

What is a Dependency?



The Court's Guide to a Department of Child Safety (DCS) Case



A Guide for Parents and Family Members

To parents and family members:

Being involved in a dependency case can be very stressful for a family. Not knowing what to expect can make it even harder.

This guide explains the court process, the people involved in your case, and contains suggestions that may help guide you.



Keep in mind it is only a general explanation and each case is unique.

A Service of the Children and Family Services Division of the
Pima County Juvenile Court Center
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Questions? Ask your DCS specialist or your lawyer.

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What is a Dependency Case?

It's a legal process.

It's about children.

Parents are the best people to provide for their children when they are able and willing to do so. When parents are unable or unwilling to be the source of safety, shelter, and care for their children, either DCS or a private party (like a relative) asks the Court to get involved to assure that the needs of the children are being met.

Children have many needs: safety, shelter, nutrition, education, and medical care are some of their basic needs.

A dependency case is temporary.

The Court's goal for children is to return to their parents.

The case ends when the children are in a safe and permanent home.

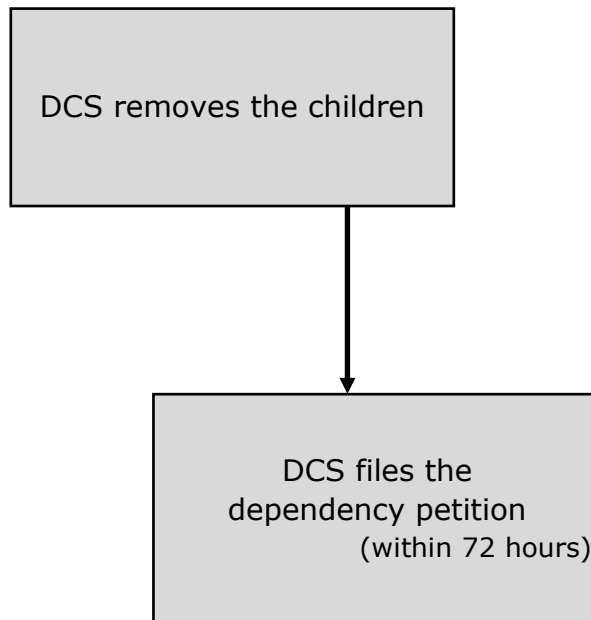


Questions? Ask your DCS specialist or your lawyer.

What Happens in a Dependency Court Case?

Dependency petition (Filed within 72 hours of the children's removal)

- A case always starts when a dependency petition is filed with the Juvenile Court
- The legal papers that state the reasons (allegations) why DCS thinks the parents are unable to keep the children safe is called a petition
- If the family has Native American heritage, there may be special rules that apply that come from the Indian Children Welfare Act (ICWA)



What Happens in a Dependency Court Case, cont.

Pre-Hearing Conference (PHC, held 5-7 business days from the children's removal)

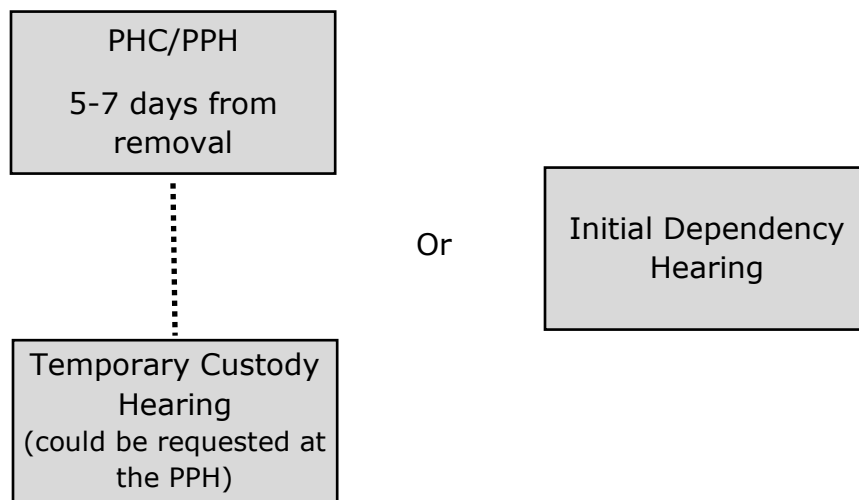
In a conference room at Juvenile Court:

- Everyone has a chance to meet the other parties in the case
- Talk about where the children will be staying, contact between the parents and children, and services to help the family be together again
- *Immediately* after the PHC everyone goes into the courtroom to see the judge for the Preliminary Protective Hearing

Preliminary Protective Hearing (PPH)

In a court room, before a judge:

- The judge will talk to the parents about their rights and responsibilities
- The judge will make temporary orders for placement and visitation
- Future hearings are set



Questions? Ask your DCS specialist or your lawyer.

