as new members, collaborated on its complete and extensive revision. In August 2006 the procedures in the 2004 protocol were reviewed

and updated to produce the January 2007 Protocol. In 2008 the legislature addressed issues of child abuse and joint investigations amending the statutes. A statewide summit including law enforcement, Child Protective Services and County Attorneys was held in Phoenix to review those changes and recommend common elements for protocols and reporting statewide.

Pima County is committed to the use of child and family advocacy centers, and in co-location of relevant agencies in the investigation and prosecution of cases of child maltreatment. Agencies in Pima County joined in a collaborative effort to develop an advocacy center that serves the needs of children and also addresses the needs of adult victims of sexual assault, domestic violence and elder abuse. Phase I of this project was the new Children’s Advocacy Center with co-location of a number of partner agencies, including the Pima County Attorney’s Office, the Pima County Sheriff’s Office, Tucson Police Department, Child Protective Services, the EMERGE Center for Domestic Violence Services, Victim Services, Las Familias Angel Center for Childhood Sexual Abuse Treatment, and the Southern Arizona Children’s Advocacy Center. The \$6 million building was financed through county bond funds and opened in October 2008.

In 2013 the state legislature established the Office of Child Welfare Investigations (OCWI) (Arizona Revised Statute §841-1969) to investigate criminal conduct (See Appendix L) allegations, conduct trainings, and to coordinate with Child Protective Services and law enforcement. The 2014 Protocol is the result of those changes and other necessary updates. At the time of publication the State of Arizona was reviewing the structure of CPS (now DCS) and OCWI. The Pima County Attorney wishes to thank all those who showed their commitment to this effort by attending meetings, reviewing and drafting portions of the document, providing materials for appendices, and in many other ways contributing to its completion.

PARTICIPATING AGENCIES

- | | |
|--|---|
| Arizona Department of Juvenile Corrections | Pima County Attorney’s Office (PCAO) |
| Arizona State Attorney General’s Office | PCAO - Victim Services |
| Catholic Diocese of Tucson | Pima County Sheriff’s Department |
| City of Tucson Prosecutor’s Office | Pima County Superintendent of Schools |
| Court Appointed Special Advocates | Sahuarita Police Department |
| Community Partnership of Southern Arizona | South Tucson Police Department |
| Tucson Police Department | So. Arizona Center Against Sexual Assault |
| Emerge Center Against Domestic Abuse | Southern Arizona Children's Advocacy Center |
| Jewish Child and Family Services | Southern Arizona Mental Health Corporation |
| Las Familias | Sunnyside Unified School District |
| Marana Police Department | Superior Court, Juvenile Division |
| Office of Child Welfare Investigations | Tucson Police Department |
| Oro Valley Police Department | Tucson Unified School District |
| Pima County Adult Probation | University Medical Center – Pediatrics |
| Department of Child Safety and Family Services | Wingspan Anti-Violence Project |

MULTI-DISCIPLINARY TEAM ROLES AND RESPONSIBILITIES

The role of the Multi-Disciplinary Team (MDT) is to ensure compliance with the Pima County Protocols for the Multidisciplinary Investigation of Child Abuse. That includes monitoring investigations of criminal conduct (as defined in A.R.S. §8-801) to ensure that joint investigations are done where applicable. The MDT brings together knowledge, experience and expertise of the team members to maximize the effectiveness of the investigative process while providing support for the professional involved in the cases.

The MDT meets on a regular basis to serve as a forum for sharing information, ideas and resources and for joint problem solving, networking, and for addressing issues confronting the investigative team. The MDT Case Reviews consider:

1. Monitor child interviews
2. Monitor, discuss and plan the investigation process
3. Review medical exams
4. Discuss protection issues
5. Provide input regarding prosecution and sentencing
6. Review family's attitude toward prosecution
7. Coordinate criminal and civil proceedings
8. Support professionals to prevent burnout.
9. Review Criminal and civil disposition
10. Promote formal and informal communication among partners
11. Discuss treatment needs of the child and Family

Any member of the team may recommend a case for review at an MDT meeting. The County Attorney representative identifies cases for review to the team members in advance of each case review meeting, collects case information, leads the case reviews, and submits a notice of case review to applicable agencies when appropriate. All members of the team are expected to be present for the case review. All participants in the case agree to abide by the Arizona Revised Statute §8-542 by signature on a dated attendance record.

MULTI-DISCIPLINARY TEAM MEMBERS

Behavioral Health Providers are advocates for victims and children, and therefore are concerned about preventing re-victimization and facilitating healing. Behavioral Health professionals may provide child victims and/or their families with crisis intervention, mental health assessments, therapeutic interventions, support, and information and referrals. Additionally, they may detect child abuse allegations (or further abuse information) while providing services to children and families. As mandated reporters, Behavioral Health professionals are obligated by law to immediately report suspected child abuse to law enforcement/DCS.

Department of Child Safety (DCS)

In January 2014, Governor Jan Brewer created a new agency to focus on child safety and the provision of services to families in need. DCS will respond to reports of child neglect and abuse twenty-four hours a day, seven days a week, initiate prompt investigations as warranted, and participate in multi-disciplinary investigations with other MDT partners. When children are found to be in imminent harm, or there is no parent, guardian or custodian able or willing to provide care for the child, DCS and law enforcement have the authority to remove them from their home. If the safety of the child(ren) cannot be ensured in the home, then DCS may file a dependency petition. If children become wards of the court then DCS will develop a case plan to provide services aimed at reunification and/or permanency for the child, with a primary focus on the safety of the child.

- *Because DCS's role and procedures are evolving, this portion of the Protocol will be revised as circumstances require.*

Court Appointed Special Advocates (CASA) are community based trained volunteers instrumental in advocating for abused and neglected children during the dependency process. The volunteer is appointed by Juvenile Court, through a court order, for the duration of the case. Once appointed, the volunteer will interview all interested parties in the case, be a participant in case planning, and gather and provide independent, factual information to aid the court in its decision regarding the child's safety and best interests. The court order entitles the CASA volunteer access to all documents and information per A.R.S. §8-522. Sometimes case manager's notes and the Dept. of Public Safety criminal records checks will not be made available to the advocate. The information volunteers should receive includes, but is not restricted to, medical, psychological, legal files, police reports, educational records and any other pertinent items in the case file. The child(ren)'s file(s) should be made available at any time for the advocate to review.

Domestic Violence Agencies offer emergency shelter, personal and legal advocacy, child advocacy, domestic violence education, walk-in services, and transitional and permanent housing for victim/survivors of domestic violence. Understanding that domestic violence is rooted in power and control, domestic violence advocates work to assist victim/

survivors in finding independence and safety through empowerment. Domestic violence child advocacy services are designed to assist with safety planning for children, to lessen the effects of domestic violence on children, and to address the learned use of violence by children. Recognizing that in most homes where child abuse occurs domestic violence is also present, domestic violence advocates provide crucial support to the non-offending parent. Advocates understand that victim/survivors are the experts in their own lives and that the best way to provide safety for children is by empowering the non-offending parent to also achieve safety and freedom from violence.

Juvenile Court is a division of the Arizona Superior Court and is given the sole authority to hear adoption, severance (termination of parental-child relationship), delinquency (juvenile criminal), incorrigibility (runaway or out of control), and dependency (civil child abuse or neglect cases). The Juvenile Court adjudicates matters involving the protection of minors (persons under 18) who have been abused or neglected or have no parent or guardian willing or able to care for them. 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.

Las Familias' mission is to facilitate the healing process of children and adults who have experienced childhood sexual abuse. The agency is licensed by the State of Arizona to provide outpatient mental health services to children and adults. In collaboration with the Southern Arizona Children's Advocacy Center, Las Familias offers Extended Crisis Services. Crisis Counselors provide crisis debriefing and facilitate enrollment in longer term counseling services for children and their caretakers referred from the Advocacy Center. Extended Crisis Services focus on children who do not require out of home placement. Services include work on site at the Advocacy Center, crisis support over the phone or in person, a six-week psycho educational group for caretakers, and expedited intakes into longer-term mental health services.

Law Enforcement responds to incidents of allegations of abuse and violence involving children and families to determine if a crime has been committed and, if so, to discover the facts and evidence necessary to bring the perpetrators into the Criminal Justice System. Law enforcement's responsibility is to conduct an impartial investigation within the bounds of statutory requirements and case law, while considering the needs of the victim and the responsibilities of other organizations involved in the treatment, support and recovery of the victim and their families (if appropriate).

Medical Providers – Evidence of child abuse may be detected by medical personnel during an examination or disclosures of abuse may be made. As mandated reporters, medical personnel are obligated by law to report suspected child abuse to law enforcement/DCS. Patients may also be presented to trained forensic examiners, physicians, or sexual assault nurse examiners (S.A.N.E.), for child abuse evaluations

(which occur when sexual or physical abuse is alleged). These examinations are done for the purpose of assessing injuries, acquiring possible physical evidence and reassuring the victim about his/her medical condition.

The Southern Arizona Children's Advocacy Center has trained pediatric forensic examiners under contract who may provide medical services to law enforcement and DCS, as well as physicians and other health care providers, concerning suspected child maltreatment cases. These services include medical exams, consultations, review and interpretations of lab tests and other medical findings obtained by forensically trained professionals. Medical personnel will provide witness testimony on findings and diagnosis reached during such evaluations and consultations. The Center's forensic examiners often refer cases to Community Medical Personnel for specialized treatments and assessments.

Office of Child Welfare Investigations (OCWI)

The principal goal of the Office of Child Welfare Investigations is to protect children by conducting uniform investigations into allegations of criminal conduct child abuse. The Office of Child Welfare Investigations will enhance the quality and efficiency of investigations by maximizing resources through a joint investigative process. The Office of Child Welfare Investigations will assist Law Enforcement and Prosecutors in holding offenders accountable. The Office of Child Welfare Investigations will assist the Department of Child Safety and the Attorney General's Office in their assessment of long term safety and best outcomes for children.

Pima County Attorney's Office (PCAO) is responsible for the prosecution of all felony offenses involving child physical and sexual abuse, neglect, sexual assault, and domestic violence. The PCAO interacts on a daily basis with Law Enforcement, OCWI and DCS in the investigation and prosecution of cases in which children are victims or witnesses to felony offenses involving physical and sexual abuse, sexual assault, neglect and domestic violence. The office reviews these cases for charging and confers with victims and their families regarding decisions to charge or not charge. Once these cases are charged cases are prosecuted with a goal of holding offenders as fully accountable for their crimes as is possible while being ever mindful of the needs of the child victim. Deputy Pima County Attorneys participate in MDTs and in the training of Law Enforcement, DCS and other partners who work with and provide services to victims of abuse and neglect.

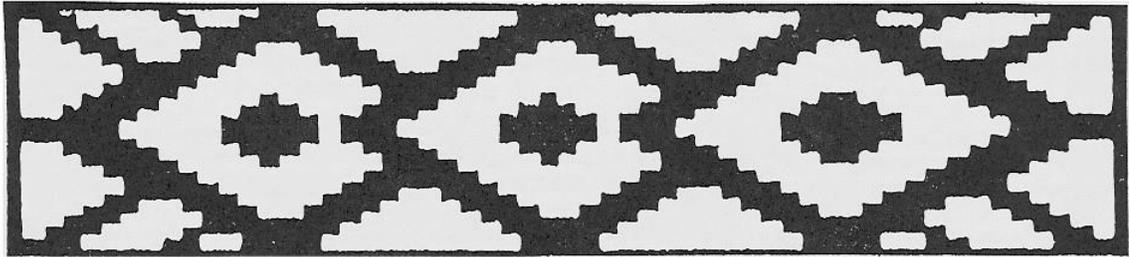
Pima County Adult Probation Department primarily interacts with child abuse victims in three ways: 1) in the preparation of a pre-sentence investigation report for the Court before sentencing; 2) in the supervision of sentenced sex offenders and child abuse/neglect offenders in which any contact with children, and particularly the victim(s), is either prohibited or closely supervised; and, 3) when a probation officer, in the course of supervising a probation case, discovers reasonable grounds that a child has been abused/neglected or exposed to frequent domestic violence between other parties in the household.

Southern Arizona Children’s Advocacy Center is a non-profit agency that provides a one-stop, child-friendly environment for: the collection of forensic evidence in suspected child maltreatment cases (including audio and video taped interviews and medical examinations); the coordination of multi-disciplinary investigations; case management, crisis intervention and advocacy services; referrals to victim assistance and support services; and on-call triage of urgent pediatric sex abuse cases and after-hours advocacy (upon law enforcement request). Professionals on staff are trained in child development, forensic interviewing and victim advocacy. In addition, the Center coordinates MDT Meetings twice a month. And finally, the agency conducts Mandated Reporter Trainings throughout Southern Arizona, school-based personal safety trainings for children Pre-Kindergarten through Middle School, and coordinates seminars for partner agencies on child abuse related topics.

Southern Arizona Mental Health Corporation (SAMHC) is the community crisis provider for behavioral health services in Pima County. SAMHC provides immediate (2 hour) or urgent (24 hour) behavioral health response to children removed from the home by DCS. In discussion with DCS, the most appropriate site for behavioral health assessment is determined. The assessment can be conducted at the school, foster care placement, relative placement, group home, SAMHC clinic or DCS office. SAMHC evaluates each child in order to best assess what, or if any behavioral health services are clinically indicated.

Schools, public, charter, private, and religious, along with child care centers and other youth-services organizations, are a major source of reports regarding child abuse and neglect. They offer a neutral site for preliminary interviews of children by DCS and/or law enforcement. Schools share both confidential and non-confidential information with DCS and law enforcement as needed to conduct a child welfare investigation. Schools are responsible for updating all personnel regarding their mandated reporter responsibilities and for observing the guidelines offered by these Protocols.

Victim Services is a prosecutorial-based program of the Pima County Attorney’s Office. Victim Advocates assist child victims of physical and sexual abuse and children who have witnessed domestic violence via on-scene crisis intervention and Court advocacy during the course of prosecution. Crisis Advocates provide crisis response to victims and witnesses of violent crimes in Pima County 24 hours a day, 7 days a week. They provide emotional support, answer questions, assess needs, explore options and provide referrals to other community resources. Victim Advocates provide criminal or juvenile justice system information and support to victims and families, advocacy, and social service referrals.



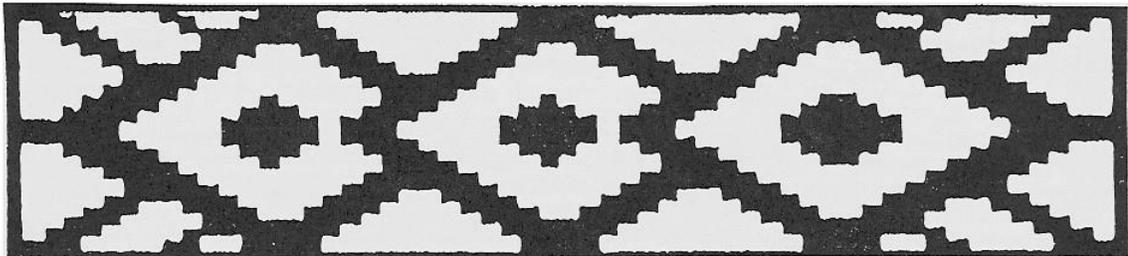
SECTION II

THE MULTI-DISCIPLINARY PROTOCOLS

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**DIVISION OF CHILDREN, YOUTH AND FAMILIES PROTOCOL:
DEPARTMENT OF CHILD SAFETY**

As noted above, the Department of Child Safety is in the process of developing their own practices and protocols. Therefore, this Protocol will be revised to include their portion as soon as possible. In the meantime, members of the DCS will follow the best practices set forth in the previous Protocol for members of Child Protective Services whenever practicable and in the best interests of the safety of the child. Members of DCS will also participate fully in the multi-disciplinary investigation of child abuse and neglect cases, information sharing between partner agencies, and MDT meetings.

LAW ENFORCEMENT JOINT INVESTIGATION PROTOCOL

The purpose of law enforcement's response to incidents of physical and sexual abuse involving children is to determine if a crime has been committed, and, if so, to discover the facts and evidence necessary to bring the perpetrators into the Criminal Justice System. Law enforcement's responsibility is to conduct an impartial investigation within the bounds of statutory requirements and case law, while considering the needs of the victim and the responsibilities of other organizations involved in the investigation, treatment, support and recovery of the victim and their families (if appropriate). To this end, law enforcement is required by law to coordinate their investigations with those of DCS and the prosecuting agency.

This protocol applies to all allegations of criminal conduct [See Appendix L] against a minor as follows: (For purposes of this law enforcement protocol, "criminal conduct" refers to incidents that require medical attention):

- Physical abuse with physical injury
- Medical neglect that requires medical attention
- Child neglect cases where the child must be removed from the environment for safety
- Child Sexual Abuse allegations
- Domestic violence incidents when the child witnessed an act of violence

I. SPECIALIZED INVESTIGATIVE UNITS/DESIGNEES:

Investigations involving crimes against children are most effective when law enforcement agencies establish specialized units to conduct those investigations. Smaller agencies are encouraged to designate a specialist if the number of investigations does not warrant a unit. Members of these specialized units or designees will:

- A. Receive intensive training in the investigation of child neglect, physical and sexual abuse
- B. Complete the 8-hour Basic Forensic Interviewing course (or comparable training) before conducting interviews with children
- C. Complete the 40-hour Advanced Forensic Interviewing course (or comparable) as soon as possible after observing a variety of child interviews
- D. Establish and maintain a working relationship with DCS, OCWI, the Advocacy Center and members of the prosecuting agencies involved in prosecuting child abuse cases

II. BASIC INVESTIGATION PROCEDURES

A. Initial Response

In most cases, a uniformed officer will be the first responder to reports of child abuse. It is the responsibility of this first responding officer to establish the elements listed below. If possible, the officer should obtain this information from the reporting party, interviewed away from the victim, witnesses, or others who may have information about

the report. If the victim must be questioned, the officer should obtain this information using a minimum of questions and without attempting to elicit specific details, and without providing any details to the child that were received from other witnesses. (See Appendix F, Minimal Facts Interview):

1. Determine the need for immediate medical treatment or forensic examination¹ - in either case, the responding officer should contact detectives immediately
2. Secure and preserve the crime scene, if applicable
3. Obtain the names and identifying information for all parties involved. (DCS information is typically filed and accessed through the child's mother's name)
4. Establish the elements of the crime (what does the child say and is it a crime?)
5. Determine jurisdiction:
 - a. If within the officer's jurisdiction- proceed with department procedure.
 - b. If outside the officer's jurisdiction and the child is in a safe environment- document the report and coordinate with the appropriate jurisdiction
 - c. If outside the officer's jurisdiction and the child is not safe- coordinate immediately with the appropriate jurisdiction and DCS before leaving the scene
6. Obtain information about the suspect:
 - a. Relationship and access to child,
 - b. Knowledge of report
 - c. Willingness to speak to investigators
 - d. **What happened?**
 - e. **Who did it?**
 - f. **Where did it happen?**

Once this information is gathered and it is determined that a crime has been committed, officers should contact the appropriate agency and the designated Child Abuse Hotline. This should be documented in the officer's case report and/or supplement. In cases involving allegations of physical abuse, sexual abuse, neglect, and/or failure to protect by a parent, guardian, or custodian, officers shall immediately contact the DCS Hotline to satisfy the cross-reporting section of the Mandatory Reporting Statute (A.R.S. 13-3620) and to begin the joint investigation process. Similarly, when DCS or OCWI receives reports of this nature, law enforcement agencies should expect DCS and OCWI personnel to report such allegations, regardless of the relationship between the victim and the perpetrator, via 911. DCS and OCWI investigators may contact the law enforcement child abuse unit supervisor to notify of a pending case; however, investigators should always immediately call 911 to make the cross-report and establish a law enforcement case number.

In cases involving physical abuse, sexual abuse, and/or neglect perpetrated by someone other than a parent, guardian, or custodian, law enforcement will have sole investigative responsibility. In such cases, consulting with DCS and OCWI to research past family history and other relevant background information is recommended.

¹ A forensic examination, including completion of a sexual assault kit should be considered within 72 hours of an incident where semen, saliva, or other biological evidence may be present.

The responding detective may contact the local supervisor of the appropriate DCS unit through the 24-hour law enforcement contact number (1-877-238-4501).

Upon direction of the case detective, detective supervisor or pursuant to department procedures, officers may then:

1. Interview any adult witnesses, documenting biographical information, business or school addresses, and contact information.
2. **With investigator approval**, interview the suspect if present and aware of the allegations. When deciding the need for an immediate arrest, consider the following: Input from the case investigator, risk of flight, suspect's danger to the community
3. Assess the need for a search warrant and proceed under direction of the case investigator, or a supervisor.
4. Take photographs, make diagrams, etc. to document and preserve the scene.
5. Actions taken should be documented in the detective's case report.

B. General Investigation of Child Abuse: A specially trained investigator as described in "Specialized Investigative Units/ Designees" will conduct the follow-up investigation. Any information obtained through the criminal investigation will be shared with the DCS Specialist as soon as possible.

1. Victim Interviews:

- a. Investigators will conduct their investigation, interviews, etc. in a manner that assures the victim is only interviewed once.
- b. Child victims under the age of 18 years will be interviewed at the Advocacy Center by a specially trained investigator or by one of the forensic interviewers employed by the Advocacy Center whenever possible.
- c. This interview will be coordinated with the assigned DCS Specialist, if applicable. This means the DCS Specialist will be called before the interview is scheduled to attempt to determine a mutually available time. If this is not feasible, the recording of the interview will be shared with DCS as soon as possible. Efforts to conduct a joint investigation with DCS shall be documented in the case report/supplement.

2. Witness/Family Interviews

- a. When possible, child witnesses or family members under the age of 18 years will be interviewed at the Advocacy Center by a qualified interviewer.
- b. Anyone to whom the child has disclosed information shall be interviewed, to include the circumstances under which the child disclosed.
- c. Obtain biographical information, home and business addresses and other identifiers of all witnesses, victims, suspects, etc.
- d. Interviews not jointly conducted will be shared with the DCS and OCWI personnel as soon as possible, when appropriate.

3. Medical Treatment

- a. Conduct recorded interviews with all medical personnel with knowledge of the case. Medical personnel will be asked about time frames, mechanisms of injury and symptoms the child would be expected to show given the injury sustained.
- b. Specialized medical personnel such as neurosurgeons, pediatric radiologists, etc. may also be contacted to provide expert testimony.
- c. Collect all forensic evidence and document the collection appropriately.
- d. Obtain and execute appropriate Search Warrants, including anything that corroborates the child's account of abuse (i.e.: "there was a red and green striped sheet on the bed", etc.).
- e. Facilitate and document the performance of medical exams and sexual assault kits (See Medical protocol for details concerning kits and exams).
- f. Take photographs of injuries, scenes, etc., remembering to take repeat photographs to document the development or healing of injuries over time.

4. Investigative Techniques: Investigators may use established investigative techniques when appropriate, including:

- a. Phone confrontations
- b. Court order for physical characteristics
- c. Polygraph examinations

5. Investigators shall conduct investigative research including, but not limited to:

- a. Prior convictions of the suspect
- b. Prior police reports involving the suspect, victim, witness(es)
- c. Prior unreported allegations involving the suspect, victim, witness(es)
- d. Current and prior DCS and OCWI reports
- e. 911 transcripts, if applicable
- f. Medical records (historical records from victim's birth through the current case). In cases involving medical or nutritional neglect, get medical records for the period of time between the initial report and the provision of appropriate medical treatment to document the child's response to receiving proper care.

6. Suspect interviews

- a. Suspects in criminal investigations shall be interviewed by law enforcement personnel. In the spirit of joint investigation, law enforcement will include a DCS or OCWI investigator (whichever is applicable) in all interviews for cases where a parent, custodian, or guardian is suspected of the abuse or neglect, unless extraordinary circumstances exist. All investigators will confer prior to beginning the interview to share information and develop a joint strategy that recognizes the paramount importance of child safety and the need for all partners to assess the incident in question as quickly and thoroughly as possible. This strategy will take into consideration each agency's past history with the suspect, the setting, the seriousness of the situation in question, and address how to make sure that all statements are given voluntarily and allow all agencies to pursue the information

they need for their respective roles. Joint investigation partners recognize that, during an ongoing criminal investigation, law enforcement personnel have primary responsibility for and authority over investigation and interviews, but that cooperation with and inclusion of DCS and OCWI in that process maximizes the likelihood of a good outcome for the investigation and the safety of the child.

- b. DCS or OCWI personnel may ask questions pertaining to their investigation, after law enforcement has concluded their questioning.
- c. Suspect interviews will be video recorded or, at a minimum, audio-recorded.

C. Crime Specific Issues

1. Child Physical Abuse/Neglect:

- a. Photographs shall be taken by a crime scene unit, when possible. Some bruising may be more prominent the day after the injury occurs, take further sets of follow-up photographs to document that development. Photographs of injuries shall include a ruler and color bar.
- b. Homicide scenes and other scenes containing physical evidence shall immediately be secured and investigators notified.
- c. Interviews of caretakers should focus not only on the current injury, but also on a thorough background of the child's health and upbringing.
- d. Obtain all medical records including hospital, doctor or Emergency Room visits.
- e. Obtain signed authorization to release medical information when possible.

2. Child Sexual Assault

- a. Investigators should ask the child about "grooming" behavior when interviewing the victim.
- b. The investigator should ask the victim about any photographs shown to the victim or taken by the suspect of the victim.
- c. The investigator should consider arranging for a sexual assault kit if an assault occurred within 72 hours of the report. Beyond 72 hours, the investigator should consider a medical examination to address past abuse, exposure to sexually transmitted illnesses, and other health concerns.
- d. The investigator should consider seeking a court order or search warrant for examination or evidence collection from a suspect when there is a chance the victim's DNA may be present on him/her.

D. Case Presentation: Cases will be presented for issuing in accordance with guidelines set forth by the prosecuting agencies.

1. If the case is not issued, the prosecuting agency shall notify the victim's representative and DCS and OCWI.
2. If returned for follow up, the requested information shall be obtained as soon as possible.
3. The prosecuting agency shall be advised if the investigating agency closes the case.

E. Notification Milestones ref: Joint Investigations: Every effort shall be made to assure open and frequent communication between law enforcement, DCS and OCWI throughout

the investigation. At a minimum, the following events shall immediately (within 1 working day) be shared with DCS and OCWI:

1. Assignment of a case involving an “in-home” suspect and an investigator from DCS or OCWI is assigned. The purpose of this notification is to coordinate an interview of the victim at the Advocacy Center.
2. Interviews of family members
3. Contact with a suspect
4. Arrest of the suspect
5. Closing a case for lack of evidence
6. When an issuing appointment is made (DCS or OCWI investigator may want to provide input)
7. Outcome of issuing and grand jury

OFFICE OF CHILD WELFARE INVESTIGATIONS PROTOCOL

As noted above, the Office of Child Welfare Investigations is in the process of developing their practices and protocols. Therefore, this Protocol will be revised to include their portion as soon as possible. In the meantime, members of OCWI will follow the best practices set forth in the previous Protocol for members of the multidisciplinary Task Force whenever practicable and in the best interests of the safety of the child. Members of OCWI will also participate fully in the multi-disciplinary investigation of child abuse and neglect cases, information sharing between partner agencies, and MDT meetings.

MEDICAL PROTOCOL

The medical evaluations of child abuse cases can be complex, and involve physical, emotional, and psychosocial issues, as well as custody and legal ramifications. Suspected abuse is uncovered through the presenting symptoms, by a child's disclosure, or by suspicions of a child's caregiver, or another reporter. Medical providers are faced with the dual task of ensuring the health and safety of the patient while remaining objective and thorough in assisting with their obligation to report their findings for the investigation and management of these cases by the Department of Child Safety, the Office of Child Welfare Investigations and Law Enforcement. A calm, non-confrontational approach to informing family members of this duty, without judgment or speculation is essential. (See Appendix A, A.R.S. §13-3620)

The Southern Arizona Children's Advocacy Center provides physicians and sexual assault nurse examiners (S.A.N.E.) who have the education, training and experience to perform forensic examinations of children and provide expert testimony in judicial procedures. The Children's Advocacy Center is designed to reassure the patient and family, and coordinate with a multi-disciplinary team approach. Referrals for medical examinations come from DCS, OCWI, law enforcement, and from community physicians for second opinions or follow-up. (See Appendix D)

The Children's Advocacy Center provides 24 hour services, including forensic medical exams, advocacy and information. Alleged physical abuse, physical neglect, or sexual abuse can be assessed, and the appropriate timing of the exam maximized to obtain forensic evidence with the goal of minimizing re-traumatization to the child. As a rule, the forensic examiner will not accept a case until there is Law Enforcement and/or DCS involvement. Concerning the issue of Emergency Treatment and Labor Act (EMTALA) the transfer of a suspected child abuse victim from an Emergency Department to the Children's Advocacy Center can be done after the medical screening exam (MSE) has been completed. Unless there is concern for significant pain, bleeding or discharge, the genital and anal exam can be deferred to the Children's Advocacy Center forensic examiner, if DCS and/or Law Enforcement is ready to transport. If the referring physician requests direct contact with the Children's Advocacy Center forensic examiner, the Advocates will facilitate this communication.

Medical records from initial evaluations must be released to Law Enforcement and/or DCS per ARS §13-3620, upon their written request and signature on a medical release. The release of medical records does not require the parent/guardian's permission; and should be expeditious, as these records will be needed in the investigations.

