39th LEGISLATURE, SECOND REGULAR SESSION

JOINT LEGISLATIVE OVERSIGHT COMMITTEE

ON

CHILD PROTECTIVE SERVICES

Final Report

September 25, 1990

COMMITTEE MEMBERS

Senator John Mawhinney, Co-Chair
Senator John Hays
Senator Pete Rios

Rep. Patricia Noland, Co-Chair
Rep. Dave McCarroll
Rep. Polly Rosenbaum

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STATE DOCUMENTS

I. FORMATION OF THE CPS OVERSIGHT COMMITTEE

I. FORMATION OF THE CPS OVERSIGHT COMMITTEE

The Joint Legislative Oversight Committee on Child Protective Services (CPS) was formed on August 29, 1989. President Robert Usdane and Speaker Jane Hull both felt the formation of the Oversight Committee was necessary and appropriate in light of the rapid increase in child abuse and CPS investigations and the numerous concerns that had been voiced by the public, the Department of Economic Security (DES), the State Foster Care Review Board (SFCRB) and several state legislators regarding Arizona's child protective service system.

Senate Majority Leader John Mawhinney (R-Tucson) and Representative Patricia Noland (R-Tucson) were selected to co-chair the six-member committee. Other members assigned to the committee were Senator John Hays (R-Yarnell), Senator Pete Rios, (D-Hayden), Assistant Minority Leader, Representative Dave McCarroll (R-Phoenix) and Representative Polly Rosenbaum (D-Globe).

The charge of the Oversight Committee was three-fold:

1. To identify the responsibilities and scope of CPS, statutory mandates and DES policies and procedures.

2. To identify areas for improvement and strengths in the system, new initiatives within CPS, and suggest corrective action where necessary.

3. To recommend legislative action if needed.

The reduction of child abuse and neglect, improved communication with parents, more training for case workers and supervisors, the maintenance of the family unit and the protection of individual freedoms were only a few of the complex issues that confronted the Oversight Committee while evaluating this system.

II. HISTORICAL PERSPECTIVE OF CHILD PROTECTION POLICIES AND LAWS

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The following is a brief overview of our society's concern for the general well-being of children and the formation of public policy to continually improve child welfare services.

The Victorian Era

Community concern about the well-being of children and government intervention to protect children has been an evolving process. In 18th century England, the **Elizabethan poor laws** codified this public concern by imposing community responsibility for children and certain individuals. The English doctrine of parens patriae allows the community to intervene when a parent is not fulfilling his or her parental responsibilities. The English legal system served as the foundation for many of the early laws that were established in the United States for dealing with family relationships.

The American Industrial Era

Since the founding of our country, the focus of children's well-being within the family has evolved in response to numerous actions at the national, state or local level. In 1874, the **Society for the Prevention of Cruelty to Children** was founded in the United States in response to concerns about children who were imperiled by the care of their parents or caregivers.

The 1960s

In 1960, the **"battered child syndrome"** was identified by the American medical profession in order to bring to light and describe the condition of recurring fractures and bruising of children at the hands of their families. As a result, national attention began to focus on this serious issue.

The 1970s

The Arizona Legislature's passage of the **Child Abuse Reporting Law** in 1970 was a direct reflection of Arizona's concern for battered children. In addition, the Legislature created a statewide central registry for maintaining child abuse reports and investigation records at this time. In 1974, the federal government enacted the **"Child Abuse Prevention and Treatment Act"** in response to the diversity of reporting laws that existed among the states. This federal legislation established national guidelines for reporting child abuse and neglect. Reportable behaviors under the federal law were expanded to include many forms of maltreatment, physical and sexual abuse, exploitation and emotional neglect. With this new legislation, the federal government made funding and technical assistance available to state and local governments.

By the mid-1970s, Arizona's concern was focused on the growing number of children in foster care and the lack of permanent planning for these children. The focus of the debate centered on the appropriateness of placement and the length of time that the child was placed in temporary custody of the state. The goal of the legislative effort was to provide permanency and stability for children. In 1978, now U.S. Congressman Jim Kolbe, introduced Foster Care Review Board legislation which requires citizen involvement and planning for foster care children. Arizona was one of the first states to implement a statewide foster care review board system, which has served as a national model. In its first year of operation, the foster care review board system reviewed 2,505 cases through 35 local review boards. A decade later, the system had expanded to 52 local boards and reviewed a total 5,072 cases in 1989.

The 1980s

The federal adoption of the **Adoption Assistance and Child Welfare Act of 1980, (PL-96-272)** focused national attention on children in foster care. Arizona was prepared to effectively respond to the new federal mandates on case review due to the 1978 legislation establishing foster care review boards. The high cost of foster care coupled with the negative impact of children in prolonged and unnecessary foster care prompted federal intervention. The federal government again provided financial incentives to states to examine policies governing child welfare services. It was left to each state to find solutions to their problems. Most states, including Arizona, have established adoption subsidy programs to overcome financial barriers for adopting children with certain handicaps.

Since 1980, numerous modifications have been made to Arizona's child abuse laws. The following is a summary of the major changes that have been made to these laws.

In 1981, legislation was passed that specified the conditions and procedures for taking children into temporary custody, including that notice be given to parents and that social workers have the ability to interview certain children without providing notice to the parent.

In 1982, in response to a mandate of PL-96-272, the Arizona Legislature established a goal that no more than fifty per cent of the total number of children in foster care shall be in care for more than twenty-four consecutive months. That same year, the Legislature imposed a two-dollar surcharge on marriage license fees and dissolution to finance the newly created **Child Abuse Prevention and Treatment Fund.** Monies from the Fund are used by DES to fund community based prevention programs, an annual child abuse conference, and in 1989, monies from the Fund were used to operate four Family Preservation Teams throughout the state.

The following year, the Legislature expanded the grounds for terminating a parent-child relationship to include a judicial finding that a parent refuses or is unable to remedy the circumstances which led to the removal of a child and is incapable of exercising proper parental care in the near future. Another legislative proposal was adopted which allowed the state to assess fees on parents whose children were in the custody of the Department of Economic Security, with ninety per cent of the funds to be earmarked for the training of CPS staff.

In 1984, the Legislature modified Arizona's child abuse reporting law by replacing the term "evidence" with "reasonable grounds to believe". Changes were also made regarding criminal proceedings and the admissibility of statements by children under the age of ten in cases involving sexual abuse. Further, a provision was adopted which required Child Protective Service workers to notify local law enforcement officers about any abuse reports they had received in the past. Funding was also provided to the DES to identify children in foster care who would be eligible for adoption if parental rights were terminated.

In 1987, the federal government expanded the **Child Abuse Prevention and Treatment Act** to address the issues of child pornography and reform of child adoption laws.

In 1989, the Arizona Legislature once again refined the state's definition of child abuse and authorized the limited release of confidential reports by Child Protective Services. The duty to report child abuse was expanded to include reporting if there are reasonable grounds to believe that the child has been a victim. These revisions also imposed a misdemeanor penalty for anyone who knowingly makes a false child abuse report.

As the state of Arizona enters the 1990s, the protection of children and the preservation of families continues to be a paramount issue for policy makers and the citizens of this state. The Arizona Legislature will be continually challenged to set the direction for improving Arizona's child welfare system. The remainder of this report outlines the efforts and recommendations of the Joint Legislative Oversight Committee on Child Protection Services' in meeting this significant challenge.

