Responding to the Needs of Drug Endangered Children and Children of Incarcerated Parents

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History / Background
Definition

“Drug Endangered Child”
Any child born or unborn at risk of neglect, sexual or physical abuse, emotional abuse or mental harm due to the parent's or caregiver's use, distribution or manufacturing of any controlled substance or the parent's or caregiver's failure to protect the child from the exposure to the use, distribution or manufacturing of any controlled substance.
Drug-Endangered Children (DEC) are children under age 18 found in homes:

a) with caregivers who are manufacturing controlled substances in/around the home ("meth labs") or

b) where caregivers are dealing/using controlled substances and the children are exposed to the drug or drug residue ("meth homes" and/or "drug homes").

Primary Reasons for Child Abuse

1. Substance Abuse
2. Better Reporting
3. Poverty
Neglected and Abused Children are

- 50% more likely to be arrested as juveniles;
- 40% more likely to be arrested for a violent crime as adults; and
- 33% more likely to become substance abusers.

Hazardous Lifestyles

- Users often live a lifestyle “incompatible with a proper regard for human life.”

“*This was found on the floor loaded.”
Physical Neglect
- Lack of Essential Food
- Inappropriate Sleeping Conditions
- Lack of Medical / Dental Treatment
- Lack of Supervision
- Lack of Grooming

Emotional Abuse
- Lack of Encouragement
- Lack of Support
- Lack of Discipline
- Lack of Guidance

Physical Abuse

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Sexual Abuse

- Increased sexual activity and desire due to methamphetamine use.
- Accessible pornographic material.
- Trading children for drugs.
- Affiliation with criminal activities increases the chances of criminals being around children in the home, including sex offenders.

Risks

- Ingestion of the raw drug or residue.
- Inhalation of the smoke in a home with multiple users.
- Absorption through the skin.

- Increased violent parental behavior toward children.
- Severe neglect.
- Increased sexual abuse.
- Emotional Abuse.
- Lack of regard for safety.
Social and Emotional Consequences
- Delinquency
- School Problems
- School Absenteeism
- Criminal Behavior
- Homelessness
- Shame
- Attachment Disorders

Social and Emotional Consequences
- Isolation
- Poor Peer Relations
- Unemployment
- Poverty
- Addictions
- Poor Anger Mgmt.
- Chaotic Lifestyle

Educational Consequences
- Truancy
- Delinquency
- Drop-Out
- Pregnancy
- Expulsion
- Institutionalization
Case Investigation

DECE Investigation Questions

• Why is the criminal activity dangerous to a child?
• How is the environment dangerous to a child?

Law Enforcement
• Drug Investigator
• Child Crime Investigator
• Overlap
  – Dual role & cross-training
Roles
Law Enforcement
• Assess safety of all involved and secure location.
• Investigate criminal activity and enforce the law.
• Document and collect evidence.
• Cooperate with the assigned social worker.

Child Abuse Investigation
• Forensic interview
• Work with CPS
• Measurements
• Photographs, diagrams and ventilation
• Samples to support child abuse
• Supplements, etc. to case agent

Assess Environmental Risk
• Drugs and drug paraphernalia
• Booby traps
• Exposed wiring
• Guns and weapons
• Accidental ingestion of chemicals and contaminated food
• Adult role models involved in criminal behavior
• Chemicals found in the refrigerator
• Hazardous sleeping area conditions
• Visible/Accessible pornographic material
• Chaotic home environment
• Poor supervision
Drug Investigation

- Contact CPS.
- Contact/designate child abuse detective.
- Contact crime lab.
- Good photography and diagram.
- Air quality.
- Sample the obvious/be creative.
- Remediation law compliance.
Evidence Collection

- Physical condition of the children.
- Child’s access to drugs or chemicals.
- Living conditions.
- Play area.
- Food supply.
- Children’s bedroom or sleeping arrangements.
- Bathroom conditions.
Four-Point the Room

Arizona Alliance for Drug Endangered Children
Roles
Child Protective Services (CPS)
• Physical Abuse
• Sexual Abuse
• General / Severe Neglect
• Exploitation
• Domestic Violence

Roles
Child Protective Services (CPS)
• Assess our safety and that of the children.
• Investigate child abuse allegations.
• Document conditions of the home and child.
• Cooperate with law enforcement.
Roles
Child Protective Services (CPS)
- Primary function: Protection of children.
- Serve Temporary Custody Notice (TCN).
- Take photographs.
- Care for children at scene.
- Conduct interviews of parents/caregivers.
- Conduct interviews of children.

