

# **Joint Select Committee on the Child Protective Services System**

## ***Memo in Lieu of Final Report***

September 21, 2004

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## Arizona State Legislature

1700 West Washington

Phoenix, Arizona 85007

To: Governor Janet Napolitano  
President Ken Bennett  
Speaker Jake Flake

From: House Research Staff

Date: September 21, 2004

Subject: Joint Select Committee on the Child Protective Services System—Memo in Lieu of Final Report

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The Joint Select Committee on the Child Protective Services System was an Ad Hoc Committee created by the President of the Senate and Speaker of the House of Representatives in August 2003. The charge of the Committee was twofold including: 1) analyzing the recommendations included both in the Governor's Child Protection System Report and in the Arizona Voice for Crime Victim's – In Harm's Way report; and 2) developing recommendations for legislative action for the following regular legislative session.

Specifically, the Committee was to make a final report of its analysis and recommendations to the Senate President, House Speaker, and Governor and submit a copy of its report to the Secretary of State and the Director of the Arizona State Library and Public Records by December 31, 2003.

The Committee met three times and heard presentations from the Governor's office, the Office of the Auditor General, the Maricopa County Attorney's office, law enforcement personnel, and the Department of Economic Security.

On September 30, the Governor called the 46<sup>th</sup> Legislature into a Second Special Session to address various subjects, which included the reform of Child Protective Services; thus, the Committee did not complete its charge. This memo is in lieu of the Committee's final report and includes the following:

- 1) Attachment 1: Committee Purpose and Membership
- 2) Attachment 2: Agendas and Minutes of the Meetings: September 10, October 1, and October 16, 2003
- 3) Attachment 3: Governor's Call for a Special Session

During the Special Session, which lasted from October 20 to December 13, 2003, multiple reforms to Child Protective Services were passed into law. Specifically, Laws 2003, Second Special Session, Chapter 6 (HB 2024) integrated some of the recommendations from each of the reports that were reviewed by the Joint Select Committee on the Child Protective Services System.

Cc: Jan Brewer, Secretary of State  
GladysAnn Wells, Director of the Arizona State Library and Public Archives  
Barbara Guenther, Senate Research Staff  
Marianne (Hardy) Yarnik, House Research Staff

**Joint Select Committee on the Child Protective Services System**

**PURPOSE:** To: (1) analyze the recommendations forwarded by the Governor's Child Protection System Report and Recommendations and the Arizona Voice for Crime Victim's - In Harm's Way report, and (2) develop recommendations for legislative action for the Forty-sixth Legislature Second Regular Session. The committee shall make a final report of its analysis and recommendations to the President of the Senate, Speaker of the House of Representatives and Governor, and submit a copy of its report to the Director of the Arizona State Library and Public Archives and Secretary of the State by December 31, 2003.

**MEMBERSHIP:**

House Three members of the House of Representatives, not more than two from the same political party and one designated as co-chair, appointed by the Speaker of the House of Representatives:

**Farnsworth (Co-Chair), Lopez, Nichols**

Senate Three members of the Senate, not more than two from the same political party and one designated as co-chair, appointed by the President of the Senate:

**Anderson, Bennett (Co-Chair), Soltero**

Other Eleven members of the public appointed jointly by the Speaker of the House of Representatives and the President of the Senate:

**Dr. Paul Beljan, Beljan Psychological Services**

**Ms. Mary Cherry, Human Resource Training, Inc.**

**Dr. Katherine Coffman, Forensic Pediatrician, Child Help**

**Ms. Shawn Cox, AVCV**

**Mr. Mark Faull, Special Assistant County Attorney**

**Sergeant Carolynn Gardom, Crimes Against Children Unit**

**Detective Chris Metelski, Crimes Against Children Unit**

**Ms. Cindy Newbauer, Administrative Coordinator, Phoenix Children's Hospital**

**The Honorable Ron Reinstein, Maricopa County Superior Court**

**Mr. Steve Twist, Assistant General Counsel, The Viad Corp**

**Ms. Billye Wilda, Grandparents United for Children's Rights**

**CONTACT:** Barbara Guenther, Senate Research Staff; Marianne Hardy, House Research Staff

**REPORT DATE:**

**EXPIRATION DATE:** 01/31/2004

**STATUTORY CITE:** Ad hoc committee created by the President of the Senate and Speaker of the House of Representatives

**ARIZONA STATE LEGISLATURE**

Joint Interim Meeting Notice

**Open to the Public**

**Joint Select Committee on the Child Protective Services System**

**DATE: Wednesday, September 10, 2003**

**TIME: 10:00 a.m. - Noon**

**PLACE: House Hearing Room 1**

**AGENDA**

- 1. Welcome and Introductions**
- 2. Presentation of the Governor's CPS Advisory Commission Final Recommendations**
- 3. Presentation of the Arizona Voice for Crime Victims – In Harm's Way Report**
- 4. Discussion**
- 5. Public Testimony**
- 6. Set Future Meeting Date**
- 7. Adjourn**

**MEMBERS:**

Senator Ken Bennett, Cochair  
Senator Mark Anderson  
Senator Victor Soltero  
Dr. Paul Beljan  
Ms. Mary Cherry  
Dr. Kathryn Coffman  
Ms. Shawn Cox  
Mr. Mark Faull  
SergeantCarolynn Gardom

Representative Eddie Farnsworth, Cochair  
Representative Linda Lopez  
Representative Warde V. Nichols  
Detective Chris Metelski  
Ms. Cindy Newbauer  
The Honorable Ron Reinstein  
Mr. Steve Twist  
Ms. Billye Wilda

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9/21/2004

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# **ARIZONA STATE LEGISLATURE**

## Joint Interim Meeting Notice

**Open to the Public**

### **Joint Select Committee on the Child Protective Services System**

**DATE:** Wednesday, October 1, 2003

**TIME:** 10:00 a.m. - Noon

**PLACE:** House Hearing Room 1

#### **AGENDA**

- 1. Call to Order**
- 2. Presentation of the CPS Organizational Structure, Intake Process and Investigation Process by the Department of Economic Security**
- 3. Presentation of Audits Pertaining to CPS by the Auditor General's Office**
- 4. Presentation of Issues Regarding Investigation Processes and Training Needs by a Law Enforcement Personnel**
- 5. Distribute the Governor's Final Recommendations**
- 6. Public Testimony**
- 7. Discussion**
- 8. Set Future Meeting Date**
- 9. Adjourn**

#### **MEMBERS:**

Senator Ken Bennett, Cochair  
Senator Mark Anderson  
Senator Victor Soltero  
Dr. Paul Beljan  
Ms. Mary Cherry  
Dr. Kathryn Coffman  
Ms. Shawn Cox  
Mr. Mark Faull  
SergeantCarolynn Gardom

Representative Eddie Farnsworth, Cochair  
Representative Linda Lopez  
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# ARIZONA STATE LEGISLATURE

## MEETING NOTICE

### OPEN TO THE PUBLIC

#### Joint Select Committee on the Child Protective Services System

**DATE:** Thursday, October 16, 2003

**TIME:** 10:00 a.m.

**PLACE:** Senate Appropriations Room 109

#### AGENDA

1. Call to Order
2. Presentation of Issues Regarding Investigation Processes and Training Needs by Law Enforcement Personnel
3. Presentation of the CPS Investigation, Evaluation/Assessment, Substantiation and Appeals Process by the Department of Economic Security
4. Presentation of the Family Builders Audit by the Auditor General's Office
5. Public Testimony
6. Discussion
7. Set Future Meeting Date
8. Adjourn

