



A Guide to the
Arizona Department of Child Safety



Your DCS Representative is:

Name

Address

City

Phone No.

A Guide to the Department of Child Safety

We know that a visit or notice from a DCS Representative concerning your family can be difficult and confusing. This booklet is intended to help you better understand the program.

The Department of Child Safety (DCS) works on behalf of children and families in Arizona to ensure the safety of children, while causing minimal disruption to the family. When DCS receives an allegation of child abuse or neglect, state law requires the agency to conduct an investigation.

One of the most important functions of DCS is to help families receive the services necessary for them to remain together whenever possible and to build better family relationships. DCS needs your cooperation to assess your family's needs and to provide services in the shortest possible time.

The Goals of the Department of Child Safety

The primary purposes of DCS are to protect children by investigating allegations of abuse or neglect, to promote the well-being of children in a permanent home, to coordinate services in order to strengthen the family and to prevent or intervene in abuse and neglect of children.

The program tries to balance the legal rights of parents and the needs and rights of children to live in a physically and emotionally safe and healthy situation.

Basic Information, Receipt and Response to a DCS Report

Basic Information about Child Abuse and Neglect

Sometimes parents or caregivers do things that create danger to the children in their homes. At other times, they fail to act in protecting their children from dangers that can or do result in their children being abused or neglected.

Child Neglect

Arizona law defines child neglect as:

- 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 or harm to the child's health or welfare. It is not neglect if the only reason the parent, guardian or custodian cannot provide services for a disabled or chronically ill child is because those services are not reasonably available.
- 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.
- Exposing a newborn infant (under 30 days of age) to a dangerous drug or substance during pregnancy and this exposure was not the result of a medical treatment administered to the mother or newborn by a health professional.

- Diagnosis by a health professional of an infant (under one year of age) with clinical findings consistent with fetal alcohol syndrome or fetal alcohol effects.
- Deliberate exposure of a child by a parent, guardian or custodian to:
 - Sexual conduct/contact
 - Oral sexual contact
 - Sexual intercourse
 - Bestiality
 - Explicit sexual materials
- Any of the following acts committed by the child's parent, guardian or custodian with reckless disregard as to the child's physical presence:
 - Sexual contact
 - Oral sexual contact
 - Sexual intercourse
 - Bestiality

Physical and Sexual Abuse

Arizona law defines abuse as Inflicting or allowing physical injury, impairment of bodily function or disfigurement and caused by the acts or omissions of the parent, guardian or custodian of the child. Abuse includes:

- Inflicting or allowing sexual abuse, sexual conduct, sexual assault, molestation, commercial sexual exploitation, sexual exploitation, incest or prostitution of a child.
- 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 of a dangerous drug.
- Unreasonable confinement of a child.

Physical abuse includes non-accidental physical injuries such as broken bones, bruises, burns, cuts or other injuries.

Sexual abuse occurs when there is sexual conduct or contact with children, or using children in pornography, prostitution or other types of sexual activity.

Emotional Abuse

Arizona law defines emotional abuse as causing, or allowing another person to cause, serious emotional damage that results in the child showing signs of severe anxiety, depression, withdrawal or untoward aggressive behavior. The emotional damage must be diagnosed by a medical doctor or a psychologist and caused by the acts or omissions of the parent, guardian or custodian of the child.

How DCS Receives Information about a Family

Any individual or agency representative may call DCS to report that a child is not receiving adequate care or protection, or that a child may be in need of protective services. The report can be made by a doctor or nurse, teacher, counselor, social worker or any person who reasonably believes that a child is or has been abused or neglected. The name of the person making a report is confidential. The person making a report to DCS cannot be held civilly or criminally liable, unless it is proven that the person made a false report and acted with malice in doing so, or has been charged with or is suspected of committing the abuse or neglect.

How DCS Investigates Reports of Abuse and Neglect

Arizona law requires DCS to investigate reports of child abuse or neglect by a parent, guardian or custodian. DCS may talk to the child who is the subject of the report, his/her siblings and any child living in the home with the child, without prior written consent of the parent, guardian or custodian. The Child Safety 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 have information about the allegations and the family's situation.

