



Pinal County Protocols for the **MULTIDISCIPLINARY INVESTIGATION OF CHILD ABUSE**

Office of Pinal County Attorney
Robert Carter Olson,
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Florence, Arizona

Created 1995
Revised January 2005

The need to collaborate when serving children and families has never been greater. We are in an era of declining domestic resources and increasing crimes

against people and more specifically children. Many factors contribute to our situation here in Arizona and Pinal County. More than 25 percent of Pinal County children lived at or below the poverty level. Sixty-five percent of Pinal County residents have a high school education. During a recent jury pool questionnaire conducted for our office, more than 50 percent of the 200 potential jurors responded that they or a member of their family had been impacted by methamphetamine. Most children are being raised in single parent families.

According to the Arizona Children's Action Alliance, Arizona has been steadily declining in per capita expenditures; by the year 2000, the state had fallen to 46th lowest for such expenditures. The upward spiral of child abuse and neglect is fueled by these facts. Consequently, our children are in more danger now than at any other time in the history of this state. I believe that Governor Napolitano has begun to address these concerns but the outcomes will be seen in the future.

This Protocol was published under the auspices of the Interagency Council of the Pinal County Children's Justice Project, with grant funding from the Governor's Division for Children. In December 2003, the State Legislature passed significant revisions to the child protection statutes of Arizona. These changes included a directive to develop a county-wide Protocol for law enforcement, education, social service agencies, and prosecutors.

As County Attorney, I wish to thank the member agencies and commend them for their commitment and dedication to working cooperatively in the handling of cases involving abused children. I also wish to thank the work group that came together in the spring of 2004 for their exceptional work and dedication. The delivery of professional services and treatment within a coordinated framework promotes a therapeutic environment within which a child can feel safe and secure. Every child deserves to be treated with dignity, compassion and respect. This Protocol provides a model for treatment consistent with these principles.

Robert Carter Olson
Pinal County Attorney

MULTI DISCIPLINARY PROTOCOL FOR THE INVESTIGATION OF CHILD ABUSE

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STATEMENT OF SUPPORT

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

Signature	Date	Signature	Date
<hr/> Mr. Robert Carter Olson Pinal County Attorney		<hr/> Mr. James McCormack P.C.A. Family Advocacy Center	
<hr/> Chief Terry McDonald Apache Junction Police Department		<hr/> Chief Robert Huddleston Casa Grande Police Department	
<hr/> Chief James B. Palmer Coolidge Police Department		<hr/> Chief William Pittman Eloy Police Department	
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Signature

Date

Signature

Date

Mr. Todd Zweig
Pinal County Adult Probation

Ms. Diane McGinnis
Pinal County Juvenile Probation

Dr. Jack Harmon
Pinal County School Superintendent

Mr. Ralph Varela
Pinal Hispanic Council

Sheriff Chris Vasquez
Pinal County Sheriff's Office

STATEMENT OF PURPOSE

This protocol, developed in 1995, is intended to give direction to the professionals involved in the investigation of child abuse cases involving children and families, including educators, social workers and health professionals.

This protocol was revised in 2005. In 2004, in response the House Bill 2004, an additional revision was conducted by a multidisciplinary team. The revision, which primarily impacted law enforcement and CPS, served to further specify in the Protocol the practices being followed by receiving reports of extremely serious conduct, as defined in A.R.S. §8-801.

The Pinal County Interagency Council is comprised of representatives from agencies with statutory responsibility for responding to child abuse and neglect in Pinal County. The purpose of the council is to develop interagency cooperation and procedures that will assist abused and neglected children. The intent of the council is to treat all children involved in child abuse or neglect with dignity and respect by providing a systematic approach to the investigation of cases. While this protocol serves as a reference source for those who investigate these cases, its most significant purpose may be as a tangible expression by the members of the Council to cooperate to reduce the trauma of child abuse and neglect for the children of Pinal County.

Marybeth Barr
Children's Justice Coordinator
Pinal County Attorney's Family Advocacy Center

I.

LAW ENFORCEMENT 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 individuals responsible into the Criminal Justice System. Law enforcement, Child Protective Services (CPS), and the Pinal County Attorney's Office shall put forth a coordinated effort in the investigation and prosecution of child related crimes.

During such investigations, CPS and law enforcement investigators shall promptly share relevant information, maintain on-going contact and monitor and/or participate in forensic interviews conducted by their counterparts. These efforts will clearly be documented in reports prepared by each agency.

While engaged in the criminal investigation, law enforcement must also be concerned with more than just statutory requirements and case law. They must also be cognizant of the needs of the victim, as well as the responsibilities of other organizations involved in the treatment, support and recovery of the victim.

When CPS receives information regarding an in-progress extremely serious conduct allegation that indicates a child is in danger, they shall notify the appropriate law enforcement agency using 9-1-1.

When the information received by CPS indicates the child is not in immediate danger but further investigation is warranted, CPS shall contact the appropriate law enforcement agency and request notification be made to the on-duty supervisor for the geographic area where contact will be made. Upon receiving this information the supervisor will contact the CPS worker as soon as possible and they will coordinate an appropriate response based on:

- * The circumstances of the call;
- * Individual agency guidelines;
- * Availability of resources, and
- * The need for a coordinated multi-agency on scene response.

The law enforcement supervisor is responsible for determining whether or not a criminal investigative response will be initiated. If the call alleges the presence of children in an illegal methamphetamine lab operation, they will follow the Arizona Drug Endangered Children Protocol.

Effective investigation by law enforcement agencies is best achieved by the establishment of a specialized unit to investigate these violent crimes. Smaller agencies are encouraged to designate a “specialist” if the number of investigations does not warrant a unit. This specialized unit, whether it consists of one part time or several full time detectives should:

- * Be a voluntary assignment;
- * Receive intensive training in the investigation of the neglect, physical and sexual abuse of children;
- * Complete the 8 hour Basic Forensic Interviewing course (or comparable training) before conducting interviews with children;
- * Complete the 40 hour Advanced Forensic Interviewing course (or comparable) as soon as possible after observing a variety of child interviews;
- * Establish and maintain a close working relationship with CPS and the Pinal County Attorney’s Office;
- * Have the specialized unit or position a permanent component of the agency; and;
- * Encourage trained and skilled detectives to be retained as long as possible.

The Pinal County Attorney’s Office is establishing an Advocacy Center located in the south central portion of the County, This Center will be tasked with serving the needs of all law enforcement agencies in the tri valley area. Centers are also located in Phoenix (Childhelp Children’s Center of Arizona), Mesa (The Center Against Family Violence), and Tucson (Southern Arizona Children’s Advocacy Center) are available, as well, to those jurisdictions that are geographically closer to those locations.

These specially designed Centers benefit both the investigation and the victim by creating a one stop facility for the investigative process and for crisis intervention. It is the position of the Pinal County Attorney's Office that Advocacy Center interviewers will be used to conduct the forensic interviews of victims and child witnesses. The child friendly rooms at the Centers will be used to videotape the interviews while they are being monitored by the assigned CPS and law enforcement investigators.

Another benefit of these centers is that forensic medical exams are offered on site. Doctors and/or Forensic nurse examiners (FNE) specializing in the examination and treatment of child abuse conduct these exams. Also victims are less traumatized by the amiable environment, which provides crisis intervention and referral services to both the victim and his/her family.

If victim hospitalization is not required, it is highly recommended that Law Enforcement agencies utilize one of the Centers for the investigation of cases of sexual abuse and cases of physical abuse that require a medical evaluation.

Child Sexual Abuse/Intercourse

1. Initial Report

A. Patrol Officers may establish the elements of the crime and jurisdiction.

1. Patrol Officers may interview the reporting source, away from the victim, witnesses or other reporting sources, in order to:

- a. obtain the facts of the reported crime
- b. determine if the child is in imminent danger
- c. determine if the victim may require medical attention
- d. determine jurisdiction

(1) if within departmental jurisdiction, continue per this Protocol

(2) if not within departmental jurisdiction, Patrol Officers will document their actions and coordinate with the appropriate jurisdiction.

2. Advocacy Center interviewers should conduct interviews of the victim, utilizing Advocacy Centers nearest their geographic location.
3. Patrol Officers should only interview the suspect if the suspect is present and aware of the investigation. If suspect is not aware of the investigation, the suspect should not be contacted without prior consultation with Detectives.
4. Patrol Officers may interview witnesses. Dates of birth, social security numbers and other biographical information will be obtained.
5. Child witnesses and any siblings or children within the home will only be interviewed by Advocacy Center interviewers.

B. Once it is determined that a crime has been committed, Patrol Officers may then continue the initial case preparation.

1. Assess the need for immediate medical evaluation. If a medical evaluation is needed, promptly contact a Detective. Note that in cases of sexual abuse in which the incident occurred within the past **120** hours it is imperative that a Detective be contacted promptly. The victim should receive a forensic medical exam.
2. Assess the need for scene preservation and/or photographs.
3. Assess the need for a search warrant. If a search warrant is needed immediately contact a Detective. Investigators may contact the Pinal County Attorney's Office in regard to sealing the affidavit of the search warrant.
4. Assess the need for immediate arrest if the suspect is present. The Officer should examine:

- a. the suspect's risk of flight to avoid prosecution;
- b. the suspect's danger to the community.

Patrol Officers should consult with Detectives or the Deputy County Attorney, if necessary.

5. Assess the need for a detective to respond to the crime scene, hospital, school, or other location.
6. As soon as law enforcement determines that CPS may have jurisdiction on the matter under investigation, law enforcement will notify the Hotline and provide sufficient information for CPS to coordinate their response with law enforcement

I. Investigation

A. The investigation should be conducted by a Detective. The Detective's responsibilities include:

1. Interviewing the reporting source to determine the circumstances of disclosure.
2. Interviewing the victim:
 - a. Arrange an interview of the victim to be conducted by an Advocacy Center Interviewer nearest their geographic location.
 - b. Coordinate the interview with the CPS investigator assigned to the case. If a joint interview with this investigator is not feasible, the victim interview should be shared with CPS in order to insure that there is only one victim interview conducted. This will eliminate unnecessary or multiple interviews of the child victim.
 - c. Arrange for a medical examination at an Advocacy Center.

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

III. Case Presentation

- A. The case file should include a complete copy of the police report, a copy of audio tapes, video tapes, any photographs; and tapes of 911 calls.
 - 1. All medical records of the child. Child Protective Services files on the child and family, prior relevant police reports and any other information obtained during the investigation shall be submitted in a timely manner.
 - 2. Attorney General Office documents should be included, specifically; Dependency Hearing Transcripts, or depositions; information from other cases, etc. within 10 days following the hearing.
- B. If the case is filed and:
 - 1. The case goes to Grand Jury or Preliminary Hearing, the assigned Detective should present the case. If he or she does not feel comfortable with presenting the medical evidence, he/she shall notify the Deputy County Attorney, who can subpoena a physician to the Grand Jury or Preliminary Hearing for testimony regarding medical findings.
- C. If the case is not filed, notification of the decision not to file shall be the responsibility of the County Attorney's Office. The victim's representatives as well as CPS should be notified of the decision.
- D. If a post filing further investigation is requested and the suspect is in custody, a Detective shall be assigned. All requested information should be presented to the Deputy County Attorney 24 hours prior to Grand Jury or Preliminary Hearing.
- E. If the Deputy County Attorney refers the case back to the law enforcement for further investigation:

1. The case should be returned to the original case agent, if possible.
2. The requested information should be obtained as soon as possible; and
3. The Pinal County Attorney's Office must be advised if the investigating agency decides inactivate/close the case within 30 days.

Child Physical Abuse/Neglect

1. Initial Report
 - A. Patrol officers may establish the elements of the crime of physical abuse or neglect, and jurisdiction.
 1. Patrol Officers may interview the reporting source, away from the victim, witness(es) or other reporting sources in order to:
 - a. obtain the facts of the reported crime;
 - b. determine if the child is in imminent danger;
 - c. determine if the victim may require medical attention; and
 - d. determine jurisdiction
 - (1) if within departmental jurisdiction, continue per this Protocol;
 - (2) if not within departmental jurisdiction, patrol officers will document their actions and coordinate with the appropriate jurisdiction.
 2. Patrol Officers may interview the child victim, only if the child is verbal and has not spontaneously provided the following information about the abuse to law enforcement. Only these specific questions should be asked:
 - a. What happened?

- b. Who did this?
- c. Where were you when this happened?
- d. When did this happen?

Patrol Officers should document the child's demeanor and any spontaneous statements.

- 3. Patrol Officers may interview witness(es). Date of birth, social security numbers, and other biographical information including where child witness(es) attend school will be obtained. It is recommended that child witnesses and any siblings or children within the home be interviewed by Advocacy Center Interviewers.
- 4. If the suspect is at the scene and:
 - a. If the child is not taken to the hospital in serious condition, the Patrol Officer may conduct an initial interview of the suspect or ensure that a detective does so immediately. Obtain the suspect's version of what happened (e.g., determining if it was a discipline measure; if a weapon or instrument was used; or if it was an alleged accident).
 - b. If the child is admitted to the hospital, a decision as to whether or not the Patrol Officer may interview the suspect and/or caretaker should be made in consultation with Investigations. The Patrol Officer should not disclose any medical information to the caretaker(s) regarding the condition of the child or possible mechanisms of injury. The Patrol Officer should also encourage the medical personnel not to disclose this information until they consult with Detectives.

