

# ARKANSAS REGISTER

## Proposed Rule Cover Sheet



Secretary of State  
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Name of Department \_\_\_\_\_

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

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

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

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

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

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

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

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

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

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

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

**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY.**

**DEPARTMENT** \_\_\_\_\_  
**BOARD/COMMISSION** \_\_\_\_\_  
**PERSON COMPLETING THIS STATEMENT** \_\_\_\_\_  
**TELEPHONE NO.** \_\_\_\_\_ **EMAIL** \_\_\_\_\_

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

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

1. Does this proposed, amended, or repealed rule have a financial impact?  
Yes                      No
  
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?  
Yes                      No
  
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes                      No

If no, please explain:

(a) how the additional benefits of the more costly rule justify its additional cost;

(b) the reason for adoption of the more costly rule;

(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:  
(a) What is the cost to implement the federal rule or regulation?

**Current Fiscal Year**

General Revenue \_\_\_\_\_  
 Federal Funds \_\_\_\_\_  
 Cash Funds \_\_\_\_\_  
 Special Revenue \_\_\_\_\_  
 Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
 Federal Funds \_\_\_\_\_  
 Cash Funds \_\_\_\_\_  
 Special Revenue \_\_\_\_\_  
 Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

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

**Current Fiscal Year**

General Revenue \_\_\_\_\_  
 Federal Funds \_\_\_\_\_  
 Cash Funds \_\_\_\_\_  
 Special Revenue \_\_\_\_\_  
 Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
 Federal Funds \_\_\_\_\_  
 Cash Funds \_\_\_\_\_  
 Special Revenue \_\_\_\_\_  
 Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

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

**Current Fiscal Year**

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

**Next Fiscal Year**

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

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

**Current Fiscal Year**

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

**Next Fiscal Year**

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

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

Yes      No

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

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

**Statement of Necessity and Rule Summary**  
**Supplemental Nutrition Assistance Program (SNAP)**  
**Provider Determination Update**

**Statement of Necessity:**

The SNAP manual is updated to clarify and correspond with responsibilities stated in 7 CFR 273.7(c)(18)(i)(A). Employment and Training (E&T) providers, being in the best position to know the skills and qualifications likely to enable an individual to be successful in a program, determine if a participant is ill-suited for a particular E&T component. Such a determination is referred to as a provider determination, and the below summary reflects SNAP manual changes related to provider determinations.

**Summary:**

The changes to the SNAP manual are:

1. Changed the numbering of Section 3620 to 3622, and revised the section as follows:
  - a. Added that a provider determination is when an E&T provider determines that an E&T participant is not appropriate or is ill-suited for a particular E&T component. Only the E&T provider has the authority to determine if an individual is ill-suited for the E&T component from the time an individual is referred to an E&T component until completion of the component.
  - b. Added that if an E&T provider finds an individual is ill-suited for one (1) component offered by the E&T provider, the provider may switch the individual to another component and inform the agency of the new component without need for the agency to act further on the determination.
  - c. Deleted If an E&T provider finds an individual is ill-suited for one component offered by the E&T provider, the provider may switch the individual to other component and inform the agency of the new component without need for the agency to act further on the determination. The E&T provider has the authority to determine if an individual is ill-suited for the E&T component from the time an individual is referred to an E&T component until completion of the component.
2. Created Section 3622.1 County Office Responsibilities:
  - a. Updates notification an individual receives from a provider determination.
  - b. The State agency must notify the client within ten (10) days of receiving the provider determination.
  - c. Updates the responsibilities of county offices when reassessing the individual for any mental or physical impairments.
  - d. Removes “if a mandatory E&T participant receives a provider determination, the individual will be notified that they are not being sanctioned as a result of the provider determination.

Revisions to grammar and formatting were updated where appropriate.

Repeals pursuant to the Governor’s Executive Order 23-02:

- (1) PUB 30: Resource Parent Handbook; and
- (2) DDS Policy 1087 – Criminal Record Check.

## NOTICE OF RULE MAKING

The Department of Human Services (DHS) announces for a public comment period of thirty (30) calendar days a notice of rulemaking for the following proposed rule under one or more of the following chapters, subchapters, or sections of the Arkansas Code: §§20-76-201, 20-77-107, and 25-10-129.

The Director of the Division of County Operations amends the SNAP Manual to correspond with 7 CFR 273.7(c)(18)(i)(A). The proposed effective date is January 1, 2024. The SNAP manual has been updated to renumber Section 3620 to 3622 and to add that a provider determination is when an E&T provider determines that an E&T participant is not appropriate or is ill-suited for a particular E&T component. Only the E&T provider has the authority to determine if an individual is ill-suited for the E&T component from the time an individual is referred to an E&T component until completion of the component. The amendments also add section 3622.1 County Responsibilities. Section 3622.1 updates the notice requirements for individuals receiving provider determinations as well as county responsibilities for reassessing individuals for any mental or physical impairments. The proposed rule estimates a financial impact of \$240,000 (\$120,000 of which is federal funds) for state fiscal year (SYF) 2024 and \$0 (\$0 of which is federal funds) for SYF 2025.

Pursuant to the Governor's Executive Order 23-02, DHS repeals the following two rules as part of this promulgation: (1) PUB 30: Resource Parent Handbook, and (2) DDS Policy 1087 – Criminal Record Check.

The proposed rule is available for review at the Department of Human Services (DHS) Office of Rules Promulgation, 2nd floor Donaghey Plaza South Building, 7th and Main Streets, P. O. Box 1437, Slot S295, Little Rock, Arkansas 72203-1437. You may also access and download the proposed rule at [ar.gov/dhs-proposed-rules](https://ar.gov/dhs-proposed-rules).

Public comments must be submitted in writing at the above address or at the following email address: [ORP@dhs.arkansas.gov](mailto:ORP@dhs.arkansas.gov). All public comments must be received by DHS no later than October 21, 2023. Please note that public comments submitted in response to this notice are considered public documents. A public comment, including the commenter's name and any personal information contained within the public comment, will be made publicly available and may be seen by various people.

If you need this material in a different format, such as large print, contact the Office of Rules Promulgation at (501) 320-6428.

The Arkansas Department of Human Services is in compliance with Titles VI and VII of the Civil Rights Act and is operated, managed and delivers services without regard to religion, disability, political affiliation, veteran status, age, race, color or national origin. **4502044082**

*Mary Franklin*

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Mary Franklin, Director  
Division of County Operations

## 36220 Provider Determination

SNAP Manual 01/01/2024

A provider determination is when an E&T provider determines that an E&T participant is not appropriate or is ill-suited for a particular E&T component. Only the E&T provider has the authority to determine if an individual is ill-suited for the E&T component from the time an individual is referred to an E&T component until completion of the component.

The State agency is responsible for ensuring all E&T providers are informed of their authority and responsibility to determine if an individual is ill-suited for a particular E&T component. Such determinations shall be referred to as provider determinations. The E&T provider must notify the State agency of the provider determination within ten (10) days of the date the determination is made. This notification must include and inform the State agency of the reason for the provider determination. If an E&T provider finds an individual is ill-suited for one (1) component offered by the E&T provider, the provider may switch the individual to another component and inform the agency of the new component without need for the agency to act further on the determination.

The E&T provider may also provide input on the most appropriate next step for the individual with a provider determination. If the State agency is unable to obtain the reason for the provider determination from the E&T provider, the agency must continue to act on the provider determination ~~in accordance with this section. If an E&T provider finds an individual is ill-suited for one component offered by the E&T provider, the provider may switch the individual to other component and inform the agency of the new component without need for the agency to act further on the determination.~~

~~The E&T provider has the authority to determine if an individual is ill-suited for the E&T component from the time an individual is referred to an E&T component until completion of the component.~~

### 3622.1 County Office Responsibilities

SNAP Manual 01/01/2024

When the agency receives notification that an individual has received a provider determination, and the individual is not exempt from the work requirement, the agency must:

- Notify the ~~mandatory~~ E&T participant, within ten (10) days of receiving notification from the E&T provider, of the provider determination. This notification will including the following information:
  - ~~The State agency must explain~~ Explain -what a provider determination is,
  - ~~the next steps the State agency will take as a result of the provider determination, and contact information for the State agency.~~
  - Explain that the individual is not being sanctioned as a result of the provider determination.
- Re-screen the individual for participation in the SNAP E&T program.
- Provide the individual information about workforce partnerships.
- Reassess the individual for any mental or physical impairments.

- If the individual is found to be physically or mentally unfit, the individual will be exempt from the work requirement.
- Coordinate with other Federal, State, or local workforce or assistance programs to identify work opportunities or assistance for the individual.

~~If an mandatory E&T participant receives a provider determination, the individual will be notified that they are not being sanctioned as a result of the provider determination.~~ If the mandatory participant is an able-bodied adult without dependents and has received a provider determination, the individual must be notified that they will accrue countable months toward their three (3) month participation time limit. -The months will begin to accrue the next full benefit month after the month during which the participant has been notified of the provider determination, unless the individual fulfills the work requirements, has good cause, or is otherwise exempt.

The participant may be notified verbally or in writing, and the eligibility worker must, ~~at a minimum,~~ document when the notification occurs in the participant's case file, ~~and take the most suitable action, from among the options listed in SNAP 3630 from the steps referenced above, no later than the date of the individual's recertification.~~



## 3622 Provider Determination

SNAP Manual 01/01/2024

A provider determination is when an E&T provider determines that an E&T participant is not appropriate or is ill-suited for a particular E&T component. Only the E&T provider has the authority to determine if an individual is ill-suited for the E&T component from the time an individual is referred to an E&T component until completion of the component.

The State agency is responsible for ensuring all E&T providers are informed of their authority and responsibility to determine if an individual is ill-suited for a particular E&T component. Such determinations shall be referred to as provider determinations. The E&T provider must notify the State agency of the provider determination within ten (10) days of the date the determination is made. This notification must include the reason for the provider determination. If an E&T provider finds an individual is ill-suited for one (1) component offered by the E&T provider, the provider may switch the individual to another component and inform the agency of the new component without need for the agency to act further on the determination.

The E&T provider may also provide input on the most appropriate next step for the individual with a provider determination. If the State agency is unable to obtain the reason for the provider determination from the E&T provider, the agency must continue to act on the provider determination.

### 3622.1 County Office Responsibilities

SNAP Manual 01/01/2024

When the agency receives notification that an individual has received a provider determination, and the individual is not exempt from the work requirement, the agency must:

- Notify the E&T participant, within ten (10) days of receiving notification from the E&T provider, of the provider determination. This notification will:
  - Explain what provider determination is.
  - Explain that the individual is not being sanctioned as a result of the provider determination.
- Re-screen the individual for participation in the SNAP E&T program.
- Provide the individual information about workforce partnerships.
- Reassess the individual for any mental or physical impairments.
  - If the individual is found to be physically or mentally unfit, the individual will be exempt from the work requirement.

If the participant is an able-bodied adult without dependents and has received a provider determination, the individual must be notified that they will accrue countable months toward their three (3) month participation time limit. The months will begin to accrue the next full benefit month after the month during which the participant has been notified of the provider determination, unless the individual fulfills the work requirements, has good cause, or is otherwise exempt.

The participant may be notified verbally or in writing, and the eligibility worker must document when the notification occurs in the participant's case file.

Proposed

This content is from the eCFR and is authoritative but unofficial.



Displaying title 7, up to date as of 7/26/2023. Title 7 was last amended 7/17/2023.



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## Title 7 -- Agriculture

### Subtitle B -- Regulations of the Department of Agriculture

#### Chapter II -- Food and Nutrition Service, Department of Agriculture

#### Subchapter C -- Supplemental Nutrition Assistance and Food Distribution Program

#### Part 273 -- Certification of Eligible Households

#### Subpart C -- Education and Employment

#### EDITORIAL NOTE ON SUBCHAPTER C OF CHAPTER II

**Editorial Note:** Nomenclature changes to subchapter C appear by Amdt. 381, 65 FR 64586, Oct. 30, 2000.

#### EDITORIAL NOTE ON PART 273

**Editorial Notes:** 1. OMB control numbers relating to this part 273 are contained in § 271.8.

2. Nomenclature changes to part 273 appear at 84 FR 15093, Apr. 15, 2019.

### § 273.7 Work provisions.

#### (a) *Work requirements.*

- (1) As a condition of eligibility for SNAP benefits, each household member not exempt under paragraph (b)(1) of this section must comply with the following SNAP work requirements:
  - (i) Register for work or be registered by the State agency at the time of application and every 12 months after initial registration. The member required to register need not complete the registration form.
  - (ii) Participate in a Food Stamp Employment and Training (E&T) program if assigned by the State agency, to the extent required by the State agency;
  - (iii) Participate in a workfare program if assigned by the State agency;
  - (iv) Provide the State agency or its designee with sufficient information regarding employment status or availability for work;
  - (v) Report to an employer to whom referred by the State agency or its designee if the potential employment meets the suitability requirements described in paragraph (h) of this section;
  - (vi) Accept a bona fide offer of suitable employment, as defined in paragraph (h) of this section, at a site or plant not subject to a strike or lockout, at a wage equal to the higher of the Federal or State minimum wage or 80 percent of the wage that would have governed had the minimum hourly rate under section 6(a)(1) of the Fair Labor Standards Act been applicable to the offer of employment.
  - (vii) Do not voluntarily and without good cause quit a job of 30 or more hours a week or reduce work effort to less than 30 hours a week, in accordance with paragraph (j) of this section.
- (2) The Food and Nutrition Service (FNS) has defined the meaning of "good cause," and "voluntary quit," and "reduction of work effort" as used in paragraph (a)(1)(vii) of this section. See paragraph (i) of this section for a discussion of good cause; see paragraph (j) of this section for a discussion of voluntary quit and reduction of work effort.
- (3) Each State agency will determine the meaning of any other terms used in paragraph (a)(1) of this section; the procedures for establishing compliance with SNAP work requirements; and whether an individual is complying with SNAP work requirements. A State agency must not use a meaning, procedure, or determination that is less restrictive on SNAP recipients than is a comparable meaning, procedure, or determination under the State agency's program funded under title IV-A of the Social Security Act.
- (4) Strikers whose households are eligible under the criteria in § 273.1(e) are subject to SNAP work requirements unless they are exempt under paragraph (b)(1) of this section at the time of application.

(5) State agencies may request approval from FNS to substitute State or local procedures for work registration for PA households not subject to the work requirements under title IV of the Social Security Act or for GA households. However, the failure of a household member to comply with State or local work requirements that exceed the requirements listed in this section must not be considered grounds for disqualification. Work requirements imposed on refugees participating in refugee resettlement programs may also be substituted, with FNS approval.

(6) Household members who are applying for SSI and for SNAP benefits under § 273.2(k)(1)(i) will have SNAP work requirements waived until they are determined eligible for SSI and become exempt from SNAP work requirements, or until they are determined ineligible for SSI, at which time their exemptions from SNAP work requirements will be reevaluated.

(b) **Exemptions from work requirements.**

(1) The following persons are exempt from SNAP work requirements:

- (i) A person younger than 16 years of age or a person 60 years of age or older. A person age 16 or 17 who is not the head of a household or who is attending school, or is enrolled in an employment training program, on at least a half-time basis, is also exempt. If the person turns 16 (or 18 under the preceding sentence) during a certification period, the State agency must register the person as part of the next scheduled recertification process, unless the person qualifies for another exemption.
- (ii) A person physically or mentally unfit for employment. For the purposes of this paragraph (b), a State agency will define physical and mental fitness; establish procedures for verifying; and will verify claimed physical or mental unfitness when necessary. However, the State agency must not use a definition, procedure for verification, or verification that is less restrictive on SNAP recipients than a comparable meaning, procedure, or determination under the State agency's program funded under title IV-A of the Social Security Act.
- (iii) A person subject to and complying with any work requirement under title IV of the Social Security Act. If the exemption claimed is questionable, the State agency is responsible for verifying the exemption.
- (iv) A parent or other household member responsible for the care of a dependent child under 6 or an incapacitated person. If the child has his or her 6th birthday during a certification period, the State agency must work register the individual responsible for the care of the child as part of the next scheduled recertification process, unless the individual qualifies for another exemption.
- (v) A person receiving unemployment compensation. A person who has applied for, but is not yet receiving, unemployment compensation is also exempt if that person is complying with work requirements that are part of the Federal-State unemployment compensation application process. If the exemption claimed is questionable, the State agency is responsible for verifying the exemption with the appropriate office of the State employment services agency.
- (vi) A regular participant in a drug addiction or alcoholic treatment and rehabilitation program.
- (vii) An employed or self-employed person working a minimum of 30 hours weekly or earning weekly wages at least equal to the Federal minimum wage multiplied by 30 hours. This includes migrant and seasonal farm workers under contract or similar agreement with an employer or crew chief to begin employment within 30 days (although this will not prevent individuals from seeking additional services from the State employment services agency). For work registration purposes, a person residing in areas of Alaska designated in § 274.10(a)(4)(iv) of this chapter, who subsistence hunts and/or fishes a minimum of 30 hours weekly (averaged over the certification period) is considered exempt as self-employed. An employed or self-employed person who voluntarily and without good cause reduces his or her work effort and, after the reduction, is working less than 30 hours per week, is ineligible to participate in SNAP under paragraph (j) of this section.
- (viii) A student enrolled at least half-time in any recognized school, training program, or institution of higher education. Students enrolled at least half-time in an institution of higher education must meet the student eligibility requirements listed in § 273.5. A student will remain exempt during normal periods of class attendance, vacation, and recess. If the student graduates, enrolls less than half-time, is suspended or expelled, drops out, or does not intend to register for the next normal school term (excluding summer), the State agency must work register the individual, unless the individual qualifies for another exemption.

(2)

- (i) Persons losing exemption status due to any changes in circumstances that are subject to the reporting requirements of § 273.12 must register for employment when the change is reported. If the State agency does not use a work registration form, it must annotate the change to the member's exemption status. If a work registration form is used, the State agency is responsible for providing the participant with a work registration form when the change is reported. Participants are responsible for returning the completed form to the State agency within 10 calendar days from the date the form was handed to the household member reporting the change in person, or the date the State agency mailed the form. If the participant fails to return the completed form, the State agency must issue a notice of adverse action stating that the participant is being terminated and why, but that the termination can be avoided by returning the form.
- (ii) Those persons who lose their exemption due to a change in circumstances that is not subject to the reporting requirements of § 273.12 must register for employment at their household's next recertification.

(c) **State agency responsibilities.**

(1)

- (i) The State agency must register for work each household member not exempted by the provisions of paragraph (b)(1) of this section. The State agency must permit the applicant to complete a record or form for each household member required to register for employment in accordance with paragraph (a)(1)(i) of this section. Household members are considered to have registered when an identifiable work registration form is submitted to the State agency or when the registration is otherwise annotated or recorded by the State agency.
  - (ii) During the certification process, the State agency must provide a written notice and oral explanation to the household of all applicable work requirements for all members of the household, and identify which household member is subject to which work requirement. These work requirements include the general work requirement in paragraph (a) of this section, mandatory E&T in paragraph (a)(1)(ii) of this section, and the ABAWD work requirement at § 273.24. The written notice and oral explanation must be provided in accordance with (c)(1)(iii) of this section. This written notice and oral explanation must also be provided to the household when a previously exempt household member or new household member becomes subject to these work requirements, and at recertification.
  - (iii) The consolidated written notice must include all pertinent information related to each of the applicable work requirements, including: An explanation of each applicable work requirement; which individuals are subject to which work requirement; exemptions from each applicable work requirement; an explanation of the process to request an exemption (including contact information to request an exemption); the rights and responsibilities of each applicable work requirement; what is required to maintain eligibility under each applicable work requirement; pertinent dates by which an individual must take any actions to remain in compliance with each applicable work requirement; the consequences for failure to comply with each applicable work requirement; an explanation of the process for requesting good cause (including examples of good cause circumstances and contact information to initiate a good cause request); and any other information the State agency believes would assist the household members with compliance. If an individual is subject to mandatory E&T, the written notice must also explain the individual's right to receive participant reimbursements for allowable expenses related to participation in E&T, up to any applicable State cap, and the responsibility of the State agency to exempt the individual from the requirement to participate in E&T if the individual's allowable expenses exceed what the State agency will reimburse, as provided in paragraph (d)(4) of this section. In addition, as stated in paragraph (c)(2) of this section and § 273.24(b)(8), the State agency must provide a comprehensive oral explanation to the household of each applicable work requirement pertaining to individuals in the household.
- (2) The State agency is responsible for screening each work registrant to determine whether or not it is appropriate, based on the State agency's criteria, to refer the individual to an E&T program. If the State agency determines the individual is required to participate in an E&T program, as defined in paragraph (e) of this section and § 271.2, the State agency must provide the participant with the written notice and the comprehensive oral explanation described in paragraph (c)(1)(iii) of this section. The State agency must refer participants to E&T, this referral may vary from participant to participant, but in all cases E&T participants must receive both case management services and at least one E&T component while participating in E&T. The State agency must determine the order in which the participant will receive the elements of an E&T program (e.g., case management followed by a component, case management embedded within a component, etc.). The State agency must explain to the participant next steps for accessing the E&T program. If there is not an appropriate and available opening in an E&T program, the State agency must determine the participant has good cause for failure to comply with the mandatory E&T requirement in accordance with paragraph (i)(4) of this section. The State agency may, with FNS approval, use intake and sanction systems that are compatible with its title IV–A work program. Such systems must be proposed and explained in the State agency's E&T State Plan.
- (3) After learning of an individual's non-compliance with SNAP work requirements, the State agency must issue a notice of adverse action to the individual, or to the household if appropriate, within 10 days of establishing that the noncompliance was without good cause. The notice of adverse action must meet the timeliness and adequacy requirements of § 273.13. If the individual complies before the end of the advance notice period, the State agency will cancel the adverse action. If the State agency offers a conciliation process as part of its E&T program, it must issue the notice of adverse action no later than the end of the conciliation period. Mandatory E&T participants who have received a provider determination in accordance with paragraph (c)(18)(i) of this section shall not be subject to disqualification for refusal without good cause to participate in a mandatory E&T program until after the State has taken one of the four actions in paragraph (c)(18)(i)(B) of this section, and the individual subsequently refuses to participate without good cause.
- (4) The State agency must design and operate an E&T program that consists of case management services in accordance with paragraph (e)(1) of this section and at least one or more, or a combination of, employment and/or training components as described in paragraph (e)(2) of this section. The State agency must ensure that it is notified by the agency or agencies operating its E&T components within 10 days if an E&T mandatory participant fails to comply with E&T requirements.
- (5) The State agency must design its E&T program in consultation with the State workforce development board, or with private employers or employer organizations if the State agency determines the latter approach is more effective and efficient. Each component of the State agency's E&T program must be delivered through its statewide workforce development system, unless the component is not available locally through such a system.
- (6) In accordance with § 272.2(d) and (e) of this chapter, the State agency must prepare and submit an E&T Plan to its appropriate FNS Regional Office. The E&T Plan must be available for public inspection at the State agency headquarters. In its E&T Plan, the State agency will detail the following:
- (i) The nature of the E&T components the State agency plans to offer and the reasons for such components, including cost information. The methodology for State agency reimbursement for education components must be specifically addressed. If a State agency plans to offer supervised job search in accordance with paragraph (e)(2)(i) of this section, the State agency must also include in the E&T plan a summary of the State guidelines implementing supervised job search. This summary of the

State guidelines, at a minimum, must describe: The criteria used by the State agency to approve locations for supervised job search, an explanation of why those criteria were chosen, and how the supervised job search component meets the requirements to directly supervise the activities of participants and track the timing and activities of participants;

- (ii) A description of the case management services and models, how participants will be referred to case management, how the participant's case will be managed, who will provide case management services, and how the service providers will coordinate with E&T providers, the State agency, and other community resources, as appropriate. The State plan should also discuss how the State agency will ensure E&T participants are provided with targeted case management services through an efficient administrative process;
- (iii) An operating budget for the Federal fiscal year with an estimate of the cost of operation for one full year. Any State agency that requests 50 percent Federal reimbursement for State agency E&T administrative costs, other than for participant reimbursements, must include in its plan, or amendments to its plan, an itemized list of all activities and costs for which those Federal funds will be claimed, including the costs for case management and casework to facilitate the transition from economic dependency to self-sufficiency through work. Costs in excess of the Federal grant will be allowed only with the prior approval of FNS and must be adequately documented to assure that they are necessary, reasonable and properly allocated;
- (iv) The categories and types of individuals the State agency intends to exempt from E&T participation, the estimated percentage of work registrants the State agency plans to exempt, and the frequency with which the State agency plans to reevaluate the validity of its exemptions;
- (v) The characteristics of the population the State agency intends to place in E&T;
- (vi) The estimated number of volunteers the State agency expects to place in E&T;
- (vii) The geographic areas covered and not covered by the E&T Plan and why, and the type and location of services to be offered;
- (viii) The method the State agency uses to count all work registrants as of the first day of the new fiscal year;
- (ix) The method the State agency uses to report work registrant information on the quarterly Form FNS-583;
- (x) The method the State agency uses to prevent work registrants from being counted twice within a Federal fiscal year. If the State agency universally work registers all SNAP applicants, this method must specify how the State agency excludes those exempt from work registration under paragraph (b)(1) of this section. If the State agency work registers nonexempt participants whenever a new application is submitted, this method must also specify how the State agency excludes those participants who may have already been registered within the past 12 months as specified under paragraph (a)(1)(i) of this section;
- (xi) The organizational relationship between the units responsible for certification and the units operating the E&T program, including units of the statewide workforce development system, if available. FNS is specifically concerned that the lines of communication be efficient and that noncompliance be reported to the certification unit within 10 working days after the noncompliance occurs;
- (xii) The relationship between the State agency and other organizations it plans to coordinate with for the provision of services, including organizations in the statewide workforce development system, if available. Copies of contracts must be available for inspection. The State agency must document how it consulted with the State workforce development board. If the State agency consulted with private employers or employer organizations in lieu of the State workforce development board, it must document this consultation and explain the determination that doing so was more effective or efficient. The State agency must include in its E&T State plan a description of any outcomes from the consultation with the State workforce development board or private employers or employer organizations. The State agency must also address in the E&T State plan the extent to which E&T activities will be carried out in coordination with the activities under title I of WIOA;
- (xiii) The availability, if appropriate, of E&T programs for Indians living on reservations;
- (xiv) If a conciliation process is planned, the procedures that will be used when an individual fails to comply with an E&T program requirement. Include the length of the conciliation period;
- (xv) The payment rates for child care established in accordance with the Child Care and Development Block Grant provisions of 45 CFR 98.43, and based on local market rate surveys;
- (xvi) The combined (Federal/State) State agency reimbursement rate for transportation costs and other expenses reasonably necessary and directly related to participation incurred by E&T participants. If the State agency proposes to provide different reimbursement amounts to account for varying levels of expenses, for instance for greater or lesser costs of transportation in different areas of the State, it must include them here;
- (xvii) Information about expenses the State agency proposes to reimburse. FNS must be afforded the opportunity to review and comment on the proposed reimbursements before they are implemented;
- (xviii) For each component that is expected to include 100 or more participants, reporting measures that the State will collect and include in the annual report in paragraph (c)(17) of this section. Such measures may include:
  - (A) The percentage and number of program participants who received E&T services and are in unsubsidized employment subsequent to the receipt of those services;

- (B) The percentage and number of participants who obtain a recognized credential, a registered apprenticeship, or a regular secondary school diploma (or its recognized equivalent), while participating in, or within 1 year after receiving E&T services;
  - (C) The percentage and number of participants who are in an education or training program that is intended to lead to a recognized credential, a registered apprenticeship an on-the-job training program, a regular secondary school diploma (or its recognized equivalent), or unsubsidized employment;
  - (D) Measures developed to assess the skills acquisition of E&T program participants that reflect the goals of the specific components including the percentage and number of participants who are meeting program requirements or are gaining skills likely to lead to employment; and
  - (E) Other indicators approved by FNS in the E&T State plan; and
- (xix) Any State agency that will be requesting Federal funds that may become available for reallocation in accordance with paragraph (d)(1)(iii)(A), (B), or (D) of this section should include this request in the E&T State plan for the year the State agency would plan to use the reallocated funds. The request must include a separate budget and narrative explaining how the State agency intends to use the reallocated funds. FNS will review all State agency requests for reallocated funds and notify State agencies of the approval of any reallocated funds in accordance with regulations at (d)(1)(iii)(E) of this section. FNS' approval or denial of requests for reallocated funds will occur separately from the approval or denial of the rest of the E&T State plan.
- (7) A State agency interested in receiving additional funding for serving able-bodied adults without dependents (ABAWDs) subject to the 3-month time limit, in accordance with paragraph (d)(3) of this section, must include in its annual E&T plan:
- (i) Its pledge to offer a qualifying activity to all at-risk ABAWD applicants and recipients;
  - (ii) Estimated costs of fulfilling its pledge;
  - (iii) A description of management controls in place to meet pledge requirements;
  - (iv) A discussion of its capacity and ability to serve at-risk ABAWDs;
  - (v) Information about the size and special needs of its ABAWD population; and
  - (vi) Information about the education, training, and workfare components it will offer to meet the ABAWD work requirement.
- (8) The State agency will submit its E&T Plan annually, at least 45 days before the start of the Federal fiscal year. The State agency must submit plan revisions to the appropriate FNS regional office for approval if it plans to alter the nature or location of its components or the number or characteristics of persons served. The proposed changes must be submitted for approval at least 30 days prior to planned implementation.
- (9) The State agency will submit an E&T Program Activity Report to FNS no later than 45 days after the end of each Federal fiscal quarter. The report will contain monthly figures for:
- (i) Participants newly work registered;
  - (ii) Number of ABAWD applicants and recipients participating in qualifying components;
  - (iii) Number of all other applicants and recipients (including ABAWDs involved in non-qualifying activities) participating in components; and
  - (iv) ABAWDs subject to the 3-month time limit imposed in accordance with § 273.24(b) who are exempt under the State agency's discretionary exemptions under § 273.24(g).
- (10) The State agency will submit annually, on its first quarterly report, the number of work registrants in the State on October 1 of the new fiscal year.
- (11) The State agency will submit annually, on its final quarterly report:
- (i) A list of E&T components it offered during the fiscal year and the number of ABAWDs and non-ABAWDs who participated in each;
  - (ii) The number of ABAWDs and non-ABAWDs who participated in the E&T Program during the fiscal year. Each individual must be counted only once;
  - (iii) Number of SNAP applicants and participants required to participate in E&T by the State agency and of those the number who begin participation in an E&T program and the number who begin participation in an E&T component. An E&T participant begins to participate in an E&T program when the participant commences at least one part of an E&T program including an orientation, assessment, case management, or a component. An E&T participant begins to participate in an E&T component when the participant commences the first activity in the E&T component; and
  - (iv) Number of mandatory E&T participants who were determined ineligible for failure to comply with E&T requirements.
- (12) Additional information may be required of the State agency, on an as needed basis, regarding the type of components offered and the characteristics of persons served, depending on the contents of its E&T Plan.

- (13) The State agency must ensure, to the maximum extent practicable, that E&T programs are provided for Indians living on reservations.
- (14) If a benefit overissuance is discovered for a month or months in which a mandatory E&T participant has already fulfilled a work component requirement, the State agency must follow the procedure specified in paragraph (m)(6)(v) of this section for a workfare overissuance.
- (15) If a State agency fails to efficiently and effectively administer its E&T program, the provisions of § 276.1(a)(4) of this chapter will apply.
- (16) FNS may require a State agency to make modifications to its SNAP E&T plan to improve outcomes if FNS determines that the E&T outcomes are inadequate.
- (17) The State agency shall submit an annual E&T report by January 1 each year that contains the following information for the Federal fiscal year ending the preceding September 30.
  - (i) The number and percentage of E&T participants and former participants who are in unsubsidized employment during the second quarter after completion of participation in E&T.
  - (ii) The number and percentage of E&T participants and former participants who are in unsubsidized employment during the fourth quarter after completion of participation in E&T.
  - (iii) Median average quarterly earnings of the E&T participants and former participants who are in unsubsidized employment during the second quarter after completion of participation in E&T.
  - (iv) The total number and percentage of participants that completed an educational, training work experience or an on-the-job training component.
  - (v) The number and percentage of E&T participants who:
    - (A) Are voluntary vs. mandatory participants;
    - (B) Have received a high school degree (or GED) prior to being provided with E&T services;
    - (C) Are ABAWDs;
    - (D) Speak English as a second language;
    - (E) Are male vs. female; and
    - (F) Are within each of the following age ranges: 16–17, 18–35, 36–49, 50–59, 60 or older.
  - (vi) Of the number and percentage of E&T participants reported in paragraphs (c)(17)(i) through (iv) of this section, a disaggregation of the number and percentage of those participants and former participants by the characteristics listed in paragraphs (c)(17)(v)(A), (B), and (C) of this section.
  - (vii) Reports for the measures identified in a State's E&T plan related to components that are designed to serve at least 100 participants a year; and
  - (viii) States that have committed to offering all at-risk ABAWDs participation in a qualifying activity and have received an additional allocation of funds as specified in paragraph (d)(3) of this section shall include:
    - (A) The monthly average number of individuals in the State who meet the conditions in paragraph (d)(3)(i) of this section;
    - (B) The monthly average number of individuals to whom the State offers a position in a program described in § 273.24(a)(3) and (4);
    - (C) The monthly average number of individuals who participate in such programs; and
    - (D) A description of the types of employment and training programs the State agency offered to at risk ABAWDs and the availability of those programs throughout the State.
  - (ix) States may be required to submit the annual report in a standardized format based upon guidance issued by FNS.
  - (x) State agencies certifying workforce partnerships for operation in their State in accordance with paragraph (n) of this section may report relevant data to demonstrate the number of program participants served by the workforce partnership, and of those how many were mandatory E&T participants.
- (18)
  - (i) The State agency must ensure E&T providers are informed of their authority and responsibility to determine if an individual is ill-suited for a particular E&T component. Such determinations shall be referred to as provider determinations. For purposes of this paragraph, an E&T provider is the provider of an E&T component. The E&T provider must notify the State agency of a provider determination within 10 days of the date the determination is made and inform the State agency of the reason for the provider determination. The E&T provider may also provide input on the most appropriate next step, as outlined in paragraph (c)(18)(i)(B) of this section, for the individual with a provider determination. If the State agency is unable to obtain the reason



for the provider determination from the E&T provider, the State agency must continue to act on the provider determination in accordance with this section. If an E&T provider finds an individual is ill-suited for one component, but the E&T provider determines the individual may be suitable for another component offered by the E&T provider, at State agency option, the E&T provider may switch the individual to the other component and inform the State agency of the new component without the need for the State agency to act further on the provider determination. The E&T provider has the authority to determine if an individual is ill-suited for the E&T component from the time an individual is referred to an E&T component until completion of the component. When a State agency receives notification that an individual has received a provider determination, and the individual is not exempt from the work requirement as specified in paragraph (b) of this section, the State agency must:

- (A) Notify the mandatory or voluntary E&T participant, within 10 days of receiving notification from the E&T provider, of the provider determination including the following information, as applicable. The State agency must explain what a provider determination is, the next steps the State agency will take as a result of the provider determination, and contact information for the State agency. In the case of either a mandatory or voluntary E&T participant with a provider determination, the State agency must also notify the individual that they are not being sanctioned as a result of the provider determination. In the case of an ABAWD who has received a provider determination, the State agency must also notify the ABAWD that the ABAWD will accrue countable months toward their three-month participation time limit the next full benefit month after the month during which the State agency notifies the ABAWD of the provider determination, unless the ABAWD fulfills the work requirements in accordance with § 273.24, or the ABAWD has good cause, lives in a waived area, or is otherwise exempt. The State agency may make such notification either verbally or in writing, but must, at a minimum, document when the notification occurs in the participant's case file; and
- (B) Take the most suitable action from among the following options no later than the date of the individual's recertification. If an individual with a provider determination requests that the State agency take one of the following actions sooner than the next recertification, the State agency must take the most suitable action as soon as possible:
  - (1) Refer the individual to an appropriate E&T program component in accordance with paragraph (e)(2) of this section. Before making this referral, the State agency must screen the individual for participation in the E&T program in accordance with paragraph (c)(2) of this section, and determine that it is appropriate to refer the individual to an E&T component, considering the suitability of the individual for any available E&T components. In accordance with paragraph (e)(1) of this section, all E&T participants must receive case management services along with at least one E&T component;
  - (2) Refer the individual to an appropriate workforce partnership as defined in paragraph (n) of this section, if available. Before making this referral, the State agency must provide information about workforce partnerships to assist the individual in making an informed decision about whether to voluntarily participate in the workforce partnership, in accordance with paragraph (n)(10) of this section;
  - (3) Reassess the physical and mental fitness of the individual. If the individual is not found to be physically or mentally fit, the individual is exempt from the work requirement in accordance with paragraph (b)(1)(ii) of this section. If the individual is found to be physically or mentally fit, and the State agency determines the individual is not otherwise exempt from the general work requirements the State agency must consider if one of the other available actions in paragraph (c)(18)(i)(B) of this section would be appropriate for the individual. If the State agency determines the individual should not be required to participate in E&T, the State agency must exempt the individual from mandatory E&T; or
  - (4) Coordinate, to the maximum extent practicable, with other Federal, State, or local workforce or assistance programs to identify work opportunities or assistance for the individual. If the State agency chooses this option, the State agency must not require the individual to participate in E&T.
- (ii) From the time an E&T provider determines an individual is ill-suited for an E&T component until after the State agency takes one of the actions in paragraph (c)(18)(i)(B) of this section, the individual shall not be found to have refused without good cause to participate in mandatory E&T. In the case of an ABAWD who has received a provider determination, the ABAWD will accrue countable months toward their three-month participation time limit the next full benefit month after the month during which the State agency notifies the ABAWD of the provider determination, unless the ABAWD fulfills the work requirements in accordance with § 273.24, or the ABAWD has good cause, lives in a waived area, or is otherwise exempt.

(d) **Federal financial participation –**

(1) **Employment and training grants –**

- (i) **Allocation of grants.** Each State agency will receive a 100 percent Federal grant each fiscal year to operate an E&T program in accordance with paragraph (e) of this section. The grant requires no State matching.
  - (A) In determining each State agency's 100 percent Federal E&T grant, FNS will apply the percentage determined in accordance with paragraph (d)(1)(i)(B) of this section to the total amount of 100 percent Federal funds authorized under section 16(h)(1)(A) of the Act for each fiscal year.
  - (B) FNS will allocate the funding available each fiscal year for E&T grants using a formula designed to ensure that each State agency receives its appropriate share.
    - (1) Ninety percent of the annual 100 percent Federal E&T grant will be allocated based on the number of work registrants in each State as a percentage of work registrants nationwide. FNS will use work registrant data reported by each State agency on the FNS–583, Employment and Training Program Activity Report, from the most recent

Federal fiscal year.

