



TITLE	POLICY NUMBER	
Telephonic Access for Youth in Care	DCS 18-04	
RESPONSIBLE AREA	EFFECTIVE DATE	REVISION
Foster Care and Post Permanency Support	11/25/20	4

I. POLICY STATEMENT

Youth in out-of-home care benefit from telephonic communication with friends, family, other significant people, and professionals involved in their case or care. The Department of Child Safety (DCS) is committed to providing youth with opportunities to interact telephonically with supportive individuals. Consistent with the DCS [Reasonable and Prudent Parenting Standard](#) policy, age-appropriate telephonic communication with others gives foster youth the same opportunities enjoyed by their peers in the community, and offers them a convenient way to connect with their case planning team as well as their family. Additionally, using cell phones and the texting options they offer are, for many youth, a more comfortable way to communicate than having a face-to-face conversation.

II. APPLICABILITY

This policy applies to the usage of cellular and landline telephonic equipment by youth in foster homes and group foster homes licensed under Arizona Administrative Code (A.A.C.) [Title 21, Chapter 6](#), group homes and shelters licensed under A.A.C. [Title 21, Chapter 7](#) and kinship caregivers. Exceptions to the policy may apply to youth who reside in a living arrangement with a clinical program model that prohibits residents from having a cell phone or mobile device.

III. AUTHORITY

[A.A.C. R21-7](#)

Department of Safety-Child Welfare Licensing

A.A.C. R6-5-7448	Visitation, Outings, Mail, and Telephone
A.A.C. R6-5-7465 (J)	General Safety
A.R.S. § 8-529	Children in foster care; rights
P.L. 113-183	Preventing Sex Trafficking and Strengthening Families Act, Section 111, Supporting Normalcy for Children in Foster Care

IV. DEFINITIONS

Caregivers: A licensed foster parent, unlicensed kin, or child welfare agency congregate care facility. When used in reference to a duty, task, or obligation, the term "caregiver" includes the staff who work at an agency or facility.

Child welfare agency: An agency or institution that is maintained by a person, firm, corporation, association, or organization to receive children for care and maintenance or for twenty-four hour social, emotional, or educational supervised care or who have been adjudicated as a delinquent or dependent child.

Department or DCS: The Arizona Department of Child Safety.

Foster Home: A home that is maintained by any individual or individuals having the care or control of minor children, other than those related to each other by blood or marriage, or related to such individuals, or who are legal wards of such individuals.

Group Home: A licensed regular or special foster home that is suitable for placement of more than five minor children but not more than ten minor children.

Kinship caregiver: An adult relative or person in the family network who has a significant relationship with the youth and who is caring for the youth under the care, custody, and control of the Department.

Office of Licensing and Regulation (OLR): The administration within DCS that is responsible for reviewing and evaluating applications for licensure; supervising and monitoring licensees; and completing all official licensing actions, including issuing, denying, amending, suspending, and revoking a license.

Out of Home Care: A living arrangement wherein a youth resides with an individual or

agency other than the youth's parent or legal guardian, including placement in temporary custody, voluntary placement, and placement due to a dependency action.

Reasonable and Prudent Parenting Standard: Careful and sensible decisions that maintain the health, safety, and best interests of a child that a caregiver shall make when determining whether to allow a child in foster care to participate in extracurricular, enrichment, cultural, and social activities.

Telephonic communication: Verbal discussions via land line or cellular equipment, including Skype™, FaceTime™ and other web-based applications that facilitate interpersonal communication.

