

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

NOTICE OF RULE MAKING

The Department of Human Services announces for a public comment period of thirty (30) calendar days a notice of rulemaking for the following proposed rule(s) under one or more of the following chapters, subchapters, or sections of the Arkansas Code: §§ 9-28-405, 20-76-201, and 25-10-129.

Effective June 1, 2022:

Background: The Child Welfare Agency Review Board, through the Director of the Division of Child Care and Early Childhood Education (DCCECE), will revise the Minimum Licensing Standards for Child Welfare Agencies (Placement and Residential) to meet the requirements of the Families First Prevention Services Act (Public Law 115-123) as established for Arkansas. The act reforms Title IV-E and Title IV-B of the Social Security Act and aims to prevent children from entering foster care and to improve the well-being of children already in foster care. The rule impacts the foster families of Arkansas and residential facilities that have direct involvement with Transitional Living. DCCECE also makes revisions to incorporate Acts 269, 673, and 772 of the Arkansas 93rd General Assembly. The acts amended the law concerning criminal record and child welfare checks, corporal punishment, and licensing of Psychiatric Residential Treatment Centers (PRTC).

Minimum Licensing Standards for Child Welfare Agencies (Placement and Residential) changes: Revisions are being issued to the Minimum Licensing Standards for Child Welfare Agencies (Placement and Residential). Both manuals incorporate the Child Welfare Agency Review Board prohibition on corporal punishment, FBI background check requirements, and technical and format corrections. The changes to the Placement Standards also involve the content of the home study, physical requirements of the home, approval of foster homes, foster parent responsibilities, medications, continued training of foster parents, and sleeping arrangements. The changes for the Residential Standards affect the Transitional Living Section. The following details the changes to each section of the licensing standards for Placement and Residential.

Summary of Changes for Placement Standards:

The Content of Home Study sections now contain provisions for one scheduled home interview and a right to request further documentation. Additions were made to the sections regarding the physical requirements of the foster home. Also added were requirements that the home shall be maintained in a clean, safe, and sanitary condition and in a reasonable state of repair, and specified requirements for smoke detectors, the physical structure of the home, indoor appliances, and functioning water, lighting, ventilation, sewage, and electricity. Similarly added were requirements concerning the home interior and exterior being free from dangerous objects, conditions, and hazardous material, along with requirements for maintenance of emergency supplies and emergency phone number lists. Sections on sleeping arrangement were revised that address requirements for a child's bedroom, bedding standards and condition, and prohibition of parental co-sleeping or sharing a bed with a child. Updates to pool safety measures include a requirement for adult supervision as well as a water safety plan for supervision of children during water activities. Updates and additions were made both over the counter and prescription medications and limiting access to them.

Also added were standards for foster home approval, and foster parent training and responsibility. Approval requirements now include conditions for personal references, topics for pre-service training, and standard for proper communication and functional literacy among parents and children. Parent are required to have ongoing training, and the topics for annual training were specified. Finally, language was