

Dependency Alternative Program - Pima, AZ

NATIONAL JUDICIAL TASK FORCE TO EXAMINE STATE COURTS' RESPONSE TO MENTAL ILLNESS

Parents who are referred to the dependency system often live with mental health and/or substance use disorders. Entry into the child welfare system adds additional stressors to the family.

What is the Dependency Alternative Program (DAP)? What are the program goals?

DAP provides the opportunity for a family to divert themselves from involvement with the dependency court when a safe adult can be identified, and the parent(s) and safe adult agree to family law orders to protect the child. Resolution through DAP allows the parent to seek mental health and/or substance use treatment in their community within their own timelines and without the added pressure and stress of a dependency case and the ultimate threat of termination.

Since implementation in 2015, the Dependency Alternative Program (DAP) has proven to be tremendously successful. The award-winning Pima County Dependency Alternative Program is an innovative differentiated case management approach resulting from multi-system collaboration and leadership that identified gaps and solutions in the court and child welfare systems.

This cost-saving, replicable program empowers and strengthens families and enhances access to justice using defined criteria. Access to justice is provided to families through an opportunity to avoid involvement in a dependency case when family law or guardianship court orders will keep children safe. This program provides families the opportunity to make informed decisions, have input regarding the best interest of the child, communicate, and reach consensus, and have accessibility to the court to obtain legal assistance and orders the same day. The program affects all agency partners involved in dependency cases through a more efficient, effective, and cost-savings approach to cases that would otherwise go through their various systems, and freeing time, personnel, finances, and other resources to address complex cases that are not appropriate for a DAP resolution including accelerating other cases' access to the court. Cost savings include judicial time/resources, attorney's fees, assistant attorney general, Department of Child Safety (DCS), clerk, court staff, and behavioral health.

DAP GOALS

1. **Divert dependency cases in a protective manner while conserving time, money, and resources.**
2. **Provide a stable legal outcome by keeping the families who reach a legal resolution through DAP outside of the child welfare system.**

Why DAP? What family and system needs does the program address?

During the needs assessment and data analysis for the program in 2014 the team identified that approximately 20% of the 1,351 of dependency filings were dismissed pre-adjudication, many with alternative court orders established to protect the child. Self-represented litigants who tried to navigate the family and probate court processes had difficulty accessing the court in time to avoid the filing of a dependency petition. 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 timeframe that DCS must make child safety decisions, or within dependency case legal time standards. Each of those cases had multiple events before it was dismissed an average of 141 days after case filing (including: hearings, mediations, meetings, financial assessments, and behavioral health evaluations). The team recognized we could dismiss private dependencies before the initial preliminary protective hearing (PPH) and prevent Department of Child Safety (DCS) dependency filings if the court were to provide accelerated access to the parent or family for legal alternatives.

What is the DAP referral process? How are cases identified?

Pima County developed DAP referral and screening processes, as well as a DAP Block process. As a differentiated case management approach, cases are those that would have gone through the dependency process and are diverted through DAP based on defined criteria. All private dependency petitions are screened by court staff for eligibility; nearly all are filed by self-represented litigants. This screening process was incorporated into the administrative processes already in existence. DCS conducts their own internal screening of families during their regular processes and directly refers families prior to filing a dependency petition. The DAP Coordinator schedules the case, provides information to the professionals assigned to the DAP Block, and works with the families.

What happens the day of DAP? What is the process? Who is involved?

A DAP Block is scheduled for eligible referred and screened cases. DAP Blocks are set from 8:15 a.m. to 12:00 p.m. or 1:15 p.m. to 5:00 p.m. All DAP Blocks include a meeting with the assigned advisory attorney, a settlement conference with a court mediator, and a short hearing with a judge if an agreement is reached. The advisory attorney works with all family members, children, and kinship involved to provide counsel, education, and legal assistance. Advisory attorneys almost



always speak with the families prior to the scheduled DAP Block which better informs the attorney and family of the specific needs and options for the case. Most cases proceed to a settlement conference with a court mediator that includes the advisory attorney, family, child (if present), DCS, DCS's attorney, and support persons. Settlement conferences are confidential mediation sessions per Arizona law. If no agreement is reached, the private petition cases proceed through the regular dependency case management process and are scheduled for an initial preliminary protective hearing within the legal timeframes. For DCS cases where no agreement is reached, DCS will file a dependency petition. When an agreement is reached for a legal alternative to a dependency case, the advisory attorney assists with the legal paperwork and the individuals proceed to a court hearing where the advisory attorney acts as a friend of the court. Legal alternatives to the dependency process include establishment or modification of a parenting plan, in loco parentis or guardianship orders. Title 8 successor guardianships or revocations are also eligible. In most situations the court order is final. The judge also can issue temporary orders and set a return hearing, if needed. In the end children are protected, remain in a supportive home and we reduced the burden on the dependency system and families.

How is programmatic data tracked and evaluated? What are some programmatic impacts?

Data analysis and tracking was vital to analyze the need for the program and continues with ongoing program evaluation. There are over seventy (70) data elements tracked for the program which are regularly reviewed and analyzed. Reports have been developed. DAP court cases are open an average of 7 days from referral, an improvement from the 141-day average for a pre-adjudication dismissal in similar cases identified while designing the program. Since 2015, 392 families have been scheduled for a DAP Block. DAP met the first program goal with an 87% success rate in diverting cases from a dependency with a safe, appropriate legal alternative. In its first year, DAP achieved a 97.4% success rate for its secondary goal of keeping children out of the dependency system for at least one-year post-DAP case resolution.

How does DAP track public satisfaction? What are the families and professional participants saying about their DAP experience?

Parents, relatives, guardianship, kinship, children, and child welfare professionals are provided a satisfaction survey following their participation in DAP. Since program inception 583 participants responded to the DAP client satisfaction survey. 97% (558/578) of respondents reported that DAP addressed their needs. The results show a very high level of satisfaction with the program



personnel and program components among the respondents to include their experience with advisory attorneys, mediators, court staff, and judges. Participants are asked what they found most helpful about DAP. The following themes arose consistently, valuing DAP as quick, easy and efficient, providing clear, understandable and helpful information, including professionals who are perceived as caring, understanding and helpful, leading to positive outcomes for families, allowing access to justice and advisory attorneys, and promoting self-determined outcomes through dispute resolution. Some highlights of the most helpful aspects of DAP in the participants' own words:

Everyone was looking for the best interests of the child ... Being 'walked' through the process ... All the employees made the process very easy to understand ... The fact that we the parents were at a mutual agreement on everything and that it was fair and easy to follow ... Total transparency and lots of information was provided ... Resolved the issues in a more effective and timely manner ... A completed solution was established ... Gives the least restrictive option to keep the child safe while not continuing to have the department involved with the family and keeping the child with a safe protective person.

What is next for DAP? How is the program expanding?

DAP can be replicated in other jurisdictions. DAP has an extensive manual with all procedures documented and program forms included. Expanding DAP across Arizona is a keystone to the statewide strategic plan of Chief Justice of Robert M. Brutinel of the Arizona Supreme Court. Pima County has been working with the Arizona Supreme Court Administrative Office of the Courts in statewide expansion efforts including provided technical assistance, training to other jurisdictions, and overall assistance with program development and implementation. Many Arizona counties are in various stages of program development and implementation. At a local level, Pima County Juvenile Court continues to employ process improvement measures and data to evaluate program sustainability and expansion.

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