

**Administrative Office of the Courts
Arizona Supreme Court
Dependency Children's Services Division**

**Wells County Juvenile Court
Dependency Operational Review
Final Report**

**Round 4
September 2012**



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INTRODUCTION

In accordance with Article VI, Section 3 of the Arizona Constitution, the Administrative Office of the Courts (AOC) has implemented a process for conducting operational reviews to maintain accountability throughout the state's court system. The Dependent Children's Services Division (DCSD) within the AOC conducts operational reviews for all of the juvenile courts throughout the state and all of the county CASA programs.

The review of the Wells County Juvenile Court focused on the court's processing of dependency cases, the collection of information on dependency cases, and the administrative oversight of funds distributed through the program. The DCSD Operational Review team began the Wells County Juvenile Court Round 4 Operational Review in July 2012. Preliminary information for this operational review was acquired from the initial information request (IIR) which was completed by the Court prior to the on-site portion of the review. The review team considered both administrative and operational procedures relating to the dependency process.

In addition to the court, the review team also focused on administrative and operational compliance of the county's CASA program. This process included the completion of an IIR and the review of both CASA volunteer and child case files currently maintained at the county program office.

COURT IMPROVEMENT PROGRAM

<i>Round 4 Compliance Summary</i>			
<i>Area of Consideration</i>	<i># of Elements Considered</i>	<i>*Key Elements</i>	<i>All Elements</i>
Budgetary Considerations	3	100	100
Record Retention	3	92	92
Information Tracking System	5	100	100
Court Operations and Procedures	4	100	100
Case File Review		83	83
<p><i>* “Key” elements are those identified as crucial to the successful completion of the relevant court proceeding; thus, these requirements have been weighted in the calculation of compliance.</i></p>			

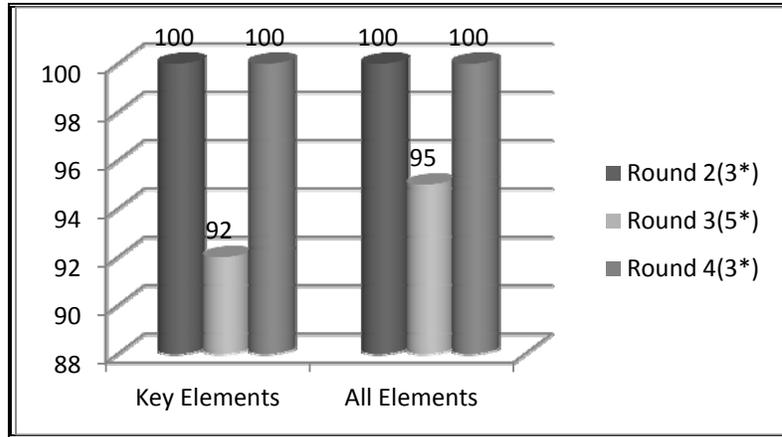
<i>Total Overall Compliance Summary</i>					
	<p>For Round 4, the Wells County Juvenile Court is in substantial compliance¹ in addressing all requirements related to the Court Improvement Program.</p>	Round 4		Round 3	
		Key Elements	All Elements	Key Elements	All Elements
		95	95	94	91

¹

Substantial Compliance	90% and Above
Compliance	80%-89%
Needs Improvement	79% and Below

Budgetary Considerations

Upon approval of the annual Funding Agreement (FA), monies are disbursed to the court throughout the fiscal year. This funding process is intended to support the court's efforts to successfully process dependency cases in the county. The county's efforts were assessed for FY10 and FY11. The chart below illustrates a comparison of the compliance scores from previous operational reviews in this category.



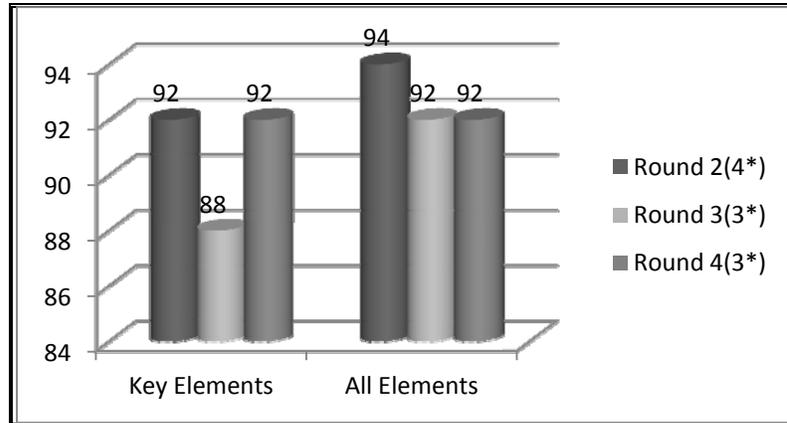
*Denotes number of elements reviewed that year.

Findings:

1. Funds disbursed to the court were deposited into a special revenue account pursuant to the FA. 
2. The county did not shift funds from, to, or within budgeted categories described in the Addendum A without prior written authorization from the AOC.
3. Funds unencumbered as of June 30 and unexpended (including unexpended interest) as of July 31st of FY10 and FY11 were transmitted to AOC according to the funding agreement.

Record Retention

The court is required to provide progress reports to the state office on a regular basis. The court is also to follow requirements regarding its retention of records and ensure that subcontractors follow retention requirements. The county's efforts were assessed for FY10 and FY11. The chart below illustrates a comparison of the compliance scores from previous operational reviews in this category.



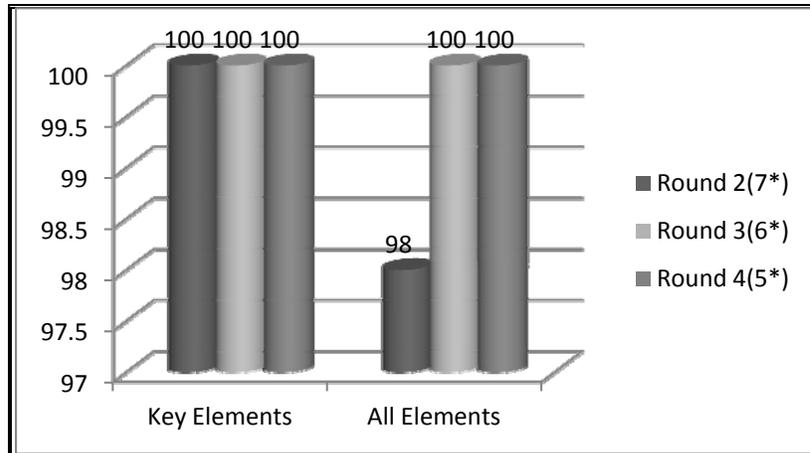
*Denotes number of elements reviewed that year.