III. ACTIVITIES OF THE CPS OVERSIGHT COMMITTEE

III. ACTIVITIES OF THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON CHILD PROTECTION SERVICES

The Committee held a series of 11 public meetings, one of which was held in Tucson. During the course of these meetings executive sessions (closed to the public) were held, as authorized by A.R.S. 38-431.03 Paragraph A, Subsection 2, in order to review and discuss confidential CPS files.

The following is a summary of the activities of the Committee and the issues that were reviewed and discussed by the Oversight Committee over a nine month period.

First CPS Meeting

On September 14, 1989, the Oversight Committee heard testimony from several executive level officials within the DES and the Maricopa County Juvenile Court system regarding the current status of Arizona's CPS System. The primary purpose of the meeting was to provide the Committee with an overview of the CPS process including the emerging trends, staff qualifications and training, budgetary issues and court procedures associated with the removal of a child by CPS. In order to preserve public objectivity, prevent the disclosure of sensitive or confidential information and protect the innocent, all testimony before the Oversight Committee was given under oath.

Speakers included: Linda Moore-Cannon, Director of DES, Tim Schmaltz, Assistant Director, Division of Social Services (DES), and Marsha Porter, Program Administrator, Administration for Children, Youth & Families (DES), and the Honorable James McDougall, Presiding Judge, Maricopa County Juvenile Court.

Second CPS Meeting

On October 5, 1989, the Oversight Committee heard testimony from representatives of the State Foster Care Review Board (SFCRB), the local foster care review boards, and the Court Appointed Special Advocates (CASA) program. The Oversight Committee was given a brief overview of the organization, functions and goals of these programs. Representatives from the SFCRB also reviewed some of the key recommendations that the State Board has made to DES for improving Arizona's CPS and foster care programs.

Speakers included: Judith Robertson, Chairperson, State Foster Care Review Board, Joseph S. Godal, Member, Past Chairperson, State Foster Care Review Board and Mary Lou Dominguez, Division Director, Dependent Children's Services Division of the Arizona Supreme Court.

At the conclusion of the public testimony portion, the Oversight Committee members recessed and convened in executive session to discuss confidential matters with the Senate's legal counsel.

Third CPS Meeting

The Oversight Committee took seven hours of testimony from the general public on October 18, 1989, concerning problems with the current CPS system. In total, the Oversight Committee heard testimony from 32 individuals representing the general public, the legal community, various advocacy groups and social service providers regarding problems with the current CPS system and recommendations for improving Arizona's CPS system.

Fourth CPS Meeting

November 7, 1989, the Oversight Committee held a public meeting at the Tucson Convention Center in order to give residents of Pima County and southern Arizona an opportunity to testify before the Oversight Committee. In total, the Oversight Committee heard nearly nine hours of testimony from 58 individuals on various aspects of the CPS system.

Fifth CPS Meeting

Another meeting was held in Phoenix on November 27, 1989, because the Oversight Committee was unable to hear testimony from 35 individuals who had originally signed up to testify at the October 18th meeting. During this meeting the Committee heard over four hours of testimony from 18 individuals who returned to testify. Two physicians also testified before the Committee about various forms of child abuse including sexual and emotional abuse and the different techniques that are used by health professionals to identify and verify allegations.

Principle speakers were: Dr. Paul Bergeson, Director, Out-Patient Clinic, Phoenix Children's Hospital, and Dr. Eric Benjamin, Medical Director Child/Adolescent Psychiatry, Phoenix Children's Hospital.

Sixth CPS Meeting

On December 20, 1989, the Oversight Committee held a meeting to discuss several issues and recommendations which had surfaced as a result of prior Committee hearings and specific findings as a result of independent analysis by members of the Committee. Some of the primary subjects discussed during this meeting included: CPS intake procedures, ongoing caseload management practices, current training requirements for CPS personnel, quality assurance issues and the development of a mediator/arbitrator concept to assist families involved with the CPS process.

Seventh CPS Meeting

The Oversight Committee met on January 17, 1990 to discuss and review in Executive Session confidential material concerning specific CPS case files. The Co-Chairmen also informed the public about future activities of the Oversight Committee regarding CPS, which would include: 1) discussing with concerned parties specific proposals developed by the Oversight Committee; 2) submitting a final report to the Legislature regarding the Oversight Committee's findings and recommendations; and 3) drafting legislation to refine and improve the system.

Remaining CPS Meetings

From February 14th to March 14th, the Committee held several public meetings to discuss 50 different House and Senate draft proposals for improving and refining Arizona's CPS system. In all, 16 major policy issue categories were identified, organized and discussed by the Oversight Committee. By the end of the last public meeting, the Committee had formally adopted 35 of the draft proposals. Eventually, 19 of these proposals were incorporated into House Bill 2690, the Omnibus Child Protection Act.

Other activities of the Oversight Committee

Since the formation of the Committee, the members have participated in a wide range of investigative activities in order to gather relevant information and improve the Committee's overall understanding of the complex issues surrounding Arizona's CPS system. These activities included:

1) Reviewing confidential CPS case files with CPS caseworkers and supervisors at the DES district offices and discussing the problems and issues related to these cases with DES administrators and Oversight Committee members in Executive Session.

2) Reviewing several videotaped interviews of children involved in alleged sexual abuse cases in order to observe techniques used by the interviewers and the results of these interviewers.

3) Requesting and receiving information and recommendations from numerous individuals and institutions, including:

   - The Department of Economic Security
   - Judges and private attorneys from Arizona's Juvenile Court System
   - State and Local Foster Care Review Boards
   - Volunteers from Court Appointed Special Advocates Program
   - Representatives from VOCAL (Victims of Child Abuse Laws) and various foster parent associations
   - The Attorney General's Office

- The Joint Legislative Budget Committee (JLBC)
- The Auditor General's Office
- The Department of Administration
- The Governor's Council on Children
- Various health, social service and law enforcement professionals throughout Arizona
- The National Conference of State Legislatures

4) Interviewing CPS personnel at several district offices about various aspects of the CPS process, including workloads, staffing ratios and worker morale.

5) Reviewing what other states have recently done in the area of Child Welfare and Child Protective Services.

6) Attending Juvenile Court proceedings in both Maricopa and Pima Counties.

IV. FINDINGS OF THE OVERSIGHT COMMITTEE

IV. FINDINGS OF THE CPS OVERSIGHT COMMITTEE

The following are the key findings of the Oversight Committee regarding Arizona's present CPS system. These findings have been consolidated under sixteen various issue statements that were developed as a result of the Committee's investigations and hearings.

A. Improved communication between CPS and families

Once a child is taken into custody, parents and other family members are often confused and uninformed regarding CPS policies and procedures, their legal rights and responsibilities, the judicial process and availability of support services. Moreover, the CPS system lacks an effective mechanism for resolving disputes that may arise between CPS and families. Even though the DES maintains a Client Advocate Office that does provide some assistance to families, there is a basic mistrust by the general public of this office due to its close affiliation with CPS. Therefore, there is a need to enhance the CPS administrative review and appeals process through which complaints and grievances can be objectively addressed in a timely and responsive manner.

Testimony presented to the Committee suggested that parents do not always receive prompt notification when CPS takes a child into temporary custody. A significant number of these complaints involved the removal of a child from a school or child care facility. Following the removal of the child, it has been alleged that DES does not always provide parents with any written literature regarding the CPS process, even though the Department has published material available, such as the "Parent's Guide to Child Protective Services".

