



TITLE	POLICY NUMBER	
Child Welfare Observer Program	DCS 14-01	
RESPONSIBLE AREA	EFFECTIVE DATE	REVISION
Office of Correspondence	01/16/19	2

## **I. POLICY STATEMENT**

The purpose of this policy is to establish clear protocols, guidelines, and expectations when the Department of Child Safety (DCS) is approached by individuals who seek to observe DCS activities. This policy underscores the Department’s commitment to transparency and increasing the knowledge of child welfare practices among stakeholders from the provider community and those who work with neglected and abused children. Participation in the Child Welfare Observer Program is a privilege, offered solely at the Department’s discretion, to applicants who are able to provide an explanation satisfactory to the Department about their reasons for participating in the program, and obtain a court order allowing them to do so.

## **II. APPLICABILITY**

This policy applies to medical professionals, media, institutions of higher learning, child advocacy organizations recognized by DCS, and researchers from a valid institution conducting an approved research project pursuant to the Research Review Requests ([DCS 14-02](#)) policy. The aforementioned individuals and entities shall have received a court order and DCS approval to accompany a DCS Specialist in the field, or shadow another employee, to further their understanding of DCS activities. This policy does not apply to members of the Arizona State Legislature, the governor or his/her designee, employees of the Office of the Arizona Attorney General, or members of the general public.

## **III. AUTHORITY**

[A.R.S. § 8-453](#) Powers and duties

[A.R.S. § 8-807](#) DCS Information; public record; use; confidentiality; violation; classification; definition

#### IV. DEFINITIONS

Department or DCS: The Arizona Department of Child Safety.

DCS information: Includes all information the Department gathers during the course of an investigation from the time a file is opened until it is closed.

#### V. POLICY

- A. All applicants shall complete and sign the [Child Welfare Observer Program Application](#) to be considered as an observer of a DCS employee performing work for the Department.
- B. Any individual, except authorized members of the Arizona State Legislature, the governor or his/her designee, or employees of the Office of the Arizona Attorney General, who seeks to participate in the Child Welfare Observer Program must obtain a court order granting them permission to participate and have access to DCS information.
- C. Applicants to the Child Welfare Observer Program must either have an active Level I Fingerprint Clearance Card or be fingerprinted and present the results of their criminal history check to the court simultaneously with their request for a court order.
- D. This policy applies to observations of ongoing and in-home cases, as well as Hotline observations.
- E. All applicants for the Child Welfare Observer Program must acknowledge and sign the [Arizona Department of Child Safety Liability Waiver and Indemnity Agreement](#) form and the [Arizona Department of Child Safety Acknowledgement of Confidentiality](#) form in the presence of a DCS supervisor prior to accompanying any DCS employee.

- F. All applicants shall sign an application authorizing a Central Registry check. Applicants will be disqualified from participating in the Child Welfare Observer Program if:
1. they have a substantiated finding of child abuse or neglect;
  2. they are subject to a finding that is still proposed as substantiated;
  3. they are an alleged perpetrator in an open assessment.
- G. All applications for participating in the Child Welfare Observer Program shall contain a section for the applicant to explain why the potential observer wishes to participate. The Department has the right to decline requests from those applicants who do not provide a legitimate justification for their request. The Department shall consider the benefit of observing DCS activities versus the privacy rights of the families served by DCS.
- H. All requests are subject to the availability of DCS staff and other Department resources and may be denied due to lack thereof.
- I. DCS employees who host observers shall have been employed by the Department at least two years, shall not have any pending disciplinary actions, and shall ensure their supervisor is aware that they have an observation scheduled with a non-DCS observer.
- J. The observer shall not be a relative of the employee chosen to host the observer.
- K. Child Welfare Observer Program Rules and Guidelines
1. Observers must be at least 18 years of age.
  2. Observers must be affiliated with entities such as an institution of higher learning, child advocacy organization recognized by DCS, media outlet, medical profession and/or some other reputable organization.
  3. Participation may not be approved if the observer does not have proper identification, a warrant for an observer's arrest has been issued, and/or an observer has been convicted of a felony or any crime against a child.

