

Mandatory Reporting Requirements: Children Arizona

Last Updated: March 2020

Question	Answer
Who is required to report?	<ul style="list-style-type: none"> • Physicians, physician’s assistants, optometrists, dentists, osteopathic physician, chiropractors, podiatrists, behavioral health professionals, nurses, psychologists, counselors and social workers; • Peace officers; • Child welfare investigators; • Child safety workers; • Members of the clergy, priests and Christian Science practitioners (unless they gained this information by a confidential communication or confession); • Parents, stepparents and guardians of a minor; • School personnel, domestic violence victim advocates, or sexual assault victim advocates who develop the reasonable belief in the course of their employment; • Any other person who has responsibility for the care or treatment of a minor; • Any person who is employed as the immediate or next higher level supervisor to or administrator of a person who is listed above and who develops the reasonable belief in the course of the supervisor’s or administrator’s employment, except that if the supervisor or administrator reasonably believes that the report has been made by a person who is required to report, the supervisor or administrator is not required to report.
When is a report required and where does it go?	<p>When is a report required?</p> <ul style="list-style-type: none"> • When there is reasonable belief “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 • When there is reasonable belief that “there has been a denial or deprivation of necessary medical treatment or surgical care or nourishment with the intent to cause or allow death of an infant.” <p>Where does it go?</p> <ul style="list-style-type: none"> • Reports should be made to a peace officer or the department of child safety. The department of child safety may be reached 1-888-SOS-CHILD (1-888-767-2445) – the Arizona Child Abuse hotline. • Notwithstanding the above, if alleged abuser does not have care, custody or control of the minor, the report shall be made to a peace officer only. • For any Indian minor who resides on an Indian reservation, reports should be made to a tribal law enforcement or social services agency. • 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 § 13-3401 shall immediately report this information, or cause a report to be made, to the department of child safety.

What definitions are important to know?

- **“Abuse”** means the infliction or allowing of physical injury, impairment of bodily function or disfigurement or the infliction of or allowing another person to cause serious emotional damage as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior and which emotional damage is diagnosed by a medical doctor or psychologist and is caused by the acts or omissions of an individual who has the care, custody and control of a child. **“Abuse”** includes:
 - Inflicting or allowing sexual abuse, sexual conduct with a minor, sexual assault, molestation of a child, commercial sexual exploitation of a minor, sexual exploitation of a minor, incest or child sex trafficking;
 - Physical injury that results from permitting a child to enter or remain in any structure or vehicle in which volatile, toxic or flammable chemicals are found or equipment is possessed by any person for the purpose of manufacturing a dangerous drug; and
 - Unreasonable confinement of a child.
- **“Bestiality”** means knowingly:
 - Engaging in oral sexual contact, sexual contact or sexual intercourse with an animal; or
 - Causing another person to engage in oral sexual contact, sexual contact or sexual intercourse with an animal.
- **“Child”** is an individual under 18 years of age.
- **“Child sex trafficking”** means knowingly:
 - Causing any minor to engage in prostitution;
 - Using any minor for the purposes of prostitution;
 - Permitting a minor who is under the person’s custody or control to engage in prostitution;
 - Receiving any benefit for or on account of procuring or placing a minor in any place or in the charge or custody of any person for the purpose of prostitution;
 - Receiving any benefit pursuant to an agreement to participate in the proceeds of prostitution of a minor;
 - Financing, managing, supervising, controlling or owning, either alone or in association with others, prostitution activity involving a minor;
 - Transporting or financing the transportation of any minor with the intent that the minor engage in prostitution;
 - Providing a means by which a minor engages in prostitution;
 - Enticing, recruiting, harboring, providing, transporting, making available to another or otherwise obtaining a minor with the intent to cause the minor to engage in prostitution or any sexually explicit performance; or
 - Enticing, recruiting, harboring, providing, transporting, making available to another or otherwise obtaining a minor with the knowledge that the minor will engage in prostitution or any sexually explicit performance.
- **“Commercial sexual exploitation of a minor”** means knowingly:
 - Using, employing, persuading, enticing, inducing or coercing a minor to engage in or assist others

to engage in exploitive exhibition or other sexual conduct for the purpose of producing any visual depiction or live act depicting such conduct;