#### MEMBERS

Senator Ken Bennett, Cochair  
Senator Mark Anderson  
Senator Victor Soltero  
Dr. Paul Beljan  
Ms. Mary Cherry  
Dr. Kathryn Coffman  
Ms. Shawn Cox  
Mr. Mark Faull  
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Representative Eddie Farnsworth, Cochair  
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Representative Warde V. Nichols  
Detective Chris Metelski  
Ms. Cindy Newbauer  
The Honorable Ron Reinstein  
Mr. Steve Twist  
Ms. Billye Wilda

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ARIZONA STATE LEGISLATURE  
Forty-sixth Legislature – First Regular Session

**JOINT SELECT COMMITTEE ON THE  
CHILD PROTECTIVE SERVICES SYSTEM**

Minutes of Meeting  
Wednesday, September 10, 2003  
House Hearing Room 1 -- 10:00 a.m.

Chairman Farnsworth called the meeting to order at 10:08 a.m. and attendance was noted by the secretary.

**Members Present**

Senator Anderson  
Senator Soltero  
Senator Bennett, Cochair

Representative Lopez  
Representative Nichols  
Representative Farnsworth, Cochair

Dr. Paul Beljan  
Ms. Mary Cherry  
Dr. Kathryn Coffman  
Ms. Shawn Cox  
Mr. Mark Faull

SergeantCarolynn Gardom  
Detective Chris Metelski  
Ms. Cindy Newbauer  
Mr. Steve Twist  
Ms. Billye Wilda

**Members Absent**

The Honorable Ron Reinstein

**Welcome and Introductions**

Chairman Farnsworth recognized Cochairman Bennett. He expressed appreciation to the Members for participating on the Committee, which involves a subject that is very important and has been in the press.

Cochairman Bennett echoed Chairman Farnsworth's thanks to the Members for sharing their time and expertise. He opined that nothing is more important to state government than protecting those who cannot protect themselves. By the time the Committee concludes its efforts, he is confident that some recommendations can be developed to improve the Child Protective Services (CPS) system.

The Members introduced themselves and related their background experience/reasons for involvement with this issue.

Mr. Twist conveyed apologies from Judge Ron Reinstein who could not attend because he is providing training in Chicago, but offered some comments for the discussion session.

## PRESENTATIONS

### Governor's CPS Advisory Commission Final Recommendations

Tracy Wareing, Policy Advisor for Children's Services, Governor's Office, related that Governor Napolitano established the Governor's Advisory Commission on Child Protective Services comprised of 25 leaders in the community. Seven subcommittees covered a variety of areas such as reports and investigations, records and hearings, juvenile justice, structure, health and education issues related to children in protective care, and community involvement. The public was invited to each of the subcommittee and Commission meetings. Over 80 hearings were held in five months and more than 260 people from the community were involved in the recommendations. She stated that following the report, a series of public forums were held in Phoenix, Tucson, and Prescott, with the last meeting held in Tucson on September 8, 2003. More than 600 people attended the forums, which is a tremendous turnout. Over 120 people actually testified directly to the Governor and the new Arizona Department of Economic Security (DES) Director David Burns. Over 300 written comments were received by e-mail, mail, and people at the forums who did not testify.

She reviewed an Executive Summary containing 43 recommendations from the Commission, noting that the recommendations are not listed in order of priority (Attachment 1). She added that written comments are still being collected and testimony is still being transcribed from the last forum. Transcripts of testimony from all of the public forums will be available in a few weeks. The Governor's priorities will also be issued within the next few weeks.

### Arizona Voice for Crime Victims – *In Harm's Way* Report

Richard Romley, Maricopa County Attorney, testified that, unfortunately, he sees the consequences of a system that does not work as well as it possibly should, which is part of the reason he commissioned a study resulting in the report titled *In Harm's Way*. Interviews were conducted with 163 different professionals (judges, medical doctors, prosecutors, caseworkers, foster care parents, etc.) with actual hands-on, practical understanding of the system. He stated that when matters of abuse or neglect are potentially criminal in nature, he is able to access the reports, and over the last 15 years, asked staff to bring to his attention issues that arose regularly where there appears to be a growing pattern of failures. He was briefed this morning on a homicide currently being prosecuted, but not followed by the press, in which twins were taken out of the home by CPS. The children were placed back in the home for some reason, and within six weeks, one of the children was murdered. He contended that such incidents cannot continue to happen and every year, there is a promise of change, but the changes have been inadequate because he is seeing these cases on an ongoing basis. The purpose of the report is to provide legislators with greater insight and some direction to try to stop these incidences from occurring. He urged consideration of three areas that are absolutely critical to address, as well as the other recommendations contained in the full report (Attachments 2, 3, and 4):

- Conflicting statutes, regulations, and laws in Arizona must be deconflicted, making sure that protection of the child is paramount.

- Records should be open with some safeguards for not conveying the information in certain circumstances.
- CPS should be removed from DES to eliminate the conflict in missions, which would create a greater likelihood of effectuating change quicker, clarifying missions, and developing a multidisciplinary approach to the initial intake process.

Mr. Faull stated that there are 27 recommendations in the report, *In Harm's Way*, that are worthy of the Committee's consideration, one of which was to institute the present Committee. He indicated that he served on the subcommittees of the Governor's Commission relating to structure and records, and while the recommendations contained in *In Harm's Way* may be more detailed, they are philosophically and policywise confirmed in the recommendations from the Governor's Commission and subcommittees. He proceeded with a PowerPoint presentation emphasizing these basic points:

- Conforming all related statutes, policy statements, as well as regulatory and administrative procedures for CPS caseworkers, to the fundamental concept of child safety and protecting the child.
- Opening of records, building in appropriate use of judicial discretion to protect the interest of the child.
- Breaking CPS and important related functions into a mission-specific agency, putting the child first, and reporting directly to the Governor.
- Using a multidisciplinary approach within the CPS screening process and risk assessment at the very beginning of cases. (The Maricopa County Joint Investigative Multidisciplinary Protocol was provided to the Members. The document is under revision to reflect changes in statute to the reporting laws enacted during the last session, but otherwise current [Attachment 5]).
- As a starting point of discussion for legislative reform, a draft bill was prepared by Mr. Twist.

Mr. Faull added that the report focused on criminal child abuse and neglect so resources can be put into place for children who are physically and mentally abused and harmed.

Cochairman Bennett asked if adoption and foster care should remain within DES. Mr. Romley responded that those areas necessary to protect children from potential misconduct in any particular manner should be removed along with CPS. Adoption services should not be removed, but there should be some transitory capability and line of communication in case the services are needed. He stressed the need for experienced, trained, multidisciplinary professionals in the initial intake process to determine if cases are potentially criminal, requiring a law enforcement approach, or should be sent to DES for parenting classes, etc.

Mr. Faull stated that members of one of the subcommittees discussed the possibility of a multidisciplinary child-focused case management team after initial screening and intervention has taken place.

