

Excerpt: Policy II-H

POLICY II-H: FAMILY IN NEED OF SERVICES

089/2013~~4~~

A.C.A. §9-27-303 defines “Family In Need of Services” (FINS) as any family whose juvenile evidences behavior which includes, but is not limited to, the following:

- A. Being habitually and without justification absent from school while subject to compulsory school attendance;
- B. Being habitually disobedient to the reasonable and lawful commands of his parent, guardian, or custodian; or
- C. Having absented himself from the juvenile’s home without sufficient cause, permission, or justification.

Family services are provided in order to:

- A. Prevent a juvenile from being removed from a parent, guardian, or custodian;
- B. Reunite the juvenile with the parent, guardian, or custodian from whom the juvenile has been removed; or
- C. Implement a permanent plan or adoption, guardianship, or rehabilitation of the juvenile.

The court shall not specify a particular provider for placement or family services, when DHS is the payor or provider. A court may order a child to be placed into a licensed approved placement (i.e., no child shall be placed or remain in a placement in a foster home that has been closed or suspended by a child placement agency) after a hearing where the court makes a finding that it is in the best interest of the child based on bona fide consideration of evidence and recommendations from all the parties. The court may also order a child to remain in a placement if the court finds the placement is in the best interest of the child after hearing evidence from all parties.

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If the health or welfare of a child is in immediate danger while in a court-ordered placement the Division may immediately remove the child from the court-ordered placement. If the Division must move a child from a court-ordered placement due to the health or welfare of a child being in immediate danger, the Division shall notify all parties within 24 hours of the change in placement. Regarding this type of placement change, a hearing may be requested by a party to the case, and the hearing shall be held within five business days of receiving the request.

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POLICY VI-D: INITIAL AND GENERAL HEALTH SERVICES FOR CHILDREN RECEIVING OUT-OF-HOME PLACEMENT SERVICES

08/2013

The Division of Children and Family Services shall ensure that all necessary medical services are provided to children receiving out-of-home placement services in order to promote their optimal physical, mental, and emotional health and well-being. Foster parents will play an integral role in meeting the child's daily health and well-being needs.

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As the legal custodian for children in out-of-home placements, the Division has the right to obtain the medical records of any child upon presentation of an order of custody. In addition, the Division has the right to obtain medical care for any child in DHS custody, including giving consent to specific medical, dental, or mental health treatments and procedures as required in the opinion of an authorized or licensed physician, dentist, surgeon, or psychologist, whether or not such care is provided on an emergency, inpatient, or outpatient basis. However, the Division shall not make any of the following decisions without receiving express court approval:

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- A. Consent to the removal of bodily organs, unless the procedure is necessary to save the life of the child;
- B. Consent to withhold life-saving treatments;
- C. Consent to withhold life-sustaining treatments; or,
- D. Amputation of any body part. Foster parents will play an integral role in meeting the child's health needs.

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An initial health screening will be held. If the initial screening indicates that treatment or further evaluation is needed, DCFS shall ensure that such treatment or evaluation is promptly provided.

A Medical Passport will be completed for each child in an out-of-home placement. The Medical Passport is a brief, readable, and current summary of the child's health history and current health status for use by present and future caretakers of the child.

POLICY VI-G: CASE REVIEW JUDICIAL HEARINGS FOR CHILDREN IN OUT-OF-HOME PLACEMENT

0811/20131

SIX MONTH REVIEW HEARINGS

~~The status of each child in out-of-home placement, including children in out-of-home cases who are placed out-of-state, shall be reviewed no less than every six months by a judicial review to~~ The court will review out-of-home placement cases no less than every six months. The first six month review shall be held no later than six months from the date of the original out-of-home placement of the child. However, the court may require a review prior to the sixth month review hearing. In addition, at any time during the life of an out-of-home placement case, any party may request the court to review the case, and the party requesting the hearing shall provide reasonable notice to all parties.

