

Arizona Foster Care Review Board

FCRB reviewed cases of children in out-of-home care within required time frames and judges reported some information in FCRB's local board reports provided for child dependency case reviews is useful, but report content and timeliness could be improved to help better advise judges on children's progress toward permanent placement and ensure efficient and effective use of staff and volunteers' time

Performance Audit and
Sunset Review

September 2023
Report 23-112

A Report to the Arizona Legislature

Lindsey A. Perry
Auditor General





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September 27, 2023

Members of the Arizona Legislature

The Honorable Katie Hobbs, Governor

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

Transmitted herewith is the Auditor General's report, *Arizona Foster Care Review Board—Performance Audit and Sunset Review*. This report is in response to a December 17, 2020, resolution of the Joint Legislative Audit Committee. The performance audit and sunset review was conducted as part of the sunset review process prescribed in Arizona Revised Statutes §41-2951 et seq. I am also transmitting within this report a copy of the Report Highlights to provide a quick summary for your convenience.

As outlined in its response, the Arizona Foster Care Review Board agrees with all the findings and plans to implement or implement in a different manner all the recommendations. My Office will follow up with the Arizona Foster Care Review Board in 6 months to assess its progress in implementing the recommendations. I express my appreciation to Administrative Director Byers, Administrative Office of the Courts staff, and Arizona juvenile court judges for their cooperation and assistance throughout the audit.

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

Sincerely,

Lindsey A. Perry

Lindsey A. Perry, CPA, CFE
Auditor General

Arizona Foster Care Review Board (FCRB)

FCRB reviewed cases of children in out-of-home care within required time frames and judges reported some information in FCRB's local board reports provided for child dependency case reviews is useful, but report content and timeliness could be improved to help better advise judges on children's progress toward permanent placement and ensure efficient and effective use of staff and volunteers' time

Audit purpose

To determine whether FCRB assisted juvenile court judges in their reviews of child dependency cases; compare how other states review cases of children in out-of-home care; assess FCRB's compliance with State conflict-of-interest requirements and Arizona Code of Judicial Administration's open meeting law policy; and to provide responses to the statutory sunset factors.

Key findings

- FCRB consists of a State board and more than 100 local boards. Local boards are required by law to review to assist juvenile court judges (judges) in their reviews of child dependency cases by reviewing Arizona Department of Child Safety (DCS) efforts toward achieving permanent placement for children in out-of-home care at least once every 6 months and providing findings and recommendations reports (reports) to the courts within 30 days of local board reviews.
- Consistent with statute, FCRB reviewed cases of children in out-of-home care every 6 months and sent most reports to the courts within 30 days for the cases we reviewed.
- Most judges we interviewed reported FCRB's reports contain some useful information that assists them in their child dependency reviews; however, we identified issues that can impact reports' usefulness. For example:
 - Some judges indicated they find statements from parents and foster parents in reports are most useful; however, few reports we reviewed contained statements from parents and foster parents because they did not attend reviews. Although inaccurate addresses provided by DCS have contributed to low attendance, FCRB lacks a formal plan to improve attendance.
 - Because conditions in child dependency cases can change rapidly, outdated and untimely provided reports impact usefulness; 47 percent of reports we reviewed were 61 days or older by the time of the court hearing, and 15 percent of reports we reviewed were provided on the day of or after the court hearing.
- FCRB lacks a formal input process to help ensure its reports assist judges with child dependency reviews, unlike similar organizations in other states, which assess the impact of their reviews of children in out-of-home care.
- Useful reports are also important for FCRB's efficient and effective resource use. The Arizona Supreme Court, Administrative Office of the Courts, which supports FCRB, spent nearly \$3.1 million on staff to assist local boards in fiscal year 2022, and in calendar year 2022 board volunteer hours were valued at more than \$1 million.

Key recommendations

FCRB should:

- Establish a work group to determine what changes should be made to help ensure judges have timely and useful information to related to child dependency cases.
- Continue to work with DCS to ensure addresses for parents and foster parents are accurate, and develop and implement a written plan to improve parent and foster parent attendance at local board reviews.



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The Arizona Auditor General has completed a performance audit and sunset review of the Arizona Foster Care Review Board (FCRB). This performance audit and sunset review determined whether FCRB assisted juvenile court judges in their reviews of child dependency cases, compared how other states review cases of children in out-of-home care, assessed FCRB's compliance with the State's conflict-of-interest requirements, and assessed FCRB's compliance with the Arizona Code of Judicial Administration's open meeting law policy. It also provides responses to the statutory sunset factors.

Mission and responsibilities

FCRB was established in 1978, and consists of a State foster care review board (State board) and more than 100 local foster care review boards (local boards).¹ Specifically:

- Statute establishes the State board to review and coordinate the activities of the local boards, such as establishing training programs for local board members.²
- Pursuant to statute, presiding juvenile court judges in each county establish local boards to assist juvenile court judges in their reviews of child dependency cases by reviewing cases of children in out-of-home care at least once every 6 months.³ Statute requires local board reviews to determine what efforts the Arizona Department of Child Safety (DCS) has made to carry out a child's case plan for achieving permanency and provide its findings and recommendations to the juvenile court (see textbox for information on out-of-home care and other key terms).⁴

Mission

FCRB is established by Arizona statute to review at least every 6 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; to assist in informing parents and others of their rights and responsibilities regarding a dependent child in foster care; and through the State Board, to make recommendations to the Supreme Court, the Governor, and the Legislature regarding foster care.

Source: Auditor General staff review of FCRB's website.

Key terms

Dependent—Determination by a juvenile court that a child is in need of proper and effective parental care and control. The court must decide on the dependent child's services and placement, including out-of-home care.

Out-of-home care—The placement and services involving a dependent child who has been removed from their home and placed with a relative, licensed foster home, or in congregate care such as a group home.

Permanency—The permanent, legal placement of a child after the child is removed from their home. The preferred permanency option is safely reuniting the child with family, but other options include adoption, permanent guardianship, or independent living for older children.

Source: Auditor General staff review of statute, juvenile court rules, DCS policy, DCS' website, and the federal Children's Bureau website.

¹ As of June 2023, the Administrative Office of the Courts reported that there were 109 local boards State-wide.

² Arizona Revised Statutes (A.R.S.) §8-515.04.

³ A.R.S. §§8-515.01(A), 8-515.03(1).

⁴ A.R.S. §§8-515.01(A), 8-515.03(1)(4).

Local boards typically meet once per month to review cases of children in out-of-home care (see textbox for what the local board reviews and determines during their reviews).

Local board determinations

During case reviews, local boards make determinations in 10 finding areas to include in findings and recommendations reports (board reports) to the juvenile court, including whether:

- Reasonable efforts, or active efforts in an Indian Child Welfare Act case, were made to prevent the child's removal from home and that remaining at home would be contrary to the child's welfare.
- The child's continuation in out-of-home placement is necessary.
- The child's placement is safe, appropriate, and the least restrictive.
- There is a written case plan that establishes an appropriate permanency goal and outlines tasks for each case participant, such as the child and parents.
- Each case participant is following the tasks outlined in the case plan.
- Progress is being made toward establishing permanency for the child.
- The established target date for the completion of the child's permanency goal is realistic.
- A judge should determine that reasonable efforts, or active efforts in an Indian Child Welfare Act case, are being made by DCS to implement the child's permanency plan.
- The child's education and/or other services to address developmental needs are being implemented.
- There are significant service gaps or system problems.

Additionally, board reports indicate which case documents the local board reviewed; which parties attended the case review and any information they provided, such as the child's parents or relatives, the child's foster placement, the child's or parents' attorneys, and/or DCS caseworkers; and any local board observations or concerns regarding the case (see Appendix A, pages a-1 through a-8, for an example of a board report).

Source: Auditor General staff analysis of board reports.

FCRB staffing and board membership

Statute requires the Arizona Supreme Court to employ personnel it deems necessary to carry out the duties of the State and local boards.⁵ Staff from the Arizona Supreme Court, Administrative Office of the Courts (AOC) help the State and local boards fulfill their responsibilities. As of June 2023, AOC reported that it had 40.1 full-time equivalent (FTE) positions and 3 vacancies across 2 offices located in Phoenix and Tucson to assist the State and local boards in fulfilling their responsibilities.⁶ Specifically, AOC reported it had:

- 31.7 (and 3 vacancies) FTE helping facilitate each local board review by gathering and reviewing documentation related to the child's case, such as the DCS case plan; notifying DCS and other interested parties of the local board review, such as notifying the DCS caseworker and child's parents of the date of local board review and how they can attend; preparing packets of information for board members to review, guiding local boards to ask questions when needed, assisting local boards to formulate their recommendations, answering child welfare questions local boards may have, and taking notes at each local board review; compiling notes from each case at the local board review into a board report; working with board members to obtain training; copying and mailing the board reports to interested parties associated with the case; answering phones; and scheduling cases for local board review.

⁵ A.R.S. §8-515.04(D).

⁶ Phoenix office staff provide administrative support for local boards located in Apache, Coconino, La Paz, Maricopa, Mohave, Navajo, Yavapai, and Yuma Counties. Tucson office staff provide administrative support for local boards located in Cochise, Gila, Graham, Greenlee, Pima, Pinal, and Santa Cruz Counties.

- 6.0 FTE performing supervisory responsibilities and overseeing FCRB’s day-to-day operations.
- 2.4 FTE, which includes the Dependent Children’s Services Division Director and the Director’s assistant, and a staff member who is responsible for recruiting local board volunteers.

In addition to requiring AOC to employ staff to assist the State and local boards, statute also outlines State and local board membership, as follows:

- **State board membership**—Statute requires the Arizona Supreme Court to appoint 3 persons to the State board who have knowledge of the problems of foster care.⁷ Additionally, each of Arizona’s 15 county’s presiding juvenile court judges must appoint at least 1 member from a local board in that county to serve on the State board.⁸ As of June 2023, AOC reported that the State board had 23 members, including 2 members appointed by the Arizona Supreme Court and 21 members representing local boards from 14 Arizona counties, and 2 vacancies.⁹
- **Local board membership**—Statute requires each county’s presiding juvenile court judge to appoint at least 5 members to each local board they establish in their county.^{10,11} Local board members are volunteers and serve 3-year terms. As of June 2023, AOC reported that there were 109 local boards State-wide (see Figure 1, page 4), with at least 1 local board in every county and 409 local board volunteers. AOC reported that local boards conducted a total of 13,280 case reviews of 21,782 children in out-of-home care in fiscal year 2022.¹²

⁷ A.R.S. §8-515.04(A).

⁸ In counties with more than 1 local board, the presiding juvenile court judge shall appoint to the State board 1 local board member for every 10 boards except that not more than 6 members may be appointed from any county. See A.R.S. §8-515.04(A).

⁹ As of June 2023, AOC reported 2 State board vacancies: 1 representative appointed by the Supreme Court and 1 representative appointed by Greenlee County’s presiding judge.

¹⁰ A.R.S. §8-515.01(A) requires the presiding juvenile court judge in each county to establish 1 local board for every 100 children in their county who are placed in out-of-home care. If the number of children in out-of-home care exceeds 100, the presiding juvenile court judge is not required to create an additional board until the number of children exceeds 150.

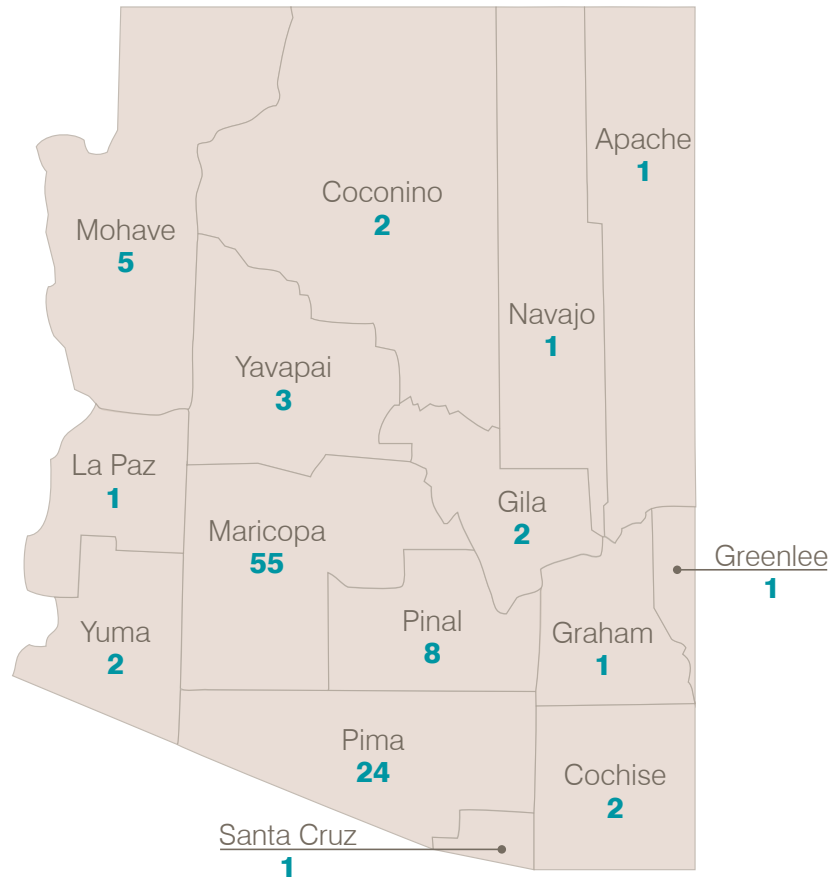
¹¹ A.R.S. §8-515.04(A) allows the presiding juvenile court judge to appoint 1 alternate member for each board.

¹² Multiple children may be reviewed in a single case review, such as sibling groups. AOC reported that the 13,280 case reviews conducted in fiscal year 2022 involved 21,782 children, some of whom may have been part of case reviews more than once during the fiscal year.

Figure 1

As of June 2023, Arizona had 109 local boards with each Arizona county having at least 1 local board

(Unaudited)



Source: Auditor General staff analysis of AOC-provided information.

Budget

FCRB receives most of its revenues from a State General Fund appropriation. As shown in Table 1, page 5, in fiscal year 2023, FCRB’s estimated revenues totaled approximately \$5.2 million, including approximately \$3.5 million in State General Fund and \$1.6 million in other State and federal monies. In addition, as shown in Table 1, in fiscal years 2021 through 2023, most of FCRB’s expenditures or estimated expenditures were for payroll and related benefits, building rent, and other operating.

Table 1
Schedule of revenues and expenditures
Fiscal years 2021 through 2023
(Unaudited)

	2021 (Actual)	2022 (Actual)	2023 (Estimated)
Revenues¹			
State General Fund appropriations	\$3,343,800	\$3,283,000	\$3,535,700
Other State and federal ²	1,370,208	1,376,145	1,616,796
Total revenues	4,714,008	4,659,145	5,152,496
Expenditures			
Payroll and related benefits ³	2,933,869	3,090,511	3,437,728
Building rent ⁴	960,900	960,900	960,900
Other operating ⁵	207,500	222,213	353,589
Professional and outside services ⁶	58,828	5,086	15,848
Travel	6,232	4,146	9,121
Total expenditures	\$4,167,329	\$4,282,856	\$4,777,186

¹ Revenues reflect FCRB's annual appropriated expenditure authority and according to AOC, annual allocations of State and federal monies are from AOC (see footnote 2 for more information on allocations from AOC).

² According to AOC, amounts include allocations by AOC to FCRB from the Criminal Justice Enhancement Fund, which consists of penalty assessments for criminal offenses and civil motor vehicle statute violations; Juvenile Probation Services Fund, which consists of State General Fund monies and reimbursements from parents for juvenile treatment services such as education and counseling programs for juveniles who have committed a delinquent act; and a federal Title IV-E Foster Care grant.

³ Payroll and related benefits increased in fiscal year 2023 because the Arizona Supreme Court was appropriated additional monies to provide its employees a 10 percent salary increase as authorized by Laws 2022, Ch. 313, §124.

