

## **VI. SERVICES TO REUNIFY FAMILIES**

### **POLICY VI-A**

#### **OUT-OF-HOME PLACEMENT CRITERIA**

The state of Arkansas is not a voluntary placement state. The removal of a child from his home must occur pursuant to a judicial order placing custody of the child with the Department. When a child is in the custody of the Department of Human Services, DCFS shall ensure that the out-of-home placement is in the best interest of the child, is the least restrictive possible and is matched to the child's physical and therapeutic needs. A child of a parent who is in DHS custody, is also considered a dependent juvenile and is eligible to receive foster care maintenance payments and is deemed to be a recipient of aid to families with dependent children. Titles XIX and XX services will be available to the child in the state in which the child resides.

The state shall check all appropriate child abuse and neglect registries for information on any prospective foster or adoptive parent and any household member age 10 and up living in the home before the prospective parent may be finally approved for placement of that child. This will be done regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child. The state shall also request any other state in which a prospective parent or any household member age 10 and up has resided in the preceding six (6) years to check any child abuse and neglect registry it maintains for such information. The state will comply with any request received from another state to check its own child abuse and neglect registry.

No child shall be placed in the home of a foster parent where a records check reveals a felony conviction for child abuse or neglect, for spousal abuse, for a crime against children (including child pornography), or a crime involving violence, including rape, sexual assault or homicide. No child shall be placed in the home of a foster parent if the record check reveals a criminal conviction for physical assault, battery, or a drug related offense, if the offense was committed within the past five years. The placement decision shall be based on an individual assessment of the child's needs. All efforts to place a child within Arkansas shall be thoroughly explored and documented before consideration is given to out-of-state placement. Relatives shall be considered for placement first.

In an emergency situation, a Sheriff or Police Chief may place children in DCFS Foster Homes, but only when the following circumstances, guidelines, and criteria have been met:

- The sheriff or chief of police contacts the area or county designated on-call worker and does not get a return phone call within thirty (30) minutes;
- Subsequent to not receiving a phone call in the above situation, the sheriff or chief of police contacts the DCFS Emergency Contact Line and does not get a return phone call within fifteen (15) minutes;
- The foster parent is personally well-known to the sheriff or the chief of police;
- The sheriff or chief of police has:
  1. Determined that the foster parent's home is safe and provides adequate accommodations for the child; and
  2. Performed a criminal record and child maltreatment check on the foster parent; and
- The sheriff or chief of police will on the next business day, notify DCFS of the time and date that the child was placed in the foster parent's home.

After the Department removes the child or the court grants custody of the child to the Department, the child shall be placed in a licensed or approved foster home, shelter, or facility, or an exempt child welfare agency as defined at A.C.A. § 9-28-402. The court shall not specify a particular provider for placement of any foster child.

In an effort to preserve family connections, a child in foster care may be placed in a Provisional Relative Foster Home if a relative has been identified and is appropriate. A "Provisional Foster Home" means a

foster home opened for no more than six (6) months by DCFS for a relative of a child in the custody of the division after the division conducts (a) A health and safety check, including a central registry check, a criminal and local background check, and a fingerprint-based check of national crime information databases on the relative and the appropriate people in the relative's home, a vehicle safety check and (b) A visual inspection of the home of the relative. In limited, case specific situations, the FSW may not be able to obtain a fingerprint based check because of 1) An individual's disability, including the lack of fingers, or 2) illegible prints due to low quality fingerprints as a result of age, occupation or otherwise. Alternate background checks should be obtained according to Procedure VI-A1.

“Relative” means a person within the fifth degree of kinship by virtue of blood or adoption. See Policy VI-J and Procedure VI-J1 to discuss placement options with the relative.

The child is in the custody of the department, therefore, the child shall remain in a licensed or approved foster home, shelter or facility until the relative's home is opened as a provisional home, regular foster home or the court grants custody to the relative or person after a written approved home study is presented to the court.

If the relative opts to have his or her home opened as a Provisional Foster Home, the relative shall not be paid a board payment until the relative meets all of the licensing requirements and DCFS standards and is opened as a regular foster home. Until the relative's home is opened as a regular foster home, the relative may apply for and receive benefits for which the relative may be entitled due to the placement of the child in the home, such as benefits under the Temporary Employment Assistance (TEA) Program or food stamps.

