

SECTION 2: LEARNING ABOUT THE ARIZONA DEPARTMENT OF CHILD SAFETY



WHAT IS THE DEPARTMENT OF CHILD SAFETY (DCS)?

The Arizona Department of Child Safety works with families when a child has been identified as a possible victim of child abuse or neglect. The Department of Child Safety works to protect children and support families across the entire state of Arizona, with satellite offices in both rural and urban communities. Specifically, federal law and Arizona state laws require the Department of Child Safety to do the following:

1. Take reports from community members who believe a child has been abused or neglected
2. Find out if abuse or neglect has taken place
3. Ensure that there is a plan in place to keep children safe
4. Provide services to families to ensure the safety of children and stability of families

WHAT IS CHILD ABUSE AND NEGLECT?

Definitions of child abuse and neglect are determined by federal and state law. A federal definition of child abuse and neglect is "any recent act, or failure to act, on the part of a parent or caregiver which results in death or serious physical or emotional harm, or sexual abuse/exploitation, or presents an imminent risk of serious harm." Federal and Arizona state laws define four types of child maltreatment, which include:

1. **Physical Abuse:** Injury caused to a child by beating, kicking, biting, burning, shaking, or other ways of harming a child. Sometimes even when a parent does not intend to hurt the child, a child's injuries may be legally labeled as abuse. For example, a child's injury may have been the result by over-discipline of physical punishment.
2. **Child Neglect:** Failure to provide for a child's physical, medical, and emotional needs. Sometimes neglect of a child happens when a parent uses drugs or alcohol or has an untreated mental health disorder. Not having enough money to take care of a child's basic needs does not mean a parent is being neglectful, but may mean that the parent needs support and connection to community resources.
3. **Sexual Abuse:** Any type of sexual activity or sexual contact by a parent or other caregiver with a child. This can include exposing a child to sexual activity, or pornography. Taking advantage of a child through sexual trafficking, exploitation or pornography is also considered sexual abuse.
4. **Emotional Abuse:** Actions of a caregiver that can hurt a child's emotional health, such as verbally assaulting a child by screaming hysterically, name-calling and humiliation. Other acts such as rejecting, isolating, terrorizing or withholding affection are also forms of emotional abuse.

REPORTING CHILD ABUSE AND NEGLECT

The Arizona Department of Child Safety operates in all 15 counties in the state of Arizona. DCS obtains information pertaining to the safety of children through the Arizona Child Abuse Hotline. In Arizona, the Child Abuse Hotline receives calls 24 hours a day, 7 days a week, and 365 days a year. Prior to making contact with a family, the Department of Child Safety must receive information alleging that a child has been abused or neglected or is unsafe in the home, and the information must be determined to meet requirements for initiating an investigation.

HOW WOULD DCS GET A REPORT ABOUT MY FAMILY?

Anyone who might suspect that a child is being abused or neglected may call DCS to report the concern. Any member of the community, parents, or child victims themselves can call and make a report of suspected child abuse or neglect. In public settings, individuals who work with children and families such

When child abuse and neglect occurs within a family, DCS makes every effort to involve the entire family system in order to ensure the safety of children and provide support to parents.

*Reports of concerns regarding the safety of a child can be made to the Arizona Department of Child Safety **Child Abuse Hotline** at **1-888-767-2445**, or online at **www.azdcs.gov***

as professionals in medical care, childcare, social services, law enforcement or mental health are legally required to report suspected abuse or neglect. These individuals are called “mandated reporters.” In Arizona parents, stepparents, or legal guardians, as well as any other person who has responsibility for the care or treatment of children is required to report suspected abuse or neglect.

PRACTICAL TIP FOR FAMILIES

- Department of Child Safety Specialists are trained to understand that reports of abuse and neglect are only one piece of the larger picture of a family’s life. It is the job of the Department of Child Safety Specialist to work with families to gather information pertaining to the truth of the allegations, the safety of your children, and the overall functioning of your family.

DOES DCS RESPOND TO ALL REPORTS OF SUSPECTED ABUSE AND NEGLECT?

