

ARIZONA STATE SENATE

RESEARCH STAFF



TO: JOINT LEGISLATIVE AUDIT COMMITTEE
Senator Judy Burges (Chair)
Representative John Allen (Vice Chair)

AMBER WITTER
LEGISLATIVE RESEARCH ANALYST
JUDICIARY COMMITTEE
Telephone: (602) 926-3171
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DATE: January 8, 2016

SUBJECT: Sunset Review of the Arizona Foster Care Review Board

The sunset review process prescribed in Title 41, Chapter 27, Arizona Revised Statutes, provides a system for the Legislature to evaluate the need to continue the existence of state agencies. During the sunset review process, an agency is reviewed by a legislative committee of reference. On completion of the sunset review, the committee of reference recommends to continue, revise, consolidate or terminate the agency.

The Joint Legislative Audit Committee (JLAC) assigned the sunset review of the State Foster Care Review Board (FCRB) to the committee of reference comprised of members of the Senate Health and Human Services Committee and the House of Representatives Children and Family Affairs Committee. JLAC directed the Office of the Auditor General (OAG) to conduct the performance audit.

Attached is the final report of the sunset review of the FCRB.

This report has been distributed to the following individuals and agencies:

Governor of the State of Arizona
The Honorable Douglas A. Ducey

President of the Senate
Senator Andy Biggs

Speaker of the House of Representatives
Representative David Gowan

Senate Members
Senator Nancy Barto, Co-Chair
Senator David Bradley
Senator Lynne Pancrazi
Senator Kelli Ward
Senator Kimberly Yee

House Members
Representative John Allen, Co-Chair
Representative Kate Brophy McGee
Representative Sally Ann Gonzales
Representative Phil Lovas
Representative Juan Mendez

Arizona Foster Care Review Board
Arizona State Library, Archives & Public Records

Senate Majority Staff
Senate Research Staff
Senate Minority Staff

House Majority Staff
House Research Staff
House Minority Staff

**Senate Health and Human Services and
House of Representatives Children and Family Affairs
Committee of Reference Report**

ARIZONA FOSTER CARE REVIEW BOARD

Background

The FCRB is part of the Dependent Children's Services Division (Division) of the Arizona Supreme Court, Administrative Office of the Courts (AOC). As of 2015, the FCRB's organizational structure had the following three main components: 1) 44.9 FTE positions, of which 1 was vacant; 2) 137 local foster care review boards (local boards) statewide; and 3) a 43-member State Board.

The FCRB was established in 1978 to review and coordinate the activities of local boards that advise the juvenile court regarding the progress made toward permanent placement of children who have been placed in out-of-home care by the Arizona Department of Child Safety (DCS). Statute requires the local boards to review the cases of children placed in out-of-home care within six months of placement and at least once every six months thereafter, and submit findings and recommendations to the juvenile court within 30 days following the review (A.R.S. § 8-515.03). This meets the federal requirement in Title IV-E of the Social Security Act, which requires states to establish a system for conducting six-month reviews. The purpose of the reviews is to: 1) determine and advise the juvenile court of the adequacy of efforts and progress toward permanency; 2) encourage and facilitate reunification when possible and stability in the child's placement; and 3) assist in informing parents and others of their rights and responsibilities regarding the child (A.R.S. § 8-515.03).

According to the OAG, local boards typically meet once per month, although some boards in small counties meet less frequently. According to FCRB management, local boards in larger counties typically meet for eight hours and review approximately 10 to 12 cases during a meeting, but may review up to 15 cases. Prior to the meeting, board members review the children's case plans and other available documentation, such as case progress reports and court documents. During their meetings, board members take statements from any available interested parties, which may include a child's DCS caseworker, biological parents, foster parents, attorney, and others involved in the child's case.

The FY 2016 budget appropriated \$3,212,300 to the FCRB from the state General Fund. The AOC also allocates additional state and federal monies to the FCRB to help pay for its operating costs. In FY 2015, these additional monies were estimated to total nearly \$600,000 (OAG).

Committee of Reference Sunset Review Procedures

The Committee of Reference held one public meeting on December 8, 2015, to review the sunset audit prepared by the OAG and the responses to the statutorily required agency questions and to receive public testimony. The Committee of Reference received testimony from Caroline Lutt-Owens, Director of the Division, and Bruce Brannan, a local board volunteer.

Committee Recommendations

The Committee of Reference recommends that the Legislature continue the FCRB for eight years.

Attachments

- 1) Meeting Notice
- 2) Minutes of Committee of Reference Meeting
- 3) FCRB Response to the Required Agency Factors

Attachment 1

ARIZONA STATE LEGISLATURE

INTERIM MEETING NOTICE OPEN TO THE PUBLIC

SENATE HEALTH AND HUMAN SERVICES AND HOUSE CHILDREN AND FAMILY AFFAIRS COMMITTEE OF REFERENCE FOR THE SUNSET REVIEW OF THE ARIZONA FOSTER CARE REVIEW BOARD

Date: Tuesday, December 8, 2015

Time: 2:00 P.M.