5. Document and preserve the scene through photographs if possible.
 - B. Once it is determined that a crime has been committed, Patrol Officers may then continue the initial case preparation:
 1. Assess the need for medical intervention and ensuring that the child is taken to a hospital if necessary. If the child is admitted to a hospital, and in any case requiring medical attention, Investigations Unit should be notified immediately.

Depending on the severity of the injury, this Unit could be Homicide or the detail handling physical abuse cases in the agency. It is recommended that Patrol Officers consult with Detectives on all child abuse cases to assess the need for a forensic medical exam.
 2. Assess the need for scene preservation and/or evidence collection. Scene's involving death shall immediately be secured. Consult with Investigations regarding search warrants and/or consent searches. If the child or suspect gives information regarding a weapon, instrument, or mechanism of the injury, a search warrant or consent form should be obtained.
 3. Document any physical injury to the child with digital or 35 mm photographs. Photographs should depict the child's entire body and face, not just the external manifestations of abuse. Photographs should include ruler and color bar where possible. In cases of severe physical abuse and/or severe neglect, a consent form or search warrant should be used to obtain photographs or video of

the entire household as well as other evidence that could be used to substantiate any future charging.

4. As soon as law enforcement determines that CPS may have jurisdiction on the matter under investigation, law enforcement shall notify the Hotline and provide sufficient information for CPS to coordinate their response with law enforcement.

II. Investigation

A. Non-hospitalized Children

1. A detective reviews the initial report and continues the investigation by interviewing the family, siblings, other witnesses, etc. as dictated by the facts of the case. If the child victim is interviewed, it should be conducted by Advocacy Center interviewers.
2. If not already done and if appropriate digital or 35 mm photographs are taken to document the abuse. A detective should ensure that additional follow up photographs are taken as needed.
3. CPS shall be contacted to obtain prior reports and to determine what action CPS is taking on the referral. If CPS is involved, law enforcement shall share information with them.
4. The suspect's prior police history should be determined, paying particular attention to assault and domestic violence contacts.
5. The investigations Unit should obtain relevant medical records on the child and interview appropriate medical personnel.
6. A Detective should interview the suspect if not already interviewed. If the suspect has not invoked his/her rights, re-interview to complete his/her account of the events. If the suspect has not already been booked, the detective shall assess the risk of flight to avoid prosecution and determine if the suspect should be arrested in light of all the information obtained.

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

B. Hospitalized Children

1. The Deputy County Attorney on call for physical abuse cases shall be notified as soon as possible on all cases where a child is admitted to a hospital or dies as a result of suspected child abuse.
2. The Investigations Unit shall assume responsibility for the investigation of all hospitalized child abuse cases as soon as they are notified by the Patrol Officer.
3. The Investigations Unit should ensure that the scene(s) is (are) identified and secured pending issuance of a search warrant.
4. A Detective shall obtain an initial statement from the most qualified physician (not the intern or resident on duty) as to time frames, mechanisms of injury and symptoms the child would be expected to show, given the injury sustained.
5. Interviews should be conducted with all caretakers, suspects and witnesses, including specialized physicians (e.g. neurosurgeons, pediatric radiologists, etc.). Interviews of the caretakers shall focus not only on the current injury, but also on a thorough background of the child's health and upbringing.
6. All medical records including recent and previous hospitalizations, doctor or Emergency Room visits by the child should be requested for the investigation.
7. Search warrants are to be utilized, where appropriate, to ensure a thorough scene investigation. Investigators may contact the County Attorney's Office regarding sealing the affidavit of search warrant.
8. CPS shall be contacted to obtain prior reports and to determine what action CPS is taking on the referral. If CPS is involved, law enforcement shall share information with them.

III. Case Presentation

- A. The case file should include a complete copy of the police report; a copy of audiotapes; videotapes; photographs; and tapes of 911 calls.
 - 1. All medical records of the child; Child Protective Services files on the child and family; prior relevant police reports and any other information obtained during the investigation shall be submitted in a timely manner.
 - 2. Attorney General Office documents should be included, specifically; dependency hearing transcripts, or depositions, information from other cases etc. within 10 days following the hearing.
- B. If the case is filed and:
 - 1. The case goes to Grand Jury or Preliminary Hearing. the assigned Detective should present the case. If he or she does not feel comfortable with presenting the medical evidence, he/she shall notify the Deputy County Attorney, who can subpoena a physician to the Grand Jury or Preliminary Hearing for testimony regarding medical findings.
- C. If the case is not filed, notification of the decision not to file shall be the responsibility of the County Attorney's Office. The victim's representatives as well as CPS should be notified of the decision.
- D. If a post-filing further is requested and the suspect is in custody, a Detective shall be assigned. All requested information should be presented to the Deputy County Attorney 24 hours prior to Grand Jury or Preliminary Hearing.
- E. If the Deputy County Attorney refers the case back to the law enforcement agency for further investigation:
 - 1. The case should be returned to the original case agent if possible; and

2. The requested information should be obtained as soon as possible.
3. The Pinal County Attorney's Office must be advised if the investigating agency decides to inactivate/close the case within 30 days of such action.

Dispute Resolution

Pursuant to House Bill 2024, Child Abuse Protocols shall contain procedures for dispute resolution among Law Enforcement, Child Protective Services and the County Attorney's Office. Those procedures are included as an attachment.(See *Appendix A*)

II.

CHILD PROTECTIVE SERVICES PROTOCOL

Child Protective Services (CPS) is based in philosophy and law on the premise that children have a right to be protected from physical abuse, sexual abuse, neglect, abandonment and exploitation. CPS is primarily responsible for investigating in-home allegations of abuse/neglect.

CPS believes that children should be maintained in their own homes, if at all possible. The Adoptions and Safe Families Act of 1997 (P.L.105-89) requires the child's health and safety be the paramount concern when assessing risk of harm and making placement and permanency planning decisions and in providing services to families.

The Arizona Department of Economic Security (ADES) is required, by law, to receive reports of child neglect and/or abuse twenty-four (24) hours a day, seven (7) days a week and to initiate prompt investigation. (A.R.S. 8-802 (*Appendix C*) and A.R.S. 13-3620 (*Appendix B*)) CPS Specialists, working at the CPS Hotline, receive telephone calls at 1-888-767-2445 or TDD 1-800-530-1831 and written reports at: P.O. Box 44240, Phoenix, AZ. 85064-4240. (See CPS Hotline Cue Questions). Reporting sources do not need to have answers to all cue questions. If the incoming communication meets the definition of a report, then the report is given a priority. The field Supervisor then assigns the report to a CPS Specialist to complete the investigation.

CPS actions rarely result in removal of children from the home of the parents. Less than 10% of CPS investigations result in temporary removal of the children from their homes. More often CPS workers offer an array of supportive services found in the community, and information on particular programs to strengthen the family unit. When there are concerns about a child's safety in their home, CPS attempts to engage the child's family to the greatest extent possible in planning for voluntary interventions that minimize intrusion to the family, while ensuring the safety of the child. These alternatives include: providing additional resources or safeguards to the family so a child can remain in the home, assisting the parent, guardian or custodian in identifying a relative or friend who

can care for the child temporarily, or entering into a Voluntary Foster Care Agreement with the parent/guardian.

When children are found to be in imminent harm, or there is no parent/guardian able or willing to provide care for the child, CPS and law enforcement have the authority to remove them from their home for up to seventy two (72) hours excluding weekends or holidays. (CPS may also remove a child for up to twelve hours to obtain a medical/psychological evaluation in order to make a determination if maltreatment has occurred).

If ADES cannot ensure the safety of the child (ren) in the home within that seventy-two (72) hours (not counting holidays or weekends), then the dependency petition is filed with the Pinal County Juvenile Court. The Juvenile Court Judge has the final decision on making the child (ren) wards of the court through this process. Once the petition is filed, then a case plan is developed with the participants to rectify why the child (ren) came into protective custody. The parents and children are referred to appropriate services through Pinal Gila Behavioral Health Association, Community Providers, and/or CPS to meet their identified needs.

CPS Specialists are assigned by their Unit Supervisor to investigate reports of child maltreatment. CPS Specialists adhere to the following procedures:

I. Pre-interview Protocol

A. The CPS Specialist shall coordinate the investigations with law enforcement. Coordination will be stressed when the report alleges or the investigation indicates the child is a victim of sexual abuse and/or a criminal investigation of the alleged child maltreatment is in progress or anticipated. These reports shall be reported immediately by telephone and fax to the responsible law enforcement agency. Other CPS reports may be handled with joint Law Enforcement/CPS Investigations requested by either agency.

- B. High Priority - High Risk reports and there is reason to believe a crime has been committed shall immediately be reported by telephone to the responsible law enforcement agency.
- C. All other CPS reports will be reported to law enforcement by faxing the police version of the CPS report summary
- D. The CPS Specialist will gather information from law enforcement reports, sources of the current report, prior CPS records and others as availability and time allow.

II. CPS Interview Protocol

A. The following is the sequence for interviewing:

1. Alleged victim if the child's age and intellectual/emotional functioning permit;
2. Siblings/other children in the home;
3. School/day care provider;
4. Non-abusing spouse/caretaker;
5. Alleged abusive caretaker; and
6. Neighbors, relatives, and others with knowledge of the abuse.

B. Child Interviews

1. The CPS Specialist will work in conjunction with Law Enforcement whenever applicable.
2. The alleged abusive parent, guardian or custodian shall not be present during the investigative interviews with alleged child victims.
3. Initial interviews are generally unannounced to maximize the gathering of relevant facts.
4. To eliminate the need for multiple interviews of the child victim, the CPS Specialist will arrange for:
 - a. a joint interview of the child victim coordinated between CPS and law enforcement; or

- b. a joint interview of the child victim by a qualified professional coordinated with law enforcement. If CPS is conducting the interview, law enforcement must witness the entire interview in the observation room to assure all pertinent questions are asked.
 - c. if a joint interview is not feasible, information from the victim interview should be shared with law enforcement.
- 5. Interviews of alleged child sexual abuse victims will be videotaped and audio-taped.
- 6. Interviews of alleged child physical abuse victims may be audio-taped.
- 7. CPS may take legal custody of the alleged victim for the purpose of conducting an interview and/or a medical examination.
- 8. The CPS Specialist shall:
 - a. Introduce and identify him/herself as a CPS Specialist, while effecting an interview in a private, safe and neutral location.
 - b. Develop and maintain rapport and a helping relationship with the child by demonstrating respect for the language, dialect, communication style, and culture of the child. Language skilled staff or translators will be assigned as needed.
 - c. Inform the child of the agency's mandate to investigate, the agency's goal to provide needed services, and answer any of the child's questions.
 - d. Allow and encourage the child to express emotional reactions to the investigation and help resolve his/her feelings.
 - e. Inform the child that CPS has the responsibility to complete the investigation, including interviewing other members of his/her family.

- f. Assess the need for immediate medical examination or treatment and arrange for this, seeking caretaker cooperation as appropriate. (See Medical Protocol for sexual or physical abuse.)
- g. Assess the need for immediate shelter/foster care of the child. The CPS Specialist will consult with his/her supervisor prior to taking the child into protective custody.

C. Parent/Caretaker Interviews

- 1. The CPS Specialist will work in conjunction with Law Enforcement whenever applicable.
- 2. Initial interviews are generally unannounced to maximize the gathering of relevant facts. Arrangements should be made so that the interview is conducted privately.
- 3. Provide parents/caretakers the same information and afford the same considerations as listed in the children's interviews protocol.
- 4. Initiate contact the same day with the parent/caretaker in situations when a child has already been interviewed. If parental contact cannot be made the same day, the reasons for lack of contact must be documented.
- 5. Initiate immediate contact with the parent/caretaker in all situations when the child is taken into temporary protective custody. This includes advisement of legal rights in writing, the agency's authority to take such action necessary to protect the child or to conduct the investigation, and the parent's right to recommend a relative to temporarily care for the child(ren).
- 6. Offer services and information on resources to family members, whether children are removed from the home or not when the family could benefit from these services.

III. Case Management Protocol

The CPS Specialist will:

- A. Obtain a medical examination of the child victim following guidelines of the medical evaluation protocol. (See Medical Protocol)
- B. Gather and record information from the CPS Specialist's own observations and through interaction with collateral sources and professionals involved with the investigations.
- C. Consult with the CPS Unit Supervisor and/or other agency personnel to determine the need to remove the child from the family based upon the information gathered and the risk of harm to the child. In an emergency, the CPS Specialist will consult with a supervisor immediately after taking temporary custody of the child, and obtain supervisory approval.
- D. The CPS Specialist will make a determination as to the findings. If the report of abuse/neglect/dependency is proposed to be substantiated or unsubstantiated by CPS standards, CPS will notify the parent/caretaker in writing. All proposed substantiated findings will be sent to the Protective Services Review Team, who will notify the alleged perpetrator of their rights.

