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In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

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12/11/2019

Date

**Minimum Licensing Standards
for
Child Welfare Agencies**



Child Welfare Agency Review Board

&

Arkansas Department of Human Services

Division of Child Care and Early Childhood Education

Placement and Residential Licensing Unit



PLACEMENT

PUB 04 (R 01/20)

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INTRODUCTION

“The Child Welfare Licensing Act,” Ark. Code Ann. § **9-28-401** et. seq., (the Act) is the legal authority under which the Child Welfare Agency Review Board establishes minimum licensing standards for child welfare agencies, as defined under the statute.

Child Welfare Agency Review Board

The Child Welfare Agency Review Board (Board) shall promulgate and publish rules setting minimum standards governing the granting, revocation, refusal, conversion, and suspension of licenses for a child welfare agency and the operation of a child welfare agency.

The Board may consult with such other agencies, organizations, or individuals as it shall deem proper.

The Board shall take any action necessary to prohibit any person, partnership, group, corporation, organization, or association not licensed or exempted from licensure pursuant to this chapter from advertising, placing, planning for, or assisting in the placement of any unrelated minor for purposes of adoption or for care in a foster home. The prohibition against advertising shall not apply to persons who are seeking to add to their own family by adoption.

The Board may amend the rules promulgated pursuant to this section from time to time, in accordance with the rule promulgation procedures in the Arkansas Administrative Procedure Act, § **25-15-201** et seq.

The Board shall promulgate rules that:

1. Promote the health, safety, and welfare of children in the care of a child welfare agency;
2. Promote safe and healthy physical facilities;
3. Ensure adequate supervision of the children by capable, qualified, and healthy individuals;
4. Ensure appropriate educational programs and activities for children in the care of a child welfare agency;
5. Ensure adequate and healthy food service;
6. Include procedures for the receipt, recordation, and disposition of complaints regarding allegations of violations of this subchapter, of the rules promulgated under the Child Welfare Agency Licensing Act, or of child maltreatment laws;
7. Include procedures for the assessment of child and family needs and for the delivery of services designed to enable each child to grow and develop in a permanent family setting;

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8. Ensure that criminal record checks and central registry checks are completed on owners, operators, employees, volunteers, foster parents, adoptive parents, and other persons in the homes as set forth in this subchapter;
9. Require the compilation of reports and making those reports available to the division when the board determines it is necessary for compliance determination or data compilation;
10. Ensure that a child placement agency:
 - a. Treats clients seeking or receiving services in a professional manner, as defined by rules promulgated pursuant to this act; and
 - b. Provides clients seeking or receiving services from a child placement agency that provides adoption services with the phone number and address of the Child Welfare Agency Licensing Unit of the Department of Human Services where complaints can be lodged.
11. Require that all child placement agencies that provide adoption services fully apprise in writing all clients involved in the process of adopting a child of the agency's adoption program or services, including all possible costs associated with the adoption program;
12. Establish rules governing retention of licensing records maintained by the division.

A licensed child placement agency may adopt and apply internal operating procedures that meet or exceed the minimum standards required by the board. The Arkansas Administrative Procedure Act, Ark. Code Ann. § **25-15-201** et seq., shall apply to all proceedings brought to the Board under this subchapter, except that the following provisions shall control during adverse action hearings to the extent that they conflict with the Arkansas Administrative Procedure Act:

1. All parties to an adverse action shall be entitled to engage in and use formal discovery as provided for in Rules 26, 28, 29, 30, 31, 32, 33, 34, and 36 of the Arkansas Rules of Civil Procedure including:
 - a. Requests for admission;
 - b. Request for production of documents and things;
 - c. Written interrogatories;
 - d. Oral and written depositions.
2. All evidentiary rulings in an adverse action hearing shall be governed by the Arkansas Rules of Evidence with respect to the following types of evidence:
 - a. The requirements of personal knowledge of a witness as required by Rule 602;

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- b. The admissibility of character evidence as set forth by Rules 608 and 609;
- c. The admissibility of character evidence as set forth by Rules 701-703;
- d. The admissibility of hearsay evidence as set forth by Rules 801-806.

Child Placement Agencies Requiring Licensure

Any person, organization, corporation, partnership, voluntary association, or other entity which places, plans for or assists in the placement of any unrelated minor for care in a foster home, adoptive home, residential facility or a child victim of human trafficking in a home or any type of shelter or facility, and is not otherwise exempt by the Act, requires a license.

The Child Welfare Agency Review Board (Board) shall take any action necessary to prohibit any person, partnership, group, corporation, organization or association not licensed or exempted from licensure from advertising, placing, planning for, or assisting in the placement of any unrelated minor for the purposes of adoption or for care in a foster home. The prohibition against advertising shall not apply to persons who are seeking to add to their own family by adoption.

The Board may impose a civil penalty upon any person, partnership, group, corporation, organization or association not licensed or exempt from licensure as a child welfare agency in the State of Arkansas that advertises, places, plans for or assists in the placement of any unrelated minor for purposes of adoption or for care in a foster home. The prohibition against advertising does not apply to persons who are seeking to add to their own family by adoption.

Placement Types of Licenses

Foster Care

A child placement agency which places, plans for, or assists in the placement of an unrelated minor or a child victim of human trafficking in a home or in a private residence of one (1) or more family members for care and supervision on a twenty-four (24) hour basis.

Therapeutic Foster Care

Any child placement agency that places, plans for, or assists in the placement of an unrelated minor in a therapeutic foster home. Therapeutic foster care is intensive therapeutic care for children provided in specially trained family homes supported by licensed mental health professionals (as recognized by Arkansas Medicaid). A therapeutic foster care program is a family-based services delivery approach providing individualized treatment for children, youth, and their families. Treatment is delivered through an integrated set of services with key interventions and supports provided by therapeutic foster parents who are trained, supervised, and supported by qualified program staff. Therapeutic

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foster care services shall be provided in a separately identified program of a larger agency or be provided by an independent agency.

Therapeutic Foster Care - Sexual Rehabilitative Program

A treatment program that offers a specific and specialized therapeutic program for children with sexually maladaptive behaviors. A licensed sexual rehabilitative program may be in a residential childcare facility, a therapeutic foster care home, or a psychiatric residential treatment facility.

Adoption

A child placement agency which places, plans for or assists in the placement of an unrelated minor in a household of one (1) or more persons which has been approved to accept a child for adoption.

Placement Residential

A child placement agency which places, plans for, or assists in the placement of an unrelated minor into a residential child care facility or a child victim of human trafficking in any type of shelter or facility. The agency may be licensed for any or all types of licenses, depending on the types of services it provides.

License Status

The Board shall issue all licenses to child placement agencies upon majority vote of members present during each properly called board meeting at which a quorum is present. The Board shall have the power to deny an application to operate a child welfare agency or to revoke or suspend a previously issued license to operate a child welfare agency. The Board may also issue letters of reprimand or caution to a child welfare agency. Any denial of application or revocation or suspension of a license shall be effective when made.

Provisional

Issued to a newly licensed agency for a one (1) year period, to give the agency time to demonstrate substantial compliance with minimum licensing standards. At the discretion of the Board, a provisional license may be issued up to an additional year.

Probationary

Issued to an agency that has not maintained compliance with minimum licensing standards, but the Board believes that compliance can be restored and subsequently maintained. This license may be issued for up to one (1) year, at the discretion of the Board.

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Regular

Issued either to a previously licensed agency that continues to meet all minimum licensing standards, or issued to an agency that meets all essential standards and has a favorable compliance history, which predicts full compliance with all standards within a reasonable time. A regular license shall remain open and effective until closed at the request of the agency or Board action.

Suspended

Board action taken when an agency has failed to maintain compliance with minimum licensing standards, but the violations do not warrant revocation. A license may not be suspended for longer than one (1) year at a time. The Board may issue a probationary or regular license when compliance is restored.

Closed

Action taken when the agency requests that the license be closed.

Revoked

Board action taken when an agency has failed to maintain compliance with minimum licensing standards. The agency may not apply for a new license for at least one (1) year from the date of revocation.

Status Change

After a Board action an amended license shall be issued any time there is a change in the agency's program that affects the license type, status, capacity, ages of children served, name change or address change.

A license to operate a child placement agency shall apply only to the address and location stated on the application and license issued, and it shall be transferable from one holder of the license to another or from one place to another.

Whenever ownership of a controlling interest in the operation of a child placement agency is sold, the following procedures shall be followed:

1. The seller shall notify the division of the sale at least thirty days prior to the completed sale;
2. The seller shall remain responsible for the operation of the agency until such time as the agency is closed or a license is issued to the buyer;

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3. The seller shall remain liable for all penalties assessed against the agency which are imposed for violations or deficiencies occurring before the transfer of a license to the buyer;
4. The buyer shall be subject to any corrective action notices to which the seller was subject; and
5. The provisions of subsection (a) of this section, including those provisions regarding obtaining licenses or permits from the Office of Long-Term Care of the Division of Medical Services of the Department of Human Services and regarding obtaining any permits from the Health Services Permit Agency or the Health Services Permit Commission shall apply in their entirety to the new owner of the Child Welfare Agency.

The Child Placement Agency shall inform current and potential clients if their license has been suspended or revoked, or if they have voluntarily surrendered their license.

How To Apply The Standards

Section 100 of the *Minimum Licensing Standards for Child Welfare Agencies* applies to all agencies. Subsequent sections apply to specific types of child placement agencies. Agencies shall meet the license requirements for each license type held.

Special Consideration

The Board may approve an agency's request for special consideration to allow a licensee to deviate from the letter of a rule if the licensee has demonstrated that the deviation is in the best interest of the children and does not pose a risk to persons served by the licensee.

If the Board grants a request for special consideration, the agency's practice as described in the request shall be the compliance terms under which the child welfare agency will be held responsible and violations of those terms shall constitute a rule violation.

The Board has authorized the Managers and Supervisors of the Licensing Unit to make temporary rulings regarding special consideration requests when the best interests of a child requires an immediate decision, subject to final approval at the next regularly scheduled meeting of the Board.

Alternative Compliance

The Board may grant an agency's request for alternative compliance upon a finding that the agency does not meet the letter of a rule promulgated under the Child Welfare Agency Licensing Act, but that the agency meets or exceeds the intent of that rule through alternative means.

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If the Board grants a request for alternative compliance, the agency's practice as described in the request for alternative compliance shall be the compliance terms under which the agency will be held responsible and violations of those terms shall constitute a rule violation.

The Board has authorized the Managers and Supervisors of the Licensing Unit to make temporary rulings regarding Alternative Compliance requests when the best interests of a child requires an immediate decision, subject to final approval at the next regularly scheduled meeting of the Board.

Alternative Compliance requests granted in the areas listed below shall be time limited and shall not exceed two (2) years in length. These alternative compliances shall be monitored on an ongoing basis for compliance and shall be reviewed by the Board every two (2) years.

1. Staff to Child ratio;
2. Capacity;
3. Sleeping arrangements;
4. Bathrooms.

100 GENERAL REQUIREMENTS

The standards in Section 100 apply to all agencies unless otherwise indicated.

101 Applications & Licensing Procedure

1. The owner or board shall prepare and furnish an application packet for a license that contains the following:
 - a. A completed application form;
 - b. A letter from the agency's board or owner (as applicable) authorizing a person to sign the application;
 - c. A copy of the Articles of Incorporation, bylaws, and current board roster, if applicable, including names, addresses, and contact information of officers. Out of state agencies shall have legal authorization from the Arkansas Secretary of State to do business in Arkansas;
 - d. A personnel list with verifications of qualifications and experience;
 - e. Substantiation of the agency's financial soundness. This shall include but is not limited to: a budget showing sufficient resources to operate for a period of six (6) months either with resources on hand or with projected revenue from verifiable sources, verifiable letters of financial support and/or monthly bank account statements may be included to project income;
 - f. Proof of general and professional liability insurance (does not apply to State agencies);
 - g. A written description of the agency's program of care, including intake policies, types of services offered, and a written plan for providing health care services to children in care;
 - h. Any additional information requested by the Licensing Specialist to verify compliance with these standards and to make a recommendation regarding the granting of a license.
2. Once a completed application packet has been received, the Division shall complete a licensing study and recommendation within ninety days. If a recommendation is not made within ninety days the applicant may appear before the Board to request a license.
3. Any Child Placement Agency licensed in Arkansas shall provide the following information to the Licensing Unit prior to opening a branch office:

- a. The address, telephone numbers (if available), and office hours for the branch office;
- b. The name(s), qualifications, and contact information of the person(s) responsible for the day-to-day operation of the branch office and the child-placement activities at the branch;
- c. The name and contact information of the person responsible for providing services in case of emergencies or child-placement crises.

Organization & Administration

1. The child placement agency shall obtain a license before placing, or planning for the placement of, children in a foster home, adoptive home, or residential facility.
2. The purpose and mission of the agency, including treatment philosophy, services provided, and characteristics of children it is designed to serve, shall be stated in writing.
3. The following policies of the agency shall be current and available to all employees of the agency and the Licensing Specialist:
 - a. Personnel policies;
 - b. Volunteer policy;
 - c. Student intern policy;
 - d. Admission policy;
 - e. Intake policy;
 - f. Behavior Management policy;
 - g. Crisis Management policy;
 - h. Child Maltreatment/Mandated Reporter policy; according to Arkansas law, including, procedures to ensure that alleged, suspected, or witnessed incidents of maltreatment are reported to the Child Maltreatment Hotline, and documented as required by these or other applicable rules or laws;
 - i. Child Exploitation policy;
 - j. Visitation policy;
 - k. Public Safety policy (Sexual Rehabilitative Programs only);
 - l. Target Population, Admission/Exclusion Criteria, and Discharge Criteria policy (Sexual Rehabilitative Programs only);

- m. Emergency, Respite Care, and Disruption policy (Placement Agencies only).
- 4. The agency shall be legally authorized to conduct business in Arkansas by state law and local ordinance.
- 5. The agency shall meet all federal, state, and local laws and ordinances that apply to child welfare agencies and to the proper care of children in such facilities.
- 6. The agency shall provide copies of all programmatic licenses, certifications, and accreditations held by the agency.
- 7. The Owner and/or Board of Directors shall be responsible for operating the facility and shall have final responsibility to ensure that the facility meets licensing requirements. Names and addresses of Board members shall be provided to the Licensing Specialist annually.
- 8. The agency shall maintain a current organizational chart showing the administrative structure of the organization.
- 9. The agency shall notify the Licensing Unit within five (5) days of any change of Administrator, Social Service Director, or Clinical Director.
- 10. The agency shall establish and follow written policies and procedures that meet or exceed the Minimum Licensing Standards for Child Welfare Agencies.
- 11. All agencies applying for an Arkansas license shall provide proof that they are licensed in good standing in their home state, if applicable, and are in good standing in all other states where they are licensed. If an agency is being disciplined or sanctioned in another jurisdiction, the Board shall be notified.
- 12. All agencies licensed in Arkansas after January 18, 2002, shall have an office in Arkansas.
- 13. All agencies licensed in Arkansas shall maintain all required files for licensing review as needed. They may choose to:
 - a. Maintain these files in their office in Arkansas; or
 - b. Arrange to provide the required files to the licensing staff.
- 14. All agencies licensed in Arkansas shall have a qualified person on call to supervise emergency services. [Pursuant to 104]
- 15. If electronic records are kept, these records shall be made available to the Licensing Specialist for purposes of monitoring and investigation.

16. Any disciplinary action taken against the agency by another jurisdiction shall be reported to the Licensing Unit.
17. If an agency is inactive for one (1) year the license shall be closed in good standing, unless the agency requests annually in writing that the license remains open. This request shall be approved by the Board.
18. The agency shall not permit, aid, or abet an unlicensed person to perform activities requiring a license.
19. The agency shall not misrepresent the type or status of education, training, expertise, licensure, or professional affiliations.