- (2) Ten percent of the annual 100 percent Federal E&T grant will be allocated based on the number of ABAWDs in each State, as determined by SNAP QC data for the most recently available completed fiscal year, which provide a breakdown of each State's population of adults age 18 through 49 who are not disabled and who do not live with children.
- (C) No State agency will receive less than \$100,000 in Federal E&T funds. To ensure this, FNS will, if necessary, reduce the grant of each State agency allocated more than \$100,000. In order to guarantee an equitable reduction, FNS will calculate grants as follows. First, disregarding those State agencies scheduled to receive less than \$100,000, FNS will calculate each remaining State agency's percentage share of the fiscal year's E&T grant. Next, FNS will multiply the grant—less \$100,000 for every State agency under the minimum—by each remaining State agency's same percentage share to arrive at the revised amount. The difference between the original and the revised amounts will represent each State agency's contribution. FNS will distribute the funds from the reduction to State agencies initially allocated less than \$100,000.
- (ii) **Use of funds.**
  - (A) A State agency must use E&T program grants to fund the administrative costs of planning, implementing and operating its SNAP E&T program in accordance with its approved State E&T plan. E&T grants must not be used for the process of determining whether an individual must be work registered, the work registration process, or any further screening performed during the certification process, nor for sanction activity that takes place after the operator of an E&T program reports noncompliance without good cause. For purposes of this paragraph (d), the certification process is considered ended when an individual is referred to an E&T program for assessment or participation. E&T grants may be used to subsidize wages in accordance with paragraph (e)(2)(iv)(2) of this section, and may not be used to reimburse participants under paragraph (d)(4) of this section.
  - (B) A State agency's receipt of its 100 percent Federal E&T grant is contingent on FNS's approval of the State agency's E&T plan. If an adequate plan is not submitted, FNS may reallocate a State agency's grant among other State agencies with approved plans. Non-receipt of an E&T grant does not release a State agency from its responsibility under paragraph (c)(4) of this section to operate an E&T program.
  - (C) Federal funds made available to a State agency to operate an educational component under paragraph (e)(2)(vi) of this section must not be used to supplant nonfederal funds for existing educational services and activities that promote the purposes of this component. Education expenses are approvable to the extent that E&T component costs exceed the normal cost of services provided to persons not participating in an E&T program.
  - (D) In accordance with section 6(d)(4)(K) of the Food and Nutrition Act of 2008, and notwithstanding any other provision of this paragraph (d), the amount of Federal E&T funds, including participant and dependent care reimbursements, a State agency uses to serve participants who are receiving cash assistance under a State program funded under title IV–A of the Social Security Act must not exceed the amount of Federal E&T funds the State agency used in FY 1995 to serve participants who were receiving cash assistance under a State program funded under title IV–A of the Social Security Act.
    - (1) Based on information provided by each State agency, FNS established claimed Federal E&T expenditures on this category of recipients in fiscal year 1995 for the State agencies of Colorado (\$318,613), Utah (\$10,200), Vermont (\$1,484,913), and Wisconsin (\$10,999,773). These State agencies may spend up to a like amount each fiscal year to serve SNAP recipients who also receive title IV assistance.
    - (2) All other State agencies are prohibited from expending any Federal E&T funds on title IV cash assistance recipients.
- (iii) If a State agency will not obligate or expend all of the funds allocated to it for a fiscal year under paragraph (d)(1)(i) of this section, FNS will reallocate the unobligated, unexpended funds to other State agencies during the fiscal year or subsequent fiscal year. FNS will allocate carryover funding to meet some or all of the State agencies' requests, as it considers appropriate and equitable in accordance with the following process:
  - (A) Not less than 50 percent shall be reallocated to State agencies requesting funding to conduct employment and training programs and activities for which the State agency had previously received funding under the pilots authorized by the Agricultural Act of 2014 (Pub. L. 113–79) that FNS determines have the most demonstrable impact on the ability of participants to find and retain employment that leads to increased household income and reduced reliance on public assistance.
  - (B) Not less than 30 percent shall be reallocated to State agencies requesting funding for E&T programs and activities under paragraph (e)(1) or (2) of this section that FNS determines have the most demonstrable impact on the ability of participants to find and retain employment that leads to increased household income and reduced reliance on public assistance, including activities targeted to:
    - (1) Individuals 50 years of age or older;
    - (2) Formerly incarcerated individuals;
    - (3) Individuals participating in a substance abuse treatment program;
    - (4) Homeless individuals;
    - (5) People with disabilities seeking to enter the workforce;

- (6) Other individuals with substantial barriers to employment, including disabled veterans; or
- (7) Households facing multi-generational poverty, to support employment and workforce participation through an integrated and family-focused approach in providing supportive services.
- (C) State agencies who receive reallocated funds under paragraph (d)(1)(iii)(A) of this section may also be considered to receive reallocated funds under paragraph (d)(1)(iii)(B) of this section.
- (D) Any remaining funds not accounted for with the reallocations specified in paragraphs (d)(1)(iii)(A) or (B) of this section shall be reallocated to State agencies requesting such funds for E&T programs and activities under paragraph (e)(1) or (2) of this section that FNS determines have the most demonstrable impact on the ability of participants to find and retain employment that leads to increased household income and reduced reliance on public assistance.
- (E) State agencies requesting the reallocated funds specified in paragraph (d)(1)(iii)(A), (B), or (D) of this section, shall make their request for those funds in their E&T State plans submitted for the upcoming fiscal year. FNS will determine the amount of reallocated funds each requesting State agency shall receive and provide the reallocated funds to those State agencies within a timeframe that allows each State agency to which funds are reallocated at least 270 days to expend the reallocated funds. When making the reallocations, FNS will also consider the size of the request relative to the level of the State agency's E&T spending in prior years, the specificity of the State agency's plan for spending carryover funds, and the quality of program and scope of impact for the State's E&T program.
- (F) Unobligated, unexpended funds not reallocated in the process specified in paragraph (E) of this section, shall be reallocated to State agencies upon request for E&T programs and activities under paragraph (e)(1) or (2) of this section that FNS determines have the most demonstrable impact on the ability of participants to find and retain employment that leads to increased household income and reduced reliance on public assistance. In making these reallocations FNS will also consider the size of the request relative to the level of the State agency's E&T spending in prior years, the specificity of the State agency's plan for spending carryover funds, and the quality of program and scope of impact for the State's E&T program.
- (2) **Additional administrative costs.** Fifty percent of all other administrative costs incurred by State agencies in operating E&T programs, above the costs referenced in paragraph (d)(1) of this section, will be funded by the Federal Government.
- (3) **Additional allocations.** In addition to the E&T program grants discussed in paragraph (d)(1) of this section, FNS will allocate \$20 million in Federal funds each fiscal year to State agencies that ensure availability of education, training, or workfare opportunities that permit ABAWDs to remain eligible beyond the 3-month time limit.
  - (i) To be eligible, a State agency must make and comply with a commitment, or "pledge," to use these additional funds to defray the cost of offering a position in an education, training, or workfare component that fulfills the ABAWD work requirement, as defined in § 273.24(a), to each applicant and recipient who is:
    - (A) In the last month of the 3-month time limit described in § 273.24(b);
    - (B) Not eligible for an exception to the 3-month time limit under § 273.24(c);
    - (C) Not a resident of an area of the State granted a waiver of the 3-month time limit under § 273.24(f); and
    - (D) Not included in each State agency's 15 percent ABAWD exemption allotment under § 273.24(g).
  - (ii) While a participating pledge State may use a portion of the additional funding to provide E&T services to ABAWDs who do not meet the criteria discussed in paragraph (d)(3)(i) of this section, it must guarantee that the ABAWDs who do meet the criteria are provided the opportunity to remain eligible.
  - (iii) State agencies will have one opportunity each fiscal year to take the pledge described in paragraph (d)(3)(i) of this section. An interested State agency, in its E&T Plan for the upcoming fiscal year, must include the following:
    - (A) A request to be considered as a pledge State, along with its commitment to comply with the requirements of paragraph (d)(3)(i) of this section;
    - (B) The estimated costs of complying with its pledge;
    - (C) A description of management controls it has established to meet the requirements of the pledge;
    - (D) A discussion of its capacity and ability to serve vulnerable ABAWDs;
    - (E) Information about the size and special needs of the State's ABAWD population; and
    - (F) Information about the education, training, and workfare components that it will offer to allow ABAWDs to remain eligible.
  - (iv) If the information provided in accordance with paragraph (d)(3)(iii) of this section clearly indicates that the State agency will be unable to fulfill its commitment, FNS may require the State agency to address its deficiencies before it is allowed to participate as a pledge State.
  - (v) If the State agency does not address its deficiencies by the beginning of the new fiscal year on October 1, it will not be allowed to participate as a pledge State.
  - (vi) No pledges will be accepted after the beginning of the fiscal year.

(vii)

(A) Once FNS determines how many State agencies will participate as pledge States in the upcoming fiscal year, it will, as early in the fiscal year as possible, allocate among them the \$20 million based on the number of ABAWDs in each participating State, as a percentage of ABAWDs in all the participating States. FNS will determine the number of ABAWDs in each participating State using SNAP QC data for the most recently available completed fiscal year, which provide a breakdown of each State's population of adults age 18 through 49 who are not disabled and who do not live with children.

(B) Each participating State agency's share of the \$20 million will be disbursed in accordance with paragraph (d)(6) of this section.

(C) Each participating State agency must meet the fiscal recordkeeping and reporting requirements of paragraph (d)(7) of this section.

(viii)

If a participating State agency notifies FNS that it will not obligate or expend its entire share of the additional funding allocated to it for a fiscal year, FNS will reallocate the unobligated, unexpended funds to other participating State agencies during the fiscal year, as it considers appropriate and equitable, on a first come-first served basis. FNS will notify other pledge States of the availability of additional funding. To qualify, a pledge State must have already obligated its entire annual 100 percent Federal E&T grant, excluding an amount that is proportionate to the number of months remaining in the fiscal year, and it must guarantee in writing that it intends to obligate its entire grant by the end of the fiscal year. A State's annual 100 percent Federal E&T grant is its share of the regular 100 percent Federal E&T allocation plus its share of the additional \$20 million (if applicable). Interested pledge States must submit their requests for additional funding to FNS. FNS will review the requests and, if they are determined reasonable and necessary, will reallocate some or all of the unobligated, unspent ABAWD funds.

(ix)

Unlike the funds allocated in accordance with paragraph (d)(1) of this section, the additional pledge funding will not remain available until obligated or expended. Unobligated funds from this grant must be returned to the U.S. Treasury at the end of each fiscal year.

(x)

The cost of serving at-risk ABAWDs is not an acceptable reason to fail to live up to the pledge. A slot must be made available and the ABAWD must be served even if the State agency exhausts all of its 100 percent Federal E&T funds and must use State funds to guarantee an opportunity for all at-risk ABAWDs to remain eligible beyond the 3-month time limit. State funds expended in accordance with the approved State E&T Plan are eligible for 50 percent Federal match. If a participating State agency fails, without good cause, to meet its commitment, it may be disqualified from participating in the subsequent fiscal year or years.

(4)

**Participant reimbursements.** The State agency must provide payments to participants in its E&T program, including applicants and volunteers, for expenses that are reasonably necessary and directly related to participation in the E&T program. The Federal Government will fund 50 percent of State agency payments for allowable expenses, except that Federal matching for dependent care expenses is limited to the maximum amount specified in paragraph (d)(4)(i) of this section. These payments may be provided as a reimbursement for expenses incurred or in advance as payment for anticipated expenses in the coming month. The State agency must inform each E&T participant that allowable expenses up to the amounts specified in paragraphs (d)(4)(i) and (ii) of this section will be reimbursed by the State agency upon presentation of appropriate documentation. Reimbursable costs may include, but are not limited to, dependent care costs, transportation, and other work, training or education related expenses such as uniforms, personal safety items or other necessary equipment, and books or training manuals. These costs must not include the cost of meals away from home. If applicable, any allowable costs incurred by a noncompliant E&T participant after the expiration of the noncompliant participant's minimum mandatory disqualification period, as established by the State agency, that are reasonably necessary and directly related to reestablishing eligibility, as defined by the State agency, are reimbursable under paragraphs (d)(4)(i) and (ii) of this section. The State agency may reimburse participants for expenses beyond the amounts specified in paragraph (d)(4)(i) of this section; however, only costs that are up to but not in excess of those amounts are subject to Federal cost sharing. Reimbursement must not be provided from E&T grants allocated under paragraph (d)(1)(i) of this section. Any expense covered by a reimbursement under this section is not deductible under § 273.10(d)(1)(i).

(i)

The State agency will reimburse the cost of dependent care it determines to be necessary for the participation of a household member in the E&T program up to the actual cost of dependent care, or the applicable payment rate for child care, whichever is lowest. The payment rates for child care are established in accordance with the Child Care and Development Block Grant provisions of 45 CFR 98.43, and are based on local market rate surveys. The State agency will provide a dependent care reimbursement to an E&T participant for all dependents requiring care unless otherwise prohibited by this section. The State agency will not provide a reimbursement for a dependent age 13 or older unless the dependent is physically and/or mentally incapable of caring for himself or herself or is under court supervision. The State agency must provide a reimbursement for all dependents who are physically and/or mentally incapable of caring for themselves or who are under court supervision, regardless of age, if dependent care is necessary for the participation of a household member in the E&T program. The State agency will obtain verification of the physical and/or mental incapacity for dependents age 13 or older if the physical and/or mental incapacity is questionable. Also, the State agency will verify a court-imposed requirement for the supervision of a dependent age 13 or older if the need for dependent care is questionable. If more than one household member is required to participate in an E&T program, the State agency will reimburse the actual cost of dependent care or the applicable payment rate for child care, whichever is lowest, for each dependent in the household, regardless of the number of household members participating in the E&T program. An individual who is the caretaker relative of a dependent in a family receiving cash assistance under title IV-A of the Social Security Act in a local area where an employment, training, or education program under title IV-A is in operation is not eligible for such reimbursement. An E&T participant is not entitled to the dependent care reimbursement if a member of the E&T participant's SNAP household provides the dependent care services. The State agency must verify the participant's need for dependent care and the cost of the dependent care prior to the issuance of the

reimbursement. The verification must include the name and address of the dependent care provider, the cost and the hours of service (e.g., five hours per day, five days per week for two weeks). A participant may not be reimbursed for dependent care services beyond that which is required for participation in the E&T program. In lieu of providing reimbursements for dependent care expenses, a State agency may arrange for dependent care through providers by the use of purchase of service contracts, by providing vouchers to the household or by other means. A State agency may require that dependent care provided or arranged by the State agency meet all applicable standards of State and local law, including requirements designed to ensure basic health and safety protections (e.g., fire safety). An E&T participant may refuse available appropriate dependent care as provided or arranged by the State agency, if the participant can arrange other dependent care or can show that such refusal will not prevent or interfere with participation in the E&T program as required by the State agency.

- (ii) The State agency will reimburse the actual costs of transportation and other costs (excluding dependent care costs) it determines to be necessary and directly related to participation in the E&T program up to the maximum level of reimbursement established by the State agency. Such costs are the actual costs of participation unless the State agency has a method approved in its E&T Plan for providing allowances to participants to reflect approximate costs of participation. If a State agency has an approved method to provide allowances rather than reimbursements, it must provide participants an opportunity to claim actual expenses up to the maximum level of reimbursements established by the State agency.
- (iii) No participant cost that has been reimbursed under a workfare program under paragraph (m)(7)(i) of this section, title IV of the Social Security Act or other work program will be reimbursed under this section.
- (iv) Any portion of dependent care costs that are reimbursed under this section may not be claimed as an expense and used in calculating the dependent care deduction under § 273.9(d)(4) for determining benefits.
- (v) The State agency must inform all mandatory E&T participants that they may be exempted from E&T participation if their monthly expenses that are reasonably necessary and directly related to participation in the E&T program, including participation in case management services and E&T components, exceed the allowable reimbursement amount. Persons for whom allowable monthly expenses in an E&T component exceed the amounts specified under paragraphs (d)(4)(i) and (ii) of this section are not required to participate in that component. These individuals will be placed, if possible, in another suitable component in which the individual's monthly E&T expenses would not exceed the allowable reimbursable amount paid by the State agency. If a suitable component is not available, these individuals will be exempt from E&T participation until a suitable component is available or the individual's circumstances change and his/her monthly expenses do not exceed the allowable reimbursable amount paid by the State agency. Dependent care expenses incurred that are otherwise allowable but not reimbursed because they exceed the reimbursable amount specified under paragraph (d)(4)(i) of this section will be considered in determining a dependent care deduction under § 273.9(d)(4).
- (5) **Workfare cost sharing.** Enhanced cost-sharing due to placement of workfare participants in paid employment is available only for workfare programs funded under paragraph (m)(7)(iv) of this section at the 50 percent reimbursement level and reported as such.
- (6) **Funding mechanism.** E&T program funding will be disbursed through States' Letters of Credit in accordance with § 277.5 of this chapter. The State agency must ensure that records are maintained that support the financial claims being made to FNS.
- (7) **Fiscal recordkeeping and reporting requirements.** Total E&T expenditures are reported on the Financial Status Report (SF-425 using FNS-778/FNS-778A worksheet) in the column containing "other" expenses. E&T expenditures are also separately identified in an attachment to the SF-425 using FNS-778/FNS-778A worksheet to show, as provided in instructions, total State and Federal E&T expenditures; expenditures funded with the unmatched Federal grants; State and Federal expenditures for participant reimbursements; State and Federal expenditures for E&T costs at the 50 percent reimbursement level; and State and Federal expenditures for optional workfare program costs, operated under section 20 of the Food and Nutrition Act of 2008 and paragraph (m)(7) of this section. Claims for enhanced funding for placements of participants in employment after their initial participation in the optional workfare program will be submitted in accordance with paragraph (m)(7)(iv) of this section.
- (e) **Employment and training programs.** Work registrants not otherwise exempted by the State agency are subject to the E&T program participation requirements imposed by the State agency. Such individuals are referred to in this section as E&T mandatory participants or mandatory E&T participants. Requirements may vary among participants. Failure to comply without good cause with the requirements imposed by the State agency will result in disqualification as specified in paragraph (f)(2) of this section. Mandatory E&T participants who receive an E&T provider determination in accordance with paragraph (c)(18)(i) of this section shall not be subject to disqualification for refusal without good cause to participate in mandatory E&T during the time specified in (c)(18)(ii) of this section.
  - (1) **Case management.** The State E&T program must provide case management services such as comprehensive intake assessments, individualized service plans, progress monitoring, or coordination with service providers which are provided to all E&T participants. The purpose of case management services shall be to guide the participant towards appropriate E&T components and activities based on the participant's needs and interests, support the participant in the E&T program, and to provide activities and resources that help the participant achieve program goals. Case management services and activities must directly support an individual's participation in the E&T program. Case management may include referrals to activities and supports outside of the E&T program, but State agencies can only use E&T funds for allowable components, activities, and participant reimbursements. The provision of case management services must not be an impediment to the participant's successful participation in E&T. In addition, if the case manager determines a mandatory E&T participant may meet an exemption from the requirement to participate in an E&T program, may have good cause for non-compliance with a work requirement, or both, the case manager must inform the appropriate State agency staff. Also, if the case manager is unable to identify an appropriate and available opening in an E&T component for a mandatory E&T participant, the case manager must inform the appropriate State agency staff.
  - (2) **Components.** To be considered acceptable by FNS, any component offered by a State agency must entail a certain level of effort by the participants. The level of effort should be comparable to spending approximately 12 hours a month for two months making job contacts (less in workfare or work experience components if the household's benefit divided by the minimum wage is less than this

amount). However, FNS may approve components that do not meet this guideline if it determines that such components will advance program goals. An initial screening by an eligibility worker to determine whom to place in an E&T program does not constitute a component. The State agency may require SNAP applicants to participate in any component it offers in its E&T program at the time of application. The State agency must screen applicants to determine if it is appropriate to participate in E&T in accordance with paragraph (c)(2) of this section, provide the applicant with participant reimbursements in accordance with (d)(4) of this section, and inform the applicant of E&T participation requirements including how to access the component and consequences for failing to participate. The State agency must not impose requirements that would delay the determination of an individual's eligibility for benefits or in issuing benefits to any household that is otherwise eligible. In accordance with section 6(o)(1)(C) of the Food and Nutrition Act of 2008 and § 273.24, supervised job search and job search training, when offered as components of an E&T program, are not qualifying activities relating to the participation requirements necessary to fulfill the ABAWD work requirement under § 273.24. However, job search, including supervised job search, or job search training activities, when offered as part of other E&T program components, are acceptable as long as those activities comprise less than half the total required time spent in the components. An E&T program offered by a State agency must include one or more of the following components:

- (i) A supervised job search program. Supervised job search programs are those that occur at State-approved locations at which the activities of participants shall be directly supervised and the timing and activities of participants tracked in accordance with guidelines issued by the State agency and summarized in their E&T State plan in accordance with paragraph (c)(6)(i) of this section. State-approved locations include any location deemed suitable by the State agency where the participant has access to the tools and materials they need to perform supervised job search. Tools used in the supervised job search program may include virtual tools, including, but not limited to, websites, portals, or web applications to access supervised job search services. State agencies are encouraged to offer a variety of locations and formats to best meet participant needs, and to the extent practicable, allow participants to choose their preferred location. Supervision can occur asynchronously with respect to the participant's job search activities, but must be provided by skilled staff, either remotely or in-person, who provide meaningful guidance and support with at least monthly check-ins, and must be provided in such a way so as to best support the participant. State agencies have discretion to develop tracking methods that best meet the needs of the participant. Supervised job search activities must have a direct link to increasing the employment opportunities of individuals engaged in the activity. Job search that does not meet the definition of supervised job search is allowed as a subsidiary activity of another E&T component, so long as the job search activity comprises less than half of the total time spent in the component. The State agency may require an individual to participate in supervised job search from the time an application is filed for an initial period established by the State agency, so long as the criteria for serving applicants in this paragraph (e)(2) are satisfied. Following this initial period (which may extend beyond the date when eligibility is determined) the State agency may require an additional supervised job search period in any period of 12 consecutive months. The first such period of 12 consecutive months will begin at any time following the close of the initial period. The State agency may establish a supervised job search period that, in its estimation, will provide participants a reasonable opportunity to find suitable employment. The State agency should not, however, establish a continuous, year-round supervised job search requirement. If a reasonable period of supervised job search does not result in employment, placing the individual in a training or education component to improve job skills will likely be more productive. In accordance with section 6(o)(1)(C) of the Food and Nutrition Act of 2008 and § 273.24, a supervised job search program is not a qualifying E&T activity relating to the participation requirements necessary to maintain SNAP eligibility for ABAWDs. However, a job search program, supervised or otherwise, when operated under title I of the Workforce Innovation and Opportunity Act (WIOA), under section 236 of the Trade Act, or a program of employment and training for veterans operated by the Department of Labor or the Department of Veterans Affairs, is considered a qualifying activity relating to the participation requirements necessary to maintain SNAP eligibility for ABAWDs.
- (ii) A job search training program that includes reasonable job search training and support activities. Such a program may consist of employability assessments, training in techniques to increase employability, job placement services, or other direct training or support activities, including educational programs determined by the State agency to expand the job search abilities or employability of those subject to the program. Job search training activities are approvable if they directly enhance the employability of the participants. A direct link between the job search training activities and job-readiness must be established for a component to be approved. In accordance with section 6(o)(1)(C) of the Food and Nutrition Act of 2008 and § 273.24, a job search training program is not a qualifying activity relating to the participation requirements necessary to maintain SNAP eligibility for ABAWDs. However, such a program, when operated under title I of WIOA, under section 236 of the Trade Act, or a program of employment and training for veterans operated by the Department of Labor or the Department of Veterans Affairs, is considered a qualifying activity relating to the participation requirements necessary to maintain SNAP eligibility for ABAWDs.
- (iii) A workfare program as described in paragraph (m) of this section.
  - (A) The participation requirements of section 20(b) of the Food and Nutrition Act of 2008 and paragraphs (m)(5)(i)(A) and (B) of this section for individuals exempt from SNAP work requirements under paragraphs (b)(1)(iii) and (v) of this section, are not applicable to E&T workfare components.
  - (B) In accordance with section 20(e) of the Food and Nutrition Act of 2008 and paragraph (m)(6)(ii) of this section, the State agency may establish a job search period of up to 30 days following certification prior to making a workfare assignment. This job search activity is part of the workfare assignment, and not a job search "program." Participants are considered to be participating in and complying with the requirements of workfare, thereby meeting the participation requirement for ABAWDs.
  - (C) The sharing of workfare savings authorized under section 20(g) of the Food and Nutrition Act of 2008 and paragraph (m)(7)(iv) of this section are not available for E&T workfare components.

- (iv) A work experience program designed to improve the employability of household members through actual work experience or training, or both, and to enable individuals employed or trained under such programs to move promptly into regular public or private employment. Work experience is a planned, structured learning experience that takes place in a workplace for a limited period of time. Work experience may be paid or unpaid, as appropriate, and consistent with other laws such as the Fair Labor Standards Act. Work experience may be arranged within the private for-profit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience setting where an employee/employer relationship, as defined by the Fair Labor Standards Act, exists.
  - (A) A work experience program may include:
    - (1) A work activity performed in exchange for SNAP benefits that provides an individual with an opportunity to acquire the general skills, knowledge, and work habits necessary to obtain employment. The purpose of work activity is to improve the employability of those who cannot find unsubsidized full-time employment.
    - (2) A work-based learning program, which, for the purposes of SNAP E&T, are sustained interactions with industry or community professionals in real world settings to the extent practicable, or simulated environments at an educational institution that foster in-depth, firsthand engagement with the tasks required in a given career field, that are aligned to curriculum and instruction. Work-based learning emphasizes employer engagement, includes specific training objectives, and leads to regular employment. Work-based learning can include internships, pre-apprenticeships, apprenticeships, customized training, transitional jobs, incumbent worker training, and on-the-job training as defined under WIOA. Work-based learning can include both subsidized and unsubsidized employment models.
  - (B) A work experience program must:
    - (1) Not provide any work that has the effect of replacing the employment of an individual not participating in the employment or training experience program; and
    - (2) Provide the same benefits and working conditions that are provided at the job site to employees performing comparable work for comparable hours.
- (v) A project, program or experiment such as a supported work program aimed at accomplishing the purpose of the E&T program.
- (vi) Educational programs or activities to improve basic skills, build work readiness, or otherwise improve employability including educational programs determined by the State agency to expand the job search abilities or employability of those subject to the program.
  - (A) Allowable educational programs or activities may include, but are not limited to, courses or programs of study that are part of a program of career and technical education (as defined in section 3 of the Carl D. Perkins Act of 2006), high school or equivalent educational programs, remedial education programs to achieve a basic literacy level, and instructional programs in English as a second language.
  - (B) Only educational components that directly enhance the employability of the participants are allowable. A direct link between the education and job-readiness must be established for a component to be approved.
- (vii) A program designed to improve the self-sufficiency of recipients through self-employment. Included are programs that provide instruction for self-employment ventures.
- (viii) Job retention services that are designed to help achieve satisfactory performance, retain employment and to increase earnings over time. The State agency may offer job retention services, such as case management, job coaching, dependent care assistance and transportation assistance, for up to 90 days to an individual who has secured employment. State agencies must make a good faith effort to provide job retention services for at least 30 days. The State agency may determine the start date for job retention services provided that the individual is participating in SNAP in the month of or the month prior to beginning job retention services. The State agency may provide job retention services to households leaving SNAP up to the 90-day limit unless the individual is leaving SNAP due to a disqualification in accordance with § 273.7(f) or § 273.16. The participant must have secured employment after or while receiving other employment/training services under the E&T program offered by the State agency. There is no limit to the number of times an individual may receive job retention services as long as the individual has re-engaged with E&T prior to obtaining new employment. An otherwise eligible individual who refuses or fails to accept or comply with job retention services offered by the State agency may not be disqualified as specified in paragraph (f)(2) of this section.
- (ix) Programs and activities conducted under the pilots authorized by the Agricultural Act of 2014 (Pub. L. 113–79) that the Secretary determines, based on the results from the independent evaluations conducted for those pilots, have the most demonstrable impact on the ability of participants to find and retain employment that leads to increased household income and reduced reliance on public assistance.
- (3) **Exemptions.** Each State agency may, at its discretion, exempt individual work registrants and categories of work registrants from E&T participation. Each State agency must periodically reevaluate its individual and categorical exemptions to determine whether they remain valid. Each State agency will establish the frequency of its periodic evaluation.
- (4) **Time spent in an employment and training program.**

- (i) Each State agency will determine the length of time a participant spends in case management or any E&T component it offers. The State agency may also determine the number of successive components in which a participant may be placed.
- (ii) The time spent by the members of a household collectively each month in an E&T work program (including, but not limited to, those carried out under paragraphs (e)(2)(iii) and (iv) of this section) combined with any hours worked that month in a workfare program under paragraph (m) of this section must not exceed the number of hours equal to the household's allotment for that month divided by the higher of the applicable Federal or State minimum wage. The total hours of participation in an E&T program for any household member individually in any month, together with any hours worked in a workfare program under paragraph (m) of this section and any hours worked for compensation (in cash or in kind), must not exceed 120.

(5) **Voluntary participation.**

- (i) A State agency may operate an E&T program in which individuals elect to participate.
- (ii) A State agency must not disqualify voluntary participants in an E&T program for failure to comply with E&T requirements.
- (iii) Voluntary participants are not subject to the restrictions in paragraph (e)(4)(ii) of this section, as long as the voluntary participants are paid a wage at least equal to the higher of the applicable Federal or State minimum wage for all hours spent in an E&T work program or workfare.

(f) **Failure to comply –**

(1) **Ineligibility for failure to comply.** A nonexempt individual who refuses or fails without good cause, as defined in paragraphs (i)(2), (3), and (4) of this section, to comply with SNAP work requirements listed under paragraph (a)(1) of this section is ineligible to participate in SNAP, and will be considered an ineligible household member, pursuant to § 273.1(b)(7).

- (i) As soon as the State agency learns of the individual's noncompliance it must determine whether good cause for the noncompliance exists, as discussed in paragraph (i) of this section. Within 10 days of establishing that the noncompliance was without good cause, the State agency must provide the individual with a notice of adverse action, as specified in § 273.13. If the State agency offers a conciliation process as part of its E&T program, it must issue the notice of adverse action no later than the end of the conciliation period.
- (ii) The notice of adverse action must contain the particular act of noncompliance committed and the proposed period of disqualification. The notice must also specify that the individual may, if appropriate, reapply at the end of the disqualification period. Information must be included on or with the notice describing the action that can be taken to avoid the disqualification before the disqualification period begins. The disqualification period must begin with the first month following the expiration of the 10-day adverse notice period, unless a fair hearing is requested.
- (iii) An E&T disqualification may be imposed after the end of a certification period. Thus, a notice of adverse action must be sent whenever the State agency becomes aware of an individual's noncompliance with SNAP work requirements, even if the disqualification begins after the certification period expires and the household has not been recertified.

(2) **Disqualification periods.** The following disqualification periods will be imposed:

- (i) For the first occurrence of noncompliance, the individual will be disqualified until the later of:
  - (A) The date the individual complies, as determined by the State agency;
  - (B) One month; or
  - (C) Up to three months, at State agency option.
- (ii) For the second occurrence, until the later of:
  - (A) The date the individual complies, as determined by the State agency;
  - (B) Three months; or
  - (C) Up to six months, at State agency option.
- (iii) For the third or subsequent occurrence, until the later of:
  - (A) The date the individual complies, as determined by the State agency;
  - (B) Six months;
  - (C) A date determined by the State agency; or
  - (D) At the option of the State agency, permanently.

(3) **Record retention.** In accordance with § 272.1(f) of this chapter, State agencies are required to retain records concerning the frequency of noncompliance with FSP work requirements and the resulting disqualification actions imposed. These records must be available for inspection and audit at any reasonable time to ensure conformance with the minimum mandatory disqualification periods instituted.



- (4) **Disqualification plan.** In accordance with § 272.2(d)(1)(xiii) of this chapter, each State agency must prepare and submit a plan detailing its disqualification policies. The plan must include the length of disqualification to be enforced for each occurrence of noncompliance, how compliance is determined by the State agency, and the State agency's household disqualification policy.
- (5) **Household ineligibility.**
- (i) If the individual who becomes ineligible to participate under paragraph (f)(1) of this section is the head of a household, the State agency, at its option, may disqualify the entire household from SNAP participation.
  - (ii) The State agency may disqualify the household for a period that does not exceed the lesser of:
    - (A) The duration of the ineligibility of the noncompliant individual under paragraph (f)(2) of this section; or
    - (B) 180 days.
  - (iii) A household disqualified under this provision may reestablish eligibility if:
    - (A) The head of the household leaves the household;
    - (B) A new and eligible person joins the household as the head of the household, as defined in § 273.1(d)(2); or
    - (C) The head of the household becomes exempt from work requirements during the disqualification period.
  - (iv) If the head of the household joins another household as its head, that household will be disqualified from participating in SNAP for the remaining period of ineligibility.
- (6) **Fair hearings.** Each individual or household has the right to request a fair hearing, in accordance with § 273.15, to appeal a denial, reduction, or termination of benefits due to a determination of nonexempt status, or a State agency determination of failure to comply with SNAP work requirements. Individuals or households may appeal State agency actions such as exemption status, the type of requirement imposed, or State agency refusal to make a finding of good cause if the individual or household believes that a finding of failure to comply has resulted from improper decisions on these matters. The State agency or its designee operating the relevant component or service of the E&T program must receive sufficient advance notice to either permit the attendance of a representative or ensure that a representative will be available for questioning over the phone during the hearing. A representative of the appropriate agency must be available through one of these means. A household must be allowed to examine its E&T program casefile at a reasonable time before the date of the fair hearing, except for confidential information (that may include test results) that the agency determines should be protected from release. Confidential information not released to a household may not be used by either party at the hearing. The results of the fair hearing are binding on the State agency.
- (7) **Failure to comply with a work requirement under title IV of the Social Security Act, or an unemployment compensation work requirement.** An individual exempt from SNAP work requirements by paragraph (b)(1)(iii) or (v) of this section because he or she is subject to work requirements under title IV–A or unemployment compensation who fails to comply with a title IV–A or unemployment compensation work requirement will be treated as though he or she failed to comply with SNAP work requirement.
- (i) When a SNAP household reports the loss or denial of title IV–A or unemployment compensation benefits, or if the State agency otherwise learns of a loss or denial, the State agency must determine whether the loss or denial resulted when a household member refused or failed without good cause to comply with a title IV–A or unemployment compensation work requirement.
  - (ii) If the State agency determines that the loss or denial of benefits resulted from an individual's refusal or failure without good cause to comply with a title IV or unemployment compensation requirement, the individual (or household if applicable under paragraph (f)(5) of this section) must be disqualified in accordance with the applicable provisions of this paragraph (f). However, if the noncomplying individual meets one of the work registration exemptions provided in paragraph (b)(1) of this section (other than the exemptions provided in paragraph (b)(1)(iii) or (v) of this section) the individual (or household if applicable under paragraph (f)(5) of this section) will not be disqualified.
  - (iii) If the State agency determination of noncompliance with a title IV–A or unemployment compensation work requirement leads to a denial or termination of the individual's or household's SNAP benefits, the individual or household has a right to appeal the decision in accordance with the provisions of paragraph (f)(6) of this section.
  - (iv) In cases where the individual is disqualified from the title IV–A program for refusal or failure to comply with a title IV–A work requirement, but the individual meets one of the work registration exemptions provided in paragraph (b)(1) of this section, other than the exemption in paragraphs (b)(1)(iii) of this section, the State agency may, at its option, apply the identical title IV–A disqualification on the individual under SNAP. The State agency must impose such optional disqualifications in accordance with section 6(i) of the Food and Nutrition Act of 2008 and with the provisions of § 273.11(1).
- (g) **Ending disqualification.** Except in cases of permanent disqualification, at the end of the applicable mandatory disqualification period for noncompliance with SNAP work requirements, participation may resume if the disqualified individual applies again and is determined by the State agency to be in compliance with work requirements. A disqualified individual may be permitted to resume participation during the disqualification period (if otherwise eligible) by becoming exempt from work requirements.
- (h) **Suitable employment.**
- (1) Employment will be considered suitable unless:

- (i) The wage offered is less than the highest of the applicable Federal minimum wage, the applicable State minimum wage, or eighty percent (80%) of the Federal minimum wage if neither the Federal nor State minimum wage is applicable.
- (ii) The employment offered is on a piece-rate basis and the average hourly yield the employee can reasonably be expected to earn is less than the applicable hourly wages specified under paragraph (h)(1)(i) of this section.
- (iii) The household member, as a condition of employment or continuing employment, is required to join, resign from, or refrain from joining any legitimate labor organization.
- (iv) The work offered is at a site subject to a strike or lockout at the time of the offer unless the strike has been enjoined under section 208 of the Labor-Management Relations Act (29 U.S.C. 78) (commonly known as the Taft-Hartley Act), or unless an injunction has been issued under section 10 of the Railway Labor Act (45 U.S.C. 160).
- (v) It fails to meet additional suitability criteria established by State agencies.
- (2) In addition, employment will be considered suitable unless the household member involved can demonstrate or the State agency otherwise becomes aware that:
  - (i) The degree of risk to health and safety is unreasonable.
  - (ii) The member is physically or mentally unfit to perform the employment, as documented by medical evidence or by reliable information from other sources.
  - (iii) The employment offered within the first 30 days of registration is not in the member's major field of experience.
  - (iv) The distance from the member's home to the place of employment is unreasonable considering the expected wage and the time and cost of commuting. Employment will not be considered suitable if daily commuting time exceeds 2 hours per day, not including the transporting of a child to and from a child care facility. Nor will employment be considered suitable if the distance to the place of employment prohibits walking and neither public nor private transportation is available to transport the member to the jobsite.
  - (v) The working hours or nature of the employment interferes with the member's religious observances, convictions, or beliefs.
- (i) **Good cause.**
  - (1) The State agency is responsible for determining good cause when a SNAP recipient fails or refuses to comply with SNAP work requirements. Since it is not possible for the Department to enumerate each individual situation that should or should not be considered good cause, the State agency must take into account the facts and circumstances, including information submitted by the employer and by the household member involved, in determining whether or not good cause exists.
  - (2) Good cause includes circumstances beyond the member's control, such as, but not limited to, illness, illness of another household member requiring the presence of the member, a household emergency, the unavailability of transportation, or the lack of adequate child care for children who have reached age six but are under age 12.
  - (3) Good cause for leaving employment includes the good cause provisions found in paragraph (i)(2) of this section, and resigning from a job that is unsuitable, as specified in paragraphs (h)(1) and (2) of this section. Good cause for leaving employment also includes:
    - (i) Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs;
    - (ii) Work demands or conditions that render continued employment unreasonable, such as working without being paid on schedule;
    - (iii) Acceptance of employment by the individual, or enrollment by the individual in any recognized school, training program or institution of higher education on at least a half time basis, that requires the individual to leave employment;
    - (iv) Acceptance by any other household member of employment or enrollment at least half-time in any recognized school, training program or institution of higher education in another county or similar political subdivision that requires the household to move and thereby requires the individual to leave employment;
    - (v) Resignations by persons under the age of 60 which are recognized by the employer as retirement;
    - (vi) Employment that becomes unsuitable, as specified in paragraphs (h)(1) and (2) of this section, after the acceptance of such employment;
    - (vii) Acceptance of a bona fide offer of employment of more than 30 hours a week or in which the weekly earnings are equivalent to the Federal minimum wage multiplied by 30 hours that, because of circumstances beyond the individual's control, subsequently either does not materialize or results in employment of less than 30 hours a week or weekly earnings of less than the Federal minimum wage multiplied by 30 hours; and
    - (viii) Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another such as migrant farm labor or construction work. There may be some circumstances where households will apply for SNAP benefits between jobs particularly in cases where work may not yet be available at the new job site. Even though employment at the new site has not actually begun, the quitting of the previous employment must be considered as with good cause if it is part of the pattern of that type of employment.

- (4) Good cause includes circumstances where the State agency determines that there is not an appropriate and available opening within the E&T program to accommodate the mandatory participant. Good cause for circumstances where there is not an appropriate or available opening within the E&T program shall extend until the State agency identifies an appropriate and available E&T opening, and the State agency informs the SNAP participant. In addition, good cause for circumstances where there is not an appropriate and available opening within the E&T program shall only apply to the requirement to participate in E&T and shall not provide good cause to ABAWDs who fail to fulfill the ABAWD work requirement in accordance with § 273.24.
- (5) **Verification.** To the extent that the information given by the household is questionable, as defined in § 273.2(f)(2), State agencies must request verification of the household's statements. The primary responsibility for providing verification, as provided in § 273.2(f)(5), rests with the household.
- (j) **Voluntary quit and reduction of work effort –**
  - (1) **Period for establishing voluntary quit and reduction of work effort.** For the purpose of establishing that a voluntary quit without good cause or reduction in work effort without good cause occurred prior to applying for SNAP benefits, a State agency may, at its option, choose a period between 30 and 60 days before application in which to determine voluntary quit or reduction in work effort.
  - (2) **Individual ineligibility.** An individual is ineligible to participate in SNAP if, in a period established by the State agency between 30 and 60 day before applying for SNAP benefits or at any time thereafter, the individual:
    - (i) Voluntarily and without good cause quits a job of 30 hours a week or more; or
    - (ii) Reduces his or her work effort voluntarily and without good cause and, after the reduction, is working less than 30 hours per week.
  - (3) **Determining whether a voluntary quit or reduction of work effort occurred and application processing.**
    - (i) When a household files an application for participation, or when a participating household reports the loss of a source of income or a reduction in household earnings, the State agency must determine whether any household member voluntarily quit his or her job or reduced his or her work effort. Benefits must not be delayed beyond the normal processing times specified in § 273.2 pending the outcome of this determination.
    - (ii) The voluntary quit provision applies if the employment involved 30 hours or more per week or provided weekly earnings at least equivalent to the Federal minimum wage multiplied by 30 hours; the quit occurred within a period established by the State agency between 30 to 60 days prior to the date of application or anytime thereafter; and the quit was without good cause. Changes in employment status that result from terminating a self-employment enterprise or resigning from a job at the demand of the employer will not be considered a voluntary quit for purposes of this paragraph (j). An employee of the Federal Government, or of a State or local government who participates in a strike against such government, and is dismissed from his or her job because of participation in the strike, will be considered to have voluntarily quit his or her job without good cause. If an individual quits a job, secures new employment at comparable wages or hours and is then laid off or, through no fault of his own, loses the new job, the individual must not be disqualified for the earlier quit.
    - (iii) The reduction of work effort provision applies if, before the reduction, the individual was employed 30 hours or more per week; the reduction occurred within a period established by the State agency between 30 and 60 days prior to the date of application or anytime thereafter; and the reduction was voluntary and without good cause. If the individual reduces his or her work hours to less than 30 a week, but continues to earn weekly wages that exceed the Federal minimum wage multiplied by 30 hours, the individual remains exempt from Program work requirements, in accordance with paragraph (b)(1)(vii) of this section, and the reduction in work effort provision does not apply. Minor variations in the number of hours worked or in the weekly minimum wage equivalent wages are inevitable and must be taken into consideration when assessing a recipient's compliance with Program work rules.
    - (iv) In the case of an applicant household, the State agency must determine if any household member subject to SNAP work requirements voluntarily quit his or her job or reduced his or her work effort within a period established by the State agency between 30 and 60 days prior to date of application. If the State agency learns that a household has lost a source of income or experienced a reduction in income after the date of application but before the household is certified, the State agency must determine whether a voluntary quit or reduction in work effort occurred.
    - (v) Upon determining that an individual voluntarily quit employment or reduced work effort, the State agency must determine if the voluntary quit or reduction of work effort was with good cause as defined in paragraph (i) of this section.
    - (vi) In the case of an individual who is a member of an applicant household, if the voluntary quit or reduction in work effort was without good cause, the individual will be determined ineligible to participate and will be disqualified according to the State agency's established minimum mandatory sanction schedule. The ineligible individual must be considered an ineligible household member, pursuant to § 273.1(b)(7). The disqualification is effective upon the determination of eligibility for the remaining household members. If the individual who becomes ineligible is the head of the household, as defined in § 273.1(d)(2), the State agency may choose to disqualify the entire household, in accordance with paragraph (f)(5) of this section. If the State agency chooses to disqualify the household, the State agency must provide the applicant household with a notice of denial in accordance with § 273.2(g)(3). The notice must inform the household of the proposed period of disqualification; its right to reapply at the end of the disqualification period; and of its right to a fair hearing. The household's disqualification is effective upon the issuance of the notice of denial.