III.

MEDICAL PROTOCOL

Medical personnel have a complex role in child abuse cases. Evidence of child abuse may be detected during an examination or disclosures of abuse may be made to medical personnel. Since medical personnel are mandated reporters of child abuse per Arizona Revised Statute Section 13-3620, (See *Appendix B*) this Protocol will outline child abuse reporting guidelines. Patients may also be presented for child abuse evaluation. Guidelines for medical evaluation have been addressed for these situations.

Child abuse examinations must be performed by physicians who are competent in the forensic exam of children as well as in providing expert testimony in judicial proceedings. It is understood that physicians have an obligation to inform the immediate family regarding the health and welfare of the child. However, it is imperative the physician remain objective in the evaluation and not confront the family or speculate on the nature of the injury. The physicians should be able to document their education, training and experience in the area of child abuse and neglect. In Pinal County there is a Family Advocacy Center staffed by SANE (sexual assault nurse examiner) Nurses with the necessary qualifications to provide child abuse examinations, and, when medically appropriate, it is **strongly** suggested that these exams be done at the center. There are four centers in Maricopa County that may be used, depending on the location of the victim.

Presentation of Suspected Child Abuse Cases:

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

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

1. Triage the urgency of medical need, *i.e.*, severe trauma or excessive bleeding vs. minor contusions. A child's physical/medical safety is always the paramount concern.
2. Determine if the Police and/or CPS have been notified.

- a. If notification has been made, re-contact that agency(s) to determine if an Officer and/or CPS Specialist will be responding **and** if the agency is requesting that a medical evaluation be performed.
- b. If notification has not been made, make every attempt to obtain background information on the child and alleged abuse from the parent/caretaker while out of earshot of the child. If further information regarding the abuse is necessary, obtain basic information from the child as outline below. If there is reasonable belief to suspect child abuse, a report must be made. See reporting procedure outlined below.

B. Evidence of child abuse is observed during routine or unrelated exam:

1. Utilize the "Obtaining basic information from the child" procedure listed below.
2. If there is reasonable belief to suspect child abuse, utilize the reporting procedure outlined below.
3. Do not notify Parent and/or Caretaker prior to Police and CPS notification.

C. A child self discloses abuse to medical personnel:

1. Follow the procedure for obtaining basic information from the child as outlined below.
2. If someone reasonably believes child abuse has occurred, a child abuse report must be made. See reporting procedure outlined below.

Obtaining basic information from the child:

- A. If possible, find a quiet private spot to talk with the child away from the parent and/or caretaker.
- B. Do not make promises to the child, such as "I won't tell anyone" or "No one will have to go to jail." Simply reassure the child that you will do whatever is necessary to keep them safe.

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

1. What happened?
2. Who did it?
3. When did it happen?
4. Where did it happen?

D. Document exact quotes provided by the child.

Procedure for Reporting Child Abuse:

When a person reasonably believes that child abuse has occurred, a report must be made. This Protocol recommends that the report be made by calling both the CPS Hotline (1-888-SOS-CHILD or 1-888-767-2445) and the law enforcement agency where the abuse occurred. If unsure where the abuse occurred, the report should be made to the agency where the child lives.

A. When reporting to CPS:

- 1) Document the name of the Hotline worker;
- 2) Document the CPS office to which the case is being assigned, including the Supervisor name and phone number;
- 3) Ask what priority the case has been assigned in order to determine time frame of CPS arrival;
- 4) Document the name (or copy the identification) of the CPS worker upon arrival.

B. When reporting to Law Enforcement:

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

A written report is also mandatory per Arizona Revised Statute Section 13-3620. The written report must be sent to CPS within 72 hours. A copy of the report should be mailed to:

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

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

Working in Conjunction with Pinal County Attorney Family Advocacy Center:

It is generally Law Enforcement who contacts a SANE Nurse to request a forensic medical evaluation of sexual abuse cases and CPS who contacts the SANE Nurse for a physical abuse examination. However, either agency may make that referral.

As a rule, the center will not accept a case until there is Law Enforcement and/or CPS involvement. However, if there is a problem in getting Law Enforcement or CPS to respond, or if the Emergency Department/practicing physician believe that a forensic exam should be conducted as soon as possible, then the center can be contacted for advice. (See Appendix ??)

Concerning the issue of the Emergency Medical Treatment and Labor Act (EMTALA) the transfer of a suspected child abuse victim to the center can be done after the medical screening examination (MSE) has been completed. The MSE should generally be a very uncomplicated procedure because the majority of child abuse victims do not require emergency medical care. If CPS and/or Law Enforcement is ready to transport and the MSE is not yet complete then CPS or Law Enforcement may contact the Center for advice. The Center SANE Nurse may then contact the hospital/medical office Physician.

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

Medical records from this incident must be released to Law Enforcement and/or CPS, per A.R.S. 13-3620c, upon their written request and signature on a medical release form. The parent/guardian does **NOT** have to give permission for this release. The release of medical records should also be expeditious, as Police and CPS will need the records for their investigations.

The Medical Evaluation:

The medical evaluation, which primarily addresses the well being and safety of the child, may also yield legal evidence. Therefore, it is an important part of the evaluation of the child abuse victim. It is possible however, that the physical exam will not prove or disprove that abuse has occurred, especially when the concern is sexual abuse. The majority of "after 72 hour" sex abuse exams are normal, but this does not preclude the possibility the abuse occurred. The most important part of the evaluation is the history given by the child. It is understood that physicians have an obligation to inform the immediate family regarding the health and welfare of the child. However, it is imperative the physician remain objective in the evaluation and not confront the family or speculate on the nature of the injury.

The comprehensive physical exam must be performed by physicians who are competent in the forensic exam of children. These physicians must be able to document their education, training and experience in the area of child abuse and neglect. **In Pinal County there is a Family Advocacy Center staffed by SANE (sexual assault nurse examiner) Nurses with the necessary qualifications to provide child abuse examinations, and, when medically appropriate, it is strongly suggested that these exams be done at the center. There are four centers in Maricopa County that may be used, depending on the location of the victim.**

I. Sexual Abuse

A. The Forensic Interview and Videotaping

The forensic interview should be done prior to physical examination. The physician should view the interview if possible. The child should not be re-interviewed by the physician.

B. The Medical Evaluation

1. Indications for Forensic Medical Examinations

a. Children Who Give a History of Sexual Abuse

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

b. Sexual Abuse within 72 Hours

Children and adolescents, regardless of gender, who have alleged sexual abuse within the previous 72 hours may need a forensic medical exam to collect specimens and document injuries. This decision should be made with consultation of a physician. The victim should be advised not to bathe, change clothing, etc., prior to the exam.

c. Genital/Rectal Pain or Bleeding

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

- d. Sexually Transmitted Diseases (when there is no disclosure of abuse)
 - 1) Gonorrhea, Syphilis, Chlamydia, Trichomonas, Genital Herpes and Venereal Warts. Children diagnosed with these infections definitely need to be seen for a forensic exam, even if the diagnosis/treatment have occurred elsewhere. Any lab reports that exist must accompany the child when he/she is seen.
 - 2) HIV Positive. Children who have tested positive for HIV should be seen for an exam if the source of the virus is not known. With respect to perinatal transmission, if the HIV positive child is older than 12 months when the positive status is discovered, it should not be assumed that he/she acquired the virus from the HIV positive mother.
 - 3) Gardnerella or Monilia. If there is no history or other indication of sexual abuse, children with these infections do not need to be seen for a forensic exam.
 - 4) Other Genital Infections. For children who have less common infections, the need for an exam can be determined by a discussion with one of the forensic physicians. Girls who have a vaginal discharge need to be medically evaluated as soon as possible to determine the cause of the discharge. This may be done by the child's primary care physician or by the forensic physician.
- e. Exhibition of Some Sexualized Behavior without reasonable grounds to believe abuse has occurred

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

f. **Children who are Pre-verbal, Non-verbal, or Developmentally Delayed**

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

g. **Adolescents**

- 1) Sexual abuse occurring 3-14 days prior to the report. These children may have evidence of healing trauma and thus a forensic exam would be worthwhile as soon as possible. If more than 14 days has passed since the alleged molest, these adolescents could be seen on a scheduled basis for a forensic exam.
- 2) Adolescents disclosing "Consensual sex"
 - a) If there is a question as to whether the sexual contact was "consensual" or "non-consensual", a forensic medical exam should be done.
 - b) If the victim is under 15 years old, a forensic exam should be done.
 - c) If the youth/victim is age 15, 16, or 17, and the partner/alleged perpetrator is less than 19 years of age or attending High School and is no more than 24 months older than the youth/victim, the Pinal County Attorney's Office should be contacted for advice.

h. **Pregnant Teens**

Physicians must consider the possibility of sexual abuse in these cases. If the pregnant teen is under 15 years of age, then the physician must make a child abuse report immediately. An abortion should not be done prior to the law enforcement investigation. If an abortion is done, fetal tissue can be used to identify the father of the baby. A forensic exam is not required.

i. **Custody Disputes**

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

j. **Molest Allegations/Concerns during Regular Medical Exams by Community/Emergency Department Physicians**

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

2. Procedure for Forensic Medical Examination

- a. These aspects of the exam are pertinent to all cases, regardless of the time interval from the incident.
 - 1) A complete medical history (including immunizations) should be obtained from the caretaker and the child. If

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

- 2) The child should be given a choice of whether he/she would like a supportive person (of their own choosing) in the exam room. If this person is disruptive during the exam, the physician may ask him/her to leave.
- 3) After the regular physical examination, carefully examine the genital and anal areas to detect any injury. This must be done with good illumination, and can involve the use of magnification. The colposcope can provide both illumination and magnification in addition to photographic capability. Photographic and/or video documentation of the genital/anal areas is recommended, but is not required. The physician's primary obligation (keeping in mind the best interest of the child) is to do a thorough and accurate exam of the genital/anal areas; photographs are a secondary consideration.
- 4) Carefully examine the entire body to detect any signs of trauma, neglect, or abnormal medical conditions. Photographic and/or video documentation of any positive findings is recommended. If the law enforcement photographer is not available to do this,

then a medical unit should have an appropriate camera.

- 5) Consider testing for pregnancy and sexually (and non-sexual) transmitted diseases, such as gonorrhea, syphilis, chlamydia, herpes, trichomonas, staph, strep, candida and HIV. These lab tests may be available on site. However, patients thirteen (13) years and older should be offered referral to the Health Department for HIV testing, and thus will have the choice of confidential versus anonymous testing.
 - 6) Prepare a forensic medical report. A suggested form is provided by the Arizona Department of Economic Security, Administration for Children Youth and Families. This report should be completed in a timely manner unless a particular lab test result or treatment result (*e.g.*, the opening of a labial adhesion) must first be available.
- b. When the exam is done within 72 hours of the alleged sexual abuse, in addition to the above medical exam procedure, consideration must be given to whether or not a rape kit needs to be done. The rape kit procedure includes (but is not limited to):
- 1) Paper bagging individual items of clothing separately;
 - 2) Collecting specimens by means of swabs to detect perpetrator body fluids (saliva, semen, etc.);
 - 3) Collecting other debris (trace evidence) which may be present;
 - 4) Collecting reference specimens from the victim (saliva, blood, etc.);

- 5) Proper air drying (at room air temperature) and handling of specimens to prevent deterioration; and
- 6) Maintaining the chain of custody.

II. Physical Abuse and Neglect

A. Indications for Forensic Medical Examinations

Children suspected by CPS, law enforcement or medical personnel of having been physically abused or neglected should have an exam as soon as possible. Children with fairly minor visible injuries may have serious internal injuries.

B. Procedure for Forensic Examinations

This exam should include:

1. A complete past medical history and the history of the suspected abuse, which should be obtained from the professional who interviewed the child.
2. Inspection of the genital/anal areas with good lighting because children who experience one type of abuse are at risk for all forms of abuse. If the history or exam reveals that sexual abuse is a concern, then the sexual abuse procedure should also be followed.
3. Appropriate lab studies to document the medical conditions caused by injury and to exclude such medical conditions as bleeding disorders.
4. Imaging studies to discover and document injuries that are not externally apparent by physical exam. These studies may include radiographs, ultrasound scans, computerized tomography scanning, nuclear scanning, and magnetic resonance imaging. The studies needed in any given case are variable and must be determined on a case-by-case basis. However, x-rays of the entire skeleton are indicated in most children under 2 years of age and in selected children over 2 years old if physical abuse is suspected.

These studies must be done at hospitals that have a pediatric radiologist.

