

## **PROCEDURE II-E11: Protective Custody of Child in Immediate Danger**

01/2014

The FSW investigator will:

- A. Take the child into protective custody for up to 72 hours if:
  - a) The circumstances present an immediate danger to the child's health or physical well-being; or,
  - b) The child is neglected as defined under Garrett's Law 12-18-103, and the FSW investigator determines that the child and any other children, including siblings, are at substantial risk of serious harm such that the children need to be removed from the custody or care of the parent/legal guardian (see Appendix I: Glossary, for definition of "neglect"); or,
  - c) Any child who is dependent as defined by the Arkansas Juvenile Code of 1989, 9-27-301 et. seq. (see Appendix I: Glossary, for definition of "dependent").
- B. When a child upon whom a 72-hour hold has been placed is currently located in a school, residential facility, hospital, or similar institution, the FSW will notify the institution. The FSW shall be aware that the institution is obliged to do the following upon receiving notice, in accordance with A.C.A. §12-18-1005:
  - 1) Retain the child until the Division takes a hold on the child;
  - 2) Not notify the parent until the child has been removed by the Division; and,
  - 3) Provide the parent or guardian with the name and contact information of the Division employee regarding the hold on the child.
- C. Notify the OPLS attorney immediately that protective custody was exercised and request an ex parte emergency order from the court.
- D. If a minor child's safety is a concern, contact OPLS immediately to request that DCFS petition the court for an order of less than custody. Thoroughly review the Health and Safety Checklist and Investigation Risk Assessment and ensure that a protection plan is in place for a child before leaving a child in a home where an order of protection has been filed or DCFS has petitioned the court for an order of less than custody.
- E. Determine whether to recommend to the court that reunification services should or should not be provided to reunite the child with his family (see Policy VI-A).
- F. Determine whether the grandparents have the right to notice and right to be heard. In a child custody or dependency-neglect case, grandparents have this right if all the following conditions are present ("Grandparent does not mean a parent of a putative father of a child for the purpose of this determination):
  - 1) The grandchild resided with the grandparent for at least six consecutive months prior to the child's first birthday or lived with the grandparent for at least one continuous year regardless of age;
  - 2) The grandparent was the primary financial caregiver during the time the child resided with the grandparent; and,
  - 3) The continuous custody occurred within one year of the initiation of the custody proceeding.
- G. Provide the OPLS attorney with the name and address of any grandparent who is entitled to notice based on the above conditions.
- H. Prepare an affidavit immediately and submit it to the OPLS attorney (CACD shall prepare affidavits containing facts obtained during the course of their child maltreatment investigation).
- I. Arrange for a physician to examine the child thoroughly within 24 hours of removal for allegations of severe maltreatment under A.C.A. 12-18-602 or if the allegation is that a child has been subjected to neglect as defined in A.C.A. 12-18-103(13)(B) (Garrett's Law) and arrange for a physician to examine the child thoroughly within 72 hours of removal for all other children who enter the custody of DHS.
  - 1) The FSW or Health Services Specialist (HSS) must sign the consent for treatment prior to the child receiving medical and dental services during protective custody. The FSW or HSS may:
    - a) Go to the medical or dental office where treatment is to be provided and sign the consent for treatment forms; or,
    - b) Have the form faxed, sign the form, and fax it back to the service provider; or,
    - c) If the provider allows phone consent, they may provide consent via the telephone.

This should be completed prior to the foster parent accompanying the child for treatment. In emergency situations, the on-call FSW will be available to sign for medical or dental treatment.