If the relative's home is not fully licensed as a foster home after six (6) months of the placement of the child in the home (i.e. meet all requirements and is fully approved as a foster family home): (a) The Department shall remove the child from the relative's home and close the relative's provisional foster home or (b) The court shall remove custody from the Department and grant custody of the child to the relative.

The court shall not specify a particular provider for placement or family services, when DHS is the payer or provider. In all cases in which family services are ordered, the court shall determine the parent's, guardian's, or custodian's ability to pay, in whole or in part, for these services. This determination and the evidence supporting it shall be made in writing in the court order ordering family services. If the court determines that the parent, guardian, or custodian is able to pay, in whole or part, for the services, the court shall enter a written order setting forth the amounts the parent, guardian, or custodian can pay for the family services ordered and ordering the parent, guardian, or custodian to pay the amount periodically to the provider from whom family services are received. If a child is committed to a youth services center or detained in a juvenile detention facility and is covered by private health insurance, the court may order the parent or guardian to provide information on the health insurance coverage (including a copy of the health insurance policy and pharmacy card when available) to the detention or youth services center.

When it is in the best interest of each of the children, the Department shall attempt to place siblings together while they are in a foster care and adoptive placement. When it is in the best interest of each of the children, the Department shall attempt to place together infants with minor mothers who are in foster care. Relatives of children placed in the custody of the Department shall be given preferential consideration for placement, if the relative caregiver meets all relevant child protection standards and it is in the child's best interest to be placed with the relative caregiver. In order to assist in placing the child with an appropriate relative, the court will order the parent(s) to provide the following information to the Department:

- The names, addresses, and phone numbers of any relatives who may be placement resources for the child;
- The names, addresses, and phone numbers and other identifying information on any putative father(s) of the child;
- Any information regarding possible membership or descent from an Indian tribe;
- Information necessary to determine financial eligibility for services or foster care.

Placement or custody of a child in the home of a relative shall not relieve the Department of its responsibility to actively implement the goal of the case. See Policy VI-J (Out-of-Home Non-DHS Custody/Relative

Placements).

If the relative meets all relevant child protection standards and it is in the child's best interest to be placed with the relative caregiver, the worker shall discuss with the relative the following two (2) options for placement of the child in the relative's home:

- (1) The relative becoming a DHS relative foster home; or
- (2) The relative obtaining legal custody of the child.

The child shall remain in a licensed or approved foster home, shelter, or facility, or an exempt child welfare agency as defined at A.C.A. § 9-28-402(12), until the relative's home is opened as a Provisional Relative foster home or regular foster home or the court grants custody of the child to the relative after a written approved home study is presented to the court.

If the court grants custody of the child to the relative:

- (A) The child shall not be placed back in the custody of the Department while remaining in the home of the relative;
- (B) The relative shall not receive any financial assistance, including board payments, from the Department, except for financial assistance for which the relative has applied and for which the relative qualifies pursuant to the program guidelines, such as the Transitional Employment Assistance Program, Food Stamps, Medicaid, and federal adoption subsidy; and
- (C) The Department shall not be ordered to pay the equivalent of board payments or adoption subsidies to the relative as reasonable efforts to prevent removal of custody from the relative.

Children who are in the custody of the Department shall be allowed trial placements with parents, for a period not to exceed sixty (60) days. At the end of the sixty (60) days, the court shall either place custody of the child with the parent or the Department shall return the child to a licensed or approved foster home, shelter, or facility, or an exempt child welfare agency as defined in A.C.A. § 9-28-402.

When a child leaves the custody of the Department and the court grants custody to the parent or another person, the Department is no longer legal custodian of the child, even if the Juvenile Division of Circuit Court retains jurisdiction.

Placement shall be chosen:

- To ensure the health and safety of a child;
- To ensure that caretakers have the skills and training sufficient to deal with the child's special needs and any disabling condition; and
- To keep the child in close proximity to the family, if possible, to maintain enrollment in the school the child attended before placement.

