

## NOTICE OF RULE MAKING

Pursuant to A.C.A. § 9-28-103, the Division of Children and Family Services (DCFS) Director proposes revisions to the Division policies below to provide additional guidance to staff regarding child maltreatment investigations. These revisions include:

- Policy II-D: Investigation of Child Maltreatment Reports
  - To more clearly outline child maltreatment investigation interview requirements per A.C.A. § 12-18-605;
  - To provide clarification to existing practices regarding actions in protection plans and accompanying dependency-neglect petitions;
  - To specify requirements for protection plans in place for more than 30 days per A.C.A. § 12-18-1001 and case plan requirements for any dependency-neglect petition filed with the court per A.C.A. § 9-27-402.
- Policy II-F: Team Decision Making
  - To standardize the timeframe in which a Team Decision Making Meeting must be held ;
  - To add references to requirement to formally reassess protection plans within 30 days per A.C.A. § 12- 18-1001; and,
  - To clarify existing referral criteria and meeting logistics.
- Policy VII-K: Maltreatment Allegations Made in Out-of-Home Placements
  - To provide more guidance regarding implementing corrective action plans for foster homes;
  - To formalize the role of the Resource Family Review Committee.

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 October 13, 2018. 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. 4501829309

## POLICY VII-K: Child Maltreatment Allegations Concerning Out-of-Home Resource Out-of-Home Placements

0116/2018+

### OVERVIEW

All child maltreatment allegations concerning any person in a foster resource foster home wish be investigated in accordance with the Child Maltreatment Act § 12-18-602. As with all children whose interest becomes the concern of DCFS, the safety and welfare of any children in foster care wish be paramount.

If there is an allegation of sexual abuse perpetrated by a child in foster care, a public defender will be assigned to the child.

If any child in foster care is the subject (alleged offender or alleged victim) of an allegation of child maltreatment, the Child Abuse Hotline will notify the appropriate DCFS and CACD Executive Staff as well as the Area Director for the DCFS service area in which the foster home named in the report is located. The DCFS Division Area Director will then ensure that the appropriate Division staff will notify the child(ren)'s family, the primary and secondary Family Service Worker (FSW) for the child, as applicable, the Office of Chief Council (OCC) attorney, Child Abuse Hotline, the child(ren)'s CASA, if applicable, and the child(ren)'s attorney ad litem. The attorneys ad litem for any other children placed in the home wish be notified as well.

### Priority I Allegations

For all Priority I allegations, if the alleged offender is a foster parent or any other member of the foster family household, then all the children in foster care in that home will be removed from that foster home. If the alleged offender is a child in foster care, unless he or she is the only child in the home, then the alleged offender child will be removed from that home and placed in a foster home without any other children. Any exceptions to this policy must be approved and documented by the Assistant Director of Community Services.

The Arkansas State Police Crimes Against Children Division (CACD) will conduct all child maltreatment investigations (Priority I and II) involving a resource foster parent or household member of a resource foster home, excluding reports that meet Differential Response criteria involving a child in foster care that allegedly occurred prior to the child entering foster care.

### Priority II Allegations

However, when any household member of a foster resource foster home (to include resource foster parents, biological and adopted children of the resource foster parents, and children in foster care placed in the home) is the subject of a Priority II child maltreatment allegation, DCFS staff will also conduct an individualized evaluation to assess the safety of the child(ren) within 24 hours of the receipt of the report will be conducted on an individual basis to determine if the child(ren) can safely remain in the home during the course of the investigation. DCFS staff will try to coordinate this visit to the home to assess safety with CACD staff.

If any of the 14 Arkansas Health and Safety Factors are identified in the foster home in consultation with a DCFS supervisor, the children will be moved into another approved placement. However, if no Health and Safety Factors are identified, and if it can be shown that it is in the best interest of any or all of the children currently placed in that foster resource foster home, a corrective action plan foster protection plan may be considered to allow any or all of the children in foster care to remain safely in a home involved in a child maltreatment report. A corrective action plan is designed to ensure the safety and well-being of the children in the home as long as the concern was not directly related to an act or omission rising to the level of maltreatment on the part of the foster parent(s) (e.g., a biological child of the foster parent posed a risk, but not the foster parents themselves). All relevant information will be reviewed to make a decision regarding the implementation of a corrective action plan for the resource foster home. This would include, but is not limited to:

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- A. The characteristics and history of the child in foster care;
- B. The characteristics and history of the ~~resourcefoster~~ foster parents and their own children (if any);
- C. The nature of the allegation;
- D. Information collected during the investigation;
- E. The services, supports, and/or monitoring that will be put in place during the investigation.

The Assistant Director of Community Services or designee must approve all corrective action plans for ~~resourcefoster~~ homes prior to the DCFS staff leaving the home in which the corrective action plan will be implemented. If the safety and welfare standards of the Division cannot be met and the children cannot safely remain in the home, the children in care will be moved to another approved placement.

If after the initial safety evaluation conducted by DCFS staff it is determined that there are no risk or safety factors present and, as such, a corrective action plan is not required while the investigation is being completed, the Area Director may approve leaving the children in the home if it is in the best interest of the children. The Area Director will notify the Assistant Director of Community Services or designee when children are left in a foster home with a pending investigation but for which a corrective action plan was not necessary.

If the safety and welfare standards of the Division cannot be met and the children cannot safely remain in the home, the children in care shall be removed and placed in another approved foster home.

While any foster home is being investigated because of a child maltreatment allegation, Priority I or II, no additional children in foster care may be placed in the home there (regardless of whether a corrective action plan was required or not). As such, the ~~resourcefoster~~ home will be placed on unavailable status in CHRIS. The Resource Worker will be notified by the Area Director of any maltreatment allegations concerning foster ~~resource~~ homes.

#### ACTIONS FOR UNSUBSTANTIATED MALTREATMENT REPORTS INVOLVING A CHILD IN FOSTER CARE

If the child maltreatment Priority I or II allegation report is unsubstantiated, consideration will be given to:

- A. Ending the corrective action plan for the foster home, if applicable;
- Removing the resource home from unavailable status back to available status;
- B. Returning any children who were may have been removed from the ~~foster resourcefoster~~ home as a result of the allegation; and,
- C. Removing the ~~resourcefoster~~ home from unavailable status back to available status in CHRIS.

~~This will be determined by holding a staff meeting. All unsubstantiated reports involving foster homes must be reviewed by the Resource Family Review Committee, so that all stakeholders may have input regarding to discuss lifting the emergency safety corrective action plan, and the placement of the child(ren) involved, and the availability of the resourcefoster home. Even if a child maltreatment report involving a resourcefoster home is unsubstantiated, the Division retains the right to continue to leave the home on unavailable status or to close the resourcefoster home, as appropriate. Decisions will be made on a case by case basis and will be based on the best interest of the child(ren).~~

~~The Resource Family Review Committee meets bi-weekly but additional meetings may be called on an as needed basis.~~

#### ACTIONS FOR TRUE MALTREATMENT REPORTS INVOLVING A CHILD IN FOSTER CARE PENDING DUE PROCESS

If the child maltreatment report of Priority II maltreatment is an investigative true finding determined to be true, the ~~protection~~ corrective action plan for the ~~resourcefoster~~ home, if applicable, as well as the overall health and safety of the children ~~plan must will~~ be reevaluated immediately but no later than 24 hours from the time the investigative determination is made if the child(ren) had remained in the home during the course of the

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investigation and will continue to ~~are allowed to remain~~ in the home during the administrative hearing process until due process has been met.

~~If the child(ren) were allowed to remain in the home during the course of the investigation (with or without a corrective action plan) and must then be removed from the resource foster home based upon the true determination while due process is pending, all appropriate parties and stakeholders will be notified of the placement change as outlined in Policy VII-L: Changes in Out-of-Home Placement and related procedures.~~

Regardless of whether the child(ren) remain in the home with or without a corrective action plan in place or are removed from the home, the resource foster home will remain on unavailable status until due process has been satisfied and the home's availability status is reassessed at that point in time by local staff. Local staff will submit a recommendation regarding the foster home's availability status to the Resource Family Review Committee.

A staffing, to include the appropriate DCFS Area Director(s) or designee(s), will be held within three business days of the true finding determination so that all parties to the case and any other appropriate stakeholders may have input regarding the emergency safety corrective action plan, if applicable, and/or the placement of the child(ren). The Area Director(s) or designee(s) may participate by phone.

If the child(ren) will be left in a home with a true determination while due process is pending the DCFS Assistant Director of Community Services or designee will be notified. The DCFS Assistant Director of Community Services or designee will notify the DCFS Director of the decision. The DCFS Assistant Director of Community Services or designee will inform local staff if any changes to the corrective action plan, if applicable, and/or placement of the child(ren) are needed.

