

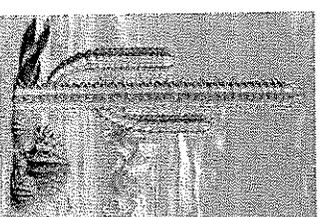
**DCS, AGO, CFPD, PSS: Sorting out the
Acronyms of the Guardians of
Arizona Kids**



Child and Family Protective Division

383 STRONG as of Dec. '15 **MISSION**

To provide the Departments of Economic Security and Child Safety with high quality and timely legal advice and representation to promote the safety, economic sufficiency and well being of children, adults and families





Protective Services

The Protective Services Section (PSS) is the largest section in the Attorney General's Office. With approximately 221 employees (some in appeals), PSS provides litigation related legal representation to the Department of Child Safety (DCS)

James Simpson (SE AZ) and Jennifer Hunter (NW AZ) are the PSS Section Chiefs



Protective Services

Core Purpose:

Advise, guide and challenge the client in its mandate to achieve permanency for children and families involved with the child welfare system

Core Values:

- (1) Passion for the work
- (2) Integrity and independent decision-making
- (3) Professionalism
- (4) Commitment to continuous improvement
- (5) Stewardship

Each of these is essential to the success of PSS



Protective Services

In SFY 2015 PSS handled on behalf of DCS:

- 88,184 court appearances in 15 counties
 - 7,899 trials
 - the filing of 5,875 new dependency petitions
 - the filing of 2,382 severance motions or petitions
 - the filing of 261 adoption petitions
 - 319 guardianships (finalized)
- (at the end of SFY '15 there were 20,943 children in DCS care)

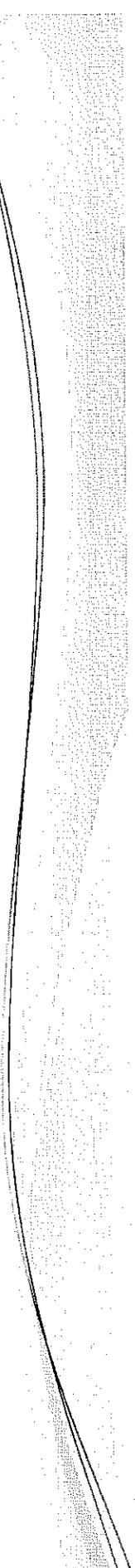
Department Of Child Safety (DCS): Purpose of the Department

*TO PROTECT CHILDREN AS PROVIDED IN SECTION 8-451,
ARIZONA REVISED STATUTES:*

8-451. Department; purpose ...

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 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



Department Of Child Safety (DCS): Purpose of the Department, Cont'

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

Department Of Child Safety (DCS)

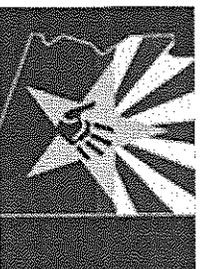
EFFECTIVE DATE FOR DCS: MAY 29, 2014

DIRECTOR: Greg McKay, effective Feb. 10, 2015

Deputies: Michael Dellner (business/CMDDP)
Shalom Jacobs (program/field)
OCWI Chief is Jerry Gissel

Lauren Lowe is in-house counsel (was here)
Deputy in-house counsel is Kathryn Blades (also was here)

<https://dcs.az.gov/>



Department Of Child Safety (DCS)

VISION

Children thrive in family environments free from abuse and neglect

MISSION

Successfully engage children and families to ensure safety, strengthen families, and achieve permanency

ORGANIZATIONAL VALUES

Child-centered

Family-focused

Successful Engagement

Partnerships and Community, Professional Environment and Workforce Excellence, Cultural Responsiveness, Accountability and Transparency, Initiative, Influence, Learning Culture, Courageous Leaders



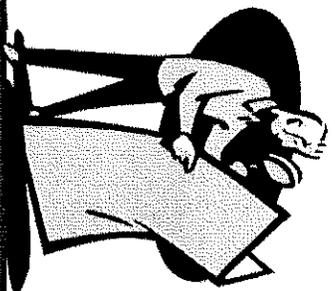
Case Investigation

- After receipt of any report of abuse/neglect DCS shall: § 8-802(C)(5)
 - notify the municipal or county law enforcement agency, and
 - make a prompt & thorough investigation of the allegation to support or refute the allegation.
- DCS shall support or refute the allegation & determine if any child is in need of protective services. § 8-802(C)(7)
- DCS shall offer services to the family of any child in need of protective services. § 8-802(C)(8)