⁴ According to AOC, building rent consists of a portion of the Phoenix and Tucson State building leases that were appropriated by the Legislature to FCRB.

⁵ Other operating costs consisted of office supplies, postage, translation and interpreter services, and information technology (IT) related costs. According to AOC, the other operating expenditures increased in fiscal year 2023 primarily because of the remodeling of its Court of Appeals Division II location where FCRB's Tucson office is located.

⁶ Professional and outside services increased in fiscal year 2021 because the AOC Director of the Dependent Children's Services Division retired but returned as a contract employee through the end of fiscal year 2022 to assist with the transition to a successor.

Source: Auditor General staff analysis of the financial activity prepared by the AOC for fiscal years 2021 through 2023.



Most judges we interviewed reported that board reports provide some useful information for child dependency reviews but identified multiple shortcomings that can impact reports' usefulness

Local boards, which were established to assist judges' review of child dependency cases, provide some useful information to 24 of 28 judges we interviewed but 21 judges also reported some information is not useful or could be improved

Statute requires the presiding juvenile court judge in each county to establish local boards for the purpose of assisting judges in their reviews of child dependency cases.¹³ We interviewed 28 juvenile court judges and commissioners (judges) from all 15 Arizona counties who hear child dependency cases to ask about the information in the local board reports (board reports) and how they use this information during their reviews of child dependency cases.^{14,15} Twenty-five of the 28 interviewed judges indicated that they review board reports prior to court hearings involving dependent children; 24 of these 25 interviewed judges indicated that some information in board reports assists them with their reviews, whereas 1 judge reported they did not find them very useful. For example, of the 24 interviewed judges who indicated that some information in board reports assists them in their reviews:

- 19 judges indicated that during a child dependency case hearing they may ask questions about or mention items they read in a board report, such as issues with the parent's housing being a barrier to family reunification.
- 5 judges reported that they value the information board reports provide because the local boards are neutral third parties to dependency cases.
- 3 judges indicated that board reports may identify physical, educational, and medical needs or services the child is not receiving.

Finally, 2 of the 28 judges reported that they do not review board reports because they do not find that the board reports provide useful information, and 1 judge, who had been in their position for less than 4 months,

¹³ A.R.S. §§8-515.01(A), 8-515.03.

¹⁴ In counties with 3 or more superior court judges, the presiding judge may appoint commissioners who are Arizona residents admitted to the practice of law in the State. Commissioners can perform many of the same functions as superior court judges and must reside in the county to which they are appointed. See A.R.S. §§12-211, 12-213.

¹⁵ We interviewed 28 of 54 judges who heard dependency cases in Arizona as of January 2023, including at least 1 judge from each of Arizona's 15 counties. The judges we interviewed included 12 judges randomly selected and 2 judges judgmentally selected from the 31 judges who hear dependency cases in Maricopa and Pima Counties; and 14 judges judgmentally selected from the 23 judges who hear dependency cases in the remaining 13 counties. The judgmentally selected judges were either the presiding juvenile court judge in the county or were recommended by the presiding juvenile court judge because they heard the most dependency cases within that county.

reported that they had never received a board report and was unable to comment about whether they found them useful.

Several judges also reported and our review of 158 board reports found multiple shortcomings with board reports that negatively impact judges' use of them. Specifically:

- **Fifteen of 25 interviewed judges indicated local boards' answers to standard determinations were either not helpful or only helpful when the answer was no**—The first section of a board report consists of 10 determinations that FCRB policy requires each local board to make for each case review (see Introduction, page 2, for more information on these determinations). For example, local boards must determine if the child's continuation in out-of-home placement is necessary. For each determination, the local board provides a 'yes' or 'no' answer. If the answer is 'no' the local board provides a brief explanation of the issues they identified, but if the answer is 'yes' then no explanation is provided. AOC staff reported that these determinations help ensure that local boards are consistently reviewing and making the same decisions, including on areas outlined in federal law (see Questions and Answers, pages 16 through 17, for more information about areas outlined in federal law). FCRB also reported that it developed its report structure, which includes these determinations, in response to a 1995 Arizona Auditor General report to ensure each board addressed determinations required by federal law central to progress toward permanency.¹⁶ However, our report recommended that FCRB further develop its case review procedures to specifically address issues central to case progress toward permanent placement. Examples of issues we recommended FCRB assess included the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress that has been made toward alleviating or mitigating the need for foster care—all of which would require more than a yes or no answer to adequately address.¹⁷ According to AOC staff, additional information about each determination can be found in the recommendation section of the report; however, in an example board report AOC provided, additional information for each of the 10 determinations was not included in the recommendation section of the report. For example, for determination 7, which asked that the Board make a determination that the established target date for the completion of the permanency goal is realistic, the local board answered yes, but the recommendation section includes no details about the established target date (see Appendix A, pages a-1 through a-8, for an example of a board report).

Several of the interviewed judges reported issues with or recommended improvement to these determinations. Specifically, 15 of the 25 interviewed judges who reported reviewing board reports before court hearings involving dependent children indicated that they do not find these determinations helpful or only find them helpful when the answer is 'no'; 4 of these judges further explained that it would be helpful if the local boards provided additional explanation with the determinations and 1 of these judges explained that the standard determinations were not helpful because they do not provide the facts that led to the local boards' determinations; 2 of these judges explained they do not read the board's determinations because they did not find the determinations to contain relevant information and they would rather read the parts of the report that they felt did contain such information; 1 of these judges indicated that yes answers are not helpful because they make those determinations; and 1 of these judges indicated that the determinations overlap with information in other parts of the board report.¹⁸ In addition, 1 of 25 interviewed judges reported they do find the determinations helpful, but indicated that additional information with the determinations would be useful. We identified at least 1 other state that uses citizen review boards—Oregon—with citizen review board reports that include similar determinations to Arizona's board reports but also include a detailed explanation for each determination (see Appendix B, pages b-1 through b-8, for an example Oregon report).¹⁹

¹⁶ See Arizona Auditor General report 95-3 *Foster Care Review Board*.

¹⁷ In 1995, our Office did not have a process for following up to determine if agencies implemented our performance audit recommendations.

¹⁸ The other 6 of these 15 judges did not provide further explanation for why they find the determinations unhelpful.

¹⁹ Citizen review boards are similar to Arizona's local boards and are composed of volunteers who review cases of children in out-of-home care.

- Five of 25 interviewed judges indicated some local board recommendations are not useful—** Although statute authorizes a local board to make any recommendations it chooses regarding a dependent child, 5 of the 25 interviewed judges who reported reviewing board reports before court hearings involving dependent children indicated that some local board recommendations are not useful.²⁰ For example, 1 judge reported that it is not useful when local boards recommend that judges ask specific questions in the court hearing because the judges do not have time in the court hearing to ask a lot of questions. Another judge indicated that they do not find local board recommendations helpful because they find the local board’s recommendations to be duplicative of information in other reports, such as the DCS court report and the Court Appointed Special Advocate report.
- Nine of 25 interviewed judges indicated statements made by parents and foster parents who attend local board reviews are the most useful information in board reports but we found few reports contain statements made by parents and foster parents because parents and foster parents did not attend the reviews, thus depriving judges of potentially useful information—**One section of board reports includes statements made by attendees at local board reviews, such as the DCS case manager, the child’s Court Appointed Special Advocate, the child’s biological parents, and the individual(s) with whom the child is currently residing (foster parents). Nine of 25 interviewed judges who reported reviewing board reports before court hearings involving dependent children indicated that they found statements made by parents and foster parents who attended local board reviews to be the most useful information in board reports. However, our review of 158 board reports from local board reviews held on 2 dates in June and July 2022 and 4 dates in February 2023 found that 149 of 158 board reports, or approximately 94 percent, lacked statements from the child’s parent(s) and 115 of 158 board reports, or approximately 73 percent, lacked statements from the child’s foster parent(s) because the parents or foster parents did not attend these local board reviews (see Figure 2, page 9).²¹ When parents and foster parents do not attend local board reviews, judges may be missing potentially useful information. For example, 1 judge explained that although parents can attend the court hearing, the parents are given a limited amount of time to speak; however, at local board reviews, parents have more time to speak and thus can provide more information (see textbox for information from another judge on the importance of parent and foster parent attendance).

Quote from a judge

“When parents or foster parents do not attend local board reviews, the board report generally becomes a summary of DCS-provided information, which is redundant because we already receive a report from DCS.”

Source: Quote from a juvenile court judge Auditor General staff interviewed.

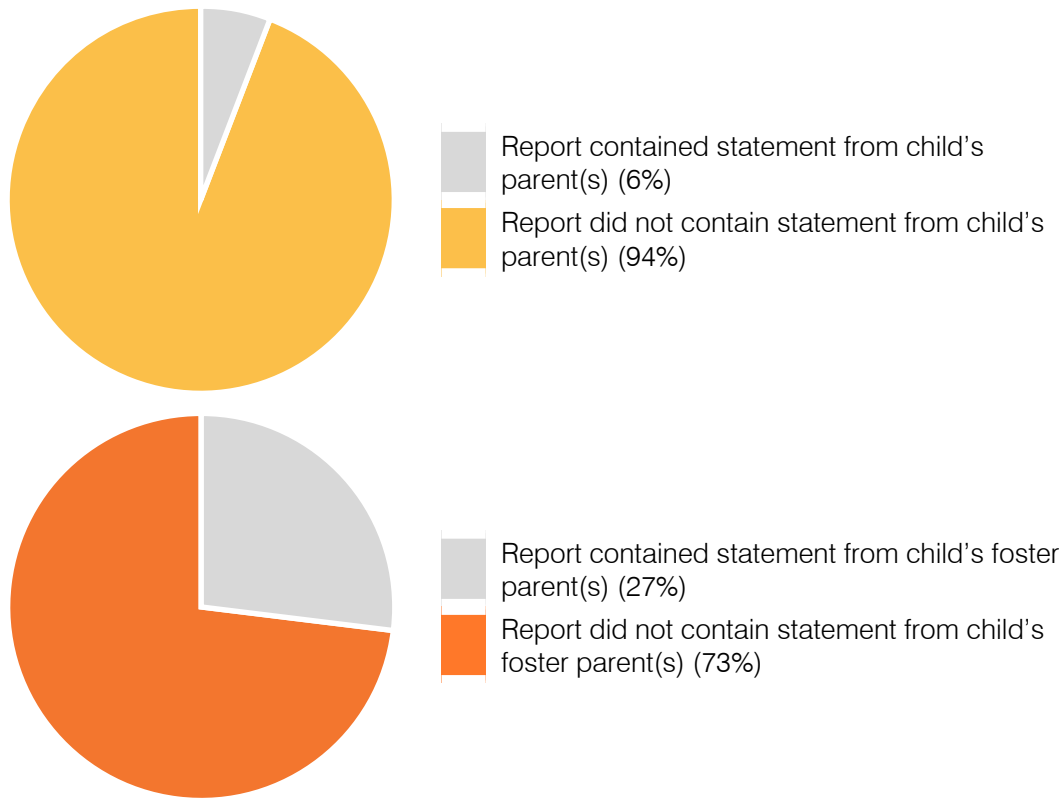
²⁰ A.R.S. §8-515.03(4).

²¹ We judgmentally selected 1 day in June 2022 and 1 day in July 2022, which both had local boards scheduled to meet across a variety of urban and rural counties. Specifically, 1 local board was scheduled to meet in Coconino County, 4 in Maricopa County, 2 in Mohave County, 4 in Pima County, 1 in Pinal County, and 1 in Yuma County. We reviewed all 124 board reports from these 13 local boards. In addition, we observed 4 local board reviews in February 2023 from Maricopa, La Paz, Pima, and Pinal Counties and reviewed the 34 board reports from these 4 boards.

Figure 2

Ninety-four percent of 158 board reports we reviewed lacked statements from the child’s parent(s) and 73 percent lacked statements from the child’s foster parent(s) because parents and foster parents did not attend reviews

(Unaudited)



Source: Auditor General staff analysis of 158 cases local boards reviewed on 2 dates in June and July 2022 and 4 dates in February 2023 to determine if the board report contained statements by the parent(s) and foster parent(s).

- **Thirteen of 25 interviewed judges indicated information in board reports can be outdated, which can impact the reports’ usefulness because conditions in child dependency cases can change rapidly**—Thirteen of 25 interviewed judges who reported reviewing board reports before court hearings involving dependent children indicated that information in board reports can be outdated. Our review of a sample of 150 board reports from local board reviews held on 2 dates in June and July 2022, and 4 dates in February 2023, found that 71, or 47 percent, of board reports were 61 days or older by the time of the court hearing for which the judge received the local board report (see Figure 3, page 10).²² When information is outdated, it may not be as useful to judges because the conditions in the child’s case may have changed during that time (see textbox). One judge reported that if the local board report is too outdated, they will not review it.

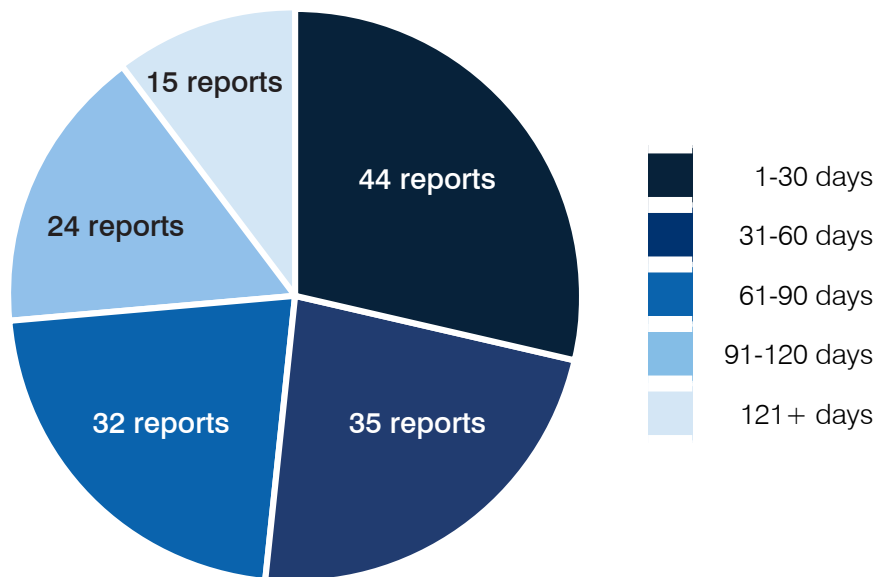
Quote from a judge

“Board reports could be 60 to 90 days old which makes them not useful. A lot can change for dependency cases in that time.”

Source: Quote from a juvenile court judge Auditor General staff interviewed.

²² Although our original analysis included 158 board reports, we were unable to calculate how many days elapsed between the local board review and the court hearing in 8 cases because the child was returned home, turned 18, or the child’s adoption was finalized and the next court hearing for which the board report would have been considered was canceled.

Figure 3
Nearly half of the 150 board reports had information that was 61 days or older
(Unaudited)



Source: Auditor General staff analysis of the amount of time between the local board review and court hearing for 150 cases local boards reviewed on 2 dates in June and July 2022, and 4 dates in February 2023.

- Four of 25 interviewed judges indicated they do not always receive board reports before court hearings, preventing them from reviewing information that may be useful**—As previously reported, 25 of 28 interviewed judges indicated that they review board reports when preparing for court hearings involving dependent children and 19 of these judges indicated that during the court hearing they may ask questions about or mention items that they read about in the board report. However, 4 of the 25 interviewed judges who reported reviewing board reports before court hearings involving dependent children indicated that they sometimes receive board reports after the relevant court hearings. Although FCRB met its statutory requirement to submit board reports to the court within 30 days following the local board review for 105 of 117 cases, or 90 percent, we reviewed, we also found that the reports for 18 of these 117 cases, or approximately 15 percent, were sent to the judge on the day of or after the court hearing (see Table 2, page 11).^{23,24} The remaining 99 reports we reviewed were sent to the judge between 1 and 187 days before the court hearing. Judges interviewed indicated that they would still hold a hearing even without receiving an FCRB report, but most indicated that if they did not receive a DCS court report they would postpone the hearing. However, if the judge does not receive the board report prior to the court hearing, they cannot review it and may not be able to ask questions about it during the court hearing.