The Medical Evaluation: Children examined at the Children's Advocacy Center receive a comprehensive physical exam to assess and document growth, sexual maturity, signs of injury, neglect, and sexual abuse, as well as self-injurious behaviors. Although the majority of "after 72 hours" sex abuse exams do not show evidence of acute infection or injury, this does not preclude the possibility that the abuse occurred. The most

important part of the evaluation is the history given by the child. Even in the situation of a full and detailed disclosure, a medical exam is beneficial in order to ensure the health of the patient. Similarly, an exam in a non-verbal or pre-verbal child might reveal physical findings not otherwise suspected.

Sexual Abuse

A. The Forensic Interview and Videotaping: In most cases a forensic interview precedes the medical examination. Either the interviewer or one of the investigators (DCS or Law Enforcement) will share information obtained from this process with the medical forensic examiner by, and that person will be present at the time of the exam. The child should not be re-interviewed by the medical forensic examiner. However, brief questions directing the medical assessment and biological collection may be necessary. Any information offered by the victim during the exam should be documented in exact quotes.

B. The Medical Evaluation

- 1. Urgent Forensic Medical Exams** (usually within 12 hours at the Advocacy Center or another facility with trained personnel)
 - a. Genital/Rectal Pain, Bleeding** - Children experiencing these symptoms need to be seen as soon as possible to identify the cause, and determine if injury is present or symptoms of sexually-transmitted or non-sexually-transmitted infection is present.
 - b. Recent Anal, Vaginal or Oral Penetration** - Pre-pubertal children need to be examined within 24 hours to collect forensic evidence, as their body swabs deteriorate quickly. Sperm may be recovered up to 72 hours for older children. Examinations and collection of biological evidence beyond these time periods may still occasionally yield evidence and may be conducted at the discretion of the investigators and forensic examiner.
 - c. Anogenital Injuries** - Evidence of healing trauma may be more difficult to detect after 4-14 days, and the magnification and lighting of the colposcopy may be needed to define these changes.
 - d. Sexually Transmitted Diseases**
 - i. Gonorrhea, Syphilis, Chlamydia, trichomonas, genital herpes and venereal warts are infections that require a medical examination.
 - ii. HIV positive children who acquired this disease in an unknown manner require an evaluation. If the child is older than 12 months, the medical forensic examiner should not assume that the victim acquired the virus through the delivery process from an infected mother.
 - iii. Gardnerella (Bacterial Vaginosis) or Monilia (yeast) Infections do not need to be seen for forensic exams.
 - e. Pregnancy** - If a child less than 15 years of age is pregnant, or possibly pregnant, an evaluation is needed. If there is a possibility of molestation or if there is a question as to whether sexual contact was “consensual” vs. “non-consensual” in an adolescent 15 or older. (See Appendix A regarding mandatory

reporting) If termination is planned, Law Enforcement should be notified so that fetal tissue can be obtained for paternity testing when appropriate. The County Attorney should be consulted in any questionable cases.

- f. **Family or Child in Crisis** - In the setting of a disclosure, even when the child has no physical symptoms or forensic evidence is unlikely, an urgent exam should be obtained to give reassurance to the child and family if they are having severe emotional conflict.

2. Non-Urgent Forensic Medical Exam (scheduled during the regular medical exam hours)

- a. **On-going chronic sexual abuse** – Those cases with disclosure indicating more remote (weeks & months) activity.
- b. **Extreme Sexualized Behavior** – Exam needed if child gives a history of molestation, or a therapist after working with a child for a while feels that sexual abuse has most likely occurred.
- c. **Custody Disputes** - Allegations of potential abuse are handled in the same manner as in non-custodial cases. If a verbal child does not disclose sexual abuse during his/her forensic interview, and there's no other indication of sexual victimization, no medical evaluation shall be necessary. If a medical exam has been conducted, repetitive exams will be avoided unless additional history is very suggestive of medical necessity. The forensic examiner may have to involve other medical or psychosocial personnel in the event of a parent requesting frequent exams which cause anxiety and emotional conflict for children.
- d. **Non-verbal, pre-verbal, or special needs children** (without symptoms) – One medical evaluation should ideally be conducted when an allegation of sexual abuse is made. However, some children may be referred to the Advocacy Center for second opinions after a community caregiver has done the initial exam.

Procedures for Forensic Sexual Abuse Evaluation: These aspects of the exam are pertinent to all cases, regardless of the time interval from the incident.

- A. Complete medical history (including immunizations) will be obtained at the time of the exam (by guardian, DCS, the child or the family).
- B. Child is offered a choice of having the exam with or without a supportive person (of his/her choosing). If this person is disruptive or inappropriate, the adult shall be asked to leave.
- C. After the completed physical exam, the genital and anal areas will be examined with good lighting, and whenever possible with the colposcopy for magnifications, and in some case, colposcopy photographs.
- D. Any signs of trauma, recent or remote will be documented on body diagrams, and photos, whenever possible (with documentation and reference standards). Medically directed forensic photography through the use of agency personnel may be conducted to further document non-genital injury.

- E. Appropriate lab testing for pregnancy, sexually and non-sexually transmitted diseases will be obtained.
- F. A forensic medical report will be completed and used for documentation, and recommendations addendums will be provided if any follow-up exams or test results return with positive findings.

Acute Assault Exams: Use of the sexual assault kit, in appropriate settings includes the following:

- A. Paper bagging of individualized items of clothing.
- B. Collecting specimens from body orifices via swabs.
- C. Collecting other debris (trace evidence) which may be present.
- D. Collecting specimens via swabs of the areas that may have perpetrator body fluids (bite marks, semen dried on skin) using the Wood's lamp.
- E. Proper drying using swab drying device (using non heated air) and handling all materials with gloves
- F. Maintaining the chain of custody.

The collection described above is optimal when done prior to bathing, changing clothes, or urination/defecation. Pregnancy and STD prophylaxis need to be considered and offered where appropriate. See Appendix P for triage procedures for Emergency Sexual Abuse Exams.

Procedures for Physical Abuse & Neglect Evaluations

- A. Physical abuse ranges from minor injury to death. The most serious injuries, and the most frequent deaths are in children “too young to get away” and too young to tell,” or those who have special needs or behavior problems.
- B. Urgent examination is necessary for obvious, visible injuries, but the potential of hidden internal and skeletal injuries must also be excluded when physical abuse is suspected. These exams require facilities that are able to do diagnostic procedures and consult specialty staff (skeletal surveys, CTS, MRIs, ophthalmologists for retinal injuries, etc.).
- C. Injuries sustained by children that are non-accidental are suspected when there is inconsistent or absent history. When there are multiple injuries in different stages of healing, locations not commonly injured (abdomen, genitals, etc.), or delay in obtaining medical care. Changing doctors frequently, and using different urgent care treatment centers to avoid detection of the frequency of a child's visits is also suspicious.
- D. Non-emergency medical evaluations should be scheduled at the Children's Advocacy Center after a child has had a forensic interview, if possible. Medical exams are needed in most physical abuse incidents wherein legal proceedings are anticipated. It will be necessary to collect physical evidence related to the child's condition or injuries. This includes all the injuries, and not just the most obvious or serious ones.
- E. Reference standards (measuring tapes, gray scale, and color wheels) and multiple angle shots are necessary to photographing bruises and injuries that will be documented in the forensic medical record.

- F. The forensic examiner may need to review all past medical records, tests and pertinent information in order to give an opinion in establishing a physical abuse or neglect case. Referral to specialists for diagnostic procedures (i.e., skin biopsy) may also be included in these cases. In some cases, appropriate lab studies may be necessary to exclude bleeding disorders or inherited disorders.

Communication and Information Sharing with the Southern Arizona Children's Advocacy Center

All medical records released to DCS and/or Law Enforcement should be made available to the forensic examiner at the Children's Advocacy Center, and all pertinent past medical history (including immunizations) should be obtained if a family member doesn't accompany the child. Information regarding the disclosure (who, what, when, where, why, and how) needs to be available to the forensic examiner at the time of the exam. Children with positive test results for sexually transmitted diseases need to have the written report accompany the child. DCS or the child's guardian is required to sign a request for the HIV testing.

Following the exam, the forensic examiner summarizes the findings, recommendations, and any follow-up needed. In joint investigations, it is expected that this information will be shared between the investigators in a timely manner. The child's guardian is given whatever information is necessary for the health and welfare of the patient, and encouraged to contact the Children's Advocacy Center if any new symptoms develop. Results of positive labs are shared with the patient (when appropriate), guardian, DCS, and Law Enforcement, as well as suggestions for medical follow-up if necessary. The guardian is given information on the health and welfare of the patient, as well as information on any needed medical follow-up and/or further testing or to establish primary care.

A complete medical report and psychosocial report are distributed to DCS and Law Enforcement. Records, including lab reports, may be forwarded to community physicians but require a parental or custodial (DCS) signed release. Medical personnel will take precautions to maintain patient confidentiality, and will contact patient/family members with DCS involvement if further information is needed. It is expected that unusual situations or difficult issues may arise which require a team staffing to facilitate the overall management of a case.

BEHAVIORAL HEALTH PROTOCOL

Behavioral Health Service Providers, including behavioral health professionals, behavioral health technicians and behavioral health paraprofessionals, should be advocates for victims and children. As such, they may provide primary therapeutic intervention, support to families, information, and be a source of referral for child abuse allegations because of their contact with children and their families. A primary concern of the behavioral health providers is to prevent re-victimization of the child. The provider may hear the initial disclosure, either directly from the victim or indirectly from a third person. Since reporting of child abuse is mandatory for behavioral health service providers, it is incumbent upon the provider 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 A), requires that behavioral health and social service professionals, providers and other persons having responsibility for the care or treatment of children who “reasonably believe” that a child has been abused or neglected, are mandated to report the matter immediately. "Reasonable Grounds" for reporting means if there are any facts from which one could reasonably conclude that a child has been abused or neglected, the person knowing those facts is required to immediately report those facts to the appropriate authorities. When in doubt, make the report. Abuse and neglect reports should be made to both the Child Abuse Hotline 1-888-SOS-CHILD and to local law enforcement by dialing 911.

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. Behavioral health service providers are responsible for maintaining current awareness of any statutory changes that may occur in the reporting law.

Every behavioral health service agency needs to establish a procedure for following the mandatory reporting law. Every behavioral health service provider should be familiar with the specific reporting requirements as defined by the professional standards of his/her governing board. This Protocol provides guidelines as to how behavioral health provider or other person responsible for the care or treatment of children 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. Behavioral health agencies should provide support and assistance to the person who received the initial disclosure through the child abuse reporting process. Please note that in all cases the person receiving the information will be solely responsible for all steps of reporting described herein, and in Section IV of this document, REPORTING AND TRAINING RESPONSIBILITIES, Mandatory Reporting Guidelines.

- B. Behavioral health service agencies should authorize yearly training on child abuse recognition and reporting for their entire staff.
- C. Behavioral health service agencies should adopt a standardized child abuse reporting form to be utilized for the mandatory written report (See Appendix N for exemplar). Agencies may adopt the sample provided or may create a form that provides the necessary information.

II. Receiving the Initial Disclosure

- A. When it appears that a child is disclosing information about possible abuse, the person receiving such information should listen and ask no leading question. If the child does not spontaneously provide the information, only the following questions should be asked: **What happened? Who did it? Where did it happen?**
- B. The person receiving the information should ask no further questions. If the child has spontaneously answered any of the three questions, do not ask that question again. Record verbatim the statements made by the child or reporter in written form. Video/audio recording is not recommended. Any record you make including electronic, written, photo or video record must be preserved and may be subpoenaed.
- C. Once the initial disclosure has been made, only the forensic interviewer should conduct any further questioning or interviewing of the child. Further questioning may create additional trauma for the child. It may also impede, impair, hinder, interfere with or defeat future prosecution. There is a child advocacy center available where victim interview that meet the requirements of both criminal and DCS investigations are conducted by specially trained interviewers. (See Section III of this document). These interviews are video and/or audio recorded and become forensic evidence. This reduces the need for repeated interviews of the child victim.
- D. Inappropriate response to disclosure of abuse or neglect poses one of the greatest risks of trauma to the disclosing child. Do not make promises to the child or the non-offending parent 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.

III. Reporting Child Abuse: When a behavioral health provider or other person required to report has reasonable grounds to believe that a minor has been the victim of abuse, he/she should:

- 1. If the non-offending parent or caretaker is aware of the disclosure and appears to be appropriately supportive, consideration should be given to encouraging the non-offending parent or caretaker to immediately make the report to law enforcement and DCS while in the presence of the therapist.
 - 1. The behavioral health service provider or other person required to report should request that he/she is identified in any report made by the reporting parent or caretaker.
 - 2. If a behavioral health service provider or other person required to report believes the victim or other children in the home continue to be at risk, he/she should make

- a second report to DCS.
3. Regardless of the non-offending parent or caretaker's willingness or ability to report, the behavioral health provider still has the responsibility of making the reports to the appropriate law enforcement agency and to DCS immediately.
- B. Report the suspected abuse immediately to the Child Abuse Hotline and the law enforcement agency in the jurisdiction where the offense took place.
 - C. Document the report information on a state/and or agency approved reporting form. Per A.R.S. §13-3620 (See Appendix A), a copy of the reporting form should be transmitted to DCS within 72 hours of making the initial report. If available, the forms should be faxed to DCS. The fax number for reporting to DCS should be requested from the Hotline Worker to whom the report is made. If fax is not immediately available, the reporting form should be mailed to **Department of Child Safety, P.O. Box 44240, Phoenix, AZ 85064-4240**.
 - D. The behavioral health service provider and/or Agency should maintain the original copy of the written report and records regularly maintained, which should be kept in the client's file, in accordance with the requirements for preservation of a minor's records as provided by Arizona regulations.
 - E. Notify an Agency Supervisor, if applicable and immediately available, of the disclosure. Never delay making a report pending discussion with or approval of a Supervisor or other Agency resource. If there are questions as to whether information received constitutes abuse and should be reported, or whether the report should be made to DCS and/or law enforcement in the jurisdiction where the suspected abuse took place, **contact the Child Abuse Hotline at 1-888-SOS-CHILD (or 1-888-767-2445)** and they may provide advice. The person receiving the information is solely responsible for reporting to DCS and the appropriate law enforcement agency.

IV. Behavioral Health Service Provider's Responsibilities: The behavioral health service provider'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, and assisting the family in aligning with the victim to provide emotional support and protection, and assisting in minimizing secondary trauma during the legal process.

- A. In this role, the behavioral health service provider 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 therapy include:
 1. Encouraging the child's parent or caretaker not to allow contact between the victim and alleged offender.
 2. Taking appropriate steps to ensure the safety of other children in the home.
 3. Stabilizing the victim's environment by supporting removal of the alleged offender.
- B. Behavioral health service providers, who prefer not to work with child abuse victims, or lack expertise in this area, may also contact the Pima County Attorney's Victim Services Division to seek referrals to behavioral health professionals who specialize in working with child abuse victims.

- C. During treatment, if the child or other person discloses further information regarding the abuse, the behavioral health service provider should document the information in direct quotes and promptly report this information to law enforcement and DCS.
- D. In accordance with A.R. S. §13-3620 (See Appendix A), mandated reporters, including behavioral health service provider, may be requested to release records to DCS 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 DCS 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. A behavioral health service provider who has any questions regarding the release, or requested release, of records should contact the Special Victims Unit of the Pima County Attorney's office.
- E. Behavioral health service providers 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 or other family members that the facts of the alleged abuse should not be discussed until after the investigative interview is completed by law enforcement/ DCS. Behavioral health service providers 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 provider during this time.
- F. Behavioral health service providers 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.
- G. Behavioral health service providers should maintain appropriate boundaries in their work with the child and family members.
 - 1. The victim should have a separate behavioral health service provider from the alleged offender.
 - 2. The "no contact" rules between offender and victim should be followed consistently.
 - 3. The victim's behavioral health service provider should not have direct contact with the alleged offender. Communication should be limited to communication between the victim's and the alleged offender's respective behavioral health service providers.
 - 4. The victim's behavioral health service provider should familiarize her/himself with the Adult and Juvenile Probation Department's special conditions of probation for sex offenders.
- H. Behavioral health service providers should provide support to the child victim through the legal process, as appropriate. In cases where prosecution occurs, a Victim Services Advocate may be assigned. The role of the 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 behavioral health service provider should provide emotional support to the victim during this process in conjunction with the preparation done by the Victim Services Advocate.

- I. The behavioral health service provider or other person required to report 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. These persons should be aware that there may be legal limitations regarding the content and scope of their testimony, and should contact the assigned County Attorney concerning any questions regarding requests for interviews, depositions or court appearances.

V. Behavioral Health Information Sharing

Disclosures may be made to law enforcement, DES and other authorities during the course of an investigation as required or permitted by law.

Note: Internal reference is made to use of a form for reporting that contains the information generally requested. See Appendix N for a sample Behavioral Health Agency Report form. Care should be taken to not imply or encourage the reporter to seek or obtain information from the child and in doing so, exceed the limitations of Section II above, or to undertake an investigatory role. (See Section IV, above and PROTOCOLS, SECTION IV, Reporting And Training Responsibilities, Mandatory Reporter Guidelines, pp 77-78, infra.)

SOUTHERN ARIZONA MENTAL HEALTH CORPORATION (SAMHC) PROTOCOL

SAMHC'S ROLES AND RESPONSIBILITIES

In 2003, Governor Napolitano mandated that all children taken into DCS custody be ensured, at a minimum, an urgent response from the behavioral health system, and in some cases, immediate response.

Arizona Department of Health Services (ADHS) defines urgent response as a rapid and prompt response to a person who may be in need of medically necessary covered behavioral health services. An urgent response should be initiated in a punctual manner, within a timeframe indicated by the person's clinical needs, but no later than twenty-four hours from the initial identification of need. Urgent responses must be initiated upon notification by DCS that a child has been, or will be, removed from the home.

ADHS defines immediate response as "an expedited and instant response to a person who may be in need of medically necessary covered behavioral health services. An immediate response should be initiated without delay, within a timeframe indicated by the person's clinical needs, but no later than two hours from the initial identification of need."

Governor Napolitano's mandate recognized that removal of a child from his or her home is a situation in which assessment and/or provision of behavioral health services are medically necessary.

The Regional Behavioral Health Authorities throughout the state were charged with carrying out the Governor's mandate. In Pima County, The Community Partnership of Southern Arizona (CPSA) asked SAMHC, the community crisis provider, to ensure behavioral health assessment to all children removed from their homes. SAMHC's urgent or immediate response to these situations began 8/15/03.

SAMHC PROCESS FOR URGENT OR IMMEDIATE BEHAVIORAL HEALTH RESPONSE

A. Upon Placement of a Child Removed from the Home DCS Will:

- Fax completed Family Dispatch Form (listing all children removed and children left in the home) to SAMHC at 618-8624 (7 days/week) within 24 hours of removal. The fax transmission includes Consent to Treat and Release of Information forms for each child.
- If the DCS Specialist is concerned that a child is a current danger to self or others, the specialist shall call SAMHC at 490-4056 (M-F 8:00-4:00) or if after hours/weekends at 622-6000, to request response within two hours.
- For all children aged five to eighteen (5 to 18), call SAMHC to report any changes (placement, child returned home, etc.) prior to the Preliminary Protective Hearing (PPH).

B. Upon Receipt of Referral SAMHC Will:

- Initiate a SAMHC response for children aged 5 to 18 who are not enrolled in a network.
- For children enrolled in a network, SAMHC will forward a copy of the family dispatch, Consent to Treat, and Release of Information forms to the assigned network for urgent response.
- For children birth to age five (0 to 5), SAMHC will forward a copy of the family dispatch, Consent to Treat, and Release of Information forms to The Blake Foundation for urgent response.

C. For Un-Enrolled Children SAMHC Will:

- Dispatch a master's level clinician with additional training in assessing children/adolescents within the agreed upon timeframe to the identified location to assess the child/children and provide immediate crisis stabilization to the child/children and caregiver(s). In the case of multiple siblings placed together, each child will be assessed individually.
- Consult with the DCS Specialist to determine when and how to contact, engage, and involve the child's biological family in the assessment process.
- Complete a written assessment for each child immediately following the evaluation.
- Within 24 hours, send by courier to the assigned DCS Specialist a copy of the assessment. The DCS Specialist can request a faxed copy of the assessment if needed in less than 24 hours.
- Initiate enrollment into the DCS system.
- Provide on-going contact, support, and assessment during the initial seven to fourteen days; collaborate with the DCS Specialist, the caregiver, and the Court to effectively identify and initiate needed supports and services for the immediate and ongoing needs of the child/children.
- Provide the DCS Specialist with a report in the agreed upon format for the (PPH) by 9:00 am the day prior to the PPH. Following the PPH, SAMHC will work collaboratively with the DCS Specialist, the child/children, and the caregiver to provide an effective transition to the ongoing DCS Specialist and assigned network.
- Attend and participate in the Pre-Hearing Conference, giving a verbal report on findings and recommendations for the child and explaining that the date of the PPH will signify the date that the network will begin to provide services to the child.

EXTENDED CRISIS SERVICES INTERVENTION PROTOCOL

A Joint Project of Las Familias Angel Center for Childhood Sexual Abuse Treatment & Southern Arizona Children's Advocacy Center

Initial Project Period: July 2003 – June 2004 - - **Subsequent Project Period:** July 2006-Present

Summary: Las Familias Angel Center for Childhood Sexual Abuse Treatment (Las Familias) received a federal Victim of Crime Act grant awarded by the Arizona Department of Public Safety (DPS) to offer Extended Crisis Intervention Services for victims of childhood physical, sexual and/or emotional abuse. Extended crisis services are available for referred child victims of child abuse (birth to 18 years of age) and their non-offending family members, who complete forensic evidence collection services at the Southern Arizona Children's Advocacy Center.

The primary service components for this program are:

- Crisis Counseling (in-person & via telephone)
- Behavioral Health Referral and Intakes
- A Six-Week, Psycho-Educational Group for Caretakers

This program is intended to:

- Fill a critical gap in the Advocacy Center's service continuum
- Expedite the initiation of longer-term mental health & support services
- Maximize the number of victims and/or families which enroll in and remain in therapeutic services
- Minimize the gap between referral for ongoing mental health services and the initiation of these services.
- Minimize the number of cases which "fall through the cracks"
- Facilitate the healing and recovery process

The grant funds awarded for this program enable the hiring of a full-time Crisis Counselor. Bilingual Spanish services will be available as needed. The Crisis Counselor will initiate services within one-to-three days of referral that, ideally, will occur immediately following the child victim's disclosure during the Forensic Interview process.

Service Time, Location, and Duration:

Crisis Intervention and Behavioral Health Referral and Intake services will be available Monday through Friday, 8:00 am – 5:00 pm. These services will be provided at the Southern Arizona Child Advocacy Center via telephone or, in special circumstances, at the client's home, in a safe environment (such as the client's church), or at Las

Familias (3618 E. Pima St., Tucson, AZ). Emergency after hour services may be available as needed. Duration of service will vary greatly depending on the needs of the clients, whether services are delivered over the phone and/or in person and whether or not a mental health assessment is conducted. Behavioral Health Intakes can last 1.5-3 hours per family depending upon the number of individuals being assessed.

The program's psycho-educational support group will be conducted one night per week, for approximately 1.5-2.0 hours at Las Familias. This on-going program, which is anticipated to average between 10 - 14 adults, is comprised of six sessions but caretakers may enter at any time. The program will be repeated throughout the year.

Target Population & Projected Outcomes:

This program is designed for any suspected child victims of child and sexual abuse and their non-offending family members who undergo forensic evidence collection services at the Advocacy Center. *Appropriateness for program referral will be determined on a case-by-case basis. However, the focus will be primarily on children who remain in their own home or with their caretaker.* If the Crisis Counselors caseload becomes excessive, the application of additional referral criteria will be discussed. All services are provided free of charge to clients.

During Fiscal Year 2006-2007, it was projected that up to 400 child victims of child abuse and their caretakers will be served; 1,500 hours of in-person and telephone assistance was be provided; 90% of referred clients received extended crisis intervention services within 1-3 days of referral; 50% of clients will report a reduction of traumatic feelings at the conclusion of services; and 75% of clients will report that they are satisfied with extended crisis intervention support.

Administration, Communication, & Follow-up:

The project will be administered under Las Familias auspices and the agency's Division Director will be the primary Program Administrator. All program procedures, forms, and related documents will be jointly developed and agreed-upon, by Las Familias, the Southern Arizona Children's Advocacy Center and its primary partner agencies: the Tucson Police Department (TPD), the Pima County Sheriff's Department (PCSD), the Pima County Attorney's Office (PCAO), and DCS. Communication in this regard will occur via meetings and e-mail correspondence.

Program Staff (1 Crisis Counselors—1.0 FTE) will be hired by Las Familias and supervised by the agency's Division Director. The Advocacy Center's Executive Director and Advocacy staff will participate in the hiring process, and will provide comprehensive on-site training for Program Staff. The Center's partnering agencies will, likewise, provide on-site and field training. And finally, prior to service initiation, Multi-Disciplinary Team members will be invited to a dedicated training conducted by Las Familias and the Advocacy Center regarding Extended Crisis Intervention Services program content, procedures, and referral protocol.

Advocates from the Advocacy Center, under the supervision of the agency's Clinical Director, will be responsible for all case referrals including ensuring team member consensus, client authorizations, and the completion and transmittal of related

documentation to Las Familias. Las Familias' Program Staff, in turn, will not initiate services with a family unless referral documents have been received from the Advocacy Center. Program Staff will be responsible for subsequent behavioral health referrals to provider network agencies and other assisted support service enrollments initiated during service delivery.

Program Staff and Multi-Disciplinary Team members will exchange contact information (work telephone, pager numbers, and fax numbers) for communication purposes. Program Staff will call investigative team members (e.g. the respective DCS or OCWI investigator and/or Law Enforcement detective assigned to the case) in the event new information regarding the case is discovered during the course of service delivery or new concerns arise. Likewise, if investigative team members have new information or concerns, which may impact Program Staff and/or the delivery of services, they are to contact Crisis Counselors directly via telephone.

Las Familias and the Advocacy Center program-related staff will consult weekly at the program's inception, and at least monthly thereafter, to make necessary adjustments to program procedures and/or services and referral criteria. Program Staff and/or Las Familias management will also participate in monthly Multi-Disciplinary Team Meetings (MDT's) and monthly Case Reviews to network, further communication, and provide information concerning cases being staffed.

In an effort to maximize communication, build trust, ensure program viability, and assure quality service delivery, *all investigative team members and Program Staff are strongly encouraged to discuss problems, concerns and/or case issues directly amongst themselves (either in person or via telephone)*. If something remains of concern or is unresolved, supervisors of any participating agency are encouraged to contact Las Familias and the Advocacy Center's management concerning the issue or discuss the situation at regularly scheduled MDTs or dedicated multi-disciplinary program meetings (scheduled as needed/requested).

Staff Hiring & Training:

Las Familias will be responsible for finalizing job descriptions, placing job announcements, screening resumes, finalizing interview questions, developing an interview rating scale, and following-up on references. The Advocacy Center may assist Las Familias in the hiring process by reviewing job descriptions, forwarding position announcements, reviewing interview questions, and participating in interviews.

Qualified applicants will undergo a tiered-interview process. Structured first interviews will be held at Las Familias with an interview panel comprised of Las Familias management (the Division Director and Program Supervisor). Second Interviews will be conducted in a less formal setting with Clinical Staff from both agencies. Selected Program Staff will be Las Familias employees, and will be directly supervised by the Las Familias' Division Director.

Upon hiring, Program Staff will undergo multi-disciplinary training with Las Familias and the Advocacy Center as well as partnering agencies. Program Staff will

undergo, at a minimum, one week of intensive on-site training at the Advocacy Center to

familiarize themselves with Forensic Interviewing, the joint investigative process, intakes and case documentation, and the Center's advocacy, crisis intervention and referral services with non-offending caretakers.

Upon completion of the Advocacy Center training, Program Staff will spend time with the partnering agencies (i.e. DCS, OCWI, PCSD and/or TPD, and PCAO) shadowing investigators, learning investigative procedures, response time lines, and case processing as well as the impact of testimony and forensic evidence in prosecutions. Additionally, Program Staff will travel to Child Help, Phoenix to meet with the therapist who developed the psycho-educational curriculum this program is modeling and participate in a group session.

Prior to the initiation of direct services, Las Familias and the Advocacy Center will conduct training for Multi-Disciplinary Team investigators concerning the purpose, content and referral process for the Extended Crisis Intervention Services Program.

Program Referral & Scheduling: Referral to the Extended Crisis Intervention Services Program is contingent upon the following:

- Suspected child victims of child and/or sexual abuse (birth through 18 years of age) and/or their non-offending family members must have received services at the Advocacy Center.
- Child victims must, at a minimum, have completed their forensic interviews.

The service providers comprising the Multi-Disciplinary Team assigned to the case (i.e. DCS and/or the Advocacy Center), must authorize the referral and identify which service components may be initiated with which family members. Referral appropriateness will be determined on a case-by-case basis.

The caretaker must authorize that their information can be shared with Las Familias and that the agency can contact them.

