



Arizona State Senate Issue Brief

December 16, 2014

Note to Reader:

The Senate Research Staff provides nonpartisan, objective legislative research, policy analysis and related assistance to the members of the Arizona State Senate. The *Research Briefs* series is intended to introduce a reader to various legislatively related issues and provide useful resources to assist the reader in learning more on a given topic. Because of frequent legislative and executive activity, topics may undergo frequent changes. Additionally, nothing in the *Brief* should be used to draw conclusions on the legality of an issue.

ARIZONA FOSTER CARE

INTRODUCTION

Children who have been removed from home by the Department of Child Safety (DCS) are placed in temporary out-of-home care, commonly called foster care, with a goal of permanency established for each child. The federal Adoption and Safe Families Act (ASFA) requires the child's health and safety to be the paramount concern when making decisions about out-of-home placement and permanency planning. ASFA also requires a child to be placed in the least restrictive, or most family-like, setting possible.

Similarly, Arizona statute requires DCS to place a child in the least restrictive type of placement available, consistent with the needs of the child. The order of preference for placement is as follows: with a parent, with a grandparent, in kinship care with another member of the child's family including a person who has a significant relationship with the child, in family foster care, in therapeutic foster care, in a group foster home and in a residential treatment facility.

TYPES OF FOSTER HOMES

There are several types of foster homes: family foster homes, group foster homes, professional/therapeutic foster homes, respite foster homes, emergency shelters, residential treatment centers and receiving foster homes. A family foster home is a licensed foster home that may have up to five foster children placed there, while group foster homes may have five to ten foster children. Professional/therapeutic foster homes are specially licensed to handle children who require special care for physical, mental or emotional reasons. Emergency shelters receive children for temporary care, 24 hours a day. They vary in the number of children they can house, but generally have 15 children or fewer. A respite foster home provides short-term care and supervision to temporarily relieve foster parents' duty to care for the children.

Residential treatment centers are locked or staff-secured facilities that provide 24-hour care and supervision and, usually, on-site schooling. They range in the number of children they can house, from 20 to 90 children. They provide intensive care, supervision and psychiatric oversight of children who have

emotional, behavioral or substance-abuse problems.

Receiving foster homes are available any time of day for immediate placement of children who are taken into DCS custody. These homes are meant to be temporary placement for children, pending court action and a more permanent foster placement. However, DCS stopped using receiving homes in 2006 when it implemented its contracts for foster home recruitment-related services. The Office of the Auditor General recommended in 2014 that DCS establish a plan and timeframe for reinstating the use of receiving homes; DCS agreed with the recommendation.

Kinship Care

DCS has established kinship foster care services to promote the placement of children removed from their homes with a relative, including a person who has a significant relationship with the child. Kinship foster care parents are not required to be licensed foster homes but must sign an agreement with conditions of placement and must submit to a criminal records check, DCS central registry check and a home evaluation. Kinship foster care parents may also choose to be licensed foster parents.

FOSTER HOME LICENSURE AND SUPERVISION

DCS is responsible for licensing foster homes. DCS or a child welfare agency licensed by DCS conducts an investigation of applicants for foster home licensure. The investigation considers the applicant's financial condition, physical and mental health, social history, religious background, a DCS central registry check, a state and federal criminal records check, and any other factors relevant to the fitness of the applicant.

Applicants are required to have a valid fingerprint clearance card and must sign a notarized certification that they have never been convicted of any criminal offense that would preclude them from obtaining a fingerprint clearance card. Foster home applicants must

also complete 12 hours of approved initial foster parent training and 6 hours of annual ongoing training. Foster home licenses are valid for two years; however, the Office of Licensing and Regulation must request an annual update to ensure the family is in compliance with training and fitness requirements.

When children are placed in a foster home, DCS is responsible for visiting with the child and foster parent in the home periodically to review the placement and progress of the child. Regular family foster homes, group foster homes and professional/therapeutic foster homes must be visited at least once every three months. Receiving foster homes must be visited at least once each month.

FINANCIAL ASSISTANCE FOR FOSTER FAMILIES

Foster Care Maintenance Payments and Other Assistance

Licensed foster parents receive foster care maintenance payments that range from \$590 to \$1,072 per month per child. This range represents a 20 percent foster care rate reduction established in FY 2009 as a result of revenue shortfalls and appropriation reductions, which has been continued through the current fiscal year. The amount of maintenance payments varies based on the age and needs of the foster child. Unlicensed kinship foster caregivers are not eligible to receive foster care maintenance payments but receive daily clothing and personal allowances and may be eligible to receive cash assistance through Temporary Assistance for Needy Families (TANF). TANF cash assistance is approximately \$164 per month for one child and \$56 per month for each additional child. Other financial assistance is also available through DCS for items such as diapers, books, school course fees and other special needs. However, in addition to the decrease in the foster care rate, various allowances, such as emergency clothing and summer camp for foster children, were scaled back or suspended.