Status/Adjudication (about 30 days from the date of the petition)

In a court room, before a judge:

- The parents and their lawyer will review the allegations in the dependency petition
- The parent's lawyer will tell the judge if the allegations in the petition are true (enter an admission)
- Based on this admission, the judge will decide that the children are adjudicated, which means a dependency exists

If the parents do not admit to the allegations, options include:

Facilitated Settlement Conference (FSET)

In a mediation room, with a mediator:

- The parents, DCS, and all lawyers will review the allegations in the dependency petition
- If there are disagreements, the mediator can help the parties make changes to the wording of the allegations
- The mediator is neutral and will not take sides
- If the parents, DCS, and all lawyers agree with the changes, the judge will order that the children are adjudicated, which means a dependency exists

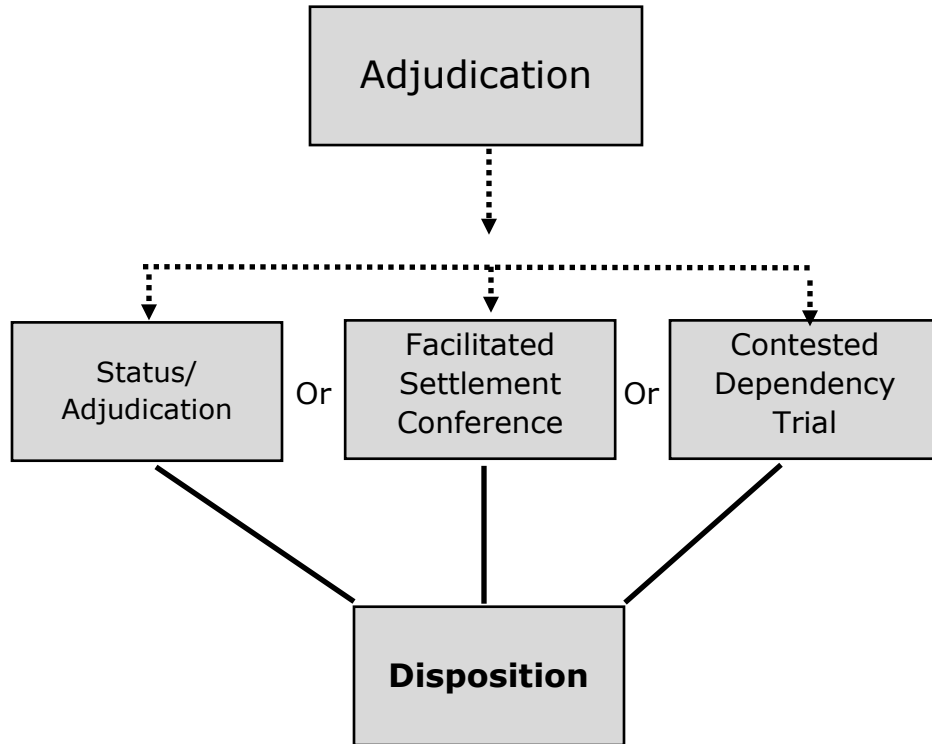
If there is no agreement after the FSET, the only option left is:

Contested Dependency Trial (must be completed within 90 days from the date of the petition)

In a court room, before a judge:

- The lawyer for DCS will present witnesses and evidence to prove the allegations in the dependency petition
- The lawyer for the parents will present evidence to convince the judge that the dependency petition should be dismissed
- After hearing all sides the judge will make a decision:
 - The judge will order that the children are adjudicated, which means a dependency exists
 - OR
 - The dependency petition will be dismissed

What Happens in a Dependency Court Case, cont.



Disposition Hearing (within 30 days of adjudication)

Generally held at the same time as the Status/Adjudication hearing or Facilitated Settlement Conference

- The judge orders the case plan goal, usually of family reunification (return to parent)
- The judge orders the case plan services for the parents
- The judge orders DCS to set up services for the parents
- The judge orders the parents to complete the case plan and benefit from the services

Questions? Ask your DCS specialist or your lawyer.