Place: SHR 1

AGENDA

1. Call to Order
2. Roll Call
3. Opening Remarks
4. Sunset Review of the Arizona Foster Care Review Board (FCRB)
 - a. Presentation by the Office of the Auditor General
 - b. Response by the FCRB
 - c. Public Testimony
 - d. Discussion
 - e. Recommendation by the Committee of Reference
5. Adjourn

Members:

Senator Nancy Barto, Co-Chair
Senator David Bradley
Senator Lynne Pancrazi
Senator Kelli Ward
Senator Kimberly Yee

Representative John Allen, Co-Chair
Representative Kate Brophy McGee
Representative Sally Ann Gonzales
Representative Phil Lovas
Representative Juan Mendez

11/12/15
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For questions regarding this agenda, please contact Senate Research Department.

Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the Senate Secretary's Office: (602) 926-4231 (voice). Requests should be made as early as possible to allow time to arrange the accommodation.

Attachment 2

Resonance

ARIZONA STATE LEGISLATURE

SENATE HEALTH AND HUMAN SERVICES AND HOUSE CHILDREN AND FAMILY AFFAIRS COMMITTEE OF REFERENCE FOR THE SUNSET REVIEW OF THE ARIZONA FOSTER CARE REVIEW BOARD

Minutes of the Meeting
December 8, 2015
2:00 p.m., Senate Hearing Room 1

Members Present:

Senator Nancy Barto, Co-Chair
Senator David Bradley
Senator Lynne Pancrazi
Senator Kimberly Yee

Representative John Allen, Co-Chair
Representative Kate Brophy McGee
Representative Sally Ann Gonzales
Representative Juan Mendez

Members Excused:

Senator Kelli Ward

Members Absent:

Representative Phil Lovas

Staff:

Amber Witter, Senate Research Analyst
Ingrid Garvey, House Research Analyst
Michael Hans, House Assistant Research Analyst

Co-Chairman Barto called the meeting to order at 2:01 p.m. and attendance was taken.

Opening Remarks

Senator Barto gave opening remarks.

SUNSET REVIEW OF THE ARIZONA FOSTER CARE REVIEW BOARD (FCRB)

Presentation by the Office of the Auditor General

Jeremy Weber, Auditor General's Office, distributed and explained a PowerPoint presentation (Attachment A) on the audit of the Arizona Foster Care Review Board. Mr. Weber answered questions posed by the Committee.

Response by the Arizona Foster Care Review Board (FCRB)

Caroline Lutt-Owens, Director, Dependent Children's Services Division, Administrative Office of the Courts, introduced Bruce Brannan, volunteer, Arizona Foster Care Review Board, who serves on a local board and the state board and has

been with the program for 36 years, since its inception. Ms. Lutt-Owens stated that Steve Lazere, Program Manager, Foster Care Review Board, was home ill and she would be giving the presentation. Ms. Lutt-Owens gave a PowerPoint presentation entitled "Foster Care Review Board, Advocating for Arizona's Most Vulnerable Citizens" (Attachment B). Ms. Lutt-Owens answered questions posed by the Committee.

Public Testimony

Bruce Brannan, volunteer, Arizona Foster Care Review Board, explained the mechanics of Board reviews and answered questions posed by the Committee.

Senator Bradley made remarks regarding the need to better utilize the Arizona Foster Care Review Boards as an important source of firsthand information, as well as provide the Boards with recourse options for recommendations that are not followed.

Ms. Lutt-Owens and Mr. Brannan answered additional questions posed by the Committee.

Recommendation by the Committee of Reference

Senator Yee moved that the Committee of Reference make the recommendation to continue the Arizona Foster Care Review Board for eight years. The motion CARRIED by voice vote.

There being no further business, the meeting was adjourned at 3:26 p.m.