DCFS shall not place or permit a child in foster care to remain in any foster home if the foster parent smokes or allows anyone else to smoke in the presence of any child in foster care unless it is in the child's best interest to be placed in or remain in the foster home.

All foster parents will complete DCFS form CFS-363 (Foster Parent Smoking Certification) and identify if the foster parents will permit smoking in the presence of a child in foster care.

Foster parents will indicate if smokers in the home or who visit the home will be permitted to smoke while in the presence of a child in foster care. If the foster parent indicates smoking will not occur in the presence of a child in foster care, then children in foster care may be placed in this foster home and DCFS will designate the home a "non-smoking" foster home.

If a foster parent indicates that smoking will occur in the presence of a child in foster care, the foster home will be designated a "smoking" foster home and no child may be placed or remain in the foster home unless it is in the child's best interest to be placed in or remain in the foster home.

DCFS policy is that second hand smoke is detrimental to a child's health and the presumption will be that it

is not in a child's best interest to be placed in a foster home that permits smoking in the presence of a child in foster care. To rebut this presumption, the worker must clearly identify why it is in the child's best interest to be exposed to second hand smoke.

The Area Manager will sign and submit the CFS-363 along with any supporting documentation for review and signature to the Assistant Director of Community Services requesting a finding that it is in the child's best interest to be placed in or remain in a smoking foster home. No child in foster care shall be placed in a smoking foster home without a waiver from the Assistant Director of Community Services.

For children in foster care who are currently in smoking foster homes, the worker shall make an individual assessment of each child's case and determine if it is in the child's best interest to remain in the smoking foster home. If so, the Area Manager shall complete a CFS-363 and submit the form along with any supporting documentation to the Assistant Director of Community Services requesting a finding that it is in the child's best interest to remain in the smoking foster home. If it is not in the child's best interest to remain in the smoking foster home, a plan shall immediately be developed to properly transition the child to a nonsmoking foster home.

State law prohibits smoking in a vehicle if a child in the car is under the age of six (6) and weighs less than sixty (60) pounds. Thus, no foster parent or DCFS employee may smoke in the vehicle when transporting a child in foster care who is under the age of six and weighs less than 60 pounds.

In accordance with A.C.A. 20-27-1804, smoking is prohibited in all vehicles and enclosed areas owned, leased or operated by the State of Arkansas, its agencies and authorities. Therefore, DCFS staff may not smoke in a state vehicle OR in their private vehicle when a child in foster care is present. Foster parents are strongly discouraged from smoking in a vehicle when a child in foster care is present.

The Department shall make reasonable efforts to:

- Maintain the family unit and prevent the unnecessary removal of a child from his home, as long as the child's safety is assured;
- Effect the safe reunification of the child and family (if temporary out-of-home placement is necessary to safety of the child); and
- Make and finalize alternate permanency plans in a timely manner when reunification is not appropriate or possible. In determining reasonable efforts to be made with respect to a child and in making such reasonable efforts, the child's health and safety is of paramount concern.

Within 30 days of a child being placed in DHS custody, the Division will provide the parents with literature, verbal information, and referrals to programs for parenting, child abuse, substance abuse, sexual abuse and family planning.

After a child is placed out of the home, reasonable efforts will be made to reunify a family, to make it possible for the child to safely return home. A judicial determination pertaining to reasonable efforts to prevent removal must have been made within 60 days of the child's removal from the home, otherwise the child will not be eligible for title IV-E foster care maintenance payments for the duration of his stay in foster care. Reasonable efforts to finalize an alternate permanency plan (i.e., place a child for adoption or with a legal guardian or permanent custodian) may be made concurrently with reasonable efforts to reunify a child with his family. Reasonable efforts shall also be made to obtain permanency for a child who has been in an out-of-home placement for more than twelve (12) months, or for fifteen (15) of the previous twenty-two (22) months.

Reasonable efforts to reunite a child with his parent(s) shall not be required in all cases. The court shall conduct and complete a hearing on a "no reunification services" request within fifty (50) days of the date of written notice to the defendants. However, upon good cause shown, the hearing may be continued for an additional twenty (20) days, and the court shall enter an order determining whether or not reunification services shall be provided. Reunification shall not be required if a court of competent jurisdiction, including the Juvenile Division of Circuit Court, has determined that the parent has:

- (1) Subjected the child to aggravated circumstances; (See Glossary for the definition of aggravated circumstances.)

