



Douglas A. Ducey  
Governor

Gregory McKay  
Director

June 29, 2015

The Honorable Andy Biggs  
President, Arizona State Senate  
1700 West Washington  
Phoenix, Arizona 85007

Re: Family Assessment Protocol Legislative Report

Dear Senator Biggs:

Pursuant to Arizona Laws, 2014, Second Special Session, Chapter 1, Section 156, the Department of Child Safety (DCS) is pleased to present its recommendations on the necessity of and requirements for family assessment protocols.

Chapter 1 requires the Department to examine the necessity of and requirements for protocols for not conducting a full investigation, but taking measures to prevent future risk of harm to the child in cases not involving criminal conduct and in which there is reasonable belief that the child is currently safe. Creating a multiple track approach to reports of child abuse and neglect represents a way of managing agency resources to ensure that an appropriate and efficient level of response is generated for all reports. The Department recognizes that it takes strong commitment at all levels within the state and community to move the agency forward; therefore, a multidisciplinary implementation team of community stakeholders and DCS professionals participated in the design of the Family Assessment Response. The team's focus was to align DCS' priorities and values and to ensure child safety would not be comprised in the design of the protocols. The recommendations for the Family Assessment protocols are outlined in detail in the enclosed report.

If you have any questions, please contact me at (602) 255-2500.

Sincerely,

Gregory McKay  
Director

Shalom Jacobs  
for  
Gregory McKay

Enclosure

cc: Representative David M. Gowan, Speaker, House of Representatives  
Richard Stavneak, Director, Joint Legislative Budget Committee  
Bill Greeney, Director, Governor's Office of Strategic Planning and Budgeting  
Joan Clark, Director, Arizona State Library, Archives and Public Records



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A handwritten signature in black ink, appearing to read "Shalun Jacobs".

Shalun Jacobs  
for Gregory McKay

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Director

Enclosure

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**ARIZONA DEPARTMENT OF CHILD SAFETY**

**FAMILY ASSESSMENT RESPONSE PROTOCOLS**

**July 1, 2015**

**DIRECTOR GREGORY MCKAY**



State of Arizona  
Department of Child Safety  
P.O. Box 6030  
Site Code C010-23  
Phoenix, AZ 85005-6030  
(602) 255-2500  
[www.dcs.az.gov](http://www.dcs.az.gov)

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## **EXECUTIVE SUMMARY**

In recent years, Arizona has experienced an increase in the number of reports of child abuse and neglect. The Department of Child Safety (DCS) continues to face both workload and process challenges in its efforts to ensure safety and promote permanency and well-being for abused and neglected children. In Federal Fiscal Year (FFY) 2014, the number of reports received at the Child Abuse Hotline/Intake totaled 48,032 and of these reports, 33,788 involved the maltreatment type of neglect.<sup>1</sup> As of this report, DCS is responsible for over 17,000 children living in out-of-home care. There is a sense of urgency to create long-term, sustainable change that will transform the culture of the child welfare agency and to strengthen and revitalize DCS programs to promote successful outcomes for the children and families served.

DCS is pleased to publish this report pursuant to Arizona Laws, 2014, Second Special Session, Chapter 1, Section 156 (Senate Bill 1001).<sup>2</sup> Within this report, the Department examines the necessity of, and requirements for, protocols for not conducting a full investigation. Creating a multiple track approach to reports of child abuse and neglect represents a way of managing agency resources to ensure that an appropriate and efficient level of response is generated for all reports. The Department recognizes that it takes strong commitment at all levels within the state and community to move the agency forward; therefore, a multidisciplinary implementation team of community stakeholders and DCS professionals participated in the design of the Family Assessment Response. The team's focus was to align DCS' priorities and values and to ensure child safety would not be comprised in the design of the protocols. The recommendations for the Family Assessment Response protocols are outlined below and in further detail in this report.

### **Family Assessment Protocols**

#### *Department Response and Track Creations*

DCS will create a response continuum for reports that includes two "tracks," a traditional Investigation Response for high to moderate risk cases and a Family Assessment Response for low to potential risk cases. In the future, the Department will also consider a prevention/community services track for referrals that are screened-out at the point of the Child Abuse Hotline/Intake.

A two-tiered decision making assessment process will be created and criteria established to determine the appropriate Department response to reports. Reports involving circumstances,

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<sup>1</sup> Data Source: Semi-Annual Child Welfare Reporting Requirements at: [www.azdes.gov](http://www.azdes.gov).

<sup>2</sup> Arizona Laws, 2014, Special Session, Chapter 1, Section 156 (Senate Bill 1001) mandates the Department of Child Safety to examine the necessity of requirements for protocols for not conducting a full investigation, but taking measures to prevent future risk of harm to the child in cases not involving criminal conduct and in which there is a reasonable belief that the child is currently safe. The Department shall seek input from the Child Safety Oversight committee and hold public meetings to obtain community comment on any recommended protocols. The Department shall report its recommendations concerning the protocols and any suggested legislation to the speaker of the House of Representatives and the president of the Senate on or before July 1, 2015.



such as high risk reports containing allegations of serious harm to a child or criminal conduct allegations will be ineligible for the Family Assessment Response.

*Change of Track Decision*

DCS will have the ability to re-assign the report to another track and switch from the Family Assessment Response to the Investigation Response under identified circumstances, such as when a new report of child abuse and neglect is received that requires an Investigation Response or criminal conduct allegations are revealed during the Family Assessment Response.

*Assessment*

At all times, regardless of whether the Investigation Response or Family Assessment Response is used, child safety is paramount. As in the Investigation Response, a child safety assessment is required and must be completed in the Family Assessment Response.

*Services to Support Family Assessment*

An array of individualized and culturally sensitive services both within the community and Department will be necessary for the success of the Family Assessment Response.

*Findings of Maltreatment and Central Registry*

Through the Family Assessment Response, although the roles of the alleged perpetrator and child victim will still be entered into the Children's Information Library and Data Source (CHILDS) for data reporting requirements, no findings will be determined.

*Recommendations for Legislation*

To support implementation of the Family Assessment Response, amendments to Arizona Revised Statutes are required. A draft of the proposed legislation is in Appendix C.

In closing, the Department will continue to create the infrastructure needed and seek input from the community and DCS professionals for successful implementation of the Family Assessment Response.

## **INTRODUCTION**

Pursuant to Arizona Laws, 2014, Second Special Session, Chapter 1, Section 156 (Senate Bill 1001) the Department examined the necessity of and requirements for protocols for not conducting a full investigation. This report provides information on the definition of Differential Response within a child welfare agency and anticipated outcomes of the Family Assessment Response. It includes an overview of the research activities and creation of the Family Assessment Implementation Team. The reasons why the Family Assessment Response is particularly relevant for DCS at this point of the agency's progress will be explained. A description of how the implementation process has been informed and guided by implementation science and details about how the approach will work will be delineated. Finally, recommendations regarding potential legislation to codify the Family Assessment Response will be offered and next steps the Department needs to conduct to successfully implement the Family Assessment Response are outlined.

We are grateful to the Child Safety professionals, child welfare stakeholders, and community members who have been actively participating in the Family Assessment Implementation Team and sub-workgroups to create the recommendations for the Family Assessment Response protocols.