DCS encourages the family's participation in the investigation because DCS needs to hear the family's views about the allegations, their ability to keep the children safe, and their strengths and needs. After gathering information, DCS will complete a child safety and risk assessment to determine whether any child needs protective

services and to identify services that may help the family keep their children safe.

Law Enforcement and the Department of Child Safety

Suspected child abuse or neglect may be reported to law enforcement, to DCS or both. If the report concerns a person who is not the parent, guardian or custodian of the minor, the report is made to law enforcement. Both agencies share reports with each other. If the report alleges that the parent, guardian or custodian engaged in behavior that is criminal conduct (such as sexual abuse) both DCS and law enforcement are called.

DCS will coordinate its investigation with law enforcement when the report alleges criminal conduct on the part of the parent, guardian or custodian of a child. Although DCS cooperates with law enforcement, the focus of a DCS investigation is different from a law enforcement investigation. DCS seeks to protect children and to maintain and stabilize families, not to arrest or prosecute parents.

Your Rights in a DCS Investigation

Arizona law requires DCS to provide the parent, guardian or custodian with written information outlining his/her rights. Upon initial contact, DCS must inform the parent, guardian or custodian that:

- The person accused is under investigation by DCS and the specific complaint or allegation made against the person.
- DCS has no legal authority to compel the parent, guardian or custodian to cooperate with the investigation or to receive services.
- Whether or not he/she agrees to cooperate with the investigation or participate in the services offered, DCS will proceed with the investigation.
- DCS may file a petition with the juvenile court indicating that the child is in need of protective services.

- Refusal to cooperate in the investigation or to participate in services offered does not constitute grounds for removing a child, unless temporary custody is clearly necessary to prevent the child from suffering abuse or neglect.
- The person's refusal to cooperate with the investigation or participate in services offered does not in itself constitute grounds for temporary custody.
- The parent, guardian or custodian has the right to file a complaint about how their case is being handled with the Ombudsman-Citizens' Aide and/or the Family Advocacy Office, and to appeal DCS determinations. DCS must provide the person with the telephone number to the Ombudsman-Citizens' Aide.

The Child Safety Specialist must also inform the parent, guardian or custodian of the following:

- He/she has the right to respond to the allegations verbally or in writing, including providing information, and to have the information considered in determining whether the child needs protective services.
- Anything the person says or writes can be used in a court proceeding.
- Any verbal response to the allegations will be included in the written report of the investigation.
- Any written response, including any documents, will be included in the case record.
- Any information provided in response to the allegations will be considered during the investigation.
- DCS will keep any response to the allegations, including any information provided, in the case record and will provide this information to the court before a hearing or trial relating to the dependency petition.

Appealing a DCS Substantiated Investigation Finding

After completing its investigation, if DCS has reason to believe that the parent, guardian or custodian abused or neglected the child, a letter will be sent to that person.

In all cases where DCS proposes to substantiate an allegation of abuse or neglect, the person against whom the allegation is being made will receive notification from the DCS Protective Services Review Team (PSRT). This notification will include instructions for appealing the allegation.

If an appeal is requested, the PSRT will review all information collected by DCS and determine if there is enough evidence to agree with the decision made by DCS. If the PSRT disagrees with the decision of DCS, the person will be sent a letter stating that the allegation of abuse or neglect will not be substantiated.

If the PSRT agrees with the decision of DCS, a hearing with the Office of Administrative Hearings will be scheduled for the person accused. At this hearing, an Administrative Law Judge will hear all of the evidence and make a decision about the allegation of abuse or neglect.

When a Child Needs Protection

Few of the children who are reported to DCS are actually removed from their homes. In most situations, the families and DCS work together to resolve safety concerns. The decision to remove a child is not made by one person.