(vii) In the case of an individual who is a member of a participating household, if the State agency determines that the individual voluntarily quit his or her job or reduced his or her work effort without good cause while participating in the program or discovers that the individual voluntarily quit his or her job or reduced his or her work effort without good cause during a period established by the State agency between 30 and 60 days prior to the date of application for benefits or between application and certification, the State agency must provide the individual with a notice of adverse action as specified in § 273.13 within 10 days after the determination of a quit or reduction in work effort. The notification must contain the particular act of noncompliance committed, the proposed period of ineligibility, the actions that may be taken to avoid the disqualification, and it must specify that the individual, if otherwise eligible, may resume participation at the end of the disqualification period if the State agency determines the individual to be in compliance with Program work requirements. The individual will be disqualified according to the State agency's established minimum mandatory sanction schedule. The ineligible individual must be considered an ineligible household member, pursuant to § 273.1(b)(7). The disqualification period will begin the first month following the expiration of the 10-day adverse notice period, unless the individual requests a fair hearing. If a voluntary quit or reduction in work effort occurs in the last month of a certification period, or is determined in the last 30 days of the certification period, the individual must be denied recertification for a period equal to the appropriate mandatory disqualification period, beginning with the day after the last certification period ends and continuing for the length of the disqualification, regardless of whether the individual reapplies for SNAP benefits. Each individual has a right to a fair hearing to appeal a denial or termination of benefits due to a determination that the individual voluntarily quit his or her job or reduced his or her work effort without good cause. If the participating individual's benefits are continued pending a fair hearing and the State agency determination is upheld, the disqualification period must begin the first of the month after the hearing decision is rendered.

(viii) If the individual who voluntarily quit his or her job, or who reduced his or her work effort without good cause is the head of a household, as defined in § 273.1(d), the State agency, at its option, may disqualify the entire household from SNAP participation in accordance with paragraph (f)(5) of this section.

(4) **Ending a voluntary quit or a reduction in work disqualification.** Except in cases of permanent disqualification, following the end of the mandatory disqualification period for voluntarily quitting a job or reducing work effort without good cause, an individual may begin participation in the program if he or she reapplies and is determined eligible by the State agency. Eligibility may be reestablished during a disqualification and the individual, if otherwise eligible, may be permitted to resume participation if the individual becomes exempt from Program work requirements under paragraph (b)(1) of this section.

(5) **Application in the final month of disqualification.** Except in cases of permanent disqualification, if an application for participation in the Program is filed in the final month of the mandatory disqualification period, the State agency must, in accordance with § 273.10(a)(3), use the same application for the denial of benefits in the remaining month of disqualification and certification for any subsequent month(s) if all other eligibility criteria are met.

(k) **Employment initiatives program –**

(1) **General.** In accordance with section 17(d)(1)(B) of the Food and Nutrition Act of 2008, qualified State agencies may elect to operate an employment initiatives program, in which an eligible household can receive the cash equivalent of its SNAP benefit allotment.

(2) **State agency qualification.** A State agency qualifies to operate an employment initiatives program if, during the summer of 1993, at least half of its SNAP households also received cash benefits from a State program funded under title IV-A of the Social Security Act.

(3) **Qualified State agencies.** The State agencies of Alaska, California, Connecticut, the District of Columbia, Massachusetts, Michigan, Minnesota, New Jersey, West Virginia, and Wisconsin meet the qualification. These 10 State agencies may operate an employment initiatives program.

(4) **Eligible households.** A SNAP household in one of the 10 qualified State agencies may receive cash benefits in lieu of a SNAP benefit allotment if it meets the following requirements:

(i) The SNAP household elects to participate in an employment initiatives program;

(ii) An adult member of the household:

(A) Has worked in unsubsidized employment for the last 90 days, earning a minimum of \$350 per month;

(B) Is receiving cash benefits under a State program funded under title IV-A of the Social Security Act; or

(C) Was receiving cash benefits under the State program but, while participating in the employment initiatives program, became ineligible because of earnings and continues to earn at least \$350 a month from unsubsidized employment.

(5) **Program Provisions.**

(i) Cash benefits provided in an employment initiatives program will be considered an allotment, as defined at § 271.2 of this chapter.

(ii) An eligible household receiving cash benefits in an employment initiatives program will not receive any other SNAP benefit during the period for which cash assistance is provided.

(iii) A qualified State agency operating an employment initiatives program must increase the cash benefit to participating households to compensate for any State or local sales tax on food purchases, unless FNS determines that an increase is unnecessary because of the limited nature of items subject to the State or local sales tax.

- (iv) Any increase in cash assistance to account for a State or local sales tax on food purchases must be paid by the State agency.
- (6) **Evaluation.** After two years of operating an employment initiatives program, a State agency must evaluate the impact of providing cash assistance in lieu of a SNAP benefit allotment to participating households. The State agency must provide FNS with a written report of its evaluation findings. The State agency, with the concurrence of FNS, will determine the content of the evaluation.
- (l) **Work supplementation program.** In accordance with section 16(b) of the Food and Nutrition Act of 2008, States may operate work supplementation (or support) programs that allow the cash value of SNAP benefits and public assistance, such as cash assistance authorized under title IV-A of the Social Security Act or cash assistance under a program established by a State, to be provided to employers as a wage subsidy to be used for hiring and employing public assistance recipients. The goal of these programs is to promote self-sufficiency by providing public assistance recipients with work experience to help them move into unsubsidized jobs. In accordance with § 272.2(d)(1)(xiv) of this chapter, State agencies that wish to exercise their option to implement work supplementation programs must submit to FNS for approval a plan that complies with the provisions of this paragraph (l). Work supplementation programs may not be implemented without prior approval from FNS.
- (1) **Plan –**
  - (i) **Assurances.** The plan must contain the following assurances:
    - (A) The individual participating in a work supplementation program must not be employed by the employer at the time the individual enters the program;
    - (B) The wage subsidy received under the work supplementation program must be excluded from household income and resources during the term the individual is participating in work supplementation;
    - (C) The household must not receive a separate SNAP allotment while participating in the work supplementation program;
    - (D) An individual participating in a work supplementation program is excused from meeting any other work requirements;
    - (E) The work supplementation program must not displace any persons currently employed who are not supplemented or supported;
    - (F) The wage subsidy must not be considered income or resources under any Federal, State or local laws, including but not limited to, laws relating to taxation, welfare, or public assistance programs, and the household's SNAP allotment must not be decreased due to taxation or any other reason because of its use as a wage subsidy;
    - (G) The earned income deduction does not apply to the subsidized portion of wages received in a work supplementation program; and
    - (H) All work supplemented or supported employees must receive the same benefits (sick and personal leave, health coverage, workmen's compensation, etc.) as similarly situated coworkers who are not participating in work supplementation and wages paid under a wage supplementation or support program must meet the requirements of the Fair Labor Standards Act and other applicable employment laws.
  - (ii) **Description.** The plan must also describe:
    - (A) The procedures the State agency will use to ensure that the cash value of SNAP benefits for participating households are not subject to State or local sales taxes on food purchases. The costs of increasing household SNAP allotments to compensate for such sales taxes must be paid from State funds;
    - (B) State agency, employer and recipient obligations and responsibilities;
    - (C) The procedures the State agency will use to provide wage subsidies to employers and to ensure accountability;
    - (D) How public assistance recipients in the proposed work supplementation program will, within a specified period of time, be moved from supplemented or supported employment to employment that is not supplemented or supported;
    - (E) Whether the SNAP allotment and public assistance grant will be frozen at the time a recipient begins a subsidized job; and
    - (F) The procedures the State agency will use to ensure that work supplementation program participants do not incur any Federal, State, or local tax liabilities on the cash value of their SNAP benefits.
- (2) **Budget.** In addition to the plan described in paragraph (l)(1) of this section, an operating budget for the proposed work supplementation program must be submitted to FNS.
- (3) **Approval.** FNS will review the initial plan and any subsequent amendments. Upon approval by FNS, the State agency must incorporate the approved work supplementation program plan or subsequent amendment into its State Plan of Operation and its operating budget must be included in the State agency budget. No plan or amendment may be implemented without approval from FNS.
- (4) **Reporting.** State agencies operating work supplementation and support programs are required to comply with all FNS reporting requirements, including reporting the amount of benefits contributed to employers as a wage subsidy on the FNS-388, State Issuance and Participation Estimates; FNS-388A, Participation and Issuance by Project Area; FNS-46, Issuance Reconciliation Report; and SF-425, using FNS-778 worksheet, Addendum Financial Status Report. State agencies are also required to report

administrative costs associated with work supplementation programs on the FNS-366A, Budget Projection and SF-425 using FNS-778/FNS-778A worksheet, Financial Status Report. Special codes for work supplementation programs will be assigned for reporting purposes.

- (5) **Funding.** FNS will pay the cash value of a participating household's SNAP benefits to a State agency with an approved work supplementation program to pay to an employer as a wage subsidy, and will also reimburse the State agency for related administrative costs, in accordance with Section 16 of the Food and Nutrition Act of 2008.

- (6) **Quality control.** Cases in which a household member is participating in a work supplementation program will be coded as not subject to review.

(m) **Optional workfare program —**

- (1) **General.** This paragraph (m) contains the rules to be followed in operating a SNAP workfare program. In workfare, nonexempt SNAP recipients may be required to perform work in a public service capacity as a condition of eligibility to receive the benefit allotment to which their household is normally entitled. The primary goal of workfare is to improve employability and enable individuals to move into regular employment.

(2) **Program administration.**

- (i) A SNAP workfare program may be operated as a component of a State agency's E&T program, or it may be operated independently. If the workfare program is part of an E&T program it must be included as a component in the State agency's E&T plan in accordance with the requirements of paragraph (c)(4) of this section. If it is operated independent of the E&T program, the State agency must submit a workfare plan to FNS for its approval. For the purpose of this paragraph (m), a political subdivision is any local government, including, but not limited to, any county, city, town or parish. A State agency may implement a workfare program statewide or in only some areas of the State. The areas of operation must be identified in the State agency's workfare or E&T plan.
- (ii) Political subdivisions are encouraged, but not required, to submit their plans to FNS through their respective State agencies. At a minimum, however, plans must be submitted to the State agencies concurrent with their submission to FNS. Workfare plans and subsequent amendments must not be implemented prior to their approval by FNS.
- (iii) When a State agency chooses to sponsor a workfare program by submitting a plan to FNS, it must incorporate the approved plan into its State Plan of Operations. When a political subdivision chooses to sponsor a workfare program by submitting a plan to FNS, the State agency is responsible as a facilitator in the administration of the program by disbursing Federal funding and meeting the requirements identified in paragraph (m)(4) of this section. When it is notified that FNS has approved a workfare plan submitted by a political subdivision in its State, the State agency must append that political subdivision's workfare plan to its own State Plan of Operations.
- (iv) The operating agency is the administrative organization identified in the workfare plan as being responsible for establishing job sites, assigning eligible recipients to the job sites, and meeting the requirements of this paragraph (m). The operating agency may be any public or private, nonprofit organization. The State agency or political subdivision that submitted the workfare plan is responsible for monitoring the operating agency's compliance with the requirements of this paragraph (m) or of the workfare plan. The Department may suspend or terminate some or all workfare program funding, or withdraw approval of the workfare program from the State agency or political subdivision that submitted the workfare plan upon finding that that State agency or political subdivision, or their respective operating agencies, have failed to comply with the requirements of this paragraph (m) or of the workfare plan.
- (v) State agencies or other political subdivisions must describe in detail in the plan how the political subdivision, working with the State agency and any other cooperating agencies that may be involved in the program, will fulfill the provisions of this paragraph (m). The plan will be a one-time submittal, with amendments submitted as needed to cover any changes in the workfare program as they occur.
- (vi) State agencies or political subdivisions submitting a workfare plan must submit with the plan an operating budget covering the period from the initiation of the workfare program's implementation schedule to the close of the Federal fiscal year. In addition, an estimate of the cost for one full year of operation must be submitted together with the workfare plan. For subsequent fiscal years, the workfare program budget must be included in the State agency's budget.
- (vii) If workfare plans are submitted by more than one political subdivision, each representing the same population (such as a city within a county), the Department will determine which political subdivision will have its plan approved. Under no circumstances will a SNAP recipient be subject to more than one SNAP workfare program. If a political subdivision chooses to operate a workfare program and represents a population which is already, at least in part, subject to a SNAP workfare program administered by another political subdivision, it must establish in its workfare plan how SNAP recipients will not be subject to more than one SNAP workfare program.

(3) **Operating agency responsibilities.**

- (i) **General.** The operating agency, as designated by the State agency or other political subdivision that submits a plan, is responsible for establishing and monitoring job sites, interviewing and assessing eligible recipients, assigning eligible recipients to appropriate job sites, monitoring participant compliance, making initial determinations of good cause for household noncompliance, and otherwise meeting the requirements of this paragraph (m).

- (ii) **Establishment of job sites.** Workfare job slots may only be located in public or private nonprofit agencies. Contractual agreements must be established between the operating agency and organizations providing jobs that include, but are not limited to, designation of the slots available and designation of responsibility for provision of benefits, if any are required, to the workfare participant.
- (iii) **Notifying State agency of noncompliance.** The operating agency must notify the State agency of noncompliance by an individual with a workfare obligation when it determines that the individual did not have good cause for the noncompliance. This notification must occur within five days of such a determination so that the State agency can make a final determination as provided in paragraph (m)(4)(iv) of this section.
- (iv) **Notifications.**
  - (A) State agencies must establish and use notices to notify the operating agency of workfare-eligible households. The notice must include the case name, case number, names of workfare-eligible household members, address of the household, certification period, and indication of any part-time work. If the State agency is calculating the hours of obligation, it must also include this in the notice. If the operating agency is computing the hours to be worked, include the monthly allotment amount.
  - (B) Operating agencies must establish and use notices to notify the workfare participant of where and when the participant is to report, to whom the participant is to report, a brief description of duties for the particular placement, and the number of hours to be worked.
  - (C) Operating agencies must establish and use notices to notify the State agency of failure by a household to meet its workfare obligation.
- (v) **Recordkeeping requirements.**
  - (A) Files that record activity by workfare participants must be maintained. At a minimum, these records must contain job sites, hours assigned, and hours completed.
  - (B) Program records must be maintained, for audit and review purposes, for a period of 3 years from the month of origin of each record. Fiscal records and accountable documents must be retained for 3 years from the date of fiscal or administrative closure of the workfare program. Fiscal closure, as used in this paragraph (m), means that workfare program obligations for or against the Federal government have been liquidated. Administrative closure, as used in this paragraph (m), means that the operating agency or Federal government has determined and documented that no further action to liquidate the workfare program obligation is appropriate. Fiscal records and accountable records must be kept in a manner that will permit verification of direct monthly reimbursements to recipients, in accordance with paragraph (m)(7)(iii) of this section.
- (vi) **Reporting requirements.** The operating agency is responsible for providing information needed by the State agency to fulfill the reporting requirements contained in paragraph (m)(4)(v) of this section.
- (vii) **Disclosure.** The provisions of § 272.1(c) of this chapter restricting the use and disclosure of information obtained from SNAP households is applicable to the administration of the workfare program.
- (4) **State agency responsibilities.**
  - (i) If a political subdivision chooses to operate a workfare program, the State agency must cooperate with the political subdivision in developing a plan.
  - (ii) The State agency must determine at certification or recertification which household members are eligible for the workfare program and inform the household representative of the nature of the program and of the penalties for noncompliance. If the State agency is not the operating agency, each member of a household who is subject to workfare under paragraph (m)(5)(i) of this section must be referred to the organization which is the operating agency. The information identified in paragraph (m)(3)(iv)(A) of this section must be forwarded to the operating agency within 5 days after the date of household certification. Computation of hours to be worked may be delegated to the operating agency.
  - (iii) The State agency must inform the household and the operating agency of the effect of any changes in a household's circumstances on the household's workfare obligation. This includes changes in benefit levels or workfare eligibility.
  - (iv) Upon notification by the operating agency that a participant has failed to comply with the workfare requirement without good cause, the State agency must make a final determination as to whether or not the failure occurred and whether there was good cause for the failure. If the State agency determines that the participant did not have good cause for noncompliance, a sanction must be processed as provided in paragraphs (f)(1)(i) and (f)(1)(ii) of this section. The State agency must immediately inform the operating agency of the months during which the sanction will apply.
  - (v) The State agency must submit quarterly reports to FNS within 45 days of the end of each quarter identifying for that quarter for that State:
    - (A) The number of households with workfare-eligible recipients referred to the operating agency. A household will be counted each time it is referred to the operating agency;
    - (B) The number of households assigned to jobs each month by the operating agency;

- (C) The number of individuals assigned to jobs each month by the operating agency;
- (D) The total number of hours worked by participants; and
- (E) The number of individuals against which sanctions were applied. An individual being sanctioned over two quarters should only be reported as sanctioned for the earlier quarter.
- (vi) The State agency may, at its option, assume responsibility for monitoring all workfare programs in its State to assure that there is compliance with this section and with the plan submitted and approved by FNS. Should the State agency assume this responsibility, it would act as agent for FNS, which is ultimately responsible for ensuring such compliance. Should the State agency determine that noncompliance exists, it may withhold funding until compliance is achieved or FNS directs otherwise.
- (5) **Household responsibilities.**
  - (i) **Participation requirement.** Participation in workfare, if assigned by the State agency, is a SNAP work requirement for all nonexempt household members, as provided in paragraph (a) of this section. In addition:
    - (A) Those recipients exempt from SNAP work requirements because they are subject to and complying with any work requirement under title IV of the Social Security Act are subject to workfare if they are currently involved less than 20 hours a week in title IV work activities. Those recipients involved 20 hours a week or more may be subject to workfare at the option of the political subdivision; and
    - (B) Those recipients exempt from SNAP work requirements because they have applied for or are receiving unemployment compensation are subject to workfare.
  - (ii) **Household obligation.** The maximum total number of hours of work required of a household each month is determined by dividing the household's benefit allotment by the Federal or State minimum wage, whichever is higher. Fractions of hours of obligation may be rounded down. The household's hours of obligation for any given month may not be carried over into another month.
- (6) **Other program requirements.**
  - (i) **Conditions of employment.**
    - (A) A participant may be required to work a maximum of 30 hours per week. This maximum must take into account hours worked in any other compensated capacity (including hours of participation in a title IV work program) by the participant on a regular or predictable part-time basis. With the participant's consent, the hours to be worked may be scheduled in such a manner that more than 30 hours are worked in one week, as long as the total for that month does not exceed the weekly average of 30 hours.
    - (B) No participant will be required to work more than eight hours on any given day without his or her consent.
    - (C) No participant will be required to accept an offer of workfare employment if it fails to meet the criteria established in paragraphs (h)(1)(iii), (h)(1)(iv), (h)(2)(i), (h)(2)(ii), (h)(2)(iv), and (h)(2)(v) of this section.
    - (D) If the workfare participant is unable to report for job scheduling, to appear for scheduled workfare employment, or to complete the entire workfare obligation due to compliance with Unemployment Insurance requirements; other SNAP work requirements established in paragraph (a)(1) of this section; or the job search requirements established in paragraph (e)(1)(i) of this section, that inability must not be considered a refusal to accept workfare employment. If the workfare participant informs the operating agency of the time conflict, the operating agency must, if possible, reschedule the missed activity. If the rescheduling cannot be completed before the end of the month, that must not be considered as cause for disqualification.
    - (E) The operating agency must assure that all persons employed in workfare jobs receive job-related benefits at the same levels and to the same extent as similar non-workfare employees. These are benefits related to the actual work being performed, such as workers' compensation, and not to the employment by a particular agency, such as health benefits. Of those benefits required to be offered, any elective benefit that requires a cash contribution by the participant will be optional at the discretion of the participant.
    - (F) The operating agency must assure that all workfare participants experience the same working conditions that are provided to non-workfare employees similarly employed.
    - (G) The provisions of section 2(a)(3) of the Service Contract Act of 1965 (Public Law 89-286), relating to health and safety conditions, apply to the workfare program.
    - (H) Operating agencies must not place a workfare participant in a work position that has the effect of replacing or preventing the employment of an individual not participating in the workfare program. Vacancies due to hiring freezes, terminations, or lay-offs must not be filled by workfare participants unless it can be demonstrated that the vacancies are a result of insufficient funds to sustain former staff levels.
    - (I) Workfare jobs must not, in any way, infringe upon the promotional opportunities that would otherwise be available to regular employees.
    - (J) Workfare jobs must not be related in any way to political or partisan activities.



- (K) The cost of workers' compensation or comparable protection provided to workfare participants by the State agency, political subdivision, or operating agency is a matchable cost under paragraph (m)(7) of this section. However, whether or not this coverage is provided, in no case is the Federal government the employer in these workfare programs (unless a Federal agency is the job site). The Department does not assume liability for any injury to or death of a workfare participant while on the job.
- (L) The nondiscrimination requirement provided in § 272.6(a) of this chapter applies to all agencies involved in the workfare program.
- (ii) **Job search period.** The operating agency may establish a job search period of up to 30 days following certification prior to making a workfare assignment during which the potential participant is expected to look for a job. This period may only be established at household certification, not at recertification. The potential participant would not be subject to any job search requirements beyond those required under this section during this time.
- (iii) **Participant reimbursement.** The operating agency must reimburse participants for transportation and other costs that are reasonably necessary and directly related to participation in the program. These other costs may include the cost of child care, or the cost of personal safety items or equipment required for performance of work if these items are also purchased by regular employees. These other costs may not include the cost of meals away from home. No participant cost reimbursed under a workfare program operated under Title IV of the Social Security Act or any other workfare program may be reimbursed under the SNAP workfare program. Only reimbursement of participant costs up to but not in excess of \$25 per month for any participant will be subject to Federal cost sharing as provided in paragraph (m)(7) of this section. Reimbursed child care costs may not be claimed as expenses and used in calculating the child care deduction for determining household benefits. In accordance with paragraph (m)(4)(i) of this section, a State agency may decide what its reimbursement policy shall be.
- (iv) **Failure to comply.** When a workfare participant is determined by the State agency to have failed or refused without good cause to comply with the requirements of this paragraph (m), the provisions of paragraph (f) of this section will apply.
- (v) **Benefit overissuances.** If a benefit overissuance is discovered for a month or months in which a participant has already performed a workfare or work component requirement, the State agency must apply the claim recovery procedures as follows:
  - (A) If the person who performed the work is still subject to a work obligation, the State must determine how many extra hours were worked because of the improper benefit. The participant should be credited those extra hours toward future work obligations; and
  - (B) If a workfare or work component requirement does not continue, the State agency must determine whether the overissuance was the result of an intentional program violation, an inadvertent household error, or a State agency error. For an intentional program violation a claim should be established for the entire amount of the overissuance. If the overissuance was caused by an inadvertent household error or State agency error, the State agency must determine whether the number of hours worked in workfare are more than the number which could have been assigned had the proper benefit level been used in calculating the number of hours to work. A claim must be established for the amount of the overissuance not "worked off," if any. If the hours worked equal the amount of hours calculated by dividing the overissuance by the minimum wage, no claim will be established. No credit for future work requirements will be given.
- (7) **Federal financial participation –**
  - (i) **Administrative costs.** Fifty percent of all administrative costs incurred by State agencies or political subdivisions in operating a workfare program will be funded by the Federal government. Such costs include those related to recipient participation in workfare, up to \$25 per month for any participant, as indicated in paragraph (m)(6)(iii) of this section. Such costs do not include the costs of equipment, capital expenditures, tools or materials used in connection with the work performed by workfare participants, the costs of supervising workfare participants, the costs of reimbursing participants for meals away from home, or reimbursed expenses in excess of \$25 per month for any participant. State agencies must not use any portion of their annual 100 percent Federal E&T allocations to fund the administration of optional workfare programs under section 20 of the Food and Nutrition Act of 2008 and this paragraph (m).
  - (ii) **Funding mechanism.** The State agencies have responsibility for disbursing Federal funds used for the workfare program through the State agencies' Letters of Credit. The State agency must also assure that records are being maintained which support the financial claims being made to FNS. This will be for all programs, regardless of who submits the plan. Mechanisms for funding local political subdivisions which have submitted plans must be established by the State agencies.
  - (iii) **Fiscal recordkeeping and reporting requirements.** Workfare-related costs must be identified by the State agency on the Financial Status Report (Form SF-269) as a separate column. All financial records, supporting documents, statistical records, negotiated contracts, and all other records pertinent to workfare program funds must be maintained in accordance with § 277.12 of this chapter.
  - (iv) **Sharing workfare savings –**
    - (A) **Entitlement.** A political subdivision is entitled to share in the benefit reductions that occur when a workfare participant begins employment while participating in workfare for the first time, or within thirty days of ending the first participation in workfare.
      - (1) To begin employment means to appear at the place of employment and to begin working.

- (2) First participation in workfare means performing work for the first time in a particular workfare program. The only break in participation that does not end the first participation will be due to the participant's taking a job which does not affect the household's allotment by an entire month's wages and which is followed by a return to workfare.
- (B) **Calculating the benefit reductions.** The political subdivision will calculate benefit reductions from each workfare participant's employment as follows.
  - (1) Unless the political subdivision knows otherwise, it will presume that the benefit reduction equals the difference between the last allotment issued before the participant began the new employment and the first allotment that reflects a full month's wages, earned income deduction, and dependent care deduction attributable to the new job.
  - (2) If the political subdivision knows of other changes besides the new job that affect the household's allotment after the new job began, the political subdivision will obtain the first allotment affected by an entire month's wages from the new job. The political subdivision will then recalculate the allotment to account for the wages, earned income deduction, and dependent care deduction attributable to the new job. In recalculating the allotment the political subdivision will also replace any benefits from a State program funded under title IV-A of the Social Security Act received after the new job with benefits received in the last month before the new job began. The difference between the first allotment that accounts for the new job and the recalculated allotment will be the benefit reduction.
  - (3) The political subdivision's share of the benefit reduction is three times this difference, divided by two.
  - (4) If, during these procedures, an error is discovered in the last allotment issued before the new employment began, that allotment must be corrected before the savings are calculated.
- (C) **Accounting.** The reimbursement from workfare will be reported and paid as follows:
  - (1) The political subdivision will report its enhanced reimbursement to the State agency in accordance with paragraph (m)(7)(iii) of this section.
  - (2) The Food and Nutrition Service will reimburse the political subdivision in accordance with paragraph (m)(7)(ii) of this section.
  - (3) The political subdivision will, upon request, make available for review sufficient documentation to justify the amount of the enhanced reimbursement.
  - (4) The Food and Nutrition Service will reimburse only the political subdivision's reimbursed administrative costs in the fiscal year in which the workfare participant began new employment and which are acceptable according to paragraph (m)(7)(i) of this section.
- (8) **Voluntary workfare program.** State agencies and political subdivisions may operate workfare programs whereby participation by SNAP recipients is voluntary. In such a program, the penalties for failure to comply, as provided in paragraph (f) of this section, will not apply for noncompliance. The amount of hours to be worked will be negotiated between the household and the operating agency, though not to exceed the limits provided under paragraph (m)(5)(ii) of this section. In addition, all protections provided under paragraph (m)(6)(i) of this section shall continue to apply. Those State agencies and political subdivisions choosing to operate such a program shall indicate in their workfare plan how their staffing will adapt to anticipated and unanticipated levels of participation. The Department will not approve plans which do not show that the benefits of the workfare program, in terms of hours worked by participants and reduced SNAP allotments due to successful job attainment, are expected to exceed the costs of such a program. In addition, if the Department finds that an approved voluntary program does not meet this criterion, the Department reserves the right to withdraw approval.
- (9) **Comparable workfare programs.** In accordance with section 6(o)(2)(C) of the Food and Nutrition Act of 2008, State agencies and political subdivisions may establish programs comparable to workfare under this paragraph (m) for the purpose of providing ABAWDs subject to the time limits specified at § 273.24 a means of fulfilling the work requirements in order to remain eligible for SNAP benefits. While comparable to workfare in that they require the participant to work for his or her household's SNAP allotment, these programs may or may not conform to other workfare requirements. State agencies or political subdivisions desiring to operate a comparable workfare program must meet the following conditions:
  - (i) The maximum number of hours worked weekly in a comparable workfare activity, combined with any other hours worked during the week by a participant for compensation (in cash or in kind) in any other capacity, must not exceed 30;
  - (ii) Participants must not receive a fourth month of SNAP benefits (the first month for which they would not be eligible under the time limit) without having secured a workfare position or without having met their workfare obligation. Participation must be verified timely to prevent issuance of a month's benefits for which the required work obligation is not met;
  - (iii) The State agency or political subdivision must maintain records to support the issuance of benefits to comparable workfare participants beyond the third month of eligibility; and
  - (iv) The State agency or political subdivision must provide a description of its program, including a methodology for ensuring compliance with (m)(9)(ii) of this section. The description should be submitted to the appropriate Regional office, with copies forwarded to SNAP National office.
- (n) **Workforce partnerships.** Workforce partnerships must meet the following requirements.
  - (1) Workforce partnerships are programs operated by:

- (i) A private employer, an organization representing private employers, or a nonprofit organization providing services relating to workforce development; or
  - (ii) An entity identified as an eligible provider of training services under section 122(d) of WIOA (29 U.S.C. 3152(d)).
- (2) Workforce partnerships may include multi-State programs.
- (3) Workforce partnerships must be in compliance with the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq), as applicable.
- (4) **Certification of workforce partnerships.** All workforce partnerships must be certified by the Secretary or by the State agency to the Secretary to indicate all of the following. The workforce partnership must:
  - (i) Assist SNAP households in gaining high-quality, work-relevant skills, training, work, or experience that will increase the ability of the participants to obtain regular employment;
  - (ii) Provide participants with not less than 20 hours per week, averaged monthly of training, work, or experience; for the purposes of this provision, 20 hours a week averaged monthly means 80 hours a month;
  - (iii) Not use any funds authorized to be appropriated under the Food and Nutrition Act of 2008;
  - (iv) Provide sufficient information to the State agency, on request, to determine whether members of SNAP households who are subject to the work requirement in 7 CFR 273.7(a), the ABAWD work requirements in 7 CFR 273.24, or both are fulfilling the work requirement through the workforce partnership;
  - (v) Be willing to serve as a reference for participants who are members of SNAP households for future employment or work-related programs.
- (5) In certifying that a workforce partnership meets the criteria in paragraphs (n)(4)(i) and (ii) of this section to be certified as a workforce partnership, the Secretary or the State agency shall require that the program submit to the Secretary or the State agency sufficient information that describes both:
  - (i) The services and activities of the program that would provide participants with not less than 20 hours per week of training, work, or experience; and
  - (ii) How the workforce partnership would provide services and activities described in paragraph (n)(5)(i) of this section that would directly enhance the employability or job readiness of the participant.
- (6) **Application to employment and training.**
  - (i) Workforce partnerships may not use any funds authorized to be appropriated by the Food and Nutrition Act of 2008.
  - (ii) If a member of a SNAP household is required to participate in an employment and training program in accordance with paragraph (a)(1)(ii) of this section, the State shall consider an individual participating in a workforce partnership certified in accordance with paragraph (n)(4) of this section to be in compliance with the employment and training requirements. The State agency cannot disqualify an individual for no longer participating in a workforce partnership. When a State agency learns that an individual is no longer participating in a workforce partnership, and the individual had been subject to mandatory E&T in accordance with paragraph (a)(1)(ii) of this section, the State agency must re-screen the individual to determine if the individual qualifies for an exemption from the work requirements in accordance with paragraph (b) of this section, and re-screen the individual to determine if the individual meets State criteria for referral to an E&T program or component in accordance with paragraph (c)(2) of this section. After this re-screening, if it is appropriate to require the individual to participate in an E&T program, the State agency may refer the individual to an E&T program or workforce partnership, as applicable.
- (7) **Supplement, Not Supplant.** A state agency may use a workforce partnership to supplement, not to supplant, the employment and training program of the State agency.
- (8) **Application to work programs.** Workforce partnerships certified in accordance with paragraph (n)(4) of this section are included in the definition of a work program under 7 CFR 273.24(a)(3) for the purposes of fulfilling the ABAWD work requirement.
- (9) The State agency shall not require any member of a household participating in SNAP to participate in a workforce partnership.
- (10) **List of workforce partnerships.** A State agency shall maintain a list of workforce partnerships certified in accordance with paragraph (n)(4) of this section. A State agency must also inform any SNAP participant whom the State agency has determined is likely to benefit from participation in a workforce partnership of the availability of the workforce partnership, and provide the participant with all available pertinent information regarding the workforce partnership to enable the participant to make an informed choice about participation. The information must include, if available: contact information for the workforce partnership; the types of activities the participant would be engaged in through the workforce partnership, screening criteria used by the workforce partnership to select individuals, the location of the workforce partnership, the work schedule or schedules, any special skills required to participate, and wage and benefit information, if applicable.
- (11) Participation in a workforce partnership shall not replace the employment or training of an individual not participating in a workforce partnership.

- (12) A workforce partnership may select individuals for participation in the workforce partnership who may or may not meet the criteria for the general work requirement at 7 CFR 273.7(a), including participation in E&T, or the ABAWD work requirement at 7 CFR 273.24(a)(1).
- (13) **Reporting.** Workforce partnership reporting requirements to the State agency are limited to the following:
- (i) On notification that an individual participating in the workforce partnership is receiving SNAP benefits, notifying the State agency that the individual is participating in a workforce partnership;
  - (ii) Identifying participants who have completed or are no longer participating in the workforce partnership;
  - (iii) Identifying changes to the workforce partnership that result in the workforce partnership no longer meeting the certification requirements in accordance with paragraph (n)(4) of this section; and
  - (iv) Providing sufficient information, on request by the State agency, for the State agency to verify that a participant is fulfilling the applicable work requirements in paragraph (a) of this section or 7 CFR 273.24.

[67 FR 41603, June 19, 2002, as amended at 71 FR 33382, June 9, 2006; 81 FR 15622, Mar. 24, 2016; 81 FR 66497, Sept. 28, 2016; 82 FR 2038, Jan. 6, 2017; 84 FR 15094, Apr. 15, 2019; 86 FR 398, Jan. 5, 2021]

## **RULES SUBMITTED FOR REPEAL**

**Rule #1: PUB 30 – Resource Parent Handbook**

**Rule #2: DDS Policy 1087 – Criminal Background  
Check**



# RESOURCE PARENT HANDBOOK



ARKANSAS DEPARTMENT OF HUMAN SERVICES  
DIVISION OF CHILDREN AND FAMILY SERVICES

PUB-30 • Revised June 2022

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# WELCOME

The Arkansas Department of Human Services (DHS), Division of Children and Family Services (DCFS) welcomes you as either a prospective or current resource family for Arkansas's children. Thank you for joining DCFS to ensure that every child has a safe and stable family every day.

DHS, acting through DCFS, serves as the court-appointed legal custodian for children in foster care. DCFS has the ultimate responsibility for ensuring that each child has the best possible foster care experience and that appropriate long-term plans are made.

Foster care is founded on the premise that all children have a right to a safe and supportive environment in which to grow. Foster care is a program designed to provide a safe, stable, family-like placement for a child who needs care temporarily, because the birth or legal family is unable to ensure the child's health and safety. Placement types may include a DCFS-approved resource home, a provisional resource home, or a licensed facility.

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The purpose of foster care is two-fold:

1. To provide a healthy, temporary home and community experience for the child, while the conditions that caused the placement away from the birth or legal family are being resolved.
2. To serve as a model and a resource to the birth or legal family of the child while the family remedies the issues that resulted in the removal of their child.

Children in foster care must be placed in approved, traditional resource homes or licensed shelters or facilities. The exception is when children are placed in a provisional relative or fictive kin home or the court grants custody to the relative, fictive kin, or other person. For custody to be granted, a written and approved home study is presented to the court. These terms will be explained later in this handbook.

The intent of this handbook is to outline the resource home approval process and, if your home is approved, provide you with basic information about caring for a child placed in your home. You will find general information about what is expected of resource families, the care

of children in out-of-home (i.e., foster care) placements, financial matters, the roles of DCFS staff, and more. We encourage you to use this handbook as an ongoing reference to obtain answers to your questions about being a resource family. At the same time, please understand this handbook is only an introduction as to what it means to be a resource family.

Never hesitate to reach out to DCFS staff with questions or concerns that may not be addressed in this handbook. We want to support you as much as possible in your role as a resource parent. We value the time and care you give to the children in our state every day.

Thank you for your interest and service to the children and families of Arkansas!

### *DHS Mission Statement*

Together we improve the quality of life of all Arkansans by protecting the vulnerable, fostering independence, and promoting better health.

### *DCFS Mission Statement*

Our mission is to keep children safe and help families. DCFS will respectfully engage families and youth and use community-based services and supports to assist parents in successfully caring for their children. We will focus on the safety, permanency and well-being for all children and youth.

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# WHAT IS A RESOURCE HOME?

## Overview

The Department of Human Services (DHS), Division of Children and Family Services (DCFS, or the “Division”) is licensed by the Child Welfare Agency Review Board as a child placement agency to approve foster and adoptive homes for DCFS. The Division utilizes the term “resource home” to refer to both foster and adoptive homes. “Resource parent” and “resource family” are used to refer to an individual or family, respectively, in those homes that provide a family-like setting on a twenty-four (24) hour basis for children in the custody of and placed there by the DHS.

The term resource home is used because these homes are designed to serve as resources to children in the custody of DHS. The DCFS-approved homes serve as resources to the child’s biological family as they work toward reunification. All resource homes must meet the same approval and maintenance requirements, with the exception of some non-safety standards for relatives and fictive kin that are described later in this handbook.

The primary, initial goal of almost every foster care case is reunification with the biological parent(s). As such, resource parents must be able to support reunification efforts. The length of a child’s stay in foster care will depend on the conditions that caused the placement as well as the time and the resources available to resolve them. The resource home placement should be the least restrictive and most family-like setting consistent with the child’s needs. It should also be as close in geographic proximity to the child’s parent or legal guardian as possible.

DCFS, the resource parents, and all other involved parties will work toward achieving permanency for the child, preferably by reunifying the child with the birth or legal parents. Arkansas law requires DCFS to diligently search for relatives throughout the life of an open foster care case, and to make efforts to place children with relatives during all stages of a case. This includes for adoptive purposes even after termination of parental rights has occurred.

DCFS follows a hierarchy of preferred placements for children in foster care with reunification with the biological or legal parent generally being the most preferred, followed by other permanency options with relatives, then fictive kin (e.g., adoption, guardianship) and ending in adoption (of the entire sibling group as applicable) with someone who is not a relative or fictive kin. For these reasons, serving as a resource home does not guarantee that the resource parent will be able to adopt a specific child placed in their home.

Resource parents with questions about DCFS policy can research it by visiting the Arkansas Department of Human Services [website](#).

## Types of Resource Homes

There are two types of resource homes: traditional resource homes and relative or fictive kin resource homes. Relative or fictive kin homes may be opened on a provisional basis (see “Relative or Fictive Kin Homes” subsection below for more information about provisional status).