5. Color photographs should be done to document visible injuries as well as locations where injuries are not present. A measuring device, color scale and identification label should appear in the photograph. If the law enforcement photographer is not available to do this, the medical unit should have an appropriate camera.
6. A forensic medical record must be prepared using the form provided by the Arizona Department of Economic Security, Administration for Children, Youth and Families. This report should be completed on the day of the exam unless an opinion cannot be given until a particular lab or radiology result is available.
7. On occasion, a review of medial records of prior medical care may play an important role.

IV.

COUNTY ATTORNEY PROTOCOL

The Pinal County Attorney's Office has long emphasized a sensitive and coordinated approach to the prosecution of child physical and sexual abuse cases through vertical prosecution and specialized training.

A. Special consideration is given to the selection of the attorneys who prosecute Crimes and Physical Abuse Cases.

1. All Sex Crimes attorneys are experienced prosecutors and trial advocates.
2. The attorneys are carefully chosen for their expertise, interest and sensitivity to the myriad of issues surrounding child victims/witnesses.
3. The attorneys are expected to remain current on case law and research on victim and offender related dynamics. They are also expected to be familiar with the medical issues and literature on child sexual/physical abuse.

B. UPON ASSIGNMENT TO EITHER CHILD ABUSE OR SEX CRIMES AN ATTORNEY MUST COMPLETE THE FOLLOWING TRAINING:

1. 8 HOUR BASIC FORENSIC INTERVIEWING TRAINING;
2. 40 HOUR ADVANCED FORENSIC INTERVIEWING TRAINING;
BECAUSE THIS COURSE INVOLVES PRACTICA FOR INTERVIEWING AND TESTIFYING THAT DESIGNED PRIMARILY FOR LAW ENFORCEMENT AND CHILD PROTECTIVE SERVICES WORKERS, THE ATTORNEY MAY AUDIT THE COURSE;
3. 8-HOUR BASIC TRAINING ON CHILD PHYSICAL ABUSE;
4. THE ATTORNEY MUST COMPLETE TWO OF THE FOLLOWING WITHIN TWO YEARS:
 - a. INVESTIGATION AND PROSECUTION OF CHILD ABUSE: EQUAL JUSTICE FOR CHILDREN;
 - b. INVESTIGATION AND PROSECUTION OF CHILD FATALITIES AND PHYSICAL ABUSE;

- c. ChildPROOF: ADVANCE TRIAL ADVOCACY FOR CHILD ABUSE PROSECUTORS.
5. BECAUSE TRAINING OPPORTUNITIES VARY, THE ATTORNEY MAY SUBSTITUTE ANOTHER SIMILAR TRAINING FOR ANY OF THE ABOVE REQUIREMENTS WITH APPROVAL OF THE CHIEF CRIMINAL DEPUTY.

I. Duties of the Sex Crimes Attorney

A. On-Call

- 1. On-call attorneys assist law enforcement agencies in child abuse investigations.
- 2. The on-call attorney may:
 - a. Visit the scene
 - b. Assist in the preparation of a search warrant
 - c. Answer legal inquiries
 - d. Attend the initial appearance, and
 - e. Attend the autopsy

B. Charging Review

Will review all investigations submitted by law enforcement agencies involving sexual assaults, child sexual abuse, child exploitation, indecent exposure, child abuse, child homicide, custodial interference or kidnaping for the possible filing of criminal charges.

- 1. After the investigation is completed by law enforcement, the police agency submits the departmental report for attorney review.
- 2. Submittals are designated either as Out-of-Custody or In Custody.
 - a. Out-of-Custody Submittals:
 - (1) Aside from the statute of limitations, there is legally no time limit imposed for filing charges.

- (2) Submittals should have a reviewing decision made within 30 days from the date the submittal was received by the Pinal County Attorney's Office.
- b. In Custody Submittals:
- (1) Charges, via a complaint, must be filed within 48 hours of an Initial Appearance (an Initial Appearance occurs within 24 hours of being booked into jail) in order to maintain the bond or release conditions which were set at the Initial Appearance. The 48 hours does not include weekends and holidays.
 - (2) If charges are not filed within the 48-hour time frame, the defendant will be released from custody. Any bond or other release conditions that have been imposed at the Initial Appearance will be exonerated or otherwise lifted.
 - (3) If, at the Initial Appearance, the defendant was released on his own recognizance, on bond, or to pretrial services, and charges were not filed, all release conditions will no longer apply and any bond posted will be exonerated.
- c. As a practical matter, not all defendants who are arrested will have charges filed.
- (1) There will be instances where further investigation will be necessary before the case is ready to be filed; or
 - (2) The case may not meet the County Attorney's Office standards for prosecution.

III. Processing Submittals

A. Once the investigation has been submitted, a reviewing attorney reads the report(s) and decides if the submittal is to be furthered for additional investigation, declined for prosecution or filed.

1. Submittals further for more investigation
 - a. The reviewing attorney will list with specificity the information necessary for prosecution.
 - b. The submittal is then returned to the investigating agency to complete the investigation, with a copy to CPS.
 - c. At this juncture, the law enforcement agency has two investigation options:
 - (1) To complete the investigation; or
 - (2) To INACTIVATE/close the investigation.
 - I. IF THE DECISION IS TO INACTIVATE/CLOSE THE INVESTIGATION THEN A LETTER TO THE COUNTY ATTORNEY SHALL BE SENT STATING THE BASIS FOR THIS DECISION.
 - d. When the requested further investigation is completed, the law enforcement agency will re-submit the report for the County Attorney's review.
 - e. If the agency does not pursue the investigation, the County Attorney's Office must be notified in writing, WITHIN 30 DAYS.
2. Submittals declined for prosecution
 - a. The primary reason submittals are declined for prosecution is that they do not meet the office-charging standard: i.e. that the submittal, when reviewed as a trial case, has no reasonable likelihood of conviction.

- b. The County Attorney's Office will not reject a case solely on the basis that the victim or victim's family refuses to cooperate with prosecution.
 - c. When the reviewing attorney determines that the submittal is appropriate, the Chief Criminal Deputy may review the submittal at the specific request of the victim, CPS or law enforcement.
 - d. A letter indicating that decision will be mailed to the victim and/or the victim's lawful representative (i.e. parent or guardian) by the County Attorney's Office.
 - e. The submittal is then returned to law enforcement indicating the decision not to file. A copy shall be sent to CPS.
 - f. The victim or the victim's lawful representative has the right to confer with the initial reviewing prosecutor regarding the decision not to prosecute.
 - g. All cases that are NOT FILED may be re-evaluated if new evidence is presented.
 - h. With the exception of homicide and as of 2001, any Class 2 Sex Crimes (Chapter 14 or 35.1) cases which have no Statute of Limitations, the Statute of Limitations for any felony allows for a prosecution up to seven years from disclosure of the crime. (See Appendix D, A.R.S. 13-107)
3. If a submittal is appropriate for prosecution:
- a. The Deputy County Attorney shall issue appropriate charges.
 - b. A probable cause determination must be made through either a Preliminary Hearing or a Grand Jury.
 - c. The majority of child physical or sexual abuse cases will be taken to Grand Jury, Grand Jury proceedings are not open

to the public; thus, they do not subject the victim to the stress of testifying.

IV. Vertical Prosecution - A Team Approach

A. The County Attorney's Office utilizes vertical prosecution with a team approach in child sexual abuse, child physical abuse and homicide cases.

1. Vertical prosecution means the same attorney who reviewed the submittal and filed the charges will prosecute the case.

B. The County Attorney's policy is to use a team approach to prosecution. The team consists of the Deputy County Attorney, County Attorney Investigators, Victim Advocates, Legal Assistants and outside agencies, such as Child Protective Services.

1. County Attorney Investigators may be utilized to assist the prosecutor once a case is filed.
2. Victim Advocates act as a liaison between the Deputy County Attorney and the victim or the victim's representative, The Deputy County Attorney, in conjunction with the Victim Advocate, will work with the victim, parent, guardian ad litem or the victim's attorney on the case.
3. Legal Assistants help in the research and preparation of motions regarding special issues surrounding child sexual and physical abuse prosecutions.
4. Child Protective Services is an independent State agency that deals with civil issues involving the child victim. If a case involves Child Protective Service intervention, the Deputy County Attorney will attempt to work with the assigned caseworker, recognizing that the goals for the case resolution of the two agencies are not necessarily the same.

5. Prosecution is a team effort among the investigative agency, the prosecutor, the Victim Advocate, the victim and the witnesses. All members of the team are under a continuing obligation to exchange information about the case. The assigned detective is encouraged to assist prosecution during the trial.

V. Case Dispositions - Change of Plea or Trial

- A. Once the case is assigned to a Deputy County Attorney, the attorney and/or the Victim Advocate will contact the victim as soon as practicable to discuss the process and obtain input as to a possible disposition.
 1. Sex crimes and serious physical abuse cases are staffed for disposition. A case is staffed by the Deputy County Attorney and at least two capital attorneys.
 2. Plea guidelines as well as prior case dispositions will be utilized in making plea offers in order to provide consistency of dispositions among similar cases.
 3. Serious physical injury cases utilize office plea guidelines, but the child abuse prosecutor manages the case disposition based on the specifics of the case.
 4. While not all cases are appropriate for plea offers, the majority of cases will involve an offer to plead guilty to a lesser charge. Plea dispositions are advantageous because they ensure finality for the victim, a judgement of guilt by the court, and an order of restitution for damages incurred by the victim.
 5. In all child abuse cases that involve more than one count, it is anticipated that any plea offer will include lifetime probation. Lifetime probation may be imposed even in cases that include a term of imprisonment.
 6. Plea offers should be extended within 30 days of arraignment, following office policy, and should be entered by 90 days after the

arraignment date. Extensions of the plea offer may be granted but only with approval from the assigned attorney's immediate supervisor.

7. The offer will then be communicated to the victim via the Victim Advocate or the attorney. It is the duty of the County Attorney's Office to see that justice is served in the handling of criminal cases. In that endeavor, it is recognized that the opinion of the victim as to what is just in their case may differ from the views of this office.
 - a. If the victim's view of the disposition diverges from the staffing offer, he or she shall be given the opportunity to discuss their disagreement with the Deputy County Attorney and, if necessary, with the assigned attorney's supervisor.
 - b. If the difference of opinion is still not resolved, the victim has the right and opportunity to notify the pre-sentence probation officer and the court of their opinion.
 - c. Final disposition of a disputed negotiated plea rests with the discretion of the court to either accept or reject the plea offer.

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

1. Unfamiliarity with the trial process;
2. Uncertainty regarding whether or not the case is proceeding to trial;
3. Unnecessary delays;
 - a. The Deputy County Attorney will not create any unnecessary delays;
 - b. The Deputy County Attorney will oppose and unnecessary delays;

4. Fear of testifying.

VI. Trial Disposition - Trial and Victim Preparation

A. Trial preparation is the responsibility of the Deputy County Attorney.

1. The Deputy County Attorney should meet with the victim in order to acquaint the victim with the trial process.
2. The Deputy County Attorney should strive to develop rapport with the victim.

B. Victim preparation is the responsibility of the Deputy County Attorney with the assistance of the Victim Advocate.

1. In all but very rare cases, the victims are required to testify in court.
2. At least three days before the trial, the victim will be taken into a courtroom and the Deputy County Attorney will explain courtroom protocol and procedures to the victim.
3. The Deputy County Attorney is aware that the courtroom may be intimidating to the child/victim.
 - a. In appropriate case, the Deputy County Attorney may request adaptation of the courtroom in order to fit the victim's needs.
 - b. When handled properly, trial testimony can be a powerful aid to the victim recovery process.
 - c. The Deputy County Attorney takes an active role in the victim's recovery process by the manner in which he/she handles a case destined for trial.
 - (1) If requested to do so, the Deputy County Attorney will assist the victim in selecting a support person to be present during the victim's testimony, in addition to the Victim Advocate.

- (2) The support person cannot otherwise be a witness in the case.
 - (3) The Deputy County Attorney will seek appointment of an interpreter or guardian ad litem for a victim in appropriate cases.
4. Prior to trial, the Deputy County Attorney of the Victim Advocate will discuss the possible outcomes of the trial with the victim and the victim's representative.
5. At the option of the victim, he or she may submit to an interview by the defense attorney.
 - a. The Deputy County Attorney will be present at the victim's request and will actively participate in the interview.
 - b. The Deputy County Attorney will make necessary arrangement for any reasonable conditions requested by the victim, including:
 - (1) the presence of the Victim Advocate who acts as a support person for the victim, or
 - (2) The presence of another support person
 - c. The Deputy County Attorney or his/her representative will arrange defense interviews of witnesses at the defense's request.
 - (1) The Deputy County Attorney or his/her representative will be present and will tape record the interview.
 - (2) The Victim Advocate will arrange interviews with victims, their family members, and any special needs witnesses.

C. The County Attorney's Office recognizes that child sexual and physical abuse cases often require retention of expert witnesses.

