

A.R.S. § 13-3620



Arizona Revised Statutes Annotated [Currentness](#)

Title 13. Criminal Code ([Refs & Annos](#))

 [Chapter 36](#). Family Offenses ([Refs & Annos](#))

→§ 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 [§ 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 [§ § 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:

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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 [§ 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

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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 [§ 8-201](#).
2. "Child abuse" means child abuse pursuant to [§ 13-3623](#).
3. "Neglect" has the same meaning prescribed in [§ 8-201](#).
4. "Reportable offense" means any of the following:
 - (a) Any offense listed in chapters 14 and 35.1 of this title [\[FN1\]](#) or [§ 13-3506.01](#).
 - (b) Surreptitious photographing, videotaping, filming or digitally recording of a minor pursuant to [§ 13-3019](#).
 - (c) Child prostitution pursuant to [§ 13-3212](#).
 - (d) Incest pursuant to [§ 13-3608](#).

CREDIT(S)

Added as § 13-842.01 by Laws 1964, Ch. 76, § 2. Amended by Laws 1976, Ch. 171, § 3, eff. June 27, 1976. Renumbered as § 13-3620 by Laws 1977, Ch. 142, § 99, eff. Oct. 1, 1978. Amended by Laws 1978, Ch. 201, § 235, eff. Oct. 1, 1978; Laws 1982, Ch. 272, § 2; Laws 1983, Ch. 296, § 1, eff. July 2, 1984; Laws 1984, Ch. 114, § 1; Laws 1984, Ch. 355, § 1; Laws 1985, Ch. 364, § 30, eff. May 16, 1985; Laws 1986, Ch. 347, § 1, eff. May 9, 1986; [Laws 1989, Ch. 270, § 5](#); [Laws 1990, Ch. 237, § 12](#); [Laws 1990, Ch. 384, § 5](#); [Laws 1998, Ch. 276, § 37](#); [Laws 1998, Ch. 289, § 14](#); [Laws 2003, Ch. 222, § 2](#).

[\[FN1\]](#) [Section 13-3401](#) et seq.

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HISTORICAL AND STATUTORY NOTES

The 1976 amendment rewrote subsec. A, which had read:

"A. Any physician, including a hospital intern or resident physician, whose examination of any minor discloses evidence of injury or physical neglect not explained by the available medical history as being accidental in nature, shall immediately report or cause reports to be made of such information to a municipal or county peace officer. Such reports shall be made forthwith by telephone or in person forthwith, and shall be followed by a written report. Such reports shall contain:

"1. The names and addresses of the minor and his parents or person or persons having custody of such minor, if known.

"2. The minor's age and the nature and extent of his injuries or physical neglect, including any evidence of previous injuries or physical neglect.

"3. Any other information that the physician believes might be helpful in establishing the cause of the injury or physical neglect.";

deleted former subsec. B, which read:

"When the attendance of the physician is pursuant to the performance of services as a member of the staff of a hospital or similar institution, he shall notify the person in charge of the institution or his designated delegate who shall make the necessary reports.";

added subsecs. B and C; relettered the former subsec. C as subsec. D and rewrote the subsection, which had read:

"Anyone participating in the making of reports required under the provisions of this section, or anyone participating in a judicial proceeding resulting from such reports, shall be immune from any civil or criminal liability that might otherwise be incurred or imposed as a result of such actions. Notwithstanding the provisions of § 13-1802, paragraph 4, the physician-patient privilege shall not be a ground for excluding evidence regarding a minor's injuries or physical neglect, or the cause thereof in any judicial proceeding resulting from a report submitted pursuant to this section.";

relettered former subsec. D as subsec. E and rewrote the subsection, which had read:

"A person who violates any provision of this section is guilty of a misdemeanor punishable by a fine of not more than one hundred dollars, by imprisonment for not more than ten days, or both.";

and relettered former subsec. E as subsec. F, and substituted "eighteen" for "sixteen" in the subsection, which had read:

"For the purpose of this section, "minor" means a person under the age of sixteen years.".

The 1978 amendment inserted "class 2" preceding "misdemeanor" in subsec. E; and deleted subsec. F.

The 1982 amendment inserted the exception to subsec. E in subsec. D; inserted a new subsec. E; and designated former subsec. E as subsec. F.

The 1983 amendment inserted the provision pertaining to denial or deprivation of necessary medical treatment or surgical care or nourishment with the intent to cause or allow the death of a child protected under § 36-2281 in subsec. A; and made a nonsubstantive change in subsec. C.

