

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 _____

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 Department of Human Services

DIVISION Division of Children and Family Services

PERSON COMPLETING THIS STATEMENT Melissa Everhart

TELEPHONE (501) 396.6144 **FAX** _____ **EMAIL:** Melissa.G.Everhart@dhs.arkansas.gov

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 Support Payments to Provisional Resource Parents

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 Does this proposed, amended, or repealed rule have a financial impact?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	<u>\$0.00</u>
Federal Funds	<u>\$0.00</u>
Cash Funds	<u>\$0.00</u>
Special Revenue	<u>\$0.00</u>
Other (Identify)	<u>\$0.00</u>
 Total	 <u>\$0.00</u>

Next Fiscal Year

General Revenue	<u>\$0.00</u>
Federal Funds	<u>\$0.00</u>
Cash Funds	<u>\$0.00</u>
Special Revenue	<u>\$0.00</u>
Other (Identify)	<u>\$0.00</u>
 Total	 <u>\$0.00</u>

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

Current Fiscal Year

General Revenue	<u>\$1,668,000.00</u>
Federal Funds	<u>\$0.00</u>
Cash Funds	<u>\$0.00</u>
Special Revenue	<u>\$0.00</u>
Other (Identify)	<u>\$0.00</u>
Total	<u>\$ 1,668,000.00</u>

Next Fiscal Year

General Revenue	<u>\$3,794,700.00</u>
Federal Funds	<u>\$0.00</u>
Cash Funds	<u>\$0.00</u>
Special Revenue	<u>\$0.00</u>
Other (Identify)	<u>\$0.00</u>
Total	<u>\$ 3,794,700.00</u>

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

\$ 0.00
\$0.00

Next Fiscal Year

\$ 0.00

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

\$ 1,668,000.00

Next Fiscal Year

\$ 3,794,700.00

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;

This rule revision is necessary to allow the Division of Children and Family Services to provide needed support to payments to relative and fictive kin resource homes that are opened on a provisional basis and, therefore, are not currently eligible for a full maintenance payment.

- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;

This rule is not required by statute. With rising costs of food, gasoline, and other necessities, this support payment will be critical to ensuring relatives and fictive kin can continue adequately providing for the health and well-being of the children placed in

their homes. This support payment will also prevent provisional resource parents from requesting DCFS to move the children to another placement – which would further jeopardize the children’s well-being -- due to the financial strain of having additional household members.

(3) a description of the factual evidence that:

(a) justifies the agency’s need for the proposed rule; and

There are currently over 4,500 children in foster care and only slightly over 1,700 resource homes in the state. Relative and fictive kin resource homes that open for specific children when they enter foster care are critical to ensuring safe and stable placements for children in foster care considering the relative dearth of existing resource homes statewide. Further, the Division wants to ensure ample support for relatives and fictive kin who step up to care for their kin in foster care as research shows that children who are placed with relatives and fictive kin have increased placement stability, better permanency outcomes, and experience less maltreatment while in foster care. With rising inflation costs, the Division has received additional requests from provisional resource parents to assist with the cost of helping to care for the children placed in their homes.

(b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule’s costs;

The benefits of the rule meet relevant statutory objectives under A.C.A. 9-28-903 regarding foster parent support and the needed services to provided by relative and fictive kin resource homes opened on a provisional basis to meet the health and well-being needs of children in foster care 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;

The less costly alternative would be not to provide a support payment, or a support payment at a lesser amount, which would not adequately address the issue at hand in terms of securing financial support for relative and fictive kin resource parents to help them defray the costs of caring for additional household members.

(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;

N/A. No public comment held to date as part of emergency 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

Existing rule and law do not allow a full board payment to relative and fictive kin resource homes opened on a provisional basis. The purpose of this proposed rule is, in fact, to amend the rule contributing to the problem by establishing a smaller support payment in lieu of a full board payment.

- (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.