#### ACTIONS FOR TRUE MALTREATMENT REPORTS INVOLVING A CHILD IN FOSTER CARE UPON SATISFACTION OF DUE PROCESS

~~If the foster home is still open and the child(ren) still remains in the home, then if the resource parents request an administrative hearing upon satisfaction of due process, for all true investigative determinations that are upheld by regardless of the result of the administrative hearing (if applicable), the safety and well-being of each child who is in the home will be reassessed at a staffing. This staffing will include the appropriate DCFS Area Director(s) or designee(s), held within three business days of the administrative hearing finding. The Area Director(s) may participate by phone.~~

This staffing will allow all parties to the case and any other appropriate stakeholders to have input regarding the reassessment and the placement of the child(ren), as applicable. Decisions will be made on a case by case basis and will ensure the best interest of the child(ren). The recommendation(s) from this staffing will be submitted to the Assistant Director of Community Services for final approval. The DCFS Assistant Director of Community Services will then notify the DCFS Director.

If it can be shown that it is in the best interest of any child to remain in the home, with or without an emergency safety plan for the resource home, an alternative compliance or policy waiver may be requested if needed (due to a true finding that is upheld) to allow the resource foster home to remain open to care for the child(ren). The DCFS Director or designee must approve any alternative compliance or policy waiver needed to allow a foster home to remain open when a true finding is upheld.

For any foster home that has a true finding upheld at the administrative hearing, that home will remain on unavailable status if the child(ren) involved in the report is/are allowed to remain in the home because it is in the child(ren)'s best interest to do so. The foster home will then be closed once the child(ren) who was/were allowed to stay in the home due to it being in the child(ren)'s best interest, exits foster care or otherwise achieves permanency.

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~~Regardless of the finding and results of the administrative hearing, if applicable, upon completion of a child maltreatment investigation, satisfaction of due process, the foster Resource Worker will reevaluate the foster home if the home is to remain open, foster foster foster~~

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~~For foster homes that remain open following a true determination that the foster family either chose not to appeal or had a true determination overturned, that foster home will be reevaluated by the FSW Resource Worker with input from the FSW Caseworker, FSW Casework Supervisor, Resource Worker Supervisor, and County Supervisor. The reevaluation will also determine what may be necessary (e.g., additional training, revisions to the characteristics of children allowed to be placed in the home, etc.) to ensure the health and safety of any and all children placed in the home.~~

~~Based on the results of the reevaluation, if the recommendation is to place the foster home back on available status, that request will be submitted to the Resource Family Review Committee. The recommendation will also include what may be necessary (e.g., additional training, revisions to the characteristics of children allowed to be placed in the home, etc.) to ensure the health and safety of any and all children placed in the home.~~

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~~The Division retains the right to continue to leave the foster home on unavailable status or to close the foster home, as appropriate.~~

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~~If the foster home had been closed at some point during the process and requests to re-open due to a determination being overturned on appeal, the FSW Resource Worker will collaborate with other applicable local staff to determine if local staff members think it is an appropriate request for the home to be re-opened. If local staff decide to pursue re-opening a foster home, a request will be submitted to the Resource Family Review Committee.~~

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~~After the completion of an investigation (once due process is satisfied) involving a foster home in which a child in foster care is the alleged victim or the alleged offender, the child's Child and Adolescent Needs and Strengths (CANS) assessment will be updated.~~

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~~For all investigative determinations where allegations of Priority II child maltreatment are found true and upheld by the administrative hearing, the well-being of each child who is in the home will be reassessed on an individual basis. If it can be shown that it is in the best interest of any child to remain in that home, then a waiver or alternative compliance, depending on the situation, may be requested so that the home may remain open to care for that child.~~

~~In those cases where the foster home is allowed to remain open, if the foster parents wish to be considered for the placement of additional children, a reevaluation of the home will be conducted before any additional child is considered for placement in that home regardless of the finding of the investigation and/or the administrative hearing ruling. The reevaluation should determine if any corrective action(s), revised Individualized Training Plan, etc. are necessary to ensure the health and safety of any and all children placed in the home.~~

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## **PROCEDURE VII-K1: Initial Report Response**

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When any initial report of child maltreatment is made and concerns any person in a ~~resource foster~~ foster home, the ~~Family Service Worker or~~ CACD investigator will follow DCFS Child Maltreatment Assessment Protocol and begin an investigation within 24 hours for Priority I ~~investigations~~ allegations or within 72 hours for Priority II allegations.

The assigned DCFS staff~~DHS~~ will then:

- A. Within 24 hours, assess the safety and risk of the child victim and any other children in the resourcefoster home and determine if the child(ren) in care can remain in the home with the implementation of a corrective action plan for the foster home on an individual, case-by-case basis. This includes determining the placement structure that best meets all the needs of the children and all members of the foster home. For example:
- 1) The alleged victim child in care may be removed from the home; or,
  - 2) The alleged offender child may be removed from the home; or,
  - 3) Any of the children in care who are neither an alleged offender nor an alleged victim may be removed or remain in the home based on an individual, case-by-case determination of what is in their best interest and welfare;
- B. If a corrective action plan for resourcefoster home is implemented:
- 1) Develop the corrective action plan for the resourcefoster home with the resourcefoster parents and child(ren) in the home, as age and developmentally appropriate, review it, and answer any questions the participants may have;
  - 2) Utilizing the appropriate chain of command, notify the Assistant Director of Community Services or designee of the corrective action plan via phone prior to leaving the home;
  - 3) If the corrective action plan is approved by the Assistant Director of Community Services or designee:
    - a) Leave a copy of the corrective action plan with the resourcefoster parents;
    - b) File the corrective action plan for the resourcefoster home in the provider record;
    - c) Document the corrective action plan for the resourcefoster home and reasons behind the implementation of the plan in CHRIS contacts;
    - d) Inform other parties to the case of the corrective action plan for the resourcefoster home immediately but no later than the next business day via email or text;
    - e) Visit the home at least weekly to meet with the children and resourcefoster parents while the corrective action plan for the resourcefoster home is in place.
      - 1) During the home visit meet individually with resourcefoster parents and children in care, if age appropriate, to assess the corrective action plan for the resourcefoster home, the continued well-being of the children, and to determine any adjustments that may need to be made;
- C. If the child(ren) must be removed (which includes removal because the Assistant Director of Community Services or designee does not approve the corrective action plan by phone), refer to Policy VII-L: Changes to Out-of-Home Placement and related procedures regarding notifications of the placement move;
- D. Provide a briefing of the safety/risk assessment within 24 hours of conducting the safety/risk assessment by emailing the completed CFS-329: Foster Child Maltreatment Disclosure Case Briefing Summary to the DCFS Assistant Director of Community Services or designee, the Assistant Director of Prevention and Reunification, and the Child Protective Services (CPS) Manager;
- A-E. Notify immediately, but no later than five business days the child(ren)'s custodial/non-custodial parent(s), attorney ad litem, and OCC attorney whenever the child is the victim or offender named in an allegation of child maltreatment. Notify via email, text, and/or with the following forms:
- 1) CFS-204-A: Notice of Child Maltreatment Allegation to Legal Parent(s), Legal Guardian(s) and Current ResourceFosterFoster Parent(s) of Alleged Offender in Foster Care
  - 2) CFS 205-A: Notice of Child Maltreatment Allegation to Legal Parent(s), Legal Guardian(s), and Current ResourceFosterFoster Parent(s) of Alleged Victim(s) in Foster Care
  - 3) CFS 208-A: Notice of Child Maltreatment Allegation to Attorney Ad Litem and CASA of Alleged Offender
  - 4) CFS 206-A: Notice of Child Maltreatment Allegation to Attorney Ad Litem, CASA, and Counsel in Dependency Neglect or FINS Case of Alleged Victim(s); and,
- B-F. Notify attorneys ad litem for all children placed in the same out-of-home placement but not named as victims in the report, via email, text, and/ or the CFS-209-A: Notice of Child Maltreatment Allegation to AAL or CASA of Child in FosterResourceFoster Home Where Maltreatment Is Reported or Where an

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Alleged Juvenile Offender or Underaged Juvenile Offender is Placed, immediately, but no later than 5 business days.