The 1984 blended amendment of Chs. 114 and 355, in subsec. A, inserted "parent or counselor", inserted "or treatment", substituted "reasonable grounds to believe that a minor is or has been the victim" for "evidence",

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substituted "who has reasonable grounds to believe there has been a" for "evidence of", and substituted "an infant" for "a child".

The 1985 amendment required that reports to a municipal or county peace officer or to the protective services be followed up in writing within seventy-two hours of the telephone or in person report by those required to report, and added the provision requiring the child protective services to immediately notify a municipal or county peace officer upon receiving a report of a violation by telephone or in person from those required to report.

The 1986 amendment rewrote the section.

The 1989 amendment rewrote the first sentence of subsec. A which had read:

"Any physician, hospital intern or resident, surgeon, dentist, osteopath, chiropractor, podiatrist, county medical examiner, nurse, psychologist, school personnel, social worker, peace officer, parent or counselor or any other person having responsibility for the care or treatment of children whose observation or examination of any minor discloses reasonable grounds to believe that a minor is or has been the victim of injury, sexual molestation, death, abuse or physical neglect which appears to have been inflicted upon such minor by other than accidental means or which is not explained by the available medical history as being accidental in nature or who has reasonable grounds to believe 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 protected under § 36-2281 shall immediately report or cause reports to be made of such information to a peace officer or to the protective services of the department of economic security."

The 1990 amendment by Ch. 237 inserted the reference to § 8-201 in subsec. A.

The 1990 amendment by Ch. 384, in subsec. A, deleted "or" preceding "counselor" and inserted ", clergyman or priest" following "counselor" in the first sentence, and inserted the second through fourth sentences.

The 1998 amendment by Ch. 276 inserted new subsec. B, and redesignated former subsecs. B to J as new subsecs. C to K.

The 1998 amendment by Ch. 289 inserted new subsec. B, relating to reporting of newborn affected by alcohol or other substance; redesignated existing subsecs. B to J as C to K; and made other nonsubstantive changes.

The 2003 amendment by Ch. 222, rewrote the section, which had read:

"**A.** Any physician, hospital intern or resident, surgeon, dentist, osteopath, chiropractor, podiatrist, county medical examiner, nurse, psychologist, school personnel, social worker, peace officer, parent, counselor, clergyman or priest or any other person having responsibility for the care or treatment of children whose observation or examination of any minor discloses reasonable grounds to believe that a minor is or has been the victim of injury, sexual abuse pursuant to § 13-1404, sexual conduct with a minor pursuant to § 13-1405, sexual assault pursuant to § 13-1406, molestation of a child pursuant to § 13-1410, commercial sexual exploitation of a minor pursuant to § 13-3552, sexual exploitation of a minor pursuant to § 13-3553, incest pursuant to § 13-3608 or child prostitution pursuant to § 13-3212, death, abuse pursuant to § 8-201, or physical neglect which appears to have been inflicted on that minor by other than accidental means or which is not explained by the available medical history as being accidental in nature or who has reasonable grounds to believe 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 less than one year of age protected under § 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. A clergyman or priest who has received a confidential communication or a confession in that person's role as a clergyman or a priest in the course of the discipline enjoined by the church to which the clergyman or priest belongs may withhold reporting of the communication or confession if the clergyman 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 clergyman or priest may otherwise make of the minor. A report is not required under this section for conduct prescribed by § § 13-1404 and 13-1405 if the conduct involves only minors age fourteen, fifteen,

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sixteen or seventeen and there is nothing to indicate that the conduct is other than consensual. Reports shall be made forthwith by telephone or in person forthwith 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 injuries or physical neglect, including any evidence of previous injuries or physical neglect.

"3. Any other information that the person believes might be helpful in establishing the cause of the injury or physical neglect.

"B. A health care professional who is regulated pursuant to title 32 and whose routine newborn physical assessment of a newborn infant's health status or whose notification of positive toxicology screens of a newborn infant gives the professional reasonable grounds to believe that the newborn infant may be affected by the presence of alcohol or a substance prohibited by chapter 34 of this title 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.

"C. Any person other than one required to report or cause reports to be made in subsection A of this section who has reasonable grounds to believe that a minor is or has been a victim of abuse or neglect may report the information to a peace officer or to child protective services in the department of economic security.

"D. A person having 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 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.

"E. When such telephone or in-person reports are received by the peace officer, they 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.

"F. Any person required to receive reports pursuant to subsection A of this section may take or cause to be taken photographs of the child and the vicinity involved. Medical examinations including, but not limited to, radiological examinations of the involved child may be performed.

