

NOTICE OF RULE MAKING

Pursuant to A.C.A. § 20-76-201, the Director, Division of Children and Family Services issues the following proposed changes:

Revised Forms

CFS-446 In Home Consultation Visit Report – Statement of Understanding/Authorization added
CFS-400 Adoption/Foster Home Study Application – Statement of Understanding/Authorization removed

CFS-1136 Employee Orientation Checklist Addendum - added statement that employee has been informed of AR State Vehicle Safety Program

CFS-423 Certificate of Service - Added clarifying verbiage

New Rule

Policy II-L Protection Plans - Developed new content to strengthen FSWs understanding of the role they play in assessing and developing protection plans for children who have come to the attention of DCFS because an investigation has been opened. Also, establishes the parameters that a plan must contain.

Policy III-B Resolution of Denial of Medicaid Service - Established policy concerning how to resolve denial of a Medicaid service to a child in foster care

Policy III-D Services for Infants Born to Juveniles in the Physical Custody of DYS -Newsection concerning agreement with DHS, Division of Youth Service

Policy IV-C Conducting Family Assessments Using the FSNRA - New policy on how to conduct the FSNRA

Policy VI-M Legal Counsel for Children in Foster Care –describes parameters for securing counsel for children in foster care

Procedure II-L1 Critical Elements of a Protection Plan - Establishes elements that an FSW must include in the design and development of a protection plan

Procedure II-L2 When to Develop a Protection Plan - Establishes criteria for when a protection plan should be implemented

Procedure III-B1 Internal Resolution - establishes procedures for internal (DCFS) resolution of Medicaid service denial to child in foster care

Procedure III-B2 External Resolution - establishes procedures for external resolution of Medicaid service denial to child in foster care

Procedure III-D1 Coordination of Services for Infants Born in the Custody of DYS - Newly created section concerning agreement with DYS

Procedure IV-C1 Conducting Family Assessments Using the FSNRA - New procedure on using the FSNRA

Procedure VI-M1 Making Referrals to Secure Legal Counsel - New procedure for securing legal counsel for children in foster care

Revised Rule

Policy II-B Assessing Families in Relation to Strengths - Added descriptions of FSNRA and Investigation Risk Assessment

Policy II-E County Office Assessment of Child Maltreatment Reports - Modification so as not to limit the contextual situation where DCFS would ask OCC to do an order of less than custody. Added information concerning use of certified interpreters, when necessary, to continue investigations of alleged abuse.

Policy III-A Services Case Opening and Re-evaluation – added detailed description of supportive services

Policy VI-A Out of Home Placement Criteria – to remove erroneous statement regarding FBI checks for provisional foster homes and to establish that any household approved to provide foster care may not contain cohabitating adults, roomers or boarders

Policy VI-G Interstate Compact on Placement of Children - Added language that out-of-state and in-state relative placements will be given the same opportunity to become foster homes.

Policy VI-I Trust Accounts for Children in Foster Care - to update description to reflect current practice

Policy VI-K Educational Services for Children in Out of Home Placement - Modifications to syntax, verbiage and grammar

Policy VII-A Foster Parent Recruitment, Training, Approval, Re-evaluation and Retention - Revised and added new information concerning foster parents who marry or divorce

Policy VII-C Supervision of Children in Out of Home Placement - Separated the supervision of children in out-of-home placement from the content that dealt with allegations of abuse in the home

Policy VII-D Child Maltreatment Allegations concerning Out of Home Placements - Moved notification procedures to Procedure VII-D1, Made modification to identify that it is the child's attorney ad litem and child's CASA that are being notified.

Procedure II-B1 Assessing Families in Relation to Strengths and Needs - Added explanation that Supportive Services are generally time limited to 3 months

Procedure II-E1 County Office Response to Child Hotline for Assessments that are Responsibility of the Department - Added new information concerning procedures to be followed after discovery of new child abuse victims during on-going investigations.

Procedure II-E2 Child Maltreatment Report Assessment Interviews - added information concerning obtaining the use of certified interpreters, whenever necessary, to continue investigations of alleged abuse.