- (2) Committed murder (which would have been an offense under section 1111(a) of Title 18, USC, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of any child;
- (3) Committed voluntary manslaughter (which would have been an offense under section 1112(a) of Title 18, USC, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of any child;
- (4) Aided or abetted, attempted, conspired, or solicited to commit such a murder or such a voluntary manslaughter;
- (5) Committed a felony, battery, or assault that results in serious bodily injury to any child; or
- (6) Had the parental rights involuntarily terminated as to a sibling of the child; or
- (7) Abandoned an infant (not the same as “Voluntary Delivery of an Infant”, see Procedure VIII- E2).

If reasonable efforts to reunify are determined by a court to be unnecessary, a permanency hearing must be held within 30 days after the court’s determination. If the court determines no reunification services will be provided due to aggravating circumstances or upon recommendation from the Division or attorney ad litem at adjudication, the Family Service Worker will have case management responsibility until the child is placed in an adoptive home.

If the court recommends that reunification services should not be provided to reunite a child with his family, DHS, the attorney ad litem or the court shall provide written notice to the defendants. When DHS is the agency requesting that no reunification services be provided, it will send the written notice to the defendants in coordination with OCC. The notice shall be provided to the parties at least fourteen (14) calendar days before the no-reunification hearing, and the notice shall identify in sufficient detail to put the family on notice, the grounds for recommending “no reunification services”.

The burden of presenting the case shall be on the requesting party. The court shall conduct and complete a hearing on a “no reunification services” request within fifty (50) days of the date of written notice to the defendants. However, upon good cause shown, the hearing may be continued for an additional twenty (20) days.

An adolescent or child sexual offender in DCFS custody, who has been designated a risk Level 3 or Level 4, and is required to register as a sex offender, will not be placed in any out-of-home placement that is within two-thousand (2,000) feet of the victim’s residence. In addition, the perpetrator is not allowed to have any direct or indirect contact with the victim that may be considered harassment. Also, the child may not be placed in any out-of-home placement that is within two-thousand (2,000) feet of any public or private elementary or secondary school, public park, youth center, or daycare facility.

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- The foster parent is personally well-known to the sheriff or the chief of police;
- The sheriff or chief of police has:
  1. Determined that the foster parent's home is safe and provides adequate accommodations for the child; and
  2. Performed a criminal record and child maltreatment check on the foster parent; and
- The sheriff or chief of police will on the next business day, notify DCFS of the time and date that the child was placed in the foster parent's home.

After the Department removes the child or the court grants custody of the child to the Department, the child shall be placed in a licensed or approved foster home, shelter, or facility, or an exempt child welfare agency as defined at A.C.A. § 9-28-402. The court shall not specify a particular provider for placement of any foster child.

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foster home opened for no more than six (6) months by DCFS for a relative of a child in the custody of the division after the division conducts (a) A health and safety check, including a central registry check, a criminal and local background check, and a fingerprint-based check of national crime information databases on the relative and the appropriate people in the relative's home, a vehicle safety check and (b) A visual inspection of the home of the relative. In limited, case specific situations, the FSW may not be able to obtain a fingerprint based check because of 1) An individual's disability, including the lack of fingers, or 2) illegible prints due to low quality fingerprints as a result of age, occupation or otherwise. Alternate background checks should be obtained according to Procedure VI-A1.

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The court shall not specify a particular provider for placement or family services, when DHS is the payer or provider. In all cases in which family services are ordered, the court shall determine the parent's, guardian's, or custodian's ability to pay, in whole or in part, for these services. This determination and the evidence supporting it shall be made in writing in the court order ordering family services. If the court determines that the parent, guardian, or custodian is able to pay, in whole or part, for the services, the court shall enter a written order setting forth the amounts the parent, guardian, or custodian can pay for the family services ordered and ordering the parent, guardian, or custodian to pay the amount periodically to the provider from whom family services are received. If a child is committed to a youth services center or detained in a juvenile detention facility and is covered by private health insurance, the court may order the parent or guardian to provide information on the health insurance coverage (including a copy of the health insurance policy and pharmacy card when available) to the detention or youth services center.

