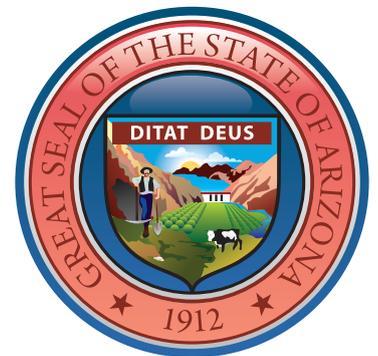




Pima County's Dependency Alternative Program: Preserving Families and Promoting Access to Justice



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In 2017 the Arizona Supreme Court recognized Pima County's Dependency Alternative Program (DAP) with the Strategic Plan Award for Protecting Children, Families, and Communities. DAP was born out of a recognized crisis that significantly impacted families' timely access to justice; DAP averts significant dependencies and mitigates trauma to families.

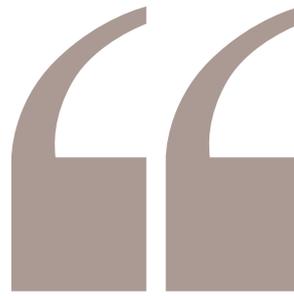
Children of Pima County were in a crisis that separated them from their families through no fault of their own. Those children who found themselves thrust into the child welfare system remained in that system an average of 602 days, with some children lingering without a sense of permanence for years. While the family crisis

that brought the child into the child welfare system was beyond the court's control, the length of time the child spends there is absolutely the responsibility of the system and almost entirely controllable. It was this crisis of separation that necessitated the creation of Pima County Superior Court's Dependency Alternative Program.

How the Program Works

The Dependency Alternative Program (DAP) is voluntary, family centric, results oriented, and professionally led. Its differentiated case management approach empowers and guides families, who meet defined criteria, through the court and child welfare systems. DAP has two specific goals. The first is to prevent dependency cases when an alternative legal arrangement can provide safety and stability for the children. The second goal is to keep those families that reached a resolution via DAP out of the dependency system for at least one year. In this context, staying out of the dependency system means no dependency petition is filed, and no report is substantiated by the child welfare agency. The underlying interests for these goals include protecting children; keeping decision-making power with families; promoting access to justice; and ensuring responsible stewardship of finite public resources.

Through creative and cooperative initiatives, and agile deployment of resources, DAP provides expeditious access to the court system. Within seven days of a family's referral to the program, a DAP conference is held where all case stakeholders work together to reach full



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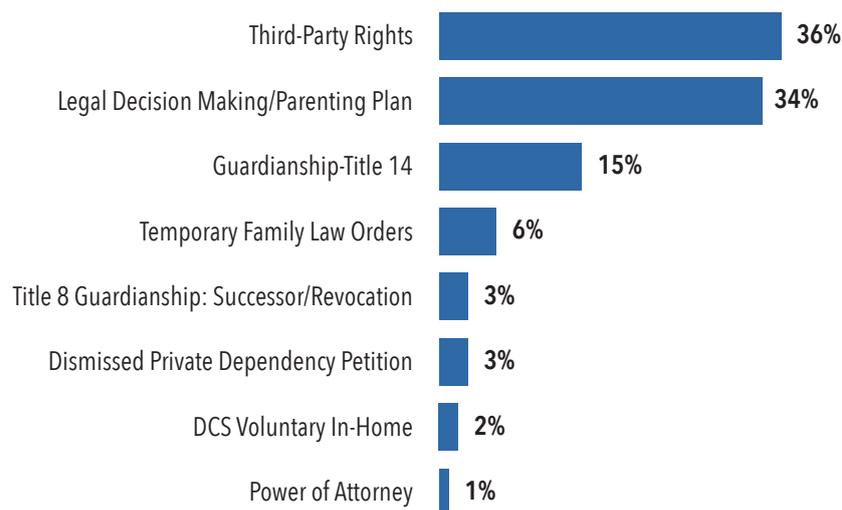


agreement upon the *best* legal arrangement for the child's custody and parenting time—that is, a safe and stable environment that addresses the family's needs, is in the best interest of the child, and is approved by all stakeholders. The typical case stakeholders are the family, the child, an advisory attorney, the Arizona Department of Child Safety case manager, and an assistant attorney general.