Roles
Child Protective Services (CPS)
- Remove children from scene.
- Transport to physician.
- Locate children not present at scene.
- Arrange for medical examination.
- Provide general care—e.g., bathing, food.

Roles
Child Protective Services (CPS)
- Place children with/at:
  - Other family members
    - First perform criminal history investigation.
    - Conduct a home visit.
    - Use 17-item child safety form.
  - Shelters
  - Foster homes
  - Crisis nurseries (up to age 11)
  - Emergency receiving home (infants)
Roles
Child Protective Services (CPS)
- Dependency Petition.
- Reunification.
- Termination of parental rights.
- Work with AG.

Law Enforcement
- Assess safety of all involved and secure location.
- Investigate criminal activity and enforce the law.
- Document and collect evidence.
- Cooperate with the assigned social worker.

Social Workers
- Assess our safety and that of the children.
- Investigate child abuse allegations.
- Document conditions of the home and child.
- Cooperate with law enforcement.

Elements in strong CPS & Law Enforcement Relationship
- Specialized DEC training for Law Enforcement and CPS.
- Communication.
- Full-time CPS team member.
- CPS responds to calls in a timely manner.
- CPS incorporates and works with medical professional on DEC Team.
Physicians

- Conduct physical exam of children.
- Conduct a developmental screening.
  - To determine developmental age.
  - Based on physical, cognitive and social functioning level of children.
  - Impaired or developmentally delayed?
- Urine samples within 12 hours or ASAP up to 48 hours.
- Conduct follow-up exams (15-30 days).

Roles

Physicians

- Full medical report to document findings.
- Act as expert witness.
- Look for signs of exposure.
  - Respiratory problems, chemical burns, skin infections, headaches, nausea...
- Size? Normal, underweight...

Roles

Prosecutors

- Coordinate DEC Team Training Component.
- Provide legal advice and respond at request.
- Prosecute drug crimes, child abuse, endangerment, and other common crimes.
- Track parallel dependency cases.
Under circumstances other than those likely to produce death or serious physical injury to a child or vulnerable adult, any person who causes a child or vulnerable adult to suffer physical injury or abuse or, having the care or custody of a child or vulnerable adult, who causes or permits the person or health of the child or vulnerable adult to be injured or who causes or permits a child or vulnerable adult to be placed in a situation where the person or health of the child or vulnerable adult is endangered is guilty of an offense as follows:
– If done intentionally or knowingly, the offense is a class 4 felony.
– If done recklessly, the offense is a class 5 felony.
– If done with criminal negligence, the offense is a class 6 felony.
Collaborative Approach

- Multi-Disciplinary Approach
- Spirit of Cooperation
- Sharing of Information
- Case Coordination

Law enforcement and CPS work together to ensure well-being of children:
- CPS accompanies investigators if children are known to be present before warrant is served.
- CPS responds to scene if children are discovered.

Law enforcement, CPS and physicians are available to provide rapid response.

Prosecutor works with law enforcement, CPS and physicians to facilitate management of case.

The Child

- Law Enforcement
- CPS
- Medical
- Treatment
- Prosecution
- Community Services

Arizona Alliance for Drug Endangered Children
Key Members Include:

- Children Protective Services
- Department of Corrections
- Law Enforcement
- Probation and Parole
- Educators and School Administrators
- Drug Task Force
- SA Prevention Coalitions
- Behavioral Health Providers
- Prosecutors
- Victim Witness Coordinators
- Faith-based Agencies
- Tribal Representatives
- Medical Practitioners
- First Responders
- Parent Teacher Association

The Arizona Alliance is the state-level entity responsible for ensuring that ongoing DEC technical assistance is provided to communities and tribes to advance an understanding of the DEC issue in their area.

The Arizona Alliance is composed of representatives from:

- state governmental bodies;
- federal entities; and
- community organizations.