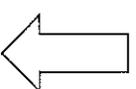
Case Timeline/Deadlines

- Serve Temporary Custody Notice (TCN). § 8-823(A)
 - immediately if parent is present;
 - within 6 hours after removal if parent is in the state;
 - within 24 hours if parent is out of state;
 - as soon as possible if parent's whereabouts are unknown.
- File Dependency Petition within 72 hours of removal. § 8-802(D) & 8-821(F)
- Hold Temporary Custody Hearing/Preliminary Protective Hearing 5-7 days after removal. § 8-824(A)
- Hold Initial Dependency Hearing within 21 days of filing Dependency Petition. Rule 52(B)

CPS Removal of a Child



Source



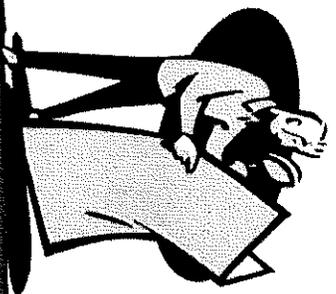
CPS Hotline Report/Investigation



Removal of Child



CPS Files Dependency Petition in Superior
Court (within 72 hours of removal)

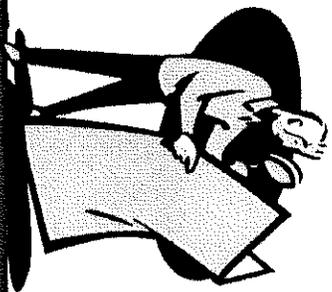


Court-Ordered Removal of a Child

1. Private Dependency Petition Filed (i.e. by child's relative or guardian ad litem)
2. Court Orders Child's Removal

OR

1. In-Home Dependency/In-Home Intervention Petition Filed
2. Court Orders Child's Removal



Dependency Petition

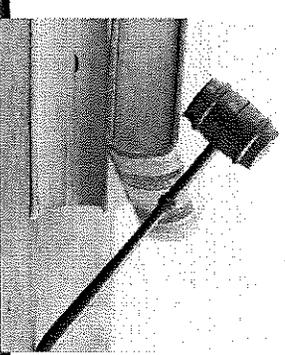
Petitioner must allege facts as to each child and each parent/guardian, that would support a finding by the court that the child(ren) should be adjudicated dependent



Common Dependency Allegations

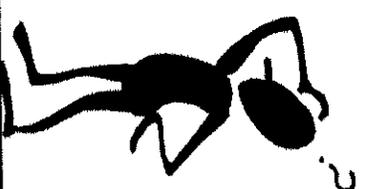
Neglect	Physical Abuse
Abandonment	Sexual Abuse
Incarceration	Emotional Abuse
Domestic Violence	Failure to Protect
Unfit Home	Substance Abuse
Unwilling to Parent	Mental Illness
Child's Behaviors	Medical Neglect

Preliminary Protective Conference/Hearing (PP5)



- ❖ Held within 5-7 days of Child's Removal
- ❖ Conference held in front of facilitator to discuss:
 - Service of Process, Paternity, Indian Child Welfare Act
 - Placement, Services, Visitation, Case Plan (usually family reunification)
 - Parents' Position- Temporary Custody & Dependency
- ❖ Hearing then held in front of Judge to:
 - Review agreements reached at conference
 - Get court ruling on contested issues
 - Tell the court parents' position
 - If uncontested, findings of temporary custody and adjudication of dependency made

If Parent Contests Temporary Custody



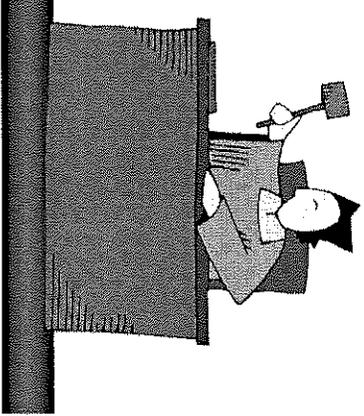
Temporary Custody Hearing

Petitioner has burden to prove that there is probable cause to believe that continued out-of-home placement pending the dependency trial is clearly necessary to prevent abuse or neglect

If Parent Contests Dependency

- ❖ Mediation: Held in front of mediator. Parties try to reach a settlement.
- ❖ Settlement Conference (rare): Held in front of a Judge. Parties try to reach a settlement.
- ❖ Pre-Trial Conference: Discuss potential trial issues and set trial dates.

