

ARIZONA DEPARTMENT OF ECONOMIC SECURITY

TO REPORT CHILD ABUSE OR NEGLECT 24 HOURS 7 DAYS A WEEK**OR****FOR MORE INFORMATION ABOUT CHILD PROTECTIVE SERVICES (CPS)****STATEWIDE TOLL-FREE****1-888-SOS-CHILD (1-888-767-2445)****TDD 1-800-530-1831****CONFIDENTIALITY**

A.R.S. § 8-807 Right of privacy; records and reports; confidentiality; exceptions; access; violation; classification; definition, governs CPS authority to release or disclose information, records or files regarding CPS report, or investigation. It is the policy of the Department of Economic Security to make efforts to protect the identity of a reporting source.

REPORTING STATUTE (Effective 9/18/03)

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

- A. **Any person who reasonably believes** that a minor is or has been a 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 such information to a peace officer or to the child protective services of 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 advocates who develop the reasonable belief in the course of their employment.**
 5. **Any other person who has responsibility for the care or treatment of the minor.**
- B. A report is not required under this section 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 to 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 the Child Protective Services of 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.**

Reference: ARS § 13-3620 (G), (H), (I), (J), (K) (L), (M) and (N), duty to make medical records available; exception; violation; classification.

- 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; and**
 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; and**
 - (d) **incest pursuant to Section 13-3608.**

Section 3, Title 13, Chapter 38, Article 20 of the Arizona Revised Statutes, is amended by adding Section 13-4066, to read:

13-4066, Privileged communication; sex offender treatment.

Any statement that is made by a person who undergoes sex offender treatment that is ordered by the court or that is provided by the state Department of Corrections or the Department of Juvenile Corrections to a person who is convicted of an offense listed in Chapter 14 or 35.1 of this title and any evidence that results from that treatment is not admissible against the person in any criminal or juvenile delinquency proceeding unless the person consents, except that the statement or evidence may be used pursuant to rule 404(b) and (c), Arizona Rules of Evidence.