In the state of Arizona, the Department of Child Safety responds to reports of abuse or neglect in which the child’s parent, guardian, custodian or an adult member in the child’s household is suspected of involvement in the alleged maltreatment. Abuse or neglect by someone (i.e.: babysitter, teacher, or other adult not living in the home) is investigated by law enforcement. When reports are made to the Arizona Child Abuse Hotline, Hotline Specialists gather enough information from the person who is making the report to determine if the report meets the legal guidelines for a report and response, and if so, how quickly a Department of Child Safety Specialist should respond.

WHAT LAWS GUIDE THE DEPARTMENT OF CHILD SAFETY?

Many state and federal laws guide the work of the Department of Child Safety. An important piece of federal legislation involving child welfare is the Child Abuse Prevention and Treatment Act (CAPTA), which was passed in 1974. This law was intended to improve public child welfare systems, and make them more comparable across the country. The United States Congress has amended CAPTA several times since it was first passed.

The Indian Child Welfare Act (ICWA) protects the rights of American Indian families involved in the child welfare system by directing procedures with families whose children are enrolled or eligible for enrollment in a federally recognized tribe.

The Adoption and Safe Families Act promotes timely permanency planning for children who have been removed from their families.

Some of the many ways that laws affect families involved in the Department of Child Safety include:

- Child welfare laws allow parents to appeal a finding of abuse and neglect
- Child welfare laws define what abuse and neglect is
- Child welfare laws require health care providers to notify child welfare agencies of all newborn infants who have been exposed to drugs not administered by a health care professional prior to birth, or who have withdrawal symptoms that resulted from drugs used by their mother before their birth
- Child welfare laws encourage the Department of Child Safety to have materials and provide services in the language spoken by the children and families involved.
- Child welfare laws encourage states to provide prevention services, such as parent education, respite care, voluntary home-visiting, and family support programs
- Child welfare laws require child welfare workers to refer any child under the age of three, who has been abused or neglected, for early intervention services.

PRACTICAL TIPS FOR FAMILIES

- If your child is a registered (or eligible) member of a tribe, it is important to let your Department of Child Safety Specialist know this information.
- If you need an interpreter to translate or need information written in a language other than English or Spanish, speak to your Department of Child Safety Specialist and request this accommodation.

Additional information on federal child welfare laws and Arizona state statutes can be found on the U.S. Health and Human Services Child Welfare Information Gateway website. www.childwelfare.gov

HOW CHILD ABUSE AND NEGLECT INVESTIGATIONS WORK

Once information regarding abuse or neglect of a child is reported to the Child Abuse Hotline, the report is assigned to a DCS Specialist for assessment. This Specialist will request to meet with every member of the family in order to gather information about the reported concern, hear the family's perspective and to identify supports or services the family may need.

ARE ALL TYPES OF CHILD ABUSE AND NEGLECT INVESTIGATIONS TREATED THE SAME?

All assessments of reports of child abuse or neglect must meet specific guidelines. In some instances, the Department of Child Safety is required to work with additional professionals who gather information regarding the report allegations. In Arizona, the following partners may work collaboratively during the investigation process:

- **Office of Child Welfare Investigations (OCWI)** - This specialized investigative unit is part of the Department of Child Safety. The investigative specialists with OCWI are highly skilled and trained in assessing families when law enforcement is also involved.
- **Local Jurisdiction Law Enforcement Officers** - In instances when the alleged child abuse or neglect is a crime the Department of Child Safety Specialist will coordinate the investigation with law enforcement.

Although the Department of Child Safety cooperates with law enforcement agencies, the focus of the Department of Child Safety assessment and support is different. The Department of Child Safety and the Office of Child Welfare Investigations assess whether the child is safe, seek to protect the child, and provide services to stabilize the family. The Department of Child Safety does not make decisions to arrest or prosecute parents.

WHO CONDUCTS AN INVESTIGATION? WHAT ARE THEIR QUALIFICATIONS?

Department of Child Safety, law enforcement, and the Office of Child Welfare Investigations employees have skills and training to work with you, your child, other family members, community agencies, and the courts. In Arizona, Department of Child Safety Specialists have a college degree in social work or a similar field. In addition to college training, Department of Child Safety and Office of Child Welfare Investigations employees engage in extensive new employee training and participate in on-going trainings throughout their careers.