An experienced advisory attorney assists the family in understanding legal rights, options, and court procedures. A confidential mediation with a professional mediator is held in 86 percent of DAP cases. Court and clerk-of-the-court staff help facilitate the DAP process. Upon the case stakeholders' full agreement, a hearing is called where the judge enters either a temporary or final custody order. This gives the family an immediate sense of safety and helps alleviate some of the child's emotional stress because of the family crisis. Final court orders are issued during the first court hearing in 65 percent of DAP cases, and participants walk away from court with a certified copy of the court order. The Department of Child Safety, Arizona Kinship Support Services, or both provide continued support to the family following DAP case resolution.

Dependency Alternative Program (DAP) Case Outcomes

July 1, 2015 through December 31, 2018



How the Program Was Developed

The development and implementation of DAP was not accomplished overnight. Such an innovative process required extensive planning; the risks were too great to have the program fail to help those children in crisis, or worse, fail to get off the ground. As with any invention, prototypes were designed; test cases were deliberately escorted through the early process. Operational process improvement models made the program more inclusive and, most importantly, minimized the impact of the court and child welfare systems on the children.

Jennifer Sanders, an Arizona assistant attorney general, and Cathleen Linn, Pima County Superior Court commissioner, were instrumental in recognizing the crisis and sparking the idea that eventually became the Dependency Alternative Program. Independently, they shared their ideas with Kathleen Quigley, Pima County Juvenile Court presiding judge. Sanders’s and Linn’s ideas focused on how the court could better address the needs of the family, while potentially avoiding a dependency and prolonged court involvement. Judge Quigley organized a team of multidisciplinary professionals to examine the crisis and develop possible solutions.

The DAP development team comprised innovative thinkers with decision-making authority and represented all the pertinent stakeholders in the child welfare system. They embraced the collaborative approaches in Fisher and Ury’s book, *Getting to Yes*. The authors’ method for reaching agreements focused on four principles: separate people from the problem; focus on interests rather than positions; brainstorm options for mutual gain; and use objective criteria.

From the start, the team was committed to a problem-solving approach. While navigating various agency limits and overcoming barriers, the dedicated group successfully devised a path to meet the program’s goals. The development team consisted of judges and attorneys who had specific and extensive experience in dependency,

family, or probate law; the Arizona Attorney General’s Office; the Arizona Department of Child Safety; clerk of the court; Juvenile Court Mediation Program; various court staff; research, and evaluation professionals; Public Defense Services; and Arizona Kinship Support Services.

Another key to the program’s successful development was the team’s willingness to solve the problem without becoming entrenched in political and departmental territory.

Considering that the Pima County judicial benches are compartmentalized rather than unified, meaning that the benches are separated by case type (i.e., family law, juvenile law, probate law, criminal law), many unique barriers had to be overcome.

Pima County saw 1,351 dependency cases in 2014. Of those, 217 cases, roughly 20 percent, were dismissed pre-adjudication. Each of those cases had multiple events before being dismissed (including hearings, mediations, meetings, financial assessments, and behavioral health evaluations). The DAP development team thoroughly reviewed a sample set of 90 pre-adjudication dismissed cases; of those 90 cases, 81 (90 percent) could have been averted with a DAP resolution. This analysis supported the team’s hypothesis that a significant and immediate impact was possible.

Furthermore, the DAP development team recognized that self-represented parties encountered significant barriers when they went to family court to obtain protective orders to prevent a dependency. Even when attorneys represented families, or families accessed legal and court services designed to assist self-represented parties, protective custody orders generally could not be obtained within the time frame in which

the Department of Child Safety must make decisions or within legal time standards for dependency cases.

The referral-and-screening process for DAP identifies appropriate cases with a focus on assessment of safety and whether a stable custody arrangement can be put into place for the foreseeable future. The program is not intended to provide a short-term fix or to supplant legal, court, and other services already accessible in the community.



...[the DAP process] gives the family an immediate sense of safety and helps alleviate some of the child's emotional stress because of the family crisis.



