

**THE
ARIZONA
FOSTER CARE REVIEW BOARD
FINDINGS AND DETERMINATIONS
GUIDEBOOK
FOR
VOLUNTEER BOARD MEMBERS
AND
FCRB STAFF**

INTRODUCTION

This workbook is provided as a tool to assist you in preparing for a case review and conducting the review. While it is not a checklist where every element needs to be covered for each case, it is designed to guide Board members to assess the required issues of a case.

The Findings and Determinations are your formal response to issues mandated by federal or state law or by child welfare agency policy. The Board’s Findings and Determinations also provides the means to capture statistical data that will support the FCRB’s concerns and aid the FCRB in advocacy efforts for children in out-of-home care.

Succinct comments can be made to the Findings if the listed elements do not apply. Further discussion of a Finding, or an element to a Finding, specific to the case and/or interested parties is completed in the “Observations/Concerns & Review Board Recommendations” section of the report. For some Findings where an element or comment is needed, it is essential for the Board to further elaborate on the issue specific to the case in this section of the report.

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FINDING 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).

***NOTES:**

- 1. The Board is simply verifying that the Judge/Commissioner made these required Findings.**
- 2. Once this Finding is answered *yes*, the Board does not need to readdress.**
- 3. Elements are required if the Finding is *no*.**
- 4. Answer *yes* if the Court made a Finding that the continuation of the child(ren) in the home would be contrary to the welfare of the child(ren), although the Court did NOT make a Finding that reasonable efforts to prevent the removal were made.**
- 5. If the case remains a Private Petition, or CPS substituted as the petitioner, the Board will continue to select no and use element AAF.**

_____ Yes _____ No _____ Unknown

The elements to be considered when making this determination are:

- AAA.** The child(ren) are currently temporary wards of the Court. The initial dependency hearings have not been completed, and to date the Foster Care Review Board is unaware of any judicial findings regarding reasonable efforts.
- AAB.** At the initial dependency hearing, to the Board's knowledge, the Court did NOT make a Finding regarding whether or not reasonable efforts, or active efforts in an ICWA case, were made to prevent the removal of the child(ren) and that continuation in the home would be contrary to the welfare of the child(ren).
- AAC.** There is not a copy of the initial dependency minute entry in the Foster Care Review Board file. Therefore, the Board is unable to determine if the Court made a Finding that reasonable efforts were made to prevent or eliminate the need for removal of the child(ren) from the home and that continuation therein would have been contrary to the welfare of the child(ren).
- AAF.** Private Petition and/or CPS substituted as petitioner following the child(ren)'s removal.

FINDING 2:

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

***NOTES:**

1. If the child(ren) is in the home the answer is *inapplicable*.
2. Elements are required if the answer is *no*.
3. If some of the children have been returned home, this finding only applies to the children in out-of-home placement.
4. If a child(ren) is living in an out-of-home placement with the parent, the child(ren) is considered to be in out-of-home placement if the legal custody is with the Agency and the physical custody is with the placement. (*For example, teen mother is in a treatment facility/group home or living with mother's parent*).

_____ Yes _____ No _____ Unknown _____ Inapplicable

The elements to be considered when making this Finding are:

AAA. The child(ren) has progressed sufficiently to consider returning him/her home.

AAB. The causes or circumstances responsible for the child(ren) being placed in an out-of-home placement have been mitigated and reunification is possible.

AAC. The parent(s) or guardian(s) has achieved the case plan objectives to an extent that reunification is possible.

AAD. The Board believes that there is not imminent risk of abuse and/or neglect if the child(ren) is returned home.

FINDING 3:

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

***NOTES:**

- 1. If the child(ren) is in the home of the parent the answer is inapplicable.**
- 2. If the child(ren)'s safety is questionable, the answer is *no*.**
- 3. Elements are required if the answer is *no* or *unknown*.**
- 4. Least restrictive applies to the needs of the child(ren). (For example, an RTC or placement at DOC is least restrictive if the child(ren) needs that type of structure.)**

_____ **Yes** _____ **No** _____ **Unknown** _____ **Inapplicable**

The elements to be considered when making this determination are:

- AAA.** The child(ren) is not in the most family-like setting possible.
- AAB.** This placement is not within a reasonable distance from the parent's home, consistent with the best interest and special needs of the child(ren).
- AAC.** The current placement does not meet the significant needs of the child(ren).
- AAD.** The safety of the child(ren) is not assured in the current placement.
- AAE.** There have been unusual incident reports in the placement during the past six months.
- AAF.** There has been insufficient effort to maintain the family connections of the child(ren) because the relative search has not been completed.
- AAH.** This placement is not being considered as a long-term placement.
- AAK.** This is not a step toward permanency.
- AAM.** This placement is not culturally appropriate.
- AAN.** The parent(s) has absconded with the child(ren).
- AAP.** Child(ren) is on runaway status.
- AAQ.** The Board has insufficient information to assess the appropriateness of the placement.

FINDING 4 A:

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

NOTES:

1. **Plan/Goal = Remain with Parent, Return to Parent, Adoption, Guardianship, Alternative Planned Living Arrangement (APPLA) / Long Term Foster Care or Independent Living.**
2. **The Board is assessing the Court approved, primary case plan goal.**
3. **The Board is encouraged to note concerns in the “Observations/Concerns & Review Board Recommendations” section of the report if it is believed that the permanency goal is not appropriate.**
4. **Elements are required if the answer is *no* or *unknown*.**
5. **If *unknown* is selected, the Board will select element AAZ.**

_____ Yes _____ No _____ Unknown

The elements to be considered when making this determination are:

AAA. The permanency goal needs to change because the parents have failed to, or cannot correct the problems leading to placement.

AAB. A more permanent goal is possible.
(Note to Board: This element should not be used if the Board disagrees with the case plan goal of family reunification.)

AAD. The permanency goal is unrealistic.

AAE. There is sufficient evidence to justify that the termination of the parent-child relationship is in the best interest of the child(ren). Therefore, the Board recommends that the Permanency goal be changed to adoption.

AAF. The Board disagrees with the permanency goal. *(If this is selected, AAF should also be selected in 4B.)*

AAW. Pursuant to ARS§ 8-846, the Board believes that the Agency may not be required to provide reunification services.
(Note to the Board: must have supporting documentation if this element is chosen. ARS§ 8-846 is provided for reference in Addendum 1.)

AAX. Pursuant to ARS§8-533, the Board believes that the Agency may be able to pursue early termination of parental rights.

(Note to the Board: must have supporting documentation if this element is chosen. ARS§ 8-533 is provided for reference in Addendum 2.)

AAZ. The Board does not have documentation and/or sufficient information to assess the permanency goal.

FINDING 4 B:

The Board makes a determination that there is appropriate written documentation of the case plan, which outlines tasks for each participant in the case.

NOTES:

1. **Plan/Goal = Remain with Parent, Return to Parent, Adoption, Guardianship, Alternative Planned Living Arrangement (APPLA) / Long Term Foster Care or Independent Living**
2. **Case Plan = A written document that reflects the plan/goal, supports and services, timeframes, needed behavioral changes, involvement of appropriate parties in the process and other Agency policy requirements. Verbal and/or documentation of tasks and services in the progress reports are insufficient.**
3. **The Board is encouraged to note their concerns in the “Observations/Concerns & Review Board Recommendations” section of the report if it is believed that the case plan is not appropriate, and if the parents are not informed of the case plan requirements.**
4. **While reviewing all cases the Board should consider the poor prognosis indicator, which may identify the need for a concurrent case plan goal and activities (See Addendum 9).**
5. **Elements are required if the answer is *no* or *unknown*.**
6. **If the case is a Private Petition, select *inapplicable*.**

_____ Yes _____ No _____ Unknown _____ Inapplicable

The elements to be considered when making this determination are:

AAF. The Board disagrees with the Agency’s written case plan.

(Note to the Board: Discussion of the Board’s reasons for disagreement with the Agency’s plan must be included in the recommendations section and an alternative plan should be recommended, if possible.) (If this is selected, AAF should also be selected in 4B.)

AAG. There is no written case plan. Therefore, the Board recommends that the case manager develop a written case plan and send a copy to the FCRB.

AAH. The case plan does not include all involved family members and/or involved household members.

AAI. The case plan is more than six months old. Therefore, the Board recommends that the case manager develop a current case plan and send a copy to the FCRB.

- AAL.** The case plan does not state the tasks to be performed.
- AAP.** The case plan objectives or tasks lack needed services for one or more of the child(ren) or parent(s).
- AAT.** The Board does not have a copy of the current case plan. Therefore, the Board recommends that the case manager send a copy of the case plan to the FCRB.
- AAV.** The Court has changed/approved the permanency goal, but the written case plan has not changed because the Agency case plan staffing has not been held.
- ABA.** The Board determines that there is sufficient information to support the addition of concurrent case plan activities on the written case plan.
(Note: The Board should more fully explain the reasons why this element was selected in the "Observations/Concerns & Review Board Recommendations" section of the report.)

FINDING 5:

The Board makes a determination that each case participant is participating in the support services identified in the case plan.

