

PROPOSED

SENATE AMENDMENTS TO H.B. 2247

(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 8-515.01, Arizona Revised Statutes, is amended
3 to read:

4 8-515.01. Local foster care review boards: appointment;
5 exclusions: terms: training: compensation:
6 meetings

7 A. The presiding judge of the juvenile court in each county shall
8 establish local foster care review boards for the review of cases of
9 children who are in out-of-home placement and who are the subject of a
10 dependency action to assist in the review required pursuant to section
11 8-862. The judge shall establish one board for each one hundred children,
12 or fraction of that number. The judge may decide not to create an
13 additional review board if the number of children assigned to a review
14 board exceeds one hundred by fewer than fifty children. The boards shall
15 consist of at least five regular members. The judge may appoint one
16 alternate member for each board if deemed necessary. The alternate member
17 shall receive ~~all case correspondence and reports~~ THE SAME LEVEL OF ACCESS
18 TO ALL NECESSARY RECORDS, REPORTS AND DATA AS A REGULAR BOARD MEMBER and
19 shall serve on the review board in the absence of one of the regular
20 members. Each board, to the maximum extent feasible, shall represent the
21 various socioeconomic, racial and ethnic groups of the county in which it
22 serves. A list of the members of each local board shall be sent to the
23 supreme court.

24 B. The presiding judge shall not appoint a person employed by the
25 division or the juvenile court to a local board.

1 C. On the appointment of a new local board, regular board members
2 shall divide themselves by lot into three classes as nearly equal in number
3 as possible. Members of the first class shall serve for a term of one
4 year, members of the second class shall serve for a term of two years and
5 members of the third class shall serve for a term of three years. All
6 subsequent local board members, including alternate members, shall serve
7 for a term of three years, except if a member has been appointed to fill a
8 vacancy occasioned other than by the expiration of a full term of
9 office. The term of each member shall expire on the third Monday in
10 January of the appropriate year. Members shall continue to serve until a
11 successor is appointed. In the event a vacancy occurs on the local board,
12 the judge shall appoint another person to serve the unexpired portion of
13 the term.

14 D. A person shall not remain on a local board unless the person
15 participates in the training established pursuant to section 8-515.04.

16 E. Each local board shall elect a chairman and a vice-chairman and
17 other officers as it deems necessary.

18 F. Local board members shall be compensated pursuant to title 38,
19 chapter 4, article 2.

20 G. Each local board shall meet, at a place designated by the
21 juvenile court, as often as it deems necessary to carry out the duties of
22 the local board. A local board shall not meet less than twice annually.

23 Sec. 2. Section 8-515.02, Arizona Revised Statutes, is amended to
24 read:

25 8-515.02. Case assignment; distribution of records

26 A. The juvenile court in each county shall assign cases of children
27 in out-of-home placement to a local board so that local boards are assigned
28 an approximately equal number of children. In a case where a child resides
29 in a county other than the resident county of ~~his~~ THE CHILD'S parents, the
30 county of the child's original jurisdiction shall maintain jurisdiction
31 unless, for valid reasons, the judge of such county transfers
32 jurisdiction. A list of the cases so assigned shall be sent to the local

1 board and the supreme court. ~~For each case so assigned, the juvenile court~~
2 ~~shall also send to the local board:~~

- 3 ~~1. A copy of the case plan prepared by the division or agency.~~
- 4 ~~2. A copy of the progress report or reports prepared by the division~~
5 ~~or agency pursuant to section 8-516, subsection E.~~

6 B. Notwithstanding subsection A of this section, the juvenile court
7 in each county in its discretion, ~~or on the request of a mediator from the~~
8 ~~child welfare mediation program,~~ may assign appropriate cases of children
9 in out-of-home placement to a local foster care review board for early
10 review of the case plan within sixty days after the removal of the child
11 from the child's home.