Mr. Romley commented that although the study focused upon initial intake and decisions in protecting the child, that does not mean importance should not be placed upon the other components of the entire system. For example, foster care is an extraordinarily important area

that needs to be addressed and focused upon. The idea of group homes was eliminated. He expressed the opinion that it is better to have quality foster parents taking care of 12 children than lowering standards so there is only one child in every home.

Mr. Anderson asked if a financial investment would be necessary for a new CPS with better-trained workers of higher quality, given the current budget situation. Mr. Romley acknowledged that is one of the 27 recommendations, but submitted that there should not be better caseworkers in the new CPS than DES, which would create an inherent rivalry that would be unproductive. There would be a different training component that focuses on the fundamental mission instead of the social side. More money could be needed, perhaps a dedicated source of funding, but not until fundamental reform occurs within the system.

Mr. Romley related to Senator Soltero that he believes the first step should be to make a major policy decision that the number one priority is protection of the child so DES, the new CPS, etc., understand clearly and there is no conflict.

Mr. Twist commented that Mr. Romley has spoken out for several years, with increasing anguish, about the failure of the justice system and the CPS system as he has had to pick up the pieces with these cases, and he is grateful for his candor and directness. He explained that there is a fundamental conflict in the law because the federal government mandated that certain reforms in the state statutes emphasizing family reunification over child safety had to be accepted in order to receive federal funds; however, those federal laws were reformed and no longer stand as a barrier. This is fundamentally a statutory issue that the legislative branch can address, and the Legislature recognized that by creating this Committee. He presented a draft discussion document to Cochairman Bennett for possible use as a vehicle to address some of the issues (Attachment 6).

### **Introduction**

Ms. Lopez arrived late due to a conflict in schedule. She introduced herself and related her background experience.

### **Discussion**

Chairman Farnsworth conveyed that a tremendous amount of work was done by both groups, and the information provides a good starting point for recognizing some of the issues within CPS. The goal is to identify items that can be accomplished next session, so the Committee has about 90 days, not only to wrap up, but also develop legislation the Members are comfortable with. The following items were solicited by the Members as top priorities:

- Open hearings, if not to the general public, at least to interested parties/immediate family with knowledge who could contribute to the outcome of what is going on in the child's life and perhaps be a candidate for placement rather than the child going to foster care.
- Clarification of the law with regard to negligence/abuse of children (include neglect in the abuse statutes with a higher penalty).
- Find a way to manage the issue of fetal drug and alcohol exposure, one of the first forms of physical abuse to a child that often causes numerous other secondary problems.

- Place emphasis on protecting the child.
- Remove CPS from DES into one agency.
- Permanency in placement for children who are kept in limbo while every relative is searched out and has to prove they are not a suitable placement for the child before the child can go to a permanent and safe placement.
- Provide more support for CPS caseworkers whether within or without DES.

Mr. Twist relayed five points that Judge Reinstein asked to be included for the record:

- CPS should be separated and focused on child safety.
- Open dependency hearings and records as much as possible while protecting the identity of children and family when necessary.
- Concerns about foster care such as parent screening, education, training, support, background, and nurturing.
- If there is a threshold, probable cause, or whatever standard to believe that a child is a victim of criminal conduct, the first call should be made to the police, and if the incident appears not to be criminal, the case should be passed appropriately to CPS.
- The idea that services through Family Builders can be accepted or not is problematic and should be reviewed. Perhaps an intermediary step can be taken.

Ms. Lopez identified the following priority:

- Review the workload of caseworkers, who could be much more effective in protecting children with a manageable caseload.

Senator Anderson cautioned against the heavy hand of government breaking up families without a proper alternative in place for children, who often are further abused in the system, especially in foster care when those families are not trained or are not in foster care for the right reason. He noted that this was done in other states with bad results such as increases in costs and the number of children in care. He offered the following priorities:

- Review penalties for false reporting.
- Educate people on how to be good parents or have a happy, healthy marriage as a preventative measure.

Mr. Nichols referred to a statement in Mr. Romley's report that the family is the cornerstone of civilization, but should never be a shield for criminality. He opined that should be the basis for everything the Committee does.

Chairman Farnsworth advised Senator Soltero that this is a work in progress. The intent is to take the information provided between now and January 2004 and identify issues the Members believe are important to, hopefully, take care of the most egregious problems and possibly set up the foundation for future legislation to solve whatever problems exist in CPS.

Cochairman Bennett surmised that three or four meetings can be held before January 2004 to develop specific recommendations for statutory changes. He said he attended one of the

Governor's hearings in Prescott and listened to much good input from the public. He asked the Members to peruse the draft bill in preparation for discussion at the next meeting.

**Public Testimony**

Carol Pohlman, representing the public, addressed the Committee concerning problems with the CPS system and suggested recommendations (Attachment 7).

**Final Comments**

Chairman Farnsworth repeated appreciation for the Members' interest, time, and energy. He asked that the Members review the draft bill and reports from the presentations, noting that a list of issues important to the Members will be synthesized and distributed prior to the next meeting.

The Members agreed to meet again on October 1, 2003 at 10:00 a.m.

Without objection, the meeting adjourned at 12:12 p.m.

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Linda Taylor, Committee Secretary  
September 17, 2003

(Original minutes, attachments, and tape are on file in the Office of the Chief Clerk.)

# ARIZONA STATE LEGISLATURE

## JOINT SELECT COMMITTEE ON THE CHILD PROTECTIVE SERVICES SYSTEM

Minutes of the Meeting  
Wednesday, October 1, 2003  
10 a.m., House Hearing Room 1

### Members Present:

Senator Ken Bennett, Cochair  
Senator Mark Anderson  
Senator Victor Soltero  
Detective Chris Metelski  
Dr. Kathryn Coffman  
Mr. Steve Twist  
Sergeant Carolynn Gardom

Representative Eddie Farnsworth, Cochair  
Representative Linda Lopez  
Dr. Paul Beljan  
Ms. Mary Cherry  
Ms. Shawn Cox  
Mr. Mark Faull

### Members Absent:

Representative Warde V. Nichols  
The Honorable Ron Reinstein

Ms. Cindy Newbauer  
Ms. Billye Wilda

### Staff:

Sean Laux, Senate Family Services Research Analyst  
Marianne Hardy, House of Representatives Human Services Research Analyst

Chairman Bennett called the meeting to order at 10:13 a.m. and attendance was noted. He explained that since the Committee last met, some significant developments have occurred in relation to Child Protective Services (CPS). He expressed that he was pleased that the Governor called the special session for October 20, 2003 and encouraged members to work through the issues and arrive at recommendations for the special session and/or for the future.

**Janice Mickens, Program Administrator, Department of Economic Security (DES) responsible for CPS**, distributed organizational charts (Attachment 1), showing the structure of CPS. She pointed out that CPS has six districts and hotlines, with 127 supervisors and 764 specialists statewide (671.5 are case-carrying positions). Additional personnel are in the training institute or at the child abuse hotline. There also are 128 human services workers and 115 field secretaries. Other positions include director, deputy director, assistant director, and program administrator. Each district has a program manager, with Maricopa County having two deputy program managers because the county is so large. There also are assistant program managers, with a number of unit supervisors reporting to them. Best practice is to have 6 specialists to 1 supervisor. She also discussed the various districts and each district's structure.