Ensuring board reports provide useful information important for efficient and effective resource use and local board member recruitment



Ensuring board reports are useful and valuable for judges is important for AOC's efficient and effective resource use. Specifically, AOC and local board members who are volunteers devote substantial time and resources to

²³ A.R.S. §8-515.03(4).

²⁴ Although our original analysis included 124 board reports, we were unable to calculate how many days before the court hearing FCRB sent the board report to the court in 7 cases because the child returned home or the child's adoption was finalized and the next court hearing for which the board report would have been considered was canceled.

preparing for and attending local board reviews and producing board reports. For example, as shown in Table 1 (see page 5), FCRB’s fiscal year 2022 expenditures on payroll and related benefits were nearly \$3.1 million to pay AOC staff to provide assistance to local boards, including drafting board reports. In addition, we estimated that in calendar year 2022, local board members spent between 36,600 and 45,100 volunteer hours preparing for and attending local board reviews.²⁵ Based on this estimate, these volunteer hours have an estimated value of between \$1.10 million and \$1.36 million.²⁶

Table 2
Court received 18, or 15 percent, of the board reports we reviewed on day of hearing or up to 19 days after hearing
 (Unaudited)

 Time frame court received report	 Number of reports
Day of hearing	5
1 to 10 days after hearing	7
11 to 20 days after hearing	6

Source: Auditor General staff analysis of when the court received the board report for 18 cases local boards reviewed on 2 dates in June and July 2022.

In addition, ensuring board reports are useful and valuable for judges could help FCRB recruit local board members. For example, as discussed in Sunset Factor 2 (see pages 24 through 25), most local boards do not have 5 appointed members as required by statute, and FCRB is working to recruit additional board members. FCRB is also more likely to retain board members with beneficial and useful work.

FCRB has not taken some steps to help ensure board reports assist judges with their reviews of child dependency cases

Unlike similar organizations in other states, FCRB has not developed formalized process to assess if it is achieving its responsibility to assist judges with child dependency cases— FCRB lacks a formalized process for regularly soliciting feedback from all judges who hear dependency cases and using the feedback to help improve its ability to meet its statutory objective to assist judges with child dependency cases. For example:

- In an August 2022 internal audit report on FCRB, AOC’s internal auditor reported feedback on board reports from a survey conducted in January 2022 that was sent to all 15 county presiding judges, but to which only 13 judges responded. Although the survey results indicated that most of the judges positively rated board report/information timeliness and usefulness, the internal audit report included comments from 3 judges who indicated that board reports contained outdated information or were untimely and 1 judge

²⁵ We estimated the range of volunteer hours for the 2022 calendar year based on the total amount of time local board members prepared for and attended local board reviews and the number of board members that were active local board members as of October 2022. Volunteer hours were calculated by combining the AOC reported time a volunteer would spend preparing for a board review and our observation of the average time a volunteer spent attending the 4 local board reviews in February 2023. See Appendix C, page c-1, for more information on how we developed this estimate.

²⁶ We estimated this range of values by multiplying the dollar value of 1 hour of volunteer work in Arizona by the low and high estimates of the number of hours volunteers spent on local review boards in calendar year 2022. The value of volunteer work in Arizona was \$30.13 in 2022 according to the state-by-state data from Independent Sector. See Independent Sector. (2023). *Value of volunteer time by state, 2001-2022*. Retrieved 8/17/2023 from <https://www.independentsector.org/wp-content/uploads/2023/04/Value-of-Volunteer-Time-by-State-2001-2022.pdf>.

who indicated that board reports were duplicative of information contained in DCS reports. In September 2023, when we asked AOC staff, who support FCRB, how they addressed this feedback, they reported that they were continuing to have discussions with judges and were waiting for our audit recommendations to address this feedback, rather than base changes on 3 comments.

- Additionally, AOC staff provided documentation that they received feedback on board reports from judges in calendar year 2022, which also included concerns about report timeliness and lack of parent attendance at local board reviews. In September 2023, when we asked AOC staff how they addressed this feedback, they reported that there was nothing major in the notes they were not already aware of and were waiting for our audit recommendations to address some feedback.²⁷

Neither the internal audit nor the feedback AOC received included feedback from all judges who hear dependency cases in Arizona's 15 counties.

During the audit, AOC management reported that it plans to meet with the 15 county presiding judges to discuss their concerns with FCRB. However, AOC's plan does not include a systematic process to obtain regular feedback from judges who regularly hear dependency cases and not all presiding judges regularly hear dependency cases.

Conversely, 2 of 3 states we identified that similar to Arizona use citizen review boards to hear child dependency cases at least once every 6 months reported that they have a process for regularly soliciting input from judges who hear dependency cases. For example, according to a representative from Oregon's Citizen Review Board, its staff meet with judges from each county once a year to discuss how to improve its reports. According to the Oregon Citizen Review Board representative, its staff then adjust each county's reports to focus on items judges from the county indicated they want to see in a citizen board report. As a result, each county may have a different citizen board report. In addition, a representative from Nebraska's Foster Care Review Organization reported that it annually surveys judges about what parts of their board reports they read, if the reports are helpful, and how the reports can be improved. According to the Nebraska Foster Care Review Organization representative, its staff then attempt to complete at least 2 process improvements every year to address the feedback from the annual survey.

Inaccurate and incomplete address information and knowledge about local board reviews has contributed to low parent and foster parent attendance, but FCRB has not developed a written plan for improving parent and foster parent attendance—AOC staff who provide

administrative assistance for local board reviews are responsible for notifying interested parties to children's cases, such as the children's parents and foster parents, of the date and time of children's reviews. Although DCS has a process to regularly provide AOC with address information from its case management system, Guardian, for parents and foster parents, some of the address information from DCS is inaccurate or incomplete, which has impacted AOC's ability to notify parents and foster parents of local board reviews. For example, we observed missing address information for some parents and foster parents in information DCS provided to AOC. Additionally, we observed that some notices AOC mailed to case parties were returned as undeliverable. AOC has been working with DCS to improve issues with inaccurate and incomplete address information for parents and foster parents.

In addition, AOC reported that parents and foster parents may not understand the importance of attending local board reviews. To address this issue, in March 2023, AOC posted a video on FCRB's website that discusses how judges use board reports and highlights the importance of parents attending local board reviews. However, prior to posting this video, AOC staff did not establish a baseline parental attendance rate that it could use to determine if the video was improving parent attendance. Although AOC staff reported its IT staff can produce a report that includes data on parent and foster parent attendance at local board reviews and that they have at times used this report to identify potential problems and solutions, AOC staff reported that they do not have a process to regularly obtain, review, and use this report to guide decisions.

²⁷ AOC reported it was in the process of implementing other feedback judges provided that is not related to board reports. For example, 1 judge suggested AOC develop an educational video about FCRB, which AOC posted to its website in March 2023.

As of September 2023, AOC reported it had started other initiatives for improving parent and foster parent attendance at local board reviews, but had not developed a written plan for doing so.

Our July 2023 performance audit of DCS identified several issues that may impact board report timeliness and completeness—DCS is statutorily required to provide AOC information necessary for local boards to perform their statutory duties through an automated information exchange, and DCS policy requires DCS caseworkers to attend local board reviews or notify AOC if attendance is not possible.^{28,29}

However, our July 2023 performance audit of DCS found that DCS' automated information exchange did not provide all case documents to AOC for the 13 cases we reviewed and that 18 percent of caseworkers did not comply with DCS policy related to local board attendance for the 124 cases we reviewed.^{30,31} The issues we identified may have contributed to the board report shortcomings previously discussed. For example:

- **Missing case documents can impact board report timeliness**—When DCS' automated information exchange does not provide all case documents to AOC, AOC staff can obtain case documents from alternative sources. However, doing so may require AOC staff to spend unnecessary time that could otherwise be spent on mission-critical activities, such as preparing and submitting board reports to the juvenile court.
- **Missing case documents can impact board report completeness**—When local boards do not receive all case documents via the automated information exchange or other sources, local boards may not be able to complete all sections of the board report. For example, for 1 local board case review we evaluated, the local board's report indicated that the local board had not received a case plan and thus could not assess progress made toward the child's case plan goals.
- **Lack of caseworker attendance can impact board report completeness**—When DCS caseworkers do not attend local board reviews, local boards may not have sufficient information to complete all sections of the board report. For example, local boards did not provide complete findings and recommendations to the juvenile court for the 2 case reviews we observed for which caseworkers did not attend.

We recommended that DCS ensure it provides case documents to AOC and continue to solicit feedback from AOC about automated information exchange issues. Additionally, we recommended that DCS track caseworker attendance and as discussed in Sunset Factor 2, AOC has taken steps to assist DCS in doing so (see Sunset factor 2, page 24, for more information).

FCRB lacks written procedures or guidance for supervisors to monitor whether AOC staff are tracking information about and timely submitting board reports that should be submitted to the court sooner than 30 days after a local board review—Our 2015 performance audit and sunset review found that FCRB did not always submit board reports to the juvenile courts within the statutorily required 30 days, including some that were not submitted prior to the dependency hearing.³² We recommended that FCRB should ensure that it distributes board reports to the court in a timely manner by developing and implementing a method for tracking and monitoring its report distribution timeliness. To address our recommendation, FCRB developed a process to track and monitor whether its staff were submitting board reports to meet the 30-day statutory requirement that includes steps for supervisors to monitor whether staff

²⁸ A.R.S. §8-519(B).

²⁹ Although statute does not define the term "automated information exchange," DCS and other stakeholders have indicated that the statute's intent is for DCS to provide local boards information electronically using its case management system, Guardian.

³⁰ See Arizona Auditor General report 23-102 *Arizona Department of Child Safety—Information provided to local foster care review boards and State Ombudsman*.

³¹ Although various case-related documents may be relevant to local board reviews, DCS reported that case documents most likely to be applicable to a child's case are court reports, which are reports developed by DCS for juvenile court hearings to provide judges with information regarding dependent children; case plans, which are DCS-developed documents outlining the goals and tasks necessary to ensure a child achieves permanency; and Team Decision Making (TDM) meeting summaries, which are DCS' summary of decisions made during a TDM meeting about a child's safety and permanency, such as steps parents must take to ensure child safety.

³² See Arizona Auditor General report 15-110 *Arizona Foster Care Review Board*.

are submitting reports within the 30-day requirement. However, FCRB lacks written procedures or guidance for supervisors to monitor whether staff are timely submitting board reports that should be submitted sooner than 30 days because the court hearing is scheduled less than 30 days after a local board review. In addition, we found that AOC staff who provide support for local boards did not consistently track and provide information to their supervisors about local board reports needing to be submitted to the court less than 30 days after a local board review.

Some information in board reports is outdated because local board reviews are not held as frequently as judges review child dependency cases—A.R.S. §8-515.03 requires local boards to review dependent children’s cases at least once every 6 months, and FCRB reported it reviews cases once every 6 months or more frequently if requested by the court. However, 10 of 28 interviewed judges reported that they held their child dependency hearings more frequently than every 6 months. For example, 2 of 10 judges reported that they held their dependency hearings more frequently than every 6 months because they wanted to stay updated with what is happening with the children and families in their dependency cases. As a result of judges holding hearings more frequently than every 6 months, the timing of local board reviews and court hearings may be misaligned, which can contribute to judges receiving outdated information. AOC reported that the courts commonly change hearing dates and that it strives to adjust local board reviews to accommodate these changes when it can. However, it reported that doing so on a larger scale would be difficult because of the lead time necessary to prepare for a review and notify interested parties. Although statute does not prohibit the local boards from reviewing cases more frequently, AOC reported that it lacks staff to hold these reviews more frequently. At least 1 other state that uses citizen review boards like Arizona—Oregon—reported that it schedules board reviews for children in out-of-home care every 6 months unless a court has already conducted or will conduct a hearing that meets federal periodic review requirements. Additionally, 2 other states that use citizen review boards—Michigan and New Mexico—do not review the cases of every child in out-of-home care. Specifically, Michigan’s local boards review a random sample of cases and cases that either the court or another interested party, such as the child’s parents or foster parents, has requested them to review. Meanwhile, New Mexico’s local boards review a limited number of foster care cases judgmentally selected for review by an advisory council based on several factors, including whether the child is placed in an institution or in congregate care, whether the child is between 13 and 18 years old, whether the child is placed with their sibling, and whether the review is specifically requested by an interested party or community member (see Questions and Answers, pages 21 through 22, for more information about Michigan and New Mexico). Although adopting approaches similar to these in Arizona would require statutory changes, these types of approaches could help address the misalignment between local board reviews and court hearings.

Recommendations

FCRB should:

1. Improve the usefulness of information it provides to judges in board reports by:
 - a. Establishing and coordinating the efforts of a workgroup to determine what changes should be made to board reports and the frequency for holding local board reviews to help ensure that local boards provide judges with timely and useful information to make child dependency case decisions. The workgroup should, at a minimum, comprise judges who hear child dependency cases, local board members, and AOC staff.
 - b. Working with the workgroup to consider other state practices and assess and make recommendations regarding:
 - The most valuable information that local boards can provide judges.
 - The format for providing information to judges.
 - The frequency with which local boards should conduct case reviews, such as reviewing certain children’s cases every 3 months instead of every 6 months or taking other steps to better align

the timing of court hearings and local board reviews, including pursuing statutory changes, as necessary.

- The timeline for submitting board reports to judges after local board reviews.
- c. Implementing the workgroup's recommendations to help ensure that local boards provide judges with timely and useful information to make child dependency case decisions.
2. Establish a process for regularly soliciting and implementing feedback from judges who hear dependency cases, including input on board report usefulness in assisting judges with their reviews of child dependency cases.
 3. Continue to work with DCS to provide feedback on automated information exchange issues and to ensure that the address information for parents and foster parents it receives from DCS for local board reviews is accurate and complete.
 4. Develop and implement a written plan for improving parent and foster parent attendance at local board reviews, including establishing a baseline rate and conducting additional analysis to determine if its efforts are improving attendance.
 5. Develop and implement written procedures or guidance for supervisors to monitor whether AOC staff are tracking information about and timely submitting board reports to the courts that need to be submitted sooner than 30 days after a local board review.

FCRB response: As outlined in its [response](#), FCRB agrees with the finding and will implement the recommendations.



QUESTIONS AND ANSWERS

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To assist the legislative committees of reference in determining the need for continuation or termination of FCRB, our report provides responses to 12 statutory sunset factor questions (see Sunset Factors, pages 23 through 30, for more information). Sunset Factor 1 asks to what extent an agency's objective and purpose are met by private enterprises in other states. To help answer this question, this section provides detailed information on how other states meet FCRB's statutory objective and purpose to review the cases of children in out-of-home care every 6 months.

Question 1: What are the federal law requirements for states to review the status of children placed in out-of-home care?

Federal law requires each state to review the status of children placed in out-of-home care at least once every 6 months.³³ This review must be conducted either by a court or through an administrative review (see textbox, page 17, for more information about these different types of reviews). During the review, the court or administrative review panel must determine:

³³ 42 USC 675(5)(B).

1. If the child is safe.
2. The continuing necessity for and appropriateness of the child's placement in out-of-home care.
3. The extent of compliance with the child's case plan.
4. The extent of progress that has been made toward alleviating or mitigating causes necessitating the child's placement in out-of-home care.
5. A likely date by which the child may be returned to and safely maintained in their home or placed for adoption or legal guardianship.
6. The steps the state child welfare agency is taking to ensure the child's foster family home or childcare institution are following reasonable and prudent parent standards and to ascertain whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities if another planned permanent living arrangement has been determined as the child's permanency plan.

Administrative review—A review conducted by a panel of appropriate persons, at least 1 of whom is not responsible for the case management of, or delivery of services to, either the child or the parents who are the subject of the review. States have different types of administrative reviews. For example:

- Some states, like Arizona, use boards consisting of citizen volunteers to review cases of children in out-of-home care (see Question 4, page 19, for more information on these states' case reviews).
- Other states have established processes within their child welfare agency to review cases of children in out-of-home care (see Question 5, pages 19 through 20, for more information about these states' case reviews).

