PERFORMANCE AUDIT

FOSTER CARE REVIEW BOARD

Report to the Arizona Legislature
By the Auditor General
August 1995
Report #95-3

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August 2, 1995

Members of the Arizona Legislature

The Honorable Fife Symington, Governor

Mr. David Byers, Administrative Director
Arizona Supreme Court

Transmitted herewith is a report of the Auditor General, A Performance Audit of the Foster Care Review Board. This report is in response to a May 5, 1993, resolution of the Joint Legislative Audit Committee. The performance audit was conducted as part of the sunset review set forth in A.R.S. §§41-2951 through 41-2957.

In this day and age of increased numbers of children placed in foster care for extended periods of time, we believe that the Foster Care Review Board (FCRB) can have a greater impact in facilitating permanent placement for Arizona's foster children. This report addresses three areas in which FCRB can enhance its effectiveness. First, FCRB reviews and reports to juvenile court judges can carry greater weight with these decisionmakers by ensuring that key determinations regarding a child's progress are specifically made during each and every review. These determinations, set out by federal law, include: 1) the necessity and appropriateness of placement, 2) case plan compliance, 3) progress toward mitigating the need for foster care, and 3) a likely date by which the child may be returned home or placed for adoption or legal guardianship. Second, to ensure that each review is productive, FCRB should explore options, such as alternate board members, to increase or encourage greater board member attendance. Finally, despite the recent addition of new staff, if caseload continues to increase, FCRB should look to longer-term strategies, such as reducing case processing inefficiencies and adopting a case classification "triage" system.

My staff and I will be pleased to discuss or clarify items in the report.

This report will be released to the public on August 3.

Sincerely,

Douglas R. Norton
Auditor General

DRN:lmn

Enclosure

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SUMMARY

The Office of the Auditor General has conducted a performance audit and sunset review of the Foster Care Review Board pursuant to a May 5, 1993, resolution of the Joint Legislative Audit Committee. The audit was conducted under the authority vested in the Auditor General by Arizona Revised Statutes (A.R.S.) §§41-2951 through 41-2957.

The Foster Care Review Board (FCRB), located within the Supreme Court's Administrative Office of the Courts, Division of Dependent Children's Services, was established in 1978 because of concerns that foster children were being "lost" in the system. FCRB's establishment actually preceded, by two years, federal law mandating foster care reviews to assess progress of foster care cases. The Legislature created the FCRB as a citizen review process to review at least once every six months the case of each child who is in out-of-home placement and who is the subject of a dependency action. At each review, the FCRB is charged with determining what efforts have been made to carry out the plan for permanent placement. The findings of these reviews are then reported to the juvenile court within 30 days of the review.

At the time of our review, there were 64 local boards statewide comprised of approximately 5 citizen volunteers each (320 volunteers in total) to conduct nearly 6,000 reviews (for approximately 5,000 children in out-of-home placement as of January 1, 1995).[1] Local board members are appointed by the juvenile court judge in each. Each board is required to *"represent the various socioeconomic, racial and ethnic groups of the county in which it serves."* These volunteers dedicate a significant amount of time to fulfill their responsibilities. In 1994, FCRB volunteers spent nearly 16,000 hours conducting reviews.

FCRB Can Have a Greater Impact In Facilitating Permanent Placement for Foster Children (See pages 5 through 11)

Although FCRB's role in the foster care system is advisory in nature, we believe it could do more to facilitate moving children out of the foster care system. Individuals within the child welfare system, such as juvenile court judges, case managers, and social service program administrators, believe there is value and benefit to conducting foster care reviews. For example, some believe it prevents children from *"getting lost in the system,"*

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[1] Since our audit, an additional three boards have been established. These local boards will review their first cases in August 1995.

while others feel it provides accountability for DES case management. Juvenile court judges we interviewed indicated that they were generally satisfied with the information provided by FCRB. However, FCRB reports do not seem to have as much impact as one might expect. Many of the judges indicated that the FCRB report is only one of several pieces of information that they review and consider when making foster care decisions. Despite the fact the FCRB was specifically established to aid the courts, judges do not appear to attach any special significance to FCRB reports.

We assessed FCRB's effectiveness by evaluating whether review boards made critical case determinations as required by federal law. Specifically, the law requires review boards to make determinations regarding necessity and appropriateness of placement, case plan compliance, progress toward mitigating the need for foster care, and a likely date by which the child may be returned home or placed for adoption. We found that the review boards consistently failed to make specific determinations for each of the four review elements. In fact, no more than 4 out of the 20 case reviews we observed reached specific conclusions on any of the review elements. Although the boards generally discuss pertinent issues, we found that they would *"beat around the bush"* on such issues and never fully conclude on a case's progress. As a result, the information provided to juvenile court judges does not adequately portray and address the progress of a case toward permanency.

FCRB needs to restructure its review process to ensure that issues essential to case progress are addressed in each review. For example, FCRB should develop questions that will allow the boards to make determinations addressing each of the four federal review requirements. Citizen review boards in both Oregon and Nebraska developed specific questions for board members to ensure important questions are asked and reviews stay focused. FCRB should also provide training to board members and enhance the role of its program specialists to further ensure that reviews focus on pertinent issues. Finally, FCRB should also revise its report format to ensure that essential information is included in its reports to the juvenile court.

Poor Board Member Attendance Can Weaken the Case Review Process (See pages 13 through 14)

To further ensure that quality reviews are conducted in every case, FCRB should address board member attendance. Both statute and FCRB rule emphasize the importance of board attendance. A.R.S. §8-515.01 requires that *"boards shall consist of either three or five members"* and FCRB rules require that at least three board members be in attendance for a review. However, we identified several instances of reviews held with less than a quorum. For example, 12 boards conducted reviews in 1994 for over 130 cases (out of 5,790 cases reviewed in that year) with fewer than 3 board members present. In addition, none of the 14 boards we observed in January 1995 had full attendance for the case reviews in our study.

FCRB should consider using alternate board members to ensure adequate attendance at each review. At least one other state, Oregon, has recently adopted this approach in response to problems with board member absences.

Comprehensive Strategy Needed to Contend with Foster Care Growth (See pages 15 through 21)

FCRB needs a comprehensive strategy to prepare for future growth. Until 1994, FCRB's caseload growth had remained fairly constant - only 33 more reviews were conducted in 1993 than in 1991. However, more recently, the number of additional reviews has substantially increased. FCRB conducted 477 (or 9.1 percent) more reviews in 1994 than it did in 1993. Further, in the first 5 months of 1995, 204 more cases were added to FCRB's workload. Additionally, the increased complexity of the cases due to substance abuse problems within the family and children needing longer periods of treatment directly impacts the length of time a child remains in foster care. While the Legislature has recently responded to FCRB's increased workload by funding two additional positions, relief provided by this action may be short-lived given the apparent increase in caseload growth.

To prepare for the expected continued growth, FCRB needs to address both its work processing and case review methods. We identified a number of case processing inefficiencies that generally stem from a lack of automation. While FCRB is currently developing an automated system that will address many of these inefficiencies, it should take more immediate interim steps, such as equipping its program specialists with laptop computers to take into the case reviews and process much of their own paperwork at that time. In addition, similar to steps taken in other states, FCRB may want to consider utilizing alternate review methods, such as paper or expedited reviews. However, other states we contacted use these reviews in cases where the child has achieved a stable placement and no changes are planned or where the board has concurred with the permanency plan and found adequate case progress. FCRB should also work with juvenile court judges to remove in-home dependency reviews (i.e., cases where the child has already been returned home) from its calendar.

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INTRODUCTION AND BACKGROUND

The Office of the Auditor General has conducted a performance audit and sunset review of the Foster Care Review Board, pursuant to a May 5, 1993, resolution of the Joint Legislative Audit Committee. This audit is conducted under the authority vested in the Auditor General by A.R.S. §§41-2951 through 41-2957.

Agency Role and Purpose

The Legislature established the Foster Care Review Board (FCRB) in 1978 in response to concerns that Arizona's foster children were being "lost" in out-of-home care and staying too long in temporary placements. FCRB's primary role is to advise the juvenile court by reviewing cases of children in out-of-home placement at least every six months and assessing progress toward achieving permanent placement. FCRB is required to report its findings to the court within 30 days of a review.