In Arizona any person with a legitimate interest in the welfare of a child, usually a family member, may file a dependency petition. Privately filed dependency petitions are screened by court staff and a judge. In addition to referring a case to DAP before filing a dependency petition or acquiring a temporary custody order, the Department of Child Safety adopted procedures to facilitate the program and was instrumental in the program's success.

The program's intensive development, testing, and implementation was accomplished in just seven months. To this day, DAP is managed in concert with continuous process-improvement principles that incorporate regular stakeholder reviews, periodic data collection and analysis, participant feedback, case-referral-criteria evaluations, and inclusiveness-improvement efforts. Dedication to ongoing training is vital when considering routine turnover within stakeholder agencies. As a part of the review process, the DAP leadership team is exploring expansion of eligibility criteria. Program partners remain committed, engaged, and enthusiastic over four years after the inaugural meeting.



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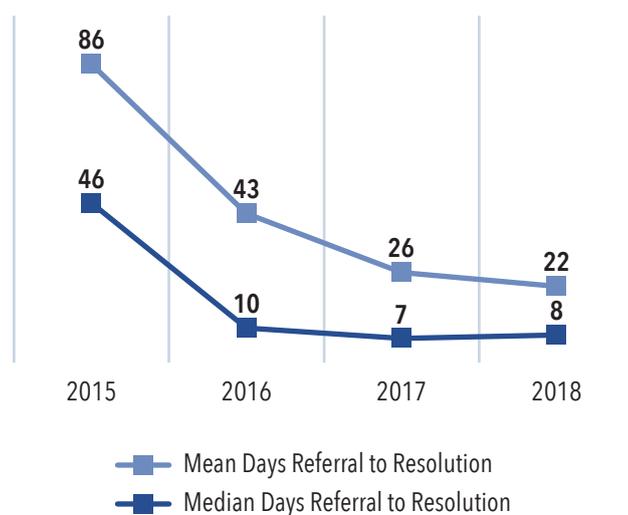


The Effectiveness of DAP

Since its inception on July 10, 2015, the Pima County Court's DAP program has processed 203 referred cases. In 2014 the average length of time a dependency case lasted from filing to dismissal, if closed without a finding of abuse or neglect (pre-adjudication), was 141 days. As of December 31, 2018, with DAP in full operation within Pima County, the average for DAP-participating cases is down to 22 days, with a median DAP-case dwell time of 8 days. In other words, because of DAP, permanency for children with a family member or kinship caretaker is now routinely achieved within a week.

This differentiated case management diversion process has materialized into significant cost and time savings. Conservative estimates put the actualized financial savings in excess of \$1,000,000, which allows for those resources to be redirected to other families that may need more intensive intervention. Through the eyes of a child, the savings in time alone are priceless.

Dependency Alternative Program: Days from Referral to DAP Resolution



DAP has achieved both program goals. A dependency case was prevented for 88 percent of the 203 cases in which families voluntarily participated in the program, positively impacting 308 children. Without DAP, 2016 would have been the second-highest year for dependency petition filings in Pima County Juvenile Court’s history. In its first year, DAP achieved a 97.4 percent success rate for its secondary goal of keeping children out of the dependency system for at least one year after DAP case resolution. Not only did the family not return to court with a new case filing or

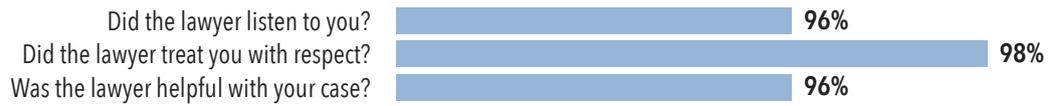
modification request, but there were also no reports received by or involvement with DCS during that trailing year.

The Arizona Supreme Court recognized the program’s effectiveness by awarding DAP its 2017 Strategic Plan Award for Protecting Children, Families, and Communities. Expanding DAP across Arizona is a keystone to the statewide strategic plan announced by Vice Chief Justice Robert M. Brutinel, as the incoming chief justice of the Arizona Supreme Court.

Dependency Alternative Program (DAP) Participant Satisfaction Survey Results

Results of 217 DAP surveys from: Parents, Children, Relatives, Friends, Legal Guardians, DCS Caseworkers July 1, 2015-July 1, 2018

Advisory Council



Court Hearing



Mediator



Court Staff



Dependency Alternative Program