Findings:

1. The court submitted the required semi-annual progress report for FY10 and FY11 in a timely manner. ↗
2. The court submitted the required Closing Reports & Financial Statements for FY10 and FY11; however, two of the reports were not submitted in a timely manner. ↗
3. The court maintains and provides to the AOC reports, data and statistics as required. The court retains all financial records, applicable program records, and data related to the approved plan for a period of at least five years. ↗
4. The court reported that the average length of time from the completion of a dependency court hearing to the completion of the corresponding minute entry is three days.

Juvenile Information Tracking System

The FA contains requirements relating to the use of the juvenile information tracking system. The Court is also subject to requirements for all equipment that was purchased by Court Improvement monies, including relevant computer equipment utilized for data entry. The chart below illustrates a comparison of the compliance scores from previous operational reviews in this category.



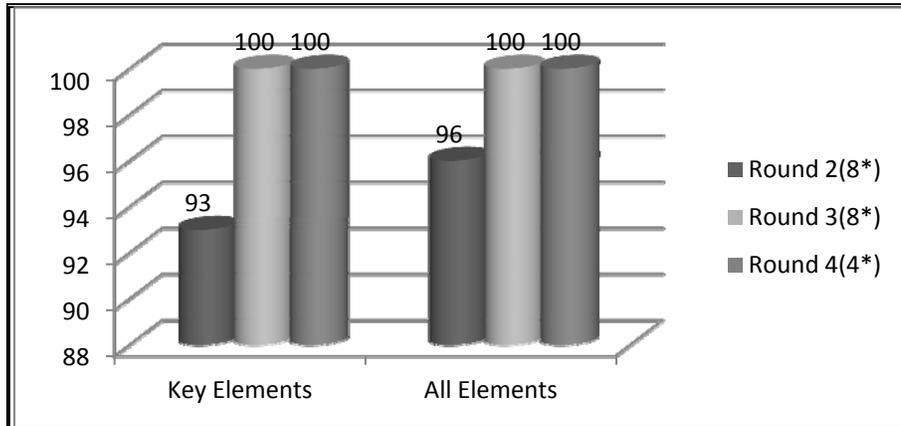
*Denotes number of elements reviewed that year.

Findings:

1. The applicable juvenile information tracking system is accessible to all appropriate court personnel. ↗
2. Jane Smith is responsible for the input of data into the juvenile information tracking system. ↗
3. A representative from the court participated in 100% of the Dependency User Group Meetings for 2010 and 2011.
4. The court has established a security matrix to identify users and determine what access they have to the juvenile information tracking system and what level of access these users may have.
5. The court reported that dependency data entries are completed by the fifth day of each month. ↗

Court Operations and Procedures

In the Funding Agreement signed by the court prior to the start of each fiscal year, the court agrees to address key requirements related to the successful implementation of dependency case processing. The chart below illustrates a comparison of the compliance scores from previous operational reviews in this category.



*Denotes number of elements reviewed that year.

Findings:

1. Judge James Jones and Judge Judy Smith hear all dependency matters in Wells County.
2. All the Judges have attended or are scheduled to attend the required dependency training and have a current copy of the Juvenile Bench Book. ↗
3. Bill Smith is facilitating Pre-Hearing Conferences and mediations for dependency matters with Sally Williams as a backup. ↗
4. Sally Williams is the dependency coordinator for the county.
5. The court reported that in the past fiscal year one case participated in mediation that resulted in a partial agreement regarding visitation and services.
6. The court reported that their Court Improvement Team attempts to meet at least quarterly.
7. Interested parties are notified of upcoming court hearings by their attorneys, CPS and through minute entries.

JOLTS Reporting

Through utilization of dependency case information entered by each county into the Juvenile Online Tracking System (JOLTS), several reports have been made available by staff at the Administrative Office of the Courts. The results of a number of these reports are displayed in the tables below. While results of the JOLTS reporting measures were not included in the calculation of compliance, the information from these measures should prove useful to the county in an assessment of its efforts to meet the needs of dependent children.

Title – Explanation of Report	FY10	FY11					
Number of Children with Open Dependency Petitions – the total number of children who are the subject of an open dependency petition for FY10 and FY11.	100	200					
Average Length of Stay in System – based on the date that the child(ren) was initially removed from the home and the date that their case was closed during FY10 and FY11.	375	225					
Petitions Filed for a Period – the number of petitions filed during FY10 and FY11.	75	50					
Average Number of Days to First Dependency Finding – considering the time elapsed between the date of the child’s removal from the home to the date of dependency being found as to the first parent, during FY10 and FY11.	33	34					
Percent of Petitions in which a Permanent Plan was Initiated Within 12 Months of Initial Date – Count of juveniles with the percentage of petitions in which the permanency plan was entered within 12 months of the child coming into care, during FY10 and FY11.	71%	88%					
Percent of Petitions in which a PPH is held within 12 Days from Removal – hearings held within the statutorily required time frame, during FY10 and FY11.	5 – 7 Days	8 Days	9 Days	10 Days	11 Days	12 + Days	
	FY10	91 %	4 %	0%	0%	0%	5%
	FY11	95%	4%	0%	0%	0%	1%

Case File Review

During the previous operational review in July 2009, the review team considered files in which the child was removed from the home on or after 1/1/2007. For the current review, the review team considered 30 case files in which the child in question was removed from the home on or after 8/12/09.

Area of Consideration	Round 4	Round 3
Number of files reviewed	30	21
Number of hearing types reviewed	75	71
Compliance on key requirements 	83%	88%
Compliance on all requirements	83%	70%

The court's compliance is noted in two ways for each of the various types of dependency hearings:

- Success in addressing "key" requirements;
- Success in addressing the remainder of the requirements.

In considering the percentage of compliance for a specific hearing type, straight calculations were used; however, in presenting the overall compliance in case file review on all items, the calculation was weighted to account for the number of hearing types reviewed. The findings include measures rating compliance for each of the different hearing types reviewed.