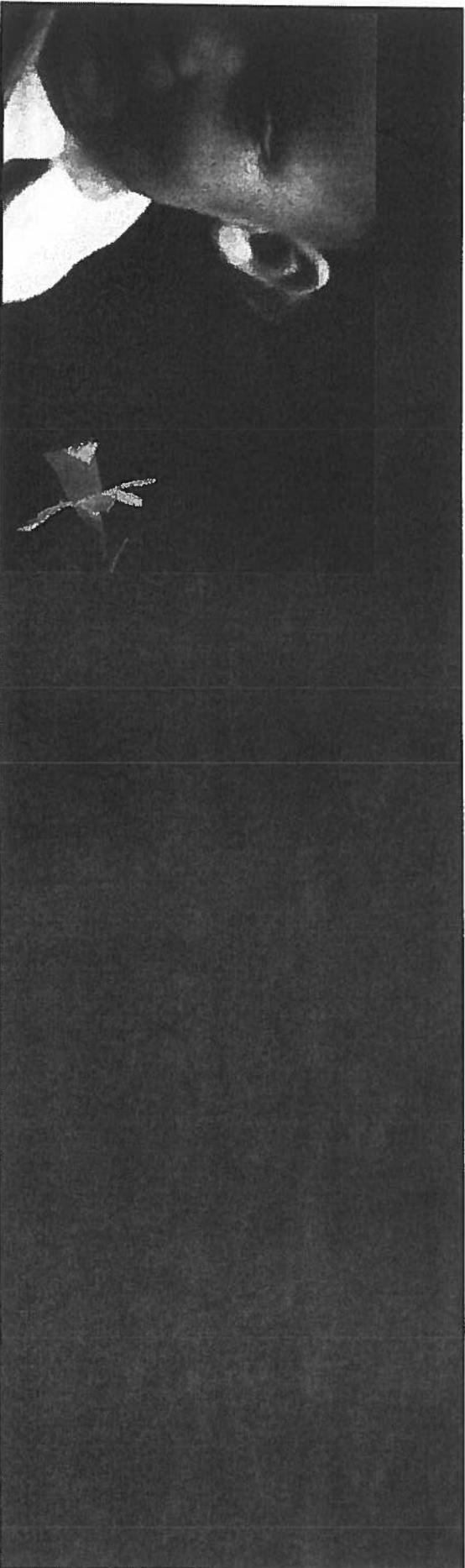
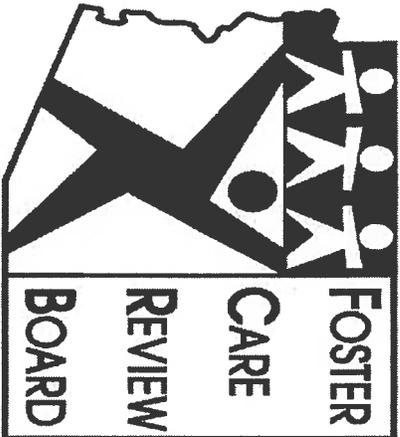
Respectfully submitted,