- J. Place the child in an appropriate licensed or approved placement.
- K. If a provisional placement will be pursued:
  - 1) Notify the area Resource Worker Supervisor by email within twenty-four hours of removal that children have been removed and a potential provisional placement has been identified.
    - a) In the notification email provide the area Resource Worker Supervisor with:
      - i. Names and ages of the children who have been removed;
      - ii. Name(s) of potential provisional placement;
      - iii. Relationship of potential provisional placement to children;
      - iv. Contact information for potential provisional placement;
      - v. Any other information collected regarding potential provisional placement (see CFS-450: Prospective Provisional Foster Parent Information and Questionnaire for more information).
  - 2) Interview the child(ren), if age appropriate, to assess how the child may feel about placement with a specific relative.
  - 3) See Policy VI-B: Consideration of Relatives for Children in Foster Care for further information on provisional placements.
- L. Complete and route CFS-323: Protective Custody/Parental Notification.
- M. Open an Out-of-Home Placement case within twenty-four hours, excluding weekends and holidays.
- N. Return the child to the legal custodian if the emergency necessitating protective custody passes or if the judge does not grant custody to the Department. Protective custody cannot be extended.
- O. Complete the CFS-336: Expiration of Protective Custody/Parental Notification and provide to the parent.
- P. If the parent refuses to accept custody of the child, file an emergency petition.

## **PROCEDURE VI-A1: Initial Out-of-Home Placement Determination**

01/2014

The Family Service Worker (FSW) will:

- A. Contact the OPLS Attorney immediately if there is any indication that the child is a member of an Indian tribe.
- B. Consider placement with appropriate relatives and/or fictive kin. The child is in the custody of the Division, therefore, the child shall remain in an approved foster home or licensed shelter or facility until a relative or fictive kin's home is opened as a provisional home.
  - 4) If the worker makes the removal and potential relative and/or fictive kin placements for foster care are identified, notify the area Resource Worker Supervisor by email within twenty-four hours of removal that children have been removed and a potential provisional placement has been identified.
    - b) In the notification email provide the area Resource Worker Supervisor with:
      - vi. Names and ages of the children who have been removed;
      - vii. Name(s) of potential provisional placement;
      - viii. Relationship of potential provisional placement to children;
      - ix. Contact information for potential provisional placement;
      - x. Any other information collected regarding potential provisional placement (see CFS-450: Prospective Provisional Foster Parent Information and Questionnaire for more information).
    - 2) Assist with completion of Prospective Provisional Foster Parent Information and Questionnaire as appropriate to the specific case and/or local county procedures.
    - 3) Refer to Policy VI-B: Consideration of Relatives and Fictive Kin for Children in Foster Care and related procedures for more information.
- C. Consider appropriate relatives and/or fictive kin who are interested in obtaining legal custody of the juvenile if identified relatives and/or fictive kin are not interested in becoming a provisional foster home.
  - 1) If potential relatives and/or fictive kin are identified as potential temporary custody relative placements, refer to Policy VI-B: Consideration of Relatives and Fictive Kin for Children in Foster Care and related procedures for more information.
- D. If identified relatives and/or fictive kin are not interested in becoming provisional foster parents or obtaining legal custody of the child, talk with them about otherwise maintaining contact with the child (e.g., visits, transporting).
- E. If there are no viable placements with appropriate relatives or fictive kin at the time placement is needed, select an available foster home or other out-of-home placement that will serve the child's best interest (see Policy III: Services Case Opening and related procedures for information regarding opening an out-of-home services placement case).
- F. Continue to discuss with and/or support appropriate relatives' and/or appropriate fictive kin's interest in maintaining connections with the child and/or becoming a DCFS foster home throughout the life of the case if such actions are in the child's best interests.

## **PROCEDURE VI-B1: Provisional Foster Home Placement for Children in Foster Care**

01/2014

The Family Service Worker will:

- A. Ask the child's parent(s) or legal guardian(s) from whom custody was removed to provide information on appropriate relatives and fictive kin to include, as available (if not already provided at time of removal):
  - 1) The names, addresses, and phone numbers of any relatives or fictive kin who may serve as appropriate placement resources for the child;
  - 2) The names, addresses, phone numbers, and other identifying information of any putative father(s) of the child.
- B. Assist with completion of CFS-450: Prospective Provisional Foster Parent Information and Questionnaire as appropriate to the specific case and/or local county procedures.
- C. Keep the Resource Worker informed of any changes to the child's need for a provisional placement and any other relevant information.
- D. Ensure that the Resource Worker conducts a review of the prospective provisional home to include:
  - 1) An expedited Child Maltreatment Central Registry Check (via CFS-316: Request for Arkansas Child Maltreatment Central Registry Check);
  - 2) An expedited State Police Criminal Record check (via CFS-342: State Police Criminal Record Check);
  - 3) A vehicle safety check; and,
  - 4) Submission of the FBI Criminal Record Check (FBI results do not have to be received in order to open the provisional foster home, but results must be received and clear within six months in order to make a determination as to whether to approve as a regular DCFS foster home).
  - 5) A visual inspection of the home (via CFS-446: In Home Consultation Visit Report).
- E. If the provisional foster home placement appears viable, interview the child, if age appropriate, to assess how the child may feel about placement with the relative and make individualized placements on a case-by-case basis in the best interest of the child.
- F. Collaborate with the Resource Worker to evaluate:
  - 1) How the other children and adults in the home will affect the successful development of a child in foster care; and,
  - 2) How the child in foster care will impact the other members of the home.
- G. If, after the Resource Worker has completed all necessary steps to open the family as a provisional home (see below for more information), it is determined that placement with the family is in the best interest of the child:
  - 1) Arrange at least one pre-placement visit for the child before the initial placement and before any subsequent changes in placement if possible and appropriate.
  - 2) Contact the OPLS Attorney immediately if child is being moved from one Out-of-Home Placement to another (see Procedure VII-K1) if that placement was not considered to be a temporary placement (see Appendix I: Glossary).
  - 3) Provide the child's parent(s) with PUB-11: What Happens When Your Child and Family Are Involved with DCFS?
  - 4) Provide the prospective provisional foster family with PUB-15: A Relative's Guide to the Arkansas Child Welfare System.
  - 5) Place the child in the provisional home and:
    - a) When a child is placed in a provisional foster home for a 72 hours hold, ensure that the provisional foster parents acknowledge they will not allow the alleged perpetrator access to the child that is not supervised by the Division until the investigation is complete and will not allow any contact with the alleged offender that is not approved or authorized by the Division or the court after the investigation is completed (if found true).

- b) Ensure that the provisional foster parents understand that they must work with their Resource Worker to complete any corrective actions necessary to bring the home into compliance with Minimum Licensing Standards and DCFS Policy within six months or their home will be closed and the child removed.
- c) Document placement selection on the CFS-6010: Case Plan by keying the "Plan Goals" and the "Needs/Svc" screens in the "Treatment" portion of the "Case Plan" section of CHRIS.
- d) Assist the provisional foster parents in applying for benefits if appropriate. Until the provisional foster home is opened as a regular foster home, the relative/fictive kin may apply for and receive benefits for which the provisional foster parents may be entitled due to the placement of the child in the home, such as benefits under the Temporary Employment Assistance (TEA) Program or the Supplemental Nutrition Assistance Program (SNAP).
- e) Assess the situation with the Resource Worker and Supervisor(s) if the family does not come into compliance within six months of the placement of the child in the home and recommend to OPLS on how the case should proceed (i.e., remain in foster care or have a completed approved home study and recommend custody to the relative).
- f) Collaborate with the Resource Worker to ensure that the relative(s) is completing the process for foster home approval. If the relative's home is not fully licensed as a foster home within 6 months of the placement of the child in the home:
  - i. The Department shall remove the child from the relative's home and close the relative's provisional foster home and place child in an approved or licensed placement; or,
  - ii. The court shall remove custody from the Department and grant custody of the child to the relative.
- I. Complete the CFS-6024: Permanency Planning Hearing Court Report and submit to the FSW Supervisor for review and approval.
- J. If approved by the FSW Supervisor, submit CFS-6024: Permanency Planning Hearing Court Report to the OPLS attorney, CASA, and all other required parties within 14 days prior to any Permanency Planning Hearing scheduled for the case.
- K. Hold staffings, as needed, in accordance with Procedure IV-B1: Case Staffings and update the CFS-6009: Family Strengths, Needs, and Risk Assessment (FSNRA) and CFS-6010: Case Plan.
- L. Invite the Adoption Specialist to the staffing when appropriate.
- M. Conduct a staffing to discuss closure when appropriate.