Preliminary Protective Hearing (PPH)

The key requirements for the PPH focus on the court's efforts to:

- ✦ Hold the hearing within the required time frame;
- ✦ Determine whether the tasks set forth in the case plan are reasonable and necessary to carry out the case plan goal;
- ✦ Enter orders regarding placement and visitation pending dependency determination;
- ✦ Determine if reasonable efforts were made or whether it was reasonable to make no efforts to prevent the removal of the child(ren) from the home;
- ✦ Provide a factual basis for the reasonable efforts determination;

Measures	Round 4	Round 3
Number of hearings reviewed	30	37
Compliance on key requirements	94%	97%
Compliance on all requirements	89%	94%
Percentage of cases child attorney present	95%	98%
Average number of court days after removal	6	7

PPH Case File Compliance Exceptions (below 80%)	
Required Item	% Compliance
Determine whether ADES made arrangements for assembly of child's medical records, a medical assessment, has implemented referrals, and communicated recommendations and results. Rule 50(B)(9)	23%
Was the hearing continued for no more than five days?	75%
If ICWA applies, did the court make findings pursuant to the ICWA standards and burdens of proof, including whether placement of the Indian child is in accordance with Section 1915 of the Act or whether there is good cause to deviate from the preferences? Rule 50(C)(6)	0%

Interested Party Attendance (PPH) Round 4

Mother	Mother's Atty	Father	Father's Atty	Child	Child's Atty	Case Manager	AAG	CASA	Foster Parent	Relative Placement	Other
63%	76%	37%	73%	7%	95%	97%	100%	3%	0%	5%	15%

Interested Party Attendance (PPH) Round 3

Mother	Mother's Atty	Father	Father's Atty	Child	Child's Atty	Case Manager	AAG	CASA	Foster Parent	Relative Placement	Other
63%	91%	37%	78%	2%	98%	98%	98%	3%	N/A	N/A	74%

Review of Temporary Custody (RTC)

If requested by a parent, guardian or Indian custodian, the court is to conduct a review of temporary custody to determine whether removal of the child was necessary and whether the child should remain in out-of-home placement. Because the Court is required to make the determination at the PPH whether continued temporary custody is required to prevent abuse or neglect, this hearing is to be completed before completion of the PPH.

Measures	Round 4	Round 3
Number of hearings reviewed	2	1
Compliance on key requirements	NA	N/A
Compliance on all requirements	100%	50%
Percentage of cases child attorney present	100%	100%

Interested Party Attendance (RTC) Round 4

Mother	Mother's Atty	Father	Father's Atty	Child	Child's Atty	Case Manager	AAG	CASA	Foster Parent	Relative Placement	Other
100%	100%	33%	33%	0%	100%	100%	100%	0%	0%	33%	0%

Interested Party Attendance (RTC) Round 3

Mother	Mother's Atty	Father	Father's Atty	Child	Child's Atty	Case Manager	AAG	CASA	Foster Parent	Relative Placement	Other
100%	100%	0%	0%	0%	100%	100%	100%	0%	0%	0%	0%

Initial Dependency Hearing (IDH)

The key requirements of the IDH focus on the court's efforts to:

- ✦ Hold the hearing within the required time frame;
- ✦ Determine whether service of process had been completed or waived as to each party;
- ✦ Determine whether reasonable efforts were made to prevent or eliminate the need for the child(ren)'s removal from the home.

Measures	Round 4	Round 3
Number of hearings reviewed	30	27
Compliance on key requirements	95%	84%
Compliance on all requirements	85%	73%
Percentage of cases child attorney present	98%	98%
Average number of court days after petition filed	24	37

IDH Case File Compliance Exceptions (below 80%)	
Required Item	% Compliance
Did the court order the parent to provide the court the names, type of relationship and all available information necessary to locate those related to the child or with a significant relationship to the child? ARS 8-842(B)(1), Rule 52(D)(10)	27%
Did the court order the parent to inform the department immediately if they become aware of information re the existence/location of a relative or person with a significant relationship with the child? ARS 8-842(B)(1), Rule 52(D)(10)	38%
Did the court determine that the department is attempting to identify and assess placement of the child with a grandparent or another member of the child's extended family including a person who has a significant relationship with the child? ARS 8-842(B)(2)	75%
Did the court address the court's jurisdiction? Rule 52(D)(1)	14%

Interested Party Attendance (IDH) Round 4											
Mother	Mother's Atty	Father	Father's Atty	Child	Child's Atty	Case Manager	AAG	CASA	Foster Parent	Relative Placement	Other
68%	78%	49%	83%	5%	98%	97%	100%	2%	0%	3%	12%

Interested Party Attendance (IDH) Round 3											
Mother	Mother's Atty	Father	Father's Atty	Child	Child's Atty	Case Manager	AAG	CASA	Foster Parent	Relative Placement	Other
80%	93%	45%	79%	2%	98%	98%	100%	0%	3%	0%	55%

Pretrial Conference (PTC)

A PTC may be held prior to dependency adjudication to determine whether the parties are prepared and intend to proceed to trial or whether resolution of remaining issues is possible and to address any issues raised by the parties. Counsel shall meet with their clients prior to the conference.

Measures	Round 4	Round 3
Number of hearings reviewed	12	8
Compliance on key requirements	NA	NA
Compliance on all requirements	83%	50%
Percentage of cases child attorney present	96%	89%

PTC Case File Compliance Exceptions (below 80%)	
Required Item	% Compliance
If ICWA applies, did court make findings pursuant to the ICWA standards and burdens of proof, including whether placement of the Indian child is in accordance with Section 1915 of the Act or whether there is good cause to deviate from the preferences? ARS 8-815(A), Rule 52(D)(5)	50%

Interested Party Attendance (PTC) Round 4											
Mother	Mother's Atty	Father	Father's Atty	Child	Child's Atty	Case Manager	AAG	CASA	Foster Parent	Relative Placement	Other
57%	78%	43%	78%	13%	96%	100%	100%	9%	0%	0%	4%

Interested Party Attendance (PTC) Round 3										
Mother	Mother's Atty	Father	Father's Atty	Child	Child's Atty	Case Manager	AAG	Guardian	CASA	Other
78%	100%	11%	56%	11%	89%	89%	100%	0%	0%	11%

Dependency Adjudication Hearing (ADJ)

The key requirements of the ADJ focus on the court's efforts to:

- ✦ Hold the hearing within the required time frame;
- ✦ Find that it has jurisdiction over the subject matter and the persons before it if the allegations are contested and are found to be true by a preponderance of the evidence;
- ✦ Find that there is a factual basis for the dependency if the allegations are contested and are found to be true by a preponderance of the evidence;
- ✦ Find that the child is dependent if the allegations are contested and are found to be true by a preponderance of the evidence;
- ✦ Determine whether the party understands the rights being waived if an admission or no contest plea is entered;
- ✦ Determine whether the plea is made knowingly, intelligently and voluntarily if an admission or no contest plea is entered;
- ✦ Determine whether a factual basis exists to support a finding of dependency if an admission or no contest plea is entered.