In response to Senator Soltero regarding border issues, Ms. Mickens replied that Mexico has a similar organization and Arizona has a good working relationship with them.

Ms. Mickens next talked about the intake process at CPS (Attachment 2) which begins with the child abuse hotline. Last year, the hotline received 106,000 communications that were entered into the CPS database. Not all calls are reports of child abuse; some calls are for other reporting issues received from police officers, foster parents, or group home personnel. She covered the mandatory reporting law which requires any person who reasonably believes that a minor is or has been the victim of abuse or neglect is required to immediately report to CPS or law enforcement.

In response to Senator Bennett, Ms. Mickens replied that CPS is responsible for investigating child abuse or neglect when it occurs in a home environment by an adult who lives in the home. If an abuse allegation is about a school teacher, CPS does not have legal authority to intervene and that abuse should be reported to the police.

Ms. Mickens explained how to report an allegation, noting the procedures used for the receipt and screening of allegations. She also went over the definitions of abuse, neglect, and substantial risk or harm. She indicated that the hotline specialists ask a set of established cue questions after which the call is assessed a risk level: 1) high risk (2-hour response time); 2) moderate risk (48-hour response time); 3) low risk (72-hour response time); and 4) potential risk (7-day response time). The report is then assigned to a unit supervisor or Family Builders coordinator.

In response to Mr. Twist, Ms. Mickens clarified the reporting function of CPS, noting that when a call is received on the hotline and does not involve a parent or custodian, the specialist will ask the caller to call law enforcement. In addition, the specialist will report the incident to law enforcement to ensure police are notified. Mr. Twist asked for further clarification that all abuse calls were reported to law enforcement. Ms. Mickens confirmed that all allegations are sent to law enforcement.

In response to Detective Metelski's question regarding CPS closing a case because the child was not located, Ms. Mickens replied that in those cases, CPS is redefining their policy regarding reasonable efforts to locate because of the recent high-profile cases.

In response to Mr. Twist, Ms. Mickens noted that the use of illegal drugs is not currently in the CPS definitions. However, the CPS investigator will review how the substance abuse affects the parents' ability to parent. If a child has had exposure to a drug that has caused him/her to be hospitalized, it would be a violation of policy if CPS did not consider the safety issue.

In response to Dr. Beljan, Ms. Mickens replied that CPS has not conducted a study regarding the questions used by the hotline specialists to ensure the information is what is needed.

In response to Ms. Cox, Ms. Mickens explained that a hotline report is information that does not meet the CPS report definition; however, it is captured on the database but not distributed to a specialist for investigation. The hotline report is reviewed within 48 hours by a quality

assurance specialist, and if determined that it is a CPS concern, the report is returned to the hotline supervisor for action.

Ms. Cox questioned if a second call is received regarding abuse of the same child would the investigator be told about the first call. Ms. Mickens replied that it would depend on the information. If the data in the first report is pertinent, it would be given to the investigator. In response to Senator Bennett's questions, Ms. Mickens stated that all calls are identified either as a CPS or hotline report. She explained that there are written cue questions designed as guidelines, and based on the answers, it is determined whether the report meets any of the definitions of abuse or neglect. Further decisions are made based on the risk level of the abuse or neglect.

In response to Mr. Faull, Ms. Mickens replied that approximately 35% of the calls are taken as CPS reports with another 20% being hotline reports. The remaining calls are considered status communications, where information is received on open cases from law enforcement or other individuals. Ms. Mickens explained that there are performance expectations regarding the number of calls and length of calls; however, the specialists are expected to take as much time as necessary to obtain information. The average call time is approximately 10 minutes. In response to Senator Soltero, Ms. Mickens replied that CPS does struggle with ensuring that there are sufficient numbers of hotline specialists to answer all calls; weekends often are problematic. She noted that Mondays are the busiest day and the hotlines are staffed accordingly. There are times when callers will have to wait in a cue for the next available specialist.

Dr. Beljan wondered about a call that does not warrant an investigation; then a second call is received from another individual regarding the same child, and asked if that would suggest that the cue questions are not getting at the depth of the problem. Ms. Mickens replied that she does not feel that it is the cue questions, but that the first caller did not have enough information. The specialists are allowed to ask additional questions not identified in the designated cue questions.

Senator Bennett referred to the 106,000 calls and wondered about duplication. Ms. Mickens replied that CPS is precluded from taking more than one report on the same situation. If more than one caller provides information on the same child, it is all contained in one report.

In response to Senator Anderson's questions, Ms. Mickens replied that CPS is able to investigate 100% of the calls identified as a CPS report. Last year, there were 34,792 CPS reports; with 29,324 reports investigated by CPS and 5,468 reports assigned to Family Builders. She indicated that she did not have any data regarding how many deaths occurred.

In response to Ms. Cox, Ms. Mickens replied that the Family Builders program is designed to be an assessment of family needs and does not investigate child abuse. In response to Detective Metelski, Ms. Mickens explained that the reports that are sent to Family Builders are the low risk and potential risk reports; no sexual abuse reports would be assigned to Family Builders. She referred to the CPS response system exhibit (Attachment 3) that identifies the various examples of physical abuse, neglect, sexual abuse, and emotional

abuse and their risk levels. Also shown are the tracking characteristics, as well as aggravating and mitigating factors that need to be considered when evaluating a report.

In response to Sergeant Gardom, Ms. Mickens explained that when it is determined that a child needs to be removed from the family, the investigator has two hours to ensure the child's safety. In Maricopa County, there are two after-hours investigation units and occasionally they have a difficult time taking action within the designated response time.

Detective Metelski asked about what happens when CPS is refused entry into a home. Ms. Mickens indicated that in those situations, the first thing to do would be to call law enforcement. Usually when a police officer is assisting, the family will open the door and allow entry. There are occasional circumstances when the family will not allow police or CPS to enter the premise, and at that time, CPS will obtain a court order.

Representative Lopez wondered how many of the 34,792 reports are substantiated. Ms. Mickens said that she did not have that information readily available; however, she feels that it is approximately 15%.

Ms. Mickens continued to discuss the investigation process which includes: 1) joint investigation with law enforcement or child advocacy centers; 2) interviews with the victim and other members of the family; 3) collecting information, such as school, medical, mental health, and police reports; and 4) consulting with physicians, mental health specialists, school personnel, and/or other professionals.

In response to Senator Bennett, Ms. Mickens clarified that the 764 specialists include investigators and hotline staff. Case managers are assigned a specific function with some performing investigations, some doing the intake function at the hotline, and others working with families whose children have been removed from their home. CPS investigators are given specific training, while all other staff are provided with basic training.

Ms. Mickens next talked about additional things considered while performing an investigation which include determining imminent risk and assessing child safety. If a child is removed from the home, CPS has 72 hours to determine if they must file a dependency petition. During that time, a removal review team is assembled consisting of the case manager, supervisor, a member of the foster care review board, a doctor or psychologist who verify that CPS had grounds to remove the child, using the probable cause criteria. The case planning establishes goals, services, and expectations.