Procedure II-E3 Health and Safety Assessment - Strengthened the safety assessment procedure by adding verbiage that helps FSWs make a more well informed decision

Procedure II-E5 Other Child Maltreatment Assessment Actions - added information concerning procedures by DCFS and Arkansas State Police when there are new victims discovered during an on-going investigation, and/or new allegations of abuse, and DCFS' responsibilities relating to Health and Safety Response and Risk Assessment

Procedure II-E7 Investigation Risk Assessment - Additional procedure for conducting the Investigation Risk Assessment

Procedure II-E10 Protective Custody of Child in Immediate Danger - Modified procedures that FSWs and HSS follow when obtaining medical care and consent for treatment for children in care. Modification to events that trigger FSWs to ask OCC for an Order of Less than Custody, Provisional Foster Home information deleted

Procedure II-E11 Crimes Against Children Investigations of Child Maltreatment Reports - Modifications adding verbiage to clarify use of certified interpreter when needed and clarified responsibilities that fall to DCFS and ASP-CACD. Added new information concerning procedures to be followed after discovery of new child abuse victims during on-going investigations,

Procedure II-E13 Child Residency Following Alleged Child Maltreatment - deleted the option that FSWs may request that OCC petition the court for a Restraining Order of Protection

Procedure VI-A1 Out of Home Placement Criteria - Provisional Foster Home information added

Procedure VI-C2 Foster Parent Involvement in Health Care - Added information concerning foster parents and authorizing children in their care for medical treatment.

Procedure VI-D1 Comprehensive Health Assessment and ACH Outpatient Services - Clarified medical treatment and informed consent procedures for FSW and HSS. Created new section

(Procedure VI-D2) to help distinguish between procedures related to Arkansas Children's Hospital, Comprehensive Health Assessment, and ACH Outpatient Services

Procedure VI-D2 Health Plan for Children Receiving Out of Home Placement, Consent for Treatment - Added information related to informed consent and Life Sustaining Treatment.

Procedure VI-F1 Case Review Judicial Hearing for Children in Out of Home Placement - Changed timeframe for submitting the CFS-6024; added instructions regarding distribution of court reports and revised language to clarify when OCC and FSW are responsible for submitting court orders to service provider.

Procedure VI-G3 Responsibilities of the Sending State - Added to responsibilities of the sending state and stated what additional information must be indicated on the ICPC Placement Request

Procedure VI-G5 Placing AR Children in Another State & Requesting Home Studies - Identified additional information that must be included on the CFS-592 and deleted duplicate information concerning court reports.

Procedure VI-J1 Out of Home Non DHS Custody/Relative Placements - Indicated when and to whom FSW must submit the CFS-6024 and updated name of CFS-6009

Procedure VI-K1 Educational Services - Clarified precipitating events that require use of CFS-384, and procedures and notification requirements by DCFS for disclosure of information to school districts regarding children in foster care

Procedure VII-A1 Foster Parent Recruitment - reorganization of content so that foster parent recruitment, approval, and training tasks and procedures were ordered correctly..

Procedure VII-A3 Approval of Foster Home - Added information regarding approval criteria for marriage status

Procedure VII-A4 Re-evaluation of the Foster Home - Modified reevaluation to include new information concerning foster parents who marry or divorce, and additional reevaluation criteria.

Procedure VII-C1 Supervision of Children in Out of Home Placement - Moved removal of children in care from foster homes which are reported for alleged abuse to Procedure VII-D1

Procedure VII-D1 Child Maltreatment Allegations Concerning Out of Home Placement - Made modification to identify more clearly that it is the child's attorney ad litem and child's CASA that are being notified.

Procedure VIII-C1 DCFS Initiates Termination of Parental Rights - Revised timeframe for submitting the CFS-6024 from 7 to 14 days

Procedure VIII-F1 Staffing and Recommendations - Revised age criteria for adoptive applicants

Procedure VIII-G2 Criteria for Adoption - Revised age criteria for adoptive applicants

Procedure VIII-H1 Initial Application for Adoption Subsidy - Clarified procedures for annual reevaluation of state adoption subsidy

Procedure VIII-H2 Subsidy Payments - Updated eligibility criteria for: non-custody/out-of-home placement services and SSI eligible private agency and independent adoptions

Revised Publication

Pub 22 Standards for Approval of Family Foster Homes – to update format, content style and language disambiguation, to clarify content regarding alternative compliance and policy waivers, situations involving alleged maltreatment in foster homes, provisional foster home requirements, and continuing education requirements, and to establish that any household approved to provide foster care may not contain cohabitating adults, roomers or boarders

Revised Appendices

Appendix I Glossary - Added the term “state legal subsidy” and revised term “family, strengths, needs, and risk assessment

Appendix VII Case Record Order - revised term family, strengths, needs and risk assessment

Rescind

CFS-346 Notice of Non Defense of True Child Maltreatment Determination – replaced with CFS-313

The proposed documents are available for review at the Division of Children and Family Services, Policy Unit, 2nd floor Donaghey Plaza South, 7th and Main Streets, Little Rock, AR. 72203-1437. All comments must be submitted in writing no later than September 15, 2008. If you need this material in a different format, such as large print, contact our Americans with Disabilities Act Coordinator at 501- 682-8830 (Voice) or 501- 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.

Pat Page,
Director, Division of Children and Family Services

Date