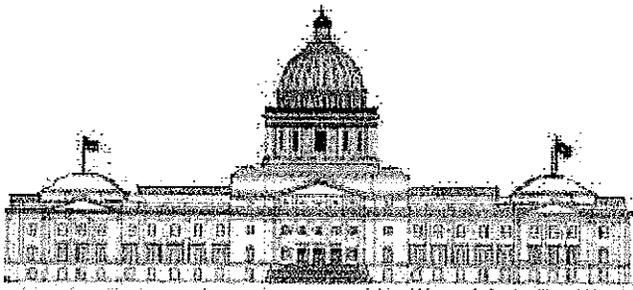


ARKANSAS REGISTER

Transmittal Sheet



Mark Martin
 Secretary of State
 State Capitol Room 026
 Little Rock, Arkansas 72201-1094
 (501) 682-3527

For Office Use Only: Effective Date _____ Code Number 016.15.12-

Name of Agency _____ Department of Human Services

Department _____ Division of Children and Family Services

Contact Christin Harper E-mail christin.harper@arkansas.gov Phone 501.682.8541

Statutory Authority for Promulgating Rules _____ A.C.A. § 9-28-103

Rule Title: _____ **Please See Attached** W-9 Requirements Removal

Intended Effective Date		Date
<input type="checkbox"/> Emergency	Legal Notice Published	<u>10/17/2012</u>
<input type="checkbox"/> 10 Days After Filing	Final Date for Public Comment.....	<u>11/15/2012</u>
<input type="checkbox"/> Other <u>1/1/2013</u>	Reviewed by Legislative Council.....	<u>TBD</u>
	Adopted by State Agency.....	<u>TBD</u>

Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)

Electronic Copy of Rule e-mailed from: _____

Contact Person	Email Address	Date
----------------	---------------	------

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
 In Compliance with Act 434 of 1967 As Amended.

Cecile Blucker
 Signature

501.682.8770 cecile.blucker@arkansas.gov
 Phone Number E-mail Address

Director
 Title

11/13/12
 Date

FILED
 ARKANSAS REGISTER DIV.
 12 NOV 15 PM 5:36
 MARK MARTIN
 SECRETARY OF STATE
 STATE OF ARKANSAS



**Arkansas Department of Human Services
Division of Children and Family Services**

700 Main Street, Donaghey Plaza South, 5th Floor

P.O. Box 1437, Slot S560

Little Rock, Arkansas 72203-1437

Telephone (501) 682-8008 TDD (501) 682-1442 FAX (501) 682-6968

November 15, 2012

Honorable Mark Martin
Secretary of State
State Capitol Building, Room 256
Little Rock, AR 72201

RE: Final Filing - Regular Promulgation

Dear Mr. Martin:

This is the final filing of Rules initially filed on October 17, 2012. The public comment period was from October 17, 2012 to November 15, 2012, with an effective date of January 1, 2013.

If you have any questions or comments, please contact Christin Harper, Policy & Professional Development Administrator, Division of Children and Family Services, P.O. Box 1437, (Slot S570), Little Rock, Arkansas 72203-1437; phone 682-8541; email christin.harper@arkansas.gov or fax 682-4854.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cecile Blucker".

Cecile Blucker
Director, Division of Children and Family Services

BY _____

MARK MARTIN
SECRETARY OF STATE
STATE OF ARKANSAS

12 NOV 15 PM 5:32

ARK. REGISTER DIV.

FILED

NOTICE OF RULE MAKING

Pursuant to A.C.A. § 9-28-103, the Director, Division of Children and Family Services issues proposed changes to Policy and Publications. These include:

- Updates to policies regarding access to official records and confidentiality including addition of language specific to access to investigation records
- Creation of new ethical standards policy specific to DCFS employees
- Clarifications to Differential Response policy regarding reports involving multiple siblings of several ages and role of DR Program Assistant
- Revisions to investigative procedures regarding need for history checks prior to investigation initiation and necessity of home visit before a child involved in an open investigation is discharged from hospital
- Updates to early intervention services policy to explain benefit of early intervention services and need for surrogate parent training
- Development of new policy and procedures regarding referrals, screenings, and services for children affected by FASD
- Updates to Subsidized Guardianship requirements for referral packet and annual review procedures
- Changes to foster parent handbook to better align grievance procedure with existing internal review policy
- Revisions regarding what types of cases that either undergo an internal review process or go before Appeals and Hearings

The proposed changes are available for review at the Division of Children and Family Services, Policy Unit, 5th floor Donaghey Plaza South, 7th and Main Streets, Little Rock, AR. 72203-1437. All comments must be submitted in writing to the Policy Unit no later than November 15, 2012. All the proposed changes may be viewed in their entirety at

<https://ardhs.sharepointsite.net/CW/Notice%20of%20Rule%20Making/Forms/AllItems.aspx>.

If you need this material in a different format, such as large print, contact our Americans with Disabilities Act Coordinator at 501- 682-8830 (Voice) or 501- 682-1442 (TDD). The Arkansas Department of Human Services is in compliance with Titles VI and VII of the Civil Rights Act and operates, manages and delivers services without regard to age, religion, disability, political affiliation, veteran status, sex, race, color or national origin.



Cecile Blucker
Director, Division of Children and Family Services

11/13/12
Date

FILED
FAM. REGISTER DIV.
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STATE OF ARKANSAS

FINANCIAL IMPACT STATEMENT
PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT: Department of Human Services

DIVISION: Division of Children and Family Services

PERSON COMPLETING THIS STATEMENT: Greg Crawford

PHONE NO.: (501) 682-6248 / **FAX NO.:** (501) 682-6968 / **E-MAIL:** greg.crawford@arkansas.gov

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE: W-9 Requirements Removal

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes No
2. Does the proposed, amended, or repealed rule affect small businesses?
Yes No If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.
3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
4. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____
Total \$0.00

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____
Total \$0.00

5. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation? Identify the party subject to the proposed regulation, and explain how they are affected.

Current Fiscal Year

\$ 0.00

Next Fiscal Year

\$ 0.00

6. What is the total estimated cost by fiscal year to the agency to implement these regulations? Is this the cost of the program or grant? Please explain.

Current Fiscal Year

\$ 0.00

Next Fiscal Year

\$ 0.00

DCFS SUMMARY OF CHANGES FOR JULY 2012 PROMULGATION

SUMMARY OF DCFS REGULAR PROMULGATION

The purpose of this regular promulgation is to remove requirement to collect W-9s from foster and adoptive parents as new financial process in CHRIS renders need to have information included on the W-9 obsolete.

PROCEDURE VIII-18: Payment for Non-recurring Adoption Expenses and Special Subsidy

09/20110112/20132

The Adoption Specialist will:

- A. Submit a billing packet to the Adoption Subsidy Coordinator for non-recurring adoption expenses (non-recurring adoption expenses shall not exceed a total of \$1,500.00) within 60 days after the finalization of the adoption. ← --- Formatted: Indent: Left: 0.5"
- B. For non-travel related expenses, the packet will include the DHS-1914, W-9, original invoice, a copy of the CFS-428 and final adoption decree.
- C. For travel related expenses the packet will include the DHS-75, TR-1, receipts, a copy of the CFS-428 and the final adoption decree.
- D. For payment of a special subsidy, the packet will include: DHS-1914, W-9, original invoice, copy of the CFS-428 and the final adoption decree.

The Adoption Subsidy Coordinator will:

- A. Review, code, and forward each completed billing packet within 10 working days and forward to the manager of the Adoption Services Unit for approval. ← --- Formatted: Indent: Left: 0.5"

The Manager of the Adoption Services Unit will:

- A. Forward the approved packet to the office of finance for payment within 10 working days of receipt from the subsidy coordinator. ← --- Formatted: Indent: Left: 0.5"

PROCEDURE VIII-18: Payment for Non-recurring Adoption Expenses and Special Subsidy

01/2013

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The Manager of the Adoption Services Unit will:

- A. Forward the approved packet to the office of finance for payment within 10 working days of receipt from the subsidy coordinator.

APPENDIX 4: FOSTER HOME RECORDS

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018/2013017

Special divided folders will be used for the case records of foster homes. When a foster home is approved, the foster home record should include the items listed below. All documents should be filed in chronological order with the most current on top.

Front left:

- Approval or Denial Letter
- CFS-475-A: Initial Approval Checklist for Foster Home Record
- Verification of marriage and/or divorce, if applicable
- All Records Checks:
 - Results of the CFS-316: Child Maltreatment Central Registry Check for each applicable household member, all information received and, in case of a report of violations, a summary of the face-to-face discussion, determination, and reasons for the determinations
 - Results of the APS-0001: Authorization for Adult Maltreatment Central Registry check for each applicable household member, all information received and, in case of a report of violations, a summary of the face-to-face discussion, determination, and reasons for the determinations
 - CFS-341: Certification of Absence of Criminal Record, if children age of 10 thru 17 reside in the household
 - Results of the CFS-342: State Police Criminal Record Check for each applicable household member, all information received and, in case of a report of violations, a summary of the face-to-face discussion, determination, and reasons for the determination
 - Results of the FBI Criminal Background Check for each applicable household member, all information received and, in case of a report of violations, a summary of the face-to-face discussion, determination, and reasons for the determinations
 - Results of the ASVSP check for each foster parent and applicable teenage driver
 - Copy of driver's license for each applicable driver
 - Documentation of current auto insurance
- CFS-446: In-Home Consultation Visit Report
- CFS-363: Foster/Adoptive Applicant Smoking Certification

- CFS-404: General Medical Report
- Current immunization records for all children in the home
- Documentation of current rabies vaccinations for all household pets
- CFS-409: Foster/Adoptive Family Preference Checklist
- CFS-455: Request/Consent for Health Department Services, when appropriate
- CFS-480: Alternate Compliance of Water Supply Agreement, when appropriate
- CFS-484: Landlord Notification of Potential Tenant Foster Care Services, when appropriate
- Written approval from Fire Department for approved alternate escape route, when appropriate
- Current floor plan
- Documentation of homeowner's or renter's insurance and general liability insurance
- Written approval from the owner of the home that the applicants may care for children in foster care, when appropriate
- Three completed, positive SAFE reference letters
- SAFE Home Study Final Report and supporting documents (e.g. SAFE Questionnaires I & II, Psychosocial Inventory)
- Alternative compliance and/or policy waiver approval, if applicable
- Current certification in CPR and Standard First Aid
- Summary with Recommendations
- CFS-462: Initial Foster Home Agreement
 - CFS-462-A: Foster Home Agreement Addendum on each child currently placed in the home
- CFS-474: Provisional Foster Home Orientation Checklist (for provisionals only)
- CFS-452: Provisional Foster Home Verification (for provisionals only)