Measures	Round 4	Round 3
Number of hearings reviewed	30	26
Compliance on key requirements	96%	95%
Compliance on all requirements	94%	84%
Percentage of cases child attorney present	98%	98%
Average number of court days from removal	46	39

ADJ Case File Compliance Exceptions (below 80%)

Required Item	% Compliance
At the adjudication hearing, if the allegations are found true by preponderance of the evidence, did the court find that it has jurisdiction over matter and persons before it.	71%

Interested Party Attendance (ADJ) Round 4

Mother	Mother's Atty	Father	Father's Atty	Child	Child's Atty	Case Manager	AAG	CASA	Foster Parent	Relative Placement	Other
64%	79%	47%	84%	9%	98%	98%	100%	2%	0%	2%	14%

Interested Party Attendance (ADJ) Round 3

Mother	Mother's Atty	Father	Father's Atty	Child	Child's Atty	Case Manager	AAG	CASA	Guardian	Relative Placement	Other
78%	97%	48%	77%	2%	98%	100%	100%	0%	3%	NA	47%

Disposition Hearing (DIS)

The key requirements of the DIS focus on the court's efforts to:

- ✦ Hold the hearing within the required time frame;
- ✦ Determine the appropriate case plan;
- ✦ Enter orders regarding the services required to achieve the case plan;
- ✦ Enter orders regarding the placement and custody of the child(ren).

Measures	Round 4	Round 3
Number of hearings reviewed	30	26
Compliance on key requirements	91%	91%
Compliance on all requirements	78%	90%
Percentage of cases child attorney present	98%	100%
Hearings held at ADJ or within 30 days	98%	99%

DIS Case File Compliance Exceptions (below 80%)	
Required Item	% Compliance
If reunification efforts to continue, did the court order the agency to make reasonable efforts to provide reunification services? ARS 8-846(A)	59%
Did the court set the Permanency hearing? Rule 56(E)(3)	43%
Did the court advise the parties present at the hearing of their right to participate in periodic review hearings? Rule 56(E)(8)	25%
Did the court advise the parent, guardian or Indian custodian of the consequences of failure to attend subsequent proceedings and participate in reunification services? Rule 56(E)(5)	71%

Interested Party Attendance (DIS) Round 4

Mother	Mother's Atty	Father	Father's Atty	Child	Child's Atty	Case Manager	AAG	CASA	Foster Parent	Relative Placement	Other
68%	81%	49%	84%	9%	98%	98%	100%	2%	0%	4%	16%

Interested Party Attendance (DIS) Round 3

Mother	Mother's Atty	Father	Father's Atty	Child	Child's Atty	Case Manager	AAG	CASA	Guardian	Relative Placement	Other
77%	96%	48%	78%	2%	97%	100%	100%	2%	4%	0%	47%

Periodic Review Hearing (REV)

The key requirements of the REV focus on the court's efforts to:

- ✎ Hold the hearing within the required time frame;
- ✎ Make the finding of fact that the child continues to be dependent.

Measures	Round 4	Round 3
Number of hearings reviewed	25	26
Compliance on key requirements	77%	77%
Compliance on all requirements	66%	57%
Percentage of cases child attorney present	98%	89%
Percentage of hearings held within six months	98%	97%

REV Case File Compliance Exceptions (below 80%)	
Required Item	% Compliance
Did the court address the recommendations of FCRB on the record? Rule 58(E)(3)	44%
Did the court determine whether the department has identified and assessed placement of the child with a relative or person who has a significant relationship with the child? ARS 8-847 (E)(1), Rule 47.1(C)(1)	46%
Did the court make the finding of fact that child continue to be dependent? Rule 58 (F)(2)	55%
If continued dependent, did the court enter/reaffirm orders regarding legal custody? Rule 58(F)(3)	78%
If continued dependent, did the court enter/reaffirm orders regarding placement? Rule 58(F)(3)	75%
If continued dependent, did the court enter/reaffirm orders regarding services? Rule 58(F)(3)	56%
Did the court set Permanency Hearing not more than 12 months from removal? Rule 58(F)(5)	67%
Did the court advise the parent, guardian or Indian custodian of the consequences of failure to attend subsequent proceedings and participate in reunification services? Rule 58(F)(6)	52%
If ICWA applies, did the court make findings pursuant to the standards and burdens of proof as required by the Act, including whether placement of the Indian child is in accordance with Section 1915 of the Act or whether there is good cause to deviate from the preferences? ARS 8-815(A), Rule 58(F)(7)	67%

Interested Party Attendance (REV) Round 4

Mother	Mother's Atty	Father	Father's Atty	Child	Child's Atty	Case Manager	AAG	CASA	Foster Parent	Relative Placement	Other
58%	82%	38%	84%	13%	98%	100%	100%	7%	0%	7%	9%

Interested Party Attendance (REV) Round 3

Mother	Mother's Atty	Father	Father's Atty	Child	Child's Atty	Case Manager	AAG	CASA	Guardian	Relative Placement	Other
56%	81%	38%	70%	14%	89%	100%	100%	0%	0%	0%	16%

Permanency Hearing (PER)

The key requirements of the PER focus on the Court's efforts to:

- ✎ Hold the hearing within the required time frame;
- ✎ Determine the appropriate permanent plan for the child and order that the plan be accomplished within a specific time period;
- ✎ Determine whether the agency made reasonable efforts to finalize permanency plan;
- ✎ Set forth in writing the factual basis for the reasonable efforts determination.