Court review—A review conducted by a judicial entity. In Arizona, court reviews are conducted by juvenile court judges or commissioners (see Question 5, pages 19 through 20, for more information about states with a court review).

Source: Auditor General staff review of 42 USC 675(6) and states' responses to the 2015-2018 federal CFSR.

Question 2: How does the federal government help ensure states are reviewing the status of children placed in out-of-home care at least once every 6 months?

State child welfare agencies must provide information to the federal government on how they complied with the requirement to review the status of children in out-of-home care as part of the CFSR, a periodic nation-wide review of all states' child welfare systems conducted by the U.S. Department of Health and Human Services, Administration for Children & Families, Children's Bureau (Children's Bureau). Since 2001, the Children's Bureau had completed 3 nation-wide CFSRs and had started a fourth nation-wide CFSR in 2023 that is expected to continue through federal fiscal year 2026 (see Table 3, page 18, for the dates of the CFSRs).

Table 3

Children’s Bureau conducts periodic reviews of state child welfare systems with the CFSR
(Unaudited)

First CFSR	Second CFSR	Third CFSR	Fourth CFSR
2001-2004	2007-2011	2015-2018	2023-

Source: Auditor General staff analysis of the Children’s Bureau CFSR website.

The CFSR consists of several components. First, state child welfare agencies, including DCS in Arizona, must respond to 36 items in a state-wide assessment and provide data and/or information to help the Children’s Bureau determine whether the state’s child welfare system conforms with federal child welfare requirements.³⁴ One of the 36 areas in the state-wide assessment is how the state ensures periodic review of children in out-of-home care at least once every 6 months.³⁵

After the state’s child welfare agency completes the state-wide assessment, a Children’s Bureau-led team is required to conduct an onsite review of the state’s child welfare agency. The onsite review portion of the CFSR includes case reviews, interviews with children and families engaged in child welfare services, and interviews with community stakeholders, such as courts, community agencies, foster families, caseworkers, and service providers.³⁶ The extent of stakeholder interviews may vary depending on the information provided in the state-wide assessment.

Each of the 36 items in the state-wide assessment receives a rating of either strength or needing improvement based on an evaluation of child welfare practices and processes in the cases reviewed for each state. For a state to receive an overall rating of strength for an individual item at initial review, 90 percent of the reviewed cases must have been rated as a strength for that specific item.

Question 3: In the most recent 2015-2018 CFSR, how did Arizona report to the federal government that it reviews cases of children placed in out-of-home care to comply with federal law?

In the 2015-2018 CFSR, DCS reported using 3 methods to comply with the federal requirement to review cases of children placed in out-of-home care at least once every 6 months.³⁷ Specifically, DCS reported:

- **Court hearings meet periodic review requirements**—In its CFSR response, DCS reported that report and review hearings, initial permanency hearings, and permanency hearings conducted by Arizona juvenile court judges and commissioners all meet federal law.

³⁴ Although the state child welfare agency is required to submit each state’s state-wide assessment, other stakeholders may be involved in developing the assessment. For example, legislators, the AOC’s court improvement program manager, juvenile court judges, attorneys, local board members, tribal social service directors and child welfare workers, law enforcement representatives, and foster youth and parents contributed to Arizona’s 2015-2018 CFSR state-wide assessment.

³⁵ The CFSR procedures for states to assess this item require states to provide data demonstrating how many children in out-of-home care received a review at least once every 6 months. The procedures also indicate that states consider providing additional evidence related to their periodic case reviews including that the reviews cover the areas required by federal law, such as the extent to which the child welfare agency and parents are complying with provisions of the case plan; the process for preparing for and holding hearings, such as whether the state assisted those whose primary language is not English to participate in reviews; and the ways services, such as medical care and mental/behavioral health care, and school progress, are discussed during reviews.

³⁶ States may receive approval to conduct the case reviews with Children’s Bureau oversight if they can meet specific Children’s Bureau criteria for doing so.

³⁷ Arizona Department of Child Safety. (2014). *Child and family services reviews: Statewide assessment instrument*. Phoenix, AZ. Retrieved 8/30/23 from https://dcs.az.gov/sites/default/files/AZ-CFSR-Statewide-Assessment_2015-03-17.pdf.

- **FCRB local board reviews meet periodic review requirements**—In its CFSR response, DCS reported that FCRB’s local board reviews meet federal law.
- **DCS reported that internal administrative reviews meet periodic review requirements but has since reported this process is no longer used**—In its CFSR response, DCS reported that it had established an administrative review process to review children’s cases if FCRB or the court were unable to review the case at least once every 6 months. In August 2023, DCS reported that it has not needed to perform an administrative review because FCRB has been able to perform all required reviews at least once every 6 months.

In the 2015-2018 CFSR, Arizona received a rating of strength for ensuring that a periodic review for children in out-of-home care occurred no less frequently than once every 6 months, as required by federal law.

Question 4: In the most recent 2015-2018 CFSR, how many states reported using citizen review boards to comply with federal law?

We identified 8 states other than Arizona that reported in the 2015-2018 CFSR using a board consisting of citizen volunteers (citizen review board) to help ensure that a periodic review for each child occurs no less frequently than once every 6 months, as required by federal law—Delaware, Florida, Iowa, Montana, Nebraska, Oregon, South Carolina, and Tennessee (see Figure 4, page 20).^{38,39} For example, Florida reported that the court is required to review the child’s status at least once every 6 months, but it has citizen review panels that may also review the case. Oregon reported that a citizen review board review is scheduled every 6 months a child is in out-of-home care unless a court has already conducted or will conduct a hearing that meets federal periodic review requirements. South Carolina reported that it primarily uses citizen review boards to comply with the federal requirement to review cases of children in out-of-home care at least once every 6 months. We found that 7 of the states that use citizen review boards, or approximately 78 percent—Arizona, Delaware, Florida, Montana, Oregon, South Carolina, and Tennessee—received a rating of strength in the 2015-2018 CFSR for holding periodic reviews.

Question 5: In the most recent 2015-2018 CFSR, how many states reported using court and/or child welfare agency reviews to comply with federal law?

Our review of other states’ responses to the 2015-2018 CFSR found that 41 states reported using a court and/or child welfare agency to review cases of children placed in out-of-home care to comply with federal law (see Figure 4, page 20, for more information). Specifically:

- **21 states reported using court review**—Twenty-one states reported that the courts are the primary entity that reviews cases of children placed in out-of-home care at least once every 6 months.⁴⁰ Of these states, 16, or 76 percent, received a rating of strength in the 2015-2018 CFSR for holding periodic reviews. States in this category that received a rating of strength in the 2015-2018 CFSR include Arkansas, California, Georgia, Hawaii, Indiana, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oklahoma, Pennsylvania, Texas, Utah, Virginia, and West Virginia.
- **15 states reported using both court review and child welfare agency review**—Fifteen states reported that they use a mixture of court review and child welfare agency review to meet federal review requirements. The specific process of these reviews varies by state. For example, 2 states—Rhode Island and Vermont—

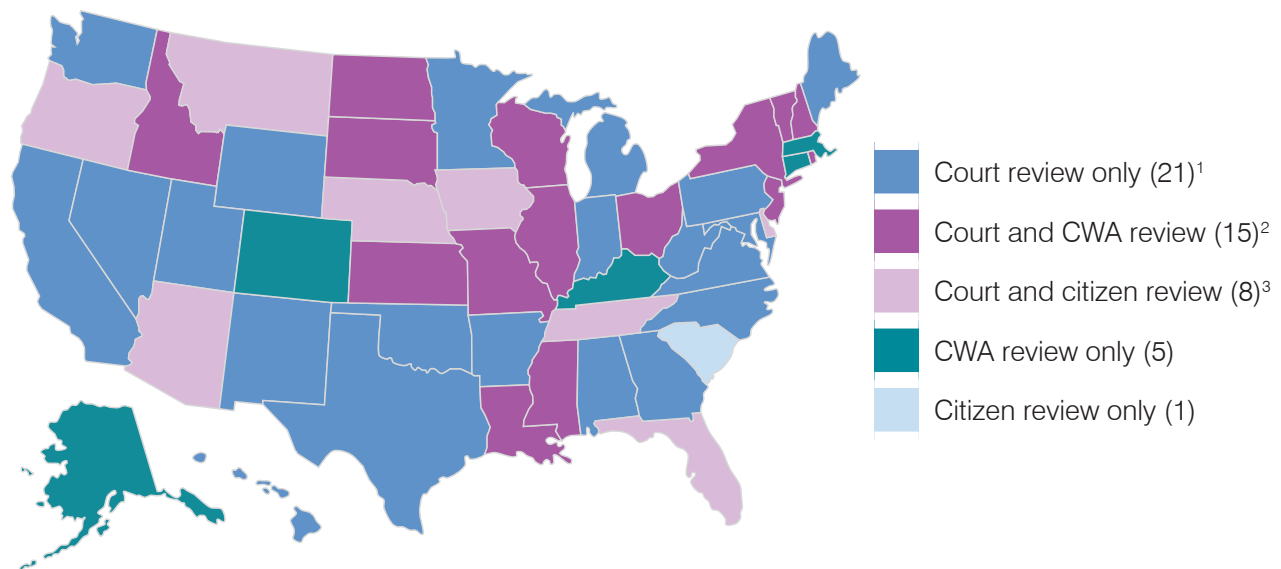
³⁸ In June 2018, Delaware’s legislature eliminated the statutory provisions related to its citizen review board, resulting in its closure.

³⁹ South Carolina reported using only citizen review boards to conduct periodic reviews. Arizona and the other 7 states all reported using both court review and citizen review boards.

⁴⁰ Two states—Washington and West Virginia—reported that their child welfare agencies can perform an administrative review if the courts are unable to review a case every 6 months.

alternate between court review and child welfare agency review. Rhode Island’s child welfare agency holds an administrative review for children placed in out-of-home care at 6 and 18 months after their initial placement, while the court review occurs at 12 and 24 months. Vermont’s child welfare agency holds a case plan review every 6 and 11 months after a child is placed in out-of-home care, while the court review occurs 12 months after the child’s initial placement. We found that 9, or 60 percent, of states that used this model received a rating of strength in the 2015-2018 CF SR for holding periodic reviews. Specifically, Kansas, Louisiana, Mississippi, Missouri, New Jersey, New York, North Dakota, Ohio, and Vermont received a rating of strength for holding periodic reviews in the 2015-2018 CF SR.

Figure 4
States reported using the courts, citizen review boards, child welfare agencies (CWA), or some combination of these 3 to meet periodic review requirement in federal law
(Unaudited)



¹ One state—Nevada—reported that the court may also enter an order directing that the placement be reviewed by a panel of at least 3 persons appointed by the judge.

² In Wisconsin, judges may appoint a panel of individuals to perform the review. The panel can include representatives from the state’s child welfare agency, but the voting majority of the panel shall be persons who are not employed by the state’s child welfare agency and cannot be responsible for providing services to the child or parents.

³ Iowa reported that if a citizen review board or a court review cannot be conducted on time or does not cover all aspects required by federal law then its child welfare agency may hold an internal review to meet the federal law requirements.

Source: Auditor General staff analysis of states’ responses to the CF SR between 2015 and 2018.

- **5 states reported primarily using child welfare agency review**—Five states reported that their child welfare agencies have internal processes to conduct administrative reviews of cases of children placed in out-of-home care.⁴¹ These internal review processes vary by state. For example, Colorado and Alaska have created specific divisions within their child welfare agencies to review cases of children placed in out-of-home care. In the 2015-2018 CF SR, 4 of the states that use this model, or 80 percent—Alaska, Colorado, Connecticut, and Massachusetts—received a rating of strength for holding periodic reviews.

⁴¹ None of the 5 states indicated in their CF SRs whether the administrative reviews conducted by their child welfare agencies were subject to any external oversight or secondary reviews.

Question 6: Have any states changed their approach for reviewing cases of children placed in out-of-home care since the 2007-2010 CFSR?

We identified 14 states that reported changing their approach for foster care reviews between the 2007-2010 CFSR and the 2015-2018 CFSR. Specifically, we found that:

- **6 states reported changing approach to only court review**—As of the 2015-2018 CFSR, we found that 6 states had changed their reported approach for reviewing cases of children in out-of-home care to only court review. Of these 6 states, 2 states—Maryland and New Mexico—previously reported that both the courts and citizen review boards reviewed cases of children in out-of-home care.⁴² In addition, 4 states—Alabama, Virginia, West Virginia, and Wyoming—previously reported using a mixture of court review and child welfare agency review to meet the federal law.
- **6 states reported changing approach to court review and some form of child welfare administrative review**—As of the 2015-2018 CFSR, we found that 6 states had changed their reported approach for reviewing cases of children in out-of-home care to court review and some form of child welfare agency review. Previously, New Jersey reported it used both child welfare agency administrative review and citizen review board administrative review to meet federal review requirements.⁴³ Further, Idaho previously reported using court review to meet the federal law. Finally, 4 states—Mississippi, Missouri, North Dakota, and Ohio—changed from child welfare agency review to court review and child welfare agency review.
- **2 states reported changing approach to only child welfare agency review**—As of the 2015-2018 CFSR, we found that 2 states had changed their reported approach for reviewing cases of children in out-of-home care to child welfare agency review. Previously, Kentucky reported using both child welfare agency review and citizen review to meet the federal law, whereas Colorado previously reported that it used both court review and child welfare agency review to meet the federal law.⁴⁴

Question 7: Do any states with citizen review boards limit the number of cases of children in out-of-home care they review?

We identified 2 states that reported primarily using court reviews, but that also use citizen review boards to review a limited number of cases of children in out-of-home care. Specifically:

- **Michigan's citizen review boards review a sample of cases and cases either the court or another interested party has requested the board to review**—Michigan has established a foster care review board program composed of both a state-wide advisory committee and local review boards. However, unlike in Arizona, Michigan's local review boards do not review the cases of every child in out-of-home care. Instead, they review a random sample of cases and cases that either the court or another interested party, such as the child's parents or foster parents, has requested the local board to review. A Michigan local board reviews the selected child's case to assess the child's safety, care, and the appropriateness and timeliness of the child's case plan. After reviewing the child's case, the board submits a written report with its findings and recommendations for the case to the court and the state's child welfare agency.

⁴² Maryland reported elsewhere that it has citizen review boards that conduct administrative reviews of cases of children placed in out-of-home care; however, Maryland did not include information on these citizen review boards in its 2015-2018 CFSR response regarding federal review requirements.

⁴³ Although New Jersey reported in its CFSR response that it has citizen review boards that conduct administrative reviews of cases of children placed in out-of-home care, it reported that these boards only conduct 1 review and that subsequent citizen board reviews are no longer required because the courts conduct reviews every 2 to 3 months.

⁴⁴ Kentucky reported elsewhere that it has citizen review boards that conduct administrative reviews of cases of children placed in out-of-home care once every 6 months; however, according to Kentucky's 2016 CFSR Final Report, "the state has not determined whether this review meets the requirements for periodic reviews."

- **New Mexico had a system of citizen review boards similar to Arizona, but no longer reported using them to meet federal law for periodic review**—In the 2015-2018 CFSR, New Mexico reported it used only court review to meet federal review requirements. In 2016, New Mexico repealed a statute that required its Department of Finance and Administration to contract with a nonprofit to operate a state-wide system of local citizen review boards. According to a fiscal impact report, the citizen review boards provided less valuable information to courts compared to information courts get from other sources, such as Court Appointed Special Advocates, and volunteer reports were not timely.⁴⁵ A representative of New Mexico’s Child, Youth, and Families Department reported that the system of citizen review boards was replaced by a new system of boards that review a limited number of foster care cases that meet specific criteria for further analysis. Specifically, cases are judgmentally selected for review by an advisory council based on several factors, including whether the child is placed in an institution or in congregate care, whether the child is between 13 and 18 years old, whether the child is placed with their sibling, and whether the review is specifically requested by an interested party or community member. The boards submit a written report with findings and recommendations for the case to the court and other parties associated with the case.