## **DEFINING DIFFERENTIAL RESPONSE IN CHILD WELFARE**

Throughout the United States, child protective services (CPS) agencies are responsible for receiving and responding to reports of alleged child abuse and neglect. Historically, CPS agencies treat these reports in the same way – with a traditional *investigation response* that has a primary focus on substantiating the allegations in the report. As the child protection field becomes more increasingly complex with children and families' needs being multifaceted and recognizing that one approach does not meet the needs of every family, CPS agencies have developed practices and policies to differentiate how particular reports are handled. An increasing number of states have been implementing a differential response in their child welfare systems to more closely match the severity of the concern being reported and by engaging families in the assessment process. This approach is called “differential response” by the American Humane Association and Child Welfare League of America (CWLA).<sup>3</sup>

Differential Response is a CPS practice that allows for more than one method of initial response to reports of child abuse and neglect according to the rigor of the alleged child maltreatment and the family's level of need. CPS agencies with a Differential Response system provide a response continuum with two or more “tracks” or “pathways” that includes a traditional investigation pathway for high risk cases, a family assessment pathway for low to potential risk cases, and

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<sup>3</sup> Merkel-Holguín, L. A., Kaplan, C., & Kwak, A. (2006). National study on differential response in child welfare. Washington, DC: American Humane Association and Child Welfare League of America.

sometimes a community services pathway for cases that are screened-out at the point of Intake.<sup>4</sup> “Expanded ways of responding to reports allow for more individualized treatment, better matching the intensity and type of services to family needs. Differential Response systems seek to better meet underlying family needs which triggered the report in order to prevent traumatic and expensive services such as foster care, as well as future contact with child welfare systems.”<sup>5</sup>

The American Humane Association and CWLA have identified eight core elements in an attempt to provide definitional clarity, and DCS followed these guidelines in developing Arizona’s approach.<sup>6</sup>

1. The use of two or more discrete responses of intervention;
2. The creation of multiple responses for reports of maltreatment that are screened-in and accepted for response;
3. The determination of the response assignment by the presence of imminent danger, level of risk, the number of previous reports, etc.;
4. The ability to change original response assignments based on additional information gathered during the investigation or assessment phase;
5. The establishment of multiple response options is codified in statute, policy, and/or protocols;
6. The ability of families who receive a non-investigatory response to accept or refuse the offered services after an assessment without consequences (i.e., services are voluntary);
7. No formal determination/finding of maltreatment for families in Family Assessment Response, and services not contingent upon such finding/determination; and
8. No central registry perpetrator listing of Family Assessment Response participants.

### **WHY A FAMILY ASSESSMENT RESPONSE?**

The Department is committed to providing and improving a wide range of practices that aim to increase positive outcomes for children and families. In recent years, Arizona has experienced an increase in the number of reports of child abuse and neglect, specifically an increase in the maltreatment type of neglect.

In Federal Fiscal Year (FFY) 2011, a total of 37,252 reports were received at the Child Abuse Hotline/Intake, while in FFYs 2012, 2013, and 2014, the number of total reports increased to 42,019, 44,193, and 48,032, respectively.<sup>7</sup> This is a 29 percent increase in three years. In FFY

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<sup>4</sup> Casey Family Programs. (2012). Comparison of Experiences in Differential Response (DR) Implementation: 10 Child Welfare Jurisdictions Implementing DR. Seattle, WA: Casey Family Programs.

<sup>5</sup> Casey Family Programs, 2012.

<sup>6</sup> Merkel-Holguín, Kaplan, & Kwak, 2006.

<sup>7</sup> Data Source: Semi-Annual Child Welfare Reporting Requirements at: [www.azdes.gov](http://www.azdes.gov).

2011, the number of neglect reports was 24,118, which accounted for approximately 65 percent of the total reports received at the Child Abuse Hotline/Intake. In FFY 2012, 2013, and 2014, the number of neglect reports increased to 28,091, 30,476, and 33,788, respectively.<sup>8</sup> In FFY 2014, the number of neglect reports accounted for approximately 70 percent of the total reports received. Although high risk allegations do occur in some reports of neglect, many more contain low to potential risk allegations.

Based on discussions with DCS Supervisors and Assistant Program Managers, Arizona has determined that many of the families who come to DCS's attention often lack essential resources to meet basic needs, such as stable and safe housing, access to quality child care, transportation, basic household items, clothing, and food. Most parents do not willingly neglect their children. These family conditions, especially when sustained over time, can create an environment of helplessness and hopelessness for families. This environment in turn directly impacts the parents' mental and physical well-being and affects their ability to recognize how their children are being neglected. Parents' lack of essential resources and supports, and their feelings of helplessness, can isolate families and cause them to become further separated from their support systems and communities.

Many families not only lack the basic resources, but are also challenged with on-going family conditions such as substance abuse, domestic violence, inter-generational abuse or neglect, and behavioral health issues. The core of these issues is oftentimes associated with past trauma the parents have experienced. Most parents have developed difficulties with coping and recovering from these issues. These issues rise to the level where they become a safety threat to children and there are insufficient supports or services to put in place to allow children to remain safely in their own homes. The goal of the Family Assessment Response is to reach these families before their situation rises to this level of a crisis.

The Family Assessment Response will allow Arizona to respond to low to potential risk reports in a manner that is proportionate to the type and severity of the alleged child maltreatment, the family's level of need, and their willingness to participate in services that support and stabilize the family. Child Safety Specialists, while assessing child safety and risk, will strive to understand the conditions that are affecting each family's ability to supervise and care for their children. The Family Assessment Response is rooted in family engagement and will allow the Department to both assist families in meeting their basic needs by addressing immediate neglect issues, and also to examine and address the holistic functioning of the entire family unit to allow them to reach their capacity for safe, sustainable, and self-sufficient outcomes.

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<sup>8</sup> Data Source: Semi-Annual Child Welfare Reporting Requirements at: [www.azdes.gov](http://www.azdes.gov).

With the implementation of the Family Assessment Response, DCS anticipates initial outcomes within the first two years to be:

- A deeper level of engagement with families and extended family;
- Improved relationships between the family and Child Safety Specialist;
- Families to take immediate steps to address child safety;
- Increased family engagement in services and community supports; and
- Increased partnerships with community.

It is believed as DCS fortifies its Family Assessment Response process during initial implementation, and as Child Safety Specialists strengthen their engagement and assessment skills, additional outcomes will be achieved. Such outcomes as parents having an improved understanding of issues that contributed to safety and neglect concerns and an increased knowledge and use of community resources to begin long-term life skills and behavioral changes.

After a successful full implementation is achieved and sustained, DCS anticipates the following long-term outcomes:

- Safe reduction in future out-of-home placements;
- Safe reduction in repeated maltreatment;
- Safe reduction in repeated reports;
- Improved child and family well-being; and
- Greater public confidence in DCS.

The Family Assessment Response Logic Model contains the anticipated outcomes, along with other implementation details, and is in Appendix A.

### **CREATION OF FAMILY ASSESSMENT RESPONSE DESIGN TEAM**

Creating and maintaining the best child welfare agency in the nation is a journey that cannot be accomplished alone. It is vital to include DCS professionals, committed community partners, the children and families involved with the child welfare agency, and other child welfare stakeholders. To achieve optimal success in the development and implementation of new child welfare practices and programs, it is imperative to use the tenets of implementation science to implement an intervention effectively and to achieve the purported outcomes. Therefore, an implementation team was established and charged with the responsibility of creating a Family Assessment Response that focuses on child safety and best meets the needs of Arizona's children and families.

Approximately thirty representatives from a diverse group of child welfare stakeholders that represent advocacy agencies, community groups, courts, and DCS professionals were asked to participate in a process to provide input to help shape the focus and direction of the Family Assessment Response. The team helps to ensure that the project reflects DCS' priorities and values, that the design is an accurate reflection of the ongoing efforts to support a robust child welfare agency in Arizona, that the project incorporates the feedback and ideas of a broad group of stakeholders, and that there is shared ownership and consensus for Arizona's creation of the Family Assessment Response. Team members include representatives from the Arizona Coalition to End Sexual and Domestic Violence; Casey Family Programs; Children's Action Alliance; DCS professionals from different disciplines and across the state; and educational, law enforcement, hospital, and Tribal child protection agencies. The Family Assessment Response Design Team Membership list is in Appendix B.

