

Arizona Peace Officer Standards and Training

Basic Curriculum Model Lesson Plan

LESSON TITLE: SUBSTANTIVE CRIMINAL LAW 2.11

SUBJECT:	Substantive Criminal Law
AZ POST DESIGNATION:	2.11 Chapter 36 Family Offenses
HOURS:	1
COURSE CONTENT:	An analysis of the most frequently used statutes in this chapter.
PERFORMANCE OBJECTIVES:	Upon completion of this course of instruction, students using notes, handouts and other support materials as references, within the allotted time, will: <ul style="list-style-type: none">2.11.36.1 Identify examples of the following crimes against children:<ul style="list-style-type: none">A. Dangerous crimes against children (A.R.S. §13-705P1).B. Child and vulnerable adult abuse (A.R.S. §13-3623).C. Child neglect (A.R.S. §13-3619).D. Family offenses (A.R.S. §§13-3612, §13-3613 and §13-3622).2.11.36.2 Identify the requirements for reporting instances of suspected child abuse neglect per A.R.S. §13-3620.

DATE FIRST PREPARED: November 2000

PREPARED BY: SME Committee

REVIEWED – REVISED:	SME Committee	DATE: May 2002
REVIEWED – REVISED:	AZ POST (Word)	DATE: June 2003
REVIEWED – REVISED:	Sgt. George Sloane, TPD	DATE: January 2004
REVIEWED – REVISED:	SME Committee	DATE: June 2010
REVIEWED – REVISED:	SME Committee	DATE: November 2011
REVIEWED – REVISED:	SME Committee	DATE: June 2014
REVIEWED – REVISED:	SME Committee	DATE: August 2019
REVIEWED – REVISED:	SME Committee	DATE: May 2021
REVIEWED – REVISED:	AZPOST (DocX)	DATE: January 2022
REVIEWED – REVISED:		DATE:
AZ POST – APPROVAL:	Steve Enteman	DATE: August 2019
AZ POST – APPROVAL:	Mandy Faust	DATE: May 2021
AZ POST – APPROVAL:	Lori Wait	DATE: January 2022

INSTRUCTOR REFERENCES: A.R.S. Title 13

CLASS LEVEL: Student

TRAINING AIDS: <http://www.azleg.gov/ArizonaRevisedStatutes.asp>

INSTRUCTIONAL STRATEGY: Interactive lecture.

SUCCESS CRITERIA: 70% or higher on a written, multiple-choice examination.

COMPUTER FILE NAME: 2-11 Ch 36 Family Offenses

DATE RELEASED TO SHARE FILE: May 27, 2022

I. INTRODUCTION

- A. Instructor – (self) introduction.
- B. Preview of performance objectives. ***INSTRUCTOR NOTE:** Use if taught as a “Stand alone” lesson plan.*

II. §13-3612 – DEFINITIONS: CONTRIBUTING TO DEPENDENCY OR DELINQUENCY

P. O. 2.11.36.1D

- A. Delinquency – means any act which tends to debase or injure the morals, health or welfare of a child.
- B. Delinquent person – means any person under the age of 18 years who violates a law of this state or an ordinance of the city, county or town.
- C. Dependent person – means a person under the age of 18 years who commits a "status offense." See: A.R.S. §13- 3612(3) for a list of offenses.

III. §13-3613 – CONTRIBUTING TO DELINQUENCY OR DEPENDENCY

P. O. 2.11.36.1D

- A. A person who by any act, causes, encourages or contributes to the dependency or delinquency of a (minor) or for any cause is responsible, therefore, is guilty of a misdemeanor.
- B. You should note that according to A.R.S. §13-3614, it is not necessary to prove that the child has actually become dependent or delinquent if it appears from the evidence that through any act of neglect or omission of duty, or by any improper act or conduct on the part of such person, the dependency or delinquency of a child may have been caused or merely encouraged.

IV. §13-3619 – PERMITTING LIFE, HEALTH OR MORALS OF A MINOR TO BE IMPERILED BY NEGLECT, ABUSE OR IMMORAL ASSOCIATIONS

P. O. 2.11.36.1C

- A. A person having custody of a minor under 16 years of age who knowingly causes or permits the life of such minor to be endangered, his/her health to be injured or his/her moral welfare to be imperiled by neglect, abuse or immoral associations, is guilty of a misdemeanor.

V. §13-705P1 – DANGEROUS CRIMES AGAINST CHILDREN:

P. O. 2.11.36.1A

- A. "Dangerous crime against children" means any of the following that is committed against a minor who is under fifteen years of age:
 - 1. Second degree murder.
 - 2. Aggravated assault resulting in serious physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument.
 - 3. Sexual assault.