Through the existence of FCRB, Arizona meets the federal requirements of Public Law (PL) 96-272. According to the public law, states are required to provide independent reviews of children in out-of-home care. There are three primary methods for conducting reviews:

- By the agency responsible for placement and care of the child (administrative review);
- By a judge or legally trained judicial appointee (judicial review); or,
- By panels or boards made up entirely of volunteers (citizen review).

As one of the first states in the nation to establish citizen review boards, Arizona's system is unique in that it is housed within the Dependent Children's Services Division of the Arizona Supreme Court, Administrative Office of the Court, which also administers the Court Appointed Special Advocates (CASA) program. In conjunction, both programs provide a special forum for the protection of dependent children. FCRB provides independent case reviews, while CASA volunteers simultaneously act as individual representatives for the child. In addition, both programs act as a child's direct voice to the juvenile court judge.

Budget and Personnel

When FCRB first began conducting reviews in 1979, 30 local boards reviewed 1,568 children. Since that time, FCRB has grown to 64 local boards, reviewing approximately 5,000 children. FCRB administers the foster care review process with a staff of 22 FTE's and a budget of approximately $1.1 million. FCRB staff are split between Phoenix and Tucson offices and consist primarily of program specialists and support staff. Program specialists are the professional-level positions responsible for preparing cases for review, facilitating board meetings, and preparing reports for the court. In addition, program specialists are responsible for developing, coordinating, and facilitating board member training. Support staff assist in this process by copying and mailing board packets and typing reports for the court.

The Foster Care Continuum

While the intended purpose of the board is to encourage and facilitate movement toward a permanent placement for foster children, FCRB is but one entity in the foster care continuum. The continuum typically begins when the child is removed from the home by the Arizona Department of Economic Security (DES), the agency responsible for placement and care of the child. Next, the juvenile court makes the determination as to whether the child should be made a ward of the State (i.e., dependent) and assigns the case to the FCRB. At the same time, DES case managers, along with other professionals (such as counselors, therapists, etc.) develop a case plan that is geared toward a permanent placement for the child. Throughout the continuum, numerous other interested parties, including attorneys, service providers, Court Appointed Special Advocates (CASA's), and foster and biological parents are also involved. FCRB's reports are considered along with information provided by these other parties when the court reviews the case.

Barriers to Permanency

While FCRB can recommend to the court what efforts are needed to achieve permanency, there are several systemic factors, or barriers, beyond its control that impact case progress:

- **Adoption Subsidy Program** – DES has some available funding to provide financial assistance to adoptive families for the care of adopted children that they would otherwise incur at their own expense. However, these subsidies are generally limited to children with special needs. Therefore, foster parents or guardians who are willing to adopt a child may decline if financial assistance cannot be assured. Instead, they will continue to care for the child, usually with a case plan of long-term foster care because foster care maintenance payments are guaranteed.

- **DES Case Manager Turnover** — As case manager turnover on a particular case increases, the possibility that previous efforts will be retried or overlooked increases. FCRB program specialists noted that case manager turnover impacts the length of time a child remains in foster care. One program specialist observed that case managers are changed frequently, and a new case manager may not be familiar with old issues or may interpret events and progress differently. Thus, the case plan may change direction or speed. We identified one child in particular who had eight case managers in four years. An FCRB official commented that the lack of continuity in this case impacted the lack of follow-through regarding the child's care and educational needs, and the agency's (DES) failure to obtain court approval for placement change. Further, none of the FCRB recommendations in this case had been acted upon.

- **Lack of Services or Resources** — Inability or difficulty experienced by DES in accessing services for a child and/or the biological parents can cause delays in the permanency process as every effort to unify the family must be made before parental rights can be severed and the child placed for adoption. For example, a child's case plan to achieve permanent placement may call for counseling (often for both the child and the parents). If counseling services are not readily available or not attended in a timely manner, completion of the case plan is further prolonged.

Scope and Methodology

This audit focuses on FCRB's compliance with federal and state mandates, the quality of its case reviews, and the efficiency of its case processing. Our audit work included a file review to determine whether FCRB has complied with statutory requirements to conduct reviews and report to the court in a timely manner.[1] We found that all cases were reviewed in accordance with statute. In addition, we found that most case reports (over 90 percent) were received by the court within 35 days of the board's review.[2]

While FCRB has met its statutory requirements for timeliness, it needs to strengthen its reviews and case processing. Specifically, our report contains findings and recommendations in three areas:

- The need for reviews to more directly address specific detail as outlined in federal law.
- The need to encourage increased board member attendance at case reviews.
- The need to improve workflow processes in order to eliminate costly inefficiencies and concentrate resources in the area of improving the quality and effectiveness of reviews.

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(1) We looked at a random sample of 161 FCRB case files in which reviews were conducted from May through October 1994 to determine compliance with these statutory requirements. We received information from the courts for only 142 cases.

(2) Although the statutory requirement is 30 days, we allowed 35 days for purposes of our analysis as we found that, for various reasons, most courts did not automatically date-stamp the report the date it was filed.

This audit was conducted in accordance with government auditing standards.

The Auditor General and staff express appreciation to the Director of the Dependent Children Services Division and the staff of the Foster Care Review Board for their cooperation and assistance throughout the audit.

FINDING I

FCRB CAN HAVE A GREATER IMPACT IN FACILITATING PERMANENT PLACEMENT FOR FOSTER CHILDREN

FCRB can do more to facilitate the movement of children out of the foster care system. While it is difficult to isolate FCRB's impact on cases, we found that children could be better served through improved foster care reviews. Currently, foster care reviews do not adequately determine the progress made in a child's case toward a permanent placement. As a result, essential case information is not collected or communicated to the juvenile court. To enhance its effectiveness, FCRB needs to restructure its review and reporting processes.

Although Considered Beneficial, Impact of Current Reviews Difficult to Establish

Many involved in the child welfare system believe there is value and benefit to foster care reviews. In contacting juvenile court judges, case managers, court-appointed attorneys, and social service program administrators, we found that some believe FCRB prevents cases from getting lost in the system and ensures that each case receives attention. Others believe that FCRB provides accountability for DES case management and aids case managers in obtaining needed services. Further, one expert contends that because FCRB reviews are regularly held, parents and case managers may be deterred from repeatedly postponing decisions or extending deadlines because they know that the case will be reviewed. However, while these individuals support FCRB's role, FCRB reports do not seem to carry as much weight as might be expected. We talked to juvenile court judges and commissioners and found that while they believe FCRB performs a valuable function and they frequently agree with FCRB recommendations, FCRB reports are currently considered but one of several pieces of information used to make foster care decisions. Therefore, it appears that little special significance is attached to its reports.

FCRB Reviews Can Be Enhanced to Facilitate Permanent Placement of Foster Children

FCRB needs to restructure its review process to play a greater role in the movement of children out of the foster care system. It is clear from statutory mandates that FCRB was

specifically established to aid the courts in moving cases toward permanency. However, by failing to specifically address questions essential to case progress, FCRB is missing its opportunity to facilitate permanent placement for foster children. FCRB should focus more heavily on questions central to a child's case progress through a more structured case review, better training for board members, and greater use of program specialists as facilitators during reviews.

FCRB fails to make key determinations on case progress — To facilitate movement toward a permanent placement, federal law requires that foster care reviews make determinations regarding four key aspects of a case's progress. However, we found that FCRB reviews fail to make such conclusions in each review. PL 96-272 specifically requires review boards to make determinations in these four key areas:

- Necessity and appropriateness of placement,
- Case plan compliance,
- Progress toward mitigating the need for foster care, and,
- A likely date by which the child may be returned home or placed for adoption or legal guardianship.

We based our evaluation of FCRB's review effectiveness on whether boards made critical case determinations as required by federal law. We conducted a comprehensive review of 20 typical foster care cases from 14 different boards across the State.[1] We spent over 100 hours reviewing both the FCRB and DES case files, analyzing previous FCRB review reports to the court, and observing the FCRB reviews for each case. As we observed the reviews, we found that the boards generally discussed some aspects of these essential factors. For example, board members would questions whether the parents were receiving needed services or how the child was doing in the foster home. However, as illustrated in Table 1 (see page 7), the boards consistently failed to make specific determinations for each of the 4 review elements. In fact, no more than 4 out of the 20 reviews we observed reached specific conclusions on any of the review elements.

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[1] Using overall case demographics, we selected typical cases based on the number of children involved in the case, the reason for out-of-home placement, and the case plan goal. Most of the cases selected involved fewer than three children who had been neglected and had a case plan goal of return to parent. All the cases were heard by an FCRB board in January 1995.