Front Right:

- Placement history
- W-9

Center Left:

- CFS-475-B: Quarterly Monitoring Checklist for Foster Home

- Any documentation gathered during the quarterly visit

Center Right:

- Letter of Notification of Disposition of Reevaluation or of Closure
- CFS-475-C: Reevaluation Checklist for Foster/Pre-Adoptive Home
- Any documentation gathered during the reevaluation visit (e.g. updated auto insurance, updated CPR certificate, etc.)
- CFS-451: Foster Parent Reevaluation
- SAFE Update Report
- Documentation of 15 hours of continuing education
- Documentation of quarterly emergency evacuation drills
- CFS-475-G: Checklist for Foster Home Closure, when appropriate
- Reevaluation Summary or Closure Summary

Back Left:

- CFS-475-D: Transfer of a Foster Home to Another County, when appropriate
- CFS-475-E: Complaint Against Foster Family Other Than Maltreatment, when appropriate
- CFS-475-F: True Reports of Child Maltreatment Against Foster Family Members, when appropriate

Back Right:

- CFS-419: Foster Family Support System Information
- Current results of all applicable background checks for FFSS members

APPENDIX 4: FOSTER HOME RECORDS

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01/2013

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- Any documentation gathered during the quarterly visit

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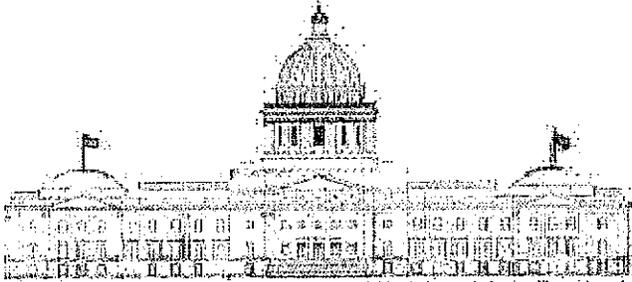
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ARKANSAS REGISTER

Transmittal Sheet



Mark Martin
 Secretary of State
 State Capitol Room 026
 Little Rock, Arkansas 72201-1094
 (501) 682-3527

For Office Use Only: Effective Date _____ Code Number 016.15.12-

Name of Agency _____ Department of Human Services
 Department _____ Division of Children and Family Services
 Contact Christin Harper E-mail christin.harper@arkansas.gov Phone 501.682.8541
 Statutory Authority for Promulgating Rules _____ A.C.A. § 9-28-103

Rule Title: _____ **Please See Attached** Subsidized Guardianship

Intended Effective Date		Date
<input type="checkbox"/> Emergency	Legal Notice Published	<u>10/17/2012</u>
<input type="checkbox"/> 10 Days After Filing	Final Date for Public Comment.....	<u>11/15/2012</u>
<input type="checkbox"/> Other <u>1/1/2013</u>	Reviewed by Legislative Council.....	<u>TBD</u>
	Adopted by State Agency.....	<u>TBD</u>

Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)

Electronic Copy of Rule e-mailed from: _____

Contact Person	Email Address	Date
----------------	---------------	------

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
 In Compliance with Act 434 of 1967 As Amended.

Cecile Blucker
 Signature

501.682.8770 cecile.blucker@arkansas.gov
 Phone Number E-mail Address

Director
 Title

11/13/12
 Date

FILED
 ARKANSAS REGISTER DIV.
 12 NOV 15 PM 5:35
 STATE OF ARKANSAS
 SECRETARY OF STATE
 DIVISION OF ADMINISTRATIVE SERVICES



**Arkansas Department of Human Services
Division of Children and Family Services**

700 Main Street, Donaghey Plaza South, 5th Floor

P.O. Box 1437, Slot S560

Little Rock, Arkansas 72203-1437

Telephone (501) 682-8008 TDD (501) 682-1442 FAX (501) 682-6968

November 15, 2012

Honorable Mark Martin
Secretary of State
State Capitol Building, Room 256
Little Rock, AR 72201

RE: Final Filing - Regular Promulgation

Dear Mr. Martin:

This is the final filing of Rules initially filed on October 17, 2012. The public comment period was from October 17, 2012 to November 15, 2012, with an effective date of January 1, 2013.

If you have any questions or comments, please contact Christin Harper, Policy & Professional Development Administrator, Division of Children and Family Services, P.O. Box 1437, (Slot S570), Little Rock, Arkansas 72203-1437; phone 682-8541; email christin.harper@arkansas.gov or fax 682-4854.

Sincerely,

A handwritten signature in cursive script that reads "Cecile Blucker".

Cecile Blucker

Director, Division of Children and Family Services

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MARTIN, ET AL
SECRETARY OF STATE
STATE OF ARKANSAS
BY _____

NOTICE OF RULE MAKING

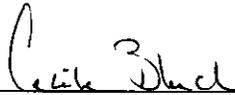
Pursuant to A.C.A. § 9-28-103, the Director, Division of Children and Family Services issues proposed changes to Policy and Publications. These include:

- POLICY VIII-L: Subsidized Guardianship (and related procedures)
 - Updated to outline all documents required for subsidized guardianship referral packet
 - Updated to include process for completion of form CFS-435-D: Recommendation for Finalization of Guardianship
 - Revised to clarify that annual subsidized guardianship review includes annual progress report that is filed with the court by Office of Chief Counsel
 - Updated to include additional instructions regarding collaboration between DCFS and OCC for filing of court-required annual progress report
 - Revised to more clearly outline timeframe in which guardians must return annual progress report and subsidized guardianship review
 - Updated for general formatting and organization purposes
- CFS-435-F: Subsidized Guardianship Agreement
 - Updated to reflect change in title of form CFS-435-G
 - Revised timeframes in which form CFS-435-G is sent to guardians from 60 business days prior to guardianship finalization to 60 calendar days prior to guardianship finalization in order in an effort to streamline annual review process
 - Revised timeframes in which form CFS-435-G will be returned to DCFS from 20 business days to 30 calendar days in an effort to streamline annual review process
- CFS-435-G: Annual Progress Report and Subsidized Guardianship Agreement Review
 - Incorporated court-required annual progress report form into the annual subsidized guardianship review in order to streamline the annual review process
 - Updated for general formatting and organization purposes
- CFS-435-H: Notice of Modification or Termination to Subsidized Guardianship Agreement
 - Updated to reflect change in title of form CFS-435-G

The proposed changes are available for review at the Division of Children and Family Services, Policy Unit, 5th floor Donaghey Plaza South, 7th and Main Streets, Little Rock, AR. 72203-1437. All comments must be submitted in writing to the Policy Unit no later than November 15, 2012. All the proposed changes may be viewed in their entirety at

<https://ardhs.sharepoint.com/CW/Notice%20of%20Rule%20Making/Forms/AllItems.aspx>.

If you need this material in a different format, such as large print, contact our Americans with Disabilities Act Coordinator at 501- 682-8830 (Voice) or 501- 682-1442 (TDD). The Arkansas Department of Human Services is in compliance with Titles VI and VII of the Civil Rights Act and operates, manages and delivers services without regard to age, religion, disability, political affiliation, veteran status, sex, race, color or national origin.



Cecile Blucker
Director, Division of Children and Family Services

11/13/12

Date

-BY
MARTIN LUTHER KING, JR. STATE OF ARKANSAS

FILED
AR. REGISTER DIV.
12 NOV 15 PM 5:35

FINANCIAL IMPACT STATEMENT
PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT: Department of Human Services

DIVISION: Division of Children and Family Services

PERSON COMPLETING THIS STATEMENT: Greg Crawford

PHONE NO.: (501) 682-6248 / **FAX NO.:** (501) 682-6968 / **E-MAIL:** greg.crawford@arkansas.gov

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE: **Subsidized Guardianship**

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes No
2. Does the proposed, amended, or repealed rule affect small businesses?
Yes No If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.
3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
4. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____
Total \$0.00

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____
Total \$0.00

5. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation? Identify the party subject to the proposed regulation, and explain how they are affected.

Current Fiscal Year

\$ 0.00

Next Fiscal Year

\$ 0.00

6. What is the total estimated cost by fiscal year to the agency to implement these regulations? Is this the cost of the program or grant? Please explain.

Current Fiscal Year

\$ 0.00

Next Fiscal Year

\$ 0.00

DCFS SUMMARY OF CHANGES FOR JULY 2012 PROMULGATION

SUMMARY OF DCFS REGULAR PROMULGATION

The purpose of this regular promulgation is to:

- Add a list of all components expected in the Subsidized Guardianship Referral Packet.
- Include process for completion of form CFS-435-D: Recommendation for Finalization of Guardianship.
- Clarify that annual subsidized guardianship review includes court-required annual progress report that is filed with the court by Office of Chief Counsel and outline role of DCFS and Office of Chief Counsel in filing court-required annual progress report as well as timeframes regarding annual report and review.
- Update for general formatting and organizational purposes.

EXCERPTS, Policy VIII-L: Subsidized Guardianship-EXCERPT

POLICY VIII-L: SUBSIDIZED GUARDIANSHIP

021/20132

ANNUAL PROGRESS REPORT and REVIEW of SUBSIDIZED GUARDIANSHIP AGREEMENT

An annual progress report and review of the subsidized guardianship agreement are required annually in order for the subsidized guardianship and subsidized guardianship payments of any amount or payment rate to continue. The progress report and review shall be conducted by the Division of Family Services (DCFS) Permanency Specialist or designee while the Office of Chief Counsel shall file the annual progress report with the court. An accounting of the guardianship subsidy is not required. Documentation of continued eligibility is required for the review. The subsidized guardianship payments granted at the time of review will reflect the child's current, documented level of need.