12 Sec. 3. Section 8-515.03, Arizona Revised Statutes, is amended to
13 read:

14 8-515.03. Duties of local foster care review boards

15 A. Local foster care review boards shall:

16 1. Review within six months of placement and at least once every six
17 months thereafter the case of each child who remains in out-of-home
18 placement and who is the subject of a dependency action to determine what
19 efforts have been made by the department and the agency with which the
20 child has been placed to carry out the case plan for the permanent
21 placement of such child. The review period for out-of-home placement
22 includes time that a child is in voluntary placement pursuant to section
23 8-806. The court and the department shall review a local foster care
24 review board's findings and recommendations at the next scheduled
25 dependency review hearing and the court shall address the board's
26 recommendations on the record. The department shall provide the local
27 foster care review board with written notice within ten business days of
28 the date of the receipt of the recommendation if the department intends to
29 accept or not implement the board's recommendations.

30 2. Allow a child's parents and grandparents to attend the local
31 foster care review board's review of the case. The parent or grandparent

1 may be accompanied at the review by an advocate of the parent's or
2 grandparent's choice.

3 3. Review any case assigned by the juvenile court for early review
4 of the case plan within sixty days after the removal of a child from that
5 child's home.

6 4. Submit to the juvenile court within thirty days following the
7 review its findings and recommendations regarding the efforts and progress
8 made by the department and agency to carry out the case plan, together with
9 any other recommendations it chooses to make regarding the child. The
10 findings and recommendations shall include the date of the next review. A
11 copy of such findings and recommendations shall be sent to the division or
12 the agency, if the juvenile court has awarded custody of the child to the
13 agency, and to such other interested parties as the court may require.

14 5. Encourage and facilitate the timely return of children to their
15 natural parents or, if the board finds that one or more of the grounds
16 listed in section 8-533 may exist, encourage the appropriate agency to
17 initiate such procedures as would make the child eligible for adoption,
18 followed by a maximum effort by the agency to place the child for adoption.

19 6. Encourage the department and all agencies involved in placing
20 children in out-of-home placement to exert all possible efforts to make
21 arrangements for permanent plans for children for whom return to natural
22 parents or adoption is determined to be infeasible or impossible.

23 7. Promote and encourage the department and all agencies involved in
24 placing children in foster care to maximize stability and family continuity
25 for children in foster care by discouraging unnecessary changes in the
26 placement of foster children and by recruiting foster parents who may be
27 suitable and eligible as adoptive parents.

28 8. Assist the department and agencies in informing natural parents,
29 foster parents and other interested parties of their rights and
30 responsibilities with respect to any child in out-of-home placement.
31 Natural parents, foster parents and other interested parties may be
32 involved in the review process when appropriate.

9. Make recommendations to the state board regarding foster care policies and procedures as they relate to the children assigned for their review.

B. THE DEPARTMENT SHALL PROVIDE TO THE SUPREME COURT DIRECT REMOTE ACCESS TO ANY AUTOMATED CASE MANAGEMENT SYSTEM USED BY THE DEPARTMENT SO THAT THE SUPREME COURT CAN ASSIST LOCAL FOSTER CARE REVIEW BOARDS IN PERFORMING THEIR DUTIES PRESCRIBED BY THIS SECTION.

Sec. 4. Section 8-516, Arizona Revised Statutes, is amended to read:

8-516. Supervision of foster homes; reports; review of file; progress report

A. A licensed child welfare agency shall maintain supervision of all children placed by it in foster homes and such foster homes.

B. The agency's representative shall contact the foster homes and written reports of the representative's findings shall be maintained by such agency, subject to the review of the division.

C. Receiving foster homes shall be visited at least once per month.

D. Regular and special foster homes shall be visited at least once every three months.

E. A complete review of the placement and progress concerning a child in a foster home shall be made by the division or the agency, if the juvenile court has awarded custody of the child to the agency, at least every six months. The division or agency shall prepare a progress report resulting from the review, and a copy of such report shall be sent to the juvenile court **AND THE FOSTER CARE REVIEW BOARD**. The progress report shall include:

1. An assessment of the extent to which the division or agency is accomplishing the purpose of foster care for the child as described in the case plan.

2. An assessment of the appropriateness of the case plan.

3. The length of time the child has been in foster care.

4. The number of foster home placements the child has experienced while in foster care and the length of each placement.

1 Sec. 5. Section 8-519, Arizona Revised Statutes, is amended to read:

2 8-519. Records and reports

3 A. Each child welfare agency shall keep records regarding the
4 children in its care as the division prescribes and shall furnish to the
5 division, ~~upon~~ ON request, such additional information as the division
6 requires.