Table 1

FCRB Compliance with Federal Review Requirements for 20 Boards Observed in January 1995

Federal Review Requirement	No. of Reviews Completing Requirement	No. of Reviews for Which This was Applicable
Determine the continuing **necessity** for and the **appropriateness** of the **placement,**	1	16
Determine the extent of **compliance** with the **case plan,**	1	20
Determine the extent of **progress** toward **mitigating** the **need** for foster care,	2	14
Project a **likely** date (**target date**) by which the child may be returned home or placed for adoption or legal guardianship.	0	12

Source: Auditor General observations of 20 foster care reviews conducted in January 1995.

Missed opportunity to facilitate permanent placement — By not making key determinations in its reviews, FCRB has not taken its opportunity to assist in moving cases toward permanency. The following example illustrates the limited impact of the reviews we observed:

- **Case A** — This child, now two years old, was only two months old when placed in foster care due to substance exposure at birth. Both parents are drug dependent. At the time of the particular review that we observed, the child had been in foster care for 18 months. Up to that point, the parents had only sporadically complied with the services offered to achieve a case plan goal of return to parent. For example, while they completed inpatient drug treatment programs, they have not participated in required aftercare sessions, parenting classes, or requisite random drug testing.

During the January review, the board only indirectly covered the federal review elements that would ensure they made the necessary determinations regarding case progress. In fact, our observation of this and other boards revealed that the boards generally "beat around the bush" on issues critical to concluding on a case. For example, in this review, while there was lengthy discussion about the parents' sporadic participation in services and the concern expressed by the child's case manager that progress was not being made on the case, there was no comprehensive review of the case plan (which includes timeliness for completing services and the consequences if terms of the plan are not met) to determine compliance. Moreover, while the board agreed with the case plan, it did so with reservations. Further, it identified barriers to achieving this goal, such as the substance abuse and domestic violence issues, and the instability of the parents. Although they recognized these factors, the board never determined the extent to which progress had been made toward the child's return home. Finally, the board noted, as a concern, the length of time the child had been in care, but did not discuss a target date for the child's return home.

Comment — While FCRB has reviewed this case 3 times during the 18 months this child has been in care, there does not appear to be a strong push to either make the parents accountable or to revise the case plan. The case plan has remained as "return to parent," although the board has had reservations about the viability of that plan in each of its reviews. Moreover, the parents are still not complying with all the case plan's provisions to a degree that would suggest that the child could live with them permanently.

Changes needed to improve reviews — FCRB can improve at least three aspects of its review process to ensure that issues essential to case progress are addressed in each review. First, FCRB can provide more guidance to boards in making key determinations regarding case progress. FCRB's established review protocol currently provides direction for the chronology and components expected in its case review process. For example, it instructs boards in each review to introduce the case with a case summary, followed by a report from the case manager and individual statements by interested parties regarding case progress. In addition, FCRB's manual provides suggested questions for board members as a guide to assess case progress. However, neither the protocol nor the manual direct board members to ask specific questions in each review geared toward the four key case progress determinations set forth in PL 96-272.

Similar to other states, FCRB should help board members focus on questions that will allow the boards to make determinations addressing each of the four federal review requirements. For example, the Oregon Citizen Review Board restructured its review process to provide consistency and to focus on pertinent issues. In doing so, it developed suggested questions for board members to ask of the case manager, the child, the parents, and the foster parent. Responses to these questions are used to make findings on 14 specific issues central to case progress, such as the continuing need for out-of-home placement, compliance with the case plan, progress toward achieving permanency, and a likely

date the child is expected to leave substitute care. By making its findings, the boards have also addressed each of the federal review requirements. In addition, Nebraska citizen review boards are required to make similar findings, thus ensuring important questions are asked and reviews stay focused.

Second, FCRB needs to revise its training program for board members to help them focus on critical issues. Currently, FCRB provides only 30 minutes out of a total of 9½ hours of new board member training on the specific review elements required by federal law. An additional three hours focus on the review process. The remainder of the training program covers such areas as the organization and role of FCRB, the role of child welfare agencies, and cultural competency. In contrast, when restructuring its review process, Oregon expanded its training program from 7 to 14 hours and revised the format from mostly lecture to more experience-oriented training, such as role playing and other review-focused exercises. According to the Oregon citizen review board administrator, the restructured reviews alone were not enough — the key to focusing reviews was increased board member training. Nearly 12 of the 14 hours of training are devoted directly to the specific review requirements and how the reviews should be conducted to ensure that they are focused on essential issues. Oregon's board administrator further stated that its board members are much better prepared to conduct reviews as a result of its revised training format.

Finally, FCRB program specialists need to take a stronger role in ensuring that meetings are focused on pertinent issues. While program specialists currently provide some meeting facilitation, they spend a majority of their time taking notes and interested party statements. To ensure focused reviews, program specialists need to facilitate the review, including guiding board members through an appropriate series of questions and monitoring the progress of the review in addressing pertinent issues.

FCRB Reports Need Improvement to Enhance Impact

Because FCRB reviews fail to adequately conclude on case progress, its reports to the juvenile courts lack critical information. While FCRB is charged with advising the court on foster care cases, its reports have failed to provide judges critical case determinations for use in making their decisions. Similar to other states, FCRB should develop reporting formats to ensure that essential information is provided.

FCRB reports do not provide critical information — FCRB reports, like the case reviews, fail to conclude on key elements regarding case progress. FCRB reports, based on an independent review by an arm of the court system, are specifically prepared for juvenile court judges to assist them in decision-making. Judges, the ultimate decision-makers in foster care cases, use a number of information sources, including FCRB, when conducting annual reviews. We surveyed over 20 juvenile court judges and commissioners and found that they were generally satisfied with the information provided by FCRB. Some judges

indicated that FCRB reports are useful as "red flags" when the board disagrees with the case plan. However, as mentioned earlier, these reports do not seem to have any special significance attached to them by the judges as most of the judges we talked to considered FCRB reports to carry only equal weight with the many other pieces of information they receive about a case.

We believe one reason the reports do not have more impact is because they do not convey firm positions on the cases reviewed. Instead, the reports provide mostly background information to the courts such as case demographics, a listing of current reports received, services planned, provided, and completed, whether a case plan is in place, a listing of statements made by interested parties, and whether the board agrees with the permanency plan. Additionally, while the boards report any barriers or other observations that may impact the successful completion of the case plan, their reports do not specifically conclude as to the extent to which progress has been made to mitigate the need for foster care, the extent of compliance with the case plan, and a likely date by which the child may be returned home or placed for adoption. In fact, the omission of a projected target date in FCRB reports had been noted in a 1992 federal triennial review assessing DES' compliance with federal requirements for documenting foster care case plans. The review recommended that target dates be included in FCRB reports to highlight the time frames for achieving goals.

Because the boards do not take a hard position on the key questions addressing the movement of a child's case toward permanency, their impact is diminished. The board report becomes just another of many reports considered by the judges in their decision-making process.

FCRB should consider report format similar to other states – FCRB should consider developing a report format similar to those used in other states to ensure essential information is included in its reports to the court. For example, Washington's citizen review report format requires the board to make an assessment on each of the four areas set out in federal law (i.e., progress toward reunification, progress toward achieving permanency, why the child needs to continue in out-of-home placement, and the child's expected date to return home or obtain other permanent placement).[1] In addition, the format includes 11 specific "yes/no" findings that the board must report to further support its assessments. For example, the board must individually report whether the child welfare agency, the mother, the father, and the child are in compliance with the case plan. In addition, as noted previously, citizen review boards in Nebraska and Oregon are also required to report similar findings.

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[1] Citizen reviews in Washington are currently being conducted as a pilot project.

RECOMMENDATIONS

1. FCRB should further develop its case review procedures to specifically address issues central to case progress toward permanent placement. For example, in accordance with PL 96-272, questions should be developed to allow the boards to assess:

   - The continuing necessity for and appropriateness of the placement;
   - The extent of compliance with the case plan;
   - The extent of progress that has been made toward alleviating or mitigating the need for foster care; and
   - A likely date by which the child may be returned to the home or placed for adoption.

2. FCRB should provide additional training to board members on what constitutes a complete and appropriate review of each child's case.

3. FCRB should increase the program specialists' role as facilitator to ensure that questions central to case progress are indeed addressed.