### **RESEARCH ACTIVITIES**

There are currently 22 states in the nation that utilize a multi-track response system and approximately 12 additional states are either planning or considering implementing a Family Assessment Response. Throughout Arizona's exploration and installation stages of implementation, DCS gathered information and tools and conducted interviews with several of these jurisdictions to gain insight regarding their design and experiences with implementation. Jurisdictions provided details of their system design and lessons learned during their implementation stages. Additionally, DCS visited two jurisdictions, Washington, D.C. and the state of Washington, to observe the Family Assessment Response processes and practice. Finally, a literature review was conducted to guide the development of the Family Assessment Response design.

The Department continues to research other jurisdictions' Family Assessment Response policies and procedures to support the work of outlining details of Arizona's protocols.

### **FAMILY ASSESSMENT RESPONSE PROTOCOLS**

#### **Department Response and Track Creations**

Arizona will have two different responses to reports of child abuse and neglect that are screened-in and accepted for response as defined by Arizona statutes. The two tracks will be:

- Track 1 – Investigation Response, and
- Track 2 – Family Assessment Response.

The Investigation Response will entail the traditional investigation that is currently outlined in DCS' policies and procedures. The Family Assessment Response will be the new approach to



reports of child abuse and neglect that contain lower to potential risk allegations. As with the Investigation Response, the Family Assessment Response would require a Department response. It is imperative that child safety be assessed first by a Child Safety Specialist.

*Future Development of Prevention/Community Response Track*

Arizona will create a third track that will focus on prevention when there is sufficient funding and statutory changes to support this track. Families served through this third track would not be the subject of a report of child abuse and neglect. These families in need could be identified through the Child Abuse Hotline/Intake, the community, or self-referral.

**Track Assignment Decision**

A two-tiered decision making assessment process will be created and criteria established to determine the appropriate Department response to reports of child abuse and neglect. Reports involving the following circumstances will be ineligible for the Family Assessment Response:

- High risk reports containing allegations of serious harm to a child;
- Reports containing allegations of sexual abuse of a child;
- Reports containing criminal conduct allegations;
- Reports involving children in DCS custody; and
- Reports containing an indication of current physical abuse injury.

Discretionary reasons for Family Assessment Response ineligibility may include but are not limited to:

- Frequency, similarity, or recentness of past reports;
- Parent/caregiver declined services in the past; and
- Parent/caregiver was unable/unwilling to achieve child safety in the past.

A two-tiered process will allow for further assessment of discretionary reasons to ensure reports are appropriate for the Family Assessment Response. The two-tiered decision making assessment process will include:

- *First Tier Assessment Decision* – This decision determines, based upon what is documented in the report, if the report requires an Investigation Response. No other factors need to be known or taken into consideration to make this decision. For example, if a report involves circumstances listed above, such as sexual abuse or criminal conduct allegations, the report is automatically assigned to the Investigation Response and no further analysis is needed. The first tiered assessment will be made at the Child Abuse Hotline/Intake.

- *Second Tier Assessment Decision* – This second tiered decision process confirms the decision that the report is appropriate for the Family Assessment Response. This assessment involves a more in-depth analysis of safety, risk, and history of maltreatment to focus on child safety. The second tier assessment will be completed by a newly created Centralized Assignment Unit to ensure consistency in the decision making process.

### **Change of Track Decision**

At times there will be a need to reassign the family to a different track. DCS will have the ability to switch from the Family Assessment Response to Investigation Response under identified circumstances. Examples may include but are not limited to:

- A new report of child abuse or neglect is received that requires an Investigation Response;
- Criminal conduct allegations are discovered during the Family Assessment Response; and
- The family refuses to participate in the child safety assessment through the Family Assessment Response.

Some jurisdictions allow for the track switch from an Investigation Response to the Family Assessment Response. This option is proposed in Arizona Administrative Code, as the Department may include this option in the future.

### **Assessment**

A commonality between the Investigation and Family Assessment Responses is that child safety is paramount and must not be compromised. As in the Investigation Response, a child safety assessment is required and must be completed in the Family Assessment Response. The Child Safety Specialist will engage with the entire family, assess child safety and the risk of subsequent maltreatment, and determine what underlying conditions and factors are present that may jeopardize child safety. The Child Safety Specialist will work with the family in identifying what strengths and resources exist within the family and community. Lastly, an assessment of the family's needs will occur, with engagement of the family in appropriate services to meet their individualized needs.

Interviews may be conducted by the Child Safety Specialist with the family as a whole. However, the Child Safety Specialist has the right to interview a child alone per DCS policy, if deemed necessary. The Child Safety Specialist retains the authority to interview any other

persons who may have information regarding the family to assist in assessing child safety. Should safety concerns be identified during the Family Assessment Response, the Child Safety Specialist is required to take necessary steps to ensure child safety, which may include taking temporary custody of the child.

### **Additional Policies and Procedures**

Additional Family Assessment Response protocols will be as follows:

- *Response Times* – The current response system and timeframes will be utilized for both Investigation and Family Assessment Responses.
- *Informing Parents of Protocols or Rights* – The Child Safety Specialist will be responsible for informing the caregiver of the Family Assessment Response Protocols and the opportunity to participate in the Family Assessment Response. In the event the family is reassigned to an Investigation Response, the Child Safety Specialist will be required to inform the caregiver of their rights and duties.
- *Gathering of Documentation* – The Child Safety Specialist conducting the Family Assessment Response retains the ability to review any and all documentation as with the Investigation Response. This includes but is not limited to, medical and psychiatric reports, law enforcement reports, school records, and previously completed safety and risk assessments.

### **Services to Support Family Assessment Response**

An array of individualized and culturally sensitive services both within the community and the Department will be necessary for the success of the Family Assessment Response. One goal of the Family Assessment Response is to identify the needs of the families and link them to appropriate services that will meet their unique needs. It is vital for the Department to have strong linkages to community supports and services. These community partnerships and collaborative efforts will be needed, along with Departmental contracted services.

### **Findings of Maltreatment and Central Registry**

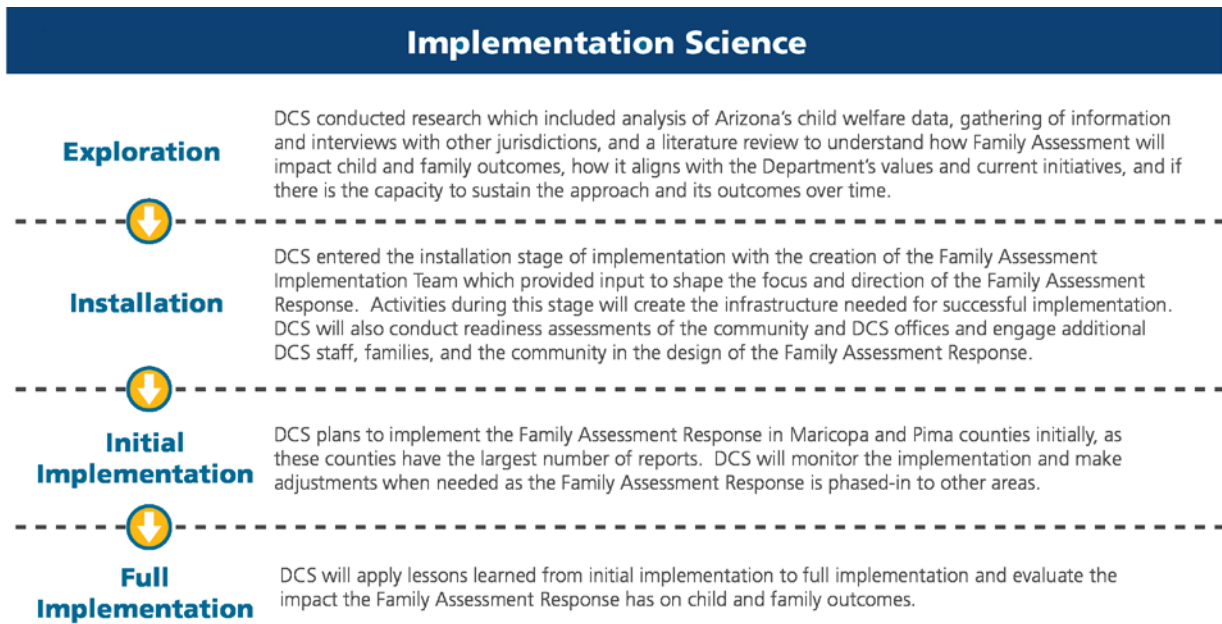
The Family Assessment Response requires a deeper level of engagement with the family, which includes partnering with the family and being transparent. This approach is most successful when the interview is not centered on a fact finding mission of confirming the alleged victim and perpetrator, but rather on identifying the strengths and needs and how the Department can immediately partner with the family to ensure child safety and strengthen the family unit. Through the Family Assessment Response, although the roles of the alleged perpetrator and child

victim will still be entered into CHILDS for data reporting requirements, no findings will be determined. Perpetrators who receive a substantiated finding of maltreatment through the Investigation Response will continue to be entered into the Central Registry.

