

Arizona Citizen Review Panels

2018 Annual Report; Revised 5-21-19



ARIZONA
DEPARTMENT
of CHILD SAFETY

Gregory McKay, Director
Douglas A. Ducey, Governor

We are fortunate in Arizona to have a highly involved citizenry interested in serving our most vulnerable children and families.

In addition to government and court oversight and advisement, the department also seeks insight from our Citizen Review Panels (CRPs) in order to receive feedback and ultimately improve outcomes for children touched by the child welfare system.

In 2018, we convened three Citizen Review Panels.

The first panel, our Community Advisory Committee, had already been established by the state legislature to inform the department and make recommendations to improve the department's ability to increase child safety, permanency, and well-being. We asked if they would also serve as a CRP, and they agreed to serve the department in this dual-capacity.

We also formed a CRP on adoption subsidy to help the department discern how to encourage and incentivize adoption of children with special needs or disabilities.

A third panel was formed to take a close look at "normalcy" as it relates to the Reasonable and Prudent Parenting Standards and how our foster and group homes are implementing the standards.

The findings from the Adoption Subsidy and Normalcy panels are included in this report. The Community Advisory Committee's independent annual report can be found in the reports area of our website.

The department will form a written response to the panels on their recommendations and how we intend to incorporate these recommendations toward measurable progress.

We at DCS are grateful to all panel members for giving your time and talents to address important topics that affect our children and families, and we look forward to considering your recommendations contained herein.

Sincerely,



Gregory McKay, Arizona Department of Child Safety Director

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DCS MISSION

Successfully engage children and families to ensure safety, strengthen families, and achieve permanency.

DCS VISION

Children thrive in family environments free from abuse and neglect.

CITIZEN REVIEW PANEL REQUIREMENTS AND PURPOSE

The Child Abuse Prevention and Treatment Act (CAPTA) requires states receiving CAPTA grant funding to create Citizen Review Panels (CRP) to facilitate citizen participation in the child welfare system. CRPs provide community members an opportunity to volunteer in an active role to influence and support child welfare system policy, practice, and outcomes for children and families. By mandating citizen involvement in child welfare, the intent of Congress was to:

- Promote transparency in child welfare;
- Introduce new ideas and present a constructive perspective to child protection;
- Arrange an opportunity for the community to have a voice, and to take an active role in the protection of its children;
- Establish accountability by the child welfare system to the community;
- Promote community engagement and trust; and
- Make certain that policies, practices, and institutions are effectively functioning to prevent child abuse and neglect.

The primary purpose of CRPs is to evaluate how state and local agencies are meeting their federally mandated child protection responsibilities and to make observations and recommendations for improvements in the state’s child welfare system. CRPs examine State and local child protection agency policies, procedures, and practices to evaluate the extent to which the State is fulfilling its child protection responsibilities in accordance with the CAPTA State plan and child protection standards set forth in law.

Child welfare systems and practices have evolved over recent years as research has produced a clearer understanding of the impact of child maltreatment and trauma to children and families. This evolution has included a growing understanding of the importance of involving parents, youth, and other citizens in the decisions that affect them and their communities, to prevent and heal from the impact of trauma. The Arizona Department of Child Safety (DCS) obtains input through its Parent Advisory Board, which consists of birth parents who have had a prior DCS case; its

“The greatness of a community is most accurately measured by the compassionate actions of its members.”

– Coretta Scott King



Youth Advisory Board, which delivers the voices of youth who are currently under DCS care and youth alumni and its Citizen Review Panels, which include citizens from a range of experience with child welfare systems and services.

Citizen participation can provide several benefits to the Department's planning process, such as:

- introduction of new ideas and information;
- identification of values, priorities, and concerns of the public;
- support for the planning process to produce better decisions; and
- community engagement at the local level.



CAPTA REQUIREMENTS FOR CITIZEN REVIEW PANELS

CAPTA requires the creation of Citizen Review Panels (CRP) within states receiving federal CAPTA grant funding. Most states, including Arizona, are required to have three CRPs. Citizen Review Panels must meet the following requirements:

- Each panel must meet at least every three months.
- Panel members are to be volunteers broadly representative of the community in which the panel is established and include members who have expertise in the prevention and treatment of child abuse and neglect, and may include adult former victims of child abuse.
- Panels are to provide for public outreach and comment to assess the impact of current procedures and practices upon children and families in the community.
- Panels are bound by confidentiality.
- States are to provide panel members access to case information if such information is necessary for the panel to carry out its functions.
- States are to provide staff assistance to a panel if the panel requests assistance with performing its duties.
- Panels are required to prepare an annual report containing a summary of the activities and recommendations to improve the child protective services system and make the report available to the public.
- The appropriate state agency shall submit a written response that describe whether or how the state will incorporate the recommendations of such panel (where appropriate) to make measurable progress in improving the state and local child protective system.
- States are to submit CRP reports to the U.S. Department of Health and Human Services (DHHS) annually (Children's Bureau, 2016).