V. POLICY

A. Access to Cellular or Landline Telephones

1. Caregivers shall provide opportunities for youth to have meaningful, positive communication with appropriate individuals, consistent with the Reasonable and Prudent Parenting Standard.
2. Caregivers shall not deny or monitor a youth's telephonic communication with the DCS Specialist (or other DCS personnel), guardian ad litem, attorney, counselor, therapist, other members of the Child and Family Team (CFT), Court Appointed Special Advocate (CASA), clergy, and other professionals who serve the youth. Caregivers shall ensure that such communications are afforded as much privacy as possible. The only restriction the caregiver may impose is to dial the number for the youth to confirm the identity of the person to whom the call is made.
3. Communications Restrictions
 - a. The DCS Specialist shall inform caregivers about any restrictions on communications between a youth and the youth's parent, guardian, relatives, friends, or other individuals important to the youth as documented:
 - i. by court order; or
 - ii. in the case plan (if applicable), which shall contain reasons for the restriction.

- b. If it is determined that monitoring a youth's telephone calls is needed for safety-related reasons, the youth's service team (DCS Specialist, caregiver, natural supports, etc.) will explain the concerns to the youth and why supervision is needed. The team will also explain what monitoring will look like.
 - c. If monitoring occurs, it shall be exclusively auditory, i.e. listening to the conversation; no tape recorders or any other mechanical or electronic listening devices shall be used. Caregivers, or anyone else designated as a monitor, shall inform the parties about the monitoring at the inception of the telephonic communication.
 - d. If the DCS Specialist is concerned that telephonic communication is contrary to the youth's safety and well-being, follow the procedures outlined in [Parenting Time & Contact Plan](#) to reach a resolution.
- 4. Limitations (e.g., number of calls, text messages, or length of calls) may be based on house or facility rules, consideration of the rights of others, case service plan requirements, court orders, or other justifiable reasons as determined by the caregiver and/or DCS Specialist.
- 5. Caregivers may apply reasonable restrictions, such as:
 - a. turning off the phone during home or facility meals or activities;
 - b. establishing a schedule and rules for telephonic communication to prohibit undue interference with programming or family activities; and
 - c. forbidding the use of the telephone to comply with requirements, if any, imposed by professionals for the youth's safety.
- 6. Caregivers shall not prevent a youth at any time from using a phone to make a complaint to the DCS Specialist, DCS Supervisor, DCS Office of the Ombudsman, OLR, or other appropriate authority about the conditions of the living arrangement, treatment by the caregiver, safety, well-being (physical or psychological) or any issue deemed problematic by the youth. The only restriction the caregiver may impose is to dial the number to confirm the identity of the person to whom the call is made.

B. Cellular Phone Ownership and Use

1. Youth in care shall have the same opportunity to possess, or use, a cell phone (or access a landline phone) as youth who are not in care. Caregivers shall apply the *Reasonable and Prudent Parent Standard* (referenced in the Procedures section) to determine whether to allow a youth to have a cell phone.
2. Caregivers should develop age-appropriate rules and parameters for cell phone usage with youth in their homes or facilities. Rules should take into account factors such as age, maturity of the youth, whether access is needed for academic instruction, special needs of the youth (online instruction or therapy, services, tutorials, or programs used via the internet), etc. It is permissible for caretakers to temporarily deny or curtail telephonic usage for disciplinary reasons. However, this discipline shall not obstruct the youth's overall ability to maintain contact with the individuals identified in sections V.A.2 and V.A.3.
3. The youth's caregiver and DCS Specialist will review the [Telephonic Usage Agreement](#) and tailor it to each youth specifying if additional modifications are necessary.
4. Some youth may enter out-of-home care with a cell phone that is part of a plan with their biological family, have a prepaid or pay-as-you-go plan, or have their own individual contract. DCS Specialists shall discuss with the youth and caregiver the rules and parameters pertaining to cell phone use at the youth's living arrangement. Special consideration should be made when youth enter out-of-home care with a cell phone; this device may be their sole connection to significant people in their lives, and an immediate change in phone usage may exacerbate the distress caused by their removal.
5. Some youth may not have a cell phone but seek to obtain one. In this scenario, caregivers shall make case-by-case decisions that take into account a variety of factors including the age and maturity of the youth, budgetary realities, child welfare agency program requirements, etc. Decisions to allow a youth in care to acquire a cell phone are contingent upon the approval of the DCS Specialist. If the request is denied, the DCS Specialist shall explain to the youth the rationale for the decision.
6. In addition to cell phones, youth may enter out-of-home care with other electronic devices such as tablets, desk or laptop computers, fitness tracking devices, smart watches, etc., that may facilitate telephonic and

real-time virtual communication. Any electronic devices owned by foster youth are their personal property and shall not be confiscated by the caregiver unless there is a documentable disciplinary reason or an immediate, significant situation that endangers a youth. Decisions to confiscate electronic devices shall be contingent upon the approval of the DCS Specialist.