Dependency Review Hearings (every 3-6 months)

In a court room, before a judge who:

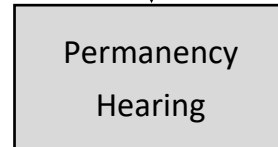
- will review the progress of the parents with their case plan
- will review the performance of DCS (reasonable efforts)
- will address any case issues



The Permanency Hearing (held at 6 months if the child was under 3, or 12 months if the child was over 3 at the time of removal)

In a court room, before a judge who will:

- Ask, "Are we on the right track?" to continue a reunification case plan or whether another permanent case plan should be considered. These include:



- Remain with parent
- Reunification
- Permanent guardianship
- Adoption
- Long-term foster care (officially known as Another Planned Permanent Living Arrangement).

Please see page 12 for more information on permanent plans.

The case won't close today. A permanent plan is just that, a plan for the future.

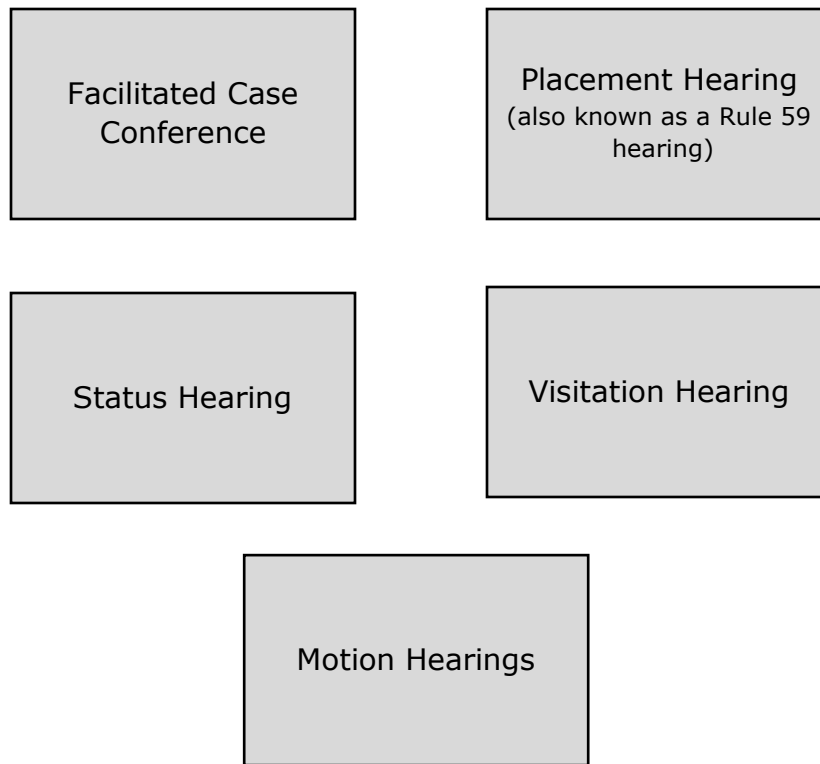
What Happens in a Dependency Court Case, cont.

Other hearings may occur

Placement, Visitation, Motions, Status, Temporary custody

In a court room, before a judge who will:

- Address specific issues as requested by lawyers



This information is not intended to cover every aspect of every case. Your case may vary.

Questions? Ask your DCS specialist or your lawyer.

How a Case can End

How long does a dependency case last?

It depends on how serious the concerns in the home were and how quickly and effectively the parents complete their case plan tasks. A dependency case can be dismissed by the court when one of the parents (or both if the parents remain together as a couple) are able to parent safely.

Within 12 months, the judge needs to make a finding about which of the following permanency plans is in the best interest for the children:



Reunification - Children return to the care of their parent(s) or legal guardian. *Almost all dependency cases begin with reunification as the desired outcome.*

How a Case Can End, cont.

If reunification doesn't happen, other possible outcomes, in order of preference, include:

Adoption—The adoptive parents become the legal parents and make all decisions concerning the child. The birth parents' rights are permanently, legally *terminated*.



Title 8 Guardianship—appointed by the court (usually a relative), the legal guardian will maintain physical custody of the children and be able to make day-to-day decisions for the children. The birth parents' rights are *suspended*, however, they remain obligated to contribute to the support of the child.