***NOTES:**

1. Elements are required if the answer is *no* or *unknown*.
2. Case plan participation is assessed for parents, case managers/Agency, foster parents/placement, children, and service providers.
3. The focus is on who is not following the tasks of the case plan and the element will identify Agency or individual. Where further clarification is needed (such as the parent section), it should be noted, in the comment section, of the element to whom the element applies.
4. If the Board determines that case participants are not complying with the concurrent case plan activities, they can select the element(s): AAW, BAO, CAL, DAQ, or EAS, that state “requirement of the case plan, which is more fully explained in the Observations/Concerns & Review Board Recommendations section of the report”.
5. Elements can be used to address service providers, Tribes, and ICPC.
6. Select *Inapplicable* for Private Petitions.

_____ Yes _____ No _____ Unknown _____ Inapplicable

The elements to be considered when making this determination are:

THE AGENCY IS NOT:

- AAA. facilitating scheduled visits.
- AAF. securing needed treatment or services.
- AAG. providing parent aide services.
- AAH. providing or facilitating transportation arrangements.
- AAM. securing a placement background check.
- AAN. securing the necessary home study. (*Refer to Addendum 7*)
- AAP. exploring all possible placement options.

AAT. completing a requirement of the case plan which is more fully explained in the “Observation/Concerns & Review Board Recommendations” section of this report.

AAV. preparing the case for severance.

AAW. implementing the identified concurrent case plan activities.

THE PARENTS ARE NOT:

BAA. attending scheduled visits.

BAB. securing adequate housing.

BAC. completing a needed psychological evaluation.

BAD. completing a needed psychiatric evaluation.

BAE. securing adequate employment/financial subsidy (SSI).

BAF. securing needed treatment or services or complying with treatment requirements.

BAG. participating in parent aide services.

BAH. carrying out transportation arrangements.

BAI. meeting the terms of their probation/parole.

BAK. avoiding contact with a person who represents a risk to the child(ren).

BAL. participating in the staffing process.

BAM. working toward a high school diploma/GED.

BAN. participating in services.

BAO. completing a requirement(s) of the case plan which is more fully explained in the “Observation/Concerns & Review Board Recommendations” section of this report.

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

BAQ. participating in services and is incarcerated.

BAR. contacting the Agency and/or their whereabouts are unknown.

BAS. providing negative drug screens.

BAT. regularly submitting required drug screens.

THE CHILD(REN) IS NOT:

CAA. attending scheduled visits.

CAD. meeting the terms of their probation/parole.

CAE. submitting to the required drug screens.

CAF. avoiding contact with a person who represents a risk to the child(ren).

CAH. working toward a high school diploma/GED.

CAI. following the rules of the placement.

CAJ. following the requirement to not runaway from the placement.

CAK. participating in services.

CAL. completing a requirement of the case plan, that is more fully explained in the “Observation/Concerns & Review Board Recommendations” section of this report.

CAM. securing and/or maintaining employment.

CAN. participating in services and is incarcerated.

THE PLACEMENT IS NOT:

DAG. completing needed treatment or services.

DAH. assisting the child(ren) in completing needed treatment or services.

DAK. avoiding contact with a person who represents a risk to the child(ren).

DAM. completing the necessary home study/subsidy paperwork.

DAO. facilitating the child(ren) working toward a high school diploma/GED.

DAP. participating in services.

DAQ. completing a requirement of the case plan which is more fully explained in the “Observation/Concerns & Review Board Recommendations” section of this report.

THE OTHER SERVICE PROVIDERS ARE NOT:

EAC. facilitating or providing a needed psychological evaluation.

EAE. facilitating or providing needed treatment or services.

EAM. securing the necessary home study.

EAS. completing a requirement of the case plan which is more fully explained in the “Observation/Concerns & Review Board Recommendations” section of this report.

EAT. providing supervision for the welfare and safety of the children.

OTHER POSSIBLE ELEMENTS:

GAA. The Board does not have documentation and/or sufficient information that enables the assessment of compliance at this time.

HAA. The case plan has not been in place long enough to assess compliance.

FINDING 6:

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

***NOTES:**

1. **Yes, if there is progress toward completing the primary case plan goal, which will remove the child(ren) from foster care. This Finding applies to all case plan goals.**
2. **If the Board determines that no progress is being made towards the primary case plan goal, but progress is being made towards the concurrent case plan goal, the Board will select element AA.**
3. **If the Court changed the case plan goal, and the Agency’s written case plan does not reflect the change, the Board will assess progress towards the Court approved case plan goal.**
4. **Elements are required if the Finding is answered *no or unknown*.**
5. **For APPLA/Long Term Foster Care, progress is evaluated based on the completion of case plan tasks such as: the child(ren) is completing therapy, school, etc. and discussions are taking place to transition the child(ren) to independent living services when appropriate.**
6. **If the child(ren) is completing an Independent Living Plan successfully, answer *yes*.**

_____ Yes _____ No _____ Unknown

The elements to be considered when making this determination are:

- AAA.** The parent(s) is not participating in services.
- AAB.** The child(ren) is not participating in services.
- AAC.** The ability of the parent(s) to benefit from services is limited.
(Note to the Board: must have supporting documentation if this element is chosen.)
- AAD.** The attitude of the parent(s) toward the service is preventing progress.
- AAE.** The parent is incarcerated.
- AAF.** The Agency has not provided the needed services.
- AAG.** Changes in case managers have impeded progress.
- AAH.** The Interstate Compact on the Placement of Children and/or other out-of-state providers are delaying progress. *(Refer to Addendum 7)*

- AAI.** Provider agency is not providing needed services.
- AAJ.** The case plan of guardianship cannot be resolved due to lack of financial assistance for potential guardians.
- AAK.** Barriers within the Attorney General’s Office are prolonging the progress towards Permanency and is more fully explained in the “Observation/Concerns & Review Board Recommendations” section of this report. *(Requires Supervisor Review)*
- AAM.** The current plan/goal is not appropriate.
- AAN.** The Board does not have documentation and/or sufficient information that enables an assessment of progress. Therefore, the Board recommends that the case manager send FCRB a copy of the appropriate documentation.
- AAO.** The case plan has not been in place long enough to assess progress.
- AAP.** The inability of the child(ren) to benefit from services is preventing progress.
(Note to the Board: must have supporting documentation and state the Board’s reasons for selecting this element in the “Observation/Concerns & Review Board Recommendations” section of the report.)
- AAQ.** Placement is impeding progress.
- AAR.** Child is incarcerated.
- AAS.** Child is on runaway status.
- AAT.** No permanent placement available.
- AAU.** No appropriate placement available.
- AAV.** The whereabouts of the biological parent(s) is unknown.
- AAW.** The Court is a barrier to progress being made toward establishing permanency for the child(ren) and is more fully explained in the “Observation/Concerns & Review Board Recommendations” section of this report. *(Requires Supervisor Review)*
- AAZ.** The attorney assigned to one of the parties is a barrier to progress being made toward establishing permanency for the child(ren) and is more fully explained in the “Observation/Concerns & Review Board Recommendations” section of this report. *(Requires Supervisor Review)*

- AAZ.** The Board notes that there is no progress towards the primary case plan goal, but acknowledges there is progress towards the concurrent case plan goal.
- AAZ.** The agency has not considered appropriate out-of-state placement options in order to finalize the existing permanency plan. *(Please refer to Addendum 7)*
- ABA.** The parent(s) is not demonstrating the necessary behavioral changes that are needed to achieve the permanency goal.
- ABB.** The child(ren) is not demonstrating the necessary behavioral changes that are needed to achieve the permanency goal.
- ABC.** The Board notes that there is no progress towards the primary permanency goal, and acknowledges that there is minimal or no progress towards the concurrent permanency goal. *(The Board has determined that there is no progress toward the primary case plan goal and concurrent case plan activities have been identified by the Agency, but there is insufficient progress in those activities, which are needed to achieve the concurrent case plan goal.)*

FINDING 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**.

***NOTES:**

1. The determination about whether or not the target date is realistic is not based on compliance.
2. CPS Policy (Chapter 6; Case Planning) directs the case manager to identify the tasks that must be accomplished, person responsible and setting a “reasonable” time frame (target date) for completion. The case manager should continue to monitor and update the case plan, as necessary.
3. Identify the target date in the progress report (verbal target dates are not accepted). At the time of the review, the Board will determine if the permanency goal can be finalized by the date stated in the progress report.
4. If no written target date is available in the progress report, the Board will select element AAD because no documented (written) target date is available at the time of the review. The Board should comment on the lack of a documented target date in the “Observations/Concerns & Review Board Recommendations” section of the report. *(Please refer to Addendum 8 referencing target date.)*
5. Incarcerated Parents: Time in care begins from the child’s initial out-of-home placement date, not when services begin. *(Please refer to Addendum Two for specific statutes.)*
6. If the case remains a Private Petition (no CPS involvement) at the time of the review, this Finding is Inapplicable.
7. This Finding applies to all case plan goals. Realistic date by plan/goal:

Return To Parent	Return Achieved
Adoption	Adoption Achieved
Guardianship	Guardianship Achieved
Remain With Parent	Dismissal Date
APPLA/Long-Term Foster Care	Services and care maintained
APPLA/Independent Living	Eighteenth Birthday

_____ Yes _____ No _____ Unknown _____ Inapplicable

The elements to be considered when making this determination are:

AAA. The Agency’s established target date is unrealistic for the needs of the child and/or family.

