

# ARKANSAS REGISTER

## Proposed Rule Cover Sheet



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Name of Department \_\_\_\_\_

Agency or Division Name \_\_\_\_\_

Other Subdivision or Department, If Applicable \_\_\_\_\_

Previous Agency Name, If Applicable \_\_\_\_\_

Contact Person \_\_\_\_\_

Contact E-mail \_\_\_\_\_

Contact Phone \_\_\_\_\_

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Name of Rule \_\_\_\_\_

Newspaper Name \_\_\_\_\_

Date of Publishing \_\_\_\_\_

Final Date for Public Comment \_\_\_\_\_

Location and Time of Public Meeting \_\_\_\_\_

## **FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT** \_\_\_\_\_

**DIVISION** \_\_\_\_\_

**PERSON COMPLETING THIS STATEMENT** \_\_\_\_\_

**TELEPHONE NO.** \_\_\_\_\_ **FAX NO.** \_\_\_\_\_ **EMAIL:** \_\_\_\_\_

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE** \_\_\_\_\_

1. Does this proposed, amended, or repealed rule have a financial impact?  
Yes \_\_\_\_\_ No \_\_\_\_\_
  
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?  
Yes \_\_\_\_\_ No \_\_\_\_\_
  
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes \_\_\_\_\_ No \_\_\_\_\_  
If an agency is proposing a more costly rule, please state the following:
  - (a) How the additional benefits of the more costly rule justify its additional cost;
  
  - (b) The reason for adoption of the more costly rule;
  
  - (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and
  
  - (d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.
  
4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:
  - (a) What is the cost to implement the federal rule or regulation?

**Current Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_

Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

(b) What is the additional cost of the state rule?

**Current Fiscal Year**

General Revenue \_\_\_\_\_

Federal Funds \_\_\_\_\_

Cash Funds \_\_\_\_\_

Special Revenue \_\_\_\_\_

Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_

Federal Funds \_\_\_\_\_

Cash Funds \_\_\_\_\_

Special Revenue \_\_\_\_\_

Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

**Current Fiscal Year**

\$ \_\_\_\_\_

**Next Fiscal Year**

\$ \_\_\_\_\_

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

**Current Fiscal Year**

\$ \_\_\_\_\_

**Next Fiscal Year**

\$ \_\_\_\_\_

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes \_\_\_\_\_ No \_\_\_\_\_

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously

with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
  - (a) justifies the agency's need for the proposed rule; and
  - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
  - (a) the rule is achieving the statutory objectives;
  - (b) the benefits of the rule continue to justify its costs; and
  - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

## **Statement of Necessity and Rule Summary**

### **Private Licensed Placement Agency Resource Homes**

#### **Statement of Necessity:**

This new rule is necessary to provide guidance to Division of Children and Family Services (DCFS) staff regarding the purpose and utilization of Private Licensed Placement Agency Resource Homes.

#### **Summary:**

Effective October 1, 2020, the Division of Children and Family Services will implement Policy VI:P: Private Licensed Placement Agency Resource Homes to:

- Define a Private Licensed Placement Agency (PLPA) and how they operate in conjunction with DCFS and DCFS-approved resource homes;
- Establish when a placement of a child in Department of Human Services (DHS) custody in a PLPA is appropriate;
- Describe the population of children for which PLPA providers take placement;
- Outline the PLPA referral process and steps conducted when a PLPA home wishes to become a DCFS-approved home; and
- Update the table of contents to reflect the new policy and procedures.

**ARKANSAS DEPARTMENT OF HUMAN SERVICES**

**DIVISION OF**  
**CHILDREN & FAMILY**  
**SERVICES**

**POLICY & PROCEDURE MANUAL**

**DCFS Publications Hyperlink:**

<https://ardhs.sharepointsite.net/CW/DCFS%20Publications/Forms/AllItems.aspx>

Mark-Up

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## **POLICY VI-P: Private Licensed Placement Agency (PLPA) Resource Homes**

10/2020

A Private Licensed Placement Agency (PLPA) is a child placement agency licensed by the Child Welfare Agency Review Board to recruit, train, approve, and support their own resource homes. A PLPA resource home provides substitute care within a family-like setting on a twenty-four (24) hour basis for any child placed in the home by a child placement agency. A PLPA is responsible for maintaining the resource homes it recruits by ensuring those resource homes continuously meet Minimum Licensing Standards for Child Welfare Agencies (Placement) and Department of Human Services (DHS) as well as Division of Children and Family Services (DCFS) resource home policy and procedures.