1. In those cases, the County Attorney's Office will pay reasonable fees for that expertise.
2. Professionals are required to testify because they are material witnesses (i.e. they have seen and evaluated the child or are involved in the case within their professional capacity) rather than expert witnesses. In such situations, the professional is not entitled to expert witness compensation.
3. Expert and professional witnesses often have scheduling difficulties. The Deputy County Attorney shall strive to give adequate notice of a pending trial date to these witnesses.
4. Special consideration will be given to the experts and professional witnesses to accommodate their schedules in coordinating a time for their testimony. Obvious constraints are imposed on the prosecutor, but efforts will be made to minimize the inconvenience to the expert or professional witness.

VII. Jury Verdicts

A. Once the case has been presented and the jury returns with a verdict, the Deputy County Attorney and/or the Victim Advocate will inform the interested parties and team members of the case outcome.

1. A jury has three (3) options in reaching a verdict on any of the charges;
 - a. Not guilty, in which case the defendant is acquitted, charges are dismissed and defendant is free from future prosecution on that matter;
 - b. Guilty, in which case the defendant is bound over for sentencing; or
 - c. "Hung Jury", in which case the jury was unable to reach a unanimous verdict as to the defendant's guilt or innocence.

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

VIII. Sentencing

- A. If the defendant pleads guilty or no contest, or if the jury finds the defendant guilty, the Deputy County Attorney and/or the Victim Advocate will inform the victim of the sentencing procedure.**
- B. The sentencing date is 30 to 60 days after conviction.**
- C. The duties of the Deputy County Attorney include:**
 1. Submitting to the Adult Probation Officer and Adult Probation packet, which includes:
 - a. The departmental reports;
 - b. The indictment, information or complaint;
 - c. Copy of the plea agreement (when Applicable);
 - d. Victim's biological information;
 - e. Other relevant information; and
 - f. The Deputy County Attorney's sentencing recommendation.
- D. Upon request of the victim, the Deputy County Attorney:**
 1. Will inform the victim of his/her right to restitution.
 2. Will inform the victim of sentencing procedure options, such as:
 - a. The defendant may seek a continuance of the original sentencing date in order to present mitigating evidence;
 - b. The State may seek a continuance of the original sentencing date in order to present mitigating evidence;
 - c. Either side may request a mental examination under Rule 26.5, Arizona Rules of Criminal Procedure.

3. Will inform the victim of his/her sentencing options at the sentencing proceeding:
 - a. The victim or the victim's lawful representative has the right to be present at the sentencing;
 - b. The victim or the victim's lawful representative has the right to address the court.
4. Will assist the victim in addressing the court.
 - a. The Deputy County Attorney may request of the court that the matter proceed in chambers.
 - b. The Deputy County Attorney may assist the victim in preparing a written statement to present to the court.

IX. Post Conviction Relief and Appeals

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

X. DISPUTE RESOLUTION

- A. PURSUANT TO HOUSE BILL 2024, CHILD ABUSE PROTOCOLS SHALL CONTAIN PROCEDURES FOR DISPUTE RESOLUTION AMONG LAW ENFORCEMENT, CHILD PROTECTIVE SERVICES AND THE COUNTY ATTORNEY'S OFFICE. (SEE *APPENDIX A* FOR THESE PROCEDURES.)

V.

MENTAL HEALTH INTERVENTION PROTOCOL

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

The Arizona mandatory reporting law, A.R.S. §§13-3620 (See *Appendix B*), requires that mental health and social service professionals, and other persons having responsibility for the care or treatment of children who reasonably believes that a child has been abused or neglected, are mandated to report the matter immediately. "Reasonably Believes" for reporting means if there are any facts from which one could reasonably conclude that a child has been abused, the person knowing those facts is required to immediately report those facts to the appropriate authorities. When in doubt, make the report.

The statute also states that anyone who reports a case of suspected child abuse is immune from liability in any civil or criminal proceeding resulting from the report unless the reporter has been charged with or is suspected of committing the abuse, or is acting with malice. Mental health professionals are responsible for maintaining current awareness of any statutory changes that may occur in the reporting law. Every mental health agency needs to establish a procedure for following the mandatory reporting law. Every mental health practitioner should be familiar with the specific reporting requirements as defined by the professional standards of his/her governing board (i.e. psychiatrist, psychologist, counselor, social worker, etc.). This

Protocol provides guidelines as to how mental health professionals can best fulfill their legal and professional mandates, while working in conjunction with the agencies responsible for the investigation of child abuse cases.

I. Agency Responsibilities

- A. Mental health agencies should each designate a Child Abuse Coordinator. The Child Abuse Coordinator, henceforth in this document to be referred to as Coordinator, should potentially be the CEO or Supervisor. The Coordinator should have additional training and experience in child abuse recognition and reporting. The Coordinator will provide support and assistance to the therapist/employee who received the initial disclosure through the child abuse reporting process. An alternate Coordinator should also be designated in order to assist in the absence of the primary Coordinator.

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

- B. Mental health agencies should authorize yearly training on child abuse for the entire staff.
- C. Mental health agencies should adopt a standardized, child abuse reporting form to be utilized for the mandatory written report. Agencies may adopt the sample provided or may create a form that provides the necessary information.

II. Receiving the Initial Disclosure

When it appears that a child is disclosing information about possible abuse, the professional receiving such information should listen and ask no leading questions. If the child does not spontaneously provide the information, the following questions should be asked:

What happened?

Who did it?

Where were you when it happened?

When did it happen?

No further questioning by the mental health professional should be done

at

this time. If the child has spontaneously answered any of these four questions, do not ask that question. Record verbatim statements in written form and do not make any video/audio recording. Once the initial disclosure has been made, further questioning or interviewing of the child should be done only by the investigating professionals. Further questioning may contaminate the forensic interview and/or create additional trauma for the child. There are Child Advocacy Centers available where victim interviews that meet the requirements of both criminal and CPS investigations are conducted by specially trained interviewers. These interviews are video and/or audio taped and become forensic evidence. This reduces the need for repeated interviews of the child victim. Disastrous response to disclosure is one of the greatest trauma potentiators. Do not make promises to the child that cannot be guaranteed. For example, do not tell the child: "this does not have to be reported to the authorities"; "you won't have to testify"; "no one will go to jail"; etc.

III. Reporting Child Abuse

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

- A. Notify the agency's Child Abuse Coordinator or, if unavailable, a Supervisor of the disclosure. If there are questions as to whether information received constitutes abuse and should be reported, contact the CPS Hotline at 1- 888 – SOS – CHILD (or 1 – 888- 767 – 2445) and they will advise.
- B. With assistance for the Coordinator, report the suspected abuse

immediately to the law enforcement agency in the jurisdiction where the offense took place and to the CPS Hotline.

- 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 mailed to CPS within 72 hours of making the initial report.

The forms should be mailed to CPS at:

P.O. Box 44240

Phoenix, AZ 85064-4240

The agency should maintain the original copy of the written report, which should be kept in the client's file.

- D. If the non-offending parent or caretaker is aware of the disclosure, determine if he/she is appropriately supportive. If so, consideration should be given to encouraging the non-offending parent or caretaker to immediately make the report to law enforcement and CPS while in the presence of the therapist.
 - 1. The therapist should insure that he/she is included in any report made.
 - 2. If a therapist believes the victim or other children in the home continue to be at risk, he/she should make a second report to CPS.
 - 3. If the non-offending parent is unwilling or unable, the therapist again has the sole responsibility of making the reports to the appropriate law enforcement agency and to CPS.

IV. Therapist's Responsibilities

The therapist's primary goal is to facilitate healing in the child who has been victimized. This may include working with family members to negotiate changes in the child's environment, assisting the family in

aligning with the victim to provide emotional support and protection, and assisting in minimizing secondary trauma during the legal process.

- A. In this role, the therapist should delay primary trauma intervention until after the forensic interview and investigation has been completed by the appropriate agency. In the interim, supportive therapy should be provided.

Examples of supportive therapy include:

- Encouraging the child's parent or caretaker not to allow contact between the victim and alleged offender.
- Taking appropriate steps to ensure the safety of other children in the home.
- Stabilizing the victim's environment by supporting removal of the alleged offender.

- B. Mental health professionals who prefer not to work with child abuse victims, or lack expertise in this area, may also contact the Pinal County Attorney's Victim Services Division or the Victim Compensation Bureau, to seek referrals to mental health professionals who specialize in working with child abuse victims.
- C. Therapists should inform the victim and caretakers about the legal process. If a therapist is unfamiliar with the legal process he/she can refer the family to Victim Services.
- D. During treatment, if the child discloses further information regarding the abuse, the therapist should document direct quotes and promptly report this information to law enforcement and/or CPS.
- E. Per A.R.S. §§13-3620 (see *Appendix B*), mandated reporters, including mental health practitioners, may be requested to release records to CPS and/or Law Enforcement. Offender treatment records may also be obtained pursuant to A.R.S. §§13-3620 in any civil, criminal, or administrative proceeding or investigation

conducted by CPS or Law Enforcement in which a child's neglect, dependency, abuse or abandonment is an issue. Thus, written records should be complete, concise, clear and factual. A mental health practitioner who has any questions regarding the release, or requested release, of records should contact the assigned or on-call County Attorney. Any records taken or obtained by the County Attorney, CPS, or Law Enforcement are subject to the rules of disclosure.

- F. Therapists should not disclose facts regarding the allegations to the offender, victim, non-offending parent, caretakers or family members prior to the forensic investigation. Explain to the non-offending parent, caretaker and other family members that the facts of the alleged abuse should not be discussed until after the investigative interview is completed by Police/CPS. Therapists should educate the parent/caretaker that the child may need to talk. Parent/caretakers should listen, be supportive of the child, and seek support from the treatment professional during this time. After the investigation is completed, the non-offending parent/caretaker should be fully informed about the details of the allegations.
- G. Professionals involved in the treatment of various parties (i.e. victim, offender, non-offending parents and siblings) should collaborate with each other to support effective treatment.
- H. Therapists should maintain appropriate boundaries in their work with the child and family members.
 - 1. The victim should have a separate therapist from the alleged offender.

2. The "no contact" rules between offender and victim should be followed consistently. Premature confrontation between a victim and the alleged offender should not occur.
 3. The victim's therapist should not have direct contact with the alleged offender. Communication should be between the victim's and the alleged offender's respective therapists.
 4. The victim therapist should familiarize her/himself with the Adult and Juvenile Probation Department's special conditions of probation for sex offenders and the guidelines for family reunification. In cases that are adjudicated, the Probation Department will mandate these conditions.
- I. Therapists should provide support to the child victim through the legal process, as appropriate. In cases where prosecution occurs, a Victim Advocate may be assigned. The role of the Victim Advocate includes providing information about the criminal justice system and victim's rights; notification of court dates; visiting a courtroom with the victim; and being a support person during interviews, depositions, and/or court sessions. The therapist should provide emotional support to the victim during this process, in conjunction with the preparation done by the Victim Advocate.
 - J. The therapist should be prepared to be called as a witness, although this will not always be necessary. This may be done by interview, deposition and/or appearance in court. Therapists should be aware that there may be legal limitations regarding the content and scope of their testimony. The therapist should contact the assigned or on-call County Attorney concerning any questions regarding requests for interviews, depositions, or court appearances.

VI.

SCHOOL PROTOCOL

Because of their daily contact with children, school personnel are often the first persons to whom children disclose abuse that has occurred at home, school or elsewhere, or who suspect abuse because they recognize behavior changes in the children. School personnel are required by law to report all cases of **likely** abuse.

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

In addition to the mandate in Arizona Revised Statutes Section §§13-3620, Arizona Revised Statutes Section §§15-514(A) (See *Appendix D*) 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 Arizona Revised Statutes 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. Arizona Revised Statutes Section §§13-3620 also grants immunity from any criminal proceeding to those making reports, unless the reporter has been charged with or is suspected of committing the abuse, or is acting with malice.

It is highly recommended that a uniform, countywide reporting policy be adopted by every school district.

Uniform procedures that cross school district lines will serve to:

1. Increase the confidence of school personnel in reporting **reasonably** suspected abuse;
2. Improve interagency communication and cooperation between schools, law enforcement and CPS;
3. Minimize the number of times the child victim is interviewed;
4. Insure that the appropriate and most qualified professionals conduct the investigation;
5. Minimize disclosure trauma to the child victim.

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

I. Responsibility of school administration

- A. Designate a Child Abuse Coordinator for each school. The Child Abuse Coordinator, (hereinafter the “Coordinator”), should have additional training in the areas of child abuse recognition and reporting. An alternate Coordinator should also be designated and trained to assist in the absence of the primary Coordinator. The Coordinator and the alternate should have access to an area that will provide privacy and a telephone for reporting. The Coordinator will act as liaison between the school, CPS, and law enforcement.
- B. Authorize yearly training on child abuse for the entire school staff. The Coordinator may set this training.

- C. Adopt a standardized, child abuse reporting form, **The ASBA form, JLF-E, may be used.**

II. Responsibilities of school personnel

- A. School personnel generally will receive information about possible abuse in one of three ways: 1) the child will self report; 2) physical injury or unusual behavior will be observed; or 3) a third party will disclose the abuse.