ARIZONA CITIZEN REVIEW PANELS OVERVIEW 2018

During 2018, the DCS Office of Quality Improvement provided administrative and technical support to three Arizona Citizen Review Panels:

- Adoption Subsidy – This CRP reviewed materials and information from other states and the Department to explore the theory that a tiered system of adoption subsidy payment levels would successfully incentivize adoption of higher needs children, while remaining cost neutral.
- Reasonable and Prudent Parenting Standards (Normalcy) - This CRP evaluated how the Reasonable and Prudent Parenting Standards (RPPS) or Normalcy are being implemented by foster homes and group homes in accordance with the Preventing Sex Trafficking and Strengthening Families Act (P.L.113-183).
- Community Advisory Committee – The Community Advisory Committee is established under Arizona statute to provide a community forum: 1. To inform the department, analyze current law and policy and make recommendations to improve the ability of the department to increase the safety of children, respond to child maltreatment and ensure the well-being of and timely permanency for children who are referred to and involved in the child welfare system; 2. For collaboration among state, local, community, tribal, public and private stakeholders in child welfare programs and services that are administered by the department, and 3. To improve communication between mandatory reporters and the department.

THE ADOPTION SUBSIDY CITIZEN REVIEW PANEL

The panel consisted of eight members:

Sara Smith, Attorney, Chairperson
Sam Potter, Adoptive Parent
Nicole Roberts, Adoptive Parent
Emily Clover, Adoptive Parent
Bobbi Wells, Adoptive Parent
Patrick Goodman, Phoenix Children’s Hospital
Katie O’Dell, AZ127
Kate Rich, Attorney

The panel met for five meetings:

- March 27, 2018
- April 17, 2018
- May 22, 2018
- July 11, 2018
- October 2, 2018



Most children adopted from foster care in Arizona receive adoption subsidy. The process that exists today does not consider the children’s individual and current needs at the time of adoption when setting the adoption subsidy payments and is generally focused on the financial benefits and not the support provided by the subsidy agreement as a whole. This current system affords limited ability to provide higher rates to support adoptive parents of children with higher special needs. The Department would like to incentivize, support, and encourage adoption of all children, including



children with developmental disabilities and serious mental health issues. Upon request of the Department, this CRP reviewed materials and information from other states and the Department to consider whether a tiered system of adoption subsidy payment levels could successfully incentivize adoption of higher needs children, while remaining cost neutral.

The panel met with members of the Adoption Subsidy Program, including the Department’s Permanency Supports Program Administrator, Adoption Manager, and Subsidy Program Supervisor. These Department staff provided information and answered questions about the subsidy program and its daily operations, governing rules and statutes, and other state’s programs. The panel was provided the following information to assist in their research:

- State and federal policy that provide the definition of special need
- Forms used in the eligibility process
- The list of maintenance payment rates that are currently available through the Adoption Subsidy program
- Current program procedures, such as that payment levels can go up during an agreement period if the needs of the child increase as the child ages, and guidelines that demonstrate how rates are determined for a child
- Summary of other states’ rate structures and subsidy programs
- The number of children supported by the subsidy program
- The number of children in each rate category of the subsidy program
- Information about adoption disruptions and dissolutions
- The number of children with a goal of adoption and residing in a Department of Developmental Disabilities foster home or group home
- The number of Child Specific Recruitment referrals

“ Most children adopted from foster care in Arizona receive adoption subsidy. ”

The panel identified the following opportunities and recommendations to incentivize support, and encourage adoption of all children, including children with developmental disabilities and serious mental health issues:

- *Continue to have a tiered structure and provide clear information on the needs of children eligible for each subsidy level.*
- *Maintain the existing structure of a higher series of payment for children adopted after the age of 12.*
- *Explain to potential customers of the subsidy program the option to sign a \$0 payment agreement, and that this type of agreement still allows them to receive a rate later, should the needs of the child increase.*

The panel made an assumption that only one percent of adoptive parents would opt-out of the adoption subsidy.