Measures	Round 4	Round 3
Number of hearings reviewed	20	15
Compliance on key requirements	81%	96%
Compliance on all requirements	78%	79%
Percentage of cases child attorney present	100%	86%
Average days from removal	227	312

PER Case File Compliance Exceptions (below 80%)	
Required Item	% Compliance
Did the court order that the plan be accomplished within a certain time frame? ARS 8-862(B), Rule 60(E)(1)	16%
Did the court set a review within six months? Rule 60(E)(2)	72%
If termination / guardianship is determined best, did the court set the Initial Termination / Guardianship Hearing within 30 days? ARS 8-862 (D)(2)	50%

Interested Party Attendance (PER) Round 4

Mother	Mother's Atty	Father	Father's Atty	Child	Child's Atty	Case Manager	AAG	CASA	Foster Parent	Relative Placement	Other
60%	86%	34%	74%	14%	100%	97%	100%	11%	3%	6%	3%

Interested Party Attendance (PER) Round 3

Mother	Mother's Atty	Father	Father's Atty	Child	Child's Atty	Case Manager	AAG	CASA	Guardian	Relative Placement	Other
57%	100%	29%	71%	0%	86%	93%	100%	0%	0%	NA	14%

Initial Termination Hearing (ITE)

The key requirements of the ITE focus on the court's efforts to:

- ✎ Hold the hearing within the required time frame;
- ✎ Determine whether service has been completed or waived.

Measures	Round 4	Round 3
Number of hearings reviewed	9	7
Compliance on key requirements	88%	95%
Compliance on all requirements	88%	81%
Percentage of cases child attorney present	100%	100%

ITE Case File Compliance Exceptions (below 80%)	
Required Item	% Compliance
If Motion for termination is filed, was hearing held within thirty days of permanency hearing? ARS 8-862(D), Rule 65(B)	75%
If parent denies allegations in termination motion or petition, did the court set the trial within ninety days of the permanency hearing? Rule 65(C)(6)(b)	60%
Did the court enter findings as to notification and service upon the parties and the court's jurisdiction over the subject matter and persons before it? Rule 65(D)(1)	67%
Did the court set continued hearing for party not served and not appearing? Rule 65(D)(2)	50%

Interested Party Attendance (ITE) Round 4

Mother	Mother's Atty	Father	Father's Atty	Child	Child's Atty	Case Manager	AAG	CASA	Foster Parent	Relative Placement	Other
42%	92%	42%	83%	0%	100%	92%	100%	0%	0%	8%	0%

Interested Party Attendance (ITE) Round 3

Mother	Mother's Atty	Father	Father's Atty	Child	Child's Atty	Case Manager	AAG	CASA	Guardian	Relative Placement	Other
67%	100%	44%	89%	0%	100%	100%	100%	11%	0%	0%	11%

Termination Hearing (TER)

The key requirements of the TER focus on the court's efforts to:

- 🔑 Hold the hearing within the required time frame;
- 🔑 Make specific findings of fact in support of termination and grant the motion for termination of parental rights if the petitioner has met the burden of proof;
- 🔑 Appoint a guardian for the child / appoint a guardian for the child and vest legal custody in another person / authorized agency if petitioner has met burden of proof;
- 🔑 Enter orders for financial support of child if the petitioner has met the burden of proof;
- 🔑 Set / reaffirm dependency review hearing if the petitioner has met the burden of proof;
- 🔑 If ICWA, make findings pursuant to standards if petitioner has met burden of proof.

Measures	Round 4	Round 3
Number of hearings reviewed	8	5
Compliance on key requirements	81%	99%
Compliance on all requirements	83%	92%
Percentage of cases child attorney present	100%	100%
Average number of days from removal	302	402

TER Case File Compliance Exceptions (below 80%)	
Required Item	% Compliance
If the court continued the termination hearing beyond 30 days, did it make written findings of extraordinary circumstances? Rule 66(B)	0%
In accepting the parent(s) admission or plea of no contest, did the court determine whether the party understands the rights being waived. Rule 66(D)(1)	50%
In accepting the parent(s) admission or plea of no contest, did the court determine whether no contest plea was made knowingly, intelligently and voluntarily. Rule 66(D)(1)	50%

Interested Party Attendance (TER) Round 4

Mother	Mother's Atty	Father	Father's Atty	Child	Child's Atty	Case Manager	AAG	CASA	Foster Parent	Relative Placement	Other
27%	91%	36%	73%	0%	100%	100%	100%	0%	0%	9%	0%

Interested Party Attendance (TER) Round 3

Mother	Mother's Atty	Father	Father's Atty	Child	Child's Atty	Case Manager	AAG	CASA	Guardian	Relative Placement	Other
40%	80%	40%	60%	0%	100%	100%	0%	0%	0%	0%	20%

Recommendations– Court Improvement

Based upon the findings, the team made the following recommendations. Upon review of the team's findings and recommendations, the Court submitted the following comments and Corrective Action Plans to address the team's recommendations.

Record Retention	Page 6
<p>Description: The team notes that the Court did not submit all the required Final Financial/Closing Reports for FY10 in a timely manner.</p>	
<p>Recommendation 1: <i>The team recommends that the Court ensure that all required reports are submitted to the AOC according to the timelines in the funding agreement.</i></p>	
<p>Corrective Action Plan 1: While it is unclear at this time what the cause of the delay was for the FY10 Final Financial/Closing Report, the Court apologizes for the delay and will make every effort to ensure that the information is submitted on time in the future, including establishing calendar reminders for applicable staff.</p>	
Case File Review	Page 10
<p>Description: The team highlighted under the summaries for each of the hearing types reviewed the required items addressed by the court less than 80% of the time.</p>	
<p>Recommendation 2: <i>The team recommends that the Court ensure that all of the requirements for the different types of hearings are addressed in order to achieve compliance with statute and rule.</i></p>	
<p>Corrective Action Plan 2: Based on the information provided in the Case File Review portion of the Dependency Operational Review Report, the following actions will be taken to correct the compliance issues noted therein:</p> <ol style="list-style-type: none"> 1. Develop and implement the use of a Dependency Improvement Checklist for use by the Judges on the bench. The Checklist will identify all required findings/determinations/actions for which our compliance rate was under 80%. The purpose of the checklist will be to provide a convenient reminder to the judges to make those findings/determinations that we have not been making at the desired compliance rate. 2. Seek out and participate in training/consulting on technical requirements for necessary findings and determinations in dependency/termination/guardianship hearings. Training on ICWA determination requirements will specifically be sought to address issues noted in the Report. 	

3. Work with the Clerk of the Court to establish and implement form minute entries for each hearing type that will include all key requirements. The minute entry forms will help familiarize the judges and clerks with the required findings/determinations and assure that they are reflected in the minute entries. Currently, the Clerk only has a form minute entry for the PPH.
4. Meet with representatives of the Clerk of the Court to review the Dependency Operational Review Report with them and to train them on necessary findings/determinations. This will help assure that the Clerk understands the significance of required determinations and includes reference to those determinations in the minute entry. In addition, by being more familiar with the required determinations, the Clerk can assist the judge in assuring that all key requirements are met.
5. Current calendaring practices place considerable pressure on the judges to complete the hearing quickly. As a result, necessary findings/determinations are more likely to be missed or skipped. To attempt to resolve this issue, we will continue our ongoing efforts to restructure and improve how dependency hearings are calendared to assure that each hearing is afforded sufficient time to make all of the necessary findings/determinations.