The Resource Worker will:

- A. Assist with completion of Prospective Provisional Foster Parent Information and Questionnaire as appropriate to specific case and/or local county procedures.
- B. Process all necessary background checks by (see Procedure VII-C1: Background Check Processing for more information):
  - 1) Conducting an expedited Child Maltreatment Central Registry Check (via CFS-316: Request for Arkansas Child Maltreatment Central Registry Check);
  - 2) Conducting an expedited State Police Criminal Record check (via CFS-342: State Police Criminal Record Check);
  - 3) Conducting a Vehicle Safety Program (DMV) Check (driving record points will be computed in DCFS Central Office, and the results, including qualification or disqualification, will be forwarded to the Resource Worker for inclusion in the applicant file; see Procedure VII-C1 for forms which must be completed); and
  - 4) Submitting the FBI Criminal Record Check (FBI results do not have to be received in order to open the provisional foster home, but results must be received and clear within six months in order to approve as a regular DCFS foster home).
  - 5) Completing a visual inspection of the home (via CFS-446: In Home Consultation Visit Report). See Procedure VII-C2: In Home Consultation Visit for more information.
- C. Based on the results of the background checks listed above, begin the process for requesting any necessary Alternative Compliances or DCFS Policy Waivers, if applicable.

- D. Explain to the relative/fictive kin that, if opened as a provisional foster home, they will not receive a board payment until they are opened as a fully approved DCFS Foster Home which must occur within six months of being opened as a provisional foster home.
- E. Explain to the relative/fictive kin other processes related to becoming a provisional and, ultimately, a regular DCFS foster home (see Policy VII: Development of Foster Homes and related procedures).
- F. Keep the child's FSW informed of progress and/or any challenges to opening the relative as a provisional foster home.
- G. Collaborate with the child's FSW to evaluate:
  - 1) How the other children and adults in the home will affect the successful development of a child in foster care; and,
  - 2) How the child in foster will impact the other members of the home.
- H. If the relative/fictive kin and relative/fictive kin's home are appropriate to open as a provisional foster home, complete CFS-452: Provisional Foster Home Verification and CFS-474: Provisional Foster Home Checklist with the family and file in the provider record.
- I. Enter a relative into CHRIS as a Provider opening two placement services: Provisional (Relative) Placement (No Board) Service, and Foster Family Home Service. The Provisional (Relative) Placement (No Board) Service must be quickly approved (once the necessary requirements are received), while the Foster Family Home Service has Applicant Status awaiting compliance (all required checks, certifications and training) for approval. In CHRIS, the relative will have only one Provider Number showing two services provided by the family.
- J. Enter fictive kin into CHRIS as a Provider opening two placement services: Provisional (Fictive Kin) Placement (No Board) Service, and Foster Family Home Service. The Provisional (Fictive Kin) Placement (No Board) Service must be quickly approved (once the necessary requirements are received), while the Foster Family Home Service has Applicant Status awaiting compliance (all required checks, certifications and training) for approval. In CHRIS, the fictive kin will have only one Provider Number showing two services provided by the family. Provisional (Fictive Kin) will mirror the same Board Rate as Provisional (Relative) which carries the payment scale status of "None."
- K. Request any necessary policy waivers and/or alternative compliances to waive non-safety standards for the relative/fictive kin prior to referring to training.
- L. Refer to Policy VII: Development of Foster Homes, to continue with the process of opening the provisional foster home as a regular DCFS foster home.
- M. Support the relative/fictive kin throughout the process of becoming a provisional and regular DCFS foster home.
- N. Assess the situation with the FSW and Supervisor(s) if the relative does not come into compliance within six months of the placement of the child in the home.