At each sixth month hearing the court will review the case sufficiently to determine the future status of the child based on the child's best interest. The court shall determine and include in its orders the following:

- A. Whether the case plan, services, and placement meet the needs and best interest of the child, with the child's health, safety, and educational needs specifically addressed;
- B. Whether the Division has made reasonable efforts to provide family services;
- C. Whether the case plan is moving towards an appropriate permanency plan for the child, per A.C.A. § 9-27-338;
- D. Whether the visitation plan is appropriate for the child, the parent(s), or any siblings, if separated.

The court may order any studies, evaluations, or post-disposition reports, if needed. All such documents will be provided in writing to all parties and counsel at least two days prior to the review hearing. All parties will be given a fair opportunity to dispute any part of a study, evaluation, or post-disposition report.

In making its findings, the court shall consider the following:

- A. The extent of compliance with the case plan, including but not limited to, a review of the Division's care for the health, safety, and education of the child while the child has been in an out-of-home placement; ~~The ;~~
- A. Determine the safety of the child and the continuing need for and appropriateness of the placement;
- B. Determine the extent of compliance with the case plan;
- B. Determine the extent of progress made toward alleviating or mitigating the causes necessitating the out-of-home placement;
- C. Whether the child should be returned to his or her parent(s) and whether the child's health and safety can be protected by his or her parent(s) if returned home;
- C. D. An appropriate permanency plan pursuant to A.C.A. § 9-27-338 for the child, including concurrent planning (e.g., adoption, legal guardianship, APPLA, as appropriate) and;
- D. Project a likely date by which the child may be returned and safely maintained at home or placed for adoption or legal guardianship.

PERMANENCY PLANNING HEARING

The permanency planning hearing (PPH) shall determine the permanency goal for the child that includes, listed in order of preference, in accordance with the best interest, health, and safety of the child:

- A. Placing custody of the child with a fit parent at the permanency planning hearing
- B. Returning the child to the guardian or custodian from whom the child was removed initially removed at the permanency planning hearing,
- C. Authorizing a plan to place custody of the child with a parent, guardian, or custodian only if the court finds that:

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- 1) The parent, guardian, or custodian is complying with the established case plan and orders of the court, making significant progress toward achieving goals established in the case plan and diligently working toward reunification or placement in the home of the parent, guardian, or custodian.
 - a) A parent's, guardian's, or custodian's resumption of contact or overtures toward participating in the case plan or following court orders in the months or weeks immediately preceding the permanency planning hearing are insufficient grounds for authorizing a plan to return or be placed in the home as the permanency plan.
 - b) The burden is on the parent, guardian, or custodian to demonstrate genuine, sustainable investment in completing the requirements of the case plan and following court orders in order to authorize a plan to return or be placed in the home as the permanency goal.
- A. Returning the child home at the permanency planning hearing if it is in the best interest of the child and the child's health and safety can be adequately safeguarded if returned home.
- B. Authorizing a plan of reunification if the parent, guardian, or custodian is complying with the established case plan and orders of the court, making significant progress toward achieving goals established in case plan and diligently working toward reunification.
- A parent's, guardian's, or custodian's resumption of contact or overtures toward participating in the case plan or following the orders of the court in the months or weeks immediately preceding the permanency hearing are insufficient grounds for authorizing a plan to return home as the permanency plan and the burden is on the parent, guardian, or custodian to demonstrate genuine, sustainable investment in completing the requirements of the case plan and following the orders of the court in order to authorize a plan to return home as the permanency goal.
- 2) The parent, guardian, or custodian is making significant and measurable progress toward remedying the conditions that:
 - a) Caused the child's removal from the home or the child's continued removal from the home; or,
 - b) Prohibits placement of the child in the home of a parent.
- 3) Pl and the placement of the child in the home of the parent, guardian, or custodian's continued removal from the home and the return of the juvenile to the parent, guardian, or custodian shall occur within a time frame that is consistent with the child's developmental needs but no later than three months from the date of the permanency planning hearing PPH.
- G.D. Authorizing a plan for adoption with the Division filing a petition for TPR, unless:
 - 1) The child is being cared for by a relative, including a minor child in foster care caring for his or her own child who is in foster care, and TPR is not in the best interest of the child; the relative has made a long-term commitment to the child; and, the relative is willing to pursue adoption, guardianship, or permanent custody of the child.
 - 2) The child is being cared for by his or her parent who is in foster care and TPR is not in the best interest of the child.
 - 3) The Division has documented in the case plan a compelling reason why filing a termination petition would not be in the child's best interest of the child and the court approves the compelling reason as documented in the case plan; or
 - 4) The Division has not provided the family of the child with services, consistent with the time period in the case plan, the services the Division deemed necessary for the safe return of the child to the child's home if reunification services were required to be made to the family.