Central Registry & Criminal Record Checks

1. The agency shall conduct background checks as required by the Child Welfare Agency Licensing Act (§ 9-28-409) using forms approved by the Licensing Unit. Background checks conducted by or for other licensing authorities (e.g., Office of Long Term Care, Division of Developmental Services, et.al) do not meet the requirement of this standard.
2. The following persons in a child placement agency shall be checked with the Child Maltreatment Central Registry in his state of residence, if available, and any state of residence in which the person has lived for the past five 5 years and in the person's state of employment, if different, for reports of child maltreatment:
 - a. Employees, having direct and unsupervised contact with children;
 - b. Volunteers, mentors, sponsors and student interns having direct and unsupervised contact with children;
 - c. Foster parents and each member of the household age fourteen (14) years and older, excluding children in foster care. These checks shall be made prior to approval and shall be repeated every two years thereafter;
 - d. Adoptive parents, and each member of the household age fourteen (14) years and older, residing in Arkansas, excluding children in foster care. Adoptive parents and each member of the household age fourteen (14) years and older, excluding children in foster care, residing out of state shall provide Child Maltreatment Central Registry Checks from their state of residence, if available. These checks shall be made prior to approval and shall be repeated every two (2) years until the adoption decree has been issued;
 - e. Owners having direct and unsupervised contact with children;

- f. Members of the agency's board of directors having direct and unsupervised contact with children.
3. Persons required to have the Child Maltreatment Central Registry Check shall repeat the check every two (2) years.
4. Any person found to have a record of child maltreatment shall be reviewed by the owner or administrator of the agency, in consultation with the Board or its designee, to determine corrective action. Corrective action may include, but is not limited to, counseling, training, probationary employment, non-selection for employment, or termination.
5. The following persons in a Child Placement Agency shall be checked with the Identification Bureau of the Arkansas State Police for convictions of offenses listed in Arkansas Code Annotated § 9-28-409:
 - a. Employees, having direct and unsupervised contact with children;
 - b. Volunteers, mentors, sponsors, and student interns having direct and unsupervised contact with children;
 - c. Foster parents, and each member of the household age eighteen (18) years and older, excluding children in foster care. The foster parents shall certify in writing annually whether or not household members age fourteen (14) thru seventeen (17) have criminal records;
 - d. Adoptive parents and each member of the household age eighteen (18) years and older residing in Arkansas. Adoptive parents and each member of the household age eighteen (18) years and older residing out of state shall provide State Police Criminal Record Checks from their state of residence, if available. The out of state adoptive families do not need to do an Arkansas State Police Check if they have never resided in Arkansas;
 - e. Owners having direct and unsupervised contact with children;
 - f. Members of the agency's board of directors having direct and unsupervised contact with children.
6. If any person (listed in #5 above) has not resided in Arkansas continuously for the past five (5) years, a record check with the Federal Bureau of Investigation shall be completed. (These record checks are not required for international adoptions as background checks are already part of United States Citizenship and Immigration Services (USCIS) requirements for adoption.) Adoptive parents residing outside of Arkansas who have lived in their state of residence continuously for the past five (5) years do not need to do the FBI checks.

General Requirements

7. A child in the custody of the Department of Human Services shall not be placed in an approved home of any foster parent or adoptive parent unless all household members eighteen and one half (18 1/2) years of age and older, excluding children in foster care, have had a fingerprint-based criminal background check performed by the Federal Bureau of Investigation. The check shall be initiated within thirty (30) days of the household member's eighteenth birthday.
8. All persons required to be checked with the Department of Arkansas State Police under this subsection shall repeat the check at a minimum of every five (5) years, except that adoptive parents who reside in Arkansas shall repeat the check every year pending court issuance of a final decree of adoption, at which point repeat checks shall no longer be required.
9. A child in the custody of the Department of Human Services shall not be placed in an approved home of any foster parent or adoptive parent unless all household members eighteen and one half (18 1/2) years and of age and older, excluding children in foster care, have been checked with the Identification Bureau of the Department of Arkansas State Police at a minimum of every two (2) years. The check shall be initiated within thirty (30) days of the household member's eighteenth birthday.
10. Child Maltreatment Central Registry Checks and Arkansas State Police/FBI Criminal Record Checks shall be initiated within ten (10) days of employment.
11. The agency shall maintain on file evidence that background checks have been initiated as required and results of the completed checks.
12. The agency shall provide a copy of the Federal Bureau of Investigation Criminal Record Check form and the Arkansas State Police Criminal Record Check form to the Licensing Office upon initiation.
13. No person guilty of an excluded criminal offense pursuant to **A.C.A. § 9-28-409** shall be permitted to have direct and unsupervised contact with children, except as provided in the statute.
14. The child placement agency shall immediately notify the Licensing Unit when a person(s) listed in #5 above is found to have a record of an excluded criminal offense.

General Personnel Requirements

All personnel employed on or after April 12, 1999 shall meet the following requirements:

General Requirements

1. The agency shall have an administrator who shall be responsible for the general management of the agency, possessing at least one of the following qualifications:
 - a. A doctorate degree;
 - b. A master's degree in a human services field (child development, psychology, sociology, social work, guidance and counseling, divinity, education), administration, business, or a related field;
 - c. A bachelor's degree in a human services field, administration, business, or a related field, and at least two (2) years of work experience in a human services agency.
2. The agency shall have a Social Services Director who shall supervise child placement activities and/or casework services by the agency, possessing at least one of the following qualifications (*Therapeutic foster care see section 320.2 and Sexual Rehabilitative Program see 422.2*):
 - a. A master's degree or higher in a human services field (child development, psychology, sociology, social work, counseling and guidance, divinity, education);
 - b. A bachelor's degree in a human services field and two (2) years of work experience in a child welfare agency;
 - c. Anyone permitted to supervise child placement or casework services shall meet the qualifications for Social Services Director.
3. Each agency shall have a caseworker who is responsible for doing assessments, case planning, and casework services, possessing at least one of the following (*Therapeutic foster care see section 320.3 and Sexual Rehabilitative Program see 422.3*):
 - a. A bachelor's degree in a human services field;
 - b. A bachelor's degree and two (2) years' work experience in a human services field.
4. If casework services are contracted, the agency shall maintain all required personnel information on the contracted caseworkers.

Qualifications & Training

1. The Administrator, Social Services Director, and each caseworker of a child welfare agency shall have twenty-four (24) hours of job-related continuing education each year.

General Requirements

2. All owners/operators, employees, foster parents, or volunteers in a child welfare agency shall be responsible for ensuring the proper care, treatment, safety, and supervision of the children they supervise.
3. All owners/operators, employees, foster parents, or volunteers in a child welfare agency shall not engage in behavior that could be viewed as sexual, dangerous, exploitative, or physically harmful to children.
4. Documentation verifying annual training shall be dated indicating the number of hours, the name of the source, and topic/title.
5. The agency shall maintain a personnel file for each employee, which shall include:
 - a. A resume or application;
 - b. Date of hire;
 - c. Verifications of qualifications;
 - d. Documentation of required annual training;
 - e. Criminal Record Check and Child Maltreatment Central Registry Check information as required by law;
 - f. Documentation that applicable employees are informed that they are mandated reporters of suspected child maltreatment, according to **A.C.A. § 12-18-402**, and are provided the information needed to make a report;
 - g. A functional job description;
 - h. At least three (3) positive personal references from non-relatives.

106**Volunteers & Student Interns**

1. The agency shall have a policy clearly defining the qualifications, duties, and supervision of volunteers and student interns.
2. Volunteers and student interns shall be supervised by an appropriate and designated staff person.
3. A volunteer or student intern who works unsupervised and substitutes as staff shall meet the qualifications required for a paid employee in that position.

107**Exploitation of Children**

1. The agency shall not require a child to acknowledge dependency, destitution, or neglect or to make public statements about his/her background.

General Requirements

2. The agency shall not use or allow to be used, any reports, pictures, or any other information from which a child can be identified, except under the following conditions:
 - a. The child and the parent/guardian sign a consent form that describes the purposes for which the identification is being made;
 - b. The signed consent shall say in which publication or broadcast the identification will appear;
 - c. The parent/guardian and child shall be informed that the consent may be withdrawn.
3. All information regarding children and their families shall be kept strictly confidential and may only be released with the consent of parent/guardian, except to authorized persons or agencies.
4. The agency shall document that the foster parents have been made aware of the need to protect the confidentiality of foster children in the use of social media.

Ethical Standards

1. The Board sets forth this section as a Code of Ethics/Standards for Practice for all child welfare agencies within the State of Arkansas. Violations of the following shall be grounds for disciplinary action:
 - a. Confidentiality: In providing services, a child welfare agency shall safeguard information given by clients. A child welfare agency shall obtain the client's informed written consent before releasing confidential information, except when consent to disclose is permitted by law or required by judicial order. If the client is a minor, then the written consent shall be made with the minor and their legal representative or guardian;
 - b. Responsibility: A child placement agency shall provide a clear, written description of what the client may expect in the way of services, reports, risks, fees, billing, estimated schedules and grievance procedures;
 - c. Misrepresentation: A child welfare agency shall not misrepresent its program services or experience;
 - d. Client Relationships: Relationships with clients shall not be exploited by the child welfare agency staff for personal gain.

109 Unprofessional Conduct

1. Unprofessional conduct in the practice of child welfare activities shall include, but not limited to the following:
 - a. Permitting, aiding, or abetting an unlicensed person to perform activities requiring a professional license;
 - b. Misrepresenting type or status of education, training, expertise, licensure, or professional affiliations;
 - c. Failing to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of services;
 - d. Violating the ethical standards adopted by the Board;
 - e. Failing to report to the Licensing Unit any disciplinary action taken against the child welfare agency by another jurisdiction, domestic or international, or failing to report to the Licensing Unit the surrender of a license or loss of authorization to practice child welfare activities in another jurisdiction;
 - f. Failing to comply with any stipulation or agreement with the Board involving probation or a settlement of any disciplinary matters;
 - g. Engaging in behavior that could be viewed as sexual, dangerous, exploitative, or physically harmful to children.

110 Inspections, Investigations & Corrective Action

1. The Licensing Specialist shall conduct inspections to ensure continued compliance with licensing standards.
2. The Licensing Specialist shall investigate complaints of alleged violation of licensing standards against all placement agencies, and may participate in investigations of alleged child maltreatment.
3. The agency shall cooperate with the Licensing Unit in conducting inspections and investigations, and shall provide information required to verify compliance with rules.
4. Inspections and investigations may be scheduled or unscheduled, at the discretion of the Licensing Specialist, and may be conducted outside regular working hours.
5. The frequency of inspections shall be at the discretion of the Licensing Unit, and may be based on the agency's compliance history.

6. At the discretion of the Licensing Unit, a multi-disciplinary team may be asked to advise the Licensing Specialist during initial approval or during inspections. This team may include a professional in the appropriate field.
7. Upon finding any violations of licensing standards, the Licensing Specialist shall issue to the agency a corrective action notice, which shall state:
 - a. A factual description of the conditions that constitute a violation of the standard;
 - b. The specific law or standard violated;
 - c. A reasonable time frame within which the violation shall be corrected.
8. The agency shall provide a written corrective action plan, when requested to do so, by the Licensing Specialist in a corrective action notice.
9. Any owner/operator, employee, foster parent, or volunteer in a child welfare agency shall immediately notify the Child Abuse Hotline if he or she has reasonable cause to suspect that a child has been subjected to child maltreatment, died as a result of child maltreatment or if they observe a child being subjected to conditions or circumstances that would reasonably result in child maltreatment.
10. If a complaint of child maltreatment is filed against any owner/operator, employee, foster parent, volunteer, or other person in a child welfare agency, the agency administration shall evaluate the risk to children and determine the suitability of the person(s) to supervise, be left alone with children, have disciplinary control over children, or remain in the child placement agency until the allegations are determined to be true or unsubstantiated. Any interim corrective action measures shall be approved by the Licensing Unit.
11. The agency shall maintain a log or file of all calls to the child abuse hotline.
12. The agency shall notify the Licensing Unit by the next business day when a report of child maltreatment is accepted by the child abuse hotline against the owner/operator, employee, foster parent, volunteer, child, or other person in a child welfare agency.
13. The agency and all staff shall cooperate fully with investigators during a child maltreatment investigation.
14. The agency shall take steps to prevent harm or retaliation against the child while an allegation of child maltreatment is being investigated.
15. Any person with a true finding of child maltreatment shall be reviewed by the owner or administrator of the agency, in consultation with the Child Welfare Agency Review Board or its designee, to determine corrective action. Corrective

action may include, but is not limited to, counseling, training, probationary employment, non-selection for employment, or termination.

16. Any employee who has been sanctioned by any licensing or certifying entity for any reason pertaining to child safety shall be reviewed by the owner or administrator of the agency, in consultation with the Child Welfare Agency Review Board or its designee, to determine corrective action. Corrective action may include, but is not limited to, counseling, training, probationary employment, non-selection for employment, or termination.
17. The agency shall notify the Licensing Unit by the next business day of serious injuries requiring emergency medical treatment, agency vehicle accidents, arrests, elopements, suicide attempts, or deaths, and maintain documentation of the incident and notification.
18. The agency shall maintain reports on all incidences that cause injury, property damage, or disruption to routine operation or services.

200 CHILD PLACEMENT AGENCIES: FOSTER CARE

In addition to all standards in Section 100, the following standards shall be met:

201 Admission

1. Each agency shall establish written criteria for admitting/excluding children.
2. The agency shall not admit any child for whom the agency cannot provide adequate care.
3. Each child shall have a medical examination within one (1) year before admission, or an appointment scheduled within one (1) week after admission.
4. Each child shall have proof of current immunizations, or a letter of exemption, in accordance with the Arkansas Department of Health, or an appointment scheduled within one (1) week after admission.
5. The agency shall obtain written authority from the parent(s), guardian(s), or court before placement, or within seventy-two (72) hours if an emergency placement.
6. The agency shall obtain written authority for medical care for the child from the parent(s), guardian(s), or court at the time of placement, or within seventy-two (72) hours in an emergency placement.
7. The agency shall comply with the Interstate Compact on the Placement of Children when placing/admitting children from outside Arkansas.
8. A dependent juvenile of a parent who is in the custody of DCFS shall be subject to all rules regarding space, ratio, health and safety.

202 Intake & Assessment

1. Intake information shall be completed on each child in care within ten (10) working days after admission.
2. The intake information shall include:
 - a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
 - b. A factual description of the circumstances requiring placement;
 - c. A brief social history of the family;

- d. The child's current legal status/custody;
 - e. Any history of previous placements outside the family, if applicable;
 - f. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history.
- 3. The agency shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.
- 4. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical/sexual aggression, and/or suicidal or other self-harming tendencies. This plan shall identify the behavior/problem, and shall specify the safeguards that are to be implemented. A copy of the plan shall be provided to the direct caregiver(s), as well as a copy placed in the child's record.

203 Case Planning

- 1. A case plan shall be developed for each child placed into a foster home by a child placement agency. The plan shall address the child's needs as identified in the intake information.
- 2. When a placement agency places a child with another placement agency the receiving agency shall develop a case plan for each child received for care.
- 3. The case plan shall be developed within thirty days after placement.
- 4. The child's case plan shall contain, at the minimum:
 - a. Specific needs of the child;
 - b. Plan for meeting child's needs;
 - c. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
 - d. A plan to ensure that the child's educational needs are met according to applicable state law;
 - e. Visitation plan, if applicable;
 - f. Date of next review of the case plan.

5. If independence is a goal, the case plan shall include training in independent living skills.
6. Foster parents shall be included in case planning for each child.
7. A copy of the case plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery, if applicable.
8. The case plan shall be reviewed at least semi-annually and shall be updated to reflect the child's progress.

204 Children's Records

1. The agency shall keep a confidential case record for each child that includes the following:
 - a. Demographic information;
 - b. Plan of safe care, if applicable;
 - c. A complete intake;
 - d. Consents, including consent for medical care and authority to place the child;
 - e. Interstate Compact information, if applicable;
 - f. Case plans and case plan reviews;
 - g. Copies of legal documents (e.g., birth certificate, social security card, court orders), or documentation of their attempts to obtain the documents;
 - h. Physical exams and immunization records, or documentation of their attempts to obtain the documents;
 - i. Psychological reports, if applicable;
 - j. Educational reports, if applicable;
 - k. Disciplinary and incident reports, if applicable;
 - l. Records of visitation and family contacts, if applicable;
 - m. Documentation of casework services and child contact;
 - n. Discharge statement.
2. Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.