IF DCS RESPONDS TO A REPORT ABOUT MY FAMILY, WHAT HAPPENS DURING THE INVESTIGATION?

When information is received at the Child Abuse Hotline and a report is generated, the information is assigned to a Department of Child Safety Specialist to conduct an investigation and Family Functioning Assessment (FFA). The Department of Child Safety Specialist will contact the person who provided the information to the Child Abuse Hotline to clarify the information provided, and gather additional information regarding the safety of the children in the home. The DCS Specialist will then interview the child or children who the report is about; either at your home, their school, or in child care.

Information about how your family functions is gathered through interviews, observations, and a review of documents (medical, police, school, behavioral health, etc.). The DCS Specialist will complete the Family Functioning Assessment by:

- Gathering information about 1) the extent of the maltreatment to the child, 2) the circumstances surrounding the maltreatment of the child, 3) the child's functioning on a daily basis, 4) the functioning of all the adult's living in the home, on a daily basis, 5) the general parenting practices, and 6) the discipline and behavior management by the parents and caregivers;
- Identifying whether there is a threat of danger to any child in the home;
- Assessing each household members' Protective Capacity to control any threats of danger to the child;

During the investigative process, families can request to have anyone participate in the process who may have important information about the safety of the children in the home and the well-being of the family.

Department of Child Safety staff including both DCS and OCWI Investigative Specialists receive on-going training on assessing family strengths and needs, and supporting families through the Department of Child Safety

- Determining whether each child in the home is safe or unsafe due to an impending danger.

The Caregiver Protective Capacities are personal qualities or characteristics that contribute to attentive parenting and child protection. They are strengths associated with your ability to perform effectively as a parent to provide and ensure a consistently safe environment. The Family Functioning Assessment assesses each of the parents/caregivers in the household for:

- Behavioral Protective Capacity
- Cognitive Protective Capacity
- Emotional Protective Capacity

BEHAVIORAL PROTECTIVE CAPACITIES

- Has a history of protecting
- Takes action
- Demonstrates impulse control
- Sets aside her/his needs in favor of the child
- Has and demonstrates adequate skill to fulfill caregiving responsibilities.
- Is adaptive and assertive as a caregiver

COGNITIVE PROTECTIVE CAPACITIES

- Plans and articulates a plan to protect the child
- Is self-aware as a parent/caregiver
- Is intellectually able to fulfill caregiving responsibilities and tasks
- Is able to accurately identify threats to child safety or recognize danger
- Has an accurate perception of the child's needs
- Understands his/her protective role

EMOTIONAL PROTECTIVE CAPACITIES

- Meets own emotional needs
- Is resilient as a parent/caregiver
- Is tolerant as a parent/caregiver
- Is emotionally stable
- Expresses love, empathy and sensitivity toward the child; experiences specific empathy with the child's perspective and feelings
- Is positively attached with the child and is clear that the number one priority is the well-being of the child.
- Is aligned with and supports the child

If a threat of danger to a child is identified, the DCS Specialist will determine whether the child is in danger by applying the following five threshold safety criteria:

- Are there observable family conditions that endanger the child?
- Is the child vulnerable to the identified safety threat?
- Is the situation unmanaged by any adult in the home?
- Is the effect to the child likely to be severe?
- Is harm to the child imminent?

All five criteria must be met for at least one identified safety threat in order to determine a child is unsafe. The DCS Specialist will determine what actions will be taken based upon the outcome of the Family Functioning Assessment.

Your family is an integral part of the DCS investigation. The DCS Specialist will involve your family as much as possible during the investigative process. The DCS Specialist can answer your questions during the assessment and help your family understand the next steps.

WILL THE DCS SPECIALIST TELL ME WHO MADE THE REPORT?

No. According to Arizona Statute you will be told about the report, but not the identity of the reporter. Department of Child Safety Specialists are trained to recognize that a report is only an allegation, and is only one small piece of information. During training, DCS Specialists learn to gather available information that confirms or denies the allegations from a wide range of sources, including your child, siblings, you, and others who may have information about the allegation. The Department of Child Safety recognizes that families have the primary responsibility for raising their children and keeping them safe. Families are the experts regarding their own strengths and needs and will have a voice and decision-making role regarding decisions that affect them and their children. This means that when there is concern or confirmed abuse or neglect that the family will be asked to help identify solutions to keep the children safe.