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Reasonable efforts are not required ~~to prevent a child's removal from home or~~ to reunify the child and family if

- A. The court has determined that the parent has subjected the child to aggravated circumstances (see Glossary);
- B. The court has determined that the parent has ~~been convicted of~~committed:
 - 1) Murder of ~~any other child of the parent~~;
 - 2) Voluntary manslaughter of ~~any other child of the parent~~;
 - 3) Aiding or abetting, attempting, conspiring, or soliciting to commit such a murder or such a voluntary manslaughter; or
 - 4) A felony ~~battery~~assault that results in serious bodily injury to ~~the any child or another child of the parent; or,~~
 - 5) Abandoned an infant as defined by A.C.A. § ~~9-27-312-18-103~~; ~~or,~~
 - 6) Registered with a sex offender registry under the ~~2006~~ Adam Walsh Protection and Safety Act of 2006.

C. The parental rights of the parent with respect to a sibling have been terminated involuntarily.

~~6)~~

~~C. The parental rights of the parent with respect to a sibling have been terminated involuntarily.~~

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POLICY VII-K: CHANGES IN OUT-OF-HOME PLACEMENT

08/2013

The Division recognizes ~~the importance of providing that a~~ stable placements for children in ~~out-of-home placement~~ DHS custody result in a lesser amount of trauma to and better long-term outcomes for children who must come into foster care.- Family preservation services or formal respite services shall be utilized if necessary to address ~~problems/issues~~ in the out-of-home placement in order to prevent disruption. The requirements do not apply to planned moves, or planned placements, or to respite care.

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Comment [CH1]: So no notice at all when moving from placement intended to be temporary or just use emergency procedure?

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FOSTER PARENT REQUEST FOR PLACEMENT CHANGE

When foster parents request a child in foster care be removed from their home, excluding an emergency that places the child or a family member at risk of harm, the foster parents must attend a staffing within 48 hours of the request to discuss what services or assistance may be needed to stabilize the placement. This staffing does not impact other required staffings and should only be conducted to help stabilize the placement and /or planning for the child's placement.

The child in foster care, the child's attorney ad litem, and a CASA, if appointed to the case, shall be notified so they can attend and participate in the staffing and planning for the child's placement. Other participants may be invited to the staffing as appropriate (e.g., child's therapist, teacher, etc.).

If the placement cannot be stabilized as a result of the staffing, then the foster parents will continue to provide for the child in foster care until an appropriate alternative placement is located, but this shall not be longer than five business days from the day the staffing was held. Written notifications of any placement changes will be provided to all required parties as described below.

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NON-EMERGENCY PLACEMENT CHANGES

Non-emergency placement changes include a planned transfer to another foster home or residential setting that better meets the child's needs, a trial home placement, and a return to the parent/legal custodian when a child exits care. Changes in placement shall be made only after notification to the age-appropriate child, foster parent, the court, the OCC Attorney, attorney ad litem, and the child's ~~birth parents~~ family.- Notices shall be sent in writing two weeks prior to the proposed change. -The notice shall:

- A. Specify reasons for the proposed change;
- B. Provide to the attorney ad litem the address of the proposed new out-of-home placement; and
- C. Provide to the child the name and telephone number of the attorney ad litem.

The age-appropriate child will be notified of the right to appeal the change and to request assistance from the attorney ad litem. Pre-placement visits shall be conducted when possible before a change in placement.