The Advocacy Center's staff will be responsible for the case referral process (including unauthorized referrals, pending referrals, authorized referrals) and transmittal of referral documentation to Las Familias. This referral package will include:

- A Completed Extended Crisis Intervention Services Referral Form (includes MDT Service Provide authorization information and family authorization)
- The Advocacy Center's Primary Intake Form
- The Advocacy Center's Client Demographics & Follow-Up Form (less pages related to follow-ups)

Crisis Counselors will not initiate services with a family until all referral documents have been received from the Advocacy Center. If a family does contact Las Familias seeking Crisis Intervention Services and their documentation has not yet been received, Program Staff will either redirect the family to the Advocacy Center for further

clarification/action, or contact the Advocacy Center to determine the family's referral status.

Ideally, upon conclusion of the Forensic Interview process, the Center's staff will prepare the referral packet and contact Las Familias staff. If this is not possible, then upon receipt of the referral packet, Program Staff will initiate contact directly with the family to arrange an appointment.

Crisis Intervention Services: The Crisis Intervention Services component of this program will, ideally, be provided immediately and at minimum one-to-three days following program referral. These services will include:

- Review of the Advocacy Center's *Handbook for Caregivers* (e.g. "What is Sexual Abuse," "The Grooming Process", "How to Act Toward Your Child", "The Legal System", "Facts About an Investigation", etc.)
- Further information and referrals
- Safety planning
- Education concerning self-care and dealing with trauma
- Assistance and advocacy related to initiating support services
- "Normalizing" the feelings and experiences of victims and caregivers relative to the disclosure and abuse
- Other assistance as needed (to be determined on a case-by-case basis)

Program Staff will immediately call investigative team members in the event new information or concerns regarding the case/family arise during the course of service delivery. Case notes or other program forms completed during this service component, will not be shared with investigative team members but will remain in secured, confidential files at Las Familias.

Mental Health Intake: To increase Las Familias' intake capacity and expedite the initiation of behavioral health services for child victims and/or family members, the Crisis Counselor will evaluate the family's eligibility for services. Depending on eligibility for various funding sources and availability of space, Las Familias will either admit the case for long term services or refer appropriate cases to the three children behavioral health networks—La Frontera, Pantano, or Providence.

Psycho-Educational Support Group: Program Staff will conduct a weekly, psycho-educational support group for referred caretakers who are either awaiting longer-term services, in the process of deciding whether to pursue additional support services (either for the victim, themselves, or another family member), or feel that the information/support generated from the group is sufficient at present. This support group is forensically-sound and will follow a structured six-week curriculum that was developed by Tammy Ohm, MS, CPC, and is currently being implemented at ChildHelp in Phoenix under DPS funding ("PEAKS"- Parent Empowerment and Kids Support). *Note: As this material is copyrighted, any materials generated for this service component will*

necessarily refer to the author's name and affiliation throughout.

The goal of the program “is to empower parents and caregivers of children who have survived ...sexual abuse through education and peer support.” The PEAKS program reviews:

- The Investigation and Legal Process (utilizing a multi-disciplinary panel of speakers)
- The Grief Cycle
- What the Parent/Caregiver is experiencing
- What the Child is Experiencing
- Behavior and Feeling Identification
- Symptoms in Traumatized Children
- Post-Traumatic Stress Disorder
- Resiliency and Recovery
- Effects of Abuse on Child Development
- Abuse Reactive Behaviors
- Empowering Your Child
- Methods of Discipline
- Safety Planning
- Family Healing

This curriculum includes handouts and caretakers complete weekly evaluation forms. Additionally, parents are handed Group Rules. The rules detail (among other things) that this is not a therapy group but rather for information exchange and peer support. Families with open cases/investigations are advised not to get into specific detail about the case or situation so as not to compromise the investigation.

PIMA COUNTY ATTORNEY PROTOCOL

Since the early 1980's the Pima County Attorney's Office has had a specialized prosecution unit devoted to providing thorough and compassionate services to the victims and non-offending family members in child sexual and physical abuse cases. This Special Victims' Unit currently handles all cases involving: Child physical abuse; Sexual offenses against children and adults (including Sexual Abuse, Sexual Assault, Molestation of a Child, Sexual Conduct with a Minor, Furnishing Harmful Items to Minors, Luring a Minor for Sexual Exploitation and Commercial and Non-commercial Sexual Exploitation); Failure to Register as a Sex Offender; and civil proceedings involving the Involuntary Commitment of Sexually Violent Persons.

MISEDEMEANOR OFFENSES: The Pima County Attorney's Misdemeanor Unit currently handles misdemeanor offenses involving domestic violence, animal cruelty, and indecent exposure. Under some circumstances, a felony prosecutor may "waive" some Class Six felony offenses of child abuse to a lower court (Pima County Justice Court and municipal courts) for treatment as a misdemeanor.

MULTI-DISCIPLINARY TEAM (MDT): The Pima County Attorney's Office participates in the multi-disciplinary team composed of law enforcement, DCS, the Office of Children's Counsel, the Office of Child Welfare Investigations, medical providers and the Southern Arizona Children's Advocacy Center both in the investigation and in the prosecution of the aforementioned cases. Members of the Special Victims' Unit are available to consult and coordinate with the other members of the team investigations of the foregoing crimes. The primary responsibility for such investigations, however, rests with Law Enforcement, and, when appropriate DCS and OCWI. When an investigation is complete and law enforcement believes it has probable cause to believe a crime has been committed and a perpetrator has been identified, the Special Victims' Unit will be requested to review the case for the "issuing" of charges.

ISSUING: One of the attorneys in the unit functions as the full-time Issuing Attorney or "issuer". It is his/her responsibility to review all cases submitted by law enforcement to determine what, if any, charges will be filed in a case. The issuing attorney will make such a determination based upon a prosecutor's ethical obligation to hold offenders accountable for all of his/her conduct where there is sufficient evidence to prove the case to a jury beyond a reasonable doubt. The Issuing Attorney is available by telephone to consult with, and provide assistance to, law enforcement and DCS Specialist regarding investigations. The Issuing Attorney also meets with law enforcement units on a regularly scheduled basis to review on-going investigations. The Issuing Attorney is also available to the Adult Probation Department Child Abuse Unit to immediately staff cases involving offenders who are currently on probation in order to take timely action to

protect other members of the household. In all other circumstances, law enforcement personnel make an appointment with the issuing attorney to review cases in which offenders may or may not have been arrested.

CASES ISSUED: The issuing attorney will determine the appropriate charges and prepare a summary of the case for other members of the Pima County Attorney's Office to use. That summary will include all clearly exculpatory information that the presenting detective must provide to the grand jury for its consideration. This summary is not intended to replace the presenting detective's knowledge of the case and appropriate preparation to present the case to the grand jury. Following the issuing appointment, the case detective will make arrangements to present the case to the grand jury, unless circumstances are such that a preliminary hearing is more appropriate.

CASES DECLINED: If there is insufficient evidence to establish the likelihood of a conviction at trial, the issuing attorney will decline the case. Law enforcement of other interested partners may always consult with the Supervisor of the Unit concerning case declination. The County Attorney's Office will notify the victim and/or the victim's lawful representative that the case will not be issued. Victims have the right to confer with the issuing attorney regarding the decision not to issue a case. The Issuing Attorney and the Supervisor of the Unit are always available to discuss with the victims and/or their representatives, in a sensitive and compassionate manner, the reasons their case was unable to be issued.

IN INDICTMENT OR COMPLAINT: The Pima County Attorney's Office presents most cases in which it seeks to pursue felony charges to the Grand Jury, a group of citizens who are randomly chosen according to statute. The presenting detective will testify to the grand jury and may testify to hearsay in this limited circumstance. The victim is not generally required to testify at these proceedings; however, the Grand Jury has the authority to compel the testimony of any witness. If the Grand Jury finds probable cause to believe that a crime has been committed, and the person named in the proposed indictment is the person who committed it, the Grand Jury will return a "true bill" and an indictment and the court process will begin. If Grand Jury does not so find, the Grand Jury will return a "no-bill" and the process is over.

In some limited felony cases, the Pima County Attorney's Office chooses to pursue charges by way of a preliminary hearing, rather than presenting the case to the Grand Jury. This option allows both parties to preserve sworn testimony for use in future proceedings, in case the witness in question is unavailable. If the State chooses to proceed with a preliminary hearing, it will give the defense all existing disclosure as far in advance of the preliminary hearing as possible. At the preliminary hearing, the State will present a complaint to a magistrate judge in Pima County Justice Court and call the detective or investigator to testify, as well as any witness whose testimony the State seeks to preserve. The victim may be among those witnesses subpoenaed. If, based on the testimony presented, the magistrate judge finds probable cause to believe that the

defendant committed the crimes listed in the complaint, the judge will “bind the defendant over” for trial and the court process will begin.

CASE ASSIGNMENT: The Supervisor of the Unit will assign each new case to an individual prosecutor who remains responsible for that case until disposition.

PROSECUTION: Once assigned, members of the Special Victims Unit, usually the trial attorney will make contact with the victim as soon as possible to discuss the court process and seek input concerning possible dispositions of the case.

COUNTY ATTORNEY PERSONNEL:

The trial attorney assigned to each case is assisted by a paralegal, secretary, victim services advocate and, perhaps, an investigator.

The paralegal assists the attorney in preparing pre-trial discovery and motions, handling some pre-trial interviews and maintaining contact with witnesses and the victim and/or the victim’s lawful representative. The secretary also maintains contact with victims and victim representatives as well as witnesses, scheduling pre-trial interviews and monitoring the issuance of subpoenas.

Victim Services Advocates act as a liaison between the victim and/or the victim’s legal representative both with the prosecutor and the Court. A Victim Services Advocate may be present at pre-trial interviews, court hearings and can assist in coordinating restitution, counseling or other services needed by the victim or his/her family.

A County Attorney investigator can assist in the preparation of cases by locating witnesses, handling evidence, videotaping preliminary hearings or depositions. They also assist in serving subpoenas and providing a variety of technical services.

OTHER AGENCY PERSONNEL: Law enforcement; Department of Child Safety; Office of Child Welfare Investigations, Victim Service Providers and Medical Providers obviously play a very important role in the prosecution of cases.

Law enforcement agencies have a continuing role to play even after the case has been charged. Detectives, Uniform Officers or other investigators may be needed to assist with additional investigation, particularly if follow-up is requested at issuing. Law enforcement has a continuing responsibility to provide all information developed during the course of the investigation, including interview transcripts, case reports, photographs and physical evidence to the County Attorney’s Office. All law enforcement personnel involved in an investigation are potential witnesses and are, therefore, subject to subpoena for trial and pre-trial hearings. Such witnesses may also be required to participate in a pre-trial interview with the defendant’s attorney.

The Department of Child Safety or the Office of Child Welfare Investigations may have been involved in the joint investigation of a case and/or may have custody of a victim or witness. Accordingly, Department of Child Safety or OCWI personnel may be witnesses subject to subpoena for trial and pre-trial hearings. They too, then, are expected to participate in a pre-trial interview with the defendant's attorney.

Medical Providers are called upon in a variety of settings to assist in the prosecution of offenses handled by the Special Victims' Unit. In cases of child sexual crimes, a forensic physical examination may be necessary to ascertain the presence of injuries, old or new, test for sexually transmitted diseases or pregnancy, and/or collect evidence. These examinations are conducted in accordance with the guidelines contained in the medical protocol. Records of these examinations are provided to law enforcement, Department of Child Safety and the County Attorney's Office when necessary for an investigation or prosecution.

Emergency Responders such as paramedics, emergency room personnel, consulting or treating physicians in cases of physical child abuse may have observed injuries, old or new, consistent with non-accidental trauma. Records of any assessments, examinations, consultations and/or treatment are necessary for investigation and prosecution of these cases and shall be provided pursuant to A.R.S. §13-3620 (see Appendix A).

Medical providers or other personnel may be required to testify at the trial of the suspect and will receive a subpoena for his/her appearance. It will also be necessary for those individuals to participate in the pre-trial interview with the suspect's attorney.

RECIPROCAL RESPONSIBILITIES OF THE COUNTY ATTORNEY'S OFFICE

CASE DISPOSITION - CHANGE OF PLEA OR TRIAL: Whether a defendant is offered a plea agreement to a lesser charge(s) or not depends on a variety of factors. These include, but are not limited to, wishes of the victim/victim representative; severity and/or the repetitive nature of the criminal conduct [*See Appendix L*]; defendant's prior criminal history; number of victims; age of the victims; and change in circumstances which may adversely impact the ability to prove certain elements of the charged offenses beyond a reasonable doubt. Plea agreements can be advantageous in many cases as they provide some finality for victims via a conviction without the necessity of testifying in a jury trial. All plea agreements must be approved in advance by the Supervisor of the Special Victims Unit.

Plea offers will generally include restitution if applicable; probation supervision of at least the term specified by statute for the class felony to which the defendant is pleading; in cases involving multiple counts of sexual crimes or serious physical child abuse cases probation supervision for the lifetime of the defendant; forfeiture of computers; compliance with DCS requests/orders; submission of DNA samples; and special conditions for sex offenders.

The assigned trial attorney will seek input from victims/victim representatives regarding any plea offers as soon as the case is reviewed. If, at any time during the

pendency of a case the victim/victim representative disagrees with proposed disposition of a case, the victim will be given an opportunity to meet with the trial attorney, and the Unit Supervisor. Additionally, the victim/victim representative shall be advised of his/her right to obtain a lawyer to assist in exercising victim's rights pursuant to A.R.S. 13-4423, to express any objections to the proposed disposition, and his/her right to obtain counsel to assist in exercising that right, pursuant to Rule 39 of the Arizona Rules of Criminal Procedure.

Law enforcement should be notified immediately when a case is set for a change of plea. In the interests of conserving resources, it is important to advise law enforcement of a change of plea so further work on the case, in the form of transcription preparation and laboratory analysis for example, can be halted.

Some cases are designated by the Supervisor and/or the trial attorney as "trial only" cases in which plea offers will not be extended to defendants. If victims/victim representatives disagree with this proposed disposition, they are to be accorded the same opportunities as set forth above on Section B (2) (a & b). In rare situations a case may be dismissed due to the occurrence of circumstances making it impossible to prove the case beyond a reasonable doubt. Recantations of witnesses do not automatically constitute such circumstances.

TRIAL DISPOSITION: Trial Preparation is the responsibility of the trial attorney with the assistance of a paralegal and legal secretary. The trial attorney and legal assistant should meet, or telephonically consult with, each witness sufficiently in advance of trial in order to satisfy disclosure obligations and prepare the witness, within ethical guidelines, for a defense interview and trial testimony. The trial attorney should be present for all defense interviews of significant witnesses, including victims, if applicable, lead detectives and experts. The legal assistant is responsible for being present at all others. In some circumstances, investigators may be present.

VICTIM PREPARATION is the responsibility of the Trial Attorney with assistance from the legal assistant and a victim services advocate. The trial attorney, legal assistant and victim services advocate should meet with the victim in order to acquaint her/him with the trial process and develop rapport with the victim. Meetings with the victim should take place wherever the victim feels the most safe and comfortable, e.g. office of the advocate; advocacy center family room; the victim's home. The trial attorney should discuss with the victim the possible outcomes of a trial.

The victim and all children who are expected to testify should be provided the opportunity to visit a courtroom in order to mitigate the intimidating nature of those surroundings. Courtroom protocols and procedures should be explained and children should be permitted to ask questions about what the trial might be like. Though it is acceptable to allow a child to sit in the witness chair, this should not be used to "practice or rehearse" their testimony. Children may be shown the microphone and advised that witnesses should speak clearly and tell the truth to the questions asked. Where lawful victim representatives have indicated their unwillingness to allow child victims or witnesses to have contact with the trial attorney, the trial attorney should seek the

appointment of an independent guardian ad litem or victim representative.

Although the victim has the right under the Arizona Constitution and Court Rule to refuse a pre-trial interview with the defendant/defendant's attorney, the victim or victim representative may elect to participate in such an interview. The trial attorney shall make necessary arrangements for any reasonable conditions requested by the victim including the presence of a Victim Services Advocate or the presence of another support person.

The County Attorney's Office will accord all witnesses appropriate professional courtesy by advising them sufficiently in advance of trial of the day and approximate time of their testimony. All reasonable efforts should be made to accommodate the "real life" demands of witnesses in scheduling their testimony. With regard to young children, it is best to schedule their testimony early in the day rather than later. Courts and the County Attorney's Office should be mindful of school schedules as well.

JURY VERDICTS: The Jury has four options with regard to charges in a trial case:

1. Not Guilty - the jury found, unanimously, that the State did prove the case beyond a reasonable doubt. The defendant is thus acquitted; charges are dismissed and the defendant is free of further prosecution on those charges.
2. Guilty - the jury found, unanimously, that the defendant committed all the charges he/she faced. The defendant will be scheduled for a sentencing hearing.
3. Guilty of some of charges but acquitted on others. These are also unanimous verdicts. The defendant will still be sentenced but only on those charges for which he was convicted. The remaining charges will be dismissed.
4. The Jury was unable to unanimously agree on the defendant's guilt of some or all the charges. This is called a "hung jury." The Court will declare that a mistrial has occurred and a new trial will be scheduled. These cases may be resolved by another trial, a change of plea, or a dismissal. The foregoing decision will only be made after consultation with the victim/victim's representative.

SENTENCING: Following a finding of guilt, either by way of plea agreement or conviction at trial, the trial attorney and victim services advocate should discuss with the victim/victim representative the procedures for sentencing of the defendant. Sentencing generally occurs 30 to 60 days following the conviction. During this time the Adult Probation Department conducts an investigation and prepares a Pre-Sentence Report to submit to the Court to assist it in making a sentencing determination. The County Attorney's file is provided to the Probation Department for its use in preparing this report and the trial attorney is available to consult with the pre-sentence report writer on any aspect of the case. The pre-sentence report writer will contact the victim/victim representative to discuss how the crime has affected him/her and others in the family. The victim/victim representative may advise the pre-sentence of what sentence he/she believes is appropriate for the defendant to receive. The victim/victim representative has the right to write a letter to the Court; to be present at the sentencing hearing and to address the court, in person, at that time. The trial attorney, secretary, legal assistant and victim services advocate should notify, at the earliest opportunity, the victim/victim representative of any change in date or time of the sentencing hearing. Sentencing

hearings may be continued to allow the scheduling of mitigation or aggravation hearings and/or to allow for the completion of psycho-sexual or other mental health evaluations. Sentencing options may include probation, intensive probation, jail or prison or any combination thereof.

None of the crimes handled by the Special Victims Unit may be sent to the Adult Diversion Program.

POST-CONVICTION PROCEEDINGS: Appeals are taken by defendants after every conviction by trial. This is a review proceeding by higher courts. Appeals of jury verdicts are handled by the Office of the Arizona Attorney General. Victim/Victim Representatives will be kept apprised of the status of appellate cases by victim services advocates from that agency. Defendants may also file Petitions for Post-Conviction Relief with the trial court. These proceedings are handled by the Pima County Attorney and its representatives are responsible for providing notices concerning these proceedings to victims/victim representatives.

SCHOOLS' ROLES AND RESPONSIBILITIES

I. Preface

Reports of child maltreatment are frequently made by educators, child care workers, and other youth workers due to their extensive contact with children on a daily basis. They are often the first people to whom children disclose abuse or who suspect abuse because they recognize resultant behavioral changes or see physical evidence. School personnel and others who care for children are required by law to report all cases of suspected child abuse. This extends to private as well as public schools and includes child care centers, youth organizations, camps, and after-school programs.

The Arizona mandatory reporting law, A.R.S. §13-3620 (See Appendix A), requires that school personnel, or any person who has responsibility for the care or treatment of a minor and who reasonably believes that a minor has been the victim of physical injury, abuse, child abuse, a reportable offense or neglect **shall immediately report or cause a report to be made** of this information.

This means that if there are any facts from which one could **reasonably conclude** that a child has been the victim of one of the above listed offenses, the person knowing those facts is required to report those facts to the appropriate authorities. This **immediate** report is to be made regardless of who the alleged perpetrator is. Your duty is to report, not to investigate. If school personnel fail to report known or suspected child abuse or neglect, then they have committed a crime that is punishable under ARS §13-3620. Failure to report sexual offenses is a Class 6 felony.

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 section §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.

II. Interaction with child prior to report

- School personnel generally will receive information about possible abuse in one of three ways: the child will self-report, physical injury or unusual behavior will be observed, or a third party will disclose the abuse.
- In order to (1) minimize the number of times the child victim is interviewed; (2) minimize disclosure trauma; and (3) ensure that the appropriate and most qualified professionals conduct the investigation, **school personnel should not pre-interview children or call in school behavioral/mental health practitioners to try to determine if the report is credible or if a report should be made.**
- **If the child has not spontaneously provided** the following information about the abuse, only these exact questions may be asked as needed to provide basic information needed by DCS, OCWI (or their successor agencies), and/or law enforcement for triage and prioritization: **What happened? Who did it? Where were you when it happened? When was the last time it happened? Who have you told?** (See Appendix F, Minimal Facts Interview).
- Gathering detailed information not only re-traumatizes the child but also compromises any criminal investigation that may be conducted.
- Limit questions to the above three if observations of injury and/or unusual behavior are made and the child has **not** disclosed the occurrence of abuse.
- It is **not the job of school personnel to establish beyond a doubt** that abuse has caused the observed injury or behaviors.
- It is **completely inappropriate for school personnel to gather additional details** in order to respond to anticipated questions by the Child Abuse Hotline worker. The Hotline worker's questions are for the purpose of gathering information that **MAY** be known to the person making the call, but is not **EXPECTED** to be known.
- Effort should be made to remember the child's exact words during the disclosure and write them down afterward since these quotes will later be documented on the reporting form.
- In the case of third party reports (someone tells school personnel that a child has been maltreated), the school personnel should make a report based on the information provided and should not call in the child for an interview.
- School personnel shall **maintain confidentiality** of all information regarding the abuse report, except when such information is requested by DCS, OCWI (or their successor agencies), Law Enforcement, or the County Attorney.
- School personnel should never promise to keep abuse information a secret, or make remarks like "No one is going to go to jail," or use other distracting or dishonest information to reassure a child.
- **Never** delay a report pending approval of a supervisor, behavioral/mental health staff, or health staff person. **Never** delay a report pending a discussion with a school resource officer (law enforcement) who is not immediately available.

III. Making Phone Reports:

- Abuse reports should be telephoned to the Child Abuse Hotline 1-888-SOS-CHILD (or 1-888-767-2445) **and** to 911.
- If unsure if the information constitutes abuse or is reportable, contact the Child Abuse Hotline and 911; DCS and law enforcement will evaluate the information and determine how to proceed.
- **Do NOT contact or provide information to the parent(s) and/or the alleged perpetrator.** Refer all inquiries to Law Enforcement, OCWI, or DCS. It is the duty of those agencies, not school personnel, to notify parents of the investigation. Premature and/or inappropriate notifications can hinder investigations and potentially create precarious situations.

IV. After the telephone report has been made

1. **School office personnel** should be trained to maintain utmost confidentiality about investigators reporting to the school. Names and purpose for visit should not be spoken aloud in the presence of other visitors, students, or school staff by investigators or by school personnel.
2. Assist police, DCS, and OCWI 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.
3. Contact the appropriate school personnel who need to know in order to protect the child. **It is strongly recommended that principals 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. However, the principal should never insist on prior screening of abuse reports, as this interferes with school personnel's lawful compliance with the reporting mandate.
4. 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, OCWI and the law enforcement agency for information. Parent or guardian should NOT be given information about the allegation or about the alleged abuser.
5. School personnel should continue to provide reassurance to the child as needed throughout the investigation but questions about the abuse should not be asked. Any information spontaneously disclosed should be noted and provided to the investigating authorities.

V. Responsibilities of DCS and Law Enforcement

1. DCS, OCWI and/or Law Enforcement Officers will conduct the investigation. The DCS Specialist, OCWI Investigator and/or Law Enforcement Officer will provide proper identification and should confer with the reporting party.
2. The DCS Specialist, OCWI Investigator and/or the Law Enforcement Officer may, at their discretion:

- a. Enter the school grounds and investigate cases of suspected abuse without unnecessary disruption of normal school activities.
 - b. 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 Specialist, OCWI Investigator, and/or Law Enforcement Officer. A child's request for inclusion of school personnel will be considered.
 - c. Conduct interviews of the child without permission from or notice to the parent(s) and/or guardian(s) depending on circumstances unless prohibited by *Greene vs. Camreta* (<http://www.ca9.uscourts.gov/datastore/opinions/2009/12/10/06-35333.pdf>).
 - d. Remove the child from the school (take temporary custody) if necessary to further the investigation and leave a Notice of Removal (DCS) or a Temporary Custody Notice (law enforcement/ DCS) at the school to document the removal. The parent(s) must be served with a copy of the temporary custody.
 - e. Obtain school records by lawful means.
3. The DCS supervisor whose name and telephone number are given to the caller by the Hotline worker shall be available for reasonable follow-up communication with the school. It is understood that the school cannot be given confidential information, but should be provided with information that could help them support and assist the child in the aftermath of the report.

VI. The Written Report(s)

Per A.R.S. §13-3620, mail a copy of the written reporting form to DCS within 72 hours of making the initial report. The report should be mailed to: **Department of Child Safety, P.O. Box 44240, Phoenix, AZ 85064-4240.**

Copies of the report can, and should, also be made available to the DCS Specialist, OCWI Investigator, and/or Police Officer responding to the school.

Per A.R.S. §15-514, mail a written report to the Arizona Department of Education if the alleged perpetrator is a certified teacher or administrator. This report should be sent within three business days to: **Arizona Department of Education, Investigative Unit, 1535 W. Jefferson, Phoenix, AZ 85007.**

VII. Sharing Information

Schools will assist the Department of Child Safety, the Office of Child Welfare Investigations, and law enforcement representatives upon their arrival by providing an appropriate place on campus for the agencies to meet with the child and/or with the reporting source.

School health personnel will provide information about any visible injury or physical complaints from the child.

It is recommended that Principals 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.

If a parent or guardian calls or comes to school in an effort to locate a child being interviewed, sheltered, or removed from school grounds, the Principal or designee should refer the parent or guardian to DCS and the law enforcement agency for information.

The school should maintain the confidentiality of the case. The school may contact DCS to obtain the legally authorized information about the case and will keep other school personnel informed on a “need to know” basis in order to better assist the child.

School districts should communicate to all sites procedures for keeping records of reports, including filing and passing along copies of the written reports.

DCS, OCWI, and law enforcement will communicate clearly with schools, preferably with the Principal or designee, about a decision to shelter a child and shall provide and explain the written notice of removal (DCS) or of temporary custody (law enforcement). DCS, OCWI, or law enforcement will notify the parent or guardian if a child is taken into temporary custody.

The school **will not** notify the parent when a child is interviewed at school and/or taken into protective custody. If school personnel believe they may be in danger from the parent or guardian upon their finding out about the temporary custody, they should call law enforcement (911) for assistance.

VIII. Internet Resources for Schools on Identifying and Reporting Child Abuse

1. Full text of A.R.S. §13-3620: <http://www.azleg.state.az.us/ars/13/03620.htm>
2. Arizona Department of Education Reporting Guidelines at:
<http://ade.state.az.us/pio/Press-Releases/Attachments/ReportingProcedures.pdf>
3. Department of Child Safety (formerly CPS): <http://www.de.state.az.us/dcvf/cps>
4. Arizona’s Child Abuse Information Center:
 - a. <http://www.absc.arizona.edu/acainfo/index2.htm>
5. Current Attorney General Opinion re: interviews of children on school campus:
<http://www.ag.state.az.us/opinions/2004/I04-003.pdf>
6. Current Attorney General Opinion re: reporting responsibilities of teachers and school volunteers under A.R.S. §13-3620:
<http://www.azag.gov/opinions/2005/I05-007.pdf>

(In January 2014 the Arizona Governor, by executive order, replaced Child Protective Services with a new agency, the Department of Child Safety. The State Statutes and Attorney General’s opinions do not reflect that change so the former agency, Child Protective Services is still named).

PIMA COUNTY ATTORNEY'S OFFICE - VICTIM SERVICES CHILD ABUSE RESPONSE PROTOCOL

The Pima County Attorney's Office Victim Services Program is prosecution based. Victim Services advocates assist child victims of physical and sexual abuse and children who have witnessed domestic violence in two ways: 1) On scene crisis intervention; and 2) Court advocacy during the course of prosecution.

On-Scene Crisis Advocacy

The primary role of the Victim Services Advocate is to provide crisis response to victims and witnesses of violent crimes in the Tucson/Pima County area 24-hours a day, seven days a week. Advocates respond to provide emotional support, answer questions, assess needs, explore options and provide referrals to other community resources.

Victim Services Advocates are called by local law enforcement by radio or by pager to respond to assist victims of a wide array of crimes, including child abuse and other scenes of violent crime where children are present. Advocates provide victims the following services: Shelters, Counseling, Victim Compensation, Community Food Bank, Public Health Nurses, Jail and court information, Legal assistance, Financial and emergency assistance, and Order of Protection information

Criminal Justice System Court Advocacy

The primary role of the Victim Services Advocate in court is to provide information and assistance to victims and their families participating in the criminal justice system. Once a felony involving a crime against a person has been issued by the Pima County Attorney's Office, a Victim Services Advocate is assigned to the case. The 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. Victim services advocates provide the following services to victims of offenses prosecuted by the Pima County Attorney's Office:

- 1. Victims' Rights and Criminal Justice System Information.** Victim Services Advocates assist a victim and/or his or her lawful representative by:
 - Explaining victims' rights, and if the victim and/or their lawful representative wishes to exercise their rights, the Advocate will assist them in doing so.
 - A detailed explanation of the various court proceedings.