"G. A person furnishing a report, information or records required or authorized under this section, or a person participating in a judicial or administrative proceeding or investigation resulting from a report, information or records required or authorized under this section, shall be immune from any civil or criminal liability by reason of such 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. Except as provided in subsection H of this section, the physician-patient privilege, the husband-wife privilege or any privilege except the attorney-client privilege, provided for by professions such as the practice of social work or nursing covered by law or a code of ethics regarding practitioner-client confidences, both as they relate to the competency of the witness and to the exclusion of confidential communications, shall not pertain in any civil or criminal litigation or administrative proceeding in which a child's neglect, dependency, abuse or abandonment is an issue nor in any judicial or administrative proceeding resulting from a report, information or records submitted pursuant to this section nor in any investigation of a child's neglect or abuse conducted by a peace officer or child protective services in the department of economic security.

"H. In any civil or criminal litigation in which a child's neglect, dependency, abuse or abandonment is an issue, a

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clergyman or priest shall not, without his consent, be examined as a witness concerning any confession made to him in his role as a clergyman or a priest in the course of the discipline enjoined by the church to which he belongs. Nothing in this subsection discharges a clergyman or priest from the duty to report pursuant to subsection A of this section.

"I. If psychiatric records are requested pursuant to subsection D 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.

"J. If any portion of a psychiatric record is excised pursuant to subsection I 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 containing information relevant to the reported abuse or neglect be made available to the peace officer or child protective services worker investigating the abuse or neglect.

"K. A person who violates this section is guilty of a class 1 misdemeanor."

Reviser's Notes:

1984 Note. Prior to the 1986 amendment, this section contained the amendments made by Laws 1984, Ch. 114, § 1 and Ch. 355, § 1 which were blended together pursuant to authority of § 41-1304.03.

1990 Note. Prior to the 1998 amendments, this section contained the amendments made by Laws 1990, Ch. 237, § 12 and Ch. 384, § 5 which were blended together pursuant to authority of § 41-1304.03.

1998 Note. Prior to the 2003 amendment, this section contained the amendments made by Laws 1998, Ch. 276, sec. 37 and Ch. 289, sec. 14 that were blended together pursuant to authority of § 41-1304.03.

CROSS REFERENCES

Adult abuse, see [§ 46-453](#).

Child protective services, hearing and appeal process, see [§ 8-811](#).

Children, protective services, see [§ 8-801](#) et seq.

Domestic violence victim advocate-victim privilege, see [§ 12-2239](#).

Education, certificated persons, immoral or unprofessional conduct, reports, immunity, see [§ 15-514](#).

Healthy families program, reporting requirements, see [§ 8-701](#).

Infant, same definition used, see [§ 36-2281](#).

Suspected **child abuse**, health care institution employee **reports**, retaliation prohibited, see [§ 36-2282](#).

ADMINISTRATIVE CODE REFERENCES

Child care facilities, administration, child abuse or neglect, see A.A.C. R9-5- 307.

Child protective service reports, see A.A.C. R6-5-5501, R6-5-5503.

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Licensing process and licensing requirements for child welfare agencies, complaints and investigations, see A.A.C. R6-5-7417, R6-5-7434, R6-5-7435.

Records and **reports** of suspected **child abuse**, see A.A.C. R9-5-307.

Suspected abuse or neglect of an enrolled child, see A.A.C. R9-3-312.

LAW REVIEW AND JOURNAL COMMENTARIES

Children, protection from abuse and insufficient care. Ariz.St.L.J. 4, 1980, p. 953.

Children should be seen and not heard: Advocating the recognition of a parent-child privilege in Arizona. Michael D. Moberly, [35 Ariz.St.L.J. 515 \(2003\)](#).

Newborn infants, withholding medical treatment,

Baby doe: Problems and solutions. Ariz.St.L.J. 4, 1984, p. 637.

Baby doe controversy. Ariz.St.L.J. 4, 1984, p. 605.

Ethical judgments, traditional distinctions for making. Ariz.St.L.J. 4, 1984, p. 661.

Function of law in supervening parental wishes regarding life-sustaining treatment. Ariz.St.L.J. 4, 1984, p. 685.

Life-sustaining treatment: Role of ethical distinctions in framing law. Ariz.St.L.J. 4, 1984, p. 647.

Protecting the best interests of the child: Is the state the necessary blunt instrument? Ariz.St.L.J. 4, 1984, p. 627.

Termination of treatment: Two puzzles. Ariz.St.L.J. 4, 1984, p. 667.