If a placement change is occurring because the child is exiting foster care, then as with all closures of out-of-home placement cases, discharge planning must be conducted to ensure the health and safety of the child at case closure. The health and safety assessment and risk assessment are tools to be used in determining case closure. Discharge planning must be done at the staffing to close the case.

Minimum licensing standards require that a discharge summary be completed on each child and a copy given to the child's parents if the Division has not been granted TPR (Termination of Parental Rights) by the court. A copy of the discharge summary must become a part of the child's case file.

EMERGENCY PLACEMENT CHANGES

Exceptions to the advance notice requirement will be made if the health or welfare of the child would be endangered by delaying a change in placement (including court-ordered placements) or the child is placed in a placement intended to be temporary until a stable placement can be located for the child.

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~~The age-appropriate child will be notified of the right to appeal the change and to request assistance from the attorney ad litem. Pre placement visits shall be conducted when possible before a change in placement. Exceptions to the advance notice requirement shall be made if the child's health or safety would be endangered by delaying a change in placement. Within 24 hours of the emergency change in placement, DHS shall notify the custodial/non-custodial birth parent(s), the OCC Attorney and the child's attorney ad litem of the change via the CFS 300: Parent Notification of Change in Placement and CFS 300A: Attorney Ad Litem/CASA Notification of Change in Placement. DHS shall provide written notice to the attorney ad litem with the name and address of the new out of home placement provider. Within 72 hours of the emergency change in placement, DHS shall provide written notice to the OCC Attorney and attorney ad litem with the name and address of the new out-of-home placement provider and for the specific reasons justifying the change of placement without advance notice.~~

If an agent, employee, or contractor of DHS fails to comply with the emergency notice of change in placement requirements, then an action for violation of the requirement may be filed by any party to the action against the person who failed to comply with the requirement. -The court will determine the assessment of punishment with the most probable punishment being cited as contempt of court.

In addition, if the court finds the agent, employee, or contractor of DHS failed to comply with the requirement, then the court may order DHS or the agent, employee, or contractor to pay all of the costs of the proceedings brought under this requirement.

~~When a foster parent requests a child in foster care be removed from their home, excluding an emergency that places the child or a family member at risk of harm, the foster parent must attend a staffing to discuss what services or assistance may be needed to stabilize the placement. The staffing will be held within 48 hours of notification by the foster parent to remove the child from their home. The child in foster care, the child's attorney ad litem and a CASA, if appointed to the case, shall be notified so that they can attend and participate in the staffing and planning for the child's placement. If the placement cannot be stabilized, the foster parent will continue to provide for the child in foster care until an appropriate alternative placement is located, but this shall not be longer than five business days. These efforts will serve to reduce the number of placements of children in foster care.~~

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NOTIFICATION OF PLACEMENT CHANGES TO DCFS ELIGIBILITY UNIT

The DCFS Eligibility Unit will be notified automatically via CHRIS when concerning placement changes in the child's out of home placement that are entered into CHRIS affect the child's Medicaid eligibility. -This includes situations wherein the child moves to an out-of-state placement, is placed at a DYS facility or in a juvenile detention center, is on runaway status, is on a trial home visit, remains in foster care but is moved from one out of home placement to another, has returned home, is adopted, or otherwise exits foster care. j been placed at a DYS facility, a juvenile detention center, placed with a relative, on runaway status, or on a trial placement, etc. The child's Medicaid case will close the date the child's foster care case is closed.

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~~Children who are in the custody of the Department shall be allowed trial placements with parents, for a period not to exceed 60 days. At the end of the 60, the court shall either place custody of the child with the parent or the Department shall return the child to a licensed or approved foster home, shelter, or facility, or an exempt child welfare agency as defined by A.C.A. §9-28-402. To comply with title IV-E eligibility requirements, trial placement must occur in the home of the custodial/non-custodial parents and may not exceed six months in duration, unless a court orders a longer trial home visit. If a trial placement extends beyond six months and has not been authorized by the court, or exceeds the time period the court has deemed appropriate, and the child is subsequently returned to foster care, that placement must then be considered a new placement, and title IV-E must be newly established. Under these circumstances, judicial determinations regarding "contrary to the welfare" and reasonable efforts to prevent removal are required. Trial home visits will not exceed 60 days for all children who are placed in the custody of the Department whether the child is IV-E eligible or not.~~