4. Observers must be dressed in good taste and consistent with Department standards.
5. Observers shall not carry firearms or weapons during their participation in this program.
6. Observers shall not be impaired by alcohol or other legal or illegal substances.
7. Observers shall not video record, audio record, or take any photos during the field observation experience unless so authorized by the court. Any notes taken by an observer shall not include personally identifiable information and are subject to Departmental review to ensure compliance.
8. Observers shall refrain from asking questions, promoting their employer or organization, interjecting statements, or otherwise interrupting when the DCS employee is working with and in the presence of a client(s) or in the courtroom.
9. The observation may be terminated by the DCS employee at any time due to hazardous conditions, observer misconduct, or other circumstances that make it impractical or impossible for the observation to continue. The observer may request to terminate their participation in the program at any time, and the DCS employee will honor the request as soon as it is practical to do so.
10. All parents, as well as youth who have reached the age of majority, shall be asked if they are agreeable to the presence of an observer. If the family objects, the Department shall respect the parents' wishes and the observation shall not occur. A parent whose parental rights have been terminated shall not be consulted.
11. For personal safety, the observer shall follow the directions of the DCS employee, particularly in the event of unusual or hazardous conditions.
12. Pursuant to [Arizona Revised Statutes § 8-807](#), any DCS information that may become known during participation in the Child Welfare Observation Program is confidential. This information cannot be further disclosed unless authorized by law. Any violation of [Arizona Revised Statutes § 8-807](#) is a Class 2 misdemeanor.

#### L. Additional Considerations

1. DCS shall designate the Office of Correspondence to manage the applications of prospective observers in their pursuit of obtaining court orders to allow participation.
2. DCS employees who receive a request to participate in the Child Welfare Observer Program shall forward the request to the Office of Correspondence at [CorrespondenceControl@azdcs.gov](mailto:CorrespondenceControl@azdcs.gov). No employee may host an observer without the permission of the Office of Correspondence.
3. The DCS employee shall explain their duties and, whenever possible, avoid activities that might endanger the observer.
4. The DCS employee shall contact the family, caregiver and/or client in advance of the scheduled observation to ensure the family, caregiver and/or client has no objection to the observation.
5. The observer shall be limited to two observation opportunities during a 180-day time period, unless the Office of Correspondence or designee has approved otherwise.

#### VI. PROCEDURES

- A. All applicants shall be provided a copy of the *Child Welfare Observer Program Application* to review and must agree to comply with the rules and guidelines contained therein.
- B. Applicants shall sign and submit the Child Welfare Observer Program Application to the Office of Correspondence by email at [CorrespondenceControl@azdcs.gov](mailto:CorrespondenceControl@azdcs.gov) or by mail at P.O. Box 6030, Site Code C010-23, Phoenix, AZ 85005-6030. By signing the application, the applicant authorizes the Department to complete a DCS Central Registry check.
- C. If the applicant has no substantiated finding in the Central Registry, nor an open DCS assessment/case, the Office of Correspondence or designee shall verify that the application contains a legitimate justification as described in Section V.G.

- D. The Office of Correspondence or designee shall forward requests made by state legislators, their staff, or the governor or his/her designee to the Department's Office of Legislative Services.
- E. After the Department approves the application, the prospective observer, unless exempt from obtaining a court order as described in Section V.B, must secure a court order authorizing their participation and allowing them access to DCS information. The prospective observer shall provide the Office of Correspondence a copy of the court order. The Office of Correspondence shall forward the request to the appropriate and geographically desirable Regional Office.
- F. The Program Administrator assigned to the designated Regional Office shall select the DCS employee to host the observer. The employee designated by the Program Administrator or designee shall coordinate the logistics (date, time, and duration) of the observation with the approved observer. The DCS employee shall consider all safety factors when selecting a case to observe.
- G. Upon arrival to the DCS office, all observers must produce the signed court order authorizing their participation in the program, and sign/date both the [Liability Waiver and Indemnity Agreement](#) form and the [Acknowledgement of Confidentiality](#) form in the presence of a DCS supervisor.
- H. Documentation relating to the observation shall be returned to the Office of Correspondence and retained for a period not to exceed 180 days from the date of the observation. After 180 days, all applications, court orders, and completed forms shall be retained in accordance with DCS [Records Management Policy \(DCS 02-24\)](#).

## **VII. FORMS INDEX**

[\*Arizona Department of Child Safety Acknowledgement of Confidentiality \(DCS 1223C\)\*](#)

[\*Arizona Department of Child Safety Liability Waiver and Indemnity Agreement \(DCS 1223B\)\*](#)

[\*DCS Child Welfare Observer Program Application \(DCS 1223A\)\*](#)