7. When a youth is denied access to a cell phone or other electronic device by the caregiver or DCS Specialist, the youth may request the assistance of DCS Office of the Ombudsman for assistance in resolving the issue.

C. Privacy and Searching Information on a Youth's Phone

1. A youth's electronic devices are protected against unlawful searches and seizures. Even if the device is in the custody of law enforcement, a warrant will need to be authorized to search the device.
2. Searching information on a youth's phone may only be done in the following circumstances:
 - a. If the child consents to have the device searched;
 - b. If a third party has an ownership interest and common authority over the phone (i.e. parents are paying the phone bill); or
 - c. When the exigencies of the situation make the needs of law enforcement so compelling that a warrantless search is reasonable. "Exigencies" occur when there is a need to prevent imminent destruction of evidence or to assist persons who are seriously injured or are threatened with imminent injury.

VI. PROCEDURES

A. Decision to Allow Cell Phone Use and Access

1. In accordance with the Department's *Reasonable and Prudent Parent Standard*, caregivers shall do the following when considering whether to allow a youth in care to possess a cell phone:
 - a. assess the appropriateness of having a cell phone in relation to the youth's age, maturity, and developmental level;

- b. assess foreseeable risks such as the phone's location setting or global positioning tracking capability which could reveal the location of the youth;
- c. determine if having a cell phone is not contrary to the youth's health, safety, and best interests;
- d. contact the DCS Specialist to seek approval; and
- e. advise the youth of options outlined below in section VI.D to appeal the DCS Specialist's decision if the youth disagrees with the decision.

B. Funding and Payments

- 1. Consideration should be given to the method of payment, including insurance coverage, for obtaining and maintaining the cell phone before making a decision to acquire one.
- 2. The DCS Specialist and the CFT may explore other funding options. Some foster parents/kinship caregivers may be willing to add a youth to their family plan, but there is no expectation for them to purchase a cell phone. If foster parents/kinship caregivers purchase a phone for the youth's use, that phone is the foster parent/kinship caregiver's property and does not follow the youth into the next living arrangement, unless they agree to let the youth keep the phone. In this case, the caregivers, youth, and DCS Specialist will create a written plan detailing the ownership and payment responsibilities associated with the phone.
- 3. If the DCS Specialist and caregiver agree that a cell phone is appropriate, a written agreement will be developed and signed by all parties.

C. Disciplinary Considerations

- 1. If a caregiver prevents a youth from using a cell phone as a consequence for misbehavior, the frequency and scope of that discipline cannot result in effective denial of the youth's right to have telephonic access to the individuals referenced in V.A.2.
- 2. Inappropriate use of a cell phone (viewing, sending, or receiving pornographic photographs; bullying; participating in illegal activity; sharing the youth's location when it is not appropriate to do so, etc.) shall result in a loss of all cell phone privileges for a period of time determined

by the caregiver and DCS Specialist.

3. Caregivers should consider disciplinary methods that will not interfere with the youth's communication with individuals identified earlier in this policy.

D. Grievance Process

If the issue is unresolved, a complaint may be filed with the DCS Office of the Ombudsman. The Ombudsman analyzes complaints to determine the best course of action and suggests resolutions that will be equitable to all parties; it does not make binding decisions, mandate policy, or formally adjudicate issues. See the Office of the Ombudsman policy ([DCS 09-01](#)) for details.

VII. FORMS INDEX

[Telephonic Usage Agreement \(CSO-2319\)](#)