~~C. If there is an allegation of sexual abuse perpetrated by a child in foster care, a public defender will be assigned to the child. DHS will provide notice of the investigative determination to all those individuals as outlined in Procedures XIV-A4 and XIV-A5.~~

~~D. Follow all policies and procedures concerning the investigation of child abuse.~~

~~E. If the allegation is a Priority I and a foster parent or member of the foster family household is the alleged offender, all children in foster care will be removed from the home. If the allegation is a Priority I and the alleged offender is a child in foster care, remove the alleged offender child from the home and place that child in a foster home without any other children, unless he is the only child in the home. Any exceptions to this policy must be approved and documented by the Assistant Director of Community Services.~~

~~F. If the allegation is a Priority II, conduct a safety/risk assessment on each child in the home. Determine on an individual basis for each child in the home if it is necessary to immediately remove them from the home to protect their safety and welfare. Regardless of who the alleged offender is (e.g. one of the foster parents, another adult member of the household, one of the children in care, or one of the foster parent's own children), the FSW will determine if the children in care can remain in the home with the implementation of a protection plan on an individual case by case basis. This includes determining the placement structure that best meets all the needs of the children and all members of the resource foster home. For example:~~

~~1) The alleged victim child in care may be removed from the home.~~

~~2) The alleged offender child may be removed from the home.~~

~~3) Any of the children in care who are neither an alleged offender nor an alleged victim may be removed or remain in the home based on an individual, case-by-case determination of what is in their best interest and welfare.~~

~~4) The FSW will review all relevant information to make this decision. This would include, but is not limited to, the characteristics and history of the child in foster care. The history and characteristics of the foster parents and their own children (if any) should be assessed as well. The FSW will document this information in the case record and the reasoning behind the decisions made.~~

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~~Inform other parties to the case of the emergency safety plan for the resource home by the next business day via email or text. If it is determined that with the implementation of a protection plan any of the children in care may remain in the home, the FSW will:~~

~~A. Develop an appropriate protection plan.~~

~~B. Meet with the foster parent(s) and all age appropriate children to introduce the plan, review it, and answer any questions any of the participants may have.~~

~~C. Visit the home at least weekly to meet with the children and resource foster parents while the protection plan for the resource home is being implemented and followed. The FSW will meet individually with resource foster parents and children in care, if age appropriate, to assess the protection plan for the resource home, the continued well-being of the children, and to determine any adjustments that may need to be made.~~

The Area Director or designee will:

~~A. Ensure the appropriate DCFS field staff are notified (e.g., County Supervisor(s), FSW Unit Supervisor(s), primary and secondary FSWs for the child(ren), etc.) of the allegation so that these staff can then notify the child(ren)'s family, the OCC attorney, the child(ren)'s CASA, if applicable, and the child(ren)'s attorney(s), ad litem of the allegation;~~

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- B. Notify the Resource Worker and Resource Worker Supervisor of the maltreatment allegation so that the Resource Worker may place the home on unavailable status in CHRIS; and,
- C. Conference with FSW Supervisor as needed.

▲ The FSW Supervisor will:

- A. Conference with the FSW as needed; and,
- B. Notify the Area Director of the initial response outcomes.

▲ The Area Director or designee will:

- Notify the Resource Worker of the maltreatment allegation so that the Resource Worker may place the home on unavailable status in CHRIS.
- A. Conference with FSW Supervisor as needed.

The Resource Worker will:

- A. At the direction of the Area Director or designee, in CHRIS, classify the home under investigation as "unavailable" in CHRIS immediately but no later than the next business day, so that no additional more children may be placed in that home until the resolution of the investigation; and,
- B. Assist with the monitoring of the corrective action protection plan for the resource foster home as appropriate.

▲ The Assistant Director of Community Services or designee will:

- A. Notify the DCFS Director when a child is left in a foster home in which a member of the foster household has been named as an alleged offender and a corrective action plan has been implemented to allow the child to stay in the home in order to ensure the child's best interest;
- B. Review the CFS-329: Foster Child Maltreatment Disclosure Case Briefing Summary;
- C. Conference with field staff as necessary; and,
- D. Share the CFS-329: Foster Child Maltreatment Disclosure Case Briefing Summary with the Assistant Director of Placement Supports and Community Outreach and the Foster Care Manager as appropriate.

## PROCEDURE VII-K2: Response to Unsubstantiated Finding

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If the child maltreatment allegation is unsubstantiated, the FSW Resource Worker will:

- A. Collaborate with the FSW Investigator and the child(ren)'s FSW Caseworker to write a request to the Resource Family Review Committee regarding how to proceed with the foster home;
- B. Submit a request to the Resource Family Review Committee Hold a staffing, within one week of the determination finding.
  - 1) The request will include the FSW Resource Worker's recommendation regarding to:
    - a) Discuss ending the emergency safety corrective action plan for the resource foster home, if applicable;
    - b) The and the placement arrangements for the child(ren) (e.g., returning any children who may have been removed from the resource foster home as a result of the allegation); and,
    - c) Whether the resource foster home will be left on unavailable status or be returned to available status;
    - d) Whether any other actions are required;
- C. Participate in the Resource Family Review Committee meeting upon request.
  - 1) Phone participation in the Resource Family Review Committee meeting is acceptable;
- D. Update the status of the foster home in CHRIS as needed as well as CHRIS contacts as necessary.

▲ The Resource Worker Supervisor will:

- A. Conference with the FSW Resource Worker as needed;

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- B. Participate in the Resource Family Review Committee meeting upon request.  
 1) Phone participation in the Resource Family Review Committee meeting is acceptable; and,  
Update the Area Director as needed.  
 C.

The FSW Investigator will:

- A. Collaborate with the FSW Resource Worker and the child(ren)'s FSW Caseworker to write a request to the Resource Family Review Committee regarding how to proceed with the foster home; and,  
 B. Participate in the Resource Family Review Committee meeting upon request.  
 1) Phone participation in the Resource Family Review Committee meeting is acceptable.

The FSW Caseworker for the child(ren) will:

- A. Collaborate with the FSW Resource Worker and the FSW Investigator to write a request to the Resource Family Review Committee regarding how to proceed with the foster home;  
 B. Participate in the Resource Family Review Committee meeting upon request.  
 1) Phone participation in the Resource Family Review Committee meeting is acceptable; and,  
 C. Update the child(ren)'s CANS following the implementation of the Resource Family Review Committee's decision.

Conference with the FSW Supervisor, Resource Worker, and Resource Worker Supervisor regarding whether the resource home will be left on unavailable status or returned to available status and if any other actions are required.

The FSW Supervisor(s) will:

- A. Conference with the FSW Investigator and FSW Caseworker as needed;  
 B. Participate in the Resource Family Review Committee meeting upon request; staffing regarding the emergency safety plan and the placement of the child(ren) resource foster.  
 1) Phone participation in the Resource Family Review Committee meeting is acceptable.  
Conference with the FSW, Resource Worker, and Resource Worker Supervisor regarding whether the resource home will be left on unavailable status or returned to available status and if any other actions are required;  
Update the Area Director as needed.

The Resource Worker will:

- Conference with the FSW, FSW Supervisor, and Resource Worker Supervisor regarding whether the resource home will be left on unavailable status or returned to available status and if any other actions are required;  
Update the status of the resource foster home in CHRIS as needed as well as CHRIS contacts as necessary.

The Resource Worker Supervisor will:

fosterThe Area Director or designee will:

- A. Participate in the Resource Family Review Committee meeting upon request; foster.  
 1) Phone participation in the Resource Family Review Committee meeting is acceptable.

The Resource Family Review Committee will:

- A. Review the request from the FSW Resource Worker and determine the appropriate action(s) that may include, but are not limited to:  
 1) Ending the corrective action plan for the foster home, if applicable;  
 2) Revising the placement arrangements for the child(ren) (e.g., returning any children who may have been removed from the foster home as a result of the allegation);

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- 3) Determining whether the foster home will be left on unavailable status or be returned to available status; and,
- 4) Determining whether any other actions are required;
- B. Notify the FSW Resource Worker who submitted the request of the committee's decision in writing within one business day; and,
- Document the recommendation in the Provider Screen in CHRIS Conference with the FSW, FSW Supervisor, and Resource worker regarding whether the resource home will be left on unavailable status or returned to available status and if any other actions are required.
- C.

## PROCEDURE VII-K23 - Response to True Finding Pending Due Process

11409/20184

If the ~~Priority #1~~ child maltreatment allegation is determined to be found true, the FSW Caseworker will:

- A. Reassess the ~~corrective action/protection~~ plan for the ~~resource/foster~~ home, if applicable, in collaboration with the FSW Resource Worker and FSW Investigator;
- B. Remove any or all of the children from the home, determined on a case-by-case basis in consultation with the FSW Supervisor, if necessary to ensure their safety and well-being.
  - A-1) If the child(ren) must be removed, refer to Policy VII-L: Changes to Out-of-Home Placement and related procedures regarding notifications of the placement move;
- C. Hold a staffing within three business days of the finding to determine if the ~~emergency safety/corrective action~~ plan for the ~~resource/foster~~ home, if applicable, needs to be revised and/or if the children in care may continue their placement in the home changes to the child(ren)'s placement are needed while the foster resource parents appeal the finding until due process for the ~~resource/foster~~ parents has been met;
- D. Update CHRIS contacts as necessary; and,
- E. Update the FSW Resource Worker and Resource Worker Supervisor as necessary.

The FSW Supervisor will:

- A. Conference with the FSW regarding the ~~determination finding~~; and,
- B. Participate in the staffing to determine if the ~~emergency safety/corrective action~~ plan for the ~~resource/foster~~ home, if applicable, needs to be revised and/or if changes to the child(ren)'s placement are needed until due process for the ~~resource/foster~~ parents has been met.
- C.
  - Remove any or all of the children from the home, determined on a case-by-case basis, if necessary to ensure their safety and well-being.