When it is in the best interest of each of the children, the Department shall attempt to place siblings together while they are in a foster care and adoptive placement. When it is in the best interest of each of the children, the Department shall attempt to place together infants with minor mothers who are in foster care. Relatives of children placed in the custody of the Department shall be given preferential consideration for placement, if the relative caregiver meets all relevant child protection standards and it is in the child's best interest to be placed with the relative caregiver. In order to assist in placing the child with an appropriate relative, the court will order the parent(s) to provide the following information to the Department:

- The names, addresses, and phone numbers of any relatives who may be placement resources for the child;
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- Any information regarding possible membership or descent from an Indian tribe;
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- (C) The Department shall not be ordered to pay the equivalent of board payments or adoption subsidies to the relative as reasonable efforts to prevent removal of custody from the relative.

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The Department shall make reasonable efforts to:

- Maintain the family unit and prevent the unnecessary removal of a child from his home, as long as the child's safety is assured;
- Effect the safe reunification of the child and family (if temporary out-of-home placement is necessary to safety of the child); and
- Make and finalize alternate permanency plans in a timely manner when reunification is not appropriate or possible. In determining reasonable efforts to be made with respect to a child and in making such reasonable efforts, the child's health and safety is of paramount concern.

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After a child is placed out of the home, reasonable efforts will be made to reunify a family, to make it possible for the child to safely return home. A judicial determination pertaining to reasonable efforts to prevent removal must have been made within 60 days of the child's removal from the home, otherwise the child will not be eligible for title IV-E foster care maintenance payments for the duration of his stay in foster care. Reasonable efforts to finalize an alternate permanency plan (i.e., place a child for adoption or with a legal guardian or permanent custodian) may be made concurrently with reasonable efforts to reunify a child with his family. Reasonable efforts shall also be made to obtain permanency for a child who has been in an out-of-home placement for more than twelve (12) months, or for fifteen (15) of the previous twenty-two (22) months.

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- (2) Committed murder (which would have been an offense under section 1111(a) of Title 18, USC, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of any child;**
- (3) Committed voluntary manslaughter (which would have been an offense under section 1112(a) of Title 18, USC, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of any child;**
- (4) Aided or abetted, attempted, conspired, or solicited to commit such a murder or such a voluntary manslaughter;**
- (5) Committed a felony, battery, or assault that results in serious bodily injury to any child; or**
- (6) Had the parental rights involuntarily terminated as to a sibling of the child; or**
- (7) Abandoned an infant (not the same as “Voluntary Delivery of an Infant”, see Procedure VIII- E2).**

**If reasonable efforts to reunify are determined by a court to be unnecessary, a permanency hearing must be held within 30 days after the court’s determination. If the court determines no reunification services will be provided due to aggravating circumstances or upon recommendation from the Division or attorney ad litem at adjudication, the Family Service Worker will have case management responsibility until the child is placed in an adoptive home.**

**If the court recommends that reunification services should not be provided to reunite a child with his family, DHS, the attorney ad litem or the court shall provide written notice to the defendants. When DHS is the agency requesting that no reunification services be provided, it will send the written notice to the defendants in coordination with OCC. The notice shall be provided to the parties at least fourteen (14) calendar days before the no-reunification hearing, and the notice shall identify in sufficient detail to put the family on notice, the grounds for recommending “no reunification services”.**

**The burden of presenting the case shall be on the requesting party. The court shall conduct and complete a hearing on a “no reunification services” request within fifty (50) days of the date of written notice to the defendants. However, upon good cause shown, the hearing may be continued for an additional twenty (20) days.**

**An adolescent or child sexual offender in DCFS custody, who has been designated a risk Level 3 or Level 4, and is required to register as a sex offender, will not be placed in any out-of-home placement that is within two-thousand (2,000) feet of the victim’s residence. In addition, the perpetrator is not allowed to have any direct or indirect contact with the victim that may be considered harassment. Also, the child may not be placed in any out-of-home placement that is within two-thousand (2,000) feet of any public or private elementary or secondary school, public park, youth center, or daycare facility.**