~~At the closure of all out-of-home placement cases discharge planning must be conducted to ensure the health and safety of the child at case closure. The health and safety assessment and risk assessment are tools to be used in determining case closure. Discharge planning must be done at the staffing to close the case. Minimum licensing standards require that a discharge summary be completed on each child and a copy given to the child's parents if the Division has not been granted TPR (Termination of Parental Rights) by the court. A copy of the discharge summary must become a part of the child's case file.~~

Procedure VII-K1: Foster Parent Request for Placement Change

08/2013

If a request for removal is made by the foster parent, the Family Service Worker will:

- A. Remove the child immediately without holding a staffing if the request for removal from the foster parent meets the definition for "imminent harm". Imminent harm is defined as an emergency that places the child or a family member at risk of harm.
- B. Prepare for a staffing to be held within 48 hours of notification of a request for removal from the foster parent and immediately notify the OCC attorney, attorney ad litem, CASA, and the child in foster care (if age appropriate) of the staffing date, time, and location.
- C. If appropriate, request by phone, fax, or email that a licensed mental health professional or private mental health provider attend, or otherwise participate, in the staffing.
- D. Hold a staffing within 48 hours of notification of a request for removal from the foster parent. If the request is made on the weekend or a holiday, the staffing must be held by the close of business of the next working day.
- E. Make an appropriate alternative placement within five business days from the date of the staffing, if the placement cannot be stabilized.
- F. See Procedures VII-K2 and VII-K3, as applicable, for information regarding providing written notices of placement changes to appropriate parties.

Comment [CH2]: Not just about child but foster family too so leave as is?

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The FSW Supervisor will:

- A. Conference with FSW as necessary regarding change in placement.

PROCEDURE VII-K24: Non-Emergency Changes in Out-of-Home Placement

08/2013

The Family Service Worker will:

- A. Conference with supervisor as necessary regarding change in placement.
- B. Provide written notice to the child's birth parent(s) at least two weeks prior to any placement changes via the completed CFS-300: Parent Notification of Change in Placement.
- A-C. Provide written notice to the child (if age appropriate), the foster parents, the child's attorney ad litem, the child's OCC attorney, and the court at least two weeks prior to any placement changes via the completed CFS-300-A: Attorney Ad Litem/CASA, and Child Notification of Change in Placement, and CFS-300A: Attorney Ad Litem/CASA Notification of Change in Placement to the age appropriate child, the foster parents, OCC, the court, the attorney ad litem, and the child's family of any changes in placement two weeks prior to the change. The CFS 300 and CFS 300A must be given to all parties listed for all planned or emergency changes in placement. Exceptions will be made if the health or welfare of the child would be endangered by delaying a change in placement or the child is placed in a placement intended to be temporary until a stable placement can be located for the child.
- D. Place copies of the completed CFS-300: Parent Notification of Change in Placement and CFS-300-A: Attorney Ad Litem/CASA Notification of Change in Placement in the child's record.

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E. Select the ~~o~~Out-of-~~h~~Home ~~p~~Placement that best fits the needs of the child.

1) A child who has been identified as an ~~Exempted~~~~XEMPTED~~ ~~f~~From ~~ROM~~ Finding~~INDING~~
~~Underaged~~~~NDERAGE~~ Juvenile~~JUVENILE~~ Offender~~FFENDER~~ or~~OR~~ Sexual~~EXUAL~~ Offender~~FFENDER~~
must not be placed in a foster home with other children, unless the child's therapist ~~feels~~
~~provides written notification~~ that the child is no longer a danger to other children.

a) ~~Proper documentation of this will be~~Place any written notifications from the child's
~~therapist contained~~ in the child's hard copy file.

2) If the recommended placement is a facility, the facility must receive information regarding the
allegations.