In response to Mr. Twist, Ms. Mickens replied that the CPS substantiation rates went down when they moved to the appeal process. This raises a question as to whether CPS was substantiating things without adequate evidence or was the evidence not gathered and/or written correctly. To alleviate this concern, guidelines for substantiation have been developed to assist case managers in asking questions that will gather the correct data.

Ms. Mickens agreed with Mr. Twist that the most important goal at CPS is to ensure child safety.

With Committee member agreement, Senator Bennett announced that the overview of issues regarding investigation processes and training needs that were to be presented by law enforcement personnel will be postponed to the next scheduled meeting.

**Dot Reinhard, Auditor General's Office**, explained that they have not completed a comprehensive review of the CPS division regarding the intake or investigation process since 1997. Since that time, several aspects of CPS have been reviewed that were not directly related to the intake or investigation process. In conducting these other reviews, they did look at the intake and investigation functions because an understanding of those areas was necessary to complete their work. In 1997, there were two findings related to intake and investigations and work was completed on those two areas in November 2000. At that time, CPS did implement all the recommendations made by the Auditor General's Office. Based on an observation in January 2002, it appears the intake and investigation process is sound and good. She indicated that the auditor did observe that if a call is received and it is not classified as a CPS investigation that it does go through a quality assurance process. When conducting an audit of the appeals and removal process, auditors did review certain aspects of the investigation function, particularly the substantiation process. During that review, some case managers did not know what standard of evidence was needed to substantiate a case nor were some able to identify probable cause. It was recommended that the division provide additional training for staff to improve their skill levels in these areas.

Representative Lopez stated that she understands that there are three different types of reviews regarding substantiation and removal: 1) team review process; 2) family appeal process; and 3) a court review. She wondered if all three of the processes are necessary. Ms. Reinhard replied that the Auditor General's Office did not specifically address that issue; however, they have looked at all of those functions. She indicated that it might be a good idea to combine a couple of the processes to save time.

Mr. Faull commented that he understands that the Auditor General's Office has had an opportunity to review a number of the high-profile cases in a quest to determine what occurred. He suggested that the issue of reunification versus child safety is a concern. It appears that in some of the cases, children were allowed to remain in situations where they should have been removed. He wondered about the decision-making process, questioning if there is something inherent in the system that is not working. Ms. Reinhard replied that unfortunately the Auditor General's Office has not looked at the process to the extent as described.

Mr. Faull referred to a recent case, noting that there were caseworkers who felt that the baby should not be returned to the household; yet there were others who believed that under the policies of CPS, it was appropriate to return the child to the family. He asked if she could talk about policy failures that the Auditor General's Office found in the process of protecting children. Ms. Reinhard stated that she believes Mr. Faull was referring to the ombudsmen's office who conducts reviews on high-profile cases. The Auditor General's Office has not been requested to review specific cases.

Senator Anderson inquired as to whether the Arizona CPS agency is compared with other national agencies. Ms. Reinhard replied that since 1997, three audits have been completed.

Auditors do review best practices and standards used nationally and make recommendations on how to include those at CPS. She indicated that she would provide those recommendations to the Committee members. She explained that the Auditor General's Office is currently doing an audit that focuses on caseloads, training, supervision, concurrent case planning, and barriers to permanency. The audit deadline is December 1, 2003 and the Auditor General's Office plans to submit that report to the Committee as soon as it is completed.

Representative Farnsworth explained that the Committee's responsibility is to gather information and draft legislation that is valuable. He stressed that if the members expedite this process in order to fit it into the special session, he is concerned that there may be legislation and reforms made that may be detrimental to children because they have not been well planned. He suggested that the Committee should continue gathering data until the regular session, when the proper amount of time and attention can be given to the issues. He emphasized that this is a large agency with a huge impact.

Mr. Faull echoed his concern with the condensed timeframe to arrive at a responsible decision. He suggested that it would be more beneficial if the members had three months to work on the issue.

Senator Soltero agreed, noting that the members have been bombarded with much information.

Mr. Twist stated that he agrees that it would be a mistake to rush to judgement on specific reforms. Everyone who has an interest in addressing this problem should not allow inflexible deadline dates to get in the way.

Senator Anderson brought up that the charge of this Committee would entail providing a long-term solution. The downside of waiting until the regular session is that the Legislature will hear the Governor's plan in the special session and any other plan submitted by any legislator not sitting on this Committee. He suggested that some legislation could be passed in that special session. However, the Committee could still present its recommendations in the regular session.

Mr. Faull noted that if other plans are submitted, he feels the Committee should meet to discuss those plans. He indicated that the expertise of the members of the Committee is extremely valuable.

Senator Bennett suggested that the Committee meet one more time before October 20, 2003 and also meet twice a month thereafter until recommendations are finalized. Mr. Twist stated that he feels that the next meeting should be held on October 16, 2003. He pointed out that many of the recommendations from the Governor and County Attorney cover an enormous amount of common ground and should be discussed in the context of an actual bill.

Representative Farnsworth noted that if the Legislature does not feel that they have had enough time to create legislation that is appropriate, they do not have to act. He emphasized that the Committee members should not approach their task as if they must reform CPS in

the special session. Many legislators have already voiced a concern in trying to rush this process.

**Gary Tupper, representing himself**, testified about his concern that his son has repeatedly been overmedicated into a comatose condition for the past three and one-half years. He mentioned that he has been pursuing this issue with CPS for the past two years. He suggested that everything presented today does not answer the question as to why CPS is not protecting children now. No one has done anything to protect his child. He stressed that making a law does nothing to protect children.

Senator Bennett explained that the primary purpose of this Committee is not to review how specific cases have been handled. However, he feels it might be beneficial to gather as much information as possible to see how a case may fall through the cracks.

**Beth Rosenberg, Children's Action Alliance**, distributed a letter (Attachment 4) from Carol Kamin, the executive director of the Children's Action Alliance. Ms. Rosenberg noted that when fixing one part of the system, it impacts the other parts.

Senator Anderson noted that he asked the Joint Legislative Budget Committee (JLBC) to look into what additional cost would be incurred if a new standard was developed that allows the removal of a child if there is any doubt. The average cost per year for a child in State care is \$15,700 and currently, there are approximately 7,000 children in State care. If that number was increased by 20%, which would be another 1,440 children, it would increase the State's cost by \$22.3 million.

There being no further business, the meeting was adjourned at 12:15 p.m.

Respectfully submitted,



Carol Dager  
Committee Secretary

(Tapes and attachments on file in the Secretary of the Senate's Office/Resource Center, Room 115.)

# ARIZONA STATE LEGISLATURE

## JOINT SELECT COMMITTEE ON THE CHILD PROTECTIVE SERVICES SYSTEM

### Minutes of the Meeting

October 16, 2003

10:00 a.m. Senate Appropriations Room 109

#### Members Present:

Senator Bennett, Cochair

Senator Anderson

Senator Soltero

Dr. Paul Beljan

Mary Cherry

Dr. Kathryn Coffman

Shawn Cox

Mark Faull

Sergeant Carolynn Gardom

Representative Farnsworth, Cochair

Representative Nichols

Detective Chris Metelski

Cindy Newbauer

Steve Twist

Billye Wilda

#### Members Excused:

Representative Lopez

The Honorable Ron Reinstein

#### Staff:

Sean Laux, Senate Research Analyst

Marianne Hardy, House Research Analyst

Chairman Bennett called the meeting to order at 10:00 a.m. and attendance was taken.