- AAC.** The Agency’s established target date is unrealistic due to the lack of service provision.
(Note to the Board: if selected, Finding 10 should be answered “yes” with the appropriate element(s) selected and a notation made in the “Observations/Concerns & Review Board Recommendations” section of the report.)
- AAD.** The Progress Report does not contain the target date for the current permanency goal. Therefore, the Board recommends that the case manager document the permanency goal target date in the Progress Report and send a copy to the FCRB.
(Note to the Board: If selected, a recommendation should be made in the “Observations/Concerns & Review Board Recommendations” section of the report.)
- AAE.** There is no established target date. Therefore, the Board recommends that the case manager identify and document the target date in the Progress Report and send a copy to the FCRB.
(Note to the Board: This element is selected if a target date does not exist or has expired. If selected, a recommendation should be made in the “Observations/Concerns & Review Board Recommendations” section of the report.)

FINDING 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).

***NOTES:**

1. Even if there are negative Findings, the Board may still recommend that the Court make a Finding of reasonable efforts.
2. If the Board makes a recommendation that the Court should make a Finding that reasonable efforts have not been made, the reasons should be evident in the above Findings and further clarified in the “Observations/Concerns & Review Board Recommendations” section of the report.
3. If the Board makes a recommendation that the Court should make a Finding that reasonable efforts have not been made, the Board must have verifiable knowledge (not suspicions or assumptions) of a case manager’s, or Agency for Children, Youth and Families’ (ACYF) action or failure to act.
4. A recommendation that the Court should not find reasonable efforts should not be made because the Board disagrees with the Agency case plan, a case manager does not attend the review, or there are missing reports.
5. The Board needs to be cautious when they have only heard one side of a story (for example, the parents complain that the case manager has done nothing) when considering a recommendation that the Court not find reasonable efforts.
6. Elements are required if the Finding is answered *no* or *unknown*.
7. Private Petitions are answered as *inapplicable*.

_____ Yes _____ No _____ Unknown _____ Inapplicable

AAA. The Board does not recommend that the Court find that reasonable efforts, or active efforts in an ICWA case, have been made for the reasons cited previously in this report and/or cited in the “Observations/Concerns & Review Board Recommendations” section of this report.

(Note to Board: Must State Reasons Clearly)

AAB. The Board has insufficient information with which to make a recommendation regarding whether or not reasonable efforts, or active efforts in an ICWA case, are being made by the Agency to implement the permanency plan/goal for the child(ren).

(Note to Board: Must State Reasons Clearly)

FINDING 9:

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

***NOTES:**

1. If there are no perceived educational or developmental needs, the answer would be *yes*.
2. If the child is age 0-3 and requires an early intervention assessment, the answer would be *no* with the element of AAK.

_____ Yes _____ No _____ Unknown

The elements to be considered when making this determination are:

- AAA.** There was no information available to assess the child(ren)'s educational and/or developmental needs.
- AAB.** The child(ren) is/are not completing appropriate tasks that will lead to a high school diploma or a General Equivalency Diploma (GED).
- AAC.** The child(ren) may be eligible for an Individualized Education Plan (IEP), does not have a current IEP, and may need a surrogate parent appointed.
- AAG.** The child(ren) need(s) additional tutoring.
- AAH.** The child(ren) is/are not attending school on a regular basis.
- AAK.** The child(ren) need(s) an early intervention assessment.
(Notes to the Board: only used for children up to the age of six; children ages 0-3 receive an AZEIP evaluation; children ages 4-6 receive an evaluation through the appropriate school district.)
- AAL.** Changes in the school attended is impeding the child(ren)'s education.
- AAM.** The child(ren)'s behavior at school has resulted in suspension.
- AAN.** The child(ren) is/are on runaway.
- AAO.** No one in attendance at the review knows if the child(ren) requires special education services.
- AAQ.** The Board is unaware if there is a clear plan in place to rectify poor performance.
(Note to the Board: remember to add further clarification/comments in the "Observations/Comments/Concerns and Review Board Recommendations" section of the report.)

- AAR.** The Board is unaware if there is a clear plan in place to rectify poor attendance.
(Note to the Board: remember to add further clarification/comments in the “Observations/Comments/Concerns and Review Board Recommendations” section of the report.)
- AAS.** The child(ren)’s school attendance is being affected by attending appointments or dependency proceedings.

FINDING 10:

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

***NOTES:**

1. Elements are required if the answer is YES.
2. If the case manager's statement, taken via phone prior to the review is inadequate, the Board will note this in the "Observations/Concerns & Review Board Recommendations" section and outline the unanswered questions for the Court.
3. The business rules for this finding follow the elements, please be familiar with the business rules for each element chosen.

_____ Yes _____ No _____ Unknown

The elements to be considered when making this determination are:

- ABA.** The Agency has not referred the child(ren) to the Regional Behavioral Health Authority (RBHA) at the point of removal as required ("urgent response or rapid response").
- ABB.** Service provision has been impeded by the Agency staffing pattern.
- ABC.** The Agency is not in compliance with submitting its required initial report, progress report, and/or case plan at least 10 working days prior to the review.
(Note to the Board: the policy regarding submitting reports is provided for reference in Addendum Four.)
- ABD.** The Agency is not in compliance with submitting its required initial report, progress report, and/or case plan to the FCRB.
(Note to the Board: the policy regarding submitting reports is provided for reference in Addendum Four.)
- ABE.** The child(ren) has not been visited by an Agency representative, per Agency policy.
(Note to the Board: the policy for providing supervision of children in out-of-home care is provided for reference in Addendums Three and Seven.)
- ABF.** Visits between the child(ren), parents/siblings, or other significant persons have not been adequately facilitated by the Agency.
- ABH.** The Board was unable to conduct a thorough review because there was inadequate information available at the time of the review.
(Note to the Board: the policy regarding submitting reports is provided for reference in Addendum Four.)

- ABI.** There are no tasks/services identified and/or implemented in the case plan, which will facilitate the child(ren)'s transition into living independently; while Agency policy dictates that this happen at age 16, best practices would put these tasks/services in place at age 14.
(This element should be selected at every review as long as it applies to the case.)
- ABJ.** The child(ren) is 16 or 17 years of age and his/her independent living needs are not being adequately met.
- ABK.** The child(ren)'s medical and/or dental care, or developmental needs, have not been adequately arranged/addressed.
- ABL.** The placement reports that it did not receive the child(ren)'s placement packet.
- ABM.** Insufficient transportation provisions are impacting permanency.
- DAA.** The child(ren)'s behavioral health needs cannot be met in the current placement.
- DAB.** The caretaker/placement is not being offered/provided with sufficiently trained and/or available respite providers.
- JAA.** The parent is incarcerated and the recommended services are not being provided.
- JAB.** The child(ren) is in detention or incarcerated and the recommended services are not being provided.
- JAC.** The child(ren) is dually-adjudicated and the recommended services are not being coordinated.
- KAA.** The tasks contained in the child(ren)'s Individualized Education Plan (IEP) or formalized educational accommodation plan are not being implemented.
- KAB.** The child(ren) needs a surrogate parent appointed.
- KAC.** The child(ren) is between 3 and 5 years of age and needs to be enrolled in an early learners program and/or activity to prepare the child(ren) for entry into school.
- KAD.** The child(ren) is 16 or 17 years of age and is not receiving information and/or assistance in pursuing financial aide, post-secondary education, and/or training.
- RAA.** The Regional Behavioral Health Authority (RBHA) has denied the needed service or support.
- RAB.** The authorized service or support has not been provided and/or discontinued by the Regional Behavioral Health Authority (RBHA).

- RAC.** The service or support provided by the Regional Behavioral Health Authority (RBHA) has not positively affected the identified need it is intended to address.
- RAD.** The behavioral health needs (child or other case participant) are inadequately addressed in outpatient treatment.
- RAE.** The behavioral health needs (child or other case participant) are inadequately addressed in support services.
- RAF.** The screening, assessment or monitoring of the child(ren)'s behavioral health needs is not being adequately addressed.

Finding 10: Business Rules

ABA. The Agency has not referred the child to the Regional Behavioral Health Authority (RBHA) at the point of removal as required (“urgent response or rapid response”).

Business Rules and Clarifying Information for Element: *(the following are some of, but not limited to, the reasons this element would be chosen)*

Data Flag: The initial review check box is selected by the program specialist (for each child) to indicate an initial review. The number of children with the element selected is used for the percent of children where this is a service gap or system problem.

- a. This is only used if the child(ren) is having any type of initial review.
- b. Every child receives a referral for an urgent or rapid response (within 24 hours of removal) for an assessment of their physical and behavioral health needs.

ABB. Service provision has been impeded by the Agency staffing pattern.