[Tolling the statute of limitations in actions brought by adult survivors of childhood sexual abuse. Lisa Bickel, 33 Ariz.L.Rev. 427 \(1991\).](#)

Who holds the key? Lawyers access to drug and alcohol abuse treatment records. Terrence M. Slaven, [23 Ariz.B.J. 8 \(Feb.-Mar. 1988\)](#).

LIBRARY REFERENCES

Infants  13.

Westlaw Topic No. 211.

[C.J.S. Infants § § 5, 92 to 93, 95 to 98.](#)

RESEARCH REFERENCES

ALR Library

[73 ALR 4th 782](#), Validity, Construction, And Application Of State Statute Requiring Doctor Or Other Person To Report Child Abuse.

[57 ALR 4th 404](#), Imputation Of Criminal, Abnormal, Or Otherwise Offensive Sexual Attitude Or Behavior As Defamation--Post-New York Times Cases.

Treatises and Practice Aids

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[2B Arizona Practice R 501](#), Rule 501. General Rule.

[2 Arizona Practice § 16.12](#), Privileges And Confidential Documents.

[5 Arizona Practice § 5.6](#), Petition.

[5 Arizona Practice App. E](#), Appendix E. Selected Arizona Rules And Statutes Relating To Juvenile Matters.

[1 Arizona Practice § 501.2](#), Anti-Marital Fact Privilege.

[1 Arizona Practice § 501.6](#), Physician-Patient Privilege.

[1 Arizona Practice § 501.7](#), Miscellaneous Privileges.

[3 Arizona Practice App. B](#), Appendix B. Local Domestic Relations Rules.

UNITED STATES SUPREME COURT

Civil rights actions, Family Educational Rights and Privacy Act, federal funding, release of education records without consent, private suits under § 1983, see [Gonzaga University v. Doe, 2002, 122 S.Ct. 2368](#).

First Amendment, freedom of speech, facial overbreadth doctrine, state statute regulating access to names and addresses of arrestees, see [Los Angeles Police Dept. v. United Reporting Publishing Corp., 1999, 120 S.Ct. 483](#).

NOTES OF DECISIONS

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[1](#). Persons required to report

Parents have a legal duty to report sexual abuse of a child in their care or custody to law enforcement or child protective services. *Schmitz v. Aston* (App. Div.1 2000) 197 Ariz. 264, 3 P.3d 1184, ordered not to be published [199 Ariz. 431, 18 P.3d 1230](#).

Parents did not have conditional privilege, on basis that information was of interest to recipients, to inform other neighborhood parents that they suspected their daughter had been sexually molested by playmate's father; they neither had statutory duty to report suspected molestation to other neighbors, nor was their conduct within generally accepted standards of decent conduct, as statements were not made in response to request, and there was no familial or other similar relationship between parents and neighbors. *Schmitz v. Aston* (App. Div.1 2000) 197 Ariz. 264, 3 P.3d 1184, ordered not to be published [199 Ariz. 431, 18 P.3d 1230](#).

Child's counselor had reasonable grounds to suspect abuse and therefore to report it based on interview with mother wherein counselor examined mother in detail about child's behavior, even though counselor did not examine child or investigate further, and therefore, absent evidence of malice, counselor was immune from civil liability for reporting the suspected abuse. A.R.S. § 13- 3620, subds. [L.A.R. v. Ludwig \(App. Div.1 1991\) 170 Ariz. 24, 821 P.2d 291](#).
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"Reasonable grounds," as used in statutes defining duty to **report abuse of child**, means that if there are any facts from which one could reasonably conclude that child had been abused, person knowing those facts is required to **report** them to appropriate authorities; "reasonable grounds" is low standard. [L.A.R. v. Ludwig \(App. Div.1 1991\) 170 Ariz. 24, 821 P.2d 291](#). Infants  13

A statute providing that a child who in good faith was being furnished Christian Science treatment by duly accredited practitioner would not for that reason alone be considered to be an abused, neglected or dependent child, had no effect where the child's health was in imminent danger or was being damaged by the lack of appropriate medical care. Op.Atty.Gen. No. I91-034.

Under this section school personnel have a mandatory duty to report to police officers or to the Department of Economic Security Protective Services evidence of all instances of non-accidental injury, sexual molestation, death, abuse or physical neglect. Op.Atty.Gen. No. I82-086.