CAN I BE PRESENT WHEN MY CHILD IS INTERVIEWED?

The DCS Specialist has the legal authority to talk to your child and any other children living in the home without your consent and outside of your presence. If the report allegations state that you or someone else responsible for your child's care has hurt your child, the law allows your child to tell what has happened without family members present. Therefore, the DCS Specialist decides who should be present during the interview. Although your child can be interviewed and physically examined without your permission, your cooperation may be requested.

DO I HAVE TO ALLOW THE DCS SPECIALIST INTO MY HOME?

No. You do not have to let a Department of Child Safety Specialist into your home or answer their questions. The DCS Specialist is still legally required to investigate reports of suspected child abuse and neglect. If there is reason to believe your child is in danger and you deny access to your child, The Department of Child Safety may request assistance from law enforcement to check on your child.

WHAT ARE THE POSSIBLE OUTCOMES OF A DCS INVESTIGATION?

After the Department of Child Safety Specialist gathers information from all necessary sources, the following next steps may occur:

- The agency may determine that your child is safe and no further action will be taken.
- If the DCS Specialist believes that there is evidence to support that your child was abused or neglected they will propose that the allegations be "substantiated." The parent, guardian or custodian involved will receive a letter explaining how an appeal of the decision of the DCS Specialist may be requested. The letter will also provide information explaining how a request of the DCS report and the information reported to DCS alleging abuse or neglect can be obtained.

IF THERE IS EVIDENCE THAT MY CHILD WAS ABUSED OR NEGLECTED, WHAT COULD HAPPEN?

Depending on what happened to your child, and your ability to keep him/her safe now and in the future, any of the following might happen:

1. If Your Child is Determined to be Safe

The investigation is closed if no additional needs are identified by DCS or the family. If services are offered to prevent future problems an aftercare plan will be developed and supports will be made available to ensure continued safety of your children.

2. If Your Child is Determined to be Unsafe

A plan will be developed with your family to reduce safety threats to the child. Your child may be removed from the home and placed with a relative or in foster care.

Removal of a child during, or as a result of, an investigation is a very serious and difficult outcome for both the child and family. This action is reserved for situations in which the child's safety is at high risk, and the Department of Child Safety Specialist and the family are unable to develop a plan to protect the child.

Having your family become involved in an investigation with DCS can be quite overwhelming. It is okay to ask questions about the process, or request any support your family may need. Department of Child Safety Specialists make every effort to work together with families to make sure children are safe and families are supported.

The decision to remove a child is not made by a single person. The Department of Child Safety Specialist discusses each case with a DCS Supervisor. When removal of a child is required or the removal of a child is being considered, an application for removal is submitted to the Initial Appearance Court by the Department of Child Safety Specialist or the Supervisor of the Specialist, seeking approval for a Temporary Custody Notice (TCN). Specific reasons detailing why the child is being removed must be given. The Initial Appearance Court will act on the application as soon as possible and make a determination to provide authorization for removal or deny the request. The only situation when a child is to be removed without court authorization is when exigent circumstances exist.

Exigent circumstances exist when there is probable cause to believe that the child is likely to suffer serious harm in the time it takes to obtain a court order for removal and either of the following is true:

1. There is no less intrusive alternative to taking temporary custody of the child that would reasonably and sufficiently protect the child's health or safety.
2. The child is suspected to be a victim of a sexual offense or an offense involving a serious physical injury that can be diagnosed only by a physician or a health care provider who is licensed and has specific training in forensic evaluations of child abuse.

WHAT HAPPENS IF MY CHILD IS REMOVED FROM MY HOME DURING AN INVESTIGATION?