**NEXT STEPS TOWARDS IMPLEMENTATION**

DCS will continue to follow the stages of implementation science in working towards initial implementation as depicted in the table below.

Table 1



Installation activities will continue to establish the infrastructure needed for successful implementation. The implementation plan will address the following:

- Development of intake and family assessment tools;
- Writing of policies and procedures;
- Development of training curriculum;
- Description of staff training requirements;
- Identification of methods to involve community partners in the development of resources to meet families’ needs;
- Identification of in-home services that will support Family Assessment Response;
- Development of a coaching plan to ensure fidelity of the model;
- Description of procedures to safeguard continuous quality improvement; and
- Creation of a potential phase-in schedule.

**PUBLIC FEEDBACK**

Pursuant to Arizona Laws, 2014, Second Special Session, Chapter 1, Section 156 (Senate Bill 1001), DCS held public meetings to obtain community comment on the Family Assessment Response Protocols. Public meetings were held in Phoenix, Yuma, Flagstaff, and Tucson during the month of May, 2015. Overall, community comments received regarding the Family Assessment Response Protocols were positive. The community appeared to be hopeful about the new approach DCS will be implementing, and excited DCS will be partnering with families and going back to "core social work values." Re-occurring topics of concern mentioned during the public meetings included:

- The Family Assessment Response should be conducted by contracted community agencies instead of the Department;
- The lack of training for DCS staff regarding engagement skills, domestic violence and trauma-informed care;
- Needed training for community partners, such as schools, hospitals and law enforcement regarding the Family Assessment Response;
- Lack of funding for the Family Assessment Response; and
- Lack of services to support the Family Assessment Response.

Additionally, DCS sought input from the Child Safety Oversight Committee on May 28, 2015. Primary topics of concern mentioned during the Child Safety Oversight Committee meeting included:

- DCS capacity to implement the Family Assessment Response;
- Criteria for the 2<sup>nd</sup> Tier Assessment Decision; and
- Lack of services to support the Family Assessment Response.

As the Department continues with the installation activities of the Family Assessment Response, these topics of concern mentioned at the public meetings and Child Safety Oversight Committee will be taken into consideration.

**RECOMMENDATIONS FOR LEGISLATION**

To support implementation of the Family Assessment Response, amendments to Arizona Revised Statutes, Title 8, Child Safety and Title 13, and Criminal Codes are required. The following legislative revisions are recommended:

- The addition of A.R.S. § 8-454(3) is recommended to establish the creation of a multiple track approach that will allow the Department two discrete pathways to respond to reports of child abuse and neglect;

- The addition of A.R.S. § 8-457, Family Assessment Function and Definition, is recommended, which outlines the Department’s responsibilities for the Family Assessment Response; and
- The addition of “Family Assessment” when Investigation is referenced throughout Title 8 and Title 13 to reflect the second pathway, as applicable.

Drafts of the proposed legislation are in Appendix C.



**APPENDIX A**  
**Family Assessment Response Logic Model**

<b><i>FAMILY ASSESSMENT RESPONSE LOGIC MODEL</i></b>					
<b>Inputs</b>	<b>Activities</b>	<b>Outputs</b>	<b>Initial Outcomes</b>	<b>Intermediate Outcomes</b>	<b>Long-term Outcomes</b>
<p>Community partners</p> <p>DCS professionals</p> <p>Family involvement</p> <p>Information and tools from other jurisdictions and Casey Family Programs regarding Family Assessment Response</p>	<p>Analyze data</p> <p>Literature review</p> <p>Creation of:</p> <ul style="list-style-type: none"> <li>• Eligibility criteria</li> <li>• Screening and assessment tools</li> <li>• Change of track criteria</li> <li>• Service provision and delivery</li> <li>• Case closure protocols</li> </ul> <p>Seek input from Child Safety Oversight committee and public meetings</p> <p>Statutes, rules, policies and procedures</p> <p>CHILDS modifications</p> <p>Training curriculum</p>	<p>Families will be assigned to appropriate response</p> <p>Families will receive accurate assessment of child safety, and family’s strengths and needs</p> <p>Families will be involved in decision making and service planning process</p> <p>Families will be referred to services and community supports</p>	<p>Deeper level of engagement with families and extended family</p> <p>Improved relationships between the family and Child Safety Specialist</p> <p>Families will take immediate steps to address child safety</p> <p>Increased family engagement in services and community supports</p> <p>Increased partnerships with community</p>	<p>Parents’ improved understanding of issues that contributed to safety and neglect concerns</p> <p>Parents’ increased knowledge and use of community resources to begin long-term sustainable changes</p> <p>Supportive partnerships with families to identify strengths and needs</p>	<p>Safe reduction of out-of-home placements</p> <p>Safe reduction of repeat maltreatment</p> <p>Safe reduction of repeat reports</p> <p>Improved child and family well-being</p> <p>Greater public confidence in DCS</p>

**APPENDIX B**  
**Family Assessment Response Design Team**  
**Membership List**

<b>DEPARTMENT OF CHILD SAFETY FAMILY ASSESSMENT RESPONSE DESIGN TEAM</b>		
<b>NAME</b>	<b>TITLE</b>	<b>ORGANIZATION</b>
Candice Babb	Child Safety Supervisor	DCS – Northern Region
Gardiner Brown III	Child Safety Supervisor	DCS – Pima Region
Bill Callahan	Project Manager	DCS – Program Development
Erin Callinan	Training and Technical Assistance Manager	Arizona Coalition to End Sexual and Domestic Violence
Carrie Candler	Sergeant	Scottsdale Police Department
Rhonda Coates	Program Development Manager	DCS – Program Development
Pefy Cunningham	Child Safety Specialist	DCS – Pima Region
Bill Dawson	Investigative Supervisor	Salt River Pima-Maricopa Indian Community
Kai Guterman	Knowledge Management Advisor	Casey Family Programs
Malcolm Hightower	Project Manager	Casey Family Programs
Sara Hunn	Program Development Specialist	DCS – Program Development
Cara Kelly	Child Safety Specialist	DCS – After Hours Investigation Team
Becky Krumm	Training Officer	DCS – Child Welfare Training Institute
Joanna Lensch	Child Safety Supervisor	DCS – Central Region
Corinne Lindstrom	Practice Improvement Specialist	DCS – Practice Improvement
April Maggio	Program Development Specialist	DCS – Program Development
Andrew Marioni	Policy Specialist	DCS – Policy Unit
Maria Marrero	Social Work Manager	Office of the Legal Advocate
Mary Megui	Assistant Program Manager	DCS – Southwest Region
Elizabeth Michaelis	Social Worker	Phoenix Children’s Hospital
Gaylene Morgan	Assistant Attorney General	Attorney General
Mary Najarro	Assistant Program Manager	DCS Child Abuse Hotline – Intake
Beth Rosenberg	Director of Child Welfare Policy	Children’s Action Alliance
Casandra Stanley	Child Safety Supervisor	DCS – Pima Region
Amber Stohner	Child Safety Supervisor	DCS Child Abuse Hotline – Intake
Margaret Strength	Crisis Response Specialist	DCS – Crisis Response
Richard Weiss	Presiding Juvenile Court Judge	Mohave County Juvenile Court
Jennifer White	Social Worker	Washington Elementary School District
Lisa Wilson	Child Safety Supervisor	DCS – Southwest Region