- 2. Supportive Services:** During the course of prosecution, the supportive services that Victim Services Advocates may provide include:
 - Initiating contact with the victim shortly after being assigned to the case to establish rapport with the victim and his/her family, and to assess the need for referrals.

- Offering emotional support for the victim and/or the victim's lawful representative during his/her participation in prosecution by attending court proceedings with him/her and explaining those proceedings.
 - Providing short-term crisis intervention for the victim and/or lawful representative throughout the prosecution of the case.
 - Assisting in obtaining per diem for victims and/or lawful representative when their presence is required in court.
 - Addressing any safety concerns that the victims and/or lawful representatives may have throughout the criminal justice process. Facilitating security for the victim in court and providing appropriate referrals and safety planning for the victim and the family of the victim.
 - Providing a private waiting area for the victims to use during court proceedings away from and out of sight of the defendant and defense witnesses.
 - Upon request, 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.
- 3. Advocacy:** The Victim Services Advocate works on the victim's behalf by:
- Acting as liaison and facilitating communication between the Deputy County Attorney prosecuting the case and the victim and/or the victim's lawful representative.
 - Informing the prosecutor of the victim's and/or the lawful representative's opinion regarding prosecution, and the victim's expectations concerning the final disposition of the case.
 - Helping the victim and/or the victim's lawful representative exercise their victims' rights, including facilitating the victims wish to make an oral statement to the court regarding pleas, conditions of release, continuances and sentencing.
 - 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.
- 4. Social Service Assistance:** The Victim Services Advocate assists victim with social service needs by:
- Providing community referral information for counseling, housing, food assistance, or other social service needs.
 - Providing referrals to the Pima County Attorney's Victim Compensation Program for assistance with compensable expenses.
- 5. Special Services for Child Victims and Witnesses:**
- Ensuring that all communication with the child utilizes developmentally appropriate language.
 - Providing information and support to the victim's non-offending parent(s) to facilitate their healing and ability to assist the child with his/her healing.

PIMA COUNTY JUDICIAL PROTOCOL FOR JUVENILE AND SUPERIOR COURT

The experience of testifying in court may be very frightening for a child. In light of the emotions and fear raised by the experience it may be necessary in some cases to adjust the courtroom for the needs of the children. The Rules of Evidence give the court broad discretion to meet children's 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 a common sense approach and sensitivity to the needs of child witnesses. The following outline provides some guidelines to assist judges 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 case or child witness(es). The courts and the prosecution should always be aware of the dangers in creating errors when special procedures are used which may affect the defendant's rights.

Judicial Training

Judges in Juvenile Court receive specialized training. It is recommended that judges receive training on developmental issues relating to child witnesses, child hearsay exceptions, closed circuit television and video recorded testimony, propensity testimony, DNA and other medical or scientific evidence, the use of expert witnesses, and other acts committed by the defendant.

Language Abilities

Judges assist the child to understand the questions being asked in court by requiring attorneys on both sides to use age appropriate language and to avoid complex/compound sentences. For example, when administering the oath to a young child, all that should be required is a promise to tell the truth or to tell "what really happened." Since in any criminal trial every person is competent to be a witness, there should be no need for a separate competency hearing (see A.R.S. §13-4061). If a judge decides to conduct one anyway, unless the court is particularly adept at using age appropriate language, the prosecutor should be allowed to conduct the questioning. Arizona law prohibits psychological examinations to determine credibility.

Attorney Conduct

The court should set ground rules for attorney conduct with child witnesses. Attorneys should be instructed to:

- Use normal conversational tones.
- Avoid lengthy objections (objections should be handled away from the child).
- Possibly remain in a neutral location while questioning the child. (This is especially important if a defendant represents himself).

- Consider privacy regarding addresses and phone numbers.

Reducing Courtroom Trauma

A child-friendly courtroom might include the following considerations:

1. Allow a support person to be nearby/next to the child;
2. Allow the child to hold a blanket, a stuffed animal, a doll, or other small comforting object;
3. In some cases provide small tables and chairs for testimony rather than the witness stand;
4. Provide a pillow or booster chair for the child in the witness chair;
5. Consider removal of robes and coming off the bench;
6. Work with the bailiff to provide water, Kleenex, and to adjust the microphone;
7. Be aware of younger children's reduced attention spans and the need for breaks. Provide opportunities for the child to use the restroom;
8. Consider whether the child's testimony should be in the early morning or after school, take the child's schedule or daily routine into consideration when scheduling the child's testimony;
9. Consider the necessity of clearing the courtroom of spectators other than the press (proper findings are a must);
10. Use child friendly props; use of anatomically detailed dolls should only occur in rare instances;
11. Be aware of signs of distress in the child;
12. Let the child know it's okay to tell the judge if he/she doesn't understand a question;
13. Provide for the separation of child victim/witnesses and his/her family from the defendant and non-supportive family, etc.

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.

Victim's Rights

The goal of every court should be for all the children to be treated with dignity and respect when they testify. Adherence to these guidelines will work towards meeting that goal. Upon request, the victims or victim representatives are to be heard at release hearings, changes of plea, and sentencing. When a release determination is made, a "No Contact Order" should be issued to limit contact with victim(s) and others deemed necessary. Conditions of release terms should be explicit as to phone, personal, or written contact and even as to not being in the victim's neighborhood. Release conditions may be monitored by the pretrial supervision agency.

Juvenile Court

The Juvenile Court, a separate division of the Arizona Superior Court, is given the sole authority to hear adoption, severance (termination of parental-child relationship),

delinquency (juvenile criminal), incorrigibility (runaway or out of control), and dependency (civil child abuse or neglect) cases. 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 A.R.S. §8-201). The following guidelines are suggested in order to reduce system-induced trauma and minimize the number of times the child victim is interviewed.

JUVENILE COURT 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. When a child is taken into protective custody a 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. The intent is to accelerate services to the child and the family. At the hearing, the parents or guardians enter an admission or denial to the allegations in the petition.

If the parents or guardians do not enter admissions at the preliminary protective hearing, the court may then hold a series of hearings. During each hearing, the parents or guardians are provided an opportunity to admit or deny the allegations made. A finding of dependency may be a result of an agreement of the parties or a contested trial. The court, with input from the parents, the child's attorney, and DCS determines appropriate dependency orders. DCS prepares a report to the court presenting the facts and making recommendations. The court may follow the recommendations or may modify them, or the parties may challenge them at a subsequent hearing.

It is DCS' mission, first, to protect children from abuse and neglect and, second, 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 long term foster care.

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.

C. Appointment of Attorneys and Guardians Ad Litem

The court automatically appoints an attorney for all children in dependency cases. The court may also appoint a Guardian Ad Litem (GAL) to represent the best interests of the child. A GAL need not be an attorney as there is no attorney-client privilege within that relationship. 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 enable them to competently

represent their child clients. Seeking additional training/advice from an experienced attorney/mentor is highly recommended. Sensitivity, understanding, patience and knowledge of the criminal justice system as also 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.

JUVENILE COURT DELINQUENCY

The delinquency section of the Juvenile Court faces issues of child abuse in two manners. First, as perpetrators of the abuse, juveniles suspected of sexual offending are referred for investigation and supervision. And, second, as victims, juveniles at any point in the system may present as suspected victims of child abuse.

Juveniles referred for sexual offending:

When juveniles are referred as possible sexual offenders the following court process is used. When the police apprehend a juvenile suspect 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 mail the Complaint to the Juvenile Court or bring the child and the Complaint to the Juvenile Detention facility. The Police Officer make this decision based on several criteria, including the perceived level of risk for re-offense.

If law enforcement does not bring the juvenile to detention, the Complaint will be submitted to the Juvenile Court. The County Attorney has 45 days to review the charges and grade the Complaint. One of the first decisions made by the County Attorney is whether the juvenile will be prosecuted in Juvenile Court or Adult Criminal Court. If the child is fourteen (14) years or older pursuant to A.R.S. §13-501, certain charges can be filed directly in Adult Criminal Court. The County Attorney may also request transfer of charges to Adult Criminal Court pursuant to A.R.S. §8-327. Second, if the decision is made to file a petition in Juvenile Court, a hearing will be set for formal court action. Third, if the decision is made to transfer the case to the adult system, all paperwork will be completed by the Juvenile Crimes Division and forwarded to the Pima County Attorney's Office, Adult Division. And last, the original County Attorney reviewing the Complaint may also decide there is not enough evidence to issue a petition immediately and will return the Complaint to the police for an additional thirty (30) days of further investigation. If sufficient evidence cannot be gathered, there will be no formal charges. If there is substantial evidence, the County Attorney will file either a petition in Juvenile Court or transfer the case to Superior Court for prosecution in the adult system by the appropriate felony division of the County Attorney's Office.

If law enforcement does bring the juvenile to detention, a Juvenile Intake Officer on duty will screen the juvenile and based on the screening score, either detain the juvenile or release the juvenile to the parents/legal guardian. If the Intake Officer detains the juvenile, the process cited in #2 above will proceed. If the Intake Officer detains the juvenile the Complaint will be directed to the County Attorney and a petition must be issued within 24 hours. If the Complaint is transferred into the adult system, the juvenile will be transported from detention to the Pima County Jail.

If the case is to remain in Juvenile Court, then after the petition has been filed, the first hearing set is the Trial Review Hearing (Initial Appearance/Arrestment). This will take place within 24 hours on in-custody matters and within 30 days of the filing of the petition on out of custody matters.

If the juvenile denies the charges at the Trial Review Hearing, the court will set an Adjudication Hearing (Trial). 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, the court will set a Disposition Hearing (Sentencing). 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. At this time the court may order a psychosexual evaluation. This will occur within 30 days if the juvenile is detained or within 45 days if the juvenile is not detained. At the Adjudication Hearing, if the juvenile is adjudicated delinquent (found Guilty), the Disposition Hearing 30-45 days after the Adjudication Hearing. At this time the court may order a psychosexual evaluation.

At the Disposition hearing, the court may place the juvenile on probation with treatment on an outpatient basis; or may place him on probation with treatment in a residential facility. Probation may be standard or intensive. A probation term for these types of cases is typically twelve to 24 months in duration. Another possibility is that the court may send the juvenile 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. This is extremely rare in sexual offense cases. If the court places the juvenile on probation, a Juvenile Probation Officer will manage the case and supervise the juvenile during his or her period of probation.

The Court Process as to the Child Victim's Testimony

If the accused juvenile denies the charges, the alleged child victim will be required to testify in the presence of the accused at the Adjudication Hearing. A Victim Services Advocate is assigned to familiarize the child with the court setting as well as the legal and court proceedings. The Advocate will accompany the child to all interviews and court proceedings.

The Juvenile Probation Officer assigned to a sexual offense case pre-adjudication is knowledgeable about these issues. This Juvenile Probation Officer will be investigating the needs of the accused in order to make a recommendation to the Court at the time of the Disposition Hearing. The Juvenile Probation Officer will also contact the parents 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. The child victim should NOT be interviewed by any court personnel regarding the details of the alleged offense. No one should make the family of the child victim feel that their input on sanctions for the accused will be the determining factor in the decision that is made.

Appointment of Attorneys for Child Victims

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 (GAL) to represent the interests of the child victim. If the Court orders the appointment of an attorney/guardian ad litem, the court order should completely state the authority and responsibilities to be carried out by the attorney. Among other things, this attorney can advise the court or provide input to the Probation Officer about the child victim's feelings regarding release status, living arrangements, a plea offer, and sanctions, if need be. The Victim Services Advocate may also fill this role if the Advocate and child have developed a trusting relationship.

Supervision of Juvenile Sex Offenders

Arizona statutes require that the term of probation for a juvenile be 12 months, which can be continued until the age of 18, if modified by court order. For sex offenses, it is common for this probation term to be extended up to 24 months. 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 completing treatment. The court ordered treatment will be terminated when probation ends. The court may impose specialized terms of probation, which may include restrictions concerning peer relationships, contact with the victim, and types of employment or require adult supervision for certain activities, restrictions, etc.

There are statutes permitting juveniles to be ordered to register as a sex offender until age 25, at the discretion of the assigned Juvenile Court judge. 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.

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 a member of the treatment team, keeping the court aware of progress.

Probation officers working with juvenile sex offenders have more frequent contact with their probationers than standard Probation Officers do. 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 parental permission to spend time.

The goal of the Probation Department is for a juvenile sexual offender to successfully complete treatment and probation prior to turning 18. Members of the juvenile offender's family are strongly encouraged to participate in treatment. When the juvenile does not successfully complete treatment/probation prior to age 18, the juvenile court loses jurisdiction and the young person is released from probation with no further supervision or court orders. In those cases, the Juvenile may be asked to register as a sex offender.

Juveniles as Suspected Child Abuse Victims

The Juvenile Probation Department is committed to supporting and following the Multidisciplinary Protocol for the Investigation of Child Abuse guidelines for reporting suspected child abuse. Most suspected abuse is noticed when a child is brought into the detention facility by the police and undergoes the strip search by one of the childcare staff. Any signs of trauma are to be immediately reported to the clinic nurse. The staff shall:

- Ask only the following questions: **What happened? Who did it? Where were you when it happened? When was the last time it happened? Who have you told?** (See Appendix F, Minimal Facts Interview, for further guidance).
- 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 examination is warranted.
- Phone in a report of the suspected abuse to Law Enforcement and to DCS. If the police officer who brought the child is still present, notifying that officer will satisfy the requirement to report to Law Enforcement.
- Provide a written report documenting the physical signs and the child's answers to the three questions above to DCS and provide copies to the police officer.
- Fax or mail a copy of the incident report to DCS.
- Forward a copy of the Incident Report to the assigned Probation Officer.
- If abuse is suspected in a juvenile who is not detained, the staff person must follow the same procedure as outlined above regarding reporting of the incident to Police and DCS. The incident report should be retained in the child's information file.

We extend our thanks to the Maricopa County Interagency
Council for providing the original 2004 template for this Judicial Protocol.

ADULT PROBATION PROTOCOL

The Adult Probation Department primarily interacts with child abuse victims in three ways: 1) in the preparation of a presentence investigation report for the Court before sentencing; 2) in the supervision of sentenced sex offenders and child abuse/neglect offenders in which any contact with children, and particularly the victim(s), is either prohibited or closely supervised; and, 3) when a probation officer, in the course of supervising a probation case, discovers reasonable grounds that a child has been abused/neglected or exposed to frequent domestic violence between other parties in the household.

PRESENTENCE INVESTIGATION

A. Statement of Offense

After a plea of guilty or a jury finding of guilt, the Adult Probation Department's Assessment Center conducts a presentence investigation of the offender. The offense is summarized from police reports and transcripts. The summary includes victim and offender demographics, the method by which the defendant coerced or manipulated the victim, and a complete description of the assault, including duration and use of weapons. The report presents the offender's interpretation of the offense, including his/her level of accountability or denial and remorse.

The writer of the presentence report seeks a victim impact statement which discusses the economic, physical, and psychological impact the offense has had on the victim and the victim's immediate family, and their view of the offender. Early in the presentence investigation, the Assessment Center probation officer sends a letter to the victim or guardian/parents, requesting a written statement. Additionally, the probation officer attempts to conduct a personal interview with the victim or parent/guardian. If the Department of Child Safety (DCS) is still involved with the case, a collateral statement from the case manager will be sought.

B. Defendant History

The remainder of the presentence report contains information about the defendant, including his/her social history, prior criminal history, substance abuse or mental health problems, financial status, attitude, and willingness to participate in treatment and rehabilitation. The defendant is interviewed regarding the experience of abuse in his or her family of origin, both as victim and perpetrator. The probation officer seeks information about the defendant's prior participation in treatment. A psychological evaluation also may be requested prior to sentencing. Criminal records checks and police reports of prior arrests are gathered and included in the report.

C. Terms of Probation

If the case is one of in-home abuse/neglect, or abuse by a close family member, the custodial parent should be informed of the Probation Department's guidelines for family

contacts, visitation rules, and reunification. The spouse or partner should be aware that if the offender is allowed to return home at all, it will be only after certain specific treatment objectives have been met. In the case of sexual abuse, the Sex Offender Special Conditions should be implemented at sentencing. This allows for increased offender accountability and victim/community safety. In the case of child abuse/neglect cases, if a DCS case management plan is available, the probation officer should incorporate it into the probation conditions and supervision plan for the offender. If appropriate, special domestic violence conditions are ordered.

FIELD SUPERVISION

A. Specialized Caseloads

Sexual offense probationers are assigned to specialized sex offender caseloads, unless there are exceptional circumstances. Field probation officers in these caseloads 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.

Specialized sex offender caseloads are available for both standard probation and intensive probation supervision (IPS) levels. The specialized teams, each consisting of a probation officer and a surveillance officer, conduct rigorous fieldwork, including evenings and weekends, with enhanced contact standards, to verify the offender is not having contact with children and is complying with other special conditions. Officers continually assess offender risk levels and adjust their supervision tactics to mitigate risk to victims or the community. They also verify that the offender had a stable residence at an appropriate and approved location.

Perpetrators of child abuse/neglect that the court sentences to standard probation are assigned to specialized domestic violence/child abuse caseloads. Field probation officers in these caseloads have been specially trained to understand the dynamics of domestic violence and child abuse, victimization issues, risk factors for re-offense, and treatment and supervision strategies for this highly manipulative population. Field contact standards are enhanced on these caseloads, with the support of at least one surveillance officer in the unit. When warranted, child abuse/neglect cases may be placed on non-specialized IPS caseloads for closer monitoring.

B. Offender Treatment

Sex offenders are required to take a disclosure polygraph, which covers their sexual history and reveals additional paraphilias they will need to address in treatment to learn to control their deviant behavior. Contracted sex offender treatment providers use a cognitive-behavioral group base, which mitigates offenders' secrecy and manipulation. Probation and surveillance officers work as a team with therapists and attend monthly staffings to discuss offenders' progress and/or risk and to increase offender accountability.

Offenders are not allowed contact with any children until certain treatment goals have been met and they have passed a polygraph. This is the same whether the referring offense was incest or an out-of-home assault. Contact with a victimized family member

should proceed only after a detailed clarification process, supervised by both the offender's therapist and victim's therapist, and subject to the terms of the offender's DCS case plan and court order.

In the case of child abuse/neglect or domestic violence cases where there is ongoing DCS involvement, probation officers work closely with DCS case managers, to share information about offender progress and/or issues of concern. Officers attend Juvenile Court dependency hearings and Foster Care Review Board staffings when appropriate. The probation officer closely monitors the offender's participation in treatment, whether domestic violence counseling, substance abuse treatment, or parenting classes, and maintains regular contact with all counselors involved with the offender. The officer also verifies compliance with other aspects of the DCS plan.

Offenders, whether convicted in sex offense, child abuse or domestic violence cases, are placed in treatment within 60 days from sentencing or release from custody, to allow the probation team to determine the best treatment provider and approach for the particular offender. Unexcused absences from treatment are not tolerated, are viewed as increasing risk to victims, and may be the basis for probation revocation proceedings.

C. Monitoring

Sex Offender caseload officers closely monitor the offender's environment, employment, use of free time, counseling attendance, use of substances and access to children. Offenders must adhere to schedules approved by their probation supervision team. The supervision team obtains detailed information about the offender's family members and other children with whom he/she may come into contact, either directly or through a records check. Adult chaperones must be fully informed about the offender's criminal offense.

Polygraphs take place throughout the period of probation to ensure offender compliance and that an offender's behavior is not deteriorating. Probation officers routinely verify the probationer's behavior through collateral contacts with family members, employers, therapists, and other sources. Whenever an offender's behavior presents increased risk to children, supervision and treatment are enhanced in an attempt to improve the offender's compliance. If those efforts are unsuccessful, the offender is arrested for probation violation and brought before the Court.

Child abuse/neglect offenders, similarly, are closely supervised to ensure the safety of children and other members in the household. Particular attention is given to substance abuse relapses, increased stressors in the offender's life, and domestic violence risk between the adults in the household. Probation and surveillance officers document their observations of the behavior of the children in the household, general condition of the residence, and condition of any family pets. When necessary, the officers will make contact with school or daycare officials to check the safety of the victim. Again, if an offender's behavior or violations of probation indicate increased risk to the victim or other household members and enhanced supervision/treatment efforts have failed, the offender is arrested and brought before the Court.

MANDATORY REPORTING OF SUSPECTED ABUSE

The mandatory reporting law, ARS §13-3620, applies to Probation Department employees. If an employee believes that a child has been neglected or abused, he/she is required to report the incident to DCS and local law enforcement immediately.

A. Child's Self-Disclosure or Observations of Injury/Neglect

Probation officers should be observant of bruising, injury, markings, or unusual behavior, which may be the result of abuse or neglect. If it appears a child may be disclosing information about possible abuse, or a probation officer has observed evidence indicating possible abuse, efforts should be made to provide a quiet, safe place to facilitate conversation. The officer should ask the child *no more than* the following: **What happened? Who did it? Where did it happen?** (See Appendix F, Minimal Facts Interview).

The probation officer should remember the child's exact words during the disclosure and document them in an incident report. Probation officers should not make any promises to the child, such as, "this does not have to be reported to the authorities", which cannot be guaranteed.

B. Third Party Report of Abuse

If a third party informs probation employees that a child 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 alleged abuse occurred. Probation Department employees are also required to make the report.

C. Reporting Procedures

The employee, after observing or hearing about the suspected abuse, shall immediately call both the DCS Hotline (1-888-767-2445) and the local law enforcement agency for the place where the suspected abuse occurred. If the employee is not reporting a specific incident of abuse/neglect, but rather, increased risk of abuse to the children because of significant parental domestic violence or substance abuse, the employee will make the report to DCS Hotline. The incident will be documented in an incident report form and mailed to the attention of the **DCS Hotline, P.O. 44240, Phoenix, AZ 85064**, within 72 hours of the verbal report.

The employee shall not provide information about the suspected abuse to the parents or alleged perpetrators, but instead refer them to DCS or the law enforcement agency involved.

If the information was from a third party, document it. Do not interview the child, but remain observant. If any injury is observed, the three questions listed in section A may be asked. The probation employee shall make a follow up report to DCS and the appropriate law enforcement agency, after the third party has been directed to report the suspected abuse.

INFORMATION SHARING

Probation officers shall provide DCS, law enforcement, the County Attorney or

Attorney General any relevant information, in the course of a child abuse investigation. Probation officers consider DCS case managers to be part of the probationer's supervision team. As such and as a risk management strategy, the probation officer may share a broad range of information with team members on a need-to-know basis. In addition, probation officers may share a copy of the public record portion of the relevant presentence report, if DCS requests it. The sharing of otherwise confidential *documents* may occur with the consent of the probationer or by order of the court having jurisdiction. When appropriate, DCS case managers may accompany probation officers on probationer home visits.

INDIAN CHILD WELFARE ACT

The Indian Child Welfare Act (25 U.S.C. 1901 et seq.), which was adopted by Congress in 1978, applies to child custody proceedings in state courts involving "Indian" children - children of Native American ancestry. It states that the policy of this nation is to protect the best interest of Indian children and to promote the stability and security of Indian Tribes and families by establishing minimum federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes which will reflect the unique values of Indian culture.

Investigations involving Native American children living off the reservation in Pima County fall under the jurisdiction of the appropriate law enforcement agency, the Department of Child Safety, Office of Child Welfare Investigations, and the Pima County Attorney's Office. Investigations of allegations of Native American children residing on the reservation fall under the jurisdiction of the tribal law enforcement agency and tribal social services.

The Act defines an "Indian child" as an unmarried person who is under the age of eighteen and is either a member of a federally recognized Indian tribe, or is eligible for membership in such a tribe and the biological child of a member (25 U.S.C. 1903(4)). Parties to a state court proceeding must defer to Native American tribes on questions of membership.

When a Native American child is taken into temporary custody by Law Enforcement, the Department of Child Safety, or the Office of Child Welfare Investigations during an investigation the appropriate tribe shall be contacted. There are two reservations within, or overlapping, the boundaries of Pima County, the Pascua Yaqui and the Tohono O'odham. Contact information for those tribal offices and their Law Enforcement departments follows:

Pascua Yaqui Tribe Attorney General

4725 W. Calle Tetakusim Bldg. B
Tucson, AZ 85757
Phone (520) 883-5106
FAX (520) 883-5084

Pascua Yaqui Police Department

7474 S. Camino De Oeste
Tucson, AZ 85746
Phone (520) 879-5600
FAX (520) 879-5606

Tohono O'Odham Nation

P.O. Box 837
Sells, Arizona 85634
Phone (520) 383-2028
FAX (520) 383-3379

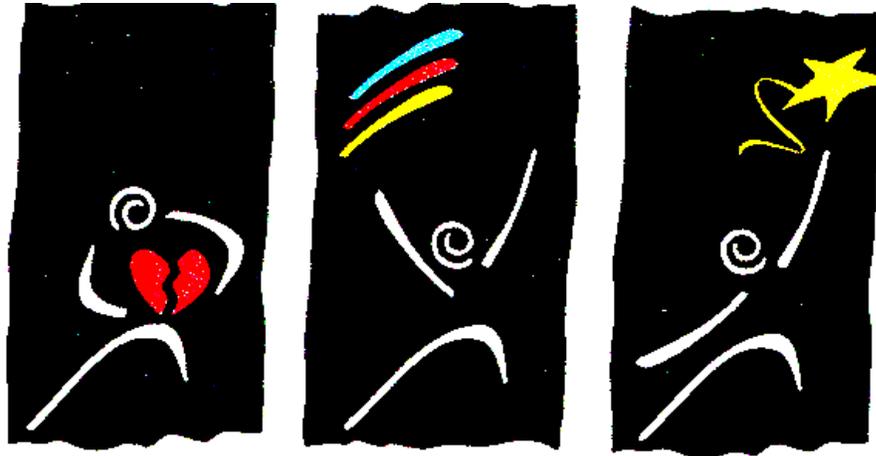
**Tohono O'Odham
Police Department**

P. O. Box 189
Sells, Arizona 85634
Phone (520) 383-3275

For contact information for other Native American tribes in Arizona visit:

<http://edrp.arid.arizona.edu/tribes.html>

SECTION III



S O U T H E R N A R I Z O N A
Children's Advocacy
C E N T E R

PROTOCOL

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Agency Contact Information:**Southern Arizona Children's Advocacy Center**

2329 East Ajo Way, Tucson, AZ 85713

Phone: (520) 243-6420 - - Facsimile: (520) 243-6422

Emergency/Triage Phone: (520) 991-4771

<http://www.soazadvocacy.org/>**Hours of Operation:** Monday – Friday 8:00 a.m. to 5:00 p.m.

The facility and staff are accessible to investigative partners 24 hours per day/7 days a week.

Agency Mission: To protect and support children through a coordinated response to child maltreatment that includes intervention, assessment and prevention.**Agency Description:** The Southern Arizona Children's Advocacy Center (SACAC) works with law enforcement, The Department of Child Safety, The Office of Child Welfare Investigations, University Physicians, and the Pima County Attorney's Office to investigate suspected child abuse cases.

SACAC provides a one-stop, child-sensitive environment for the collection of forensic evidence, including recorded interviews and medical examinations. It coordinates multidisciplinary investigations, crisis intervention, advocacy services and referrals to victim assistance and support services. Professionals on staff are trained in child development, forensic interviewing and victim advocacy.

SACAC also conducts mandated reporter trainings throughout Southern Arizona, personal safety trainings for school aged children, and coordinates seminars for partner agencies on child abuse-related topics.

Organizational Background: In May 1995, professionals representing community agencies and governmental units involved in child abuse cases met to explore ways to improve the criminal justice system's response to child victims. Participants identified the following problems: 1) excessive interviews of child victims; 2) inadequate development of physical evidence; 3) incomplete investigations; 4) lack of communication and coordination among agencies charged with responding to child abuse reports; and 5) inadequate immediate and long-term services for children and their non-offending family members. The group determined that the most effective way of addressing the above was through the establishment of a Children's Advocacy Center.

As a result, the SACAC was established in 1996 under an agreement signed by representatives of the Pima County Sheriff's Department, Pima County Attorney's Office, Tucson Police Department, Oro Valley Police Department, Marana Police Department and Child Protective Services (since replaced by the Department of Child Safety). The agency is based on the belief that child abuse is a community problem and that no single agency, individual, or discipline have all the knowledge, skills or resources to provide the wide range of assistance needed. SACAC was specifically designed to

refocus attention on the child victim and provide support for the non-offending family members.

SACAC is a non-profit agency administered by a Board of Directors that represents a cross-section of the community and partner agencies. It is an accredited member of the National Children's Alliance, and staff follows the Standards of Practice for Children's Advocacy Centers.

Target Population: SACAC provides services to suspected child victims age newborn to 18 years, and their non-offending family members. Allegations may include sexual and/or physical abuse, neglect, or the child may be a witness to domestic violence and other criminal activity. Special arrangements for services may also be made for disabled adults.

INTAKE PROCESS

Scheduling: Clients must be referred by law enforcement, the Department of Child Safety, the Office of Child Welfare Investigations, the Pima County Attorney's Office, or Attorney General's Office. Advocacy, information and referrals, and crisis intervention services may be provided to the general public and victims referred by other agencies.