4. FCRB should revise its case review report to ensure that all information central to each child's case is included so that the courts can make the most appropriate decisions for the child.

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FINDING II

POOR BOARD MEMBER ATTENDANCE CAN WEAKEN THE CASE REVIEW PROCESS

To further ensure that quality reviews are conducted in every case, FCRB should address board member attendance. We identified several instances of poor attendance at FCRB reviews. FCRB should ensure that enough board members attend to provide for a productive review.

Poor Member Attendance in Some Instances

In addition to restructuring foster care reviews, FCRB could also benefit from increased board member attendance. While we recognize that FCRB members have volunteered a significant amount of time to assist in the foster care review process, we also recognize the importance of having sufficient members in attendance at each review. This is also stressed in both statute and FCRB rules. A.R.S. §8-515.01 requires that *"boards shall consist of either three or five members."* In addition, FCRB rules require that boards must have a quorum of at least three members in order to conduct reviews. According to an FCRB official, the rule requiring a quorum was established to ensure that local boards produce quality reviews with credible recommendations that are based on a full board's decisions, not just the opinions of one or two members.

Despite the mechanism set up to achieve a certain number of members in attendance, we identified instances of reviews held with less than a quorum. For example, 12 boards, or approximately 20 percent of the 61 local boards around the State that conducted reviews during 1994, had only 2 members present for at least 1 monthly review day. This translates to over 130 cases reviewed (out of a total of 5,790 cases reviewed that year) with fewer than 3 board members. In addition, we observed 20 reviews conducted by 14 different boards in January 1995 (see Finding I) and found that none of the boards had full attendance. One of these reviews was conducted even though only one board member with knowledge of the case was present. The other reviewer was brought in from another board at the last moment so that the review would not have to be canceled. However, this board member had no knowledge of the case and, therefore, could not contribute to the review.

Because board members are volunteers, some absences are expected as many hold full-time jobs and have family responsibilities. However, we identified 20 board members, or 7 percent of the approximately 300 members statewide, whose number of absences dur-

ing 1994 exceeded the acceptable level outlined in the agency's attendance policy. FCRB's policy defines "inadequate attendance" as 3 consecutive missed meetings or 4 missed meetings in any consecutive 12-month period.[1] Absences appeared to be primarily employment-, health-, or family-related. In those instances, FCRB has a system in place to provide for substitutes (i.e., volunteers from other local review boards). However, often times, substitution occurs with very little "lead time" to allow the substitute time to familiarize himself or herself with the cases to be reviewed that day.

FCRB Should Ensure Adequate Attendance at Board Meetings

FCRB should explore options to increase or encourage greater attendance. Similar to other states, FCRB may want to consider using alternate board members. For example, Oregon recently amended its statutes to add two permanent alternate members to each of its local review boards, bringing the total number of members of each board to seven. This change came in response to problems with board member absences, particularly in counties with only one local board each. An Oregon FCRB official stated that reviews conducted with fewer than three board members are weaker and not as effective or thorough as reviews conducted with full board attendance.

This appears to be a viable option for Arizona. According to an FCRB official, FCRB is informed of absences prior to the day of board meetings about 50 percent of the time. Therefore, alternate board members could be called and provided with information in sufficient time to actively participate in the review.

However, increasing the "pool" of board volunteers will require a statutory change and may require additional staff time to recruit and train new members. As was the case in Oregon, Arizona's FCRB would need to amend its statutes (specifically A.R.S. §8-515.01A) to allow juvenile court judges to appoint more than five members to a local review board. Additionally, as FCRB would be increasing the number of review volunteers, its staff will have the added responsibility of recruiting and training these new board members. FCRB's fiscal year 1997 budget request identifies a need to adequately fund these training efforts. According to FCRB officials, these training funds will be needed as all current staff resources are being utilized to meet the demands of completing the required reviews.

RECOMMENDATION

1. In order to increase attendance at board meetings, the Legislature should amend A.R.S. §8-515.01A to allow FCRB to use alternate board members.

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[1] The attendance policy includes a provision that allows board members with "special situations" to request policy waivers either prior to or after absences have occurred.

FINDING III

COMPREHENSIVE STRATEGY NEEDED TO CONTEND WITH FOSTER CARE GROWTH

FCRB needs a comprehensive strategy to prepare for future growth. FCRB has recently experienced a dramatic increase in its caseload size. While the addition of new staff will ease the workload burden, it may not suffice if rapid growth continues. Therefore, to address continued growth, FCRB must develop long-term strategies such as reducing case processing inefficiencies and adopting a case classification "triage" system.

Recent Solutions to Caseload Growth May Only be Temporary

Recent staff additions to FCRB may only be a temporary solution to its increasing caseload. A sudden growth in the number of children entering the foster care system has challenged FCRB's ability to complete reviews and reports within the mandated time frames. The Legislature has responded to this growth by allocating two more positions. However, if the caseload continues to increase, the relief provided by these additional positions may only be temporary.

Growth and complexity in cases challenges FCRB's ability to meet mandates — The number of cases assigned to FCRB has grown both in number and complexity. Until 1994, FCRB's caseload growth had remained fairly constant. In 1993, FCRB conducted only 33 (less than 1 percent) more foster care reviews than it did in 1991. However, more recently, the number of additional FCRB reviews conducted has substantially increased. FCRB conducted 477 (or 9.1 percent) more reviews in 1994 than it did in 1993. Further, just within the first 5 months of 1995, 204 more cases (representing 310 children) were added to FCRB's rolls. This growth is further compounded by the complexity of cases. Studies conducted in the early 1990's reveal that foster children are more likely to have special needs and come from families in which substance abuse is a problem. These types of issues facing many foster children's families require longer periods of treatment for both parent and child before they can be resolved, if at all, and directly impact the length of time a child remains in foster care.

As a result, FCRB has had difficulty in some instances meeting its mandates. State statute charges FCRB with the responsibility of sending a report of a review to the juvenile court within 30 days of a review. However, in a December 1994 letter, FCRB notified all presid-

ing juvenile court judges that *"in some situations, we are currently unable to meet the mandated requirement to submit the review reports within 30 days of the review."* FCRB is further challenged in its ability to conduct all reviews every six months as mandated by federal and state law. FCRB officials have had to "juggle" its calendar in recent months to accommodate the increased number of cases.

Recent staff additions — The Legislature has recently responded to FCRB's need for additional staff. Two additional program specialist positions were approved in the fiscal year 1995-96 budget. FCRB officials believe that these positions will allow for adequate coverage of all 65 local boards. In addition, it will allow the current program specialists to return to a more acceptable caseload size as the increased caseload had previously been distributed among them.

Staff additions may only temporarily address caseload growth — While the recent staff additions will undoubtedly ease the workload burden for FCRB employees, this "reprieve" may be short-lived as the apparent upward trend in caseload growth will likely continue. As mentioned earlier, the increased complexity of cases can have a direct impact on the length of time cases remain in the system. We found that length of time in the system has, in fact, further compounded FCRB's workload. A comparison of opened and closed cases revealed that FCRB's overall caseload is growing at a rapid rate. Table 2 on page 17 illustrates that in each of the last 4 calendar years, the percentage increase in cases opened is double the percentage of cases closed, with the most rapid growth experienced in 1994. For example, in the first half of calendar year 1994, 20 percent more cases were opened than were closed. By year-end, the rate had increased from 20 percent to 35 percent. In addition, it appears that the gap between opened and closed cases may continue to widen. FCRB activity reports for the period between September 1994 and January 1995 indicate that a trend of declining numbers of "cases closed" may be emerging.

Table 2

Percentage Increase in Opened Versus Closed Cases
Calendar Years 1991 through 1994

Year	Opened	Closed	Increase Open Over Closed[a]
1991	868	844	3% more opened than closed
1992	794	733	8% more opened than closed
1993	904	795	14% more opened than closed
1994	1,034	764	35% more opened than closed

[a] Open cases includes previous cases that have been reopened or reactivated.

Source: Auditor General analysis of FCRB Activity Reports, Calendar Years 1991 through 1994.

Comprehensive Strategy is Needed

To prepare for the expected continued growth, FCRB needs to develop a comprehensive strategy to address both its work processing and case review methods. We identified a number of processing inefficiencies currently in place at FCRB. While FCRB is in the midst of a computer automation project that should address many of these inefficiencies, interim measures would produce immediate efficiency gains. In addition, FCRB should consider longer-term strategies that would reduce the number of cases that come before the local boards for a full review.