As previously discussed, in the 2015-2018 CFSR both Michigan and New Mexico reported the courts are the primary entity that reviews cases of children placed in out-of-home care at least once every 6 months, and neither state mentioned their citizen review boards in their CSFR response. In the 2015-2018 CFSR, both Michigan and New Mexico received ratings of strength for holding periodic reviews.

Question 8: Did the most recent 2015-2018 CFSR indicate any correlation between states’ reported approaches for conducting periodic reviews and permanency outcomes?

The 2015-2018 CFSR did not indicate any correlation between states’ approaches for conducting periodic reviews and those states’ permanency outcomes that the CFSR assesses. Specifically, based on the samples of case files reviewed during the CFSR onsite reviews, the 2015-2018 CFSR determined whether states were substantially conforming with 2 permanency outcomes, as follows:

- **Whether children have permanency and stability in their living situations**—This outcome includes determining the stability of children’s foster care placement, appropriateness of their permanency plan, and whether concerted efforts have been made to achieve reunification, guardianship, adoption, or other planned permanent living arrangement during the case review time frame.
- **Whether the continuity of family relationships and connections is preserved for children**—This outcome includes determining whether concerted efforts have been made to ensure children are placed with siblings, are visiting with parents and siblings while in foster care, are able to preserve connections with their community, were placed with a relative when appropriate, and have maintained a relationship with their parents.

Our review of the 2015-2018 CFSRs’ ratings for all 50 states for these 2 permanency outcomes found that none of the states received a rating of substantial conformity in either outcome area.

⁴⁵ New Mexico Legislative Finance Committee. (2016). *Fiscal impact report for Senate bill 49*. Santa Fe, NM.



Pursuant to A.R.S. §41-2954(D), the legislative committees of reference shall consider but not be limited to the following factors in determining the need for continuation or termination of FCRB. The sunset factor analysis includes additional findings and recommendations not discussed earlier in the report.

Sunset factor 1: The objective and purpose in establishing FCRB and the extent to which the objective and purpose are met by private enterprises in other states.

As reported in the Introduction (see page 1), FCRB was established in 1978 and consists of the State board and 109 local boards as of June 2023. The State board is responsible for reviewing and coordinating the activities of local boards, including establishing training programs for local board members.⁴⁶ Local boards are established by the presiding juvenile court judge in each county for the purpose of assisting judges in their reviews of child dependency cases by reviewing cases of children in out-of-home care at least once every 6 months to determine what efforts DCS has made to carry out a child’s case plan for achieving permanency and providing its findings and recommendations to the juvenile court.⁴⁷

Federal law requires states to review cases of children placed in out-of-home care at least once every 6 months.⁴⁸ A.R.S. §8-847 requires the juvenile courts in Arizona to meet this requirement by holding periodic review hearings for children in out-of-home care at least once every 6 months, and A.R.S. §8-515.03 requires local boards to review cases of children in out-of-home care and provide information to juvenile court judges within 30 days of the local board review.

We did not identify any states that met FCRB’s objective and purpose through private enterprises. Specifically, as discussed in the Questions and Answers (see pages 16 through 22), our review of all 49 other states’ responses to the Children’s Bureau’s 2015-2018 CFSR found that other states reported using a variety of methods to periodically review cases of children placed in out-of-home care as required by federal law such as having courts, the state’s child welfare agency, or a citizen review board conduct the reviews. However, no state reported using private enterprises to conduct these reviews.

Sunset factor 2: The extent to which FCRB has met its statutory objective and purpose and the efficiency with which it has operated.

FCRB followed requirements related to its statutory objective and purpose for 4 areas we reviewed. Specifically:

- **State board reviewed and coordinated activities of the local boards as required by statute—** Statute requires the State board to meet at least twice annually to review and coordinate the activities of the local boards.⁴⁹ Additionally, statute requires the State board to establish training programs for local board members.⁵⁰ The State board met its statutory requirement to meet at least twice annually in calendar years 2020, 2021, and 2022, and during these meetings the State board reviewed and coordinated local board activities. For example, in these meetings the State board discussed making changes to the Findings

⁴⁶ A.R.S. §8-515.04.

⁴⁷ A.R.S. §§8-515.01(A), 8-515.03(1).

⁴⁸ 42 USC 675(5)(B).

⁴⁹ A.R.S. §8-515.04(C).

⁵⁰ A.R.S. §8-515.04(E).

and Elements book that local board members use when making the standard determinations for each case. Another item the State board discussed was ways to monitor whether local board members were completing continuing education, and determined for calendar year 2022 that local board volunteers who substituted for another local board could get up to 6 hours of continuing education for doing so.⁵¹ The State board also discussed vacancies in local boards and potential ways to recruit additional volunteers.

- **FCRB reviewed cases of children in out-of-home care every 6 months as required by statute—**A.R.S. §8-515.03 requires local boards to review within 6 months of placement and at least once every 6 months thereafter the case of each child who remains in out-of-home care. Our review of 124 cases local boards reviewed on 2 dates in June and July 2022 found that local boards conducted a subsequent review for 83 cases where the child remained in out-of-home care within 6 months after the June/July review.^{52,53}
- **FCRB generally sent board reports to the courts within 30 days after the local board review, as required by statute—**A.R.S. §8-515.03 requires FCRB to send board reports to the courts within 30 days following a local board review. Our review of 117 cases found that FCRB submitted board reports to the court within 30 days following the local board review for 105 of 117 cases, or 90 percent, we reviewed.⁵⁴
- **FCRB tracks DCS caseworker attendance at local board reviews and has generally provided attendance information to DCS—**Our 2023 audit of the Arizona Department of Child Safety's provision of information to local boards found that some DCS caseworkers did not follow DCS' policy, which requires them to attend local board case reviews or notify AOC if attendance is not possible.⁵⁵ We recommended that DCS ensure caseworkers comply with DCS policy by developing and implementing policies and procedures for tracking caseworker attendance at local board reviews; however, DCS indicated in its response to our recommendation that because FCRB was tracking and communicating attendance information to DCS, DCS would not develop its own tracking mechanism. During this audit, we determined that FCRB monthly tracks DCS caseworker attendance at local board reviews and sent this information to DCS as recently as March 2023. FCRB reported that between April and July 2023 it did not send attendance information to DCS because it was unclear to whom to send the information due to a leadership change at DCS. However, in August 2023, FCRB reported that it had worked with DCS to identify the appropriate individual who should receive the attendance information and that it planned to resume sending monthly attendance reports to this DCS representative.

However, we identified areas where FCRB could better meet its statutory objective and purpose. Specifically:

- **Most local boards do not have 5 appointed members as required by statute, which could result in local board reviews missing additional citizens' perspectives on cases of children in out-of-home care—**Statute requires that local boards consist of at least 5 members and court rules require at least 3 board members to be present in order for a review to occur, unless the local board receives special permission to conduct a review with 2 members.⁵⁶ Our 2015 performance audit and sunset review of FCRB found that for the 137 local boards in place at the time, 96, or 70 percent, had fewer than 5 appointed board members and that 8, or approximately 6 percent, had fewer than 3 appointed members. We

⁵¹ Local board members who substituted on another local board could receive 3 continuing education hours for the first time they substituted and 3 hours the second time they substituted, for a maximum total of 6 hours for calendar year 2022.

⁵² We judgmentally selected 1 day in June 2022 and 1 day in July 2022, which both had local boards scheduled to meet across a variety of urban and rural counties. Specifically, 1 local board was scheduled to meet in Coconino County, 4 in Maricopa County, 2 in Mohave County, 4 in Pima County, 1 in Pinal County, and 1 in Yuma County. We reviewed all 124 board reports from these 13 local boards. In addition, we observed 4 local board reviews in February 2023 from Maricopa, La Paz, Pima, and Pinal Counties and reviewed the 34 board reports from these 4 boards.

⁵³ For the other 41 cases, AOC reported that the child was no longer in out-of-home care and so did not require a subsequent review.

⁵⁴ Although our original analysis included 124 board reports, we were unable to calculate how many days before the court hearing that FCRB sent the board report to the court in 7 cases because the child returned home or the child's adoption was finalized and the next court hearing for which the board report would have been considered was canceled.

⁵⁵ See Arizona Auditor General report 23-102 *Arizona Department of Child Safety—Information provided to local foster care review boards and State Ombudsman*.

⁵⁶ A.R.S. §8-515.01(A) and Ariz. R. P. Loc. Fos. Care Rev. Board 1.

recommended that FCRB 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. Although FCRB had implemented our recommendation 30 months following the completion of our audit, FCRB still lacks 5 board members for most local boards. Specifically, our review of board membership for 110 local boards as of October 2022 found that 21, or 19 percent, of local boards had 5 appointed members and 4, or approximately 4 percent, of local boards had fewer than 3 members. According to AOC staff, when local board reviews are held with fewer than 5 members, the board is missing additional citizens' perspectives on those cases.

In January 2023, AOC hired a full-time recruiter to help recruit local board members. In March 2023, the recruiter reported to the State board that since being hired, they had emailed articles and press releases to media outlets, put up flyers, attended a church outreach event, and advertised on a radio station. In addition, in August 2023, FCRB launched a new recruiting campaign to recruit additional board members. Although AOC reported that the number of boards with 5 members had increased since hiring this recruiter, the number of boards with fewer than 3 members had also increased. Specifically, as of August 2023, AOC reported that 29 of 109 local boards, or 27 percent, had 5 members, but 10 of 109, or 9 percent, had fewer than 3 members, including 2 boards with only 1 member. Adopting approaches similar to those taken in other states could help mitigate the impact of volunteer shortages. For example, as previously discussed, 2 other states that have citizen review boards—Michigan and New Mexico—do not review the cases of every child in out-of-home care (see pages 21 through 22 for more information on Michigan's and New Mexico's reviews of children in out-of-home care). Because statute requires local boards to review the cases of all children in out-of-home care every 6 months, adopting similar approaches in Arizona would require a statutory change. See Finding 1, pages 14 through 15, for our recommendation related to considering other states' practices when making changes to local board reports and processes.

- **FCRB lacked processes for consistently tracking board member attendance**—According to AOC, FCRB's data system does not allow it to accurately track board member attendance at case reviews and as a result, AOC staff also manually track board member attendance on hard copy attendance sheets. However, prior to January 2023, FCRB had not developed any policies, procedures, or guidance for staff on how to use the manual board member attendance sheet to track board member attendance. Our review of board member attendance tracking sheets completed by AOC staff in calendar year 2022 found FCRB staff did not consistently track board member attendance. Specifically, the attendance sheets lacked a key to indicate how AOC staff were completing the attendance form. For example, some AOC staff would put a mark next to the names of the board members who were present, whereas at least 1 AOC staff member put a mark next to members who were absent. Without a key, and without interviewing each of the dozens of staff members who complete the tracking sheets, there was no assurance that AOC staff were accurately and consistently reflecting attendance on the tracking sheets. Consistently tracking board member attendance data is important because this data is used to assess local board members' performance. Specifically, local board members are appointed to 3-year terms by the presiding juvenile court judge in their county. AOC reported that when a board member's term expires, it sends the board member's attendance data to the presiding juvenile court judge, who decides whether to reappoint the board member to their local board. As of January 2023, FCRB had begun to use a standardized attendance sheet for board meetings that includes written guidance for completing the new attendance sheet.
- **FCRB does not compile and assess State-wide information on DCS' response to its recommendations**—A.R.S. §8-515.03 requires local boards to encourage DCS to facilitate the timely return of children to their parents or make the child eligible for adoption; exert all possible efforts to make permanent plan arrangements for a child who cannot return to his/her parents or be adopted; and maximize the stability and family continuity for children in foster care by discouraging unnecessary changes in placement. One way that local boards do this is by making recommendations to DCS. For example, we found that the local boards made recommendations to identify a realistic time frame for achieving the permanency plan and for DCS caseworkers to find permanent placements for children who could not return to their parents. A.R.S. §8-515.03 requires DCS to review board reports and to respond to the local

board in writing whether it will accept or not implement the board's recommendations.⁵⁷ Although DCS has established policies and procedures directing DCS staff to respond to board report recommendations, AOC staff reported they did not receive DCS responses for any of the 28 board reports from February 2023 we reviewed.⁵⁸ AOC staff also reported that when FCRB does receive responses from DCS, AOC staff provides these reports to the local board members as they prepare for the next board review and both AOC staff and the local board members assess whether the recommendations were implemented. According to AOC staff, if the issue still exists, the local board will call attention to it and make stronger recommendations around the issue. However, FCRB does not have a process to compile information on and review DCS' planned implementation of all its local boards' recommendations. By compiling this information State-wide for all local board recommendations made to DCS, FCRB would have information to identify common reasons why DCS does not plan to implement its recommendations and assess the impact and usefulness of and potentially improve its recommendations to DCS to timely return children, find permanent plan arrangements for all children, and discourage unnecessary changes in placement.

- **Although 24 of 28 judges we interviewed reported that board reports provide some useful information for child dependency reviews, 21 of these judges also identified shortcomings that can impact reports' usefulness**—Twenty-five of the 28 interviewed judges indicated that they review board reports prior to court hearings involving dependent children; 24 of these 25 interviewed judges indicated that some information in board reports assists them with their reviews, whereas 1 judge reported they did not find them useful. Additionally, 2 of the 28 judges reported that they do not review board reports because they do not find that the board reports provide useful information, and 1 judge, who had been in their position for less than 4 months, reported that they had never received a board report and was unable to comment about whether they found them useful. Several judges also reported and our review of 158 board reports found multiple shortcomings with board reports that negatively impact judges' use of them. For example, 15 of 25 interviewed judges who reported reviewing board reports before court hearings involving dependent children indicated that local boards' answers to standard determinations that local boards make for each case review were either not helpful or only helpful when the answer was no. In addition, 5 of 25 interviewed judges who reported reviewing board reports before court hearings involving dependent children indicated that some local board recommendations are not useful. Further, although 9 of 25 interviewed judges who reported reviewing board reports before court hearings involving dependent children indicated that statements made by parents and foster parents who attend local board reviews are the most useful information in board reports, we found few reports contain statements made by parents and foster parents because parents and foster parents did not attend reviews, thus depriving judges of potentially useful information. Thirteen of 25 interviewed judges who reported reviewing board reports before court hearings involving dependent children also indicated that information in board reports can be outdated, which can impact the reports' usefulness because conditions in child dependency cases can change rapidly. Finally, 4 of 25 interviewed judges who reported reviewing board reports before court hearings involving dependent children indicated they do not always receive board reports before court hearings, preventing them from reviewing information that may be useful.

Ensuring board reports are useful and valuable for judges is important for AOC's efficient and effective resource use and to help FCRB recruit local board members. However, FCRB has not taken steps to help ensure board reports assist judges with their reviews of child dependency cases. For example, FCRB lacks a formalized process for regularly obtaining feedback from judges to help improve its ability to meet its statutory objective to assist judges with child dependency cases. In addition, lack of current address information and knowledge about local board reviews has contributed to low parent attendance; however, FCRB has not developed a written plan for improving parent and foster parent attendance. Further, our July 2023 performance audit of DCS identified several issues that may impact board report timeliness and completeness. Additionally, FCRB lacks written procedures or guidance for supervisors to monitor whether

⁵⁷ A.R.S. §8-515.03(1).

⁵⁸ We observed 4 local board reviews in February 2023 from Maricopa, La Paz, Pima, and Pinal Counties and reviewed the 28 board reports from these 4 boards that included recommendations to DCS.

AOC staff are tracking information about and timely submitting board reports that should be submitted to the courts sooner than 30 days after a local board review. Finally, information in board reports is outdated because local board reviews are not held as frequently as judges review child dependency cases. See Finding 1, pages 6 through 15, for more information about the shortcomings identified with board reports and recommendations we made to address the identified issues.