COURT APPOINTED SPECIAL ADVOCATE PROGRAM

COMPLIANCE SUMMARY		
Area of Consideration	Compliance	
	Round 4	Round 3
General Administration	100%	100%
Human Resources Management	100%	100%
Program Plan and Financial Management	98%	97%
County Program Operations	100%	100%
Public Relations	100%	100%
County Staff Qualifications	92%	100%
File Management	95%	94%
Initial Certification and Application Process	99%	96%
Denial of Certification	100%	100%
Volunteer Status	100%	100%
Volunteer Recruitment and Retention	100%	100%
Volunteer Minimum Performance Standards	95%	99%
Recertification Process	100%	100%
Ongoing Requirements for Continuing Certification	84%	72%
Training	88%	93%
Personal Liability	100%	100%
Complaint Process	100%	100%
Dismissal from Case or Termination of Volunteer	100%	100%
Volunteer Code of Conduct	100%	100%
Overall Compliance	97%	97%

	<p>The county program office is in substantial compliance² in addressing all requirements relating to the Court Appointed Special Advocate program. County program staff and volunteers continue to work in collaboration with the court and other interested parties to address the needs of the dependent children for which they share case assignment.</p>
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²

Substantial Compliance	90% and Above
Compliance	80%-89%
Needs Improvement	79% and Below

General Administration

Pursuant to ACJA 7-101(D), and policy, the county program staff is to follow guidelines relating to the administration of the program.

Number of elements reviewed	3
Overall % compliance	100%

Findings:

1. The county program staff does not solicit donations.
2. The county coordinator attended all of the administrative meetings from 3/10-6/11.
3. The county coordinator reported that all county program staff and volunteers are complying with applicable statutes described in:
 - A.R.S. 8-807 and 41-1959;
 - Arizona Rules of Court, including, but not limited to Rule 123;
 - Rules of the Supreme Court; and
 - Administrative Rules regarding confidentiality.

Human Resources Management

Pursuant to program policies, the county program shall address several requirements related to personnel issues.

Number of elements reviewed	12
Overall % compliance	100%

Findings:

1. The county reported that policies and procedures have been established to address personnel issues and, in the absence of county standards, the state standards apply.
2. The CASA Program complies with applicable laws and regulations governing fair employment practices.
3. Personnel records of county program staff are reportedly maintained by the county according to local court or county personnel policies.

4. The CASA Program reportedly makes an effort to ensure that its facility is free of barriers that restrict the employment of or use by physically challenged employees.
5. The county reported that the performance of program staff is evaluated by a designated supervisor at least annually.
6. All employment concerns are referred to the county program staff's immediate supervisor or the appointing authority.
7. The county reported that personnel issues involving county program staff follow applicable disciplinary procedures with the ultimate decision made by the presiding juvenile court judge, or designee, and notification made to the state program office.

Program Plan and Financial Management

Pursuant to ARS § 8-524, ACJA 7-101(F)(1)(a), and policy, the county is to address several requirements relating to the annual program plan and management of monies relating to the budget request.

Number of elements reviewed	11
Overall % compliance	98%

Findings:

1. The county submitted all the required quarterly progress reports for FY10 and FY11 in a timely manner.
2. The county submitted all of the required financial reports for FY10 and FY11 in a timely manner 75% of the time.
3. The county coordinator is documenting statistical case and volunteer information in DCATS on a monthly basis.
4. The county program ensures funds disbursed by the state program office are held in a separate revenue account.

County Program Operations

Pursuant to code (ACJA 7-101(G)) and policy, the county is to address several requirements relating to the appointment of CASA volunteers and the maintenance and access to file information.

Number of elements reviewed	18
Overall % compliance	100%

Findings:

1. The county program reported that priority is given to CASA volunteer assignments in juvenile dependency matters over juvenile delinquency or incorrigibility matters.
2. Appropriate screening of cases is completed prior to assignment.
3. The county reported that outside agency access to CASA volunteer or case files is strictly prohibited without a subpoena from a Judge.
4. According to the county coordinator, it is the county program office's practice that, upon leaving the program, CASA volunteers return all case related information.
5. County program staff adhere to electronic communications policies.
6. CASA volunteers are not assigned to more than two cases at one time without the approval of the county coordinator.
7. The county coordinator does not accept appointment as a CASA volunteer.
8. The county reported that program performance manuals are current and maintained in the county program office.
9. The county continues to make efforts to provide ongoing recognition of CASA volunteers.

Public Relations

Pursuant to CASA Program policies, the county program shall comply with certain guidelines regarding the dissemination of public information regarding the CASA program.

Number of elements reviewed	5
Overall % compliance	100%

Findings:

1. The county program conducts an ongoing public information and educational program.
2. The county program reportedly disseminates public information for the purpose of broadcasting awareness of the needs and problems of the children that it serves.
3. The county program reported that it makes known its role, function, and capabilities to other agencies, community organizations, government bodies, and corporations, as appropriate to its mission.
4. The county program staff reportedly informs the state program office of any recruitment or marketing information they wish to prepare for distribution in their communities that was not previously approved of or prepared by the state program office or the National CASA Association

County Staff Qualifications

Pursuant to policy, county program staff are to meet specific qualifications to attain employment in the applicable position.

Number of elements reviewed	13
Overall % compliance	92%

Findings:

1. The CASA office for Wells County is located in Wells, Arizona.
2. The county coordinator possesses all the required experience in the juvenile court and/or child welfare system.

File Management

Pursuant to policy, the county program staff has several responsibilities relating to the assessment of potential new cases and the creation and maintenance of case files. The team reviewed 15 case files and 14 volunteer files.