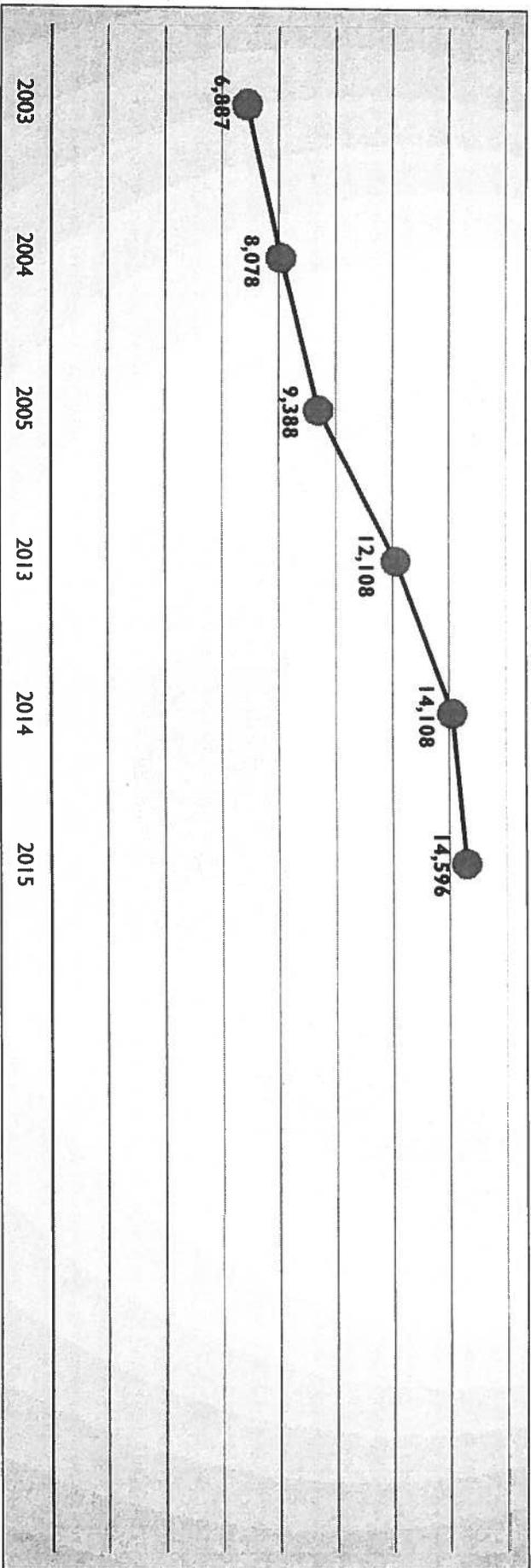
Toy Brown
Committee Secretary

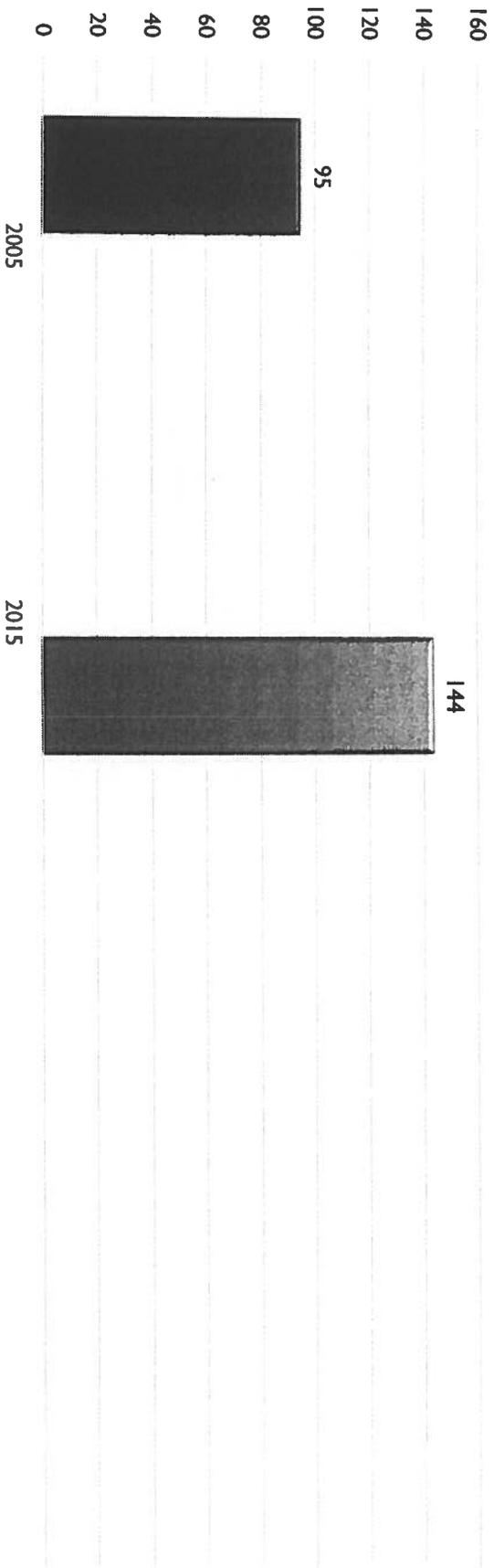
(Audio recordings and attachments are on file in the Secretary of the Senate's Office/Resource Center, Room 115. Audio archives are available at <http://www.azleg.gov>)

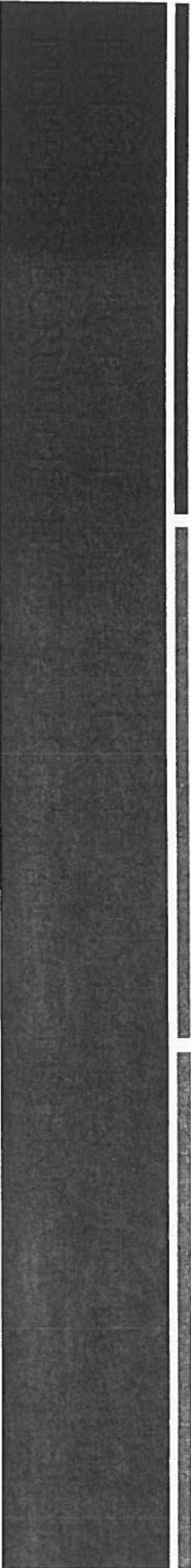
FOSTER CARE REVIEW BOARD
ADVOCATING FOR ARIZONA'S MOST VULNERABLE CITIZENS



B







Recommendation 1:

- The FCRB should evaluate the adequacy of its recruitment strategies and identify and implement new recruitment strategies, as needed, such as continuing to partner with other child welfare stakeholders to recruit board members

Implementation Strategy:

- The program is currently working with its State Board Outreach Committee to update its recruitment plan in an effort to increase the number of board members
- We are also beginning our work with the Courts, DCS Administration and stakeholder partners to increase awareness of the need for board members