Recommendations

FCRB should:

6. Develop and implement a plan to prioritize recruiting new members for local boards with 1 and 2 members.
7. Continue to implement its new attendance sheet tracking policy, including written guidance, to help ensure staff consistently and accurately track board meeting attendance.
8. Develop and implement a process to compile State-wide information on and review DCS' planned implementation of all its local boards' recommendations to identify common reasons why DCS does not plan to implement the recommendations and assess the impact and usefulness of and improve its recommendations to DCS.

FCRB response: As outlined in its [response](#), FCRB agrees with the findings and will implement the recommendations.

Sunset factor 3: The extent to which FCRB serves the entire State rather than specific interests.

As reported in the Introduction (see Figure 1, page 4), as of June 2023, AOC reported that there were 109 local boards across the State, including at least 1 in every county. In calendar year 2022, based on local board attendance sheets and board reports, the local boards met approximately 1,330 times to review the cases of children in out-of-home care and provided board reports to judges who hear dependency cases in all 15 counties in the State.⁵⁹

We also assessed whether FCRB serves the entire State rather than specific interests by reviewing its conflict-of-interest practices. The State's conflict-of-interest requirements exist to limit the possibility of personal influence from impacting a decision of a public agency employees or public officers. Statute requires public agency employees, including local board members, to avoid conflicts of interest that might influence or affect their official conduct.^{60,61} These laws require public agency employees to disclose substantial financial or decision-making interests in a public agency's official records, either through a signed document or the agency's official minutes. Statute further requires that public agency employees who have disclosed conflicts refrain from participating in matters related to the disclosed interests. Finally, A.R.S. §38-509 requires public agencies to maintain a special file of all documents necessary to memorialize all disclosures of substantial interest and to make this file available for public inspection.

The Supreme Court's AOC reported that local board members must sign a statement acknowledging receipt of the Code of Conduct and agreeing to comply with its provisions. These provisions include requiring local board members to withdraw from court business in which they or a member of their family have a substantial personal, economic, or family interest that may appear to influence the outcome of the court business. However, the statement acknowledging the Code of Conduct is not a disclosure form and does not include the ability to disclose substantial interests that may impact a local board member's decision making.

⁵⁹ As of January 2023, 54 judges in Arizona's 15 counties heard dependency cases.

⁶⁰ According to the Supreme Court's Arizona Judicial Code of Conduct (Code of Conduct), judicial employees are subject to the State's conflict-of-interest law, and its definition of judicial employees includes volunteers.

⁶¹ A.R.S. §38-503; Arizona Attorney General. (2018). *Attorney General's Agency Handbook 8.2.1*. Retrieved 08/09/2023 from <https://www.azag.gov/office/publications/agency-handbook>.

In April 2023, AOC developed a conflict-of-interest disclosure process for local board members by requiring all local board members to complete a new conflict-of-interest form it developed, which will allow board members to disclose any potential conflicts of interest. As of August 2023, AOC reported that all active local board members received a copy of the new conflict-of-interest form and that the new form had been incorporated into the onboarding process for new local board members. However, AOC lacks a special file to store all disclosures of substantial interest that is available for public inspection, as required by statute.

Recommendations

FCRB should:

9. Implement its new conflict-of-interest form for local board members, including developing a process to help ensure all local board members sign the new conflict-of-interest form, including upon appointment.
10. Store all substantial interest disclosures, including disclosure forms and meeting minutes, in a special file available for public inspection.

FCRB response: As outlined in its [response](#), FCRB agrees with the findings and will implement or implement in a different manner the recommendations.

Sunset factor 4: The extent to which rules adopted by FCRB are consistent with the legislative mandate.

A.R.S. § 8-515.04(C) provides the Arizona Supreme Court with general rulemaking authority for FCRB, allowing it to adopt necessary rules related to the functions and procedures of the State board and local boards; however, statute does not require the Arizona Supreme Court to adopt specific rules for FCRB. Staff from the Supreme Court's AOC reported the Supreme Court has established the rules it deems necessary for FCRB to meet its legislative mandate.

Sunset factor 5: The extent to which FCRB has encouraged input from the public before adopting its rules and the extent to which it has informed the public as to its actions and their expected impact on the public.

We found that FCRB encouraged input from the public before adopting rules. As a program of the Arizona Supreme Court, FCRB is not subject to requirements in the Arizona Administrative Procedures Act, which includes rulemaking requirements. Instead, when adopting rules, the Supreme Court's AOC must follow Arizona Supreme Court Rule 28, which requires AOC staff to file a petition to adopt or amend a court rule that includes an explanation for the proposed rule change and a draft of the proposed rule change; and provide the public an opportunity to comment on the proposed rule change.⁶² In August 2020, the Arizona Supreme Court adopted changes to FCRB's rules after AOC provided opportunity for public comment. Specifically, AOC posted FCRB's proposed rule changes on the Arizona Courts website for comment from January 9, 2020 to May 1, 2020. No public comments were received on the proposed rule changes.

In addition, the State board is required to comply with the Arizona Code of Judicial Administration's open meeting policy (open meeting policy), which was established to promote openness in government to ensure the public has an opportunity to attend meetings of judicial branch entities. The open meeting policy requires judicial branch entities post a notice in the State court's building and on the Arizona Supreme Court's website at least 48 hours in advance of the meeting. The notice shall include the date, time, and location of the meeting and include a statement on how persons with a disability may request reasonable accommodations, such as auxiliary aids or materials in alternative formats, by contacting an AOC staff member at a specific address, telephone number, and/or text telephone number. In addition, the meeting agenda must list each item to be addressed and include time for a "Call to the Public." Finally, the open meeting policy requires the State board to take meeting minutes of the meeting that include the date, time, and place of the meeting, the members attending, the matters considered, the results of all votes taken, and the names of all persons who addressed the State board.

⁶² Ariz. R. Sup. Ct. 28.

We observed 1 State board meeting held on March 4, 2023, and found that the State board generally complied with the open meeting policy provisions we reviewed. For example, the State board posted its meeting notice on its website 48 hours in advance of the meeting. The agenda included each item to be addressed and included time for a “Call to the Public.” The meeting minutes included the date, time of the meeting, the members attending, the matters considered, the results of all votes taken, and the names of all persons who addressed the State board. However, we found that the State board’s meeting minutes did not include the meeting location and although the State board posted its notice in advance of its March 2023 meeting, we found that the notice on its website did not include a statement informing persons with a disability whom to contact and how to contact that individual to request reasonable accommodations. AOC staff reported that they were not aware that the notice posted on FCRB’s website was missing a statement about whom persons with a disability could contact and how to contact that individual to request reasonable accommodations. As of August 2023, AOC had added a statement to FCRB’s website on which it posts its meeting notices and agendas stating that persons with disabilities may request reasonable accommodations by contacting a specific AOC staff member, at a specific address, email address, phone number, or text telephone number.

Recommendation

11. FCRB should revise its process for preparing State board meeting minutes to include the location of the board meeting.

FCRB response: As outlined in its [response](#), FCRB agrees with the finding and will implement the recommendation.

Sunset factor 6: The extent to which FCRB has been able to investigate and resolve complaints that are within its jurisdiction and the ability of FCRB to timely investigate and resolve complaints within its jurisdiction.

As of July 2023, AOC staff reported that they had not received any public complaints related to FCRB. However, as of July 2023, FCRB did not provide information on its website about how the public could submit complaints, nor had it established a process for receiving, tracking, and resolving complaints.

Recommendation

12. FCRB should provide information on its website about how the public can submit complaints and develop and implement policies and procedures for receiving, tracking, and resolving any complaints it receives from the public.

FCRB response: As outlined in its [response](#), FCRB agrees with the finding and will implement the recommendation.

Sunset factor 7: The extent to which the Attorney General or any other applicable agency of State government has the authority to prosecute actions under the enabling legislation.

A.R.S. §41-192, which outlines the Attorney General’s powers and duties, does not specifically exempt FCRB from receiving legal advice and services from the Attorney General. According to AOC, FCRB primarily receives legal counsel and assistance from the AOC legal team, but also works with the Attorney General’s Office when needed.

Sunset factor 8: The extent to which FCRB has addressed deficiencies in its enabling statutes that prevent it from fulfilling its statutory mandate.

According to FCRB, there are no deficiencies in its enabling statutes that prevent it from fulfilling its statutory mandate.

Sunset factor 9: The extent to which changes are necessary in the laws of FCRB to adequately comply with the factors listed in this sunset law.

We did not identify any needed changes to FCRB's statutes.

Sunset factor 10: The extent to which the termination of FCRB would significantly affect the public health, safety, or welfare.

Although terminating FCRB would end the citizen review component of Arizona's foster care review system, the juvenile court would still be statutorily required to review the cases of children in out-of-home care at least once every 6 months to meet the periodic review requirement in federal law. Additionally, as discussed in the Questions and Answers (see pages 16 through 22), other states reported using the courts, citizen review boards, child welfare agencies, or some combination of these 3 to meet the periodic review requirement in federal law. Further, as previously discussed in Finding 1 (see pages 6 through 15), although juvenile court judges we interviewed reported that some information in board reports assists their dependency reviews, several judges also reported and our review of 158 board reports found multiple shortcomings with board reports that negatively impact judges' use of them, including outdated and untimely information provided by local boards. We recommended that FCRB should establish and coordinate the efforts of a work group to determine what changes should be made to board reports and the frequency for holding local board reviews to help ensure that local boards provide judges with timely and useful information to make child dependency case decisions. We also recommended that the workgroup consider other state practices when determining how to improve the timeliness and usefulness of board reports and that FCRB implement the workgroup's recommendations.

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

This factor does not apply because FCRB is not a regulatory agency.

Sunset factor 12: The extent to which FCRB has used private contractors in the performance of its duties as compared to other states and how more effective use of private contractors could be accomplished.

AOC reported that it does not use private contractors to perform FCRB's duties. We contacted citizen review boards in 3 other states—Kentucky, Nebraska, and Oregon— to assess their use of private contractors. Although none reported using private contractors in the performance of their duties, 1 state—Nebraska— reported using a private contractor to post about the citizen review boards on social media, including posts related to recruiting volunteers for its citizen review boards. As previously discussed, in January 2023, AOC hired a full-time recruiter to help recruit volunteers for local boards, and as such, we did not identify any opportunities for AOC to make use of private contractors to perform FCRB's duties.



SUMMARY OF RECOMMENDATIONS

Auditor General makes 12 recommendations to FCRB

FCRB should:

1. Improve the usefulness of information it provides to judges in board reports by:
 - a. Establishing and coordinating the efforts of a workgroup to determine what changes should be made to board reports and the frequency for holding local board reviews to help ensure that local boards provide judges with timely and useful information to make child dependency case decisions. The workgroup should, at a minimum, comprise judges who hear child dependency cases, local board members, and AOC staff.
 - b. Working with the workgroup to consider other state practices and assess and make recommendations regarding:
 - The most valuable information that local boards can provide judges.
 - The format for providing information to judges.
 - The frequency with which local boards should conduct case reviews, such as reviewing certain children's cases every 3 months instead of every 6 months or taking other steps to better align the timing of court hearings and local board reviews, including pursuing statutory changes, as necessary.
 - The timeline for submitting board reports to judges after local board reviews.
 - c. Implementing the workgroup's recommendations to help ensure that local boards provide judges with timely and useful information to make child dependency case decisions (see Finding 1, pages 6 through 15).
2. Establish a process for regularly soliciting and implementing feedback from judges who hear dependency cases, including input on board report usefulness in assisting judges with their reviews of child dependency cases (see Finding 1, pages 6 through 15).
3. Continue to work with DCS to provide feedback on automated information exchange issues and to ensure that the address information for parents and foster parents it receives from DCS for local board reviews is accurate and complete (see Finding 1, pages 6 through 15).
4. Develop and implement a written plan for improving parent and foster parent attendance at local board reviews, including establishing a baseline rate and conducting additional analysis to determine if its efforts are improving attendance (see Finding 1, pages 6 through 15).
5. Develop and implement written procedures or guidance for supervisors to monitor whether AOC staff are tracking information about and timely submitting board reports to the courts that need to be submitted sooner than 30 days after a local board review (see Finding 1, pages 6 through 15).
6. Develop and implement a plan to prioritize recruiting new members for local boards with 1 and 2 members (see Sunset Factor 2, pages 23 through 27).

7. Continue to implement its new attendance sheet tracking policy, including written guidance, to help ensure staff consistently and accurately track board meeting attendance (see Sunset Factor 2, pages 23 through 27).
8. Develop and implement a process to compile State-wide information on and review DCS' planned implementation of all its local boards' recommendations to identify common reasons why DCS does not plan to implement the recommendations and assess the impact and usefulness of and improve its recommendations to DCS (see Sunset Factor 2, pages 23 through 27).
9. Implement its new conflict-of-interest form for local board members, including developing a process to help ensure all local board members sign the new conflict-of-interest form, including upon appointment (see Sunset Factor 3, pages 27 through 28).
10. Store all substantial interest disclosures, including disclosure forms and meeting minutes, in a special file available for public inspection (see Sunset Factor 3, pages 27 through 28).
11. Revise its process for preparing State board meeting minutes to include the location of the board meeting (see Sunset Factor 5, pages 28 through 29).
12. Provide information on its website about how the public can submit complaints and develop and implement policies and procedures for receiving, tracking, and resolving any complaints it receives from the public (see Sunset Factor 6, page 29).



Arizona Board Report Example

Below is an example of a board report for a case reviewed by a local board in Arizona, which we redacted to remove identifying information:

**ARIZONA SUPREME COURT
FOSTER CARE REVIEW BOARD
FINDINGS AND RECOMMENDATIONS**

FINDINGS AND RECOMMENDATIONS

1. Reasonable efforts, or active efforts in an ICWA case, were made to prevent the removal of the child(ren) from the home and that continuation therein would be contrary to the welfare of the child(ren).

Yes

Finding Comments:

None

2. The Board makes a determination that continuation of the child(ren) in out-of-home placement is necessary.

Yes

Finding Comments:

None

3. The Board makes a determination that the placement(s) is/are safe, appropriate and least restrictive.

Yes

Finding Comments:

None

4a . The Board makes a determination that there is an appropriate permanency goal for each child.

Yes

Finding Comments:

None

4b. The Board makes a determination that there is appropriate written documentation, which outlines tasks for each participant.

Yes

Finding Comments:

None

5. The Board makes a determination that each case participant is following the tasks outlined in the case plan.

No

**ARIZONA SUPREME COURT
FOSTER CARE REVIEW BOARD
FINDINGS AND RECOMMENDATIONS**

████
████

The Parents are not attending scheduled visits.

████
████

The Parents are not complying with portions of the case plan and/or only recently began complying.

████
████

The Parents are not contacting the Agency and/or their whereabouts are unknown.

Finding Comments:

As to the mother.

6. The Board makes a determination that progress is being made toward establishing permanency for the child(ren).

Yes

Finding Comments:

None

7. At the time of the review, the Board makes a determination that the established target date for the completion of the permanency goal is REALISTIC.

Yes

Finding Comments:

None

8. The Board recommends that a judicial determination be made that reasonable efforts, or active efforts in an ICWA case, are being made by the Agency to implement the permanency plan for the child(ren).

Yes

Finding Comments:

None

9. The child(ren)'s education and/or services to address developmental needs are being implemented successfully.

Yes

Finding Comments:

None

Page: 3 of 8

FCRB #:

**ARIZONA SUPREME COURT
FOSTER CARE REVIEW BOARD
FINDINGS AND RECOMMENDATIONS**

10. The Board makes a determination that there are significant service gaps or system problems.
Yes

█
█

Insufficient transportation provisions are impacting permanency.