The FSW Resource Worker will:

- A. Participate in the staffing upon request; and,
- B. Update the availability of the foster home and CHRIS contacts as applicable.

A. Complete CFS-475-F: True Reports of Child Maltreatment Against Foster Family Members and file it in the foster home record.

Print CFS-6001: Referral Information Report from CHRIS and file it in the foster home record. The FSW Investigator will:

- A. Participate in the staffing upon request.

The Area Director or designee will:

- A. Participate in the staffing in person or via phone to determine if the ~~corrective action~~ plan for the ~~resource/foster~~ home, if applicable, needs to be revised and/or if changes to the child(ren)'s placement are needed until due process for the ~~resource/foster~~ parents has been met; and,
- B. Notify the Assistant Director of Community Services or designee if the child(ren) will remain in a ~~resource/foster~~ home with a true finding while due process is pending.

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The Assistant Director of Community Services or designee will:

Notify the DCFS Director if the child(ren) will remain in a foster home with a true finding while due process is pending.

## PROCEDURE VII-K43: Response to True Finding ~~Reversed-Overturned~~ on Administrative Appeal When the Foster Home is Still Open, Priority I and II

11/09/2018

1) The FSW Caseworker will:

A. Arrange and hold a staffing within three business days of the administrative hearing to determine on a case by case basis if:

A. It is in the best interest of the children to remain in ~~or~~ return to that foster resource foster home, as applicable.

B. ; and,

2) If it is appropriate to consider the home as a placement resource for additional children in care.

C. If the results of the staffing determine that it is appropriate to allow the children involved in the allegation to remain in ~~or~~ return to the home, reassess the protection corrective action plan, if applicable, for the resource foster home and adjust accordingly if necessary.

1) If the staffing determines that any children still in the foster home must be removed, remove the children from the home.

2) If the staffing determines that any children still in the foster resource foster home should be removed, remove the children from the home.

a) If the child(ren) must be removed, refer to Policy VII-L: Changes to Out-of-Home Placement and related procedures regarding notifications of the placement move.

B. Conference with the FSW Supervisor, Resource Worker, and Resource Worker Supervisor regarding the recommendation as to whether the resource foster home will be left on unavailable status or returned to available status and if any other actions are required; and,

D-C. Update CHRIS contacts as necessary.

The FSW Supervisor will:

A. Participate in the staffing regarding the children's placement to determine, as applicable, if it is in the child(ren)'s best interest to remain in/return to the resource foster home.

B. Conference with the FSW Caseworker, Resource Worker, and Resource Worker Supervisor regarding the recommendation as to whether the foster home will be left on unavailable status or returned to available status and if any other actions are required; and,

Conference with the FSW, Resource Worker, and Resource Worker Supervisor regarding whether the resource foster home will be left on unavailable status or returned to available status and if any other actions are required.

C. Update the Area Director as necessary.

The Area Director or designee will:

A. Participate in the staffing (in person or via phone) regarding the placement of the children foster foster.

B. Submit the recommendation developed during the staffing regarding the placement of the children to the Assistant Director of Community Services or designee for final approval; and,

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- C. Conference with the FSW Supervisor and Resource Worker Supervisor regarding the recommendation as to whether the foster home will be left on unavailable status or returned to available status and if any other actions are required ~~resource foster~~

The Area Director will:

- Notify the Resource Worker and Resource Worker Supervisor that the home:
  - May be removed from "unavailable" status in CHRIS if the staffing determines that it is appropriate to consider the home as placement resource for additional children in care; or,
  - A. Must be closed due to safety concerns.

The Resource Worker will:

- A. Participate in the staffing regarding the children's placement to determine, as applicable, if it is in the child(ren)'s best interest to remain in/return to the foster home.
- B. Take lead on the reevaluation of the foster home if it is still open;
- C. Conference with the FSW, FSW Supervisor, and Resource Worker Supervisor regarding whether the recommendation as to whether the ~~resource foster~~ home will be left on unavailable status or returned to available status and if any other actions are required;
- D. Submit the recommendation, if applicable, to place the foster home back on available status to the Resource Family Review Committee;
- A. At the instruction of the Area Director, remove the home from "unavailable" ~~Based on the response from the Resource Family Review Committee, u~~Update the status of the ~~resource foster~~ home in CHRIS, if applicable, or close the ~~resource foster~~ home in CHRIS, if applicable;
- E.
- F. Complete ~~Update~~ CFS-475-F: True Reports of Child Maltreatment Against ~~Resource Foster~~ Foster Family Members that was previously and filed it in the foster home provider record;
- G. ~~or~~ Complete CFS-475-G: Checklist for ~~Resource Foster~~ Home Closure and other required steps to close a ~~resource foster~~ foster home, if applicable; and,
- B. ~~foster~~.
- G.H. Print CFS 6001: Referral Information Report from CHRIS and file it in the foster home record ~~Update CHRIS contacts as necessary regarding the allegation and outcome of the resource home reevaluation.~~

The Resource Worker Supervisor will:

Conference with the FSW, FSW Supervisor, and Resource Worker regarding the recommendation as to whether the ~~resource foster~~ home will be left on unavailable status or returned to available status and if any other actions are required.

The Assistant Director of Community Services will:

Notify the DCFS Director or designee of the decision regarding placement of the children and availability status of the foster home.

The Resource Family Review Committee will:

- A. Review the recommendation from the FSW Resource Worker as to whether the foster home will be left on unavailable status or returned to available status and if any other actions are required; and,
- B. Notify the FSW Resource Worker who submitted the request of the committee's decision in writing within one business day.

## PROCEDURE VII-K54: Response to True Finding Overturned on Administrative Appeal When the Foster Home has Previously Been Closed

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If the foster home has been closed and requests DCFS to re-open the home, the FSW Resource Worker will:

- A. Arrange and hold a staffing within three business days of the administrative hearing to determine on a case by case basis if the local staff believe it is appropriate to pursue re-opening the foster home.
  - 1) If local staff believe it is appropriate to pursue re-opening the foster home, collaborate with other local staff, as appropriate, to write a request to the Resource Family Review Committee to consider re-opening the foster home and submit the request to the Resource Family Review Committee.
  - 2) If local staff believe it is not appropriate to pursue re-opening the foster home, inform the family of the decision.

The Resource Worker Supervisor will:

- A. Participate in the staffing to determine on a case by case basis if the local staff believe it is appropriate to pursue re-opening the foster home; and
- B. Update the Area Director as necessary.

The FSW Investigator will:

Participate in the staffing in person or via phone to determine on a case by case basis if the local staff believe it is appropriate to pursue re-opening the foster home.

The FSW Caseworker will:

Participate in the staffing in person or via phone to determine on a case by case basis if the local staff believe it is appropriate to pursue re-opening the foster home.

The Area Director or designee will:

Participate in the staffing in person or via phone to determine on a case by case basis if the local staff believe it is appropriate to pursue re-opening the foster home.

The Resource Family Review Committee will:

- A. Review the request from the FSW Resource Worker and determine if it is appropriate to re-open the home and, if so, under what conditions (e.g., once additional training has been completed, with certain restrictions on characteristics of children that can be placed in the home, etc.); and
- B. Notify the FSW Resource Worker who submitted the request of the committee's decision in writing within one business day.

## **PROCEDURE VII-K6: Response to True Finding Upheld on Administrative Appeal, Priority I and II**

1102/20185

If the true finding is upheld by the administrative hearing, the foster resource foster home may remain open for any of the children currently in placed ment in the home if it can be shown that it is in the best interest of the child(ren) to remain in the home. This will should be done on an individual basis for each child.

The FSW will:

- A. Arrange and hold a staffing within three business days of the administrative hearing to determine on a case by case basis if it is in the best interest of the child(ren) to remain in that resource foster home, if applicable.
  - 1) If the results of the staffing determine that it is appropriate to allow the child(ren) involved in the allegation to remain in the home, reassess the emergency safety corrective action plan for the resource foster home and adjust accordingly if necessary.
  - 2) If the staffing determines that any child(ren) still in the resource foster home must be removed, remove the child(ren) from the home.