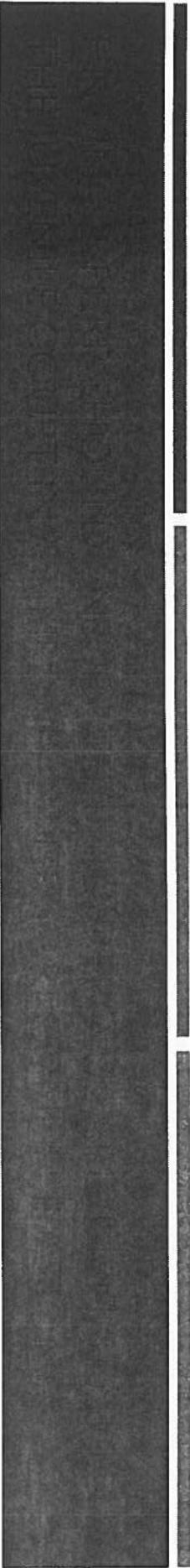
Recommendation 2:

- FCRB Staff should better support recruiting efforts by providing more administrative support for the State Board's Outreach Committee

Implementation Strategy:

- We have reviewed the needs of the Outreach Committee and are providing additional resources to ensure the Committee is getting the support it needs and is meeting its intended goals





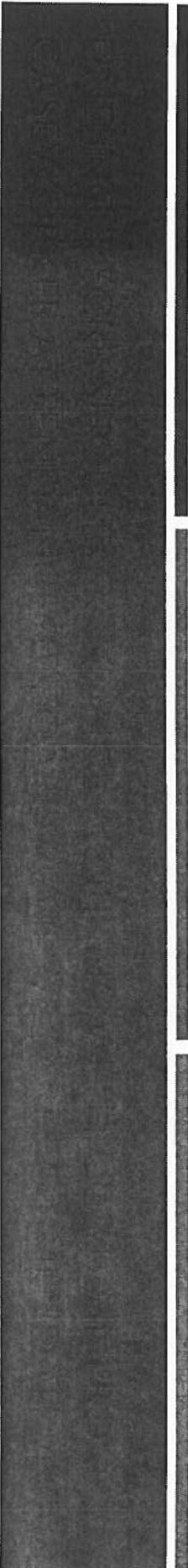
Recommendation I :

- The FCRB's Phoenix Office should ensure that it distributes its review reports to the court in a timely manner by developing and implementing a method for tracking and monitoring its report distribution timely, as done in the Tucson office.

Implementation Strategy:

- The Phoenix office has undertaken steps to develop a tracking system that fully provides our management team with the necessary information to monitor FCRB reports being distributed within the prescribed time frames





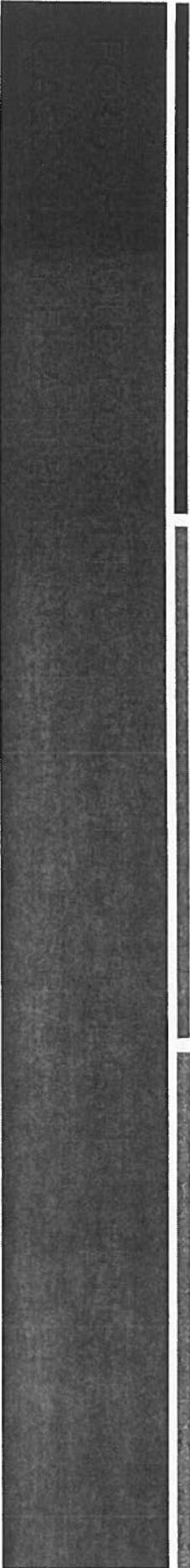
Recommendation I:

- To improve the values of review reports to the juvenile court, the FCRB should continue to collaborate with the DCS to assess the reason that caseworkers do not attend board reviews and develop and implement strategies to improve caseworker attendance.

Implementation Strategy:

- A monthly workgroup was created in 2014 with DCS to address attendance concerns and improve communication between our programs. We continue to develop and streamline the email notification process currently utilized to inform DCS staff of upcoming reviews.





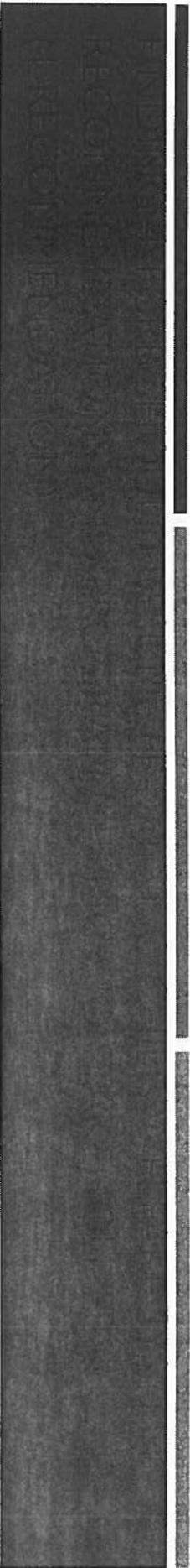
Recommendation 2:

- If the FCRB collaboration with the DCS does not produce effective strategies for improving caseworker attendance, the FCRB should consider, in consultation with the DCS, whether to pursue changes in legislation that would require DCS caseworker attendance at board reviews.