Work process needs to be updated — FCRB could free up the equivalent of at least two FTE's by updating its case processing system. FCRB's case processing system has not evolved since the program's inception in 1979. Additionally, its current automation capabilities are very limited. For example, program specialists cannot access necessary case data or prepare reports on their computers and statistical reports are prepared on word processing software. As a result, there is a heavy reliance on clerical staff to perform such inefficient activities as typing four-page handwritten reports prepared by the program specialists and entering data into a Case Information Update report, much of which already exists in two other documents. In addition, program specialists spend from two to six hours for each review day collecting and updating address information from DES that

is needed to notify interested parties of upcoming case reviews. According to FCRB program specialists, while DES case managers should be submitting this information two weeks prior to a review, it is often outdated, and in some instances is not received at all.

As shown in Table 3, based on estimates provided by both program specialists and clerical staff, these 3 activities combined result in over 5,000 hours annually being spent performing inefficient activities.

Table 3

Estimated Time Spent by FCRB Staff On Inefficient Activities

Activity	Estimated Time Spent Annually[a]	FTE
Typing	3,135 hours	1.5
Duplicating Data Entry	627 hours	.3
Collecting Address Information	1,254 hours	.6
Total	5,016 hours	2.4

(a) We used the most conservative estimates provided by FCRB staff. In two of the activities (typing and duplicative data entry), we were provided with estimates double the amount shown in the chart.

Source: Auditor General analysis based on FCRB staff estimates of time spent in case processing activities.

Automation and interim measures needed — While FCRB is in the process of developing a computer automation project that will address many of its case processing inefficiencies, more immediate measures should be taken. According to FCRB officials, the proposed system will enable program specialists to work directly on-line, thus reducing their reliance on secretarial support staff. Furthermore, the system will be designed so that individual pieces of data can be entered once and relayed to various reports. While FCRB has not analyzed the time savings that will result from eliminating processing inefficiencies, we estimate that the time spent by clerical staff processing cases will be reduced by approximately 62 percent. However, these efficiencies (requiring significant software and programming enhancements) will not be realized for at least a year, as FCRB officials estimate that the system will not be operational until June 1996.

Given the urgent need to address caseload growth, more immediate interim steps should be taken. First, FCRB should consider providing program specialists with laptop computers to take into reviews, thus enabling them to do their own word processing, and it recently implemented a pilot program in its Tucson office to do this. One program specialist was equipped with a computer during reviews, which eliminated the need for her to handwrite information and then provide it to clerical staff to type. FCRB should continue in this direction. Since equipment will eventually be needed for the planned automation project, FCRB could purchase the necessary equipment and software for all program specialists at a cost of $30,000 to $35,000. FCRB officials have told us that $63,000 is currently available for equipment purchases for automation needs.

In addition, FCRB should work toward reducing time spent by program specialists in gathering addresses of interested parties. FCRB officials report that DES has been responsive to requests that case managers submit progress reports more diligently. Therefore, future correspondence should stress the inclusion of updated address forms, which would greatly enhance FCRB's ability to efficiently process cases.

Alternative methods for conducting reviews — Though updated and streamlined work processes will reduce case-related work, FCRB must also confront the issue of caseload growth in order to maintain its ability to conduct citizen reviews. FCRB should consider alternative review methods such as paper or expedited reviews, and possibly attempt to eliminate certain reviews from its calendar.

Paper or expedited reviews — Some states, facing circumstances similar to Arizona's, have begun to utilize alternative review methods to meet the demands of growing caseloads. For instance, approximately 5 percent of the foster care reviews conducted in Nebraska are paper reviews that include a review of case progress reports and court documents without involving interested parties. Program specialists have the discretion to use paper reviews if a case has remained stable (i.e., no changes of placement or transfers of case management within the social service agency), all services are being received, and no other changes occurred or are planned. According to a Nebraska official, examples of cases considered appropriate for a paper review include teenage foster children who reside in a residential or group home setting and are expected to remain in those placements until reaching the age of 18.

Maryland, too, has taken steps to ensure its ability to remain accountable for the review of every child's case. Maryland officials state that they needed to take steps to resolve the tension between funding limitations and the number of children needing review. Therefore, within the last two years, they developed a case classification system that includes full, abbreviated, and expedited reviews. Full reviews obviously allow for participation of all interested parties. Abbreviated reviews are used for the second or subsequent review of children for whom the board concurred with the permanency plan and found adequate progress at the prior review. As such, they are attended only by the case manager and the child's parents. In an expedited review, the parents are invited, but the case manager does not have to attend if the case plan was completed within 60 days prior to the review. Cases classified as eligible for an expedited review include children in achieved

permanent foster care placements, and children with case plans previously reviewed and approved by a board, such as long-term relative placements and independent living. If, during an abbreviated or expedited review, a review board finds inadequate progress or disagrees with the permanency plan, then a full review is scheduled. Furthermore, if a child's placement changes between reviews, then the case returns to the "full review" category. Maryland officials state that by classifying cases, enhancing computer capabilities, and taking other efficiency-improving steps, it has been able to maintain the same budget it had in 1989 though its caseload has increased 30 percent.

Despite the perceived benefits of such review methods, FCRB officials are philosophically opposed to conducting less than full reviews on any child placed in foster care. Specifically, FCRB officials state that if paper and/or expedited reviews were used in certain cases the quality of these reviews would suffer from a lack of interested party input and interaction. However, while not intended or planned, FCRB, in a sense, already conducts paper reviews on some cases. For example, in some instances the only individuals in attendance at a review are the board members themselves. Therefore, they are only able to review the materials provided and discuss among themselves the particulars of the case. In addition, FCRB officials admitted that the cases where there is no outside participation are those that involve children who have been in care for a long time and are in a stable placement.

By utilizing paper or expedited reviews, FCRB could possibly reduce its full review caseload by 275. This figure is based on the current number of children 15 years and older who are in long- term placement with a relative and those who are working toward independent living. By reducing the number of cases needing a full review, FCRB would eliminate some case processing steps, such as notifying interested parties of the review, and allow for more flexibility in scheduling the reviews.

In-home dependencies – If, in the future, FCRB encounters situations where it has to "juggle" its calendar to accommodate all **out-of-home placement** reviews, FCRB, in conjunction with the courts, should consider eliminating certain in-home dependency cases from its review calendar. In some instances, though a child has been returned to his/her parents, a judge may request that FCRB continue to review and monitor the case. These cases, classified by FCRB as "remain with parent," currently account for approximately 5 percent of the total FCRB caseload (235 cases).

The necessity of an FCRB review in these instances should at least be considered on a case-by-case basis. Statutorily, FCRB is charged with reviewing **out-of-home placements** at least every six months to determine what efforts have been made to carry out the plan for permanent placement. Children returned home, yet retained under the court's jurisdiction as dependent wards, do not necessarily warrant an FCRB review. According to FCRB officials, some judges routinely continue FCRB's involvement in in-home dependencies, preferring the "check and balance," to review the stability of the home and to ensure that needed services are being provided. In contrast, other judges generally relieve FCRB of its responsibility once the child has been returned home. FCRB officials

also stated that FCRB boards themselves differ in their determined need for continued reviews – some will request to remain involved in a case, while others do not see a continued need and will request that the judge relieve FCRB of its responsibility.

RECOMMENDATIONS

1. FCRB should continue in its efforts to implement a fully automated system.

2. FCRB should immediately purchase computer equipment to automate the report preparation process.

3. FCRB, in conjunction with DES, should work toward improving the frequency at which case managers submit updated address forms.

4. FCRB should consider reducing the number of cases needing a full review by:

   - Using alternative review methods such as paper and expedited reviews in some instances, and
   - Working with the juvenile courts to reduce the number of in-home placement reviews.

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OTHER PERTINENT INFORMATION

During the course of our audit, we compiled information on various studies and projects that directly involve the Foster Care Review Board or may potentially impact the foster care review process in the future.

Foster Care Review Board Effectiveness Study – The Center for Policy Research in Denver, Colorado, is currently conducting a two-year assessment of the strengths and weaknesses of various foster care review processes. Six states in total will participate in the study that encompasses the three types of foster care review: citizen, administrative, and judicial review. Identified as having a strong foster care review system, Arizona was selected as one of the states representing citizen review.

