



# Maricopa County Attorney

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December 30, 2011

Hon. Janice K. Brewer  
Arizona Governor  
Executive Tower  
1700 W. Washington St.  
Phoenix, Arizona 85007

RE: Child Safety Task Force Recommendations

Dear Governor Brewer,

Pursuant to your Executive Order creating the Child Safety Task Force, we are proud to submit to you recommendations for statutory, organizational, management and protocol reform to strengthen Arizona's child protection system. While the task was daunting, we believe that the information provided to Task Force members over the course of three public meetings, which included presentations from 29 professionals in the child protection system, and thoughtful review and consideration of the experiences of Task Force members, stakeholders and the general public accomplishes the task you set before us. Significant among the attached recommendations are the creation of a separate unit for investigating allegations of criminal abuse and neglect, as well as providing additional support to the Department of Economic Security ("DES"), to permit Child Protective Services ("CPS") workers the ability to focus on core competencies and greatly improve the Child Protective System's ability to adequately and appropriately meet the duty to protect the safety of children. Furthermore, we recognize the need for prevention and intervention when there is an appropriate role for governmental involvement.

The recommendations being provided for your consideration are in addition to the immediate changes currently underway at CPS. In an effort to expedite positive change, DES is in the process of: assessing and restructuring the hotline to increase efficiency and monitor the system through a quality assurance program; increasing the presence of CPS staff within advocacy centers throughout the state; creating the position of Investigative Specialist to provide CPS with expertise in investigations of criminal conduct allegations; and implementing pre-service and in-service opportunities for the CPS workforce now and in the future.

We recognize that this is only a beginning and that the challenge of implementing these recommendations will require a continued effort on our part, a partnership with the Legislature, and involvement from fellow stakeholders in the child protection system and greater community of service

providers and stakeholder participants. Despite the ending of our participation in the Task Force, pursuant to the expiration of the Executive Order on December 31, 2011, our commitment to assisting with reforming our child protection system remains and we are at your continued service. Our collective efforts to provide the safest possible environment for Arizona's children, recognizing the harsh reality that we cannot prevent every instance of abuse or neglect, calls for committed vigilance and a willingness to return as often as possible to evaluate how well we are providing for the safety of children.

We thank you for your leadership and for the honor of serving you on behalf of Arizona's most innocent and defenseless.

Sincerely,



Bill Montgomery  
Chairman  
Child Safety Task Force  
Maricopa County Attorney



Clarence Carter  
Vice Chairman  
Child Safety Task Force  
Director, Department of Economic Security

## Arizona Child Safety Task Force Recommendations to the Governor

### Investigations of Alleged Child Abuse and Neglect

- **Statutory Changes**
  - Review authority of a Child Protective Services (CPS) worker to verify the safety and well-being of children reasonably suspected of being victims of criminal abuse/neglect when parents will not allow them access to the child. (This should occur in circumstances under which officers would have probable cause to conduct a welfare check.)
  - Review process for alleged perpetrator to appeal a substantiation of child abuse
- **Office of Child Welfare Investigations (OCWI)**
  - Create the Office of Child Welfare Investigations (“OCWI”) within the Division of Children, Youth, and Families (DCYF)/Department of Economic Security (DES) with responsibility for investigation of all Priority 1 reports. Redefine Priority 1 cases to incorporate any allegation of criminal conduct, regardless of time when first observed. Codify the training requirements for investigators employed by the OCWI.
- **Joint Protocol Investigations and Multi-Disciplinary Teams**
  - Establish greater involvement of law enforcement in investigating reports of abuse. Greater law enforcement involvement will help to alleviate parental fears of children being capriciously pulled from the home and will help to preserve family rights.
  - Need law enforcement agency involvement at outset of criminal conduct allegations with prompt joint investigative protocol implementation. Shorten response time of all multi-disciplinary team members to begin a joint investigation as early in the process as possible. (e.g., allow police to identify/preserve evidence and CPS to protect/serve children).
  - Greater co-training/cross training for members of the multi-disciplinary team. Provide specific training for the implementation of joint protocol investigations throughout the state. Include child welfare in law enforcement education and training. Enhance training for CPS, law enforcement, and legal representation of child victims’ constitutional and statutory rights. Increase training for mental health providers and psychologists to address under or delayed reporting and the failure of mandatory reporters to report.
  - Bridge the gap between data kept by various multi-disciplinary team members so that CPS, County Attorneys and the Attorneys General have access to relevant case information. Establish information sharing in cases where a multi-disciplinary team investigation is not occurring because the perpetrator not in a caregiver relationship to child victim. Information sharing should include all calls received by the hotline, as well as substantiated and unsubstantiated reports taken.
  - Review use of Forensic Nurse Examiners in P1 investigations.
  - Review options to strengthen compliance with Joint Investigative Protocols. Institute specialized teams and implement priority focus for cases (or families) involving