~~B-a) D. This must be d~~ocumented in the Recommend Placement screen in CHRIS ~~that facility~~
~~received information regarding allegations for a child with an Exempted from Finding~~
~~Underaged Juvenile Offender or Sexual Offender.~~

~~G-F.~~ Arrange for a pre-placement visit.

~~D-G.~~ Provide new address to attorney ad litem.

~~E.~~ Inform age-appropriate child of the right to appeal a change in placement.

~~F.~~ Request an exception to advance notice if an emergency exists.

~~G.~~ Notify the OCC Attorney, attorney ad litem and the child's parent by phone or in person within 24 hours of the
change in placement, when a placement is an emergency. If the whereabouts of the parent are unknown,
reasonable diligence to locate the parents must be made and documented.

~~H.~~ Complete and fax or hand deliver the CFS-300A to the attorney ad litem within 72 hours of the move.
Submit the CFS-495: Notification of Change to the Foster Care/Medicaid Eligibility Unit within 10 days of
change in placement.

~~H.~~

I. Update child placement information in CHRIS (~~u~~—Updating the placement information will open a
response window to notify the Eligibility Unit of the placement change).

J. Document submission of the CFS-300 ~~and~~ CFS-300-A, ~~and~~ CFS-495 in the CHRIS Document Tracking
Screen.

The FSW Supervisor will:

B. Conference with FSW as necessary regarding change in placement.

Procedure VII-K3: Emergency Changes in Out-of-Home Placement

08/2013

The Family Service Worker will:

A. Notify the FSW supervisor immediately of the emergency placement change.

B. Notify the child's birth parent(s), OCC Attorney, and attorney ad litem by phone or in person within 24
hours of the emergency placement change.

1) If the whereabouts of the parent are unknown, reasonable diligence to locate the parents must
be made and documented.

C. Provide the attorney ad litem with the name, address, and telephone number of the new foster home or
placement provider within 24 hours of the emergency placement change.

D. Provide written notice to the child's birth parent(s) within 72 hours of the emergency placement change
via the completed CFS-300: Parent Notification of Change in Placement.

E. Provide written notice within 72 hours of the emergency placement change to the attorney ad litem via
the completed CFS-300-A: Attorney Ad Litem/CASA, and Child Notification of Change in Placement.

F. Place a copy of the completed CFS-300-A: Attorney Ad Litem/CASA Notification of Change in Placement in
the child's record.

G. Update child placement information in CHRIS. Updating the placement information will open a response
window to notify the Eligibility Unit of the placement change.

H. Document submission of the CFS-300, CFS-300-A in the CHRIS Document Tracking Screen.

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The FSW Supervisor will:

- A. Conference with FSW as necessary regarding change in placement.

If a request for removal is made by the foster parent, the Family Service Worker will:

- A. Hold a staffing within 48 hours of notification of a request for removal from the foster parent. If the request is made on the weekend or a holiday, the staffing must be held by the close of business of the next working day.
- B. Remove the child immediately without holding a staffing if the request for removal from the foster parent meets the definition for "imminent harm". Imminent harm is defined as an emergency that places the child or a family member at risk of harm.
- C. Prepare immediate notification of a staffing to be given to the OCC Attorney, attorney ad litem, CASA, and the child in foster care if age appropriate. If appropriate, request that a licensed mental health professional or private mental health provider attend, or otherwise participate, in the staffing. The notification can be by phone, fax, or email. Ensure that the FSW has a way of contacting the attorney ad litem and CASA immediately. This staffing and notification does not impact required staffings and should only be conducted to help stabilize the placement and/or planning for the child's placement.
- D. Make an appropriate alternative placement within five business days from the request, if the placement cannot be stabilized.

These requirements do not apply to planned moves, or planned placements, or to respite care.

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POLICY VIII-D: TERMINATION OF PARENTAL RIGHTS

098/20134

All children have a right to a safe, permanent family. The Division of Children and Family Services shall develop and implement permanency plans for children. One option is to terminate parental rights to a child for adoptive placement, when it has been determined that reunification with the family is not a viable option. The court may consider a petition to terminate parental rights (TPR) if the court finds that there is an appropriate permanency placement plan for the child. A court may terminate the rights of one parent and not the other parent if the court finds that it is in the best interest of the child.