### *Traditional Resource Homes*

Traditional resource homes are recruited for a child in foster care to whom they are neither related nor have other prior connections. DCFS signs an agreement with resource parents that the family will care for the child as a family member until a permanent plan can be developed and implemented for that child. The resource parents are given pertinent information about the child in foster care. This includes, but is not limited to, reasons for placement, circumstances for removal from the parent's home, where siblings are placed, a copy of the case plan, and a copy of the family visit/family time plan. They will be kept informed of plans for the child's future. In many instances, it will be appropriate for resource parents to communicate with, or otherwise support, the birth or legal parents.

DCFS will evaluate applicants based on their personal qualifications as well as the physical characteristics of their home. Points considered and evaluated include any special training, expertise, or experience that the traditional resource applicant may have. Other considerations include preferences that the resource parent applicants may have regarding characteristics of children who may be placed in the home (e.g., age, gender, special needs, etc.).

Traditional resource homes may also elect to serve as informal respite homes. An informal respite home is an approved DCFS resource home that can provide temporary care (no more than seven continuous days at one time) for children in out-of-home placements when the children's full-time resource family is unable to do so and a member of the resource family's designated Resource Family Support System cannot assist (see the "Babysitting or Other Alternate Care Arrangements" information under "Daily Living" subsection for details regarding the Resource Family Support System).

### *Relative or Fictive Kin Homes*

In an effort to preserve family connections and reduce the trauma a child experiences when entering foster care, DCFS may place a child in foster care with a safe and appropriate relative or fictive kin. Relative means a person within the fifth degree of kinship to the child by virtue of blood or adoption. Fictive kin is a person not related to the child by blood or marriage, but who has a strong, positive, emotional tie to the child and has a positive role in the child's life, such as a godparent, neighbor, or family friend. Infants may have fictive kin too. Fictive kin for infants must be identified by the infant's parent or parents as persons that would have a positive, emotional tie to the child.

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Provisional relative and fictive kin resource homes are referred to as provisional because not all requirements for a traditional resource home must be met by the relative or fictive kin at the initial placement of the child. For the initial, provisional placement with a relative or fictive kin, only background checks and a visual inspection of the home must be conducted in an effort to make an expedited placement for a child with a relative or fictive kin.

The specific background checks required for provisional placement include an expedited Arkansas Child Maltreatment Central Registry check, an expedited State Police Criminal Record check, and a Traffic Violations Record check (i.e., driving record check through the Arkansas State Vehicle Safety Program). A fingerprint-based criminal background check performed by the Federal Bureau of Investigations (FBI) must also be submitted within five (5) business days of a child being placed in a provisional home (results of the FBI criminal background check do not have to be received before placing a child in the provisional home). The visual inspection of the home is conducted to verify that the relative or fictive kin and the home of the relative or fictive kin meet basic safety standards. Photos may be taken during the visual inspection of the home.

All provisional homes will be evaluated to determine the nature of the relationship between the provisional resource applicant, the parents of the children in foster care, and the children in foster care. The DCFS resource worker (the DCFS staff person who opens and maintains DCFS resource homes) will make efforts to determine if the applicant has the ability to provide for the physical safety and emotional well-being of the child in foster care while considering the nature of the relationship with and geographic proximity to the child's biological or legal parents.

Once opened as a provisional resource home, DCFS works with the provisional resource parents to bring them into full compliance with all requirements of a traditional resource home within six (6) months from the date the child is placed in the provisional home. Relative and fictive kin resource parents do not always have to meet all traditional resource home requirements by the six-month timeframe. There is no guarantee, but waivers or alternative compliances may be given for certain non-safety requirements (see Appendix 1: Alternative Compliance and Policy Waiver Requests for more information). Once a provisional resource home comes into compliance with traditional resource home requirements or has waivers or alternative compliances in place for non-safety requirements, it is then considered approved as a relative or fictive kin resource home and is reclassified as such at that point in time.

Provisional resource homes that are not in full compliance by the end of six (6) months must be closed and the children removed, or the relative or fictive kin must have been granted custody by the court. DCFS staff is responsible for helping the provisional resource parents come into compliance with all requirements within six months. However, if at any point the health and safety of the children placed in the provisional resource home is at risk, the Division will take appropriate action to ensure the health and safety of the children to include, if necessary, removal of the children from the provisional resource home. DCFS will develop transition plans to the best of its ability in an effort to lessen trauma to the children in the event a child must be removed from a provisional resource home.

Provisional resource homes do not receive a board payment until the relative meets all requirements of a traditional resource home (or until all requirements are met or appropriate



waivers put in place for non-safety requirements). However, the child will have medical insurance. DCFS may also provide daycare assistance if appropriate. The family may also qualify for other benefits such as the Supplemental Nutrition Assistance Program (SNAP, formerly food stamps). If at all possible, the Division will strive to move a provisional home to fully approved relative or fictive kin status home sooner than six (6) months so that a board payment can begin to better support the children in that home.



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# HOW DO I BECOME A RESOURCE HOME?

There are many steps to becoming an approved resource home, and DCFS is committed to helping you through the process while making it as seamless as possible. This section is designed to provide an overview of the DCFS resource assessment and approval process.

## Overview

DCFS is responsible for selecting an appropriate resource home placement for each child who enters foster care. The home must meet resource home approval requirements and the individual child's needs for the duration of the placement. Resource families are selected after careful assessment. A thorough assessment is needed to minimize the risks involved in placement of a child in foster care and to ensure that a child's first placement in foster care is the best - and hopefully only -- placement for that child during his or her time in foster care.

The purpose of the assessment process is to:

- Evaluate the applicant's personal qualifications as well as resource home approval requirements such as physical requirements of the home, sleeping and transportation arrangements, etc.;
- Educate prospective resource parents on the characteristics and needs of children in foster care; and,
- Evaluate the resource parent's ability to meet those needs.

Before beginning the assessment process, prospective resource parents, with the exception of provisional resource parents, are highly encouraged to attend an information meeting in their local area.

The assessment process is a mutual selection process. Components include, but are not limited to:

- Background checks;
- In-home consultation visit;

- Physical exam for each household member of the resource family within twelve (12) months of initial approval (biological and adopted children of relative and fictive kin resource home applicants are excluded from this requirement);
- 30 hours of pre-service training for traditional resource parents or 15 hours of pre-service training for relative and fictive kin providers (this includes the DCFS orientation);
- CPR (infant, child, and adult) and First Aid training;
- DCFS approved home study to include at least three (3) positive personal references including at least one from a relative and one from a non-relative who are familiar with the applicant's child caring experiences (references may be contacted by the Division or home study evaluator for further information);
- Ongoing consultation with the prospective resource parents to ensure that all approval requirements and other applicable criteria related to both compliance and quality are met; and,
- Final home walk-through.

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Additional details about each of the components listed above begin on the following page.

Throughout this mutual selection process, the families evaluate whether they believe they can provide the physical and emotional care that is necessary to support children during their time in foster care.

A DCFS resource home may not be approved by any other agency to provide foster care services. If a resource home moves from one placement agency to another, all requirements for opening a new resource home will be met.

DCFS does allow for a resource home approved by the Division to adopt children from private adoption agencies and serve as a resource parent for DCFS. However, if an adoption occurs, the DCFS home will be re-evaluated ("How Do I Continue Serving as a Resource Home?

section) at that time to determine if the number of beds for which a resource home is approved needs to be altered or if any other changes or additional training will be required.

However, a resource home may not operate as a Child Care Family Home (i.e., in-home daycares) or provide babysitting or childcare services for other children on a regular basis in their home. However, DCFS may consider adopt-only service applicant homes to also serve as a licensed childcare facility. Such requests will be evaluated and approved on a case-by-case basis.

In addition, a resource parent may not provide compensated care for any non-related adults in the resource home, unless providing transitional care for a person placed in care prior to the age of eighteen (18).

Translation services are available to applicants who do not speak English as a primary language. Resource parents whose primary language is not English must be able to attend to the daily needs of children placed in their home if approved as resource parents. At least one parent in the resource home must be able to communicate effectively in the language of the child, DCFS, health care providers, and other service providers.

# Repeal

## **Assessment and Approval Component Details**

### *Background Check Overview*

Any household member who resides in the home for more than three (3) cumulative months in a calendar year must clear the following background checks (as applicable by age): Arkansas Child Maltreatment Central Registry Check, Arkansas State Police Criminal Record Check, and FBI Criminal Background Check. For household members who have lived or worked outside of Arkansas within the past five years, a Child Maltreatment Central Registry check will also be conducted in the state(s) in which the household member lived or worked. Traffic Violations Record checks (i.e., driving record) will be completed if a household member is a licensed driver who is expected to transport children in foster care.

### Child Maltreatment Central Registry Check

Applicants and all household members fourteen (14) years of age or older, excluding children in foster care, must consent to a Child Maltreatment Central Registry Check in every state in which they have lived in the past five (5) years, and in their state of employment, if different. For example, if a family member lives in Arkansas but works in Missouri, a child maltreatment registry check will be completed in both states. Household members must have no history of substantiated abuse and/or neglect. Payment for registry checks in another state must be made by traditional resource home applicants. Applicants are encouraged to keep receipts for payment and, if approved and opened as a resource home, reimbursement may be requested if all required documentation is provided (including the receipt). The Division may pay directly for the cost of child maltreatment registry checks from other states for relative and fictive kin on an as needed basis. The Division will repeat the Arkansas Child Maltreatment Central Registry Check every two (2) years on any person required to have the check.

# Repeal

### State Police Criminal Record Check

Applicants and all household members age eighteen and one-half (18.5) years or older, excluding children in foster care, must consent to an Arkansas State Police Criminal Record Check. Checks will be initiated within thirty (30) days of the household member's eighteenth birthday. The Division will repeat Arkansas State Police Criminal Record Check every two (2) years on any person required to have the check.

Household members with criminal convictions may, under some circumstances, request an Alternative Compliance. (See section on Alternative Compliance & Policy Waiver Requests).

### FBI Fingerprint-based Criminal Background Check

Federal Bureau of Investigation (FBI) checks will be conducted on applicants and all household members eighteen and one-half (18.5) years of age or older, excluding children in foster care. This check need not be repeated unless a home closes and later wishes to reopen. FBI Harvester numbers expire after one (1) year and another number must be issued if a closed home chooses to reopen.

### Certification of Absence of Criminal Record

Resource parent applicants will complete a form provided by DCFS to certify in writing that household members age ten (10) through seventeen (17) do not have criminal records. This certification will be completed annually for any household member age ten (10) through seventeen (17).

### Traffic Violations Record Check

DCFS will check the Traffic Violations Record from the Office of Driver Services for each applicant and other applicable members of the household. This record returns the number of traffic offenses and other violations incurred by the resource applicant, to include the number of points assessed by the Office of Driver Services for convictions of moving traffic violations as per the Arkansas State Vehicle Safety Program (ASVSP). DCFS will complete the Traffic Violations Record Check every two (2) years for active resource parents. To ensure child safety, DCFS will carefully assess what, if any, safety concerns exist for any applicant or current resource parent accumulating ten (10) or more points on their Traffic Violations Record.

# Repeal

A family member with no current valid Arkansas driver's license will be given twenty (20) days to apply and receive an Arkansas driver's license. If the resource family member does not wish to obtain an Arkansas license, a written explanation from the applicant is required and a driving record check must be completed in the state of issuance for the currently held license. Accessing and providing driving records from another state is the responsibility of the applicant.

The requirement for a driver's license may be waived for provisional applicants if an acceptable plan to transport the children placed in their home to school, court dates, medical appointments, and other engagements is approved. Similarly, the driving record check from the state of issuance for the currently held license does not have to occur to provisionally place a child with a relative or fictive kin if an acceptable plan to transport the children is approved.

### *In-Home Consultation Visit*

The In-Home Consultation Visit will most likely be the first visit that DCFS staff will make to your home. For traditional resource applicants, the primary purpose of this visit is to gather additional information about your family that was not provided in your online application as well as to complete an initial assessment of your home. For relatives and fictive kin being considered for a provisional placement, this in-home consultation visit meets the requirement for the previously referenced visual inspection of the home.

This initial assessment of the home will determine if it meets resource home approval requirements. Resource home approval requirements include both Minimum Licensing Standards for Child Welfare Agencies and DCFS policy requirements for resource homes. Even if your home does not meet all of the resource home approval requirements during the In-Home Consultation Visit, DCFS staff will let you know the requirements with which you must come into compliance before being approved. Specific resource home approval requirements are described in the following section: “I Understand the Process, But What Are You Assessing?”.

# Repeal

### *Pre-Service Training*

Traditional resource parent applicants must complete the Division’s pre-service training curriculum for this population which includes twenty-seven (27) hours of classroom pre-service training and three (3) hours of DCFS orientation prior to placement of a child in their home. Relative and fictive kin resource parents must complete the Division’s classroom pre-service training curriculum for the kinship population which is twelve (12) hours of pre-service classroom training as well as the three (3) hours of DCFS orientation. For two (2) parent households, both parents must complete the applicable pre-service training. Central Registry and State Police Criminal Background checks must be cleared, and the FBI Criminal Background Check must have been submitted before a prospective resource parent can begin pre-service training.

If an applicant moves to Arkansas from another state after completing pre-service training in the former state, Arkansas may accept the pre-service certificate showing that the applicant completed training. The DCFS Foster Care Manager or designee is responsible for reviewing the other state’s pre-service training curriculum to ensure it is comparable to Arkansas’s pre-

service training curriculum. The applicant must complete a DCFS approved home study conducted by a contract provider or a DCFS staff who is trained in the Division's approved home study tool.

If a family previously approved as a resource home in Arkansas moves to another state and wishes to serve as a resource parent in the new state of residence and is required to submit their Arkansas resource provider file, the family must request their file to then provide to the other state. DCFS may provide the entire resource provider file to the family with the exception of the background check results. If the family signs a waiver and the other state's child welfare agency or resource home licensing entity makes the request for the family's Arkansas resource provider file, DCFS may provide the file upon receipt of the waiver on a case by case basis, with the exception of the background check results.

#### *CPR/First Aid Training*

No child will be placed in a traditional resource home until each resource parent has obtained CPR certification (to include infant, child, and adult CPR) and completed First Aid training. Relative and fictive kin applicants must obtain CPR and First Aid certification within six months of being opened on provisional status.

First Aid and CPR training and certification will only be accepted from a certified trainer associated with the American Heart Association, the American Red Cross, the National Safety Council, the Health and Safety Institute, or EMS Safety Services.

Resource parents are responsible for obtaining certification in CPR and First Aid. DCFS will assist resource parents in locating classes for the family as appropriate. Traditional resource parents may work with their local resource worker to request reimbursement of CPR and First Aid fees once the home has become opened and approved. However, for resource families opening only for adoption, those applicants must attend a class arranged by DCFS.

To be reimbursed, resource parents will need a receipt and copy of their CPR certification card to request reimbursement and will need to sign and submit an original Agency



Generated Invoice (AGI). Copies of a signed AGI will not be accepted as an original signature is required. For provisional resource applicants, DCFS may pay for the cost of the First Aid/CPR Training directly to the First Aid/CPR Training vendor.

Online CPR and First Aid training is acceptable provided the online course is offered through American Heart Association, American Red Cross, the National Safety Council, the Health and Safety Institute, or EMS Safety Services. In addition, the online curriculum must also require hands-on, skill-based instruction as well as written and practical testing. As such, participants will demonstrate the skills learned through the online portion of the curriculum in the presence of a certified trainer in order to complete certification (training and certification that is provided solely online will not be accepted). Prospective resource parents must obtain a certification card from the trainer representing the certifying national organization.

New CPR and First Aid Training is not required for individuals certified as paramedics and Emergency Medical Technicians (EMTs) as long as proof of current certification is provided to DCFS staff. Current certification in Basic Life Support (BLS) and Advanced Cardiovascular Life Support (ACLS) also meet the Minimum Licensing Standard for CPR as long as proof of current certification is provided to DCFS staff. All other medical professionals including nurses must have current CPR certification as outlined above and provide a copy of their current certification to DCFS staff.

Additional First Aid training for nurses and other medical professionals (to include those with ACLS certification) is not required. If an applicant with a current BLS certification is a paramedic, EMT, or firefighter, additional First Aid Training is not required. However, a lay person with BLS certification may have to take a First Aid class if current certification in First Aid cannot be provided.

### *Physical Exam*

A physical exam is required for each household member of the resource family within twelve (12) months of initial approval. There is an exception to this requirement for biological and adopted children of relative and fictive kin resource home applicants. DCFS staff will ask you to have your physician complete a specific form to document this exam. Findings of the

physical examination must verify that all household members are free of any physical or emotional health conditions that would adversely affect the welfare of a child in foster care. Depending on the results of the physical exam, DCFS staff may request additional information from household members, including a psychological examination.

As part of the assessment regarding physical health, DCFS will also require documentation related to immunizations for all children in your home. It is recommended that all children who are household members of a resource home be up-to-date on immunizations consistent with the recommendations of the American Academy of Pediatrics (AAP), the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention (ACIP), and the American Academy of Family Physicians (AAFP). All family members under the age of eighteen (18) in the household shall have proof of current health immunizations, or an exemption (medical, religious, or philosophical) in accordance with the Arkansas Department of Health. Immunizations against COVID-19 are encouraged for all applicable household members in a resource home but are not required.

# Repeal

All household members who will have contact with infants (children under twelve (12) months) are also encouraged to have an up-to-date Tdap vaccination to protect against pertussis (whooping cough) consistent with the recommendations of the ACIP. Finally, all household members who will be caregivers of infants (children under twelve (12) months) and medically vulnerable children are encouraged to have an up-to-date annual influenza vaccine consistent with the recommendations of the ACIP. To determine if a child is considered medically vulnerable to influenza if placed in a resource home whose household members have not received an annual influenza vaccine, DCFS staff will consult with the child's PCP to make sure the child can safely be placed with that family.

## *Home Study*

The home study assists the Division in determining if a family is ready, willing, and able to become a suitable and safe placement resource for a child. A home study evaluator will conduct at least two home study visits to interview resource home applicants. The preference is for both visits to take place in the resource applicant home, but, as needed, it is permissible for one visit to be in the resource applicant home while the other is conducted over a virtual conference platform (e.g., Zoom, Facetime). These interviews will include the evaluator

speaking with each age-appropriate member of the household. The interviews with the children in the home are not meant to be invasive or scary. Rather, it provides the chance for these children to participate in the process, share basic information about daily life in their home, and give them an opportunity to provide their understanding of what it means to be part of a resource home for children in foster care. DCFS wants the other children in your home to be supportive of your decision to become resource parents. Their support will be reevaluated annually.

The home study is designed to evaluate a family's dynamics including but not limited to:

- Motivation for wanting to foster and/or adopt
- Household composition
- Family history
- Safety hazards
- Income and expenses
- Health
- Education
- Childcare arrangements or plans
- Child rearing practices
- Daily schedules and family activities
- Support systems

# Repeal

The home study evaluator will also review the letters of reference submitted on your behalf. The home study evaluator may also ask you about connecting with other people who know you to learn more about you. By learning more about these areas, the home study assists the Division in learning how members of a family function individually and as a unit. This information helps inform the conclusions and recommendation as to whether a family may serve as a successful and engaged resource family. All adult and minor household members

will be assessed regarding how they may be affected by the presence of a child in foster care and the effect they may have on the child in care.

### *Final Walk-Through of Home and Orientation*

Prior to being approved as an open resource home, DCFS staff will conduct a final walk-through of your home to ensure all resource home requirements have been met, and to go over what to expect in the immediate future regarding a first placement. This will include DCFS and the resource parents signing the Initial Resource Home Agreement, which provides a summary of the following information:

- Expectations and responsibilities of the Division, the staff, and the resource parents
- Services to be provided
- Financial arrangements for the children placed in the home
- Authority that the resource parents can exercise for the children placed in their home
- Actions that require DCFS authorization
- Legal responsibility for damage or risk resulting from children in their home
- DCFS' process and procedures for investigating complaints
- DCFS' procedure for giving advance notice of termination of a placement except for documented emergencies.

# I UNDERSTAND THE PROCESS, BUT WHAT IS DCFS ASSESSING?

Specific approval requirements for resource homes include Minimum Licensing Standards developed by the Child Welfare Agency Review Board, which are then monitored by the DHS Division of Child Care and Early Childhood Education's (DCCECE) Placement and Residential Licensing Unit (PRLU). Other approval requirements for resource homes are specific to DCFS policy and procedure. Resource home requirements include personal qualifications of applicants and household members as well as the physical aspects of their homes. Families and their homes must continue to meet the resource home approval requirements for the duration of their service as a resource home that accepts and cares for children in DHS custody.

The lists of requirements on the following pages are organized by listing a primary requirement as a lettered item (A, B, C, etc.). Additional details related to the primary requirement are provided next to the arrow symbol.

# Repeal

## Basic Resource Parent and Household Member Applicant Qualifications

- A. Be at least twenty-one (21) years of age.
  - An applicant home will not be approved as a resource home if even one (1) applicant is under the age of twenty-one (21) unless a policy waiver is obtained. A policy waiver may only be approved in rare circumstances for provisional homes.
- B. Be a United States citizen or a legal permanent resident.
  - Persons who are undocumented may be considered as resource home applicants only for their relatives or fictive kin.
- C. May be single or part of a couple.

- In a two-parent home, the couple will be joint applicants. Each person will actively participate in the approval process. This joint family commitment will be re-evaluated annually.

D. Be physically, mentally, and emotionally capable of caring for children.

- To help the Division make this assessment, the resource parent applicant must provide the Division with the health history of each household member, in addition to the physical exam required for approval (with an exception to the physical exam for biological and adopted children of relative and fictive kin resource home applicants). This history will include physical and mental health services, treatment received, a list of currently prescribed medications, and any other medications or other substances currently taken.
- A physical disability in either applicant that does not interfere with the ability to give adequate care to a child will not be a barrier to resource parent approval. The impact of the disability on the individual will be evaluated, to include whether it may have significance to a specific child in foster care.
- Resource parents are permitted to prohibit or allow anyone else to smoke in the presence of any child in foster care. This includes the use of E-cigarettes and vaping. Exceptions may be made on a case by case basis if it is in the child's best interest to be placed in or remain in that resource home.
- Resource parents will not engage in the use of illegal substances, abuse alcohol by consuming in excessive amounts, or abuse legal prescription drugs or non-prescription drugs by consuming them in excessive amounts or using them other than as indicated or prescribed.

E. Demonstrate stability and have adequate support.

- In assessing relationship stability and other support systems, considerations may include major life changes like:
  - Death or serious illness among family members;
  - Marriage, separation, divorce, or other significant changes in the couple's relationship;
  - Addition of household members (e.g., birth, adoption, aging relative moving in); and,

- Loss of or change in employment.

➤ All resource parents will need a strong support system in order to assist them in their role as resource parents, to better serve children in foster care. Please see information regarding the Resource Family Support System and other types of alternate care under the “Daily Living” subsection of “What Can I Expect Beyond the Initial Placement?”

F. Have an employment or work schedule conducive to caring for children.

- Both parents may be employed outside the home.
- If employment is seasonal, the applicant must have compensatory income or savings in the off seasons.
- Demands made on resource parents’ time by overtime work, revolving shifts, etc. are considered pertinent to the ability to provide adequate care for a child in foster care.
- Placing children will be done based on careful evaluation of what is best for each child, to include consideration of placement for the care and supervision of children in foster care before and after school during school holidays and vacations, and when children are ill and absent from school.

G. Respect the religious preferences of children in foster care and their birth or legal family.

- A resource parent applicant’s lack of religious affiliation or religious faith will not be a barrier to approval.
- A resource parent must be able to present their own religious beliefs to children in foster care in such a way as to take into consideration the child's own religious background.
- A resource parent must never attempt to convert or force their own religious beliefs on a child in foster care whose religious background differs from their own.

H. Value education and have a sufficient education that provides the ability to care for children placed in the home.



- A resource parent must have a positive attitude toward both academic and vocational education and be aware of local education facilities and resources.
- A resource parent must be willing to meet the child's individual educational needs, including participating in the development and implementation of any special education plans or behavioral accommodations (as needed).
- At least one resource parent in the home must have functional literacy, such as having the ability to read medication labels, follow doctor's instructions, and administer proper dosages of medication.

I. Demonstrate financial stability and supply documentation of sufficient financial resources.

- The applicant must have sufficient and reliable income without a board payment to ensure the family's stability and security.
- An applicant must provide documentation of sufficient financial resources to meet the needs of the child in foster care. This documentation will include a copy of the applicant's tax return and recent paycheck stubs.
- Management of income will be considered more important than amount of income.
- The applicant must have sufficient resources to meet the financial, medical, physical, educational, emotional, and shelter needs of the child without relying solely on state or federal financial assistance (e.g., Supplemental Nutrition Assistance Program (SNAP), Social Security Income (SSI), benefits, etc.) to meet those needs. DCFS may make some exceptions for applicants depending on the totality of their financial and other circumstances.

J. Provide documentation of homeowner's or renter's insurance and general liability insurance (which may be included in the homeowner's policy).

K. If a resource parent applicant does not own the home in which he or she lives, the person who owns the home must verify in writing (DCFS will supply this form as needed), that they have no objections to the applicant caring for children in foster care in the home.



## Resource Parent Personal Characteristics

Applicants must have the personal characteristics that will enable them to assume the responsibility of caring for children in foster care who have been traumatized. This includes the ability to provide a nurturing family life experience for the child including guidance, intellectual stimulation, affection, and appropriate discipline. Personal characteristics include:

- A. Capacity to give love, affection, and care to the child and respond to the child's needs without expecting the child to return love and affection.
- B. A working knowledge of child growth and development, including knowledge of childcare, milestones in development, and nutrition.
- C. Equal attention to the physical and emotional needs of children.
- D. Willingness to allow for socialization of the child in foster care with his/her peers.
- E. Flexibility in expectations, attitudes, and behavior, in relation to meeting the needs of each child and recognition of the trauma caused by maltreatment and removal from the home.
- F. Ethical standards and values conducive to the well-being of children.
- G. Ability to accept a child's background, without passing moral judgment on the child or the child's birth family.
- H. Ability to accept and strengthen a child's relationship with their birth family.
- I. Maintenance of absolute confidentiality of private information about each child in foster care and the birth/legal family.
- J. Ability and willingness to accept, understand, and utilize training, guidance and supervision from the child-placing agency or other professionals, in order to meet the needs of children in care and their families of origin.
- K. Emotional stability, including a satisfactory method of handling angry or other challenging feelings.
- L. Acceptance of your own childhood experiences.
- M. Absence of any qualities which indicate potential to abuse or neglect children in your care.

- N. Capacity to absorb the presence of a child in care without undue disruption to your own family life.
- O. Ability to cope with the departure of the child in foster care.
- P. Maturity to exercise good judgment and appropriate use of authority, balanced with a degree of playfulness and flexibility necessary to care for children.

## Physical Requirements of the Home

### *Home Exterior/Community*

- A. Must be a house, mobile home, housing unit, or apartment occupied by an individual or a family that is the primary residence of the individual or family. The location will be zoned for single family use and will have an individual address for emergency response purposes (i.e., 911).
- B. Grounds and all structures on the property will be maintained in a clean, safe, and sanitary condition and in a reasonable state of repair within community standards.
- C. Must be clean and free from hazardous materials, dangerous objects, and dangerous conditions.
- D. Must be accessible to community resources needed by children in foster care to ensure access to available education, religious or spiritual opportunities, recreation, visits with parents, supervision by the Division, and medical care.
- E. Must have at least one (1) exterior door that exits directly to the outside or have an alternate fire escape route.
- F. Must be free from physical hazards (e.g., debris, trash, uncovered cisterns) that would endanger the safety of children.
  - 1. This includes the yard, garage, carport, any storage areas, basement, and attic (if applicable and accessible).
- G. Must be large enough to provide ample outdoor play space for children.
- H. Must have a fence or barrier to prevent a child's access to a busy street, highway, or other dangerous area.
- I. Must ensure any outdoor play equipment is safe, hazard-free, and properly anchored.

- J. Must not have signage or advertising related to a supporting recruitment agency, to include signage on vehicles used to transport children in foster care.
- K. If the applicant resides in a manufactured home, the home must be properly installed and stabilized. If the manufactured home is in a mobile home park, there must be sufficient fenced play space outside.
- L. Manufactured homes, used as resource homes, will have an agency approved safety plan for tornado safety. The safety plan will be signed by all caregivers in the home and an agency representative.
- M. Must include a water safety plan for supervision of children during water activities to be signed by all caregivers in the home and an agency representative. This plan will include the agreement that resource parents shall not permit a child to enter a pool area unless accompanied by an adult.
- N. Must enclose or must have an approved manually or power-operated child safety cover for all in ground pools that meets the standards of the American Society for Testing and Materials adopted by the Consumer Product Safety Commission.
1. An “approved safety pool cover” means a manually or power-operated safety pool cover that meets the standards of the American Society for Testing and Materials (ASTM) adopted by the Consumer Product Safety Commission, in compliance with standard F1346-91. Please note that solar pool covers and winter pool covers are not safety covers. The ASTM (1996) requires that a pool cover be able to hold a minimum of 485 pounds per five (5) square feet in order to qualify as a safety cover.
- O. In ground pools without an approved child safety cover will be protected by an enclosure (e.g., wall, fence, or barrier) that surrounds the pool area.
- P. Unless local code provides otherwise, a pool enclosure will meet the following:
1. Entirely enclose the pool area;
  2. Be at least four (4) feet high; and,
  3. Must have the method(s) of access through the enclosure equipped with a safety device, such as a bolt lock.

- Q. The wall of a house or other building will not be used in lieu of a barrier to the pool, except for a solid wall that does not contain any doors. When a wall is used as a barrier, the remaining three (3) sides will be protected by an enclosure (wall, fence, or barrier) that surrounds the pool area (see item P above) or have an approved child safety cover. The enclosure will:
1. Entirely enclose the pool area;
  2. Be at least 4 feet high; and,
  3. Must have the method(s) of access through enclosure equipped with a safety device, such as a bolt lock.
- R. All above ground pools will have the following:
1. Non-climbable exterior side walls with a minimum height of four (4) feet; and,
  2. Access ladders or steps that are removable and able to be secured when the pool is not in use.
- S. All portable pools (inflatable and wading pools) will be fenced or emptied after every use.
- T. Swimming pools will be equipped with a life saving device such as a ring buoy.
- U. Swimming pools that cannot be emptied after each use will have a working pump and filtering system.
- V. Hot tubs and spas will have locking safety covers that are locked when not in use.

#### *Home Interior*

- A. Must allow resource parents to reside in the same single-family unit with children in foster care (i.e., no separate living quarters for resource parents).
- B. Must be clean and free from hazardous materials, dangerous objects, and dangerous conditions.
1. This applies to interior halls and doors which must not be blocked or cluttered to prevent easy passage or exit.
- C. Must be free of rodent and insect infestation.

- D. Must be a smoke-free environment. Resource parents must sign a certification indicating that the home is smoke free and that there is no use of vaping or e-cigarettes in the home.
- E. Shall have a continuous supply of sanitary drinking water.
  - 1. If the source is not a municipal water system, the water will be tested and approved by the Arkansas Department of Health annually.
    - a. The Arkansas Department of Health will only conduct the initial inspection for the approval of the resource home. The annual check must be conducted by the homeowner. The sample cups can be obtained from the local Department of Health along with procedures for collection and submission. The Department of Health provides training for homeowners on using the cups for completion of the annual check. DCFS will not reimburse the cost of water testing.
  - 2. If a water supply does not pass inspection, a CFS-455: Consent for Health Department Services, Alternative Compliance of Water Supply Agreement, must be established with the family.
  - 3. If the family will use bottled water and purified water for bathing (if infants or children under the age of 5 are placed in the home), this must be noted on the CFS-455, signed by the resource parents, and updated annually.
- F. Must be equipped with a properly operating kitchen that includes a sink with hot and cold running water, refrigerator, stove, and oven.
- G. Must have at least one (1) flush toilet, one (1) sink with running water, and one (1) bathtub or shower with hot and cold running water.
- H. Must have adequate lighting, ventilation, and plumbing for safe and comfortable living.
  - 1. This applies to bedrooms which must have windows that provide natural light and ventilation.
- I. Must have a heating, ventilating, and air conditioning source, maintained in safe operating condition, that keeps the temperature a minimum of sixty-five (65) degrees and a maximum of eighty-five (85) degrees.
- J. Must have adequate space for privacy, play, and study for all household members.

- K. Must have sufficient seating for the family to eat together.
- L. Must provide adequate space for storing clothing and personal belongings for each child, in or near their bedroom.
- M. Must have adequate toys that are safe and developmentally appropriate for children who will be placed in the home.
- N. Must be free of obvious fire hazards (e.g., defective electrical appliances or electrical cords, excessive use of extension cords, defective heating equipment) or improperly stored flammable materials.
  - 1. This includes the requirement that all heating units (e.g., radiators, fireplaces, wood stoves, gas or electric heaters, steam and hot water pipes), with hot external areas within reach of children, are screened or otherwise shielded.
- O. Must have an operational smoke detector on each level of occupancy of the resource home to include an operational smoke detector in each bedroom.
- P. Must have an operational electrical fire extinguisher readily accessible, near the cooking area of the home.
- Q. Must have a carbon monoxide detector on each level of occupancy of the foster home and near all sleeping areas.
- R. Must have a safe operating water heater that has a recommended temperature at or below 120-degrees Fahrenheit, as tested at the plumbing fixture nearest the water heater.
- S. Must maintain adequate first aid supplies for emergencies.
- T. Must have proper trash and recycling disposal (if recycling is available where the home is located) in such a way as not to constitute a health or safety hazard and keep all garbage and other waste in a suitable covered receptacle.
- U. Must store all poisonous materials, cleaning supplies, other hazardous materials (e.g., insecticides, gasoline, hazardous tools, knives), and alcoholic beverages, in an area not readily accessible to children, as appropriate for the age and development of each child.
- V. Must have an operational telephone.



1. Working cell phones kept on the premises are acceptable, but the phone will be accessible for children.
- W. Must post emergency phone numbers (911, fire, ambulance, poison control, and responsible adult to contact in case of emergency) in a prominent place.
- X. Must maintain all firearms in a secure, locked location or secured by a trigger lock. Securing of firearms extends to any weapon which could reasonably be a threat to a child.
- Y. Must secure and lock all ammunition separately from firearms unless they are stored in a safe, handgun safe, or a long gun safe.
- Z. Ensure there is an agency approved safety plan for any noted hazards.
  1. The safety plan will be signed by all caregivers in the resource home and an agency representative.
- AA. Must provide proof of current rabies vaccinations as required by Arkansas law for all household pets.
- BB. Must provide to DCFS and each child in foster care, as age and developmentally appropriate, information about the use and location of any methods of surveillance in the resource home.
  1. This includes the use of baby monitors or other forms of surveillance.
  2. Formal written notification detailing use of the surveillance and location of all devices will be provided to DCFS via CFS-448.
- CC. Must provide satisfactory living space for all persons in the home.
  1. The number of children in foster care placed in a resource home will be limited by the number of persons who can satisfactorily live within the physical limits of the home.
  2. Space requirements may be waived on a case by case basis for provisional resource homes.
- DD. The agency will ensure a current floor plan of the home with room dimensions for all rooms used for sleeping are kept in the resource home record.

### *Sleeping Arrangement Requirements*

- A. Each household occupant will have a bedroom that provides privacy.
- B. Children in foster care must sleep in a bedroom, not in a living room, dining room, or any other room where others may pass through.
- C. Each bedroom, including the master bedroom, must have at least fifty (50) square feet of floor space per occupant.
- D. Each bedroom that is used for children in foster care will have a window to the outside, which can serve as an emergency escape.
- E. 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.
- F. No more than four (4) children will share a bedroom.
- G. Each child in foster care will be provided a safe bedroom as appropriate for the child's needs and age, that includes a bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition and similar to other household members.
- H. Bedding will be changed at least weekly (more often if needed).
- I. Children of the opposite sex will not share the same bedroom if either child is four (4) years old or older, except for a parent in foster care with his or her child.
- J. No children will share a bed if either child is four (4) years old or older.
- K. No child under age six (6) will occupy a top bunk.
- L. Children in foster care, except infants under two (2) years, will not share a sleeping room with adults.
  - 1. For a grandparent to the child, or a teen parent in foster care with his or her child, this age would increase through age four (4).
- M. All cribs used for children will have current certification of compliance with Consumer Product Safety guidelines.



- N. Children twelve (12) months of age and below will 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.
  - 1. If a child rolls over on their own, there is no requirement to reposition the child.
  - 2. If there is a medical reason a child cannot sleep on their back, a signed statement from the child's physician will be in the file stating the reason, the sleep position indicated, and the timeframe required.
- O. Resource parents will not co-sleep or bed share with a child in foster care of any age, including infants.
- P. "Rock and plays," and similar devices are prohibited.

### *Transportation*

- A. A resource parent applicant must have their own mode of transportation available for children in their care to participate in necessary school, recreation, and medical activities.
- B. A resource parent applicant must provide documentation demonstrating that all vehicles owned by the applicant have liability insurance.
- C. Any vehicle used to transport children in foster care must be maintained in compliance with Arkansas motor vehicle laws and must be insured.
- D. A resource parent applicant, and anyone else who would transport children in foster care, must have a valid driver's license.
  - 1. The requirement for a driver's license may be waived for provisional applicants on a case by case basis if an acceptable plan to transport the children placed in their home to school, court dates, medical appointments, etc. is approved.
- E. Children must be transported according to Arkansas law, including, but not limited to, use of safety belts, child safety seats, and smoking restrictions.

## WHAT LIABILITY WILL I HAVE AS A RESOURCE PARENT?

According to Act 941 of 1989: Resource parents approved by a child welfare agency licensed by the Department of Human Services will not be liable for damages caused by their children in foster care, nor will they be liable to the children in care nor to their parents or guardians of the children placed in their home for injuries to the children in foster care caused by acts or omissions of the family resource parents unless the acts or omissions constitute malicious, willful, wanton or grossly negligent conduct. If a child placed with you causes damage to your home or other property, please see the “Damages to Your Home or Other Property” section of this handbook.

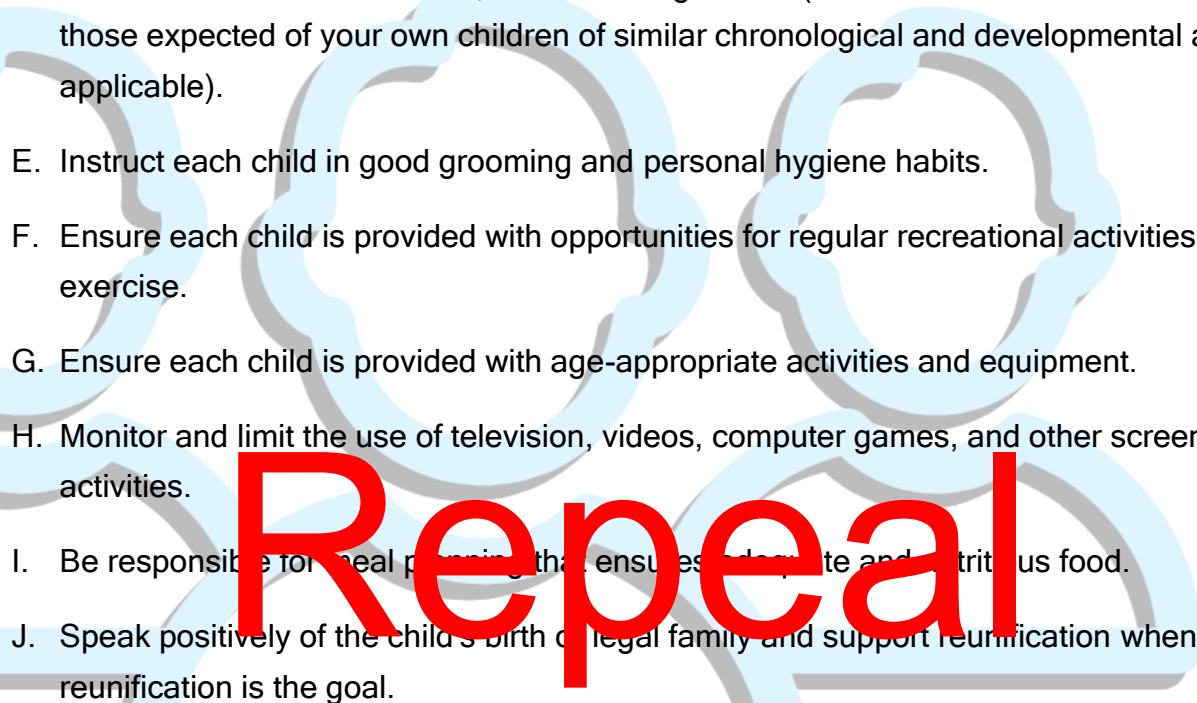
## WHAT IS EXPECTED OF ME AS A RESOURCE PARENT?

**Repeal**

Being a resource parent is not an easy task, but a rewarding one! While every responsibility of a resource parent cannot be captured on paper, below are lists of basic expectations to consider when determining if you want to become a resource parent. For several of the subsections below, more detail is provided in the “Daily Living” subsection under “What Happens Beyond the Initial Placement?” section. You may also want to review Appendix 2: National Foster Parent Association Code of Ethics for more information.