1. Child's self-disclosure

- a. When it appears that a child is disclosing information about possible abuse, efforts should be made to provide a quiet, private place to facilitate the conversation.
- b. The person receiving such information shall listen openly and speak at the child's level in a positive, nonjudgmental tone.
- c. If the child has not spontaneously provided the following information about the abuse, only these exact questions should be asked as needed to complete the information:
 - 1) What happened?
 - 2) Who did it?
 - 3) Where were you when it happened?
 - 4) When did it happen?
- d. Effort should be made to remember the child's exact words during the disclosure **and** these quotes should be documented on the reporting form.
- e. School personnel should **NOT** make any promises to the child that cannot be guaranteed. For example, do not tell the child "this does not have to be reported to

the authorities", "you won't have to testify", "no one will go to jail", "I won't tell anyone else", etc.

- f. Report this information to the school's Coordinator, and ensure that required reports are made.

2. Observations of injury and/or unusual behavior

- A. School personnel should be observant of bruising, injury, markings, or unusual behavior that may be the result of abuse or neglect.
- B. A person observing injury may ask the four questions listed in the previous section to attempt to ascertain the cause of injury. Report to the school Coordinator if the child's responses lead to **reasonable believe** of abuse. If there are inconsistencies between the child's report of cause and the type of injury, report this information to the school Coordinator.
- C. If unusual behavior is observed, consult with the school Coordinator, and ensure that any required reports are made.

3. Third party report of abuse

- A. If a third party (**a person not employed by the school**) informs school personnel that a child may be the victim of abuse or neglect, the third party should be directed to speak with the school Coordinator.
- B. All information about child abuse is to be shared with the school's Coordinator who will assist in the reporting process. The Coordinator will also be available as a resource if there are any questions about abuse. See School Coordinator section for reporting guidelines. Remember that it is ultimately

the responsibility of the person receiving the initial disclosure or making the initial **evidence** of abuse to ensure that a report is made to the proper authorities.

- C. School personnel **must** maintain confidentiality of *all* information regarding the abuse report. Do **NOT** contact or provide information to the parent(s) and/or the alleged perpetrator. Refer all inquiries to law enforcement or CPS. It is the duty of law enforcement and CPS, not school personnel, to notify parents of the investigation. Premature and/or inappropriate notifications can hinder investigations and potentially create precarious situations.

III. Responsibilities of School Coordinator

- A. The school's Coordinator will work with school personnel in facilitating the reporting of suspected child abuse and/or neglect. The school's Coordinator should:
 - 1. Be available for school personnel to share information about suspected abuse.
 - a. If the information is incomplete, the Coordinator may ask **of the child** only those approved questions (see school personnel section above) not previously answered. The child should **NOT** be re-questioned once the information has been disclosed regardless of which staff member received the initial disclosure.

- b. If unsure if the information constitutes abuse or is reportable, contact the CPS Hotline at 1-888-SOS-CHILD (or 1-888-767-2445). CPS will evaluate the information and determine if a report should be made.
2. Assist in the documenting of information on the designated child abuse reporting form. If the Coordinator is not the school's nurse, you may consult with the nurse or health office personnel to describe any visible injury.
3. Aid in phoning report of the information gathered on the reporting form to both the CPS Hotline (at the phone number listed above) **and** the law enforcement agency where the suspected abuse took place. If the location of occurrence is unknown, report to your local law enforcement agency. Notify the agencies that you are reporting to both CPS and law enforcement.
4. Per Arizona Revised Statutes section §§13-3620, mail a copy of the written reporting form to CPS within seventy-two (72) hours of making the initial report. The report should be mailed to: CPS, P.O. Box 44240, Phoenix, AZ, 85064-4240. Copies of the report can, and should, also be made available to the CPS Specialist and/or law enforcement officer responding to the school.

5. Per Arizona Revised Statutes section 15-514, mail a written report to the Arizona Department of Education if the alleged perpetrator is a certified teacher, substitute, administrator, school psychologist or other person with a certificate issued by the Department. or administrator. This report should be sent within three (3) business days to: Arizona Department of Education, Investigative Unit, 1535 W. Jefferson, Phoenix, AZ 85007.
- B. Assist law enforcement and CPS upon their arrival by sharing information and providing a private place on campus for the agencies to meet with the child and/or with the reporting source.
- C. Contact the appropriate school personnel who need to know in order to protect the child. **Principals must** be advised when child abuse reports are made because investigating agencies often respond first to the main office. The Principal is also frequently the first to receive calls from parents and would need to know how and where to direct their inquiries.
- D. If a parent or guardian calls or comes to the school in an effort to locate a child being interviewed, sheltered or removed from school grounds, the Coordinator (or Principal) should refer the parent or guardian to CPS and the law enforcement agency for information.
- E. The Coordinator should maintain the confidentiality of the case. The school's Coordinator will contact CPS to obtain the legally authorized information about the

case and will keep other school personnel (child's teacher, counselor, nurse, etc.) informed on a need to know basis in order to better assist the child.

- F. The Coordinator will keep the original reporting form documenting that the CPS/law enforcement report has been made. These reports are required to be retained until two years after the student's last. It is recommended that districts agree that copies of these reports will be transferred from one Coordinator to another when the child changes schools. These records should be transferred in a confidential manner between the Coordinators. copies of these reports be transferred from one school Coordinator to another if the child changes schools. These records should be transferred in a confidential manner between the Coordinators.
- G. If a report of abuse is from a third party, document the information provided and encourage that party to make the report. Do not interview the child, but be observant. For example, if the party states that an injury was inflicted on an extremity of the child, the coordinator can unobtrusively observe the child to determine if the reported injury is present. As always, if any injury is observed you may ask the four approved questions to determine the cause of injury. You may also ask the child's teacher if s/he has noticed any behavior changes. In cases of third party reports the Coordinator will still make a report to the authorities.

H. The school Coordinator shall also be responsible for coordinating ongoing, training of school personnel in the identification and reporting of child abuse and neglect.

IV. Responsibilities of CPS and Law Enforcement

CPS and/or Law Enforcement Officers will conduct the investigation. The CPS Specialist and/or Law Enforcement Officer will provide proper identification and should confer with the Coordinator/reporting party.

A. The CPS Specialist and/or the Law Enforcement Officer may, at their discretion:

1. Enter the school grounds and investigate cases of suspected abuse without unnecessary disruption of normal school activities.
2. Interview the child victim, and, **if the abuse occurred at home**, 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 CPS Specialist and/or Law Enforcement Officer.
3. Conduct interviews of the child ***without permission from or notice to the parent(s) and/or guardian(s)***.
4. Remove the child from the school (take temporary custody) if necessary to further the investigation.
5. Obtain school records by lawful means.
If there is a health or safety emergency, education records may be provided to the CPS Specialist and/or Law Enforcement Officer without a subpoena

B. Efforts will be made to minimize any emotional trauma to the child as well as preserve the confidentiality of the investigation. Joint

CPS and law enforcement interviews are encouraged.

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

VII.

JUVENILE COURT SERVICES PROTOCOL

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 Arizona Revised Statutes section §§8-201. The following guidelines are proposed in order to reduce system-induced trauma and minimize the number of times the child victim is interviewed.

I. Dependency

A. The Court Process

The Juvenile Court adjudicates matters involving the protection of minors who have been abused or neglected or have no parent or guardian willing or able to care for them. When a child is taken into protective custody a petition must be filed within seventy-two (72) hours, excluding weekends and holidays, or the child must be returned home. Model Court 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 dependency is not declared at the preliminary protective hearing, a series of hearings may then be held. During each hearing, the parents or guardians are provided an opportunity to admit or deny the allegations made. A finding of dependency may be a result of an agreement of the

parties or a contested trial. The court, with input from the parents, the child's attorney, and CPS determines appropriate dependency orders.

CPS 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 CPS' 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, CPS 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 CPS. 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 a 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 will enable them to competently represent their child clients. Sensitivity, understanding, patience and knowledge of the criminal justice system are 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.

II. Juvenile Court Delinquency

The delinquency section of the Juvenile Court faces issues of child abuse in two manners: (1) as perpetrators of the abuse, juveniles suspected of sexual offending are referred for prosecution, with the goal of rehabilitation and supervision; (2) as victims of suspected child abuse, and their right to be present through out the court process.

A. Juveniles referred for sexual offending:

1. The Court Process as to the Accused Juvenile

- a.** When law enforcement apprehends a juvenile for a sexual offense, the law enforcement officer completes a "Juvenile Referral and Affidavit" (hereinafter the "Referral"), listing the charges and describing the offense through an attached police report. The law enforcement officer makes the initial judgment to either release the juvenile to his parents and mail the Referral to the Juvenile Court or bring the child and the Referral to the Juvenile Detention facility. Such judgment is made by the law enforcement Officer based on several criteria, including the perceived level of re-offending and the safety of the juvenile.

- b.** If the juvenile is not brought to detention, the Referral will be submitted to Juvenile Court Services who shall forward a copy to the Pinal County Attorney's Office. The County Attorney has forty-five (45) days to review the charges and determine what further action is required.
- 1)** The County Attorney will decide if the juvenile is to be prosecuted in the Juvenile Court. If the child is fourteen (14) years or older, the charges for certain offenses per Arizona Revised Statutes section 13-501 can be directly filed in Adult Criminal Court. The County Attorney may also request transfer of charges to Adult Criminal Court on non-Arizona Revised Statutes section 13-501 cases.
 - 2)** If the decision is to file a petition in the Juvenile Court, a hearing will be set for formal court action.
 - 3)** If the decision is made to file in the adult system, a "Notice of Transfer" shall be filed in Juvenile Court. This begins the process of handling the case in Adult Court.
 - 4)** The original County Attorney reviewing the Referral may decide there is not enough evidence to pursue prosecution of the charges and will return the

Referral to law enforcement for an additional thirty (30) days of further investigation. If sufficient evidence cannot be gathered, there will be no formal charges. If there is evidence to support a reasonable likelihood of conviction, the County Attorney will pursue charges in Juvenile or Adult Court.

- c.** If the juvenile is brought to detention, a Juvenile Court Officer, based on law and circumstances, will either detain or release the juvenile to his parents/legal guardian. If the juvenile is not detained, the process cited in #2 above will proceed. If the juvenile is detained, the Referral will be delivered to the County Attorney for review within twenty-four (24) hours.
- d.** After the petition has been filed, the first hearing set is the Advisory Hearing (Initial Appearance/ Arraignment). This will take place within twenty-four (24) hours for in-custody juveniles and within thirty (30) days of the filing of petition on out of custody juveniles.
- e.** If the juvenile denies the charges at the Advisory Hearing, an Adjudication Hearing (Trial) will be set. This will occur within forty-five (45) days if the juvenile is detained or within sixty (60) days if

the juvenile is not detained. If the juvenile admits to the charges, a Disposition Hearing (Sentencing) is set. This will occur within thirty (30) days if the juvenile is detained or within forty-five (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 thirty (30) to forty-five (45) days after the Adjudication Hearing. At this time, a psychosexual evaluation may be ordered by the Court.

- f.** At the Disposition hearing, the juvenile may be placed on probation and allowed to return to living in the community with treatment on an outpatient basis; or he may be placed on probation while receiving treatment in a residential facility. Probation may be standard or intensive and may include up to one year in the Juvenile Detention Facility, per count and/or cause. Another possibility is that s/he may be sent to the Arizona Department of Juvenile Corrections for incarceration in a correctional facility. A last possibility is an "formal reprimand", where no incarceration or probation is assigned. However, this is extremely rare in sexual offense cases.
- g.** If the juvenile is placed on probation, the case will be managed and followed by Pinal County

Juvenile Probation Officer.

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

- a.** 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 Advocate is assigned to familiarize the child with the court setting as well as the legal and court proceedings. The Victim Advocate will accompany the child to all interviews and court proceedings.
- b.** The Juvenile Court Services Officer assigned to a sexual offense case 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 Court Services Officer will also answer questions and/or make recommendations.
- c.** The child victim should NOT be interviewed by any court personnel regarding the details of the alleged offense.

3. Appointment of Attorneys for Child Victims

- a.** In matters where the child victim's interests may not be protected, as in intra-familial child molest, the court may appoint an attorney/guardian ad litem (GAL) to represent the

interests of the child victim.

- b.** If the Court orders the appointment of an attorney/guardian ad litem, it is recommended that the court order completely state the authority and responsibilities to be carried out by the attorney.
- c.** The attorney can advise the court or provide input to the Juvenile Court Services Officer as to the child victim's feelings regarding sanctions, if need be. The Victim Advocate may also fill this role if a trusting relationship between the Advocate and child has been developed.

4. Supervision of Juvenile Sex Offenders

- a.** The statutes require that the term of probation for a juvenile is twelve (12) months, which can be continued until the age of eighteen (18), if modified by court order. Best practice is held to be protecting the community through treatment of the juvenile offender. Treatment is seldom short-term. Most juvenile sexual offenders will return before the court to have their probation extended for the sole purpose of treatment completion. The court ordered treatment will be terminated when probation ends.
- b.** The court may impose specialized terms of probation, which may include peer relationship restrictions, contact with the victim, adult supervision, employment restrictions, etc.