The Committee concluded that in addition to improving communications between CPS and families there is a need to enhance communication between CPS staff and court-appointed advocates and other judicial personnel.

B. Initial placement of a child

Arizona statute allows DES to place a child in temporary custody in a licensed foster care facility, but only authorizes the juvenile courts to place a child in a non-licensed home, such as the home of an extended family member. As a result, when DES takes a child into temporary custody and a dependency petition is filed, the child cannot be placed with a relative without a court order. These statutory requirements significantly limit the Department's ability to place a child in a setting other than foster care. Current statute limits DES by allowing them to take a child into voluntary placement only if the child is in immediate danger. The Committee felt some statutory changes were needed to provide DES with greater flexibility in determining a child's out-of-home placement. The Oversight Committee concluded that more consideration should be given for relative placement by DES and eventually the Courts. The Committee believes that such placement with a trusted relative can provide a child with a safe

environment while at the same time reduce the trauma and stress to the child (and extended-family members) that is often associated with out-of-home placements.

C. Modification of Central Registry system

Reports of alleged abuse, neglect or abandonment are maintained in a centralized data repository (the Central Registry) until a child reaches the age of eighteen. False allegations are possible. Unsubstantiated reports of child abuse have the potential to be retained in the Central Registry. As a result of these two possibilities, the Oversight Committee concluded that a system should be implemented whereby certain reports can be safely expunged from the Central Registry without limiting the ability of the Department or law enforcement agencies to use the Central Registry as an effective management and investigative tool.

D. Videotaping of children's interviews

Alleged victims of sexual abuse may be subjected to a multitude of interviews by different jurisdictions which may cause needless stress or trauma to the child. The Oversight Committee concluded that the current CPS system lacks a mechanism to coordinate interviews in order to minimize the trauma to the child. The Committee agrees that a system should be implemented to ensure that videotaped interviews are conducted by properly trained personnel and that a standard but flexible format for these type of interviews be developed and coordinated by CPS and law enforcement personnel to reduce multiple interviews.

The Committee concluded that the videotaping of child interviews should be limited to cases involving alleged sexual abuse and studied through a pilot project before this practice is implemented on a statewide basis.

E. Definitions of "Abuse" and "Neglect"

In 1989, legislation was enacted (H.B. 2484) which brought Arizona's statutory definitions of "abuse" and "neglect" into compliance with Federal law. Nonetheless, the Oversight Committee reviewed and considered the possibility of expanding these definitions as well as Arizona's mandatory reporting laws in light of the significant increase in the number of newborn infants who have suffered harm due to exposure to a controlled substance during pregnancy. Currently, Arizona's statutes do not require health care providers to mandatorily report cases of newborn infants who have been exposed to a controlled substance during the mother's pregnancy. Although proposals for changing these statutes were not adopted by the Committee, this unresolved issue will likely require further study in future legislative sessions.

F. Continued legislative oversight

In light of the alarming rise in reports of child abuse and neglect in Arizona over the last decade, as well as the increased demand for children and family services, the Oversight Committee recommends that a permanent standing legislative committee be created in order to provide continuous and objective oversight of state agencies which provide services to Arizona's families and children. A permanent standing committee would allow the Legislature to intensify its efforts to develop effective policy in the area of family and children services, continue the work which has been initiated by the Joint Legislative Oversight Committee on Child Protective Services and oversee the implementation of H.B. 2690. It is recommended by the Committee that the new standing committee continue to study and review the CPS system especially in the areas of employee training, expanding the definitions of "abuse" and "neglect" and identifying new ways for funding an "integrated child welfare system".

G. Court proceedings involving CPS cases

No specific time frames for completing a dependency trial or determining final adjudication of a dependency petition currently exists, even though the law requires a dependency petition be filed within 48 hours after a child is taken into temporary custody and an initial dependency hearing must be set no later than 21 days from the filing of the petition. In addition, the current juvenile court system is plagued with numerous court delays and continuances, which hampers case planning and delays the establishment of permanency for the children.

The Committee's investigations found parents were often misinformed about the purpose of the various CPS-related court proceedings and some parents do not always receive proper legal counsel prior to the 5-day temporary custody hearing or the initial 21-day dependency hearing. Testimony before the Oversight Committee indicated that it is often unrealistic to expect legal counsel and their clients to be adequately prepared for a dependency hearing within 21 days from the filing of a petition. However, since the issue involves the long-term welfare and placement of a child, the Oversight Committee decided that a maximum time frame must be established for the courts to complete the dependency adjudication process.

The Oversight Committee found that the 5-day temporary custody hearing seldom provides parents with a meaningful opportunity to present a rebuttal to the allegations of abuse or neglect that are presented by the Department and the Attorney General's Office. In some instances, parents are not adequately prepared or informed about the purpose of the temporary custody hearing. The Oversight Committee determined that both parties should be allowed to state what their preliminary evidence would indicate if a full evidentiary hearing were scheduled.

Presently, the Maricopa County Juvenile Court System is revising Court rules and procedures to expedite the dependency adjudication process. The Committee supports these efforts and recommends that these changes be implemented on a statewide basis.

H. In-house training of CPS workers

The Federal government has sanctioned the Department in the recent past for not complying with P.L. 96-272 "reasonable efforts" requirements. According to DES officials, as well as some juvenile court judges, the Federal government has failed to provide sufficient guidelines or interpretation of what constitutes "reasonable efforts". The Oversight Committee has recommended that both DES and the Courts should revise their rules and implement appropriate in-house training programs to ensure that the state maintain compliance with federal "reasonable efforts" requirements.

The existent DES training program for CPS caseworkers appears to be sparse and inconsistent. In addition, supervisory training appears to be insufficient. The DES administration has been over-reliant upon contracted professionals to train staff, which appears to have created inconsistency in the development and implementation of CPS internal policies and procedures.

In some instances, new CPS caseworkers are being trained on the job and making critical decisions without receiving sufficient in-house training as required under current DES rules. According to DES officials, this situation occurs because the Department currently lacks sufficient "line" staff and backup personnel to properly investigate all appropriate referrals.

According to a Department of Administration (DOA) 1989 assessment study of CPS workers, many former employees indicated that "...their jobs were not social work but that the investigatory role was primary and that many going into the position were not prepared for investigations and court workups and presentations." The DOA report concluded that improved training of CPS personnel regarding court case preparation and presentation would make an early contribution to worker job satisfaction.

I. Effectiveness and timeliness of a child's case plan

The Committee determined that case plans are not always focused on specific family problems or needs and as a result the case plan may be extended indefinitely. Evidence presented to the Committee indicated that CPS personnel may order services that have been attempted before or are not relevant to the circumstances which led to the out-of home placement of the child. The Oversight Committee recognized that the development and implementation of case plans is an evolving and continuous process. The Committee, however, believes that families should be reunited once the goals and requirements of the case plan are achieved and that no additional prerequisites be added to the

social contract unless absolutely necessary to protect the welfare of the child.

As a result of public testimony and other investigative activities the Oversight Committee has reached the following conclusions:

1) There is an obvious need to revise the required information that is included in the case plans as well as the information that DES must submit to the courts in conjunction with dependency actions.

2) The local foster care review boards should be given greater opportunity to review case plans earlier than the current six month after placement review requirement. The Oversight Committee further concluded that these earlier reviews are in the best interest of the child and may lead to earlier reunification of the family.

3) There is a shortage of available remedial services that parents must receive before the family can be reunited.