## **VII. SERVICES TO SUPPORT FOSTER PARENTS**

### **POLICY VII-A**

### **FOSTER PARENT RECRUITMENT, TRAINING, APPROVAL, REEVALUATION AND RETENTION**

Foster care is a team effort involving DCFS, the family foster parents, the foster child, and the custodial/noncustodial parents . When all those directly involved in the situation understand their own and each others' roles and cooperate as team members in a team effort, the quality of the experience for all is increased, and the effect on the child's future well-being is greatly influenced. See "Family Foster Parent Handbook" (PUB- 30) for responsibilities of the Foster Care Team.)

For the purpose of title IV-E eligibility, a foster family home means the home of an individual or family licensed or approved as meeting the standards established by the Child Welfare Agency Review Board that provides 24-hour out-of-home care for children. (With respect to foster family homes on or near Indian reservations, approval would rest with the tribal licensing or approval authority(ies). The term includes group homes, agency-operated boarding homes or other facilities licensed or approved for the purpose of providing foster care. Foster family homes that are approved must be held to the same standards as foster family homes that are licensed. Anything less than full licensure or approval is insufficient for meeting title IV-E eligibility requirements.

In addition, the Child Welfare Agency Licensing Act defines a foster home as a private residence of one (1) or more family members that receives from a child welfare agency any minor child who is unattended by a parent or guardian in order to provide care, training, education, custody or supervision on a twenty-four (24) hour basis, not to include adoptive homes The home must meet family foster home standards and the individual child's needs for the duration of the placement.

There are three types of DCFS foster homes referenced in the CHRIS System. Foster Family Home (Non Relative), Relative Foster Home (Kinship Only), and Relative Foster Home (Fostering and Kinship). There will be no distinction in approval requirements between relative foster homes and all other approved foster homes in Arkansas.

Relative foster homes are homes in which adult relatives within the first, second, or third degree of consanguinity to the parent or stepparent are recruited by the Family Service Worker to provide 24 hours per day care for children who are related through blood or marriage. These homes must meet all of the minimum licensing requirements for a family foster home. Relatives who are approved for placement of children in their home may choose to be a relative foster home or a regular foster home. Relative foster homes will be approved only for placement of relative children. If the relatives choose to be a regular foster home, they will have the responsibility of caring for relative and non-relative foster children.

Once permanency is achieved for the relative children placed in a relative family foster home, relatives may choose to become a regular Family Foster Home if they remain in compliance with licensing standards. This will be a decision made by both the relatives and DCFS based on the best interest of the relative children.

The Division shall recruit a sufficient number of foster parents to ensure that all children are placed in the least restrictive, most family like setting that meets the child's individual needs. The Division shall diligently recruit potential foster families that reflect the ethnic and racial diversity of children in DHS custody for whom a foster home is needed. Recruitment of new foster families is an on-going activity for which Area and County staff are mainly responsible. Recruitment can be achieved by several means including participation from current foster parents, development of local and statewide media campaigns and through the use of contact with community organizations. The Division will employ the use of the Family Foster Home Needs Assessment to assist with specific county recruitment efforts. The Family Foster Home Needs Assessment

will also be utilized in the development of the Foster Home Recruitment Plan. Targeted recruitment of specialized foster parents shall address the special needs of children needing placement.

The Division shall place children in approved foster homes where the foster parents have satisfactorily completed the Division's pre-service training curriculum, have been cleared through the Central Registry and through a local and state criminal records background check.

An FBI criminal records check shall be conducted on all foster parents and members of the household age sixteen (16) and older, excluding children in foster care. The Division will request any other state where the prospective foster parent or any other household member age ten (10) and older have resided in the preceding six (6) years to check its child abuse and neglect registry. The Division will provide documentation in the case record that the criminal record check was conducted on the prospective foster parent.

In limited, case specific situations, the FSW may not be able to obtain a fingerprint based check because of 1) An individual's disability, including the lack of fingers, or 2) illegible prints due to low quality fingerprints as a result of age, occupation or otherwise. Alternate background checks should be obtained according to Procedure VI-A1.