The Child Safety Specialist discusses each case with a supervisor. When DCS removes a child from his/her home, or considers removing a child, DCS will hold a team decision-making meeting. This meeting brings together people who are involved with the child and the child's family. DCS encourages the family to bring supportive persons such as relatives, friends, neighbors or community persons to the meeting. The purpose of the meeting is to discuss the child's safety, where he/she will live, and to identify family resources that may help the family protect the child. DCS considers all viable options to protect the child from abuse or neglect prior to foster care placement.

The parent, guardian or custodian and DCS may agree to place a child in voluntary foster care as an alternative to filing a dependency petition. This service is limited to 90 days, and is available only when families are willing and able to resolve problems within the allowed time frames. DCS requires written consent of the parent as well as the child, if age 12 or older.

In certain circumstances, Arizona law allows a law enforcement officer or DCS to temporarily remove a child for up to 72 hours (not including weekends and holidays) for protection. Within 72 hours, the child must be returned home or a dependency petition filed with the juvenile court. A child may also be removed for up to 12 hours for a medical or psychological evaluation.

Court Involvement

Dependency Petition Requesting In-Home Intervention

DCS may file a dependency petition requesting in-home intervention when the child can remain at safely at home, but there are factors that place the child at risk of harm. These factors include:

- The inability or unwillingness of the parent, guardian or custodian to provide the child with food, clothing, shelter or medical care, or
- When the parent guardian or custodian is unable to provide care, control and supervision of the child.

A court hearing known as the In-Home Intervention Hearing is scheduled. The juvenile court may order in-home intervention when the child has not been removed from the home and the intervention is likely to resolve the risk of harm to the child. The parent, guardian or custodian must agree to the case plan and participate in services.

In-home intervention may last up to one year, depending on the family's progress in dealing with the factors that place the child at risk of harm.

When DCS Files an In-Home Dependency Petition

DCS may file an in-home dependency petition where the child can remain in the home with safe guards such as in-home services and safety monitors.

Although the child remains in the physical custody of the parents, guardian or custodian, DCS has legal custody of the child for the entire time that the child and family are being monitored by the juvenile court.

The Child Safety Specialist, DCS supervisor, and the family and service team will continually assess the child's safety and the family's ability to keep the child safe.

When A Child Is Removed from the Home

Verbal and/or written notices of the child's removal are provided to the child's parent, guardian or custodian. A written notice, called a Temporary Custody Notice (TCN), states the reason for removal and the circumstances that placed the child at imminent harm. The TCN will also inform the parent, guardian or custodian to immediately provide any and all information about the child's relatives or other people who have a significant relationship with the child. The parent, guardian or custodian will be asked to sign the TCN, acknowledging receipt of the notice.

The TCN will include information about the Preliminary Protective Hearing (PPH); how to obtain an attorney; a meeting that will be held before a dependency petition is filed with the juvenile court; rights and responsibilities as the parent or guardian; available services; and agencies to contact for assistance.

If the date and time for the PPH is not known when the TCN is served, DCS will give this information to the parent, guardian or custodian within 24 hours of the petition being filed. The PPH will be held within five to seven days of the child's removal (not including weekends and holidays).

Within 30 days of the child's removal from the home, DCS must make every effort to identify and notify all of the child's adult relatives, including persons who have a significant relationship with the child, of the child's removal and of the option to become a placement resource for the child. This notice is not required when the relative or person has a history of family or domestic violence.

At least every six months and as the family's circumstances change, the Child Safety Specialist, DCS supervisor and the family and service team will assess if it is safe for the child to return home.

How to Get an Attorney

The juvenile court will appoint an attorney to represent the parents guardians or custodians of the child. If they cannot afford the attorney's fee, the court provides legal representation without charge. Information regarding how to contact an attorney will be included in the TCN. The parents and guardians may consult

with the attorney at any time and have the attorney represent them at all hearings concerning the child. They may also discuss disagreements with DCS with the attorney.

If parents or guardians have not requested an attorney before the PPH or Initial Dependency Hearing, they may make this request at the hearing or at any other time during court involvement.