### Daily Activities

- A. Provide structure and daily activities designed to promote the individual physical, social, intellectual, spiritual, and emotional development of the children in your home.
- B. Cooperate with the Division to help the children in foster care maintain an awareness of their past, a record of the present, and a plan for their future.

- 
- C. Keep a life book, for each child in their care, that includes periodic photographs of the child and a record of the child's memberships, activities, and participation in extracurricular, school, or church activities. This may include ribbons, trophies, or other awards.
  - D. Teach children in your care to perform age and developmentally appropriate self-care and home maintenance tasks, such as doing dishes (these should also be similar to those expected of your own children of similar chronological and developmental age, if applicable).
  - E. Instruct each child in good grooming and personal hygiene habits.
  - F. Ensure each child is provided with opportunities for regular recreational activities and exercise.
  - G. Ensure each child is provided with age-appropriate activities and equipment.
  - H. Monitor and limit the use of television, videos, computer games, and other screen time activities.
  - I. Be responsible for meal planning that ensures adequate and nutritious food.
  - J. Speak positively of the child's birth or legal family and support reunification when reunification is the goal.

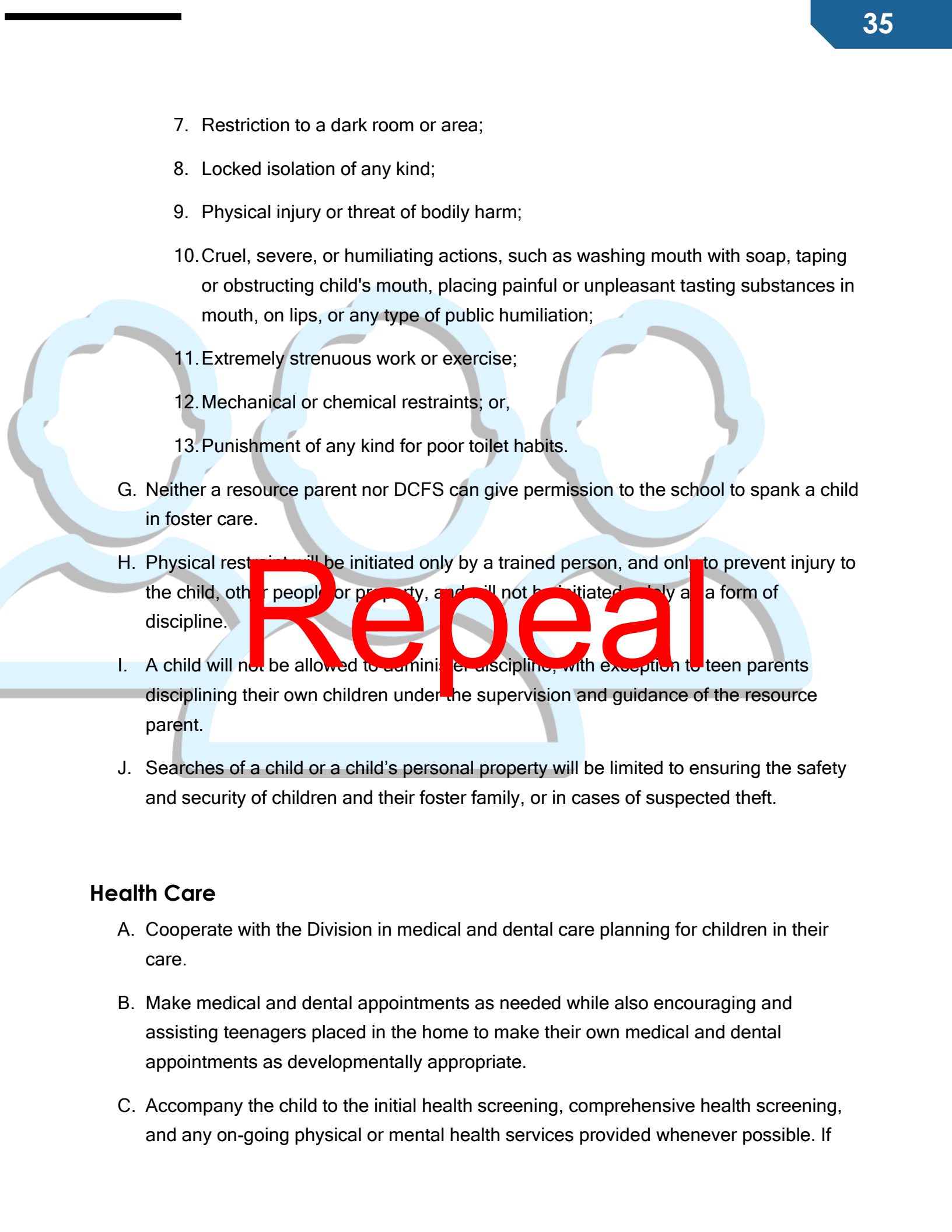
### **Clothing and Personal Belongings**

- A. Provide each child with their own clean, well-fitting, attractive, seasonal clothing appropriate to age, sex, individual needs, and comparable to the community standards (with assistance from DCFS).
- B. Include children in the selection of their own clothing, whenever possible and appropriate.
- C. Allow children to bring their personal belongings to the resource home and acquire additional belongings.
- D. Send all personal clothing and belongings with the children when they leave the resource home.

## Discipline

The following constitutes the Division's discipline policy:

- A. The primary goal of discipline will be to teach the child acceptable behavior and self-control, rather than punish.
- B. Discipline will be administered with kindness and understanding, and appropriately based on the child's age, development, and history, including trauma history.
- C. Discipline will focus on teaching the child acceptable behavior and self-control. Appropriate forms of discipline may include time-outs, redirection, denial of privileges, and explanation of expectations depending on the particular child.
- D. Resource parents will teach and train each child with techniques that stress praise and encouragement.
- E. Resource parents will establish well-defined rules that set the expectations and limits of behavior that are relevant to the child's level of growth, development, and trauma history, and will be applied in a consistent manner.
- F. Resource parents are prohibited from using corporal punishment of children in foster care. Other methods of discipline that are unacceptable for use by resource parents with children in foster care include but are not limited to:
  - 1. Physical punishment threatened or inflicted in any manner, such as spanking, hitting, pinching, pulling hair, slapping, kicking, twisting arm, forced fixed body positions, etc.;
  - 2. Denial of meals, sleep, shelter, essential clothing, case plan activities, or any denial of basic rights;
  - 3. Denial of parental, sibling, or other family visits, or denial of any type of other contact with family members (unless there are established safety concerns);
  - 4. Use of lewd or obscene language;
  - 5. Use of derogatory comments about the child, the child's family or friends, race, gender, gender identity, or sexual orientation;
  - 6. Restriction to a room for more than a short period of time without periodic observation;

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7. Restriction to a dark room or area;
8. Locked isolation of any kind;
9. Physical injury or threat of bodily harm;
10. Cruel, severe, or humiliating actions, such as washing mouth with soap, taping or obstructing child's mouth, placing painful or unpleasant tasting substances in mouth, on lips, or any type of public humiliation;
11. Extremely strenuous work or exercise;
12. Mechanical or chemical restraints; or,
13. Punishment of any kind for poor toilet habits.
- G. Neither a resource parent nor DCFS can give permission to the school to spank a child in foster care.
- H. Physical restraints will be initiated only by a trained person, and only to prevent injury to the child, other people or property, and will not be initiated solely as a form of discipline.
- I. A child will not be allowed to administer discipline, with exception to teen parents disciplining their own children under the supervision and guidance of the resource parent.
- J. Searches of a child or a child's personal property will be limited to ensuring the safety and security of children and their foster family, or in cases of suspected theft.

# Repeal

## Health Care

- A. Cooperate with the Division in medical and dental care planning for children in their care.
- B. Make medical and dental appointments as needed while also encouraging and assisting teenagers placed in the home to make their own medical and dental appointments as developmentally appropriate.
- C. Accompany the child to the initial health screening, comprehensive health screening, and any on-going physical or mental health services provided whenever possible. If

this is not possible, the resource parent will be available by telephone to the person conducting the screening.

- D. Welcome the child's biological or legal parent to also attend medical and dental appointments as appropriate and per any applicable court orders.
- E. Consult with the health care provider about the child's health care needs.
- F. Report any corrective or follow-up medical or dental care the child needs to the Division.
- G. Have transportation available to transport the child in foster care to medical, dental, and other health care related appointments or, if that is not possible, be responsible for arranging transportation for children in foster care to all necessary medical, dental, and health care appointments. Area Directors may grant a waiver in situations where provisional resource families have been recruited specifically for a child.
- H. Ensure that each child has sufficient sleep for their age and physical condition.

## Medication

- A. Administer medications only in accordance with directions on the label and be aware of possible side effects of all medications.
- B. Store all over-the-counter medications in an area not readily accessible to children, according to the age and development of each child in the home.
- C. Store medication in accordance with pharmaceutical recommendations.
- D. Lock all prescription medications, excluding Epi-pens, inhalers, and Glucagon kits.
  - 1. Acceptable methods of locking prescription medications include safes, cabinets fastened by magnetic cabinet locks or similar devices, or containers secured with a padlock.
  - 2. 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, and topical creams.

# Repeal

- E. Log all medication at the time the medication is administered (see “What Happens Beyond the Initial Placement?” section in the “Health and Medical Services” subsection for more information).

## Education

- A. Work with the child’s assigned FSW (or other DCFS staff) to enroll each school-age child in an accredited school immediately upon placement or the next school day.
- B. Cooperate with DCFS and take part in the selection and arrangement for educational programs appropriate for the child's age, abilities, and case plan.
- C. Attend school conferences concerning children in their care and plan with school personnel when there are school problems.
- D. Welcome the child’s biological or legal parent to also attend any school conferences or other school-related activities as appropriate and per any applicable court orders.
- E. Cooperate with DCFS in ensuring that children remain in their school of origin, to the extent reasonable and practical.
- F. Report serious situations that may require DCFS involvement to DCFS (e.g., any situation that may affect the case plan or a situation that puts the child in jeopardy of suspension or expulsion).
- G. Be aware that any deviation from public education (use of private education or home schooling) must have prior authorization from the DCFS Director.

## Religious and Ethnic Heritage

- A. Recognize, encourage, and support the religious beliefs, ethnic heritage, and language of children in their care.
- B. Arrange transportation to religious services or ethnic events for a child whose beliefs and practices are different from their own and who wishes to attend such events.
- C. Do not coerce children into participation in religious activities or ethnic events against their will.



## Acceptance of DCFS Regulations

- A. Abide by DCFS policy and procedures to include compliance with the roles and responsibilities set forth in this publication and in the Resource Home Agreement and Addendum.
- B. Accept supervision by DCFS.
- C. Strive to provide continuous care of each child placed in your home, until such time as a permanent plan is implemented for each child.
- D. Discuss with DCFS any issues related to the placement of children in your home and determine what adjustments are needed to provide more suitable placement.

## Emergency Planning

- A. Develop a plan for evacuating the house in the event of a fire and develop a plan for seeking shelter during a storm or tornado.
  - 1. Plans must outline the exits in the home, be approved by DCFS, and must be posted within the home.
- B. Share the evacuation plan with each child and make sure each child understands the procedures at the time they are placed in the home.
- C. Conduct emergency evacuation drills when each new child enters the home and at least quarterly thereafter.
  - 1. Document all drills via CFS-369: Tornado and Fire Drill Log. This documentation will reflect:
    - a. Date and time of drill;
    - b. Persons participating in drill;
    - c. Length of time needed to clear the home.

## Miscellaneous

- A. Resource parents are mandated reporters of child abuse and neglect. If you see abuse or neglect or have cause to suspect abuse or neglect, you are required by law to report



it to the Child Abuse Hotline at 1-800-482-5964 or 1-844-SAVE-A-CHILD (both numbers will connect to the Child Abuse Hotline). You have the right to make reports to the hotline anonymously. If you would like more information about mandated reporting, there is a free, online [Arkansas Mandated Reporter Training](#) through the Arkansas Commission of Child Abuse, Rape, and Domestic Violence. It is a self-paced training and a certificate will be provided when completed.

- B. Resource parents (and Transitional Youth Services Sponsors - see “Appendix 3: Serving as a Resource Parent for Teens / The Transitional Youth Services Program” for more information) are prohibited from taking life insurance policies out for children and youth in the custody of DHS.



# Repeal

# WHAT RESPONSIBILITIES DO OTHER TEAM MEMBERS HAVE?

In order for a child's entire team to function well, it is important that everyone understands each other's role on that team and their responsibilities to one another. We also want to ensure you have a summary of the responsibilities that the other team members play as you are making the decision to become a resource parent. There may be some repetition of these responsibilities throughout this handbook, but that repetition is intentional. The Division wants to clearly communicate critical points to help manage expectations and ensure that everyone works together to support the child and, in most cases, helps the child's birth or legal family work toward reunification.

## Responsibilities of DCYF to Resource Parents

- A. Evaluate the resource parent's strengths, needs, preferences, and experience of each resource home to determine the number, age, sex, and characteristics of children who may be placed in the home. No child may be placed in a resource home in violation of the limitations established in this publication (see "How Many Children May Be Placed in My Home?" for more information).
- B. Delegate the responsibility for the day-to-day care of the child in foster care to the resource parents.
- C. Ensure regular visits to the resource home (visits may be announced or unannounced).
- D. Provide support services, such as respite care, childcare, crisis and after-hours intervention, and counseling as needed.
- E. Make training available to resource parents and prohibit placement of children in foster care with any resource parent who has not satisfied the annual in-service training requirement of fifteen (15) hours that is due at the end of the second year.
- F. Actively work the concurrent permanency goals for a child.

- G. Notify resource parents of all staffing and judicial case reviews for children in foster care placed in their home.
- H. Investigate all child maltreatment allegations concerning any person in a resource home in accordance with the Child Maltreatment Act.
- I. Continually monitor the appropriateness of a placement.

## **Responsibilities of DCFS to Children in Foster Care**

- A. Provide the child the basic rights inherent to all children.
- B. Prefer relatives and fictive kin as placement resources for the child at all stages of a case, including after termination of parental rights.
- C. Place the child in a family-like setting if at all possible that can best serve the child's needs and is the least restrictive environment.
- D. Place the child with siblings whenever possible.
- E. Place the child near birth or legal parents, to allow frequent contact.
- F. Ensure the child has regular family time visits with birth or legal parents, siblings, and others with whom there is a significant relationship, unless restricted by court order.
- G. Give the child honest information regarding all decisions (in a manner suitable to the child's chronological and developmental age).
- H. Allow the child to participate in case planning, conferences, staffing, and court hearings, and similar proceedings, whenever possible and age appropriate.
- I. Keep a record for each child that includes legal documents (e.g., birth certificate, social security card, court orders, etc.).
- J. Help the family to address the safety issues that caused the removal of their child in order to safely and swiftly return the child to the birth or legal parents; or, move the child safely and swiftly to another form of permanency if reunification is no longer the goal.
- K. Prepare youth for successful transition to adulthood.

## Responsibilities of DCFS to Birth or Legal Parents

- A. Offer and provide services and supports that will help keep the family together and work toward reunification, as applicable.
- B. Let them know they may seek the assistance of an attorney any time a legal action involves their child.
- C. Let the family know why it was necessary to temporarily remove their child and place him or her with a resource family.
- D. Do not judge or criticize the family and acknowledge that they share in their children's lives.
- E. Let the family know how they can still be involved in their child's life while the child is in foster care.
- F. Let them know what they must do to have their children return home.
- G. Include the family when creating and revising the case plan.
- H. Reunify the child with the family when the safety concerns that caused removal are corrected.

# Repeal

## Responsibilities of Birth or Legal Parents

Birth or legal parents are the key to long-range planning for the child in foster care. They are central members of the foster care team. The child began with them, identifies with them, and in most instances has a longing to return to them. The return home of the child is dependent on his birth or legal parents' ability to correct the safety issues that caused the child to come into foster care. Otherwise, the birth or legal parents face the possibility of long-range plans being made that may include termination of parental rights.

Birth or legal parents have the responsibility to:

- A. Provide all important information about their child and family to DCFS.
- B. Provide a list of relatives and fictive kin for the child.

- C. Tell the FSW about any special needs their child has, including health conditions, school information, and important family customs or cultural practices.
- D. Participate in staffings and court hearings.
- E. Work with the FSW to create a case plan and revise it as needed.
- F. Participate in the services to support the case plan goals offered to the family and work on achieving the goals of the case plan.
- G. Be involved in their children's medical appointments and school, social, or religious activities.
- H. Keep in contact with the FSW and keep him/her updated on progress in achieving the goals of the case plan.
- I. Maintain contact and communication with their child(ren) by keeping appointments to visit with or otherwise see their child.

# Repeal



# WILL I HAVE SUPPORT IN MY ROLE AS A RESOURCE PARENT?

Yes! In addition to your own natural support system, as a resource parent you will be a member of a professional team for each child placed in your home and his or her family. Below is a summary of typical members of a child's team that you will meet as you go through the application process and once you are approved as a resource home.

## Resource Worker

Your DCFS Resource Worker will most likely be the first DCFS representative that you meet. The Resource Worker will be the person primarily responsible for helping you through the approval and assessment process. Once you are approved and opened as a resource home, the Resource Worker will continue to serve as an advocate for you. The Resource Worker will make at least quarterly visits to your home to see what questions or needs you may have. During the quarterly visits the Resource Worker will also ensure your home continues to stay in compliance with resource home standards and continues to otherwise be an appropriate resource home. At least one of these visits will be unannounced. The Resource Worker will also be a great source of information to you regarding ongoing training to help you in your role as a resource parent and meeting continuing education requirements (see the "Continuing Education" subsection under "How Do I Continue Serving as a Resource Parent?" for more information). The role of the Resource Worker is designed to help make a child's placement in your home successful and prevent the potential harm that can come to a child through placement changes. The Resource Worker will also connect resource parents to the local Resource Parent Association, where applicable.

Other Resource Worker duties include, but are not limited to:

- Conducting interviews for the purpose of gathering social histories or other needed information to assess for eligibility or appropriateness of referral;
- Administering background checks;

- Visiting resource homes to complete quarterly assessments and annual evaluations of each resource home and additional visits as needed;
- Following up with corrective actions for homes that are out of compliance;
- Responding to requests from resource parents;
- Providing an explanation of common procedures for hearings in the resource parent's judicial division;
- Maintaining resource family training records for continuing education and conducting make-up training as needed;
- Assisting in the development of resource parent support groups/associations and participating in the annual resource parent conference;
- Providing information on training and other resources; and,
- Performing any other duties identified by the Area Director that will promote the success of the resource home.

# Repeal

Never hesitate to contact your Resource Worker if you have questions or need support!

## **Caseworker (a.k.a. Family Service Worker)**

Each child placed in your home will have at least one Family Service Worker (FSW), sometimes referred to as the child's caseworker but referenced throughout the remainder of this publication as the FSW. While the Resource Worker will primarily help to make sure your needs as a resource parent are met, the child's FSW is mainly responsible for ensuring that the child's needs are met. The FSW will also work with the child's biological parents to help them accomplish the goals set out in their case plan. The FSW strives to empower biological parents to correct the issues that resulted in the child's removal and work toward a safe reunification.

Meeting the child's needs includes actively working with all team members, to include you and the child's biological parents, in meeting case plan goals and helping the child achieve permanency as quickly and safely as possible. The FSW will visit the child in your home



weekly during the child's first month in the placement and at least monthly thereafter. However, you can reach out to the FSW at any point in time by phone, email, or text. The FSW will also maintain regular contact with medical personnel, teachers, childcare personnel, service providers, and attorneys involved with the case.

When the FSW visits the home, the main objective is to discuss the case plan, any changes in the plan, or specific problems with the placement. The FSW is neither a "best friend" nor a negative authority figure. For example, telling the child, "if you're not good, then I'll call your FSW," or perceiving the FSW as someone who will solve all the problems by saying "we'll call the FSW. She'll take care of everything," is not productive. Resource parents and the FSW are partners working together. This partnership works best when each person presents the other person to the child as a positive influence in that child's life. Each one contributes to the effort taking place on behalf of the child.

**Repeal**

If a child placed in your home was removed from a county different from the one in which you live, then that child will have a county of origin FSW (the child's removal county (also referred to as primary FSW)) as well as a resident county FSW (the county in which you live (also referred to as the secondary FSW)). The county of origin FSW is the team member who is responsible for ensuring everyone collaborates on the development of the family's needs assessment and family case plan, organizing and notifying all team members about staffings, and providing notification regarding upcoming court hearings. The resident county FSW will assist by making sure more routine needs of the child are met. This includes helping with the delivery of services and visits outlined in the child's case plan and making any needed purchases.

## **Supervisor**

Every Resource Worker and FSW has a supervisor. The direct supervisor provides guidance and support to his or her staff and can also be a support to you if there are questions the FSW cannot answer (or when the FSW is on leave or otherwise unavailable).



## Area Director

DCFS has ten (10) geographic service areas throughout the state (see Appendix 4: DCFS Geographic Service Areas for a map). Each of these service areas has an Area Director who supervises all county supervisors for his or her area and helps to ensure all operations and services for DCFS clients are successfully delivered.

## Program Assistant

Program Assistants (PAs) are DCFS staff who provide an enormous amount of support to FSWs and biological families. PAs often help provide transportation for children in foster care and their families to various services and visits, as well as supervise family time visits when necessary, among many other duties.

## Health Service Worker

For children placed in your home, the DCFS Health Service Worker will help coordinate your child's initial health screening, comprehensive health screen (frequently referred to as the PACE exam which stands for Project for Adolescent and Child Evaluations), and help you follow up on the recommendations outlined in the Child Comprehensive Health Exam. Health Service Workers help coordinate a variety of medical services for all children, but do not provide medical advice to resource parents.

Health Service Workers also provide additional support to resource parents who care for medically fragile children. When assigned to a medically fragile child placed in a resource home, the Health Service Worker will initially have weekly contact with the resource parents to assist with service referrals and other supports. The Health Service Worker can also assist the resource parents with scheduling medical appointments, if requested by the resource parents. Over time, the frequency with which the Health Service Worker contacts the resource parents for a medically fragile child may be reduced depending on a child and resource family's specific needs.

## Transitional Youth Services Coordinator

If you have a youth who is fourteen (14) or older placed in your home, that youth may have a Transitional Youth Services (TYS) Coordinator assigned. TYS Coordinators provide support to FSWs who have teenagers on their caseloads by helping older youth prepare for adulthood. TYS Coordinators provide Life Skills classes (e.g., budgeting, meal preparation, completing a resume, job interview skills, etc.) to teenagers and may also help teens apply for jobs or post-secondary education and training and help connect teens to other resources as they approach adulthood. If you have a teen placed in your home, be sure to ask whether a TYS Coordinator is assigned and inquire about Life Skills classes that may occur in your vicinity.

## Attorney Ad Litem

The Attorney *ad litem* (AAL) represents the child's best interest. The AAL gathers information from professionals, caregivers, and the child, depending on age and maturity, to make a recommendation to the judge as to what the AAL believes is in the child's best interest. The AAL should attend staffing and in-court hearings. The AAL may come to the home where the child is placed to meet with the child and caregivers, and to ensure that the placement meets the child's needs.

## Court Appointed Special Advocate

A Court Appointed Special Advocate (CASA) is a volunteer who may be appointed to a child in foster care, if a CASA Program exists in your county or jurisdiction and if a CASA volunteer is available. CASAs serve as an extra set of eyes and ears for these vulnerable children. If your child has a CASA, the CASA will make visits to your home to speak privately with the child in foster care.

# HOW DO I PREPARE FOR A PLACEMENT?

Congratulations! If you have been approved as a resource home and are awaiting your first placement, this section covers some of the things to know about how DCFS places children in foster care as well as how you can be involved in those placement decisions.

## Locating a Placement for Children

All children entering foster care do so under authorization by the Court. Legal custody constitutes authorization by the court for DCFS to assume physical control of a child. A child will never be placed in foster care without legal custody. However, DHS does have the authority to take emergency seventy-two (72) hour legal custody of any child who is in immediate danger when there is not enough time to petition for and obtain a court order.

# Repeal

A successful match between the child and the resource family will make all the difference in a child's life during an extremely difficult period. The law requires that a child be placed in the least restrictive, most family-like environment possible. To that end, relatives and fictive kin are always considered as the first placement option for a child. Children do best when in surroundings that are familiar to them. Relative and fictive kin caregivers often provide the best chance for children to stay with their family in familiar surroundings and routines. When relative or fictive kin caregivers are not available to care for a child, a child will then be placed in a traditional resource home.

Based on information gathered during the resource parent approval and assessment process, DCFS will consider the preferences, skills, and experience of traditional resource parents, and a child's individual needs, when seeking a placement for a child in foster care. Factors taken into consideration include the child's age, sex, religion, disabilities, interests, challenges, existence as part of a sibling group, case plan, and proximity to family and current school. DCFS will also consider the number of beds the resource home currently has available. To help with this process, DCFS uses the Resource Home Matching Tool to make a determination.

Two of the most important considerations for placements are: whether a placement will allow a child to be relatively close to where his or her biological or legal parents live, and whether a placement will allow a sibling group to stay together. When a child is placed close to his or her birth or legal parents, this helps facilitate visits with parents and other people with whom the child has established bonds and supportive relationships. Placing siblings together lessens separation trauma, eases the stress on their parents, and reinforces the importance of family relationships. When considering placement for siblings, priority is given to families who will take all children in a sibling group.

DCFS uses a text application for seeking placement for a child in foster care. This application allows resource parents to opt-in to participate in placement location by receiving a text. Resource parents will receive a group text message with basic, approved information about a child in need of placement. If interested, resource parents can then call the phone number provided in the text to ask further questions about a potential placement and to notify DCFS staff of their intent to accept or decline placement. If you are interested in participating in the texting system, please let your DCFS Resource Worker know.

# Repeal

## **Information about a Possible Placement**

It is important that both the child and the resource parent feel that the selected placement is a good fit. When you are contacted about taking a child into your home, the DCFS staff member should provide you with the information listed below about the child. The DCFS staff person who contacts you may not initially have all information but may be able to get it after the placement. For example, the full extent of a child's medical needs may not be known at the time of placement. However, DCFS is responsible to provide you with all the information the agency has at that point in time for you to provide appropriate care for the child such as:

- Age;
- Education and school information;
- Health of child, special health needs;
- Disabilities, special equipment, facilities, or help needed;

- Behavior, both positive and negative, that can be expected;
- Siblings and where they live if not placed together;
- Reasons the child is in foster care;
- A general indication of the case plan including the plan for visitation/family time of both parents and any siblings; and,
- Child's interests.

This information is confidential and will not be redisclosed by the resource parents.

You have the option not to take a child if you feel the child would not be compatible with your family. If not all the information listed above is immediately provided, you may want to ask some of the following questions to help you decide if a child will be a good match in your home and if you are able to meet the child's needs. Once again, DCFS may not have all the information at that point in time, but is responsible for answering the questions to the best of its ability:

- What school does the child attend?
- What grade is the child in at school?
- What kind of maltreatment has the child experienced? Physical, sexual, or emotional abuse? Neglect?
- What medical information is known about the child?
- Is the child on medication? If so, what is the medication and where is it?
- Does the child have any allergies? If so, what are his/her reactions?
- If you have pets, how does the child react to animals?
- Are there any known behaviors that pose a risk to other children or pets in the home?
- Is there anyone with whom the child is not allowed contact?

- Is the child coming with any clothes, toys, or other belongings? Are any of these items of special significance to the child?
- Are there any special dietary restrictions or needs?
- What activities, sports, or hobbies does the child enjoy?
- What should be said to the child when the child asks about their parent?
- Is there any reason to suspect that the child might have had prenatal exposure to alcohol or drugs?

Sometimes children are removed from their homes quickly and may not have many personal items with them. Here are some basic items to have on hand in your home:

- Basic toiletries;
- Bath towels;
- Bedding (if you have multiple options to allow the child to choose one, that's even better!);
- Night light;
- Toys;
- T-shirts (oversized for sleeping); and,
- Simple household rules/routine.

# Repeal

# WHAT CAN I EXPECT AND WHAT IS EXPECTED OF ME AT THE TIME OF PLACEMENT?

## Placement Packet

At the time of placement in the resource home, you will receive the following documents in the Placement Packet:

- Resource Home Agreement Addendum (to be signed by DCFS representative and the resource parent);
- Medical Passport;
- Copy of the child's birth certificate (may not be available at the time of initial placement);
- Family Assessment (If the child was just removed from their family, and this is the child's first placement, the first family assessment is not required to be completed until thirty (30) days after the child enters care); and,
- Case Plan (if the child was just removed from their family, and this is the child's first placement, the first case plan is not required to be completed until thirty (30) days after the child enters care).

If you do not get a packet, please ask for it. The purpose of the Placement Packet is to provide information on the child that will accompany the child during their time in foster care. The packet helps workers and resource parents in the placement and record keeping process. With every move (which will hopefully be minimal), the caregiver and the child's FSW have the responsibility to replace needed forms and update information on the child. When the child leaves a resource home, the Placement Packet is to be given to the child's FSW.

The FSW will discuss the contents of the Placement Packet with you and the child (if applicable) to address:

- The reason for placement;
- Medical and mental health information (the Division will ensure all known and currently prescribed medication for a child, if known, is provided at placement);
- Educational information such as any Individual Education Plan (IEPs) for special education;
- Upcoming appointments and court dates; and,
- Other information that you need in order to provide appropriate care for the child, to protect the safety of the child, and to protect the safety and property of you and your family members.

Please also note that resource parents are entitled to the foster care record for children in foster care currently placed in their home. This includes the family assessment, case plans, court reports, and medical records for the child. However, information about the parents or guardians and any siblings not in the resource home, will not be redisclosed by the resource parent.

## **Welcoming a Child into Your Home**

When a child first comes to your home, fear, anger, and confusion may just be a few of the emotions the child is having. Regardless of the reason a child comes into foster care, it is still hard for a child to leave his or her home and come into new surroundings. The child needs understanding, support, and patience, when settling into your home.

A few ideas when welcoming a new child include:

- Ask the child if he or she wants something to eat.
- Introduce the child to all household members, including family pets (if children are unfamiliar with or frightened by animals, introduce them gradually, and teach proper pet handling and care).



- Show the child where everything is in the house, including the bathroom.
- Show the child the bedroom where he or she will be sleeping, and where to put his or her belongings.
- Let the child unpack in his or her own time. Offer to help or just let them know where to put their things whenever they are ready to unpack.
- Give permission for the child to put a picture of his or her mom, dad, siblings, or others in his or her bedroom.
- Talk about your family's daily routine and basic house rules, but in the simplest and most age-appropriate terms possible.
- Ask the child if there are any special events (e.g., birthdays, school events, etc.) coming up.
- Take time to help a child feel comfortable in your home. Make yourself available to talk with or reassure the child.
- Respect the child's right to privacy.
- Be respectful of the child's relationship with his or her parents and extended family members.
- Do not expect the child to show thankfulness for the home and support you are providing.

# Repeal

## Helping the Child Understand Your Family Routine

Children do best when they have predictability, a routine, know what to expect in a typical day, and have regular mealtimes, bedtimes, chores, and expectations. Most children will need some time to watch and become comfortable with the family's routine and their space. Remember to have patience and understanding.

Bedtime and morning routines may be difficult times for a child placed in foster care. Having a consistent routine for morning and bedtimes will help children through these transitions. For many children, a night light, stuffed animal, and an open door may make them feel more

comfortable. It is also important to give children permission to get up and use the bathroom in the middle of the night.

Sleep problems are common for children in foster care. Some children may have sleep disorders or disruptions as a result of trauma stemming from the abuse or neglect that they have experienced and the trauma of being separated from family. Notify the child's FSW if you see the child experiencing chronic sleep difficulties.

## Helping the Child Understand House Rules

Children who have experienced abuse or neglect and are placed in foster care need limits and boundaries, just as all children do. A child in your care will need to know the rules in your home. House rules that are simple and openly discussed as a family are helpful. There may be a fine line between routines and rules, especially some routines that may have developed into informal rules in your home. You may want to think about some of these routines that have become informal rules ahead of time to avoid potential conflict or confusion. For example, who sits where at the dinner table may be a routine that has developed into an informal rule in your home, especially for biological children or children in foster care who have already been placed with you for a period of time. Another example of a common routine that has turned into an informal rule that some resource parents may not think of right away: Making sure children placed in your home know to tell you when they are out of something, such as toothpaste or toilet paper. Before receiving your first placement, you and your family may want to reflect on some other routines that have become informal rules for your family so that you can share those when a new child is placed in your home.

When making and enforcing rules, please remember to:

- Make the rule clear and repeat it often;
- Base rules upon what can be reasonably expected from the child's age and emotional development;
- Be consistent and stay calm.

## HOW MANY CHILDREN MAY BE PLACED WITH ME?

During your approval process, your Resource Worker will discuss with you the maximum number of children that may be placed with you at any given time. This decision is based on several factors, including physical space available for children, your parenting capacities and skills based on your prior parenting experience or any specialized training or education, and your ability to meet the needs of each individual child present in the home. Given these considerations, DCFS reserves the right to determine the number of children that may be placed in a resource home regardless of the amount of physical space that may be available for children in the home.

Minimum Licensing Standards for resource homes establish the guideline for maximum capacity of children placed in each individual resource home. A resource home will have no more than five (5) children in care placed in the home at any time. A resource home may care for up to eight (8) children, including biological, adopted, or other legal children who are in the home. This includes placement and respite care. Further, including a resource parents' biological children, a resource home may have no more than two (2) children under the age of two (2) and no more than three (3) children under the age of six (6). The exceptions to the above limits will be in those instances in which the placement of a sibling group or a minor parent and his or her child placed together in a resource home would exceed the limits.

Resource parents must have legal custody or guardianship of any children (other than children in foster care) in the home that are not their birth children or relatives.

# WHAT HAPPENS BEYOND THE INITIAL PLACEMENT?

## Overview

As you and your family work to integrate the child placed in your home into your family, hopefully daily life will still look familiar in terms taking the children to school and extracurricular activities, helping the children with homework, attending doctor visits, and celebrating holidays. On the other hand, having a child in foster care placed in your home also means many new commitments for you and your family, such as staffings, court hearings, and working to ensure that the child has adequate family time with their birth or legal parents and siblings, as applicable. As a resource parent, you and your family will also need to be prepared to have different people from the child welfare system visit your home. To outline what some of these activities and requirements may look like when a child in foster care is placed in your home, this section is divided into two primary parts:

- Daily Living
- Foster Care Case Activities and Requirements.

# Repeal

Some of the information provided below has already been referenced in the “What is Expected of Me as a Resource Parent?” section. But, once again, there is so much for which resource parents are responsible. The Division wants to ensure you have a clear understanding of your role and what to expect, so much of this information bears repeating.

## Daily Living

### *Decision Making*

As the resource parent, you will provide the direct care and have decision-making authority concerning the child's daily living. That said, you may not independently make major decisions that have far-reaching effects on the child's life, such as consents for surgery, military service, or marriage. Likewise, you may not make decisions that have long-term effects for the child's personal appearance, such as allowing the child to obtain piercings or tattoos or changes to a child's hair style without consulting the FSW, particularly for infants

and toddlers who have never had a haircut before, given some cultural traditions around a child's first haircut. Regular, ongoing haircuts that keep a child's basic style are left to the resource family's discretion. The FSW will obtain permission from the child's parent prior to authorizing any changes in appearance for the child. Such changes cannot be made without parental consent.

### *Communication with the Child's Assigned FSW*

As a resource parent, you have a valuable window into how a child is adapting and adjusting. Often a resource family will see problems before the child's FSW will. It is important that you notify the assigned FSW when you see any problems. Concerns or unusual behaviors may be indicative of a larger problem. This is especially important if you are seeing behaviors such as:

- Sexual acting out;
- Depression or other mental health concerns;
- Physical aggression, messiness or
- Other extreme behaviors.

# Repeal

Keep the child's FSW informed through telephone calls, confidential email, voice mail messages, or written documentation. If you need to talk to the FSW immediately, or have not received communication back within forty-eight (48) hours, contact the assigned FSW's supervisor for assistance.

### *Use of Child's Legal Name*

For legal purposes and for the child's sense of identity, a child in care will use his or her own name. Resource families will use the child's legal name and not give the child a different name. However, a child may have a nickname they prefer to be called. A child in care will not assume the name of the resource family while the child remains in the custody of DHS.

### *Health and Medical Services*

As the child's day-to-day caregiver, if possible, you will need to go with the child to doctor visits, or to otherwise receive treatment and consult with the health care provider about the

child's health care needs. DCFS may assist with transportation and other necessary support to enable the resource parent to accompany the child to health care visits. This assistance either may be provided through the use of DCFS staff, including paid or volunteer aides, or through agreements to reimburse the resource parent for such supportive services related to the child's case plan.

If you cannot accompany the child, the FSW or Health Service Unit will accompany the child and convey the health care provider's diagnosis and instructions to you. The Medical Passport (see below) will be revised, and the updated version will be provided to you.

### Medical Passport

In order to equip you to care for a child placed in your home, Division staff will provide you with an abbreviated health record, typically referred to as the "Medical Passport," at the time of placement. The Medical Passport will include (depending on when the child entered foster care), the initial health screening, a more comprehensive health assessment, and a descriptive health plan for each child. The medical passport will also include a copy of any assessment or case plan which has been developed for the child's family and the names of the child's prior health care providers, if known. If a child's placement with you is their first placement in foster care, please understand that health and medical information available for that child may be limited, particularly if a removal was done after-hours or on the weekend.

The Medical Passport forms are to be completed during initial placement into foster care. The FSW will complete CFS-362: Medi-Alert to Resource Care Provider. You and the FSW are to complete CFS-365: Receipt for Medical Passport together. The child's FSW or Health Service Worker will also request medical records on the child for the time prior to entry into foster care. The medical history information gathered will be given to the physician who will do the comprehensive health assessment. The medical history is used to supplement and correct the child's Medical Passport. Requests for medical records are documented on the CFS-353: Requested Medical Records Log. The CFS-366: Initial Physical is used for the initial physical the child receives upon entry into foster care. Finally, the CFS-352: Medical, Dental, Vision, Hearing, and Psychological form will be completed each time the child has one of these ongoing health care appointments.

### Initial Health Screening

A child who enters the custody of DHS will receive an initial health screening:

- Not more than twenty-four (24) hours after removal from home, if the reason for removal is an allegation of severe maltreatment or there is evidence of acute illness or injury; and
- Not more than seventy-two (72) hours after removal from the home for all other children.

The initial health screening will include a head-to-toe physical. If possible, the physical should be conducted by the child's Primary Care Physician (PCP). You are encouraged to accompany the child to the initial health screening (and to any appointments for on-going health or mental health services). If this is not possible, you will need to be available by telephone to the person conducting the screening.

# Repeal

As with educational services and activities, if the goal of the case is reunification, then the child's biological parents are also encouraged to attend medical appointments, if allowed by court orders. This allows them to take part in the care of their children and provide valuable health history regarding both the child and extended biological family. Once again, talk with your child's FSW on how best to proceed, and discuss issues like participation in medical appointments and other health services at the regular staffings that will occur.

The FSW or Health Service Unit will share the results of the screening with you and any instructions for the child's care and treatment. You will also receive the name of the person who performed the screening. Upon completion of the initial health screening, the FSW or Health Service Unit will complete the CFS-362: Medi-Alert and give a copy to you. If the initial health screening indicates that treatment or further evaluation is needed within 30 days, the FSW or Health Service Unit will ensure that the need is promptly met.



### Comprehensive Health Assessment

A Comprehensive Health Assessment will be completed within sixty (60) days of a child's entry into foster care. The Comprehensive Health Assessment includes: cognition and achievement; speech and language development; and hearing, vision, medical, emotional, and behavioral development. Medications will be provided as necessary.

The University of Arkansas for Medical Sciences (UAMS) Project for Adolescent and Child Evaluation (PACE) Program is responsible for conducting Comprehensive Health Assessments. Once again, the resource parent, as well as the birth or legal parents or relevant members of the extended family, are encouraged to participate in the Comprehensive Health Assessment (when appropriate).

After the Comprehensive Health Assessment, there will be a written summary of the medical, mental health, educational, dental, social status, and needs of the child. The Child's Health Services Plan should be completed at the Comprehensive Assessment. The FSW or Health Service Unit will provide copies of the health plan and updates within seven (7) days to the resource parents, the child's legal parents, and the child (if age ten (10) or older).

If Medicaid records indicate that a child has not had recent dental examinations within the approved Division of Medical Services' timeframes, then within the first sixty (60) days a dental examination will be completed. All follow-up dental work that is recommended by the provider will be completed within the recommended timeframes set forth by the dental provider.