**APPENDIX C**  
**Arizona Revised Statutes**  
**Amendment Recommendations**

Amendment recommendations to Arizona Revised Statutes, Title 8, Child Safety and Title 13, Criminal Codes, to implement a *Family Assessment Response* within the Department of Child Safety are as follows:

**8-451. Department; purpose**

- A. The department of child safety is established.
- B. The primary purpose of the department is to protect children. To achieve this purpose, the department shall do and focus equally on the following:
  - 1. **Investigate OR CONDUCT A FAMILY ASSESSMENT TO** reports of abuse and neglect.
  - 2. Assess, promote and support the safety of a child in a safe and stable family or other appropriate placement in response to allegations of abuse or neglect.
  - 3. Work cooperatively with law enforcement regarding reports that include criminal conduct allegations.
  - 4. Without compromising child safety, coordinate services to achieve and maintain permanency on behalf of the child, strengthen the family and provide prevention, intervention and treatment services pursuant to this chapter.

**8-454. Department organization**

- A. The director shall organize the department to best implement the following functions:
  - 1. Receiving, analyzing and efficiently responding to reports of possible abuse or neglect as provided in section 8-455.
  - 2. Appropriately investigating **OR CONDUCTING A FAMILY ASSESSMENT OF the** reports whether or not they involve criminal conduct allegations as provided in section 8-456.
  - 3. **ADOPT A MULTIPLE TRACK APPROACH THAT WILL ALLOW THE DEPARTMENT TWO DISCRETE PATHWAYS TO RESPOND TO REPORTS OF ABUSE AND NEGLECT.**
  - 43. Coordinating services necessary for the child or the child's family as provided in section 8-457.
  - 54. Overseeing adoption pursuant to chapter 1 of this title and foster care pursuant to article 4 of this chapter.
  - 65. Reviewing and reporting the actions of the department to ensure that the actions comply with statute and the rules and policies of the department and reporting significant violations as provided in section 8-458.
- B. Subject to title 41, chapter 4, article 4, the director shall employ:
  - 1. A chief of the office of child welfare investigations. The chief is the administrative head of the office of child welfare investigations and shall report directly to the director.
  - 2. An inspector general. The inspector general is the administrative head of the inspections bureau and shall report directly to the director.
  - 3. Administrators to serve as the administrative heads of the other bureaus of the department, who may report directly to the deputy director.

**8-455. Centralized intake hotline; purposes; report of possible crime; report for investigation; risk assessment tools; access to information; public awareness; definition**



A. The department shall operate and maintain a centralized intake hotline to protect children by receiving at all times communications concerning suspected abuse or neglect. If a person communicates suspected abuse or neglect to a department employee other than through the hotline, the employee shall refer the person or communication to the hotline.

B. The hotline is the first step in the safety assessment and investigation process and must be operated to:

1. Record communications made concerning suspected abuse or neglect.
2. Immediately take steps necessary to identify and locate prior communications and reports for investigation **OR FAMILY ASSESSMENT** related to the current communication using the department's data system and the central registry system of this state.
3. Quickly and efficiently provide information to a law enforcement agency or prepare a report for investigation **OR FAMILY ASSESSMENT** as required by this section.
4. Determine the proper initial priority level of investigation **OR FAMILY ASSESSMENT** based on the risk assessment and direct the report for investigation **OR FAMILY ASSESSMENT** to the appropriate part of the department based on this determination.
5. **CRIMINAL CONDUCT ALLEGATIONS SHALL NOT BE ASSIGNED FOR FAMILY ASSESSMENT.**

C. If a communication provides a reason to believe that a criminal offense has been committed, the hotline worker shall immediately provide the information to both of the following:

1. The appropriate law enforcement agency pursuant to the protocols developed pursuant to section 8-817.
2. If a report for investigation is prepared as required in subsection D of this section and the suspected criminal offense is a criminal conduct allegation, the office of child welfare investigations.

D. A hotline worker shall prepare a report for investigation **OR FAMILY ASSESSMENT** if all of the following are alleged:

1. The suspected conduct would constitute abuse or neglect.
2. The suspected victim of the conduct is under eighteen years of age.
3. The suspected victim of the conduct is a resident of or present in this state or any act involved in the suspected abuse or neglect occurred in this state.
4. The person suspected of committing the abuse or neglect is the parent, guardian or custodian of the victim or an adult member of the victim's household.

E. All reports for investigation must be investigated as provided in section 8-456.

**F. ALL REPORTS FOR FAMILY ASSESSMENT MUST BE ASSESSED AS PROVIDED IN SECTION 8-457.**

**G. F.** If otherwise required by:

1. Subsection C of this section, information must be provided to the appropriate law enforcement agency even if the identity or location of the person suspected of abuse or neglect or the victim of the abuse or neglect is not known.
2. Subsection D of this section, a report for investigation must be prepared even if the identity or location of the person suspected of abuse or neglect or the victim of the abuse or neglect is not known.

**H G.** The department shall develop and train hotline workers to use uniform risk assessment tools to determine:

1. Whether the suspected conduct constitutes abuse or neglect and the severity of the suspected abuse or neglect.

2. Whether the suspected abuse or neglect involves criminal conduct, even if the communication does not result in the preparation of a report for investigation.

3. The appropriate ~~investigative~~ **DEPARTMENT RESPONSE TO REPORTS OF ABUSE OR NEGLECT** ~~track for referral~~ based on the risk to the child's safety.

**I H.** A report for investigation **OR FAMILY ASSESSMENT** must include, if available, all of the following:

1. The name, address or contact information for the person making the communication.

2. The name, address and other location or contact information for the parent, guardian or custodian of the child or other adult member of the child's household who is suspected of committing the abuse or neglect.

3. The name, address and other location or contact information for the child.

4. The nature and extent of the indications of the child's abuse or neglect, including any indication of physical injury.

5. Any information regarding possible prior abuse or neglect, including reference to any communication or report for investigation **OR FAMILY ASSESSMENT** involving the child, the child's siblings or the person suspected of abuse or neglect.

**J I.** Information gathered through the hotline must be made available to an employee of the department in order to perform the employee's duties. The office of child welfare investigations and the inspections bureau must have immediate access to all records of the hotline.

**K J.** A representative of the:

1. Office of child welfare investigations must be embedded in the hotline to carry out the purposes of section 8-471.

2. Inspections bureau must be embedded in the hotline to carry out the purposes of section 8-458.

**L K.** The department shall publicize the availability and the purposes of the centralized intake hotline.

**M L.** For the purposes of this section, "centralized intake hotline" means the system developed pursuant to this section regardless of the communication methods or technologies used to implement the system.

