

SECTION B: Admission and Release IMPLEMENTED: 11/17/05  
CHAPTER: B-100 Pre-Admissions  
NUMBER: B-102 Reporting of Non-Accidental Injury/Neglect of Minor 10/24/11 Update

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RELATED STANDARDS: PCJCC 7.7.1., A.R.S. 13-3620, 8-201, 13-3623, PREA

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**POLICY: ZERO Tolerance Sexual Assault, Sexual Abuse, Sexual Harassment**

Juvenile Court staff, contract employees and volunteers have a mandatory duty to report when they reasonably believe a youth has been a victim of physical/sexual abuse - a reportable offense or neglect that appears to be inflicted upon the youth by other than accidental means pursuant to A.R.S. 13-3620.

There will be a zero tolerance standard for the incidence of sexual assault in Detention.

**DEFINITIONS:**

**Abuse:** 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 and is caused by the acts or omissions of an individual having care, custody and control of a child. Further definition of abuse is detailed in A.R.S. 8-201.

**Molestation of a child:** A.R.S. 13-1410: A person commits molestation of a child by intentionally or knowingly engaging in or causing a person to engage in sexual contact, except sexual contact with the female breast, with a child who is under fifteen years of age.

**Neglect:** The inability or unwillingness of a parent, guardian or custodian of a child to provide that child with supervision, food, clothing, shelter or medical care or when unwillingness causes substantial risk of harm to the child's health or welfare, as detailed in A.R.S. 8-201.

**Sexual abuse:** A.R.S. 13-1404: A person commits sexual abuse by intentionally or knowingly engaging in sexual contact with any person who is fifteen or more years of age without consent of that person or with any person who is under fifteen years of age if the sexual contact involves only the female breast.

Additionally, a youth in the custody of a correctional facility may not give consent.

**Sexual assault:** A.R.S. 13-1406: A person commits sexual assault by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person. A youth in the custody of a correctional facility may not give consent.

**Sexual conduct with a minor:** A.R.S. 13-1405: A person commits sexual conduct with a minor by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under eighteen years of age.

The PREA Act of the Federal Government will be complied with and is described in detail in P/P A-307.

**PROCEDURE:**

Mandatory reporting is directed by A.R.S. 13-3620. Detention personnel, contract employees and volunteers are required to immediately report to Detention Administration, any act towards a youth by **any** person that may be constituted as physical/sexual abuse or neglect.

**I. Informing youth about reporting guidelines for inappropriate conduct**

Upon entrance youth will be provided with information that assists them with how to report physical/sexual abuse and or neglect.

- A. During the process the Intake JDO will provide a one on one orientation with the youth providing information on how and who to report incidents of physical/sexual abuse and neglect. This orientation should also include information about how to request medical and mental health services.
- B. Detained youth will be given a Pima County Juvenile Youth Handbook which will outline reporting guidelines in cases where youth may have experienced physical/sexual abuse and neglect by **any** person.
- C. Detained youth will be provided with programming information on a regular basis that will educate them on abuse prevention, self protection, intervention, staff mandatory reporting guidelines and medical and mental health services available to them, in a sensitive manner and age-appropriate level.

**II. Reporting Physical/Sexual Abuse or Neglect**

- A. A Detention Supervisor/Designee will be immediately notified of the allegations received by staff, contract employees, volunteers, and youths that have occurred in Detention. The Detention Administrator/Designee will be immediately notified by the Detention Supervisor/Designee. The Director of Detention Services shall report the allegation to the Court Director and shall ensure the notification procedure has been followed and an investigation is conducted.

Reports shall be made immediately to Child Protective Services (CPS) and Law Enforcement by phone and followed up with a written incident report and written CPS reporting form within 24 hours.