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PROCEDURE VIII-L1: Initial Subsidized Guardianship Program Determination

014/20131

If a goal of a guardianship with a relative has been determined to be in the child's best interest, the FSW will:

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- A. Gather and review all relevant documentation to determine the child's eligibility for the Subsidized Guardianship Program.
- B. Complete CFS-435-A: Subsidized Guardianship Program Application and Checklist with the child (if age appropriate), prospective relative guardians, and child's biological parents (if appropriate) to make the initial determination that the child and prospective relative guardians meet all subsidized guardianship eligibility requirements.
- C. Submit the completed CFS-435-A to the FSW Supervisor for review and approval and attach the following to complete the referral packet:
 - 1) Case history memorandum
 - 2) CFS-404: Medical Report
 - 3) CFS-446: In Home Consultation Visit Report
 - 4) CFS-475-A: Initial Checklist for Foster/Adoptive Home Assessment
 - 5) Final SAFE Home Study Report or Update, as applicable
 - 6) Case Plan (updated to reflect guardianship goal and other required program information; see Case Plan Requirements for Subsidized Guardianship in policy section above)
 - 7) Court Orders (documenting reasonable efforts ruling out reunification and adoption)
 - 8) Court Reports (file marked)
 - 9) CHRIS Notes relevant to the subsidized guardianship referral (e.g., visitations, staffing, home visits; adoption specialist involvement and/or services)
 - 10) Notarized statement from relative verifying discussion of all permanency options available and understanding of those options as well as decision to elect guardianship and apply for a subsidy
 - C-11) Any other documentation that would be important to the child's case (education records, DDS, SSI, SSA, medical passport, child consent form, therapist or counseling reports)
- D. If the FSW Supervisor
 - 1) Denies moving forward with the subsidized guardianship arrangement, proceed to Procedure VIII-L2: Denial of Subsidized Guardianship Arrangement.
 - 2) Approves moving forward with the subsidized guardianship arrangement:
 - a) Update the child's case plan in CHRIS to describe the ways in which the child meets the eligibility requirements for a subsidized guardianship arrangement to include:
 - i. steps the agency has taken to determine that it is not appropriate for the child to be returned home or adopted;
 - ii. reasons for any separation of siblings during placement; the efforts made to place currently separated siblings together, the efforts made to provide frequent visitation or

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EXCERPTS, Policy VIII-L: Subsidized Guardianship EXCERPT

- other ongoing interaction between siblings not placed together; and efforts to reunify separated siblings in the same home;
- iii. reasons why a permanent placement with an appropriate and willing relative through a Subsidized Guardianship arrangement is in the child's best interest;
- iv. efforts that the Division has made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of those reasons;
- v. efforts made by the Division to discuss with the child's parent(s) subsidized guardianship arrangement, or the reasons why the efforts were not made;
- vi. process in place to allow for a successor guardian in the event that the relative guardian of the child dies or is no longer able to care for the child;
- vii. any appropriate transitional youth services for those youth who exit foster care at or after the age of 16; and,
- b) Notify the child's biological parents (if appropriate), attorney ad litem, OCC representative, parent counsel (if applicable), and DCFS Permanency Specialist or designee that the child and prospective relative guardians would like to proceed with the subsidized guardianship arrangement.
- c) Provide the DCFS Permanency Specialist or designee with all pertinent documentation including:
 - i. Copy of CFS-435-A: Subsidized Guardianship Program Application and Checklist
 - ii. Copy of CFS-404: General Medical Report for each relative guardian and all appropriate household members
 - iii. Copy of prospective relative guardian's CFS-446: In Home Consultation Visit Report
 - iv. Copy of prospective relative guardian's SAFE Home Study
- d) If the DCFS Permanency Specialist or designee determines that:
 - i. All initial eligibility and case plan criteria have been met, notify the FSW to proceed with subsidized guardianship determination meeting arrangements to discuss the Subsidized Guardianship Program (per Procedure VIII-L3: Subsidized Guardianship Determination Meeting); or,
 - ii. All eligibility and case plan criteria have not been met, then discuss with the DCFS Permanency Specialist or designee how to meet said criteria and/or other possible permanency options or proceed to Procedure VIII-L2: Denial of Subsidized Guardianship arrangement, as applicable.

The FSW Supervisor will:

- A. Conference with the FSW as to the appropriateness of a guardianship arrangement supported by a subsidy for the child with the prospective relative guardians.
- B. Review the completed CFS-435-A: Subsidized Guardianship Application and Checklist and other required referral packet documentation.
- C. Notify FSW of approval or denial to move forward with the subsidized guardianship arrangement.
- D. Notify the Area Director of any approval or denial to move forward with a subsidized guardianship arrangement.

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The DCFS Permanency Specialist or designee will:

- A. Review each submitted CFS-435-A: Subsidized Guardianship Program Application and Checklist and other supporting documentation to determine if the family meets the initial eligibility and case plan criteria to further pursue a subsidized guardianship arrangement.
- B. Make the determination as to whether it is appropriate to continue pursuing the subsidized guardianship arrangement and either:
 - 1) Notify the FSW, FSW Supervisor, and Area Director to proceed to Procedure VIII-L3, if the subsidized guardianship arrangement is appropriate; or,
 - 2) Notify the FSW, FSW Supervisor, and Area Director that a subsidized guardianship arrangement is not currently appropriate and
 - a) Discuss how to meet needed criteria;

EXCERPTS, Policy VIII-L: Subsidized Guardianship-EXCERPT

- b) Discuss other possible permanency options; or
- c) Instruct FSW to proceed to Procedure VIII-L2: Denial of Subsidized Guardianship Arrangement.

PROCEDURE VIII-L5: Subsidized Guardianship Agreement Finalization

~~Q114/20134~~

The DCFS Permanency Specialist or designee will:

- ~~A. Complete the CFS-435-D: Recommendation for Finalization of Guardianship and submit to the appropriate OCC attorney who will use the information on the form to prepare the guardianship petition.~~
- ~~A-B. Draft and complete the CFS-435-F: Subsidized Guardianship Agreement with the prospective guardians and FSW prior to the guardianship hearing.~~
- ~~B-C. Submit the CFS-435-F to the Foster Care Manager or designee for review and approval.~~
- ~~C-D. Sign the CFS-435-F.~~

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The Foster Care Manager or designee will:

- A. Review the CFS-435-F: Subsidized Guardianship Agreement and approve or deny as appropriate.
- B. Inform the DCFS Permanency Specialist or designee of approval or denial.

The FSW will:

- A. Assist the DCFS Permanency Specialist or designee in completing the CFS-435-F: Subsidized Guardianship Agreement with the prospective guardian(s) prior to the guardianship hearing.
- B. Ensure all signatures required on the CFS-435-F are obtained.

The FSW Supervisor will:

- A. Conference with the FSW regarding decisions related to and preparation for the finalization of the subsidized guardianship agreement.
- B. Inform the Area Director of issues related to pursuing the subsidized guardianship arrangement for the child.

PROCEDURE VIII-L7: Annual Subsidized Guardianship Review

~~Q114/20134~~

The DCFS Permanency Specialist or designee will:

- A. Mail the relative guardians the CFS-435-G: Annual Progress Report and Subsidized Guardianship Agreement Review at least 60 calendar days before the anniversary date of the finalization of the family's Subsidized Guardianship Agreement with instructions to return in the provided SASE:
 - 1) The completed CFS-435-G; and,
 - 2) Required documentation:
 - a) For non-school-age children, documentation must include:
 - i. Up-to-date immunization records; and,
 - ii. A typed statement on letterhead from the child's Early Intervention Services provider indicating the child's participation and progress, if applicable; and,
 - iii. A typed statement on letterhead from the child's daycare provider confirming enrollment, if applicable.
 - b) For school-age children, documentation must include:
 - i. Up-to-date immunization records; and,
 - ii. A written confirmation on letterhead from the child's Arkansas Department of Education accredited school or home school program verifying enrollment and regular attendance; and,

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EXCERPTS, Policy VIII-L: Subsidized Guardianship EXCERPT

- iii. A copy of the child's up-to-date Individualized Education Plan (IEP), if applicable.
- c) For children ages 18 up to the age of 21, documentation must include:
 - i. A current transcript from the child's secondary education, post-secondary, or vocational education program, as applicable; or,
 - ii. A typed statement on letterhead from the person responsible for managing the child's program or activity designed to promote, or remove barriers to, employment confirming the child's enrollment and participation; or,
 - iii. The most recent pay stubs from the child's employer indicating that the child is working at least 80 hours per month for that particular employer; or,
 - iv. A typed statement on letterhead from the child's medical professional stating the reason for which the child is incapable of meeting the education or employment requirements listed above.

- B. For all children who are approved for a special guardianship subsidy, also request that the relative guardians must attach current documentation received from the service provider outlining:
 - 1) Current diagnosis, prognosis, and summary of treatment services for the previous year.
 - 2) An estimated expense summary of services which will be necessary to meet the special needs of the child and/or a description of any high-level care routine provided by the relative(s) to meet the child's special needs.

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- C. ~~Review requests for special rates. The subsidy will remain the same until the special subsidy is approved. Approval is not guaranteed.~~

- C. Document in CHRIS date the CFS-435-G is mailed to the relative guardians.

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- D. If the family has not returned the completed CFS-435-G and required documentation within 30 calendar days from the date the form was mailed, contact the family by phone to ensure that said documents will be delivered to the DCFS Permanency Specialist within two weeks.

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- D.E. Review the completed CFS-435-G; Annual Progress Report and Subsidized Guardianship Agreement Review and related supporting documentation prior to the anniversary date of finalization of the family's subsidized guardianship agreement at the annual review:

- 1) If the supporting documentation shows that the child's condition has not changed:
 - a) Send completed copy of CFS-435-G with DCFS Permanency Specialist signature confirmation to the family noting that the subsidized guardianship agreement will continue unchanged for the forthcoming year and make appropriate updates in CHRIS.

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- b) Send the original CFS-435-G with signatures to OCC designee to file with the circuit court.
 - c) Maintain a copy of the completed CFS-435-G with signatures in guardian record.
 - d) Enter appropriate CHRIS updates.

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- 2) If the supporting documentation shows that the child's condition has improved, schedule a family-centered staffing or meeting with the relative guardians and Foster Care Manager or designee to renegotiate the subsidized guardianship agreement to the age appropriate guardianship subsidy and complete a new CFS-435-F: Subsidized Guardianship Agreement.

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- 3) If the supporting documentation shows that the child's condition or status within the home has changed such that another type of and the change(s) warrant a revision of the subsidized guardianship agreement is needed or termination of that agreement is warranted:

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- a) Schedule a meeting with the relative guardians and Foster Care Manager or designee to discuss needed revisions or termination including any requests for special subsidy rates.
 - ii. If a request for a special subsidy rate has been made, the subsidy will remain the same until the special subsidy is approved. Approval is not guaranteed.

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- b) Revise CFS-435-F: Subsidized Guardianship Agreement if appropriate and complete CFS-435-G or complete CFS-435-H: Subsidized Guardianship Agreement Termination, if appropriate.

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- i. Provide copy of completed CFS-435-G and new CFS-435-F to family.
 - ii. Provide original CFS-435-G with signatures to OCC designee to file with the circuit court.
 - iii. Maintain a copy of completed CFS-435-F and CFS-435-G in the guardian record.

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- b) ~~File appropriate form in relative guardian's record.~~

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EXCERPTS, Policy VIII-L: Subsidized Guardianship-EXCERPT

d)c) Enter necessary appropriate CHRIS updates.