#### **8-457. FAMILY ASSESSMENT FUNCTION AND DEFINITION.**

**A. AFTER RECEIVING A REPORT FOR FAMILY ASSESSMENT FROM THE CENTRALIZED INTAKE HOTLINE PURSUANT TO SECTION 8.455, A CHILD SAFETY SPECIALIST SHALL DO ALL OF THE FOLLOWING:**

1. **INFORM THE FAMILY OF THE DEPARTMENT REPORT AND THE PROTOCOLS FOR FAMILY ASSESSMENT.**

2. **CONDUCT A PROMPT AND THOROUGH ASSESSMENT OF THE FAMILY.**

3. **EVALUATE AND DETERMINE CHILD SAFETY AND RISK, AND THE STRENGTHS AND NEEDS OF THE FAMILY.**

4. **PARTNER WITH THE FAMILY AND ASSESS ANY IDENTIFYING FACTORS WITHIN THE FAMILY UNIT IN NEED OF STRENGTHENING OR STABILIZING.**

5. **DETERMINE IF CIRCUMSTANCES WARRANT AN INVESTIGATION AND IF SO ENSURE AN INVESTIGATION IS COMPLETED PURSUANT TO SECTION 8-456.**

**B. AFTER A FAMILY ASSESSMENT, A CHILD SAFETY SPECIALIST SHALL:**

1. DETERMINE WHETHER ANY CHILD IS IN NEED OF COMMUNITY BASED SERVICES OR CHILD SAFETY SERVICES.
2. SUBMIT DOCUMENTATION OF THE FAMILY ASSESSMENT TO THE DEPARTMENT'S CASE MANAGEMENT SYSTEM. THIS DOES NOT INCLUDE A DETERMINATION AS TO WHETHER CHILD ABUSE OR NEGLECT OCCURRED.
3. INQUIRE ABOUT THE EXISTENCE OF ANY COURT ORDERS THAT RESTRICT OR DENY CUSTODY, VISITATION OR CONTACT BY A PARENT OR OTHER PERSON IN THE HOME WITH THE CHILD AND NOTIFY APPROPRIATE PERSONNEL IN THE DEPARTMENT TO PRECLUDE VIOLATIONS OF A COURT ORDER IN THE PROVISION OF ANY SERVICES.
4. IN CONDUCTING A FAMILY ASSESSMENT PURSUANT TO THIS SECTION, IF THE CHILD SAFETY SPECIALIST IS MADE AWARE THAT AN ALLEGATION OF ABUSE OR NEGLECT MAY ALSO HAVE BEEN MADE IN ANOTHER STATE, THE CHILD SAFETY SPECIALIST SHALL CONTACT THE APPROPRIATE AGENCY IN THAT STATE TO ATTEMPT TO DETERMINE THE OUTCOME OF ANY INVESTIGATION OR ASSESSMENT OF THAT ALLEGATION.
5. IF THE FAMILY ASSESSMENT INDICATES REASON TO BELIEVE THAT CRIMINAL OFFENSE HAS BEEN COMMITTED, THE CHILD SAFETY SPECIALIST SHALL IMMEDIATELY PROVIDE THE INFORMATION TO THE APPROPRIATE LAW ENFORCEMENT AGENCY AND THE OFFICE OF CHILD WELFARE INVESTIGATIONS, UNLESS THE INFORMATION WAS PREVIOUSLY PROVIDED PURSUANT TO SECTION 8-455.

C. FOR THE PURPOSES OF THIS SECTION, "CHILD SAFETY SPECIALIST" MEANS A PERSON WHO HAS BEEN SELECTED BY AND TRAINED UNDER THE REQUIREMENTS PRESCRIBED BY THE DEPARTMENT AND WHO ASSISTS IN CARRYING OUT THE PROVISIONS OF THIS ARTICLE.

8-471. Office of child welfare investigations; training; responsibilities; annual report

A. The director shall establish the office of child welfare investigations within the department. The director is responsible for the direction, operation and control of the office.

B. The duties of the office include investigating criminal conduct allegations, coordinating with other parts of the department and law enforcement, establishing task forces for the investigation of criminal conduct and other duties as may be assigned by the director.

C. The office shall employ child welfare investigators who have received training to understand law enforcement's role in cases of criminal child abuse or neglect and in social services offered by the department. The office may employ research analysts and peace officers for the purpose of obtaining an originating agency identification number to have direct access to criminal history report information. Each person hired by the office is an employee of the department, is subject to title 41, chapter 4, article 4 and shall comply with the fingerprint requirements of section 8-802.

D. The department, in coordination with the Arizona peace officer standards and training board, shall provide child welfare investigators with training. The training shall be, at a minimum, in the following areas:

1. First responder training on responding to reports of child abuse.
  2. Forensic interviewing and processes.
  3. Child physical and sexual abuse investigation.
  4. The protocols established pursuant to section 8-817.
  5. Relevant law enforcement procedures, including the collection and preservation of evidence.
  6. A child's constitutional rights as a victim of a crime pursuant to article II, section 2.1, Constitution of Arizona.
  7. Impact and intervention practices related to adverse childhood experiences, culturally and linguistically appropriate service delivery, domestic violence, family engagement, communication with special populations and trauma informed responses.
  8. Any other training as directed by the director.
- E. A child welfare investigator shall:
1. Protect children.
  2. Assess, respond to or investigate all criminal conduct allegations, which shall be a priority, but not otherwise exercise the authority of a peace officer.
  3. Not interview a child without the prior written consent of the parent, guardian or custodian of the child unless either:
    - (a) The child initiates contact with the investigator.
    - (b) The child who is interviewed is the subject of, is the sibling of or is living with the child who is the subject of an abuse or abandonment investigation pursuant to paragraph 4, subdivision (b) of this subsection.
    - (c) The interview is conducted pursuant to the terms of the protocols established pursuant to section 8-817.
  4. After the receipt of any report or information pursuant to paragraph 2 of this subsection, immediately do both of the following:
    - (a) Notify the appropriate municipal or county law enforcement agency if they have not already been notified.
    - (b) Make a prompt and thorough investigation of the nature, extent and cause of any condition that would tend to support or refute the report of child abuse or neglect when investigating allegations pursuant to paragraph 2 of this subsection. A criminal conduct allegation shall be investigated with the appropriate municipal or county law enforcement agency according to the protocols established pursuant to section 8-817.
  5. Take a child into temporary custody as provided in section 8-821. Law enforcement officers shall cooperate with the department to remove a child from the custody of the child's parents, guardian or custodian pursuant to section 8-821. A child welfare investigator who is responding to or investigating a report containing a criminal conduct allegation shall have the primary responsibility for making the decision whether to take a child into temporary custody.
  6. Evaluate conditions created by the parents, guardian or custodian that would support or refute the allegation that the child should be adjudicated dependent. The investigator shall then determine whether any child is in need of child safety services.
  7. Identify, promptly obtain and abide by court orders that restrict or deny custody, visitation or contact by a parent or other person in the home with the child and notify appropriate personnel within the department to preclude violations of a court order in the provision of any services.
  8. On initial contact with the parent, guardian or custodian of a child who is the subject of an investigation pursuant to this section, provide the parent, guardian or custodian with the

allegation received by the department. This paragraph does not require the department to disclose details or information that would compromise an ongoing criminal investigation.

9. Have access to all records and information of the department necessary to carry out this section.

F. Unless a dependency petition is filed, a child shall not remain in temporary custody for a period exceeding seventy-two hours, excluding Saturdays, Sundays and holidays. If a petition is not filed, the child shall be released to the child's parent, guardian or custodian.

G. In conducting an investigation pursuant to this section, if the investigator is made aware that an allegation of abuse or neglect may also have been made in another state, the investigator shall contact the appropriate agency in that state to attempt to determine the outcome of any investigation of that allegation.

H. The office of child welfare investigations shall submit a report by August 15 each year to the governor, the speaker of the house of representatives, the president of the senate and the secretary of state that includes the following information for the most recently completed fiscal year:

1. The number of reports for investigation that involve criminal conduct allegations.
2. The number of joint investigations conducted pursuant to section 8-817.
3. For each case in which a joint investigation did not occur pursuant to section 8-817, the reasons why the joint investigation did not occur.

I. All records gathered or created by the department during an investigation conducted under this section are confidential and shall be protected and released as prescribed in section 8-807, except the department shall not release records if the department determines that the release of these records may compromise an ongoing investigation.

J. Notwithstanding any other law, the office of child welfare investigations is not responsible for conducting the criminal investigation of a criminal conduct allegation.

#### 8-807. DCS information; public record; use; confidentiality; violation; classification; definitions

A. DCS information shall be maintained by the department as required by federal law as a condition of the allocation of federal monies to this state. All exceptions for the public release of DCS information shall be construed as openly as possible under federal law.