### Continuing Health Services

After the Comprehensive Health Assessment is conducted, all subsequent examinations will take place (as part of the ongoing Early Periodic Screening Diagnosis Treatment (EPSDT) program), based on the respective periodicity schedules. The medical provider will complete CFS-352 at each examination and the Medical Passport will be updated and provided to you. A physical examination control schedule will be maintained so that examinations are conducted according to the Division of Medical Services' EPSDT periodicity schedule.



### Prescription Drugs

Children in foster care are eligible for prescription drugs through the State Prescription Drug Program. When there are no Medicaid providers available in cases of emergency, the FSW (with the approval of the County Supervisor or designee) will authorize and bill for medication and medical services, as applicable.

### Mandatory Immunizations

State law requires that certain immunizations are obtained before a child enters school. As the resource parents you will assist in maintaining current immunizations. See Recommended Immunizations Timetable under “Useful Links” in this manual.

### Medication

As stated in the “What is Expected of Me as a Resource Parent?” section, you will need to administer medications only in accordance with directions on the label and be aware of possible side effects of all medications. All over-the-counter medications will be stored in an area not readily accessible to children, according to the age and development of each child in the home. Medication will also be stored in accordance with pharmaceutical recommendations.

All prescription medications (excluding Epi-pens, inhalers, and Glucagon kits) will be locked. An age-appropriate and developmentally capable child may be provided or have access to non-narcotic prescriptions with an approved safety plan (i.e., birth control, acne cream, or topical creams).

You are required to log all medications at the time the medication is administered, using CFS-364: Medication Log. The logs must include the following:

- Child’s name;
- Time and date;

- Medication and dosage; and,
- Initials of the person administering the medication.

You will provide age appropriate (considering both chronological and developmental age) children with a daily supply of medication (over-the-counter or prescription) for use when the child is away from the home during the times the dose is needed. Examples include pain relievers, fever reducers, anti-inflammatory (and other related medications), or prescribed antibiotics or inhalers. However, these medications must be logged at the time they are given to the child.

### Hospitalization

When a child in foster care is hospitalized, the FSW working with the child must provide the hospital with the child's Medicaid number (if applicable), vital statistics, previous medical history, and other identifying information as indicated.

# Repeal

The FSW signs both the admission forms and the required consent for surgery, if indicated and will include the name and cell phone number of the FSW to be contacted regarding the child on the admission forms. A second opinion by a medical specialist will be obtained before major surgery whenever possible.

As a resource parent, you may not sign a child in foster care into the hospital for planned visits or sign other medical or surgical consent. However, never delay calling 911 or otherwise taking a child to the emergency room if needed. Physicians and hospitals may determine that an emergency exists and waive the usual required consent, or they may take consents from DHS on the telephone with a second party at the hospital listening and verifying the consent. The most important thing to remember after arranging for any emergency medical care is to notify the FSW immediately when a child in foster care is hospitalized. As soon as possible, the FSW will visit the hospital and sign the required consents.

### Payment for Medical Services

Medicaid is the primary source of medical payment for children in foster care. If a child in the home does not receive a Medicaid card, contact the FSW. A child's Medicaid number should be accessible through the Resource Parent Portal within three (3) business days of the child coming into care, and the actual Medicaid card should be available within ten (10) business days of the child entering care. For a child who has been in foster care for more than three (3) weeks but is moving to a new placement, a copy of the child's Medicaid card will be provided to the resource parents at placement. Although the FSW may provide a copy of the Medicaid Card (for the resource parent to keep in the Medical Passport, and so that they may obtain medical services for the child), the actual Medicaid Card will be kept in the child's case record in the county office. When there are no Medicaid providers available in cases of emergency, the FSW (with the approval of the County Supervisor or designee) will authorize and bill medical services. In the event medical services are denied by Medicaid, the child's medical needs will be met with foster care funds. A child will not be denied medical services because the child is not Medicaid eligible.

# Repeal

### Educational Services

It is the responsibility of DCFS to provide educational opportunities to help each child meet their full potential. To ensure that children in the custody of DHS receive a quality education, it is the Division's policy to enroll children in foster care only in schools accredited by the Arkansas Department of Education. Federal law requires child welfare and education agencies to collaborate, to guarantee school stability and school attendance for all children in foster care. It specifically mandates that, in making decisions regarding a child's placement, child welfare agencies take into account the location of the child's school and the appropriateness of the child's current educational placement. Children entering foster care or experiencing a placement change must continue to attend their school of origin (school in which the child was enrolled at the time of entry into foster care or time of placement change) unless remaining in the school of origin is not in the child's best interest. Best interest determinations will be made collaboratively between the Local Education Agency (LEA) and local DCFS staff. Factors to be considered in making a best interest determination include:

- Child's preference.
- Age of the child or youth.
- Preference of the child's parents or education decision makers.

- Child's attachment to the school, including meaningful relationship with staff and peers.
- Placement of the child's siblings.
- Distance of the commute to and from the school of origin and its impact on the child's education and well-being.
- Personal safety issues.
- History of school transfers and how they have impacted the child.
- Availability and quality of services in the current and potential schools to meet the child's educational and social or emotional needs.
- Child's need for special instruction (e.g., special education and related services).
- Anticipated length of stay in the placement.
- Child's permanency plan.
- Time remaining in the school year.
- Other factors that may impact the child's academic success.

# Repeal

To the extent reasonable and practical, local DCFS and LEA will ensure the child remains in the school of origin while the best interest decision is being made.

Children in foster care will attend public schools. However, the DCFS Director may grant an educational waiver allowing a child to be placed in a non-public school, including a private, parochial, or home school, if it is the best interest of the child. No state or federal funding may be used for such placement. For a child in foster care to be enrolled in a non-public school or be home schooled, a certified mental health professional must present documentation stating that the non-public schooling is in the child's best interests.

If a child placed in your home is struggling in school, the first step for assessing tutoring needs, any special accommodations (such as a 504 Plan), or special education assessment or services is to speak with the appropriate representatives in a child's school district.

Tutoring can be purchased for a child in need of additional educational assistance. However, please consult with the child's FSW since purchasing tutoring services requires pre-authorization and there are often alternate services or supports that may better meet a child's educational needs. The DCFS Education Specialist is also available for consultation regarding educational services and needs. Please ask your child's FSW for that person's contact information as needed. In addition, each school district has a Foster Care Liaison who may be able to provide assistance in this area of concern. You are encouraged to learn who your child's Foster Care Liaison is in the school district. Educational testing and counseling should be available to a child in foster care when they begin to make career or curriculum decisions. If a child desires to pursue college or vocational training after high school, the FSW and TYS Coordinator will assist the child in the exploration of resources to pursue this plan.

As a resource parent, you will often know the child placed in your home better than the FSW since you are with the child every day. As such, you have a wealth of knowledge about that child and are encouraged to attend parent-teacher conferences, any special education meetings (such as Individualized Education Plan (IEP), as applicable) and other school events.

# Repeal

If the goal of the case is reunification, then the child's biological parents are also encouraged to attend these events in most instances. In general, there is nothing that prevents resource parents and biological parents from attending educational meetings and events together. In fact, in many cases this is encouraged as it helps the child view the resource and biological parents as a team, working to ensure the child's well-being, and can be a wonderful way to support biological parents as they work to reunify with their child. However, since every foster care case is different, be sure to speak to your child's FSW on how best to proceed and discuss issues like attendance at educational meetings and events at the regular staffing that will occur.

## *Daily Child Care for Non-School Age Children*

Many resource parents work outside the home and require assistance with childcare for children who are not yet enrolled in grade school. Childcare may be authorized and routinely provided for a child in foster care if both resource parents work outside of the home, if it is determined to be appropriate as part of the case plan, or if court ordered. Appropriate reasons

include: 1) socialization, kindergarten readiness, or therapeutic benefits for the child; or, 2) to ensure the child may be placed in a resource home in their county or in close proximity to their home. The service may be authorized for up to three (3) months at a time. It will only be provided by DCFS when resources are available.

Resource parents are required to seek enrollment in an Arkansas Better Chance (ABC) or Head Start program as the childcare provider for all children in foster care. DCFS must document all attempts to place the child in an ABC or Head Start childcare program prior to authorizing use of a childcare voucher program for any childcare needs. If an ABC or Head Start program cannot be located for the child, then resource parents and DCFS staff will collaborate on identifying a child care program that accepts daycare vouchers and also participates in the Division of Child Care and Early Childhood Education's Better Beginnings Program.

Childcare providers must be on the voucher system and licensed by The Division of Child Care and Early Childhood Education (DCCECE) or on the Voluntary Child Care Registry. If the child was enrolled in childcare prior to coming into care, the child should remain in that particular childcare facility, if at all possible, provided it is licensed by DCCECE or on the Voluntary Child Care Registry). This is an effort to provide the child with consistency in his/her daily caregivers and reduce the amount of trauma a child experiences when coming into foster care.

If a child was not enrolled in childcare, prior to coming into care, or if a new childcare facility must be used, DCFS and the resource parents will make every effort to place the child in a high-quality childcare center. For more information on high-quality childcare centers, visit the Better Beginnings website at <http://www.arbetterbeginnings.com/>.

Enrollment in overnight daycares is not allowed. Likewise, late night pick-ups (after 8:00 p.m.) from childcare centers that have extended hours are also unacceptable.

### *Transportation and Travel*

As discussed in the approval requirements, you will need to have your own transportation available to transport the child to school, appointments, and activities. When the resource parent needs assistance with transportation, the resource parent should contact the FSW as soon as possible. The FSW, Program Assistant, or a volunteer transporter may be assigned to assist with travel, as those resources are available.

Transportation of children in foster care must be conducted by a driver with a valid driver's license who cleared all motor vehicle background checks. As such, resource parents will not allow children in foster care to ride in a vehicle with a youth who drives with only a learner's permit. A minor who has met all requirements to drive alone, under an intermediate license, may transport children in foster care if you believe that minor is otherwise mature enough to handle that responsibility, both the minor driver and the child in foster care agree to the arrangement, and other reasonable and prudent parent considerations have been made.

Minors driving independently with an intermediate license are not allowed to transport more than one (1) unrelated minor in the vehicle. They may not use any interactive wireless device while driving (including a cellular phone) and, they may not operate a motor vehicle between the hours of 11:00 p.m. and 4:00 a.m. unless:

- Accompanied by a person twenty-one (21) years of age or older;
- Driving to or from a school activity, church-related activity, or job; or,
- Driving because of an emergency.

Arkansas state law also requires that:

- Children who are less than six (6) years of age and children who weigh less than sixty (60) pounds require a child safety seat; and,
- All other children must be restrained by safety belts.

In addition, DCFS policy prohibits smoking in any motor vehicle transporting a child in foster care. DCFS also strongly endorses and promotes the American Academy of Pediatrics

recommendation that all children younger than thirteen (13) ride in the backseat of the vehicles.

Resource parents must have prior written authorization to transport children in foster care for an overnight stay outside the State of Arkansas. Such requests will be made to the FSW as soon as travel planning begins, and at a minimum of two (2) weeks prior to scheduled travel dates, if possible. The child's FSW or other designated staff will complete a DHS-1010: Request for Out-of-State Travel and must have an approval from the Area Director or designee prior to travel occurring. Resource parents residing in counties which border on state lines will not have to submit a request for out-of-state travel in order to cross the state border, when travel plans do not require an overnight stay outside the State of Arkansas (e.g., shopping or visiting with a relative in a nearby town).

For information on reimbursement for transportation, please see the "Transportation Reimbursement" subsection under "What Financial Support Will I Receive as a Resource Parent?".

# Repeal

## *Vacations*

When vacationing as a family, resource parents are encouraged to take any children placed in their home with them. However, DCFS will not pay for vacation expenses. As noted above, travel out of state involving an overnight stay or more requires prior written authorization via a DHS-1010. Travel out of the country, with a child placed in your home, requires the approval of the DCFS Director or designee. For any planned vacations, or other travel out-of-state with a child placed in your home, the more advance notice you can provide to the child's FSW, the better (in terms of ensuring sufficient time to plan, provide appropriate notice to other parties as needed, and work out trip details).

## *Need for Babysitting or other Alternate Care Arrangements*

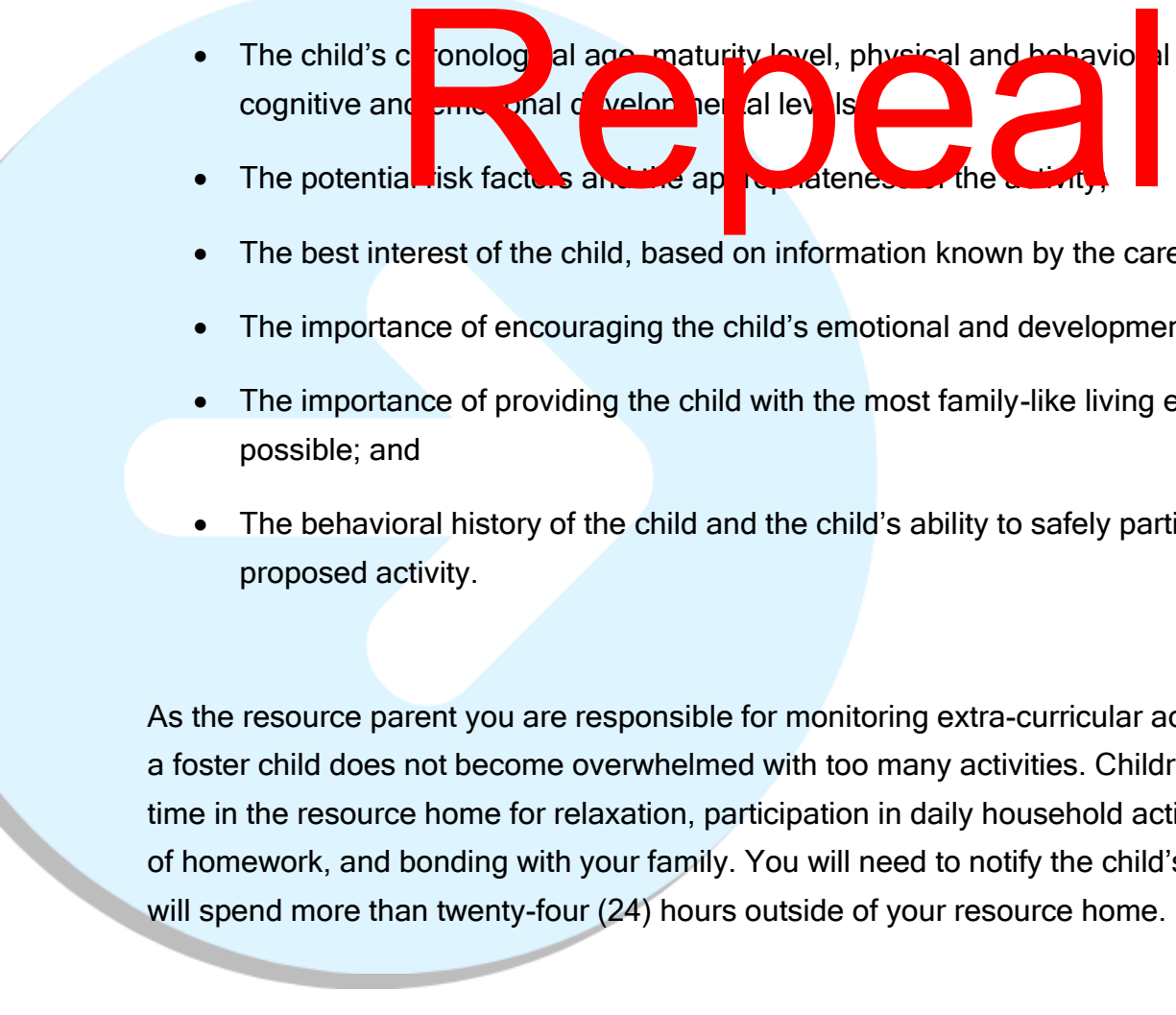
DCFS recognizes the importance of allowing, and even encouraging, resource parents to take a break from the duties of providing a home to children in foster care. There are different levels of what the Division refers to as "alternate care," which refers to any time a resource parent requests another appropriate adult to supervise the children that have been placed in



the resource parent's home. The Division promotes the use of alternate care to foster a degree of normalcy in the lives of children in foster care. Below is a description of the different kinds of alternate care.

### Extracurricular Activities and Other Normal Age-Appropriate Activities

Children in resource homes are encouraged to participate in normal age-appropriate activities, such as: overnight visits with friends, extra-curricular activities, church activities, and short-term summer camps. As a resource parent who knows about the children placed in your home, you will need to apply the reasonable and prudent parent standard. This means exercising careful and sensible consideration when determining whether an activity for a particular child will not only encourage the emotional and developmental growth of the child, but also maintain the health, safety, and best interests of the child. When applying the reasonable and prudent parent standard, resource parents will make the following considerations:

- 
- The child's chronological age, maturity level, physical and behavioral capacities, and cognitive and emotional developmental levels;
  - The potential risk factors and the appropriateness of the activity;
  - The best interest of the child, based on information known by the caregiver;
  - The importance of encouraging the child's emotional and developmental growth;
  - The importance of providing the child with the most family-like living experience possible; and
  - The behavioral history of the child and the child's ability to safely participate in the proposed activity.

As the resource parent you are responsible for monitoring extra-curricular activities to ensure a foster child does not become overwhelmed with too many activities. Children need ample time in the resource home for relaxation, participation in daily household activities, completion of homework, and bonding with your family. You will need to notify the child's FSW if the child will spend more than twenty-four (24) hours outside of your resource home.

### Babysitting

Babysitters may be used to provide occasional care for children in the resource home for no more than eight (8) continuous hours at one time. As a resource parent, you must exercise careful consideration when evaluating the character and competence of any individual asked to babysit. You may reimburse the babysitter if you choose to do so. However, the Division will not reimburse for babysitting services except for when funding is available to defray the cost when resource parents attend approved continuing education trainings or events. Babysitters will not transport children. Background checks are not required for babysitters as described in this section.

### Resource Family Support System

The Resource Family Support System (RFSS) may be comprised of up to three (3) other households identified by the resource family. RFSS households will be part of the resource family's existing, natural support system. RFSS members may provide care for children when a resource parent is unable to do so.

# Repeal

Once again, resource parents will exercise careful consideration when evaluating the character and competence of any household asked to serve as an RFSS member. RFSS members must be at least twenty-one (21) years of age. There is not a standard maximum age limit for RFSS members, but RFSS members must be physically, mentally, and emotionally capable of caring for children for up to seventy-two (72) hours. You may reimburse an RFSS member if you choose to do so, but DCFS will not reimburse for the use of RFSS members.

Members of a Resource Family Support System may transport children and care for children in the resource home or in the home of the RFSS member. Anytime you plan for a child placed in your home to be cared for by an RFSS member for more than twenty-four (24) hours, you must notify your child's FSW. An RFSS member will not provide care for more than seventy-two (72) continuous hours at one time regardless of the location in which care is provided and regardless of which RFSS member is providing care. It is prohibited for RFSS members to take children in foster care out-of-state for overnight trips.

However, for extenuating circumstances only, the Area Director may approve for a child to stay with an RFSS member for more than seventy-two (72) hours, but no more than seven (7) days. To go beyond the seventy-two (72) hour timeframe requirement, a written request must be submitted to the Area Director explaining the reasons for the extension request. The Area Director or designee must approve or deny the request in writing.

The number of children placed in an RFSS member household must meet all Minimum Licensing and DCFS Policy requirements.

All prospective RFSS members must be cleared through the Child Maltreatment Central Registry, Vehicle Safety Program, and State Police Criminal Record Check. DCFS will request any other state where the prospective RFSS member has resided in the preceding five (5) years, to check its child abuse and neglect registry. DCFS will provide documentation in the case record that the Child Maltreatment Central Registry and State Criminal Record Checks were conducted on the prospective RFSS member.

# Repeal

Documentation of at least one visual inspection of the home for evaluation purposes is required of all prospective RFSS members.

## Respite Care

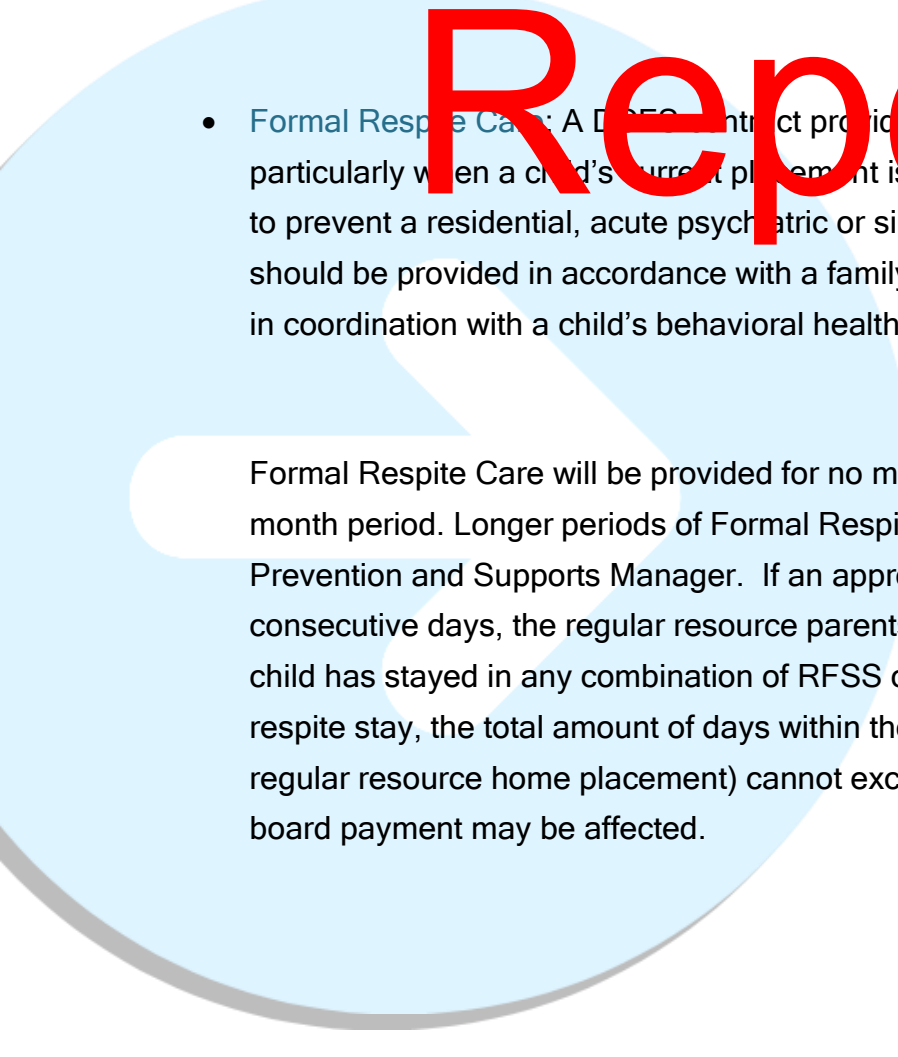
When a Resource Family Support System member is not available to provide needed care on a short-term basis, respite care may be utilized to temporarily relieve the resource family of the ongoing responsibilities and stresses of care. Respite care must occur in an agency approved resource home and cannot exceed fourteen (14) consecutive days. There are two (2) types of respite care:

- **Informal Respite Home:** An approved DCFS resource home that can provide temporary care when the Resource Family Support System is unable to assist, or for situations in which children will be outside of the resource home for more than 72 continuous hours. An Informal Respite Home may provide care for no more than seven (7) continuous days at one time. Periods of respite care in an Informal Respite Home

lasting longer than seven (7) consecutive days require approval from the Area Director or designee.

If an Area Director approved extension exceeds fourteen (14) continuous days, the regular resource parents' board payment will be affected. If the child has stayed in any combination of RFSS or informal respite homes (i.e., outside of the regular resource home placement), the total amount of days within those alternate care types cannot exceed fourteen (14) consecutive days as board payment may be affected.

Resource parents may reimburse an informal respite provider if they choose to do so. DCFS will not reimburse an informal respite provider. The number of children placed in an Informal Respite Home must meet all Minimum Licensing and DCFS Policy requirements.

- 
**Repeal**
  
 • **Formal Respite Care:** A DCFS contract provider that supplies short-term respite care particularly when a child's current placement is at risk of disruption or respite is needed to prevent a residential, acute psychiatric or similar placement. Formal Respite Care should be provided in accordance with a family-driven, youth-guided respite plan and in coordination with a child's behavioral health treatment plan (if applicable).

Formal Respite Care will be provided for no more than seven (7) days per three (3) month period. Longer periods of Formal Respite Care require approval from the Prevention and Supports Manager. If an approved extension exceeds fourteen (14) consecutive days, the regular resource parents' board payment will be affected. If the child has stayed in any combination of RFSS or informal respite homes before a formal respite stay, the total amount of days within those alternate care types (i.e., outside the regular resource home placement) cannot exceed fourteen (14) consecutive days as board payment may be affected.

### Social Media and Sharing Information about Children in Foster Care

There are occasions when questions may be asked of a child in foster care or pictures requested of a child in foster care for purposes of newspaper, television, or radio publicity. All publicity of this nature must be approved through the FSW and the County Office Supervisor or designee. Typically, these are approved as long as the youth is not identified as being in foster care and as long as the youth's last name is not used. Some situations may require the involvement of the DHS Director of Communication.

However, youth in foster care may appear in school yearbooks, school newspapers, church youth group bulletins, and similar age appropriate publications without consulting the Division if the child is not identified as being in foster care.

As a resource parent, you are prohibited from posting pictures of children placed in your home (even if the face is blocked or blurred when posted) online or on any type of social media platform. In addition, any information about the circumstances of the child in foster care or their family or the progression of the foster care case is prohibited from being posted online. Arkansas law (Arkansas Code § 9-2b-10 (h)) prohibits resource parents from redisclosing any information they obtain about a foster child, the child's parents, or siblings not placed in the resource home, and such extends to posting information on social media platforms.

For older youth in foster care who have social media accounts and choose to post "selfies" or other information, resource parents must monitor, to some extent, that use of social media. Resource parents will assess how appropriate and safe a post may be for the youth and for the resource family as well.

Many youth in foster care contact siblings or other family members using social media. Please be aware of such communication and conference with the youth's FSW if there are questions regarding whether contact between the youth and their families is safe and appropriate. Actions may need to be taken, if there is a conflict with a court order or if there are other issues.

### Screen Time

The monitoring of social media also extends to other forms of screen time. The American Academy of Pediatrics (AAP) recommends "screen-free" zones at home by making sure there are no televisions, computers, or video games in children's bedrooms and by turning off the tv during dinner. Children and youth should engage with entertainment media for no more than one (1) or two (2) hours per day. It is important for children to spend time on outdoor play, reading, hobbies, and using their imagination in free play.

Television and other entertainment media should be avoided for infants and children under age two (2). A child's brain develops rapidly during these first years, and young children learn best by interacting with people, not screens.

### Cell Phones

DCFS generally does not provide cell phones to youth in foster care except for youth who elect to stay in Extended Foster Care (see Appendix for more information). If a resource parent chooses to purchase or allows a child in care under eighteen (18) to purchase or use a cell phone, DCFS is not responsible for any expenses related to the purchase. Likewise, DCFS is not responsible for any expenses related to the use, abuse, or loss of the phone for a child of any age. This includes youth who participate in Extended Foster Care after the allotted phone maximum has been expended for the youth in Extended Foster Care.

### Chores

Children in foster care placed in your home can be expected to help with reasonable and age-appropriate or developmentally appropriate chores. With support and understanding, chores can be a way for children to learn how family members work together as a team and feel included in your family. A child in care can be expected to share equally in the chores expected of other family members of the same age. As examples, younger children may help set the table. For teens, reasonable household chores are a way for them to gain important life skills that will help them transition to adulthood. For example, teens may be able to do their own laundry, help prepare for and assist with cooking a meal each week, and call to schedule their own doctor appointments, with coaching and other support needed from

resource parents (for more information on serving as a resource home to teens, please see Appendix 3).

A child will not be expected to perform chores that are your responsibility, or that are chores that should be shared among several individuals (for example, the entire family's laundry). If you have questions about what may or may not be appropriate chores for a child placed in your home, based on their ability and history, please reach out to the child's FSW. Topics such as these also may be discussed in a staffing so that all team members can weigh in and come to consensus.

Guidelines for chores include:

- Never assume the child knows how to do a certain chore. Rather, start by teaching the child how to do the chore.
- Start with simple chores and tasks and work up to more complex ones, as the child's skills increase and ability to persevere becomes stronger.
- Rotate chores so that the child can develop different skills and have a variety of experiences.
- Do not associate chores with discipline or punishment. Rather, they should be part of the child's participation in family life.
- Do not allow chores that need to be performed to interfere with family activities, school, regular play time, visits to the child's family, or the child's normal contacts.
- Be sensitive to the needs of the child, for help and support in carrying out chores.
- Encourage children to take care of their own personal belongings, make their bed, and keep their closet, drawers, toys, and other items in order.
- Praise the child for a job well done.

## *Foster Care Case Activities and Requirements*

### Family Assessments and Case Plans

For every child in foster care, a case plan is required. This case plan must be completed within thirty (30) days from the date the child enters care. The primary FSW develops a case plan in collaboration with the child's family to include the child as age-appropriate and developmentally appropriate.

The case plan outlines the services, resources, and timeframes of what the parents, child, FSW, and other DCFS staff, and resource parents need to do for the child to safely return to the parents' home permanently. The case plan is developed based on:

- An assessment of the family's strengths and needs (you may request a copy of this assessment);
- Reasons the child came into care and needed changes in the biological or legal family's home or parenting to ensure the child's safety; and,
- The child's needs.

Resource parents will have the opportunity to provide input during the case planning process. Resource parents will be given a copy of the case plan but are prohibited by law from redisclosing any case information and will only use the information in the case plan and other case records to assist them in caring for the child placed in their home.

The case plan will also list the case plan goal for the child. Very generally, permanency goals may include:

- Reunification with the parent;
- Adoption or guardianship (with relatives and fictive kin being considered first);
- Placement with a permanent custodian, to include permanent custody with a relative or fictive kin; or,
- For youth sixteen (16) and older, Another Planned Permanent Living Arrangement (APPLA). APPLA means the youth will most likely age out of foster care at age eighteen (18) or older.

There should be at least two (2) goals listed in the case plan, typically called concurrent goals. These two (2) goals will be actively worked at the same time. Concurrent goals help



make sure that if one goal does not work out, then there is a back-up plan. Concurrent plans are designed to increase the child's chance to achieve permanency safely and swiftly.

### Staffings

A staffing is a meeting of key persons who are responsible directly or indirectly for problem-solving and decision-making regarding a family's case plan. An initial staffing is held within the first thirty (30) days of the child's stay in foster care. Subsequent staffings are held at least every three (3) months thereafter. Additional staffings may be held on an as-needed basis. As a resource parent, you will be invited to all staffings for children currently in your care. However, it may not be necessary for you to attend the entire staffing. The family's case plan will be discussed at almost every staffing.

The FSW will inform you in advance of the purpose of the staffing, and what information, if any, that you may be called upon to present. Information presented may include the following:

- Observations about the child;
- The child's reactions to visits with his or her birth or legal family, as perceived by the resource parent;
- The child's adjustment in one's home and community;
- Any problems the child is currently experiencing and difficulties this may be causing the family; and,
- Input regarding development of the case plan and the resource parent's assessment of progress in those areas.

### Court Hearings

You will be provided notification of upcoming court hearings for each child currently placed in your resource home. Resource parents are encouraged to attend court hearings and will be offered the opportunity to be heard at hearings. The following is a brief summary of the types of court hearings that typically occur throughout the life of a foster care case:

- **Probable Cause:** The probable cause hearing must be held within five (5) working days of issuing an emergency order that allowed DHS to take custody of the child. At this hearing, the court determines if DCFS had sufficient reason to place the child in foster care and if the child should be returned home, stay in the temporary custody of DCFS, or live with someone else until the adjudication hearing.
- **Adjudication:** Following a probable cause hearing, an adjudication hearing is held to decide if the child is dependent/neglected (this means abused or neglected). The dependency-neglect adjudication hearing is generally held within thirty (30) days of the probable cause hearing but it is permissible for the adjudication hearing to take place within sixty (60) days after removal.
- **Disposition:** If it is determined that the child is dependent/neglected, the judge will hold a disposition hearing to decide if it is better for the child to stay in the custody of DCFS, be placed in someone else's custody, or be returned to their parent or guardian. This hearing usually takes place immediately after the adjudication hearing, but if not, then it must take place within fourteen (14) days of the adjudication hearing.
- **Review:** Review hearings are held to make sure that everyone is following the court orders and the case plan. They are also an opportunity to see how the child is doing, to determine whether the right kind of services are being provided for the family and the child, and to assess whether the child can be returned home. The first review hearing is held no later than six (6) months from the date the child entered foster care. However, the court may require a review prior to the sixth month review hearing. After that, the court will continue to review a foster care case no less than every six (6) months, including for those children in foster care who are placed out-of-state. Review hearings will continue to be held until the child has a permanent home. At any time during the life of a foster care case, any party to the case may request the court to review the case. The party requesting the hearing must provide reasonable notice to all parties.
- **Permanency Planning:** At the permanency planning hearing (PPH), the court must decide on a plan for permanent placement for the child. The hearing can be held at any time, following the adjudication, but must be held within twelve months from the date the child was removed from the home, and not less than every twelve (12) months thereafter (during the continuation of the child's time in foster care).

Below is a summary of the hierarchy of preferred permanency plans:

- a. Placing custody of the child with a fit parent at the permanency planning hearing;
- b. Returning the child to the guardian or custodian from whom the juvenile was initially removed at the permanency planning hearing;
- c. Authorizing additional, but limited, time (not to exceed three (3) months) for parent, guardian, or custodian (under certain circumstances found by the court and as outlined in Arkansas law) to work toward reunification and authorizing a corresponding plan to place custody of the child with a parent, guardian, or custodian;
- d. Authorizing a plan to obtain a guardianship or adoption with a fit and willing relative;
- e. Authorizing a plan for adoption with DHS filing a petition for termination of parental rights (with certain exceptions outlined in Arkansas law);
- f. Authorizing a plan to obtain a guardian for the juvenile;
- g. Authorizing a plan to obtain a permanent custodian, including permanent custody with a fit and willing relative, or;
- h. Authorizing a plan for another planned permanent living arrangement (APPLA). This includes a permanent planned living arrangement, and addresses the quality of services, including independent living services and a plan for the supervision and nurturing that the juvenile will receive. An APPLA permanency plan means the child will most likely age out of foster care at eighteen (18) or older. APPLA can only be selected if the child is sixteen (16) or older and if the court makes a judicial determination explaining why, as of the date of the hearing, APPLA is the best permanency plan for the juvenile and the court finds compelling reasons why it continues to not be in the best interest of the child to have one of the other permanency plans listed above.

- **Termination of Parental Rights:** The court may consider a petition to terminate parental rights (TPR) if the court finds that returning the child to his or her parents is contrary to the child's health, safety, or welfare, and that returning the child to his or her parents cannot be accomplished in a reasonable period of time. TPR ends a parent's legal rights to his or her child.

### Family Visits and Contact for Children in Foster Care

One of the best predictors of successful family reunification is frequent and quality family visits. Different types of family visits and some of the parameters around those visits are described below.

- **Parent-Child Visits/Family Time:** In order to achieve reunification of families, DCFS will strive to ensure visitation, or family time, with the child's biological or legal parents occurs within the first five (5) days of placement after the initial removal (sooner if possible). Family time will be based on a family's needs and reasons for the out of home placement. But, if the court orders supervised family time, then the parent from whom custody was removed will receive a minimum of four (4) hours of supervised family time per week. However, the court may order less than four (4) hours of supervised family time each week if it is not in the best interest of the child (or if it will impose an extreme hardship on any party).

As the family prepares for reunification, the frequency or length of family time will increase, while the level of supervision will decrease accordingly. When parents graduate from supervised to unsupervised family time, the frequency and duration of the unsupervised parent-child family time will generally be comparable to, if not more than, the frequency and duration of the supervised family time.

Generally, the preferred location for family time is in the most home-like setting possible, to include the parent's home as appropriate. Family time at the DHS office is a last resort. Visits are encouraged to include any variety of quality family time activities such as visiting a library, attending story time at a library, playing at a park, making and enjoying a meal together, helping with a child's bedtime routine, etc., as appropriate for an individual family.

Since resource parents can model positive parenting skills that may help the biological or legal parents to achieve reunification, you may consider hosting family time, if appropriate and acceptable to all individuals involved. If this is something in which you may be interested, please talk to your child's FSW or your Resource Worker. It is

DCFS' responsibility to ensure that, if you are willing to host family time, you thoroughly understand all court orders related to parent-child contact and any other relevant information regarding the case and family dynamics to allow you to appropriately and safely supervise family time. DCFS policy states that resource parents will not be expected to host parent-child visits during the first placement they have as a resource parent or during the first month of any open foster care case. Division policy also requires that the child's FSW continually assesses, on a case-by-case basis, the appropriateness of resource parent involvement for each foster care placement.

Even if you are not comfortable hosting family time, you will still play an important role in the visitation of the child with parents and siblings. This includes acceptance of family time, emotional preparation of the child, and supportive follow-up with both the child and the child's FSW. The resource parent can help the children by preparing them for changes in the family circumstances or anything that might be unexpected or difficult for the child to accept. The same supportive attitude is needed after each family time session. You will need to share with the child's FSW the reaction of the child to family time and any other relevant observations.

# Repeal

Your help is vital to the success of the child's family time with his or her parents or other family members. However, you may find visits difficult in some situations. For example, a child may return with uncombed hair or become upset following family time. In fact, it is not uncommon that children show increased behavior problems before and after family time. This may include

- Difficulty sleeping;
- Behavior that is defiant;
- Tantrums;
- Crying; and,
- General fussiness or moodiness.

These kinds of behaviors, following time spent with the biological or legal family, do not mean that family time should stop. When children spend time with their parents, they may be reminded of their separation or grief. They may not want family time to end or may become angry with their parent for missing a family time session. These behaviors are to be expected. If children get violent or display any other extreme behaviors, it is important that you notify the child's assigned worker immediately.

Resource parents will not make the determination to withhold parental visits from a child for any reason. In addition, family time will not be cancelled due to the results of a parent's drug screen unless there is current evidence that the parent's ability to provide for the health and safety of the child is compromised or unless otherwise ordered by the court. If you are struggling with managing a child's behavior following family time or with your own feelings regarding family time, discuss these concerns with the FSW. Frequently, concerns or other issues can be worked out satisfactorily when an open-minded, family-centered approach is taken.

# Repeal

For those children in foster care whose parents or legal guardians are incarcerated, the Arkansas Department of Correction (ADC) social worker will be contacted to arrange visitation between the child placed in an out-of-home setting and his incarcerated parent(s), unless such visitation is prohibited by the court, not recommended by a physician, etc.

Family time with biological or legal parents must occur on a weekly basis, barring unforeseen emergencies, unless otherwise court ordered. You will need to contact the FSW if any situations arise that might affect parent-child family time.

In addition to face-to-face family time sessions, children in foster care will have reasonable opportunities to communicate with their parents in writing, by phone, or by other forms of electronic communication (unless prohibited by court order).

Family time sessions will cease upon termination of a parent's rights.

- **Siblings Visits/Sibling Family Time:** If siblings are not placed together, the FSW will arrange sibling visits, or family time. Sibling family time will take place at least once every two weeks unless the children's best interests require less frequent visitation. During the weeks in which face-to-face sibling visits do not occur, other types of communication such as phone conversations, FaceTime or similar platform, texts, and emails will need to happen, as age and developmentally appropriate for the involved siblings. Siblings should also have the opportunity to share celebrations like birthdays, holidays, and graduations as well as attend extracurricular events of siblings such as athletic competitions or musical performances (when possible). The distance between the siblings' placements, transportation options, and each sibling's own academic, extracurricular, and health needs and commitments will be taken into consideration, when planning for attendance at one-another's events.

Resource parents are encouraged to assist with transportation to or hosting of sibling family time, when appropriate, and if the resource parents are comfortable with those duties. As a resource parent you can also be a great support in helping siblings maintain connections during weeks they do not have face-to-face family time, by assisting with the coordination of phone calls or other forms of communication.

However, always remember that every placement is different. Before you assist with visits or other coordination of sibling contact, please talk to your child's FSW to make sure you understand all applicable court orders, therapist recommendations, and any other considerations specific to a sibling group.

If it is in the child's best interest and visitation was established prior to Termination of Parental Rights (TPR), family time between siblings may continue after TPR. If a child still in foster care has a sibling who is adopted, family time will continue after the adoption of the sibling if the court has determined that it is in the best interests of the siblings to visit and has ordered family time between the siblings to occur after the adoption.

Sibling family time will take place in the most homelike setting available, or in some appropriate setting such as an educational or recreational setting.

- **Relative Visits/Family Time:** Children will have an opportunity to have family time with grandparents, great grandparents, or others as determined by the child's team. These visits can help explore alternate placement options. Relative family time after TPR must have court approval and cannot continue without the court's approval.