Very few of the children are removed from their homes during a DCS assessment. In most situations the families and the Department of Child Safety work together cooperatively to resolve any dangers and risks of harm. However, when a child is in danger and a plan cannot be developed that protects the child, the law does allow a Department of Child Safety Specialist or a Law Enforcement Officer to remove a child from the home. A child can be removed from the home and placed into temporary custody when:

- The parents or guardian agrees to placing the child into the temporary custody of the Department;
- A dependency petition is filed and temporary orders from juvenile court place the child into temporary custody of the Department;
- A court order authorizing temporary custody is obtained from the Initial Appearance Court;
- Exigent circumstances exist and temporary custody is clearly necessary to protect the child.

Any child taken into temporary custody must be returned to the parent or guardian within 72 hours, unless a dependency petition is filed or the parent or guardian enters into a Voluntary Placement Agreement with the Department of Child Safety.

PRACTICAL TIPS FOR FAMILIES

- During the investigative process, it is important for you to provide as much information as possible about your family situation in order to assist the Department of Child Safety Specialist in making the best possible decision for your family.
- If it has been determined that your child is unsafe in your home, tell the Department of Child Safety Specialist about family members or others who can be a resource to you and your child. This is especially important if your child has been removed for safety reasons.
- It is important to provide the Department of Child Safety Specialist with as much information about your child (their likes, dislikes, allergies, medical problems) as possible if they are removed from your home. This allows alternative caretakers to meet the needs of your child and make your child feel more comfortable while he or she is away from you. Packing items for the child, including items that bring comfort can make the separation easier for your child.
- Having your child removed from your home is a very difficult outcome for the child and their families. This process can be very stressful and overwhelming. It is okay to ask clarifying questions about what is occurring, and what will happen next.

WHAT HAPPENS AT A TEAM DECISION-MAKING (TDM) MEETING?

A Team Decision Making (TDM) Meeting such as a Safety Planning TDM is held within 14 days. The purpose of the meeting is to discuss the child's safety and where the child will continue to live. If a child is removed from the parent, guardian, or custodian's custody, the following outcomes at the TDM Meeting may occur:

- Child is returned to the parent, guardian or custodian's custody

- Dependency petition or In-Home Intervention is filed in the juvenile court
- Voluntary foster care agreement is made

All TDM meetings will be facilitated by a trained TDM Facilitator, whose role is to guide group discussion surrounding the safety of the child involved in the DCS case. The facilitator will try to gain agreement from everyone that the plan developed is the least restrictive and least intrusive to the child and family, while being in the best interest of the child.

By the end of the Team Decision Making meeting, a decision will be made pertaining to on-going involvement of DCS in the life of your child and your family.

PRACTICAL TIPS FOR FAMILIES

- The Team Decision Making Meeting is an opportunity for the agency to have an open discussion with your family regarding concerns for your child’s safety. It is important to come prepared to the meeting, willing to discuss the strengths and needs of your family system.
- The voice of your family is an important component of the Team Decision Making Meeting. Speak to your Department of Child Safety Specialist about inviting members of your support system or community.

WILL THERE BE A COURT HEARING IF MY CHILD IS REMOVED FROM MY HOME DURING A DCS INVESTIGATION?

If a child is taken into temporary custody by the Department of Child Safety, a dependency petition will be filed with Juvenile Court within 72 hours of the allegation.

WILL I HAVE AN ATTORNEY IF THE JUVENILE COURT BECOMES INVOLVED WITH MY FAMILY?

Yes. The court will automatically appoint an attorney to represent you in the case. The cost of this attorney depends on your income and is most often low or no cost to you. The attorney will contact you prior to the first hearing or at the court prior to the first hearing. You can also retain an attorney on your own if you would prefer to do that.

WHAT IS MY ROLE AS A PARENT WHEN DCS TAKES CUSTODY OF MY CHILD?

Your involvement in the care of your child is very important.

- The DCS Specialist assigned and the people providing care for your child will continue to look to you regarding your child’s health and other needs, likes and dislikes, as well as educational, psychological, medical, and social history.
- You will continue to influence many decisions about your child unless the court directs otherwise.
- Your continued participation and active engagement at court, with DCS, and with the services identified in the case plan, are ways for you to have influence.
- You should be able to visit regularly with your child unless the court determines that this would endanger his/her safety or well-being.

IF THERE IS EVIDENCE THAT MY CHILD WAS ABUSED OR NEGLECTED, IS A RECORD KEPT?