Number of elements reviewed	19
Overall % compliance	95%

Findings:

1. County program staff has developed duplicate files for each case, one is presented to the volunteer upon assignment and the other is maintained in the office.
2. Rescinding Orders of Appointment were located in all of the applicable files.
3. Copies of the appropriate Legal Party Memorandum were located in all of the files reviewed.
4. Signed and dated acknowledgment forms of volunteer compliance with appropriate policies and procedures were located in 96% of the files reviewed.
5. CASA volunteers are required to submit monthly Contact Logs for each of their case assignments. In the files reviewed, 80% of the required Contact Logs were identified.
6. The county reported that all CASA related documentation from dismissed cases is retained for five years from the date of case dismissal.
7. Documentation of returned program files and/or noted items not returned was located in all of the applicable files reviewed.
8. A completed, signed, and dated volunteer application was located in 96% of the applicable files reviewed.
9. Three personal, non-relative character references were located in 100% of the applicable files reviewed.
10. Volunteer performance assessments were found in 6% of the CASA volunteer files where the volunteer had been in the program for over a year. (Please note that this score was not factored into the overall compliance score.)

Initial Certification and Application Process

Pursuant to Code (ACJA 7-101 (H)), CASA volunteers must meet specific qualifications to be considered for appointment to cases.

Number of elements reviewed	12
Overall % compliance	99%

Findings:

1. 92% of the volunteer files reviewed stated whether the volunteer was a U.S. citizen or legal resident.
2. 100% of the volunteers indicated on their application whether they were at least twenty-one years of age by checking the appropriate box.
3. 92% of the volunteer files stated that the volunteers were not employed by DES, the Juvenile Court, or a child welfare agency, unless specifically authorized by the juvenile court judge.
4. All volunteers are required to complete 30 hours of initial training prior to being appointed to a case. According to DCATS, 92% of the volunteers completed their initial training.

Denial of Certification

Pursuant to ACJA (7-101 (I)), the county coordinator shall deny certification of a potential CASA volunteer if certain conditions are not met.

Number of elements reviewed	7
Overall % compliance	100%

Findings:

1. Applicants are reportedly denied certification if they are a parent or guardian of a child currently in the dependency process or adjudicated to be dependent.
2. Applicants are reportedly denied certification if they are found to have a record in the DES central registry of substantiated acts of abuse or neglect.
3. The county reported that, if the volunteer application is denied, the applicant is advised that they may have the decision reviewed by the presiding juvenile court judge upon request.

Volunteer Status

Pursuant to policy, a CASA volunteer's status is determined by one of several factors.

Number of elements reviewed	1
Overall % compliance	100%

Findings:

The county program reported that it takes action toward any volunteer not adhering to the minimum performance standards of the Arizona CASA Program. This action may include limitations on types of cases assigned, suspension, or termination.

Volunteer Recruitment and Retention

Pursuant to policy, the county program shall have written plans for recruiting and selecting volunteers.

Number of elements reviewed	6
Overall % compliance	100%

Findings:

1. The county program reported that a standardized packet of information is given to each applicant, which contains, but is not limited to, the purpose and role of the CASA volunteer, details about the qualifications for becoming a volunteer and minimum time commitment requirements.
2. The county program reported that its recruitment plan includes targeted strategies to attract volunteers from diverse cultural, ethnic, and socio-economic backgrounds and promotion of age diversity.
3. The county program reported that its strategy for recruitment of volunteers includes, but is not limited to, community outreach.

Volunteer Minimum Performance Standards

Pursuant to policy, specific requirements are set for CASA volunteers relating to reporting and tracking case related information.

Number of elements reviewed	29
Overall % compliance	95%

Findings:

1. CASA volunteers were found to be in compliance in their efforts to:
 - a. Gather and provide independent, factual information to aid the court in making decisions regarding each child's best interests and in determining whether reasonable efforts have been made regarding removal and reunification.
 - b. Provide advocacy to ensure that appropriate case planning and services were provided for each child.
 - c. Maintain confidentiality in handling program or personnel issues and information.
 - d. Review case records, maintain confidentiality, and interview appropriate parties involved in each child's case.
 - e. Develop and maintain relationships with each assigned child.
 - f. Communicate with care givers about each child's behavior and relationships.
 - g. Participate as members of each child's case management team.
 - h. Participate in the formulation of agreements, stipulations or case planning regarding each assigned child.
 - i. Advocate for each child's best interests, identify service needs, and make recommendations to the court regarding the timely placement of the child.
 - j. Assist the responsible parties to ensure that each child's educational needs are met.
 - k. Report to the appropriate authorities significant changes in family situations or violations of court orders.

- l. Consult, at least monthly, with the county coordinator and document this in the appropriate Contact Log.
 - m. Discuss all recommendations concerning the case with the county coordinator prior to submitting the recommendations to the court.
 - n. Attend all court hearings pertaining to the assigned case.
 - o. Assist the court in exploring alternative placements for children.
 - p. Make recommendations at FCRB meetings.
 - q. Maintain contact with the county coordinator to alert or to discuss high profile cases or problems as they arise.
 - r. Provide to the county program office a copy of all case related correspondence as directed by the county coordinator.
 - s. Notify insurance carriers that their CASA volunteer work may involve transporting children.
2. Of the applicable volunteer files reviewed, 40% contained and documented an annual performance-based assessment of the CASA Program.
 3. CASA volunteers are required to submit an objective and concise court report to the county office 2 weeks, or 10 working days, before the next court hearing. The county coordinator estimates that reports are filed in a timely manner 65% of the time.

Recertification Process

Pursuant to policy, the county program office can re-certify a volunteer if the following criteria is met.

Number of elements reviewed	2
Overall % compliance	100%

Findings:

The county reported that if a volunteer leaves the CASA program for up to one year and is eligible for return, the volunteer attends the CASA Advocacy Academy. If a volunteer leaves the program for more than one year and is eligible for return, the volunteer repeats the application process.

Ongoing Requirements for Continuing Certification

Pursuant to ACJA 7-101 (M), the county coordinator may recommend that a volunteer's certification continue based on compliance with the criteria listed below.

Number of elements reviewed	6
Overall % compliance	84%

Findings:

Every other year, beginning with 2005, volunteers are to complete specific requirements for recertification. Volunteer files were found to contain the following information regarding recertification.

1. 87% the applicable volunteers signed a statement under oath that they had not been arrested, charged, indicted, convicted of, or pled guilty to, any felony or misdemeanor since their last certification.
2. 81% of the applicable volunteers signed a statement that they had not engaged in any conduct that would be grounds to deny certification.
3. 75% of the applicable volunteers authorized the CASA program to secure a criminal history records check, MVD records check, and DES central registry information check as permitted by state and federal laws.
4. 87% of the applicable volunteers completed the section regarding the use of their vehicle for transportation and provided proof of insurance.
5. 87% of the applicable volunteer files contained the results of the recertified federal background checks.
6. 87% of the applicable volunteer files contained the results of the recertified state and federal fingerprint results.