F. If relative guardian(s) does not submit CFS-435-G and/or requested documentation within the required timeframe:

- 1) Complete CFS-435-G and CFS-435-H: Notice of Modification or Termination to Subsidized Guardianship Agreement.
- 2) Send the family a copy of the completed CFS-435-G and CFS-435-H indicating termination of the agreement and associated payments and benefits.
- 3) File the original CFS-435-G and CFS-435-H in the provider guardian record.
- 4) Enter appropriate CHRIS updates including termination of subsidized guardianship payments.

The Foster Care Manager or designee will:

- A. Conference with the DCFS Permanency Specialist or designee as needed regarding decisions related to annual reviews of subsidized guardianship arrangements.
- B. Participate in meetings with the relative guardians and DCFS Permanency Specialist or designee when discussing revisions to a subsidized guardianship agreement.
- C. Submit any requests for an increase in a guardianship subsidy to the DCFS Director or designee for review.

OCC will:

- A. File CFS-435-G: Annual Progress Report and Subsidized Guardianship Agreement Review with the circuit court.
- B. Conference with DCFS Permanency Specialist as appropriate.

The DCFS Director will:

- A. Review requests for increases in subsidized guardianship payments and approve or deny as appropriate.

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EXCERPTS, Policy VIII-L: Subsidized Guardianship

POLICY VIII-L: SUBSIDIZED GUARDIANSHIP

01/2013

ANNUAL PROGRESS REPORT and REVIEW of SUBSIDIZED GUARDIANSHIP AGREEMENT

An annual progress report and review of the subsidized guardianship agreement are required annually in order for the subsidized guardianship and subsidized guardianship payments of any amount or payment rate to continue. The progress report and review shall be conducted by the Division of Family Services (DCFS) Permanency Specialist or designee while the Office of Chief Counsel shall file the annual progress report with the court. An accounting of the guardianship subsidy is not required. Documentation of continued eligibility is required for the review. The subsidized guardianship payments granted at the time of review will reflect the child's current, documented level of need.

PROCEDURE VIII-L1: Initial Subsidized Guardianship Program Determination

01/2013

If a goal of guardianship with a relative has been determined to be in the child's best interest, the FSW will:

- A. Gather and review all relevant documentation to determine the child's eligibility for the Subsidized Guardianship Program.
- B. Complete CFS-435-A: Subsidized Guardianship Program Application and Checklist with the child (if age appropriate), prospective relative guardians, and child's biological parents (if appropriate) to make the initial determination that the child and prospective relative guardians meet all subsidized guardianship eligibility requirements.
- C. Submit the completed CFS-435-A to the FSW Supervisor for review and approval and attach the following to complete the referral packet:
 - 1) Case history memorandum
 - 2) CFS-404: Medical Report
 - 3) CFS-446: In Home Consultation Visit Report
 - 4) CFS-475-A: Initial Checklist for Foster/Adoptive Home Assessment
 - 5) Final SAFE Home Study Report or Update, as applicable
 - 6) Case Plan (updated to reflect guardianship goal and other required program information; see Case Plan Requirements for Subsidized Guardianship in policy section above)
 - 7) Court Orders (documenting reasonable efforts ruling out reunification and adoption)
 - 8) Court Reports (file marked)
 - 9) CHRIS Notes relevant to the subsidized guardianship referral (e.g., visitations, staffing, home visits; adoption specialist involvement and/or services)
 - 10) Notarized statement from relative verifying discussion of all permanency options available and understanding of those options as well as decision to elect guardianship and apply for a subsidy
 - 11) Any other documentation that would be important to the child's case (education records, DDS, SSI, SA, medical passport, child consent form, therapist or counseling reports)
- D. If the FSW Supervisor
 - 1) Denies moving forward with the subsidized guardianship arrangement, proceed to Procedure VIII-L2: Denial of Subsidized Guardianship Arrangement.
 - 2) Approves moving forward with the subsidized guardianship arrangement:
 - a) Update the child's case plan in CHRIS to describe the ways in which the child meets the eligibility requirements for a subsidized guardianship arrangement to include:
 - i. steps the agency has taken to determine that it is not appropriate for the child to be returned home or adopted;
 - ii. reasons for any separation of siblings during placement; the efforts made to place currently separated siblings together, the efforts made to provide frequent visitation or

EXCERPTS, Policy VIII-L: Subsidized Guardianship

- other ongoing interaction between siblings not placed together; and efforts to reunify separated siblings in the same home;
 - iii. reasons why a permanent placement with an appropriate and willing relative through a Subsidized Guardianship arrangement is in the child's best interest;
 - iv. efforts that the Division has made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of those reasons;
 - v. efforts made by the Division to discuss with the child's parent(s) subsidized guardianship arrangement, or the reasons why the efforts were not made;
 - vi. process in place to allow for a successor guardian in the event that the relative guardian of the child dies or is no longer able to care for the child;
 - vii. any appropriate transitional youth services for those youth who exit foster care at or after the age of 16; and,
- b) Notify the child's biological parents (if appropriate), attorney ad litem, OCC representative, parent counsel (if applicable), and DCFS Permanency Specialist or designee that the child and prospective relative guardians would like to proceed with the subsidized guardianship arrangement.
 - c) Provide the DCFS Permanency Specialist or designee with all pertinent documentation including:
 - i. Copy of CFS-435-A: Subsidized Guardianship Program Application and Checklist
 - ii. Copy of CFS-404: General Medical Report for each relative guardian and all appropriate household members
 - iii. Copy of prospective relative guardian's CFS-446: In Home Consultation Visit Report
 - iv. Copy of prospective relative guardian's SAFE Home Study
 - d) If the DCFS Permanency Specialist or designee determines that:
 - i. All initial eligibility and case plan criteria have been met, notify the FSW to proceed with subsidized guardianship determination meeting arrangements to discuss the Subsidized Guardianship Program (per Procedure VIII-L3: Subsidized Guardianship Determination Meeting); or,
 - ii. All eligibility and case plan criteria have not been met, then discuss with the DCFS Permanency Specialist or designee how to meet said criteria and/or other possible permanency options or proceed to Procedure VIII-L2: Denial of Subsidized Guardianship arrangement, as applicable.

The FSW Supervisor will:

- A. Conference with the FSW as to the appropriateness of a guardianship arrangement supported by a subsidy for the child with the prospective relative guardians.
- B. Review the completed CFS-435-A: Subsidized Guardianship Program Application and Checklist and other required referral packet documentation.
- C. Notify FSW of approval or denial to move forward with the subsidized guardianship arrangement.
- D. Notify the Area Director of any approval or denial to move forward with a subsidized guardianship arrangement.

The DCFS Permanency Specialist or designee will:

- A. Review each submitted CFS-435-A: Subsidized Guardianship Program Application and Checklist and other supporting documentation to determine if the family meets the initial eligibility and case plan criteria to further pursue a subsidized guardianship arrangement.
- B. Make the determination as to whether it is appropriate to continue pursuing the subsidized guardianship arrangement and either:
 - 1) Notify the FSW, FSW Supervisor, and Area Director to proceed to Procedure VIII-L3, if the subsidized guardianship arrangement is appropriate; or,
 - 2) Notify the FSW, FSW Supervisor, and Area Director that a subsidized guardianship arrangement is not currently appropriate and
 - a) Discuss how to meet needed criteria;

EXCERPTS, Policy VIII-L: Subsidized Guardianship

- b) Discuss other possible permanency options; or
- c) Instruct FSW to proceed to Procedure VIII-L2: Denial of Subsidized Guardianship Arrangement.

PROCEDURE VIII-L5: Subsidized Guardianship Agreement Finalization

01/2013

The DCFS Permanency Specialist or designee will:

- A. Complete the CFS-435-D: Recommendation for Finalization of Guardianship and submit to the appropriate OCC attorney who will use the information on the form to prepare the guardianship petition.
- B. Draft and complete the CFS-435-F: Subsidized Guardianship Agreement with the prospective guardians and FSW prior to the guardianship hearing.
- C. Submit the CFS-435-F to the Foster Care Manager or designee for review and approval.
- D. Sign the CFS-435-F.

The Foster Care Manager or designee will:

- A. Review the CFS-435-F: Subsidized Guardianship Agreement and approve or deny as appropriate.
- B. Inform the DCFS Permanency Specialist or designee of approval or denial.

The FSW will:

- A. Assist the DCFS Permanency Specialist or designee in completing the CFS-435-F: Subsidized Guardianship Agreement with the prospective guardian(s) prior to the guardianship hearing.
- B. Ensure all signatures required on the CFS-435-F are obtained.

The FSW Supervisor will:

- A. Conference with the FSW regarding decisions related to and preparation for the finalization of the subsidized guardianship agreement.
- B. Inform the Area Director of issues related to pursuing the subsidized guardianship arrangement for the child.

PROCEDURE VIII-L7: Annual Subsidized Guardianship Review

01/2013

The DCFS Permanency Specialist or designee will:

- A. Mail the relative guardians the CFS-435-G: Annual Progress Report and Subsidized Guardianship Agreement Review at least 60 calendar days before the anniversary date of the finalization of the family's Subsidized Guardianship Agreement with instructions to return in the provided SASE:
 - 1) The completed CFS-435-G; and,
 - 2) Required documentation:
 - a) For non-school-age children, documentation must include:
 - i. Up-to-date immunization records; and,
 - ii. A typed statement on letterhead from the child's Early Intervention Services provider indicating the child's participation and progress, if applicable; and,
 - iii. A typed statement on letterhead from the child's daycare provider confirming enrollment, if applicable.
 - b) For school-age children, documentation must include:
 - i. Up-to-date immunization records; and,
 - ii. A written confirmation on letterhead from the child's Arkansas Department of Education accredited school or home school program verifying enrollment and regular attendance; and,