If Parent Contests Dependency



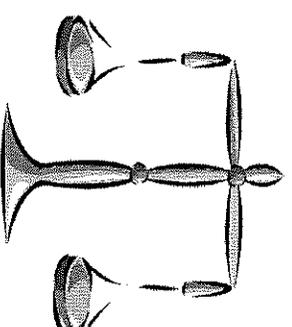
Dependency Adjudication:

Trial where Petitioner has burden of proving by a preponderance of the evidence that the allegations in the dependency petition are true.

Other Pre-Adjudication Hearings

- ❖ Initial Dependency Hearing/Publication/Continued Initial/Continued Publication:
 - For Parents who did not attend the PP5
 - Has Parent been served with Dependency Petition?
 - If the Parent appears, may discuss services, visitation, placement, etc.
 - Parent will state a position on the dependency. If parent not contesting, court will enter adjudication. If parent contests, will proceed to mediation, pre-trial conference, dependency adjudication.

Post-Adjudication Hearings



- ❖ **Disposition:**
 - Must be held within 30 days of dependency adjudication, usually immediately after.
 - Court designates a case plan and orders Parents to participate in services.
- ❖ **Report and Review:**
 - Must be held every 6 months after adjudication.
 - Baby cases often have them at least every 3 months.
 - Discuss status of Child and progress of Parents.

Miscellaneous Hearings

❖ Status Conference:

- Set to discuss a variety of specific issues.

❖ Review of Placement Hearing:

- Held every 60 days after a Child's placement at a residential treatment center (RTC) or inpatient acute psychiatric care.
- Purpose is to review Child's continuing need for inpatient treatment and discuss plan for discharge.

Permanency Planning Hearing



- ❖ Held within 6 months of removal for children 0-3 years
- ❖ Held within 12 months for children 3-18 years
- ❖ Discuss status of Child and progress of Parents
- ❖ Court designates a permanent plan for the Child