### Visits to the Resource Home

Once again, serving as a resource parent means being a member of a large team whose overarching goal is to support the child and help the family work toward reunification. Using this team approach does mean that you may have several people visiting your home, in order to assess how a child is coping.

# Repeal

- **FSW Visits:** The FSW overseeing the care of individual children in the resource home will make at least weekly visits to your home during the first month of placement. After the first month, the FSW will make regular contact with the child at school, or during sibling or parental visits, but must continue to visit the child privately in the resource home at least monthly. More frequent visitation may be made to the home to help solve any problems that arise. The visits will be used to relay necessary information to the child and to allow you to share your point of view about the placement, the child's adjustment, and to ascertain if the needs of that child are being met. Each visit will include a private conversation with the child outside the presence of the resource parent. Visits may be scheduled or unannounced.
- **Resource Worker Visits:** The Resource Worker will visit the home at least quarterly to monitor continued compliance with licensing standards and to check in with you to make sure you are receiving the support you need as a resource parent. The Resource Worker will conduct at least one unannounced quarterly visit per year. Quarterly visit means at least one visit in the resource home during each of the following: January-March, April-June, July-September, and October-December.
- **Licensing Specialist:** You may also have a visit from a Licensing Specialist from the Placement and Residential Licensing Unit (PRLU) of the DHS Division of Child Care



and Early Childhood Education. The role of the Licensing Specialist is to ensure that DCFS is meeting its requirements as a child welfare placement agency rather than evaluating you as an individual resource home.

- **Attorney ad Litem:** As previously mentioned in this publication, all children in foster care have an attorney ad litem appointed to them. The attorney ad litem represents the child's best interest. A child's appointed attorney ad litem may also visit your home to speak with the child and gain insight about how the child is doing.
- **CASA:** As referenced earlier in this handbook, a volunteer Court Appointed Special Advocate (CASA) may be appointed to a child placed in your custody, if a CASA Program exists in your county or jurisdiction and if a CASA volunteer is available. CASAs serve as an extra set of eyes and ears for these vulnerable children. If your child has a CASA, the CASA will make visits to your home to speak privately with the child in foster care.



# Repeal

# WHAT FINANCIAL SUPPORT WILL I RECEIVE?

Resource parents are considered volunteers. However, the Division recognizes the costs you incur when taking a child in foster care into your home, so the Division does provide some financial support to assist you. However, serving as a resource parent must never be viewed as excess additional income. The board payments made to a resource parent is to help defray the costs of caring for that child. Other forms of financial support available to you for caring for a child placed in your home or made directly to the child are described below.

## Standard Board Payment

DCFS makes a monthly board payment to resource parents. This monthly board payment includes payment for room and board, clothing, ongoing school and personal supplies, and a small allowance for the child. The amount listed below is included in the monthly board payment and must be used for the child. The foster care board payment that resource parents receive is strictly to meet the needs of the child placed in their home. Resource parenting is not a way to make money or earn extra income for the resource parents.

**Repeal**

If a child in foster care is eligible for Medicaid, resource parents are required to use a Medicaid provider for meeting the medical needs of the child. Medicaid will be the primary payment source for medical and dental services, including hospitalization. If Medicaid cannot cover such expenses, state funds may be a secondary payment option. Other services or supplies needed by the child must be authorized and approved per DCFS policy (see section on additional expenses).

Resource parents may choose to have their board payment direct deposited into their checking account or issued as a paper warrant and mailed to the resource home. DCFS strongly encourages that use of direct deposit to prevent payment delays when a warrant is lost in the mail or misplaced. Reissuance of a paper warrant takes thirty (30) to ninety (90) days and is not controlled by DCFS. Direct deposit can be set up on the Resource Family Portal (see “What Other Supports Are Available to Me?” section for more information). If no bank account is set up, a check will be mailed to the provider. The Resource Family Portal can be found at: <https://dhs.arkansas.gov/dcfs/CHRISPWP/Default.aspx>.

The monthly board payment is for the period starting on the first of the month and ending the last day of the month and is paid by the fifteenth of the subsequent month. For example, October's board payment is for the thirty-one (31) days that begin October 1 and end on October 31. Resource parents would expect to receive the payment by no later than November 15.

DCFS will pay resource parents a monthly board rate according to the following chart:

<b>Birth through 5 Years</b>	<b>\$410 Monthly</b>
Board and Care	\$350
Clothing	\$45
Personal Needs	\$15
<b>6 through 11 Years</b>	<b>\$440 Monthly</b>
Board and Care	\$365
Clothing	\$50
School and Personal Needs	\$25
<b>12 through 14 Years</b>	<b>\$470 Monthly</b>
Board and Care	\$380
Clothing	\$60
School and Personal Needs	\$30
<b>15 through 17 Years</b>	<b>\$500 Monthly</b>
Board and Care	\$395
Clothing	\$70
School and Personal Needs	\$35
<b>18 through 21 Years</b>	<b>Established by monthly budget but may be up to \$750 Monthly</b>

Board rates are established as part of policy, and any exception must receive prior approval. See information regarding Special Board Rates below.

If a child is absent from the resource home for hospitalization or a trial placement for ten (10) days or less and is to return to that home, no change of status is necessary. However, the child's FSW must always be advised of an absence from the home.

The agency pays according to the number of nights a child is in the resource home. Payment for stays of less than twenty-four (24) hours will be based upon a daily rate determined by the Division. If a child is in the home for part of a month, a partial board payment will be made.

### **Special Board Rates**

Special Board Rates refer to any deviation from a standard board rate. Such deviations could be in the form of increased board or decreased board based on the individual circumstances and resources of the child. Requests for Special Board rates must be made in writing and must be pre-approved by the Area Director. Special Board Rates become effective on the date the Area Director or designee signs the written Request for Special Board Rate.

There are occasions when the regular board rate is inadequate in caring for a child with special needs. Resource parents may identify and document those needs. The FSW can use that information to request authorization from the Area Director for an increased special board rate to cover additional expenses to meet the child's needs. This would apply to situations such as an infant with a prescription formula that is not covered by WIC or a medically fragile child who requires frequent hospitalization and tube feedings numerous times per day.

There are times when youth in foster care choose to remain in extended foster care after their eighteenth birthday. Resource parents for youth in extended foster care are eligible to apply for a special board rate for the youth based on documentation of need. Need for a special board rate in such circumstances will be documented through completion and submission of a budget for the youth. It may be appropriate for some of the increased board to go toward the youth's individual expenses such as gasoline or a cell phone bill.

Special Board Rates can also be a decrease in the standard board. This applies to those children who are residents of a state institution; e.g., School for the Deaf or Blind or Human Development Center and may only reside in a resource home over weekends and holidays.

Decreasing the board payment will also occur when a resource parent becomes the payee for other sources of income for the child such as Social Security benefits. A child's income must be monitored as a resource in the home and the payee for the income must report how the income is used based on the requirements for the issuing source of the income. Resource parents are responsible for completing all reporting requirements to the payment source when becoming payee for a child's benefits.

Resource parents are responsible for reporting any change in payee status to DCFS. However, Resource Workers and caseworkers should still inquire about payee status during visits to the resource home. DCFS staff will conference with their direct supervisor regarding any board payment adjustments needed due to a change in a payee for a child's Social Security benefits. For example, if a resource parent is the payee for \$130.00 in child support monthly, then DCFS staff should request a decrease in the child's board payment by \$130.00 per month. In some instances, the board payment may be adjusted to a "0" amount based on the child's payee status. This would occur when a child is drawing a benefit amount in excess of the established board rate. A resource parent who is payee for a 15-year-old child's benefit in the amount of \$720.00 would have a "0" board payment because the resource parent is receiving \$220.00 more than the standard board from Social Security. If the same child is special needs and has an established special board rate in the amount of \$940.00 then the resource parent would receive a board payment in the amount of \$220.00 per month.

Social Security Administration (SSA) is the sole entity in decision-making, regarding SSI applications for need and SSI payee status. SSA may contact resource parents with a request to become representative payee (for SSI payment) to a youth in foster care. If a resource parent becomes representative payee for a youth's funds, the resource parent will experience a decrease in board payment from DCFS. The resource parent will be expected to use the funds received for the child to make purchases to support the child's care.

## Transportation Reimbursement

Transportation costs associated with the child's case plan, such as attending staffing, court, visits with parents or siblings, and all medical appointments, may be reimbursed. Other extraordinary costs may be approved on a case-by-case basis.

However, room and board payments include routine travel expenses. As such, transportation will not be reimbursed for shopping for: clothes or groceries, childcare (unless it is a Medicaid allowable expense), taking a child to school, school activities, or church, unless prior approval has been obtained (based on special circumstances). Special circumstances might include situations in which a child may wish to attend a church other than that of a resource parent and travelling to his church would require a significant deviation from the route taken to the church attended by a resource parent. The Assistant Director of Community Services or designee will review all written requests. Approval will be made based on individual situations and will be given only for specified time periods.

# Repeal

Allowable transportation costs are reimbursed to resource parents at a rate determined by the DCFS. The resource parent completes a travel reimbursement form (TR-1) and submits it to the County Travel Supervisor or designee for approval and processing. When determining miles driven from city to city for mileage reimbursement, resource parents must use the DHS mileage calculator located at <https://dhs.arkansas.gov/milecalc/mileagecalculator.aspx>. Travel for provisional resource parents will be submitted to the DCFS office in their county of residence and should NOT be sent to the primary county for processing.

Requests for travel reimbursement must be submitted monthly. Requests for reimbursement for medical transportation must be submitted on a separate TR-1 form and must be accompanied by a CFS-352: Episodic Form for each medical, dental, or mental health appointment that is listed on the request for reimbursement. A copy of the CFS-352 should be maintained in the child's medical passport. Resource parents are required to attach an approved DHS-1010 to their Medicaid travel, for all medical appointments requiring travel outside the State of Arkansas.

## Incidental Expenses

An Incidental Expense Fund for children ages birth to thirteen (13), exists to provide items and activities intended to help normalize a child's life experience while in care. For example: camp fees, music lessons, field trips, school uniforms, summer expenses for daycare, and other items not specifically covered by other means, can be met by this fund. The Incidental Expense Fund is intended for items or activities which cost twenty-five dollars (\$25.00) or more and must be accompanied by documentation of need for the expense. Items covered by the board payment are not eligible for reimbursement from this fund. In addition, these funds will not be used for holiday gifts. The FSW will assist the resource parent in accessing these funds when the money is needed for a situation that meets the policy guidelines. These funding requests must also be approved by the DCFS Financial Support Unit. Request for use of incidental funds must be limited to one request per quarter. Resource parents must have prior approval for such purchases.

## Transitional Youth Services Funded through Chafee

Youth ages fourteen (14) and older in foster care are eligible for John H. Chafee Foster Care Program for Successful Transition to Adulthood funding for a variety of purposes, such as: extracurricular activities, other normal age-appropriate activities, and activities designed to help the youth transition to adulthood. These include assistance with homecoming, prom, cultural events, specialized school supplies required by the youth's school (e.g., graphing calculator, laptop), and graduation expenses. Use of Chafee funding must be pre-approved.

Chafee includes Educational and Training Vouchers (ETV) in the amount of up to five-thousand dollars (\$5,000) per state fiscal year to go toward the cost of attendance at a post-secondary educational or vocational institution for youth who:

- Age out of foster care at eighteen (18) or older and have not yet attained twenty-six (26) years of age or who enter into an adoption or guardianship from foster care at sixteen (16) and have not yet attained twenty-six (26) years of age (but ETV may not be accessed for more than five years total);
- Are enrolled in an accredited higher education institution; and,
- Are a student in good standing.



For more details about transitional youth services and supports funded through Chafee, to include the maximum amount allowable for some of the activities outlined in this subsection, please ask the FSW or TYS Coordinator who is assigned to the youth in your home.

## Trust Funds

When a child in foster care has income from child support or Social Security benefits, DCFS may apply to become payee. The child's funds will be deposited into a trust account for the child if payee status is awarded to DCFS. Separate accounts are maintained for each individual child in foster care, including those from the same sibling group. The funds in the account should be utilized solely for the individual child for whom the account was established, and no funds should be spent for any other child. DCFS staff must assess the availability of trust account funds and utilize those funds prior to seeking funding from other sources for purchases.

After basic needs are met, purchases may be made for items or services that will enrich the child's life. Examples of this include items such as tutoring, music lessons, and dance lessons.

Purchases utilizing the funds of trust accounts must be approved by the child's FSW. In some instances, approvals must also be approved by the FSW's Supervisor, Area Director, or DCFS Executive Staff. Only DCFS staff is permitted to make purchases from the accounts. To maintain a child's eligibility for some Medicaid Programs, the balances in Regular Accounts must remain within limits set by the State and Federal Governments. For example, if a child is receiving SSI then the countable value of the Regular Trust Account must be under two-thousand dollars (\$2,000) at the end of each month. A report is available to DCFS staff that lists children in foster care with Regular Account balances of one-thousand dollars (\$1,000) or more.

Resource parents are encouraged to assist DCFS in identifying children's needs that can be met using foster care trust funds. Recommendations for purchases that meet the criteria



discussed in this document should be made to the FSW so DCFS may decide if money is available for the purchase from a trust account, and so that DCFS may secure the necessary approvals to make the purchase.

## Clothing

### *Initial Clothing Voucher*

When a child first enters foster care, DCFS may issue an initial clothing order for the purchase of new clothing. Initial clothing orders will be issued on case-by-case basis. Not all children will need to purchase new clothing as they may come into care with ample clothing. The FSW will assess what clothing items are needed and issue the authorized amount of clothing allowance.

An initial clothing voucher purchase for children in foster care will be made using the p-card process, which requires submission to and approval by the Financial Support Unit. Upon approval, a typical scenario might involve the resource parent selecting clothing and leaving it with appropriate customer service staff of the store, where the FSW may present and pay for the merchandise. It is also possible for the resource parent and designated DCFS staff to go shopping together for the clothing.

### *Replacement or Supplemental Clothing Voucher*

A monthly allowance for clothing replacement is included in the board payment. Money for clothing and personal needs paid monthly to resource parents is based on the age of the child. The resource parents are to spend that amount of money for the child. However, money may be spent monthly or may be saved and used for a larger purchase later. All receipts from the purchase of clothes must be retained by the resource parent and turned in to the resource worker during the quarterly visit.

With the approval of the applicable FSW supervisor, it is permissible to obtain a supplemental clothing voucher when there is an exceptional circumstance. Examples include, but are not limited to, when a child has a significant growth spurt, needs new clothing items for the upcoming season, or the child has an event at school or church that requires special

attire. The resource parent must contact the FSW, in the event this need should arise. The resource parent will be required to provide information about the clothing that the resource parent has purchased for the child (from the monthly board payment), to include receipts for clothing purchased, and will be required to explain the reason for the supplemental clothing voucher.

The following guidelines related to clothing apply to resource parents:

- Provide (with the assistance of DCFS) each child with their own clean, well fitting, attractive, seasonal clothing that is appropriate to age, sex, individual needs, and is comparable to the community standards;
- Include the child in the selection of their own clothing (whenever possible and age appropriate);
- Keep receipts for monthly (or quarterly as appropriate) clothing purchases, and provide the receipts to the resource worker during quarterly visits to the resource home; and,
- Send all personal clothing and belongings with the child when the child leaves the resource home.

# Repeal

## **Personal Allowance for a Child in Foster Care**

The resource parent will give an allowance to the child from the board payment. The amount of the child's allowance is determined by the resource parent based on the child's chronological and developmental age.

## **School Lunches**

Children in foster care are eligible for free meals in all schools which participate in the National School Lunch or Breakfast Programs and in the Commodity-only schools.

## WIC Programs

The Women, Infants and Children Food Program, WIC, is administered by the Health Department. The program provides, on a monthly basis, nutritious foods for pregnant and nursing women and infants and children up to age five (5) years. Eligibility is determined by a medical assessment of nutrition risks such as iron-poor blood and improper growth, etc. Foods provided by WIC are supplemental and are not intended to fulfill all nutritional needs for a month. Children in foster care may be eligible for WIC.

## Additional Assistance with Expenses

In addition to the items already listed, the following items are allowable with the approval of the County Office Supervisor or designee:

- Emergency medical services and drugs not covered by Medicaid.
- Childcare or babysitting fees may be defrayed with financial support from the Division, when required to attend training or for parent's own children when transporting a child in foster care to services, when funding is available. This does not include childcare for a resource parent's employment or any regular childcare arrangements for a child in foster care will be arranged through a voucher from the Division of Child Care and Early Childhood Education.

Any other expenses must receive prior approval from the Area Director. This can be requested by the FSW.

# WHAT OTHER FINANCIAL CONSIDERATIONS ARE THERE FOR RESOURCE PARENTS?

## Income Tax Information

Board payments paid to resource parents are not considered taxable income by the Internal Revenue Services. Current tax laws may allow special treatment for resource parents. Because IRS laws are complex and subject to change from year to year, for specific tax advice resource parents should consult with an accountant or tax specialist. Information about all placements in a resource home can be located on the Resource Family Portal:

<https://dhs.arkansas.gov/dcfs/CHRISWP/Default.aspx>.

## Foster Care Payment and Eligibility for Assistance

Board payments, made by DCFS for the care of children in homes of public assistance recipients, are not considered to be a resource in determining eligibility for assistance or the amount of the grant. This payment is designated for certain purposes and is not available to the resource parents. For any resource parent applying for the Supplemental Nutrition Assistance Program (SNAP), a re-evaluation of stable income will take place. This may impact the approval status of the resource home.

## Overpayment to Resource Parents

From time to time, resource parents may be overpaid on a board payment. If this happens, during the next month, the computer system may automatically generate a correction. The amount of the overpayment will become an account receivable, due from the resource parent if restitution is not made prior to the next payment cycle. Per funding source, each subsequent board payment will be offset until the amount of the overpayment is recovered. The funding source of the board payment (federal or state funds) will determine whether the overpayment is deducted from the next board payment. If funds are from the same funding source, it will be deducted from the next board payment. If it is not deducted, the Office of Finance and Administrative Services will send a notice of overpayment. Account reviews are processed monthly and overpayment statements are normally sent monthly.

DCFS may also seek correction of board, in situations where a resource parent has become the payee for a child's funds within the cycle and, has received both a full board payment and payment for the child's additional benefits, within the same payment cycle, resulting in an overpayment to the resource parent for that payment cycle.

A resource parent may contact the Foster Care Technical Assistance Unit (501-396-6477) for help with any overpayment statement. The unit will research the overpayment and provide an explanation.



# Repeal

# WHAT OTHER SUPPORTS ARE AVAILABLE TO ME IN MY ROLE AS A RESOURCE PARENT?

## Availability of Family Service Worker and Resource Worker to Resource Families

For resource parenting to be a successful experience, one must have access to the FSW and Resource Worker. If either of these staff members is absent from the office when telephoned, calls will be returned promptly. If a visit is necessary, it will be scheduled.

Telephone numbers of the Resource Worker who may be contacted after hours will be furnished (See section on DCFS County Office contact persons in the back of this Handbook). After-hours contact should be used for emergencies only. Also, information will be provided which may be needed for the child in the home in an emergency, such as the child's Medicaid number and Medicaid caseworker. At the time of placement, all information known about the child will be provided such as: expected length of stay, information regarding illnesses, chronic health problems, medication, habits, etc.

## Crisis and After-Hours Response

Resource parents will have access to a FSW in their county twenty-four (24) hours a day, seven (7) days a week. A list of after-hours numbers (on-call cell phone numbers), where the local on-call FSW can be reached will be provided. If the after-hours call requires a direct contact with the child's FSW, the on-call worker will contact the assigned worker and have that worker make contact.

## Resource Family Portal

Open resource families have access to the Resource Family Portal. The portal allows resource parents to have twenty-four (24) hour a day access to information such as placement dates for children placed in the home, DCFS contact information, resource home

reevaluation date, approved RFSS information, bank profiles, Medicaid numbers, and links to DCFS forms and policy. Resource parents will need to log in and set up a user account.

Direct Deposit is available for board payment, subsidy payments and travel reimbursement so that monies are automatically drafted into the provider's bank account. If no bank account is set up, a check will be mailed to the provider. Providers may choose to have their board payment direct deposited into their checking account or issued as a paper warrant and mailed to the provider address. DCFS strongly encourages use of direct deposit, to prevent payment delays when a warrant is lost in the mail or misplaced. Reissuance of a paper warrant takes 30-90 days and is not controlled by DCFS.

The portal can be found at: <https://dhs.arkansas.gov/dcfs/CHRISPWP/Default.aspx>.

Resource families will also be able to use the Resource Family Portal to view current and previous placements, assigned FSW supervisor and their contact information, links to update paperwork, and other helpful DCFS information.

# Repeal

## Counseling

Where there is a need for counseling services for the resource home to prevent disruption and to promote stabilization, counseling will be provided. Requests for counseling are made to the FSW, who is responsible for making a referral to the appropriate Community Mental Health Center.

## Community Resources

The DHS County Office will inform all resource parents about available resources in the community as well as resources in other areas, which may be relevant to a child. This information will be updated as new services become available.

It will be the responsibility of DCFS to pursue any mutually agreed upon resource needed for a child. The resource parent's assistance may be enlisted for this purpose.

### **Resource Parent Associations**

The formation of active and independent resource parent associations is encouraged. DCFS will provide support by the appointment of a Resource Worker to the association. A DCFS representative will also be available, when called upon to provide information about the Foster Care Program and allow resource parents to voice any concerns they may have with DCFS policies.

Please also refer to Appendix 5: Useful Links for Resource Parents for other information and access to other supports.

# Repeal



# WHAT EXTRAORDINARY CIRCUMSTANCES DO I NEED TO BE PREPARED FOR?

As much as the Division hopes your time as a resource parent will not bring anything out of the ordinary to you or your home, DCFS also has the responsibility of ensuring you know about extraordinary circumstances that may arise and how to respond to them. A brief description of some extraordinary circumstances resource parents may experience are described below.

## Emergency Situations

Notify DCFS immediately of serious illness, accidents, or any unusual circumstances affecting the health, safety, physical, or emotional well-being of the child in foster care. However, if you cannot reach the child's FSW or FSW Supervisor, never delay arranging for emergency medical care for the child if needed.

**Repeal**

## Damages to Your Home or Other Property

If damages to your home or other property occur, the first step is to file a claim with your insurance (e.g., homeowner's, automobile, etc. as applicable). Any claims that are not covered by homeowner's or rental insurance (or other insurance coverage type as applicable) for damages or destruction to a resource parent's personal property or to the property of others due to the actions of a child placed in a resource home must be filed with the Resource Supervisor within sixty (60) calendar days of the incident that resulted in the damage. Documentation must include a detailed description of the situation that occurred as well as a description of damages caused by the child in foster care. Often photographs will also be requested along with any receipts for services rendered or goods purchased to repair any damages.

The Resource Supervisor will submit the request and associated documentation to the local Financial Coordinator or designee who will then route it to the Resource Parent Reimbursement Committee via the Foster Care Manager. The Resource Parent

Reimbursement Committee will review the claim and determine if reimbursement is warranted. If the claim is approved, the Foster Care Manager or designee will submit the claim to the Central Office Finance Unit for payment. The Central Office Finance Unit will then collaborate with the local Financial Coordinator or designee, as needed to ensure the reimbursement is made to the resource parent. Payment will be made on a reimbursement basis only. Typically, reimbursement for damages that occur as a result of normal age appropriate activities (e.g., throwing a baseball during a game of catch that results in a broken window) are not reimbursed but resource parents may still submit for reimbursement consideration if desired.

## Missing Children

If a child runs away or is otherwise missing from the resource home and cannot be located within one (1) hour, please notify the child's FSW and on-call worker (if after hours) within the one (1) hour of the child's disappearance. If you have reason to believe the child was taken (rather than ran away on his or her own accord), please notify the child's FSW and on-call worker (if after hours) immediately. You will need to provide information regarding clothes the child was wearing, etc., to aid the FSW in making a report to the police. DHS will work with the National Center for Missing and Exploited Children (NCMEC) and local law enforcement to help locate the child.

## Arrests

If a youth in foster care is arrested, please notify the FSW or On-Call Worker (if after hours). The FSW will talk to law enforcement officials to find out where the youth is being held, the alleged offense, times of the hearings, and possible repercussions. The FSW will also determine if the youth understands his or her legal rights and has not unknowingly waived the rights to silence and to the presence of an attorney during any questioning.

The FSW will attempt to have the youth released back to your resource home if you are supportive of that arrangement and willing to sign a statement that the youth will be returned on the day of the detention hearing and/or the adjudication hearing. The youth's birth or legal parents (if parental rights are still in place) will be notified. The DHS attorney will also be notified. The public defender will be contacted to assure that the youth is protected and has

an attorney to represent him or her in any delinquency or criminal proceedings. The FSW will attend court with the youth.

## **Allegations of Maltreatment**

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

The Arkansas State Police Crimes Against Children Division (CACD) will conduct all child maltreatment investigations (Priority I and II) involving a resource parent or household member of a resource home. A child maltreatment investigation must be completed within forty-five (45) business days from receipt of the report to the Child Abuse Hotline. Under certain circumstances, a fifteen (15) day extension may be requested to complete the investigation and make a determination of good cause.

Once an investigative determination has been made the alleged offender will receive a written notice in the mail stating the investigative determination. For true determinations, the alleged offender may request an administrative hearing within thirty (30) days of receipt of this notice, otherwise the offender's name will be placed in the Child Maltreatment Central Registry. The notice will provide instructions regarding how to request an administrative hearing.

During a child maltreatment investigation (involving any household member of a resource home, DCFS staff will conduct an individualized evaluation to assess the safety of the child within twenty-four (24) hours of the receipt of the report to determine if the child can safely remain in the home during the course of the investigation. DCFS staff will try to coordinate this visit to the home to assess safety with CACD staff.

If any health or safety factors are identified in the resource home, the child will be moved into another approved placement. However, if no health and safety factors are identified, and if it can be shown that it is in the best interest of the child currently placed in that resource home, a corrective action plan may be considered to allow the child in foster care to remain safely in a home involved in a child maltreatment report. A corrective action plan is designed to ensure the safety and well-being of the child in the home, as long as the concern was not directly related to an act or omission rising to the level of maltreatment on the part of the resource parent(s).

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

# Repeal

While any resource home is being investigated because of a child maltreatment allegation, no additional children in foster care may be placed there (regardless of whether a corrective action plan was required or not).

## **Actions for Unsubstantiated Reports**

All unsubstantiated reports involving resource homes must be reviewed by the Resource Family Review Committee (for more information see Appendix Six (6): Resource Family Review Committee), to discuss lifting the corrective action plan (if applicable), the placement of the child involved, and the availability of the resource home. Even if a child maltreatment report involving a resource home is unsubstantiated, the Division retains the right to continue to leave the home on unavailable status or to close the resource home, as appropriate.

Decisions will be made on a case-by-case basis and will be based on the best interest of the child. A face-to-face meeting will occur (with resource parents) to discuss the closure of the home and a written notice will also be provided.

## **Actions for True Maltreatment Reports Involving a Child in Foster Care, Pending Due Process**

There may be some situations in which a true determination is made that involves a child who remained in the home during the course of the investigation and will continue to remain in the home until due process has been met. If these circumstances apply, the corrective action plan for the resource home, if applicable, as well as the overall health and safety of the child, will be reevaluated immediately, but no later than twenty-four (24) hours from the time the investigative determination is made.

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

# Repeal

A staffing will be held within three (3) business days of the true determination so that all parties to the case and any other appropriate stakeholders may have input regarding the corrective action plan, if applicable, or the placement of the child.

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

## **Actions for True Maltreatment Reports Involving a Child in Foster Care Upon Satisfaction of Due Process**

If the resource home is still open and the child remains in the home, then upon satisfaction of due process, regardless of the result of the administrative hearing (if applicable), the safety and well-being of each child who is in the home will be reassessed at a staffing. This staffing will be held within three (3) business days of the administrative hearing.

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

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

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

For resource homes that remain open, following a true determination that the resource family either chose not to appeal or had a true determination overturned, that resource home will be reevaluated by the Resource Worker, with input from the FSW, FSW Supervisor, Resource Worker Supervisor, and County Supervisor. The reevaluation will also determine what may be necessary (for example additional training, revisions to the characteristics of children allowed

to be placed in the home, or other changes) to ensure the health and safety of any and all children placed in the home.

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

The Division retains the right to continue to leave the resource home on unavailable status, or to close the resource home (as appropriate). A face-to-face meeting will occur with resource parents to discuss the closure of the home and a written notice will also be provided.

# Repeal

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

## **Complaints Against the Resource Family Other than Child Maltreatment**

Any complaint against the resource parent will immediately be brought to the attention of the DCFS Resource Supervisor or Area Director.

After the review by the DCFS Resource Supervisor or Area Director has determined the validity of the complaint, the resource parent will be advised, in writing, of the complaint, the outcome of the review, any corrective action to be made, and any other action that will be taken. An agreement will be made between the resource parents and their Resource Worker for corrective action. The resource parents must submit in writing, the steps necessary to correct the deficiency, within ten (10) days after notification from the appropriate decision-making personnel, or submit application applying for an alternative compliance or policy

waiver (see Appendix One (1) for more information). This corrective action plan must receive the approval of the Resource Supervisor or designee. Resource parents will notify their local DCFS Resource Worker within thirty (30) days of the original findings being received that all corrective steps have been completed. In the absence of said notification from the resource parents, it will be presumed that they have elected not to comply with the findings of the appropriate decision-making personnel. DCFS will offer any assistance available to correct the problem. If the problem still exists after working with the resource parents, another meeting will be held to discuss closing the home.

Any complaint, regardless of nature, must be recorded in detail in the resource home record. The report will include the following information:

- Date and nature of complaint;
- Source of complaint;
- Reaction of the resource family;
- Updated home assessment or summary;
- Services offered to the family as a result of the complaint;
- Conclusion of review;
- Corrective action needed;
- Action taken as the result of compliance or non-compliance of any corrective actions put in place.



## WHAT HAPPENS WHEN REUNIFICATION IS NOT ACHIEVED?

DCFS and all other team members, including the resource parents, will make every effort to help a family reunify. Unfortunately, there are sometimes circumstances when, despite the best efforts of all team members, reunification is not possible. At that point in time, the team will most likely work to put the concurrent goal in place.

If reunification is no longer the goal in a case, there may be a recommendation to terminate parental rights (TPR). Once parental rights have been terminated, a child may be adopted. There is a hierarchy of permanency options the Division must explore that gives preferential consideration to relatives and fictive kin. However, a resource parent may apply to DCFS to adopt a child in DHS custody whose parents' rights have been terminated. Homes that wish to adopt children from DHS custody first offer pre-adoptive services to these children. Resource homes that provide pre-adoptive services are then approved as homes in which a child in DHS custody is placed for at least six (6) months after a petition for adoption is filed. The child is still considered to be in foster care during the six- (6) month pre-adoptive period.

When resource parents are interested in adopting a child in foster care who has been residing in their home, DCFS will consider the benefits provided by them for that child. The child's wishes will also be considered. The FSW, or other team members such as the child's therapist, will speak with the child alone regarding this major decision in his or her life and help the child consider all the facts.

If a resource parent wishes to adopt a child in DHS custody who has been residing in their home, the resource parent should make this wish known by requesting and completing CFS-489: Resource Parent Request for Consideration to Adopt. The resource parent and the child's FSW will review this form together to determine if the resource parent meets the basic qualifications outlined on the form.

Resource parents who are selected to adopt a child in DHS custody will have the opportunity to apply for subsidy to support the child according to DCFS Adoption Subsidy Policy. Approved adoptive applicants should be aware that approved adoption subsidies do not automatically follow the child. If an adoptive parent became unable to care for the adoptee resulting in a change in placement for the adoptee, the adoption subsidy will stop. If a subsequent adoption occurred, the child may qualify for an adoption subsidy at that point in time.



# Repeal

# HOW DO I CONTINUE SERVING AS A RESOURCE PARENT?

To continue serving as a resource parent, you will have to continue to comply with all Minimum Licensing Standards and DCFS policies which will be monitored through the mechanisms described below.

## Quarterly Visits

We hope that resource parenting is a positive experience for you and that you choose to continue serving as a resource home! In order to make sure your home continues to meet Minimum Licensing Standards and DCFS policy requirements, and to make sure you have the support you need as a resource parent, your Resource Worker will conduct at least quarterly visits to your home. At least one quarterly visit to the resource home must be unannounced.

# Repeal

## Annual Reevaluations

Your Resource Worker will also complete an annual reevaluation no later than the anniversary month of the resource home's approval, to ensure that the home continues to meet all standards and policy requirements. Any resource home that does not continue to meet standards will be closed for placement of children in foster care, if it cannot be remedied through a corrective action plan.

This reevaluation is necessary to ensure that physical changes in the home or family structure, or perspective changes of resource family members do not adversely affect children placed in that home. After having experienced children in foster care in the home, a resource parent may have different views about resource parenting and the ability to work with different types of children. Quarterly visits are an opportunity to discuss such changes with your Resource Worker. But, never hesitate to reach out to your Resource Worker between quarterly visits, to discuss changes in your family, concerns, or questions. This is important information to support you, as a resource parent, and for DCFS to consider when placing or supervising a child in your home.

The resource parent reevaluation packet will be distributed to the resource parent and is to be completed by the Resource Worker prior to the annual reevaluation visit. The Resource Worker will make an appointment to conduct the reevaluation, review the completed packet, and speak with the resource family. The resource parent reevaluation form will be filed in the resource home record and a narrative entry will also be made in the record, that reflects the resource worker's assessment of the following items:

- Continued compliance with Minimum Licensing Standards;
- Continuing education compliance;
- Maintenance of current CPR Certification and First Aid certification;
- How the family has met the needs of the children placed, including physical, emotional, educational and recreational needs;
- Identification of persons in the home at the time of the reevaluation;
- Attitudes toward birth or legal parents;
- Objective evaluation of present and future capacity as a resource home, to include strengths and weaknesses;
- Health and financial status;
- Status update regarding other applicable requirements, such as physician's exam, criminal record checks, motor vehicle check, finances, and telephone;
- Age, sex, and special characteristics of children who should be placed in the home; and,
- Any problems or challenges that need to be addressed.

The Resource Worker will notify the family of the result of the reevaluation in writing within ten (10) business days by sending a reevaluation letter.

In addition to the annual reevaluation, a resource home will also be reevaluated in the event of any of the following major life changes:

- Death or serious illness among the members of the resource family;
- Marriage, separation, or divorce of resource parents;
- Loss of or change in employment status by either resource parent;
- Change in residence;
- Suspected maltreatment of any child in the home;
- The addition of family members (e.g. birth, adoption, aging relatives moving in);
- Any other major life changes for the resource family; and,
- The Resource Worker will monitor the resource home at least quarterly for continued compliance with the minimum licensing standards and policy requirements.

In situations where an existing single resource parent plans to marry or otherwise cohabitate, a reevaluation will be conducted. DCES staff must ensure that the future spouse or partner is interviewed to discuss their compliance with the “Personal Characteristics” outlined in this publication. The intended spouse or partner must complete and pass all background checks and attend pre-service training. All unmarried or unpartnered resource parents must inform their Resource Worker as soon as they are aware of any plans to marry or cohabitate, so that the application process can be initiated on the intended spouse or partner.

When existing resource parents plan to divorce, a reevaluation will be conducted to determine if one or both of the resource parents (depending on whether either elects to continue to serve as a resource parent) still meet all other standards of approval to ensure the health and safety of the children placed in the home.

## Continuing Education

It is necessary to improve the skills of existing resource parents through on-going training, following pre-service training. To that end, resource parents are required to earn fifteen (15) hours of continuing education each year, beginning with their one-year anniversary of approval as a resource home. The fifteen (15) hours of continuing education are not required during the first year of being opened as a resource home.

Training classes may cover a wide range of topics related to parenting, child development and behavior, and medical needs to name a few. Continuing education opportunities may be offered by educational systems (college, university, local school system, or others), the Arkansas Department of Health, Community Mental Health Centers, Resource Parent Associations, Resource Parent Continuing Education providers contracted through DCFS, and others. Area resource parent conferences are held annually, if funds are available, to give resource families the opportunity to obtain the required hours. Both in-state and out-of-state conferences may be considered training. Funds may be available to defray expenses for these educational opportunities. Prior approval is required from the local Resource Unit for reimbursement. If interested, please contact your Resource Worker.

Continuing education hours may be earned through in-person/classroom trainings, online courses, video, television programs, or books related to child abuse, child development, parenting, trauma-informed care, and other approved topics. Continuing education hours obtained through video, books, online courses, or television programs for each resource parent must have prior approval by the assigned Resource Worker. The Resource Worker will inform resource parents of any training and educational opportunities known to them.

The same training classes cannot be repeated annually, whether classroom based or through other venues described above.

Resource parents are responsible for reporting participation in non-DCFS sponsored training to their resource worker. Evidence of attendance (training certificate, etc.) will be needed to document participation.

Travel expenses incurred when attending local and DCFS sponsored training may be reimbursable contingent upon funding availability. This may include a set rate to help defray the cost of babysitting expenses incurred for continuing education hours. A Resource Worker must be contacted prior to the training for approval of such expenses.

First Aid/CPR recertification is required every two (2) years, but the First Aid and CPR recertification training may not be counted toward the required fifteen (15) hours continuing education.

### **Resource Parent Request to Close**

If for whatever reason you do not want to continue serving as a resource parent, you may request your home to be closed. Please contact your Resource Worker if you are considering closing your home. The Resource Worker will discuss the reasons for closure with you. The request for closure by resource parents will be confirmed in writing by the Resource Worker and sent to you.

### **Division's Decision to Close a Resource Home**

If the Division chooses to close a resource home, a face-to-face meeting will occur with resource parents to discuss the closure of the home and a written notice will also be provided. This notice will include information regarding the process for an internal review of adverse action (for additional information, see Appendix 7: Internal Review of Adverse Action Involving Resource Parents). The notice will also include a summary documenting the reasons for closure, as well as all efforts by the county office to rectify the problem. The final assessment and determination of closure will be made by the Resource Worker, in collaboration with designated county staff, the Area Director and Central Office staff, as appropriate.

# WHAT HAPPENS WHEN A CHILD LEAVES MY HOME?

If you serve as a resource parent for a child in foster care for any length of time, saying good-bye will be hard for many reasons. There are some common circumstances for which a child may leave your home:

- The child is returning to his or her parent's home.
- The child is moving to a permanent placement other than your home.
- The child needs a higher level of care.
- The child is reuniting with siblings in the another home.
- The youth is transitioning to independent living, such as a college dorm or his or her own apartment.
- A child maltreatment investigation occurs warranting the child's removal.
- Agency decision based on other factors (e.g., a conflict between the child and resource family, inability of the resource parent to support reunification).
- When an emergency makes it impossible to provide continued care or other reasons per your request (see "Request to Move a Child from Your Home" below for more information).
- Closure of the resource home (see "Division's Decision to Close a Resource Home" below for more information).

Regardless of the reason, when there is a plan for a child to move to another placement, you should receive a two (2) week written notice from the child's FSW. Although, sometimes, there is no advance notice because of an emergency situation involving the child's health, well-being, or upon written court order. The two (2) week notice will give you and the child time to say goodbye to one another, and for the child to say goodbye to others who have become a part of their life while in your home (such as teachers and classmates, if the child



will be enrolled in a different school). Resource families often become attached to the children in their care, and the children, in turn, become attached to their resource family. You may feel angry, sad, or in denial when a child must leave your home. Allow time to grieve the loss of the child. You may want to talk with your spouse, a friend, assigned worker, or another resource parent.

Some resource families may want to take a break between placements, while others prefer to work with another child right away. Take care of your own feelings in the same way you try to take care of the children in your care.

When a child leaves a resource home, you will play a role in helping the child with the transition. For example, you can:

- Explain and talk about the reasons and circumstances for the move.
- If the child is being reunified with his or her biological or legal parents or moving to another permanent home, take time to celebrate while also pointing out and working through feelings of grief and loss for you and the child.
- Include the child's parent or new resource family, if possible, not only in planning for the child's physical departure, but also in preparation for the emotional separation that will occur.
- Look at the child's life book (e.g., a compilation of any cards, mementos, photos, etc.) that you put together while the child was in your home and talk about how the life book will go with the child.

A child's clothing and personal belongings will always be sent with them when leaving a placement. In addition, the following records will need to follow the child:

- Mental health, medical and dental treatment records;
- Immunization records;
- School records;
- Report cards; and,

- Life books.

## **Request to Move a Child from Your Home**

Multiple placements for a child in foster care can have short and long-term negative effects on that child. As such, the Division will work to support you in maintaining a child in your home, until the case plan goals for that child and family are accomplished.