EXCERPTS, Policy VIII-L: Subsidized Guardianship

- iii. A copy of the child's up-to-date Individualized Education Plan (IEP), if applicable.
 - c) For children ages 18 up to the age of 21, documentation must include:
 - i. A current transcript from the child's secondary education, post-secondary, or vocational education program, as applicable; or,
 - ii. A typed statement on letterhead from the person responsible for managing the child's program or activity designed to promote, or remove barriers to, employment confirming the child's enrollment and participation; or,
 - iii. The most recent pay stubs from the child's employer indicating that the child is working at least 80 hours per month for that particular employer; or,
 - iv. A typed statement on letterhead from the child's medical professional stating the reason for which the child is incapable of meeting the education or employment requirements listed above.
 - B. For all children who are approved for a special guardianship subsidy, also request that the relative guardians attach current documentation received from the service provider outlining:
 - 1) Current diagnosis, prognosis, and summary of treatment services for the previous year.
 - 2) An estimated expense summary of services which will be necessary to meet the special needs of the child and/or a description of any high-level care routine provided by the relative(s) to meet the child's special needs.
 - C. Document in CHRIS date the CFS-435-G is mailed to the relative guardians.
 - D. If the family has not returned the completed CFS-435-G and required documentation within 30 calendar days from the date the form was mailed, contact the family by phone to ensure that said documents will be delivered to the DCFS Permanency Specialist within two weeks.
 - E. Review the completed CFS-435-G: Annual Progress Report and Subsidized Guardianship Agreement Review and related supporting documentation prior to the anniversary date of finalization of the family's subsidized guardianship agreement:
 - 1) If the supporting documentation shows that the child's condition has not changed:
 - a) Send completed copy of CFS-435-G with DCFS Permanency Specialist signature to the family noting that the subsidized guardianship agreement will continue unchanged for the forthcoming year.
 - b) Send the original CFS-435-G with signatures to OCC designee to file with the circuit court.
 - c) Maintain a copy of the completed CFS-435-G with signatures in guardian record.
 - d) Enter appropriate CHRIS updates.
 - 2) If the supporting documentation shows that the child's condition or status within the home has changed and the change(s) warrant a revision of the subsidized guardianship agreement or termination of the agreement:
 - a) Schedule a meeting with the relative guardians and Foster Care Manager or designee to discuss needed revisions or termination including any requests for special subsidy rates.
 - i. If a request for a special subsidy rate has been made, the subsidy will remain the same until the special subsidy is approved. Approval is not guaranteed.
 - b) Revise CFS-435-F: Subsidized Guardianship Agreement if appropriate and complete CFS-435-G.
 - i. Provide copy of completed CFS-435-G and new CFS-435-F to family.
 - ii. Provide original CFS-435-G with signatures to OCC designee to file with the circuit court.
 - iii. Maintain a copy of completed CFS-435-F and CFS-435-G in the guardian record.
 - c) Enter appropriate CHRIS updates.
 - F. If relative guardian(s) does not submit CFS-435-G and/or requested documentation within the required timeframe:
 - 1) Complete CFS-435-G and CFS-435-H: Notice of Modification or Termination to Subsidized Guardianship Agreement.
 - 2) Send the family a copy of the completed CFS-435-G and CFS-435-H indicating termination of the agreement and associated payments and benefits.
 - 3) File the original CFS-435-G and CFS-435-H in the guardian record.
 - 4) Enter appropriate CHRIS updates including termination of subsidized guardianship payments.

EXCERPTS, Policy VIII-L: Subsidized Guardianship

The Foster Care Manager or designee will:

- A. Conference with the DCFS Permanency Specialist or designee as needed regarding decisions related to annual reviews of subsidized guardianship arrangements.
- B. Participate in meetings with the relative guardians and DCFS Permanency Specialist or designee when discussing revisions to a subsidized guardianship agreement.
- C. Submit any requests for an increase in a guardianship subsidy to the DCFS Director or designee for review.

OCC will:

- A. File CFS-435-G: Annual Progress Report and Subsidized Guardianship Agreement Review with the circuit court.
- B. Conference with DCFS Permanency Specialist as appropriate.

The DCFS Director will:

Review requests for increases in subsidized guardianship payments and approve or deny as appropriate.



ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF CHILDREN AND FAMILY SERVICES

Subsidized Guardianship Agreement

The following Agreement has been entered into by and between:

Arkansas Department of Human Services, Division of Children and Family Services, P.O. Box 1437, Slot S 565, Little Rock, Arkansas 72203 and

(Guardian Full Name(s))

(Address)

(Telephone #)

Hereafter called the "guardian(s)," for the purpose of facilitating the legal guardianship of and:

(Child's Full Name)

(Social Security Number)

(Date of Birth)

To aid the guardians in providing proper care for this child, hereafter referred to as "the child" in this Agreement.

This document is the:

Initial Agreement: The prospective guardian(s) agree(s) that he/she intends to provide guardianship to the child and has signed this document prior to finalization of guardianship for the purposes of receiving Subsidized Guardianship payments and/or services for the child under Titles XIX and XX from the time of placement.

This Agreement will become effective upon entering of a court order granting guardianship of the child to the guardians and, unless termination of the Agreement occurs as a result of one or more conditions set forth in Section IV (Revision or Termination) of this Agreement, this Agreement will remain in effect until:

- the child's eighteenth (18th) birthday if the agreement is finalized prior to the child reaching 16 years of age; or
the child's twenty-first (21st) birthday if the agreement is finalized after the child has reached 16 years of age but before the child has reached 18 years of age and if the child meets at least one of the following criteria from the age of 18 until the age of 21:
The child is completing secondary education or a program leading to an equivalent credential; or
The child is enrolled in an institution which provides post-secondary or vocational education; or
The child is participating in a program or activity designed to promote, or remove barriers to, employment; or
The child is employed for at least 80 hours per month; or
The child is incapable of doing any of the above described activities due to a medical condition.

The Agreement will remain in effect without regard to State residency of the relative guardian.

Date of Guardianship Finalization

Amended Agreement: This is an amendment of the Subsidized Guardianship Agreement for the child placed on (Date)

This Agreement will be effective (Date) and remain in effect until (Date)

PROVISIONS OF AGREEMENT

I. Relative Guardian Roles and Responsibilities

We/I, the relative guardian(s) agree(s):

- A. To continue to provide normal day to day care for the child who is placed with us.
- B. To accept this child as a member of our family with full understanding of his/her needs.
- C. To cooperate with DCFS and keep the DCFS Permanency Specialist aware of adjustment issues.
- D. To continue regular visitation and/or contact with the designated siblings and relatives (when applicable).
- E. To understand that accepting, we are accepting one of a sibling group and that should disruption of placement occur with any of the siblings, we will not attempt to separate them by requesting to keep any one child (when applicable).
- F. To complete and submit, annually, CFS-435-G to the DCFS Permanency Specialist within twenty (20) business days of receipt of CFS-435-G.
- G. To adhere to all other provisions outlined in this Agreement.

II. DCFS Roles and Responsibilities

DCFS agrees:

- A. To provide the current foster home board payment until transfer of permanent guardianship at which time the monthly Subsidized Guardianship payment will be provided.
- B. To provide necessary documents at the appropriate time and process those documents in a timely fashion.
- C. To ensure that an annual report to the court is filed by the Office of Chief Counsel on behalf of the guardian(s) and child.
- D. To keep the relative guardian(s) informed of any changes or other information impacting their Subsidized Guardianship Agreement and/or payments.
- E. To adhere to all provisions outlined in this Agreement.

III. Guardianship Assistance Benefits

A. Monthly Cash Payment: Yes No

\$ _____ For _____ months

Yearly Total \$ _____

The payment will be mailed to the relative guardian(s) each month.

The amount of this monthly cash payment (Subsidized Guardianship) is based on the needs of the child and the circumstances of the guardian(s) and has been determined by mutual Agreement between the guardian(s) and the Division. The amount of the payment cannot exceed the foster care maintenance payment for the child if he/she were in a foster family home in the State of Arkansas.

Adjustments in Subsidized Guardianship payments may be made based upon changes in the needs of the child, changes in the circumstances of the guardian(s), or changes in the maximum allowable Subsidized Guardianship payment. Documentation of changes in the child's needs or family's circumstances will be required.

The Division will pay the total cost of non-reoccurring expenses associated with obtaining legal guardianship (supported by Subsidized Guardianship) of the child up to \$2,000.

B. Medical Coverage

- 1. Medical benefits as provided under Title XIX of the Social Security Act (Medicaid) will be available to any IV-E eligible child in accordance with the procedure of the State in which the child resides.
- 2. Guardians of a non-IV-E eligible child may apply for Medicaid through his or her local county office.

Medical benefits will not be provided as part of this Agreement.

C. Social Services

1. Social Services as provided under Title XX of the Social Security Act will be available to the child in accordance with the procedures of the State in which the child resides.
2. Social Services will be provided as appropriate by the State of Arkansas, if not provided by Title XX, regardless of the State in which the child resides.
3. Contact your local Department of Human Services county office to access Title XX services.

D. Transitional Services

1. Appropriate Transitional Youth Services are available to children who enter into a Subsidized Guardianship arrangement after attaining 16 years of age but prior to reaching 18 years of age. The purpose of Transitional Youth Services (TYS) is to better prepare youth for successful transition to adulthood and to ensure that youth have access to an array of resources.
2. Contact your local Department of Human Services county office to learn more about Transitional Youth Services.

E. Procedures to be Followed when Moving from the State of Arkansas

Guardian(s) must follow these procedures in order to receive guardianship assistance medical coverage and social services when moving to or living in a state other than Arkansas.

1. Medical Coverage
 - a) At least ten (10) days prior to the planned move the guardian(s) should contact the DCFS Permanency Specialist in the Arkansas DHS/DCFS Foster Care Unit.
 - b) Upon arrival in the new resident state contact the local state Medicaid office to surrender the Medicaid card issued by the State of Arkansas and make application for Medicaid in the new resident state.
 - c) Take a copy of this Agreement with you.
2. Social Services
 - a) Contact the state agency responsible for the provision of social services in your new resident state as appropriate.
 - b) Take a copy of this Agreement with you.
3. Transitional Services
 - a) Contact the state agency responsible for the provision of transitional services in your new resident state.
 - b) Take a copy of this Agreement with you.

II. Notification of Change to the Guardianship Assistance Agreement and/or Payments

- A. The guardian(s) will notify the Division, in writing, within five (5) days if guardian(s) is/are no longer legally responsible for the support of the child or is/are no longer supporting the child. A written statement is required.
- B. The amount of the subsidy may be adjusted automatically due to increases in age of the child. These are system-generated adjustments and no notice will be sent.
- C. Guardian(s) shall notify the Division of changes of address at least ten (10) days prior to the move.

III. Annual Progress Report and Subsidized Guardianship Agreement Review and Subsidy Eligibility

For Subsidized Guardianships, verification of circumstances to continue the subsidy must be documented annually via CFS-435-G: Annual Progress Report and Subsidized Guardianship Agreement Review. The DCFS Permanency Specialist will send this form to the guardian(s) each year that this Agreement is in place approximately 60 business calendar days prior to the anniversary date of the finalization of the family's current Subsidized Guardianship Agreement. The guardians will return the completed CFS-435-G and any supporting documentation requested within 30~~20~~ business-calendar days of receipt of the CFS-435-G.