To schedule an appointment, investigators must provide the following information:

- Name, gender and DOB of child
- Custodian's name and phone number
- Allegation
- Person accompanying the child and that person's relationship to the child
- Special circumstances, i.e., bi-lingual, special needs
- Suspect's name, age and relationship to the child
- Name of referral source
- Names of investigator(s)
- If the case falls under the joint investigation protocol:
 - If yes, the partner agency and investigator's name and contact
 - If there is no joint investigation, the reason for the deviance from protocol

Decisions regarding the appropriateness of referrals are made on a case-by-case basis by SACAC.

Case Coordination: To facilitate the joint investigation process, the referring source will coordinate interview and examination appointments with their investigative counterpart. Interviews will be scheduled once all appropriate agencies have been notified. Referring sources will also notify the child's guardian reference interview and examination appointment times.

Perpetrators are not allowed on the premises unless they are under 12 years old and

special arrangements have been made with the Clinical Services Supervisor.

If an investigator is unable to attend the interview, s/he is responsible for finding a replacement to observe the interview. If this is not possible, the interview will be rescheduled. The investigator is responsible for notifying all other team members concerning the rescheduled appointment.

In the case of jurisdiction issues, the scheduling agency will contact the appropriate law enforcement or DCS agency to transfer the case.

THE FORENSIC INTERVIEW PROCESS

Interview Rooms: SACAC operates four interview rooms in which children feel comfortable and are not easily distracted. These rooms are equipped with microphones, video cameras, small tables and chairs and drawing/writing materials.

Observation Room: Investigative team members monitor the forensic interviews via monitors in adjacent observation rooms. Transmitters and earpieces are available to permit direct contact between the investigators in the observation rooms and the forensic interviewers during the course of the interviews.

24-Hour Access: SACAC is accessible 24 hours per day/7 days per week to law enforcement, DCS, and OCWI. The lead investigator using the facility after-hours must sign the log sheet, be responsible for the operation of the equipment, turn off all lights and equipment upon departure, and activate/deactivate the alarm system.

Forensic Interviewers: SACAC employs professionals trained in child development and forensic interviewing, and tries to maintain at least one interviewer who speaks Spanish. Interviewers are required to attend basic and advanced forensic interview training, and complete a supervised/mentored training period. Investigators who meet the requirements of their respective county's child forensic interviewing training may conduct their own interviews, however the agency will be charged for equipment and room use.

Observers: Interviews shall be monitored by an investigator from DCS, OCWI, and/or law enforcement. No one should accompany the child in the interview room, unless, due to special circumstances, the investigative team agrees to allow a parent, guardian or other support person.

Under no circumstances will defense attorneys, suspects, or other alleged victims be allowed to observe the interview. Every person who views the interview is a potential witness and could be subpoenaed to trial by the prosecution and/or defense. Those allowed in the observation room, with the consent of the team, include:

Guardian Ad Litem

Forensic Examiners

Interpreters

Supervisors/consultants/peer reviewers

All observers must sign a confidentiality statement.

Pre-Staffing: Prior to the interview, the multidisciplinary team including the law enforcement investigator, DCS specialist, OCWI investigator, forensic interviewer, advocate, and the forensic examiner (as appropriate) will staff the case to share relevant information including (but not limited to):

- Circumstances of the disclosure
- A history of the allegation and prior allegations
- Academic behavior and performance
- Family constellation
- Mental health issues and medications
- Family alcohol, drug and domestic violence history
- Marital history of parents
- Child’s terminology for genitalia
- Existing physical evidence

Interview Format: The forensic interview is designed to find the truth, establish the presence or absence of a crime, and the corpus of the crime. SACAC interviewers are trained and utilize forensic interviewing techniques consistent with industry standards.

Interview Duration: Two hours are allotted for a forensic interview including pre- and post- interview staffing. Pre-school and disabled children are generally not interviewed for more than 20 minutes without taking a break; school-aged children are generally not interviewed for more than 50 minutes without taking a break.

Use of Props: Only interviewers who have completed training regarding the use of props will use them.

Child Victims who Disclose Perpetration: Children who are both alleged victims and suspected perpetrators may be interviewed. No other cases will be scheduled while the suspected perpetrator is on the premises.

Stopping an Interview: The interview will be stopped immediately if any observer perceives that a child is being traumatized.

Post-Interview Staffing: Immediately following the interview, all multidisciplinary team members will meet to discuss the course of the investigation and to coordinate follow-up services. If the nature of the disclosure warrants, a forensic medical evaluation shall be scheduled at this time. *See Medical Protocol for guidelines.*

Evidence: Investigators receive digitally recorded copies of the interview. All documentation including recordings, notes, drawing, etc. may be subpoenaed.

MEDICAL EXAMINATION PROCESS (*Refer to the “Medical Protocol” in this document for details.*)

Medical Examination Suite: SACAC operates an on-site, child-sensitive medical examination suite staffed by trained physicians and a Sexual Assault Nurse Examiner.

Medical Examinations: The purpose of a medical evaluation is to ensure the health and safety of the child; reassure the patient and caretaker; identify medical conditions; collect evidence of child abuse, endangerment or neglect; diagnose sexually transmitted diseases; and screen for pregnancy.

ADVOCACY, CRISIS INTERVENTION, and INFORMATION AND REFERRALS

Advocate's Role: Advocacy personnel receive intakes, schedule interviews, coordinate and assist with medical evaluations, and provide follow up care for children and family for up to six months after the initial visit. During the child's forensic interview, advocates meet with non-offending family members to obtain information required by law or funding sources, and to initiate crisis intervention and information and referral services.

Advocates shall maintain an annually updated list of mental health treatment resources in the community.

Snacks/Bears: Staff offers snacks and teddy bears to children after all services are complete. Interviewers shall not offer a child they have interviewed, or his/her family member, a bear or refreshments.

CRISIS INTERVENTION AND ACCESS TO MENTAL HEALTH SERVICES:

Advocates shall coordinate mental health resources for child victims and their non-offending family members. Crisis intervention services are offered to victims and families at their initial visit by an on-site crisis counselor employed by Las Familias Angel Center for Childhood Sexual Abuse Treatment. These services ensure immediate mental health assistance during the initial steps of the investigative process, expedite longer-term mental health and support services, and facilitate the healing process.

SPECIAL CIRCUMSTANCES

Priority One Cases: SACAC will accommodate priority cases 24/7.

Special Needs: Efforts will be made to accommodate a child's special needs.

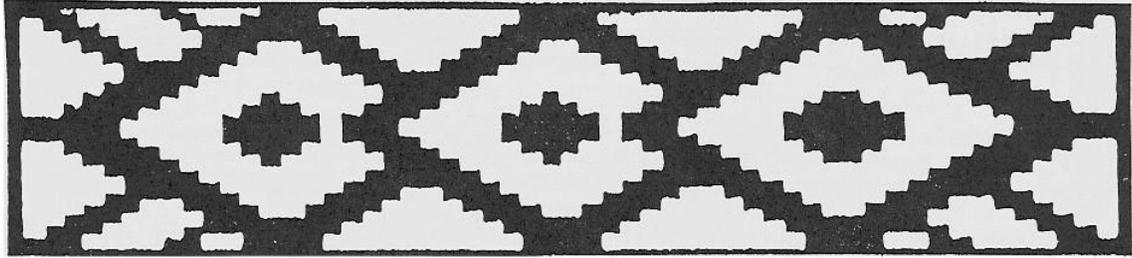
Interpreters: The referring source is responsible for providing an interpreter (foreign language or other) if one is required, but not available through SACAC.

Medications: Interviews will be scheduled to accommodate the child's routine and medication schedule.

RECORDS AND INFORMATION SHARING:

Information collected as part of a criminal investigation is subject to court discovery. Records maintained by SACAC include intake, case management files and medical records including lab results and are shared with investigative partners. To accommodate statute of limitations, these are maintained until the child is 25 years of age.

Medical records may be shared with community partners with written permission of the custodial parent or guardian. This information is available to the child's primary care physician.

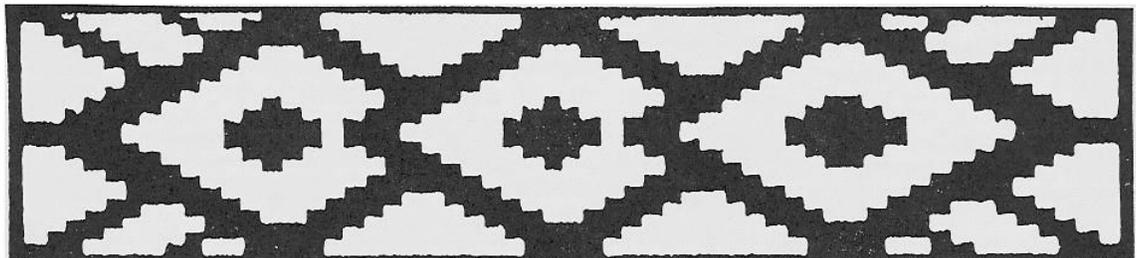


SECTION IV

REPORTING AND TRAINING RESPONSIBILITIES

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MANDATORY REPORTING GUIDELINES

DUTY TO REPORT

The Arizona mandatory reporting law, A.R.S. §13-3620 (See Appendix A), requires that domestic violence service providers, school personnel, or any person who has responsibility for the care or treatment of a minor, who reasonably believes that a minor has been the victim of physical injury, abuse, child abuse, a reportable offense or neglect shall immediately report or cause a report to be made of this information.

This means that if there are any facts from which one could reasonably conclude that a child has been the victim of one of the above listed offenses, the person knowing those facts is required to report those facts to the appropriate authorities. This immediate report is to be made regardless of who the alleged perpetrator is. Your duty is to report, not to investigate. If a mandated reporter fails to report known or suspected child abuse or neglect, then they have committed a crime that is punishable under A.R.S. §13-3620. Failure to report sexual offenses is a Class 6 felony.

In addition to the mandate in §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 section §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.

INTERACTION WITH CHILD PRIOR TO REPORT

In order to (1) minimize the number of times the child victim is interviewed; (2) minimize disclosure trauma; and (3) ensure that the appropriate and most qualified professionals conduct the investigation; children should not be pre-interviewed by anyone trying to determine if the report is credible.

If the child has not spontaneously provided the following information about the abuse, only these exact questions should be asked in order to provide basic information needed by DCS and/or law enforcement for triage and prioritization: **What happened? Who did it? Where did it happen? When was the last time it happened? Who have you told?** (This is ONLY for the purpose of establishing jurisdiction and NOT to get

information about the physical setting in which the abuse or neglect took place. See Appendix F, Minimal Facts Interview).

- Gathering detailed information not only re-traumatizes the child but also compromises any criminal investigation that may be conducted.
- Limit questions to the above three if observations of injury and/or unusual behavior are made and the child has not disclosed the occurrence of abuse.
- It is not the job of the reporter or anyone other than the proper authorities to establish beyond a doubt that abuse has caused the observed injury or behaviors.
- It is completely inappropriate for school personnel to gather additional details in order to respond to anticipated questions by the DCS Hotline worker. The Hotline worker's questions are for the purpose of gathering information that MAY be known to the person making the call, but is not EXPECTED to be known.
- Effort should be made to remember the child's exact words during the disclosure and write them down afterward since these quotes will later be documented on the reporting form.
- In the case of third party reports (someone tells you that a child has been abused or neglected), you should make a report based on the information provided and should not call in the child for an interview.
- Individuals reporting child abuse or neglect shall maintain confidentiality of all information regarding the abuse report, except when such information is requested by DCS, OCWI, law enforcement, or the County Attorney.
- No one should ever promise to keep abuse information a secret, or make remarks like "No one is going to go to jail," or use other distracting or dishonest information to reassure a child.
- Never delay a report pending approval of a supervisor, or other staff. Never delay a report pending a discussion with a school resource officer (law enforcement) who is not immediately available.

MAKING PHONE REPORTS:

It is strongly recommended that abuse and neglect reports be telephoned to the DCS Hotline 1-888-SOS-CHILD (or 1-888-767-2445) and to 911. If unsure if the information constitutes abuse or is reportable, contact the DCS Hotline and DCS will evaluate the information and determine if a report should be made. Do NOT contact or provide information to the parent(s) and/or the alleged perpetrator. Refer all inquiries to police or DCS. It is the duty of DCS and law enforcement, NOT the person reporting, to notify parents of the investigation. Premature and/or inappropriate notifications can hinder investigations and potentially create precarious situations.

AFTER THE TELEPHONE REPORT HAS BEEN MADE:

Assist Law Enforcement, the Department of Child Safety and Investigations, or the Office of Child Welfare Investigations, upon their arrival by sharing information and providing a private place for the agencies to meet with the child and/or with you. If a parent or guardian calls or comes to you in an effort to locate a child being interviewed,

sheltered or removed from your premises, the parent or guardian should be referred to DCS and the law enforcement agency for information. Parents or guardians should NOT be given information about the allegation or about the alleged abuser.

You should continue to provide reassurance to the child as needed throughout the investigation but questions about the abuse should not be asked. Any information spontaneously disclosed should be noted and provided to the investigating authorities.

RESPONSIBILITIES OF DCS, OCWI, AND LAW ENFORCEMENT:

DCS, the Office of Child Welfare Investigations (or their successor agencies), and/or Law Enforcement Officers will conduct the investigation. The DCS Specialist and/or Law Enforcement Officer will provide proper identification and should confer with the reporting party. The DCS Specialist, OCWI representative and/or the Law Enforcement Officer may, at their discretion:

- Enter the premises and investigate cases of suspected abuse without unnecessary disruption of normal school activities.
- Interview the child victim, and all other children residing in the home, outside of your presence and that of other staff. Staff may only be present during the interview at the request of the DCS Specialist, OCWI representative and/or Law Enforcement Officer. A child's request for inclusion of staff will be considered.
- Conduct interviews of the child without permission from or notice to the parent(s) and/or guardian(s).
- Remove the child from the premises (take temporary custody) if necessary to further the investigation and leave a Notice of Removal (DCS) or a Temporary Custody Notice (law enforcement) at the school to document the removal.
- Obtain records by lawful means.

The DCS supervisor whose name and telephone number are given to the caller by the Hotline worker shall be available for reasonable follow-up communication with the school. It is understood that the school cannot be given confidential information, but should be provided with information that could help them support and assist the child in the aftermath of the report.

THE WRITTEN REPORT(S)

1. Per A.R.S. §13-3620, mail a copy of the written reporting form to DCS within 72 hours of making the initial report. The report should be mailed to: **Department of Child Safety, P.O. Box 44240, Phoenix, AZ, 85064-4240**. Copies of the report can, and should, also be made available to the DCS Specialist and/or law enforcement Officer responding to the school.

2. Per A.R.S. §15-514, mail a written report to the Arizona Department of Education if the alleged perpetrator is a certified teacher or administrator. This report should be sent within three business days to: **Arizona Department of Education, Investigative Unit, 1535 W. Jefferson, Phoenix, AZ 85007**.

MANDATED REPORTER TRAINING GUIDELINES:

Training in mandated reporting of child abuse and neglect provided to schools, child care providers, medical and behavioral health providers, youth services organizations, camps, and any other organization having care and control of children will include the following elements. It is strongly recommended that school personnel be updated annually regarding reporting laws and procedures. This is critical when laws have changed. The mandatory reporter trainer should:

1. Orient audience to ARS §13-3620, and its principal elements:
 - who must report,
 - meanings of “reasonable belief” and “immediately,”
 - to whom report should be made: Recommend reporting both to 911 and Child Abuse Hotline, 1-888-767-2445.
 - penalties for failure to report.
 - second and third hand reports must be called in without investigating.
2. Explain that serious cases will be jointly investigated by DCS or OCWI (or their successor agencies), and Law Enforcement, except out-of-home cases will be handled by law enforcement only.
3. Explain that this is to (1) minimize the number of times a child is required to re-experience a traumatic circumstances and perhaps “shut down,” and (2) to optimize the chances that a possible prosecution will be successful.
4. Emphasize that the reporter must avoid interviewing, suggesting, or leading the child to avoid tainting a possible criminal investigation.
5. Instruct audience that the person who suspects abuse be the reporter rather than pass report along to a colleague or supervisor.
6. Advise that supervisors back off of any requirement that reports be screened or referred.
7. Provide definitions and examples of neglect and abuse categories.
8. Advise against multiple interviews, passing child from one staff member to another.
9. Explain use of and limitations to Who, What and Where questions.
10. Explain Child Abuse Hotline procedures, including format for interaction with Hotline worker, issues of confidentiality and/or anonymity
 - Strongly encourage that report not be made anonymously so that first responders can interview reporter rather than add to burden on child.
 - Clarify that caller is not expected to have all the answers to the Hotline questions; however, having a good understanding of the cue questions will better enable to the DCS Specialist or OCWI representative as they gather information as part of their investigation.
 - Refer to DCS prioritization, assignment system and response procedures as needed.
11. Note the Attorney General’s opinion that DCS and law enforcement may interview alleged child victim outside school personnel presence.
12. ARS §8-802(C) permits a DCS Specialist to interview a child victim without parental permission.

13. Explain reasons for not notifying parents of report and/or investigation.
14. Provide information as needed by client organization regarding foster care, dependency, and ongoing communication with DCS, OCWI (or their successor agencies), DES, Juvenile Court, or other designated organizations.
15. Respond to case examples and “what if” questions: refer questions to knowledgeable source if answers are unknown to presenter(s).

ANNUAL REPORT TO THE GOVERNOR

Pima County's Multi-Disciplinary Team shall be primarily responsible for providing the Annual Report to the Governor, the Speaker of the House of Representatives and the President of the Senate within 45 days of the conclusion of the fiscal year. Accordingly:

- 1) The Department of Child Safety (or any successor agency) and each Law Enforcement agency shall provide to the MDT, no later than August 15th, the following information:
 - a) The number of extremely serious conduct allegations received during the previous fiscal year; how many were jointly investigated. Where joint investigations did not occur, the reasons or barriers should be included.
 - b) The number of extremely serious conduct allegations referred for prosecution.
- 2) The Office of the Pima County Attorney shall provide to the MDT, no later than August 15th, the number of cases reviewed, the number charged, and the disposition results.
- 3) The Southern Arizona Children's Advocacy Center shall provide to the MDT, no later than August 15th, the number and category of cases which were handled by the Center.
- 4) Upon receipt of the foregoing, the MDT shall compile the information in a way which captures, not only the numbers of cases handled by the various agencies, but the frequency of successful joint investigations. The report shall also include how often joint investigations failed and the reasons therefore. Finally, the report shall make recommendations as the policies, procedures, protocol changes or resource enhancements that can be beneficial in maximizing joint investigations.

PROCEDURES FOR CONFLICT RESOLUTION

In the spirit of multi-disciplinary teamwork, investigative team members shall remain open to feedback from all team member involved with each case. To this end, it is recommended that team members be open to discussion and request constructive feedback—ideally during the course of the interview and medical exam process. This will minimize trauma to the child by eliminating the need for additional interviews or examinations.

However, it is understood that, from time to time, there may be disagreements among team members concerning case disposition or team member conduct that cannot be resolved in the normal course of case staffing. In that event, concerns and case details should be shared with the concerned staff person's immediate supervisor who will, in turn, contact the supervisor of the unit in question.

TRAINING SECTION

In furtherance of the goals of an inter-agency, multi-disciplinary approach to the investigation and prosecution of allegations of extremely serious conduct involving children regular and consistent training needs to be available to multi-disciplinary team members and their personnel as well as members of the community.

FORENSIC INTERVIEW TRAINING

Agencies with personnel involved in conducting forensic interviews of children should have completed the eight hour Basic Forensic Interview course prior to conducting such interviews. It is expected that said personnel will also have completed the forty hour Advanced Forensic Interviewing Training Course as soon as is practicable.

PROTOCOL TRAINING

In order to enhance protocol compliance it is necessary that participating agencies be trained on these protocols. **Topics would include but not be limited to:** *Mandated Reporting, Joint Investigations, and Sharing Information.*

Cross-Training amongst Multi-Disciplinary Partners is encouraged as it fosters understanding and establishes relationships which are critical to joint investigations and the communications therein. **Topics would include, but are not limited to:** *Recognizing Signs of Physical Child Abuse, Domestic Violence, Role of Animal Cruelty in Child Physical/Sexual Abuse and Domestic Violence, Medical/Physical Findings in Child Sexual Abuse, Victimology, Crimes of Sexual Exploitation.*

MANDATED REPORTING TRAINING

To the extent possible, mandated reporting training should be conducted by a Multi-Disciplinary Team. In order to maximize such training, particularly in the school and medical community, as well as in the community at large, some training may occur without the presence of all the MDT partners. To ensure that trainings are consistent, regardless of the trainers, the Multi-Disciplinary Team members have developed standardized guidelines for use by the MDT members well as the community. The Mandated Reporter Guidelines are incorporated into the Schools Protocol as a separate narrative in this section and are included in A.R.S. §13-3620, (See Appendix A).

COMMITMENT OF THE MULTI-DISCIPLINARY TEAM

Agencies who are partners to this protocol agree to lend trained staff as presenters and developers of curriculum in order to provide for the trainings indicated above. Similarly, partner agencies agree to make the attendance of such trainings mandatory for their personnel. Trainings should occur frequently enough to ensure that all layers within each agency have been trained on these protocols. Additional training should occur often enough to keep up with new policies, procedures and statutory changes.

EXAMPLES FOR TRAINING USE

A.R.S. §13-3623 states that:

A person who causes physical injury to a child is guilty of child abuse. Examples include, but are not limited to:

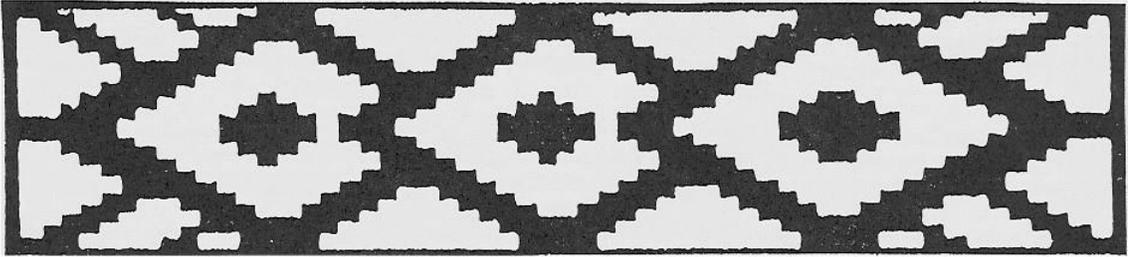
- hitting a child with hands or instruments;
- kicking, throwing or shaking which result in bruises, swelling, broken bones, internal abdominal injuries retinal hemorrhages, traumatic brain injuries or death,
- burning a child by any means including lighters, cigarettes, curling irons, water or other liquids, microwaves, stove burners.

A parent, caretaker or guardian who permits any of the above to be done to his/her child is also guilty of child abuse. This includes allowing or permitting sexual crimes to be committed against his/her child. Culpability under this section requires that the parent, caretaker or guardian knows or should have reason to know that such conduct has occurred and has failed to intervene and/or report the abuse to law enforcement, DCS, or OCWI.

A parent, guardian or custodian who places or permits a child to be placed in a situation in which the child's person or health is endangered is also guilty of child abuse.

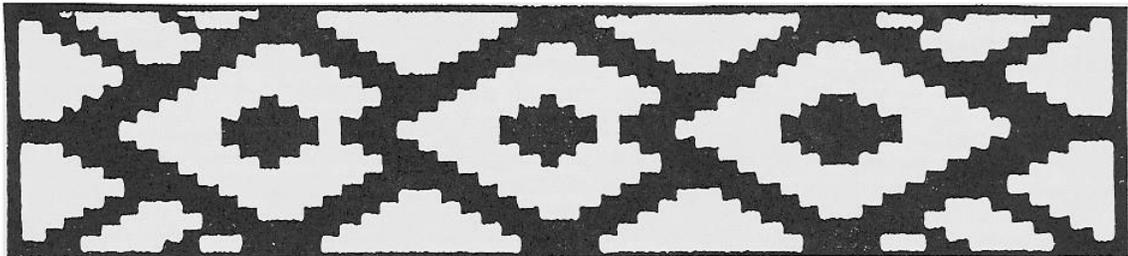
Examples include, but are not limited to:

- failing to seek medical treatment for an injury requiring such treatment
- failing to seek medical treatment for an illness or medical condition which compromises the health or development of the child or causes pain and suffering.
- allowing a child to live in unsanitary conditions
- allowing a child to live or spend time in dangerous conditions such as meth houses, drug dealing
- environments, unfenced swimming pools or other "attractive nuisances", leaving a child unattended in a bathtub or other water environment, exposure to loaded guns or dangerous animals;
- leaving a child in motor vehicle;
- leaving a child (depending on age) unattended at home
- allowing a child to wander around the street/neighborhood (depending on age);
- confining a child.
- allowing a child to have contact or be in the care of a person who is committing or has committed sexual crimes,
- physical abuse or neglect against that child or a sibling and there has been no report of these crimes to law enforcement/ DCS



SECTION V

APPENDICES



APPENDICES

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APPENDIX A
ARIZONA REVISED STATUTES § 13-3620
MANDATED REPORTING REQUIREMENTS FOR
SUSPECTED CHILD ABUSE CASES

(In January 2014 the Arizona Governor by executive order, replaced Child Protective Services with a new agency, the Department of Child Safety. As of May 2014 the state statutes have not yet been amended to reflect that change so the former agency, Child Protective Services is still named).

A.R.S. § 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 or to child protective services in the department of economic security, except if the report concerns a person who does not have care, custody or control of the minor, the report shall be made to a peace officer only. A member of the clergy, 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, a christian science practitioner or a priest in the course of the discipline enjoined by the church to which the member of the clergy, christian science practitioner or priest belongs may withhold reporting of the communication or confession if the member of the clergy, christian science practitioner or priest determines that it is reasonable and necessary within the concepts of the religion. This exemption applies only to the communication or confession and not to personal observations the member of the clergy, christian science practitioner or priest may otherwise make of the minor. For the purposes of this subsection, "person" means:

1. Any physician, physician's assistant, optometrist, dentist, osteopath, chiropractor, podiatrist, behavioral health professional, nurse, psychologist, counselor or social worker who develops the reasonable belief in the course of treating a patient.
2. Any peace officer, child welfare investigator, child protective services 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 child protective services in the department of economic security. For the purposes of this subsection, "newborn infant" means a newborn infant who is under thirty days of age.

F. Any person other than one required to report or cause reports to be made under subsection A of this section who reasonably believes that a minor is or has been a victim of abuse, child abuse, physical injury, a reportable offense or neglect may report the information to a peace officer or to child protective services in the department of economic security, except if the report concerns a person who does not have care, custody or control of the minor, the report shall be made to a peace officer only.

G. A person who has custody or control of medical records of a minor for whom a report is required or authorized under this section shall make the records, or a copy of the records, available to a peace officer, child welfare investigator or child protective services worker investigating the minor's neglect, child abuse, physical injury or abuse on written request for the records signed by the peace officer, child welfare investigator or child protective services worker. Records disclosed pursuant to this subsection are confidential and may be used only in a judicial or administrative proceeding or investigation resulting from a report required or authorized under this section.

H. When reports are received by a peace officer, the officer shall immediately notify child protective services in the department of economic security and make the information available to child protective services. Notwithstanding any other statute, when child protective services

receives these reports, it shall immediately notify a peace officer in the appropriate jurisdiction and the office of child welfare investigations in the department of economic security.

I. Any person who is required to receive reports pursuant to subsection A of this section may take or cause to be taken photographs of the minor and the vicinity involved. Medical examinations of the involved minor may be performed.

J. A person who furnishes a report, information or records required or authorized under this section, or a person who participates in a judicial or administrative proceeding or investigation resulting from a report, information or records required or authorized under this section, is immune from any civil or criminal liability by reason of that action unless the person acted with malice or unless the person has been charged with or is suspected of abusing or neglecting the child or children in question.

K. Except for the attorney client privilege or the privilege under subsection L of this section, no privilege applies to any:

1. Civil or criminal litigation or administrative proceeding in which a minor's neglect, dependency, abuse, child abuse, physical injury or abandonment is an issue.
2. Judicial or administrative proceeding resulting from a report, information or records submitted pursuant to this section.
3. Investigation of a minor's child abuse, physical injury, neglect or abuse conducted by a peace officer or child protective services in the department of economic security.

L. In any civil or criminal litigation in which a child's neglect, dependency, physical injury, abuse, child abuse or abandonment is an issue, a member of the clergy, a christian science practitioner or a priest shall not, without his consent, be examined as a witness concerning any confession made to him in his role as a member of the clergy, a christian science practitioner or a priest in the course of the discipline enjoined by the church to which he belongs. 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 protective services worker, may order that the entire record or any portion of the record that contains information relevant to the reported abuse, child abuse, physical injury or neglect be made available to the peace officer, child welfare investigator or child protective services worker investigating the abuse, child abuse, physical injury or neglect.

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

P. For the purposes of this section:

1. "Abuse" has the same meaning prescribed in section 8-201.
2. "Child abuse" means child abuse pursuant to section 13-3623.
3. "Neglect" has the same meaning prescribed in section 8-201.
4. "Reportable offense" means any of the following:
 - (a) Any offense listed in chapters 14 and 35.1 of this title or section 13-3506.01.
 - (b) Surreptitious photographing, videotaping, filming or digitally recording or viewing a minor pursuant to section 13-3019.
 - (c) Child prostitution pursuant to section 13-3212.
 - (d) Incest pursuant to section 13-3608.