4) There is a shortage of in-home services which could assist families in crisis and possibly diminish the need to take children into temporary custody.

5) The extent of these shortages in children and family services is uncertain, therefore the Oversight Committee recommends that a study be conducted to identify what services are currently available to families in crisis.

J. Initial professional evaluation

According to the Department, every decision to remove a child from a home is reviewed by caseworkers, their supervisors, and ultimately juvenile court judges. Nonetheless, the Oversight Committee found that this was not always the case and concluded that specific review teams should be established to assess a caseworker's decision to remove a child within a specific time period. The review teams should also determine whether or not appropriate in-home services and alternative child placements were properly considered by CPS personnel prior to the removal of the child.

K. Staff retention, recruitment and morale

On December 12, 1989 the Department of Administration (DOA) provided the Oversight Committee with its initial findings regarding a classification maintenance review of CPS workers that was originally requested by the Department. The DOA's maintenance review focused on the issues of CPS personnel turnover, recruitment, job qualifications and salary compensation rates.

The DOA study indicated that individuals with degrees are predominately getting hired as CPS workers. The study also indicated that monthly salaries for the CPS Human Services Specialist II classification is somewhat lower than other Western States. Salaries for Human Services Specialist III positions were found to be slightly higher in Arizona in comparison to other Western states. Overall, the DOA estimates that it would cost $1.5 million to bring CPS specialist and supervisor salaries to a level which is competitive to social work positions in Arizona and other Western states.

The DOA's Class Maintenance Review of CPS revealed that the turnover rates for CPS Human Services Specialists II and III are somewhat lower compared to the average State Service turnover rate of 13 per cent. A DOA survey of former CPS employees revealed that the two primary reasons why employees left their jobs were 1) to accept a better job and, 2) for family reasons.

L. Budgeting for attorneys

Currently, attorneys in the Attorney General's Office who are assigned to DES cases are paid from the DES budget rather than the Attorney General's Office. The Oversight Committee believes that this legal function may be performed in a more objective and impartial manner if these attorneys were compensated through the Attorney General's Office rather than the DES budget. Ultimately, the Oversight Committee determined that this funding issue should be resolved in the legislative appropriation process.

M. Preventive Programs

At the present time Arizona lacks an integrated child welfare system which can provide both child protective services as well as in-home services to families and children which may prevent the need to remove children in the first place. The Committee concluded that the state agencies providing services to families and children do not adequately interface or communicate with each other, thereby diminishing the effective distribution and use of these limited resources. The Oversight Committee also determined that the funding and development of an "integrated child welfare system" should be studied by the Joint Standing Committee on Children and Family Services.

N. Complete assessment and investigation of referrals

Over the last few years, there has been a dramatic increase in the number of reports received by CPS on cases of alleged abuse and neglect. According to DES figures, CPS received a total of 35,980 reports in 1989 compared to 26,100 reports in 1987. The agency has experienced a 36% increase in the total number of reports from FY 1988 to FY 1989 and the Department predicts that it will be receiving 55,000 reports per year by 1993. This tremendous influx of reports, coupled with current CPS staffing levels has created a situation where the agency is unable to investigate 100% of those reports which are appropriate for

investigation and has forced the agency to develop a case priority system for investigating reports. The Department has proposed a plan which requests more funding for additional caseworkers to achieve a 100% investigation rate within three years. The Oversight Committee concluded that CPS should receive sufficient resources to investigate 100% of appropriate referrals. However, the Committee further concluded, that since the Department could not supply the Committee with caseload and other vital statistical information, the Legislature could not accurately appropriate sufficient funds to accomplish this objective. To this end, the Oversight Committee has recommended that the Auditor General conduct an audit of the CPS worker's caseload size and submit a report with its recommendations and findings to the Governor and the Legislature by January 1, 1991.

O. Improved quality assurance and accountability

The Oversight Committee has determined that the DES Division of Children, Youth and Families lacks a comprehensive and systematic program for monitoring and evaluating the CPS process. The DES has requested funds to develop and implement an automated client information system is designed to enable CPS to properly track its clients, caseloads, caseload mix and staffing ratios. According to DES, this system will enable the Department to better monitor and evaluate the performance of contract providers that are involved in the CPS system and ensure that CPS personnel in the various district offices are adhering to Departmental policies and procedures.

P. Expedited Severance

The Oversight Committee believes that higher priority should be given to meeting a child's basic need for a permanent and stable home environment and to ensure that decisions associated with the involuntary termination of parental rights and permanency planning should be handled in a careful yet expeditious fashion. The Committee further believes that if a child's natural parents, given ample opportunity, cannot remedy the circumstances which led to the removal of the child, the Department and the Courts should move quickly to establish permanency for the child. In addition, the State should continue to explore policy changes which will permit DES and the Court to expedite severance in appropriate CPS cases and determine the amount of resources that may be required in light of these policy changes.

V. RECOMMENDATIONS OF THE OVERSIGHT COMMITTEE

Note: The recommendations which appear in this section reflect the language that was originally adopted by the Oversight Committee during public hearings. Some of these recommendations were modified slightly during the legislative process.

V. RECOMMENDATIONS OF THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON CHILD PROTECTIVE SERVICES

April 6, 1990

ISSUE I. Improved communication between CPS and families

Objective: Improve communication and assistance to families both in the initial phases of the CPS process and when conflicts arise between caseworkers and families. Provide a means of advising parents involved in the CPS system of their rights and responsibilities.

A. RECOMMENDATION: REQUIRE THE DEPARTMENT OF ECONOMIC SECURITY TO REFINE CHILD PROTECTIVE SERVICES' POLICIES GOVERNING THE REMOVAL OF A CHILD FROM SCHOOL OR CHILD CARE, TO ENSURE IMMEDIATE NOTIFICATION AND INTERVIEW OF THE CUSTODIAL PARENT IN ROUTINE NORMAL CASES REGARDING THE REMOVAL OF A CHILD.

Implementation: Direct the DES to modify the Department's policies and rules in accordance with this recommendation. **(In H.B. 2690)**

B. RECOMMENDATION: ENCOURAGE THE DES TO SIMPLIFY THE LANGUAGE, CONSTRUCTION AND FORMAT OF THE 48-HOUR TEMPORARY CUSTODY NOTICE THAT IS SERVED ON PARENTS WHEN THE CHILD IS REMOVED FROM THE CUSTODY OF THE PARENTS.

REQUIRE THE CASEWORKER, AT INITIAL CONTACT TO FULLY EXPLAIN THE CPS PROCESS, THE PARENT'S RIGHTS AND RESPONSIBILITIES IN THAT PROCESS, THE ALLEGATIONS AGAINST THE PARENTS AND HOW TO OBTAIN ASSISTANCE. A WRITTEN SUMMARY OF THE ABOVE INFORMATION SHOULD ALSO BE PROVIDED TO THE PARENTS AT INITIAL CONTACT.

Implementation: Direct the DES to modify the Department's policies and rules in accordance with this recommendation.