These policies, standards, and procedures include but are not limited to:

- A. Completion of background checks;
- B. Structured Analysis Family Evaluation (SAFE) home studies (note: resource parents must reside in their residence prior to a SAFE home study being completed on the home);
- C. Pre-service training;
- D. Continuing resource parent education as applicable;
- E. Adherence to the reasonable and prudent parent standard and use of all types of Alternate Care (see Policy VII-G);
- F. Requests for changes in placement (see Procedure VII-L1: Resource Parent Request for Placement Change); and
- G. Allegations of child maltreatment involving the resource home (see Policy VII-K: Child Maltreatment Allegations Concerning Out-of-Home Placements).

A PLPA resource home is monitored through quarterly and annual reevaluations by its respective PLPA approval agency. A PLPA resource home is also more intensively supervised and supported by the approving PLPA. In addition to a DCFS Family Service Worker, each child in a PLPA resource home is assigned a case manager who is active in the child's daily life through frequent visits (a minimum of monthly).

Placement in an approved and available PLPA resource home is an option for any child in DHS custody when a PLPA resource home best meets the needs of a child. Placement in a PLPA resource home of a child in the custody of DHS is encouraged in the following circumstances:

- A. He or she is a sibling of a child placed in a PLPA home;
- B. He or she is a child of a youth in a PLPA home; or,
- C. He or she had previously been placed in a PLPA resource home and transitioned to other services requiring a more intensive treatment approach (e.g., acute treatment), and the child is now able to return to a resource home setting.

A resource parent must be financially able to care for his or her own needs without the foster care board payment to supplement his or her income. If a resource parent with a current placement elects to no longer be an active resource parent for the PLPA, the PLPA will notify DCFS and work collaboratively with the Division to move any children currently placed in that resource home to another licensed or approved resource home, shelter, facility, or an exempt child welfare agency as defined at A.C.A. § 9-28-402(12).

PLPA resource homes are expected to accept placement of older children (ages 6-18) and sibling groups. PLPA resource homes with space limitations are expected to seek and accept children over the age of six (6).

If a child in a PLPA resource home becomes available for adoption and the resource family has expressed interest in adopting the child, a Consideration to Adopt staffing may occur in accordance with DCFS Policy VIII-G: Adoption Decisions, procedure VIII-G1: Staffing and Recommendations.

A resource home may not be both a PLPA home through a private licensed agency and a DCFS resource home. If a PLPA home wishes to become a DCFS resource home, the PLPA provider must close the PLPA home and complete an inquiry to become a resource home through DCFS.

## **PROCEDURE VI-P1: Referrals for Private Licensed Placement Agency (PLPA) Resource Homes**

10/2020

If the Family Service Worker (FSW) determines a Private Licensed Placement Agency (PLPA) resource home to be the most appropriate placement for a child, he or she will:

- A. Complete CFS-367: Specialized Placement Referral Form;
- B. Email the completed CFS-367 to the desired PLPA; and
- C. Retain a paper copy of the CFS-367 in the child's case file.

If the child is accepted into a PLPA placement, the FSW will:

- A. Forward additional required documents to the provider, as requested;
- B. Continue to maintain the child's case file while he or she is in the PLPA resource home; and
- C. Coordinate a monthly visit with the PLPA case manager to assess the health and safety of the child placed in the PLPA resource home.