However, if it becomes necessary to request removal of a child placed in your home, please make every effort to give DCFS advanced notice. In addition, when a resource parent requests a child in foster care to be moved to another placement (excluding an emergency that places the child or a family member at risk of imminent harm), the resource parent must attend a staffing to discuss what services or assistance may be needed to stabilize the placement. The staffing will be held within forty-eight (48) hours of notification by the resource parent, to have the child removed from their home. The child in foster care, the child's attorney ad litem, and the assigned ASA, if appointed to the case, will be notified so that they can participate in the staffing and planning for the child's placement. If the placement cannot be stabilized, the resource parent will continue to provide for the child in care, until an appropriate alternative placement is located. This will not be longer than five (5) business days after the staffing. These efforts will serve to reduce the number of placements of children in foster care, for the reasons described above.

## WHAT ELSE DO I NEED TO KNOW?

As stated in the welcome section of this handbook, this publication outlines only some of the basic information about opening as a resource home for the Division of Children and Family Services and caring for a child placed in your home. This document cannot capture everything that may arise during your time as a resource parent, but we hope it serves as a helpful reference. You are providing an incredible service to the children of Arkansas by making sure that children placed in your care have a safe and stable home, as their families and the rest of their team -- including you -- work toward reunification. We cannot say enough about how much we want to support you in this role, so please reach out to DCFS staff for questions or concerns not addressed in this handbook.

*Thank you for your service!*

# Repeal

# APPENDIX 1: ALTERNATIVE COMPLIANCE & POLICY WAIVER REQUESTS

“Policy Waiver” is defined as a request to deviate from the letter of the DCFS Policy and procedures. The DCFS Director or designee approves all policy waiver requests. The following require a policy waiver:

- A. Any misdemeanor convictions, except for minor traffic violations;
- B. Driving under the influence (DUI) or Driving while intoxicated (DWI);
- C. Any issues that are not in compliance with DCFS Policy; and,
- D. Record of maltreatment.

- a. However, any person found to have record of child maltreatment will not only be reviewed by the DCFS Director or designee, but the DCFS Director or designee will also review and consult with the Child Welfare Agency Review Board via the Division of Child Care and Early Childhood Education (DCCCE) Placement and Residential Licensing Unit (PRLU) Manager (as its designee regarding the policy waiver and any corrective action associated with the policy waiver).

“Alternative Compliance” (AC) is defined as a request for approval from the Child Welfare Agency Review Board (CWARB) to allow a licensee to deviate from the letter of a regulation. The licensee must demonstrate substantial compliance with the intent of the regulation. This includes regulations governing criminal background checks, and convictions for prohibited offenses.

Traffic violations, other than DUI or DWI, do not require a policy waiver or alternative compliance as they are dealt with through the vehicle safety program. DUI and DWI violations require a Policy Waiver.

The standard protocol for requesting a policy waiver or an alternative compliance is the same, up until the point when the request is given to the DCFS Director or designee.

The protocol for standard policy waiver and alternative compliance requests are as follows:

The Family Service Worker (FSW) will:

- A. Determine if a policy waiver or alternative compliance will be requested, based on the FSW's professional judgment. Issues to take into consideration on criminal convictions and record of maltreatment include:
  - a. The nature and severity of the crime or maltreatment;
  - b. Consequences of the crime or maltreatment;
  - c. Frequency and duration of the crime, or maltreatment and when the maltreatment occurred;
  - d. Relationship between the crime or maltreatment and the health, safety and welfare of any individual; and,
  - e. For maltreatment offenses listed on the Child Maltreatment Central Registry, whether the offender is eligible to request removal from the Child Maltreatment Central Registry Review Team.
- B. If approval is recommended by the FSW Supervisor or designee, the FSW will request a policy waiver or an alternative compliance using the CFS-509-B: Request for Alternative Compliance or Policy Waiver and will attach all appropriate supporting documentation, as applicable:
  - a. Three personal references;
  - b. CFS-446: In-Home Consultation Visit Report;
  - c. Current home study, if one has been completed;
  - d. Copy of the Child Maltreatment Central Registry Check, State Police Criminal Record Check or FBI Background Check resulting in a hit; and,
  - e. The police report and any other reports regarding any criminal charges or convictions must also be attached as documentation when an alternative compliance is requested for an excluded criminal offense.

The FSW Supervisor or designee will:

A. Determine if the requested policy waiver or alternative compliance is appropriate for approval within:

- a. Five (5) business days of receipt of the request for traditional applicants;
- b. Three (3) business days for relatives and fictive kin;

*Issues to take into consideration include, as applicable:*

- i. The nature and severity of the crime or maltreatment;
- ii. Consequences of the crime or maltreatment;
- iii. Frequency and duration of the crime, or maltreatment and when the maltreatment occurred; and,
- iv. Relationship between the crime or maltreatment and the health, safety and welfare of any individual such as the:
  - 1. Age and vulnerability of the crime victim;
  - 2. Harm suffered by the victim; and,
  - 3. Similarity between the victim and the person served by a child welfare agency.
- v. Time elapsed without a repeat of the same or similar event;
- vi. Documentation of successful completion of training or rehabilitation related to the incident; and,
- vii. Any other information that relates to the applicant's ability to care for children or is deemed relevant.

B. If approved, the FSW Supervisor or designee will send it to the Area Director or designee.

C. If denied, the FSW Supervisor or designee will notify the FSW and the family.

The Area Director or designee will:

- A. Within five (5) business days of receipt of the request for traditional applicants, or three (3) business days for relatives and fictive kin, determine if the requested policy waiver or alternative compliance is appropriate for approval, based on the considerations previously outlined in this protocol.
  - a. If approved, the Area Director or designee will send it to the DCFS Director or designee.
  - b. If denied, the Area Director will return it to the FSW Supervisor or designee.
    - i. The FSW Supervisor will notify the FSW and the family.

At this point, the procedures for requesting a policy waiver differ from the procedures for requesting an alternative compliance.

### **Policy Waivers**

When a policy waiver has been requested, the DCFS Director or designee will, within three (3) business days of receipt of the request:

- A. Deny any inappropriate request for a policy waiver and return it to the Area Director or designee; or,
- B. Approve an appropriate request for a policy waiver.

The DCFS Director's or designee's final decision will be conveyed to the Area Director or designee for appropriate action.

### **Alternative Compliance**

When an alternative compliance has been requested, the DCFS Director or designee will:

- A. Deny any inappropriate request for an alternative compliance and return it to the Area Director or designee within three (3) business days; or,

- B. Approve an appropriate request for an alternative compliance and notify the Area Director or designee and send it to the Placement and Residential Licensing Unit (PRLU) Manager or designee (within in three (3) business days).

The PRLU Manager will:

- A. Review the AC request to ensure all required documents are in the packet.
- B. Request any missing documentation be submitted.
- C. If all required documentation is included in the AC packet, place the AC request on the agenda of the next scheduled meeting of the Child Welfare Agency Review Board (CWARB).

The FSW who made the original request for an alternative compliance on behalf of the resource parent applicant or resource parent will:

- A. Notify the resource parent applicant or resource parent of the CWARB meeting at which their presence is required via CFS-510 sent by certified, restricted mail.
- B. Prepare the resource parent applicant or resource parent for what to expect at the CWARB meeting.
- C. Appear with the resource parent at the CWARB meeting to answer questions.

The CWARB will give final approval or denial of the request for the alternative compliance.

Any applicant who does not meet all standards of approval for a resource home, or for whom a policy waiver or alternative compliance is not approved, will be denied. Reasons for which an applicant is denied will be made in the applicant file and record. The applicant will be informed in writing of the reasons for denial.



# APPENDIX 2: NATIONAL FOSTER PARENT ASSOCIATION CODE OF ETHICS FOR RESOURCE PARENTS

## Preamble

This mission of the National Foster Parent Association is to be a respected national voice for foster, kinship, and adoptive families through networking, education, and advocacy.

The Code of Ethics for Foster Parents begins by emphasizing that family foster care is an integral component of the child welfare system which:

- Recognizes the rights of children and youth to safe, nurturing relationships, intended to last a lifetime;
- Assists parents to regain custody or make alternative plans, intended to last a lifetime, for their children and youth;
- Emphasizes the developmental needs of children and youth;
- Provides all children with foster parents and child welfare professionals who have the skills to support safety, developmental, and permanency needs, and ensure supports necessary to develop and use these skills;
- Ensures that family foster care is part of a comprehensive, coordinated, inter-disciplinary service delivery system;
- Provides legal representation to ensure timely and skillful responses to service plans involving court proceedings;
- Collects, analyzes, and disseminates accurate and relevant data about children, youth, and all their families leading to informed policies, programs, and practices;
- Supports family foster care - and all child welfare services - with effective and accountable leadership in city halls, governors' offices, national organizations, the judiciary, the federal government, Congress, and the White House.

## Statement of Purpose

The Code of Ethics is a public statement by the National Foster Parent Association that sets clear expectations and principles to articulate basic values and guide practice. Family foster care is a public trust that requires foster parents, with essential supports from their agencies, to be dedicated to service for the welfare of the children in their care. All foster parents have

an obligation to maintain and improve the practice of fostering, continuously examine, use, and increase the knowledge upon which fostering is based, and perform the service of fostering with dignity, integrity, and competence.

## Principles

Foster parenting requires competencies in the following domains:

**Principle 1:** Providing a safe and secure environment

**Principle 2:** Providing a loving, nurturing, stable family care environment.

**Principle 3:** Modeling healthy family living to help children, youth, and families learn and practice skills for safe and supportive relationships.

**Principle 4:** Providing positive guidance that promotes self-respect while respecting culture, ethnicity, sexual orientation, gender identity, and expression, and agency policy.

**Principle 5:** Promoting and supporting positive relationships among children, youth, and their families to the fullest possible extent.

**Principle 6:** Meeting physical and mental health care needs.

**Principle 7:** Promoting educational attainment and success.

**Principle 8:** Promoting social and emotional development.

**Principle 9:** Supporting permanency plans.

**Principle 10:** Growing as a foster parent - skill development and role clarification; participation in training, professional or skill development, and foster parent support organizations and associations.

**Principle 11:** Arranging activities to meet children's individual recreational, cultural, sexual

orientation, gender identity and expression, and spiritual needs, commensurate with agency policy.

**Principle 12:** Preparing children and youth for self-sufficient and responsible adult lives.

**Principle 13:** Meeting and maintaining all licensing or approval requirements.

**Principle 14:** Advocating for resources to meet the unique needs of the children and youth in their care.

**Principle 15:** Collaborating with other foster parents and the child welfare team, building trust and respecting confidentiality.

**Principle 16:** Promoting decisions that are in the best interest of children and youth, promoting safety, well-being, and permanence.

**Principle 17:** Supporting relationships between children and youth and their families.

**Principle 18:** Working as a team member.

Repeal

## APPENDIX 3: SERVING AS A RESOURCE PARENT FOR TEENS / THE TRANSITIONAL YOUTH SERVICES PROGRAM

Serving as resource parents for teens can bring its own set of rewards and challenges. Resource parents who are not only willing to take teenagers, but who are also willing to nurture them and take time to work with them on gaining important life skills is a great need. For instance, you can teach a teen placed in your home how to check the oil in the car and change a tire.

Employment can be another way to help a teen learn necessary independent living skills. If a teen placed in your home is interested in working, you and the rest of the youth's team can discuss if employment would be appropriate for that particular youth based on the teen's level of maturity, current performance in school, etc. You will need to help the teen file the appropriate income tax returns, if necessary.

Repeal

Teens also need resource parents who will allow them to have normal age-appropriate experiences. For example, dating is a normal part of adolescence that is important for individual development and social adjustment. As a resource parent, you can help guide teens in your care on safe dating practices.

To help support resource parents who have teens placed with them, the Division offers a variety of Transitional Youth Services (TYS) to assist youth ages fourteen (14) through twenty-one (21) in foster care, in furthering their educational or vocational goals and in preparing them for adulthood. Training is provided in various formats, such as Life Skills Classes offered by the YYS Coordinator, and in accordance with an individual youth's case plan. Life Skills training is coordinated through FSWs and YYS Coordinators. The resource family may be reimbursed for transporting youth to Life Skills classes and other YYS activities.

Teenagers in foster care, including those whose goal is reunification, will have a Transitional Plan which encompasses all the life skills, resources, and future-planning for the youth's

successful transition into adult life. A Transitional Team should also be in place for teenagers in foster care, to help them achieve their Transition Plan and otherwise provide support to the team. Resource parents for teens in foster care are also expected to serve on the teenager's transitional team. Teens may also choose up to two (2) other members of their Transitional Team, who are not their FSW or resource parents.

PUB-49: Be Your Own Advocate - The Short List, outlines the basic rights that teens in foster care have. The youth's FSW or TYS Coordinator should provide this to all youth ages fourteen (14) and older, in foster care, within thirty (30) days of entering foster care, or within thirty (30) days of the youth's fourteenth birthday, whichever comes first.

PUB-50: Be Your Own Advocate! is a document that gives more details on being a teen in foster care. This publication is also designed for teens in foster care but can also be a great reference for resource parents with teens placed in their home. For example, PUB-50: Be Your Own Advocate details the process for youth in foster care to obtain an Arkansas Learner's Permit or Intermediate Driver's License with approval from the DCFS Director or designee. It also provides information regarding how a resource parent may apply for reimbursement for the additional cost to add the youth to their automobile insurance. Participation in these programs is voluntary. If you have teenagers placed in your home, please request a copy of PUBs 49 and 50 from your teen's FSW or TYS Coordinator. However, please also remember that these publications are only reference guides. You or the youth may contact the teen's FSW or TYS Coordinator for any questions or further explanations.

For teens who are in foster care on their eighteenth birthday, they have the option of participating in Extended Foster Care. To be eligible to stay in Extended Foster Care, youth must satisfy at least one of the following requirements:

- Enrollment in secondary education or a program leading to an equivalent credential;
- Enrollment in an institution that provides post-secondary or vocational education;
- Participation in a program or activity designed to promote, or remove barriers to, employment (e.g., Job Corps);

- Employment that provides at least eighty (80) hours of working time per month; or,
- Inability to do any of the above described activities due to a documented medical condition.

There are additional financial supports provided through Chafee funding for youth who elect to stay in Extended Foster Care. These are somewhat dependent on a specific youth's placement but can include start-up costs to help a youth establish his or her own apartment, assistance with car repairs, and one-time funding to defray the cost of a cell phone or minutes for an existing cell phone. For details about financial assistance to youth in Extended Foster Care, please ask the FSW or TYS Coordinator for the youth.

Youth in Extended Foster Care can, and are encouraged, to live in a resource home as appropriate. For youth in Extended Foster Care who live in a resource home, an increased board payment may be considered. However, any increase on top of the standard board payment to the resource parent may be designed to help the young adult meet any needs he or she may have (expenses being designed for the resource parent to meet those needs on behalf of the young adult) and help the young adult learn how to budget it.

# Repeal

For youth who participate in the Extended Foster Care Program but do not wish to remain in a resource home or other approved placement, then these youth will require a Transitional Youth Services sponsor who is willing to:

- Serve as a member of the youth's Transitional Team.
- Provide support and guidance to the youth as they transition to adulthood (e.g., assisting with decision-making regarding education, employment, housing, etc.).
- Assist the youth with budgeting the youth's board payment.
- Help to ensure the youth meets at least one of the following extended foster care requirements or has a viable plan in place to meet one of the Extended Foster Care requirements:
  - Youth is enrolled in school; or,
  - Youth is working at least eighty (80) hours per month; or,

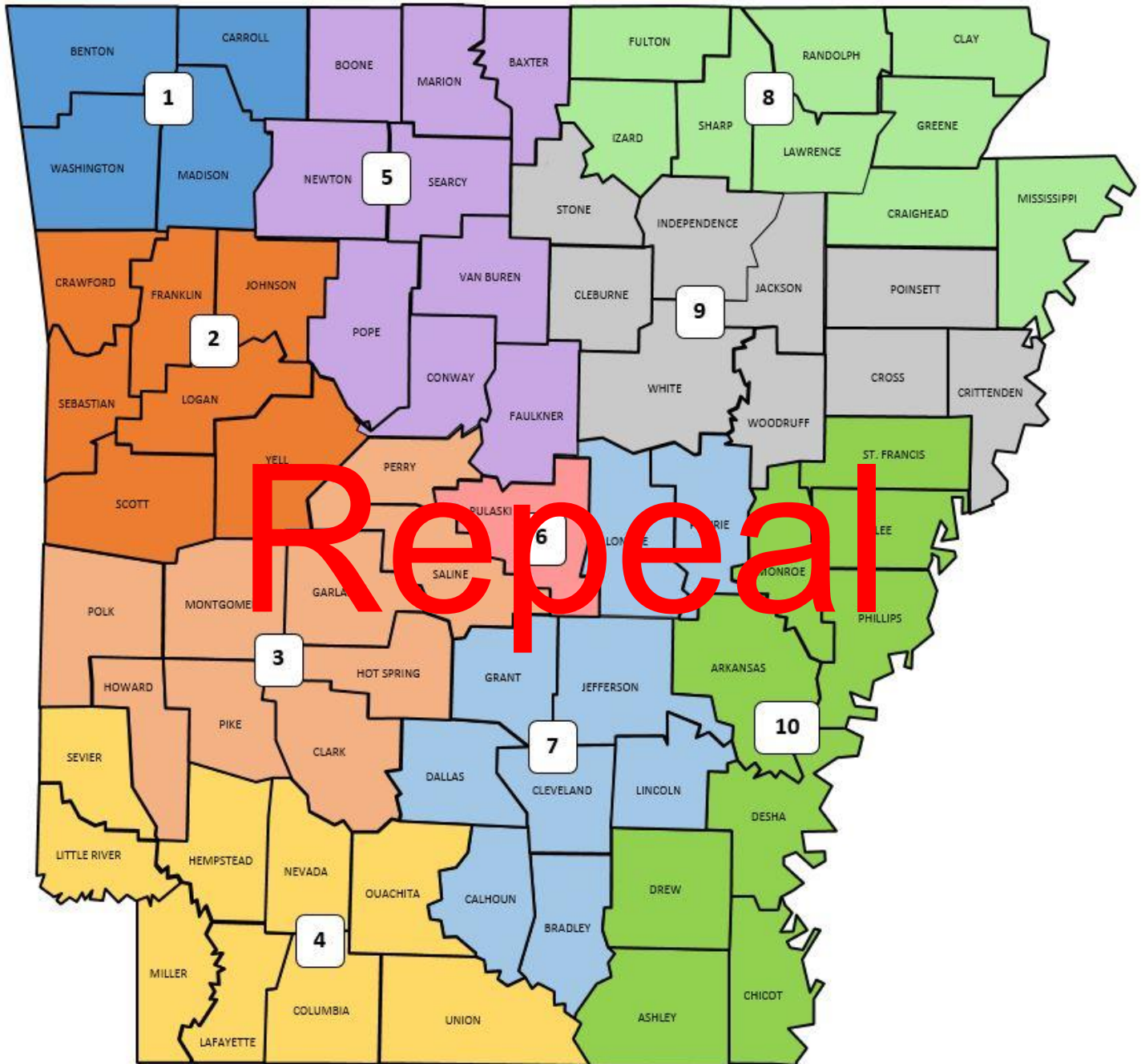
- Youth is enrolled in a program designed to remove barriers to employment (e.g., Job Corps); or,
- Youth has a medical condition that prevents him/her from participating in any of the above activities.
- Complete State Police Criminal Record Checks and Child Maltreatment Central Registry Checks, if not already in place through another service type with DCFS.

If interested, you may serve as both a resource parent for children placed in your home and a TYS Sponsor for a teenager you know who is participating in Extended Foster Care but not residing in your home.

In addition, youth ages eighteen (18) and older who are participating in Extended Foster Care may live with their TYS Sponsors (even if the TYS Sponsor is not an approved resource home) as appropriate, provided that:

- State Police Criminal Background and Child Maltreatment Registry checks are clear and up to date (i.e., within the past two (2) years);
- Visual inspection of the sponsor's home is conducted;
- Area Director and the child's attorney ad litem approves the living arrangement with the sponsor; and,
- Transitional Team Meeting is held to ensure the sponsor understands his/her role and that individualized guidelines and expectations are established for any youth who will reside with their sponsor (e.g., curfews, and responsibility for assisting with costs of living, if applicable, via the youth's board payment, etc.).

## APPENDIX 4: DCFS SERVICE AREAS





## APPENDIX 5: USEFUL LINKS FOR RESOURCE PARENTS

- Foster Arkansas- <http://www.fosterarkansas.org/>
- Project Zero- <http://www.theprojectzero.org/>
- Arkansas Heart Gallery- <http://www.theprojectzero.org/heart-gallery>
- Division of Children and Family Services Policy- <http://humanservices.arkansas.gov/dcfs/dcfsDocs/Master%20DCFS%20Policy.pdf>
- Resource Parent Portal- <https://dhs.arkansas.gov/dcfs/CHRISPWP/Default.aspx>
- Mileage Calculator- <https://dhs.arkansas.gov/milecalc/mileagecalculator.aspx>
- Better Beginnings- <http://www.arbetterbeginnings.com/>
- CDC Immunization Schedule:
  - Youth from birth to age six (6)
    - <https://www.cdc.gov/vaccines/parents/downloads/milestones-tracker.pdf>
  - Youth ages seven (7) to eighteen (18)
    - <https://www.cdc.gov/vaccines/schedules/easy-to-read/adolescent-easyread.html>

## APPENDIX 6: RESOURCE FAMILY REVIEW COMMITTEE

The purpose of the Resource Family Review Committee is to serve as an assessment, review, and recommendation team for the approval or continuation of the provision of certain resource family services. The Resource Family Review Committee is designed to support the recruitment and retention of quality resource families that can meet the individualized needs and provide quality parenting for children placed in foster care. The committee approach enables DCFS to review issues before the committee on an impartial basis, and prevents decision making based on the bias of a single individual.

The Resource Family Review Committee will make recommendations to the Division Director or designee, for the approval or continuation of the provision of resource family services received from the field. If a packet is sent to the Resource Family Review Committee for review and recommendation, the assumption is that the local staff who submitted the packet are in support of the request enclosed.

Repeal

The Resource Family Review Committee is responsible for reviewing and making recommendations regarding:

- Request to add or change a service on an open provider if there is any history of child maltreatment investigations involving the provider as an alleged offender (regardless of the outcome of the investigation or regardless of whether there is documentation indicating the reason for closure was related to the investigation).
- Request for continuing service of an Active Resource (Foster or Adoptive) Family Home, when the family has an unsubstantiated child maltreatment investigation or children have been moved.
- Request for continuing service of an Active Resource (Foster or Adoptive) Family Home when the family has a substantiated child maltreatment investigation or children have been moved. Further Information: Any time DCFS chooses to leave a child in a

home with a true determination (at the time of the determination and upon satisfaction of due process), the Assistant Director of Community Services has to approve leaving the children and youth in the home. However, for homes that either do not appeal the determination or have the determination overturned and want to be made available again for other children, then this request must be reviewed by the Resource Family Review Committee.

- Request related to Therapeutic Resource Family Home and Private License Provider Agencies involved in child maltreatment investigations.
- Resource home closures resulting in Adverse Action Request. The Foster Care Manager will present these to the committee. The Foster Care Manager will make a recommendation to the Assistant Director of Placement Support and Community Outreach and notify the resource parents in writing of the decision of the review within ten (10) business days of receiving the Resource Review Committee decision.

# Repeal

## APPENDIX 7: INTERNAL REVIEW OF ADVERSE ACTION INVOLVING RESOURCE PARENTS

Resource parents have the right to request an internal review of decisions affecting them and the operation of their home. Most problems can be resolved at the local level, if the resource parents and FSW keep each other informed about matters of interest and importance pertaining to the child. It is important for resource parents and FSWs to discuss and work out issues and problems as they occur.

All complaints may not be appropriate for an internal review, and while the county office will make every effort to reconcile disagreements or other issues, some situations may not be reconcilable, such as those decisions made by the county office based on current policy and procedure.

Examples of issues to take through an Internal Review are:

- Closure of a resource home due to any circumstance;
- Removal of a child from the resource home without appropriate cause or without appropriate notice;
- Failure by DCFS to share appropriate information;
- Failure by DCFS to provide necessary support; or
- Failure by DCFS to keep the terms of the initial written agreement with the resource home (CFS-462: Initial Resource Home Agreement and CFS-462A: Resource Home Agreement Addendum).

Prior to requesting an internal review at the Central Office level, resource parents should request an informal discussion of the problem with the FSW or Resource Worker and their immediate supervisor. If, after the resource parents have discussed the issue related to the

adverse action with the FSW or Resource Worker and their supervisor, and believe that DCFS failed to uphold its policies, then, the resource parents must submit a request in writing to their Area Director to review the adverse action. This request must be submitted to the Area Director thirty (30) calendar days from the date the adverse action occurred. The Area Director will schedule a meeting with the resource parents within ten (10) business days of the receipt of the written request and attempt to resolve the problem.

If the resource parents are not satisfied with the results of the meeting with the Area Director, the resource parents may request an internal review from the Foster Care Manager or designee in Central Office to present their case. A copy of the request and written reports of the previous two meetings will be forwarded to the Foster Care Manager or designee. The Foster Care Manager will present the information to the Resource Review Committee for review of the adverse action.

The Foster Care Manager will notify the resource parents in writing of the decision of the review within ten (10) business days of receiving the Resource Review Committee decision.

# Repeal

## APPENDIX 8: CONTACT INFORMATION

In the event you need to contact the Division of Children and Family Services for any reason, please call the persons listed below in the order they are listed. For example, if you cannot reach the Family Service Worker or you need to speak to a supervisor, then one should call the second name listed.

Family Service Worker	Resource Worker
Email	Email
Work Phone	Work Phone
Cell Phone	Cell Phone
FSW Supervisor	Transitional Services Coordinator (if applicable)
Email	Email
Work Phone	Work Phone
Cell Phone	Cell Phone

County Supervisor or Area Director	Child's Adoption Specialist (if applicable)
Email	Email
Work Phone	Work Phone
Cell Phone	Cell Phone
Attorney Ad Litem	Family's Adoption Specialist (if applicable)
Email	Email
Work Phone	Work Phone
Cell Phone	Cell Phone

# Repeal

ARKANSAS DEPARTMENT OF HUMAN SERVICES  
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES  
DDS DIRECTOR'S OFFICE POLICY MANUAL

Policy Type	Subject of Policy	Policy No.
Administrative	Criminal Records Checks	1087

1. **Purpose**

The purpose of this policy is to delineate the requirements, allowances, exclusions, and general implementation of criminal record checks, in accordance with Ark. Code Ann. § 20-38-101 *et seq.* and Ark. Code Ann. § 20-48-812 (collectively, the “Law”).

2. **Scope**

This policy is applicable to all providers licensed and certified by DHS, excluding facilities licensed by the Office of Long Term Care to provide services for persons with developmental disabilities, any owner of a Provider, all employees of Providers, and all applicants for employment with Providers. This policy does not cover any required adult or child maltreatment registry checks.

3. **Definitions**

“Alternative Living Home” means a residential dwelling owned and operated by an Employee used to provide Direct Care to an Individual with Disabilities.

“Bureau” means the Identification Bureau of the Department of the Arkansas State Police.

“DDS” means the Arkansas Department of Human Services, Division of Developmental Disabilities Services.

“DHS” means the Department of Human Services.

“Determination” means a written conclusion made by the appropriate division of DHS that a person is or is not qualified for employment, licensure, or certification based on the results of an Arkansas State Criminal Record Check or a National Criminal Record Check.

“Direct Care” means providing treatment, services, assistance, education, training, instruction, or supervision to an Individual with Disabilities, or having access to the finances or personal property of an Individual with Disabilities.

“Employee” means a person who:



1. Is employed by a Provider to deliver Direct Care to an Individual with Disabilities; or
2. Provides Direct Care to an Individual with Disabilities on behalf or under the supervision of, or by arrangement with, a Provider (i.e., volunteers, interns, independent contractors, etc.).

An employee does not include a person who is a family member of an Individual with Disabilities, unless the family member is paid by the Provider to provide Direct Care to the Individual.

“Group Home” means a residential dwelling that has been continuously owned or operated by a Provider since prior to July 1, 1995, and has space to provide private sleeping areas for more than four (4), but no more than fourteen (14), unrelated Individuals with Disabilities.

“Individual with Disabilities” means an individual receiving DDS services through a Provider.

“National Criminal Record Check” means a review of national criminal records based on fingerprinting or other identification methods.

“Provider” includes any of the following:

1. A certified Community and Employment Supports (CES) Waiver program service provider;
2. A certified First Connections (Part C of IDEA) program service provider;
3. Any certified adult day program service provider;
4. Any program certified as one of the following: Children’s Health Management Services (CHMS), Developmental Day Treatment Clinic Services (DDTCS), or any successor program to CHMS or DDTCS; and
5. Any other person or entity licensed or certified by DDS or DHS, other than facilities licensed by the Office of Long Term Care, to provide DDS services, including, but not limited to, applied behavior analysts, First Connections service coordinators, and First Connections developmental therapists, occupational therapists, physical therapists, and speech language pathologists.

“State Criminal Record Check” means a review of state criminal records conducted by the Bureau.

“Supported Living Arrangement” means a residential dwelling owned or operated by a Provider which has space to provide private sleeping areas for no more than four (4) Individuals with Disabilities.

4. **Criminal Records Check Requirements**

- A. **State Criminal Record Check:** Except as provided elsewhere in this Section, a Provider (and any applicant to become a Provider) is required to request a State Criminal Record Check on the following persons by submitting a fully executed DDS Form 5088-STATE, or any successor document, completed as per the instructions found therein:
1. Each person applying to be a Provider, or who is an owner of an organization applying to become a Provider;
  2. Each applicant to become an Employee of a Provider; and
  3. Any person over twelve (12) years of age residing in an Alternative Living Home, Group Home, Supported Living Arrangement, or other residential setting in which services are provided to Individuals with Disabilities.
- B. **National Criminal Record Check:** Except as provided elsewhere in this Section, in addition to the State Criminal Record Check, a Provider (and any applicant to become a Provider) is also required to request a National Criminal Record Check, which must include a fingerprint check, on the following persons by submitting a fully executed DDS Form 5088-NR, or any successor document, completed as per the instructions found therein:
1. Each person that would be an owner of an organization applying to become a Provider; and
  2. Any Employee or applicant for employment that has not been a resident of the State of Arkansas for the entire five (5) preceding years.
- C. **Record Check Retention:** Providers are required to maintain evidence that all required criminal record checks were conducted.
- D. **Excluded Professionals:** The criminal record checks required by this Policy are not required for any person who renders services subject to a professional license that requires the same or similar checks, such as a licensed professional counselor, social worker, nurse, occupational therapist, pharmacist, physical therapist, physician, surgeon, podiatrist, psychologist, psychological examiner, speech-language pathologist, audiologist, nursing home administrator, or behavior analyst.
- E. **Required Renewal:** The criminal record checks required by this Policy must be requested/renewed by a Provider at least once every five (5) years for each person to whom the Policy is applicable.

- F. Subsequent Discovery of a Criminal Record: In the event evidence of a potentially disqualifying conviction is discovered in the five (5) year period between required criminal record checks, the Provider must request a new State Criminal Record Check, and, if applicable, National Criminal Record Check, within five (5) days of discovery. Providers must temporarily disqualify/suspend an Employee's employment upon discovery of a potentially disqualifying conviction, pending a Determination by the appropriate division of DHS.
- G. Qualifying Determinations by other DHS Divisions: A Provider is not required to request a State Criminal Record Check or National Criminal Record Check on an Employee or an applicant to become an Employee if the Division of Child Care and Early Childhood Education, or any other DHS Division, has issued a qualifying Determination for the individual within the past sixty (60) days. The Provider is responsible for retaining and submitting all proper documentation.

## 5. Determinations

The appropriate division of DHS will make a Determination on each person for whom a State Criminal Record Check and/or National Criminal Record Check is conducted. No Employee or applicant for Employment with a Provider is permitted to perform Direct Care services for a Provider prior to receiving a Determination permitting the person to be employed. Each Determination will be in one of the following categories:

- A. Provisionally Qualified: A determination that a person may be employed as a result of a State Criminal Record Check.
- B. Qualified: A determination that a person may be employed as result of both a State Criminal Record Check and a National Criminal Record Check.
- C. Disqualified: A determination that a person may not be employed as a result of a State Criminal Record Check and/or a National Criminal Record Check.
- D. Tentatively Qualified: A determination that a "Qualified" or "Provisionally Qualified" Determination cannot be issued due to the existence of one or more potentially disqualifying charges that are less than a year old and have not reached disposition in court on a State Criminal Record Check or National Criminal Record Check. In such cases, the Provider may offer employment to the person but must re-submit the required criminal record check(s) every three (3) months until final determination is issued by the appropriate division of DHS.

Notwithstanding the foregoing, any individual that has an Arkansas State Criminal History Report that states "No Criminal History Found for this Subject" automatically receives a "Provisionally Qualified" Determination and will not actually have a Determination Letter issued.

## **6. Disqualifying Offenses.**

A. Permanently Disqualifying Offenses: A person shall be permanently prohibited from being an owner or Employee of a Provider if that person has pled guilty or nolo contendere or been found guilty of any of the following offenses by any court in the State of Arkansas, or any similar offense by a court in another state or a federal court:

1. Abuse of an endangered or impaired person, if felony (§ 5-28-103)
2. Aggravated assault upon a law enforcement officer or an employee of a correctional facility, if a Class Y felony (§ 5-13-211)
3. Arson (§ 5-38-301)
4. Capital Murder (§ 5-10-101)
5. Endangering the Welfare of an Incompetent person—1<sup>st</sup> Degree (§ 5-27-201)
6. Kidnapping (§ 5-11-102)
7. Murder in the First Degree (§ 5-10-102)
8. Murder in the Second Degree (§ 5-10-103)
9. Rape (§ 5-14-103)
10. Sexual Assault in the First Degree (§ 5-14-124)
11. Sexual Assault in the Second Degree (§ 5-14-125)
12. Sexual Extortion (§ 5-14-113)

A plea of guilty or nolo contendere or a conviction for any of the above offenses permanently prohibits an individual from being an owner or Employee of a Provider regardless of whether or not the record of the offense is expunged, pardoned, or otherwise sealed.

B. Potentially Disqualifying Offenses: A person who has pled guilty, nolo contendere, or been found guilty of any offense listed in this Section by any court in the State of Arkansas, or of any similar offense by a court in another state or a federal court, is prohibited from being an owner or Employee of a Provider, unless one of the following situations apply:

1. The offense is a misdemeanor, and the date of the conviction or plea of guilty or nolo contendere, is more than five (5) years prior to the date of the State Criminal Record Check or National Criminal Record Check request, and there have been no criminal convictions or pleas of guilty or nolo contendere of any type or nature during that five (5) year period.

OR

2. The offense is a felony, and the date of the conviction or plea of guilty or nolo contendere is more than ten (10) years prior to the date of the State Criminal Record Check or National Criminal Record Check request, and there have been

no other criminal convictions or pleas of guilty or nolo contendere of any type or nature during that ten (10) year period.

The following offenses disqualify an individual who does not meet one of the criteria above from being an Employee or an owner of a Provider, unless the record of the offense has been expunged, pardoned or otherwise sealed:

1. Assault in the First, Second, or Third Degree (§§ 5-13-205—207)
2. Aggravated Assault (§ 5-13-204)
3. Aggravated Assault on a Family or Household Member (§ 5-26-306)
4. Aggravated Assault upon a Law Enforcement Officer or an Employee of a Correctional Facility, if a Class Y felony (§ 5-13-211)
5. Battery in the First, Second, or Third Degree (§§ 5-13-201—203)
6. Breaking or Entering (§ 5-39-202)
7. Burglary (§ 5-39-201)
8. Coercion (§ 5-13-208)
9. Computer Crimes Against Minors (§§ 5-27-601 *et seq.*)
10. Contributing to the Delinquency of a Juvenile (§ 5-27-220)
11. Contributing to the Delinquency of a Minor (§ 5-27-209)
12. Criminal Impersonation (§ 5-3-208)
13. Criminal Use of a Prohibited Weapon (§ 5-73-104)
14. Cruelty to Animals (§ 5-62-103)
15. Aggravated Cruelty to Dogs, Cats or Horses (§ 5-62-104)
16. Death Threats Concerning a School Employee or Student (§ 5-17-101)
17. Domestic Battery in the First, Second or Third Degree (§ 5-26-303—305)
18. Employing or Coercing a Minor into a Child Sexual Performance (§ 5-27-402)
19. Endangering the Welfare of a Minor in the First or Second Degree (§§ 5-27-205—206)
20. Endangering the Welfare of an Incompetent Person in the Second Degree (§§ 5-27-201—202)
21. Engaging Children in Sexually Explicit Conduct for Use in Visual or Print Media (§ 5-27-303)
22. False Imprisonment in the First or Second Degree (§§ 5-11-103—104)
23. Financial Identity Fraud (§ 5-37-227)
24. Forgery (§ 5-37-201)
25. Incest (§ 5-26-202)
26. Interference with Court Ordered Custody (§ 5-26-502)
27. Felony Interference with a Law Enforcement Officer (§ 5-54-104)
28. Interference with Visitation (§ 5-26-501)
29. Introduction of a Controlled Substance into Body of Another Person (§ 5-13-210)
30. Manslaughter (§ 5-10-104)
31. Negligent Homicide (§ 5-10-105)
32. Obscene Performance at a Live Public Show (§ 5-68-305)
33. Pandering or Possessing Visual or Print Medium Depicting Sexually Explicit Conduct Involving a Child (§ 5-27-304)

34. Patronizing a Prostitute (§ 5-70-103)
35. Permanent Detention or Restraint (§ 5-11-106)
36. Permitting Abuse of a Minor (§ 5-27-221)
37. Producing, Directing, or Promoting a Sexual Performance by a Child (§ 5-27-403)
38. Promoting Obscene Materials (§ 5-68-303)
39. Promoting Obscene Performance (§ 5-68-304)
40. Promoting Prostitution in the First, Second, or Third Degree (§§ 5-70-104—106)
41. Prostitution (§ 5-70-102)
42. Public Display of Obscenity (§ 5-68-205)
43. Resisting Arrest (§ 5-54-103)
44. Robbery (§ 5-12-102)
45. Aggravated Robbery (§ 5-12-103)
46. Any Sexual Offense, including sexual extortion (§§ 5-14-101 *et seq.*)
47. Simultaneous Possession of Drugs and Firearms (§ 5-74-106)
48. Soliciting Money or Property from Incompetents (§ 5-27-229)
49. Stalking (§ 5-71-229)
50. Terroristic Act (§ 5-13-310)
51. Terroristic Threatening (§ 5-13-301)
52. Theft by Receiving (§ 5-36-106)
53. Theft of Property (§ 5-36-103)
54. Theft of Services (§ 5-36-104)
55. Transportation of Minors for Prohibited Sexual Conduct (§ 5-27-305)
56. Unlawful Discharge of a Firearm from a Vehicle (§ 5-74-107)
57. Felony Violation of the Uniform Controlled Substances Act (§§ 5-14-101 *et seq.*)
58. Voyeurism (§ 5-16-102)
59. Criminal attempt (§ 5-3-300), criminal complicity (§ 5-3-302), criminal solicitation (§ 5-3-301), or criminal conspiracy (§ 5-3-401) to commit any of the offenses listed in (A) or (B) above.

## **7. Criminal Record Check Document Retention**

DHS shall maintain all criminal record check documentation required to be retained under restricted access available only to those authorized and trained for its use. All criminal record check documentation shall remain on file for at least five (5) years, and followed by secure destruction.

## **8. Appeals**

Applicants or Employees receiving a Disqualified Determination shall be notified by DHS in writing. A “Disqualified” Determination is the only Determination that may be appealed.

If the Applicant or Employee wishes to appeal, he or she must submit the request for appeal within ten (10) business days of receipt of the written notification. Failure to submit an appeal within this timeframe will result in the appeal being denied. All appeals must be in writing and contain, at a minimum:

- A. The name, address, and telephone number of the person filing the appeal;
- B. The relationship the person filing the appeal has with DDS;
- C. The decision that is being appealed;
- D. The reason(s) the decision is being appealed;
- E. The desired outcome of the appeal;
- F. The law and/or facts being relied upon in filing the appeal;
- G. The person who will present the appeal; and
- H. Whether the person will be represented and if so, the name, address and telephone number of the authorized representative.

Appeals that do not contain ALL of this information will be denied.

The Appeal must be filed with the DHS division that issued the Determination. Within ten (10) business days of receipt of the appeal, the DHS division will schedule and conduct a hearing with all parties. All parties shall be notified of the hearing date, time and location in writing. An extension may be allowed when either party has a valid reason for postponement and both parties agree to the delay.

At the hearing, only issues relevant to the appeal shall be discussed and considered. The DHS Division shall issue a written decision within ten (10) business days of the meeting. The written decision will be submitted to all parties who participated in the hearing. This decision constitutes the final agency action for purposes of the Arkansas Administrative Procedures Act (A.C.A. § 25-15-201 *et seq.*)