children aged 0-5. Ensure proper focus for dealing with birth to 1 year old children in terms of investigations/assessments/addressing attachment issues/concerns.

- ***Training***

- Develop and implement training for CPS workers to recognize witness tampering in domestic violence and child abuse cases.
- Need to ensure high quality/thorough initial investigations so decisions can be made sooner to create permanency, establish healthy attachments and provide the best opportunity to address any trauma of severance for children. Additionally, such investigation will quickly screen out false reports and provide the best opportunity for successful prosecution of perpetrators.

- ***Other***

- Review what the threshold should be to permit non-criminal investigations to include other family members in the household.
- Enhance consistent law enforcement adherence to contact CPS when responding to calls for service wherein concern is raised regarding the safety of a child.

## Child Protective Services (CPS)

- **Statutory Changes**
  - Develop clear and usable definitions of child abuse, neglect and emotional/psychological abuse to ensure the conduct readily is identifiable. Bridge the gaps among statutes governing CPS intervention to capture instances that would qualify as criminal conduct under other statutes (e.g., domestic violence statutes) but do not qualify under current statute governing CPS. For example, amend ARS §8-817 and other related statutes to ensure that appropriate cases are eligible for joint investigations.
  - Review conflicting statutory priorities of CPS and CPS workers in A.R.S. § 8-800 and 8-802, with child protection/safety as the focus, in light of the proposed organizational changes.
  - Eliminate Removal Review Teams (A.R.S. §8-822) and ensure Team Decision Making meetings are taking place across the state without modifying the current timeframes. Establish an absolute prohibition for victim and alleged perpetrator contact in Team Decision Making meetings.
  - Make supervisors of parental visits mandatory reporters per A.R.S. § 13-3620.
- **Hotline**
  - Review Hotline architecture to address hold times for all incoming calls and to provide a separate line for professionals and mandatory reporters. Utilize private and public sector resources to enhance efficiency of call centers.
  - Fundamental change needed in call screening training; CPS workers taking the calls should be trained separately and housed separately, resulting in more thorough investigations. Review Hotline worker training to ensure relevant criteria used to identify criminal abuse and proper coding of criminal conduct allegations occurs. Improve call receipt and queue questions; create a differential decision tree and set of queue questions for callers who have “eyes on the child”.
  - Implement real-time management and real-time monitoring of data.
- **Workforce**
  - Analyze workflow and workload post reorganization to reduce CPS caseload.
  - Recruit and retain a quality workforce. Review the allocation of CPS workers with a Bachelor or Master’s Degree in Social Work and review establishing a pay differential for those specific degrees. Review salary structures, potential for upward mobility and provide sufficient tools to accomplish assigned tasks. Maximize caseworkers’ capacity to respond to law enforcement and foster families.
  - Continuing reform must include CPS workers. Establish a forum by which CPS employees can share insight and suggestions without fear of reprisal.
- **Quality Assurance/Accountability**
  - Support the establishment of the Office of Accountability within Department of Economic Security to ensure ongoing institutional quality and remove barriers to legislative oversight.