It is not required that a permanency planning hearing be held as a prerequisite to the filing of a petition to terminate parental rights, or as a prerequisite to the court considering a petition to terminate parental rights.

The Division will file a petition to terminate parental rights under the following circumstances:

- A. A child (of any age) has been in an out-of-home placement for 15 of the most recent 22 months. The petition must be filed by the end of the child's 15th month in foster care. In calculating when to file a petition for TPR, the Division:

- 1) Will calculate the 15 out of the most recent 22 month period from the date the child entered foster care;
- 2) Will use a cumulative method of calculation when a child experiences multiple exits from and entries into foster care during the 22 month period;
- 3) Will not include trial home visits or runaway episodes in calculating 15 months in foster care.

~~B. A child has been determined by a court of competent jurisdiction to be an abandoned infant. The petition to TPR will be made within 30 days of the judicial determination that the child is an abandoned infant.~~

~~B. The parent has been convicted of one of the following felonies and the court determines no reunification services are required. The parent is found by a court of competent jurisdiction to:~~

- 1) ~~Have committed murder of any child;~~
- 2) ~~Have committed voluntary manslaughter of any child;~~
- 3) ~~Have aided or abetted, attempted, conspired, or solicited to commit such a murder or such a voluntary act of manslaughter;~~
- 4) ~~Have committed a felony battery that results in serious bodily injury to any child;~~
- 5) ~~Have subjected any child to aggravated circumstances (see Glossary);~~
- 6) ~~Have had his or her parental rights involuntarily terminated as to a sibling of the child;~~
- 7) ~~Have abandoned an infant, as defined at A.C.A. § 9-27-303(2) (the petition to TPR will be made within 30 days of the judicial determination that the child is an abandoned infant);~~
- 1) ~~Murder of another child of the parent;~~
- 2) ~~Voluntary manslaughter of another child of the parent;~~
- 3) ~~Aiding or abetting, attempting, conspiring, or soliciting to commit such a murder or such a voluntary manslaughter; or~~
- 4) ~~A felony assault that results in serious bodily injury to the child or another child of the parent.~~

The petition to terminate parental rights will be made within 30 days of a judicial determination that reasonable efforts to reunify the child and parent are not required.

The Division may elect not to file or join a petition to terminate parental rights if:

- A. The child is being cared for by a relative, the relative has made a long-term commitment to the child, and the relative is willing to pursue adoption, guardianship, or permanent custody of the juvenile; or,
- ~~A.B. including The child a minor child is being cared for by his or her parent who is in foster care caring for his or her own child who is in foster care, and TPR is not in the best interest of the child;~~

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B.C. The Division has documented in the case plan a compelling reason why filing such a petition is not in the best interest of the child and the court approves the compelling reason as documented in the case plan; ~~or, OR~~

G.D. The Division has not provided to the family of the child, consistent with the time period in the case plan, such services as the Division deemed necessary for the safe return of the child to the child's home if reunification services were required to be made to the family.

If a juvenile is the subject of an open case filed under the Arkansas Juvenile Code, OCC will file all subsequent petitions (i.e., TPR, adoption, guardianship) in that same circuit court and case.

If the court adopts the goal of termination of parental rights, the Division shall file a petition to terminate parental rights within 30 days from the date of the entry of the order establishing such goal.

If the court finds that the child should remain in an out-of-home placement, either long-term or otherwise, the child's case shall be reviewed every six months, with an annual permanency planning hearing. Additionally, if the child has been in an out-of-home placement 15 of the last 22 months, and a termination petition has been filed by another party, the Division will seek to join the petition. Concurrent with the filing of a termination petition, the Division will identify, recruit, process and approve a qualified family for adoption.