The study will include a comprehensive review of case-specific data extracted from court and agency records for a sample of cases from each state. This data will be used to compare and contrast foster care review models on a variety of outcome measures, including the extent to which each process is able to:

- Conform with federal review deadlines,
- Speed case processing,
- Prevent contested hearings,
- Produce treatment plans and long-range plans that are acceptable to the court, and
- Encourage compliance with the plans.

In addition, non-case specific quantitative data will document such factors as the costs associated with foster care review and the amount of court time devoted to out-of-home placements.

The data will be analyzed to respond to such questions as:

- Does the length of time children remain in out-of-home placements vary systematically according to the review process that is in use?
- Is there evidence that successful reunification differs according to the review method that is employed?
- To what extent does the court act on the board's recommendation? Are specific types of recommendations more likely to be implemented? Do recommendations from administrative and citizen reviews appear to receive equal weight?

Additionally, interviews will be conducted with various "actors" in the foster care system, such as juvenile court judges and administrators, child protective service administrators, case managers, and attorneys. These interviews will address such questions as:

- What do judges, court administrators, and hearing officers perceive to be the impact on the court system of citizen review boards, administrative review boards, and judicial review?

- What type of information is typically available to judges at the time of the dispositional hearing? Does the nature or quality of the information vary according to the review procedure in place?

This study is expected to be completed in December 1995.

FCRB Annual Report Committee Project — FCRB's Annual Report Committee has also undertaken a project to assess its performance in fulfilling its mission as well as to determine the appropriateness of its role. As part of this project FCRB has surveyed approximately 2,000 individuals who work with the boards or have direct knowledge of their function including juvenile court judges and commissioners, attorneys, FCRB and CASA volunteers and staff, DES staff, and other child welfare agency staff. In addition, over 1,600 surveys were sent to foster parents in April 1995, to obtain their input on any needed or suggested changes in the foster care review program. According to FCRB officials, some individuals have suggested that FCRB be involved in such areas as foster care licensing and the review of juvenile delinquency cases.

FCRB expects to complete this project in the fall of 1995 and include the results in its 1996 annual report.

In addition to these two studies, there are several other ongoing projects within the child welfare system that do not directly involve FCRB but may impact the foster care review process in the future:

- **"Families for Kids" Initiative** — The Arizona Children's Home in Tucson is one of ten grantee recipients from across the country of the Kellogg Foundation's "Families for Kids" initiative project. It is expected that through this project, Arizona will be able to demonstrate how *to provide for a systemic reduction in time children spend in foster care* awaiting adoption, as well as how to provide consistent casework services and a coordinated network of support and treatment services so that permanency plans can be accomplished in one year.

  Initially, this plan will be implemented only in Pima County. The project is expected to be completed by December 1997.

- **Court Improvement Program** — The Dependent Children's Services Division of the Arizona Supreme Court, Administrative Offices of the Court has applied for funding from the U.S. Department of Health and Human Services (HHS) to assess state foster care and adoption laws and judicial processes, to develop a plan for system improvements, and to implement such planned improvements. The impetus for this program was the Family Preservation and Support Services Act of 1993, in which Congress set aside $35 million to fund improvements in juvenile and family courts handling abuse and neglect cases. HHS has required that foster care review systems are afforded the opportunity to review the application and provide comments about the assessment once it is completed.

  Data will be collected in target counties centering on organization and staffing of the court, hearings and judicial decision-making, and implementation of federal foster care court reforms, such as reasonable efforts, case plans, and procedural safeguards.

  The first phase (assessment) of this four-year project is scheduled to be completed by January 1997. Following the assessment phase, outcome measurement criteria will be developed along with a monitoring system to measure the effects of changes in court procedures. Throughout the project, legislative changes will be recommended as they are identified. Final completion of the project is expected by 1999.

- **DES Program Redesign** — DES is currently in the second year of its two-year "Program Redesign" project to overhaul Arizona's child welfare system. As part of that project, there are several areas currently being discussed that could impact a child's length of stay in foster care. For example, a steering committee identified the need for clear, realistic plans for families that allow them a reasonable period of time to comply with court orders. Currently, there is no uniform, workable way to deal with cases in which reunification is not a viable prospect. In addition, another subcommittee is considering the need for a protective supervision statute that would strengthen the ability of DES to provide in-home services and allow families the opportunity to solve their problems without removing the child from the home. Finally, DES is considering the need to revise the legal definition of "dependency." Current statutes allow for all children served by the juvenile justice system or other agencies that service children, such as the Department of Youth, Treatment and Rehabilitation and Department of Health Services, Behavioral Health Division, to be the responsibility of DES. However, DES does not have the resources to place or provide services for these children. Narrowing the definition of dependency would limit the category of children served by DES to those that have come into the system by way of Child Protective Services; not the juvenile courts or the Department of Youth, Treatment and Rehabilitation for delinquent teens or the Department of Health Services for children with mental health needs. As such, the Director of DES is planning to initiate discussions with her counterparts in these agencies to determine how a change in the definition would impact their ability to serve these children.

Program Redesign is expected to be completed by January 1996.

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SUNSET FACTORS

In accordance with A.R.S. §41-2954, the Legislature should consider the following 12 factors in determining whether the Foster Care Review Board should be continued or terminated.

1. Objective and purpose in establishing the FCRB.

The Arizona Foster Care Review Board was established in 1978 in response to concerns that Arizona's foster children were being "lost" in out-of-home care and thus, staying too long in temporary placement.

FCRB's mission is to review at least every six months the case of each child in foster care. The purposes of these reviews are to:

- Determine and advise the juvenile court of the adequacy of efforts and progress toward placement of the child in a permanent home;
- Encourage and facilitate the return of each dependent child to his/her family whenever possible; and
- Assist in informing parents and others of their rights and responsibilities regarding a dependent child in foster care

2. The effectiveness with which the FCRB has met its objectives and purposes and the efficiency with which the FCRB has operated.

Through the existence of FCRB, Arizona meets the requirements of PL 96-272. However, the extent to which FCRB has influenced the stability and permanence of children's lives is indeterminable. FCRB acts only in an advisory role to the court and is but one small piece of the child welfare system. As such, it is difficult to quantify or measure the effect of FCRB's individual contribution.

Although FCRB has met its specific responsibility of reviewing cases of children in foster care and then reporting findings to the juvenile court, recent increases in caseload size may threaten its future ability to meet these responsibilities. As the number of children in out-of-home care has increased, FCRB noted in a December 1994 letter to all presiding juvenile court judges that in some situations, it experienced difficulty in submitting reports to the court within the specified time frame. Furthermore, FCRB's ability to conduct all reviews is threatened. (See Finding III, page 15.)

In addition, the quality of these reviews can be greatly enhanced. A comprehensive analysis of 20 cases revealed that FCRB reviews fail to make key determinations

regarding case progress toward achieving permanency. As a result, FCRB reports have failed to provide juvenile court judges with critical case determinations for their use in making foster care decisions. (See Finding I, page 5).

Furthermore, FCRB can do much to improve the efficiency of its operations. Its method of operation has not changed since it first began reviewing cases in 1979, though office technology has greatly advanced. We identified a number of case processing activities that should be streamlined and/or eliminated. For example, program specialists should be equipped with computers rather than submitting all documents to the clerical staff for typing. (See Finding III, page 15).

3. The extent to which the FCRB has operated within the public interest.

FCRB operates within the public interest by the mere fact that it is a citizen review process. Over 300 volunteers across the State performed nearly 6,000 reviews in 1994. In doing so, FCRB provides information to the juvenile court, which is ultimately responsible for the welfare of dependent children. Prior to reporting to the court, FCRB reviews bring together all parties involved in a case, which in and of itself can help expedite case resolution. As one juvenile court judge reflected, parents are often intimidated by the court and will not offer information. FCRB presents a less formal atmosphere in which the board is less likely to be perceived as part of the "system."

Additionally, in the past 16 years, FCRB has made over 300 recommendations to the Governor and Legislature regarding Arizona's child welfare system. According to FCRB, some of the major changes that have been influenced by FCRB include:

- Written case plans that set forth goals, objectives, and tasks that can be monitored to ensure permanency planning.
- Routine court reviews at least once a year.
- Establishment of a statewide Court Appointed Special Advocate (CASA) program that utilizes volunteers to act as advocates for children in foster care.

4. The extent to which rules and regulations promulgated by the FCRB are consistent with the legislative mandate.

Revision of the rules occurred in 1984 and the rules are promulgated in accordance with Arizona Supreme Court Rules of Procedure and are, therefore, consistent with the legislative mandate.

