

Introduction to the 2025-2026 Edition

The 2024-2025 appellate year in Arizona juvenile law witnessed discussion of A.R.S. § 13-3620 regarding mandatory reporters of child abuse and neglect. This is an area of law seldom discussed or debated at the appellate level.

The issue before the appellate court was whether a person not listed in § 13-3620(A) as a mandatory reporter owes a common law or statutory duty of care to a child to report any suspected abuse.

In this case, *Doe v. Warr*, 566 P.3d 342, 2025 WL 878327 (Ariz. Ct. App. Div. 2 2025), Shaunice Warr was a member of a church where the parents of three children between ages six weeks and twelve years also attended. Warr taught Sunday school that brought her into contact with the family every weekend, spending up to two hours with the children. She would also babysit the children in their home on occasion.

“The children endured extensive and ongoing sexual abuse by their father.” *Id.* at ¶3. Warr described the abuse in her pleadings as “vicious and horrific abuse for years on end.” Father was charged with offenses against the children before he committed suicide. “Their mother was... separately convicted for knowing about the abuse...and failing to protect [her children].” *Id.*

The family (Does) filed a lawsuit against the church and Warr alleging negligence and intentional infliction of emotional distress among other claims. They charged Warr with failure to report the abuse under A.R.S. 13-3620(A), which Warr opposed asserting the absence of a duty to report since she had no special relationship with the children as the statute required. The trial court granted Warr’s motion for summary judgment dismissing all the claims against her. The children appealed.

The title of the law in question reads: A.R.S. 13-3620 Duty to report abuse, physical injury, neglect and denial or deprivation of medical or surgical care or nourishment of minors; . . .

The Does argued on appeal “that Warr owed a duty to report any reasonably suspected sexual abuse because she had a ‘special relationship’ to the Does—which established a common law duty of care requiring such reporting—and was otherwise a ‘mandatory reporter’ under 13-3620(A)(5) as a ‘person who ha[d] responsibility for the care or treatment’ of the Does.” *Id.* at ¶8.

The appellate court held that “We do not understand the law to be that one owes a duty of reasonable care at all times to all people under all circumstances. However, a common law duty may be found in parts of ...the Restatement (of Torts) (Second) § 324A [that] recognizes a duty to third parties under specified circumstances where a person undertakes ... to render services to another which he should recognize as necessary for the protection of a third person.” *Id.* at ¶10 (internal quotations and cita-

tions omitted).

The Does argued that “Warr, as a Sunday [school] primary teacher, had a ‘special relationship’ with [the Does], imposing a ‘duty,’ at the least, to report reasonably suspected child abuse.” *Id.* at ¶12. Although the Does failed to establish that Warr had a common law duty to report any abuse, § 13-3620 created a duty that applied to Warr as a Sunday school teacher and babysitter. The “overarching similarity among these individuals is not that they are ‘professionals’ but that their relationship to the minor has placed them in a position of responsibility. . . . The duty to report depends on the existence of such responsibility, not the person’s professional status.” *Id.* at ¶¶23-24.

“The question remains whether Warr, as a Sunday school teacher and babysitter for the Does, had a duty to report under § 13-3620(A)(5). . . . And although the existence of a duty is a legal issue for the court, ‘sometimes certain antecedent facts must be considered in determining whether a duty exists – for instance, whether a statute applies to a circumstance to give rise to a duty.’ (citation omitted). . . . The existence of a duty may depend on preliminary questions that must be determined by a fact finder.” *Id.* at ¶28 (internal citations omitted). The court found the record incomplete and remanded the matter to the trial court for further proceedings thereto.

A dissent takes issue with the phrase “any other person” as stated in § 13-3620(A)(5) rather than the broader “any person” as seen in § 13-3620(A). Since § 13-3620 is a criminal statute with misdemeanor and felony penalties, “an unresolvable ambiguity should be read in favor of the defendant” (teacher and babysitter Warr in this case). Remanding the case for additional fact-finding may resolve the issue.

Highlights of 2025-2026

- In re Delinquency of J.U., 2025 WL 1166903 (Ariz. Ct. App. Div. 1) requirements before a court may dismiss a case on the basis of incompetence). 4:5 n. 31
- In re C.R., 2024 WL 4272036 (Ariz. Ct. App Div. 1) (effect of sex offender registration on juvenile’s future). 4:8 n. 12
- In re J.K., 2025 WL 407306 (Ariz. Ct. App. Div. 2) (setting aside a conviction does not erase the fact that the conviction occurred. It expressly allows a set aside conviction to be “[u]sed as a prior conviction”). 4:11 n. 1
- In re M.N., 563 P.3d 136 (Ariz. 2025) (potential v. putative father and failure to register with the putative fathers registry; such does not support termination of parental rights). 6:4 n. 10