Finding Comments:

None

**ARIZONA SUPREME COURT
FOSTER CARE REVIEW BOARD
FINDINGS AND RECOMMENDATIONS**

Reports Considered:



Parties Present at Review:

████████████████████, Case Manager for ██████████
Relative, ██████████
████████████████████, Attorney for ██████████

According To:

████████████████████
Case Manager

Via Zoom, During the Review

1. ██████████ are doing well.
2. The children’s medical and dental care are current.
3. There were issues with the children’s academics, due to the children missing school, prior to the dependency.
4. The children were enrolled in a new school when they were placed with ██████████.
5. ██████████ continued to struggle academically and was required to attend summer school.
6. ██████████ made a great deal of progress at his new school and was not required to attend summer school.
7. The children are enjoying the summer and want to participate in different sports.
8. The children are beginning to talk about future goals and wanting to attend college.
9. The children have regular visits and overnight visits with the father, and the visits are going well.
10. The father takes the children to have haircuts and participate in community activities during the visits.
11. The father assists in arranging the children’s schedules and appointments, so he is familiar with the children’s activities and routine.
12. There have been significant issues with arranging transportation, which she is working through.
13. The father continues to reside in the group home placement.
14. The children are allowed to reside in the father’s group home placement, but the children were not comfortable with this arrangement.
15. The father is currently employed by the group home but is looking for other employment.
16. She believes ██████████ was prescribed eyeglasses.
17. ██████████ is willing to assume guardianship of the children.
18. ██████████ is also willing to care for the children if custody is returned to the father.
19. The father is hesitant to agree to a guardianship, as he wants the children to return to his physical custody.
20. The mother has not provided a release of information (ROI) for her inpatient treatment facility.

**ARIZONA SUPREME COURT
FOSTER CARE REVIEW BOARD
FINDINGS AND RECOMMENDATIONS**

21. She does not have any updates regarding the mother's progress in treatment.
22. During her last conversation with the mother, prior to the mother entering treatment, the mother reported she was opposed to the children being placed in a guardianship and also reported she did not want to visit the children.

Relative

██████████

Via Telephone, During the Review

1. ██████████ are becoming acquainted with the ██████████ family.
2. He wants what is best for the children.
3. The children have been through a great deal.
4. His health is improving.
5. He agrees with the children being placed with the ██████████
6. He would like to see the father obtain employment so he can support the children financially.

██████████

Children's Attorney

Via Zoom, During the Review

1. ██████████ are doing very well in the ██████████ care.
2. She spoke to the children several times since they were placed in the ██████████ home.
3. The children are enjoying the summer and do not want to return to school.
4. The children's visits with the father are going well.
5. There are complicated legal issues with the case, as the ██████████ filed for Title 14 guardianship at the same time the dependency was filed.
6. The only concern is the mother could revoke the Title 14 guardianship without legal parenting orders in place.
7. The Department of Child Safety (DCS) is requesting a Title 8 guardianship, so the parents would have to return to Court, prior to custody being returned to either parent.
8. The children are not currently wanting to have contact with the mother.
9. The mother is undergoing competency restoration, which is a complicated process.
10. The children pray for the mother nightly.
11. The children enjoy having contact with the father.

**ARIZONA SUPREME COURT
FOSTER CARE REVIEW BOARD
FINDINGS AND RECOMMENDATIONS**

Observation/Concerns & Review Board Recommendations:

1. The Board notes:

- The father participates in case plan services and demonstrates positive behavioral changes.
- The father has unsupervised overnight visits with [REDACTED] and the visits are going well.
- The father does not have independent housing or sufficient financial income.
- The mother does not maintain regular contact with the case manager.
- The mother has not signed a release of information (ROI), and the case manager is unable to obtain updates regarding the mother's progress in residential substance abuse treatment.
- The mother and father do not have parenting orders in place for the children.

Therefore, the Board:

- Supports the permanency goal of family reunification with a concurrent permanency goal of guardianship.
- Recommends the father continue to participate in case plan services, obtain employment, independent housing and demonstrate the behavioral changes necessary to reunify with the children.
- Recommends the father obtain parenting orders for the children as soon as possible.
- Recommends the mother maintains regular contact with the Department case manager, complete a ROI so the case manager is able to receive updates regarding the mother's progress in treatment and demonstrate the behavioral changes necessary to reunify with the children.

2. The Board notes the case manager reported there are transportation issues for the father and children's visits. Therefore, the Board recommends the case manager contact the transportation agency and resolve the transportation issues as soon as possible.

3. The Board respectfully recommends the Court find the Department has made reasonable efforts, or active efforts in an Indian Child Welfare Act (ICWA) case to facilitate the permanency goal of family reunification by providing:

- Case management services
- Supervised visitation
- Child and Family Team (CFT) meetings
- Referrals for therapeutic and treatment services
- Arizona Families First (AFF) referrals
- Adult Recovery Team (ART) meetings
- Case plan staffings
- Transportation services
- Team Decision Making (TDM) meetings
- Mercy Care Department of Child Safety Comprehensive Health Plan
- Monthly allowances
- Referral for a home study
- Collaboration with Adult Probation

**ARIZONA SUPREME COURT
FOSTER CARE REVIEW BOARD
FINDINGS AND RECOMMENDATIONS**

4. The Board thanks the [REDACTED] for the care and support she provides the children.

Pursuant to A.R.S. 8-515.03:

The Agency must respond, within 10 day of receipt, to accept or decline FCRB recommendations made specifically to case managers. Please email responses to FCRBT@courts.az.gov referencing the FCRB number, review date and child(ren) name, and title the subject line as “Agency 10 Day Response”.

Administrative Notes:

None.

cc:



Oregon Board Report Example

Below is Oregon's Citizen Review Board report that features a mock case used to train new board members:

The Board Made the Following Findings and Recommendations at the Review:

FINDINGS	Yes	No
<p>1. Oregon Department of Human Services (ODHS) made reasonable efforts to prevent or eliminate the need for removal of the youth from the home.</p> <p>Background: According to ODHS records, a call of concern was received on 10/1/21 reporting parental substance abuse, domestic violence between the parents involving E, possible physical abuse of E, and neglect of E’s medical/mental health needs. E had disclosed physical abuse to a friend who made the call to ODHS, but recanted thereafter, and that was not pursued.</p> <p>ODHS conducted a child safety assessment and attempted an in-home safety plan which was not successful.</p> <p>ODHS’s efforts to prevent or eliminate the need for removing E from the home: ODHS conducted a child safety assessment, offered substance abuse treatment referrals to both parents, worked to get E reengaged in mental health treatment, offered parents a referral to a parenting class for parents of LGBTQ+ kids, attempted in-home safety plan.</p> <p>No further reasonable efforts on the part of ODHS could have eliminated the need for placement in foster care, in that: The in-home safety plan failed when the parents declined to participate in any services, continued to abuse substances, and continued to decline to take E to mental health appointments or fill E's medication prescription. E reported Mr. and Ms. G blamed E for ODHS involvement, and for the stress the family was under. E ran away from home 9 days into the in-home safety plan after another incidence of domestic violence in the home. E went to the emergency room expressing suicidal intent and refused to go home with either parent.</p>	X	
<p>2. ODHS has made diligent efforts to place the youth with a relative or a person who has a caregiver relationship.</p> <p>E moved into a specially certified non-relative placement a month ago on 4/13/22. This home was identified through contacts from E’s LGBTQ+ youth group.</p> <p>Prior to that placement, E was in a different nonrelative home, but it was not a good fit. The resource parents asked that E be moved after E snuck out of the house with the family’s 12-year-old daughter in the middle of the night and did not return for several hours, during which time the children’s whereabouts were unknown.</p> <p>ODHS’s efforts to locate a relative placement include: Initiating a relative search. A maternal relative who resides out-of-state reports an interest in being a long-term resource if needed. No in-state relatives</p>	X	

FINDINGS		Yes	No
	have responded to the relative search at this time.		
3A.	<p>ODHS has ensured that appropriate services are in place to safeguard the youth’s safety, health and well-being.</p> <p><i>Reason for “no” finding: E’s CANS assessor recommended E be assessed for a 504 Plan to address difficulties E has been facing in the educational environment as a result of several mental health diagnoses, but ODHS did not follow through. E’s dentist recommended an orthodontic assessment to address a legitimate medical issue that is causing E pain, and ODHS did not follow through as required (OAR 413-015-0465). The agency has not provided a Supervision Plan to E’s resource parents as required (OAR 413-020-0233).</i></p> <p>E, age 13, enjoys making electronic music, skateboarding, and baking. E uses they/them/their pronouns and identifies as nonbinary. E participates in a LGBTQ+ youth group which they report is a huge support. E’s placement is with a mentor from this LGBTQ+ group who has fostered children previously but was specially certified for E.</p> <p>Safety: ODHS has continued to make at least monthly contact with E and has not noted any safety concerns in the resource home.</p> <p>Although there have been safety concerns for E due to suicidal ideation, there have been no such reports in the few weeks since this new placement began. E’s attorney and CASA report no current safety concerns and indicate E seems to really be settling into the new placement, although acknowledge that this could just be a “honeymoon” period as well. E’s incidences of sneaking out and skipping school have been decreasing, and there have been no reports of E fighting or self-harming since entering foster care.</p> <p>Mr. P states E was invited to the CRB today but did not wish to participate due to school. Mr. P reports E is enjoying the current resource home and feels safe/supported there.</p> <p>Health: E completed a mental health and CANS (Child and Adolescent Needs and Strengths) assessment on 12/15/21, receiving an enhanced supervision level of 3 out of 3. ODHS has not provided the resource parents with the required Supervision Plan. The CANS assessment recommended ongoing outpatient mental health treatment to focus on symptoms of PTSD and anxiety, and to have E assessed for a 504 Plan. E was able to re-engage with the therapist they were seeing previously and has been attending counseling twice a week. The therapist recently reduced the counseling to once per week (as of last week) due to E’s stabilization and progress, with the option to increase appointments if</p>		X

FINDINGS	Yes	No
<p>needed. E sees a psychiatrist for medication management monthly as well. E takes one medication for anxiety and sleep.</p> <p>According to ODHS records, E had a medical exam on 11/19/21 and a dental exam on 12/7/21. The dentist recommended E be assessed by an orthodontist to correct a problem with bite alignment related to a cleft palate that was surgically corrected when E was a toddler. The dentist noted that the bite issue may be a cause of E's periodic headaches. Ms. L states a referral to an orthodontist has not been made because she does not think OHP covers orthodontics. She states that headaches are a possible side effect of the medication that E takes, and that E has access to over-the-counter pain medications as needed to treat this.</p> <p>Well-Being: E is in the 7th grade at Washington High School. E is performing below grade level at this time, mostly due to missed assignments and classes. E has reported struggling with being overwhelmed at school and having anxiety attacks about failing assignments and tests. Last school year, their anxiety impacted their school success as E would frequently skip classes or leave school early. Testing was also a big issue as E felt huge pressure and would avoid entire school days. E has reported that online school during the pandemic was a bit better, and therefore elected to finish out this school year using an online option. E is receiving some special assistance from the school counselor and some teachers but does not have an IEP (Individual Education Plan) or a 504 Plan. Ms. L reports that although the CANS assessment recommended it, she has not requested that E be assessed for a 504 Plan yet.</p> <p>E sees Mr. and Ms. G weekly for an hour per visit, at the ODHS office. Mr. G struggles to attend these due to various things such as other appointments, his work schedule, and illness but he will sometimes call during Ms. G's parenting time to check in. Parties report that E finds these visits awkward/challenging and tries to avoid them by feigning illness or making other plans. E reportedly loves Mr. and Ms. G but does not want to have to return to their home, which E has described as scary and chaotic, and seems to feel that repairing their relationship may result in a quick reunification, which scares E.</p> <p>E's aunt has reconnected and plans to visit Oregon as soon as E is out of school next month, so they can spend some time together.</p>		
<p>3B. ODHS has taken appropriate steps to ensure that 1) the substitute care provider is following the reasonable and prudent parent standard, and 2) the youth has/have regular, ongoing opportunities to engage in age appropriate or developmentally</p>	N/A	

FINDINGS		Yes	No
	<p>appropriate activities.</p> <p>This finding only applies when the child is age 16 or older AND the current permanency plan is APPLA.</p>		
4.	<p>ODHS made reasonable efforts to provide services to make it possible for the youth to safely return home.</p> <p>ODHS made referrals for all court-ordered services in a timely manner.</p> <p>ODHS referred both parents to substance abuse evaluation, ART (Addiction Recovery Team) services, UAs (Urine Analyses) to confirm sobriety, and a parenting class for parents of LGBTQ+ teenagers. A referral for family counseling was considered but E's treatment team felt more time was needed in individual counseling before starting family counseling. Parents signed Action Agreements on 3/30/22. The agency referred Mr. G for an intake assessment with the Batterer's Intervention Program and provided Ms. G with information about the local Women's Place domestic violence shelter and victims' support advocate.</p> <p>Mother's attorney Mr. J states his client is satisfied with the referrals and efforts made by ODHS at this time.</p> <p>Father's attorney Ms. S states her client is also satisfied with the referrals made though wishes more services were available on the weekend.</p> <p>A Family Engagement Meeting occurred on 12/18/21 and both parents attended.</p>	X	
5.	<p>ODHS made reasonable efforts in accordance with the case plan to place the youth in a timely manner, and complete the steps necessary to finalize the permanent placement, including an interstate placement if appropriate.</p> <p>The plan under review is Reunification.</p>	N/A	
6.	<p>The parents have made sufficient progress to make it possible for the youth to safely return home.</p> <p>According to ODHS records, Ms. G engaged in intensive outpatient services quickly after jurisdiction. She has now been moved to regular outpatient services and reports from her treatment provider are that she is engaged and doing well managing her sobriety. A week after starting regular outpatient services, Ms. G had one positive UA but has not had any positive UAs since. She has started attending AA/NA meetings but has not found a sponsor yet. Ms. G is more recently showing an interest in attending the parenting classes for parents of LGBTQ+ teenagers but has not signed up yet. She says that she is interested in engaging in family counseling when E is ready. Ms. G has had one phone call with E's counselor since this case started in order to better understand E's mental</p>	X Ms. G	X Mr. G

FINDINGS	Yes	No
<p>health needs.</p> <p>Ms. G acknowledges that her husband has not committed to the same level of engagement as she has but feels he just needs a little more time to come around. Ms. G's visits with E, while awkward and challenging at times, are safe and appropriate.</p> <p>ODHS and attorney Mr. J report Ms. G is making great progress so far.</p> <p>According to ODHS records, Mr. G had a substance abuse evaluation on 4/2/22 and was recommended for intensive outpatient services. He reports that he is too busy to engage in treatment. He says he uses marijuana for back pain so he will not be able to participate in any substance abuse treatment services anyway, since they do not tend to permit use of any substances. He reports he has been to a few AA meetings. He has not been participating in the UA program. There are reports that he continues to use substances frequently and that this is beginning to interfere with life obligations like work, but that his boss is one of his friends from high school and gives him a lot of leeway.</p> <p>Mr. G has not completed the Batterer's Intervention Program intake assessment yet. Several intake appointments have been scheduled and rescheduled when he was unable to make it.</p> <p>Mr. G continues to struggle with E's nonbinary gender identity and reports E will get over it in a couple of years. He does not agree with E's treatment plan including mental health medications, as he believes E simply needs tough love and structure. He has not yet started a parenting class. He reports that E is manipulating the child welfare system to get out of a household that has rules, and into one where E can do "whatever, whenever."</p> <p>Ms. S states it is important for Mr. G to keep his job as he is the primary income for the family and E needs a home to return to. She requests ODHS look at scheduling parenting time on the weekend so Mr. G can have more time with E.</p>		
<p>7. ODHS has made sufficient efforts in developing the concurrent permanency plan.</p> <p>ODHS started a thorough relative search and has spoken with the maternal aunt about her desire to be a long-term resource. ODHS is helping to coordinate the aunt's visit next month during E's summer vacation.</p> <p>ODHS reports that E's current placement has also indicated a willingness to serve as a potential permanent resource if needed, preferably through guardianship rather than adoption.</p> <p>The ASFA timelines were explained to parents at the Family</p>	X	

FINDINGS		Yes	No
	Engagement Meeting. E has been involved in conversations about concurrent planning. ODHS has collected E's birth certificate and medical records. Father's Questionnaire and ICWA documentation are on file.		
8.	<p>ODHS is in compliance with the case plan and court orders.</p> <p>ODHS has maintained consistent contact with E at least monthly (and at least every other month in E's placement) in compliance with agency policy and law. The agency has also referred the parents for all court-ordered services in a timely fashion.</p> <p><i>Reason for "no" finding: The agency has not ensured that services are in place to safeguard E's health and well-being. Please see concerns noted in Finding #3A.</i></p>		X
9.	<p>The permanency plan is the most appropriate plan for the youth.</p> <p>The permanency plan is reunification.</p> <p>CASA supports continuation of the plan of reunification.</p> <p>Youth's attorney Mr. P indicates that E was not at all open to the idea of reunification until very recently, but they were willing to have a conversation about it in preparation for this CRB review. Ms. G's progress has both surprised and encouraged E, who is tentatively hopeful at this point. While E is adamant that they want to remain in their current resource home, the ultimate plan of reunification is not objectionable for now. Therefore, Mr. P is not advocating for a change of permanency plan at this time.</p> <p>The board finds the permanency plan of reunification is still the most appropriate plan at this early time in the case.</p>	X	
10.	<p>There is a continuing need for placement.</p> <p>The parents have not yet met Conditions for Return. Safety issues related to substance abuse and E's mental health needs still remain.</p> <p>ODHS reports an estimated date to leave care as 1/4/23.</p>	X	

Additional Finding(s):

- a. The board congratulated Ms. G on her new sobriety and hard work.
- b. This case is next due for review by the CRB on 11/10/22. If a permanency hearing is held on or before that date, the date for the next CRB would change to avoid duplication of the requirement for review.
- c. A permanency hearing is set for 1/4/23 at 10:30 am.

