



# Safety Framework

*PRESENTED BY JUVENILE PRESIDING JUDGE LORI BUSTAMANTE AND JUVENILE ASSOCIATE  
PRESIDING JUDGE ROBERT BROOKS*

# Juvenile Rule 341 (e) (4)

Rule 341 (e) (4) requires the court to consider safety issues at the Review Hearings:

The court must consider any safety plan as well as any other safety issues that might prevent the child's return to a parent or that might affect the child's placement.

# Safety Framework

Whether a child is safe depends upon a threat of danger, the child's vulnerability, and a family's protective capacity.



# Safe vs. Unsafe

**Safe child:** Vulnerable children are safe when there are no threats of danger within the family or when the parents possess sufficient protective capacity to manage any threats.

**Unsafe child:** Children are unsafe when:

- ▶ threats of danger exist within the family and
- ▶ children are vulnerable to such threats, and
- ▶ parents have insufficient protective capacities to manage or control threats.

## 6 Background Questions

1. What is the nature and extent of the maltreatment?
2. What circumstances accompany the maltreatment?
3. How does the child function day-to-day?
4. How does the parent discipline the child?
5. What are overall parenting practices?
6. How does the parent manage their own life?

# Threats of Danger

A threat of danger is a specific family situation or behavior, emotion, motive, perception or capacity of a family member.

These criteria must be present to constitute a threat:

- Specific and observable/describable;
- Out-of-control;
- Immediate or liable to happen soon, and;
- Severe consequences

# Child Vulnerability

Children are vulnerable because they depend on others for protection and care. Considering a child's vulnerability involves both knowing about the child's ability to protect himself from threats and knowing how the child is able to care for himself.

Criteria to consider include

- age,
- physical ability,
- cognitive ability,
- developmental status,
- emotional security, and
- family loyalty

# Protective Capacities

Protective capacity means being protective towards one's young.

Protective capacities are

- cognitive,
- behavioral, and
- emotional qualities supporting vigilant protectiveness of children.

Protective capacities are fundamental strengths preparing and empowering the person to protect.



# Safety Analysis

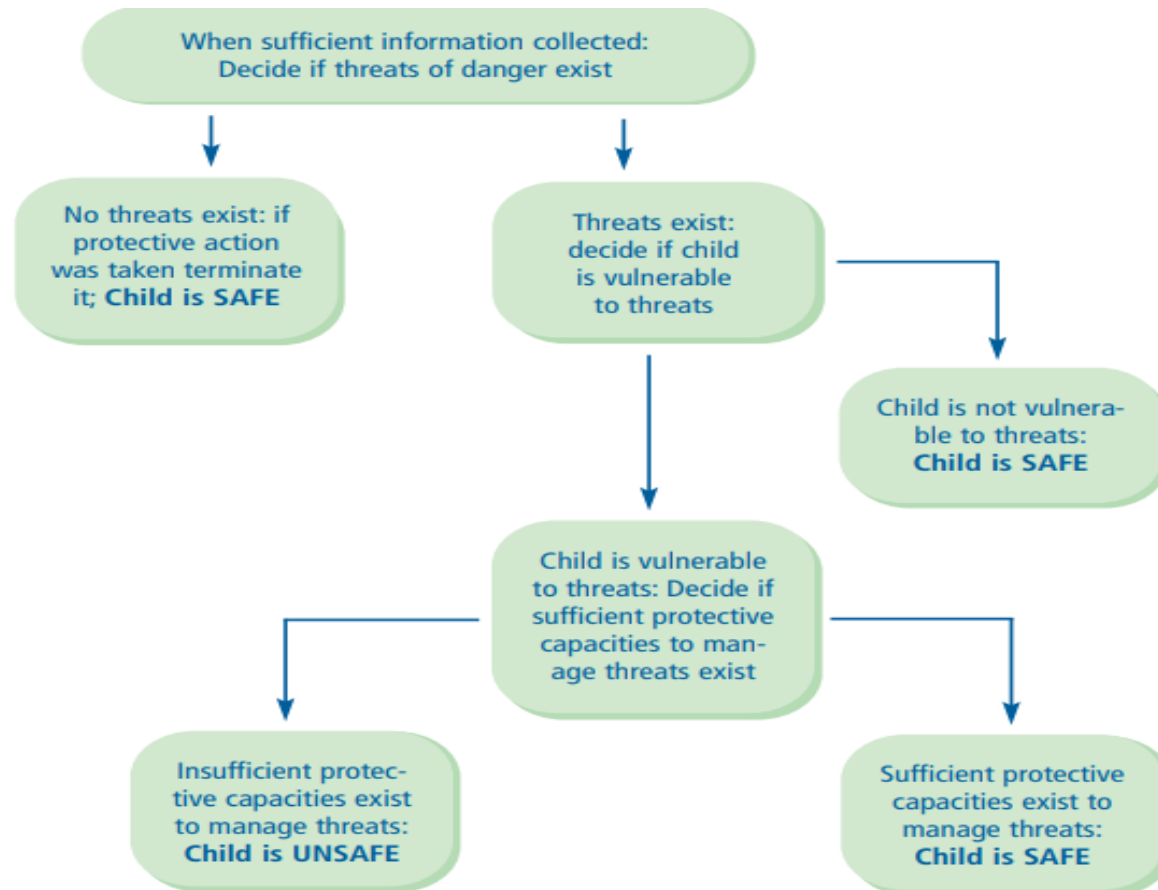
Sufficient Information is provided from the 6 questions above to answer the three elements:

- ▶ Threat of Danger?
  - ▶ If **no threats** are present, the child is **safe**.
- ▶ Is the child vulnerable?
  - ▶ If threats are present but the **child is not vulnerable**, the child is **safe**.
- ▶ Protective capacities exist and are they sufficient to manage the specific threats?
  - ▶ If threats are present with a vulnerable child, but **sufficient protective capacities exist**, the child is **safe**.

# Safety Analysis

If **threats** are present,  
child is **vulnerable**, and  
**protective capacities are insufficient**,  
the child is UNSAFE.

# Safety Decision



# Resources

**Capacity Building Center** link: <https://learn.childwelfare.gov/home>

▶ Scroll down until you find “Child Safety Training for Judge and Attorneys.” This interactive training is based on the ABA Child Safety Guide and can provide a foundation, or serve as a refresher, for judges, attorneys and others. This training is self-paced and broken down into 5 modules. The training will take approximately 5 hours to complete.

**Administrative Office of the Courts (AOC)** link: <https://www.azcourts.gov/improve/Child-Safety-Guide>

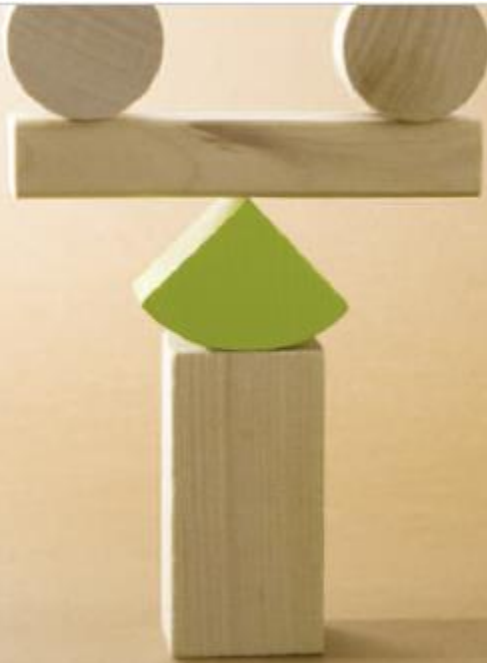
▶ The AOC has a one hour Safety Guide overview hosted by Jennifer Renne, one of the authors of the Child Safety Guide. The webinar and accompanying PowerPoint can also provide a basic foundation of the Safety Guide principles. This site also provides a link to the Safety Guide and Bench Cards

# Resources

**AOC site:** <https://www.azcourts.gov/improve/Resources>

▶ This site contains additional training material as well as DCS's Safe AZ PowerPoint training. It can be helpful to understand DCS's safety making policy (Safe AZ) and how it complements the Safety Guide.

**American Bar Association:** <https://www.americanbar.org>

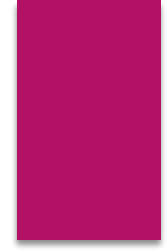


# Child Safety

A GUIDE FOR JUDGES AND ATTORNEYS

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# Panel Discussion & Questions