The Preliminary Protective Hearing (PPH)

When DCS removes a child from the parent's, guardian's or custodian's custody and files a dependency petition, a Preliminary Protective Hearing (PPH) will be held within five to seven days from the child's removal (not including weekend and holidays). The parent, guardian or custodian must talk to his/her attorney and come to a meeting called a Preliminary Protective Conference before the hearing. Other people can come to this meeting, including relatives or others with whom the child might be placed.

At this meeting, attempts will be made to reach an agreement about the child's placement, services that will be provided to the child, parent, guardian or custodian, and visitation with the child. The results of this meeting will be discussed at the PPH. The juvenile court will order the parent, guardian or custodian to provide DCS and the court with the names of the child's relatives, including persons who have a significant relationship to the child and any information to locate these persons.

At the PPH, the juvenile court will determine whether temporary custody of the child is clearly necessary to prevent abuse or neglect. The court will make orders about the child's placement, visitation, and services to be provided.

If a parent, guardian or custodian is not present at the PPH, the court will set an Initial Dependency Hearing for that person. If a parent, guardian or custodian denies the allegation in the petition, the court will set a contested Dependency Adjudication Hearing.

The Initial Dependency Hearing

The Initial Dependency Hearing will be held within 21 days after the petition is filed with the juvenile court. Decisions about the child's

dependency will be made at this hearing regardless of whether the parent, guardian or custodian appears or not. The court will order the parent, guardian or custodian to provide to DCS and the court with the names of the child's relatives, including persons who have a significant relationship and information to locate them. The court will determine if reasonable efforts were made to prevent the removal of the child and if services are available that would eliminate the need for continued removal. If the child is not returned to the parent, guardian or custodian, the court will usually order DCS to provide reunification services.

Contested Dependency Adjudication Hearing

The contested Dependency Adjudication Hearing must be held within 90 days of the date that the parent, guardian or custodian was given a copy of the dependency petition. At this hearing, the court receives and reviews the evidence and determines whether the allegations of dependency are true. The court will order the parent or guardian to provide to DCS and the court the names of the child's relatives, including persons who have a significant relationship to the child and information to locate them.

Disposition Hearing

The Disposition Hearing is held within 30 days of the Dependency Adjudication Hearing. In some cases, it may be held on the same day. At this hearing, the court will make orders regarding the child's placement, services and the permanency goal for the child. The court considers the goals of the placement, appropriateness of the case plan, whether services have been offered to reunify the family, and the efforts that have been or should be made to evaluate or plan for other permanent placement.

Other Hearings

Report and Review Hearing

After finding the child to be dependent, the court holds a Report and Review Hearing at least every six months. The purpose of the review hearing is to evaluate the progress made in solving family problems. The court also reviews the child's placement and decides if continued court and DCS involvement is necessary.

The court will inquire whether the parent, guardian or custodian provided to DCS and the court with the names of the child's relatives, including persons who have a significant relationship to the child and information to locate them.

Permanency Hearing

Within one year of the child's removal, the court will hold a Permanency Hearing. The purpose of this hearing is to determine the permanent placement for the child. The permanent plan for the child may be reunification with the family, or another permanent plan such as adoption, guardianship or long-term foster care. The court will order the plan to be carried out within a specific period of time.

For children under three years of age, this hearing is held within six months of the child's removal from the home. If reunification services were not ordered by the court, this hearing is held within 30 days of the date that the court found the child dependent.

Foster Care Review Board Hearing

When a child is a ward of the court and placed in out-of-home care, the Foster Care Review Board (FCRB) reviews the child's case within six months of the original date of placement and every six months while the child remains in out-of-home care. The function of the FCRB is to review the case plan and progress toward its goal and to make sure the child is receiving good care.

The FCRB is made up of community members who are appointed by the juvenile court judge in each county. They are not employed by DCS or by the court. People who may attend these reviews include the FCRB members, the Child Safety Specialist, the parents and their attorneys, the child, the child's caregiver and service providers. The FCRB makes recommendations to the court about individual cases, but does not have decision-making authority. The court considers the recommendations of the FCRB with other information such as evidence and testimony from the parents, DCS and attorneys.