IV. Revision or Termination

The Subsidized Guardianship Agreement and, consequently the Subsidized Guardianship payments, shall be terminated or modified:

- A. If the child is absent from the relative guardian home for more than 14 days in a month (in such an event, the child will be eligible for only a portion of the month that he or she was in the relative guardian home) excluding when a child 18 or older lives in an approved independent living situation outside of the home (e.g., college dorm); or,
- B. When the terms of the Subsidized Guardianship Agreement are fulfilled; or,
- C. If the child begins receiving SSI, SSA, or any other source of income (the relative guardian is responsible for notifying the Division if the child begins receiving other sources of income) excluding any income that the child may earn from his or her own employment;
- D. If the child has attained the age of 18 for those who entered into the Subsidized Guardianship arrangement prior to the age of 16; or,
- E. If the child has attained the age of 21 for those who entered into the Subsidized Guardianship arrangement at the age of 16 or older; or,
- F. If the child who has an extended subsidy (i.e., up to age 21) does not meet the education or employment conditions outlined on page 1 of this agreement; or,
- G. If the child becomes an emancipated minor; or,
- H. If the child marries; or,
- I. If the child enlists in the military; or,
- J. If the relative guardian(s) are no longer legally or financially responsible for the support of the child; or,
- K. If the guardian(s) die; or,
- L. If the guardianship is vacated; or,
- M. If the child dies.

In addition, if a youth is receiving Subsidized Guardianship payments and re-enters DHS custody, the Subsidized Guardianship Agreement will be terminated until such time that the child is reunified with the relative guardian(s).

Subsidized Guardianship payments may continue to be paid on behalf of the youth if the youth moves out of the relative guardianship's home or otherwise lives independently of the guardian (s) as long as the guardian(s) continue to provide support to the youth as evidenced by supporting documentation requested by the DHS/DCFS Foster Care Unit.

V. Adoption

The child/youth shall retain eligibility for federal adoption assistance payments under the Title IV-E, provided he or she was eligible for federal adoption assistance payments when the Subsidized Guardianship Agreement was negotiated, if the guardian later decides to adopt the child.

VI. Successor Guardian

In the event that the relative guardian(s) of the child dies or is no longer able to care for the child, the relative guardian(s) may identify in this Agreement a successor guardian to potentially assist in expediting permanency for the child if and when the relative guardian can no longer fulfill guardianship responsibilities.

A successor guardian and all household members within that individual's home must clear applicable Child Maltreatment Central Registry checks, applicable State Police Criminal Record checks, and a Vehicle Safety Check before being identified as a potential successor guardian in the Subsidized Guardianship Agreement or in any amendments to the Subsidized Guardianship Agreement.

Identification of a successor guardian in the Subsidized Guardianship Agreement will not guarantee an automatic transfer of guardianship in the event that the current relative guardian is no longer able to fulfill guardianship responsibilities. In order for the successor guardian to assume guardianship, he or she must follow all policies and procedures regarding Subsidized Guardianship arrangements. This includes becoming an approved DCFS foster home placement for the child (if appropriate at that point in time) prior to exploring legal guardianship supported by the Subsidized Guardianship Program.

If the above successor guardian requirements have been met and all supporting documentation is filed in the provider record, please enter the successor guardian information below:

Successor Guardian Full Name(s)

(Address)

(Telephone #)

VII. Appeal

Guardian(s) may appeal the Division's decision to deny, terminate, or modify their child's Subsidized Guardianship Agreement and/or payments in accordance with the rules and procedures of the State's fair hearing and appeal process. The relative guardian(s) must appeal an adverse decision within (30) calendar days of written notice of adverse action. To request an administrative hearing, the relative guardian(s) must mail a copy of the form notifying them of adverse action along with the request to:

Office of Appeals & Hearings
Slot N401, P.O. Box 1437
Little Rock, AR 72203

Guardianship Assistance payments will not continue pending the determination of an appeal. Families who receive a favorable ruling in their hearing may be entitled to assistance that had been suspended.

Effective date for Titles XIX and XX: **UPON FINALIZATION OF GUARDIANSHIP**

Director's Signature
Division of Children and Family Services

Date

Guardian's Signature

Date

Guardian's Signature

Date

Successor Guardian's Signature (if identified in Section VI)

Date

Successor Guardian's Signature (if identified in Section VI)

Date

Signed copy of the Subsidized Guardianship Agreement given/sent to relative guardian(s) on _____

Date



ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF CHILDREN AND FAMILY SERVICES

Subsidized Guardianship Agreement

The following Agreement has been entered into by and between:

Arkansas Department of Human Services, Division of Children and Family Services, P.O. Box 1437, Slot S 565, Little Rock, Arkansas 72203 and

(Guardian Full Name(s))

(Address)

(Telephone #)

Hereafter called the "guardian(s)," for the purpose of facilitating the legal guardianship of and:

(Child's Full Name) (Social Security Number) (Date of Birth)

To aid the guardians in providing proper care for this child, hereafter referred to as "the child" in this Agreement.

This document is the:

Initial Agreement: The prospective guardian(s) agree(s) that he/she intends to provide guardianship to the child and has signed this document prior to finalization of guardianship for the purposes of receiving Subsidized Guardianship payments and/or services for the child under Titles XIX and XX from the time of placement.

This Agreement will become effective upon entering of a court order granting guardianship of the child to the guardians and, unless termination of the Agreement occurs as a result of one or more conditions set forth in Section IV (Revision or Termination) of this Agreement, this Agreement will remain in effect until:

- the child's eighteenth (18th) birthday if the agreement is finalized prior to the child reaching 16 years of age; or
the child's twenty-first (21st) birthday if the agreement is finalized after the child has reached 16 years of age but before the child has reached 18 years of age and if the child meets at least one of the following criteria from the age of 18 until the age of 21:
The child is completing secondary education or a program leading to an equivalent credential; or
The child is enrolled in an institution which provides post-secondary or vocational education; or
The child is participating in a program or activity designed to promote, or remove barriers to, employment; or
The child is employed for at least 80 hours per month; or
The child is incapable of doing any of the above described activities due to a medical condition.

The Agreement will remain in effect without regard to State residency of the relative guardian.

Date of Guardianship Finalization

Amended Agreement: This is an amendment of the Subsidized Guardianship Agreement for the child placed on (Date)

This Agreement will be effective (Date) and remain in effect until (Date)

PROVISIONS OF AGREEMENT

I. Relative Guardian Roles and Responsibilities

We/I, the relative guardian(s) agree(s):

- A. To continue to provide normal day to day care for the child who is placed with us.
- B. To accept this child as a member of our family with full understanding of his/her needs.
- C. To cooperate with DCFS and keep the DCFS Permanency Specialist aware of adjustment issues.
- D. To continue regular visitation and/or contact with the designated siblings and relatives (when applicable).
- E. To understand that accepting, we are accepting one of a sibling group and that should disruption of placement occur with any of the siblings, we will not attempt to separate them by requesting to keep any one child (when applicable).
- F. To complete and submit, annually, CFS-435-G to the DCFS Permanency Specialist within twenty (20) business days of receipt of CFS-435-G.
- G. To adhere to all other provisions outlined in this Agreement.

II. DCFS Roles and Responsibilities

DCFS agrees:

- A. To provide the current foster home board payment until transfer of permanent guardianship at which time the monthly Subsidized Guardianship payment will be provided.
- B. To provide necessary documents at the appropriate time and process those documents in a timely fashion.
- C. To ensure that an annual report to the court is filed by the Office of Chief Counsel on behalf of the guardian(s) and child.
- D. To keep the relative guardian(s) informed of any changes or other information impacting their Subsidized Guardianship Agreement and/or payments.
- E. To adhere to all provisions outlined in this Agreement.

III. Guardianship Assistance Benefits

A. Monthly Cash Payment: Yes No

\$ _____ For _____ months

Yearly Total \$ _____

The payment will be mailed to the relative guardian(s) each month.

The amount of this monthly cash payment (Subsidized Guardianship) is based on the needs of the child and the circumstances of the guardian(s) and has been determined by mutual Agreement between the guardian(s) and the Division. The amount of the payment cannot exceed the foster care maintenance payment for the child if he/she were in a foster family home in the State of Arkansas.

Adjustments in Subsidized Guardianship payments may be made based upon changes in the needs of the child, changes in the circumstances of the guardian(s), or changes in the maximum allowable Subsidized Guardianship payment. Documentation of changes in the child's needs or family's circumstances will be required.

The Division will pay the total cost of non-reoccurring expenses associated with obtaining legal guardianship (supported by Subsidized Guardianship) of the child up to \$2,000.

B. Medical Coverage

- 1. Medical benefits as provided under Title XIX of the Social Security Act (Medicaid) will be available to any IV-E eligible child in accordance with the procedure of the State in which the child resides.
- 2. Guardians of a non-IV-E eligible child may apply for Medicaid through his or her local county office.

Medical benefits will not be provided as part of this Agreement.

C. Social Services

1. Social Services as provided under Title XX of the Social Security Act will be available to the child in accordance with the procedures of the State in which the child resides.
2. Social Services will be provided as appropriate by the State of Arkansas, if not provided by Title XX, regardless of the State in which the child resides.
3. Contact your local Department of Human Services county office to access Title XX services.

D. Transitional Services

1. Appropriate Transitional Youth Services are available to children who enter into a Subsidized Guardianship arrangement after attaining 16 years of age but prior to reaching 18 years of age. The purpose of Transitional Youth Services (TYS) is to better prepare youth for successful transition to adulthood and to ensure that youth have access to an array of resources.
2. Contact your local Department of Human Services county office to learn more about Transitional Youth Services.

E. Procedures to be Followed when Moving from the State of Arkansas

Guardian(s) must follow these procedures in order to receive guardianship assistance medical coverage and social services when moving to or living in a state other than Arkansas.

1. Medical Coverage
 - a) At least ten (10) days prior to the planned move the guardian(s) should contact the DCFS Permanency Specialist in the Arkansas DHS/DCFS Foster Care Unit.
 - b) Upon arrival in the new resident state contact the local state Medicaid office to surrender the Medicaid card issued by the State of Arkansas and make application for Medicaid in the new resident state.
 - c) Take a copy of this Agreement with you.
2. Social Services
 - a) Contact the state agency responsible for the provision of social services in your new resident state as appropriate.
 - b) Take a copy of this Agreement with you.
3. Transitional Services
 - a) Contact the state agency responsible for the provision of transitional services in your new resident state.
 - b) Take a copy of this Agreement with you.