- c.** There are statutes allowing that juveniles may be ordered to register as a sex offender until age twenty-five (25). Community Notification is not applicable to those adjudicated in the juvenile system. However, other statutes demand that schools be notified when a student is adjudicated of certain felonies, sexual misconduct being one of them. Also per the statutes, juveniles must submit to a DNA sample and, upon victim request, must submit to an HIV test. In the latter, a specific representative must be named to receive the test results.
- d.** Probation supervision is conducted by Juvenile Court Services Officers. The Juvenile Court Services Officer functions as an integral member of the treatment team, keeping the court aware of progress and problems.
- e.** In addition to a Juvenile Court Services 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.
- f.** Members of the juvenile offender's family are strongly encouraged to participate in treatment.
- g.** The goal of the Probation Department is for a

juvenile sexual offender to successfully complete treatment and be released from probation prior to turning eighteen (18). When there is no completion of treatment prior to age eighteen (18), the juvenile court loses jurisdiction and the young person is released from probation with no further supervision or court orders.

B. Juveniles as Suspected Child Abuse Victims:

The Probation Department is committed to supporting and following the Multi-disciplinary Protocol for the Investigation of Child Abuse guidelines for reporting suspected child abuse.

1. 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 child care staff. Any signs of trauma are to be immediately reported to the detention facility nurse.

The staff shall:

- a. If the child has not spontaneously provided the following information about the abuse, only these exact questions should be asked as needed to complete the information;
 - 1) What happened?
 - 2) Who did it?
 - 3) When did it happen?
 - 4) Where did it happen?
- b. Ask the detention facility nurse to provide a cursory evaluation the child's injury in order to determine if transportation to the Emergency Room and/or if a medical exam is warranted;

- c.** Phone in a report of the suspected abuse to a local law enforcement agency and to the CPS Hotline @ 1-888-SOS-CHILD, 1-888-767-8445. If the law enforcement officer who brought the child in is still present, notifying that Officer will suffice regarding the report to law enforcement;
 - d.** Write an Incident Report, documenting the physical signs and the child's answers to the four questions;
 - e.** Fax or mail a copy of the Incident Report to CPS;
 - f.** Forward a copy the Incident Report to the assigned Probation Officer;
 - g.** File the original incident report in the child's detention file.
- 2.** 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 law enforcement and CPS. The original incident report should be retained in the child's information file.

VII.

ADULT PROBATION DEPARTMENT PROTOCOL

The Adult Probation Department primarily interacts with victims in two ways: 1) in the preparation of a pre-sentence investigation report for the Court before sentencing, and 2) in the supervision of sentenced sex offenders in which any contact with children and particularly the victim(s), is either expressly prohibited or carefully supervised. Any family unification/reunification occurs under guidelines that are structured and incremental. The risk to the community of any sex offender placed there by the Court should be carefully evaluated on an ongoing basis. A third type of interaction with victims occurs when a probation employee, in the course of their regular duties, discovers reasonable grounds that a child has been abused or neglected. This initiates the same protocol as shared by other service professionals who are mandated to report the suspected abuse.

I. Pre-Sentence Investigation

A. Preparing the Report

In the preparation of a pre-sentence report, the Probation Officer's assignment is to summarize the case for the sentencing judge and make a recommendation regarding disposition. The law enforcement reports of the case are summarized, including the victim and offender statements taken, and other information relevant to the case. Much of the report requires information about the defendant, including his social history, prior criminal history, substance abuse, mental health problems, and financial status.

B. Taking the Victim's Statement

An important part of the report involves the victim's statement. Probation Officers should contact the Victim Advocate before contacting the victim. The Advocate has often established a rapport with the victim and therefore the victim might feel more comfortable talking with the Probation Officer if the Advocate is

present.

II. Field Supervision

- A. Specialized sex offender terms and conditions of probation are utilized along with either standard or intensive terms and conditions of probation.
 - 1. If placed on standard probation supervision, the offender is initially considered high risk and supervised on the "maximum" level of supervision. They will then be reassessed throughout their probation term using a risk assessment instrument. The supervision level may be lowered to a "medium" level if appropriate. However, sex offenders will never be considered for supervision lower than the "medium" level. Random field contacts are made, including evenings and weekends.
 - 2. If placed on intensive probation supervision, the offender is on house arrest throughout the intensive probation grant and may leave their place of residence only with prior permission of the supervising probation officer. Random field contacts are made, including evenings and weekends.
- B. After sentencing, the Probation Officer is primarily responsible for intervening and protecting the victim against further abuse.
 - 1. Offenders must adhere to strict definition of "no contact" with children, a curfew, and other restrictions.
 - 2. All offenders are required to attend cognitive behavioral therapy, testing, and reunification procedures, if appropriate. Testing should require the use of a polygraph, plethysmograph, and/or any other test as required.
 - 3. Probation Officers continually monitor the offender's employment, access and risk to children, substance abuse,

and use of free time, volunteer work, and other areas of his/her environment.

III. Mandatory Reporting of Suspected Abuse

Adult Probation Department employees may be the first persons to whom children disclose abuse or may detect possible abuse or neglect as a function of their job. The Arizona mandatory reporting law, Arizona Revised Statutes section 13-3620, also applies to Probation Department employees. If one reasonably believes that a child has been neglected or abused, the Probation Department employee is required to immediately report the incident to CPS and to local law enforcement. The information about possible abuse may be received through the child's self-report, the observation of neglect or physical injury, or third party disclosure.

A. Child's self disclosure

1. When it appears that a child is disclosing information about possible abuse, efforts should be made to promote a quiet, safe place to facilitate the conversation.
2. The person receiving the information shall listen openly and speak at the child's level in a positive, non-judgmental manner.
3. If the child has not spontaneously provided the following information about the abuse, only these exact questions should be asked as needed to complete the information:
 - a. What happened?
 - b. Who did it?
 - c. Where were you when it happened?
 - d. When did it happen?
4. Efforts should be made to document the child's exact words during the disclosure since these quotes will later be included in the incident report.

5. Probation employees should not make any promises to the child, which 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.
6. Follow the reporting procedure as specified in section D below.

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

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

C. 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 CPS and to the local law enforcement agency where the abuse/neglect has occurred. Probation Department employees are also required to make the report. See reporting procedures in section D below.

D. Reporting procedures

1. The employee, after observing or hearing about the suspected abuse as outlined in sections A and B above, shall immediately call both CPS and the local law enforcement agency where the suspected abuse occurred. A

written report will also be mailed to CPS within seventy-two (72) hours of the initial report.

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

III. Juvenile Offenders on Adult Probation Supervision:

Juveniles may be placed on adult probation if they are remanded from Juvenile Court or via direct filing of charges into adult court (see Juvenile below.)

D. Reporting procedures

1. The employee, after observing or hearing about the suspected abuse as outlined in sections A and B above, shall immediately call both CPS and the local law enforcement agency where the suspected abuse occurred. A written report will also be mailed to CPS within seventy-two (72) hours of the initial report.
2. The employee shall not provide information about the suspected abuse to the parents or any alleged perpetrators, but instead refer them to CPS or the law enforcement agency

involved.

3. If the information was from a third party (as described in section C above), document the information provided. Do not interview the child, but remain observant. If any injury is observed the four questions listed in section A may be asked. After the third party has been directed to report the suspected abuse, the employee shall make a follow up report to CPS and the appropriate local law enforcement agency.
4. The incident will be documented in an incident report form as per the Adult Probation Department Policy Manual.

IV. Juvenile Offenders on Adult Probation Supervision:

Juveniles may be placed on adult probation if they are remanded from Juvenile Court or via direct filing of charges into adult court (see Juvenile Court Protocol - Juvenile Delinquency section). Juveniles on adult probation supervision must adhere to the same legal requirements of registration, notification, and DNA procedures as mandated for adult offenders. However, all statutes governing minors still apply to these juveniles including, but not limited to, the responsibility of guardians for the minor, curfew, school attendance, and alcohol and tobacco laws. The requirements of prohibited/controlled contact with minors and/or potential victims, and the offense specific assessment and treatment, tend to be more complicated to arrange for juveniles. The concerns mentioned are even more pronounced when developing a plan for the healthy sexual/social development of a juvenile offender in the adult system.

DISPUTE RESOLUTION PROCEDURES
PINAL COUNTY ATTORNEY'S OFFICE
DISPUTE RESOLUTION PROCESS

Dispute from a Deputy County Attorney (DCA) to an outside agency:

1. Every effort shall be made by the Deputy County Attorney to attempt an informal resolution by personal communication with Officer/CPS worker/Assistant Attorney General.
2. If unsuccessful, the Deputy County Attorney will discuss result with the Director of the Pinal County Attorney Family Advocacy Center and determine the next step to be taken. In most cases the Director will discuss the issue(s) with the immediate supervisor in the other agency. If the issue(s) are legal points of disagreement, the Director may discuss them with the Chief Criminal Deputy County Attorney prior to this contact.
3. If issue(s) remain unresolved after contact with the immediate supervisor, the Deputy County Attorney and/or Director should staff the issue with the Chief Criminal Deputy County Attorney to determine what additional steps will be taken. If further review is desired, the Chief Criminal Deputy will attempt to follow the review process established by the outside agency. The Chief Criminal Deputy may also elect to contact more senior management in the outside agency.
4. Lodging a formal complaint with an outside agency should be done only when informal options have been explored and only as a last resort.
5. Formal complaints to an outside agency will be initiated only by the County Attorney or Chief Criminal Deputy.
6. No contact with the head of another agency expressing criticism of that agency shall be made without prior approval by the County Attorney or Chief Criminal Deputy. In most cases it will be necessary for such contact to be made by the County Attorney or the Chief Criminal Deputy, or their designee.

Dispute from outside agency personnel with a Deputy County Attorney:

1. Every effort shall be made to attempt resolution by personal communication with the Deputy County Attorney.
2. If issue(s) remain unresolved, the outside agency worker should contact the Director of the Pinal County Attorney Family Advocacy Center and request a review of the Deputy County Attorney's decision/action. If the issue is a point of law, the Director shall, upon conferring with the Deputy County Attorney, immediately consult with the Chief Criminal Deputy County Attorney.
3. If the Director is unable to resolve the matter, the outside agency worker with their immediate supervisor's knowledge (and following any other requirements of the parent agency) may contact the Chief Criminal Deputy and request further review.
4. Appeals from the decision of the Chief Criminal Deputy should be made by the outside agency's senior management, or agency head, to the County Attorney.

**LAW ENFORCEMENT AGENCIES
DISPUTE RESOLUTION PROCESS**

It is essential that Law Enforcement, Child Protective Services and the Pinal County Attorney's Office communicate effectively. To ensure there is an effective line of communication the following procedure should be utilized.

Dispute from outside agency with patrol officer/deputy:

1. In circumstances when patrol officers/deputies respond to an incident and there is a need to seek resolution beyond the officers/deputies ability, the respective agency seeking resolution shall speak to the on-duty supervisor from that law enforcement agency.
2. In the event there is not an on-duty supervisor, the agency seeking resolution shall request the patrol officer/deputy contact the detective supervisor that is responsible for the investigation of crimes against children be paged or called. The agency seeking the resolution may also contact law enforcement communications directly and make contact with the supervisor through that method if necessary. When a law enforcement supervisor/detective supervisor is contacted with concerns regarding a specific incident, all necessary steps will be taken to resolve the complaint.
3. In the event the issue can not be resolved at that level, the CPS or County Attorney representative will notify their respective chain of command asking for a meeting at the management level. This conferring may be completed over the phone as necessary to accommodate a timely response.

Dispute from outside agency with detective/investigator:

1. In circumstances when child crimes investigators are investigating a complaint and there is an issue that requires resolution beyond the detectives' ability, the detective's supervisor shall be notified.
2. If this is not sufficient to resolve the issue, the CPS Representative or Deputy County Attorney shall notify their respective chain of command asking for a meeting at the management level. This conferring may be completed over the

phone as necessary to accommodate a timely response.

Dispute from law enforcement personnel with an outside agency:

1. Officers/deputies shall use a similar process to raise concerns with the County Attorney's Office or with Child Protective Services as appropriate and within their prescribed guidelines.