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- a) ~~If the child(ren) must be removed, refer to Policy VII-L: Changes to Out-of-Home Placement and related procedures regarding notifications of the placement move.~~
- b) ~~Staff are highly encouraged to update the child's CANS assessment during this staffing or once the child(ren) moves into a new placement, if applicable;~~
- B. ~~Conference with the FSW Supervisor, Resource Worker, and Resource Worker Supervisor regarding whether the resource home will be left on unavailable status or returned to available status and if any other actions are required at what point the resourcefoster home will be closed;~~
- C. ~~Provide the Resource Worker with any needed and/or requested information for an alternative compliance and/or policy waiver request, if applicable;~~
- D. ~~Update CHRIS contacts as needed; and~~
- E. ~~If at any point the policy waiver and/or alternative compliance request is denied, conference with the FSW Supervisor and:~~
  - 1) ~~Remove all child(ren) in care from the resourcefoster home.~~
  - 2) ~~Refer to Policy VII-L: Changes to Out-of-Home Placement and related procedures regarding notifications of the placement move.~~
  - ~~Find new and appropriate placements for the removed children.~~

The FSW Supervisor will:

- A. ~~Participate in the staffing to determine on a case by case basis if it is in the best interest of the children to remain in that resourcefoster home, if applicable;~~
- B. ~~Conference with the FSW, the Resource Worker, and the Resource Worker Supervisor regarding whether the resource home will be left on unavailable status or returned to available status and if any other actions are required at what point the resourcefoster home will be closed; and~~
- ~~Conference with the FSW as needed.~~
- C. ~~Update the Area Director as needed.~~

The Area Director or designee will:

- A. ~~Participate in the staffing in person or via phone to determine on a case by case basis if it is in the best interest of the children to remain in that resourcefoster home, if applicable;~~
- B. ~~Submit the recommendation from the staffing to the Assistant Director of Community Services or designee for final approval;~~
- C. ~~Review any received policy waiver and/or alternative compliance request(s) and supporting materials for resourcefoster homes for which a true finding has been upheld and the child(ren) will remain in that home due to it being in the best interest of the child(ren);~~
- D. ~~Grant or deny approval for policy waiver and/or alternative compliance request(s) as appropriate; and~~
- E. ~~If approved, forward the request(s) to the DCFS Director or designee for approval.~~

The Resource Worker will:

- A. ~~Conference with the FSW, FSW Supervisor, and Resource Worker Supervisor regarding whether the resource home will be left on unavailable status or returned to available status and if any other actions are required at what point the resourcefoster home will be closed;~~
- B. ~~Complete the necessary documents for requesting that the resourcefoster home be granted an alternative compliance and/or policy waiver (see Appendix 8: Alternative Compliance and Policy Waiver Protocol for more information), if needed to allow the resourcefoster home to remain open for the child(ren) involved in the report because it is in their best interest to remain in that home;~~
- C. ~~Complete CFS-475-F: True Reports of Child Maltreatment Against ResourceFoster Family Members and file it in the provider record;~~
- D. ~~Forward all applicable case information for the alternative compliance and/or policy waiver request, including investigative outcomes, CANS, and the emergency safety corrective action plan for the resourcefoster home, to the Resource Worker Supervisor for review;~~
- E. ~~Inform the FSW and FSW Supervisor of the outcome of the alternative compliance and/or policy waiver request.~~

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~~4. Close any resource foster home that is denied a policy waiver and/or alternative compliance approval at any point during the request review and document in CHRIS that the home is closed.~~

~~1) Provide the reason for closure in the comment box in the Provider Services Tab.~~

~~2) Update CHRIS contacts regarding the results of the alternative compliance and/or policy waiver request and as otherwise necessary; and~~

~~F. Complete CFS-475-G: Checklist for Resource Foster Home Closure, as applicable, and file the form in the provider record.~~

~~1) Complete all other required steps to close a resource foster home.~~

The Resource Worker Supervisor will:

~~A. Conference with the FSW, FSW Supervisor, and Resource Worker regarding whether the resource home will be left on unavailable status or returned to available status and if any other actions are required at what point the resource foster home will be closed;~~

~~B. Review the alternative compliance and/or policy waiver requests and supporting documentation, if applicable; and;~~

~~C. Forward the alternative compliance and/or policy waiver requests and supporting documentation, if applicable, to the Area Director.~~

~~Close any resource home that is denied a policy waiver and/or alternative compliance approval at any point during the request review and document in CHRIS that the home is closed.~~

~~Provide the reason for closure in the comment box in the Provider Services Tab, if applicable.~~

The Assistant Director of Community Services will:

~~Notify the DCFS Director or designee of the decision regarding placement of the children and availability status of the foster home.~~

~~Update CFS-475-F: True Reports of Child Maltreatment Against Resource Family Members and file it in the resource home record.~~

~~B. Complete CFS-475-G: Review the existing protection plan.~~

~~C. Make any necessary changes and adjustments to the plan.~~

~~D. Create the necessary documents for requesting that the foster home be granted a policy waiver and/or alternative compliance (see Appendix 8: Alternative Compliance and Policy Waiver Protocol for more information) so that it may remain open.~~

~~E. Forward all case information for the policy waiver and/or alternative compliance request, including investigative outcomes, CANS, and protection plans, to the Area Director.~~

~~F. If at any point the policy waiver and/or alternative compliance request is denied:~~

~~1) Remove all children in care from the foster home.~~

~~2) Find new and appropriate placements for the removed children.~~

~~3) Notify the Resource Worker that the foster home must be closed.~~

~~G. Document the decision made on any policy waiver request in CHRIS.~~

~~H. If the alternative compliance request is reviewed by the Child Welfare Agency Review Board, document the decision of the board in CHRIS.~~

The Area Director will:

~~A. Review all received policy waiver and/or alternative compliance request(s) and supporting materials.~~

~~B. Grant or deny approval for policy waiver and/or alternative compliance request(s) as appropriate.~~

~~C. If approved, forward the request(s) to the Assistant Director of Community Services DCFS Director or designee for approval.~~

The Assistant Director of Community Services will:

~~A. Review the received policy waiver and/or alternative compliance request(s) and supporting materials.~~

~~B. Grant or deny approval for policy waiver and/or alternative compliance request(s) as appropriate.~~

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~~C. If approved, forward the request(s) to the Division Director for approval.~~

The Division Director or designee will:

- A. Review received policy waiver and/or alternative compliance request(s) and supporting materials;~~;~~
- B. Grant or deny approval for policy waiver and/or alternative compliance request(s) as appropriate; and~~;~~
- C. If approved, forward any alternative compliance request(s) to the Placement and Residential Licensing Unit (PRLU) Manager and staff.

The Placement and Residential Licensing Unit (PRLU) Manager or designee will:

- A. Review the request for an alternative compliance; and~~;~~
- B. Place the request on the agenda of the next scheduled meeting of the Child Welfare Agency Review Board (CWARB).

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## **POLICY VII-K: Child Maltreatment Allegations Concerning Out-of-Home Placements**

11/2018

### **OVERVIEW**

All child maltreatment allegations concerning any person in a foster home will be investigated in accordance with the Child Maltreatment Act § 12-18-602. As with all children whose interest becomes the concern of DCFS, the safety and welfare of all children in foster care will be paramount.

If there is an allegation of sexual abuse perpetrated by a child in foster care, a public defender will be assigned to the child.

If any child in foster care is the subject (alleged offender or alleged victim) of an allegation of child maltreatment, the Child Abuse Hotline will notify the appropriate DCFS and CACD Executive Staff as well as the Area Director for the DCFS service area in which the foster home named in the report is located. The DCFS Area Director will then ensure that the appropriate Division staff notify the child(ren)'s family, the primary and secondary Family Service Worker (FSW) for the child, as applicable, the Office of Chief Council (OCC) attorney, the child(ren)'s CASA, if applicable, and the child(ren)'s attorney ad litem. The attorneys ad litem for any other children placed in the home will be notified as well.

The Arkansas State Police Crimes Against Children Division (CACD) will conduct all child maltreatment investigations (Priority I and II) involving a foster parent or household member of a foster home excluding reports that meet Differential Response criteria involving a child in foster care that allegedly occurred prior to the child entering foster care.

However, when any household member of a foster home (to include foster parents, biological and adopted children of the foster parents, and children in foster care placed in the home) is the subject of a child maltreatment allegation, DCFS staff will also conduct an individualized evaluation to assess the safety of the child(ren) within 24 hours of the receipt of the report to determine if the child(ren) can safely remain in the home during the course of the investigation. DCFS staff will try to coordinate this visit to the home to assess safety with CACD staff.

If any of the 14 Arkansas Health and Safety Factors are identified in the foster home in consultation with a DCFS supervisor, the children will be moved into another approved placement. However, if no Health and Safety Factors are identified, and if it can be shown that it is in the best interest of any or all of the children currently placed in that foster home, a corrective action plan may be considered to allow any or all of the children in foster care to remain safely in a home involved in a child maltreatment report. A corrective action plan is designed to ensure the safety and well-being of the children in the home as long as the concern was not directly related to an act or omission rising to the level of maltreatment on the part of the foster parent(s) (e.g., a biological child of the foster parent posed a risk, but not the foster parents themselves). All relevant information will be reviewed to make a decision regarding the implementation of a corrective action plan for the foster home. This would include, but is not limited to:

- A. The characteristics and history of the child in foster care;
- B. The characteristics and history of the foster parents and their own children (if any);
- C. The nature of the allegation;
- D. Information collected during the investigation;
- E. The services, supports, and/or monitoring that will be put in place during the investigation.