C. RECOMMENDATION: ESTABLISH AN INDEPENDENT MEDIATION/ARBITRATION SYSTEM TO MEDIATE PROBLEMS BETWEEN FAMILIES AND CPS.

Implementation: Propose legislation which enables the Attorney General's Mediation program to mediate disputed CPS cases. **(In H.B. 2690)**

D. RECOMMENDATION: PROPOSE LEGISLATION THAT ESTABLISHES A "PARENT ASSISTANCE" PROGRAM. THE PROGRAM SHALL CONSIST OF "OMBUDSMAN" SERVICES AND A 24-HOUR TELEPHONE HOTLINE. SOME OF THE INFORMATION TO BE PROVIDED TO PARENTS OR GUARDIANS BY THE "PARENT ASSISTANCE" INCLUDES:

- **THEIR RIGHTS TO COURT AND FOSTER CARE REVIEW BOARD HEARINGS.**
- **INFORMATION ABUT THEIR CHILD'S WELL BEING**
- **COMMUNITY RESOURCES AVAILABLE**
- **PROCEDURES FOR REQUESTING AN ATTORNEY, A FIVE-DAY HEARING OR OTHER NEEDED ACTIONS AND THE CONSEQUENCES OF NOT MAKING SUCH REQUEST.**

Implementation: Propose legislation which establishes the "Parent Assistance Program" under the direction of the Supreme Court Administrative Office. **(In H.B. 2690)**

E. RECOMMENDATION: REQUIRE THE DEPARTMENT OF ECONOMIC SECURITY TO ESTABLISH RULES SETTING CRITERIA FOR EVALUATING WHETHER IN-HOME SERVICES WILL ALLEVIATE FAMILY CRISIS, OR WHETHER THERE ARE REASONABLE GROUNDS FOR APPROPRIATE REMOVAL OF A CHILD. THIS CRITERIA SHOULD INCLUDE THE EVALUATION OF CIRCUMSTANCES BY A TEAM OF CPS WORKERS BEFORE REMOVING A CHILD.

REQUIRE THE DEPARTMENT TO ESTABLISH A POLICY AND PROCESS BY WHICH EACH REMOVAL OF A CHILD FROM HIS/HER HOME IS REVIEWED WITHIN 48 HOURS OF THE REMOVAL EXCLUDING HOLIDAYS AND WEEKENDS. THE REVIEW TEAM SHALL INCLUDE THE CASEWORKER, HIS/HER SUPERVISOR, AVAILABLE CLINICAL SPECIALISTS AND OTHER STAFF AS DEFINED IN POLICY. THE REVIEW TEAM SHALL REVIEW AND ASSESS THE DECISION OF REMOVAL AND OPTIONS FOR PLACEMENT AND POSSIBLE IN-HOME SERVICES TO THE FAMILY.

Implementation: Propose legislation to implement recommendation. **(In H.B. 2690)**

ISSUE II. Initial placement of a child

Objective: Expedite the placement of children into a safe and familiar environment with known and trusted caretakers.

A. RECOMMENDATION: CODIFY THE STATE'S POLICY TO GIVE FIRST PRIORITY TO AND FAVOR RELATIVE PLACEMENT WHENEVER APPROPRIATE AND REQUIRE THE JUVENILE JUDGE TO CONSIDER AND CERTIFY THAT PLACEMENT OF THE CHILD OUTSIDE HIS/HER HOME IS APPROPRIATE AND THAT PLACEMENT WITH RELATIVES HAS BEEN CONSIDERED.

PROPOSE LEGISLATION WHICH AUTHORIZES THE AGENCY TO PLACE CHILDREN IN THE TEMPORARY CARE OF SPECIFIC RELATIVE(S) OR FAMILY FRIENDS FOLLOWING AN APPROPRIATE RISK ASSESSMENT. THE TEMPORARY PLACEMENT WOULD BE REVIEWED BY A JUDGE AT THE INITIAL DEPENDENCY HEARING.

Implementation: Propose legislation to implement recommendation. **(In H.B. 2690)**

ISSUE III. Modification of Central Registry records

Objective: Expunge the records of individuals accused of unsubstantiated abuse.

A. RECOMMENDATION: REQUIRE THE DEPARTMENT OF ECONOMIC SECURITY TO PURGE RECORDS IN THE CENTRAL REGISTRY, AFTER TWO YEARS HAVE PASSED, IF AFTER AN INVESTIGATION, THE ALLEGED NEGLECT, ABUSE OR ABANDONMENT IS DETERMINED TO BE INVALID OR UNSUBSTANTIATED AND NO SUBSEQUENT REPORTS HAVE BEEN RECEIVED. THIS PROVISION WOULD GO INTO EFFECT ON JUNE 30, 1990 AND WOULD IMMEDIATELY PERTAIN TO ALLEGATIONS OR COMPLAINTS RECEIVED BY THE DES AFTER JUNE 30, 1988.

REQUIRE THE DEPARTMENT OF ECONOMIC SECURITY TO ANNUALLY PURGE RECORDS IN THE CENTRAL REGISTRY ON ALLEGED CASES OF NEGLECT, ABUSE OR ABANDONMENT THAT HAVE NOT BEEN INVESTIGATED OR HAVE BEEN DETERMINED TO BE INVALID, AND WERE RECEIVED BY THE DES FIVE YEARS PRIOR, AND NO SUBSEQUENT REPORTS HAVE BEEN RECEIVED BY THE DEPARTMENT. THIS PROVISION WOULD GO INTO EFFECT ON JUNE 30, 1992.

Implementation: Propose legislation to implement recommendation. **(In H.B. 2690)**

ISSUE IV. Video taping of children's interviews

Objective: Simplify process of interviewing the child and document contents of interview.

A. RECOMMENDATION: REQUIRE THE CHILD PROTECTIVE SERVICES AGENCY TO ESTABLISH RULES WHICH PROVIDES FOR THE COORDINATION BETWEEN CPS, LAW ENFORCEMENT AND ANY OTHER ENTITIES INVOLVED IN INVESTIGATIONS OF ALLEGED SEXUAL ABUSE. STIPULATE THAT ANY INTERVIEWS WITH AGE-APPROPRIATE CHILDREN ASSOCIATED WITH ALLEGATIONS OF SEXUAL ABUSE SHOULD BE VIDEOTAPED AND BE CONDUCTED BY INDIVIDUALS WHO ARE TRAINED TO COORDINATE AND CONDUCT INTERVIEWS AND INVESTIGATIONS OF ALLEGED SEXUAL ABUSE. ENCOURAGE AND DIRECT THE DES TO PROVIDE EQUIPMENT AND TRAINING REGARDING THE VIDEOTAPING OF THESE INTERVIEWS. THESE INTERVIEWS ARE NOT INTENDED TO BE USED AS A SUBSTITUTE FOR COURT TESTIMONY BUT ARE DESIGNED TO ELIMINATE MULTIPLE INTERVIEWS OF THE CHILD.

Implementation: Direct the DES to modify the Department's policies and rules in accordance with this recommendation. **(In H.B. 2690 as a DES pilot program)**

ISSUE V. Defining "Neglect" and "Failure to Provide" and redefining "Abuse"

Objective: Refine and improve definitions which permit CPS and law enforcement personnel to remove a child in cases of alleged abuse or neglect.

A. RECOMMENDATION: DEFINE "NEGLECT" TO MEAN: FAILURE TO PROVIDE ADEQUATE FOOD, CLOTHING, SHELTER OR ESSENTIAL MEDICAL OR SURGICAL CARE BY THOSE RESPONSIBLE FOR THE CARE, CUSTODY AND CONTROL OF A CHILD, ALTHOUGH FINANCIALLY ABLE TO DO SO.

Implementation: Originally this proposal was included in H.B. 2690, but was removed by a House committee amendment.

