

## NOTICE OF RULEMAKING

Pursuant to A.C.A. §20-76-201, the Director, Division of Children and Family Services, issues proposed changes to the Children and Family Services (CFS) Forms Manual.

**This is the Regular Promulgation of an Emergency Promulgation that was effective 11-22-05.** DCFS forms have been revised to comply with the following acts. These acts were enacted with an Emergency Clause.

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| <u>Act 1255</u> | <u>An act to ensure the continuity of educational services to foster children.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>CFS-300</b>  | (Parent Notification of Changes in Out-Of-Home Placement) – Completely revised to reflect only parent notification of changes in Out-of-Home Placement cases and notification of changes in schools.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>CFS-300A</b> | (Attorney-Ad-Litem, Court Appointed Special Advocate and Child Notification of Changes in Out-Of-Home Placement) - A new form created to provide notification to the Attorney Ad-Litem, CASA and the child of changes in Out-of-Home Placement cases.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <u>Act 172</u>  | <u>(Provides that an Administrative Hearing Under the Child Maltreatment Act Shall be in Person or by Video Conference) &amp;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <u>Act 1706</u> | <u>(To Amend the Child Maltreatment Act)</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>CFS-312A</b> | (Child Maltreatment Assessment Determination Notification) - Added four (4) new statements. The first statement says that when a juvenile offender (10-17 years old) has a true finding of child maltreatment, the matter is automatically referred for an administrative hearing, which the juvenile offender can decline by submitting a written waiver. The second statement says that the administrative hearing may take place in person if requested by the petitioner or the petitioner's attorney within 30 days from the date that the petitioner receives notification. The third statement specifies that the administrative hearing might be held by video teleconference or telephonically. The fourth statement provides the address for mailing the written waiver.                                                                                                                                |
| <b>CFS-312B</b> | (Child Maltreatment Assessment Determination Notification – Underaged Juvenile Aggressor) – Added five new statements. The first statement says that when a child is named as an underaged juvenile aggressor, the matter is automatically referred for an administrative hearing. The second statement says a parent or other person acting on behalf of the underaged juvenile aggressor may decline the hearing by submitting a written waiver. The third statement says that the administrative hearing may take place in person if requested by the petitioner or the petitioner's attorney within 30 days from the date that the petitioner receives notification. The fourth statement specifies that the administrative hearing might be held by video teleconference or telephonically if no one requests an in-person hearing. The fifth statement provides the address for mailing the written waiver. |

Act 1255    An act to ensure the continuity of educational services to foster children.  
Act 1961    An act to authorize DHHS to communicate with a child's school concerning matters related to the child's ability to learn.

**CFS-384**    (Notification to the Local Education Agency of Changes in Child Placement and Experiences of Traumatic Events) – A new form is developed to comply with Act 1255 which states that if a foster child is subject to a school enrollment change, then the foster child's caseworker shall contact the school district's foster care liaison within two business days and the new school must immediately enroll the foster child even if the foster child is unable to produce any required clothing or required records, including but not limited, to academic records, medical records, or proof of residency. DHHS shall provide all known information to the school district that would impact the health and safety of the child being enrolled or others in the school. The form is also developed to comply with Act 1961 which states that by the next business day after DHHS comes to reasonably believe that a foster child has experienced a traumatic event, DHHS may notify the school counselor that DHHS reasonably believes the foster child has experienced a traumatic event.

Act 1191    An act to amend various provisions of the Arkansas Juvenile Code.

**CFS-423**    (Certificate of Service) - A new form is developed to comply with Act 1191 which states that all court reports shall be filed at least seven business days before the hearing and must have a certificate of service that the report has been distributed to all of the parties or their attorneys and CASA.

Act 437    An act to clarify the law regarding adoption consent and subsidized adoptions.

**CFS-428A**    (Adoption Assistance Agreement for State Funded Subsidy Payments) – Revised to comply with Act 437 which states that DHHS must annually re-determine eligibility on each child and subsidy stops if there is a failed means-based test or the family is no longer providing care and support for adoptive child.

For copies of the proposed documents or to submit comments, contact: Division of Children and Family Services, P.O. Box 1437, Little Rock, Arkansas 72203-1437, Attention: Policy Unit, (Slot S570). All comments must be submitted in writing within 30 days of the date appearing below or 30 days following the date of the newspaper notice, whichever is the longer period. If you need any material in a different format, such as large print, contact our Americans with Disabilities Act Coordinator at 682-8830 (Voice) or 682-1442 (TDD). The Arkansas Department of Human Services is in compliance with Titles VI and VII of the Civil Rights Act and operates, manages and delivers services without regard to age, religion, disability, political affiliation, veteran status, sex, race, color or national origin.

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Roy Kindle,  
Director, Division of Children and Family Services

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