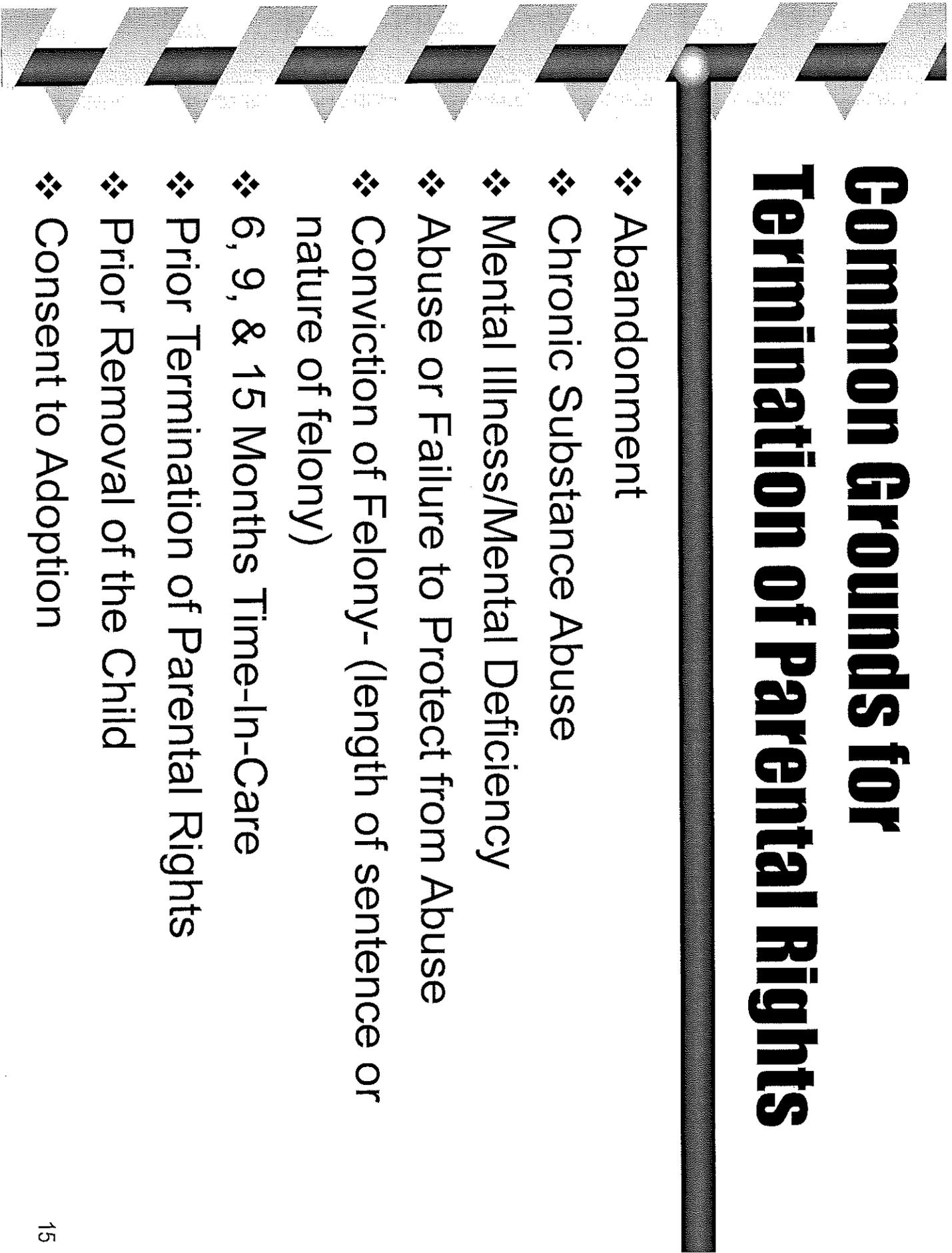
Permanent Plans



- ❖ Remain with Family
- ❖ Family Reunification
- ❖ Severance and Adoption
- ❖ Permanent Guardianship
- ❖ Alternative Planned Permanent Living Arrangement (APPLA)
 - Long-Term Foster Care
 - Independent Living

Severance and Adoption

- ❖ If Court designates a case plan of severance and adoption, it will set an Initial Severance hearing to address service of process and Parents' positions.
- ❖ If contested, Court will set a Mediation, Pre-trial Conference and Termination Adjudication hearing (trial).
- ❖ Petitioner must prove one of termination grounds and
- ❖ That termination is in the Child's best interests.