- Consider CWIs to assist with background checks of safety monitors, quality control on prioritization decisions, and audits of P 2, 3 and 4 cases.
- Establish standards for caseworker consistency and create greater accountability for caseworkers who provide unacceptable performance. Create a survey which would allow for foster parent input.
- ***Training***
  - Incorporate case workers attendance in foster parent training to establish familiarity with the responsibilities and understanding of each party.
  - Review training/education needs by position/duties/responsibilities. All Child Welfare Investigators (CWI) need forensic interview training and child abuse investigation training to understand dynamics of specific fact scenarios (e.g. shaken baby syndrome). Take multi-disciplinary team approach to training for investigations concerning crisis intervention and safety assessments. Enhance caseworker training to recognize signs of abuse and neglect while managing P2, P3 and P4 cases. Improve use of online tools to educate both workers and the public. Utilize local community college facilities for state-wide training programs. Examine and maximize use of Title IV (E) funding for training.
- ***Foster Care***
  - Increase the number and retention of quality foster families. Ensure sufficient resources for child support to assist foster family recruitment efforts. Enhancing the capacity of the system will assist in matching kids with appropriate families to ensure a one-time placement.
  - Place child crime victims with specially recruited and trained foster families to protect victim rights, help with trauma and provide a safe environment for continuing disclosure. Prohibit kinship placement in cases where a criminal investigation and/or prosecution is occurring when indicators of witness tampering or evidence of kinship support of alleged perpetrator exist. Review and establish reasonable criteria for kinship placement. Enhance screening to ensure placements do not result in de facto placement with abusers (e.g., unofficial visitation, kin do not support/believe abuse/neglect report, witness tampering). Establish a priority, in cases not involving criminal abuse, to place removed children (together with siblings) within kinship foster homes.
  - Foster children must be afforded information about the opportunity to obtain post-secondary and vocational education or other job skills. Provide information about scholarships and grants, including high schools, state universities and community colleges, to assist more foster children into post-secondary education. All foster care agencies (group homes) dealing with ages 12-19 should be provide a life skill program to encourage school participation, graduation, emotional growth, and life skills to deal with stress and other emotional issues. The purpose of the life skills program is to equip the children with life skills to be productive in society. The foster care agency must submit their life skill program with the licensing board and be reviewed prior to renewing licenses.

- **Transparency/Accountability**

- In order to make informed decisions about changes necessary to improve child safety, establish a presumption that the Arizona Department of Economic Security/CPS investigative records and reports are open to the public, while maintaining the confidentiality of records related to case plans and delivery of services.

*Implementation Comment: Create a working group to review the implementation of this recommendation to ensure transparency, while still providing due regard for the privacy of victims and their families and the integrity of criminal investigations and prosecutions.*

- Make CPS employee disciplinary records and hearings open to the public. Modify CPS policies regarding disciplinary actions to specify that disciplinary hearings are not public information until all appeals have been exhausted.

- **General**

- Seek to maximize in-home services without compromising the safety of the child.
- Improve and streamline the Child Protective Services' automated data system known as CHILDS.
- Review the manner in which non-criminal investigations are conducted in schools and notification is provided to the non-abusive custodial parent while ensuring that the integrity of the investigation is maintained.
- Identify and rectify reasons for multiple placements to provide permanency for children. Review process of recruiting foster families for kids with behavioral health issues and ongoing placement following remediation of behavioral diagnosis to limit number of placements.
- Consider personnel reform to strengthen ability to create positive culture for reform within CPS/Department of Economic Security. Develop a culture that fosters a "person centered," rather than programmatic centered approach.
- In cases where reunification is the plan, establish a safe setting for parental visits.
- Review provider contracting process to incorporate performance measures for subsequent award of contracts.

## Court Processes and Services

- **Statutory Changes**
  - Expand the six month statutory time frame which currently applies to new born to three year olds, to include four and five year olds and clarify application for permanency decision.
- **Other**
  - Ensure juvenile and family courts receive notice of the no-contact provisions of criminal court orders. Codify primacy of criminal court orders related to no-contact provisions of criminal release orders for family and juvenile courts.
  - Amend Guardian Ad Litem (GAL) guidelines to include training, the responsibility to advocate/protect constitutional rights of child victims of crime and participate in parallel court proceedings. The Supreme Court should consider requiring similar standards for attorneys who represent parents.
  - Attorneys and Guardians Ad Litem appointed to represent children should be held accountable for their representation of children.

*Implementation Comment: This should include the court inquiring about when the child[ren] last had contact with the GAL and the GAL advising the court of the quality and quantity of contacts with the child and removal of an attorney who is not adhering to the court guidelines.*

- Support increased frequency of hearings in dependency actions to allow for more judicial oversight of CPS and parental action or inaction for the Cradles to Crayons Program.
- Support creation of dependency drug court divisions for the Cradles to Crayons Program.
- Support the long term assignment of dedicated Juvenile Judges to hear dependency cases.