For children eligible under Title IV-E of the federal Social Security Act, the federal government provides partial reimbursement to

states for foster care maintenance. The federal reimbursement is approximately 66 percent of the cost for IV-E eligible children. A primary eligibility category for IV-E reimbursement is the monthly income of the child’s household of removal. Monthly income must be below the standard used in 1996 for the Aid to Families with Dependent Children Program (AFDC – the welfare program that preceded TANF cash assistance).

These standards are as follows:

Number of Persons in Household	1996 AFDC Needs Standard (Maximum Monthly Income)
1	\$567
2	\$765
3	\$964
4	\$1162
5	\$1360
6	\$1559

The federal government also provides a 50 percent match for monies spent on foster care administration and 75 percent for training for IV-E eligible children. Congress recently acted to limit federal funding for administrative and training expenses.

The Deficit Reduction Act of 2005 (Public Law 109-171) changed federal law to prohibit the states from claiming administrative and training expenses related to children placed in unlicensed settings. Arizona will no longer receive federal administrative funding for unlicensed kinship caregivers. In March 2014, 12,679 children were reported in foster care. Of that number, 5,441 children were placed with relatives in unlicensed foster care.

Comprehensive Medical and Dental Program

DCS provides comprehensive medical and dental care for children in foster care. If the child is eligible for coverage through the Arizona Health Care Cost Containment System (AHCCCS), the Comprehensive Medical and Dental Program (CMDP) serves as the AHCCCS provider for those children. Children

not eligible for AHCCCS receive the same services through CMDP, but the funding for their coverage comes entirely from the state General Fund. Out-of-home caregivers are not charged fees or copayments for CMDP services.

FOSTER CARE REVIEW BOARDS

The Foster Care Review Board (FCRB) was established by the Legislature in 1978. The FCRB assists the courts by conducting citizen reviews, at least once every six months, of cases of children who are wards of the court placed in out-of-home care and making recommendations to the juvenile court. The purpose of the reviews is to advise the juvenile courts on the efforts made to place the child in a permanent home, to facilitate the timely return of the dependent child to the child’s family whenever possible, to encourage stability in the child’s placement and to assist in informing parents, foster parents and other interested parties of their rights and responsibilities.

There is one state FCRB and at least one local FCRB in each county. The state FCRB serves as an oversight body and establishes training programs for board members. Statute requires the presiding judge of the juvenile court in each county to establish one local FCRB for every 100 children in out-of-home care. Local FCRBs are comprised of volunteers who are not compensated, but are reimbursed for expenses, and who are appointed by the presiding juvenile court judge to serve on the local FCRB for three years.

“AGING OUT” OF FOSTER CARE

Children who turn 18 years old while in foster care placement are said to have *aged out* of foster care. This process poses new challenges for those children, and Arizona has several policies aimed at assisting this population of foster children.

Independent Living Services and Supports and the Transitional Independent Living Program

Independent Living Services and Supports (IL), also known as the Arizona Young Adult Program, assists young adults in foster care in making successful transitions into their

communities and becoming self-sufficient. The IL helps youths pursue goals related to education, employment, training, housing and physical and mental health. IL services are available to youths who are currently in foster care, age 16 and older, and to young adults ages 18 to 20 who were in foster care when they were teenagers. IL assistance and support is delivered through DCS case managers or Transitional Independent Living Program case managers, as well as contract providers on a case-by-case basis.

Education and Training Scholarships for Former Foster Children

The Education and Training Voucher (ETV) program is provided to assist foster youth and former foster youth with expenses related to postsecondary education and training programs. To qualify for an ETV, students must be legal residents of the state, eligible to enroll in an accredited postsecondary program, under 21 years of age and either currently or previously in any state or tribal foster care program at age 16 or older. Recognized postsecondary programs include community colleges, public or private colleges, universities, private technical and vocational schools and public vocational schools. Students may receive up to \$5,000 per year through the ETV, depending on available resources. The amount of the ETV, however, cannot exceed the total cost of attendance.

Young Adult Transitional Insurance

DCS pre-enrolls all Arizona youth who will age out of the foster care system in a health care program through the AHCCCS special eligibility category, Young Adult Transitional Insurance (YATI). Former foster youth select their health plan and are eligible to receive coverage until the age of 26, regardless of income. Young adults who qualify for YATI must complete an annual redetermination with the Family Assistance Administration.

ADDITIONAL RESOURCES

- Department of Child Safety
www.dcs.az.gov/
- Child Welfare and Placement Statutes: Arizona Revised Statutes, Title 8, Chapter 5
- “*Department of Child Safety*” Arizona State Senate Issue Brief
www.azleg.gov/briefs.asp
- Administrative Office of the Courts Dependent Children’s Services Division – Administers the FCRB Program
www.supreme.state.az.us/fcrb/default.htm
- Annual Appropriations Report, Joint Legislative Budget Committee
www.azleg.gov/jlbc.htm
- Office of the Auditor General Reports
www.azauditor.gov/