- *Revise the payment rates in each category*

The panel recommends that the Department create five payment rate levels:

1. Create a new base rate (level 1a) at \$9.84 per day, which is half of the current rate of \$19.68 per day, for children meeting these criteria:
 - i. the child is in the care and custody of DCS or of a licensed private placing agency in Arizona;
 - ii. the child cannot or should not be returned to the care of birth parents or guardian;
 - iii. a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents without providing adoption assistance, unless it would not be in the best interest of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents who are the child's relatives or foster parents; and
 - iv. the child has a physical, mental, or developmental disability that can be corrected through minimal behavioral therapy, educational services, etc.The panel estimates and assumes that 25% of children at level 1 will meet the criteria for level 1a.
2. Maintain the current base rate (level 1b) at \$19.68 for children meeting these additional criteria:
 - i. age six or older at the time of application for adoption subsidy;
 - ii. sibling relationship when such factor impedes the child's adoptive placement; and
 - iii. racial or ethnic factors when such factor(s) impede the child's adoptive placementThe panel estimates and assumes that 75% of children at level 1 will meet the additional criteria for level 1b.
3. Increase the current level 2 rate from \$23.52 to \$26.52 per day.
4. Increase the current level 3 rate from \$29.94 to \$36.94 per day.
5. Increase the current level 4 rate from \$35.75 to \$46.75 per day.

The panel believes that based upon the foster care demographics and assumptions about the percentage of children who would qualify for each level, the proposed changes have the potential to restructure the adoption subsidy rates and remain cost neutral, or possibly reduce overall maintenance subsidy expenditures. It is also believed that the higher rates would incentivize adoptions of children with special needs.





THE REASONABLE AND PRUDENT PARENTING STANDARDS CITIZEN REVIEW PANEL

This Citizen Review Panel addressed the Arizona child welfare system's implementation of the Reasonable and Prudent Parenting Standards (RPPS), as outlined in the Prevent Sex Trafficking and Strengthening Families Act. The law requires states to allow out-of-home caregivers to make prudent decisions for the children in their care related to age or developmentally-appropriate "activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity based upon cognitive, emotional, physical and behavioral capacities" to include, extracurricular, enrichment, cultural, and social activities. The RPPS allows caregivers to give their foster children permission to participate in daily age appropriate activities that promote cognitive, emotional, physical and behavioral growth – commonly referred to as "normalcy."

- The CRP consisted of seven members. The initial members were:
Meghan Arrigo, Children's Action Alliance
Jane Kallal, Family Involvement Center
Emily Moore, Foster and Adoptive mother
Chastine Swoboda, Southwest Network
Neil Tift, Native American fatherhood & Families Association
Karen Wouters, Arizona's Children Association
Janelle Wood, Black Mother's Forum



The panel met for three meetings:

- September 18, 2018
- November 15, 2018
- February 6, 2019

The panel evaluated how reasonable and prudent parenting standards are applied by DCS Specialists, foster parents, and group home caregivers, with the objective of identifying potential barriers to consistent application. The panel reviewed informational presentations and articles from the Department's initial roll-out of the RPPS. It was suggested that members of the original workgroup be consulted for further clarification.

The panel identified the following opportunities and recommendations:

1. *Expand reasonable and prudent parenting standards training for foster parents*
The panel recommends that additional content be added to class 5 of the in-person foster parenting training, which specifically addresses normalcy. The panel further recommends that the Department create a mandatory time for discussion, along with a question and answer period.
A thorough question and answer session would assist foster parents to develop an understanding of their responsibility and abilities to create normalcy for children in their care. Much of the new foster parent training is provided online, which does not allow a discussion to achieve clarity about the reasonable and prudent parenting standards and alleviate foster parent's concerns.



2. *Develop specific guidelines about permissible activities that caregivers may allow under the reasonable and prudent parenting standards*

Foster parents and group home staff do not appear to have a thorough understanding of Arizona Revised Statute §8-513. Participation in activities; contact with relatives; placement with siblings; independent living programs, and therefore might not allow a child to participate in permissible activities that provide a sense of normalcy. The law states that:

A. A child may participate in activities and functions generally accepted as usual and normal for children of the child's age group if permission is granted as follows:

1. If the activity by law requires a license, the agency or division that placed the child may give permission on request of the foster parent. (e.g. a driver's license)
2. If the activity includes the child leaving the jurisdiction of the court for a period not to exceed thirty days, the agency or division that placed the child may give permission on request of the foster parent. (e.g. the HRSS licensing agency or DDD)
3. If the activity is one which is associated with a school or organization not prohibited by rule of the division, the foster parents of the child may give permission.

