

# ? Frequently Asked Questions

Does DAP work?

YES!

What can I expect from a DAP Conference?

For each family, DAP Conferences and Hearings may look a little different depending on how much work needs to be done by the Advisory Attorney, the Mediator, and others. Participants may agree on custody orders (i.e., legal decision making/parenting time) for a parent, or Third Party Rights (also known as In Loco Parentis) orders.

Can a DAP case result in a custody change between parents and avoid a dependency?

Yes, if DCS and the court are satisfied that the child will be safe.

What does it mean for someone to have Third Party Rights for a child?

Someone may be allowed by the Court to have Third Party Rights (also known as In Loco Parentis) to make decisions for a child because they have a meaningful relationship with the child.

Will DCS stay involved after my DAP hearing concludes?

DCS is not a party to the DAP proceeding but there are voluntary services that DCS and other community agencies can provide to support the positive outcomes of your DAP case.

What if we can't come to an agreement?

If an agreement is not reached that provides for the safety of the child, a dependency petition will likely be filed.

What if I have questions about DAP?

Please call the DAP Coordinator in your county. The contact information is on this brochure



For additional details or questions about DAP, please contact:

**Harmony McDonald**

**(520) 866-7059**

**[hmcDonald@courts.az.gov](mailto:hmcDonald@courts.az.gov)**

Materials and resources can also be found at [www.azcourts.gov/improve/Prevention/Initiatives](http://www.azcourts.gov/improve/Prevention/Initiatives)



*When a child has a parent who may be struggling to provide a safe home, there may be another legal alternative to protect the child instead of DCS involvement. If one parent is safe but does not have court orders to care for the child, or if another family member or caregiver for the child can take the child into their home with legal orders and provide a safe home until the parent(s) is ready, DAP may be the answer. Through DAP, the parents and family may consider other legal options such as legal decision-making/parenting time, guardianship, or third-party legal decision-making which may be the better resolution for the family to avoid DCS involvement.*

DAP is available at the following County Superior Courts: Cochise, Coconino, Gila, Graham, Mohave, Navajo, Pima, Pinal, Yavapai, and Yuma.



## Pinal County Superior Court

# Dependency Alternative Program (DAP)





## DEPENDENCY ALTERNATIVE PROGRAM (DAP)

The DAP is an opportunity for parents to have their voice heard in a meaningful way, to prevent or reduce the necessity for Department of Child Safety (DCS) to file a dependency case. DAP focuses on child safety and wellbeing and allows parents to voice their wishes and concerns as to who will care for their child if a parent is unable to do so.

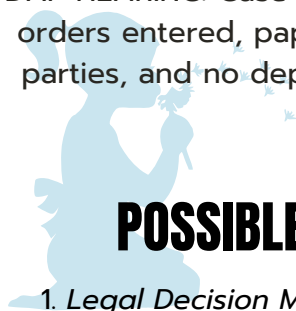
In DAP, parents meet with an advisory attorney at no cost. The advisory attorney provides information on legal options, explains the court process, and answers legal questions. Parents and professionals may also participate in mediation to negotiate a resolution.

If an agreement is reached, the advisory attorney assists in preparing and filing legal documents. The Juvenile Court Clerk facilitates filing procedures to accommodate DAP and a Juvenile Court Judge may enter final or temporary orders.

We understand that every family's situation is unique, and DAP may not always offer the best resolution. *The applicability of the Indian Child Welfare Act (ICWA) must be considered in all cases.*

## DAY OF DAP

- Parent(s) meet with Advisory Attorney to discuss/agree on possible outcomes.
- Parent(s) may meet with Mediator to finalize legal decision making and parenting time plan or other agreement.
- AGREEMENT IS REACHED
  - Advisory Attorney prepares, and files documents based on agreed outcome.
- DAP HEARING: Case called before Judge, final orders entered, paperwork provided to all parties, and no dependency petition filed.



## POSSIBLE OUTCOMES

1. *Legal Decision Making/Parenting Time:* Develop plan for which parent will make legal decisions, which parent the child will live with, and any parenting time schedule – all ordered by the court.
2. *Third Party Rights:* Non-parent who has been acting as a parent is given legal authority to make decisions and have physical custody of the child.

**There is no cost to the family for participating in DAP and all court filing fees may be deferred or waived.**

**IF NO AGREEMENT IS REACHED AND A DEPENDENCY PETITION IS FILED, THE FOLLOWING OVERVIEW SHOWS THE STEPS IN THE PROCESS.**

## DEPENDENCY PROCESS

- Dependency petition filed by DCS.
- *Preliminary Protective Hearing:* Judge orders placement, parenting time, services and plea entered by the parent(s).
- *Review Hearing:* Judge reviews progress/lack of progress towards reunification with a parent.
- *Permanency Hearing:* Judge determines permanent plan – Reunification with parent(s), Guardianship, Termination of Parental Rights, or Long-Term Foster Care.
  - Held 6 months from removal if child(ren) under 3 years of age.
  - Held 12 months from removal if child(ren) 3 years of age or older.

## POSSIBLE OUTCOMES

1. *Reunification:* Legal custody is given to a parent, the case is dismissed, and DCS ends their involvement.
2. *Guardianship:* Judge gives another party authority to care for the child(ren) long term.
3. *Termination of Parental Rights:* Judge takes a parents' rights away forever and a plan to have the child(ren) adopted is started.
4. *Independent Living:* Offered for older teenagers, until they are 18 years old, and with the oversight of DCS and the Juvenile Court.