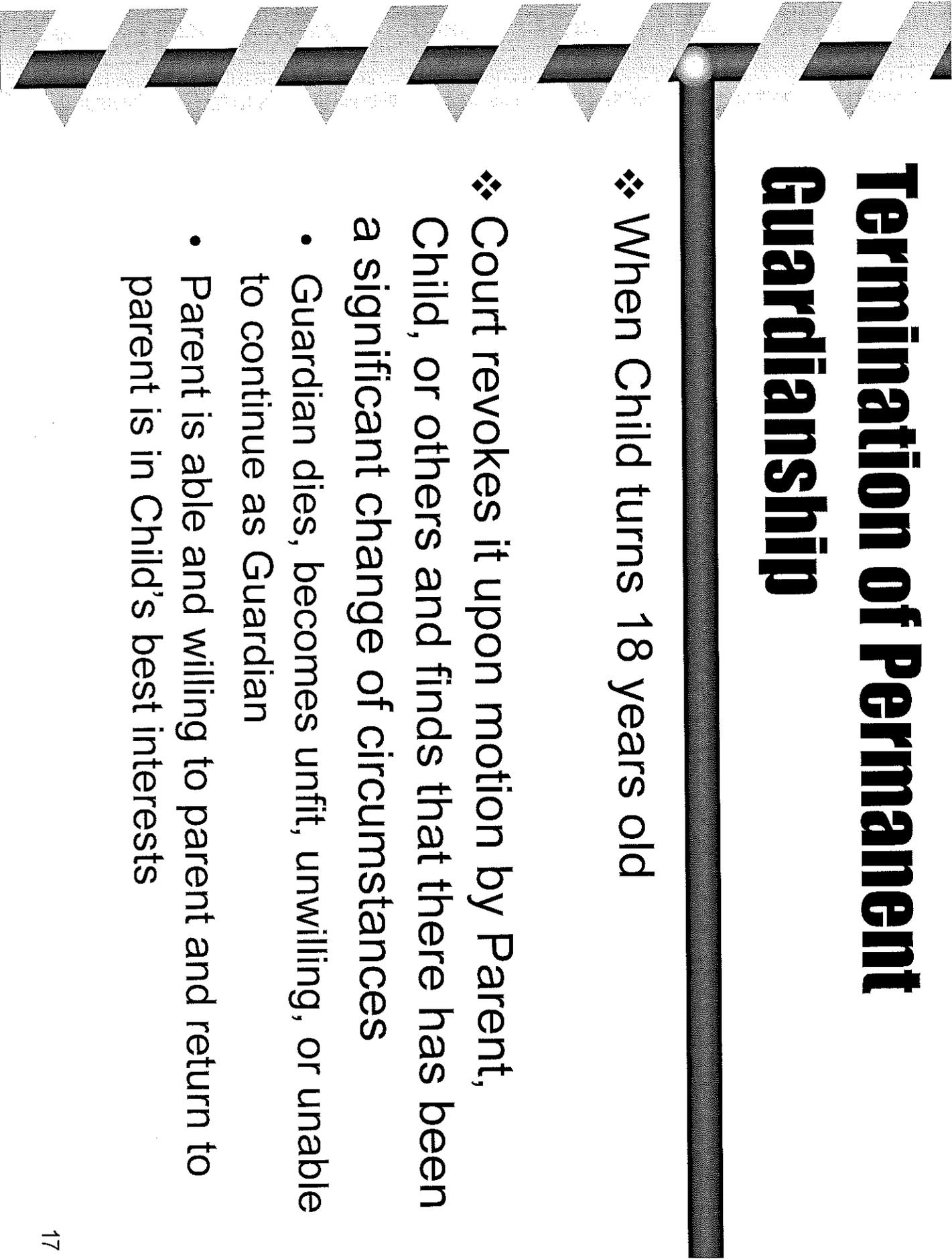


Common Grounds for Termination of Parental Rights

- ❖ Abandonment
- ❖ Chronic Substance Abuse
- ❖ Mental Illness/Mental Deficiency
- ❖ Abuse or Failure to Protect from Abuse
- ❖ Conviction of Felony- (length of sentence or nature of felony)
- ❖ 6, 9, & 15 Months Time-In-Care
- ❖ Prior Termination of Parental Rights
- ❖ Prior Removal of the Child
- ❖ Consent to Adoption