### PRESENTATION OF ISSUES REGARDING INVESTIGATION PROCESSES AND TRAINING NEEDS BY LAW ENFORCEMENT PERSONNEL

**Rachael Mitchell, Deputy Maricopa County Attorney, Bureau Chief of the Sex Crimes & Family Violence Unit, Southeast Division**, testified that the Sex Crimes & Family Violence Unit consists of nine attorneys, who prosecute the crimes against children that involves sex crimes and also physical abuse. She stated that she has been prosecuting cases in this field for over seven and half years. She noted that there have been many improvements in the system since she began working in this field.

Ms. Mitchell explained that neither Child Help USA nor the Family Advocacy Center were available when she began working for Maricopa County. She noted that typically, when allegations of abuse, either sexual or physical, were brought up, the child would be transported from place to place for interviews, treatment and processing. Child Protective Services (CPS) and law enforcement were not doing joint investigations or

interviews. She remarked that repetitive interviews are traumatizing to the child and damaging to the investigation.

Ms. Mitchell distributed a handout entitled Arizona Child & Family Advocacy Network, Supporting the Development of Advocacy Centers in Arizona (Attachment A). She stated that there is only one center missing from the State map listed in the handout, which is the Scottsdale Advocacy Center that opened earlier this year. These centers have dramatically changed the way that cases are investigated in Arizona. She explained that the centers house a number of disciplines, including the county attorney, police, CPS workers, forensic interviewers, crisis workers and medical personnel. Children are brought in for cases investigating suspected abuse and only have to visit one place for the investigation. This is not only beneficial for the child, but it also improves joint investigations and decreases errors in the interview process which could hamper prosecuting cases.

Ms. Mitchell remarked that another benefit with these centers is that it affords the placement of people with different areas of knowledge in one location. The professionals that are involved in this field are asked to make life and death decisions on a daily basis. The benefit of having multiple disciplines in one center facilitates making these difficult decisions easier and affords opportunities for staff to learn from and support each other.

Ms. Mitchell explained that there is an initial sixteen-week training course for all CPS workers. She opined that continued education is necessary and remarked that this is an issue that should be addressed by this Committee. Most professions mandate continued on-going education, which gives staff the tools to be better equipped to perform at a higher standard and decreases "burn out" and turn over.

Ms. Mitchell noted that one step that Maricopa County has taken to increase the interview skill level has been the development of protocol for training. This includes having peer review and observation of interviews from monitoring rooms, in addition to the requirement for staff that perform forensic interviews to complete an eight-hour basic forensic interview course. Once that is completed, the staff will attend a required forty-hour advanced forensic interview course, which is held throughout the State, two or three times a year. Before staff is allowed to conduct interviews, they have to have attended these courses. The course is administered by a Justice Department grant, and is coordinated by Prevent Child Abuse Arizona. She stated that there has been enormous positive feedback from police and CPS officers who have attended the courses. Additionally, there are other training courses available from Childrens Justice Project, which offers a variety of on-site training by county attorneys, police and mental health professionals.

In response to Senator Anderson, Ms. Mitchell stated that her office has statistics of the percentage of cases that are referred and prosecuted. She stated that she would provide that information to the Committee.

Senator Anderson commented that he had heard concerns that many times cases are turned over to the County Attorney's Office and are not prosecuted. He noted that there are a number of reasons why these cases are not prosecuted, but was curious regarding how many there are.

Senator Anderson asked what percentage of serious cases are investigated jointly. Ms. Mitchell explained that she works primarily out of the Mesa Advocacy Center, where CPS staff is also housed. Consequently, the majority of cases that she works on are done jointly. She remarked that this percentage decreases in other jurisdictions that she deals with such as Chandler or Gilbert, where CPS is not on site with the County Attorney.

Referring to Senator Anderson's statement regarding cases that are referred but not prosecuted, Ms. Mitchell explained that different agencies appear to have different screening processes for child physical abuse. Some agencies are more liberal in sending everything to the County Attorney while others use a screening process within the police agency prior to referral. This may have some impact on the number of cases not prosecuted.

In response to Senator Soltero, Ms. Mitchell commented that although she was aware of all of the requirements that CPS has for continued education, she was aware that some continuing education was done, but she did not know if advanced forensic interviewing training was mandated within a specified career timeline.

Senator Soltero remarked that he would like further information on this topic from DES.

Mr. Faull asked if shared location is the same concept as the Child Help Centers and the multi-disciplinary investigation. Ms. Mitchell remarked that while co-locating multi-agencies does increase communication, she did not believe that it would automatically duplicate the center concept. The multi-organization center concept is based on more than CPS and law enforcement being housed within one center. It includes the County Attorney's Office as well as partnerships with St. Joseph's Hospital and forensic interviewers. The concept involves a mindset that there is multi-discipline approach and joint investigation.

Ms. Cox asked what typically happens when the protocol is not used. Ms. Mitchell responded that there are a couple of actions that can occur. She explained that her office will not turn down a case simply because the protocol was not followed, but noted that if a recantation by the victim or child were to occur, the chances of conviction are severely diminished. The office may still file the case, because of the allegation and perhaps some corroboration, but the outcome is in jeopardy. The other action that could be taken is not filing the case at all because the protocol was not followed to such an extent that the investigation was compromised and is so weak that the County Attorney's Office cannot meet its ethical standard. She explained that her office cannot file a case if it does not have a reasonable likelihood of conviction. Another option of action is to further refer the case back to law enforcement with instructions to follow the

protocol process. Usually by this stage, time has lapsed and in some cases, medical evidence is no longer available or a parent has already "worked" on the victim and a recantation occurs, which could reduce the amount of evidence that can be used.

In response to Mr. Twist, Ms. Mitchell explained that the protocol was created by approximately 63 partners. These partners were leaders from all different aspects, such as CPS, education, law enforcement, county attorney's office and medical personnel who met and discussed all the essential items needed for each specialty to conduct the best investigation to uncover the truth about an allegation. The protocol is tailored to the resources and infrastructure of Maricopa County, which might not be as successful in a rural county. She stated that most counties within the State have protocols.

Senator Bennett asked if non-trained personnel from law enforcement or CPS are asked to conduct forensic interviews. Ms. Mitchell said that unfortunately that does occur because of staffing shortages. Ms. Mitchell explained that a forensic interview is an interview that is done to gather information in a criminal justice setting. She noted that there are personnel that have been trained in this form of interviewing and those that have not. Interviews done by untrained staff are referred to as non-forensic interviews.

Senator Bennett asked if law enforcement and CPS forensic interviews share common elements necessary for a successful interview. Ms. Mitchell explained that although there are common elements, there are independent considerations for each entity that need to be addressed. For example, law enforcement interviews require specific elements, such as dates and specific acts, so that an indictment is possible. She stated for example, that CPS would be able to deal with a non-offending parent and would need to question whether they were capable of protecting the child in the home setting.

Senator Bennett commented that it has been suggested that all cases brought to the County Attorney's Office be prosecuted. He asked what ramifications would exist if legislation were passed that required this. Ms. Mitchell stated that outside of budgetary issues, not all cases can be prosecuted. She explained that many cases fall into this category not because of any errors by law enforcement or CPS, but because there is not enough or any evidence that indicates a guilty party. Another example would be a case of neglect that does not rise to the level of criminal behavior, and therefore intervention from a criminal justice standpoint cannot be taken. She stated that in these circumstances, CPS would need to investigate and intervene.