## **PROCEDURE VI-P2: Private Licensed Placement Agency (PLPA) Resource Home Transitioning to DCFS Resource Home**

10/2020

If a current Private Licensed Placement Agency (PLPA) resource home wishes to become a DCFS resource home, the Resource Worker will:

- A. Request a referral on the family from the PLPA while confirming with the PLPA that the resource home is being closed out by the PLPA.
- B. If the referral is positive, ensure that all required DCFS background checks (i.e., Child Maltreatment Central Registry Check, Adult Maltreatment Central Registry Check, State Police Criminal Record Check, FBI Criminal Background Check, and Vehicle Safety Check) are in place and current. Complete appropriate Children's Reporting and Information System (CHRIS) screens (see Procedure VII-C1: Background Check Processing).
- C. Once background checks have been verified, conduct an In-Home Consultation Visit (see Procedure VII-C2: In-Home Consultation Visit) with the family.
- D. Verify that the family has completed:
  - 1) Pre-service training with the PLPA: If the family did not complete pre-service training with the PLPA, refer the family for pre-service training upon successful completion of all background checks and the In-Home Consultation Visit (see Procedures VII-C3: Initiation of Pre-Service Training and VII-C4: Pre-Service Training).
  - 2) CPR and Standard First Aid Certification: First Aid and CPR training and certification will only be accepted from a certified trainer associated with the American Heart Association, the National Safety Council, or the American Red Cross.
    - a. First Aid training provided through the National Safety Council must be the Standard First Aid, not Basic First Aid.
    - b. If the family does not have current CPR and Standard First Aid Certification, assist the family in accessing appropriate training.
  - 3) Fifteen (15) hours of continuing education related to fostering within the past calendar year.
    - a) If the family has not earned fifteen (15) hours of continuing education within the past calendar year, they are responsible for obtaining the remaining hours.
    - b) The time spent during the In-Home Consultation Visit and Orientation may count toward the fifteen (15) hour continuing education requirement.

- E. Obtain a copy of the family's SAFE Home Study and any SAFE Home Study Updates for review and assessment.
- F. If based on the review of the information described above, the family will continue with the approval process, invite the County Supervisor or designee to accompany FSW on the final face-to-face visit and final visual inspection of the home.
- G. Conduct a final face-to-face visit with the prospective resource parents to include a final visual inspection of the home (preferably with the County Supervisor or designee) and review of the Approval Packet (see Procedure VII-C6: Final Approval of Resource Homes).
- H. Complete the CFS-462: Initial Resource Family Agreement with the family.
- I. File the CFS-462 in the resource home record.
- J. Enter a disposition as to the approval or denial of the resource home within three (3) working days of receipt of the Area Director's approval or denial.
  - 1) If the recommendation is approval, then:
    - a) If the orientation has not already taken place, schedule a date for a County or Area Orientation Session for newly approved resource parents.
    - b) Complete **Provider Alternate Care** screen in CHRIS if family has determined they are willing to serve as an Informal Respite Home and, using CFS-419: Resource Family Support System (RFSS) Information, enter all appropriate identified Resource Family Support System Individual Members including information on their cleared background checks (see POLICY VII-G: Alternate Care For Children In Out-Of- Home Placement).
    - c) Enter **Begin Date** on **Availability Status** on **Provider Service Status** screen and **Request Approval** on **Provider Service Detail** screen in CHRIS.
    - d) If the family has indicated interest and been approved to foster children/youth with specific characteristics, identify the appropriate **Disability Willing to Accept** selection under the **Preferences** tab in the **Provider Services/Admission Criteria** button.
    - e) File the approval letter in the resource home record.
  - 2) If the recommendation is denial, then:
    - a) Send a "Letter of Denial" to the applicants who were not approved. See POLICY VII-D: Denial of a Resource Home and document in **Provider Contact Information** screen in CHRIS.
    - b) **End Date** the **Foster Family Service** on the **Provider Services** tab selecting the appropriate **Reason for End Date**.
    - c) Specify why the home was denied in the comment box on the **Provider Services** tab.

The County Supervisor or designee is encouraged to participate in the final face-to-face visit and final visual inspection of the home with the resource worker.

The Area Director or designee will, if appropriate, approve the resource worker's request for approval in Provider Service Detail screen in CHRIS to finalize the approval of the resource family. Upon approval, CHRIS automatically provides the resource family approval letter to be printed, mailed, and filed in the resource home record.

## **PROCEDURE VI-P3: Former Private Licensed Placement Agency (PLPA) Resource Home Reopening as DCFS Resource Home**

10/2020

For former PLPA resource homes that express interest in opening as a DCFS resource home, the Resource Worker will:

- A. Request a referral on the family from their former PLPA.
- B. If the referral is positive, see Procedure VII-F1: Reopening a Resource Home and follow accordingly.