The agency has an existing rule requiring review of its board payment amounts every five (5) years to assure continued appropriateness (see DCFS Policy VII-M: Financial Support to Foster Parents). This support payment, as it is also financial assistance to resource parents, will also be reviewed every five (5) years to determine whether, based upon the evidence, there remains a need for the rule including whether the rule is achieving statutory objectives and whether the benefits of the rule continue to justify the cost.

Statement of Necessity and Rule Summary Support Payments to Provisional Resource Parents

Statement of Necessity:

This rule revision is necessary to allow the Division of Children and Family Services to provide needed support payments to relative and fictive kin resource homes that are opened on a provisional basis and, therefore, are not yet eligible for a full board maintenance payment.

Summary:

- Appendix 9: Support Payments to Provisional Resource Parents
 - Establish a rule to allow relative and fictive kin resource parents that are approved on a provisional basis to receive a support payment to help defray the cost of caring for the children placed in their homes. Relative and fictive kin resource homes allow the Division to safely expedite the placement of children in foster care with a relative or fictive kin they already know in an effort to reduce the amount of trauma a child experiences when entering foster care. Since these homes have not yet met all resource home requirements, they are not yet eligible for a full board payment. The support payment of \$240 per child placed in the home, is less than that of a board payment but will still provide needed financial support to provisional resource parents who have stepped up to care for their relative and fictive kin children who have entered foster care.

NOTICE OF RULE MAKING

The Director of the Division of Children and Family Services of the Department of Human Services announces for a public comment period of thirty (30) calendar days a notice of rulemaking for the following proposed rule under one or more of the following chapters, subchapters, or sections of the Arkansas Code: §§ 9-28-103 and 25-10-129.

Effective November 29, 2022:

The Director of the Division of Children and Family Services amends the Division of Children and Family Services (DCFS) Policy Manual. The rule allows relative and fictive kin resource parents that are approved on a provisional basis to receive a support payment of \$240 per child placed in the home to help defray the cost of caring for the children placed in their homes until they are eligible for a full board payment. Eligibility for support payments is limited to a maximum of six consecutive months per placement episode.

The proposed rule is available for review at the Department of Human Services (DHS) Office of Rules Promulgation, 2nd floor Donaghey Plaza South Building, 7th and Main Streets, P. O. Box 1437, Slot S295, Little Rock, Arkansas 72203-1437. You may also access and download the proposed rule at <https://humanservices.arkansas.gov/do-business-with-dhs/proposed-rules/>. Public comments must be submitted in writing at the above address or at the following email address: ORP@dhs.arkansas.gov. All public comments must be received by DHS no later than **August 29, 2022**. Please note that public comments submitted in response to this notice are considered public documents. A public comment, including the commenter's name and any personal information contained within the public comment, will be made publicly available and may be seen by various people.

If you need this material in a different format, such as large print, contact the Office of Rules Promulgation at 501-534-4138.

The Arkansas Department of Human Services is in compliance with Titles VI and VII of the Civil Rights Act and is operated, managed and delivers services without regard to religion, disability, political affiliation, veteran status, age, race, color or national origin. **4502024715**



Mischa Martin, Director
Division of Children and Family Services

APPENDIX 9: SUPPORT PAYMENTS TO PROVISIONAL RESOURCE PARENTS

11/2022

For relative and fictive kin resource homes (referred to collectively as kinship homes) that are opened on a provisional basis, the Division will provide a monthly support payment in the amount of \$240 per child placed in the home. The monthly support payment is designed to help defray costs associated with meeting the immediate needs of children placed in the provisional resource home. The support payment will be pro-rated, as applicable, based on the placement and exit dates of the child in the provisional kinship home service. Eligibility for support payments is limited to a maximum of six consecutive months per placement episode. When a kinship home moves from being provisionally approved to fully approved, the support payment will cease, and the fully approved kinship home will receive a full foster care maintenance payment for the children placed in their home.