Training

Pursuant to policy, the county program has several responsibilities regarding the marketing and training of prospective and current CASA volunteers.

Number of elements reviewed	5
Overall % compliance (CY09)	88%

Findings:

1. The county reported that all requests by volunteers for training not provided or organized by county program staff are pre-approved by the county coordinator.
2. According to DCATS, 72% of the volunteers met their twelve hour training requirements for FY10 and 69% met their training requirements for FY11.
3. The county reported that county staff are 100% in compliance with COJET requirements.

Personal Liability

Pursuant to policy, county coordinator needs to ensure that their volunteers are aware of risk and liability issues associated with being involved in the CASA program.

Number of elements reviewed	2
Overall % compliance	100%

Findings:

The county coordinator reportedly ensures that applicants and volunteers:

1. Are made aware of liability and risk management laws and regulations, including those pertaining to automobile usage;
2. Are provided the Arizona Code of Judicial Administration (ACJA) and program policies pertaining to liability and risk management.

Complaint Process

Pursuant to policy, specific requirements must be addressed in the handling of complaints and/or investigations relating to a CASA volunteer.

Number of elements reviewed	7
Overall % compliance	100%

Findings:

1. The county reported that all judicial officers and state and county program staff notify the county coordinator if it appears that a volunteer has violated Arizona Statutes, Rules of Procedure for the Juvenile Court, administrative orders, ACJA, or program policies.
2. The county reported that all complaints are made in writing with sufficient specificity to warrant further investigation. The name and telephone number of the complainant is also to be provided.
3. The county coordinator reportedly documents any complaints in the volunteer's file and sends a copy to the state program office.

Dismissal from Case or Termination of a Volunteer

Pursuant to policy, specific requirements must be met prior to the dismissal of a CASA volunteer.

Number of elements reviewed	5
Overall % compliance	100%

Findings:

1. The county program reported that a volunteer is suspended immediately pending a determination of alleged child abuse or neglect.
2. The county program reported that a volunteer is suspended immediately pending an investigation of an allegation of conduct that would be grounds for mandatory or discretionary denial of certification.
3. The county program reported that a volunteer is dismissed immediately if there has been a judicial or administrative determination of abuse or neglect.

Volunteer Code of Conduct

Pursuant to ARS § 8-522 and the Supreme Court Rule, CASA volunteers shall perform only authorized responsibilities outlined in the Code of Conduct.

Number of elements reviewed	15
Overall % compliance	100%

Findings:

All volunteers were reportedly in compliance with the following requirements:

1. The volunteers consult with the county coordinator to resolve any ethical issues that arise.
2. The volunteers serve and respond to requests without bias of race, religion, sex, age, national origin, or physical impairment.
3. Before appointment to a case, the volunteers disclose to the county coordinator or court any pre-existing relationship with a child or the child's family that could be perceived as a conflict of interest.
4. The volunteers at all times perform authorized functions in a professional and impartial manner.
5. The volunteers do not use or attempt to use their official position to secure unwarranted privileges or exemptions.
6. The volunteers do not request or accept any fee or compensation in the course of CASA volunteer service.
7. The volunteers do not engage in the following activities:
 - Give legal or medical advice;
 - Provide therapeutic counseling;
 - Provide health care services;
 - Make placement arrangements for the child;
 - Give money or gifts of value over \$10 to the child or family;
 - Solitary excursions to isolated places involving only the CASA volunteer and the appointed child; and
 - Perform home studies for out-of-state or in-state agencies.

Recommendations – Court Appointed Special Advocate

Based upon the findings, the team made the following recommendations. Upon review of the team's findings and recommendations, the Court submitted the following comments and Corrective Action Plans to address the team's recommendations.

File Management	Page 26
<p>Description: CASA reports are due to the county program office two weeks prior to the scheduled hearing. The County CASA coordinator reports that 65% of volunteers submit their reports in a timely manner.</p>	
<p>Recommendation 3: <i>The team recommends that the CASA county coordinator work with the State Program Office to develop a specific plan of action to ensure that volunteer reports are submitted to the county program office in a timely manner.</i></p>	
<p>Corrective Action Plan 3: The coordinator agrees that improved timeliness of reports is important, it is also clear that an accurate understanding of the percentage of reports that are being turned in on time is necessary. As a result, for FY13 the coordinator will track this information to effectively monitor the performance in this area.</p> <p>CASA staff will also continue to work with CASA volunteers to stress the importance of timely submission at recruitment, “Getting Started”, and “Beyond the Basics” trainings. Additionally, program staff will provide monthly reminders, personal follow up phone calls, and, when possible, assist with limited technical support. The CASA coordinator has also addressed the operational review findings in the recent newsletter sent out to volunteers, reminding them about this requirement.</p>	
Ongoing Requirements for Continuing Certification	Page 32
<p>Description: The team notes that there were items missing or incomplete regarding the ongoing requirements for continuing certification of the applicable volunteers.</p>	
<p>Recommendation 4: <i>The team recommends that the CASA county coordinator develop a plan of action that ensures the volunteer files contain all of the completed requirements for continued certification per CASA policy.</i></p>	
<p>Corrective Action Plan 4: As a result of the operational review and additional consultation with the State Program Office, the coordinator has clarified these requirements and will address the information with all program staff accordingly.</p>	

Additional steps will include quarterly, random audits of the CASA files, extending our department notaries to include the CASA Coordinator, and quarterly review of progress as it relates to this area. The program is confident that there will be prompt improvement in this area.

Training

Description:

The team noted that, according to DCATS, 76% of the CASA volunteers met their twelve hour training requirements for FY10 and 70% met their training requirements for FY11.

Recommendation 5:

The team recommends that the CASA county coordinator develop a specific plan of action to ensure that the CASA volunteers are able to meet the training requirements.

Recommendation 5:

All day trainings are scheduled twice a year and quarterly evening and weekend trainings on each side of the county. The trainings are helping but they have found that, due to many of our volunteers being spread out throughout the county, the additional travel can be a deterrent.

Additional, action steps will include providing volunteers with quarterly updates on their training requirement progress, providing additional follow up calls to volunteers lacking training hours upon a mid-year review and again in the last quarter of the year. Additionally, CASA staff will continue to collaborate with the State Program Office and other county CASA offices to seek ideas and suggestions to increase volunteer completion of required training hours.