- Using, employing, persuading, enticing, inducing or coercing a minor to expose the genitals or anus or the areola or nipple of the female breast for financial or commercial gain;
 - Permitting a minor under the person's custody or control to engage in or assist others to engage in exploitive exhibition or other sexual conduct for the purpose of producing any visual depiction or live act depicting such conduct;
 - Transporting or financing the transportation of any minor through or across this state with the intent that the minor engage in prostitution, exploitive exhibition or other sexual conduct for the purpose of producing a visual depiction or live act depicting such conduct; or
 - Using an advertisement for prostitution that contains a visual depiction of a minor.
- **“Explicit sexual material”** means any drawing, photograph, film negative, motion picture, figure, object, novelty device, recording, transcription or any book, leaflet, pamphlet, magazine, booklet or other item, the cover or contents of which depicts human genitalia or depicts or verbally describes nudity, sexual activity, sexual conduct, sexual excitement or sadomasochistic abuse in a way which is harmful to minors. Explicit sexual material does not include any depiction or description which, taken in context, possesses serious educational value for minors or which possesses serious literary, artistic, political or scientific value.
 - **“Incest”** occurs when persons who are within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, knowingly intermarry with each other, or knowingly commit fornication or adultery.
 - **“Infant”** is a child less than 1 year of age.
 - **“Molestation of a child”** means intentionally or knowingly engaging in or causing a person to engage in sexual contact, except sexual contact with the female breast, with a child who is under 15 years of age.
 - **“Mutilate”** means the partial or total removal of the clitoris, prepuce, labia minora, with or without excision of the labia major, the narrowing of the vaginal opening through the creation of a covering seal formed by cutting and repositioning the inner or outer labia, with or without removal of the clitoris, or any harmful procedure to the genitalia, including pricking, piercing, incising, scraping or cauterizing. Mutilate and mutilation do not include procedures performed by a licensed physician that are proven to be medically necessary due to a medically recognized condition.
 - **“Neglect”** means:
 - The inability or unwillingness of a parent, guardian or custodian of a child to provide that child with supervision, food, clothing, shelter or medical care if that inability or unwillingness causes unreasonable risk of harm to the child's health or welfare, except if the inability of a parent, guardian or custodian to provide services to meet the needs of a child with a disability or chronic illness is solely the result of the unavailability of reasonable services;
 - Permitting a child to enter or remain in any structure or vehicle in which volatile, toxic or flammable chemicals are found or equipment is possessed by any person for the purposes of manufacturing a dangerous drug;
 - A determination by a health professional that a newborn infant was exposed prenatally to a drug or substance and that this exposure was not the result of a medical treatment administered to the

mother or the newborn infant by a health professional. This subdivision does not expand a health professional's duty to report neglect based on prenatal exposure to a drug or substance beyond the requirements described above. The determination by the health professional shall be based on one or more of the following:

- Clinical indicators in the prenatal period including maternal and newborn presentation;
- History of substance use or abuse;
- Medical history; or
- Results of a toxicology or other laboratory test on the mother or the newborn infant.
- Diagnosis by a health professional of an infant under one year of age with clinical findings consistent with fetal alcohol syndrome or fetal alcohol effects;
- Deliberate exposure of a child by a parent, guardian or custodian to sexual conduct or to sexual contact, oral sexual contact or sexual intercourse, bestiality or explicit sexual materials; or
- Any of the following acts committed by the child's parent, guardian or custodian with reckless disregard as to whether the child is physically present:
 - Sexual contact;
 - Oral sexual contact;
 - Sexual intercourse; or
 - Bestiality.
- **“Newborn infant”** means a newborn infant who is under thirty days of age.
- **“Oral sexual contact”** means oral contact with the penis, vulva or anus.
- **“Reportable Offense”** means any of the following:
 - Any offense listed in chapters 14 (regarding sexual offenses against children) and 35.1 (regarding commercial sexual exploitation of children) or § 13-3506.01 (regarding intentionally or knowingly transmitting or sending to a minor by means of electronic mail, personal messaging or any other direct internet communication an item that is harmful to minors when the person knows or believes at the time of the transmission that a minor in this state will receive the item);
 - Surreptitious photographing, videotaping, filming or digitally recording or viewing a minor;
 - Child sex trafficking;
 - Incest; or
 - Unlawful mutilation.
- **“Sexual abuse”** means intentionally or knowingly engaging in sexual contact with any person who is 15 or more years of age without consent of that person or with any person who is under 15 years of age if the sexual contact involves only the female breast.
- **“Sexual assault”** means intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person.
- **“Sexual conduct”** means actual or simulated:
 - Sexual intercourse, including genital-genital, oral-genital, anal-genital or oral-anal, whether between persons of the same or opposite sex;
 - Penetration of the vagina or rectum by any object except when done as part of a recognized medical procedure;
 - Sexual bestiality;