DCFS will check the driving record (violation points) for each potential foster parent. The Arkansas State Vehicle Safety Program sets the maximum number of traffic violation points a foster parent may be allowed. The completion and approval for all foster home re-evaluations must be documented in CHRIS.

The approval process shall concurrently educate foster parents on the characteristics of children in out-of-home placement and assess their capability to meet those needs and their compliance with the DCFS standards for approval of foster homes. An Individualized Training Plan for in-service training shall be developed for each foster parent. The plan shall take into consideration the age and characteristics of children for whom the foster parent is caring and the expressed preferences of the foster parent.

DCFS shall re-evaluate each foster home's ability to care for children at least annually and whenever there is a major life change in the lives of foster families. Foster parents who do not meet the in-service training requirement will be placed on probation for sixty (60) days. No new children receiving out-of-home placement services may be placed during the probation period. Foster parents shall complete their annual in-service training requirements before they receive any additional children receiving out-of-home placement services unless an exception is granted. The completion and approval of all foster home re-evaluations must be documented in CHRIS. If a foster family re-evaluation is not completed and documented annually in CHRIS, any IV-E eligible child placed in the home will lose his IV-E eligibility until the re-evaluation of the family is completed and documented.

DCFS employees are not permitted to be agency approved foster family homes. However, in situations where Division staff are relatives to children placed in DHS custody, and it is in the best interest of the child to be placed with the relative, the DCFS Director may grant approval on a case-by-case basis.

DCFS will retain good foster homes by ensuring good communication with and support to those homes.

## **VII. SERVICES TO SUPPORT FOSTER PARENTS**

### **POLICY VII-A**

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In addition, the Child Welfare Agency Licensing Act defines a foster home as a private residence of one (1) or more family members that receives from a child welfare agency any minor child who is unattended by a parent or guardian in order to provide care, training, education, custody or supervision on a twenty-four (24) hour basis, not to include adoptive homes The home must meet family foster home standards and the individual child's needs for the duration of the placement.

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The Division shall place children in approved foster homes where the foster parents have satisfactorily completed the Division's pre-service training curriculum, have been cleared through the Central Registry and through a local and state criminal records background check.

An FBI criminal records check shall be conducted on all foster parents and members of the household age sixteen (16) and older, excluding children in foster care. The Division will request any other state where the prospective foster parent or any other household member age ten (10) and older have resided in the preceding six (6) years to check its child abuse and neglect registry. The Division will provide documentation in the case record that the criminal record check was conducted on the prospective foster parent.

In limited, case specific situations, the FSW may not be able to obtain a fingerprint based check because of 1) An individual's disability, including the lack of fingers, or 2) illegible prints due to low quality fingerprints as a result of age, occupation or otherwise. Alternate background checks should be obtained according to Procedure VI-A1.

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DCFS shall re-evaluate each foster home's ability to care for children at least annually and whenever there is a major life change in the lives of foster families. Foster parents who do not meet the in-service training requirement will be placed on probation for sixty (60) days. No new children receiving out-of-home placement services may be placed during the probation period. Foster parents shall complete their annual in-service training requirements before they receive any additional children receiving out-of-home placement services unless an exception is granted. The completion and approval of all foster home re-evaluations must be documented in CHRIS. If a foster family re-evaluation is not completed and documented annually in CHRIS, any IV-E eligible child placed in the home will lose his IV-E eligibility until the re-evaluation of the family is completed and documented.

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DCFS will retain good foster homes by ensuring good communication with and support to those homes.

## **POLICY VIII-G DEVELOPMENT OF ADOPTIVE PLACEMENT**

The Division provides adoption services to recruit, retain, assess, and prepare adoptive families. The services focus on finding families for children rather than finding children for families. Assessment and preparation of prospective adoptive families are completed according to the need for homes for children. A child is assessed and prepared for adoption. The child's health and safety shall be of paramount concern in the development of the adoptive placement.