Court Appointed Special Advocates

The court may appoint a Court Appointed Special Advocate (CASA) to the child and to help with the case. CASAs are trained volunteers

whose primary responsibility is to represent the child's best interests. CASA volunteers are members of the service team, have access to case records, attend case plan staffings, FCRB reviews and court hearings, and may be involved in all case-related activities.

From their unique perspective as the child's special advocate, CASAs prepare reports to the court for all court hearings and may testify on the child's behalf. The CASA helps ensure that everything is being done to help reunify the family and achieve a safe, permanent home for the child as quickly as possible.

If a Child is Placed in Foster Care

Whenever possible, children needing protection are placed with members of their extended family or a person who has a significant relationship with the child. Placements with relatives may occur during the period of temporary custody or at any later time. Relatives providing such placements must agree to a background investigation and home evaluation, and sign an agreement with DCS that specifies the conditions of placement.

When placement cannot be made with an extended family member, placement is made in a licensed family foster home or other facility. All foster homes and other facilities used by DCS to provide temporary out-of-home care for children are licensed by the state and supervised by an assigned licensing specialist. Foster parents are trained to provide care and to work with DCS and family members toward the goal of family reunification.

The Child Safety Specialist regularly visits with children and foster families to ensure that necessary services are being provided and to monitor the child's progress, safety and well-being. All children are provided with medical and dental services, which may include updating immunizations. Parents, guardians or custodians who have concerns regarding any medical treatment for the child should contact the Child Safety Specialist.

Visitation

Parents, guardians or custodians are expected to have ongoing and regular visitation and contact with their children. All case plans for children in out-of-home placement include a Visitation and

Contact Agreement. A visitation and contact plan is developed with the family, the child and the child's caregiver. Family members, including parents, siblings, relatives, and persons who have a significant relationship with the child should be included in the visitation and contact plan. Family members should contact the Child Safety Specialist to request visitation.

Case Plans and Staffings

A case plan is required for every child and family receiving ongoing services from DCS. The case plan is developed and reviewed with the family, usually during a meeting called a case plan staffing. At the first staffing, the permanent case plan is developed. Parents are encouraged and expected to be involved in this planning process. Staffings also provide an opportunity for all participants to discuss progress, exchange ideas and suggestions, and to work together to resolve family problems.

Regular case plan staffings are scheduled at least every six months to discuss case progress. If the parent is not able or willing to participate in developing the case plan, it will be noted in the plan. A copy of the case plan is provided to the parents.

The case plan states what behavioral changes are required from the parent and the child to address the safety concerns and risk factors that caused the child to be removed from the home and/or prevent the child from living safely at home without DCS involvement. The case plan identifies the permanency goal for the child, any services and supports to be provided to achieve the behavioral changes, the responsible person, and a date to review the plan. The case plan also includes what services and supports will be provided to meet the child's health, behavioral, educational, and independent living needs.

Services Available for the Family

DCS provides services to help families deal with problems and work toward the goal of family reunification. Usually, there is no charge for these services. The Child Safety Specialist talks with family members and other case-involved individuals, such as the guardian ad litem (GAL) or court-appointed special advocate (CASA), to decide what

services are needed. There are other agencies or groups in Arizona that may also offer help. Services that may be suggested include:

- Help in getting food, housing, clothing and medical care
- Intensive family preservation services
- Psychological evaluations
- Individual, family or relationship counseling
- Child care
- Parent aide services
- Parenting skills training
- Educational programs, job training or vocational rehabilitation
- Sexual assault or domestic violence counseling
- Drug or alcohol treatment programs
- Peer self-help groups
- Transportation

Parents, Guardians and Custodians Have Rights

During DCS involvement, you have a right to:

- Be treated with respect and dignity.
- Have your wishes and interests heard and considered.
- Maintain contact with your child unless determined harmful to the child's safety and/ or well-being.
- Be involved in gathering information and making decisions.
- Have culturally sensitive services provided for you and your family.
- Participate in the development of an individualized case plan designed to meet your needs.
- Receive a copy of the case plan.