Business Rules and Clarifying Information for Element: *(the following are some of, but not limited to, the reasons this element would be chosen)*

Data: The base population is all children with an open case at the time of the review. The number of children with the element selected is used for the percent of children where this is a service gap or system problem.

- a. The Board must be able to identify what service was impeded and this must be recorded in the “Observations/Concerns & Review Board Recommendations” section of the report.
- b. The fact that there is more than one case manager during the review period is not a reason (by itself) to select this element.
- c. This element may be selected as a result of a process not occurring in a timely manner. For example, a case not being transferred to the adoption unit due to staff shortages.
- d. This element may be used for a child(ren) or any interested party associated to the child(ren) where it is applicable. If the element applies to an interested party that is associated to more than one child it will be counted for all associated children.

ABC. The Agency is not in compliance with submitting its required initial report, progress report, and/or case plan at least 10 working days prior to the review.

Business Rules and Clarifying Information for Element: *(the following are some of, but not limited to, the reasons this element would be chosen)*

Data: The base population is all children with an open case at the time of the review. The number of children with the element selected is used for the percent of children where this is a service gap or system problem.

- a. If element ABD is chosen then element ABC is not chosen. Element ABD identifies that

reports were never received.

- b. This applies to reports received, but not in time for packets.

ABD. The Agency is not in compliance with submitting its required initial report, progress report, and/or case plan to the FCRB.

Business Rules and Clarifying Information for Element: *(the following are some of, but not limited to, the reasons this element would be chosen)*

Data: The base population is all children with an open case at the time of the review. The number of children with the element selected is used for the percent of children where this is a service gap or system problem.

- a. If the case plan goal and specific case plan tasks assigned to the interested parties are identified in a detailed report this element is not used simply because the “normal” case plan form is not provided.
- b. The business rule is the Agency policy (Addendum Four of this document).

ABE. The child(ren) has not been visited by an Agency representative, per Agency policy.

Business Rules and Clarifying Information for Element: *(the following are some of, but not limited to, the reasons this element would be chosen)*

Data: The base population is all children with an open case the time of the review. The number of children with the element selected is used for the percent of children where this is a service gap or system problem.

- a. The business rule is the Agency policy (Addendum Three and Seven of this document).

ABF. Visits between the child(ren), parents/siblings, or other significant persons have not been adequately facilitated by the Agency.

Business Rules and Clarifying Information for Element: *(the following are some of, but not limited to, the reasons this element would be chosen)*

Data: The base population is all children with an open case at the time of the review. The number of children with the element selected is used for the percent of children where this is a service gap or system problem.

- a. The business rule is the Agency policy (Addendum Five of this document).

ABH. The Board was unable to conduct a thorough review because there was inadequate information available at the time of the review.

Business Rules and Clarifying Information for Element: *(the following are some of, but not limited to, the reasons this element would be chosen)*

Data: The base population is children with an open case at the time of the review. The number of children with the element selected is used for the percent of children where this is a service gap or system problem.

- a. If the Board believes it has received adequate information through reports and/or statements taken prior to the review this element should not be selected.
- b. If the Board has additional non-essential questions they should be documented in the “Observations/Concerns & Review Board Recommendations” portion of the report and this element should not be chosen.
- c. If the Board selects this element then areas for further information should be contained in the “Observations/Concerns & Review Board Recommendations” section of the report for the Court to explore at the next Court hearing.

ABI. There are no tasks/services identified and/or implemented in the case plan which will facilitate the child(ren)’s transition into living independently; while Agency policy dictates that this happen at age 16, best practices would put these tasks/services in place at age 14.
(This element will be selected at every review as long as it applies to the case.)

Business Rules and Clarifying Information for Element: *(the following are some of, but not limited to, the reasons this element would be chosen)*

Data: The DCATS database will create the base population by using each child’s birth date. The open children who are age 14 or 15 at the time of the review are the base population. The number of children with the element selected is used for the percent of children where this is a service gap or system problem.

- a. The case plan or reports should indicate that some task or discussion is taking place that would prepare the child(ren) for awareness and/or appropriate entry into a transition to independent living.
- b. The case manager should make the child(ren) aware of the requirements of the independent living program.

ABJ. The child(ren) is 16 or 17 years of age and his/her independent living needs are not being adequately met.

Business Rules and Clarifying Information for Element: *(the following are some of, but not limited to, the reasons this element would be chosen)*

Data: The DCATS database will create the base population by using each child’s birth date. The open children who are age 16 or 17 at the time of the review are the base population. The number of children with the element selected is used for the percent of children where this is a service gap or system problem.

- a. The child(ren) is eligible for independent living services, but is not receiving those services.
- b. DDD child(ren) is not having arrangements made for transition to the adult system.
- c. Individual services needed to successfully transition the child(ren) are not being

provided. These services include, but are not limited to, the awareness of and/or assistance in receiving financial assistance, educational financial assistance, obtaining health insurance, or establishment of an adult mentor. Once individual services or needs are identified they should be included in the "Observations/Concerns & Review Board Recommendations."

- d. The Board should be able to identify specific services or issues needed to select this element.

ABK. The child(ren)'s medical and/or dental care, or developmental needs, have not been adequately arranged/addressed.

Business Rules and Clarifying Information for Element: *(the following are some of, but not limited to, the reasons this element would be chosen)*

Data: The base population is all children with an open case at the time of the review. The number of children with the element selected is used for the percent of children where this is a service gap or system problem.

- a. The Board has received information that the child(ren) has unmet medical or dental needs.
- b. Follow-up on any recommendations on the EPSDT or other medical/dental evaluations has not occurred.
- c. The medical/dental coverage is inadequate for the child(ren)'s need and/or authorization has been denied.
- d. If this element is chosen, the specifics shall be identified in the recommendation section of the report.
- e. Early Intervention services (occupational, physical, and speech therapies) are not provided by the RHBA.

ABL. The placement reports that it did not receive the child(ren)'s placement packet.

Business Rules and Clarifying Information for Element: *(the following are some of, but not limited to, the reasons this element would be chosen)*

Data: The base population is children who have a current placement date within six months of the review date. The number of children with the element selected is used for the percent of children where this is a service gap or system problem.

- a. A placement packet contains information such as school, medical, child(ren)'s identifying information, etc. that should move with the child(ren) through each placement. A brief explanation to the caretaker/placement may be necessary as the caretaker/placement may have received information but not know it is called a "placement packet."
- b. If the child(ren) has changed placements since the last review and the placement is present at the review or providing a statement prior to the review, then the question should be asked if the placement received a placement packet.

- c. An example of a cover sheet placement packet is provided in Addendum Six of this document.

ABM. Insufficient transportation provisions are impacting permanency.

Data: The base population is all children with an open case the time of the review. The number of children with the element selected is used for the percent of children where this is a service gap or system problem.

This element can be selected when there is active knowledge indicating that transportation has not been provided to facilitate visits and/or services for child(ren), parents, placement, or other significant parties.

DAA. The child(ren)'s behavioral health needs cannot be met in the current placement.

Business Rules and Clarifying Information for Element: *(the following are some of, but not limited to, the reasons this element would be chosen)*

Data Flag: The needs RBHA services check box is selected by the program specialist (for each child) to establish the base population and indicates the child is authorized for or needs RBHA services. The number of children with the element selected is used for the percent of children where this is a service gap or system problem.

- a. For example, the child(ren) is in a foster home and needs a therapeutic foster home.
- b. For example, the child(ren) is in a group home and needs a higher level of care, be that a therapeutic group home, foster home, therapeutic group home or residential treatment center, etc.
- c. For example, the child(ren) needs a placement with no other children in the home.

DAB. The caretaker/placement is not being offered/provided with sufficiently trained and/or available respite providers.

Business Rules and Clarifying Information for Element: *(the following are some of, but not limited to, the reasons this element would be chosen)*

Data Flag: The respite care check box is selected by the program specialist (for each child) to establish the base population and indicate that the child has or needs respite care. The number of children with the element selected is used for the percent of children where this is a service gap or system problem.

- a. The Board has received information that the respite resources for the caretaker/placement are inadequate.
- b. Respite resources that are available are not able to meet the child(ren)'s needs.
- c. Respite resources have not been developed, offered or established.
- d. Possible respite resources have not completed a background check or received training or authorization for payment, etc. (Some bureaucratic problem is a barrier to the respite care.)

JAA. The parent is incarcerated and the recommended services are not being provided.

Business Rules and Clarifying Information for Element: *(the following are some of, but not limited to, the reasons this element would be chosen)*

Data Flag: The one or both parents are incarcerated check box is selected by the program specialist (for each child) to establish the base population and indicate that one or both parents are incarcerated. The number of children with the element selected is used for the percent of children where this is a service gap or system problem.

- a. The Board needs to “actively” know that the service is not available. If the Board does not know if the parent is receiving services this element should not be selected.
- b. If a parent is incarcerated, the question should be asked if the parent is receiving services.
- c. This element is only selected if the service is not available or the parent is on a waiting list.
- d. This element is not selected if the parent is not in compliance with an available service.

JAB. The child(ren) is in detention or incarcerated and the recommended services are not being provided.