Another Planned Permanent Living

Arrangement (APPLA) - also known as long term foster care, is considered only when adoption and guardianship are not options. DCS remains the legal decision maker for the child. Parent(s) or legal guardian(s) are encouraged to remain involved.

Questions? Ask your DCS specialist or your lawyer.

Court Room Information

Who needs to come to hearings?

- Parents should come to every hearing unless they are told by their lawyer they do not need to attend
- The court may go forward on a case even if the parent is not there
- All children have the right to attend hearings
- Family members, foster care providers, and others taking care of the children are encouraged to attend
- Some cases are not open to the public. Check with one of the lawyers or the DCS specialist if you are not sure.

What are necessary manners for the courtroom?

- Be on time
- Dress modestly, but formal attire is not required
- Don't chew gum or bring in food or drinks (water is allowed)
- Speak only when invited to by the judge (If you are not a party to the case, let one of the lawyers or the courtroom bailiff know if you wish to be recognized to speak)
- Turn off your cell phone



Mediation

Mediation is a **private**, (confidential) meeting, led by a mediator who **does not take sides**.

Mediation is:

- Voluntary, meaning you are not required to take part, although you may have to at least show up if a judge orders you to attend.
- A safe place to have an open and honest conversation without fear that what you say will be repeated to the Judge (or others).
- A way to solve problems for people involved in a case to try and reach an agreement about any issues they are facing without having a trial.
- Available to anyone involved in a case, although it is often held between DCS and the parents, depending on the needs or issues that come up.

How a parent can prepare for mediation:

- Meet with your lawyer; ask what to expect and what to discuss.
- Please don't bring children or others with you.
- Allow enough time for the full session (make your child care and transportation arrangements with the entire time in mind).

Questions? Ask your DCS specialist or your lawyer.

Mediation, cont.

- Come ready to talk about everything, such as what's going well, what's not going well, what you need, and what you want.
- Write down your questions ahead of time, and bring a list of all the classes, testing, visits, or other tasks you have begun or completed.



- Have in mind what you want to resolve at mediation so we can do our best to meet your needs—be specific about your needs and wants and discuss the difference between the two with your lawyer.
- Be flexible – parties rarely get 100% of what they want during mediation, so be ready to compromise - be creative in coming up with ways to address and resolve the issues.

Ask your lawyer, a Mediator, and/or review the brochures available at the Pima County Juvenile Court Center for more information.

Case Plan

It is the Road Map to the Goal

The case plan almost always begins with family reunification.

IT IS A WRITTEN DOCUMENT OR FORM

The case plan lists the goal (Family Reunification) and the tasks/services to address the concerns.

Goal: Family Reunification

Tasks: The steps to be completed in order to reach the goal of Family Reunification.

The case plan will be reviewed, approved, and ordered by the Judge.



Questions? Ask your DCS specialist or your lawyer.

Behavioral Health

DCS uses behavioral health agencies to provide services to address tasks in the case plan.

Services may include:

Rapid response: An initial assessment for children in DCS custody. Clinicians will assess immediate needs and triage any crisis or trauma-related issues. This includes behavioral health assessment, screening for developmental delays, support to child/family placement, and connection to ongoing services.

Child and Family Team (CFT): The CFT is a group of people that includes, the DCS specialist, the child and his/her family, a behavioral health representative, and any individuals important in the child's life that are identified and invited to participate. This team meets regularly to discuss your child's needs and services.

Adult Recovery Team

(ART): Similar to a CFT but focused on you as the parent. At a minimum, the team consists of you, your advocates, and a behavioral health representative. Your DCS case plan progress will be discussed at this meeting.

If you are having problems with your behavioral health services talk about it at the CFT, ART or call your assigned health care plan:

Arizona Complete Health,
1-888-788-4408

Banner-University Family Care, 1-800-582-8686

United Healthcare Community Plan, 1-800-348-4058

Your Role as the Parent

- Make positive changes in your life to create a safe and stable home for your children
- Attend **all** court hearings, mediations, and meetings
- Communicate often with your lawyer and your DCS specialist. Make sure you update them with any changes to your phone number, address, or email (don't expect them to search for you)
- Be on time for all appointments and hearings. Call ahead if you'll be late or cannot attend
- Be honest
- Ask questions if you do not understand or if you need help
- Engage in your children's lives, attend doctor's appointments, and school meetings as approved

It is important that the Judge is able to see the positive changes you make.

Questions? Ask your DCS specialist or your lawyer.