Senator Bennett asked what insufficiencies other than the philosophical issue of putting the safety of the child paramount, exist in current statues that make the job harder than it has to be.

Ms. Mitchell replied that in the last session, the Legislature amended the mandatory reporting law, which was a huge step forward in increasing the number of people that will report child abuse. She stated that a requirement under the child abuse law § A.R.S. 13-3623, the offender has to have care or custody of the child. There are

situations where people place children in danger when they do not have care and custody. For example, a mother knowing that her husband was sexually abusing her own children, not only did nothing to protect them, but allowed her children to have friends over. In this case, the child's friend was lured into a back room and was raped, but the woman could not be charged with child abuse. She remarked that sexual misconduct with a minor, a child 15, 16 or 17 years old, dramatically decreases the penalty from that of sexual misconduct with a child 14 years old. She stated that the penalty for a person who has sexual intercourse with a 12-year old is 35 years to life in prison. The penalty for sexual intercourse with a 13-year old is 13 to 27 years in prison. She stated that every sexual misconduct act in both of these situations has to have mandatory consecutive sentences. If a person has sexual intercourse with a 15-year old, they are probation eligible and the maximum penalty is 2 years in prison, of which they only have to serve 85%. Additionally, there are early release factors that exist. She opined that this needs to be reviewed, as there are sex offenders that prey on 15 to 17-year old children.

In response to Mr. Twist, Ms. Mitchell commented that it would be helpful if the code added a new statute dealing with continuous child abuse over a set period of time. She noted that the equivalent of this exists in the sexual abuse statutes, whereby three or more charges of sexual abuse occurring over a three-month period or longer can be grouped together.

Mr. Twist asked if the definition of abusive conduct needs to be expanded to include demonstrably adverse effects that are caused by the use of drugs or alcohol during pregnancy. Ms. Mitchell remarked that this would be a question for medical experts. She said that she has seen the language "demonstrably adverse effects at birth" but stated that she was not sure that it would encompass everything. She commented that she would defer to medical experts, as in many cases adverse effects are not demonstrable at birth.

Mr. Twist asked if the area of conduct that is within the control of the parent that subjects a child to living conditions of pest infestation and disease, not caused by circumstances outside the control of the parent, is an area of weakness in current statutes. Ms. Mitchell remarked that many times these types of cases are prosecuted under the neglect statute, which is a misdemeanor. She opined that after seeing some abhorrent living conditions, she would agree that current statute needs to be strengthened.

In response to Mr. Faull, Ms. Mitchell stated that not all cases reviewed by her office come from child help centers. She explained that her office receives cases from other agencies, which are given voluntarily.

Dr. Coffman stated that in her experience working in this field for many years, neglect is the most common type of maltreatment that is seen and is the most common cause of death. She asked how the County Attorney's Office handles cases of neglect that have not risen to a point where the child has died, yet the child is at risk. Ms. Mitchell noted

that her office is discharged with the responsibility of prosecuting felonies that occur within Maricopa County. The only misdemeanor cases the office prosecutes are those associated with a felony in some manner or if the offense occurred in an unincorporated area in the county. Consequently, when the office gets a "filthy house" case that falls under the neglect statute, because it is a misdemeanor, the case is forwarded to the City Prosecutor's Office for misdemeanor prosecution. The only exception is if the abuse rises to a level where child abuse charges can be made, which is a felony.

## **PRESENTATION OF THE CPS INVESTIGATION, EVALUATION/ASSESSMENT, SUBSTANTIATION AND APPEALS PROCESS BY THE DEPARTMENT OF ECONOMIC SECURITY (DES)**

**Bruce Nittle, Intake Investigative Supervisor**, testified that an investigation is like a puzzle. An investigator attempts to put all the puzzle pieces of information together, much like a detective. The investigator will gather information in whatever format they can, through direct and collateral interviews with sources, neighbors, other professionals, and other reporting sources that may have additional information or contact history on the family. There may be monitors or credible sources already dealing with the family. An investigator initially looks at three factors, which are cooperation level of the client, comprehension level of the client family as well as the commitment level of the client family.

Mr. Nittle distributed a handout entitled *Child Safety Assessment*, which is a tool that CPS is currently using and has been using for approximately one year (Attachment B). This document is the tool that the investigator will use to evaluate certain criteria. He stated that the investigator should be evaluating the various criteria to determine immediate safety concerns for the child or children in the home. This document is used upon initial contact with the family, upon the discovery of any relevant information that possibly impacts the initial assessment and again upon conclusion of the investigation.

Mr. Nittle remarked that if the child safety assessment indicates that the child or children are not safe, a safety plan is generated by the caseworker as well as with the family. The idea of the safety plan is to modify or eliminate the safety concerns, consider an alternative placement for the child or possible direct intervention on the agency's part entailing the removal of the child. Once immediate triage is completed, the investigator shifts gears into a risk assessment process. The difference between the safety assessment and the risk assessment is that the safety assessment evaluates any direct, imminent harm to a child, where the risk assessment process is more of an analysis of familiar strengths and deficits both in the immediate as well as in the future. After the safety assessment and the risk analysis, the next step is performing an assessment of service needs, not only by the children, but also by the parent and the family unit as a whole. The case manager's role also involves service acquisition. There are multiple agencies and providers as well as multiple jurisdictions that need to be dealt with to ensure appropriate services in a timely fashion. He stated that monitoring the situation is next.

Mr. Nittle distributed a handout entitled TERROS Families First (Attachment C). He commented that this is a very effective substance abuse program that DES has been using to initially assess caretaker's substance involvement as well as make recommendations as to what further interventions need to take place. He stated that until DES had budgetary issues and shortcomings, this service was offered to all of the agency's clients. With the current budgetary problems, the agency will only be utilizing this service in two unique circumstances; substance exposed newborns and individuals against whom that the agency has filed petitions in court and substance abuse is one of the primary barriers to family reunification.

In response to Ms. Cox, Mr. Nittle remarked that all populations other than substance exposed and petition cases are referred to the agency's Regional Behavioral Health Authority (RBHA).

Ms. Cox commented that it had been a major source of frustration for her during the interview process regarding allegations of parental or custodial drug abuse, where a CPS caseworker would state that it was a "lifestyle choice of the offender." She asked under what circumstances could a CPS caseworker actively determine whether it is a lifestyle choice, where a functional addiction is occurring in the home and the child is safe. She also asked what risk factors do caseworkers look for to ensure the safety of the child.

Mr. Nittle commented that risk factors are reviewed consistently. Considering the vulnerability of the child in question, the primary responsibility of the caseworker is to assess the factors as stringently as possible. He stated that during the last two years, training regarding new policies about neglect and situational neglect concerning substance exposed newborns, has helped uniform and standardize some of the agency's interventions in the field. He stated that caseworkers are dealing with intangibles that are difficult to immediately assess. He stated that in many cases, substance impact is not seen until the baby is well advanced. He noted that caseworkers need to educate their clients to the long-term consequences of their actions.