**CHILD PROTECTIVE SERVICES
DISPUTE RESOLUTION PROCESS**

Dispute from a CPS Specialist, Supervisor, APM, PM with an outside agency:

- 1. The CPS employee will follow all guidelines from the dispute resolution process found in the Interagency Protocol document for the Pinal County Attorney's Office and Law Enforcement.**
- 2. Lodging a formal complaint with an outside agency should be done only when informal options, using the chain of command, have been explored and no resolution has been reached by the interested parties.**
- 3. Formal complaints to an outside agency will be initiated only by the Assistant Program Managers or Program Manager of District 5.**

Dispute from outside agency personnel with a CPS Specialist –

- 4. Attempt resolution with the CPS Specialist by personal communication.**
- 5. If issues remain unresolved, make contact with the CPS Unit Supervisor. Explain in detail what the outstanding issue entails.**
- 6. If issues remain unresolved, make contact with the responsible Assistant Program Manager and discuss the outstanding issues.**
- 7. If issues remain unresolved, contact the appropriate Program Manager on day-to-day operations and for final review of the circumstances of the dispute. The Assistant Program Manager will consult with Program Manager on issues involving systematic barriers that will need to be addressed as a statewide system.**
- 8. Any individual agency barriers will need to be addressed with senior management from the respective entities to engage in conflict resolution**

pertaining to the Interagency Protocol in Pinal County.

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, christian science practitioner or priest who has received a confidential communication or a confession in that person's role as a member of the clergy, christian science practitioner or a priest in the course of the discipline enjoined by the church to which the member of the clergy, christian science practitioner or priest belongs may withhold reporting of the communication or confession if the member of the clergy, christian science practitioner or priest determines that it is reasonable and necessary within the concepts of the religion. This exemption applies only to the communication or confession and not to personal observations the member of the clergy, christian science practitioner or priest may otherwise make of the minor. For the purposes of this subsection, "person" means:
1. Any physician, physician's assistant, optometrist, dentist, osteopath, chiropractor, podiatrist, behavioral health professional, nurse, psychologist, counselor or social worker who develops the reasonable belief in the course of treating a patient.
 2. Any peace officer, member of the clergy, priest or christian science practitioner.
 3. The parent, stepparent or guardian of the minor.
 4. School personnel or domestic violence victim advocate who develop the reasonable belief in the course of their employment.
 5. Any other person who has responsibility for the care or treatment of the minor.

- B. A report is not required under this section for conduct prescribed by sections 13-1404 and 13-1405 if the conduct involves only minors who are fourteen, fifteen, sixteen or seventeen years of age and there is nothing to indicate that the conduct is other than consensual.
- C. If a physician, psychologist or behavioral health professional receives a statement from a person other than a parent, stepparent, guardian or custodian of the minor during the course of providing sex offender treatment that is not court ordered or that does not occur while the offender is incarcerated in the state department of corrections or the department of juvenile corrections, the physician, psychologist or behavioral health professional may withhold the reporting of that statement if the physician, psychologist or behavioral health professional determines it is reasonable and necessary to accomplish the purposes of the treatment.
- D. Reports shall be made immediately by telephone or in person and shall be followed by a written report within seventy-two hours. The reports shall contain:
1. The names and addresses of the minor and the minor's parents or the person or persons having custody of the minor, if known.
 2. The minor's age and the nature and extent of the minor's abuse, child abuse, physical injury or neglect, including any evidence of previous abuse, child abuse, physical injury or neglect.
 3. Any other information that the person believes might be helpful in establishing the cause of the abuse, child abuse, physical injury or neglect.
- E. A health care professional who is regulated pursuant to title 32 and who, after a routine newborn physical assessment of a newborn infant's health status or following notification of positive toxicology screens of a newborn infant, reasonably believes that the newborn infant may be affected by the presence of alcohol or a drug listed in section 13-3401 shall immediately report this information, or cause a report to be made, to child protective services in the department of economic security. For the purposes of this subsection, "newborn infant" means a newborn infant who is under thirty days of age.
- F. Any person other than one required to report or cause reports to be made under subsection A of this section who reasonably believes that a minor is or has been a victim of abuse, child abuse, physical injury, a reportable offense or neglect may report the information to a peace officer or to child protective services in the department of economic security, except if the report concerns a person who does not have care, custody or control of the

minor, the report shall be made to a peace officer only.

- G. A person who has custody or control of medical records of a minor for whom a report is required or authorized under this section shall make the records, or a copy of the records, available to a peace officer or child protective services worker investigating the minor's neglect, child abuse, physical injury or abuse on written request for the records signed by the peace officer or child protective services worker. Records disclosed pursuant to this subsection are confidential and may be used only in a judicial or administrative proceeding or investigation resulting from a report required or authorized under this section.
- H. When telephone or in-person reports are received by a peace officer, the officer shall immediately notify child protective services in the department of economic security and make the information available to them. Notwithstanding any other statute, when child protective services receives these reports by telephone or in person, it shall immediately notify a peace officer in the appropriate jurisdiction.
- I. Any person who is required to receive reports pursuant to subsection A of this section may take or cause to be taken photographs of the minor and the vicinity involved. Medical examinations of the involved minor may be performed.
- J. A person who furnishes a report, information or records required or authorized under this section, or a person who participates in a judicial or administrative proceeding or investigation resulting from a report, information or records required or authorized under this section, is immune from any civil or criminal liability by reason of that action unless the person acted with malice or unless the person has been charged with or is suspected of abusing or neglecting the child or children in question.
- K. Except for the attorney client privilege or the privilege under subsection L of this section, no privilege applies to any:
 - 1. Civil or criminal litigation or administrative proceeding in which a minor's neglect, dependency, abuse, child abuse, physical injury or abandonment is an issue.
 - 2. Judicial or administrative proceeding resulting from a report, information or records submitted pursuant to this section.
 - 3. Investigation of a minor's child abuse, physical injury, neglect or abuse conducted by a peace officer or child protective services in the department of economic security.

- L. In any civil or criminal litigation in which a child's neglect, dependency, physical injury, abuse, child abuse or abandonment is an issue, a member of the clergy, a christian science practitioner or a priest shall not, without his consent, be examined as a witness concerning any confession made to him in his role as a member of the clergy, a christian science practitioner or a priest in the course of the discipline enjoined by the church to which he belongs. Nothing in this subsection discharges a member of the clergy, a christian science practitioner or a priest from the duty to report pursuant to subsection A of this section.
- M. If psychiatric records are requested pursuant to subsection G of this section, the custodian of the records shall notify the attending psychiatrist, who may excise from the records, before they are made available:
 - 1. Personal information about individuals other than the patient.
 - 2. Information regarding specific diagnosis or treatment of a psychiatric condition, if the attending psychiatrist certifies in writing that release of the information would be detrimental to the patient's health or treatment.
- N. If any portion of a psychiatric record is excised pursuant to subsection M of this section, a court, upon application of a peace officer or child protective services worker, may order that the entire record or any portion of the record that contains information relevant to the reported abuse, child abuse, physical injury or neglect be made available to the peace officer or child protective services worker investigating the abuse, child abuse, physical injury or neglect.
- O. A person who violates this section is guilty of a class 1 misdemeanor, except if the failure to report involves a reportable offense, the person is guilty of a class 6 felony.
- P. For the purposes of this section:
 - 1. "Abuse" has the same meaning prescribed in section 8-201.
 - 2. "Child abuse" means child abuse pursuant to section 13-3623.
 - 3. "Neglect" has the same meaning prescribed in section 8-201.
 - 4. "Reportable offense" means any of the following:
 - (a) Any offense listed in chapters 14 and 35.1 of this title or section 13-3506.01.
 - (b) Surreptitious photographing, videotaping, filming or digitally

recording of a minor pursuant to section 13-3019.

- (c) Child prostitution pursuant to section 13-3212.
- (d) Incest pursuant to section 13-3608.

8-802. Child protective services worker; fingerprint clearance cards; powers and duties; alteration of files; violation; classification

- A. The department of economic security shall employ child protective services workers. All persons who are employed as child protective services workers shall have a valid fingerprint clearance card that is issued pursuant to title 41, chapter 12, article 3.1 or shall apply for a fingerprint clearance card within seven working days of employment. A child protective services worker shall certify on forms that are provided by the department of economic security and that are notarized whether the worker is awaiting trial on or has ever been convicted of any of the criminal offenses listed in section 41-1758.03, subsections B and C in this state or similar offenses in another state or jurisdiction.
- B. The department may cooperate with county agencies and community social services agencies to achieve the purposes of this section.
- C. A child protective services worker shall:
1. Promote the safety and protection of children.
 2. Accept, screen and assess reports of abuse or neglect pursuant to section 8-817.
 3. Receive reports of dependent, abused or abandoned children and be prepared to provide temporary foster care for such children on a twenty-four hour basis.
 4. Receive from any source oral or written information regarding a child who may be in need of protective services. A worker shall not interview a child without the prior written consent of the parent, guardian or custodian of the child unless either:
 - (a) The child initiates contact with the worker.
 - (b) The child who is interviewed is the subject of or is the sibling of or living with the child who is the subject of an abuse or abandonment investigation pursuant to paragraph 5, subdivision (b) of this subsection.
 5. After the receipt of any report or information pursuant to paragraph 2, 3 or 4 of this subsection, immediately do both of the following:
 - (a) Notify the municipal or county law enforcement agency.
 - (b) Make a prompt and thorough investigation of the nature, extent and cause of any condition that would tend to support or refute the allegation that the child should be adjudicated dependent and the

name, age and condition of other children in the home. An extremely serious conduct allegation shall be investigated according to the protocols established pursuant to section 8-817 with the appropriate municipal or county law enforcement agency as provided in section 8-817.

6. Take a child into temporary custody as provided in section 8-821. Law enforcement officers shall cooperate with the department to remove a child from the custody of the child's parents, guardian or custodian when necessary.
 7. After investigation, evaluate conditions created by the parents, guardian or custodian that would support or refute the allegation that the child should be adjudicated dependent. The child protective services worker shall then determine whether any child is in need of protective services.
 8. Offer to the family of any child who is found to be a child in need of protective services those services that are designed to correct unresolved problems that would indicate a reason to adjudicate the child dependent.
 9. Submit a written report of the worker's investigation to:
 - (a) The department's case management information system within twenty-one days after receipt of the initial information except as provided in section 8-811. If the investigation involves allegations regarding a child who at the time of the alleged incident was in the custody of a child welfare agency licensed by the department of economic security under this title, a copy of the report and any additional investigative or other related reports shall be provided to the board of directors of the agency or to the administrative head of the agency unless the incident is alleged to have been committed by the person. The department shall excise all information with regard to the identity of the source of the reports.
 - (b) The appropriate court forty-eight hours before a dependency hearing pursuant to a petition of dependency or within twenty-one days after a petition of dependency is filed, whichever is earlier. On receipt of the report the court shall make the report available to all parties and counsel.
 10. Accept a child into voluntary placement pursuant to section 8-806.
- D. No child shall remain in temporary custody for a period exceeding seventy-two hours, excluding Saturdays, Sundays and holidays, unless a dependency petition is filed. If no petition is filed and the child is released to the child's parent, guardian or custodian, the worker shall file a report of removal with the central

registry within seventy-two hours of the child's release. The report shall include:

1. The dates of previous referrals, investigations or temporary custody.
 2. The dates on which other children in the family have been taken into temporary custody.
- E. The department shall provide child protective services workers who investigate allegations of abuse and neglect with training in forensic interviewing and processes, the protocols developed pursuant to section 8-817 and relevant law enforcement procedures. All child protective services workers shall be trained in their duty to protect the legal rights of children and families from the time of the initial contact through treatment. The training for child protective services workers shall also include instruction on the legal rights of parents and the requirements for legal search and seizure by law enforcement officers.
- F. Any person who alters a client file for the purpose of fraud or misrepresentation is guilty of a class 2 misdemeanor.

A.R.S. 15-514. Reports of immoral or unprofessional conduct; immunity

- A. Any certificated person or governing board member who reasonably suspects or receives a reasonable allegation that a person certificated by the state board of education has engaged in conduct involving minors that would be subject to the reporting requirements 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 not later than three business days after the person first suspects or receives an allegation of the conduct.
- B. The superintendent of a school district or the chief administrator of a charter school who reasonably suspects or receives a reasonable allegation that an act of immoral or unprofessional conduct that would constitute grounds for dismissal or criminal charges by a certificated person has occurred shall report the conduct to the department of education.
- C. A person who reports or provides information pursuant to this section regarding the immoral or unprofessional conduct of a certificated person in good faith is not subject to an action for civil damages as a result.
- D. A governing board or school or school district employee who has control over personnel decisions shall not take unlawful reprisal against an employee because the employee reports in good faith information as required by this section. For the purposes of this subsection "unlawful reprisal" means an action that is taken by a governing board as a direct result of a lawful report pursuant to this section and, with respect to the employee, results in one or more of the following:
 - 1. Disciplinary action.
 - 2. Transfer or reassignment.
 - 3. Suspension, demotion or dismissal.
 - 4. An unfavorable performance evaluation.
 - 5. Other significant changes in duties or responsibilities that are inconsistent with the employee's salary or employment classification.
- E. Failure to report information as required by this section by a certificated person constitutes grounds for disciplinary action by the state board of education.
- F. A governing board or school district employee who has control over personnel decisions and who reasonably suspects or receives a reasonable allegation that a person certificated by the state board of education has engaged in conduct involving minors that would be subject to the reporting requirements of section 13-

3620 and this article shall not accept the resignation of the certificate holder until these suspicions or allegations have been reported to the state board of education.