Implementation Strategy:

- We continue to have conversation concerning attendance with DCS management and work to increase attendance. We will continue to discuss whether other changes need to be made to improve caseworker attendance





Recommendation I :

- The FCRB should develop and implement a process for making recommendations for improving Arizona's child welfare system and for reporting key program metrics to provide stakeholders a broad and independent review of the DCS Permanency efforts.

Implementation Strategy:

- We agree that the FCRB has the ability to capture important information that should be shared with its stakeholders to improve the outcomes for children We are in the process of developing an "Annual Report" that will identify major data points and program metrics.



Arizona Foster Care Review Board

Performance Audit and Sunset Review

Report No. 15-110
Issued September 2015



Presenter: Jeremy Weber
Date: December 8, 2015

Madam Chair, Members of the Committee:

My name is Jeremy Weber, and I'm with the Auditor General's Office. Today I will be presenting information from our performance audit and sunset review of the Arizona Foster Care Review Board, or FCRB.

[CLICK]

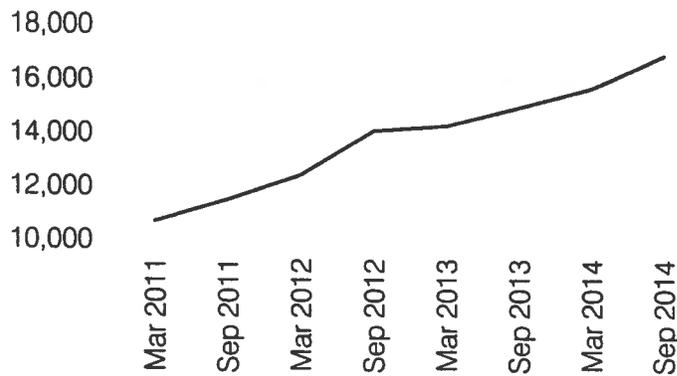
Finding 1

FCRB should evaluate and enhance
local board member recruitment

Our report had four findings. First, we found that the FCRB should evaluate and enhance its local board member recruitment efforts.

[CLICK]

Growth in out-of-home care placements has driven need for board members



The FCRB reported that recruiting the required number of local board members has been difficult. This is because growth in the number of children placed in out-of-home care has driven the need for more local boards as statute requires 1 board for every 100 children. As shown on this slide, the number of children placed in out-of-home care increased by over 6,000, or nearly 63 percent, from March 2011 to September 2014.

[CLICK]

Finding 2

FCRB should ensure that all reports
are submitted to the juvenile court
in a timely manner

Our second finding was that the FCRB should ensure that all reports are submitted to the juvenile court in a timely manner.

[CLICK]

Phoenix office does not monitor report timeliness

- ⦿ All untimely reports were from the Phoenix office
 - ⦿ Recommendation: Phoenix office should monitor report timeliness, as is done in the Tucson office
-

All of the untimely reports we found in our sample were from the FCRB's Phoenix office, which, unlike its Tucson office, did not have procedures for monitoring report timeliness. Thus, we recommended that the Phoenix office also develop procedures for doing so.

Caseworker attendance important for board reviews but not consistent

- ◎ FCRB reports are less useful when DCS caseworkers do not attend reviews
- ◎ DCS policy requires caseworkers to attend local board reviews
- ◎ Caseworkers attended about 65 percent of board reviews between November 2014 and May 2015

The FCRB's reports provide valuable information to juvenile court judges but are less useful when DCS caseworkers do not attend board reviews because the local boards may not have up-to-date information about a child and are unable to ask the caseworker questions during the review. DCS policy requires caseworkers to attend all local board reviews either in person or by telephone. However, caseworkers attended only about 65 percent of board reviews from November 2014 through May 2015 (*over 8,200 case reviews*) either in person or by telephone, according to FCRB records.