2. Medical history

Liberal purpose of § 13-842.01 (now, this section as transferred and renumbered), requiring physician's report when evidence of injury or neglect comes to physician's attention to effectuate its apparent purpose, and physicians or psychiatrists serving community mental health clinics should report injuries or neglect which are not explainable by the available medical history and the "available medical history" would include reports of other staff members or clinic employees who have interviewed the child or parents, guardian, or relatives and would include results of psychological testing and evaluation and may include information obtained from persons who are not physicians, as well as information obtained from the minor himself. Op.Atty.Gen. No. 68-22-L.

3. Release of education records

State standard setting forth the persons to whom education records may be released, as well as circumstances under which they may be released, is by reference contained in the federal Family Educational Rights and Privacy Act of 1974, [20 U.S.C.A. § 1232g](#), as well as in [20 U.S.C.A. § 1232h](#). Op.Atty.Gen. No. 78-115.

4. Reimbursement of legal fees

A school board cannot reimburse a superintendent for legal fees incurred in successfully defending a criminal charge of failing to report non-accidental injuries or physical neglect of students where the board did not, prior to the hiring, employ the legal counsel and authorize payment of legal fees. Op.Atty.Gen. No. I82-081.

5. Clergy

Clergymen with whom penitent had conversations concerning acts of sexual abuse he had committed on children had no privilege independent of penitent's privilege relating to disclosure of their conversations, and thus once penitent waived privilege through disclosures inconsistent with its preservation, privilege was destroyed. [Church of Jesus Christ of Latter-Day Saints v. Superior Court In and For Maricopa County \(App. Div.1 1988\) 159 Ariz. 24, 764 P.2d 759](#). Witnesses  217

Subsection G of this section providing that clergyman shall not be examined as witness "without his consent" in any civil or criminal litigation in which child neglect or abuse is issue does not create clergyman's privilege independent of penitent's privilege under § 12-2233, but merely reinstates clergyman's ability to withhold consent on penitent's behalf to examination of clergyman concerning penitent's confidential communications. [Church of Jesus Christ of Latter-Day Saints v. Superior Court In and For Maricopa County \(App. Div.1 1988\) 159 Ariz. 24, 764 P.2d 759](#). Witnesses  215

6. Malice

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Immunity from civil liability afforded child caseworkers who are under statutory duty to report abuse is qualified immunity that can be overcome by showing malice. [L.A.R. v. Ludwig \(App. Div.1 1991\) 170 Ariz. 24, 821 P.2d 291](#). Infants  13

Child's counselor who **reported** alleged sexual **abuse** of **child** was not statutorily immune from liability for negligence claims based on improper treatment and counseling of children and on infliction of emotional distress. [L.A.R. v. Ludwig \(App. Div.1 1991\) 170 Ariz. 24, 821 P.2d 291](#). Infants  13

7. Libel and slander

Statements made by mother to law enforcement and health care providers regarding her suspicion that her child had been sexually molested by playmate's father were only conditionally, not absolutely, privileged. *Schmitz v. Aston* (App. Div.1 2000) 197 Ariz. 264, 3 P.3d 1184, ordered not to be published [199 Ariz. 431, 18 P.3d 1230](#).

Error in erroneously applying absolute privilege to statements that parents made to doctors or police about child's suspected molestation by playmate's father was waived where playmate's parents failed to object to erroneous instruction and failed to cross-appeal grant of absolute privilege. *Schmitz v. Aston* (App. Div.1 2000) 197 Ariz. 264, 3 P.3d 1184, ordered not to be published [199 Ariz. 431, 18 P.3d 1230](#).

Public policy, as represented by statutes requiring reporting of suspected child molestation to police and community notification of sex offenders, did not support imposition of conditional privilege with respect to statements that parents made to neighbors regarding their suspicion that playmate's father had sexually molested by their daughter, where probable cause was lacking and there was no evidence of immediate danger. *Schmitz v. Aston* (App. Div.1 2000) 197 Ariz. 264, 3 P.3d 1184, ordered not to be published [199 Ariz. 431, 18 P.3d 1230](#).

8. Witnesses

Statutory exception to the marital privilege in cases involving child abuse was applicable, and thus, State properly was permitted to call defendant's wife as a witness in prosecution of defendant for child abuse. [State v. Herrera \(App. Div.2 2002\) 203 Ariz. 131, 51 P.3d 353](#), review denied. Witnesses  53(3)

Statutory exception to the marital privilege in cases involving child abuse extends to situations in which a child is endangered, but not actually injured. [State v. Herrera \(App. Div.2 2002\) 203 Ariz. 131, 51 P.3d 353](#), review denied. Witnesses  53(1)

A. R. S. § 13-3620, AZ ST § 13-3620

Current through legislation effective May 20, 2005, and also includes election results from the November 2, 2004 general election.

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