APPENDIX B
ARIZONA REVISED STATUTES §8-817 INITIAL SCREENING AND SAFETY
ASSESSMENT AND INVESTIGATION PROTOCOLS; INVESTIGATIONS

(In January 2014 the Arizona Governor, by executive order, replaced Child Protective Services with a new agency, the Department of Child Safety. As of May 2014 the state statutes have not yet been amended to reflect that change so the former agency, Child Protective Services is still named).

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

B. To ensure thorough investigations of those accused of crimes against children, in each county, the county attorney, in cooperation with the sheriff, the chief law enforcement officer for each municipality in the county and the department shall develop, adopt and implement protocols to guide the conduct of investigations of allegations involving criminal conduct. The protocols shall include:

1. The process for notification of receipt of criminal conduct allegations.
2. The standards for interdisciplinary investigations of specific types of abuse and neglect, including timely forensic medical evaluations.
3. The standards for interdisciplinary investigations involving native American children in compliance with the Indian child welfare act.
4. Procedures for sharing information and standards for the timely disclosure of information.
5. Procedures for coordination of screening, response and investigation with other involved professional disciplines and notification of case status and standards for the timely disclosure of related information.
6. The training required for the involved child protective services workers, law enforcement officers and prosecutors to execute the investigation protocols, including forensic interviewing skills.
7. The process to ensure review of and compliance with the investigation protocols and the reporting of activity under the protocols.
8. Procedures for annual reports to be transmitted within forty-five days after the end of each fiscal year independently from child protective services and each county attorney to the governor, the speaker of the house of representatives and the president of the senate and a copy of this report to be provided to the secretary of state. Each agency must submit a separate report. Each report made pursuant to this paragraph must be independently prepared and submitted without any input from or communication with the other reporting entities. Each report is a public document and shall include:
 - (a) The number of criminal conduct allegations investigated and how many of these investigations were conducted jointly pursuant to the investigation protocols established in this subsection.

(b) Information from each county attorney regarding the number of cases presented for review, the number of persons charged in those cases, the reasons why charges were not pursued and the disposition of these cases.

(c) The reasons why a joint investigation did not take place.

9. Procedures for dispute resolution.

C. The department shall cooperate with the county attorney and the appropriate law enforcement agency pursuant to the investigation protocols adopted in this section. In instances of criminal conduct against a child, the department shall protect the victim's rights of the children in its custody against harassment, intimidation and abuse, as applicable, pursuant to article II, section 2.1, Constitution of Arizona.

D. The county attorney and the law enforcement agency shall cooperate with the department pursuant to the investigation protocols adopted in this section.

**APPENDIX C
RECORDS REQUEST FORM**

The _____ (name of agency)

requests that the medical records of _____,

d.o.b. _____ be given to _____.

The requested records include the following:

Admitting notes, Progress Notes, Nursing Notes, Discharge Summary, Social Work Notes, Lab Reports, Doctor's Orders, Consultation notes and reports, radiographic reports

This request is made pursuant to an official investigation involving the minor's possible neglect or abuse and Arizona Revised Statute §13-3620 (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 any peace officer, investigator from the Office of Child Welfare Investigations, or Department of 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, investigator from the Office of Child Welfare Investigations, or Department of 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.*

Failure to provide these records may subject the person and/or institution responsible to criminal prosecution under A.R.S. §13-3620 (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.*

Law Enforcement Officer

Date

APPENDIX D

FORENSIC MEDICAL EXAMINATIONS

The Evaluation of Sexual Abuse in Children

Nancy Kellogg, MD & the Committee on Child Abuse and Neglect, PEDIATRICS Vol. 116 No. 2 August 2005, pp. 506-512 (doi:10.1542/peds.2005-1336) CLINICAL REPORT

ABSTRACT

This clinical report serves to update the statement titled "Guidelines for the Evaluation of Sexual Abuse of Children," which was first published in 1991 and revised in 1999. The medical assessment of suspected sexual abuse is outlined with respect to obtaining a history, physical examination, and appropriate laboratory data. The role of the physician may include determining the need to report sexual abuse; assessment of the physical, emotional, and behavioral consequences of sexual abuse; and coordination with other professionals to provide comprehensive treatment and follow-up of victims.

INTRODUCTION

Few areas of pediatrics have expanded so rapidly in clinical importance in recent years as that of sexual abuse of children. What Kempe called a "hidden pediatric problem"¹ in 1977 is certainly less hidden at present. In 2002, more than 88000 children were confirmed victims of sexual abuse in the United States.² Studies have suggested that each year approximately 1% of children experience some form of sexual abuse, resulting in the sexual victimization of 12% to 25% of girls and 8% to 10% of boys by 18 years of age.³ Children may be sexually abused by family members or nonfamily members and are more frequently abused by males. Boys are reportedly victimized less often than girls but may not be as likely to disclose the abuse. Adolescents are perpetrators in at least 20% of reported cases; women may be perpetrators, but only a small minority of sexual abuse allegations involve women.

Concurrent with the expansion of knowledge, education about child abuse became a mandated component of US pediatric residencies in 1997.⁴ Pediatricians will almost certainly encounter sexually abused children in their practices and may be asked by parents and other professionals for consultation. Knowledge of normal and abnormal sexual behaviors, physical signs of sexual abuse, appropriate diagnostic tests for sexually transmitted infections, and medical conditions confused with sexual abuse is useful in the evaluation of such children. All child health professionals should routinely identify those at high risk for or with a history of abuse. Because the evaluation of suspected victims of child sexual abuse often involves careful questioning, evidence-collection procedures, or specialized examination techniques and equipment,⁵ many pediatricians do not feel prepared to conduct such comprehensive medical assessments. In such circumstances, pediatricians may refer children to other physicians or health care professionals with expertise in the evaluation and treatment of sexually abused children. Because the scope of practice of some nonphysician examiners is limited to assessment, documentation, and collection of forensic evidence,⁶ close coordination with a knowledgeable physician or pediatric nurse practitioner is necessary to provide complete assessment and treatment of physical, behavioral, and emotional consequences of abuse. In other circumstances, the community pediatrician may be asked to evaluate a child for sexual abuse to determine if a report and further investigation are warranted. In some circumstances, pediatricians may conduct comprehensive assessments of suspected victims of child sexual abuse when no other resources are available in their community.

Because pediatricians have trusted relationships with patients and families, they may provide essential support and guidance from the time that abuse is detected and subsequently as the child and family recover from the physical and emotional consequences of abuse. Because of this trusted relationship, the pediatrician may also gain information from the child or family that is valuable to the investigation, evaluation, and treatment of the victim. However, a close relationship between the pediatrician and the

family may pose potential tension, prompting the pediatrician to refer the child to a specialist to avoid conflict with the family. Furthermore, although pediatricians must care for sexually abused children in their practice, many report inadequate training in the recognition of red flags for sexual abuse and a lack of a consistent approach to evaluating suspected abuse.⁷ Consultation with a pediatric specialist who has extensive training and professional experience in the comprehensive assessment of victims of sexual abuse may be necessary. These guidelines are intended for use by all health professionals caring for children. Additional guidelines are published by the American Academy of Pediatrics (AAP) for the evaluation of sexual assault of the adolescent.⁸

DEFINITION

Sexual abuse occurs when a child is engaged in sexual activities that he or she cannot comprehend, for which he or she is developmentally unprepared and cannot give consent, and/or that violate the law or social taboos of society.¹ The sexual activities may include all forms of oral-genital, genital, or anal contact by or to the child or abuse that does not involve contact, such as exhibitionism, voyeurism, or using the child in the production of pornography.¹ As many as 19% of adolescents who are regular Internet users have been solicited by strangers for sex through the Internet; built-in filters and monitoring are less effective than parent-child communication in preventing online predation.⁹ Sexual abuse includes a spectrum of activities ranging from rape to physically less intrusive sexual abuse.

Sexual abuse can be differentiated from "sexual play" by determining whether there is a developmental asymmetry among the participants and by assessing the coercive nature of the behavior.¹⁰ Thus, when young children at the same developmental stage are looking at or touching each other's genitalia because of mutual interest, without coercion or intrusion of the body, this is considered normal (ie, nonabusive) behavior. However, a 6-year-old who tries to coerce a 3-year-old to engage in anal intercourse is displaying abnormal behavior, and appropriate referrals should be made to assess the origin of such behavior and to establish appropriate safety parameters for all children involved. Among nonabused children 2 to 12 years of age, fewer than 1.5% exhibit the following behaviors: putting the mouth on genitals, asking to engage in sex acts, imitating intercourse, inserting objects into the vagina or anus, and touching animal genitalia.¹¹ Children or adolescents who exhibit inappropriate or excessive sexual behavior may be reacting to their own victimization or may live in environments with stressors, boundary problems, or family sexuality or nudity.¹² Some sexually abused children will display a great number of sexual behaviors and a greater intensity of these behaviors.¹² However, there is a significant proportion of sexually abused children who do not display increased sexual behavior. Research has shown that there are 2 responses to sexual abuse: one that reflects inhibition and the other that reflects excitation, and it is in the latter group that more sexual behavior is observed.¹³

PRESENTATION

Sexually abused children are seen by pediatricians in a variety of circumstances such as: (1) the child or adolescent is taken to the pediatrician because he or she has made a statement of abuse or abuse has been witnessed; (2) the child is brought to the pediatrician by social service or law enforcement professionals for a nonacute medical evaluation for possible sexual abuse as part of an investigation; (3) the child is brought to an emergency department after a suspected episode of acute sexual abuse for a medical evaluation, evidence collection, and crisis management; (4) the child is brought to the pediatrician or emergency department because a caregiver or other individual suspects abuse because of behavioral or physical symptoms; or (5) the child is brought to the pediatrician for a routine physical examination, and during the course of the examination, behavioral or physical signs of sexual abuse are detected.

The diagnosis of sexual abuse and the protection of the child from additional harm depend in part on the pediatrician's willingness to consider abuse as a possibility. Sexually abused children who have not disclosed abuse may present to medical settings with a variety of symptoms and signs. Because children who are sexually abused are generally coerced into secrecy, the clinician may need a high level of suspicion and may need to carefully and appropriately question the child to detect sexual abuse in these situations. The presenting symptoms may be so general or nonspecific (e.g., sleep disturbances, abdominal pain, enuresis, encopresis, or phobias) that caution must be exercised when the pediatrician considers

sexual abuse, because the symptoms may indicate physical or emotional abuse or other stressors unrelated to sexual abuse. More specific signs and symptoms of sexual abuse are discussed under "Diagnostic Considerations." Most cases of child sexual abuse are first detected when a child discloses that he or she has been abused. Children presenting with nonspecific symptoms and signs should be questioned carefully and in a nonleading manner about any stressors, including abuse, in their life. Pediatricians who suspect that sexual abuse has occurred are urged to inform the parents of their concerns in a calm, nonaccusatory manner. The individual accompanying the child may have no knowledge of or involvement in the sexual abuse of the child. A complete history, including behavioral symptoms and associated signs of sexual abuse, should be sought. The primary responsibility of the pediatrician is the protection of the child; if there is concern that the parent with the child is abusive or nonsupportive, the pediatrician may delay in informing the parent(s) while a report is made and an expedited investigation by law enforcement and/or child protective services agencies can be conducted. Whenever there is a lack of support or belief in the child, this information should be provided promptly to child protective services.

TAKING A HISTORY/INTERVIEWING THE CHILD

The pediatrician should try to obtain an appropriate history in all cases before performing a medical examination. Although investigative interviews should be conducted by social services and/or law enforcement agencies, this does not preclude physicians asking relevant questions to obtain a detailed pediatric history and a review of systems. Medical history, past incidents of abuse or suspicious injuries, and menstrual history should be documented. When children are brought for evaluation by protective personnel, little or no history may be available other than that provided by the child. The medical history should include information helpful in determining what tests should be done and when, how to interpret medical findings when present, and what medical and mental health services should be provided to the child and family.

The courts have allowed physicians to testify regarding specific details of a child's statements obtained in the course of taking a medical history to provide diagnosis and treatment, although exceptions may preclude such testimony in some cases.¹⁴ Occasionally, children spontaneously describe their abuse and indicate who abused them. When asking young children about abuse, line drawings,¹⁵ dolls,¹⁶ or other aids¹⁷ are generally used only by professionals trained in interviewing young children. The American Academy of Child and Adolescent Psychiatry and American Professional Society on the Abuse of Children have published guidelines for interviewing sexually abused children.^{18,19} It is desirable for those conducting the interview to avoid leading and suggestive questions or showing strong emotions such as shock or disbelief and to maintain a "tell-me-more" or "and-then-what-happened" approach. When possible, the parent should not be present during the interview so that influences and distractions are kept to a minimum. Written notes in the medical record or audiotape or videotape should be used to document the questions asked and the child's responses as well as their demeanor and emotional responses to questioning. When audio or video recording is used, protocols should be coordinated with the district attorney's office in accordance with state guidelines. Most expert interviewers do not interview children younger than 3 years.

PHYSICAL EXAMINATION

The physical examination of sexually abused children should not result in additional physical or emotional trauma. The examination should be explained to the child before it is performed. It is advisable to have a supportive adult not suspected of involvement in the abuse²⁰ present during the examination unless the child prefers not to have such a person present. Children may be anxious about giving a history, being examined, or having procedures performed. Time must be allotted to relieve the child's anxiety.

When the alleged sexual abuse has occurred within 72 hours or there is an acute injury, the examination should be performed immediately. In this situation, forensic evidence collection may be appropriate and may include body swabs, hair and saliva sampling, collection of clothing or linens, and blood samples. Body swabs collected in prepubertal children more than 24 hours after a sexual assault are unlikely to yield forensic evidence, and nearly two thirds of the forensic evidence may be recovered from clothing and linens.²¹ When more than 72 hours have passed and no acute injuries are present, an emergency examination usually is not necessary. As long as the child is in a safe and protective environment, an

evaluation can be scheduled at the earliest convenient time for the child, physician, and investigative team. The child should have a thorough pediatric examination performed by a health care provider with appropriate training and experience who is licensed to make medical diagnoses and recommend treatment. This examination should include a careful assessment for signs of physical abuse, neglect, and self-injurious behaviors. Injuries, including bruises incurred on the arms or legs during self-defense, should be documented in victims of acute sexual assault. Sexual maturity should also be assessed. In the rare instance in which the child is unable to cooperate and the examination must be performed because of the likelihood of trauma, infection, and/or the need to collect forensic samples, an examination under sedation with careful monitoring should be considered. Signs of trauma should preferably be documented by photographs; if such equipment is unavailable, detailed diagrams can be used to illustrate the findings. Specific attention should be given to the areas involved in sexual activity: the mouth, breasts, genitals, perineal region, buttocks, and anus. In female children, the examination should include inspection of the medial aspects of the thighs, labia majora and minora, clitoris, urethra, periurethral tissue, hymen, hymenal opening, fossa navicularis, posterior fourchette, perineum, and perianal tissues. The thighs, penis, scrotum, perineum, and perianal tissues in males should be assessed for bruises, scars, bite marks, and discharge. Any abnormalities should be noted and interpreted appropriately with regard to the specificity of the finding to trauma (eg, nonspecific, suggestive, or indicative of trauma). If the interpretation of an abnormal finding is problematic, consultation with an expert physician is advisable.

Various examination techniques and positions for visualizing genital and anal structures in children and adolescents have been described.⁵ Such techniques are often necessary to determine the reliability of an examination finding; for example, different techniques may be used to ensure that an apparent defect or cleft in the posterior hymen is not a normal hymenal fold or congenital variation. In addition, instruments that magnify and illuminate the genital and rectal areas should be used.^{22,23} Speculum or digital examinations should not be performed on the prepubertal child unless under anesthesia (eg, for suspected foreign body), and digital examinations of the rectum are not necessary. Because many factors can influence the size of the hymenal orifice, measurements of the orifice alone are not helpful in assessing the likelihood of abuse.²⁴

LABORATORY DATA

Depending on the history of abuse, the examiner may decide to conduct tests for sexually transmitted diseases (STDs). Approximately 5% of sexually abused children acquire an STD from their victimization.²⁵ The following factors should be considered in deciding which STDs to test for, when to test, and which anatomic sites to test: age of the child, type(s) of sexual contact, time lapse from last sexual contact, signs or symptoms suggestive of an STD, family member or sibling with an STD, abuser with risk factors for an STD, request/concerns of child or family, prevalence of STDs in the community, presence of other examination findings, and patient/parent request for testing.²⁵ Although universal screening of postpubertal patients is recommended,²⁵ more selective criteria are often used for testing prepubertal patients. For example, the yield of positive gonococcal cultures is low in asymptomatic prepubertal children, especially when the history indicates fondling only.²⁶ Vaginal, rather than cervical, samples are adequate for STD testing in prepubertal children. Considering the prolonged incubation period for human papillomavirus infections, a follow-up examination several weeks or months after the initial examination may be indicated; in addition, the family and patient should be informed about the potential for delayed presentation of lesions. Testing before any prophylactic treatment is preferable to prophylaxis without testing; the identification of an STD in a child may have legal significance as well as implications for treatment, especially if there are other sexual contacts of the child or perpetrator. The implications of various STDs that may be diagnosed in children are summarized in Table 1; guidelines are also provided by the Centers for Disease Control and Prevention²⁷ and the AAP.^{25,28} The most specific and sensitive tests should be used when evaluating children for STDs. Cultures are considered the "gold standard" for diagnosing *Chlamydia trachomatis* (cell culture) and *Neisseria gonorrhoeae* (bacterial culture). New tests, such as nucleic acid–amplification tests, may be more sensitive in detecting vaginal *C trachomatis*, but data regarding use in prepubertal children are limited. Because the prevalence of STDs in children is low, the positive predictive value of these tests is lower than that of adults, so confirmatory testing with an alternative test may be

important, especially if such results will be presented in legal settings. When child sexual abuse is suspected and STD testing is indicated, vaginal/urethral samples and/or rectal swabs for isolation of *C trachomatis* and *N gonorrhoeae* are recommended. In addition, vaginal swabs for isolation of *Trichomonas vaginalis* may be obtained. Testing for other STDs, including human immunodeficiency virus (HIV), hepatitis B, hepatitis C, and syphilis, is based on the presence of symptoms and signs, patient/family wishes, detection of another STD, and physician discretion. Venereal warts, caused by human papillomavirus infection, are clinically diagnosed without testing. Any genital or anal lesions suspicious for herpes should be confirmed with a culture, distinguishing between herpes simplex virus types 1 and 2. Guidelines for treatment are published by the Centers for Disease Control and Prevention.²⁷

If a child has reached menarche, pregnancy testing should be considered. A negative pregnancy status should be confirmed before administering any medication, including emergency contraception ("morning after" pills). Guidelines for emergency contraception have been published^{29,30}; the AAP is in the process of developing its own guidelines.

TABLE 1. - Implications of Commonly Encountered STDs for the Diagnosis and Reporting of Sexual Abuse of Infants and Prepubertal Children

STD Confirmed	Sexual Abuse	Suggested Action
Gonorrhea ¹	Diagnostic ²	Report ³
Syphilis ¹	Diagnostic	Report
HIV infection ⁴	Diagnostic	Report
<i>C trachomatis</i> infection*	Diagnostic ²	Report
<i>T vaginalis</i> infection	Highly suspicious	Report
<i>C acuminata</i> infection ¹ (anogenital warts)	Suspicious	Report
Herpes simplex (genital location)	Suspicious	Report ⁵
Bacterial vaginosis	Inconclusive	Medical follow-up

¹ If not perinatally acquired and rare nonsexual vertical transmission is excluded.

² Although the culture technique is the "gold standard," current studies are investigating the use of nucleic acid–amplification tests as an alternative diagnostic method in children.

³ To the agency mandated in the community to receive reports of suspected sexual abuse.

⁴ If not acquired perinatally or by transfusion.

⁵ Unless there is a clear history of autoinoculation.

DIAGNOSTIC CONSIDERATIONS

The diagnosis of child sexual abuse often can be made on the basis of a child's history. Sexual abuse is rarely diagnosed on the basis of only physical examination or laboratory findings. Physical findings are often absent even when the perpetrator admits to penetration of the child's genitalia.^{31–33} Many types of abuse leave no physical evidence, and mucosal injuries often heal rapidly and completely.^{34–38} In a recent study of pregnant adolescents, only 2 of 36 had evidence of penetration.³⁹ Occasionally, a child presents with clear evidence of anogenital trauma without an adequate history. Abused children may deny abuse. Findings that are concerning include: (1) abrasions or bruising of the genitalia; (2) an acute or healed tear in the posterior aspect of the hymen that extends to or nearly to the base of the hymen; (3) a markedly decreased amount of hymenal tissue or absent hymenal tissue in the posterior aspect; (4) injury to or scarring of the posterior fourchette, fossa navicularis, or hymen; and (5) anal bruising or lacerations.^{31–36} The interpretation of physical findings continues to evolve as evidence-based research becomes available.⁴⁰ The physician, the multidisciplinary team evaluating the child, and the courts must establish a level of

certainty about whether a child has been sexually abused. Table 2 provides suggested guidelines for making the decision to report sexual abuse of children based on currently available information. For example, the presence of semen, sperm, or acid phosphatase; a positive culture for *N gonorrhoeae* or *C trachomatis*; or a positive serologic test for syphilis or HIV infection make the diagnosis of sexual abuse a near medical certainty, even in the absence of a positive history, if perinatal transmission has been excluded for the STDs. The differential diagnosis of genital trauma also includes accidental injury and physical abuse. This differentiation may be difficult and may require a careful history and multidisciplinary approach. Because many normal anatomic variations, congenital malformations and infections, or other medical conditions may be confused with abuse, familiarity with these other causes is important.^{41,42}

Physicians should be aware that child sexual abuse often occurs in the context of other family problems, including physical abuse, emotional maltreatment, substance abuse, and family violence. If these problems are suspected, referral for a more comprehensive evaluation is imperative and may involve other professionals with expertise needed for evaluation and treatment. In difficult cases, pediatricians may find consultation with a regional child abuse specialist or assessment center helpful. After the examination, the physician should provide appropriate feedback, follow-up care, and reassurance to the child and family.

TABLE 2. - Guidelines for Making the Decision to Report Sexual Abuse of Children

Data Available				Response	
History	Behavioral Symptoms	Physical Examination	Diagnostic Tests	Level of Concern About Sexual Abuse	Report Decision
Clear statement	Present or absent	Normal or abnormal	Positive or negative	High	Report
None or vague	Present or absent	Normal or nonspecific	Positive test for <i>C trachomatis</i> , gonorrhea, <i>T vaginalis</i> , HIV, syphilis, or herpes ¹	High	Report
None or vague	Present or absent	Concerning or diagnostic findings	Negative or positive	High ²	Report
Vague, or history by parent only	Present or absent	Normal or nonspecific	Negative	Indeterminate	Refer when possible
None	Present	Normal or nonspecific	Negative	Intermediate	Possible report, ³ refer, or follow

¹ If nonsexual transmission is unlikely or excluded.

² Confirmed with various examination techniques and/or peer review with expert consultant.

³ If behaviors are rare/unusual in normal children.

TREATMENT

All children who have been sexually abused should be evaluated by a pediatrician and a mental health

professional to assess the need for treatment and to assess the level of family support. Unfortunately, mental health treatment services for sexually abused children are not universally available. The need for therapy varies from victim to victim regardless of abuse chronicity or characteristics. An assessment should include specific questions concerning suicidal or self-injurious thoughts and behaviors. Poor prognostic signs include more intrusive forms of abuse, more violent assaults, longer periods of sexual molestation, and closer relationship of the perpetrator to the victim. The parents of the victim may also need treatment and support to cope with the emotional trauma of their child's abuse; parents who are survivors of child abuse should be identified to ensure appropriate therapy and to optimize their ability to assist their own child in the healing process. Treatment may include follow-up examinations to assess healing of injuries and additional assessment for STDs, such as Condylomata acuminata infection or herpes, that may not be detected in the acute time frame of the initial examination. The pediatrician may also provide follow-up care to ensure that the child and supportive family members are recovering emotionally from the abuse.

LEGAL ISSUES

The medical evaluation is first and foremost just that: an examination by a medical professional with the primary aim of diagnosing and determining treatment for a patient's complaint. When the complaint involves the possible commission of a crime, however, the physician must recognize legal concerns. The legal issues confronting pediatricians in evaluating sexually abused children include mandatory reporting of suspected abuse with penalties for failure to report; involvement in the civil, juvenile, or family court systems; involvement in divorce or custody proceedings; and involvement in criminal prosecution of defendants in criminal court. In addition, there are medical liability risks for pediatricians who fail to diagnose abuse or who misdiagnose other conditions as abuse. All pediatricians in the United States are required under the laws of each state to report suspected as well as known cases of child abuse. In many states, the suspicion of child sexual abuse as a possible diagnosis requires a report to both the appropriate law enforcement and child protective services agencies. Among adolescents, sexual activity and sexual abuse are not synonymous, and it should not be assumed that all adolescents who are sexually active are, by definition, being abused. Many adolescents have consensual, age-appropriate sexual experiences, and it is critical that adolescents who are sexually active receive appropriate confidential health care and counseling. Federal and state laws should support providing confidential health care and should affirm the authority of physicians and other health care professionals to exercise appropriate clinical judgment in reporting cases of sexual activity.⁴³ All physicians need to know their state law requirements and where and when to file a written report; an update on child abuse reporting statutes can be accessed at <http://nccanch.acf.hhs.gov/general/legal/statutes/mandata.cfm>. These guidelines do not suggest that a pediatrician who evaluates a child with an isolated behavioral finding (nightmares, enuresis, phobias, etc.) or an isolated physical finding (erythema or an abrasion of the labia or traumatic separation of labial adhesions) is obligated to report these cases as suspicious. If additional historical, physical, or laboratory findings suggestive of sexual abuse are present, the physician may have an increased level of suspicion and should report the case. In both criminal and civil proceedings, physicians must testify to their findings "to a reasonable degree of medical certainty."⁴⁴ Pediatricians are encouraged to discuss cases with their local or regional child abuse consultants and their local child protective services agency. In this way, families may be spared unnecessary investigations, agencies are less likely to be overburdened, and physicians may be protected from potential prosecution for failure to report. Statutes in each state immunize reporters from civil or criminal liability as long as the report was not made either without basis or with deliberate bad intentions.⁴⁵ On the other hand, although no known physicians have been prosecuted successfully for failure to report, there have been successful malpractice actions against physicians who failed to diagnose or report child abuse appropriately.⁴⁵

Because of the likelihood of legal action, detailed records, drawings, and/or photographs should be maintained soon after the evaluation and kept in a secure location. Protected health information for a minor who is believed to be the victim of abuse may be disclosed to social services or protective agencies; the Health Insurance Portability and Accountability Act (HIPAA; Pub L No. 104-191 [1996]) does not preempt state laws that provide for reporting or investigating child abuse. Physicians required to testify in court are better prepared and may feel more comfortable if their records are complete and accurate.

Physicians may testify in civil cases concerning temporary or permanent custody of the child by a parent or the state or in criminal cases in which a suspected abuser's guilt or innocence is determined. In general, the ability to protect a child may often depend on the quality and detail of the physician's records³⁷

A number of cases of alleged sexual abuse involve parents who are in the process of separation or divorce and who allege that their child is being sexually abused by the other parent during custodial visits. Although these cases are generally more difficult and time consuming for the pediatrician, the child protective services system, and law enforcement agencies, they should not be dismissed simply because a custody dispute exists. Whenever a careful and comprehensive assessment of the child's physical and behavioral symptoms yields a suspicion of abuse or the child discloses abuse to the physician, a report to protective services should be made. If symptoms or statements are primarily reported by the parent but not supported during an assessment of the child, the physician may wish to refer the family to a mental health or sexual abuse expert. A juvenile court proceeding may ensue to determine if the child needs protection. The American Bar Association indicates that most divorces do not involve custody disputes, and relatively few custody disputes involve allegations of sexual abuse⁴⁴

CONCLUSIONS

The evaluation of sexually abused children is increasingly a part of general pediatric practice. Pediatricians are part of a multidisciplinary approach to prevent, investigate, and treat the problem and need to be competent in the basic skills of history taking, physical examination, selection of laboratory tests, and differential diagnosis. An expanding clinical consultation network is available to assist the primary care physician with the assessment of child abuse cases⁴⁶

FOOTNOTE: The guidance in this report does not indicate an exclusive course of treatment or serve as a standard of medical care. Variations, taking into account individual circumstances, may be appropriate.