205 Behavior Management

1. The agency shall have a written discipline policy that is consistently followed.
2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
3. Discipline shall be appropriate to the child's age, development, and history, including trauma history.
4. The following actions shall not be used, including as discipline:
 - a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
 - b. Denial of parental visits or regular phone/mail contact with family. Nondisciplinary case planning issues are accepted;
 - c. Lewd or obscene language;
 - d. Derogatory comments about the child, the child's family, race, or gender;
 - e. Restriction to a room for more than a short period of time without periodic observation;
 - f. Restriction to a dark room or area;
 - g. Locked isolation;
 - h. Physical injury or threat of bodily harm;
 - i. Humiliating or degrading action;
 - j. Extremely strenuous work or exercise;
 - k. Mechanical/chemical restraints.
5. Physical restraint shall be initiated only by a trained person, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline.
6. A child shall not be allowed to administer discipline, except teen parents may discipline their own children under the supervision and guidance of the foster parent.
7. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and their foster family, or in cases of suspected theft.
8. Any searches requiring removal of clothing shall be done in privacy.

206 Foster Parent Qualifications

1. In a two-parent home, both shall be joint applicants, each sign the application, and participate in the approval process.
2. Foster parents shall be at least twenty-one (21) years of age.
3. The stability of the foster family shall be evaluated and determined to be appropriate.
4. Foster parents shall be physically, mentally, and emotionally capable of caring for children.
5. The foster family shall provide documentation of sufficient financial resources to meet their needs.
6. All family members under the age of eighteen (18) in the household shall have proof of current health immunizations, or an exemption in accordance with the Arkansas Department of Health.
7. When routine child care is needed, foster children shall attend licensed child care or have a caregiver approved by the agency.

207 Content of the Home Study

1. The agency shall complete a home study for each foster home.
2. The agency shall conduct at least two (2) visits in person with the foster parent applicants, including at least one (1) visit to the home.
3. The agency shall interview every age-appropriate member of the household.
4. The home study shall include the following information:
 - a. Motivation: The individual's motivation for becoming foster parents;
 - b. Household Composition: The full legal names of everyone residing in the home, birth dates, relationships to one another, and a brief physical description;
 - c. Housing: Address and location, type of structure, length of time at residence, upkeep and housekeeping standards, future residence plans, and sleeping arrangements;
 - d. Safety Hazards: An assessment of the safety of the home and grounds including water hazards, swimming pools, hot tubs, dangerous pets, and other hazardous items and areas;

- e. Income and Expenses: Employment history for the last six years (duration, salary, duties, title, degree of job security, hours), other sources of income, monthly living expenses, outstanding debts, and insurance;
- f. Health: Current health of each family member, prior illnesses or medical problems, disabilities, clinic or doctor utilized and frequency of use, counseling (when and purpose), and hospitalization for alcohol abuse, drug abuse, or mental illness;
- g. Education: Parents' educational attainment, future educational plans, parenting classes attended;
- h. Childcare Arrangements or Plans: Current arrangement or proposed arrangement as it relates to their working hours and income;
- i. Child Rearing Practices: Purpose of behavior management, behavior guidance practices, how they show affection, how they handle stress, allowance, chores, and homework;
- j. Daily Schedule;
- k. Social History: Highlights and verification regarding action of marriages, divorces, children, relationships' support system, future plans, any significant extended family members not living in the home, and any significant personal, developmental, personality or legal problems;
- l. Family Activities: Religious interests, social organizations, activities with children, and family roles;
- m. Impressions, Conclusions and Recommendations: Evaluate the family's situation and ability to provide for a child based on the information obtained during the home study;
- n. Approval: If the agency approves the foster parent(s), the agency shall recommend in the home study the number, age, gender, and other characteristics of children for whom the home is approved to provide care.

208 Physical Requirements of the Home

- 1. The foster home shall be accessible to community resources needed by foster children.
- 2. The foster home shall be clean and free of hazards.

3. The foster home shall have a continuous supply of sanitary drinking water. If the source is not a municipal water system, the water shall be tested and approved by the Arkansas Department of Health annually. The approval shall be kept in the foster home case record.
4. The foster home shall have at least one (1) flush-toilet, one sink with running water, and one bathtub or shower with hot and cold running water.
5. There shall be operational smoke detectors within ten (10) feet of the kitchen and each bedroom.
6. There shall be an operational chemical fire extinguisher, readily accessible, near the cooking area of the home.
7. The foster parents shall practice and document emergency evacuation drills with each new child entering the home, and at least quarterly thereafter.
8. All heating units with hot external areas shall be screened or otherwise shielded.
9. The home shall have at least one (1) exterior door that exits directly to the outside or the home shall have an alternate fire escape route.
10. The home shall have an operational telephone. Working cell phones kept on the premises are acceptable. The phone shall be accessible for children.
11. Each child shall have adequate space for storing clothing and personal belongings.
12. All household pets shall have proof of current rabies vaccinations as required by Arkansas law.
13. All firearms shall be maintained in a secure, locked location or secured by a trigger lock.
14. All ammunition shall be secured and locked separately from firearms unless they are stored in a safe, hand gun safe or a long gun safe.
15. The foster home record shall contain an agency approved safety plan for any noted hazards. The safety plan shall be signed by all caregivers in the foster home and an agency representative.
16. A current floor plan of the home with room dimensions for all rooms used for sleeping shall be in the foster home record.

17. Manufactured homes, used as foster homes, shall have an agency approved safety plan for tornado safety. The safety plan shall be signed by all caregivers in the foster home and an agency representative.

209 Sleeping Arrangements

1. Each household occupant shall have a bedroom that provides privacy.
2. Each bedroom shall have at least fifty (50) square feet of floor space per occupant.
3. Each bedroom used for foster children shall have a window to the outside which is capable of serving as an emergency escape.
4. Bars, grilles, grates, or other items that block access to the window are permitted only if they can be removed from the inside without the use of a key, tool, or force greater than that required for normal operation of the window. In this event, each such bedroom shall have a working smoke detector in the bedroom.
5. No more than four (4) children shall share a bedroom.
6. Each household occupant shall have a bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
7. Children of the opposite sex shall not share the same bedroom if either child is four (4) years old or older, except for a parent in foster care with her child.
8. No children shall share a bed if either child is four (4) years old or older.
9. No child under age six (6) years shall occupy a top bunk.
10. Foster children, except infants under age two (2) years, shall not share a sleeping room with adults; this age would increase through age four (4) for a grandparent to the child and a teen parent in foster care with her child.
11. All cribs used for children shall have current certification of compliance with Consumer Product Safety Guidelines (CPSC) standards.
12. Children twelve (12) months of age and below shall be placed flat on their backs to sleep, in accordance with American Academy of Pediatrics guidelines, to lessen the risk of suffocation and Sudden Infant Death Syndrome. (If a child rolls over on his/her own, the facility is not required to reposition the child.) If there is a medical reason a child cannot sleep on his/her back, a signed statement from the child's physician shall be in the file stating the reason, the sleep position indicated, and the time frame required.
13. Bedding shall be changed at least weekly, more often if needed.

210 Approval of Foster Homes

1. A foster home shall be approved only by one (1) agency.
2. At least three (3) positive personal references shall be obtained on the foster family from non-relatives.
3. Each member of the foster family shall have a physical exam within twelve (12) months before the initial approval.
4. The agency shall ensure that the foster parents receive at least ten (10) hours of pre-service training (excluding CPR and First Aid) before placing a child in the home.
5. Foster parent(s) shall have a current certificate of completion of First Aid and CPR before a child is placed in the home. The training shall require hands on skilled based instruction as well as practical testing. Training and certification that is provided solely on-line will not be accepted.
6. Foster parents shall provide documentation that they carry homeowner's or renter's insurance and general liability insurance.
7. Foster homes shall not also operate as Child Care Family Homes.
8. Foster homes shall not provide compensated care for any non-related adults in the foster home, unless providing transitional care for a person placed in care prior to age eighteen (18).
9. There shall be an annual approval letter from the approving agency in the foster home record.
10. A provisional foster home means a foster home opened for no more than six (6) months by the Division of Children and Family Services of the Department of Human Services; on a relative or fictive kin of a child in the custody of the division after the division:
 - a. Conducts a health and safety check, including a central registry check and a criminal background check or check with local law enforcement on the relative's or fictive kin's home; and
 - b. Performs a visual inspection of the home of the relative or fictive kin to verify that the relative or fictive kin and the home will meet the standards for opening a regular foster home.

11. If a foster home moves from one placement agency to another all requirements for opening a new foster home shall be met.

211 Selection of Foster Home

1. The agency shall select the home that is in the best interest of the child, the least restrictive possible, and is matched to the child's physical and emotional needs. The placement decision shall be based on an individual assessment of the child's needs.
2. No children shall be placed in a foster home unless there is an approval letter in the record from the approving agency.
3. The agency shall place children only in approved foster homes.
4. When a placement agency places a child with another placement agency the receiving agency shall maintain a record for and provide casework services to the children placed into their foster homes.
5. Foster homes shall not have more than five (5) foster children in care. A foster home shall not have more than eight (8) children in their home, including their own children. This includes placement or respite care.
6. Foster homes shall not have more than two (2) children under the age of two (2) years, including the foster parent's own children.
7. No new placements of children shall occur with foster parents who have not satisfied the annual training requirements. Administrative-level staff, designated by the agency director, may grant an exemption to this restriction for up to sixty (60) days. The administrator shall review the quality of care provided by the foster parents, and the reasons for failing to complete the training on time, in deciding whether to grant an exception.

212 Continued Training of Foster Parents

1. Each foster parent shall obtain at least fifteen (15) hours of training each year after the first year. This does not apply to foster parents for infants in short term foster care awaiting adoptive placement. Such foster parents shall obtain ten (10) hours of training for the primary care giver and five (5) hours of training for the secondary care giver each year.
2. Documentation verifying annual training shall be dated indicating the number of hours, the name of the source, topic and title.

3. Each foster parent shall maintain a current certificate of successful completion of hands-on, skill based CPR and First Aid. Training and certification that is provided solely on-line will not be accepted.

213 Foster Parents Responsibilities

1. Foster Parents shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child placed into their home, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards and risks.
2. Foster parents shall provide each child with adequate and nutritious food.
3. Foster parents shall provide regular activities to promote the physical, social, intellectual, spiritual, and emotional development of the children in care.
4. Foster parents shall provide each child their own clothing that is clean, well-fitted, seasonal, appropriate to age and gender, and comparable to community standards.
5. Foster parents shall allow foster children to acquire and keep personal belongings.
6. Foster parents shall fully cooperate with the child placement agency's case plan for each foster child, including visitation.
7. Foster parents shall provide routine transportation for each child.
8. Foster parents shall participate in case planning and case plan reviews.
9. Foster parents shall attend school conferences concerning a foster child, and shall notify the child placement agency of any situations that may affect the case plan or require agency involvement.
10. Foster parents shall notify the child placement agency promptly of serious illness, injury, or unusual circumstances affecting the health, safety, or welfare of the foster child.
11. Foster parents shall cooperate with the child placement agency and the Licensing Unit in conducting inspections and investigations, and shall provide information required to verify compliance with rules.
12. Foster parents shall maintain absolute confidentiality of private information about each foster child and the birth family.

200 Child Placement Agencies: Foster Care

13. The foster parents shall give advance notice to the agency of any major changes that affect the life and circumstances of the foster family, including a change of residence, when possible.
14. Foster parents shall keep periodic photographs, a record of the child's memberships, activities, and participation in extracurricular school or church activities, trophies, awards, ribbons, etc. for each foster child. These items shall be offered and/or returned to the child upon change in placement.
15. The foster parents shall ensure that each child has sufficient sleep for his/her age and physical condition.
16. Each child shall be instructed in good grooming and personal hygiene habits.
17. The foster parents shall ensure each child is provided with opportunities for regular recreational activities and exercise.
18. The foster parents shall ensure each child shall be provided with age-appropriate activities and equipment.
19. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.

214 Medications

1. Foster parents shall administer medications only in accordance with directions on the label.
2. All over-the-counter medications shall be stored in an area not readily accessible to children, and all prescription medications excluding Epi-pens, inhalers, and Glucagon kits shall be locked. An age-appropriate and developmentally capable child may be provided, or have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.
3. Medication shall be stored in accordance with pharmaceutical recommendations.
4. Foster parents shall be aware of possible side effects of all medications administered to foster children.
5. All medication shall be logged by the foster parent at the time the medication is administered.
6. The medication logs shall include:
 - a. Child's name;

- b. Time and date;
 - c. Medication and dosage;
 - d. Initials of the person administering the medication.
- 7. All currently prescribed medication shall be provided at placement.

215 Transportation

- 1. Foster families shall have their own transportation available.
- 2. Any vehicle used to transport foster children shall be maintained in compliance with motor vehicle laws, and be insured.
- 3. Children shall be transported only by foster parents or approved persons possessing a valid driver's license.
- 4. Children shall be transported according to Arkansas law, including but not limited to, use of safety belts, child safety seats and smoking restrictions.

216 Visitation

The standards in 216 do not apply to children in short term foster care awaiting adoptive placement.

- 1. The agency that has legal responsibility for the child shall develop a visitation plan that specifies when and how visits will occur between the child and the parents.
- 2. The child placement agency shall carry out the visitation plan to meet the terms of the plan.
- 3. Foster parents shall allow foster children and their families to communicate according to the child's case plan.

217 Agency Responsibilities

- 1. The agency shall provide the foster parents with the information necessary to provide adequate care to each foster child.
- 2. The agency shall provide foster parents with instructions for contacting agency personnel at any time.

3. The agency shall assign a caseworker to each child who is responsible for doing assessments, case planning, and casework services.
4. A caseworker shall not have more than twenty-five (25) children's cases at a time.
5. An agency caseworker shall visit the child in person at least monthly while the child is in foster care.
6. The agency shall ensure that each child in foster care has a medical exam at least annually. Medical exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
7. The child placement agency shall remain legally responsible for the supervision and decision making regarding foster children. Foster parents have daily responsibility for the care of the children.
8. The child placement agency shall have a written plan that provides for timely reimbursements to foster parents for costs of care and fees for services.
9. The agency shall develop respite care and babysitting policies.
10. Respite care shall occur in an agency approved foster home and shall not exceed fourteen (14) consecutive days.
11. If the child placement agency receives a report of non-compliance with licensing standards, the agency shall investigate to learn if the foster home remains in compliance. A report of findings and any corrective action shall be maintained in the foster home record. The investigation shall be completed within sixty (60) days of receiving the report of non-compliance, unless good cause is documented.
12. The agency shall maintain a record for each foster family that contains all information and documentation required by licensing standards. To include:
 - a. Complete and signed application;
 - b. Approval letter;
 - c. Home Study;
 - d. Minimum age verification;
 - e. Three (3) positive references;
 - f. Initial physical exam;
 - g. Pre-service training verification;

- h. Initial and current criminal, Child Maltreatment, and FBI checks, as required;
 - i. Initial and current CPR and First Aid certification;
 - j. Current health immunizations of children or exemption;
 - k. Current auto insurance;
 - l. Current homeowner's or renter's insurance and general liability insurance;
 - m. Current rabies vaccinations for household pets as required by law;
 - n. Documentation of annual training;
 - o. Safety plans;
 - p. Social media confidentiality documentation;
 - q. Surveillance documentation, if applicable;
 - r. Floor plan;
 - s. Annual water test results, if applicable;
 - t. Approved alternative fire escape route, if applicable;
 - u. Documentation of quarterly monitoring visits, including unannounced visits;
 - v. Documentation of annual re-evaluations;
 - w. Reports of non-compliance with licensing standards including findings, and any corrective actions;
 - x. Closing summary.
13. The agency shall prepare a closing summary, including reasons, if the home closes.
14. The agency shall promptly notify the Arkansas office of the Interstate Compact on the Placement of Children upon discharging a child from outside Arkansas.
15. The agency shall approve and document the use of all surveillance devices used in the home.

218 Monitoring & Re-evaluation

1. The agency shall monitor the foster home at least quarterly for continued compliance with licensing standards for foster homes. This does not apply to

foster homes for infants in short term foster care awaiting adoptive placement. Before a child can be placed in such a foster home, a monitoring visit shall be done within the three (3) months prior to placement.