B. RECOMMENDATION: THE OVERSIGHT COMMITTEE ALONG WITH THE DES SHOULD DEVELOP A STATUTORY DEFINITION FOR "FAILURE TO PROVIDE".

Implementation: This proposal was not developed or included in H.B. 2690.

C. RECOMMENDATION: AMEND THE DEFINITION OF "ABUSE" TO INCLUDE EXPOSURE TO CONTROLLED SUBSTANCES AS INDICATED BY WITHDRAWAL SYMPTOMS OF A NEW BORN INFANT OR MEDICAL EVIDENCE AS INDICATED BY A TOXICOLOGY TEST PERFORMED ON THE CHILD OR MOTHER AT THE TIME OF DELIVERY, BY A LICENSED MEDICAL PHYSICIAN.

Implementation: This proposal was originally included in H.B. 2690, but was removed by a House committee amendment.

ISSUE VI. Continued legislative oversight

Objective: Ensure objective oversight of CPS functions and other state agencies which provide services to Arizona's children and families.

A. RECOMMENDATION: CREATE A SIX-MEMBER JOINT STANDING COMMITTEE ON CHILDREN AND FAMILY SERVICES WHICH SHALL:

1. **MONITOR CHILDREN AND FAMILY SERVICES**
2. **ENSURE THAT LEGISLATIVE RECOMMENDATIONS CONCERNING CHILDREN AND FAMILY SERVICES ARE IMPLEMENTED AND EFFECTIVE.**
3. **PROVIDE A FORUM FOR FAMILIES TO EXPRESS THEIR CONCERN**
4. **MAKE ADMINISTRATIVE AND LEGISLATIVE RECOMMENDATIONS REGARDING CHILDREN AND FAMILY SERVICES.**

Implementation: Propose legislation which would establish a Joint Standing Committee on Children and Family Services. **(In H.B. 2690)**

ISSUE VII. Court proceedings involving CPS cases

Objective: Ensure that child dependency cases do not languish in the court system.

A. RECOMMENDATION: DIRECT THE SUPREME COURT TO DRAFT AND ADOPT UNIFORM RULES WHICH STIPULATE THAT ALL JUVENILE COURTS SHALL:

1) **ALLOW ONLY ONE FIVE-DAY CONTINUANCE OF THE FIVE-DAY TEMPORARY CUSTODY HEARING FOR CAUSE UPON THE MOTION OF EITHER PARTY.**

2) **MODIFY THE 5-DAY HEARING TO PROVIDE A FORUM TO PARENTS OR GUARDIANS TO OFFER A REBUTTAL TO THE ALLEGATIONS OF ABUSE.**

3) **ALLOW EVIDENCE TO BE PRESENTED AT THE 5-DAY HEARING TO ENABLE THE JUDGE TO RULE ON THE APPROPRIATE TEMPORARY CUSTODY ARRANGEMENT. BOTH PARTIES WOULD BE ALLOWED TO STATE WHAT THEIR PRELIMINARY EVIDENCE WOULD SHOW IF A FULL EVIDENTIARY HEARING WERE SCHEDULED.**

4) **REQUIRE A TIMELY DETERMINATION OF DEPENDENCY ACTIONS, WITHIN OR NO LATER THAN 120 DAYS FROM THE DATE THAT A CHILD WAS REMOVED FROM CUSTODY OF THE CAREGIVER. A 30-DAY EXTENSION MAY BE GRANTED ONLY FOR SPECIFIC CRITICAL CIRCUMSTANCES AS DEFINED BY THE SUPREME COURT.**

Implementation: Request the Supreme Court to modify juvenile court rules and policies in accordance with the above recommendations. **(Recommendation # 4 was included as session law in H.B. 2690)**

B. RECOMMENDATION: ENCOURAGE THE JUVENILE COURTS TO GIVE PRIORITY TO TEMPORARY CUSTODY AND DEPENDENCY ADJUDICATION HEARINGS.

Implementation: Direct the Supreme Court to modify their juvenile court policies and rules in accordance with this recommendation.

ISSUE VIII. In-house training of CPS workers

Objective: Ensure that CPS workers are properly trained prior to assuming casework.

A. RECOMMENDATION: REQUIRE THE DEPARTMENT OF ECONOMIC SECURITY TO CREATE AND MAINTAIN A TRAINING PROGRAM COMPRISED OF SELF STUDY, CLASSROOM INSTRUCTION AND ON THE JOB TRAINING BEFORE THE EMPLOYEE IS ASSIGNED TO FULL-TIME DUTY STATUS BUT WHICH MAY ALLOW PART-TIME DUTY STATUS UNDER CLOSE, DIRECT SUPERVISION. TRAINING MAY BE REQUIRED AND/OR EXTENDED ON AS NEEDED BASIS.

THE ISSUE OF IN-HOUSE TRAINING OF CPS WORKERS SHOULD BE GIVEN FIRST PRIORITY BY THE JOINT STANDING COMMITTEE ON CHILDREN AND FAMILY SERVICES.

Implementation: Direct the DES to modify the Department's policies and rules in accordance with this recommendation.

ISSUE IX. Effectiveness and Timeliness of a Child's Case Plan.

Objective: Ensure that written agreements be developed and implemented in a timely manner.

A. RECOMMENDATION: REQUIRE A PRELIMINARY PLAN FOR THE CHILD'S RETURN TO HOME OR OTHER PERMANENT PLACEMENT, WITH TIME LINES FOR ALL PARTIES, TO BE DEVELOPED WITHIN 30 DAYS OF THE TIME THE CHILD IS INITIALLY REMOVED FROM THE HOME. ANY CASE PLAN RECOMMENDED TO OR BY THE COURT SHALL CONTAIN THE ABOVE TIME LINES AND CAN BE EXTENDED FOR THREE MONTHS IN CASES WHERE PROFESSIONAL SERVICES ARE NOT IMMEDIATELY AVAILABLE.

Implementation: Direct the DES to modify the Department's policies and rules in accordance with this recommendation.

B. RECOMMENDATION: REQUIRE THE DES TO PROVIDE THE JUVENILE COURTS WITH A LIST OF PREVIOUSLY PRESCRIBED COUNSELING, TESTING OR OTHER TREATMENT SERVICES AND THE SUCCESS OF THESE SERVICES IN REMEDYING THE CONDITIONS OR CIRCUMSTANCES FOR WHICH THEY WERE PRESCRIBED. EXPAND AND MODIFY THE INFORMATION THAT MUST BE INCLUDED IN THE CASE PLANS AND REQUIRE THE COURT TO FIRST DETERMINE THAT SERVICES ARE APPROPRIATE AND NECESSARY, BEFORE ORDERING ANY SERVICES.

Implementation: Propose legislation to implement this recommendation. **(In H.B. 2690)**

C. RECOMMENDATION: PROPOSE LEGISLATION WHICH GRANTS THE JUVENILE COURTS THE AUTHORITY TO ASSIGN SELECTED CASES TO THE LOCAL FOSTER CARE REVIEW BOARDS FOR EARLY REVIEW. THIS LEGISLATION WOULD ALSO ALLOW A MEDIATOR FROM THE CHILD WELFARE MEDIATION PROGRAM TO REQUEST THAT A DISPUTED CASE BE ASSIGNED FOR EARLY REVIEW BY A LOCAL FOSTER CARE REVIEW BOARD. EARLY REVIEW OF THE CASE PLAN BY THE LOCAL BOARDS SHOULD TAKE PLACE WITHIN 60 DAY OF THE CHILD'S REMOVAL FROM THE HOME.