4. Molestation of a child.
5. Sexual conduct with a minor.
6. Commercial sexual exploitation of a minor.
7. Sexual exploitation of a minor.
8. Child abuse as prescribed in section §13-3623, subsection A, paragraph 1.
9. Kidnapping.
10. Sexual abuse.
11. Taking a child for the purpose of prostitution as prescribed in section §13-3206.
12. Child prostitution as prescribed in section §13-3212.
13. Involving or using minors in drug offenses.
14. Continuous sexual abuse of a child.
15. Attempted first degree murder.
16. Sex trafficking.
17. Manufacturing methamphetamine under circumstances that cause physical injury to a minor.
18. Bestiality as prescribed in section §13-1411, subsection A, paragraph 2.
19. Luring a minor for sexual exploitation.
20. Aggravated luring a minor for sexual exploitation.
21. Unlawful age misrepresentation.

VI. §13-3620 – DUTY TO REPORT NON-ACCIDENTAL INJURIES, PHYSICAL NEGLECT AND DENIAL OF MEDICAL CARE **P. O. 2.11.36.2**

- 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 Section §36-2281 shall immediately report or cause reports to be made of this information to a peace officer or to the Department of Child Safety, 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.

- B. 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 (etc.), may withhold reporting of the communication or confession if the member determines that it is reasonable and necessary within the concepts of the religion.
- C. This exemption applies only to the communication or confession and not to personal observations the member of the clergy (etc.) may otherwise make of the minor.
- D. 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 reasonable belief in the course of treating a patient.
 - 2. Any peace officer, child welfare investigator, Department of Child Safety worker, member of the clergy, priest or Christian Science practitioner.
 - 3. The parent, step-parent or guardian of the minor.
 - 4. School personnel or domestic violence victim advocate who develops the reasonable belief in the course of their employment.
 - 5. Any other person who has responsibility for the care or treatment of the minor.
 - 6. Any person who is employed as the immediate supervisor or next higher level supervisor to or administrator of a person listed under 1, 2, 4, or 5 and who develops reasonable belief in the course of the supervisor's or administrator's employment.
- E. A report is not required for conduct if it is either:
 - 1. Prescribed by §13-1404 or §13-1405 if the conduct involves only minors who are 14, 15, 16 or 17 years of age and there is nothing to indicate that the conduct is other than consensual, or
 - 2. A minor who 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, or
 - 3. If the supervisor or administrator reasonably believes that the report has already been

made by a person required under 1, 2, 4, or 5.

- F. Reports shall be made immediately by telephone or in person. The report shall contain:
1. The names and 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 nature and extent of abuse, injury, etc.
 3. Any other information that might be helpful in establishing the cause.
- G. "Reportable offense" means:
1. Any offense listed in Chapters 14 and 35.1 of this title, or Section §13-3506.01.
 2. Surreptitious photographing, videotaping, filming or digitally recording of a minor pursuant to Section §13-3019.
 3. Child prostitution pursuant to §13-3212.
 4. Incest pursuant to §13-3608.

VII. §13-3622 – THE FURNISHING OF TOBACCO TO MINORS; MINORS ACCEPTING SAME

P. O. 2.11.36.1D

- A. It is a petty offense:
1. For a person to knowingly sell, give or furnish cigars, cigarettes or cigarette papers, smoking or chewing tobacco, Shisha or e-cigarettes to a minor.
 2. For a minor to buy or have in his/her possession, or knowingly accept the same.
 3. For a minor to misrepresent their age by means of a written instrument of identification to buy or access the same.

VIII. §13-3623 – CHILD OR VULNERABLE ADULT ABUSE

P. O. 2.11.36.1B

- A. Under circumstances likely to produce death or serious physical injury, any person who causes a child or vulnerable adult to suffer physical injury or, having the care or custody of a child or vulnerable adult, causes or permits the person or health of the child or vulnerable adult to be injured or causes or permits a child or vulnerable adult to be placed in a situation where its person or health is endangered, is guilty of a felony offense.
- B. Note that the offense is broken down by the culpable mental state, but it is always a felony.
- C. Under circumstances other than those likely to produce death or serious physical injury, any person who violates Section A above is guilty of a lesser felony which is again broken down by

culpable mental state.

IX. CONCLUSION

- A. Review of performance objectives.
- B. Final questions and answers.
- C. Instructor closing comment.(s)