2. At least one unannounced quarterly visit shall be conducted annually and shall be documented as unannounced in the foster home record.
3. The child placement agency shall conduct an annual re-evaluation of the foster family home. Any foster home that does not substantially comply with the standards for approval shall not be approved for placement until compliance is achieved.
4. The agency shall keep documentation of quarterly monitoring visits and annual re-evaluations in the foster home record signed and dated by the person conducting the visit and the foster parent.
5. If the foster family experiences any major life changes (e.g., marriage, divorce, separation, health problems, death, change of residence, change of household composition), the child placement agency shall re-evaluate the home at that time.
6. If a home is inactive or closed for one (1) year or more, the agency shall:
 - a. Conduct a re-evaluation to ensure Licensing requirements are met;
 - b. Ensure new background checks are conducted;
 - c. Ensure CPR/First Aid is current;
 - d. Evaluate any major changes. i.e. (218.5).

219 Discharge

1. The discharge shall be planned by agency staff.
2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, other persons, or significant property damage.
3. A child shall be discharged to the custody of the child's parent or a person with authorization from the parent, guardian, or a person authorized by court order to assume custody of the child.
4. The agency shall complete a discharge statement on each child that includes a discharge date and reason for discharge and provide a copy of it to the child's custodian.
5. Documentation of the discharge shall be maintained in the child's record.

300 CHILD PLACEMENT AGENCIES: THERAPEUTIC FOSTER CARE

In addition to all standards in Section 100, the following standards shall be met in order to be licensed as a Therapeutic Foster Care Agency:

301 Admission

1. Each agency shall establish written criteria for admitting/excluding children.
2. The agency shall not admit any child for whom the agency cannot provide adequate care.
3. Each child shall have a medical exam within one (1) year before admission, or an appointment scheduled within one (1) week after admission.
4. Each child shall have proof of current immunizations, or a letter of exemption, in accordance with the Arkansas Department of Health, or an appointment scheduled within one (1) week after admission.
5. The agency shall obtain written authority from the parent(s), guardian(s), or court before placement, or within seventy-two (72) hours if an emergency placement.
6. The agency shall obtain written authority for medical care for the child from the parent(s), guardian(s), or court at the time of placement, or within seventy-two (72) hours in an emergency placement.
7. The agency shall comply with the Interstate Compact on the Placement of Children when placing/admitting children from outside Arkansas.
8. A dependent juvenile of a parent who is in the custody of DCFS shall be subject to all rules regarding space, ratio, health and safety.

302 Intake & Assessment

1. Intake information shall be completed on each child in care within ten (10) working days after admission.
2. The intake information shall include:

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- a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
 - b. A factual description of the circumstances requiring placement;
 - c. A brief social history of the family;
 - d. The child's current legal status/custody;
 - e. Any history of previous placements outside the family, if applicable;
 - f. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history.
3. The agency shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.
4. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical aggression, sexual aggression, suicidal behaviors or other self-harming tendencies. This plan shall identify the behavior and/or problem, and specify the safeguards that are to be implemented. A copy of the plan shall be provided to the direct caregiver(s), as well as a copy placed in the child's case file.

303 Treatment Planning

1. A treatment plan shall be developed for each child placed into a foster home by a child placement agency. The plan shall address the child's needs as identified in the intake information.
2. When a placement agency places a child with another placement agency the receiving agency shall develop a treatment plan for each child received for care.
3. The treatment plan shall be developed within thirty days after placement.
4. The treatment plan shall be developed after a staffing. If applicable, the parents, foster parents, facility staff, caseworker, social worker or probation officer, and the child shall be invited to the staffing.

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5. The child's treatment plan shall contain, at the minimum:
 - a. Specific needs of the child;
 - b. Plan for meeting child's needs;
 - c. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
 - d. A plan to ensure that the child's educational needs are met according to applicable state law;
 - e. Visitation plan, if applicable;
 - f. Date of next review of the treatment plan.
6. If independence is a goal, the treatment plan shall include training in independent living skills.
7. Foster parents shall be included in treatment planning for each child.
8. Foster parents shall be provided a copy of the child's current treatment plan.
9. A copy of the treatment plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery, if applicable.
10. The treatment plan shall be reviewed at least semi-annually, and shall be updated to reflect the child's progress.
11. If treatment services are contracted, there shall be evidence of participation by the contracted therapist in treatment planning reviews and individualized program implementation.

304**Children's Records**

1. The agency shall keep a confidential case record for each child that includes the following:
 - a. Demographic information;
 - b. Plan of safe care, if applicable;
 - c. A complete intake;
 - d. Consents, including consent for medical care and authority to place the child;

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- e. Interstate Compact information, if applicable;
 - f. Treatment plans and treatment plan reviews;
 - g. Copies of legal documents (e.g., birth certificate, social security card, court orders), or documentation of their attempts to obtain the documents;
 - h. Physical exams and immunization records, or documentation of their attempts to obtain the documents;
 - i. Psychological reports, if applicable;
 - j. Educational reports, if applicable;
 - k. Disciplinary and incident reports, if applicable;
 - l. Records of visitation and family contacts, if applicable;
 - m. Documentation of casework services and child contact, current to within one (1) month of occurrence;
 - n. Discharge statement.
2. Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.

305 Behavior Management

- 1. The agency shall have a written discipline policy that is consistently followed.
- 2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
- 3. Discipline shall be appropriate to the child's age, development, and history, including trauma history.
- 4. The following actions shall not be used including as discipline:
 - a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
 - b. Denial of parental visits or regular phone/mail contact with family.
Non-disciplinary case planning issues are accepted;
 - c. Lewd or obscene language;

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- d. Derogatory comments about the child, the child's family, race, or gender;
 - e. Restriction to a room for more than a short period of time without periodic observation;
 - f. Restriction to a dark room or area;
 - g. Locked isolation;
 - h. Physical injury or threat of bodily harm;
 - i. Humiliating or degrading action;
 - j. Extremely strenuous work or exercise;
 - k. Mechanical/chemical restraints
5. Physical restraint shall be initiated only by a trained person, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline.
 6. A child shall not be allowed to administer discipline, except teen parents may discipline their own children under the supervision and guidance of the foster parent.
 7. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and foster family, or in cases of suspected theft.
 8. Any searches requiring removal of clothing shall be done in privacy.

306 Foster Parent Qualifications

1. In a two-parent home, both shall be joint applicants, each sign the application, and participate in the approval process.
2. Foster parents shall be at least twenty-one (21) years of age.
3. The stability of the foster family shall be evaluated and determined to be appropriate.
4. Foster parents shall be physically, mentally, and emotionally capable of caring for children.
5. The physical health of the foster parents shall be equal to the stress inherent in the care of special needs children, as evidenced by the physician's statement.

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6. The foster family shall provide documentation of sufficient financial resources to meet their needs.
7. All family members under the age of eighteen (18) in the household shall have proof of current health immunizations, or an exemption in accordance with the Arkansas Department of Health.
8. When routine child care is needed, foster children shall attend licensed child care or have a caregiver approved by the agency.

307 Content of the Home Study

1. The agency shall complete a home study for each foster home.
2. The agency shall conduct at least two (2) visits in person with the foster parent applicants, including at least one (1) visit to the home.
3. The agency shall interview every age-appropriate member of the household.
4. The home study shall include the following information:
 - a. Motivation: The individual's motivation for becoming foster parents;
 - b. Household Composition: The full legal names of everyone residing in the home, birth dates, relationships to one another, and a brief physical description;
 - c. Housing: Address and location, type of structure, length of time at residence, upkeep and housekeeping standards, future residence plans, and sleeping arrangements;
 - d. Safety Hazards: An assessment of the safety of the home and grounds including water hazards, swimming pools, hot tubs, dangerous pets, and other hazardous items and areas;
 - e. Income and Expenses: Employment history for the last six years (duration, salary, duties, title, degree of job security, hours), other sources of income, monthly living expenses, outstanding debts, and insurance;
 - f. Health: Current health of each family member, prior illnesses or medical problems, disabilities, clinic or doctor utilized and frequency of use, counseling (when and purpose), and hospitalization for alcohol abuse, drug abuse, or mental illness;

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- g. Education: Parents' educational attainment, future educational plans, parenting classes attended;
- h. Childcare Arrangements or Plans: Current arrangement or proposed arrangement as it relates to their working hours and income;
- i. Child Rearing Practices: Purpose of behavior management, behavior guidance practices, how they show affection, how they handle stress, allowance, chores, and homework;
- j. daily Schedule;
- k. Social History: Highlights and verification regarding action of marriages and divorces, children, relationships' support system, future plans, any significant extended family members not living in the home, and any significant personal, developmental, personality or legal problems;
- l. Family Activities: Religious interests, social organizations, activities with children, and family roles;
- m. Impressions, Conclusions and Recommendations: Evaluate the family's situation and ability to provide for a child based on the information obtained during the home study;
- n. Approval: If the agency approves the foster parent(s), the agency shall recommend in the home study the number, age, gender, and other characteristics of children for whom the home is approved to provide care

308 Physical Requirements of the Home

- 1. The foster home shall be accessible to community resources needed by foster children.
- 2. The foster home shall be clean and free of hazards.
- 3. The foster home shall have a continuous supply of sanitary drinking water. If the source is not a municipal water system, the water shall be tested and approved by the Arkansas Department of Health annually. This approval shall be kept in the foster home case record.
- 4. The foster home shall have at least one (1) flush toilet, one sink with running water, and one bathtub or shower with hot and cold running water.

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5. There shall be operational smoke detectors within ten (10) feet of the kitchen and each bedroom.
6. There shall be an operational chemical fire extinguisher readily accessible near the cooking area of the home.
7. The foster parents shall practice and document emergency evacuation drills with each new child entering the home, and at least quarterly thereafter.
8. All heating units with hot external areas shall be screened or otherwise shielded.
9. The home shall have at least one (1) exterior door that exits directly to the outside, or the home shall have an alternate fire escape route.
10. The home shall have an operational telephone. Working cell phones kept on the premises are acceptable. The phone shall be accessible for children.
11. Each child shall have adequate space for storing clothing and personal belongings.
12. All household pets shall have proof of current rabies vaccinations as required by Arkansas law.
13. All firearms shall be maintained in a secure, locked location or secured by a trigger lock.
14. All ammunition shall be secured and locked separately from firearms unless they are stored in a safe, hand gun safe or a long gun safe.
15. The foster home record shall contain an agency approved safety plan for any noted hazards. The safety plan shall be signed by all caregivers in the foster home and an agency representative.
16. A current floor plan of the home with room dimensions for all rooms used for sleeping shall be in the foster home record.
17. Manufactured homes, used as foster homes, shall have an agency approved safety plan for tornado safety. The safety plan shall be signed by all caregivers in the foster home and an agency representative.

Sleeping Arrangements

1. Each household occupant shall have a bedroom that provides privacy.

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2. Each bedroom shall have at least fifty (50) square feet of floor space per occupant.
3. Each bedroom used for foster children shall have a window to the outside which is capable of serving as an emergency escape.
4. Bars, grilles, grates, or other items that block access to the window are permitted only if they can be removed from the inside without the use of a key, tool, or force greater than that required for normal operation of the window. In this event, each such bedroom shall have a working smoke detector in the bedroom.
5. No more than four (4) children shall share a bedroom.
6. Each household occupant shall have a bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
7. Children of the opposite sex shall not share the same bedroom if either child is four (4) years old or older, except for a parent in foster care with her child.
8. No children shall share a bed if either child is four (4) years old or older.
9. No child under age six (6) years shall occupy a top bunk.
10. Foster children, except infants under age two (2) years, shall not share a sleeping room with adults; this age would increase through age four (4) for a grandparent to the child and a teen parent in foster care with her child.
11. All cribs used for children shall have current certification of compliance with Consumer Product Safety Commission (CPSC) standards.
12. Children twelve (12) months of age and below shall be placed flat on their backs to sleep, in accordance with American Academy of Pediatrics guidelines, to lessen the risk of suffocation and Sudden Infant Death Syndrome. (If a child rolls over on his/her own, the facility is not required to reposition the child.) If there is a medical reason a child cannot sleep on his/her back, a signed statement from the child's physician shall be in the file stating the reason, the sleep position indicated, and the time frame required.
13. Bedding shall be changed at least weekly, more often if needed.

310 Approval of Foster Homes

1. A foster home can be approved only by one (1) agency.
2. At least three (3) positive personal references shall be obtained on the foster family from non-relatives.
3. Each member of the foster family shall have a physical exam within twelve (12) months before the initial approval.
4. Foster parents shall be trained in crisis prevention and intervention before a child is placed in the home.
5. Prior to the placement of children in their home, foster parents shall complete at least thirty (30) hours of skill-based pre-service training (excluding CPR and First Aid) consistent with the agency's treatment methodology and the needs of the population served.
6. Foster parent(s) shall have a current certificate of completion of First Aid and CPR before a child is placed in the home. The training shall require hands on skilled based instruction as well as practical testing. Training and certification that is provided solely on-line will not be accepted.
7. Foster parents shall provide documentation that they carry homeowner's or renter's insurance and general liability insurance.
8. Foster homes shall not also operate as Child Care Family Homes.
9. Foster homes shall not provide compensated care for any non-related adults in the foster home, unless providing transitional care for a person placed in care prior to age eighteen (18).
10. There shall be an annual approval letter from the approving agency in the foster home record.
11. If a foster home moves from one placement agency to another all requirements for opening a new foster home shall be met.

311 Selection of Foster Home

1. The agency shall select the home that is in the best interest of the child, the least restrictive possible, and is matched to the child's physical and emotional needs. The placement decision shall be based on an individual assessment of the child's needs.

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2. No children shall be placed in a foster home unless there is an approval letter in the record from the approving agency.
3. The agency shall place children only in approved foster homes.
4. When a placement agency places a child with another placement agency the receiving agency shall maintain a record for and provide casework services to the children placed into their foster homes.
5. Foster homes shall not have more than two (2) children under the age of two (2) years, including the foster parent's own children.
6. The number of children placed into one therapeutic foster home shall not exceed two (2), except to keep a sibling group together, in that case up to a maximum of three (3) children may be placed into the home. The sibling group shall be the only children placed into the therapeutic foster home. There shall be no more than five (5) total children in the home, including the foster parent's children. This includes placement or respite care. In the case of an emergency respite placement that would exceed capacity, the agency shall notify the Licensing Unit the next business day.
7. Before placing more than one (1) child (therapeutic or otherwise) in a home, the agency shall consider extraordinary problems/needs of each child (e.g., violent behavior, sexual offenses, and seizure disorders). Justification of the appropriateness of placing a child in a home with another child shall be documented.
8. Non-therapeutic foster children may be placed into therapeutic foster homes under any of the following circumstances:
 - a. The non-therapeutic foster child is a sibling of the therapeutic foster child;
 - b. The non-therapeutic foster child is the child of the therapeutic foster child;
 - c. The non-therapeutic foster child was previously a therapeutic foster child placed in the foster home.
 - d. The non-therapeutic foster child is placed as an emergency placement for a maximum of 21 days.
9. Before placing a non-therapeutic foster child into a therapeutic foster home with a therapeutic foster child, the agency shall consider the

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potential risk to the-nontherapeutic foster child. Justification of the appropriateness of placing a nontherapeutic-child in a home with another therapeutic foster child shall be documented. The agency shall maintain Section 200 standards in reference to the non-therapeutic foster child's record and the services the agency provides to the child.

10. No new placements of children shall occur with foster parents who have not satisfied the annual training requirements. Administrative-level staff, designated by the agency Director, may grant an exemption to this restriction for up to sixty (60) days. The administrator shall review the quality of care provided by the foster parents, and the reasons for failing to complete the training on time, in deciding whether to grant an exception.

312 Continued Training of Foster Parents

1. Each therapeutic foster parent shall complete at least twenty-four (24) hours of skill based training annually, excluding CPR and First Aid.
2. Documentation verifying annual training shall be dated and indicate the number of hours, the name of the source, and topic and title.
3. Each foster parent shall maintain a current certificate of successful completion of hands-on, skill based CPR and First Aid. Training and certification that is provided solely on-line will not be accepted.

313 Therapeutic Foster Parent Responsibilities

1. Foster Parents shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child placed into their home, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards and risks.
2. Foster parents shall provide each child with adequate and nutritious food.
3. Foster parents shall provide regular activities to promote the physical, social, intellectual, spiritual, and emotional development of the children in care.
4. Foster parents shall provide each child their own clothing that is clean, well-fitted, seasonal, appropriate to age and gender, and comparable to community standards.

