

September 15, 2005

Ms. Debra K. Davenport, Auditor General
Office of the Auditor General
2910 North 44th Street, Suite 410
Phoenix, Arizona 85018

Dear Ms. Davenport:

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

Again, we appreciate the cooperation of your staff throughout the performance audit process.

Sincerely,

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

Enclosure

cc: Shan Hayes, Performance Audit Manager
Bill Stanton, Division Director, DCSD
Caroline Lantt-Owens, Program Manager, FCRB

**Administrative Office of the Courts
Foster Care Review Board
Sunset Review Final Report
Response to Auditor General Recommendations**

Finding 1

1. FCRB should develop a comprehensive tracking system and monitor it to help ensure that its reports are submitted to the courts within 30 days from the review. At a minimum, the system should track the number of days that have elapsed from the review date and should clearly identify reports that are close to the 30-day deadline. To help further enhance the effectiveness of its reports, FCRB should also consider exploring the possibility of using its existing data to track the next upcoming court hearing for each case.

The finding of the Auditor General is agreed to and the audit recommendation will be implemented. The FCRB will review its Recommendation Report Tracking Systems, as well as its automated system to determine if there is a less cumbersome and more efficient tracking method that calculates the numbers of days that have elapsed from the review date. The program will also continue its efforts in synchronizing its reviews with court hearings.

2. To help ensure that local boards better identify service gaps, FCRB should:
 - a. Provide training to its volunteers regarding the identification and reporting of service gaps in the child welfare system. This training could include information about the types of services that are available locally and statewide, and instruction on using available resources, such as the case plans.

The finding of the Auditor General is agreed to and the audit recommendation will be implemented. Although many reports and documentations are used by the FCRB volunteers when reviewing a case and identifying service gaps, the case plan is perhaps one of the most essential resources for the FCRB. The essence of a FCRB volunteer's job is to identify service gaps and system problems and make appropriate recommendations based upon their findings. However, the FCRB is committed to providing volunteers with ongoing training and will expand its training dealing with identifying service gaps and system problems when its Finding 10 and subsequent Service Gaps and System Problems report is revised.

- b. Continue its efforts to obtain access to CPS' case management system to ensure that its staff can access case plans that are otherwise unavailable, and to help ensure that local boards better identify service gaps.

The finding of the Auditor General is agreed to and the audit recommendation will be implemented. It is the responsibility of CPS to provide information to the FCRB. The FCRB has provided several ways in which this information can be submitted (fax, email or hard copy). The FCRB has continued its efforts to obtain access to CPS's case management system and hopes to have this completed shortly. It is still unknown if this access will rectify the problem, but FCRB will continue exploring, with CPS, ways in which it can simplify the transfer of information so that CPS can more easily meet its responsibility.

3. FCRB should revise its service gap report and obtain input from other stakeholders, such as the Department of Health Services' Division of Behavioral Health Services, to help ensure that it encompasses relevant service gaps in the child welfare system, such as service gaps related to education.

The finding of the auditor general is agreed to and the audit recommendation will be implemented. The service gap report was created approximately one year ago with the intention of having the stakeholders and volunteer representatives reconvene to discuss possible needed modifications. The first meeting to address needed modifications was held in late August.

4. When reporting service gaps, FCRB should clearly differentiate between service gaps related to DES' failure to participate in the review process and actual service gaps related to children in out-of-home care, such as the availability of behavioral health services.

The finding of the auditor general is agreed to and will be implemented. The Governor's Action Plan for Child Welfare Reform called for the reporting of service gaps and system problems. The FCRB is committed to fulfilling this charge and will continue to modify its report to ensure a report that is as beneficial to stakeholders as possible.

Finding 2

1. FCRB should continue its efforts to ensure that volunteers meet training requirements, such as monitoring volunteer compliance and notifying volunteers who have not met the annual requirement.

The finding of the auditor general is agreed to and the audit recommendation will be implemented. The FCRB volunteers dedicate a great deal of time to the review

process. Not only do they dedicate one full day a month to serve on a board, but also spend many hours preparing and reading documents for the reviews.

The FCRB proposed specific procedures to support its enforcement of training requirements to the COJC (Committee on Juvenile Courts) in late 2003. The proposal was approved by the COJC and the FCRB began implementation of the procedures in 2004. The FCRB is committed to continuing these efforts, acknowledges and appreciates the time the volunteers already provide to the review process and is encouraged by the approximate 77% compliance rate in 2004.

2. FCRB should establish a diversity plan to help ensure that its recruiting efforts are effective. The plan should include a clear policy statement that communicates the FCRB commitment to diversity and the most current demographic data for Arizona's major regions to help ensure that the recruiting efforts are appropriately targeted.

The finding of the auditor general is agreed to and the audit recommendation will be implemented. Utilizing the information provided in the auditor General's report, the FCRB will contact the states identified in the report to further discuss their diversity plans and will incorporate their ideas with the needs of Arizona to develop an effective diversity plan. It should be noted however, that although some states do have diversity plans in place, the demographics of their volunteers are similar to that of Arizona. It is difficult to recruit volunteers who come from lower income, minority households, due to their employment commitments. The type of volunteer commitment that is required to serve on a FCRB review board is usually best accommodated by a retired individual who has reliable transportation and no financial need to continue working past usual retirement age.

Sunset Factor Recommendations

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

The FCRB operates within the public interest by conducting citizen reviews of children in out-of-home care, but should improve compliance with requirements in two areas. FCRB reported that over 400 volunteers across the State conducted reviews of 7,931 children during 2004. The FCRB local boards provide information, observations, and recommendations to the juvenile court judges to help inform their decisions regarding children in out-of-home care.

However, FCRB should comply with a state law that requires it to notify the Joint Legislative Budget Committee of its retention of federal Title IV-E reimbursement monies that it receives for DES to cover costs associated with reviewing children in out-of-home care. A.R.S. §35-142.01 requires state budget

units to either deposit federal reimbursement monies in the State General Fund or notify JLBC of federal reimbursement monies. While FCRB is not required to deposit its federal reimbursements, it should notify JLBC about them. According to FCRB management, the annual budget request reflects Title IV-E monies. However, FCRB has not notified JLBC of its balance of \$1.2 million in unused Title IV-E monies it has accumulated since 1999. According to FCRB management, some of these monies have been set aside for automation projects. FCRB should provide annual written notification to JLBC regarding its retention of Title IV-E monies.

The finding of the auditor general is agreed to and the audit recommendation will be implemented. The Joint Legislative Budget Committee (JLBC) has been notified of the federal Title IV-E reimbursement monies historically within the Non-Appropriated Fund report and more recently in the Judicial Budget request. It was the understanding of this branch that the inclusion in the budget request of these non-appropriated reimbursement monies satisfied the state law requirement of notification to JLBC.