The Assistant Director of Community Services or designee must approve all corrective action plans for foster homes prior to the DCFS staff leaving the home in which the corrective action plan will be implemented. If the

safety and welfare standards of the Division cannot be met and the children cannot safely remain in the home, the children in care will be moved to another approved placement.

If after the initial safety evaluation conducted by DCFS staff it is determined that there are no risk or safety factors present and, as such, a corrective action plan is not required while the investigation is being completed, the Area Director may approve leaving the children in the home if it is in the best interest of the children. The Area Director will notify the Assistant Director of Community Services or designee when children are left in a foster home with a pending investigation but for which a corrective action plan was not necessary.

While any foster home is being investigated because of a child maltreatment allegation, no additional children in foster care may be placed there (regardless of whether a corrective action plan was required or not). As such, the foster home will be placed on unavailable status in CHRIS.

#### **ACTIONS FOR UNSUBSTANTIATED MALTREATMENT REPORTS INVOLVING A CHILD IN FOSTER CARE**

If the child maltreatment report is unsubstantiated, consideration will be given to:

- A. Ending the corrective action plan for the foster home, if applicable;
- B. Returning any children who may have been removed from the foster home as a result of the allegation; and,
- C. Removing the foster home from unavailable status back to available status in CHRIS.

All unsubstantiated reports involving foster homes must be reviewed by the Resource Family Review Committee to discuss lifting the corrective action plan, the placement of the child(ren) involved, and the availability of the foster home. Even if a child maltreatment report involving a foster home is unsubstantiated, the Division retains the right to continue to leave the home on unavailable status or to close the foster home, as appropriate. Decisions will be made on a case by case basis and will be based on the best interest of the child(ren).

The Resource Family Review Committee meets bi-weekly but additional meetings may be called on an as needed basis.

#### **ACTIONS FOR TRUE MALTREATMENT REPORTS INVOLVING A CHILD IN FOSTER CARE PENDING DUE PROCESS**

If the child maltreatment report is determined to be true, the corrective action plan for the foster home, if applicable, as well as the overall health and safety of the children will be reevaluated immediately but no later than 24 hours from the time the investigative determination is made if the child(ren) had remained in the home during the course of the investigation and will continue to remain in the home until due process has been met.

If the child(ren) were allowed to remain in the home during the course of the investigation (with or without a corrective action plan) and must then be removed from the foster home based upon the true determination while due process is pending, all appropriate parties and stakeholders will be notified of the placement change as outlined in Policy VII-L: Changes in Out-of-Home Placement and related procedures.

Regardless of whether the child(ren) remain in the home with or without a corrective action plan in place or are removed from the home, the foster home will remain on unavailable status until due process has been satisfied and the home's availability status is reassessed at that point in time by local staff. Local staff will submit a recommendation regarding the foster home's availability status to the Resource Family Review Committee.

A staffing, to include the appropriate DCFS Area Director(s) or designee(s), will be held within three business days of the true determination so that all parties to the case and any other appropriate stakeholders may have input regarding the corrective action plan, if applicable, and/or the placement of the child(ren). The Area Director(s) or designee(s) may participate by phone.

If the child(ren) will be left in a home with a true determination while due process is pending the DCFS Assistant Director of Community Services or designee will be notified. The DCFS Assistant Director of Community Services

or designee will notify the DCFS Director of the decision. The DCFS Assistant Director of Community Services or designee will inform local staff if any changes to the corrective action plan, if applicable, and/or placement of the child(ren) are needed.

#### **ACTIONS FOR TRUE MALTREATMENT REPORTS INVOLVING A CHILD IN FOSTER CARE UPON SATISFACTION OF DUE PROCESS**

If the foster home is still open and the child(ren) still remains in the home, then upon satisfaction of due process, regardless of the result of the administrative hearing (if applicable), the safety and well-being of each child who is in the home will be reassessed at a staffing. This staffing will include the appropriate DCFS Area Director(s) or designee(s), held within three business days of the administrative hearing. The Area Director(s) may participate by phone.

This staffing will allow all parties to the case and any other appropriate stakeholders to have input regarding the reassessment and the placement of the child(ren), as applicable. Decisions will be made on a case by case basis and will ensure the best interest of the child(ren). The recommendation(s) from this staffing will be submitted to the Assistant Director of Community Services for final approval. The DCFS Assistant Director of Community Services will then notify the DCFS Director.

If it can be shown that it is in the best interest of any child to remain in the home, an alternative compliance or policy waiver may be requested if needed (due to a true finding that is upheld) to allow the foster home to remain open to care for the child(ren). The DCFS Director or designee must approve any alternative compliance or policy waiver needed to allow a foster home to remain open when a true finding is upheld.

For any foster home that has a true finding upheld at the administrative hearing, that home will remain on unavailable status if the child(ren) involved in the report is/are allowed to remain in the home because it is in the child(ren)'s best interest to do so. The foster home will then be closed once the child(ren) who was/were allowed to stay in the home due to it being in the child(ren)'s best interest, exits foster care or otherwise achieves permanency.

For foster homes that remain open following a true determination that the foster family either chose not to appeal or had a true determination overturned, that foster home will be reevaluated by the FSW Resource Worker with input from the FSW Caseworker, FSW Casework Supervisor, Resource Worker Supervisor, and County Supervisor. The reevaluation will also determine what may be necessary (e.g., additional training, revisions to the characteristics of children allowed to be placed in the home, etc.) to ensure the health and safety of any and all children placed in the home.

Based on the results of the reevaluation, if the recommendation is to place the foster home back on available status, that request will be submitted to the Resource Family Review Committee. The recommendation will also include what may be necessary (e.g., additional training, revisions to the characteristics of children allowed to be placed in the home, etc.) to ensure the health and safety of any and all children placed in the home.

The Division retains the right to continue to leave the foster home on unavailable status or to close the foster home, as appropriate.

If the foster home had been closed at some point during the process and requests to re-open due to a determination being overturned on appeal, the FSW Resource Worker will collaborate with other applicable local staff to determine if local staff members think it is an appropriate request for the home to be re-opened. If local staff decide to pursue re-opening a foster home, a request will be submitted to the Resource Family Review Committee.

After the completion of an investigation (once due process is satisfied) involving a foster home in which a child in foster care is the alleged victim or the alleged offender, the child's Child and Adolescent Needs and Strengths (CANS) assessment will be updated.

## PROCEDURE VII-K1: Initial Report Response

11/2018

When any initial report of child maltreatment is made and concerns any person in a foster home, the CACD investigator will begin an investigation within 24 hours for Priority I allegations or within 72 hours for Priority II allegations.

The assigned DCFS staff will then:

- A. Within 24 hours, assess the safety and risk of the child victim and any other children in the foster home and determine if the child(ren) in care can remain in the home with the implementation of a corrective action plan for the foster home on an individual, case-by-case basis. This includes determining the placement structure that best meets all the needs of the children and all members of the foster home. For example:
  - 1) The alleged victim child in care may be removed from the home; or,
  - 2) The alleged offender child may be removed from the home; or,
  - 3) Any of the children in care who are neither an alleged offender nor an alleged victim may be removed or remain in the home based on an individual, case-by-case determination of what is in their best interest and welfare;
- B. If a corrective action plan for the foster home is implemented:
  - 1) Develop the corrective action plan for the foster home with the foster parents and child(ren) in the home, as age and developmentally appropriate, review it, and answer any questions the participants may have;
  - 2) Utilizing the appropriate chain of command, notify the Assistant Director of Community Services or designee of the corrective action plan via phone prior to leaving the home;
  - 3) If the corrective action plan is approved by the Assistant Director of Community Services or designee:
    - a) Leave a copy of the corrective action plan with the foster parents.
    - b) File the corrective action plan for the foster home in the provider record.
    - c) Document the corrective action plan for the foster home and reasons behind the implementation of the plan in CHRIS contacts.
    - d) Inform other parties to the case of the corrective action plan for the foster home immediately but no later than the next business day via email or text.
    - e) Visit the home at least weekly to meet with the children and foster parents while the corrective action plan for the foster home is in place.
      - 1) During the home visit meet individually with foster parents and children in care, if age appropriate, to assess the corrective action plan for the foster home, the continued well-being of the children, and to determine any adjustments that may need to be made;
- C. If the child(ren) must be removed (which includes removal because the Assistant Director of Community Services or designee does not approve the corrective action plan by phone), refer to Policy VII-L: Changes to Out-of-Home Placement and related procedures regarding notifications of the placement move;
- D. Provide a briefing of the safety/risk assessment within 24 hours of conducting the safety/risk assessment by emailing the completed CFS-329: Foster Child Maltreatment Disclosure Case Briefing Summary to the DCFS Assistant Director of Community Services or designee, the Assistant Director of Prevention and Reunification, and the Child Protective Services (CPS) Manager;
- E. Notify immediately, but no later than five business days the child(ren)'s custodial/non-custodial parent(s), attorney ad litem, and OCC attorney whenever the child is the victim or offender named in an allegation of child maltreatment. Notify via email, text, and/or with the following forms:
  - 1) CFS-204-A: Notice of Child Maltreatment Allegation to Legal Parent(s), Legal Guardian(s) and Current Foster Parent(s) of Alleged Offender in Foster Care

- 2) CFS 205-A: Notice of Child Maltreatment Allegation to Legal Parent(s), Legal Guardian(s), and Current Foster Parent(s) of Alleged Victim(s) in Foster Care
  - 3) CFS 208-A: Notice of Child Maltreatment Allegation to Attorney Ad Litem and CASA of Alleged Offender
  - 4) CFS 206-A: Notice of Child Maltreatment Allegation to Attorney Ad Litem, CASA, and Counsel in Dependency Neglect or FINS Case of Alleged Victim(s); and,
- F. Notify attorneys ad litem for all children placed in the same out-of-home placement but not named as victims in the report, via email, text, and/ or the CFS-209-A: Notice of Child Maltreatment Allegation to AAL or CASA of Child in Foster Home Where Maltreatment Is Reported or Where an Alleged Juvenile Offender or Underaged Juvenile Offender is Placed, immediately, but no later than 5 business days.