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5. Foster parents shall allow foster children to acquire and keep personal belongings.
6. Foster parents shall fully cooperate with the child placement agency's case plan for each foster child, including visitation.
7. Foster parents shall provide routine transportation for each child.
8. Foster parents shall participate in case planning and case plan reviews.
9. Foster parents shall attend school conferences concerning a foster child, and shall notify the placing agency of any situations that may affect the case plan or require agency involvement.
10. Foster parents shall notify the child placement agency promptly of serious illness, injury, or unusual circumstances affecting the health, safety, or welfare of the foster child.
11. Foster parents shall cooperate with the child placement agency and the Licensing Unit in conducting inspections and investigations, and shall provide information required to verify compliance with rules.
12. Foster parents shall maintain absolute confidentiality of private information about each foster child and the birth family.
13. Foster parents shall give advance notice to the agency of any major changes that affect the life and circumstances of the foster family, including a change of residence, when possible.
14. Foster parents shall keep periodic photographs, a record of the child's memberships, activities, and participation in extracurricular school or church activities, trophies, awards, ribbons, etc. for each foster child. These items shall be offered and/or returned to the child upon change in placement.
15. Foster parents shall be provided with a written list of duties clearly detailing their responsibilities.
16. Foster parents shall be responsible for implementing in-home treatment strategies specified in each child's treatment plan.
17. Foster parents shall keep an ongoing written record of each child's behavior and progress toward treatment goals.
18. The foster parents shall ensure that each child has sufficient sleep for his/her age and physical condition.

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19. Each child shall be instructed in good grooming and personal hygiene habits.
20. The foster parents shall ensure each child is provided with opportunities for regular recreational activities and exercise.
21. The foster parents shall ensure each child shall be provided with age-appropriate activities and equipment.
22. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.

314 Medications

1. The agency shall have an intervention policy that is non-medical, unless a specific medical condition is indicated.
2. When psychotropic medications are prescribed by a physician they shall be used in concert with other interventions.
3. Foster parents shall administer medications only in accordance with directions on the label.
4. All over-the-counter medications shall be stored in an area not readily accessible to children, and all prescription medications excluding Epi-pens, inhalers, and Glucagon kits shall be locked. An age-appropriate and developmentally capable child may be provided, or have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.
5. Medication shall be stored in accordance with pharmaceutical recommendations.
6. Foster parents shall be aware of possible side effects of all medications administered to foster children.
7. All medication shall be logged by the foster parent at the time the medication is administered.
8. The medication logs shall include:
 - a. Child's name;
 - b. Time and date;
 - c. Medication and dosage;

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- d. Initials of the person administering the medication.
9. All currently prescribed medication shall be provided at placement.

315 Transportation

1. Foster families shall have their own transportation available.
2. Any vehicles used to transport foster children shall be maintained in compliance with motor vehicle laws, and be insured.
3. Children shall be transported only by foster parents or approved persons possessing a valid driver's license.
4. Children shall be transported according to Arkansas law, including, but not limited to, use of safety belts, child safety seats, and smoking restrictions.

316 Visitation

1. The agency that has legal responsibility for the child shall develop a visitation plan that specifies when and how visits will occur between the child and the parents.
2. The child placement agency shall carry out the visitation plan to meet the terms of the plan.
3. Foster parents shall allow foster children and their families to communicate according to the child's case plan.

317 Staffing Requirements, Staff Training & Support

1. Primary responsibilities of program staff shall include treatment planning, leadership of the treatment team, case management, clinical and administrative supervision, twenty-four (24) hour crisis intervention, and discharge planning.
2. The therapeutic foster care agency shall employ a Clinical Director who shall be clearly responsible for implementation of treatment planning and service delivery. The Clinical Director shall be qualified by a master's degree in a human service field, shall have two years' experience in placement or treatment, and shall be currently licensed in Arkansas as a mental health professional (as recognized by Arkansas Medicaid).

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3. The therapeutic foster care agency shall employ at least one caseworker who shall coordinate the implementation of the treatment plan. The caseworker shall be qualified by a bachelor's degree in a human service field, or shall be a mental health paraprofessional, and shall be supervised by the Clinical Director.
4. The agency shall assign a caseworker to each child who is responsible for doing assessments, treatment planning, and casework services.
5. No caseworker shall be responsible for managing more than twelve (12) children's cases.
6. All casework staff shall be trained in crisis prevention and intervention, CPR, and First Aid within the first sixty (60) days of employment.
7. All casework staff shall be provided with eight (8) hours of orientation, either prior to employment or within the first week of employment, which shall provide an overview of the following areas:
 - a. The agency's policies and procedures;
 - b. The client's rights, including confidentiality;
 - c. How to handle medical and non-medical emergencies;
 - d. The caseworker's clinical limitations;
 - e. How to document clinical information in the child's and family's records;
 - f. General information regarding commonly prescribed medications and their side effects.
8. The agency shall provide twenty-four (24) hour on-call crisis intervention support to supplement that provided by the caseworker.

318 Agency Responsibilities

1. The agency shall provide the foster parents with the information necessary to provide adequate care to each foster child.
2. The agency shall provide foster parents with instructions for contacting agency personnel any time.
3. The agency shall ensure that casework staff visits with the child face-to-face at least once per week during the first three (3) months after the

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child's placement with the agency, and at least every other week thereafter.

4. The agency shall ensure that each child in foster care has a medical exam at least annually. Medical exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
5. The child placement agency shall remain legally responsible for the supervision and decision making regarding foster children. Foster parents have daily responsibility for the care of the children.
6. The child placement agency shall have a written plan that provides for timely reimbursements to foster parents for costs of care and fees for services.
7. The agency shall develop respite care and babysitting policies.
8. Respite care shall occur in an agency approved foster home and shall not exceed fourteen (14) consecutive days.
9. The agency shall have a written program description that is available to residents and parents/guardians. The following information shall be included:
 - a. Program philosophy and mission;
 - b. Services and treatment modalities;
 - c. Treatment planning procedures;
 - d. Behavior management program and expectations of each child;
 - e. Admission, exclusion, and discharge criteria;
 - f. Aftercare services.
10. The agency shall keep documentation that includes:
 - a. Prior treatment documents and intake information;
 - b. Assessments;
 - c. Master treatment plan;
 - d. Treatment plan review;
 - e. Ongoing observations;
 - f. Medication and physician's instructions, if applicable;

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- g. Progress notes.
- 11. The agency shall establish procedures for hearing children's grievances.
- 12. If the child placement agency receives a report of non-compliance with licensing standards, the agency shall investigate to learn if the foster home remains in compliance. A report of findings and any corrective action shall be maintained in the foster home record. The investigation shall be completed within 60 days of receiving the report of non-compliance, unless good cause is documented.
- 13. The agency shall maintain a record for each foster family that contains all information and documentation required by licensing standards. To include:
 - a. Complete and signed application;
 - b. Approval letter;
 - c. Home Study;
 - d. Minimum age verification;
 - e. 3 positive references;
 - f. Initial physical exam;
 - g. Pre-service training verification;
 - h. Initial and current criminal, Child Maltreatment, and FBI checks, as required;
 - i. Initial and current CPR and First Aid certification;
 - j. Current health immunizations of children or exemption;
 - k. Current auto insurance;
 - l. Current homeowner's or renter's insurance and general liability insurance;
 - m. Current rabies vaccinations for household pets as required by law;
 - n. Documentation of annual training;
 - o. Safety plans;
 - p. Social media confidentiality documentation;
 - q. Surveillance documentation, if applicable;
 - r. Floor plan;

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- s. Approved annual water system test, if applicable;
 - t. Approved alternative fire escape route, if applicable;
 - u. Documentation of quarterly monitoring visits, including unannounced visits;
 - v. Documentation of annual re-evaluations;
 - w. Reports of non-compliance with licensing standards including findings, and any corrective actions;
 - x. Closing summary.
14. The agency shall prepare a closing summary, including reasons, if the home closes.
 15. The agency shall promptly notify the Arkansas office of the Interstate Compact on the Placement of Children upon discharging a child from outside Arkansas.
 16. The agency shall be aware of and approve the use of all surveillance devices used in the home.

319 Monitoring & Re-evaluation

1. The agency shall monitor the foster home at least quarterly for continued compliance with licensing standards for foster homes.
2. At least one unannounced quarterly visit shall be conducted annually and shall be documented as unannounced in the foster home record.
3. The child placement agency shall conduct an annual re-evaluation of the foster family home. Any foster home that does not substantially comply with the standards for approval shall not be approved for placement until compliance is achieved.
4. The agency shall keep documentation of quarterly monitoring visits and annual re-evaluations in the foster home record signed and dated by the person conducting the visit and the foster parent.
5. If the foster family experiences any major life changes (e.g., marriage, divorce, separation, health problems, death, change of residence, change of household composition), the child placement agency shall re-evaluate the home at that time.

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6. If a home is inactive or closed for one (1) year or more, the agency shall:
 - a. Conduct a re-evaluation to ensure Licensing requirements are met;
 - b. Ensure new background checks are conducted;
 - c. Ensure CPR/First Aid is current;
 - d. Evaluate any major changes. i.e. (319.5).
 - e.

320 Discharge

1. The discharge shall be planned by agency staff.
2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, other persons, or significant property damage.
3. A child shall be discharged to the custody of the child's parent or a person with authorization from the parent, guardian, or a person authorized by court order to assume custody of the child.
4. The agency shall complete a discharge statement on each child that includes the discharge date and reason for discharge and provide a copy of it to the child's custodian.
5. Documentation of the discharge shall be maintained in the child's record.

**400 CHILD PLACEMENT AGENCIES:
THERAPEUTIC FOSTER CARE -
SEXUAL REHABILITATIVE
PROGRAMS**

In addition to all standards in Section 100, the following standards shall be met:

401 Licensing Approval & Monitoring

1. At the discretion of the Licensing Unit a multi-disciplinary team may be asked to assist the Licensing Specialist in the initial study, or during an investigation of a licensing complaint. This team may include a licensed

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mental health professional (as recognized by Arkansas Medicaid), or a person with professional expertise in the appropriate field.

2. At the discretion of the Licensing Unit, a multi-disciplinary team may be asked to assist the Licensing Specialist during inspections for advisory purposes.

402 Admission

1. Each agency shall establish written criteria for admitting/excluding children.
2. The agency shall not admit any child for whom the agency cannot provide adequate care.
3. In order to be admitted to the program, one of the following shall be met:
 - a. The child has committed a sexual offense that has been found true or exempt by an official investigation by the Department of Human Services or the Arkansas State Police;
 - b. The child has committed an offense involving the use of power, control, threat, coercion, or intimidation;
 - c. The child has committed an offense in which there was at least a three (3) year age difference between the offender and the victim;
 - d. The child has a documented pattern of deviant sexualized behavior, sexual misconduct, or sexually maladaptive behaviors as indicated by the psychosexual assessment.
4. Children admitted to the program shall have the cognitive ability to benefit from the treatment program.
5. Each child shall have a medical exam within one (1) year before admission, or an appointment scheduled within one (1) week after admission.
6. Each child shall have proof of current immunizations, or a letter of exemption, in accordance with the Arkansas Department of Health, or an appointment scheduled within one (1) week after admission.
7. The agency shall obtain written authority from the parent(s), guardian(s), or court before placement, or within seventy-two (72) hours if an emergency placement.

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8. The agency shall obtain written authority for medical care for the child from the placing agent at the time of admission.
9. The agency shall comply with the Interstate Compact on the Placement of Children when placing/admitting children from outside Arkansas.
10. The agency shall have written policies regarding description of the target population, admission/exclusion criteria, and discharge criteria.
11. The agency shall have a written policy describing children with sexually maladaptive behaviors' risk levels it will accept for admission, and therapeutic interventions it will utilize for each risk level.

403 Intake & Assessment

1. Intake information shall be completed on each child in care within ten (10) working days after admission.
2. The intake information shall include:
 - a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
 - b. A factual description of the circumstances requiring placement;
 - c. A brief social history of the family;
 - d. The child's current legal status/custody;
 - e. Any history of previous placements outside the family, if applicable;
 - f. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history;
 - g. Description of the offense or sexually maladaptive behavior, including police reports and victim statements (if available);
 - h. Psychosexual assessment (if available);
 - i. Discharge summary from previous rehabilitative-specific treatment (if applicable and available).
3. The agency shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents.

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The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.

4. A psychosexual evaluation shall be conducted by a licensed mental health professional (as recognized by Arkansas Medicaid) that is a member of the Association for the Treatment of Sexual Abusers or has forty (40) hours of sexual rehabilitative treatment training. The evaluation shall be completed within the past twelve (12) months, or within seven (7) days following admission of the child.
5. Each child shall have been evaluated for intellectual ability, learning disabilities, and/or language disorders within the past eighteen (18) months. If a child is admitted without an evaluation, the evaluation shall be completed within thirty (30) days of admission.
6. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical aggression, sexual aggression, suicidal behaviors or other self-harming tendencies. This plan shall identify the behavior/problem, and shall specify the safeguards that are to be implemented. A copy of the plan shall be provided to the direct caregiver(s), as well as a copy placed in the child's case file.

404 Treatment Planning

1. The agency shall develop a treatment plan for each child that includes tasks appropriate to the needs of the child as identified in the intake information and psychosexual assessment.
2. The child's treatment plan shall include a diagnosis related to their sexually maladaptive behavior.
3. When a placement agency places a child with another placement agency the receiving agency shall develop a treatment plan for each child received for care.
4. The treatment plan shall be developed within thirty (30) days after placement.
5. The child's treatment plan shall contain, at the minimum:
 - a. Specific needs of the child;
 - b. Plan for meeting child's needs;

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- c. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
 - d. A plan to ensure that the child's educational needs are met according to applicable state law;
 - e. Visitation plan, if applicable;
 - f. Date of next review of the treatment plan.
- 6. If independence is a goal, the treatment plan shall include training in independent living skills.
- 7. Foster parents shall be included in treatment planning for each child
- 8. Foster parents shall be provided a copy of the child's current treatment plan.
- 9. A copy of the treatment plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery, if applicable.
- 10. The child's treatment plan shall be reviewed quarterly, and shall be updated to reflect the child's progress.
- 11. If treatment services are contracted, there shall be evidence of participation by the contracted therapist in treatment planning reviews and individualized program implementation.

405**Children's Records**

- 1. The agency shall keep a confidential case record for each child that includes the following:
 - a. Demographic information;
 - b. Plan of safe care, if applicable;
 - c. A complete intake;
 - d. Consents, including consent for medical care and authority to place the child;
 - e. Interstate Compact information, if applicable;
 - f. Treatment plans and treatment plan reviews;

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- g. Copies of legal documents (e.g., birth certificate, social security card, court orders), or documentation of their attempts to obtain the documents;
 - h. Physical exams and immunization records, or documentation of their attempts to obtain the documents;
 - i. Psychological reports, if applicable;
 - j. Psychosexual evaluation;
 - k. Educational reports, if applicable;
 - l. Disciplinary and incident reports, if applicable;
 - m. Records of visitation and family contacts, if applicable;
 - n. Documentation of casework services and child contact, current to within one (1) month of occurrence;
 - o. Discharge statement.
2. Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.
 3. The agency shall have a written plan providing for appropriate supervision of children during activities away from the foster home. A copy of the plan shall be provided to the direct caregiver(s), as well as a copy placed in the child's record.

406 Behavior Management

1. The agency shall have a written discipline policy that is consistently followed.
2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
3. Discipline shall be appropriate to the child's age, development, and history, including trauma history.
4. The following actions shall not be used, including as discipline:
 - a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
 - b. Denial of parental visits or regular phone/mail contact with family. Non-disciplinary case planning issues are accepted;

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- c. Lewd or obscene language;
 - d. Derogatory comments about the child, the child's family, race, or gender;
 - e. Restriction to a room for more than a short period of time without periodic observation;
 - f. Restriction to a dark room or area;
 - g. Locked isolation;
 - h. Physical injury or threat of bodily harm;
 - i. Humiliating or degrading action;
 - j. Extremely strenuous work or exercise;
 - k. Mechanical/chemical restraints.
- 5. Physical restraint shall be initiated only by a trained person, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline.
 - 6. A child shall not be allowed to administer discipline, except teen parents may discipline their own children.
 - 7. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and foster family, or in cases of suspected theft.
 - 8. Any searches requiring removal of clothing shall be done in privacy.