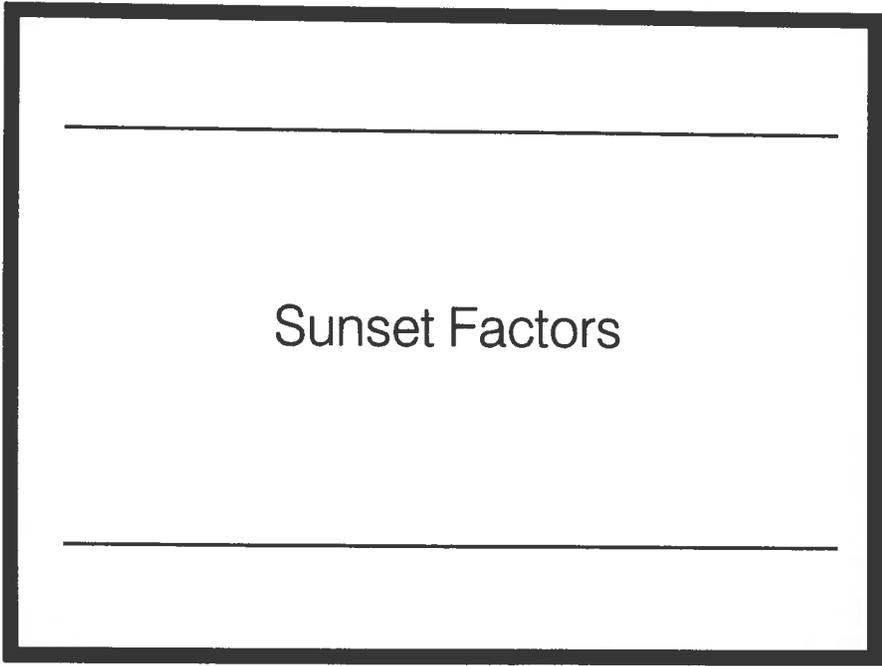
[CLICK]

Finding 4

FCRB should resume providing child welfare system recommendations and program metrics to stakeholders

Our fourth finding was that the FCRB should resume providing recommendations to improve Arizona's child welfare system and report key program metrics to stakeholders, as it has done in the past.

[CLICK]



We made additional recommendations in our Sunset Factors report, and I will highlight two of them.**[click]**

Continue to assess State Board size and consider pursuing statutory reduction

- ◉ Statute requires 7 members plus 1 local board member for every 3 local boards
 - ◉ 43 members as of May 2015 due to growth in out-of-home care placements
 - ◉ Increased size makes it difficult to operate effectively and increases costs
-

Second, we recommended that the FCRB continue to assess the size of the State Board and consider pursuing statutory changes to reduce its size, as appropriate. Statute requires that the State Board consist of seven members knowledgeable about foster care plus one local board member for every three local boards in counties with more than one local board. The growth in out-of-home care placements has led to new local boards, thus increasing the State Board size to 43 members as of May 2015. FCRB management stated that the increased size has made it difficult for the Board to operate effectively and increases travel reimbursement expenses for board meetings. The FCRB was considering whether to seek statutory changes to reduce its size. **[CLICK]**

Arizona Foster Care Review Board

Performance Audit and Sunset Review

Report No. 15-110
Issued September 2015



Presenter: Jeremy Weber
Date: December 8, 2015

Madam Chair, Members of the Committee: This concludes my presentation, and I'm available to answer questions.

Arizona Foster Care Review Board

Local boards	State Board	FCRB staff
<ul style="list-style-type: none">• Review cases of children in out-of-home care every 6 months and report to juvenile court within 30 days• Typically meet monthly and review 10 to 12 cases• Includes citizen volunteers (statute requires 5 members per board)• 1 board required for every 100 children• 137 local boards as of March 2015	<ul style="list-style-type: none">• Reviews and coordinates local board activities (e.g., training and recruitment of local board members)• Meets twice per year• Includes 43 members as of May 2015:<ul style="list-style-type: none">• 7 members appointed by Arizona Supreme Court• 36 local board members appointed by presiding juvenile court judges (in counties with more than one local board, required to have only 1 member for every 3 boards)	<ul style="list-style-type: none">• Housed within the Arizona Supreme Court, Administrative Office of the Courts, Dependent Children's Services Division• Support State Board and local boards (e.g., schedule and facilitate reviews and prepare court reports)• Offices located in Phoenix and Tucson• 44.9 FTE as of July 2015

Attachment 3



Supreme Court

STATE OF ARIZONA
ADMINISTRATIVE OFFICE OF THE COURTS

Scott Bales
Chief Justice

David K. Byers
Administrative Director
of the Courts

August 13, 2015

Amber Witter
Arizona State Senate
1700 West Washington
Phoenix, AZ 85007

Dear Ms. Witter:

Per your letter dated May 14, 2015 attached you will find the Foster Care Review Board's response to the factors requested.

I am happy to address any further questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Lazere".

Steve Lazere, Program Manager
Foster Care Review Board

cc: Nancy Barto, State Senator
Dave Byers, Administrative Director of the Courts
Caroline Lantt-Owens, Director, Dependent Children's Services; AOC
Representative John M. Allen, COR-Co-Chair
Ingrid Garvey, House CFA Analyst

Joint Legislative Audit Committee- Sunset Audit Questions

1. Identify the problems or the needs that the agency is intended to address.

It has often been said that the Government's ability to take away a person's child is a power second only to the death penalty. Such power requires systems of checks and balances to ensure that these types of decisions are made soundly and with as much information and input as possible.