The Arizona Alliance also assists with the creation and implementation of DEC teams and protocols in communities and counties throughout the state and:

- Educates key stakeholders about drug-endangered children;
- Enhances collaborations;
- Provides training regarding the investigation and prosecution of DEC cases; and
- Collaborates with partners who work to address the issues faced by children of incarcerated parents (COIP).
Mission
To provide a seamless, coordinated community response to children endangered by drugs, including alcohol.

County and Tribal Alliances for Drug Endangered Children/Multi-Disciplinary Teams
• Review all referrals and active cases of child abuse, child neglect, and child sexual abuse.
• Identify resources for family/victim(s).
• Make recommendations for a plan of action.
• Provide periodic review for all cases.

Arizona Alliance for Drug Endangered Children
Goals
• Ensure the immediate safety and security of children exposed to drugs and alcohol.
• Address medical, treatment, counseling, education and placement needs.
• Enhance criminal charges against offending adults, parents or caregivers.
Arizona Alliance for Drug Endangered Children

Goals

• Place children in stable and secure homes.
• Break the cycle of drug and alcohol use and abuse.
• Increase community awareness and decrease tolerance of dangers associated with drug use, sales and manufacturing.

Arizona Alliance for Drug Endangered Children

Goals

• Review county-level protocols to determine their adherence to state-level protocols.
• Incorporate Children of Incarcerated Parents guidelines into the DEC protocols.

Arizona Alliance for Drug Endangered Children

Goals

• Add guidelines to the DEC protocols for determining whether children are receiving appropriate services and, as needed, linking them to such services; and
• Establish guidelines for ensuring that children placed out of the home are left in the care of appropriate guardians.
Building and Maintaining a State, County or Tribal Alliance for Drug Endangered Children

- Meet regularly.
- Communicate.
- Address concerns, issues, training, specific cases in a strategic manner.
- Focus on coordinated efforts.

Memorandum of Understanding (MOU)

- The primary goal of a DEC Program is to pull together resources from participating agencies for children living in drug-endangered environments.
- Before the drug endangered child has even been identified, the County DEC Program members sign MOUs and decide on protocols to ensure a smooth transition from identification to release back to the child’s family or placement in foster care.

Partner Coordination & Collaboration
Collaboration among Stakeholders

- The Arizona Substance Abuse Partnership (ASAP) serves as the single statewide council on substance abuse prevention, treatment, enforcement, and recovery issues.

- ASAP brings together stakeholders at the federal, state, tribal and local level to utilize data and practical expertise to develop effective methods to integrate and expand services across the state by maximizing available resources.

ASAP Strategic Focus Areas

- Prescription Drug Abuse
- Underage Drinking
- Drug-Endangered Children / Child Welfare / Children of Incarcerated Parents
- Prevention and Community Partnerships
- Law Enforcement and Drug Trafficking
ASAP Strategic Focus Areas

DEC/COIP Goals
• Seek funding for DEC staff person and website.
• Expand the DEC Alliance to include a focus on children of incarcerated parents.
• Expand protocols to include Level-II exposure and use.
• Identify the number of drug-endangered children and children of incarcerated parents.

2010 ASAP Action Steps
• Develop a funding strategy for the state’s DEC infrastructure: staffing, website, training / technical assistance.
• Establish baseline, benchmarks and evaluation for new DEC protocols and training and train appropriate agency staff on DEC Protocols.

2010 ASAP Action Steps
• Establish collaborative partnerships and resource sharing between entities addressing the DEC and Children of Incarcerated Parents populations.
• Utilize parole officers to identify parolees with children in the home, when drug use is suspected or confirmed.
2010 ASAP Action Steps

• The Governor’s Methamphetamine Task Force recommends the development of strategies to better equip professionals in the prevention, treatment and law enforcement arenas to respond to children exposed to drug-endangered environments.

Protocols

Use of DEC Protocols in Case Investigation

• DEC Protocols are guides for managing the safety issues of children who are found in drug labs and/or homes.

• Procedures are intended for law enforcement, child welfare, public health, emergency medical services, fire, social services and others who respond to help children found in drug labs and/or homes.
Types of DEC Cases

Level I:
Children found at clandestine labs where meth is being manufactured. Labs are life-threatening and can cause adverse health effects from toxic chemicals and contamination.

