

## 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 III-B (and Related Procedures): NOTIFICATION OF RELATIVES AND FICTIVE KIN WHEN A CHILD IS TAKEN INTO CUSTODY BY THE DIVISION**
  - Revised to allow fictive kin to be opened as provisional foster home per Act 478 of the 89<sup>th</sup> General Assembly, Regular Session 2013
  - Clarified notice requirements of fictive kin per A.C.A. § 9-28-107
  - Added court report requirements based on new ability to allow fictive kin to serve as provisional foster parents
- **POLICY VI-A (and Related Procedures): OUT-OF-HOME PLACEMENT CRITERIA**
  - Revised age requirements and related timeframes for household members of foster homes for Central Registry, State Police Criminal, and FBI Background Checks per Act 1275 of the 89<sup>th</sup> General Assembly, Regular Session 2013
  - Revised to allow fictive kin to be opened as provisional foster home per Act 478 of the 89<sup>th</sup> General Assembly, Regular Session 2013
  - 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 that if health or welfare of a child is in immediate danger while in a court-ordered placement the department may immediately remove the child and shall notify all parties of such a removal within 24 hours of the placement change per Act 1037 of the 89<sup>th</sup> General Assembly, Regular Session 2013
- **POLICY VI-B (and Related Procedures): CONSIDERATION OF RELATIVES AND FICTIVE KIN FOR CHILDREN IN FOSTER CARE**
  - Revised to allow fictive kin to be opened as provisional foster home per Act 478 of the 89<sup>th</sup> General Assembly, Regular Session 2013
  - Changed timeframe for submission of CFS-450: Provisional Foster Home Referral from five days to immediately
  - Clarified home studies for custody placements must include Vehicle Safety Program (DMV) Checks and also require any applicable policy waivers based on result of all background checks
  - Edited for general formatting and organizational purposes
- **POLICY VII-A: FOSTER HOME PURPOSE AND ROLES**
  - Revised to allow fictive kin to be opened as provisional foster home per Act 478 of the 89<sup>th</sup> General Assembly, Regular Session 2013
  - Updated to require DCFS Director approval rather than Area Director approval for DCFS staff interested in becoming informal respite providers
- **POLICY VII-C: FOSTER HOME ASSESSMENT PROCESS**
  - Revised age requirements and related timeframes for household members of foster homes for Central Registry, State Police Criminal, and FBI Background Checks per Act 1275 of the 89<sup>th</sup> General Assembly, Regular Session 2013
  - Added information about provisional foster home ability to receive child support or federal benefits paid on behalf of the child per Act 1848 of the 89<sup>th</sup> General Assembly, Regular Session 2013
- **POLICY VIII-G (and Related Procedures): FOSTER PARENT, PROVISIONAL FOSTER PARENT, AND RELATIVE ADOPTION**

- Revised age requirements and related timeframes for household members of foster and adoptive homes for Central Registry, State Police Criminal, and FBI Background Checks per Act 1275 of the 89<sup>th</sup> General Assembly, Regular Session 2013
  - Deleted specific information on types of offenses requiring Alternative Compliances as this information is already included in Appendix 8
  - Revised to allow fictive kin to be opened as provisional foster home per Act 478 of the 89<sup>th</sup> General Assembly, Regular Session 2013
  - Edited for general formatting and organizational purposes
- **POLICY VIII-H: DEVELOPMENT OF ADOPTIVE HOMES**
  - Added clarification that residence in the home is not required for a minor to be adopted if the minor is in DHS custody and must reside outside the home for medically necessary health care per Act 471 of the 89<sup>th</sup> General Assembly, Regular Session 2013
  - Revised age requirements and related timeframes for household members of adoptive homes for Central Registry, State Police Criminal, and FBI Background Checks per Act 1275 of the 89<sup>th</sup> General Assembly, Regular Session 2013
- **PROCEDURE III-F1: Coordination of Services, Care and Case Opening for Infants Born to Juveniles in the Physical Custody of the Division of Youth Services**
  - Revised to allow fictive kin to be opened as provisional foster home per Act 478 of the 89<sup>th</sup> General Assembly, Regular Session 2013
  - Clarified difference between validity of required home study and any necessary follow-up with approved home initial home study conducted in first or second trimester of mother's pregnancy
- **PROCEDURE VIII-I1: Initial Application for Adoption Subsidy**
  - Revised to allow fictive kin to be opened as provisional foster home per Act 478 of the 89<sup>th</sup> General Assembly, Regular Session 2013
- **APPENDIX 8: ALTERNATIVE COMPLIANCE AND POLICY WAIVER PROTOCOL**
  - Revised to include updated requirements regarding offenses requiring DCFS Policy Waivers and Alternative Compliances per Act 1275 of the 89<sup>th</sup> General Assembly, Regular Session 2013
- **PUB-22 Standards of Approval for Foster and Adoptive Homes**
  - Revised to allow fictive kin to be opened as provisional foster home per Act 478 of the 89<sup>th</sup> General Assembly, Regular Session 2013
  - Revised age requirements and related timeframes for household members of foster and adoptive homes for Central Registry, State Police Criminal, and FBI Background Checks per Act 1275 of the 89<sup>th</sup> General Assembly, Regular Session 1275
- **PUB-30 Foster Parent Handbook**
  - Revised to allow fictive kin to be opened as provisional foster home per Act 478 of the 89<sup>th</sup> General Assembly, Regular Session 2013
  - Revised age requirements and related timeframes for household members of foster and adoptive homes for Central Registry, State Police Criminal, and FBI Background Checks for household members
  - Edited smoking restrictions section for general formatting organizational purposes
  - Removed obsolete reference to ombudsman and updated with information regarding current Volunteer Foster Parent Liaison
  - Added information regarding visits to foster home to better explain role of child's case worker, Resource Worker and include information regarding role of Licensing Specialist
  - Updated information regarding child care to reflect importance of stable, quality child care per recommendations from UAMS Project PLAY (Positive Learning for Arkansas's Youngest)

- Included additional requirements for Foster Family Support System members to better reflect current interpretation and practice
- Updated information on required comprehensive health assessment for children in care to reflect current terminology for UAMS PACE
- CFS-323-B: Notice to Fictive Kin that a Child Has Been Taken into DCFS Custody
  - Revised to allow fictive kin to be opened as provisional foster home per Act 478 of the 89<sup>th</sup> General Assembly, Regular Session 2013
- CFS-341: Certification of Absence of Criminal Record (for Youth Ages 14-17)
  - Revised age requirements for household members of foster and adoptive homes per Act 1275 of the 89<sup>th</sup> General Assembly
- CFS-475-A: Initial Checklist for Foster/ Adoptive Home Assessment
  - Revised age requirements for household members of foster and adoptive homes for Central Registry, State Police Criminal, and FBI Background Checks per Act 1275 of the 89<sup>th</sup> General Assembly, Regular Session 2013
- CFS-475- C: Reevaluation Checklist for Foster/Pre-Adoptive Home
  - Revised age requirements for household members of foster and adoptive homes for Central Registry, State Police Criminal, and FBI Background Checks per Act 1275 of the 89<sup>th</sup> General Assembly, Regular Session 2013

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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Director, Division of Children and Family Services

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