

Categories of Abuse and Neglect

The type of abuse occurring and the level of risk to the child determine how Child Protective Services (CPS) responds to a report. Reports of abuse and neglect are categorized as high risk, low, moderate risk and potential risk. A CPS report is defined based on ARS §8-802 as being an incoming communication to **1-888-SOS-CHILD (1-888-767-2445)** containing an allegation that:

a person presently under the age of 18 is the subject of physical, sexual or emotional abuse, neglect, abandonment or exploitation which a parent, guardian or custodian has inflicted, may inflict, permitted another person to inflict or had reason to know another person may inflict AND contains sufficient information to locate the child.

The following are the major categories of abuse and neglect to which CPS responds:

1. [Abuse](#)
 - o [Physical Abuse](#)
 - o [Sexual Abuse](#)
 - o [Emotional Abuse](#)
2. [Neglect](#)
3. [Abandoned](#)
4. [Confinement](#)
5. [Non-Sexual Exploitation](#)

Abuse

As defined in [A.R.S. § 8-201](#) (2) 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 having care, custody and control of a child. Abuse also includes:

1. Inflicting or allowing sexual abuse pursuant to section [13-1404](#), sexual conduct with a minor pursuant to section [13-1405](#), sexual assault pursuant to section [13-1406](#), molestation of a child pursuant to section [13-1410](#), commercial sexual exploitation of a minor pursuant to section [13-3552](#), sexual exploitation of a minor pursuant to section [13-3553](#), incest pursuant to section [13-3608](#) or child prostitution pursuant to section [13-3212](#).
 2. 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 as defined in section [13-3401](#).
 3. Unreasonable confinement of a child.
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Physical Abuse

Physical abuse includes the infliction or allowing the infliction of a physical injury to a child.

Physical injury is the impairment of a physical condition and includes:

1. skin bruising including bruising to the corners of the mouth which may indicate that the child was gagged,
2. pressure sores,
3. bleeding,
4. failure to thrive or pediatric undernourishment (requires medical diagnosis),
5. malnutrition (requires medical diagnosis),
6. dehydration (requires medical diagnosis),
7. burns, which may include water burns, rope burns, rug burns and other abrasions,
8. subdural hematoma (requires medical diagnosis),
9. soft tissue swelling, which may include bald patches where hair has been pulled out, bite demarcation, and welts such as from cords or other objects,
10. injury to any internal organ (requires medical diagnosis), or
11. any physical condition which imperils a child's health or welfare.

Physical abuse also includes inflicting or allowing the impairment of bodily function or disfigurement.

Sexual Abuse

National Center for Child Abuse and Child Neglect (NCCAN) defined sexual abuse as the involvement of dependent, developmentally immature children and adolescents in sexual activities that they do not fully comprehend, to which they are unable to give informed consent, or that violate the social taboos of family roles. (The Battered Child, 3rd Ed., Kempe, C. Henry and Helfer, Ray E.) Sexual Abuse is any act designed to stimulate a child sexually, or to use a child for the sexual stimulation either of the perpetrator or of another person. (NCCAN). Sexual Misuse is defined as exposure of a child to sexual stimulation inappropriate for the child's age and role in the family.

Sexual offenses Against Children

Arizona Revised Statutes: Definitions - The following forms of sexual abuse and misuse are included in the ARS definition of child abuse (ARS §8-201(2)):

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

Sexual Conduct with a Minor - ARS §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."

Sexual Assault - ARS §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."

Molestation of a Child - ARS §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 under fifteen years of age."

Additional Sexual offenses include:

Commercial Sexual Exploitation of a Minor - ARS §13-3552 - "A person commits commercial sexual exploitation of a minor by knowingly:

1. Using, employing, persuading, enticing, inducing or coercing a minor to engage in or assist others to engage in exploitive exhibition or other sexual conduct for the purpose of producing any visual or print medium or live act depicting such conduct;
2. 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;
3. Permitting a minor under such person's custody or control to engage in or assist others to engage in exploitive exhibition or other sexual conduct for the purpose of producing any visual or print media or live act depicting such conduct;
4. Transporting or financing the transportation of any minor through or across the state with the intent that such minor engage in prostitution, exploitive exhibition or other sexual conduct for the purpose of producing a visual or print medium or live act depicting such conduct."

Sexual Exploitation of a Minor - ARS §13-3553 - "A person commits sexual exploitation of a minor by knowingly:

1. Recording, filming, photographing, developing or duplicating any visual or print medium in which minors are engaged in exploitive exhibition or other sexual conduct;
2. Distributing, transporting, exhibiting, receiving, selling, purchasing, possessing or exchanging any visual or print medium in which minors are engaged in exploitive exhibition or other sexual conduct."

Incest - ARS §13-3608 - "Persons who are fifteen or more years of age and are within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who knowingly intermarry with each other, or who knowingly commit fornication or adultery with each other.

Child Prostitution - ARS §13-3212 - " A person commits child prostitution by knowingly:

1. Causing any minor to engage in prostitution;
2. Using any minor for purposes of prostitution;
3. Permitting a minor under such persons custody or control to engage in prostitution;
4. Receiving any benefit for or on account of procuring or placing a minor in any place or in the charge or custody of any person for the purpose of prostitution;
5. 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 through or across this state with the intent that such minor engage in prostitution.”