Level II:
Children living in homes where parents use, sell or store drugs creating a dangerous environment in which a child often suffers from neglect, physical abuse, lack of medical care and complete lack of parental supervision.

Examples of Level II DEC investigations include:

- Parents or caretakers allowing drug use or sales with children present;
- Drugs stored or left in areas accessible to children;
- Providing drugs to minor children;
- Concealment of drugs in children's items;
- Using children in any way to promote drug use, sales, or manufacturing;
- Caring for children while under the influence; and/or
- Transporting or driving under the influence with children in the vehicle.

Example of a Level II Case

Landmark Case
- June 30, 2010 Arizona Attorney General released a Press Release regarding a case involving a 2-year old an 11-year old special needs child.
  - Charges included six counts of child abuse, possession of marijuana for sale, money laundering, possession of drug paraphernalia, and misconduct involving weapons.
  - Marijuana was wrapped in white bread within reach of the children.
Action Steps/Activities/Outcomes

DEC Action Steps

- Add guidelines to determine whether children are already receiving behavioral health services, are on probation, and/or are receiving community-based services.
- Add guidelines to ensure that a background check, including CPS and warrant checks, is performed on the caregiver with whom the child is left and that the home of the caregiver with whom the child is left is safe.

DEC Activities

- A law enforcement assessment tool is being created to assist law enforcement officers to more effectively report to CPS.
  - Level of urgency.
  - Level of vulnerability of the child.
  - Status of child’s developmental abilities.
  - Status of parent/caregiver drug use.
  - Support systems & resources.
  - Factors unique to meth use situations.
DEC Activities

- Training materials and DEC Protocols are being updated to include protocols for when children are in the home at the time of arrest.
- The 2010 DEC training calendar is continuously being updated.
- An MOU is being created for agencies represented on the DEC Alliance in order to establish clear roles and responsibilities.
- The Alliance membership is being expanded.

DEC Activities

- Collaborates with the National DEC Alliance to receive information from and share information and lessons learned with other states:
  - The Alliance provided input on the National Core DEC training recently developed.
  - The Alliance has begun to reach out to counties to determine interest in trainings and establishing a county-level Alliance for Drug-Endangered Children.
  - County-level resource guides are being created for foster families/kinship caregivers when they receive a drug-endangered child or other child upon parental arrest.

DEC Activities

- A state team led by a Coordinator has been formed to work on rural law enforcement methamphetamine-related issues, including the needs of drug-endangered children.
DEC Outcomes

- The first Arizona Drug-Endangered Children (DEC) Tribal Training Workshop was held in January 2009 as a collaborative effort between the Governor’s Office and federal and tribal entities.

- Since then, seven additional tribal communities have partnered with the Alliance to receive training. The workshops educate tribal communities about DEC and assist tribal leaders with establishing multidisciplinary DEC teams and developing DEC protocols at no cost to the tribe.

Policy recommendations were provided to the Arizona Substance Abuse Partnership (ASAP) by the MTF regarding enhancing the current ARS to include DEC Level II cases.

- Amend ARS 13-3623, Paragraph D
  - Any person who intentionally and knowingly exposes a child or a vulnerable adult to an environment that is being used to transport for sale, transfer, sell or possess for sale a Dangerous Drug in violation of ARS 13-3407 subsection A paragraph 2 and 7 or a Narcotic Drug in violation of ARS. 13-3408 subsection A, paragraph 2 and 7 is guilty of a class 6 felony.

- “Abused or neglected child” shall mean a child whose health or welfare is endangered, harmed or threatened with harm when his parent, guardian, or other person exercising custodial control or supervision of the child engages in a pattern of illicit drug activity thus creating an unhealthy and unsafe environment.

- In addition, specific guidelines will need to be approved and implemented within the appropriate agencies.
What can you do?

- Receive training and subsequently train staff and communities (Train-the-Trainer).
  - Tribal-specific training is available.
- Form or join an alliance in your community.
- Adopt a standardized protocol for every child removed from a drug environment.
- Maintain a database that allows follow-up with children to ensure that your efforts are successful.
- Solicit help from, and collaborate with community groups and organizations to ensure that these children have a strong support system.

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