Implementation: Propose legislation to implement this recommendation. **(In H.B. 2690)**

ISSUE IX. Effectiveness and Timeliness of a Child's Case Plan (continued)

D. RECOMMENDATION: REQUIRE THE DES TO CONTRACT WITH AN "OUTSIDE INDEPENDENT ENTITY" TO EVALUATE AVAILABLE "IN-HOME" SERVICES AND DEVELOP RECOMMENDATIONS TO IMPROVE THE COORDINATION AND DELIVERY OF "IN-HOME SERVICES TO FAMILIES. THE CONTRACTED "OUTSIDE INDEPENDENT ENTITY" SHALL DELIVER A REPORT WITH FINDINGS AND RECOMMENDATIONS TO THE JOINT STANDING COMMITTEE ON CHILDREN AND FAMILY SERVICES, THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE GOVERNOR BY JANUARY 1, 1991.

Implementation: Propose legislation to implement recommendation. **(An amendment was adopted which requires the State Foster Care Review Board rather than the DES, to contract with an independent entity to conduct this evaluation. The amendment also established a new report date of July 1, 1991)**

E. RECOMMENDATION: DIRECT THE SUPREME COURT AND THE DES TO REVISE THEIR RULES GOVERNING "REASONABLE EFFORTS" TO ENSURE THAT PROPER ACTIONS ARE BEING TAKEN TO REUNITE THE FAMILY OR EXPEDITE THE PERMANENT PLACEMENT OF THE CHILD. DIRECT THE COURTS AND DES TO ESTABLISH MONITORING AND TRAINING PROGRAMS FOR THEIR RESPECTIVE PERSONNEL TO ENSURE THAT BOTH THE COURTS AND DES MAINTAIN COMPLIANCE WITH FEDERAL REQUIREMENTS (P.L. 96-272).

Implementation: **(This recommendation was included in H.B. 2690)**

ISSUE X. Initial professional evaluation

Objective: Ensure that each case is promptly evaluated by qualified professionals and ensure that Child Protective Service Human Service Specialists meet minimum education requirements.

A. RECOMMENDATIONS: REQUIRE THE DES TO ESTABLISH A POLICY AND PROCESS BY WHICH EACH REMOVAL OF A CHILD FROM HIS/HER HOME IS REVIEWED WITHIN 48 HOURS OF THE REMOVAL, EXCLUDING HOLIDAYS AND WEEKENDS. THE REVIEW TEAM SHALL INCLUDE THE CASEWORKER, HIS/HER SUPERVISOR, AVAILABLE CLINICAL SPECIALISTS AND OTHER STAFF AS DEFINED IN POLICY. THE REVIEW TEAM SHALL REVIEW AND ASSESS DECISIONS OF REMOVAL AND OPTIONS FOR PLACEMENT AND POSSIBLE IN-HOME SERVICES TO THE FAMILY.

Implementation: Propose legislation to implement recommendation. **(In H.B. 2690)**

B. RECOMMENDATION: REQUIRE THE DEPARTMENT OF ADMINISTRATION (DOA) TO REVIEW THE MINIMUM EDUCATION REQUIREMENTS FOR AN ENTRY LEVEL HUMAN SERVICES SPECIALIST. THE COMMITTEE RECOMMENDS THAT THE MINIMUM EDUCATION REQUIREMENTS FOR THIS ENTRY LEVEL POSITION BE A BACHELOR DEGREE IN SOCIAL WORK OR A RELATED FIELD OF STUDY.

REQUIRE THE DOA TO REVIEW THE MINIMAL EDUCATION REQUIREMENTS FOR A CPS SUPERVISOR. THE COMMITTEE RECOMMENDS THAT THE MINIMUM EDUCATION REQUIREMENTS FOR THIS SUPERVISORY POSITION BE A MASTERS IN SOCIAL WORK OR A MASTERS IN A RELATED FIELD OF STUDY.

Implementation Encourage the DOA to complete its current review of the minimum education requirements for Human Service Specialists and CPS supervisors.

C. RECOMMENDATION: REQUIRE THE DES TO ESTABLISH POLICIES SETTING CRITERIA TO USE TO EVALUATE WHETHER IT IS APPROPRIATE TO REMOVE A CHILD, INCLUDING AN EVALUATION OF THE CIRCUMSTANCES BY A TEAM OF CPS WORKERS BEFORE REMOVING THE CHILD.

Implementation: Propose legislation to implement recommendation. **(In H.B. 2690)**

ISSUE XI. **Staff retention, recruitment and morale**

Objective: Improve staff retention, recruitment and morale of CPS personnel

A. RECOMMENDATION: REQUEST THE DOA TO COMPLETE A MANAGEMENT AND PERSONNEL ANALYSIS OF THE CHILD PROTECTIVE SYSTEM, WITH THE PURPOSE OF IMPROVING WORKING CONDITIONS, EMPLOYEE DEVELOPMENT, WORKER RETENTION AND EMPLOYEE MORALE. THE DOA SHALL DELIVER A REPORT WITH FINDINGS AND RECOMMENDATIONS TO THE JOINT STANDING COMMITTEE ON CHILDREN AND FAMILY SERVICES, THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE AND THE GOVERNOR BY DECEMBER 1, 1990.

Implementation: Propose legislation to implement recommendation through Session Law. **(In H.B. 2690)**

ISSUE XII. Budgeting for attorneys

Objective: Make attorneys hired to pursue DES cases more independent from DES.

RECOMMENDATION: REMOVE THE APPROPRIATION FOR ASSISTANT ATTORNEY GENERALS ASSIGNED TO DES FROM THE DES' BUDGET AND ADD IT TO THE ATTORNEY GENERAL'S BUDGET. FEDERAL MONIES GIVEN TO DES FOR LEGAL SERVICES CAN BE TRANSFERRED TO THE ATTORNEY GENERAL'S OFFICE BY INTERGOVERNMENTAL AGREEMENT.

Implementation: This recommendation should be implemented through the annual appropriation process.

ISSUE XIII. Preventive programs

Objective: Support the maintenance of family unity.

A. RECOMMENDATION: DEVELOP POLICIES WHICH FOSTER AND ESTABLISH PROGRAMS SUCH AS INTENSIVE FAMILY SERVICES AND OTHER PROGRAMS WHICH OFFER FAMILY SUPPORT, EARLY INTERVENTION AND PREVENTION SERVICES FOR FAMILIES AT RISK OF ABUSIVE BEHAVIOR.

Implementation: Direct the DES to modify and develop the Department's policies and rules in accordance with this recommendation.

B. RECOMMENDATION: REQUIRE THE DES TO IDENTIFY ALL AVAILABLE CHILD ABUSE PREVENTION AND DOMESTIC RELATION REVENUE SOURCES FOR THE SPECIFIC PURPOSE OF FUNDING A PORTION OF THE PROPOSED INTEGRATED CHILD WELFARE SYSTEM. THE DES SHALL DELIVER A REPORT WITH FINDINGS AND RECOMMENDATIONS TO THE JOINT STANDING COMMITTEE ON CHILDREN AND FAMILY SERVICES, THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE AND THE GOVERNOR BY JANUARY 1, 1991.