Siblings shall be placed together in the same adoptive home. Siblings may be placed separately upon written documentation by a Mental Health Professional that placement of the siblings together would be detrimental to their best interests or is otherwise not possible at the time of placement. Before placement of a child in the home of the adoptive parent, a home study will be conducted. The home study shall address whether the adoptive home is a suitable home, and shall include a recommendation as to the approval of the petitioner as an adoptive parent.

Before placement for adoption, the Division shall compile and provide to the prospective adoptive parents a detailed, written health history and genetic and social history of the child which excludes information which would identify custodial/non-custodial parent(s) or members of a custodial/non-custodial parent(s)'s family. The information shall be set forth in a document that is separate from any document containing information identifying the custodial/non-custodial parent(s) or members of the custodial/non-custodial parent(s)'s family. The detailed, written health history and genetic and social history shall be identified as such, and shall be filed with the clerk before the entry of the adoption decree. The adoption summary shall serve as the detailed health history, genetic, and social history document. Upon order of the court for good cause shown, the clerk of the circuit court may tender to a person identified by the court a copy of the detailed, written health history and genetic and social history.

The Division provides pre-placement services to move children into adoptive families in a timely manner and post-placement services to help the family adjust. After finalization, services are available to help preserve adoptive families.

The placement of a child for adoption will not be denied or delayed when an approved family is available outside the jurisdiction responsible for handling the child's case. A fair hearing will be granted to any individual who alleges denial of adoption approval as a result of residing outside the jurisdiction responsible for placing the child.

The Juvenile Division of Circuit Court shall retain jurisdiction to issue orders of adoption, interlocutory or final, when a juvenile is placed outside the state of Arkansas.

Adoptive parents, and each member of the household age ten (10) years and older, residing in Arkansas shall be checked with the Child Maltreatment Central Registry in the resident state and any other state in which they have resided for the past six (6) years. Adoptive parents and each member of the household age ten (10) years and older residing out of state shall provide Child Maltreatment Central Registry Checks from their state of residence. The Division will comply with any such request to check its child abuse and neglect registry received from another state.

Adoptive parents and each member of the household age fourteen (14) years and older residing in Arkansas shall be checked with the Identification Bureau of the Arkansas State Police for convictions of offenses listed in ACA 9-28-409. Adoptive parents and each member of the household age fourteen (14) years and older residing out of the state shall provide State Police Criminal Record Checks from their state of residence. Out of state adoptive families do not need to do an Arkansas State Police Check if they have never resided in Arkansas. Adoptive parents and each member of the household

age sixteen (16) years and older, shall complete a fingerprint-based record check with the Federal Bureau of Investigation (FBI).

**In limited, case specific situations, the FSW may not be able to obtain a fingerprint based check because of 1) An individual's disability, including the lack of fingers, or 2) illegible prints due to low quality fingerprints as a result of age, occupation or otherwise. Alternate background checks should be obtained according to Procedure VIII-F1.**

The Division will provide documentation in the case record that a criminal record check was conducted on the prospective adoptive parent.

A prospective adoptive parent will not be approved or licensed if, based on a criminal record check, a court of competent jurisdiction has determined that the prospective adoptive parent has been convicted of a felony involving child abuse or neglect, spousal abuse, a crime against a child or children (including pornography), or a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.

A prospective adoptive parent will not be approved or licensed if, based on a criminal record check, a court of competent jurisdiction has determined that the prospective adoptive parent has, within the last five (5) years, been convicted of a felony involving physical assault, battery, or a drug-related offense.

Legal risk adoptive placements may be considered for a newborn that is being relinquished for adoption or for a child whose custodial/non-custodial parent(s) has filed an appeal to the termination of parental rights.

The Division shall provide notice of any hearing to be held with respect to a child in Department custody to the child's foster or pre-adoptive parents. (Families are identified as pre-adoptive once a child is placed in the home and prior to finalization of the adoption.) The original petitioner in the juvenile matter shall provide relative caregivers notice of any hearing. The court shall give foster parents, pre-adoptive parents, and relative caregivers the right to be heard in any hearing held with respect to a child in foster care. Foster parents, adoptive parents, and relative caregivers shall not be made a party to a case solely on the basis that they are entitled to notice and the right to be heard.

All records of any adoption finalized in the state of Arkansas shall be maintained for ninety-nine (99) years.

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