GARRETT'S LAW

~~During the course of an investigation of a Garrett's Law allegation or when the Division has custody of a child through a Garrett's Law investigation, and the mother has notified the FSW that she wants to place the child for adoption through an adoption agency, a private attorney or a physician, the FSW should contact OCC immediately.~~

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POLICY VIII-E: DECISIONS INVOLVING CHILDREN IN DHS CUSTODY WITH PARENTAL RIGHTS TERMINATED

08/2013

The Department of Human Services has designated the ~~County Supervisor (or the Adoption Supervisor if the child has been placed with an adoptive family)~~ Area Director or designee as having the authority to give consent for major decisions for children whose parental rights have been terminated.

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PROCEDURE VIII-E1: Decisions Involving Children in DHS Custody with Parental Rights Terminated

08/2013

The ~~County Supervisor, or the Adoption Field Services Supervisor~~ Area Director or ~~if the child has been placed with an adoptive family,~~ must:

- A. Give written consents in the following decisions involving children in DHS custody with parental rights terminated:
 - 1) Goal Changes in the CFS-6010: Case Plan
 - 2) Marriage, if appropriate
 - 3) Driver's license issuance
 - 4) Entry into the Armed Forces
 - 5) Travel inside or outside the United States
 - 6) Retention of child in school grade
 - 7) Expenditure of child's funds
 - 8) Birth control
 - 9) Media release

10) Major medical consents; however, Division staff shall not make any of the following decisions without receiving approval from the court:

- a) Consent to the removal of bodily organs, unless the procedure is necessary to save the life of the child;
- b) Consent to withhold life-saving treatments;
- c) Consent to withhold life-sustaining treatments; or,
- d) The amputation of any body part,

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~~The Adoptions Manager will give written consent to all adoptions.~~

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PROCEDURE VIII-E3: Incidents/Accidents

~~The Family Service Worker, or the Adoption Specialist, (if a child has been placed with an adoptive family), will:~~

- A. ~~Complete and route to the Supervisor an "Incident Report" (DHS 1910), when appropriate, for incidents/events involving a child in DHS custody with parental rights terminated.~~
- B. ~~Complete DFA form "Safety Responsibility" (SR 1) when the child is involved in a motor vehicle accident. Send a copy of the SR 1 to the OCC Attorney.~~



Arkansas Department of Human Services
Division of Children and Family Services
Notification of Change

TO: _____ FROM: _____

DATE: _____ TELEPHONE# _____ COUNTY OF RESIDENCE: _____

CHILD'S NAME: LAST: _____ FIRST: _____ MI: _____

SOCIAL SECURITY NUMBER: _____ CASE NUMBER: _____

☐ PLACEMENT/ADDRESS CHANGE: DATE OF CHANGE: _____
OLD PLACEMENT/ADDRESS: _____
COUNTY: _____ TYPE: _____

NEW PLACEMENT/ADDRESS: _____
COUNTY: _____ TYPE: _____

☐ CHANGE IN FAMILY SERVICE WORKER: EFFECTIVE DATE: _____
NEW FAMILY SERVICE WORKER: _____
ADDRESS: _____ TELEPHONE# _____

☐ INCOME/RESOURCE CHANGE: SOURCE _____ AMOUNT _____ EFFECTIVE DATE _____

☐ CHILD LEFT CARE ☐ DECEASED DATE: _____

☐ PARENTAL RIGHTS TERMINATED DATE: _____

☐ PLACED FOR ADOPTION: DATE: _____

☐ FOSTER CHILD HAS GIVEN BIRTH: INFANT'S NAME: _____
DATE OF BIRTH _____ PLACEMENT ADDRESS: _____

☐ CHILD AGE 16-19 NOT IN SCHOOL: DATE LEFT SCHOOL: _____

☐ RUNAWAY ☐ TRIAL/EXTENDED VISIT DATE: _____

☐ THIRD PARTY INSURANCE: POLICY NUMBER: _____
NAME/ADDRESS: _____

☐ PARENT NOT PAYING SUPPORT INDICATES A WILLINGNESS TO BEGIN PAYING SUPPORT:
NAME/ADDRESS OF PARENT: _____

☐ MODIFICATIONS IN COURT ORDER: EXPLAIN:

☐ VOLUNTARY ADMISSION OF PATERNITY:
NAME/ADDRESS OF PARENT: _____