The Area Director or designee will:

- A. Ensure the appropriate DCFS field staff are notified (e.g., County Supervisor(s), FSW Unit Supervisor(s), primary and secondary FSWs for the child(ren), etc.) of the allegation so that these staff can then notify the child(ren)'s family, the OCC attorney, the child(ren)'s CASA, if applicable, and the child(ren)'s attorney(s) ad litem of the allegation;
- B. Notify the Resource Worker and Resource Worker Supervisor of the maltreatment allegation so that the Resource Worker may place the home on unavailable status in CHRIS; and,
- C. Conference with FSW Supervisor as needed.

The FSW Supervisor will:

- A. Conference with the FSW as needed; and,
- B. Notify the Area Director of the initial response outcomes.

The Resource Worker will:

- A. At the direction of the Area Director or designee, classify the home under investigation as "unavailable" in CHRIS immediately but no later than the next business day, so that no additional children may be placed in that home until the resolution of the investigation; and,
- B. Assist with the monitoring of the corrective action plan for the foster home as appropriate.

The Assistant Director of Community Services or designee will:

- A. Notify the DCFS Director when a child is left in a foster home in which a member of the foster household has been named as an alleged offender and a corrective action plan has been implemented to allow the child to stay in the home in order to ensure the child's best interest;
- B. Review the CFS-329: Foster Child Maltreatment Disclosure Case Briefing Summary;
- C. Conference with field staff as necessary; and,
- D. Share the CFS-329: Foster Child Maltreatment Disclosure Case Briefing Summary with the Assistant Director of Placement Supports and Community Outreach and the Foster Care Manager as appropriate.

## **PROCEDURE VII-K2: Response to Unsubstantiated Finding**

11/2018

If the child maltreatment allegation is unsubstantiated, the FSW Resource Worker will:

- A. Collaborate with the FSW Investigator and the child(ren)'s FSW Caseworker to write a request to the Resource Family Review Committee regarding how to proceed with the foster home;
- B. Submit a request to the Resource Family Review Committee within one week of the determination.
  - 1) The request will include the FSW Resource Worker's recommendation regarding:
    - a) Ending the corrective action plan for the foster home, if applicable;
    - b) The placement arrangements for the child(ren) (e.g., returning any children who may have been removed from the foster home as a result of the allegation); and,
    - c) Whether the foster home will be left on unavailable status or be returned to available status;

- d) Whether any other actions are required;
- C. Participate in the Resource Family Review Committee meeting upon request.
  - 1) Phone participation in the Resource Family Review Committee meeting is acceptable;
- D. Update the status of the foster home in CHRIS as needed as well as CHRIS contacts as necessary.

The Resource Worker Supervisor will:

- A. Conference with the FSW Resource Worker as needed;
- B. Participate in the Resource Family Review Committee meeting upon request.
  - 1) Phone participation in the Resource Family Review Committee meeting is acceptable; and,
- C. Update the Area Director as needed.

The FSW Investigator will:

- A. Collaborate with the FSW Resource Worker and the child(ren)'s FSW Caseworker to write a request to the Resource Family Review Committee regarding how to proceed with the foster home; and,
- B. Participate in the Resource Family Review Committee meeting upon request.
  - 1) Phone participation in the Resource Family Review Committee meeting is acceptable.

The FSW Caseworker for the child(ren) will:

- A. Collaborate with the FSW Resource Worker and the FSW Investigator to write a request to the Resource Family Review Committee regarding how to proceed with the foster home;
- B. Participate in the Resource Family Review Committee meeting upon request.
  - 1) Phone participation in the Resource Family Review Committee meeting is acceptable; and,
- C. Update the child(ren)'s CANS following the implementation of the Resource Family Review Committee's decision.

The FSW Supervisor(s) will:

- A. Conference with the FSW Investigator and FSW Caseworker as needed;
- B. Participate in the Resource Family Review Committee meeting upon request.
  - 1) Phone participation in the Resource Family Review Committee meeting is acceptable.

The Area Director or designee will:

- A. Participate in the Resource Family Review Committee meeting upon request.
  - 1) Phone participation in the Resource Family Review Committee meeting is acceptable.

The Resource Family Review Committee will:

- A. Review the request from the FSW Resource Worker and determine the appropriate action(s) that may include, but are not limited to:
  - 1) Ending the corrective action plan for the foster home, if applicable;
  - 2) Revising the placement arrangements for the child(ren) (e.g., returning any children who may have been removed from the foster home as a result of the allegation);
  - 3) Determining whether the foster home will be left on unavailable status or be returned to available status; and,
  - 4) Determining whether any other actions are required;
- B. Notify the FSW Resource Worker who submitted the request of the committee's decision in writing within one business day; and,
- C. Document the recommendation in the Provider Screen in CHRIS.

## **PROCEDURE VII-K3 Response to True Finding Pending Due Process**

11/2018

If the child maltreatment allegation is determined to be true, the FSW Caseworker will:

- A. Reassess the corrective action plan for the foster home, if applicable, in collaboration with the FSW Resource Worker and FSW Investigator;
- B. Remove any or all of the children from the home, determined on a case-by-case basis in consultation with the FSW Supervisor, if necessary to ensure their safety and well-being.
  - 1) If the child(ren) must be removed, refer to Policy VII-L: Changes to Out-of-Home Placement and related procedures regarding notifications of the placement move;
- C. Hold a staffing within three business days of the finding to determine if the corrective action plan for the foster home, if applicable, needs to be revised and/or if changes to the child(ren)'s placement are needed until due process for the foster parents has been met;
- D. Update CHRIS contacts as necessary; and,
- E. Update the FSW Resource Worker and Resource Worker Supervisor as necessary.

The FSW Supervisor will:

- A. Conference with the FSW regarding the determination; and,
- B. Participate in the staffing to determine if the corrective action plan for the foster home, if applicable, needs to be revised and/or if changes to the child(ren)'s placement are needed until due process for the foster parents has been met.

The FSW Resource Worker will:

- A. Participate in the staffing upon request; and,
- B. Update the availability of the foster home and CHRIS contacts as applicable.

The FSW Investigator will:

- A. Participate in the staffing upon request.

The Area Director or designee will:

- A. Participate in the staffing in person or via phone to determine if the corrective action plan for the foster home, if applicable, needs to be revised and/or if changes to the child(ren)'s placement are needed until due process for the foster parents has been met; and,
- B. Notify the Assistant Director of Community Services or designee if the child(ren) will remain in a foster home with a true finding while due process is pending.

The Assistant Director of Community Services or designee will:

Notify the DCFS Director if the child(ren) will remain in a foster home with a true finding while due process is pending.

## **PROCEDURE VII-K4: Response to True Finding Overturned on Administrative Appeal When the Foster Home is Still Open**

11/2018

The FSW Caseworker will:

- A. Arrange and hold a staffing within three business days of the administrative hearing to determine on a case by case basis if it is in the best interest of the children to remain in or return to that foster home, as applicable.
  - 1) If the results of the staffing determine that it is appropriate to allow the children involved in the allegation to remain in/return to the home, reassess the corrective action plan, if applicable, for the foster home and adjust accordingly if necessary.



- 2) If the staffing determines that any children still in the foster home must be removed, remove the children from the home.
  - a) If the child(ren) must be removed, refer to Policy VII-L: Changes to Out-of-Home Placement and related procedures regarding notifications of the placement move.
- B. Conference with the FSW Supervisor, Resource Worker, and Resource Worker Supervisor regarding the recommendation as to whether the foster home will be left on unavailable status or returned to available status and if any other actions are required; and,
- C. Update CHRIS contacts as necessary.

