

PROTECTIVE SERVICES REVIEW TEAM (PSRT)**Our Mission**

To provide appeal rights to persons who may have abused or neglected a child and provide quality assurance to DCS investigation findings.

What is the Central Registry?

Arizona State law requires the Department of Child Safety (DCS) to maintain a database or a list of all substantiated findings of child abuse and neglect. The Central Registry is a confidential database maintained by Arizona DCS. Information in the Central Registry is not available to the public or on the Internet. Substantiated findings are kept in the Central Registry for 25 years from the date of the report. DCS has access to the information for the following reasons:

- To help assess the risk to a child when investigating a new report of child abuse or neglect.
- To complete background checks for certification of in-home day care providers and adoptive parents, as well as licensing of foster homes.
- To identify the nature and scope of child abuse and neglect in this state.
- The Central Registry will be used as a factor in a background screening to evaluate a person's qualifications for employment with the State of Arizona or its contracting agencies where the employment involves direct contact with children, and/or vulnerable adults.

DCS wants people to know that an entry in the Central Registry does not mean that someone is a bad person. A finding in the Central Registry will state that on a certain day an incident of abuse or neglect occurred. DCS uses the information in the Central Registry to track families, ensure children are safe and help determine a family's need for services.

What is the Protective Services Review Team?

The PSRT provides a parent, guardian or custodian who is alleged to have abused or neglected a child with an opportunity to disagree with the DCS proposed finding. If a person does not agree with the findings of the DCS investigation, he or she may request a hearing to appeal the finding. The PSRT is a separate program from DCS and will provide an impartial review of the DCS investigation to see if the proposed finding is accurate.

The PSRT reviews reports that have *proposed substantiated findings* of abuse or neglect after DCS investigations have been completed. Before a finding is entered in the Central Registry, the PSRT will send a letter to the person DCS believes is responsible for abusing or neglecting the child. This letter informs the person of their right to an appeal hearing, and will include a form titled, "Request for DCS Findings Appeal."

The term "proposed substantiated finding" means DCS believes a child was abused or neglected as defined by Arizona law. It will be referred to in this notice as the "proposed finding" or "finding."

In order to substantiate a finding of abuse or neglect, DCS must identify facts that provide reasonable grounds to believe that the abuse or neglect occurred.

How does a person appeal a finding?

If a person disagrees with DCS that abuse or neglect occurred, he or she must complete and sign the Request for DCS Findings Appeal form. This form must be returned within 20 days after the date of the letter. If a person does not request an appeal, the finding will be substantiated and entered in the Central Registry.

Is everyone eligible to appeal a finding?

If a person is a party in another legal proceeding that involves the same allegation of neglect or abuse, that person is not eligible for an appeal hearing. This can include dependency, criminal, domestic relations or other civil proceedings. If the legal proceeding is resolved in the person's favor, the person may then become eligible to appeal the finding if they contact the PSRT office.

The request for an appeal must be made timely. If a person requesting an appeal does not return the completed Request for DCS Findings Appeal form within 20 days after the date of the letter, the request will be denied.

What happens when a finding is appealed?

The PSRT staff will review the DCS investigation and information provided by the person requesting the appeal to determine if there is sufficient evidence that a child was abused or neglected as defined by State law. If there *is not* enough evidence of abuse or neglect, the finding will not be substantiated or entered in the Central Registry. If there *is* enough evidence, the person will be notified by mail of this decision and a hearing with a judge will be scheduled.

A person can request an informal settlement conference prior to the hearing. A request to withdraw from the hearing can be made at any time. A substantiated finding will then be entered in the Central Registry.

What happens at a hearing?

The hearing is held in an informal, confidential setting before an Administrative Law Judge through the Office of Administrative Hearings (OAH) in Phoenix. The person is allowed to explain what happened and why he or she disagrees with the proposed finding of abuse or neglect. The person may bring their own attorney to the hearing.

After the hearing, the judge will send a legal recommendation to the Director of DCS for review. The person will be sent a copy of the OAH recommendation and the Director's final decision.

DEFINITIONS:

Probable Cause:

- The standard of evidence used in Administrative Court; would a reasonable person conclude something took place.
- The lowest standard of evidence and the level of proof that DCS, PSRT and the court need to substantiate a report.

Neglect:

- The inability or unwillingness of a parent, guardian, or custodian to provide that child with supervision, food, clothing, shelter or medical care if that inability or unwillingness causes unreasonable risk of harm to the child's health or welfare, except if the inability of a parent or guardian to provide services to meet the needs of a child with a disability or chronic illness is solely the result of the unavailability of reasonable services.
- Permitting a child to enter or remain in any structure or vehicle in which volatile, toxic or flammable chemicals are found or equipment is possessed by any person for the purposes of manufacturing a dangerous drug.
- Determination by a health professional that a newborn infant was exposed prenatally to an illegal drug or substance; OR a substance exposed infant under one year of age who is demonstrably adversely affected by the mother's use of a dangerous drug, narcotic drug or alcohol during pregnancy; OR diagnosis of fetal alcohol syndrome or fetal alcohol effects.
- Deliberate exposure of a child to sexual conduct or explicit sexual materials.
- An act of reckless disregard as to whether the child is present during sexual activity.

Abuse:

- Physical abuse is when a parent, guardian, or custodian inflicts or allows the infliction of physical injury, impairment bodily function or disfigurement.
- Unreasonable confinement is the restriction of movement or confining a child to an enclosed area and/or using a threat of harm or intimidation to force a child to remain in a location or position.
- The child sustains an injury that results from permitting a child to enter or remain in any structure or vehicle in which volatile, toxic or flammable chemicals are found or equipment is possessed by any person for the purpose of manufacturing a dangerous drug.
- Emotional abuse is when a parent, guardian, or custodian inflicts or allows another person to cause serious emotional damage as evidence by severe anxiety, withdrawal or untoward aggressive behavior and which emotional damage is diagnosed by a medical doctor or psychologist and which is caused by the acts or omissions of an individual having care, custody and control of a child.
- Sexual abuse is when a parent, guardian, or custodian inflicts or allows sexual conduct with a minor, sexual assault, molestation of a child, commercial sexual exploitation of a minor, incest or child prostitution.

Arizona Department of Child Safety Protective Services Review Team

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