How You Can Avoid Misunderstandings

- Find out what “maintain contact with your DCS specialist” means from YOUR DCS specialist. Ask—how often, what type, and what content they are looking for
- If possible, communicate using email
- Ask your DCS specialist for how long you can expect them to return your call or email
- Document any contact —if possible, have a case notebook. Keep a written record of every meeting, phone call, and activity you participate in for your case plan
- When calling to check in, say so in your message—ex. “This is Mrs. Smith, just calling to check in, everything is going well, no need for a call back”
- If you do need something, make your request as detailed as possible and ask for a call or email back
- **Helpful tip:** Do not leave voicemails, write texts, or send emails if you are feeling angry or frustrated. Try to wait until you are calm, and carefully consider what you want to say



Visits

Expectations

- Before visits ask your DCS specialist what is expected of you during the visits.
- Attend and *be on time*: your children are looking forward to seeing you!
- Keep visits positive and focused on your children—they want your attention!
- Don't use this time to talk about your case, with either the supervisor or the children.

Tips

- Confirm visit 24 hours in advance whenever possible or if court ordered.
- Come prepared: bring healthy snacks, age appropriate activities, and anything else you think your children will need, including diapers and an extra change of clothes
- Thinking of bringing gifts? Don't! Your attention is the only gift they want. Bonus: it's free!
- Use this time to show off your parenting skills!
- Coordinate with placement (if possible) about nap and meal schedules.

Questions? Ask your DCS specialist or your lawyer.

Children Have Questions

- Document the date and reason for all cancelled visits.

During your visits and phone calls your children may ask you questions about the case.

What to do if your children ask questions:

Before they ask, talk to your DCS specialist, therapist, or discuss it at the CFT meeting. They are available to help you with this.

Here are some ideas:

“When can I come home?” Give simple answers such as: “I don’t know the answer to your question.” Then redirect the children to something else.

“Why can’t I see you more often (or alone)?” Again, give a simple, clear answer such as: “I know this is hard for you but let’s enjoy the time we have together.”

“I hate where I’m staying. How long do I have to stay there?” Once again give a simple, clear answer such as: “I know for us to be again, but we now.”

you would like living together can’t right



Types of Placement

When children are removed, they can be placed temporarily with:

Relative/kinship

- Someone who has a significant relationship to the children
- Must pass a DCS and criminal background check
- Parents and family members should tell the DCS specialist about anyone who could be placement for the children

Foster home

- Licensed, certified caregivers
- Overseen by a foster care licensing agency
- Receive special training

Group Home, Shelter, or Residential Treatment Center

- Trained staff provide 24/7 care and supervision
- Licensed, certified caregivers

ALL Placements are:

- Expected to provide a stable, nurturing environment for the children
- Expected to maintain contact with the DCS specialist
- Asked to document all information relevant to the children's care
- Approved by the judge
- Expected to cooperate with children's lawyer/GAL/CASA

Questions? Ask your DCS specialist or your lawyer.

DCS Investigator

- Is the first person to make contact with families when a DCS report is received
- Looks for evidence of abuse, neglect, or other safety concerns
- Initiates the dependency petition
- Prepares the Preliminary Protective Hearing court report and the first draft of the case plan
- Transfers the case to the ongoing DCS specialist after the first hearing

The most important job of the investigator is to make sure that all the children are safe

DCS Specialist (Ongoing)

- Acts as a team leader
- Coordinates services in the case plan
- Helps parents connect to services by making referrals
- Prepares progress reports for the Court, including recommendations
- Visits the children at least once per month
- Monitors the children's placement and wellbeing
- Maintains regular contact with the parents

The Judge

- Makes sure the law is followed
- Makes all the decisions about the case, including when there is a disagreement
- Will talk to the lawyers
- May speak directly to others in the court room
- Placements are able to address the judge when called on
- Every time you come to court for a hearing, you should see the same Judge

Parents should ask their lawyer about the rules if they wish to present something to the judge.

Lawyer For DCS (Attorney General)

- Assistant Attorneys General (AAGs) are appointed to represent DCS
- Files the petition
- Provides legal advice to DCS specialist
- Represents DCS's position in court
- Reviews court orders with the DCS specialist
- Attends mediations, court hearings

Questions? Ask your DCS specialist or your lawyer.