The FSW Supervisor will:

- A. Participate in the staffing regarding the children's placement to determine, as applicable, if it is in the child(ren)'s best interest to remain in/return to the foster home;
- B. Conference with the FSW Caseworker, Resource Worker, and Resource Worker Supervisor regarding the recommendation as to whether the foster home will be left on unavailable status or returned to available status and if any other actions are required; and,
- C. Update the Area Director as necessary.

The Area Director or designee will:

- A. Participate in the staffing (in person or via phone) regarding the placement of the children;
- B. Submit the recommendation developed during the staffing regarding the placement of the children to the Assistant Director of Community Services or designee for final approval; and,
- C. Conference with the FSW Supervisor and Resource Worker Supervisor regarding the recommendation as to whether the foster home will be left on unavailable status or returned to available status and if any other actions are required

The Resource Worker will:

- A. Participate in the staffing regarding the children's placement to determine, as applicable, if it is in the child(ren)'s best interest to remain in/return to the foster home;
- B. Take lead on the reevaluation of the foster home if it is still open;
- C. Conference with the FSW, FSW Supervisor, and Resource Worker Supervisor regarding the recommendation as to whether the foster home will be left on unavailable status or returned to available status and if any other actions are required;
- D. Submit the recommendation, if applicable, to place the foster home back on available status to the Resource Family Review Committee;
- E. Based on the response from the Resource Family Review Committee, update the status of the foster home in CHRIS, if applicable, or close the foster home in CHRIS, if applicable;
- F. Complete CFS-475-F: True Reports of Child Maltreatment Against Foster Family Members and file it in the provider record;
- G. Complete CFS-475-G: Checklist for Foster Home Closure and other required steps to close a foster home, if applicable; and,
- H. Update CHRIS contacts as necessary.

The Resource Worker Supervisor will:

Conference with the FSW, FSW Supervisor, and Resource Worker regarding the recommendation as to whether the foster home will be left on unavailable status or returned to available status and if any other actions are required.

The Assistant Director of Community Services will:

Notify the DCFS Director or designee of the decision regarding placement of the children and availability status of the foster home.

The Resource Family Review Committee will:

- A. Review the recommendation from the FSW Resource Worker as to whether the foster home will be left on unavailable status or returned to available status and if any other actions are required; and,
- B. Notify the FSW Resource Worker who submitted the request of the committee's decision in writing within one business day.

## **PROCEDURE VII-K5: Response to True Finding Overturned on Administrative Appeal When the Foster Home has Previously Been Closed**

11/2018

If the foster home has been closed and requests DCFS to re-open the home, the FSW Resource Worker will:

- A. Arrange and hold a staffing within three business days of the administrative hearing to determine on a case by case basis if the local staff believe it is appropriate to pursue re-opening the foster home.
  - 1) If local staff believe it is appropriate to pursue re-opening the foster home, collaborate with other local staff, as appropriate, to write a request to the Resource Family Review Committee to consider re-opening the foster home and submit the request to the Resource Family Review Committee.
  - 2) If local staff believe it is not appropriate to pursue re-opening the foster home, inform the family of the decision.

The Resource Worker Supervisor will:

- A. Participate in the staffing to determine on a case by case basis if the local staff believe it is appropriate to pursue re-opening the foster home; and,
- B. Update the Area Director as necessary.

The FSW Investigator will:

Participate in the staffing in person or via phone to determine on a case by case basis if the local staff believe it is appropriate to pursue re-opening the foster home.

The FSW Caseworker will:

Participate in the staffing in person or via phone to determine on a case by case basis if the local staff believe it is appropriate to pursue re-opening the foster home.

The Area Director or designee will:

Participate in the staffing in person or via phone to determine on a case by case basis if the local staff believe it is appropriate to pursue re-opening the foster home.

The Resource Family Review Committee will:

- A. Review the request from the FSW Resource Worker and determine if it is appropriate to re-open the home and, if so, under what conditions (e.g., once additional training has been completed, with certain restrictions on characteristics of children that can be placed in the home, etc.); and,
- B. Notify the FSW Resource Worker who submitted the request of the committee's decision in writing within one business day.

## **PROCEDURE VII-K6: Response to True Finding Upheld on Administrative Appeal**

11/2018

If the true finding is upheld by the administrative hearing, the foster home may remain open for any of the children currently placed in the home if it can be shown that it is in the best interest of the child(ren) to remain in the home. This will be done on an individual basis for each child.

The FSW will:

- A. Arrange and hold a staffing within three business days of the administrative hearing to determine on a case by case basis if it is in the best interest of the child(ren) to remain in that foster home, if applicable.
  - 1) If the results of the staffing determine that it is appropriate to allow the child(ren) involved in the allegation to remain in the home, reassess the corrective action plan for the foster home and adjust accordingly if necessary.
  - 2) If the staffing determines that any child(ren) still in the foster home must be removed, remove the child(ren) from the home.
    - a) If the child(ren) must be removed, refer to Policy VII-L: Changes to Out-of-Home Placement and related procedures regarding notifications of the placement move.
    - b) Staff are highly encouraged to update the child's CANS assessment during this staffing or once the child(ren) moves into a new placement, if applicable;
- B. Conference with the FSW Supervisor, Resource Worker, and Resource Worker Supervisor regarding at what point the foster home will be closed;
- C. Provide the Resource Worker with any needed and/or requested information for an alternative compliance and/or policy waiver request, if applicable;
- D. Update CHRIS contacts as needed; and,
- E. If at any point the policy waiver and/or alternative compliance request is denied, conference with the FSW Supervisor and:
  - 1) Remove all child(ren) in care from the foster home.
  - 2) Refer to Policy VII-L: Changes to Out-of-Home Placement and related procedures regarding notifications of the placement move.

The FSW Supervisor will:

- A. Participate in the staffing to determine on a case by case basis if it is in the best interest of the children to remain in that foster home, if applicable;
- B. Conference with the FSW, the Resource Worker, and the Resource Worker Supervisor regarding at what point the foster home will be closed; and,
- C. Update the Area Director as needed.

The Area Director or designee will:

- A. Participate in the staffing in person or via phone to determine on a case by case basis if it is in the best interest of the children to remain in that foster home, if applicable;
- B. Submit the recommendation from the staffing to the Assistant Director of Community Services or designee for final approval;
- C. Review any received policy waiver and/or alternative compliance request(s) and supporting materials for foster homes for which a true finding has been upheld and the child(ren) will remain in that home due to it being in the best interest of the child(ren);
- D. Grant or deny approval for policy waiver and/or alternative compliance request(s) as appropriate; and,
- E. If approved, forward the request(s) to the DCFS Director or designee for approval.

The Resource Worker will:

- A. Conference with the FSW, FSW Supervisor, and Resource Worker Supervisor regarding at what point the foster home will be closed;
- B. Complete the necessary documents for requesting that the foster home be granted an alternative compliance and/or policy waiver (see Appendix 8: Alternative Compliance and Policy Waiver Protocol for more information), if needed to allow the foster home to remain open for the child(ren) involved in the report because it is in their best interest to remain in that home;
- C. Complete CFS-475-F: True Reports of Child Maltreatment Against Foster Family Members and file it in the provider record;
- D. Forward all applicable case information for the alternative compliance and/or policy waiver request, including investigative outcomes, CANS, and the corrective action plan for the foster home, to the Resource Worker Supervisor for review;

- E. Inform the FSW and FSW Supervisor of the outcome of the alternative compliance and/or policy waiver request.
  - 1) Close any foster home that is denied a policy waiver and/or alternative compliance approval at any point during the request review and document in CHRIS that the home is closed.
    - a) Provide the reason for closure in the comment box in the Provider Services Tab.
  - 2) Update CHRIS contacts regarding the results of the alternative compliance and/or policy waiver request and as otherwise necessary; and,
- F. Complete CFS-475-G: Checklist for Foster Home Closure, as applicable, and file the form in the provider record.
  - 1) Complete all other required steps to close a foster home.

The Resource Worker Supervisor will:

- A. Conference with the FSW, FSW Supervisor, and Resource Worker regarding at what point the foster home will be closed;
- B. Review the alternative compliance and/or policy waiver requests and supporting documentation, if applicable; and,
- C. Forward the alternative compliance and/or policy waiver requests and supporting documentation, if applicable, to the Area Director.

The Assistant Director of Community Services will:

Notify the DCFS Director or designee of the decision regarding placement of the children and availability status of the foster home.

The Division Director or designee will:

- A. Review received policy waiver and/or alternative compliance request(s) and supporting materials;
- B. Grant or deny approval for policy waiver and/or alternative compliance request(s) as appropriate; and,
- C. If approved, forward any alternative compliance request(s) to the Placement and Residential Licensing Unit (PRLU) Manager and staff.

The Placement and Residential Licensing Unit (PRLU) Manager or designee will:

- A. Review the request for an alternative compliance; and,
- B. Place the request on the agenda of the next scheduled meeting of the Child Welfare Agency Review Board (CWARB).