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**APPENDIX E
EXTENDED CRISIS INTERVENTION SERVICES
MULTI-DISCIPLINARY TEAM AUTHORIZATION FORM**

CAC#: _____ **Victim Name:** _____ **Date:** _____

Under a collaborative project between Las Familias and the Southern Arizona Children's Advocacy Center, Extended Crisis Intervention Services are now available to child victims of sexual abuse, and their non-offending family members, following the completion of forensic evidence collection services at the Advocacy Center. This program consists of a) one-on-one crisis counseling (ideally 1-3 days following service delivery at the Center); b) mental health intakes; and c) weekly psycho-educational group sessions for caretakers which are forensically sound. The multi-disciplinary team assigned to this case **agrees that the below services can be initiated with the following family members:**

SERVICE COMPONENT (check authorized services and specify family members):

_____ **Crisis Counseling (in-person/telephone)**
Victim/Family Members: _____

_____ **Mental Health Intake (in-person/telephone)**
Victim/Family Members: _____

_____ **Weekly Psycho-Educational Group for Caretakers**
Family Members: _____

- The multi-disciplinary team assigned to this case **agrees not to refer the victim and/or any family members to the Extended Crisis Intervention Program** for the following reason(s):

MULTI-DISCIPLINARY TEAM MEMBERS (Name & Agency):

Name: _____ Agency: _____

Name: _____ Agency: _____

Name: _____ Agency: _____

Name: _____ Agency: _____

APPENDIX F MINIMAL FACTS INTERVIEW

Some victims will need to be questioned immediately in order to assess the risk of imminent danger and comply with DCS mandates. To avoid multiple interviews of child victims, the Southern Arizona Children's Advocacy Center developed this guideline. The responding investigator, taking the initial report of suspected child abuse should use the *Minimal Facts Interview* to conduct the first interview of the child. This interview will be followed by a formal, in depth forensic interview done in the child friendly atmosphere of the Advocacy Center.

All investigations differ in some respect and the approach to the *Minimal Facts Interview* must be flexible and permit the responding officer or investigator to use his/her common sense in the following policy. For example, if the child volunteers detailed information, that information should be written down or otherwise recorded, and the report should reflect the circumstances under which the child made the disclosure. If the child is not volunteering information, questioning and particularly leading questions, should be avoided and "Minimal Facts" should be developed from other sources whenever possible.

Minimal Facts Shall Include (as developmentally appropriate)

1. **DO NOT ask WHY** the abuse happened as it may infer to the child that he or she is to blame:
2. **What happened?**
3. **Who did it?** (What is/are the alleged perpetrators and relationship to child?)
4. **Where did it happen?** (Get jurisdiction, check for multiple jurisdictions, not specific place, i.e. Mom's bedroom)

The first concern of any investigation must be the safety of the child. If, in the judgment of the officer or investigator, expansion of the minimal facts interview is necessary, the policy of avoiding in-depth interviews must give way to the investigator's on-the-scene judgment. If an arrest or apprehension of the perpetrator can be affected by expanding the minimal facts interview, policy should give way to the judgment of the investigator.

If the Minimal Fact Interview is conducted, the Department of Child Safety, the Office of Child Welfare Investigations, and Law Enforcement investigators together will determine the need for any additional interviewing of the child and under what circumstances it will occur. The non-offending parent or caretaker should be advised that an in depth, forensic interview will take place at the Advocacy Center. Every effort should be made to avoid interviews in the late evening or early morning hours.

The Advocacy Center staff is available and on-call 24 hours, 7 days a week.

The DCS Child Abuse Hotline Interview Questions can be reviewed at:

<https://www.azdes.gov/InternetFiles/InternetProgrammaticForms/pdf/CPS-1045BFORNA.pdf>

APPENDIX G
RULE 39 OF CRIMINAL CODE, VICTIMS' RIGHTS

(In January 2014 the Arizona Governor, by executive order, replaced Child Protective Services with a new agency, the Department of Child Safety. As of May 2014 the state statutes have not yet been amended to reflect that change so the former agency, Child Protective Services is still named).

RULES OF CRIMINAL PROCEDURE, IX. POWERS OF COURT RULE 39.

A. Definitions.

1. **Victim.** As used in this rule, a "victim" is defined as a person against whom a criminal offense as defined by 13-4401(6) has allegedly been committed, or the spouse, parent, lawful representative, or child of someone killed or incapacitated by the alleged criminal offense, except where the spouse, parent, lawful representative, or child is also the accused. With regard to the rights to be notified and to be heard pursuant to this rule, a person ceases to be a victim upon the acquittal of the defendant or upon the dismissal of the charges against the defendant as a final disposition. If a victim is in custody for an offense, the victim's right to be heard pursuant to this rule is satisfied through affording the victim the opportunity to submit a written statement, where legally permissible and in the discretion of the court. A victim not in custody may exercise his or her right to be heard pursuant to this rule by appearing personally, or where legally permissible and in the discretion of the court, by submitting a written statement, or an audio or video recording. The victims' rights of any corporation, partnership, association, or other similar legal entity shall be limited as provided by statute.
2. **Criminal Proceeding.** As used in this rule, a "criminal proceeding" is defined as a trial, hearing, (including hearing before trial), oral argument, or other matter scheduled and held before a trial court at which the defendant has the right to be present, or any post-conviction proceeding.

B. Victims' Rights. These rules shall be construed to preserve and protect a victim's rights to justice and due process. Notwithstanding the provisions of any other rule in these Rules of Criminal Procedure, a victim shall have and be entitled to assert each of the following rights:

- The right to be treated with fairness, respect and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal justice process.
- The right to be provided with written notice regarding those rights available to the victim under this rule and under any other provision of law.
- Upon request, the right to be given reasonable notice of the date, time and place of any criminal proceeding.
- The right to be present at all criminal proceedings.
- The right to be notified of any escape of the defendant.
- Upon request, the right to be informed of any release or proposed release of the defendant, whether that release be before expiration of the sentence or by expiration of the sentence, and whether it be permanent or temporary in nature.
- Upon request, the right to confer with the prosecution, prior to trial when applicable, in connection with any decision involving the preconviction release of the defendant, a plea

bargain, a decision not to proceed with a criminal prosecution, dismissal of charges, plea or sentence negotiation, a pretrial diversion program, or other disposition prior to trial; the rights to be heard at any such proceeding and at sentencing.

- The right to be accompanied at any interview, deposition, or judicial proceeding by a parent or other relative, except persons whose testimony is required in the case. If the court finds, under this sub§8 or sub§9 below, that a party's claim that a person is a prospective witness is not made in good faith, it may impose any sanction it finds just, including holding counsel in contempt.
 - The right to name an appropriate support person, including a victim's caseworker, to accompany the victim at any interview, deposition, or court proceeding, except where such support person's testimony is required in the case.
 - The right to require the prosecutor to withhold, during discovery and other proceedings, the home address and telephone number of the victim, the address and telephone number of the victim's place of employment, and the name of the victim's employer, providing, however, that for good cause shown by the defendant, the court may order that such information be disclosed to defense counsel and may impose such further restrictions as are appropriate, including a provision that the information shall not be disclosed by counsel to any person other than counsel's staff and designated investigator and shall not be conveyed to the defendant.
 - The right to refuse an interview, deposition, or other discovery request by the defendant, the defendant's attorney, or other person acting on behalf of the defendant. After charges are filed, defense initiated requests to interview the victim shall be communicated to the victim through the prosecutor. The victim's response to such requests shall also be communicated through the prosecutor. If there is any comment or evidence at trial regarding the victim's refusal to be interviewed, the court shall instruct the jury that the victim has the right to refuse an interview under the Arizona Constitution. For purposes of a pretrial interview, a peace officer shall not be considered a victim if the act that would have made him or her a victim occurs while the peace officer is acting in the scope of his or her official duties.
 - At any interview or deposition to be conducted by defense counsel, the right to condition the interview or deposition on any of the following:
 - i. Specification of a reasonable date, time, duration, and location of the interview or deposition, including a requirement that the interview or deposition be held at the victim's home, at the prosecutor's office, or in an appropriate location in the courthouse.
 - ii. The right to terminate the interview or deposition if it is not conducted in a dignified and professional matter.
 - The right to a copy of any pre-sentence report provided the defendant except those parts excised by the court or made confidential by the law.
 - The right to be informed of the disposition of the case.
 - The right to a speedy trial or disposition and prompt and final conclusion of the case after conviction and sentence.
 - The right to be informed of a victim's right to restitution upon conviction of the defendant, of the items of loss included there under, and of the procedures for invoking the right.
- C. Assistance and Representation.
- The victim shall also have the right to the assistance of the prosecutor in the assertion of the rights enumerated in this rule or otherwise provided for by law. The prosecutor shall have the responsibility to inform the victim, as defined by these rules, of the rights provided by these

rules and by law, and to provide the victim with notices and information which the victim is entitled by these rules and by law to receive from the prosecutor.

- The prosecutor shall have standing in any judicial proceeding, upon the victim's request, to assert any of the rights to which the victim is entitled by this rule or by any other provision of law.
- In any event of any conflict of interest between the state or any other prosecutorial entity and the wishes of the victim, the prosecutor shall have the responsibility to direct the victim to the appropriate legal referral, legal assistance, or legal aid agency.
- In asserting any of the rights enumerated in this rule or provided for in any other provision of the law, the victim shall also have the right to engage and be represented by personal counsel of his or her choice.

D. Victims Duty to Implement Rights. Any victim desiring to claim the notification rights and privileges provided by this rule must provide his or her full name, address and telephone number to the entity prosecuting the case and to any other entity from which notice is requested by the victim. If the victim is a corporation, partnership, association or other legal entity and has requested notice of the hearings to which it is entitled by law, that legal entity shall promptly designate a representative by giving notice thereof, including such representative's address and telephone number, to the prosecutor and to any other entity from which notice is requested by the victim. Upon receipt of such notice, the prosecutor shall notify the defendant and the court thereof. Thereafter, only such a designated representative shall be entitled to assert a claim to victims' rights on behalf of that legal entity. Any change in designation must be provided in writing to the prosecutor and to any other entity from which notice is requested by the victim.

E. Waiver. The rights and privileges enumerated in this rule may be waived by any victim. Failure to keep the address and telephone number current or to designate such representative of a legal entity shall be considered as a waiver of notification rights under this rule.

F. Court Enforcement of Victim Notice Requirements. At the commencement of any proceeding which takes place more than seven days after the filing of charges by the prosecutor and at which the victim has a right to be heard, the court shall inquire of the prosecutor or otherwise ascertain whether the victim has requested notice and been notified of the proceeding. If the victim has not been notified as requested, the court should not proceed unless public policy, the specific provisions of a statute, or the interests of due process otherwise require. In the absence of such considerations the court shall have discretion to reconsider any ruling made at a proceeding of which the victim did not receive notice as requested.

G. Appointment of Victim's Representative. Upon request, the court shall appoint a representative for a minor victim or a representative for an incapacitated victim, as provided by ARS §13-4403. Notice of appointment of such representative shall be given by the court to the parties.

APPENDIX H
**ARIZONA ATTORNEY GENERAL OPINION ON SCHOOL DISTRICT
COOPERATION WITH CHILD PROTECTIVE SERVICES**

(In January 2014 the Arizona Governor, by executive order, replaced Child Protective Services with a new agency, the Department of Child Safety. The Attorney General's opinions will not be amended to reflect that change so the former agency, Child Protective Services is still named).

Office of the Attorney General of the State of Arizona, Re: 188-062 (R87-182)
1988 Ariz. AG LEXIS 60; 1988 Op. Attn. Gen. Ariz. 84, June 9, 1988

OPINION:

You have asked whether school districts may impose certain requirements and limitations on interviews of school children conducted on school grounds by Child Protective Services ("CPS") workers carrying out their statutory duty to investigate reports that a child is dependent or abused. You have asked specifically if a school district may require that parents be given notice and provided an opportunity to be present at the interview or require that school personnel be present during the interview; and whether the school may refuse to allow the interview after parental request that the school not permit it. We conclude not only that schools may not interfere with, limit or prohibit such interviews on school grounds, but also that schools must affirmatively cooperate with CPS workers conducting statutorily mandated investigations to determine whether a child is dependent or abused.

CPS has a statutory duty to investigate reports that a child is dependent or abused. A.R.S. §8-224 (B) provides that "[a] child protective services specialist of the state department of [*2] economic security shall have the responsibility for the complete investigation of all complaints of alleged dependence." A.R.S. §8-546.01 (C) (3) (b) requires protective services workers who have received information or reports, appropriately screened, regarding a child who may be dependent, abused, abandoned or otherwise in need of protective services to immediately "[m]ake a prompt and thorough investigation of the nature, extent and cause of any condition which would tend to support or refute the allegation that the child should be adjudicated dependent...."

In every such investigation, CPS evaluates the conditions created by the parents, guardian or custodian and determines if further protective action is necessary. A.R.S. §8-546.01 (C) (5). In order to do this a CPS worker must have the power to interview children without notice to the parents. This power is granted to CPS by A.R.S. §8-546.01 (C) (2) where either of the following circumstances exist: (a) The child initiates contact with the worker. (b) The child interviewed is the subject of or living with the child who is the subject of an abuse or abandonment investigation pursuant to paragraph 3, subdivision (b) [*3] of this subsection.

In some cases CPS cannot adequately investigate and determine whether custody of a child is necessary without obtaining information from the child, preferably in a neutral and non-threatening environment such as a school. If the school does not cooperate, CPS may have to take the child into custody and from the school setting in order to carry out its duty to promptly and thoroughly investigate. **[n1]** Requiring CPS to take the child into temporary custody before an interview may be conducted would unnecessarily complicate and delay the investigation. **[n2]**

n1. If the circumstances require it, a CPS worker may take a child into protective custody under the authority granted in A.R.S. §8-223 (B) (2), which reads: A child may be taken into temporary custody: 2. By a peace officer or a child protective services specialist of the state department of economic security if temporary custody is clearly necessary to protect the child because the child is either: (a) Suffering or will imminently suffer abuse. (b) Suffering serious physical or emotional damage which can only be diagnosed by a medical doctor or psychologist.

n2. The legislature recognized that taking a child into temporary custody is a serious intrusion into the zone of protected family

privacy, even if "clearly necessary to protect the child," A.R.S. §8-223 (B)(2). A.R.S. §8-233 (C), therefore, sets out certain due process protections: "If a child is taken into temporary custody as provided in ... subsection B, paragraph 2 of this section, the ... child protective services specialist...taking the child into custody shall provide written notice within six hours to the parent, guardian or custodian of the child, unless [a shorter longer period for notice is appropriate under the particular circumstances.]"

Subparagraph (D) requires that the written notice provide the parent, guardian or custodian with complete information concerning the date and time custody was taken, the agency responsible for the child, the reasons for temporary custody, how long the child may be held without a dependency petition being filed, and also contains a brief explanation of the parents' rights to a timely hearing and counsel, if a dependency petition is filed and the child declared a temporary ward of the court. [*4]

We have issued two opinions concerning the authority of school districts to restrict the activities of CPS workers or police acting pursuant to child welfare statutes. Ariz. Atty. Gen. Op. 75-219 concluded that CPS workers have the power to interview children who are the subjects of reports of child abuse or neglect without the consent of the parents. The opinion also stated that there is no provision in Arizona law which prohibits CPS workers from conducting such interviews upon school property.

"School boards have only the authority granted by statute, and such authority must be exercised in a manner permitted by statute." Campbell v. Harris, 131 Ariz. 109, 112, 538 P. 2d 1355, 1358 (App.1981). Rules prescribed and enforced by school boards for the governance of the schools must be consistent with law. A.R.S. ' 15-341 (A) (1). By statute, school district boards and the schools they oversee have a duty to render all assistance and cooperation within their jurisdictional power to further CPS investigations of complaints alleging dependency. See A.R.S. ' ' 8-237, 8-224 (B). Schools must cooperate with CPS to ensure that the public policy and laws relating to the protection [*5] of children are served. [n3] n3. A.R.S. ' 15-203 (A) (1) imposes the requirement that the State Board of Education "[e]xercise general supervision over and regulate the conduct of the school system." The State Board also has the duty to aid in the enforcement of laws relating to child conservation. A.R.S. ' 15-203 (A) (14). "Conservation" is defined in Webster's Third New International Dictionary (1976) at 483 as "deliberate, planned, or thoughtful preserving, guarding, or protecting." Legislation relating to child conservation, therefore, includes all child protective legislation. Thus, the State Board, as part of its duty to regulate the conduct of the school system, is obligated to see that laws relating to child conservation are enforced at the local level, i.e., the State Board has the duty to support CPS in the exercise of its statutory duty to investigate reports of child maltreatment.

Thus, in answer to your specific questions, when CPS workers are acting pursuant to A.R.S. ' ' 8-224 (B) and 8-546.01 (C) (2), a school district may not require that parents of a child who is to be interviewed be given notice and an opportunity to be present at the interview. Neither may [*5] a school district refuse to allow an interview conducted pursuant to A.R.S. ' ' 8-224 (B) and 8-546.01 (C) (2).

Furthermore, a school district may not require that one of its personnel be present at such interviews conducted on school grounds, not only because it lacks the authority to impose such a requirement and is affirmatively required to cooperate with the investigation, but also because personally identifiable information concerning any person involved in a CPS investigation is made confidential by statute, A.R.S. ' 41-1959 (A). A school official may be present only if such presence is necessary to the investigation. A.R.S. ' 41-1959 (A); Ariz. R.P. Juv. Ct. 19.1 (a) (confidential information may be released to educational institutions, but only when necessary to provide for the care or safety of the child or other children who may be endangered if the information is not released.)

In summary, once a report is made which requires an investigation pursuant to A.R.S. ' ' 8-224 (B) and 8-546.01 (C) (3), Child Protective Services must proceed in accordance with its statutory duty. Schools and school districts may impose no restrictions or limitations upon the exercise of Child Protective [*7] Services authority which would inhibit the enforcement of laws relating to child protection or constitute a failure to render all assistance and cooperation within their power.

OPINION BY:
BOB CORBIN, Attorney General

APPENDIX I
ARIZONA ATTORNEY GENERAL'S OPINION ON WHETHER
PRIVATE SCHOOLS MAY IMPOSE REQUIREMENTS OR
LIMITATIONS ON CHILD PROTECTIVE SERVICES

(In January 2014 the Arizona Governor, by executive order, replaced Child Protective Services with a new agency, the Department of Child Safety and Family Services. The Attorney General's opinions will not be amended to reflect that change so the former agency, Child Protective Services is still named).

Re: 198-008 (R98-017)

REQUEST BY: Dr. Linda J. Blessing, Director October 2, 1998
AZ Department of Economic Security, 1717 West Jefferson Street, Phoenix, AZ 85005

OPINION:

You recently requested a formal 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 authorized a CPS specialist to interview a child on school property without school-imposed requirement 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. 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).

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. 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).

Consequently, we find no legal basis 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. *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...) In conducting its interviews, the CPS worker must make many judgment calls. Among the pre-interview 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 pre-arranged or unannounced, and who should be present during the interviews. *See id.* at 5-10. On obvious option that allows CPS to complete its investigation promptly and immediately is to interview the 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.2nd 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.2nd 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 parent's 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.2nd 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.2^d 953 (6th 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. 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. *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. In 1965, when *Hunt* was decided, the statutory authority 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).

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. 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.

CPS specialists and peace officers have t an 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. §8-2224 (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 owner’s) 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 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. 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.

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 specialists 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) (a)-(b). 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. 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

APPENDIX J
ARIZONA ATTORNEY GENERAL'S OPINION ON
RESPONSIBILITY TO PAY FOR MEDICAL EXPENSES
INCURRED DURING INVESTIGATION

(In January 2014 the Arizona Governor, by executive order, replaced Child Protective Services with a new agency, the Department of Child Safety. The Attorney General's opinions will not be amended to reflect that change so the former agency, Child Protective Services is still named).

Re: 187-002 (P.86-144)
1987 Ariz. AG LEXIS 163; 1987 Op. Atty Gen. Ariz. 5, January 5, 1987

REQUEST BY: Dr. Douglas X. Patino, AZ Department of Economic Security
1717 West Jefferson, Phoenix, Arizona 85005

OPINION:

You have asked for an opinion regarding the counties' responsibility to pay medical expenses incurred during the investigation of a dangerous crime against children or sexual assault. Specifically, you ask whether A.R.S. '13-1414 requires payment by the county for all incidents in which there is a reasonable suspicion that a person is the victim of a dangerous crime against children or sexual assault, or must there be some additional showing that an offense actually occurred to trigger the duty to pay.

A.R.S. '13-1414 provides: Expenses of investigation. Any medical expenses arising out of the need to secure evidence that a person has been the victim of a dangerous crime against children as defined in section 13-604.01 or a sexual assault shall be paid by the county in which the offense occurred.

By the express terms of the statute, the duty to pay arises any time there is a "need to secure evidence" that one of the enumerated crimes occurred. The statute is all inclusive in its language. Any medical examination that takes place as a result of a need to secure evidence of a dangerous crime against children or sexual assault, is to be paid as provided by the statute. The need to secure evidence arises whenever there is a reasonable suspicion that a dangerous crime against children or sexual assault occurred.

Nothing in A.R.S. '13-1414 restricts a county's duty to pay to situations that involve the generation of a police report, involve charges being filed or involve the successful prosecution of an offender. To read such restrictions into the statute would render it ineffective. Courts carefully avoid construction of a statute which would render it meaningless or of no effect. E.G. *State v. Clifton Lodge No. 1174, Benevolent and Protective Order of Elks*, 20 Ariz. App. 512, 514 P. 2d 265 (1973).

The statute states the expenses "shall be paid by the county in which the offense occurred." This language does not narrow the duty already imposed. The entire statute must be read as a whole. Statutes are to be given such an effect that no clause, sentence or word is rendered superfluous, void, contradictory or insignificant. E.g. *State v. Arthur*, 153, 608 P. 2d 90 (App. 1980). To read the phrase "in which the offense occurred" as requiring that a provable offense

actually took place, is to render the rest of the statute superfluous, contradictory and insignificant. The phrase merely modifies "county" so that the reader knows which county pays the expenses of investigation. This is the only sensible construction which gives effect to each word and clause in the statute.

Where, as here, statutory language is unambiguous, that language must be regarded as conclusive, unless a clearly expressed legislative intent to the contrary exists. E.g. *State ex rel. Corbin v. Pickrell*, 136 Ariz. 589, 592, 6-- P. 2d 1304, 1307 (1983). In the present case, the legislative intent is not contrary to the plain language of the statute, but is wholly supportive. In 1985, the legislature created the classification dangerous crimes against children. Laws 1985 (1st Reg. Sess.) Ch. 364, '6. At the same time penalties for those crimes and sexual assaults were increased. *Id.* at 19. Statutory duties to report any alleged child abuse to Child Protective Services as well as to law enforcement agencies were created. *Id.* at 30; A.R.S. '13-3620. The legislature also added provisions [*4] aimed at preventing child abuse. For example, A.R.S. '41-1606.02 and '41-1750 were amended to require fingerprinting and criminal history checks of people who work closely with children. Laws 1985 (1st Reg. Sess.) Ch. 364, "43, 44 and 45. These are but a few examples of the legislature's commitment to the protection of children and other victims of sexual assault.

The statutory language is unambiguous and supported by the manifest legislative intent. We conclude that a county has the duty under A.R.S. '13-1414 to pay the cost of any medical expenses incurred during any investigation of a crime against children or a sexual assault alleged to have occurred in that county.

OPINION BY:
BOB CORBIN
Attorney General

APPENDIX K

GLOSSARY OF MEDICAL TERMS

Abrasion: an area of the body surface denuded of skin or mucous membrane by a scrape.

Acute: For the purposes of this Protocol is defined as a bad, difficult, or unwelcome situation present or experienced to a severe or intense degree demanding urgent attention.

Bone: regions or areas of long bones each derived from a separate growth center.

A. **Epiphysis** - the end;

B. **Metaphysis** - between the end (above) and the shaft;

C. **Diaphysis** - the shaft;

D. **Periosteum**;

E. **Epiphysis**

Bones:

A. **Tibia, Fibula** - lower leg bones;

B. **Femur** - thigh bone;

C. **Humerus** - upper arm;

D. **Ulna** - lower arm;

E. **Radius** - lower arm.

Burns: stages of severity:

1st degree - scorching or painful redness of the skin like a sunburn;

2nd degree - blister formation (partial thickness);

3rd degree - destruction of outer layers of skin; grafting needed to permit healing (full thickness)

Callus: an unorganized meshwork of woven bone developed on the pattern of the original fibrin clot, which is formed following fracture of a bone and is normally replaced by hard adult bone.

Calcium shows on x-ray.

Calvarium: (calvaria) - the dome like portion of the cranium composed of the superior portions of the frontal, parietal, and occipital bones.

Chronic: For the purposes of this Protocol is defined as circumstance continuing or occurring again and again over a period of time, happening or existing frequently or most of the time, or marked by long duration or frequent recurrence.

Comminuted: broken or crushed into small pieces, as a comminuted fracture.

Congenital: existing at, and usually before birth; referring to conditions that are present at birth.

Contusion: a wound producing damage of soft tissues with bleeding into surrounding tissues and tissue death.

A. **Brain contusion** - structural damage (see above) to the brain, usually involving the outer surface. Cerebral edema (brain swelling) may or may not be present;

B. **Scalp contusion** - wound with bleeding into or below the skin without gross disruption of the skin;

Concussion: an injury of a soft structure resulting from violent shaking or jarring;

Brain concussion - an injury (see above) characterized by immediate and transient impairment of brain function, e.g., equilibrium. The term implies that while there are functional abnormalities there is no structural damage.

Differential Diagnosis: the determination of which one of two or more diseases or conditions a patient is suffering from, by systematically comparing and contrasting their clinical findings.

Distal: remote; farther from any point of reference; opposed to proximal.

Duodenum: the first portion of the small intestine from the stomach to the jejunum.

Ecchymosis: a small hemorrhagic spot, larger than a petechia, in the skin or mucous membrane forming a non-elevated, rounded or irregular blue or purplish patch. Black and Blue mark "Bleeding into Skin."

Edema: the presence of abnormally large amounts of fluid in the tissue spaces of the body; usually applied to demonstrable accumulation of excessive fluid in the subcutaneous tissues. Swelling soft tissue.

Enuresis: involuntary passage of urine (nighttime enuresis-bedwetting).

Encopresis: involuntary passage of feces; soiling.

Epiphysis: the end of a long bone, usually wider than the shaft, and either entirely cartilaginous or separated from the shaft by a cartilaginous disk. Part of a bone formed from a secondary center of ossification. Commonly found at the ends of long bones, on the margins of flat bones, at the tubercles and processes; during the period of growth, **epiphyses** are separated from the main portion of the bone by cartilage.

Erythema: redness, irritation.

Fontanelle: a membranous interval at the angle of the cranial bones of the infant, the "soft spot" on top of infant's head, often depressed when child is severely dehydrated.

Fracture: (to break) simple, uncomplicated:

A. Compound fracture: an open wound of soft tissues which connects directly to fracture site;

B. Comminuted fracture: bone is broken into a number of pieces;

C. Spiral fracture: one in which the line of break runs obliquely up one side of the bone;

D. Torus fracture a folding, bulging or buckling fracture;

E. Epiphysial;

F. Metaphysical;

G. Periosteal

Hemophilia: a hereditary hemorrhagic diathesis due to deficiency of coagulation Factor VIII, and characterized by spontaneous or traumatic subcutaneous and intra-muscular hemorrhages; bleeding from the mouth, gums, lips and tongue.

Hemorrhage: the escape of blood from vessels; bleeding. Small hemorrhages are classified according to size as **petechiae** (very small), **purpura** (up to 1 cm.), and **ecchymoses** (larger).

Hematoma: a massive, localized accumulation of blood, usually clotting, in an organ, space, or tissue, due to a break in the wall of a blood vessel.

Hypopigmentation: abnormally diminished pigmentation, as distinct from complete loss of pigment.

Intradermal hemorrhage: (bleeding within the skin; skin doesn't blanch with pressure).

A. Petechia - a round, discrete hemorrhagic area less than 2mm (or 3/22");

B. Ecchymosis - a hemorrhage area larger than (a) above (a "bruise");

C. Purpura - either a or b above, occurring in groups. They do not elevate the skin or bruises.

Jejunum: that portion of the small intestine which extends from the duodenum to the ileum.

Lab tests:

A. Partial thromboplastic time (PTT);

B. Prothrombin time (PT) Measure of clotting factors circulating in the blood;

C. Platelet count - measure of the cellular component of blood involved in clotting. (PT, PTT); **D. urine analysis** - examination of urine;

E. Complete Blood Count (CBC) - measure of white and red cellular components in blood;

F. Rumple - Leedey (Tourniquet) Test - a measure of capillary fragility and/or bribability;

G. Gonorrhea cultures (GC) - anal, vaginal, oral;

H. VDRL - blood test for syphilis

Laceration: a torn, ragged, mangled wound. A cut.

Lesion: (pronounced leeching) loosely used to mean virtually any mark, scar, bump, etc.

Mesentery: a membranous fold attaching various organs to the body wall in the abdomen. Commonly used with specific reference to the peritoneal fold attaching the small intestine to the back of the body wall.

Metaphysis: the wider part at the extremity of the shaft of the long bone adjacent to the epiphyseal disk. During development it contains the growth zone and consists of spongy bone; in the adult it is continuous with the epiphysis.

Mongolian spots: a flat hyper pigmented focal birthmark, often minus bruising found on buttocks, lower back and shoulders of newborns. Infants - present in 90% of Black and Asian babies, 50% of Hispanic babies, and 10% of white infants - can last up to three years of age.

Ossification: the formation of bone or of a bony substance; the conversion of fibrous tissues or of cartilage into bone or bony substance.

Ontogenesis imperfect: an inherited condition usually transmitted as an autosomal dominant trait, in which the bones are abnormally brittle and subject to fractures.

Osteomyelitis: (Bone infection) inflammation of bone caused by a pyogenic organism. It may remain localized or may spread through the bone to involve the marrow, cortex, cancellous tissue and periosteum.

Osteoporosis: abnormal rarefaction of bone, seen most commonly in the elderly.

