

DEPENDENCY ALTERNATIVE PROGRAM

Welcome to the Dependency Alternative Program.

Your family may be eligible for the Dependency Alternative Program (DAP). Your family has been identified because of concerns regarding the health and safety of your child(ren).

DDP is a voluntary program. Should you choose to participate, your family could avoid becoming involved in a dependency case. In a dependency case, the Department of Children Services (DCS), previously called CPS, would take temporary legal and (possibly) physical custody of your child(ren), file a lawsuit against you alleging abuse and/or neglect, and request court orders for you to participate in services to reunify with your children. In a dependency case, you would be appointed an attorney and would have the right to a trial on DCS's allegations within 90 to 120 days of the start of the case. At the trial, DCS would have to prove that its complaints against you were more likely than not true. If DCS was unable to meet its burden, the case would be dismissed and your child(ren) would be returned. If DCS was able to meet its burden, however, the court would find that a dependency exists and order the parents to participate in reunification services offered by DCS. If you were to successfully complete and benefit from the services offered by DCS, you could be reunified with your children. The reunification process typically takes no less than 9 months, and often a year or more. If you failed to complete and benefit from ~~all~~ the reunification services, your parental rights could be terminated and your child(ren) placed for adoption.

Successful participation in DAP could allow you, and your family the opportunity to avoid involvement in a dependency case/trial. There are four (4) stages to DAP, most of which will take place the same day:

- 1) You will meet with an advisory attorney who will help explain the process and answer legal questions. The advisory attorney will also review your legal options with you and your family members. **THIS**

ATTORNEY DOES NOT REPRESENT YOU AND THERE IS NO ATTORNEY-CLIENT RELATIONSHIP OR PRIVILEGE.

- 2) You will participate in settlement conference where you, DCS, and any other interested parties will negotiate a resolution (for example, giving custody to the other parent or to a relative, or agreeing to a temporary guardianship). **Nothing that is said during the settlement conference session should be considered confidential.**
- 3) If, after settlement conference, a full agreement is reached, the advisory attorney will assist with the preparation and filing of the necessary legal documents.
- 4) Finally, you will appear before a judge for the entry of orders based on the agreement reached.

Again, DAP is a VOLUNTARY program and you are under no obligation to participate or to agree to anything proposed by DCS or anyone else. Should you choose not to participate in DAP, a dependency case will in all likelihood be filed and you will be afforded all of the due process rights recognized by Arizona law.

Included with this letter, are several forms that need to be completed to assist the advisory attorney in processing your case. The documents include:

- 1) Application for Deferral or Waiver of Court Fees;
- 2) Affidavit Regarding Minor Children;
- 3) Waiver of Attorney-Client Relationship and Privilege.

If you choose to meet with the Advisory Attorney you will not give up any of your legal rights. You will simply have the opportunity to consider more options and choose the best option for you and your children.

Thank you.