5. **The extent to which the FCRB has encouraged input from the public before promulgating its rules and regulations and the extent to which it has informed the public as to its actions and their expected impact on the public.**

As an agency of the Arizona Supreme Court, FCRB is not covered by the Administrative Procedures Act. However, FCRB rule changes are adopted by the court after the opportunity for public comment, as provided by Rules of the Supreme Court.

In addition, FCRB attempts to increase public awareness of its program in a variety of ways. FCRB publishes brochures that give basic information about the review process and serving on a local review board, and compares the differences between FCRB and CASA. FCRB further attempts to increase awareness through public service announcements, speaking engagements, and preparing a quarterly newsletter.

6. **The extent to which the FCRB has been able to investigate and resolve complaints that are within its jurisdiction.**

This factor does not apply as the FCRB has no statutory authority to investigate and resolve complaints.

7. **The extent to which the Attorney General or any other applicable agency of state government has authority to prosecute actions under the enabling legislation.**

The FCRB's enabling legislation does not establish such authority.

8. **The extent to which the FCRB has addressed deficiencies in its enabling statutes which prevent it from fulfilling its statutory mandate.**

Past legislation expanded the category of children being served from *"children who are in foster care, who have been adjudicated dependent"* to *"children who are in out-of-home placement and who are the subject of a dependency action."* This permits a review to occur prior to adjudication of dependency, which could take several months or longer to occur. Also, statutory change has granted the Court the discretion to assign cases for early review (within 60 days after removal of a child from his/her home).

While no legislation has been submitted for 1995, FCRB is currently undergoing an assessment of its effectiveness which could result in future legislation. Many FCRB volunteers express a belief that granting FCRB authority and expanding its role would benefit children in foster care. FCRB's assessment is gathering feedback on the following ideas:

- FCRB should have subpoena power for the appearance of interested parties at case reviews.

- Recommendations should carry the same authority as a court order.

- FCRB should assume the additional responsibility of being present and participating in the juvenile court's Report and Review hearings.

- FCRB should assume the additional responsibility of reviewing foster parent licensing decisions.

9. The extent to which changes are necessary in the laws of the FCRB to adequately comply with the factors listed in the Sunset Law.

In order for FCRB to improve board attendance through the use of alternates, A.R.S. §8-515.01A would need an amendment allowing juvenile court judges to appoint more than 5 volunteers to a local review board (see Finding II, pages 13 through 14).

10. The extent to which termination of the FCRB would significantly harm the public health, safety, or welfare.

While termination of FCRB would not end the process of foster care review, the citizen review process, as intended by the Legislature, would no longer be in place. If FCRB were discontinued, the State would have to rely on either the courts to conduct a judicial review (conducted by a judge or other judicial appointee) or DES to conduct an administrative review (internal review by the agency responsible for placement and care of the child). While each process has its perceived advantages and disadvantages, neither the judicial nor administrative review meet the legislative intent to have a review by individuals representative of the *"various socioeconomic, racial, and ethnic groups of the county"* in which they serve. In addition, citizen reviews provide for an independent and objective review and are generally less expensive than administrative or judicial reviews. Finally, FCRB officials believe its reviews offer the following benefits:

- **Accountability** – External review helps to keep DES accountable for fulfillment of its case management obligations. FCRB reviews, at a minimum, "force" action on cases, thus preventing cases from being "lost in the system."

- **Facilitation of Communication** – FCRB reviews provide an opportunity for all parties involved in the case to gather and build consensus or discuss disagreement.

- **Documentation** – FCRB Findings and Recommendations reports document the level of parent participation in the case plan. This documentation can be valuable if termination of parental rights is pursued.

- **Financial** — FCRB reviews assist DES in meeting the requirements of PL 96-272. As a result, approximately $2.5 million federal dollars are received by DES each year.

- **Continuity** — Often the FCRB review board is the only constant in a child's case. While many cases experience case manager turnover and changes in placement, FCRB members know the history of the case, eliminating the learning curve that often occurs due to unfamiliarity with case specifics.

- **Influence Change in Foster Care System** — As noted previously, FCRB has made over 300 recommendations to the Legislature and the Governor regarding Arizona's Child Welfare System. FCRB officials believe that system changes have occurred, at least in part, as a result of FCRB's annual report recommendations.

11. The extent to which the level of regulation exercised by the FCRB is appropriate and whether less or more stringent levels of regulation would be appropriate.

This factor does not apply as FCRB has no regulatory authority.

12. The extent to which the FCRB has used private contractors in the performance of its duties and how the effective use of private contractors could be accomplished.

FCRB regularly uses private contractors for interpreting services and report translation. In addition, FCRB has hired contractors to provide training at FCRB-sponsored conferences and for database development services.

Agency Response

Supreme Court
STATE OF ARIZONA
ADMINISTRATIVE OFFICE OF THE COURTS

Stanley G. Feldman
Chief Justice

David K. Byers
Administrative Director
of the Courts

July 27, 1995

Douglas R. Norton, Auditor General
Office of the Auditor General
2910 North 44th Street, Suite 410
Phoenix, Arizona 85018

Dear Mr. Norton:

Enclosed you will find our response to your second draft of the performance audit completed on the Foster Care Review Board Program.

We understand that these comments will be included in the text of the published report.

Again, we thank your staff for the professionalism demonstrated throughout the course of this audit and appreciate some of the helpful suggestions made in this audit report.

Sincerely,

David K. Byers, Administrative Director
Administrative Office of the Courts

Enclosure

cc: Mary Lou Quintana, Division Director, Dependent Children's Services Division
Pat Jenson, Program Manager, Foster Care Review Board

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FOSTER CARE REVIEW BOARD
RESPONSE TO AUDITOR'S REPORT

FINDING I

FCRB CAN HAVE A GREATER IMPACT IN FACILITATING PERMANENT PLACEMENT FOR FOSTER CHILDREN

RECOMMENDATION #1:

FCRB should further develop its case review procedures to specifically address issues central to case progress toward permanent placement. For example, in accordance with P.L. 96-272, questions should be developed to allow the boards to assess:

- *The continuing necessity for and appropriateness of the placement;*
- *The extent of compliance with the case plan;*
- *The extent of progress that has been made toward alleviating or mitigating the need for foster care; and*
- *A likely date by which the child may be returned to the home or placed for adoption.*

FCRB RESPONSE:

The Foster Care Review Board agrees with the importance of case reviews focusing on the four key areas. The volunteer manual used in New Board Member Orientation and provided to each board member contains adequate questions that cover each of these four areas. Consequently, we believe the weakness has been the inability to provide the depth and frequency of training for effective implementation of the information contained in the manual. (See response to Recommendation #2 and #3 below for additional information about training issues.)

The manual was revised in 1993 and is due for another revision this year. We will work to further clarify the focus of these four key areas pursuant to your suggestions, both through training as well as through the organization of manual and training materials.

The Foster Care Review Board agrees that in some instances, the Foster Care Review Board Recommendation Report is not given special significance by the juvenile court judges. However, there are also instances where juvenile court judges will not conduct their Judicial Report and Review Hearings without the Foster Care Review Board Report. As a part of enhancements to our report format and our review process, we will enlist feedback directly from the juvenile judges. The goal will be to better meet the judges needs and thereby increase the significance of the Foster Care Review Board Report.

RECOMMENDATION #2:

FCRB should provide additional training to board members on what constitutes a complete and appropriate review of each child's case.

FCRB RESPONSE:

We support this recommendation. We agree that the Program training may need to refocus on the four key areas noted by the audit. In addition to new board member training, the Program needs to be able to offer its volunteers comprehensive ongoing education programs.

We will be able to provide some refocus of our New Board Member Orientation as early as July 1995. Our regional training conferences and mini training sessions provide the forums to include specific skill training regarding the review process. In order to provide the quality training required, funding for this function and for staff to carry it out will be required.

Our FY '97 budget request includes a request for funds to allow staff to perform training functions, funds for the cost of speakers and trainers, and funds to reimburse the volunteers for their travel and per diem to attend training. The Foster Care Review Board will require these funds in order to provide the recommended training. Currently, all staff resources are being utilized to meet the needs and demands of completing the required reviews.

RECOMMENDATION #3:

FCRB should increase the program specialists' role as facilitator to ensure that questions central to case progress are indeed addressed.