Mr. Nittle stated that after the findings are determined, and before the case is closed, aftercare planning takes place. He explained that aftercare planning is a strategy to ensure the success of the family after the case is closed and the intervention has stopped. This entails identification of potential problems, guiding the client in the proper direction in accessing those services and then the slow progression of backing out of the case.

## **PRESENTATION OF THE FAMILY BUILDERS AUDIT BY THE AUDITOR GENERAL'S OFFICE**

**Dot Reinhard, Office of the Auditor General**, distributed a handout of her PowerPoint presentation (Attachment D) and copies of the complete Family Builders Program Evaluation (Attachment E).

## Highlights from the presentation:

### Background

- Started in 1997
- Families with different levels of risk need different interventions
- Family-centered program focuses on family strengths
- Serve families with potential and low-risk child abuse and neglect reports
- Offered services in lieu of CPS investigation
- Some allegations disqualified
  - Sexual abuse
  - Current injuries
  - Child currently in out-of-home placement

### Areas served

- 10 counties served: Apache, Cochise, Coconino, Graham, Greenlee, Maricopa, Navajo, Pima, Santa Cruz and Yavapai
- 5 counties not being served: Gila, La Paz, Mohave, Pinal and Yuma

### Areas currently serving

- Maricopa and Pima counties and parts of Apache, Coconino, Navajo and Yavapai counties

### Referrals

- Family Builders visits home within 48 hours of referral
- Family can accept or decline services
  - If family declines, case is closed
- Cases referred back to CPS if Family Builders observes signs of abuse or neglect

### Services accepted

- Family Builders' caseworker & family complete an assessment and set goals for the family in a service plan
- Family receives various services, such as counseling and rent assistance

### Referrals and participants

- Between August 1999 and April 2001
  - Received 14,000 referrals
  - Approximately 1/3 accepted and received services
- On average, families participated in the program for approximately six months

## Discussion of findings

### Finding I

Services differ but program outcomes comparable to CPS

#### Comparison to CPS

- The Family Builders program offers more services than CPS
  - Family Builders provide services CPS cannot
  - Family Builders may be doing more than CPS would
- Subsequent reports similar for Family Builders and CPS
  - 35% Family Builders Program participants received another report
  - 36% of families investigated by CPS received another report
- Similar results reported in 2000

### Finding II

Department has made limited progress in monitoring and oversight

#### Problems with costs and data

- In 2000, found cost of service was far less than the amount paid to providers
- In 2001, found cost data missing and miscategorized

#### Recommendations

- Five recommendations have been implemented:
  - Example: Created a database users manual and provided training
- Two recommendations in process of being implemented:
  - Example: Data quality assurance plan

**Diana Calais, Attorney**, testified that she is from Gold Canyon, Arizona with a client who lives in Globe, Arizona. She remarked that her client is concerned with the training that CPS caseworkers receive. She agreed with Ms. Mitchell's comments regarding the need for mandatory continuing education for caseworkers.

Ms. Calais noted that another concern her client has is regarding parents with substance abuse being competent parents, even after the parent is no longer abusing drugs or alcohol. She opined that a great deal of time is needed for a parent to become well enough to be a good parent.

Ms. Calais remarked that the old system of prioritizing family reunification versus prioritizing the safety of the children does not work now and opined that further changes along these lines are needed.

Ms. Calais requested that the Committee keep the effect on rural counties in mind when making changes to the current system.

**Gary Tupper, representing himself**, testified that his son is being overmedicated to the point of overdosing. He noted that he has tried to get this addressed for the last two years. He stated that he has been given the run-around with CPS. He explained that CPS referred him to the courts, who in turn referred him to the county prosecutors office, who referred him to law enforcement. He remarked that law enforcement acted like it was someone else's problem. He stated that the public has to deal with apathy and a lack of accountability within the system.

Mr. Tupper opined that although CPS has problems, the system, which includes the County Prosecutor, the Courts and law enforcement could all make improvements. He opined that it is not a case of making more laws, but rather enforcing the ones already on the books.

Mr. Tupper distributed a handout of a letter he received from the Office of the Attorney General dated August 4, 2003 (Attachment F).

The letter informed him that the Attorney General's Office was prohibited by law to provide direct legal advice, but did provide him with some general information.

**Connie Mitchell, Arizona Partnership for Children**, testified that the TERROS program referred to in early testimony is the Arizona Families First program that is offered in Maricopa County by TERROS. She stated that her organization offers the program in Yavapai, Coconino and Yuma Counties. She noted the need for the program Families First far exceeded the money that was available. Consequently, during the last fiscal year, DES created protocol that Families First would be used for, which significantly reduced the number of referrals Families First received from DES. That has continued this year because of the appropriation for Families First for this current fiscal year. Arizona Partnership for Children is only able to accept referrals of court cases as well as substance abuse newborns. She commented that this program has become very effective and noted that an evaluation form is out that describes the outcomes of the program.

Ms. Mitchell commented that Arizona Partnership for Children provides Family Builders in Pima, Maricopa, Yavapai, Coconino and Navajo Counties.

Ms. Mitchell stated that the Auditor General's Office report noted that there are similar outcomes for Family Builders and CPS, which may be true, but noted that Family Builders costs approximately 50% of what it costs CPS to provide similar services.

Ms. Mitchell noted that the most frequent services that Family Builders provides is counseling, parenting training, parent aid service and emergency assistance. These services include life skill training.

In response to Mr. Twist, Senator Bennett stated that if the Special Session begins next week, there may be proposed legislation offered that could be included as part of this methodical review of the statutes.

Without objection, the meeting was adjourned at 12:25 p.m.

Respectfully submitted,



Tracey Moulton  
Committee Secretary

(Tapes and attachments on file in the Secretary of the Senate's Office/Resource Center, Room 115.)

PROCLAMATION  
by the  
GOVERNOR OF THE STATE OF ARIZONA  
Calling a Second Special Session  
of the Forty-sixth Legislature of the State of Arizona

By the power vested in me by Article IV, Part 2, Section 3, and Article V, Section 4 of the Arizona Constitution, I, Janet Napolitano, Governor of the State of Arizona, call the 46<sup>th</sup> Legislature to meet in a Second Special Session at the Capitol on Monday, the Twentieth day of October, 2003 at 11:00 a.m.

The subjects to be considered at the Second Special Session shall be:

1. Child Protective Services reform, authority, funding and appropriations;
2. Authority, funding and appropriations for AHCCCS to make supplemental payments to health plans and eligible public hospitals in accordance with federal Upper Payment Limit guidelines;
3. Funding authority and appropriations for the Department of Corrections;
4. Department of Revenue adjustments, including funding, authority and appropriations to enhance revenue collections and the elimination of the \$5 income tax withholding;
5. Amendments to Chapter 1 of Title 12 of the Arizona Revised Statutes, relating to judicial collections; and
6. Amendments to Chapter 6 of Title 23 of the Arizona Revised Statutes, relating to the State Compensation Fund.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

*Janet Napolitano*  
GOVERNOR



DONE at the Capitol in Phoenix on this 30<sup>th</sup> day of September in the year Two Thousand Three and of the Independence of the United States of America the Two Hundred and Twenty-eighth.

ATTEST:

*Janice K. Brewer*  
SECRETARY OF STATE