

## NOTICE OF RULE MAKING

Pursuant to A.C.A. § 9-28-103, the Director, Division of Children and Family Services issues proposed changes to:

- **POLICY II-H: FAMILY IN NEED OF SERVICES**
  - Clarified that court shall not order a child to be placed or remain in a placement in foster home that has been closed or suspended by a child placement agency per Act 1037 of the 89<sup>th</sup> General Assembly, Regular Session 2013
  - Clarified if health or welfare of a child is in immediate danger while in a court ordered placement the department may immediately remove child per Act 1037 of the 89<sup>th</sup> General Assembly, Regular Session 2013
- **POLICY VI-D: INITIAL AND GENERAL HEALTH SERVICES FOR CHILDREN RECEIVING OUT-OF-HOME PLACEMENT SERVICES**
  - Revised to include information on duties of custodian related to health services for children in care per A.C.A. § 9-27-353
  - Updated to specify that custodian of child shall not consent to removal of bodily organs, unless procedure is necessary to save the life of the child; withhold life-saving treatments; withhold life-sustaining treatments; or amputate any body part without express court approval per Act 1055 of the 89<sup>th</sup> General Assembly, Regular Session 2013
- **POLICY VI-G: CASE REVIEW JUDICIAL HEARINGS FOR CHILDREN IN OUT-OF-HOME PLACEMENT**
  - Updated to reflect parties requesting additional review hearings must provide reasonable notice to all parties per Act 490 of the 89<sup>th</sup> General Assembly, Regular Session 2013
  - Revised to include additional information regarding what court shall determine and consider in its findings during six month reviews per A.C.A. § 9-27-337
  - Added documents court may request in six month review hearing and provide to parties at least two days before review hearing and allow parties fair opportunity to dispute said documents per A.C.A. § 9-27-337 and clarified must request such documents
  - Revised language regarding permanency goals at the permanency planning hearing per Act 490 of the 89<sup>th</sup> General Assembly, Regular Session 2013
  - Updated reasons for which termination of parental rights would not be pursued if child is being cared for by relatives per Act 490 of the 89<sup>th</sup> General Assembly, Regular Session 2013
  - Edited for general formatting and organizational purposes
- **POLICY VII-K (AND RELATED PROCEDURES): CHANGES IN OUT-OF-HOME PLACEMENT**
  - Added general information regarding trauma of placement changes for youth
  - Clarified that court shall not order a child to be placed or remain in a placement in foster home that has been closed or suspended by a child placement agency per Act 1037 of the 89<sup>th</sup> General Assembly, Regular Session 2013
  - Clarified if health or welfare of a child is in immediate danger while in a court ordered placement the department may immediately remove child per Act 1037 of the 89<sup>th</sup> General Assembly, Regular Session 2013
  - Revised to better distinguish between emergency and non-emergency placements
  - Edited for general formatting and organizational purposes
- **POLICY VIII-D: TERMINATION OF PARENTAL RIGHTS**
  - Updated reasons for which termination of parental rights would not be pursued if child is being cared for by relatives per Act 490 of the 89<sup>th</sup> General Assembly, Regular Session 2013

- Removed reference to Garrett’s Law investigations as already included in Policy II-E and related procedures
- Edited for general formatting and organizational purposes
- POLICY VIII-E: DECISIONS INVOLVING CHILDREN IN DHS CUSTODY WITH PARENTAL RIGHTS TERMINATED
  - Revised to specify that custodian of child shall not consent to removal of bodily organs, unless procedure is necessary to save the life of the child; withhold life-saving treatments; withhold life-sustaining treatments; or amputate any body part without express court approval per Act 1055 of the 89<sup>th</sup> General Assembly, Regular Session 2013
  - Clarified roles and responsibilities based on recent Division organizational changes
  - Removed procedure regarding incident reporting as this is covered in Policy IX-C
- CFS-495: Notification of Change
  - Obsolete due to CHRIS database functions

The proposed changes are available for review at the Division of Children and Family Services, Policy Unit, 5<sup>th</sup> floor Donaghey Plaza South, 7<sup>th</sup> and Main Streets, Little Rock, AR. 72203-1437. All comments must be submitted in writing to the Policy Unit no later than July 13, 2013. All the proposed changes may be viewed in their entirety at

<https://ardhs.sharepointsite.net/CW/Notice%20of%20Rule%20Making/Forms/AllItems.aspx>.

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.

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Cecile Blucker  
Director, Division of Children and Family Services

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Date