*Implementation Comment: Training should be developed and provided for assigned judges to ensure consistency in the courts.*

- Review and revise Court Rules to streamline dependency process so there is less time between the preliminary protective hearing and subsequent permanency hearing.

*Implementation Comment: Ongoing review by Department of Economic Security and the Courts should occur to determine if dependency is timely taking place.*

- Review implementation of baby courts for best practices across the state.
- Streamline severance procedure once court adjudicates.
- Review and consider implementation of the “One Judge, One Family” model in Hawaii or similar models in which all cases belonging to a family stay together and belong to one judge (criminal, juvenile, family, etc.).

*Implementation Comment: Consider the results of similar pilot projects in Pinal and Coconino Counties.*

- Study the benefits of granting authority to judges to order juveniles to remain in the young adult independent living system, until age 21.

- Involve foster parents in ongoing review of Child Protection system and ensure their involvement in dependency actions. Enforce statutes requiring courts and CPS to timely notify foster families of court dates and visitation schedules (i.e. notice could be by providing the foster parent with electronic notification of the minute entries.)
- Department of Economic Security should establish and adopt written criteria for CPS workers to better utilize the statute permitting them, when there are specific criminal conduct allegations, to request relief from the court of their obligation to pursue reunification. (A.R.S. § 8-846)

## **Prevention & Multi-Disciplinary Collaboration Efforts**

- ***Statutory Changes***
  - School officials and CPS should be authorized to share greater information with one another, to the extent they are permitted by federal law, regarding the status of foster children attending their schools. Laws should provide a “hold harmless” provision for teachers providing information. Review the manner in which medical information about foster children is collected to ensure that their medical records are completely incorporated.
- ***Other***
  - Review school-based child abuse prevention programs and curriculums to determine if implementation statewide is appropriate.
  - Develop public/private partnerships for intervention and prevention programs and the delivery of services in multi-disciplinary environment.
  - Recognize Multi-Disciplinary Team approach and a fully staffed Family Advocacy Center model as “best practices” for investigating child abuse allegations. Ensure that advocacy centers are established in all counties, are operating at optimum levels and that the Department of Economic Security assigns appropriate staff and an administrator, whose job is to help facilitate the operations of the advocacy centers and help resolve any problems that may arise. Maintain and expand use of children’s justice coordinators as best practice.
  - Ensure process for review of determinations under the joint investigative protocol (escalation method if non-concurrence from agency partner.) County Attorneys should follow statute to convene a meeting, at least quarterly, whose participants should include law enforcement, Child Protective Services and other appropriate multi-disciplinary team stakeholders to review protocols for handling cases and overcoming obstacles in their counties.
  - Maintain county-level development and implementation of the joint investigative protocol to allow for flexibility/adaptability per individual county circumstances. Engage more community organizations in multi-disciplinary team approach to joint investigations; specifically, include the Medical Examiner’s Office.

## Other System Recommendations

- **Statutory Changes**

- Clarify statutory definition of “near fatality” to mean a determination by the treating physician (not subsequent medical review).
- Refine statutory requirements for Joint Investigative Protocol reports to require independent preparation and submittal by each stakeholder to the President of the Senate, Speaker of the House and Governor’s Office. Establish a method for County Attorneys to publish annual Joint Investigative protocol reports to the public.

*Implementation Comment: Consider posting reports on the Arizona Prosecuting Advisory Council website.*

- **Other**

- Strengthen ability to protect drug affected newborns.
- Review all funding sources and provider relationships to ensure appropriate treatment decisions.
- Conduct year-end review in 2012 bringing together all 15 presiding juvenile court judges, legal system leadership, legislative leadership, the Governor’s Office, university leaders, CPS, law enforcement and community stakeholders to assess implementation progress to date, announce what further changes and commitments will be made, and to communicate renewed, higher expectations for the entire system.
- Review communication/availability of post-adoption services and providers and range of services provided.
- Study areas of opportunity for partnership funding to include First Things First (e.g. *Cradle to Crayons*).
- Integrate behavioral health into child welfare response.
- Increase communication to all mandatory reporters of duty to report every child death where abuse or neglect is suspected.