B. The department, or a person who receives DCS information pursuant to this subsection, shall provide DCS information to a federal agency, a state agency, a tribal agency, a county or municipal agency, a law enforcement agency, a prosecutor, an attorney or a guardian ad litem representing a child victim of crime pursuant to article II, section 2.1, Constitution of Arizona, a school, a community service provider, a contract service provider or any other person that is providing services pursuant to this article or article 9, 10, 11, 12, 13 or 14 of this chapter:

1. To meet its duties to provide for the safety, permanency and well-being of a child, provide services to a parent, guardian or custodian or provide services to family members to strengthen the family pursuant to this article or article 9, 10, 11, 12, 13 or 14 of this chapter.
2. To enforce or prosecute any violation involving child abuse or neglect.
3. To provide information to a defendant after a criminal charge has been filed as required by an order of the criminal court.
4. To help investigate and prosecute any violation involving domestic violence as defined in section 13-3601 or violent sexual assault as prescribed in section 13-1423.

C. The department shall disclose DCS information to a court, a party in a dependency or termination of parental rights proceeding or the party's attorney, the foster care review board or a court appointed special advocate for the purposes of and as prescribed in this title.

D. The department shall disclose DCS information to a domestic relations, family or conciliation court if the DCS information is necessary to promote the safety and well-being of children. The court shall notify the parties that it has received the DCS information.

E. A person or agent of a person who is the subject of DCS information shall have access to DCS information concerning that person.

F. The department:

1. May provide DCS information to confirm, clarify or correct information concerning an allegation or actual instance of child abuse or neglect that has been made public by sources outside the department.

2. Shall promptly provide DCS information to the public regarding a case of child abuse, abandonment or neglect that has resulted in a fatality or near fatality as follows:

(a) The department shall provide preliminary information including at a minimum:

(i) The name, age and city, town or general location of residence of the child who has suffered a near fatality or fatality.

(ii) The fact that a child suffered a near fatality or fatality as the result of abuse, abandonment or neglect.

(iii) The name, age and city, town or general location of residence of the alleged perpetrator, if available.

(iv) Whether there have been reports, or any current or past cases, of abuse, abandonment or neglect involving the child and the current alleged abusive or neglectful parent, guardian or custodian.

(v) Actions taken by the department in response to the fatality or near fatality of the child.

(vi) A detailed synopsis of prior reports or cases of abuse, abandonment or neglect involving the child and the current alleged abusive or neglectful parent, guardian or custodian and of the actions taken or determinations made by the department in response to these reports or cases.

(b) On request by any person, the department shall promptly provide additional DCS information to the requestor. Before releasing additional DCS information, the department shall promptly notify the county attorney of any decision to release that information, and the county attorney shall promptly inform the department if it believes the release would cause a specific, material harm to a criminal investigation. After consulting with the county attorney, pursuant to subdivision (c) of this paragraph, the department shall produce to the requestor as much additional DCS information as promptly as possible about a case of child abuse, abandonment or neglect that resulted in a fatality or near fatality.

(c) On request, the department shall continue to provide DCS information promptly to the public about a fatality or near fatality unless:

(i) After consultation with the county attorney, the county attorney demonstrates that release of particular DCS information would cause a specific, material harm to a criminal investigation.

(ii) The release would violate subsection A or L of this section or the privacy of victims of crime pursuant to article II, section 2.1, subsection C, Constitution of Arizona.

(d) If any person believes that the county attorney has failed to demonstrate that release would cause a specific, material harm to a criminal investigation, that person may file an action in superior court pursuant to title 39, chapter 1, article 2 and subsection J of this section and request the court to review the DCS information in camera and order disclosure.



3. May provide DCS information to a person who is conducting bona fide research, the results of which might provide DCS information that is beneficial in improving the department.

4. May provide access to DCS information to the parent, guardian or custodian of a child if the DCS information is reasonably necessary to promote the safety, permanency and well-being of the child.

G. The department shall disclose DCS information to a county medical examiner or an alternate medical examiner directing an investigation into the circumstances surrounding a death pursuant to section 11-593.

H. Access to DCS information in the central registry shall be provided as prescribed in section 8-804.

I. To provide oversight of the department, the department shall provide access to DCS information to the following persons, if the DCS information is reasonably necessary for the person to perform the person's official duties:

1. Federal or state auditors.

2. Persons conducting any accreditation deemed necessary by the department.

3. A standing committee of the legislature or a committee appointed by the president of the senate or the speaker of the house of representatives for purposes of conducting investigations related to the legislative oversight of the department. This information shall not be further disclosed unless a court has ordered the disclosure of this information, the information has been disclosed in a public or court record, or the information has been disclosed in the course of a public meeting or court proceeding.

4. A legislator who requests DCS information in the regular course of the legislator's duties. This information shall not be further disclosed unless a court has ordered the disclosure of this information, the information has been disclosed in a public or court record, or the information has been disclosed in the course of a public meeting or court proceeding. To request a file pursuant to this paragraph:

(a) The legislator shall submit a written request for DCS information to the presiding officer of the body of which the state legislator is a member. The request shall state the name of the person whose case file is to be reviewed and any other information that will assist the department in locating the file.

(b) The presiding officer shall forward the request to the department within five working days of the receipt of the request.

(c) The department shall make the necessary arrangements for the legislator to review the file at an office of the department, chosen by the legislator, within ten working days.

(d) The legislator shall sign a form, consistent with the requirements of this paragraph and paragraph 3 of this subsection, before reviewing the file, that outlines the confidentiality laws governing department files and penalties for further release of the information.

5. A citizen review panel as prescribed by federal law, a child fatality review team as provided in title 36, chapter 35 and the office of ombudsman-citizens aide.

J. A person who has been denied DCS information regarding a fatality or near fatality caused by abuse, abandonment or neglect pursuant to subsection F, paragraph 2 or subsection L of this section may bring a special action pursuant to section 39-121.02 in the superior court to order the department to release that DCS information. A legislator has standing to bring or to join a special action regarding the release of DCS information or to challenge the redaction of released DCS information. The plaintiff shall provide notice to the county attorney, who has standing and may participate in the action. The court shall review the requested records in camera and order

disclosure consistent with subsection A, subsection F, paragraph 2 and subsection L of this section. The court shall take reasonable steps to prevent any clearly unwarranted invasions of privacy and protect the privacy and dignity of victims of crime pursuant to article II, section 2.1, subsection C, Constitution of Arizona.

K. The department or a person who is not specifically authorized by this section to obtain DCS information may petition a judge of the superior court to order the department to release DCS information. The plaintiff shall provide notice to the county attorney, who has standing and may participate in the action. The court shall review the requested records in camera and shall balance the rights of the parties who are entitled to confidentiality pursuant to this section against the rights of the parties who are seeking the release of the DCS information. The court may release otherwise confidential DCS information only if the rights of the parties seeking the DCS information and any benefits from releasing the DCS information outweigh the rights of the parties who are entitled to confidentiality and any harm that may result from releasing the DCS information. The court shall take reasonable steps to prevent any clearly unwarranted invasions of privacy and protect the privacy and dignity of victims of crime pursuant to article II, section 2.1, subsection C, Constitution of Arizona.

L. Except as provided in subsection M of this section, before it releases records under this section, the department shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of a person who reports child abuse or neglect and to protect any other person if the department believes that disclosure of the DCS information would be likely to endanger the life or safety of any person. The department is not required by this section to disclose DCS information if the department demonstrates that disclosure would cause a specific, material harm to a department investigation. The department is not required by this section to disclose DCS information if, in consultation with the county attorney, the county attorney demonstrates that disclosure would cause a specific, material harm to a criminal investigation.