II. Notification of Change to the Guardianship Assistance Agreement and/or Payments

- A. The guardian(s) will notify the Division, in writing, within five (5) days if guardian(s) is/are no longer legally responsible for the support of the child or is/are no longer supporting the child. A written statement is required.
- B. The amount of the subsidy may be adjusted automatically due to increases in age of the child. These are system-generated adjustments and no notice will be sent.
- C. Guardian(s) shall notify the Division of changes of address at least ten (10) days prior to the move.

III. Annual Progress Report and Subsidized Guardianship Agreement Review and Subsidy Eligibility

For Subsidized Guardianships, verification of circumstances to continue the subsidy must be documented annually via CFS-435-G: Annual Progress Report and Subsidized Guardianship Agreement Review. The DCFS Permanency Specialist will send this form to the guardian(s) each year that this Agreement is in place approximately 60 calendar days prior to the anniversary date of the finalization of the family's current Subsidized Guardianship Agreement. The guardians will return the completed CFS-435-G and any supporting documentation requested within 30 calendar days of receipt of the CFS-435-G.

IV. Revision or Termination

The Subsidized Guardianship Agreement and, consequently the Subsidized Guardianship payments, shall be terminated or modified:

- A. If the child is absent from the relative guardian home for more than 14 days in a month (in such an event, the child will be eligible for only a portion of the month that he or she was in the relative guardian home) excluding when a child 18 or older lives in an approved independent living situation outside of the home (e.g., college dorm); or,
- B. When the terms of the Subsidized Guardianship Agreement are fulfilled; or,
- C. If the child begins receiving SSI, SSA, or any other source of income (the relative guardian is responsible for notifying the Division if the child begins receiving other sources of income) excluding any income that the child may earn from his or her own employment;
- D. If the child has attained the age of 18 for those who entered into the Subsidized Guardianship arrangement prior to the age of 16; or,
- E. If the child has attained the age of 21 for those who entered into the Subsidized Guardianship arrangement at the age of 16 or older; or,
- F. If the child who has an extended subsidy (i.e., up to age 21) does not meet the education or employment conditions outlined on page 1 of this agreement; or,
- G. If the child becomes an emancipated minor; or,
- H. If the child marries; or,
- I. If the child enlists in the military; or,
- J. If the relative guardian(s) are no longer legally or financially responsible for the support of the child; or,
- K. If the guardian(s) die; or,
- L. If the guardianship is vacated; or,
- M. If the child dies.

In addition, if a youth is receiving Subsidized Guardianship payments and re-enters DHS custody, the Subsidized Guardianship Agreement will be terminated until such time that the child is reunified with the relative guardian(s).

Subsidized Guardianship payments may continue to be paid on behalf of the youth if the youth moves out of the relative guardianship's home or otherwise lives independently of the guardian (s) as long as the guardian(s) continue to provide support to the youth as evidenced by supporting documentation requested by the DHS/DCFS Foster Care Unit.

V. Adoption

The child/youth shall retain eligibility for federal adoption assistance payments under the Title IV-E, provided he or she was eligible for federal adoption assistance payments when the Subsidized Guardianship Agreement was negotiated, if the guardian later decides to adopt the child.

VI. Successor Guardian

In the event that the relative guardian(s) of the child dies or is no longer able to care for the child, the relative guardian(s) may identify in this Agreement a successor guardian to potentially assist in expediting permanency for the child if and when the relative guardian can no longer fulfill guardianship responsibilities.

A successor guardian and all household members within that individual's home must clear applicable Child Maltreatment Central Registry checks, applicable State Police Criminal Record checks, and a Vehicle Safety Check before being identified as a potential successor guardian in the Subsidized Guardianship Agreement or in any amendments to the Subsidized Guardianship Agreement.

Identification of a successor guardian in the Subsidized Guardianship Agreement will not guarantee an automatic transfer of guardianship in the event that the current relative guardian is no longer able to fulfill guardianship responsibilities. In order for the successor guardian to assume guardianship, he or she must follow all policies and procedures regarding Subsidized Guardianship arrangements. This includes becoming an approved DCFS foster home placement for the child (if appropriate at that point in time) prior to exploring legal guardianship supported by the Subsidized Guardianship Program.

If the above successor guardian requirements have been met and all supporting documentation is filed in the provider record, please enter the successor guardian information below:

Successor Guardian Full Name(s)

(Address) () -
(Telephone #)

VII. Appeal

Guardian(s) may appeal the Division's decision to deny, terminate, or modify their child's Subsidized Guardianship Agreement and/or payments in accordance with the rules and procedures of the State's fair hearing and appeal process. The relative guardian(s) must appeal an adverse decision within (30) calendar days of written notice of adverse action. To request an administrative hearing, the relative guardian(s) must mail a copy of the form notifying them of adverse action along with the request to:

Office of Appeals & Hearings
Slot N401, P.O. Box 1437
Little Rock, AR 72203

Guardianship Assistance payments will not continue pending the determination of an appeal. Families who receive a favorable ruling in their hearing may be entitled to assistance that had been suspended.

Effective date for Titles XIX and XX: **UPON FINALIZATION OF GUARDIANSHIP**

Director's Signature _____
Date
Division of Children and Family Services

Guardian's Signature _____
Date

Guardian's Signature _____
Date

Successor Guardian's Signature (if identified in Section VI) _____
Date

Successor Guardian's Signature (if identified in Section VI) _____
Date

Signed copy of the Subsidized Guardianship Agreement given/sent to relative guardian(s) on _____
Date



ARKANSAS DEPARTMENT OF HUMAN SERVICES
Division of Children and Family Services

**Annual Progress Report and Subsidized Guardianship
Agreement Review**

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Please complete all sections and return, along with any additional requested documentation, in the provided pre-stamped envelope to the DCFS Permanency Specialist within 30 calendar days.

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Instructions:

Sections A, B and D are to be completed by the guardian regardless of the age of the child in his or her care.

Section C is to be completed by a guardian of a child who is receiving an extended Subsidized Guardianship (i.e., up to the age of 21) due to the initial Subsidized Guardianship Agreement being finalized after the child attained the age of 16.

Section E is to be completed by the DCFS Permanency Specialist who will return a copy of this completed form to the family.

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Section A: Annual Progress Report

Guardian's Name Address City/State/Zip Code

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Where does _____ currently live? (State whether child is living in a group home, private home, or facility and give the name and address of the facility or person with whom they live).

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What is _____'s current health and physical condition? (Please be specific and note if there have been any changes in the last year).

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What is _____'s current mental and social condition?

Does _____ continue to need a guardian? Yes No

If no, state the reason

Requested Subsidized Guardianship Agreement Action

I/We request (please check all that apply):

Guardian's Name _____ Address _____ City/State/Zip Code _____

- R/We request renewal of the current Subsidized Guardianship Agreement.
- A/We request a conference meeting with DCFS staff to discuss possible changes to the Subsidized Guardianship Agreement because the conditions outlined in the most recent agreement have changed and/or the level of care required for the child has changed.
- T/We request termination of Subsidized Guardianship Agreement and payments.

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Section B: Subsidized Guardianship Review

I/We certify and assure the Arkansas Department of Human Services that the following is current and accurate and has been so since eligibility was last certified (please check all that apply):

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- The child is presently in our/my care and custody, and that the condition(s) for which he/she was initially determined eligible for Subsidized Guardianship Program benefits remain the same, and I/we have attached the required documentation.
- I/We have been and continue to be legally responsible for the child.
- I/We have been and continue to be financially responsible for the child.
- There has **NOT** been a change of name, or change in marital status for the child, nor has the child enlisted in the military, married or otherwise been emancipated.
- My child is not of school age (i.e., in kindergarten or above).
- My child is attending public or private school and the school name is _____.
- My child is home schooled in accordance with state law.
- My child is incapable of attending school due to a medical condition documented by a physician.
- Our address and/or phone number has changed.

(If applicable, please enter new address including city, state, and zip code and/or new phone number)

Section C- Extended Guardianship Assistance Review

Only complete this section if you are a guardian of a child who is receiving an extended Subsidized Guardianship (i.e., up to the age of 21) due to the initial Subsidized Guardianship Agreement being finalized after the child turned 16.

To be eligible for extended Subsidized Guardianship, the guardian had to have entered into the Subsidized Guardianship Agreement on or after the child's 16th birthday. In order for the youth to remain eligible for Subsidized Guardianship through age 21 at least one of the following criteria must be met (*please check all that apply for the child in your care*):

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- The child is completing secondary education or a program leading to an equivalent credential; or,
- The child is enrolled in an institution which provides post-secondary or vocational education; or,
- The child is participating in a program or activity designed to promote, or remove barriers to, employment; or,
- The child is employed for at least 80 hours per month; or,
- The child is incapable of doing any of the above described activities due to a medical condition.

Section D: Signatures and Notarization

I/We understand that if we knowingly provide false information with regard to this statement or any information that we/I provide to the Department regarding the Subsidized Guardianship Arrangement, could result in our/my having to repay funds to the Department or termination of the Subsidized Guardianship Agreement.

(Signature of Legal Guardian) Date _____

(Signature of Legal Guardian) Date _____

Sworn to and subscribed before me this _____ day of, _____ 20_____.

My commission expires _____

Notary Public

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Section E: Approval *(to be completed by the DCFS Permanency Specialist)*

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Support documentation received: Yes No

Comments:

Approval time frame of this renewal -- _____ -- to _____

--- (Effective Start Date)

--- (End Date)

The daily rate for this renewal is \$ _____

The next renewal is due by the _____ day of _____, 20____ provided there is no revision.

For: Enter Child's Name _____ CHRIS ID: _____

Funding: IV-E State

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Approval for continued subsidized guardianship agreement and payments not granted due to insufficient documentation and/or lack of response to complete CFS-435-G as required. CFS-435-H: Modification or Termination of Subsidized Guardianship Agreement will be sent to guardians.

DCFS Permanency Specialist or Designee Signature

Date



ARKANSAS DEPARTMENT OF HUMAN SERVICES
 Division of Children and Family Services
**Annual Progress Report and Subsidized Guardianship
 Agreement Review**

Please complete all sections and return, along with any additional requested documentation, in the provided pre-stamped envelope to the DCFS Permanency Specialist within 30 calendar days.

Annual Progress Report

Guardian's Name

Address

City /State/Zip Code

Where does _____ currently live? (State whether child is living in a group home, private home, or facility and give the name and address of the facility or person with whom they live).

What is _____'s current health and physical condition? (Please be specific and note if there have been any changes in the last year).

What is _____'s current mental and social condition?