B. The state shall indemnify and hold harmless the agency or foster parents for liability that may be incurred or alleged as a result of giving permission pursuant to subsection A if it is reasonably and prudently given. The state shall provide the defense of any action alleging such liability.

The panel recommends that DCS be unambiguous in its instructions regarding the RPPS, clearly stating what it means to foster parents and group home staff in their day-to-day care of children and the protections provided to them by statute. For example, communicate that foster parents and group home staff can allow children to participate in sleepovers, school dances, transportation, and sports activities.

3. *Provide additional training to DCS Specialists on reasonable and prudent parenting standards*

The panel recommends that the Department provide further training to DCS Specialists on RPPS, so that they do not inhibit or prohibit normal activity without a concrete reason, such as a court order.

4. *Collaborate with diverse communities to identify and understand the culture, traditions and religious practices of all communities*

Cultural practices and norms are an important consideration for providing a sense of normalcy to children. Children must be allowed to participate in the traditions and practices of their own culture, which may differ from their out-of-home caregiver's culture. Foster parents and group home staff should demonstrate their respect for the child's culture and support children to maintain their cultural identity and expression through cultural traditions such as hairstyle, clothing, dietary restrictions, and celebrations. Parents should be informed or consulted about their children's participation in cultural activities, which can create trust and avoid conflict between the child and the out-of-home caregiver.

The panel recommends that the Department require that foster parents and group home staff seek to accommodate the culture of the children and youth placed in their care.



THE ARIZONA DCS COMMUNITY ADVISORY COMMITTEE

Consists of thirteen members:

- Deborah Burdick, Ed.D., representing schools;
- Kay Ekstrom, Founder, Retired CEO, Christian Family Care, representing a faith based organization;
- Denise Ensdorff, President and CEO, Arizona's Children Association, representing child welfare agencies that directly provide contracted services to children and their families;
- Emily Jenkins, President and CEO Arizona Council of Human Service Providers, Arizona Council of Human Service Providers, representing child welfare agencies that directly provide contracted services to children and their families and child advocacy organizations that deal with child welfare system policy issues;
- Robin Pearson, Executive Director, Voices for CASA Children, representing volunteers with the foster care review board or court appointed special advocate program;
- Nicole Roskens, Clinical Director of Cradle to Crayons Program, Superior Court of Maricopa County Juvenile Division, and Independent Private Practice, Counselor, representing the courts involved in child welfare issues;
- Peter Gentala, J.D., General Counsel and Vice President for Government Affairs and Public Policy with Childhelp, represents children who are victims of crime;
- Judy Krysik, Ph.D., MSW, Associate Professor, ASU School of Social Work, representing persons with an academic appointment to a state university who conduct research in child welfare services, child maltreatment or child abuse or neglect;
- Cody Conklin-Aguilera, MD., FAAP, Medical Director, Department of Public Health Yavapai County, Pediatric Program Manager, representing medical providers, with a preference for pediatricians, who have experience in diagnosing and treating injuries related to abuse and neglect;
- Sergeant Matthew Lawes, Special Victim's Unit, Mesa Police Department, representing law enforcement agency and having experience with the department on cases that involve criminal conduct allegations;
- Rita Marie Wright, LMSW, Assistant Clinical Professor, Child Welfare Training Project Coordinator, Department of Sociology and Social Work, Northern Arizona University, representing a rural area in this state;
- Tiffany Gavazzo, has experience with children with special needs and the child welfare system;
- Elisa Manuel, President Three Precious Miracles - Native American Organization; and
- Kris Jacober, foster parent, Executive Director, Arizona Friends of Foster Children Foundation, representing current or former foster or adoptive parents. – resigned in 2018

The DCS Community Advisory Committee produces an annual report in August, after the end of the state fiscal year. During State fiscal year 2018 the committee met on August 2, October 27, and December 1, 2017; and on February 2, April 6, June 1, August 3, and October 5, 2018. The annual report is made available to the public on the DCS website's Oversight page: <https://dcs.az.gov/about/oversight>.