Lawyer for the Children

- Meets with the children (or sends a representative) before each hearing and keeps the children informed of case progress
- Explains the process
- Listens to the children's wants and needs
- Ensures the children receive the services they need
- Keeps most conversations private (between the lawyer and children)

Most importantly, the lawyer must represent what the children want to the Judge (unless they are nonverbal).



Lawyer for the Parent

- Offers legal advice
- Gives you an honest opinion about strengths and weaknesses of the case
- Works to ensure your rights are protected
- Keeps most conversations private (between the lawyer and you)
- Explains the law and files paperwork with the court
- Cannot communicate directly with your DCS specialist
- Relies on the parent to maintain communication and report their progress on the case.



Questions? Ask your DCS specialist or your lawyer.

Foster Care Review Board (FCRB)

- A group of volunteers (review board) separate from the Court who meet and review your case
- Assists the judge in making decisions about what would be best for the children
- Anyone who knows the children are invited to attend and talk about your case
- Writes a report, including updates and recommendations

A judge does not have to follow recommendations made by the Foster Care Review Board, but will take the recommendations seriously.

If you have any other questions about the Foster Care Review Board, you are welcome to call 520-388-4300.



Court Appointed Special Advocate (CASA)

- Is a screened and specially trained volunteer who is appointed by the judge
- Forms a relationship with the children
- Talks to the parents, placement, family, teachers, and others who know the children
- Attends all meetings and hearings about the children (advocates)
- Can attend visits
- Writes a report and makes recommendations to the judge about the best interests of the children
- Not all cases have a CASA



The judge does not have to do what the CASA recommends, but the judge will take any recommendations very seriously.

If you have any other questions about CASA, you are welcome to call 520-724-2060.

Questions? Ask your DCS specialist or your lawyer.

Family Drug Court (FDC)

If substance abuse is an issue....

- Participating in FDC dramatically increases your chances for reunification
- Parents must observe 1 session
- It is recommended you join within the first 4 months of the case



You'll get help in FDC that you may not be able to get anywhere else:

- Support – your own Recovery Support Specialist will support you through your whole case, showing up for you and helping you stay on track
- Encouragement – everyone will be on your side, pulling for you to succeed, and helping you to make it happen
- Accountability – you come to court every week to start, reporting your progress in your case to the FDC Judge
- Advocacy – the FDC staff know the dependency and behavioral health systems, and can advocate for you to get all the services you need for success

**If you have any questions about FDC,
call 520-724-4754 for more information.**

What if I have a concern?

If you have a concern with your DCS specialist follow these steps:

- 1. **Always** start by talking directly with your DCS specialist.
- 2. **If you still have a concern**, contact the DCS specialist's Unit Supervisor and talk with them.
- 3. **If the concern is still not fixed**, ask the supervisor to schedule a meeting so that everyone can get together to talk about the concern.
- 4. **If you continue to have a concern**, call the Program Manager who is in charge of the DCS specialist and the supervisor. Call the operator at your DCS specialist's office and ask for the Program Manager's name and extension.
- 5. **If that fails**, you can call

the DCS Family Advocacy Office at 1-877-527-0765. Important: you have to try steps 1-4 before you call this office.

6. **If steps 1-5 have not worked**, the State of Arizona has an Ombudsman-Citizen's Aide available to assist you. The Ombudsman can be reached at 1-800-872-2879. Important: you have to try steps 1-5 first!

Remember that if you have a lawyer, they can help you address concerns.

Questions? Ask your DCS specialist or your lawyer.

What if I have a concern?

If you have a concern with your lawyer:

If you hired your own lawyer, talk to them to address the concern. You can always dismiss him or her and hire a new one.

If you have a court-appointed lawyer, **follow these steps:**

1. Set an appointment with the lawyer to discuss the concern.
2. If you still have a concern after the meeting, send a written letter or email to the lawyer listing the specific concern. Make sure you keep a copy.
3. If the concern is still unresolved, you may ask your lawyer to withdraw from your case. You may want to do this in writing as well as them and/or the judge.
4. The judge will decide if your lawyer can withdraw and if a new lawyer will be appointed.



Important Case Information

Case Number: JD _____ Judge _____

My Lawyer

Name: _____

Phone number: _____

Email: _____

My DCS Specialist

Name: _____

Phone number: _____

Email: _____

My Recovery Coach

Name: _____

Phone number: _____

Email: _____

My Recovery Support Specialist

Name: _____

Phone number: _____

Email: _____

Questions? Ask your DCS specialist or your lawyer.