The FSW Supervisor will:

- A. Conference with and support the FSW on the case as necessary.
- B. Review and approve CFS-6024: Permanency Planning Hearing Court Report.

The Resource Worker Supervisor will:

- A. Upon receipt of a notification email from a worker who has removed children and identified a prospective provisional placement (see Procedure II-E11 for more information), be responsible for ensuring completion of CFS-450: Prospective Provisional Foster Parent Information and Questionnaire within 48 hours of receipt of notification.
- B. Conference with and support the Resource Worker as necessary regarding opening the provisional foster home.



**Arkansas Department of Human Services**  
Division of Children and Family Services

**Prospective Provisional Foster Parent  
Information and Questionnaire**

County: \_\_\_\_\_ Date: \_\_\_\_\_ Case Name: \_

—

Case Number: \_\_\_\_\_

Investigator/Caseworker: \_\_\_\_\_

Child(ren) Needing Placement:

NAME	AGE

Prospective Provisional Applicant(s): \_\_\_\_\_  
\_\_\_\_\_

Prospective Provisional Applicant Relationship to Child(ren): \_\_\_\_\_

Address: \_

—

Phone #: (\_\_\_\_) \_\_\_\_\_-\_\_\_\_ Work #: (\_\_\_\_) \_\_\_\_\_-\_\_\_\_ Cell #: (\_\_\_\_) \_\_\_\_\_-  
\_\_\_\_List

ALL Persons in the Prospective Provisional Foster Home:

NAME	RELATIONSHIP TO PROVISIONAL FOSTER PARENT APPLICANT	DOB	AGE

Does you or any other household member have a criminal history? Yes ☐ No ☐

If yes, when and what were the charge(s)?

—  
—

Have you or any other household member ever been the subject of a child or adult maltreatment investigation? Yes ☐ No ☐

☐

If yes, what was the outcome/finding?

—  
—

How many people live in the home?

—

—

How many bedrooms are in the home?

—

—

Will you be able to support the child(ren) financially without DCFS assistance?

No ☐

Yes ☐

What is your primary source of income?

—

—

What is your household Income (monthly take home):

—

—

Do you have any savings for emergencies?

No ☐

Yes ☐

What are your working hours?

—  
—

Will you be able to take the child to and from school, doctors' appointments, and other activities (this is not only a time consideration but you must also have a valid driver's license, valid auto

insurance, access to a reliable vehicle, and possibly car seats / booster seats depending on the age of the child)?

Yes ☐ No ☐

Are you willing to follow all protection protocols including, but not limited to, court orders and case plans? This includes instructions regarding visits with the child's parents. Yes ☐  
No ☐

Are you willing to attend foster parent training (it is a 30-hour training that generally occurs over several weeks)?

Yes ☐ No ☐

Do you understand that within six months of opening as a provisional foster parent, you must meet all other foster home requirements (e.g., completing training) because, if you do not, the child(ren) could be moved from your home? Yes ☐  
No ☐

Do you reside in the same school district of the school that the child attended prior to coming into care? Yes ☐  
No ☐

If no, in what school district do you reside?

—

How do you know the child(ren)?

—

—

—

—

—

—

When was the last time you saw the child(ren)?

—

—

Generally speaking, how often do you see the child?

—

—

Please describe your interactions and activities with the child(ren) when you spend time together.

—

—

—

—

—

—

Please describe the child(ren) (e.g., personality, interests, hobbies, school performance, friends, etc.).

—

—

-  
\_\_\_\_\_  
-  
\_\_\_\_\_

Other Notes/Comments/Questions. Include information provided by the child (if age appropriate) to DCFS regarding how the child knows the prospective provisional applicant, how the child described his/her feelings about living with the prospective provisional applicant, etc.

-  
\_\_\_\_\_  
-  
\_\_\_\_\_  
-  
\_\_\_\_\_  
-  
\_\_\_\_\_  
-  
\_\_\_\_\_

Resource Worker Supervisor Signature

Date