Pathognomonic: specifically distinctive or characteristic of a disease or pathologic condition; a sign or symptom on which a diagnosis can be made.

Perineum: the space between the anus and the scrotum or vagina.

Periosteal elevation: the outer growing layer of bone (periosteum) is displaced from the underlying bone by one of several processes which usually involve hemorrhage into the newly created space.

Proximal: nearest; closer to any point of reference, opposed to distal.

Reference terms: **Anterior** - toward front; **Posterior** - toward back; **Distal** - far (relative to proximal); **Lateral** - toward side; **Medial** - toward middle or mid-line; **Proximal** - near (near trunk); **Occipital** - back of head; **Temporal** - side of head; **Frontal** - front of head.

Retina: the innermost of the three tunics of the eyeball, surrounding the vitreous body and continuous posteriorly with the optic nerve. Inner surface of the back of the eyeball.

Retinal hemorrhage: bleeding from the inner lining of the eye.

Scapula: the flat, triangular bone in the back of the shoulder; the shoulder blade.

Sclera: tough white outer layer of the eyeball, covering approximately the posterior five-sixths of its surface.

Subarachnoidal Space: situated or occurring between the arachnoid and the pia mater. (The innermost of the three membranes covering the brain and spinal cord.)

Subdural: situated between the dura (the outermost, toughest, and most fibrous of the three membranes - meninges - covering the brain and spinal cord) and the arachnoid (a delicate membrane interposed between the dura mater and the pia mater, being separated from the pia mater by the subarachnoid space.)

Subgaleal: situated beneath the scalp close to the skull. (The white, flattened or ribbon-like tendinous expansion of the scalp, serving to connect the frontal and occipital bellies of the occipitofrontalis muscle.)

Subperiosteal: situated beneath the periosteum, and next to the bone surface.

Sutures: a type of fibrous joint in which opposed surfaces are closely united, as in the skull.

APPENDIX L
CRIMINAL CONDUCT ALLEGATIONS
DEFINITIONS OF ABUSE

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

- The definitions of Criminal Conduct in A.R.S. 8-801(2) define the term only for the purposes of the duties of the Department of Child Safety and do not limit the meaning of “crime”, “criminal act”, “abuse”, or “neglect” in any other context. Furthermore, the definitions of “Criminal Conduct” in A.R.S. 8-801(2) do not limit the legal duty imposed by A.R.S. 13-3620 to report abuse and neglect appropriately, nor the responsibility of any partner agency to cross-report any act that endangers a child to other partner agencies. For further elaboration on what information should be shared between partner agencies, please see the Joint Investigation Protocol.

AN ALLEGATION OF CRIMINAL CONDUCT PURSUANT TO A.R.S. §8-801{2} means an allegation of conduct by a parent, guardian or custodian of a child that, if true, would constitute any of the following:

- * **SEXUAL CONDUCT WITH A MINOR**
- * **SEXUAL ABUSE**
- * **MOLESTATION OF A CHILD**
- * **CHILD PROSTITUTION**
- * **COMMERCIAL SEXUAL EXPLOITATION OF A MINOR**
- * **SEXUAL EXPLOITATION OF A MINOR**
- * **CHILD ABUSE (PHYSICAL ABUSE AND SEVERE NEGLECT)**
- * **DEATH OF A CHILD**
- * **CERTAIN DOMESTIC VIOLENCE OFFENSES THAT RISE TO THE LEVEL OF A FELONY (PURSUANT TO A.R.S. §13-3601).**

"ABUSE" per A.R.S. §8-201 means **the infliction of or allowing of physical injury, impairment of bodily function or disfigurement or the in 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 section §13-3553 or child prostitution pursuant to section §13-3212.

“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:

- 1) a reasonable risk of death or
- 2) that causes serious or permanent disfigurement or
- 3) serious impairment of health or
- 4) loss or protracted impairment of the function of any bodily limb or organ.

“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.

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 that sexual CONTACT involves only the female breast.

SEXUAL CONTACT 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.

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.

ADDITIONAL DEFINITIONS:

1. "Sexual contact" means any direct or indirect touching, fondling, or manipulation 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 or 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
6. "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.
7. "Producing" means financing, directing, manufacturing, issuing, publishing, or advertising for pecuniary gain.
8. "Sexual conduct means actual or simulated
 - a. Sexual intercourse including genital-genital, oral-genital, anal-genital, oral-anal, whether between persons of the same or opposite sex;
 - b. Penetration of the vagina or rectum by an object except one does as a part of a recognized medical procedure
 - c. Sexual bestiality;
 - d. Masturbation for the purpose of the sexual stimulation of the viewer;
 - e. Sadoomasochistic abuse for the purpose of the sexual stimulation of the viewer
 - f. Defecation or urination for the purpose of sexual stimulation of the viewer.
9. "Simulated" means any depicting of the genitals or rectal areas that give the appearance of sexual contact or incipient sexual conduct.

10. "Visual depiction" included each visual image that is contained in an undeveloped film, video recording or photograph or data stored in any form and that is capable of conversion into a visual image.
11. "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.
12. "Sexual conduct" means sexual contact, sexual intercourse, or oral sexual contact, or sadomasochistic abuse.
13. "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 DCS 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.**"

* We extend our thanks to the Maricopa County Interagency Council for providing the 2004 template and for this appendix content.

APPENDIX M
DEPARTMENT OF CHILD SAFETY
PHYSICAL NEGLECT REPORT FORM

The following form is available from the Arizona Department of Economic Security, Division of Children, Youth and Families on their website at:

https://www.azdes.gov/child_protective_services/

Child Abuse Hotline 1-888-767-2445

Child Abuse **TTD Hotline** 1-800-530-1831

Department of Child Safety
Post Office Box 44240
Phoenix, AZ 85064-4240

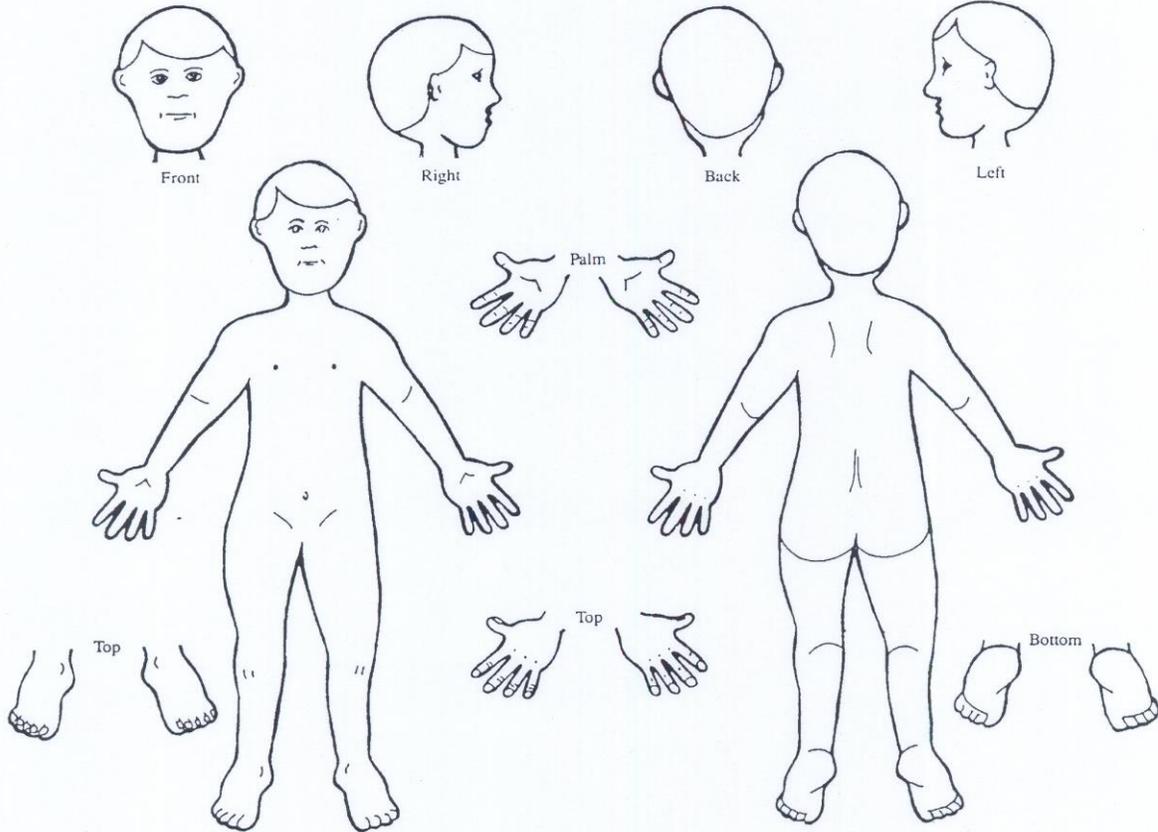
CHILD ABUSE OR NEGLECT REPORT

This form may be submitted to the Child Abuse Hotline in addition to the written report of abuse or neglect pursuant to A.R.S. § 13-3620. Reports made in good faith are immune from civil or criminal activity. Mail to Child Abuse Hotline, P.O. Box 44240, Phoenix, AZ 85064-4240. To report child abuse, call the Hotline at 1-888-767-2445.

CHILD'S NAME (Last, First, M.I.)	DATE
----------------------------------	------

CHECK (✓) THOSE THAT APPLY AND ENTER LETTER AND NUMBER AS APPROPRIATE ON THE CHILD DIAGRAMS TO SHOW LOCATION OF INJURY(IES)

- | | | | | |
|---|-------------------------------------|---|---------------------------------------|-------------------------------------|
| <input type="checkbox"/> A = Burn | <input type="checkbox"/> B = Bruise | <input type="checkbox"/> C = Laceration | <input type="checkbox"/> D = Fracture | <input type="checkbox"/> E = Other |
| <input type="checkbox"/> 1 = Bright Red | <input type="checkbox"/> 2 = Purple | <input type="checkbox"/> 3 = Blue | <input type="checkbox"/> 4 = Green | <input type="checkbox"/> 5 = Yellow |



Record child's physical injuries on appropriate areas and attach to the written documentation. Include the shape, size and colors.

PRINT NAME OF PERSON PROVIDING INFORMATION	SIGNATURE OF PERSON PROVIDING INFORMATION	DATE
--	---	------

Equal Opportunity Employer/Program • Under Titles VI and VII of the Civil Rights Act of 1964 (Title VI & VII), and the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, the Department prohibits discrimination in admissions, programs, services, activities, or employment based on race, color, religion, sex, national origin, age, and disability. The Department must make a reasonable accommodation to allow a person with a disability to take part in a program, service or activity. For example, this means if necessary, the Department must provide sign language interpreters for people who are deaf, a wheelchair accessible location, or enlarged print materials. It also means that the Department will take any other reasonable action that allows you to take part in and understand a program or activity, including making reasonable changes to an activity. If you believe that you will not be able to understand or take part in a program or activity because of your disability, please let us know of your disability needs in advance if at all possible. To request this document in alternative format or for further information about this policy, contact 602-542-0220; TTY/TDD Services: 7-1-1.

APPENDIX N
BEHAVIORAL HEALTH AGENCY REPORT FORM

**REPORT OF ALLEGED PHYSICAL, SEXUAL
AND/OR EMOTIONAL ABUSE AND NEGELECT**

Type of Alleged Abuse

Physical _____

Sexual _____

Emotional _____

Neglect _____

Date of Report _____

1. Name of Victim _____ DOB (Age) _____

Address (Custodial) _____ Phone _____

City _____ State _____ Zip _____ Sex _____

2. Name of Parent/Guardian _____ Ages(s) _____

Address _____ Phone _____

(If parents have different addresses, list other parent in "Other Sources of Information")

3. Others in the home:

Name: _____ Age _____ Sex _____

Name: _____ Age _____ Sex _____

Name: _____ Age _____ Sex _____

4. Other Sources of Information:

Name: _____ Phone: _____

Address: _____ Relation to Victim _____

Name: _____ Phone: _____

Address: _____ Relation to Victim _____

Name: _____ Phone: _____

Address: _____ Relation to Victim _____

Report of Allegations (if available)

- a) Name, address, telephone, sex, relationship of alleged perpetrator
- b) Describe circumstances and nature/extent of alleged abuse
- c) Witnesses
- d) Present location of victim & alleged perpetrator

Report Submitted to:

Name _____

Agency _____

Address _____

Phone _____

Verbal ___ Date _____

Written ___ Date _____

Date(s) of original contact with DCS / Law Enforcement _____

Report submitted to:

Name _____

Agency _____

Address _____

Phone _____

Copies to _____

APPENDIX O
INFORMATION FOR VICTIMS OF CRIME

Tucson Police Department (VINE) System
“Victim Information and Notification Everyday”

The Tucson Police Department strives to provide the highest quality of response and service to members of the Tucson community. This is to ensure that victims of crime are afforded their legal rights to be treated with fairness, respect, and dignity and to be free from intimidation, harassment, or abuse throughout the criminal or juvenile justice process.

All state, county, and municipal justice agencies and courts in Arizona are required to perform certain duties to ensure that victims receive their rights. In addition to these duties the Tucson Police Department has implemented the, **Victim Information and Notification Every day, (VINE)** system. This system is designed to provide victims with timely and accurate information. Please review the brochure carefully so you will understand your rights.

Note: This brochure is provided as an information resource only. Typically, it is given directly to victims of certain crimes by investigating officers of the Tucson Police Department. This form is not applicable to incidents that occur outside the jurisdiction of the City of Tucson, Arizona.

This brochure is available on-line at:

English version:

http://www.tucsonaz.gov/files/police/tpd1722_vine_word.pdf

Spanish version:

http://www.tucsonaz.gov/sites/default/files/police/tpd1722s_vine_spanish.pdf

or it can be requested from the:

Tucson Police Department

27 S. Stone Avenue-

Tucson, AZ 85701-1917

Website: <http://www.tucsonaz.gov/police/victim-rights>

Non-emergency number: 520-791-4444

APPENDIX P
URGENT PEDIATRIC SEXUAL ABUSE
TRIAGE PROCEDURES

The Southern Arizona Children's Advocacy Center (Children's Advocacy Center) will contact The Southern Arizona Center Against Sexual Assault (SACASA):

- If the Children's Advocacy Center's forensic examiner or physician is not available, and if it is an acute case (<72 hours or greater in cases where biological evidence remains available), that agency's Advocate will contact the Southern Arizona Center Against Sexual Assault's Sexual Assault Resource Service (SARS). The SARS Advocate will determine if a forensic examiner is available to perform a medical-forensic exam. If available, the SARS advocate will dispatch the forensic examiner to the designated hospital for the exam.
- If the minor has reached the age of menses, or is 12 years of age or older and male, the investigator may authorize any of the Center Against Sexual Assault's forensic examiner to conduct an exam.
- If the minor is under 12 years of age, or female and has not had a menstrual cycle, the investigator may authorize the Center Against Sexual Assault's pediatric forensic examiner to conduct an exam.

The Southern Arizona Center Against Sexual Assault (SACASA) will contact The Southern Arizona Children's Advocacy Center (Children's Advocacy Center) for all children requiring an acute sexual assault exam (acute case <72 hours or greater in cases where biological evidence remains available) to determine examiner availability. In the event a child does not require inpatient care, the child can be transferred to the SACAC for a forensic interview and forensic medical examination. This is based on the premise that interviewing children in a child-friendly and un-threatening environment improves disclosure, comfort and cooperation throughout the exam.

If SARS provides services after-hours to a minor, the Center Against Sexual Assault will contact the Children's Advocacy Center the next business day to ensure appropriate coordination of services (this is for instances where the Children's Advocacy Center was not initially involved).

Contact Information:

Children's Advocacy Center: Normal Business Hours (520) 243-6420

Children's Advocacy Center: 24-Hour Emergency Cell (520) 991-4771

SARS 24-Hour dispatch: (520) 349-8221

**APPENDIX Q
DEPARTMENT OF CHILD SAFETY
CUE QUESTIONS**

The cue questions for the Department of Child Safety are available from the website for the Arizona Department of Economic Security, Division of Children, Youth and Families at:

<https://www.azdes.gov/InternetFiles/InternetProgrammaticForms/pdf/CPS-1045BFORNA.pdf>

Child Abuse Hotline 1-888-767-2445
Child Abuse **TTD** Hotline 1-800-530-1831

**Department of Child Safety
Post Office Box 44240
Phoenix, AZ 85064-4240**

**APPENDIX R
RESOURCES AND CONTACTS**

Separate Agencies:

AZ Coalition Against Domestic Violence	http://www.azcadv.org/
Legal Advocacy Hotline	1-800-782-6400
Emerge! Center Against Domestic Abuse	http://www.emergecenter.org/
24-Hour Crisis Line and Shelter	520-795-4266
Toll-free	888-428-0101
Spanish Toll-free	877-472-1717
TTY Shelter	520-795-3177
Department of Child Safety	
Written Reports	P.O. Box 44240, Phoenix, AZ 85064-4240
Child Abuse Hotline	1-888-767-2445
Child Abuse TTD Hotline	TDD 1-800-530-1831
Office of Child Welfare Investigations, Tucson Office.....	520-308-9179
Davis Monthan Air Force Base Family Advocacy	520-228-2104
Elder Shelter/Domestic Violence Services	520-566-1919
Help on Call	520-323-9373
Southern Arizona Center Against Sexual Assault (SACASA)	520-327-7273
Pima County Jail Information	520-547-8111
Las Familias	520-327-7122
National Domestic Violence Hotline	1-800-799-SAFE
Protection Order Information	1-877-472-1717
Southern Arizona Children’s Advocacy Center	http://www.soazadvocacy.org
During Normal Business Hours	520-243-6420
24-Hour Emergency Cell	520-991-4771
Southern Arizona Mental Health Center	520-622-6000
Victim Witness Program	520-740-5525
Wingspan Hotline (Lesbian, Gay, Bisexual, Transgendered)	1-800-553-9387

Hospitals:

North West Hospital

Main Line 520-742-9000
Emergency Room 520-469-8000
Hospital Records 520-469-8150

University Medical Center:

Main Line 520- 694-0111
Emergency Room 520-694-7547
Hospital Records 520-694-7310

Tucson Medical Center

Main Line 520-327-5461
Emergency Room 520-3245700
Hospital Records 520-324-5155

St. Joseph’s Hospital

Main Line 520- 873-3000
Emergency Room 520-873-3840
Hospital Records 520-873-3843

St. Mary’s Hospital

Main Line 520- 872-3000
Emergency Room 520-872-1611
Hospital Records 520-872-1087

Law Enforcement:

Pima County Sheriff’s Office

Non-Emergency 520-351-4900
Records 520-351-4650

Tucson Police Department

Non- Emergency 520-791-4444
Records 520-791-4462

APPENDIX S

TIPS FOR EXAMINING CHILD SEXUAL ABUSE VICTIMS

The primary goal of the forensic examiner is to determine the health and safety of the children they see.

It is important to know whom the child has accused of abuse in order to assess the safety of the child's environment.

History obtained from a patient is **more** important than physical examination in determining whether abuse has occurred.

Don't put words in a child's mouth – ask open ended questions (Refer to interview techniques).

A thorough review of systems will elicit any physical or behavioral indicators of stress/abuse.

Always do a thorough **but** gentle exam. Do **not** force a child through an exam. Re-traumatizing a child is more damaging than helpful.

Prepubertal girls do **not** require a speculum exam unless there is a foreign body in the vagina or wound that must be treated (i.e., lacerations needing sutures).

Don't examine a child in a busy Emergency Room unless absolutely necessary (i.e., last contact within 72 hours and/or no other services available).

If the last sexual contact was greater than 72 hours prior to the time you are seeing the child, the exam does not have to be done emergently. It is better to wait for experienced personnel in a controlled environment.

Not all children need to have cultures from every orifice. **Follow** the AAP lines.

A colposcopy is not a necessity. A good exam requires only good lighting and a well-trained examiner.

KNOW YOUR ANATOMY!!

All hymens look different – there is **not** one normal for all.

All hymens have an opening – if they do **not** this is abnormal.

Utilize the prone knee/chest position to visualize the hymen – much can be seen from this position that is lost in the supine.

The majority of children examined for sexual abuse have normal exams. This does **not** mean the abuse did not occur.

Many types of abuse leave no physical damage or scars (i.e., fondling, oral/genital contact, digital/anal contact, digital/genital contact, labial penetration, -- even with penetration in some instances).

Always **describe** what you see. Saying the hymen is intact, or the exam is normal is not enough. It doesn't tell others that you know what you are looking at, and may cause a child to be reexamined.

Don't overstate your findings. Many physical symptoms and findings are non-specific. Be comfortable in saying just that.

Remember that as a forensic examiner, you are a member of a multidisciplinary team.

Communicate with your consultants (i.e., Law Enforcement, counselors, and attorneys) as you would in any medically difficult case.

Revised from the work of Kay Ruth Farley, M.D., Medical Director, Child Abuse Assessment Center, St. Joseph's Hospital and Medical Center, Phoenix, Arizona, November 1992.

APPENDIX T
ARS §8-810: DEPARTMENT OF PUBLIC SAFETY; LAW ENFORCEMENT AGENCIES; MISSING CHILDREN; NOTIFICATION

(In January 2014 the Arizona Governor, by executive order, replaced Child Protective Services with a new agency, the Department of Child Safety. As of May 2014 the state statutes have not yet been amended to reflect that change so the former agency, Child Protective Services is still named).

ARS §8-810 requires that Child Protective Services (CPS) shall notify the appropriate law enforcement agency on any reports or information they receive that indicates when a child is at risk of serious harm and the child's location is unknown. The law requires that law enforcement take the report and immediately enter information concerning the child and anyone that may have the child into ACJIS and NCIC.

CHILD PROTECTIVE SERVICES RESPONSIBILITIES

CPS will make a report on a "missing child" to law enforcement when the child's location is unknown and when it is believed criminal conduct is involved, or vulnerable child is believed to be "at risk of serious harm and the child's location is unknown". Prior to contacting law enforcement to make a report of a "missing child", CPS will make reasonable efforts to locate the child.

CPS Efforts to Locate the Child Victim and Family:

CPS shall make reasonable efforts to locate the child victim and family during an investigation. Reasonable efforts may include, but are not limited to the following:

- Make at least three attempts to locate the child victim and family through home visits at different times of day during the investigation.
- Request a child welfare check through local law enforcement (a law enforcement child welfare check may substitute for one of the home visits by the CPS Specialist).
- Interview the reporting source or other persons who may have information about the location of the child victim or family.
- Contact the Arizona Parent Locator Service, Finding Missing Parents, Relatives, and Other Significant Persons, and law enforcement for assistance in locating the child and family if the report has been assigned a high risk level of physical or sexual abuse or neglect.
- Review Family Assistance Administration AZTECS database to determine if a current address is available.
- Contact the County Jail and the Department of Correction if the CPS record or other information indicates current or past incarceration.
- If appropriate, contact the child's school or child care provider.
- If appropriate, interview landlords or neighbors.
- If appropriate, send a certified letter to the home.
- If appropriate, contact other state CPS agencies.

If preliminary information gathered during the investigation indicates the child victim is in

present danger and/or impending danger and the whereabouts of the child and family are unknown, consult with the Attorney General's Office regarding filing a petition for a court order for temporary investigative custody if the child is located. [ARS §8-821(A)]

Child Protective Services Responsibility for Making a Report:

Upon determining that the child is at risk of serious harm and efforts to locate the vulnerable child have been explored, CPS shall contact 9-1-1, clearly stating that they wish to make a report of a "missing child". The CPS Specialist should be prepared to provide the following information:

- A description of the criminal conduct involved to include what conduct has occurred that places the child at risk of serious harm
- Full descriptors on the missing child (scars, marks, birthmarks, disabilities, etc.,)
- Full descriptors on parent, guardian, caretaker that may have the child (tattoos, scars, marks, birthmarks, disabilities, etc.,)
- Vehicle description, plate number(s) etc.
**It should be noted that this information would be in a field accessed by an inquiry made by law enforcement personnel when running a license plate.*
- Parent/Guardian's place of employment, phone numbers, etc.
- Parent/Guardian's last known address or location
- Any and all subjects believed to be with child, and what their relationship is to the child
- Any and all associated vehicles (plates, description, etc.)
- Last known addresses for child and parent(s) or person(s) believed to be with child, and schools child attended
- Full descriptors on known associates that parent may have, or be in company of
- Information and location on extended family members such as grandparents, relatives, friends and/or associates
- Information on missing child's siblings, descriptors and possible location
- Future or upcoming hearings, appointments for state services or benefits, WIC appointments, Electronic Benefit Transfer (EBT) or Welfare information, etc.

Recovery of Child by CPS:

When a missing child is located by CPS, CPS shall notify the originating law enforcement jurisdiction in which the "Missing Child" report was made as well as the Child Abuse Hotline (1-888-767-2445) to cancel the "ALERT". CPS must make notification to law enforcement upon recovery of the child immediately to ensure removal from the State and National databases.

Recovery of Child by Law Enforcement Requiring CPS Response:

- The Child Abuse Hotline enters an "ALERT" for all "Missing Child" reports and includes the reason for the ALERT and the contact information for the CPS Specialist or supervisor assigned.
- When the Child Abuse Hotline is contacted by law enforcement on a report that the child has been located, CPS Specialist will be contacted to respond where needed.

LAW ENFORCEMENT RESPONSIBILITIES

Law Enforcement Call Takers/Communications:

Calls from CPS involving a "missing child" shall be handled as a "Priority Two or Three". Missing child calls should be handled as Priority Two Calls when the following circumstances

exist:

- The criminal conduct alleged places the child at higher risk
- There is information on the child's immediate whereabouts
- The child has been missing less than 12 hours

In all other circumstances, missing children reports made by CPS shall be handled as Priority Three calls.

Law Enforcement First Responders:

When law enforcement responds to a call involving a missing child, the following information should be gathered and documented:

- Document the criminal conduct involved to include what conduct CPS has articulated that places the child at risk of serious harm
- Document how long the child has been missing
- Document full descriptors on missing child, parent(s) and person(s) believed to be with the child (scars, marks, birthmarks, disabilities, etc.,)
**Required for entry into ACJIS and NCIC*
- Document subjects believed to be with child, and what their relationship is to the child
- Document all associated vehicles (plates, description, etc.)
- Document last known addresses for child and parent(s) or person(s) believed to be with child, and schools child attended
- Document parent/guardian's place of employment, phone numbers, etc.
- Document information and location on extended family members such as grandparents, relatives
- Document information on missing child's siblings, descriptors and possible location
- Document full descriptors on known associates that parent may have, or be in company of and all associated vehicles
- Document any information on future hearings, appointments for state services or benefits, WIC appointments, Electronic Benefit Transfer (EBT) or Welfare information, etc.
- Document CPS caseworker assigned or CPS contact person with telephone number

Upon gathering the above information:

- Contact Terminal Operations or TWX to **enter information on the missing child immediately into ACJIS and NCIC**
- Apply the appropriate UCR classification and/or offense code based on the alleged criminal conduct reported by CPS
- Contact Appropriate Unit Supervisor

Recovery of Child by Law Enforcement

When a missing child and/or the parent(s)/guardian are located by law enforcement or when responding to the recovery of a missing child, law enforcement shall take the following action:

- Take the child into temporary custody, as allowed pursuant to ARS 8-821 B.4
- Detain the parent(s)/guardian or subject found to be in custody of the missing child for detectives or investigative follow up
- Contact the AZ Child Abuse Hotline at 1-877-238-4501 or 1-888-767-2445.
- Contact Terminal Operations or TWX to remove child from ACJIS and NCIC.
- Contact the AZ Child Abuse Hotline so that the "ALERT" can be cancelled.

Investigative Responsibilities:

Each individual agency will dictate, according to agency policies and procedures, which investigative unit will be responsible for conducting follow up on the missing child case and/or the criminal conduct involving the missing child.

Detectives assigned a case involving a missing child should include the following steps in conducting the criminal investigation:

- Determine whether all pertinent lead information was added for the ACJIS and NCIC entry such as associated vehicle and subjects information
- If information was not included or available during the initial report, detectives should conduct any and all follow up investigation, and provide any further information to the data entered into ACJIS and NCIC.
- Determine if there is sufficient information for probable cause to obtain an arrest warrant for Custodial Interference on parent(s) or guardian (or an arrest warrant for kidnapping when the subject is a custodian), and ensure that the warrant is entered into ACJIS and NCIC as soon as possible
- Determine if there is sufficient information developed from the alleged criminal conduct, to obtain an arrest warrant for the parent(s), guardian or custodian of the missing child, and ensure that the warrant is entered into ACJIS and NCIC as soon as possible
- If CPS temporary custody procedures or court dependency ruling is not in place awarding temporary custody of the child to CPS; an “ALERT” (such as a “PC Alert”, or a “Stop and Detain” alert) should be entered for the subject(s) that are believed to have the missing child in their custody
- Contact the National Center for Missing and Exploited Children

Recovery of Missing child

Upon the recovery of a missing child, detectives shall respond immediately, if circumstances permit, to proceed with a forensic interview of child and forensic medical examination (when applicable) while following established Pima County protocols for joint investigations. The detective should also ensure that the child has been removed from ACJIS and NCIC; as well as informing the Child Abuse Hotline that the child has been found.

***Pima County Protocols for the
Multidisciplinary Investigation of Child Abuse***

1993 first edition

1999 second edition

2004 third edition

2007 fourth edition

2010 fifth edition

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