Foster Parent Qualifications

- 1. In a two-parent home, both shall be joint applicants, each sign the application, and participate in the approval process.
- 2. Foster parents shall be at least twenty-one (21) years of age.
- 3. The stability of the foster family shall be evaluated and determined to be appropriate.
- 4. Foster parents shall be physically, mentally, and emotionally capable of caring for children with sexual behavioral problems or issues.

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5. The physical health of the foster parents shall be equal to the stress inherent in the care of special needs children, as evidenced by the physician's statement.
6. The foster family shall provide documentation of sufficient financial resources to meet their needs.
7. All family members under the age of eighteen (18) in the household shall have proof of current health immunizations, or an exemption in accordance with the Arkansas Department of Health.
8. When routine child care is needed, foster children shall attend licensed child care or have a caregiver approved by the agency.

408 Content of the Home Study

1. The agency shall complete a home study for each foster home.
2. The agency shall conduct at least two (2) visits in person with the foster parent applicants, including at least one (1) visit to the home.
3. The agency shall interview every age-appropriate member of the household.
4. The home study shall include the following information:
 - a. Motivation: The individual's motivation for becoming foster parents;
 - b. Household Composition: The full legal names of everyone residing in the home, birth dates, relationships to one another, and a brief physical description;
 - c. Housing: Address and location, type of structure, length of time at residence, upkeep and housekeeping standards, future residence plans, and sleeping arrangements;
 - d. Safety Hazards: An assessment of the safety of the home and grounds including water hazards, swimming pools, hot tubs, dangerous pets, and other hazardous items and areas;
 - e. Income and Expenses: Employment history for the last six (6) years (duration, salary, duties, title, degree of job security, hours), other sources of income, monthly living expenses, outstanding debts, and insurance;

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- f. Health: Current health of each family member, prior illnesses or medical problems, disabilities, clinic or doctor utilized and frequency of use, counseling (when and purpose), and hospitalization for alcohol abuse, drug abuse, or mental illness;
- g. Education: Parents' educational attainment, future educational plans, parenting classes attended;
- h. Childcare Arrangements or Plans: Current arrangement or proposed arrangement as it relates to their working hours and income;
- i. Child Rearing Practices: Purpose of behavior management, behavior guidance practices, how they show affection, how they handle stress, allowance, chores, and homework;
- j. Daily Schedule;
- k. Social History: Highlights and verification regarding action of marriages and divorces, children, relationships' support system, future plans, any significant extended family members not living in the home, and any significant personal, developmental, personality or legal problems;
- l. Family Activities: Religious interests, social organizations, activities with children, and family roles;
- m. Impressions, Conclusions and Recommendations: Evaluate the family's situation and ability to provide for a child based on the information obtained during the home study;
- n. Approval: If the agency approves the foster parent(s), the agency shall recommend in the home study the number, age, gender, and other characteristics of children for whom the home is approved to provide care.

409 Physical Requirements of the Home

- 1. A sexual rehabilitative foster home shall not be located within one thousand (1000) feet of an elementary school, child care center, or child care family home.
- 2. The foster home shall be accessible to community resources needed by foster children.
- 3. The foster home shall be clean and free of hazards.

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4. The foster home shall have a continuous supply of sanitary drinking water. If the source is not a municipal water system, the water shall be tested and approved by the Arkansas Department of Health annually. This approval shall be kept in the foster home case record.
5. The foster home shall have at least one (1) flush toilet, one sink with running water, and one bathtub or shower with hot and cold running water.
6. There shall be operational smoke detectors within ten (10) feet of the kitchen and each bedroom.
7. There shall be an operational chemical fire extinguisher, readily accessible, near the cooking area of the home.
8. The foster parents shall practice and document emergency evacuation drills with each new child entering the home, and at least quarterly thereafter.
9. All heating units with hot external areas shall be screened or otherwise shielded.
10. The home shall have at least one (1) exterior door that exits directly to the outside, or the home shall have an alternate fire escape route.
11. The home shall have an operational telephone. Working cell phones kept on the premises are acceptable. The phone shall be accessible for children.
12. Each child shall have adequate space for storing clothing and personal belongings.
13. All household pets shall have proof of current rabies vaccinations as required by Arkansas law.
14. All firearms shall be maintained in a secure, locked location or secured by a trigger lock.
15. All ammunition shall be secured and locked separately from firearms unless they are stored in a safe, hand gun safe or a long gun safe.
16. The foster home record shall contain an agency approved safety plan for any noted hazards. The safety plan shall be signed by all caregivers in the foster home and an agency representative.
17. A current floor plan of the home with room dimensions for all rooms used for sleeping shall be in the foster home record.

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18. Manufactured homes, used as foster homes, shall have an agency approved safety plan for tornado safety. The safety plan shall be signed by all caregivers in the foster home and an agency representative.

410 Sleeping Arrangements

1. Each household occupant shall have a bedroom that provides privacy.
2. Each bedroom shall have at least fifty (50) square feet of floor space per occupant.
3. Each bedroom used for foster children shall have a window to the outside which is capable of serving as an emergency escape.
4. Bars, grilles, grates, or other items that block access to the window are permitted only if they can be removed from the inside without the use of a key, tool, or force greater than that required for normal operation of the window. In this event, each such bedroom shall have a working smoke detector in the bedroom.
5. Children placed in the foster home shall have individual bedrooms.
6. Each household occupant shall have a bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
7. No child under age six (6) years shall occupy a top bunk.
8. Bedding shall be changed at least weekly, more often if needed.

411 Approval of Foster Homes

1. A foster home can be approved only by one (1) agency.
2. At least three (3) positive personal references shall be obtained on the foster family from non-relatives.
3. Each member of the foster family shall have a physical exam within twelve (12) months before the initial approval.
4. Foster parents shall be trained in crisis prevention and intervention before a child is placed in the home.
5. Prior to the placement of children in their home, foster parents shall complete at least thirty (30) hours of skill-based pre-service training

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(excluding CPR and First Aid) consistent with the agency's treatment methodology and the needs of the population served.

6. Foster parents shall complete fifteen (15) hours of sexual rehabilitative training in addition to their thirty (30) hours of pre-service training.
7. At least one (1) hour of training on the program's safety plan shall be provided before placement of children into the foster home.
8. Foster parent(s) shall be currently certified in hands-on, skill based CPR and First Aid before a child is placed in the home. Training and certification that is provided solely on-line will not be accepted.
9. Foster parents shall provide documentation that they carry homeowner's or renter's insurance and general liability insurance.
10. Foster homes shall not also operate as Child Care Family Homes.
11. Foster homes shall not provide compensated care for any non-related adults in the foster home, unless providing transitional care for a person placed in care prior to age eighteen (18).
12. There shall be an annual approval letter from the approving agency in the foster home record.
13. If a foster home moves from one placement agency to another all requirements for opening a new foster home shall be met.

412 Selection of Foster Home

1. The agency shall select the home that is in the best interest of the child, the least restrictive possible, and is matched to the child's physical and emotional needs. The placement decision shall be based on an individual assessment of the child's needs.
2. No children shall be placed in a foster home unless there is an approval letter in the record from the approving agency.
3. The agency shall place children only in approved foster homes.
4. When a placement agency places a child with another placement agency the receiving agency shall maintain a record for and provide casework services to the children placed into their foster homes.

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5. All children placed in the foster home shall be admitted to the Therapeutic Sexual Rehabilitative Program, except in the case of siblings.
6. Foster homes shall not have more than two (2) children under the age of two (2) years, including the foster parent's own children.
7. The number of children placed into one therapeutic sexual rehabilitative foster home shall not exceed two (2). There shall be no more than five (5) total children in the home, including the foster parent's children. This includes placement or respite care. In the case of an emergency respite placement that would exceed capacity, the agency shall notify the Licensing Unit the next business day.
8. Before placing more than one (1) child in a home, the agency shall consider extraordinary problems and needs of each child (e.g., violent behavior, sexual offenses, and seizure disorders). Justification of the appropriateness of placing a child in a home with another child shall be documented.
9. No new placements of children shall occur with foster parents who have not satisfied the annual training requirements. Administrative-level staff, designated by the agency director, may grant an exemption to this restriction for up to sixty (60) days. The administrator shall review the quality of care provided by the foster parents, and the reasons for failing to complete the training on time, in deciding whether to grant an exception.

413 Continued Training of Foster Parents

1. Each foster parent shall complete at least twenty-four (24) hours of skill based training annually, excluding CPR and First Aid.
2. Documentation verifying annual training shall be dated indicating the number of hours, the name of the source, and topic/title.
3. Each foster parent shall maintain a current certificate of successful completion of hands-on, skill based CPR and First Aid. Training and certification that is provided solely on-line will not be accepted.
4. All foster parents shall receive at least ten (10) hours of sexual rehabilitative training annually, which may be included in the required twenty four (24) hours of annual training.

414 Therapeutic Foster Parent Responsibilities

1. Foster Parents shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child placed into their home, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards and risks.
2. Foster parents shall provide each child with adequate and nutritious food.
3. Foster parents shall provide regular activities to promote the physical, social, intellectual, spiritual, and emotional development of the children in care.
4. Foster parents shall provide each child their own clothing that is clean, well-fitted, seasonal, appropriate to age and gender, and comparable to community standards.
5. Foster parents shall allow foster children to acquire and keep personal belongings.
6. Foster parents shall fully cooperate with the child placement agency's case plan for each foster child, including visitation.
7. Foster parents shall provide routine transportation for each child.
8. Foster parents shall participate in case planning and case plan reviews.
9. Foster parents shall attend school conferences concerning a foster child, and shall notify the placing agency of any situations that may affect the case plan or require agency involvement.
10. Foster parents shall notify the child placement agency promptly of serious illness, injury, or unusual circumstances affecting the health, safety, or welfare of the foster child.
11. Foster parents shall cooperate with the child placement agency and the Licensing Unit in conducting inspections and investigations, and shall provide information required to verify compliance with rules.
12. Foster parents shall maintain absolute confidentiality of private information about each foster child and the birth family.
13. The foster parents shall give advance notice to the agency of any major changes that affect the life and circumstances of the foster family, including a change of residence, whenever possible.
14. Foster parents shall keep periodic photographs, a record of the child's memberships, activities, and participation in extracurricular school or

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church activities, trophies, awards, ribbons, etc. for each foster child. These items shall be offered and or returned to the child upon change in placement.

15. The foster parents shall be provided with a written list of duties clearly detailing their responsibilities.
16. Foster parents shall be responsible for implementing in-home treatment strategies specified in each child's treatment plan.
17. Foster parents shall keep an ongoing written record of each child's behavior and progress toward treatment goals.
18. The foster parents shall ensure that each child has sufficient sleep for his/her age and physical condition.
19. Each child shall be instructed in good grooming and personal hygiene habits.
20. The foster parents shall ensure each child is provided with opportunities for regular recreational activities and exercise.
21. The foster parents shall ensure each child shall be provided with ageappropriate activities and equipment.
22. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.

415 Medications

1. The agency shall have an intervention policy that is non-medical, unless a specific medical condition is indicated.
2. When psychotropic medications are prescribed by a physician they shall be used in concert with other interventions.
3. Foster parents shall administer medications only in accordance with directions on the label.
4. All over-the-counter medications shall be stored in an area not readily accessible to children, and all prescription medications excluding Epipens, inhalers, and Glucagon kits shall be locked. An age-appropriate and developmentally capable child may be provided, or have access to nonnarcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.
5. Medication shall be stored in accordance with pharmaceutical recommendations.

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6. Foster parents shall be aware of possible side effects of all medications administered to foster children.
7. All medication shall be logged by the foster parent at the time the medication is administered.
8. The medication logs shall include:
 - a. Child's name;
 - b. Time and date;
 - c. Medication and dosage;
 - d. Initials of the person administering the medication.
9. All currently prescribed medication shall be provided at placement.

416 Transportation

1. Foster families shall have their own transportation available.
2. Any vehicles used to transport foster children shall be maintained in compliance with motor vehicle laws, and be insured.
3. Children shall be transported only by foster parents or approved persons possessing a valid driver's license.
4. Children shall be transported according to Arkansas law, including, but not limited to, use of safety belts, child safety seats, and smoking restrictions.

417 Visitation

1. The agency that has legal responsibility for the child shall develop a visitation plan that specifies when and how visits will occur between the child and the parents.
2. The child placement agency shall carry out the visitation plan to meet the terms of the plan.
3. Foster parents shall allow foster children and their families to communicate according to the child's treatment plan.

418 Staffing Requirements, Staff Training & Support

1. Primary responsibilities of program staff shall include treatment planning, leadership of the treatment team, case management, clinical and administrative supervision, twenty-four (24) hour crisis intervention, and discharge planning.
2. The agency shall have a Clinical Director who shall be clearly responsible for implementation of treatment planning and service delivery. The Clinical Director shall be qualified by a master's degree in a human service field, and shall have:
 - a. Two (2) years' experience in placement or treatment;
 - b. Not less than forty (40) hours of sexual rehabilitative treatment training;
 - c. A minimum of two (2) years of sexual rehabilitative treatment experience. Certification as a sexual rehabilitative treatment trainer may be substituted for the required experience;
 - d. A current license in Arkansas as a mental health professional (as recognized by Arkansas Medicaid).
3. The agency shall have a therapist who is a licensed mental health professional (as recognized by Arkansas Medicaid) and has at least one (1) of the following:
 - a. At least two (2) years of experience in a sexual rehabilitative treatment program and at least forty (40) hours of sexual rehabilitative treatment training; or
 - b. At least three (3) years of experience in sexual rehabilitative specific treatment; or
 - c. Maintains current membership in, or is actively working toward fulfilling the requirements for membership from, the Association for the Treatment of Sexual Abusers.
4. The agency shall employ at least one caseworker who shall coordinate the implementation of the treatment plan. The caseworker shall be qualified by a bachelor's degree in a human service field, or shall be a mental health paraprofessional, and shall be supervised by the Clinical Director.

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5. All casework staff shall be trained in crisis prevention and intervention, CPR, and First Aid within the first sixty (60) days of employment.
6. All casework staff shall be provided with eight (8) hours of orientation, either prior to employment or within the first week of employment, which shall provide an overview of the following areas:
 - a. The agency's policies and procedures;
 - b. The client's rights, including confidentiality;
 - c. How to handle medical and non-medical emergencies;
 - d. The caseworker's clinical limitations;
 - e. How to document clinical information in the child's and family's records;
 - f. General information regarding commonly prescribed medications and their side effects.
7. The agency shall provide twenty-four (24) hour on-call crisis intervention support to supplement that provided by the caseworker.
8. Therapy services shall be provided by a licensed mental health professional (as recognized by Arkansas Medicaid) who has at least one (1) of the following:
 - a. At least two (2) years of experience in a sexual rehabilitative treatment program and at least forty (40) hours of sexual rehabilitative treatment training;
 - b. At least three (3) years of experience in sexual rehabilitative specific treatment;
 - c. Maintains current membership in, or is actively working toward fulfilling the requirements for membership from, the Association for the Treatment of Sexual Abusers.

419 Agency Responsibilities

1. The agency shall provide the foster parents with the information necessary to provide adequate care to each foster child.
2. The agency shall provide foster parents with instructions for contacting agency personnel any time.