Arizona law (ARS §8-804) requires the Department of Child Safety to maintain a central registry of reports of child abuse and neglect when the allegations are substantiated. If an allegation is substantiated, this means that there is reason (probable cause) to believe abuse or neglect did take place. Access to this information is limited by law and the information can only be used in limited circumstances, such as to complete background checks for individuals applying to work with the state, or agencies that contract with the state in positions that provide direct services to children, vulnerable adults, or families applying to be licensed as a foster family, adoptive parent, or child care provider.

Prior to a person being identified in the central registry, they will receive a letter explaining how to request an appeal of the decision. This letter also provides information about how

If an appeal of the allegation is requested, the DCS Protective Services Review Team (PSRT) will review the information and determine if there was sufficient evidence to substantiate the allegation. If the DCS PSRT agrees, that there is sufficient evidence to substantiate, and the family asks for a hearing, one will be granted. A hearing will be scheduled before an Administrative Law Judge who will hear the evidence and make a decision about the allegation and the finding.

they can request a copy of the Department of Child Safety report containing the information reported to the Department of Child Safety alleging abuse and/or neglect.

IF THERE IS NO EVIDENCE THAT MY CHILD WAS ABUSED OR NEGLECTED, IS A RECORD KEPT?

If an allegation is unsubstantiated, meaning there was not probable cause to believe that abuse or neglect took place, or there was insufficient evidence to determine that abuse or neglect took place.. The Department of Child Safety maintains information regarding unsubstantiated as well as substantiated allegations in a confidential automated system only accessible to the agency. For unsubstantiated allegations the information is held for five years. In the state of Arizona, only the information for substantiated reports is placed in the central registry.

WHAT HAS TO HAPPEN FOR DCS TO NO LONGER BE INVOLVED WITH MY FAMILY?

The Department of Child Safety should no longer be involved with your family when the following occur - please see Figure A.

PRACTICAL TIPS FOR FAMILIES

- It is your responsibility to participate in the services provided to you by DCS, follow recommendations, and work towards accomplishing established goals. It is important that you understand expectations, and that you and your DCS Specialist are able to communicate about problems facing your family, and brainstorm solutions together.
- Request to review your progress towards your family’s case plan goals at every monthly meeting with your DCS Specialist, or more frequently if you need additional support.
- Attend every scheduled court hearing in order to ensure that you are involved in the process, and are able to provide information to the courts about how your family is doing.
- If you are struggling to meet the basic needs of your family, ask your DCS Specialist for referrals to community resources that can assist you with housing, electricity, food, clothing, and household furnishings.

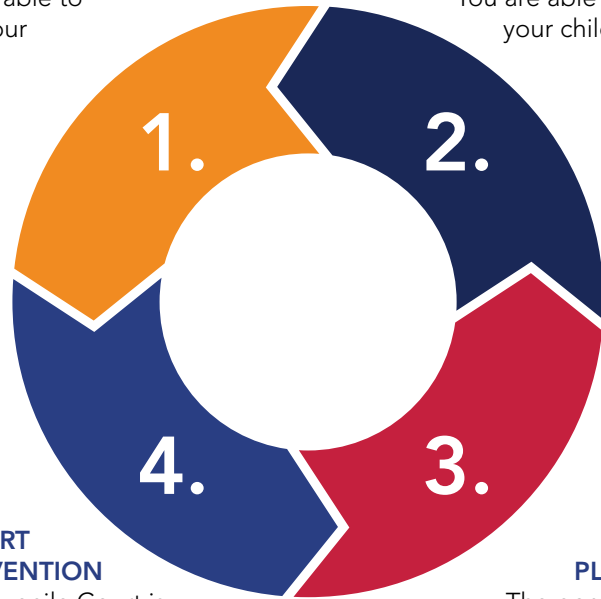
Figure A

1. BASIC NEEDS

You are able to meet your child's needs.

2. SAFETY

You are able to ensure your child's safety.



4. COURT INTERVENTION

If the Juvenile Court is involved, the judge must order the case be dismissed.

3. CASE PLANNING

The goals of your case plan have been met.