7 B. ~~Upon~~ ON the request of a foster care review board, any record
8 pertaining to a case assigned to such board, kept by the division or a
9 child welfare agency, shall be furnished to the board. THE DEPARTMENT
10 SHALL PROVIDE DIRECT REMOTE ONLINE ACCESS TO ALL DEPENDENCY CASE RECORDS
11 IDENTIFIED BY THE FOSTER CARE REVIEW BOARD AS NECESSARY FOR THE PERFORMANCE
12 OF THE BOARD'S DUTIES.

13 C. All records and information in the possession of the foster care
14 review board regarding children and their parents or relatives shall be
15 deemed confidential~~—~~ and shall be disclosed only pursuant to this article
16 or by order of court.

17 D. A child welfare agency shall furnish a report of each placement
18 or withdrawal of each child to the division.

19 Sec. 6. Section 41-1376, Arizona Revised Statutes, is amended to
20 read:

21 41-1376. Powers and duties

22 A. The ombudsman-citizens aide shall:

23 1. Investigate the administrative acts of agencies pursuant to
24 section 41-1377, subsections A and B except as provided in section 41-1377,
25 subsections C, D and E. The ombudsman-citizens aide shall investigate the
26 administrative acts of an agency without regard to the finality of the
27 administrative act.

28 2. Annually before January 1 prepare a written report to the
29 governor, the legislature and the public that contains a summary of the
30 ombudsman-citizens aide's activities during the previous fiscal year. The
31 ombudsman-citizens aide shall present this report annually before the
32 legislative council and distribute copies of the report to the director of

1 the governor's office of strategic planning and budgeting, the chairperson
2 of the joint legislative budget committee and the cochairpersons of the
3 administrative rules oversight committee. This report shall include:

- 4 (a) The ombudsman-citizens aide's mission statement.
- 5 (b) The number of matters that were within each of the categories
6 specified in section 41-1379, subsection B.
- 7 (c) Legislative issues affecting the ombudsman-citizens aide.
- 8 (d) Selected case studies that illustrate the ombudsman-citizens
9 aide's work and reasons for complaints.
- 10 (e) Ombudsman-citizens aide's contact statistics.
- 11 (f) A description of the public awareness and outreach activities
12 conducted by the ombudsman-citizens aide.
- 13 (g) Ombudsman-citizens aide's staff.

14 3. Before conducting the first investigation, adopt rules that
15 ensure that confidential information that is gathered will not be
16 disclosed.

17 4. Appoint a deputy ombudsman and prescribe the duties of employees
18 or, subject to appropriation, contract for the services of independent
19 contractors necessary to administer the duties of the office of
20 ombudsman-citizens aide. All staff serves at the pleasure of the
21 ombudsman-citizens aide, and they are exempt from chapter 4, articles 5 and
22 6 of this title. All staff ~~shall be~~ ARE subject to the conflict of
23 interest provisions of title 38, chapter 3, article 8.

24 5. Before conducting the first investigation, adopt rules that
25 establish procedures for receiving and processing complaints, including
26 guidelines to ensure each complainant has exhausted all reasonable
27 alternatives within the agency, conducting investigations, incorporating
28 agency responses into recommendations and reporting findings.

29 6. Notify the chief executive or administrative officer of the
30 agency in writing of the intention to investigate unless notification would
31 unduly hinder the investigation or make the investigation ineffectual.

1 7. Appoint an assistant to help the ombudsman-citizens aide
2 investigate complaints relating to the department of child safety. The
3 assistant shall have expertise in the department of child safety procedures
4 and laws. Notwithstanding any law to the contrary, the ombudsman-citizens
5 aide and the assistant have access to the department of child safety
6 records and **DIRECT REMOTE ACCESS** to any automated case management system
7 used by the department of child safety.

8 B. After the conclusion of an investigation and notice to the head
9 of the agency pursuant to section 41-1379, the ombudsman-citizens aide may
10 present the ombudsman-citizens aide's opinion and recommendations to the
11 governor, the legislature, the office of the appropriate prosecutor or the
12 public, or any combination of these persons. The ombudsman-citizens aide
13 shall include in the opinion the reply of the agency, including those
14 issues that were resolved as a result of the ombudsman-citizens aide's
15 preliminary opinion or recommendation."

16 Amend title to conform

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