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3. Each agency shall assign a caseworker to each child who is responsible for doing assessments, case planning, and casework services.
4. The agency shall ensure that casework staff visit with the child face-to-face at least once per week during the first three months after the child's placement with the agency, and at least every other week thereafter.
5. The agency shall ensure that each child in foster care has a medical exam at least annually. Medical exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
6. The child placement agency shall remain legally responsible for the supervision and decision making regarding foster children. Foster parents have daily responsibility for the care of the children.
7. The child placement agency shall have a written plan that provides for timely reimbursements to foster parents for costs of care and fees for services.
8. The agency shall develop respite care and babysitting policies.
9. Respite care shall occur in an agency approved foster home and shall not exceed fourteen (14) consecutive days.
10. Caseworkers shall be responsible for managing no more than twelve (12) children's cases.
11. The agency shall have a written program description that is available to residents and parents/guardians. The following information shall be included:
 - a. Program philosophy and mission;
 - b. Services and treatment modalities;
 - c. Treatment planning procedures;
 - d. Behavior management program and expectations of each child;
 - e. Admission, exclusion, and discharge criteria;
 - f. Aftercare services.
12. The agency shall keep documentation that includes:
 - a. Prior treatment documents and intake information;
 - b. Assessments;

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- c. Master treatment plan;
 - d. Treatment plan review;
 - e. Ongoing observations;
 - f. Medication and physician's instructions, if applicable;
 - g. Progress notes.
- 13. The agency shall establish procedures for hearing children's grievances.
- 14. The agency shall have written policies governing the supervision and monitoring of children in the home, on the grounds, and in the community.
- 15. The agency shall have written policies to protect children in the program and to ensure public safety.
- 16. If the child placement agency receives a report of non-compliance with licensing standards, the agency shall investigate to learn if the foster home remains in compliance. A report of findings and any corrective action shall be maintained in the foster home record. The investigation shall be completed within 60 days of receiving the report of non-compliance, unless good cause is documented.
- 17. The agency shall maintain a record for each foster family that contains all information and documentation required by licensing standards. To include:
 - a. Complete and signed application;
 - b. Approval letter;
 - c. Home Study;
 - d. Minimum age verification;
 - e. Three (3) positive references, from a non-relative;
 - f. Initial physical exam;
 - g. Pre-service training verification;
 - h. Initial and current criminal, Child Maltreatment, and FBI checks, as required;
 - i. Initial and current CPR and First Aid certification;
 - j. Current health immunizations of children or exemption;
 - k. Current auto insurance;

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- l. Current homeowner's or renter's insurance and general liability insurance;
 - m. Current rabies vaccinations for household pets as required by law;
 - n. Documentation of annual training;
 - o. Social media confidentiality documentation;
 - p. Surveillance documentation, if applicable;
 - q. Safety plans;
 - r. Floor plan;
 - s. Approved annual water system test, if applicable;
 - t. Approved alternative fire escape route, if applicable;
 - u. Documentation of quarterly monitoring visits, including unannounced visits;
 - v. Documentation of annual re-evaluations;
 - w. Reports of non-compliance with licensing standards including findings, and any corrective actions;
 - x. Closing summary.
18. The agency shall prepare a closing summary, including reasons, if the home closes.
19. The agency shall promptly notify the Arkansas office of the Interstate Compact on the Placement of Children upon discharging a child from outside Arkansas.
20. The agency shall approve and document the use of all surveillance devices used in the home.

420 Monitoring & Re-evaluation

1. The agency shall monitor the foster home at least quarterly for continued compliance with licensing standards for foster homes.
2. At least one unannounced quarterly visit shall be conducted annually and shall be documented as unannounced in the foster home record.

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3. The agency shall conduct an annual re-evaluation of the foster family home. Any foster home that does not substantially comply with the standards for approval shall not be approved for placement until compliance is achieved.
4. The agency shall keep documentation of quarterly monitoring visits and annual re-evaluations in the foster home record signed and dated by the person conducting the visit and the foster parent.
5. If the foster family experiences any major life changes (e.g., marriage, divorce, separation, health problems, death, change of residence, change of household composition), the child placement agency shall re-evaluate the home at that time.
6. If a home is inactive or closed for one (1) year or more, the agency shall:
 - a. Conduct a re-evaluation to ensure Licensing requirements are met;
 - b. Ensure new background checks are conducted;
 - c. Ensure CPR/First Aid is current;
 - d. Evaluate any major changes. i.e. (420.5).

421 Discharge

1. The discharge shall be planned by agency staff.
2. The agency may discharge a child on an emergency basis if failure to do so could result in harm to the child, other persons, or significant property damage.
3. A child shall be discharged to the custody of the child's parent or a person with authorization from the parent, guardian, or a person authorized by court order to assume custody of the child.
4. The agency shall complete a discharge statement on each child that includes the discharge date and reason for discharge and provide a copy of it to the child's custodian.
5. Documentation of the discharge shall be maintained in the child's record.

500 CHILD PLACEMENT AGENCIES: ADOPTIONS

In addition to all standards in Section 100, the following standards shall be met:

501 Selection of Adoptive Home

1. The agency shall select the home that is in the best interest of each child and is matched to the child's physical and emotional needs. The placement shall be based on an individual assessment of each child's needs.
2. The agency shall place children only in approved adoptive homes. All adoptive homes shall be approved prior to placement.
3. The agency shall have an established fee schedule for adoption services. The agency is not required to charge the same fees for all adoptions, but a sliding fee schedule shall have specified conditions and be equally applied. The fee schedule may take into consideration the income of the adoptive family and relevant factors such as children that are considered hard to place.
4. The agency shall have a foster care license in order to place children in short-term foster care while awaiting an adoptive placement.

502 Approval Process of Prospective Homes

1. In a two-parent home, both shall actively participate in the approval process.
2. An adoptive parent shall be at least twenty-one (21) years old.
3. The agency shall ensure there is a completed home study for each prospective adoptive family to determine if they should be approved as an adoptive home.
4. The Licensed Certified Social Worker or agency caseworker conducting the home study shall have at least two (2) visits in person with the prospective adoptive family during the initial approval process. One of the visits shall be in the home of the prospective adoptive family.
5. The caseworker shall have a separate, face to face interview with each prospective adoptive parent.
6. The caseworker shall interview each age-appropriate member of the household in person.
7. Each member of the adoptive household shall have a physical exam within twelve (12) months prior to the approval by the social worker or agency conducting the home study,

and annually thereafter until placement to ensure that no person has a health condition or disability that would interfere with the family's ability to care for a child.

8. The Licensed Certified Social Worker or agency shall notify applicants in writing within sixty (60) days of completion of the final home visit concerning the acceptance, reason for further delay, or denial of their application.

503 Contents of the Home Study

1. A home study shall be conducted by a caseworker of the agency or a Licensed Certified Social Worker.
2. The adoptive home study shall contain the following information, current to within one (1) year prior to each adoptive placement:
 - a. The family's motivation for adoption and the desired characteristics of the child or children to be adopted;
 - b. Each family member's attitudes toward adoption;
 - c. Attitudes of the applicants toward the birth parents(s), including parent search issues;
 - d. Resolution of any infertility issues;
 - e. The mental health, emotional stability, and maturity of the applicants;
 - f. The physical health of all household members, including a physician's statement, to the social worker or agency conducting the home study, that a medical exam was performed;
 - g. The financial status and stability of the family including proof to the social worker or agency conducting the home study of income and employment;
 - h. At least three (3) positive personal references from nonrelatives on the family. The references do not need to be updated unless this is a new adoption in the family or there have been significant changes;
 - i. The family's ability to cope with stress, loss, and crisis;
 - j. Adjustment and well-being of any minors residing in the home;
 - k. The family's child-caring skills and willingness to acquire additional skills;
 - l. The family's discipline practices;
 - m. Religious affiliation;
 - n. A description of the home, its location, and its environment;

- o. An assessment of the safety of the home, including all water hazards, dangerous pets, and firearm safety;
- p. A statement in the home study narrative or an addendum that the adoptive parents report to the social worker or agency conducting the home study that they have or have not been denied approval as an adoptive home in the past, and if so, why;
- q. A statement regarding the availability and results from criminal records and child maltreatment central registry checks, dated to within one (1) year prior to placement;
- r. The stability of the adoptive family and their marriage, if applicable, shall be discussed and determined to be appropriate;
- s. A recommendation regarding adoption, including the age, gender, characteristics, and special needs of children best served by this family;
- t. If the adoptive family experiences any major life changes (e.g., marriage, divorce, separation, health changes, change of residence, change of household composition), the social worker or agency shall re-evaluate the family prior to placement of a child. An additional home visit is required if there has been a change of residence.

504 Services to the Adoptive Parents

1. The agency shall provide information to the adoptive applicants regarding the potential risks associated with adoption.
2. The agency shall provide a written statement of exclusion (e.g., single parents, unwed couples), if applicable, to adoptive applicants before a home study is conducted.
3. The following information (if available) shall be provided to adoptive parents regarding the child being considered for adoption:
 - a. Specific and accurate information about the needs and characteristics of the child;
 - b. The health/medical history of the child and the child's biological family;
 - c. The health status of the child at the time of placement;
 - d. Genetic and social history of biological relatives, including:
 - i. Medical history; ii. Health status, if alive; iii. Cause of and age at death, if deceased; iv. Height, weight, eye and hair color;
 - v. Levels of education and professional achievement; vi. Ethnic origins;
 - vii. Religion.

Appendix B: Prohibited Offences

4. The agency caseworker shall ensure that at least two (2) face to face postplacement visits are made within six (6) months after the placement of the child. One of the visits shall be in the home of the adoptive family. If a finalized decree of adoption has been issued then post placement visits are not required.
5. The agency shall have a plan for caring for children in case the placement disrupts before the issuance of a decree of adoption.
6. The agency shall offer supportive services to the adoptive family for at least six (6) months following placement.

505 Services to Birth Parents

1. If the agency is providing casework services to either birth parent an intake shall be completed within thirty (30) days to identify services needed.
2. Counseling for both parents (if applicable) shall be offered to include the following:
 - a. Information, rights, options, and obligations regarding the adoption process;
 - b. Issues related to grief and loss.
3. Financial assistance to the birth mother may only be provided during the time of the pregnancy and after the pregnancy during the time the birth mother requires inpatient or outpatient postpartum care. This does not apply to future social services provided by an agency that offers a broader range of services other than adoptions.
4. All financial assistance to the birth mother shall be documented, including the amount and purpose of payment. This documentation shall be maintained in the individual file of the birth mother.

506 Birth Parent Records

1. If the agency has provided casework services to the birth parents, the following information shall be kept in a confidential file:
 - a. The parents' intake information, including any reviews and updates;
 - b. All correspondence with the birth parents;
 - c. All signed documents between the agency and the birth parents;
 - d. Documentation of all casework services provided before and after the adoption, current to within one (1) month of occurrence.

507 Agency Responsibilities

1. The agency shall provide written policy that includes a complete description of all types of the birth mother's expenses that may be passed through to the adoptive parents. The

Appendix B: Prohibited Offences

policy shall include notice to the adoptive parents that they may be responsible for unforeseeable medical and legal expenses.

2. The agency shall inform the adoptive parents in writing that a birth mother may choose not to relinquish a child for adoption, including the applicable postpartum period during which the birth mother may withdraw her consent for placement of her child.
3. The agency shall have a clear, written policy on refunds that is provided, explained, and signed by the prospective adoptive parents during the application process.
4. The agency shall apprise prospective adoptive parents in writing that any financial assistance given to the birth parent(s) is not recoverable if the birth parent(s) should decide not to complete an adoption plan. The only exception is if intent to defraud the prospective adoptive parents can be proven.
5. If the agency closes or ceases to provide adoption services, all adoption records including adoptive parents, birth mother (if applicable), and children placed shall be transferred to a licensed adoption agency by written agreement.
6. The closing agency shall provide written notification to the Licensing Unit regarding the transfer of records.

508 Adoptive Family Records

1. The agency shall keep a confidential case record for each family that received a child for adoption. The record shall contain:
 - a. The application to adopt;
 - b. The completed home study;
 - c. Criminal Record checks and Child Maltreatment Central Registry checks;
 - d. A copy of the information given to the adoptive parents regarding the child they received;
 - e. Copies of all legal documents concerning the adoption.

509 Record Maintenance

1. The agency shall maintain a permanent file on any adoption finalized, which shall be accessed according to Arkansas law.

2. If the agency establishes or contracts with a Mutual Consent Voluntary Adoption Registry, it shall be maintained according to Arkansas law.

510 Branch Offices

1. Any agency licensed in Arkansas shall provide the following information to the Licensing Unit prior to opening a branch office in Arkansas;
 - a. The address, telephone numbers (if available), and office hours for the branch office;
 - b. The name(s), qualifications, and contact information of the person(s) responsible for the day-to-day operations of the branch office and the child placement activities at the branch;
 - c. The name and contact information of the person responsible for providing services in case of emergencies or child-placement crises.

600 Child Placement Agencies: Residential

600 CHILD PLACEMENT AGENCIES: RESIDENTIAL

In addition to all applicable standards in section 100, the following standards shall be met:

1. The agency shall select the placement that is in the best interest of the child and is matched to the child's physical and emotional needs, based on an individual assessment.
2. A child placement agency shall only place a child into a licensed or exempt facility; documentation of current license is required for any outof-state placement.
3. The agency shall maintain a record of all placements to include:
 - a. Child's name;
 - b. Date of placement;
 - c. Placement providers;

- d. Person making referral, placing child, or assisting with placement.
4. The agency shall maintain a list of personnel involved in child placement activities.
5. The agency shall maintain a personnel record for each employee involved in child placement activities. Agencies providing mental health or other services that do not require a placement license shall not have their personnel records subject to review.

Appendix A: DEFINITIONS

1. **"Adoption agency"** means a child placement agency which places, plans for or assists in the placement of an unrelated minor in a household of one (1) or more persons which has been approved to accept a child for adoption.
2. **"Adoptive home"** means a household of one (1) or more persons that has been approved by a licensed child placement agency to accept a child for adoption;
3. **"Adverse action"** means any petition by the Department of Human Services before the Child Welfare Agency Review Board to take any of the following actions against a licensee or applicant for a license:
 - a. Revocation of license;
 - b. Suspension of license;
 - c. Conversion of license from regular or provisional status to probationary status;
 - d. Imposition of a civil penalty;
 - e. Denial of application; or
 - f. Reduction of licensed capacity;
4. **"Alternative compliance"** means approval from the Child Welfare Agency Review Board to allow a licensee to deviate from the letter of a rule, provided that the licensee has demonstrated how an alternate plan of compliance will meet or exceed the intent of the rule;
5. **"Board"** means the Child Welfare Agency Review Board;
6. **"Boarding school"** means an institution that is operated solely for educational purposes and that meets each of the following criteria:
 - a. The institution is in operation for a period of time not to exceed the minimum number of weeks of classroom instruction required of schools accredited by the Department of Education;

- b. The children in residence must customarily return to their family homes or legal guardians during school breaks and must not be in residence year round, except that this provision does not apply to students from foreign countries; and
 - c. The parents of children placed in the institution retain custody and planning and financial responsibility for the children;
- 7. **"Child"** means a person who is:
 - a. From birth to eighteen (18) years of age; or
 - b. Adjudicated dependent-neglected, dependent, or a member of a family in need of services before eighteen (18) years of age and for whom the juvenile division of a circuit court retains jurisdiction under the Arkansas Juvenile Code of 1989, § 9-27301 et seq.;
- 8. **"Child placement agency"** means a child welfare agency, not including any person licensed to practice medicine or law in the State of Arkansas that engages in any of the following activities:
 - a. Places a child in a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter;
 - b. Plans for the placement of a child into a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter; or
 - c. Assists the placement of a child in a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter; or
 - d. Places, plans or assists in the placement of a child victim of human trafficking in a home or any type of shelter or facility.
- 9. **"Child welfare agency"** means any person, corporation, partnership, voluntary association, or other entity or identifiable group of entities having a coordinated ownership of controlling interest, whether established for profit or otherwise, that engages in any of the following activities:
 - a. Receives a total number of six (6) or more unrelated minors for care on a twenty-four- hour basis for the purpose of ensuring the minors receive care, training, education, custody, or supervision, whether or not there are six (6) or more children cared for at any single physical location;
 - b. Places any unrelated minor for care on a twenty-four-hour basis with persons other than themselves; or
 - c. Plans for or assists in the placements described in subdivision (8)(B) of this section; or

- d. Places, plans or assists in the placement of a child victim of human trafficking in a home or any type of shelter or facility:

10. "Church-related exemption" means:

- a. Any church or group of churches exempt from the state income tax levied by § 26-51-101 et seq. when operating a child welfare agency shall be exempt from obtaining a license to operate the facility by the receipt by the Child Welfare Agency Review Board of written request therefore, together with the written verifications.
- b. A written request shall be made by those churches desiring exemption to the board, which is mandated under the authority of this subchapter to license all child welfare agencies.
- c. In order to maintain an exempt status, the child welfare agency shall state every two (2) years in written form signed by the persons in charge that the agency has met the fire, safety, and health inspections and is in substantial compliance with published standards that similar nonexempt child welfare agencies are required to meet.
- d. Visits to review and advise exempt agencies shall be made as deemed necessary by the board to verify and maintain substantial compliance with all published standards for nonexempt agencies.