Implementation: Propose legislation to implement this recommendation through Session Law. **(An amendment was adopted which requires the State Foster Care Review Board rather than the DES, to contract with an independent entity to conduct this study. The amendment also requires the Board to create a proposal for an integrated child welfare system and submit a report by July 1, 1991)**

C. RECOMMENDATION: ALLOW THE PARENTS AND THE DES TO ENTER INTO A VOLUNTARY 90-DAY PLACEMENT OF THE CHILD IN AN ALTERNATIVE SETTING, PRIOR TO THE FORMAL REMOVAL OF THE CHILD FROM THE CUSTODY OF THE PARENTS. SUCH 90-DAY VOLUNTARY PLACEMENT MAY NOT BE RAISED OR USED TO PREJUDICE FUTURE DES OR COURT ACTIONS.

Implementation: Propose legislation to implement recommendation. **(In H.B. 2690)**

ISSUE XIV. Complete assessment and investigation of referrals

Objective: Provide the CPS system with the resources necessary to investigate 100 % of appropriate referrals alleging abuse, neglect or exploitation of children.

A. RECOMMENDATION: DIRECT THE AUDITOR GENERAL TO CONDUCT AN AUDIT OF CASELOAD SIZE, CASE PRIORITIZATION AND SUPERVISORY SPAN OF CONTROL TO ENSURE THE AGENCY HAS SUFFICIENT STAFF TO RESPOND TO APPROPRIATE REFERRALS, NOT WITHSTANDING THE EVALUATION OF CURRENT BUDGETARY NEEDS BY THE APPROPRIATIONS COMMITTEES. THE AUDITOR GENERAL SHALL DELIVER A REPORT WITH FINDINGS AND RECOMMENDATIONS TO THE JOINT STANDING COMMITTEE ON CHILDREN AND FAMILY SERVICES, THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE AND THE GOVERNOR BY JANUARY 1, 1991.

Implementation: Propose legislation to implement recommendation through session law. **(In H.B. 2690)**

ISSUE XV. Improve quality assurance and accountability

Objective: Ensure that investigations and ongoing casework within the CPS system are subjected to a rigorous form of internal and external review.

A. RECOMMENDATION: DIRECT THE DES TO DEVELOP AN INTERNAL INVESTIGATION UNIT WHICH SAMPLES, EVALUATES AND INVESTIGATES THOSE CASE THAT ARE UNDER CPS SUPERVISION. THE INTERNAL INVESTIGATION UNIT SHOULD REPORT DIRECTLY TO THE DIRECTOR OF DES AND PERIODICALLY SUBMIT ITS FINDINGS AND RECOMMENDATIONS TO THE DIRECTOR.

Implementation: Direct the DES to modify the Department's policies and rules in accordance with this recommendation.

B. RECOMMENDATION: REQUIRE THAT DES MANAGEMENT INFORMATION AND CLIENT TRACKING SYSTEMS BE ENHANCED AND REDEVELOPED TO ENSURE AND QUANTIFY THE DELIVERY OF CHILDREN AND FAMILY SERVICES. AN EMPHASIS SHOULD BE PLACED ON QUALITY ASSURANCE REGARDING RESOURCE UTILIZATION, MANAGEMENT ACCOUNTABILITY, STATUTORY AND POLICY COMPLIANCE AND TRACKING OF CLIENT OUTCOMES.

Implementation: Direct the DES to modify the Department's policies and rules in accordance with this recommendation.

C. RECOMMENDATION: DIRECT THE DES TO IMPLEMENT STANDARDIZED POLICIES AND PROCEDURES GOVERNING INTAKE, INVESTIGATION, CHILD REMOVAL AND CASE MANAGEMENT PRACTICES.

Implementation: Direct the DES to modify the Department's policies and rules in accordance with this recommendation.

ISSUE XVI. Expedite Severance

Objective: Reduce the time period for initiating a petition to terminate a parent/child relationship in cases of where parents fail to rectify circumstances which led a child to be removed, in order to facilitate the permanent placement of the child.

A. RECOMMENDATION: PROPOSE LEGISLATION THAT WOULD ALLOW THE DES TO PETITION FOR TERMINATION OF A PARENT/CHILD RELATIONSHIP IN CASES WHERE THE AGENCY RESPONSIBLE FOR THE CARE OF THE CHILD HAS MADE REASONABLE EFFORTS TO PROVIDE AVAILABLE REMEDIAL SERVICES AND THE PARENT(S) HAVE BEEN UNABLE, AFTER A CUMULATIVE PERIOD OF 18 MONTHS, TO RECTIFY THE CIRCUMSTANCES WHICH CAUSE THE CHILD TO BE IN AN OUT-OF-HOME PLACEMENT. A DES PETITION FOR TERMINATION OF A PARENT/ CHILD RELATIONSHIP IS NOT VALID IN CASES WHERE THERE HAS BEEN A LACK OF AVAILABLE REMEDIAL SERVICES OR THERE HAS BEEN A DELAY IN THE DES PROVIDING AVAILABLE REMEDIAL SERVICES.

Implementation: This proposal was originally included in H.B. 2690 but was removed by a House committee amendment.

VI. SUMMARY OF THE MAJOR PROVISIONS OF HB 2690 OMNIBUS CHILD PROTECTION ACT

Omnibus child protection act (H.B. 2690) - Chapter 237

Provides for the following changes to statutes governing the Child Protective Services (CPS) system:

1. Appropriates $2,559,000 in FY 1990-91 to various agencies involved in the CPS process, including the Attorney General's Office, the Department of Administration, the Department of Economic Security and the Supreme Court.

2. Allows the Department of Economic Security (DES) to place a child with a parent or relative as an alternative to foster care placement and expands the ability of DES to take children into voluntary placement.

3. Requires the DES to establish new criteria governing the removal of a child from home, school or child care and establish review teams to assess each removal which is expected to result in a dependency petition.

4. Establishes a parent assistance program, a 24-hour telephone hotline and a child welfare mediation program to assist individuals involved in the CPS system. Effective November 1, 1990.

5. Initiates a two-tier process which requires the DES to purge (expunge) appropriate reports in the Central Registry. Establishes a retroactive effective date of July 1, 1992 for the 2 year expungement process and a delayed effective date of July 1, 1992 for the 5 year expungement process.

6. Requires the DES to create a pilot program for videotaping child interviews in cases of alleged sexual abuse as of April 1, 1991. The DES must submit a report regarding the pilot program to the Governor and the Legislature by April 1, 1992.

7. Creates a six-member Joint Legislative Committee on Children and Family Services and prescribes the powers and duties of the committee.

8. Requires DES to provide the juvenile courts with specific information about a child's case plan and requires the court to establish the necessity and appropriateness of services before ordering any counseling, testing or treatment services.

9. Requires the juvenile courts to complete dependency hearings within 120 days from the date that the dependency petition was served and allows the courts to extend the 120 day deadline by 30 days in specific cases.

10. Requires local foster care review boards to evaluate case plans that have been assigned by the courts for early review, within 60 days after the child has been removed from home. Allows mediators from the Child Welfare Mediation Program to request early review of appropriate cases involving dependent children.

11. Requires the State Foster Care Review Board (SFCRB) to contract with an independent entity to conduct a study to identify revenue sources to implement an integrated child welfare system and evaluate in-home services that are available to families involved with the CPS system. The SFCRB must report its findings to the Governor and the Legislature by July 1, 1991.

12. Requires the Auditor General to conduct an audit on the caseload size, caseload mix and staffing ratio of CPS personnel. The Auditor General must submit a report to the Governor and the Legislature by January 1, 1991.