Emotional Abuse

Emotional abuse is evidenced by severe anxiety, depression, withdrawal, or improper aggressive behavior as diagnosed by a medical doctor or psychologist and caused by the acts or omissions of the parent or caretaker (ARS §8-201).

Emotional maltreatment includes blaming, belittling or rejecting a child, constantly treating siblings unequally, and persistent lack of concern by the caretaker for the child's welfare. Emotional maltreatment is rarely manifest in physical signs, particularly in the normal school setting; speech disorders, lags in physical development, and failure to thrive syndrome are physical indicators of emotional maltreatment. More often it is observed through behavioral indicators, and even these indicators may not be immediately apparent.

Neglect as defined in [A.R.S. § 8-201](#) (22) means:

1. 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 or guardian 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.
2. **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 as defined in section [13-3401](#).
3. **Prenatal Substance Exposure to Newborn Infant (under 30 days of age) or Infant (from birth up to one year of age)**

A. Newborn Infant (under 30 days of age)

Determination by a health professional that a newborn infant

(under 30 days of age) was exposed prenatally to a drug or substance listed in section [13-3401](#) and that this exposure was not the result of a medical treatment administered to the mother or the newborn infant by a health professional

B. Infant (from birth up to one year of age)

A substance exposed infant, from birth up to one year of age, who is demonstrably adversely affected by the mother's use of a dangerous drug, a narcotic drug or alcohol during pregnancy. A dangerous drug or narcotic drug has the same meaning as defined in ARS § [13-3401](#).

4. Diagnosis by a health professional of an infant under one year of age with clinical findings consistent with) **fetal alcohol syndrome (FAS) or fetal alcohol effects (FAE)**.
5. **Deliberate exposure** of a child by a parent, guardian or custodian to:
 - **Sexual Conduct**, as defined in section [13-3551](#), means actual or simulated:
 - sexual intercourse including genital-genital, oral-genital, anal-genital or oral-anal, whether between persons of the same sex or opposite sex;
 - penetration of the vagina or rectum by any object except as one does as part of a recognized medical procedure;
 - sexual bestiality;
 - masturbation for the purpose of the sexual stimulation of the viewer;
 - sadomasochistic abuse for the purpose of sexual stimulation of the viewer; or
 - defecation or urination for the purpose of sexual stimulation of the viewer.
 - **Sexual Contact**, as defined in [13-1401](#), 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 conduct.
 - **Oral Sexual Contact**, as defined in § [13-1401](#), means oral contact with the penis, vulva or anus.
 - **Sexual Intercourse**, as defined in § [13-1401](#), 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.
 - **Bestiality**, as defined in section [13-1411](#), means engaging in or causing another person to engage in oral sexual contact, sexual contact or sexual intercourse with an animal.
 - **Explicit Sexual Materials**, as defined in section [13-3507](#), 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.
6. 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** as defined in section [13-1401](#)
 - **Oral Sexual Contact** as defined in section [13-1401](#)
 - **Sexual Intercourse** as defined in section [13-1401](#)
 - **Bestiality** as prescribed in section [13-1411](#)

Abandoned

Is defined in ARS §8-201(1) as "the failure of the parent to provide reasonable support and to maintain regular contact with the child, including the providing of normal supervision, when such failure is accompanied by an intention on the part of the parent to permit such condition to continue for an indefinite period in the future. Abandoned includes a judicial finding that a parent has made only minimal efforts to support and communicate with the child. Failure to maintain a normal parental relationship with the child without just cause for a period of six months shall constitute prima facie evidence of abandonment."

Confinement

Means the restriction of movement or confining a child to an enclosed area and/or using a threat of harm or intimidation to force a child to remain in a location or position.

Confinement is unreasonable if, taking into account the totality of the circumstances, the confinement is such that a reasonable (ordinarily cautious) parent, guardian or custodian would not use that method of confinement. The totality of the circumstances includes consideration of the child's age, developmental and cognitive functioning and any special needs such as mental illness, behavioral health, physical limitations, and length of confinement.

Non – Sexual Exploitation

is defined for CPS purposes to mean "the use of a child by a parent, guardian or custodian for material gain which may include forcing the child to panhandle, steal or perform other illegal activities."

The law requires Child Protective Services to investigate reports of suspected child abuse or neglect by a parent, guardian or custodian. To do this, the law allows CPS to talk to alleged victims and their siblings without parental permission. Often this occurs at school because it is a neutral environment. A CPS Specialist, will visit the family home to discuss the report and to talk about the family situation. The CPS Specialist will talk to all children, parents, guardians or custodians and other adults living in the home but may also speak to family members or others who may provide information. It is hoped that the family will cooperate with the CPS Specialist since that will allow the family to clarify issues of concern and allow for a more accurate investigation. After gathering information, a child and family assessment will be completed by the CPS Specialist to identify services that may assist the family.

Parents and other individuals have the right to refuse to be interviewed by the CPS representative.