11. "Emergency child care" means any residential child care facility that provides care to children on a time-limited basis, not to exceed ninety (90) days;

12. "Emergency Family Style Care" means any child welfare agency that provides twenty-four (24) hour custodial care, in a home like setting, for six (6) or more unrelated children or a child victim of human trafficking on an emergency basis, not to exceed ninety (90) days.

13. "Emergency Residential Child Care Facility" means any child welfare agency that provides twenty-four (24) hour custodial care for six (6) or more unrelated children or a child victim of human trafficking on an emergency basis, not to exceed ninety (90) days. Any child admitted as an emergency placement shall be designated as such and shall be discharged within ninety (90) days.

14. "Exempt child welfare agency" means any person, corporation, partnership, voluntary association or other entity, whether established for profit or otherwise, that otherwise fits the definition of a child welfare agency but that is specifically exempt from the requirement of obtaining a license under this subchapter. Those agencies specifically exempt from the license requirement are:

Appendix B: Prohibited Offences

- a. A facility or program owned or operated by an agency of the United States Government;
 - b. Any agency of the State of Arkansas that is statutorily authorized to administer or supervise child welfare activities. In order to maintain exempt status, the state child welfare agency shall state every two (2) years in written form signed by the persons in charge that their agency is in substantial compliance with published state agency child welfare standards. Visits to review and advise exempt state agencies shall be made as deemed necessary by the Child Welfare Agency Review Board to verify and maintain substantial compliance with the standards;
 - c. A facility or program owned or operated by or under contract with the Department of Correction;
 - d. A hospital providing acute care licensed pursuant to § 20-9-201 et seq.;
 - e. Any facility governed by the Department of Human Services State institutional System Board or its successor;
 - f. Human development centers regulated by the Board of Developmental Disabilities Services pursuant to § 20-48-201 et seq.;
 - g. Any facility licensed as a family home pursuant to § 20-48-601 et seq.;
 - h. Any boarding school as defined in this section;
 - i. Any temporary camp as defined in this section;
 - j. Any state-operated facility to house juvenile delinquents or any serious offender program facility operated by a state designee to house juvenile delinquents. Those facilities shall be subject to program requirements modeled on nationally recognized correctional facility standards that shall be developed, administered, and monitored by the Division of Youth Services of the Department of Human Services;
 - k. Any child welfare agency operated solely by a religious organization that elects to be exempt from licensing and that complies within the conditions of the exemption for churchoperated agencies as set forth in this subchapter;
 - l. The Division of Developmental Disabilities Services of the Department of Human Services; and
 - m. Any developmental disabilities services waiver provider licensed under § 2048-208 or § 20-48-601 et seq.;
15. **"Foster Care Placement Agency"** means a child placement agency which places, plans for, or assists in the placement of an unrelated minor in a private residence of one (1) or more family members for care and supervision on a twenty-four

(24) hour basis; or places, plans or assists in the placement of a child victim of human trafficking in a home.

16. **"Foster home"** means a private residence of one (1) or more family members that receives from a child placement agency any child who is unattended by a parent or guardian in order to provide care, training, education, or supervision on a twenty-four-hour basis, not to include adoptive homes. **"Foster home"** does not include a home suspended or closed by a child placement agency;
17. **"Transitional Living"** means any child welfare agency that provides specialized services in adult living preparation in a structured setting for persons eighteen (18) years of age or older who have been admitted into the agencies residential program prior to the age of 18.
18. **"Independent Living"** means a child welfare agency that provides specialized services in adult living preparation in an experiential home like setting for persons sixteen (16) years of age or older.
19. **"Independent Living Family Style Care"** means a child welfare agency that provides specialized services in adult living preparation in an experiential home like setting for persons sixteen (16) years of age or older.
20. **"Minimum standards"** means those rules as established by the Child Welfare Agency Review Board that set forth the minimum acceptable level of practice for the care of children by a child welfare agency;
21. **"Placement Residential"** means a child placement agency which places, plans for, or assists in the placement of an unrelated minor into a residential child care facility or a child victim of human trafficking in any type of shelter or facility. The agency may be licensed for any or all types of licenses, depending on the types of services it provides.
22. **"Provisional foster home"** means a foster home opened for no more than six (6) months by the Division of Children and Family Services of the Department of Human Services for a relative or fictive kin of a child in the custody of the Division of Children and Family Services of the Department of Human Services after it:
 - a. Conducts a health and safety check, including a central registry check and a criminal background check or a check with local law enforcement, of the relative's home; and
 - b. Performs a visual inspection of the home of the relative to verify that the relative and the home will meet the standards for opening a regular foster home;

23. **"Probationary"** means a type of license issued to an agency that has not maintained compliance with minimum licensing standards, but the Board believes that compliance can be restored and subsequently maintained. This license may be issued for up to one (1) year, at the discretion of the Board.
24. **"Psychiatric residential treatment facility"** means a residential child care facility in a nonhospital setting that provides a structured, systematic, therapeutic program of treatment under the supervision of a psychiatrist, for children who are emotionally disturbed and in need of daily nursing services, psychiatrist's supervision, and residential care but who are not in an acute phase of illness requiring the services of an inpatient psychiatric hospital;
25. **"Relative"** means a person within the fifth degree of kinship by virtue of blood or adoption;
26. **"Religious organization"** means a church, synagogue, or mosque or association of same whose purpose is to support and serve the propagation of truly held religious beliefs;
27. **"Residential child care facility"** means any child welfare agency that provides care, training, education, custody, or supervision on a twentyfour-hour basis for six (6) or more unrelated children, excluding foster homes that have six (6) or more children who are all related to each other but who are not related to the foster parents; or receives a child victim of human trafficking in any type of shelter or facility.
28. **"Residential Family Style Care"** means any child welfare agency that provides care, training, education, custody or supervision, in a home like setting, on a twenty-four (24) hour basis for six (6) or more unrelated minors or receives a child victim of human trafficking in any type of shelter or facility.
29. **"Sexual Rehabilitative Program"** means a treatment program that offers a specific and specialized therapeutic program for children with sexually maladaptive behaviors. A licensed sexual rehabilitative program may be in a residential childcare facility, a therapeutic foster care home, or a psychiatric residential treatment facility.
30. **"Special consideration"** means approval from the Child Welfare Agency Review Board to allow a licensee to deviate from the letter of a rule if the licensee has demonstrated that the deviation is in the best interest of the children and does not pose a risk to persons served by the licensee;
31. **"Substantial compliance"** means compliance with all essential standards necessary to protect the health, safety, and welfare of the children in the care of the child welfare agency.
Essential standards include, but are not limited to, those relating to issues involving fire, health, safety, nutrition, discipline, staff-to-child ratio, and space;

Appendix B: Prohibited Offences

32. **"Temporary camp"** means any facility or program providing twentyfour-hour care or supervision to children that meets the following criteria:
- a. The facility or program is operated for recreational, educational, or religious purposes only;
 - b. No child attends the program more than forty (40) days in a calendar year; and
 - c. The parents of children placed in the program retain custody and planning and financial responsibility for the children during placement;
33. **"Therapeutic Foster Care"** means any child placement agency that places, plans for, or assists in the placement of an unrelated minor or a child victim of human trafficking in a therapeutic foster home. Therapeutic foster care is intensive therapeutic care for children provided in specially trained family homes supported by licensed mental health professionals (as recognized by Arkansas Medicaid). A therapeutic foster care program is a family-based services delivery approach providing individualized treatment for children, youth, and their families. Treatment is delivered through an integrated set of services with key interventions and supports provided by therapeutic foster parents who are trained, supervised, and supported by qualified program staff. Therapeutic foster care services shall be provided in a separately identified program of a larger agency or be provided by an independent agency.
34. **"Therapeutic Foster Care - Sexual Rehabilitative Program"** means a treatment program that offers a specific and specialized therapeutic program for children with sexually maladaptive behaviors. A licensed sexual rehabilitative program may be in a residential childcare facility, a therapeutic foster care home, or a psychiatric residential treatment facility.
35. **"Unrelated minor"** means a child who is not related by blood, marriage, or adoption to the owner or operator of the child welfare agency and who is not a ward of the owner or operator of the child welfare agency pursuant to a guardianship order issued by a court of competent jurisdiction.

Appendix B: PROHIBITED OFFENCES

1. A person who is required to have a criminal records check under the Child Welfare Agency Licensing Act shall be absolutely and permanently prohibited from having direct and unsupervised contact with a child in the care of a child welfare agency if that person has pleaded guilty or nolo contendere to or been found guilty of any of the following offenses by any court in the State of Arkansas, of a similar offense in a court of another state, or of a similar offense by a federal court, unless the conviction is vacated or reversed:

Appendix B: Prohibited Offences

01. Abuse of an endangered or impaired person, if felony,	§ 5-28-103;
02. Arson,	§ 5-28-103;
03. Capital Murder,	§ 5-10-101;
04. Endangering the welfare of an incompetent person in the first degree,	§ 5-27-201;
05. Kidnapping,	§ 5-11-102;
06. Murder in the first degree,	§ 5-10-102;
07. Murder in the second degree,	§ 5-10-103;
08. Rape,	§ 5-14-103;
09. Sexual assault in the first degree,	§ 5-14-124;
10. Sexual assault in the second degree,	§ 5-14-125;

2. A person who is required to have a criminal records check under the Child Welfare Agency Licensing Act shall not be eligible to have direct and unsupervised contact with a child in the care of a child welfare agency if that person has pleaded guilty or nolo contendere to or been found guilty of any of the following offenses by a court in the State of Arkansas, of a similar offense in a court of another state, or of a similar offense by a federal court, unless the conviction is vacated or reversed:

01. Criminal attempt to commit any offenses;	§ 5-3-201;
02. Criminal complicity to commit any offenses;	§ 5-3-202;
03. Criminal conspiracy to commit any offenses ;	§ 5-3-401;
04. Criminal solicitation, to commit any offenses;	§ 5-3-301;
05. Assault in the first, second, or third degree;	§ 5-13-205/207;
06. Aggravated assault;	§ 5-13-204;
07. Aggravated assault on a family or household member,	§ 5-26-306;
08. Battery in the first, second, or third degree,	§ 5-13-201/203;
09. Breaking or entering,	§ 5-39-202;
10. Burglary,	§ 5-39-201;
11. Coercion,	§ 5-13-208;
12. Computer crimes against minors,	§ 5-27-601et seq;
13. Contributing to the delinquency of a juvenile,	§ 5-27-220;
14. Contributing to the delinquency of a minor,	§ 5-27-209;
15. Criminal impersonation,	§ 5-37-208;
16. Criminal use of a prohibited weapon,	§ 5-73-104;

Appendix B: Prohibited Offences

17. Communicating a death threat concerning a school employee or students:	§ 5-17-101;
18. Domestic battery in the first, second, or third degree,	§5-26-303/305;
19. Employing or consenting to the use of a child in a sexual performance,	§5-27-401;
20. Endangering the welfare of a minor in the first or second degree,	§5-27-205/206
21. Endangering the welfare of an incompetent person in the second degree,	§5-27-202;
22. Engaging children in sexually explicit conduct for use in visual or print media,	§ 5-27-303;
23. False imprisonment in the first or second degree,	§ 5-11-103/104;
24. Felony abuse of an endangered or impaired person,	§ 5-28-103;
25. Felony interference with a law enforcement officer,	§ 5-54-104;
26. Felony violation of the Uniform Controlled Substance Act,	§ 5-64-101 et seq. §5-64-501 et seq.;
27. Financial identity fraud,	§ 5-37-227;
28. Forgery,	§ 5-37-201;
29. Incest,	§ 5-26-202;
30. Interference with court ordered custody,	§ 5-26-502;
31. Interference with visitation,	§ 5-26-501;
32. Introduction of controlled substance into the body of another person,	§ 5-13-210;
33. Manslaughter,	§ 5-10-104;
34. Negligent homicide,	§ 5-10-105;
35. Obscene performance at a live public show,	§ 5-68-305;
36. Offense of cruelty to animals,	§ 5-62-103;
37. Offense of aggravated cruelty to dog, cat, or horse,	§ 5-62-104;
38. Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child,	§ 5-27-304;
39. Sexual solicitation,	§ 5-70-103;
40. Permanent detention or restraint,	§ 5-11-106;
41. Permitting abuse of a minor,	§ 5-27-221;
42. Producing, directing, or promoting a sexual performance by a child,	§ 5-27-403;
43. Promoting obscene materials,	§ 5-68-303;

Appendix B: Prohibited Offences

44. Promoting obscene performance,	§ 5-68-304;
45. Promoting prostitution in the first, second, or third degree,	§ 5-70-104- § 5-70-106;
46. Prostitution,	§ 5-70-102;
47. Public display of obscenity,	§ 5-68-205;
48. Resisting arrest,	§ 5-54-103;
49. Robbery,	§ 5-12-102;
50. Aggravated robbery,	§ 5-12-103;
51. Sexual offenses,	§ 5-14-101 et seq.
52. Simultaneous possession of drugs and firearms,	§ 5-74-106;
53. Soliciting money or property from incompetents,	§ 5-27-229;
54. Stalking,	§ 5-71-229;
55. Terroristic act,	§ 5-13-310;
56. Terroristic threatening,	§ 5-13-301;
57. Theft of public benefits,	§ 5-36-202;
58. Theft by receiving,	§ 5-36-106;
59. Theft of property,	§ 5-36-103;
60. Theft of services,	§ 5-36-104;
61. Transportation of minors for prohibited sexual conduct,	§ 5-27-305;
62. Unlawful discharge of a firearm from a vehicle,	§ 5-74-107; and
63. Voyeurism,	§ 5-16-102.

3. A former or future law of this or any other state or of the federal government that is substantially equivalent to one (1) of the offenses listed in the Child Welfare Licensing Act shall be considered as prohibiting.
4. A person who is required to have a criminal records check under the Child Welfare Agency Licensing Act who has pleaded guilty or nolo contendere to or been found guilty of any of the offenses listed shall be absolutely disqualified from being an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare agency's board of directors, or employee in a child welfare agency during the period of the person's confinement, probation, or parole supervision unless the conviction is vacated or reversed.
5. Except as provided under the Child Welfare Agency Licensing Act, a person who has pleaded guilty or nolo contendere to or been found guilty of one (1) of the offenses listed shall not work in a child welfare agency unless:

Appendix B: Prohibited Offences

- (a) The date of a plea of guilty or nolo contendere, or the finding of guilt for a misdemeanor offense is at least five (5) years from the date of the record check; and
- (b) There have been no criminal convictions or pleas of guilty or nolo contendere of any type or nature during the five-year period preceding the background check request.

6. Except as provided under the Child Welfare Licensing Act:

- (a) a person who is required to have a criminal records check, who has pleaded guilty or nolo contendere to or been found guilty of any of the offenses listed shall be presumed to be disqualified to be an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare agency's board of directors, or employee in a child welfare agency after the completion of his or her term of confinement, probation, or parole supervision unless the conviction is vacated or reversed.
- (b) An owner, operator, volunteer, foster parent, adoptive parent, household member of a foster parent or adoptive parent, member of any child welfare agency's board of directors, or an employee in a child welfare agency shall not petition the Child Welfare Agency Review Board unless the agency supports the petition, which can be rebutted in the following manner:
 - (i) The applicant shall petition the Child Welfare Agency Review Board to make a determination that the applicant does not pose a risk of harm to any person;
 - (ii) The applicant shall bear the burden of making such a showing; and
 - (iii) The Child Welfare Agency Review Board may permit an applicant to be an owner, operator, volunteer, foster parent, adoptive parent, member of an agency's board of directors, or an employee in a child welfare agency notwithstanding having pleaded guilty or nolo contendere to or been found guilty of an offense listed in this section upon making a determination that the applicant does not pose a risk of harm to any person served by the facility.

7. The Child Welfare Agency Review Board's decision to disqualify a person from being an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare agency's board of directors, or an employee in a child welfare agency under this section shall constitute the final administrative agency action of the Child Welfare Agency Review Board and is not subject to review.