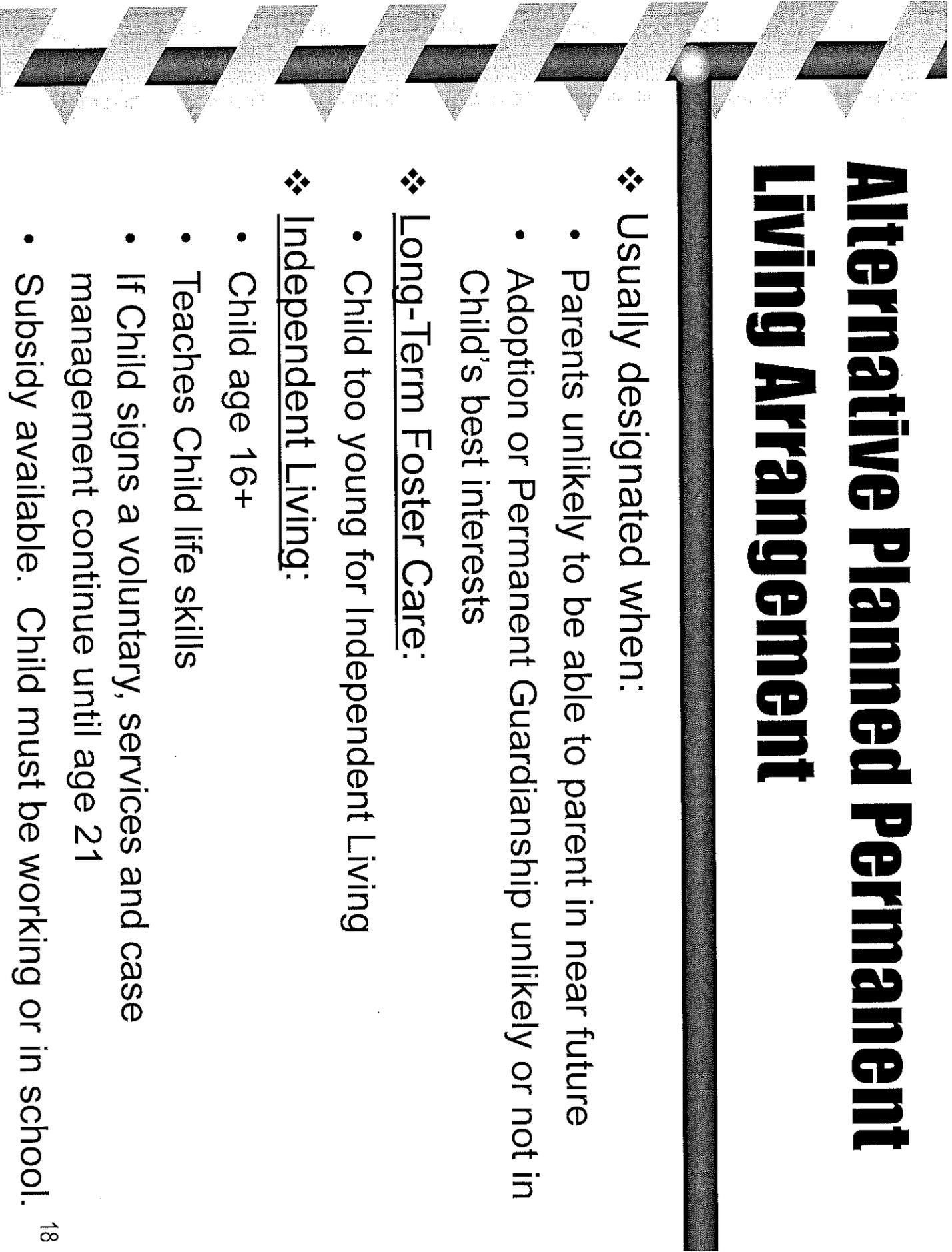
Title 8 Permanent Guardianship

- ❖ If Court designates a case plan of permanent guardianship, it will set an Initial Guardianship hearing to address service of process and Parents' positions.
- ❖ If contested, Court will set a Mediation, Pre-trial Conference and Guardianship Adjudication hearing (trial).
- ❖ Petitioner must prove:
 - Child has been placed with prospective guardian for at least 9 months as a dependent Child (can be waived by Court)
 - Reasonable efforts made to reunify family, but further efforts would be unproductive or guardianship is in Child's best interests because Parent is unable or unwilling to parent
 - Likelihood of adoption is remote or termination of parental rights is not in the Child's best interests



Termination of Permanent Guardianship

- ❖ When Child turns 18 years old
- ❖ Court revokes it upon motion by Parent, Child, or others and finds that there has been a significant change of circumstances
 - Guardian dies, becomes unfit, unwilling, or unable to continue as Guardian
 - Parent is able and willing to parent and return to parent is in Child's best interests



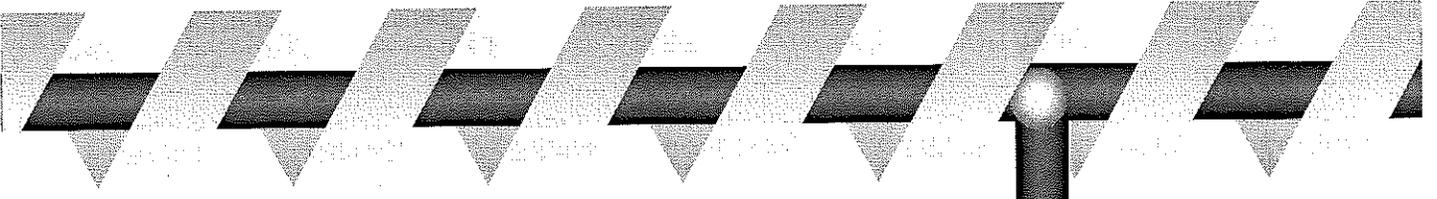
Alternative Planned Permanent Living Arrangement

- ❖ Usually designated when:
 - Parents unlikely to be able to parent in near future
 - Adoption or Permanent Guardianship unlikely or not in Child's best interests
- ❖ Long-Term Foster Care:
 - Child too young for Independent Living
- ❖ Independent Living:
 - Child age 16+
 - Teaches Child life skills
 - If Child signs a voluntary, services and case management continue until age 21
 - Subsidy available. Child must be working or in school.

Dependency Ends When

- ❖ Child is reunified with a willing and able parent or guardian
- ❖ Permanent Guardianship is granted
- ❖ Child turns 18 years old
- ❖ Child is adopted





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