RECOMMENDATIONS:

1. ODHS reach out to E’s school to request that E be assessed for a 504 Plan.
2. ODHS make a referral for an orthodontic assessment for E.
3. ODHS move family visits to a more natural community setting as soon as possible and provide opportunities for contact on evenings or weekends to avoid conflicting with Mr. G’s work schedule.

A N
Board Member

05/12/2021
Date

S L
Field Manager

Pursuant to state law, ODHS must notify the Citizen Review Board within 17 days of receipt of this report when the Agency does not intend to implement the above recommendations. ODHS may notify the CRB by completion of the forms provided for that purpose. Mail the form to: Citizen Review Board, 1163 State St., Salem, OR 97301.

Parents may request the court to conduct a review hearing.



Scope and methodology

The Arizona Auditor General has conducted this performance audit and sunset review of FCRB pursuant to a December 17, 2020, resolution of the Joint Legislative Audit Committee. The audit was conducted as part of the sunset review process prescribed in A.R.S. §41-2951 et seq.

We used various methods to study the issues addressed in this performance audit and sunset review of FCRB, including reviewing FCRB's statutes and rules, federal law, FCRB's website, prior Auditor General reports about or related to FCRB, and interviewing AOC staff who support FCRB.⁶³ In addition, we used the following specific methods to meet the audit objectives:

- To assess if and how judges use board reports, we interviewed 28 of 54 judges that heard dependency cases in Arizona as of January 2023, including at least 1 judge from each of Arizona's 15 counties. The judges we interviewed included 12 of 31 judges randomly selected and 2 judges judgmentally selected from Maricopa and Pima Counties, and 14 of 23 judges from the remaining counties, who were judgmentally selected.⁶⁴ We also reviewed all 124 board reports for reviews held by 13 local boards on June 28, 2022, and July 6, 2022. Additionally, we reviewed 34 board reports from 4 local board reviews we observed in February 2023 in Maricopa, La Paz, Pima, and Pinal Counties. We reviewed all 158 reports to assess whether they contained statements made by parents and foster parents and 150 of these 158 reports to assess how many days elapsed between the local board review and the court hearing.⁶⁵ In addition, we reviewed 117 of the 124 reports from 13 local board reviews in June and July 2022 to assess if the board report was provided to the court within 30 days after the local board review and whether the court report was provided to the court before the court hearing.⁶⁶ Further, we reviewed judges' input FCRB received in calendar year 2022 and FCRB's calendar year 2022 internal audit report. We also reviewed a data sharing agreement between AOC and DCS, interviewed DCS staff regarding their process for providing address information from DCS' case management system, reviewed and observed data DCS provided to AOC, and observed some notices AOC mailed to case parties that were returned as undeliverable. In addition, we reviewed documents AOC staff prepared to indicate for their supervisors whether any of their local board reports needed to be submitted to the court less than 30 days after a local board review. Finally, we contacted 3 states—Kentucky, Nebraska, and Oregon—with citizen review boards similar to Arizona that review cases of children in out-of-home care to determine how they assess if their boards are meeting their missions.
- To estimate the number of hours local board members spent preparing for and attending local board reviews, we calculated the average number of local board reviews in calendar year 2022 and the number

⁶³ See Arizona Auditor General reports: 95-3 *Foster Care Review Board*; 15-110 *Arizona Foster Care Review Board*; 23-102 *Arizona Department of Child Safety—Information provided to local foster care review boards and State Ombudsman*.

⁶⁴ The judgmentally selected judges were either the presiding juvenile court judge in the county or were recommended by the presiding juvenile court judge because they heard the most dependency cases within that county.

⁶⁵ Although our original sample included 158 board reports, we were unable to calculate how many days elapsed between the local board review and the court hearing in 8 cases because the child was returned home, turned 18, or the child's adoption was finalized and the next court hearing for which the board report would have been considered was canceled.

⁶⁶ Although our original sample included 124 board reports, we were unable to calculate how many days before the next court hearing FCRB sent the board report to the court in 7 cases because the child was returned home or the child's adoption was finalized and the next court hearing for which the board report would have been considered was canceled.

of local board members as of October 2022, observed the time local boards spent reviewing cases at 4 local board reviews in February 2023, and used AOC-reported information on the number of cases heard in calendar year 2022 and the number of hours volunteers typically spend to prepare for a meeting. We developed a low and a high estimate of volunteer hours based on the lowest and highest amount of time local boards were observed to review a case. The low and high estimate for volunteer hours was multiplied by \$30.13, as this is the value of an hour of volunteer work in Arizona according to most recent data from Independent Sector.⁶⁷

- To obtain information for the Question and Answers section, we reviewed responses from all 50 states to the 2007 to 2010 CFSR and the 2015 to 2018 CFSR, conducted by the Children’s Bureau to help ensure that states conform with federal child welfare requirements. In addition, we interviewed citizen review board staff or child welfare agency officials in 4 states—Kentucky, Nebraska, New Mexico, and Oregon.
- To obtain information for the Sunset Factors, we reviewed State board meeting minutes, FCRB reports on the number of DCS caseworkers attending local board meetings and emails showing these reports were sent to DCS, FCRB-provided information on the number of local board volunteers per board in October 2022 and August 2023, FCRB’s attendance tracking sheets for all boards that met in calendar year 2022, and DCS’ policy for submitting its response to local board recommendations to AOC. We also reviewed State conflict-of-interest laws and recommended practices, the Arizona Judicial Code of Conduct, and FCRB’s new conflict-of-interest policy and disclosure form. Further, we reviewed the Arizona Code of Judicial Administration’s open meeting law policy. We also observed the State Board’s March 2023 meeting and reviewed the meeting notice, agenda, and minutes. Finally, we reviewed local board agendas and board reports to confirm that FCRB held a review within 6 months for the 124 board reports from 13 boards that met on June 28, 2022, and July 6, 2022.
- To obtain information for the Introduction, we obtained information from FCRB on the number of filled and vacant FTE positions as of June 6, 2023, and the number of State and local board members as of June 2023, and compiled and analyzed unaudited financial information provided by AOC for fiscal years 2021 through 2023. In addition, we also reviewed FCRB-provided information on the number of local boards in each Arizona county as of June 2023.
- Our work on internal controls, including information system controls, included, where applicable, reviewing FCRB’s policies and procedures and testing FCRB compliance with these policies and procedures; and assessing compliance with statutes. We reported our conclusions on applicable internal controls in Finding 1 and Sunset Factors 2, 3, and 5.

We selected our audit samples to provide sufficient evidence to support our findings, conclusions, and recommendations. Unless otherwise noted, the results of our testing using these samples were not intended to be projected to the entire population.

We conducted this performance audit of FCRB in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

We express our appreciation to the AOC Administrative Director, AOC staff who support FCRB, and Arizona juvenile court judges for their cooperation and assistance throughout the audit.

⁶⁷ Independent Sector. (2023). *Value of volunteer time by state, 2001-2022*. Retrieved 8/17/23 from www.independentsector.org/wp-content/uploads/2023/04/Value-of-Volunteer-Time-by-State-2001-2022.pdf

FCRB RESPONSE



Supreme Court

STATE OF ARIZONA
ADMINISTRATIVE OFFICE OF THE COURTS

ROBERT BRUTINEL
CHIEF JUSTICE

DAVID K. BYERS
ADMINISTRATIVE DIRECTOR
OF THE COURTS

Ms. Lindsey Perry
Auditor General
Arizona Office of the Auditor General
2910 N. 44th Street, Suite 410
Phoenix, Arizona 85018

Dear Ms. Perry:

The Foster Care Review Board acknowledges that the decision to remove a child from his or her home cannot be reversed without significant, long-term impact. For this reason, the Foster Care Review Board program remains committed to doing its best to serve as a consistent and neutral oversight body working to ensure a safe and swift resolution, while advocating for a child's wellbeing, in these complex child welfare cases.

As such, the Foster Care Review Board has reviewed the Arizona Auditor General's performance and sunset audit of the Foster Care Review Board and accepts the recommendations made, with comments enclosed, as applicable.

The Foster Care Review Board appreciates the partnership of the Office of the Auditor General and looks forward to continuing to refine its process to better serve children and families.

Sincerely,

A handwritten signature in blue ink, reading "David K. Byers", written over a horizontal line.

DAVID K. BYERS
Administrative Director

Finding 1: Most judges we interviewed reported that board reports provide some useful information for child dependency reviews but identified multiple shortcomings that can impact reports' usefulness.

Recommendation 1: The FCRB should improve the usefulness of information it provides to judges in board reports by:

Recommendation 1a: Establishing and coordinating the efforts of a workgroup to determine what changes should be made to board reports and the frequency for holding local board reviews to help ensure that local boards provide judges with timely and useful information to make child dependency case decisions. The workgroup should, at a minimum, comprise judges who hear child dependency cases, local board members, and AOC staff.

FCRB response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

Response explanation: The FCRB will establish a workgroup that is comprised, at minimum, of judges who hear child dependency cases, local board members, and AOC staff to consider what changes could be made to board reports and the frequency for holding local board reviews to ensure they are more useful and timelier to the extent possible.

Recommendation 1b: Working with the workgroup to consider other state practices and assess and make recommendations regarding:

- The most valuable information that local boards can provide judges.
- The format for providing information to judges.
- The frequency with which local boards should conduct case reviews, such as reviewing certain children's cases every 3 months instead of every 6 months or taking other steps to better align the timing of court hearings and local board reviews, including pursuing statutory changes, as necessary.
- The timeline for submitting board reports to judges after local board reviews.

FCRB response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

Response explanation: The FCRB will work with the established workgroup to consider the above noted practices.

Recommendation 1c: Implementing the workgroup's recommendations to help ensure that local boards provide judges with timely and useful information to make child dependency case decisions.

FCRB response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

Response explanation: The FCRB will work with the established workgroup to implement its recommendations.

Recommendation 2: The FCRB should establish a process for regularly soliciting and implementing feedback from judges who hear dependency cases, including input on board report usefulness in assisting judges with their reviews of child dependency cases.

FCRB response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

Response explanation: The FCRB regularly seeks input from judges regarding its process and reports but will develop a more formalized process to document the input and implementation of the feedback.

Recommendation 3: The FCRB should continue to work with DCS to provide feedback on automated information exchange issues and to ensure that the address information for parents and foster parent it receives from DCS for local board reviews is accurate and complete.

FCRB response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

Response explanation: The FCRB remains committed to ensuring it receives complete and accurate information from DCS. FCRB will continue providing DCS with the feedback needed to ensure DCS can provide complete and accurate information to FCRB so that parents and foster parents can be invited to the FCRB reviews. There is a more comprehensive data sharing agreement that is pending from DCS.

Recommendation 4: The FCRB should develop and implement a written plan for improving parent and foster parent attendance at local board reviews, including establishing a baseline rate and conducting additional analysis to determine if its efforts are improving attendance.

FCRB response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

Response explanation: The FCRB has worked over the years to continually increase parent and foster parent attendance at reviews. The FCRB has implemented all virtual reviews to make the review meetings more accessible to all parties. FCRB has developed other initiatives such as created a video for parents and foster parents regarding the importance of attending the reviews, created a pair of informational brochures, one for parents and one for foster parents, and is collecting contact information for all licensing agencies to educate new foster parents about the FCRB. FCRB will include these initiatives and others in a written plan and will establish an attendance baseline rate to analyze the plan's results.

Recommendation 5: The FCRB should develop and implement written procedures or guidance for supervisors to monitor whether AOC staff are tracking information about and timely submitting board reports to the courts that need to be submitted sooner than 30 days after a local board review.

FCRB response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

Response explanation: FCRB agrees to improve its guidance for supervisors through written procedures.

Sunset Factor 2: The extent to which FCRB has met its statutory objective and purpose and the efficiency with which it has operated.

Recommendation 6: The FCRB should develop and implement a plan to prioritize recruiting new members for local boards with 1 and 2 members.

FCRB response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

Response explanation: The FCRB will continue implementing various campaigns and methods of recruiting new board members in all counties and will continue to prioritize appointment to boards that have the lowest number of volunteers.

Recommendation 7: The FCRB should continue to implement its new attendance sheet tracking policy, including written guidance, to help ensure staff consistently and accurately track board meeting attendance.

FCRB response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

Response explanation: The FCRB will continue to utilize its new attendance sheet tracking policy.

Recommendation 8: The FCRB should develop and implement a process to compile State-wide information on and review DCS' planned implementation of all its local boards' recommendations to identify common reasons why DCS does not plan to implement the recommendations and assess the impact and usefulness of and improve its recommendations to DCS.

FCRB response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

Response explanation: The FCRB will develop and implement a process to compile and review any responses it receives from DCS, on a statewide basis, to assess and improve its recommendations.

Sunset Factor 3: The extent to which FCRB serves the entire State rather than specific interests.

Recommendation 9: The FCRB should implement its new conflict-of-interest form for local board members, including developing a process to help ensure all local board members sign the new conflict-of-interest form, including upon appointment.

FCRB response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

Response explanation: The FCRB will continue to utilize its updated conflict-of-interest form for local board members and ensure every board member completes the form, including upon appointment.

Recommendation 10: The FCRB should store all substantial interest disclosures, including disclosure forms and meeting minutes, in a special file available for public inspection.

FCRB response: The finding of the Auditor General is agreed to and a different method of dealing with the finding will be implemented.

Response explanation: FCRB agrees with the recommendation and will continue discussing the best manner in which to implement it, including a potential change to the Code of Conduct for Judicial Employees to ensure the FCRB meets the substantial interest disclosure requirements.

Sunset Factor 5: The extent to which FCRB has encouraged input from the public before adopting its rules and the extent to which it has informed the public as to its actions and their expected impact on the public.

Recommendation 11: The FCRB should revise its process for preparing State board meeting minutes to include the location of the board meeting

FCRB response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

Sunset Factor 6: The extent to which FCRB has been able to investigate and resolve complaints that are within its jurisdiction and the ability of FCRB to timely investigate and resolve complaints within its jurisdiction.

Recommendation 12: The FCRB should provide information on its website about how the public can submit complaints and develop and implement policies and procedures for receiving, tracking, and resolving any complaints it receives from the public.

FCRB response: The finding of the Auditor General is agreed to and the audit recommendation will be implemented.

Response explanation: FCRB will implement clear procedures for submitting complaints about actionable grievances that can be corrected, ensuring that parties are treated fairly and respectfully.