Business Rules and Clarifying Information for Element: *(the following are some of, but not limited to, the reasons this element would be chosen)*

Data Flag: The child is in detention or incarcerated check box is selected by the program specialist (for each child) to establish the base population and indicate that the child is in detention or incarcerated. The number of children with the element selected is used for the percent of children where this is a service gap or system problem.

- a. If the child(ren) is in detention or incarcerated, the question should be asked if the child(ren) is receiving services.
- b. The Board needs to “actively” know that the service is not available. If the Board does not know if the child(ren) is receiving services this element should not be selected.
- c. This element is only selected if the service is not available or the child(ren) is on a waiting list.
- d. This element is not selected if the child(ren) is not in compliance with an available service.

JAC. The child(ren) is dually-adjudicated and the recommended services are not being coordinated.

Business Rules and Clarifying Information for Element: *(the following are some of, but not limited to, the reasons this element would be chosen)*

Data Flag: The base population is children with an open case that have a legal status of dually adjudicated at the time of the review. The number of children with the element selected is used for the percent of children where this is a service gap or system problem.

- a. This element should only be selected when a lack of coordination of services between the Agency responsible for the child(ren) (because he/she is adjudicated delinquent) and the Agency responsible for the same child(ren) (because he/she is adjudicated dependent) has caused a lack or delay of a service, placement, etc.

KAA. The tasks contained in the child(ren)'s Individualized Education Plan (IEP) or formalized educational accommodation plan are not being implemented.

Business Rules and Clarifying Information for Element: *(the following are some of, but not limited to, the reasons this element would be chosen)*

Data Flag: The IEP check box is selected by the program specialist (for each child) to establish the base population and indicate that the child has an active IEP or formalized educational accommodation plan such as a 504 plan. The number of children with the element selected is used for the percent of children where this is a service gap or system problem.

- a. Active indicates that all necessary signatures are included on the IEP.
- b. The child(ren) is not receiving resources in a specific subject area, an individual aide is not available, child(ren) is not appropriately placed in a contained classroom, etc.
- c. There is a delay in the implementation of a task contained in the IEP.

KAB. The child(ren) needs a surrogate parent appointed.

Business Rules and Clarifying Information for Element: *(the following are some of, but not limited to, the reasons this element would be chosen)*

Data Flag: The surrogate parent check box is selected by the program specialist (for each child) to establish the base population and indicate that the child has or needs a surrogate parent. The number of children with the element selected is used for the percent of children where this is a service gap or system problem.

- a. It is known that the child(ren)'s parents are not involved in educational planning for the child(ren).
- b. The child(ren) has or may need an assessment and needs a surrogate parent.
- c. There are indications that the child(ren) needs an assessment in areas like physical therapy, occupational therapy, and/or speech therapy.
- d. The amount of time a surrogate parent has been needed should be noted in the "Observations/Concerns & Review Board Recommendations" section of the report.
- e. This element can be used with a school age child(ren) as well as a child(ren) who needs an early intervention program.

KAC. The child(ren) is between 3 and 5 years of age and needs to be enrolled in an early learners program and/or activity to prepare the child(ren) for entry into school.

Business Rules and Clarifying Information for Element: *(the following are some of, but not*

limited to, the reasons this element would be chosen)

Data Flag: The DCATS database will establish the base population by using each child's birth date. The open children who are age 3 or 4 at the time of the review are the base population. The number of children with the element selected is used for the percent of children where this is a service gap or system problem.

- a. The Board must document in the FCRB report what indicates the child(ren)'s need for a preschool program or activity. This might include a need for socialization (as observed by the caretaker) or a delay as indicated in a report.
- b. If selected this should be noted in the "Observations/Concerns & Review Board Recommendations" section of the report.

KAD. The child(ren) is 16 or 17 years of age and is not receiving information and/or assistance in pursuing financial aide, post-secondary education, and/or training.

Business Rules and Clarifying Information for Element: *(the following are some of, but not limited to, the reasons this element would be chosen)*

Data Flag: The DCATS database will create the base population by using each child's birth date. The open children who are age 16 or 17 at the time of the review are the base population. The number of children with the element selected is used for the percent of children where this is a service gap or system problem.

- a. This applies to every child 16 or 17 years old and should be a standard question when reviewing a case with a child(ren) of this age range.
- b. This is not limited to children who are in the Independent Living Program.

RAA. The Regional Behavioral Health Authority (RBHA) has denied the needed service or support.

Business Rules and Clarifying Information for Element: *(the following are some of, but not limited to, the reasons this element would be chosen)*

Data Flag: The needs RBHA services check box is selected by the program specialist (for each child) to establish the base population and indicate that the child needs RBHA services. The number of children with the element selected is used for the percent of children where this is a service gap or system problem.

- a. The service or support could be a placement.
- b. If the Board agrees the service or support is not needed and a denial is issued this element is not used.
- c. The Board needs to actively know that a denial has been issued. However, any knowledgeable or credible source can inform the Board of a denial of services or support.
- d. For purposes of this element, any entity of the behavioral health system (RBHA or contract provider) who has denied a needed service or support allows this element to be used.

- e. This element is used when a denial of service is affecting permanency. If it is affecting permanency, denial of service can be for the child(ren) or any individual associated to the child(ren) such as a parent or placement.
- f. This element may be used for a child(ren) or any interested party associated to the child(ren) where it is applicable. If the element applies to an interested party that is associated to more than one child it will be counted for all of the children.

RAB. The authorized service or support has not been provided and/or discontinued by the Regional Behavioral Health Authority (RBHA).

Business Rules and Clarifying Information for Element: *(the following are some of, but not limited to, the reasons this element would be chosen)*

Data Flag: The authorized RBHA services check box is selected by the program specialist (for each child) to establish the base population and indicate that the child is authorized to receive RBHA services. The number of children with the element selected is used for the percent of children where this is a service gap or system problem.

- a. The service or support could be a placement.
- b. The Board needs to actively know that a service or support has not been provided. However, any knowledgeable, credible source can inform the Board of a denial of service or support.
- c. For purposes of this element, any entity of the behavioral health system (be it the RBHA or contract provider) who has not provided a needed service or support allows this element to be used.
- d. This element may be used for a child(ren) or any interested party associated to the child(ren) where it is applicable. If the element applies to an interested party that is associated to more than one child it will be counted for all of the children.

RAC. The service or support provided by the Regional Behavioral Health Authority (RBHA) has not positively affected the identified need it is intended to address.

Business Rules and Clarifying Information for Element: *(the following are some of, but not limited to, the reasons this element would be chosen)*

Data Flag: The authorized RBHA services check box is selected in DCATS by the program specialist (for each child) to establish the base population and indicate that the child is authorized to receive RBHA services. The number of children with the element selected is used for the percent of children where this is a service gap or system problem.

- a. The Board has received information that the child(ren) is receiving a RBHA service or support but there is no improvement in the area of need.
- b. The RBHA service or support is not addressing the specific identified need. For example, the counseling is addressing acting out behavior but the child(ren)'s need is for grief and loss, attachment and bonding, or sexual abuse. (The counseling is not addressing the underlying cause of the acting out behaviors.)

- c. This element may be used for a child(ren) or any interested party associated to the child(ren) where it is applicable. If the element applies to an interested party that is associated to more than one child it will be counted for all of the children.

RAD. The behavioral health needs (child or other case participant) are inadequately addressed in outpatient treatment.

Business Rules and Clarifying Information for Element: *(the following are some of, but not limited to, the reasons this element would be chosen)*

Data Flag: The authorized RBHA services check box is selected by the program specialist (for each child) to establish the base population and indicate that the child is authorized to receive RBHA services. The number of children with the element selected is used for the percent of children where this is a service gap or system problem.

- a. This element applies to children and adults.
- b. This element may apply to domestic violence, substance abuse, etc.
- c. Selecting this element suggests a higher level of care is needed.
- d. This element may be used for a child(ren) or any interested party associated to the child(ren) where it is applicable. If the element applies to an interested party that is associated to more than one child it will be included for all of the children.

RAE. The behavioral health needs (child or other case participant) are inadequately addressed in support services.

Business Rules and Clarifying Information for Element: *(the following are some of, but not limited to, the reasons this element would be chosen)*

Data Flag: The needs RBHA services check box is selected by the program specialist (for each child) to establish the base population and indicate that the child is authorized or needs RBHA services. The number of children with the element selected is used for the percent of children where this is a service gap or system problem.

- a. Support services are services such as respite, personal assistance, living skills training, peer support, and family support.
- b. The Board, family, placement, or other sources report the support services provided are unable to meet the needs of the child(ren) or adult.
- c. This element may be used for a child(ren) or any interested party associated to the child(ren) where it is applicable. If the element applies to an interested party that is associated to more than one child it will be included for all of the children.

RAF. The screening, assessment or monitoring of the child(ren)'s behavioral health needs is not being adequately addressed.

Business Rules and Clarifying Information for Element: *(the following are some of, but not limited to, the reasons this element would be chosen)*

Data Flag: The needs RBHA services check box is selected by the program specialist (for each child) to establish the base population and indicate that the child is authorized or needs RBHA services. The number of children with the element selected is used for the percent of children where this is a service gap or system problem.

