



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.