The Foster Care Review Board is established by Arizona statute. It was created as an independent reviewer that serves in an oversight capacity and reviews, at least once every six months, the case of each child in foster care. The purpose of these reviews is to determine and advise the juvenile court of the adequacy of efforts and progress toward placement of the child in a permanent home; to encourage and facilitate the return of each dependent child to his/her family whenever possible; to promote and encourage stability in the child's placement; and to assist in informing parents and others of their rights and responsibilities regarding a dependent child in foster care.

2. State, to the extent practicable, in quantitative and qualitative terms, the objective of the agency and its anticipated accomplishments

A.R.S. 8-515-03 establishes the objective/purposes of the local FCRB as follows:

1. "Review within six months of placement and at least once every six months thereafter the case of each child who remains in out-of-home placement and who is the subject of a dependency action to determine what efforts have been made by the division and the agency with which the child has been placed to carry out the case plan for the permanent placement of such child....."
2. "Review any case assigned by the juvenile court for early review of the case plan within sixty days after the removal of a child from that child's home."
3. "Submit to the juvenile court within thirty days following the review its findings and recommendations regarding the efforts and progress made by the division or other agency to carry out the case plan, together with any other recommendations it chooses to make regarding the child....."
4. "Encourage and facilitate the timely return of children to their natural parents or if the board finds that one or more of the grounds listed in section 8-533 may exist, encourage the appropriate agency to initiate such procedures as would make the child eligible for adoption, followed by a maximum effort by the agency to place the child for adoption."

5. "Encourage the division and all agencies involved in placing children in out-of-home placement to exert all possible efforts to make arrangements for permanent plans for children for whom return to natural parents or adoption is determined not to be infeasible or impossible."
6. "Promote and encourage the division and all agencies involved in placing children in foster care to maximize stability and family continuity for children in foster care by discouraging unnecessary changes in the placement of foster children and by recruiting foster parents who may be suitable and eligible as adoptive parents."
7. "Assist the division and agencies in informing natural parents, foster parents and other interested parties of their rights and responsibilities with respect to any child in out-of-home placement. Natural parents, foster parents and other interested parties may be involved in the review process when appropriate."
8. "Make recommendations to the state board regarding foster care policies and procedures as they relate to the children for their review."

A.R.S. 8-515.04 established the objectives/purposes of the state board as follows:

1. The state board shall meet no less than twice annually;
2. Review and coordinate the activities of the local boards;
3. Establish training programs for local board members, including periodic in-service training

In its ongoing commitment to the children served by the foster care system, the Foster Care Review Board will continue to work towards recruiting the necessary number of volunteers to fully staff each Review Board; and submitting reports to the Courts in a timely fashion.

3. **Identify any other agencies having similar, conflicting, or duplicative objectives and explain the manner in which the agency avoids duplication or conflicts with other such agencies**

There are currently no other agencies that fulfill the role, function or objectives of the Foster Care Review Board. The FCRB is unique as it provides an independent review; a check and balances approach to each case. The FCRB was established as a citizen review process to ensure fresh perspectives on each case. Citizens provide an outside view on each case and are not bound by system restraints. They review each case and make recommendations based on what they believe is in the best interest of each child, not based on what the system can accommodate.

4. Assess the consequences of eliminating the agency or of consolidating it with another agency

The Foster Care Review Board is the sole "independent reviewer" of child welfare cases. Because it assists Arizona in meeting the requirements of PL96-272, DES is able to claim federal dollars each year. The program's termination or consolidation with another agency would result in DES losing its additional funding as well as the elimination of the program's legislative intent; the elimination of an independent review system; and the elimination of a strong child welfare reform advocacy effort. For the public, the elimination of the Foster Care Review Board would mean the exclusion, to a great extent, of citizen participation in child welfare reform and the elimination of a non-threatening forum at which to provide information and share various perspectives of those involved in a dependency action. For the children who are the subject of these actions, it would mean fewer people tracking the progress of their case, fewer people advocating for their permanency, and the elimination of the only constant in the child's life, because traditionally, FCRB members have had the longest involvement with each case and child.

Without the citizen review system, this type of case review would fall either to the agency, thus creating a system in which the agency who creates the case plan is responsible for monitoring its own plan, or to courts, thus causing more expense and work to the already overburdened court system; and again, eliminating the independent review.

5. Discuss the extent to which the agency potentially creates unexpected negative consequences that might require additional review by the committee of reference, including increasing the price of goods, the availability of services, limiting the abilities of individuals and businesses to operate efficiently and increasing the cost of government.

Not applicable