M. A person who is the subject of an unfounded report or complaint made pursuant to this article or article 9, 10, 11, 12, 13 or 14 of this chapter and who believes that the report or complaint was made in bad faith or with malicious intent may petition a judge of the superior court to order the department to release the DCS information. The petition shall specifically set forth reasons supporting the person's belief that the report or complaint was made in bad faith or with malicious intent. The court shall review the DCS information in camera and the person filing the petition shall be allowed to present evidence in support of the petition. If the court determines that there is a reasonable question of fact as to whether the report or complaint was made in bad faith or with malicious intent and that disclosure of the identity of the person making the report or complaint would not be likely to endanger the life or safety of the person making the report or complaint, it shall provide a copy of the DCS information to the person filing the petition and the original DCS information is subject to discovery in a subsequent civil action regarding the making of the report or complaint.

N. The department shall provide the person who conducts a forensic medical evaluation with any records the person requests, including social history and family history regarding the child, the child's siblings and the child's parents or guardians.

O. The department shall provide DCS information on request to a prospective adoptive parent, foster parent or guardian, if the information concerns a child the prospective adoptive parent, foster parent or guardian seeks to adopt or provide care for.

P. If the department receives information that is confidential by law, the department shall maintain the confidentiality of the information as prescribed in the applicable law.

- Q. A person may authorize the release of DCS information about the person but may not waive the confidentiality of DCS information concerning any other person.
- R. The department may provide a summary of the outcome of a department investigation to the person who reported the suspected child abuse or neglect.
- S. The department shall adopt rules to facilitate the accessibility of DCS information.
- T. The department may charge a fee for copying costs required to prepare DCS information for release pursuant to this section.
- U. A person who violates this section is guilty of a class 2 misdemeanor.
- V. For the purposes of this section:
1. "DCS information" includes all information the department gathers during the course of an investigation **OR FAMILY ASSESSMENT** conducted under this chapter from the time a file is opened and until it is closed. DCS information does not include information that is contained in child welfare agency licensing records.
  2. "Near fatality" means an act that, as certified by a physician, including the child's treating physician, places a child in serious or critical condition.

~~8-816: Family builders program; services; program termination; definitions~~

~~A. The family builders program is established in the department. The department may implement the program through collaborative partnerships between the department, community social service agencies, family support programs and other community organizations, which may include faith based organizations, to establish a system that, through referral to a network of contracted neighborhood-based agencies, provides a variety of community-linked family preservation and support services to assist families to prevent and remedy conditions or circumstances that cause child abuse or neglect.~~

~~B. The department may contract with neighborhood based agencies and organizations to conduct family assessments, provide case management and provide the necessary services to protect the child and support the family on referral from the department.~~

~~C. During the initial contact with a family, the provider shall:~~

- ~~1. Verbally inform the prospective program participants that the department referred the family to the provider after investigation of a report of abuse or neglect.~~
- ~~2. Verbally inform the prospective program participants that they do not have to accept services.~~
- ~~3. Obtain the written, informed consent of the prospective program participants who choose to accept the services offered. The consent form shall include a description of the services offered and the rights and responsibilities of the program participants and a statement that emphasizes the voluntary nature of the program.~~

~~D. Contracts shall require that the provider establish a continuum of services for families through written agreements with community agencies and organizations to provide required services to families. The provider may purchase or obtain without cost the services of any agency or organization that may provide resources to assist the family.~~

~~E. Contracts shall require that the provider initiate a thorough family assessment and necessary services within forty eight hours, excluding weekends and holidays, after the provider receives the referral from the department.~~

~~F. The department shall provide information to the provider concerning the current report and any information from records it deems appropriate. All information received by the provider regarding the report of abuse or neglect and department records is subject to the confidentiality~~

~~requirements of section 8-807. Information in the records of the provider concerning the families served by the program is available for the purposes of evaluating the program.~~

~~G. On receipt of a referral from the department, within forty-eight hours the provider shall attempt to contact the family in person, initiate a family assessment with the consent of the family and offer to assist the family to obtain the services that are necessary to reduce or eliminate the causes for the initial information being received by the department and other identified needs of the family.~~

~~H. If at any time during the initial contact or during the course of service delivery the provider determines that the child is in imminent danger of abuse or neglect, the provider shall immediately report the case to the department or the appropriate law enforcement agency, or both, for appropriate action. In all cases the provider and any agency under subcontract to the provider shall retain records of information on initial and ongoing contact with the family and the final disposition of the case and shall provide this information to the department.~~

~~I. A family who is offered services by the provider may refuse to accept those services. The provider shall document the family's refusal of services in the case record.~~

~~J. The provider shall conduct an assessment in the home and with the family's participation shall develop an initial plan within thirty days based on the family's needs. The provider shall assist the family in identifying and providing appropriate services. The provider shall monitor the progress made by the family based on the plan expectations and shall conduct home visits to determine the safety of the child and any other children in the home at the time of the visit.~~

~~K. The department shall require that the provider establish a local advisory board composed of appropriate community representatives, including representation from families in the community and local public agencies. The local advisory board shall ensure that a continuum of services is provided for families and shall provide oversight to the program.~~

~~L. The department shall identify goals, objectives and outcomes for family builders programs.~~

~~M. If the department expands the program to new geographic areas, it shall hold at least one informational meeting to inform potential providers of the opportunity to bid on the contract. The department shall provide adequate public notice of each meeting to potential providers in the same manner as provided in section 41-2533.~~

~~N. The department shall develop performance standards for the contracts, provide training to the provider or organization staff involved in service delivery to these families regarding child abuse and neglect and monitor the performance of the providers.~~

~~O. The program established by this section ends on July 1, 2024 pursuant to section 41-3102.~~

~~P. For the purposes of this section:~~

~~1. "Provider" means a community social services agency, family support program or community organization, including a faith-based organization, that is awarded a contract by the department.~~

~~2. "Services" includes:~~

~~(a) Family assessment.~~

~~(b) Case management.~~

~~(c) Child day care.~~

~~(d) Housing search and relocation.~~

~~(e) Parenting skills training.~~

~~(f) Supportive intervention and guidance counseling.~~

~~(g) Transportation.~~

~~(h) Emergency services.~~

~~(i) Intensive family preservation.~~

~~(j) Parent aide services.~~

~~(k) Respite services.~~

~~(l) Shelter services with parental consent.~~

~~(m) Additional services that the department determines are necessary to meet the needs of the families.~~

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 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, 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, a christian science practitioner or a priest who has received a confidential communication or a confession in that person's role as a member of the clergy, as a christian science practitioner or as a priest in the course of the discipline enjoined by the church to which the member of the clergy, the christian science practitioner or the priest belongs may withhold reporting of the communication or confession if the member of the clergy, the christian science practitioner or the 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, the christian science practitioner or the 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, child welfare investigator, child safety worker, 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 advocates 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 either:

1. For conduct prescribed by sections 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.
2. If a minor 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.

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 either electronically or by telephone. The reports shall contain the following information, if known:

1. The names and addresses of the minor and the minor's parents or the person or persons having custody of the minor.
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 section 13-3401 shall immediately report this information, or cause a report to be made, to the department of child safety. 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 the department of child safety, 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, child welfare investigator or child safety worker investigating the minor's neglect, child abuse, physical injury or abuse on written request for the records signed by the peace officer, child welfare investigator or child safety 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 reports are received by a peace officer, the officer shall immediately notify the department of child safety. Notwithstanding any other statute, when the department receives these reports, 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 **OR FAMILY ASSESSMENT** of a minor's child abuse, physical injury, neglect or abuse conducted by a peace officer or the department of child safety.

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. This subsection does not discharge 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, on application of a peace officer, child welfare investigator or child safety 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, child welfare investigator or child safety 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 section 8-201.
2. "Child abuse" means child abuse pursuant to section 13-3623.
3. "Neglect" has the same meaning prescribed in section 8-201.
4. "Reportable offense" means any of the following:
  - (a) Any offense listed in chapters 14 and 35.1 of this title or section 13-3506.01.
  - (b) Surreptitious photographing, videotaping, filming or digitally recording or viewing a minor pursuant to section 13-3019.
  - (c) Child prostitution pursuant to section 13-3212.
  - (d) Incest pursuant to section 13-3608.
  - (e) Unlawful mutilation pursuant to section 13-1214.