- a. Even if a need is not apparent, every child removed from the home should receive an initial assessment and ongoing monitoring of behavioral health needs.
- b. Every child should be monitored by a behavioral health services clinician during the first month (even if need is not apparent).
- c. Someone needs to be identified and responsible for monitoring (looking for changes in routine and/or behaviors) the child(ren)'s behavioral health needs on a regular and ongoing basis.
- d. Caretakers, family members, teachers (individuals seeing the child in every day settings) are good monitoring resources.
- e. The monitor should be identified at the Child and Family Team meeting. If there is no Child and Family Team, someone still needs to be responsible to cover this responsibility.

Addendum 1**Reasonable Efforts Not Required Related to Finding 4A, Element AAW****A.R.S. §8-846 Services provided to the child and family**

A. Except as provided in Subsection B of this section, if the child has been removed from the home, the Court shall order the Department to make reasonable efforts to provide services to the child and the child's parent.

B. The Court shall consider the following factors and reunification services are not required to be provided if the Court finds by clear and convincing evidence that:

1. One or more of the following aggravating circumstances exist:
 - (a) A party to the action provides a verified affidavit that states that a reasonably diligent search has failed to identify and locate the parent within three months after the filing of the dependency petition or the parent has expressed no interest in reunification with the child for at least three months after the filing of the dependency petition.
 - (b) The parent or guardian is suffering from a mental health illness or mental deficiency of such magnitude that it renders the parent or guardian incapable of benefiting from the reunification services. This finding shall be based on competent evidence from a psychologist or physician that establishes that, even with the provision of reunification services, the parent or guardian is unlikely to be capable of adequately caring for the child within twelve months after the date of the child's removal from the home.
 - (c) The child previously has been removed and adjudicated dependent due to physical or sexual abuse. After the adjudication the child was returned to the custody of the parent or guardian and then subsequently removed within eighteen months due to additional physical or sexual abuse.
 - (d) A child is the victim of serious physical or emotional injury by the parent or guardian or by any person known by the parent or guardian, if the parent or guardian knew or reasonably should have known that the person was abusing the child.
 - (e) The parent's rights to another child have been terminated, the parent has not successfully addressed the issues that led to the termination and the parent is unable to discharge parental responsibilities.
 - (f) After a finding that a child is dependent, all of the following are true:
 - (i) A child has been removed from the parent or guardian on a least two previous occasions.
 - (ii) Reunification services were offered or provided to the parent or guardian after the removal.
 - (iii) The parent or guardian is unable to discharge parental responsibilities.
2. The parent or guardian of a child has been convicted of murder or manslaughter of a child, or of sexual abuse, sexual assault of a child, sexual conduct with a minor, molestation of child, commercial sexual exploitation of a minor, sexual exploitation of a minor, or luring a minor for sexual exploitation.
3. The parent or guardian of a child has been convicted of aiding or abetting or attempting, conspiring or soliciting to commit any of the crimes listed in paragraph 2 of this subsection.

Addendum 2
Termination of Parental Rights Related to Finding 4A, Element AAX

A.R.S. §8-533 Petitions; who may file; grounds

- A. A. Any person or agency that has a legitimate interest in the welfare of a child, including, but not limited to, a relative, a foster parent, a physician, the Department of Economic Security or a private licensed child welfare agency, may file a Petition for the Termination of the Parent-Child Relationship alleging grounds contained in Subsection B of this section.
- B. B. Evidence sufficient to justify the termination of the parent-child relationship shall include any one of the following, and in considering any of the following grounds, the Court shall also consider the best interests of the child:
1. That the parent has abandoned the child.
 2. That the parent has neglected or willfully abused a child. This abuse includes serious physical or emotional injury or situations in which the parent knew or reasonably should have known that a person was abusing or neglecting a child.
 3. That the parent is unable to discharge the parental responsibilities because of mental illness, mental deficiency or a history of chronic abuse of dangerous drugs, controlled substances or alcohol and there are reasonable grounds to believe that that condition will continue for a prolonged indeterminate period.
 4. That the parent is deprived of civil liberties due to the conviction of a felony if the felony of which that parent was convicted is of such nature as to prove the unfitness of that parent to have future custody and control of the child, including murder of another child of the parent, manslaughter of another child of the parent or aiding, abetting, attempting, conspiring or soliciting to commit murder or manslaughter of another child of the parent, or if the sentence of that parent is of such length that that child will be deprived of a normal home for a period of years.
 5. That the potential father failed to file a paternity action within thirty days of completion of service of notice prescribed in Section 8-106, Subsection G.
 6. That the putative father failed to file a Notice of Claim of Paternity as prescribed in Section 8-106.01.
 7. That the parents have relinquished their rights to a child to an agency or have consented to the adoption.
 8. That the child is being cared for in an out-of-home placement under the supervision of the Juvenile Court, the Division or a licensed child welfare agency, that the agency responsible for the care of the child has made a diligent effort to provide appropriate reunification services and that either of the following circumstances exists:
 - a) The child has been in an out-of-home placement for a cumulative total period of nine months or longer pursuant to Court order or voluntary placement pursuant to Section 8-806 and the parent has substantially neglected or willfully refused to remedy the circumstances which caused the child to be in an out-of-home placement.
 - b) The child has been in an out-of-home placement for a cumulative total period of fifteen months or longer pursuant to Court order or voluntary placement pursuant to Section 8-806, the parent has been unable to remedy the circumstances which caused the child to be in an out-of-home placement and there is a substantial likelihood that the parent will not be capable of exercising proper and effective parental care and control in the near future.
 9. That the identity of the parent is unknown and continues to be unknown following three months of diligent efforts to identify and locate the parent.

10. That the parent has had parental rights to another child terminated within the preceding two years for the same cause and is currently unable to discharge parental responsibilities due to the same cause.
11. That all of the following are true:
 - a) The child was cared for in an out-of-home placement pursuant to Court order.
 - b) The agency responsible for the care of the child made diligent efforts to provide appropriate reunification services.
 - c) The child, pursuant to Court order, was returned to the legal custody of the parent from whom the child had been removed.
 - d) Within eighteen months after the child was returned, pursuant to Court order, the child was removed from that parent's legal custody, the child is being cared for in an out-of-home placement under the supervision of the Juvenile Court, the Division or a licensed child welfare agency and the parent is currently unable to discharge parental responsibilities.
- C. In considering the grounds for termination prescribed in Subsection B, Paragraph 8 or 11 of this section, the Court shall consider the availability of reunification services to the parent and the participation of the parent in these services.
- D. In considering the grounds for termination prescribed in Subsection B, Paragraph 8 of this section, the Court shall not consider the first sixty days of the initial out-of-home placement pursuant to Section 8-806 in the cumulative total period.

Addendum 3
Policy for Providing Supervision of Children in Out-of-Home Care
Related to Finding 10, Element ABE

Legal Basis: ARS §§8-824, 8-825, 8-843, 8-845, and 8-846 require the department to provide services to children in out-of-home care and their families.

Rules: Not applicable

Policy: The department shall provide case planning and case management for children in out-of-home care under a dependency, as specified in Chapter 6, Case Planning and Case Management.

The department shall provide ongoing supervision of children in out-of-home placement to ensure that they are safe and that their needs are met.

For children in out-of-home care with a permanency goal of long-term foster care or independent living, and placed in a licensed foster home, kinship foster care, or significant person's home with whom a Long Term Foster Care Agreement has been signed; case managers shall consult with the out-of-home care provider, the child if verbal, and other service team members as appropriate, to determine the frequency of face-to-face and telephone contacts. At minimum, case managers shall have quarterly face-to-face contact with the child and provider, together in the provider's home.

For all other children in out-of-home care, case managers shall have face-to-face contact with the child and the provider at least once a month, unless an exception substituting face-to-face contact by another professional for face-to-face contact by the case manager is approved. At least one visit in every three month period shall be conducted by the case manager, with the provider and the child together in the provider's home.

Case managers shall consult with the out-of-home care provider, the child if verbal, and other service team members as appropriate, to determine if the child and/or provider requires more frequent face-to-face contact and/or telephone contact between face-to-face contacts.

When a child is placed in an emergency shelter or receiving foster home, the case manager shall have face-to-face contact with the child and the provider every two weeks and telephone contact with the provider, and the child if verbal, every other week.

The case manager's supervisor may approve face-to-face contact by another ACYF employee professional, such as another case manager or human service worker, to substitute for face-to-face contact by the case manager with the child or provider.

The case manager's supervisor may approve, as the result of a case plan staffing recommendation, face-to-face contact by another involved professional person who is associated with the case, but is not an ACYF employee to substitute for face-to-face contacts by the case manager with the child and the provider.

These exceptions do not apply to the case manager's quarterly face-to-face contact with the child and provider together in the provider's home.

Case managers shall have monthly telephone contact with children and out-of-home care providers when the monthly face-to-face contact is made by another ACYF staff or other involved professional. For children placed in an emergency shelter or an emergency receiving foster home, case managers shall have

weekly telephone contact with children and out-of-home care providers when the required face-to-face contact is made by another ACYF staff or other involved professional.