	<ul style="list-style-type: none"> • Masturbation, for the purpose of sexual stimulation of the viewer; • Sadoomasochistic abuse for the purpose of sexual stimulation of the viewer; or • Defecation or urination for the purpose of sexual stimulation of the viewer. • “Sexual conduct with a minor” means intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under 18 years of age. • “Sexual contact” means any direct or indirect touching, fondling or manipulating of any part of the genitals, anus or female breast by any part of the body or by any object or causing a person to engage in such contact. • “Sexual exploitation of a minor” means knowingly recording, filming, photographing, developing, duplicating, distributing, transporting, exhibiting, receiving, selling, purchasing, electronically transmitting, possessing or exchanging any visual depiction in which a minor is engaged in exploitive exhibition or other sexual conduct. • “Sexual intercourse” means penetration into the penis, vulva or anus by any part of the body or by any object or masturbatory contact with the penis or vulva. • “Surreptitious photographing, videotaping, filming or digitally recording or viewing a minor” means: <ul style="list-style-type: none"> • Knowingly photograph, videotape, film, digitally record or by any other means secretly view, with or without a device, another person without that person’s consent under either of the following circumstances: <ul style="list-style-type: none"> • In a restroom, bathroom, locker room, bedroom or other location where the person has a reasonable expectation of privacy and the person is urinating, defecating, dressing, undressing, nude or involved in sexual intercourse or sexual contact, or • In a manner that directly or indirectly captures or allows the viewing of the person’s genitalia, buttock or female breast, whether clothed or unclothed, that is not otherwise visible to the public; or • Disclose, display, distribute or publish a photograph, videotape, film or digital recording made in violation of the above without the consent or knowledge of the person depicted.
<p>What timing and procedural requirements apply to reports?</p>	<ul style="list-style-type: none"> • Reports shall be made immediately electronically or by telephone and shall be followed by a written report within 72 hours.
<p>What information must a report include?</p>	<ul style="list-style-type: none"> • The names and addresses of the minor and the minor’s parents or the person or persons having custody of the minor, if known; • 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; and • Any other information that the person believes might be helpful in establishing the cause of the abuse, child abuse, physical injury or neglect. • A report made to the child abuse hotline that is maintained by the Department of Child Safety must include the name and address or contact information for the person making the report.

Anything else I should know?

- A report of sexual abuse or conduct is not required if the conduct involves only minors who are 14–17 years of age and there is nothing to indicate that the conduct is other than consensual.
- A report is not required if a minor is of elementary school age, the physical injury occurs accidentally in the course of typical playground activity during a school day, occurs on the premises of the school that the minor attends and is reported to the legal parent or guardian of the minor and the school maintains a written record of the incident.
- 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, the physician, psychologist, or behavior health professional may withhold the reporting of that statement if it is determined that it is reasonable and necessary to accomplish the purposes of the treatment.
- A member of the clergy, a Christian science practitioner or a priest who has received a confidential communication or a confession in that person's role as a member of the clergy, a Christian science practitioner or a priest in the course of the discipline enjoined by the church to which the member of the clergy, the Christian science practitioner or the 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.
- Anyone who fails to make a required report is guilty of a Class 1 misdemeanor, except if the failure to report involves certain specific offenses listed in the statute, the person is guilty of a Class 6 felony.
- Any who participates in the making of a report or causing a report to be made to a child welfare agency providing protective services or to an appropriate police authority, or who participates in any judicial proceeding or any other proceeding 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 children in question.

Statutory citation(s):

- Ariz. Rev. Stat. Ann. §§ 13-3620, 13-3623, 36-2281.