FCRB RESPONSE:

We agree with this recommendation. The program specialist's job description specifies their role as a resource to, and facilitator of, the review process. In the past 18 months, the Foster Care Review Board Program experienced a 65% turnover rate in the program specialist personnel category. This unprecedented turnover occurred simultaneous to the growth in case volume. (During fiscal year 1995, there was an 18% growth in the number of children requiring reviews.) The weaknesses observed of the staff's facilitation role is a result of the inability to adequately train staff during this growth period and due to an unusually high number of new staff who were in various training stages. Over the past few years, FCRB staff could do little more than keep up with reviewing cases. Additionally, the restrictions imposed by the Fair Labor Standards Act, do not allow those staff who may wish to volunteer to work overtime to do so and FCRB funds

available to use for overtime pay are minimal. As is evidenced by the turnover rate, the low salary and high workload provide an environment where the program specialist position is considered a stepping stone to other positions in the field.

With the addition of the two new FTEs appropriated in fiscal year 1996, we have reassessed staff training needs and are developing a plan to provide additional and enhanced training. Some aspects of this enhanced training will occur as soon as August 1995 and other parts will be implemented beginning November 1995. As recommended, this training will include facilitation skills development.

RECOMMENDATION #4:

FCRB should revise its case review report to ensure that all information central to each child's case is included so that the courts can make the most appropriate decisions for the child.

FCRB RESPONSE:

Extensive work has already been completed to fulfill this recommendation as a result of our database development process. However, as noted in your report, the implementation of these changes is still at least 12 months away. We, too, are concerned that more immediate measures need to be taken in this regard and have acted on some of your suggestions. Specifically, we have contacted the states of Nebraska and Oregon to obtain copies of the report format, and we have established a workgroup made up of staff and volunteers to revise the recommendation format. It is our goal to implement a revised report by November 1995. However, even with the redesign of our report format, given the continued increase in children requiring case review, we still may have difficulty keeping up.

FINDING II

POOR BOARD MEMBER ATTENDANCE CAN WEAKEN THE CASE REVIEW PROCESS

RECOMMENDATION #1:

FCRB should consider use of alternate board members in order to increase attendance at board meetings.

FCRB RESPONSE:

In calendar year 1994, there were 61 active review boards. (At the time the auditors observed in January and February 1995, three additional boards had been established for a total of 64.) These boards met for a total of 645 meetings. The average number of board members present at review board meetings was:

3.4	**Maricopa County**
4.0	**Pima County**
3.9	**13 Other Rural Counties**
3.68	**Statewide Average**

In January, 1995, 57 of the 61 boards met. The average of board members present at review board meetings was:

3.8	**Maricopa County**
3.9	**Pima County**
3.2	**13 Other Rural Counties**
3.65	**Statewide Average**

We believe this average board member attendance meets the requirement that three or five members participate in reviews. While we understand that the auditors may have observed boards that had only two volunteers, the statistics indicate we maintained compliance overall. The 130 cases out of a total of 5,790 cases reviewed in which there were fewer than three board members equals 2.2%. While this is a very small percent, we will work to improve this.

Throughout the years, the Program has struggled with the concept of alternate board members. To implement this concept would require a statutory change. In 1993, the Program conducted an informal survey to assess the absenteeism issue and the use of alternates. The survey results concluded that, most often, notification about an absence occurs one day, or less, from the review date. This would not give staff sufficient time to prepare an alternate.

In order to address the absenteeism, the Foster Care Review Board, long ago, developed a system in which current appointees are sought to serve as substitutes. We are able to use current appointees from one county to serve in another county. In many instances, the notification time is not adequate to arrange for a substitute nor to adequately prepare a substitute. Those who assessed the survey noted the similarities between the current use of substitutes and the proposed use of appointed alternates. It was determined that the Foster Care Review Board and court time needed to handle formal appointments was not warranted. Due to these conclusions, along with the fact that to pursue a change would require legislative action, the State Board opted not to pursue a legislative change at that time.

However, we note that the Foster Care Review Board volunteers have, again, recently questioned the need for an alternate system. Based on the audit recommendation and the Foster Care Review Board volunteers' recent inquiry, we will support the assessment, development and implementation of an alternate appointment process. As a part of the assessment, it has been suggested that the Foster Care Review Board Program Specialist could serve as a board member alternate when a quorum is not present. This might assist with those situations where the notification of an absence does not occur in enough time to adequately prepare either a substitute or alternate.

We need to note, however, that the implementation of an alternate system will increase costs. As we increase the number of board members per board, this will increase recruiting and training costs and could also increase travel and reimbursement costs for the volunteers.

FINDING III

COMPREHENSIVE STRATEGY NEEDED TO CONTEND WITH FOSTER CARE GROWTH

RECOMMENDATION #1:

FCRB should continue in its efforts to implement a fully automated system.

RECOMMENDATION #2:

FCRB should immediately purchase computer equipment to automate the report preparation process.

FCRB RESPONSE: (TO #1 AND #2)

We agree with these recommendations. At the end of fiscal year 1995, we were able to purchase new computer equipment for all 11 support staff and 5 laptops for program specialists. This equipment came to a total cost of $64,500. The purchase of most of this equipment was to enhance the Program's technology to more current standards.

We note, however, that only 5 laptops and supporting equipment were purchased for program specialists in fiscal year 1995. The total required for program specialists, supervisors and managers is 16, leaving 11 more to be purchased. The amount required to purchase the 11 additional laptops and supporting equipment is $70,000. In fiscal year 1996, no equipment funds were appropriated to the Foster Care Review Board.

We believe the purchase of this equipment is the first step toward enhancing the Program's work processes. However, a more critical step is the development of software to manage case information. As noted by the auditors, the development of a new database is planned and should be implemented by the end of fiscal year 1996. The completion of this database is the key to achieving efficiency, not only in improved processes, but in improved reports.

Interim steps as recommended by the auditors are planned to change the Foster Care Review Board recommendation report format prior to the completion of the database development. It is our goal to implement a revised report format by November 1, 1995.

RECOMMENDATION #3:

FCRB, in conjunction with DES, should work toward improving the frequency at which case managers submit updated address forms.

FCRB RESPONSE:

We agree that the inaccuracy or lack of interested party information from DES requires significant time to be spent by the Foster Care Review Board program specialists. Acquiring accurate information about all interested parties in a case is essential to the quality of a review. We will work with DES officials to address this issue. We wish to note that the current development of a database system by DES is expected to significantly improve this process.

RECOMMENDATION #4:

FCRB should consider reducing the number of cases needing a full review by:

- *Using alternative review methods such as paper and expedited reviews in some instances, and*
- *Working with the juvenile courts to reduce the number of in-home placement reviews.*

FCRB RESPONSE:

The Foster Care Review Board does not philosophically agree with a process that provides less than a full review for every child. We have concerns about the need to balance efficiency and volume versus a quality review process for all children.

We are aware that in fact some reviews do end up being a paper review. In the majority of cases, volunteers consider this a weakness. We know that the input from, and participation of, interested parties provides the most revealing and important information about the cases.

We are also aware that other states have developed a paper or alternate review system. It is our opinion that this has been done because volume and lack of resources have demanded so, not because it is considered a quality review or oversight process for children in care.

Given the increased volume of children requiring a review in Arizona and the limited number of staff resources of our program, we will assess alternate methods of reviews. However, we look to the Legislature for direction as to the implementation of alternate types of reviews.

Our goal, if required to consider any alternate methods of review, will be to attempt to preserve a quality review and oversight process.

The recommendation to reduce the number of in-home placement reviews is sometimes shared by staff and volunteers. However, it is important to note that often times the first few months of a child's return to parents can be high risk. In such situations, the Court has requested the continued review and oversight by the Foster Care Review Board and this is considered highly appropriate. In other cases, the board volunteers themselves have recommended a continued review due to risk concerns.

In assessing the savings factor realized if in-home reviews were deleted from our case loads, we determined the following:

Cost to Review a Child's Case Per Year (regardless of number of reviews)	$ 208 *
	X
Number of Children in In-home Placement	250
Total Cost for Reviewing Cases of Children in In-home Placement	$52,000

Additionally, we note that the average number of children in a program specialist's case load is 500. The reduction of the in-home cases would relieve only one-half of an FTE. The Legislature will need to decide if these savings are worth the potential risk.

* Based on Foster Care Review Board's fiscal year 1995 amended budget and the number of children in case load as of May 1995.