Addendum 4

Policy for Participating in Foster Care Review Board Hearings and Submitting Reports Ten Business Days Prior to the Review.

(Finding 10, Elements ABC, ABD, ABH)

Legal Basis: The Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272) requires the periodic review of the cases of all children in out-of-home placement under supervision of the state.

ARS §8-515.01 through 515.04 establishes the Arizona Foster Care Review Board and discusses its duties. The Court is required to review Foster Care Review Board findings and recommendations, and to address the recommendations on the record at the next scheduled hearing. The department is required to provide written notice of the department's intent to accept or not implement the Board's recommendations within ten business days of receipt.

Rules: Not applicable

Policy: The department shall work collaboratively with the Foster Care Review Board (FCRB) to ensure that all cases of children in out-of-home placement for six months or longer and under supervision of the state are reviewed at least every six months.

Cases that require review include:

- Dependent children who are placed in out-of-home care, including relative care; and
- Children who were initially in foster care under a Voluntary Foster Placement Agreement.

The Foster Care Review Board is responsible for setting hearing dates, inviting parties, conducting the hearing and formulating findings and recommendations to the court.

The ACYF case manager is responsible for providing information and reports required by the Foster Care Review Board.

If the Foster Care Review Board is unable to assure timely review of a case for any reason, the department shall conduct an administrative case review.

The department shall provide written notice of the department's intent to accept or not implement the Board's written recommendations within ten business days of receipt of the recommendations.

Provide the Report to the Juvenile Court for Preliminary Protective Hearing and/or Initial Dependency Hearing and the Report to the Juvenile Court for Dependency Adjudication Hearing and Disposition Hearing, found in the Court Detail Document, CT01200 and CT05100, respectively, along with the attachments described above, to the FCRB:

- At the time it is submitted to the Juvenile Court,
- Upon their request,
- At the direction of the Court, or
- Three months following out-of-home placement, if not previously submitted.

Review the monthly listing of hearing dates provided by the FCRB to determine when FCRB hearings are scheduled. Contact the FCRB immediately if it appears that a case is not scheduled for a necessary review.

Update the Foster Care Plan and Progress Report, FC-064, and FC-064-A, Attachment A, found in the Court Document Detail, to include current information on all parties listed on the form. Submit the forms, along with the Report to the Juvenile Court for Initial Permanency Hearing and Permanency Hearing and the Progress Report to the Juvenile Court, found in Court Detail Document, CT05000 and CT04400, respectively, to the FCRB at least ten working days prior to a scheduled hearing.

Attend the first FCRB hearing in person (or arrange for your supervisor to do so).

Either attend subsequent hearings in person or be available for a telephone conference, if in person attendance is not possible. Notify the FCRB as soon as possible if telephone attendance is necessary.

Notify the FCRB as soon as possible if unusual circumstances make it impossible for either you or your supervisor to attend a scheduled hearing.

If hearings are running late, wait for at least 30 minutes after the scheduled start time. If the FCRB is not ready to begin the hearing and you believe you need to leave, consult with your supervisor.

If the FCRB disagrees with the case plan, review the case with your supervisor to determine if the plan should be modified. Notify the Program Manager or designee of the outcome of the review. The Program Manager or designee may take further action, if necessary.

If you believe that any party should not receive a copy of the FCRB's recommendations, make the request to the FCRB in writing prior to the hearing or verbally at the hearing. (If the recommendations are made after you have left the hearing, you may call the FCRB staff the next working day.) The FCRB will make a recommendation to the Juvenile Court, which will decide whether or not the party receives the report.

When a case is transferred, the receiving supervisor notifies the FCRB and parties listed on the Foster Care Plan and Progress Report, FC-064, and FC-064-A, Attachment A, found in the Court Document Detail, of the transfer and the name of the new case manager. The receiving supervisor, in consultation with the sending supervisor, determines which case manager can best present the case at the next FCRB hearing.

Addendum 5
Parent/Sibling Visitation
(Finding 10, Element ABF; Finding 5, Element AAA)

Legal Basis: ARS §8-513(C) sets forth the right of children in out-of-home care to maintain contact with siblings, relatives and friends, unless the Court determines that the contact is not in the child's best interests.

ARS §8-813 requires the department to develop policies and procedures to allow a child in out-of-home care to maintain contact by telephone, mail or visits with the child's parents, family members, friends, other relatives and any former foster parent, unless the court determines that the contact is not in the child's best interest.

ARS § 8-824(G)(8) requires the department to report to the Court any efforts made to facilitate communications among siblings.

ARS § 8-824(G)(9) requires the department to report to the Court, a proposal for visitation for children in out-of-home care and their families.

Policy: The department shall facilitate contact by telephone, mail and visitation between a child in out-of-home care and the child's parents, siblings, family members and other relatives to preserve and enhance relationships with and attachments to the family of origin, unless the contact is detrimental to the child's health and safety.

The department may restrict contact between a child in out-of-home care and the child's parents, siblings, family members, other relatives, friends, and any former foster parents only when contact is detrimental to the child's health and safety.

The department shall facilitate contact by telephone, mail and visitation between a child in out-of-home care and the child's friends and any former foster parent unless such contact is documented as detrimental to the child's health and safety.

All case plans for children in out-of-home care shall include a contact and visitation plan which is developed with involvement of family members and the child, if age appropriate, or documentation of why contact and visitation is detrimental to the child's health and safety.

Frequency, duration, location and structure of contact and visits shall be determined based primarily upon the child's need for safety and for family contact with safety being the paramount concern. Visitation and other contact by telephone and mail shall not be used as a reward or as a punishment for the child or any family member.

Visitation shall take place in the most natural, family-like setting possible and with as little supervision as possible while still ensuring the safety of the child.

Addendum 6

Placement Packet Contents (Pima County Example)

(Finding 10, Element ABL)

Note: There may be some differences between counties, but the Child Placement Packet should include the information outlined below:

Section 1

Child Placement Packet Checklist (FC-120)
Child Placement Summary / Agreement (FC-011) Notice to Provider - Medical & Educational (FC-069) Child's Medical/Educational History & Status (FC-1 92)

Section 2

Foster Child Assessment Form (3 pages)
Temporary Foster Placement Statement of Understanding - X2 (2 pages)
Caregiver Letter
Foster Parent Feedback Form - X 3 (2 pages)
Urgent Response and Child & Family Teams Information (5 pages) Blake Urgent Response Information letter Arizona Friends of Foster Children Information & Application

Section 3

Child Information Guide (FC-130)
Basic Wardrobe Checklist (FC-010)
Child's Health & Medical Record (FC-014)
Purchase Ledger (FC-126)
Child's Contact Record (FC-127)
Allowance Signoff Ledger (FC-128)
Significant Incident Report – X5 (FC-122)
Foster Parent Wrap-Up Form (FC-129)

Section 4 (Three labeled brown manila Folders)

1. Receipts
2. Photos, etc
3. Immunization records, CMDP card, copy of birth certificate

Addendum 7The Safe and Timely Interstate Placement of Foster Children Act of 2006.(Finding 5 – AAN, Finding 6 – AAH, Finding 10 – ABE)

Titles IV-B and IV-E of the Social Security Act; P.L. 109-239. This is to inform State, Tribal and Territorial IV-B and IV-E Agencies of the enactment of the Safe and Timely Interstate Placement of Foster Children Act of 2006 and provide basic information about the provisions in the law. The President signed the Safe and Timely Interstate Placement of Foster Children Act of 2006, P.L. 109-239 into law on July 3, 2006. The law amends Titles IV-B and IV-E of the Social Security Act (the Act), encourages States to improve protections for children and holds them accountable for the safe and timely placement of children across State lines.

Home Study Related Provisions

Title IV-E Foster and Adoptive Home Study Requirements. The law adds two new Title IV-E State plan requirements at section 471(a)(25) and (26) to the Act.

- Under section 471(a)(25), a State is required to have in effect a procedure for the orderly and timely interstate placement of children. Such procedures that are implemented consistent with an Interstate Compact and that meet the timely home study requirements that follow at section 471(a)(26) are considered to satisfy this provision.
- Under section 471(a)(26), a State is required to complete and report on foster and adoptive home studies requested by another State within 60 days. An exception to the 60-day requirement is provided (but only until 9/30/08) if the State's failure to complete the home study within 60 days is due to circumstances beyond the State's control (e.g., delays in receipt of Federal agency background checks). This exception gives the State 15 more days to complete and report on the home study.

The State that requested the home study must accept the completed home study unless, within 14 days of receiving the report, the State determines that reliance on the report would be contrary to the child's welfare.

The parts of the home study involving education and training of prospective foster and adoptive parents do not have to be completed within the same 60- (or 75-) day timeframe. Further, States are permitted to contract with a private agency to conduct the home study.