- 1. The receiver of the information is responsible to make the report (by phone and written) immediately after notifying the supervisor/designee of the allegations.
  - 2. If injuries are observed on the minor contact the medical unit to respond and assess the injury.
    - a. Submit a sick slip to the nurse responding.
  - 3. The supervisor or designee will assess the situation, secure the scene and ensure that medical, law enforcement and CPS personnel have been notified as appropriate.
- B. Sexual abuse report is NOT required if the conduct involves only minors who are fifteen years of age or older and the other party is under nineteen years of age or attending high school and is no more than twenty-four months older than the victim and the conduct is consensual. This only applies to information received by youth of activities occurring outside of detention.
    - 1. Sexual abuse report is required if the sexual conduct is with the minor's parent, sibling, stepparent, adoptive parent, legal guardian, foster parent, grandparent or other relative, regardless of ages of participants.

C. Reports shall contain:

1. Names & addresses of the minor and the minor's parents or the person(s) having custody of the minor, if known.
2. The minor's age and the nature and extent of the minor's abuse, physical injury or neglect, including any evidence of previous abuse, child abuse, physical injury or neglect.
3. Date, time of abuse and alleged perpetrator's name, if known.
4. Any other information that the person believes might be helpful in establishing the cause of the abuse, physical injury, or neglect.

D. A person who furnishes a report, information or records required under this section, or a person who participates in a judicial or administrative proceeding or investigation resulting from a report, information or records required 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.

E. Youth reporting abuse or neglect will be kept safe and separate from alleged aggressor. The scene will be secured according to D-703, if the allegation is of a sexual nature. Pursuant to PREA 115.363 (c), the victim will be requested not to take any actions that could destroy physical evidence, including washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. The victim and/or reporter of abuse/neglect will be protected from retribution by the perpetrator when an allegation is made while in secure care. The victim of abuse or neglect will have access to medical and mental health services, and outside victim advocates in the case of sexual abuse.

### III. Failure to Report

A. Pursuant to A.R.S. 13-3620, Chapter O, a violation of this reporting policy is a Class 1 Misdemeanor, except if the failure to report involves a reportable offense, the person is guilty of a Class 6 Felony.

B. Pursuant to A.R.S. 13-3620, Chapter P, Item 4, "Reportable Offense" means:

1. Any offense listed in A.R.S. chapters 14 and 35.1 of this title or section 13-3506.01 (Furnishing harmful items to minors; internet activity).
2. Surreptitious photographing, videotaping, filming, or digitally recording of a minor pursuant to A.R.S. 13-3019.
3. Child prostitution pursuant to A.R.S. 13-321.
4. Incest pursuant to section A.R.S. 13-3608.

### III. Reporting Form

A. CPS Child Abuse Hotline Report (PS077) (1-888-S767-2443, 1-888-SOS-CHILD) will be used by Detention Officers reporting abuse as observed in the course of their official duties.

B. Complete the form and use the appropriate symbols and draw the injuries observed.

C. The report will be faxed to CPS at 1-602-530-1832 or 1-602-530-1833. The CPS Hotline is available to determine the fax number if those numbers are unavailable. The Fax Sent sheet and fax receipt will be attached to the report.

If the fax machine is not working, mail a copy of the form to:

CPS

P.O. Box 44240

Phoenix, Arizona 85064-4240

After faxing or mailing the form to CPS:

1. Original form is filed in the Detention file.
2. Copy to the Detention medical file.
3. Copy to the Probation social file.

D. If the allegation of abuse occurred while in detention, the Detention Administrator/Designee shall report the allegation to the parents or legal guardians of the victim. The facility will not notify the parents or legal guardians if the facility has official documentation showing that they should not be notified for reasons such as parental rights have been terminated or the parent or legal guardian is the alleged offender, or when notifying the parents or legal guardian would place the victim in specific identifiable danger.

E. The Director of Detention Services/Designee shall ensure all incidents abuse (physical/sexual) are reviewed at the conclusion of the investigation to assess and improve prevention and response.

F. Any records associated with claims of sexual assault, abuse and neglect, including incident reports, investigative reports, juvenile information, medical reports, and case disposition shall be maintained in a confidential manner and retained in accordance with Arizona state record retention.

Attachment: CPS Reporting Form