- Request DCS case record information as allowed by law. You may also request DCS report information if you are the parent or the person about whom a report has been made.
- Obtain a copy of your case record if you are involved in a dependency or termination of parental rights proceeding.
- Request a change of case manager.
- Confidentiality as stated in Arizona Revised Statute § 8-807.
- Have information provided in a different format, if needed or requested.

Parents, Guardians and Custodians Have Responsibilities

During DCS involvement, you are expected to:

- Work with DCS to solve family problems so that your child can return home in the shortest possible time.
- Visit and maintain contact with your child while he/she is in out-of-home care.
- Give information to the Child Safety Specialist to help arrange for the care of your child.
- Let DCS know what your needs are. Work with DCS to develop the case plan.
- Attend and participate in case staffings, FCRB reviews and court hearings.
- Keep appointments with DCS, attorneys, therapists and others who are working with the family.
- Stay in contact with your Child Safety Specialist and notify him/her of changes such as a new address, telephone number, job, income, marriage, or other living changes.
- Follow court orders.
- Help pay the cost of your child's out-of-home care.

- Immediately provide the names, type of relationship and all information you have to locate persons related to or who have a significant relationship with your child.
 - This includes the child’s grandparents, great-grandparents, brothers or sisters of whole or half-blood, aunts, uncles and first cousins.
 - If you do not have all of this information, you must Immediately provide this information to DCS when you do have it.

When Children Return Home

The goal of DCS is to return every child who has been removed to a safe and permanent home. DCS helps you solve problems and make safe living situations for your children. Although the Child Safety Specialist may recommend that a child return home, the juvenile court makes the final decision about when the child is returned. DCS works diligently with families to reunify them as quickly as possible and often continues providing needed services for a period of time after family reunification has occurred.

Handling Disagreements with DCS

All parties are encouraged to discuss issues and resolve complaints with the assigned Child Safety Specialist. If a resolution cannot be reached, proceed to the DCS supervisor or management staff. If agreement still cannot be reached, parties may request the Client Grievance Process, which involves upper management assisting with problem resolution. Information about the Client Grievance Process can be obtained from the Child Safety Specialist, the DCS supervisor, or the DCS Family Advocate.

Additional Information and Help Is Available

Parent Assistance Program

The Parent Assistance Program, operating through the Administrative Office of the Courts, operates a toll-free Hotline for parents, guardians or custodians to provide information about the process of the removal of a child from their home. Through the Hotline, parents, guardians or custodians may obtain information about:

- Their legal rights, including the right to attend Court and Foster Care Review Board hearings;
- The child's rights;
- The procedure for requesting an attorney and attorney assignment; and
- Accessing community resources that may be available.

TO CONTACT THE PARENT ASSISTANCE PROGRAM CALL:

Phoenix: (602) 452-3580

Statewide toll-free: 1-800-732-8193

TDD Line (602) 452-3545

DCS Office of the Ombudsman

The Ombudsman is available to handle inquiries, concerns and complaints about agency actions including DCS. This office may also be able to help you to resolve your complaint.

DCS OFFICE OF THE OMBUDSMAN

1-877-527-0765 or (602)364-0777

Ombudsman@azdcs.gov

To Learn More about the Law

Arizona's laws about child protection are contained in the Arizona Revised Statutes, Title 8. The statutes may be obtained at any county court house building, at the public library, or online at www.azleg.gov.

Redress

If you believe that Personally Identifiable Information (PII) has been improperly disclosed by the Department, or that the PII contains factually incorrect information, please contact the DCS Privacy Officer at privacy@azdcs.gov or:

Arizona Department of Child Safety
Privacy Office
3003 N. Central Ave.
Phoenix AZ 85012

SUSPECT ABUSE REPORT IT. NOW!



1-888-767-2445

CHILD ABUSE HOTLINE

1-800-SOS-CHILD

ARIZONA'S STATEWIDE TOLL-FREE CHILD ABUSE HOTLINE

TDD (602) 530-1831

1-800-530-1831



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