Timely Foster and Adoptive Home Study Incentives under Title IV-E. The law adds a new section to the Act at section 473B, entitled "The Timely Interstate Home Study Incentive Payments." This is an incentive program to encourage States to complete timely interstate home studies. Key points include the following:

- \$10 million is authorized for each of fiscal years 2007-2010 for the U.S. Department of Health and Human Services (HHS) to award to a State an incentive payment of \$1,500 for each

interstate home study completed within 30 days of the request. Funding of the incentive program is subject to annual appropriations. If the overall amount appropriated is too small to cover all payments, payments will be prorated.

- Incentives awarded to a State may be spent on any service allowed under Titles IV-B and IV-E.
- To earn an incentive, a State must provide data to HHS on interstate home studies that include (1) the total number of interstate home studies requested by the State identified by State, (2) the total number of timely interstate home studies completed by the State identified by the requesting State, and (3) other information the HHS Secretary may require.
- The incentive program is repealed as of October 1, 2010.

Other Interstate Placement Considerations

Use of Cross Jurisdictional Resources. The law modifies the Title IV-B State plan requirement at section 422(b)(12) of the Act to require States to "make" effective use of cross jurisdictional resources (rather than the existing requirement to develop plans for such) and "eliminate legal barriers" to timely adoptions.

Reasonable Efforts. The law modifies the existing Title IV-E State plan provisions related to reasonable efforts at section 471(a)(15) of the Act to specifically require a State to:

- Consider interstate placements in permanency planning decisions when appropriate (section 471(a)(15)(C));
- Consider in-State and out-of-State permanent placement options at permanency hearings (section 471(a)(15)(E)(i)); and
- Identify appropriate in-State and out-of-State placements when using concurrent planning (section 471(a)(15)(F)).

Permanency Hearings. The law requires a State to consider in-State and out-of-State placement options in permanency hearings, and if a child is already in an out-of-State placement, the hearing must determine if the placement continues to be appropriate and in the child's best interests (section 475(5)(C)).

Caseworker Visits. The law increases the frequency of required caseworker visits from every 12 months to every 6 months for children in out-of-State foster care placements, and allows for a private agency under contract with either State to perform those visits (section 475(5)(A)(ii)).

Court Improvement Provisions

Court Improvement Amendments. The law amends section 438(a) and (b) of the Act to include specific requirements for the highest State court participating in the Court Improvement Program as follows:

- Under section 438(a)(1)(E), the law requires State Courts that receive the original court improvement grant to assess their effectiveness in expediting interstate placements, and that courts in different States cooperate in the sharing of information. Courts are also authorized to obtain information and testimony from agencies and parties in other States without requiring interstate travel by those parties. The law also permits the participation of parents, children and other necessary parties involved in interstate placement without requiring interstate travel. This applies only to the original court improvement grant at section 438(a)(1).
- Under section 438(b)(1), State Courts must ensure that foster parents, pre-adoptive parents, and relative caregivers are notified of any proceedings held with respect to a child in foster care. This applies to any of the three Court improvement grants under section 438(a).

Addendum 8Case Plan Target Date as it relates to Finding 7

This is for all CPS staff who are responsible for managing cases involving children who are Court wards and in out-of-home care.

The Foster Care Review Board (FCRB) fulfills a critical role in ensuring the safety, permanency and well-being of children who enter foster care system. The primary role of the FCRB is to determine what efforts have been made by the Agency to carry out the case plan for the permanent placement of such child. During its review, the FCRB makes several findings including:

- whether there is an appropriate case plan which outlines tasks for case participants; and
- whether the established target date for the completion of the permanency goal is realistic.

In order to fulfill its responsibilities, the FCRB needs specific information from the assigned CPS Specialist. In Agency reports to the FCRB and Juvenile Court, please CPS Specialists must include the child's "**Permanency Goal**" and the "**Target Date**" that the goal is expected to be achieved. **The "target date" is the REALISTIC date that the Agency expects the permanency goal for the child to be completed.** For example, if the permanency goal is family reunification, the target date is the date that the child is expected to return to the parent's physical custody. The FCRB will determine whether the permanency goal is "reasonable" and can be finalized by the target date.

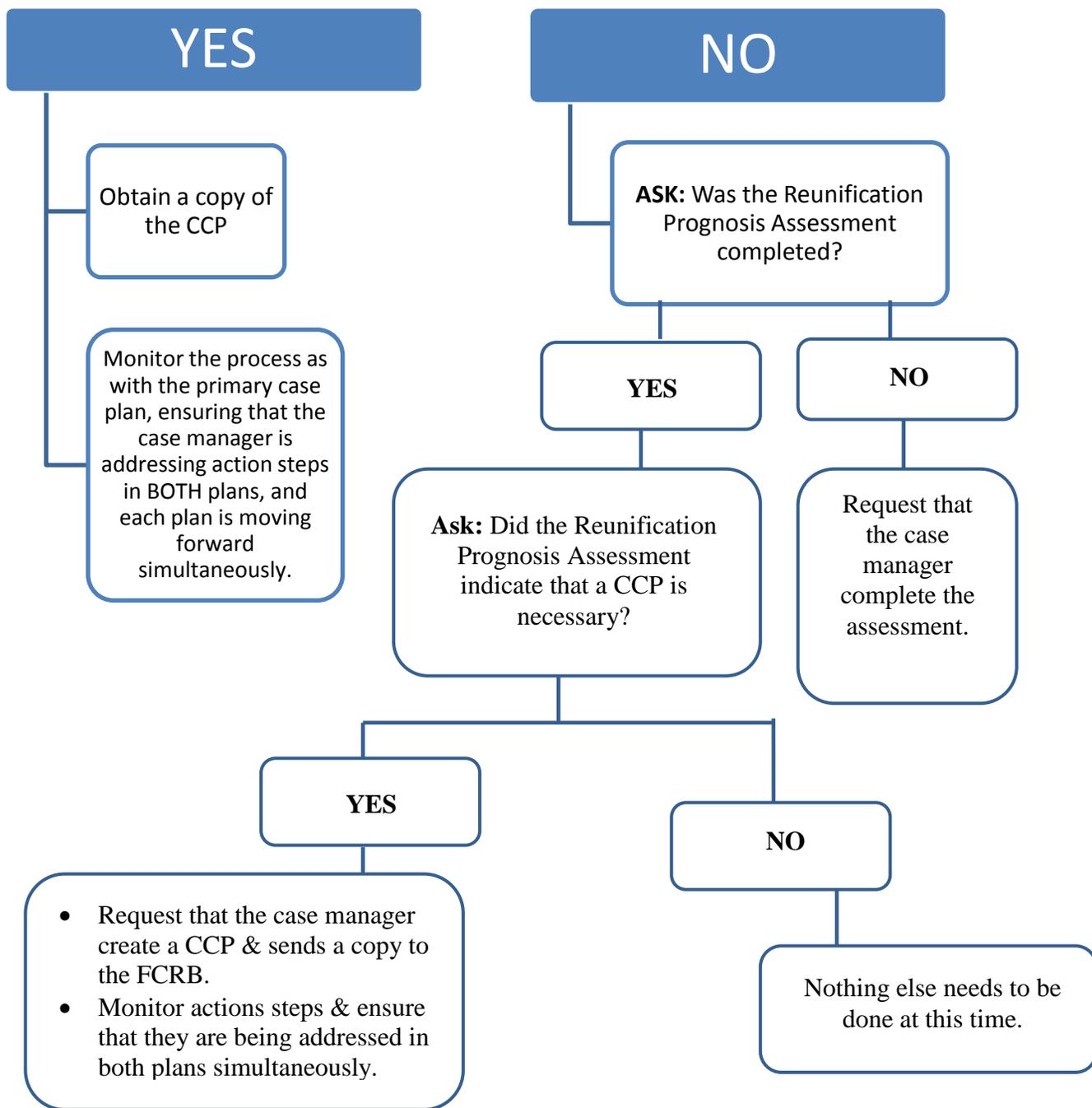
For clarification, the "Review Date" on the "Permanency Goal" tab in CHILDS is the date that the Agency expects to review the case plan including the permanency goal, identified safety and risk factors, required behavioral changes, services and supports, and the family's overall progress toward alleviating or mitigating the cause(s) necessitating the child's placement in out-of-home care. Generally, this "Review Date" coincides with the case plan staffing. The "Planned Review Date of Service(s) with Family" on the Risk Areas tab in CHILDS is the date that the CPS Specialist plans to review whether the services and supports are achieving the desired behavioral changes. This "Planned Review Date of Service(s) with Family" will occur on a regular basis, approximately every two to three months.

Addendum 9

Concurrent Case Planning as it relates to Findings 4 and 6

If a child has been in out-of-home care 45 days and the permanency case plan goal is Return to Parent:

ASK: Is there a Concurrent Case Plan (CCP) in place?



Questions to Consider regarding Concurrent Case Planning:

- What efforts have been made to identify and notify the child(ren)'s relatives?
- Why is the child not placed with relatives (grandparents, another member of extended family)?
- Why is kinship placement not in the child's best interest?
- Has the Agency reassessed the needed services to engage the family?
- Has the Agency reassessed the case plan?
- Are these the most appropriate supports and services to address the case plan goal?
- Is this a child who will benefit from concurrent case planning activities?
- Have the identified case planning activities been implemented?