Does _____ continue to need a guardian? Yes No

If no, state the reason

Requested Subsidized Guardianship Agreement Action

I/We request *(please check all that apply)*:

- Renewal of the current Subsidized Guardianship Agreement.
- A meeting with DCFS staff to discuss possible changes to the Subsidized Guardianship Agreement because the conditions outlined in the most recent agreement have changed and/or the level of care required for the child has changed.
- Termination of Subsidized Guardianship Agreement and payments.

Subsidized Guardianship Review

I/We certify and assure the Arkansas Department of Human Services that the following is current and accurate and has been so since eligibility was last certified *(please check all that apply)*:

- The child is presently in our/my care and custody, and that the condition(s) for which he/she was initially determined eligible for Subsidized Guardianship Program benefits remain the same, and I/we have attached the required documentation.
- I/We have been and continue to be legally responsible for the child.
- I/We have been and continue to be financially responsible for the child.
- There has **NOT** been a change of name, or change in marital status for the child, nor has the child enlisted in the military, married or otherwise been emancipated.
- My child is not of school age (i.e., in kindergarten or above).
- My child is attending public or private school and the school name is _____.
- My child is home schooled in accordance with state law.
- My child is incapable of attending school due to a medical condition documented by a physician.
- Our address and/or phone number has changed.

(If applicable, please enter new address including city, state, and zip code and/or new phone number)

Extended Guardianship Assistance Review

Only complete this section if you are a guardian of a child who is receiving an extended Subsidized Guardianship (i.e., up to the age of 21) due to the initial Subsidized Guardianship Agreement being finalized after the child turned 16.

In order for the youth to remain eligible for Subsidized Guardianship through age 21 at least one of the following criteria must be met *(please check all that apply for the child in your care)*:

- The child is completing secondary education or a program leading to an equivalent credential; or,
- The child is enrolled in an institution which provides post-secondary or vocational education; or,
- The child is participating in a program or activity designed to promote, or remove barriers to, employment; or,
- The child is employed for at least 80 hours per month; or,
- The child is incapable of doing any of the above described activities due to a medical condition.

Signatures and Notarization

I/We understand that if we knowingly provide false information with regard to this statement or any information that we/I provide to the Department regarding the Subsidized Guardianship Arrangement, could result in our/my having to repay funds to the Department or termination of the Subsidized Guardianship Agreement.

(Signature of Legal Guardian) Date _____

(Signature of Legal Guardian) Date _____

Sworn to and subscribed before me this _____ day of, _____ 20_____.

My commission expires _____

Notary Public

Approval (to be completed by the DCFS Permanency Specialist)

Support documentation received: Yes No

Comments:

Approval time frame of this renewal _____ to _____
(Effective Start Date) (End Date)

The daily rate for this renewal is \$ _____

The next renewal is due by the _____ day of _____, 20____ provided there is no revision.

For: Enter Child's Name

CHRIS ID:

Funding: IV-E State

Approval for continued subsidized guardianship agreement and payments not granted due to insufficient documentation and/or lack of response to complete CFS-435-G as required. CFS-435-H: Modification or Termination of Subsidized Guardianship Agreement will be sent to guardians.

DCFS Permanency Specialist or Designee Signature

Date



ARKANSAS DEPARTMENT OF HUMAN SERVICES
Division of Children and Family Services
**Notice of Modification or Termination to
Subsidized Guardianship Agreement**

Date _____

Guardian Name(s): _____

Address _____

City/State/Zip _____

This is to notify you that as of _____ the Subsidized Guardianship Agreement and benefits paid under the agreement on behalf of _____ have been:

Modified _____
(Please provide description of modification)

Terminated

The Subsidized Guardianship Agreement and associated payments have been modified or terminated for the following reason(s):

- Changes in the child's circumstances have altered the level of care required for the child.
- Changes to the child's income have necessitated a revision to the guardianship subsidy.
- You are no longer legally responsible for the child's care due to a change in the legal status of the child prior to reaching the age of 18;
- You are no longer providing any care and/or financial support to the child;
- You did not submit 435-G: Annual Progress Report and Subsidized Guardianship Review and/or required supporting documentation when requested and as outlined in your Subsidized Guardianship Agreement.
- We have received notification that an annual report was not submitted to the court as outlined in your Subsidized Guardianship Agreement.
- You did not adhere to other provisions outlined in your Subsidized Guardianship Agreement.
- The child is over the age of 18 and receiving extended Subsidized Guardianship benefits and no longer meets, or the parents fail to submit documentation sufficient to demonstrate, that the child meets the educational or vocational requirements of this Agreement.
- The child was mistakenly determined eligible for benefits;

- You have requested termination of the Subsidized Guardianship Agreement and associated benefits;
- Other

Additional Permanency Specialist comments:

You have a right to appeal this decision within 30 calendar days of receiving this notice. To request an administrative hearing, you must mail a copy of this form along with your request to:

Office of Appeals & Hearings
Slot N 401, P.O. Box 1437
Little Rock, AR 72203

Administrative hearings are conducted telephonically, unless you ask that the hearing be held in person. The request for an in-person hearing must be noted on your request for an administrative hearing. You have the right to an attorney; if you cannot afford one you should contact Legal Services.

For more information, please contact the DCFS Permanency Specialist at 501-682-1585.

Permanency Specialist Signature

Date

Foster Care Manager or Designee Signature

Date



ARKANSAS DEPARTMENT OF HUMAN SERVICES
Division of Children and Family Services
**Notice of Modification or Termination to
Subsidized Guardianship Agreement**

Date _____

Guardian Name(s): _____

Address _____

City/State/Zip _____

This is to notify you that as of _____ the Subsidized Guardianship Agreement and benefits paid under the agreement on behalf of _____ have been:

Modified _____
(Please provide description of modification)

Terminated

The Subsidized Guardianship Agreement and associated payments have been modified or terminated for the following reason(s):

- Changes in the child's circumstances have altered the level of care required for the child.
- Changes to the child's income have necessitated a revision to the guardianship subsidy.
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- You are no longer providing any care and/or financial support to the child;
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- The child is over the age of 18 and receiving extended Subsidized Guardianship benefits and no longer meets, or the parents fail to submit documentation sufficient to demonstrate, that the child meets the educational or vocational requirements of this Agreement.
- The child was mistakenly determined eligible for benefits;

- You have requested termination of the Subsidized Guardianship Agreement and associated benefits;
- Other

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Permanency Specialist Signature

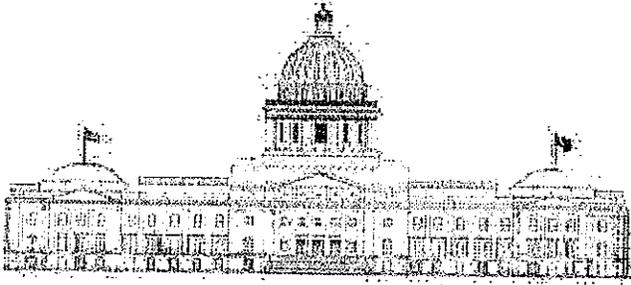
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Foster Care Manager or Designee Signature

Date

ARKANSAS REGISTER

Transmittal Sheet



Mark Martin
 Secretary of State
 State Capitol Room 026
 Little Rock, Arkansas 72201-1094
 (501) 682-3527

For Office Use Only: Effective Date _____ Code Number 016.15.12

Name of Agency _____ Department of Human Services

Department _____ Division of Children and Family Services

Contact Christin Harper E-mail christin.harper@arkansas.gov Phone 501.682.8541

Statutory Authority for Promulgating Rules _____ A.C.A. § 9-28-103

Rule Title: _____ Please See Attached Revisions to Section I

Intended Effective Date		Date
<input type="checkbox"/> Emergency	Legal Notice Published	<u>10/17/2012</u>
<input type="checkbox"/> 10 Days After Filing	Final Date for Public Comment.....	<u>11/15/2012</u>
<input type="checkbox"/> Other <u>1/1/2013</u>	Reviewed by Legislative Council.....	<u>TBD</u>
	Adopted by State Agency.....	<u>TBD</u>

Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)

Electronic Copy of Rule e-mailed from: _____

Contact Person	Email Address	Date
----------------	---------------	------

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 434 of 1967 As Amended.

Cecile Blucker
 Signature

501.682.8770 cecile.blucker@arkansas.gov
 Phone Number E-mail Address

Director
 Title

11/13/12
 Date

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 STATE OF ARKANSAS



**Arkansas Department of Human Services
Division of Children and Family Services**

700 Main Street, Donaghey Plaza South, 5th Floor

P.O. Box 1437, Slot S560

Little Rock, Arkansas 72203-1437

Telephone (501) 682-8008 TDD (501) 682-1442 FAX (501) 682-6968

November 15, 2012

Honorable Mark Martin
Secretary of State
State Capitol Building, Room 256
Little Rock, AR 72201

RE: Final Filing - Regular Promulgation

Dear Mr. Martin:

This is the final filing of Rules initially filed on October 17, 2012. The public comment period was from October 17, 2012 to November 15, 2012, with an effective date of January 1, 2013.

If you have any questions or comments, please contact Christin Harper, Policy & Professional Development Administrator, Division of Children and Family Services, P.O. Box 1437, (Slot S570), Little Rock, Arkansas 72203-1437; phone 682-8541; email christin.harper@arkansas.gov or fax 682-4854.

Sincerely,

A handwritten signature in cursive script that reads "Cecile Blucker".

Cecile Blucker
Director, Division of Children and Family Services

BY _____

MARK J. MARTIN
SECRETARY OF STATE
STATE OF ARKANSAS

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FINANCIAL IMPACT STATEMENT
PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT: Department of Human Services
DIVISION: Division of Children and Family Services
PERSON COMPLETING THIS STATEMENT: Greg Crawford
PHONE NO.: (501) 682-6248 / **FAX NO.:** (501) 682-6968 / **E-MAIL:** greg.crawford@arkansas.gov

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE: Section I

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes No
2. Does the proposed, amended, or repealed rule affect small businesses?
Yes No If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.
3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
4. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____
Total \$0.00

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____
Total \$0.00

5. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation? Identify the party subject to the proposed regulation, and explain how they are affected.

Current Fiscal Year

\$ 0.00

Next Fiscal Year

\$ 0.00

6. What is the total estimated cost by fiscal year to the agency to implement these regulations? Is this the cost of the program or grant? Please explain.

Current Fiscal Year

\$ 0.00

Next Fiscal Year

\$ 0.00

NOTICE OF RULE MAKING

Pursuant to A.C.A. § 9-28-103, the Director, Division of Children and Family Services issues proposed changes to Policy and Publications. These include:

New Rule

- POLICY I-G: Ethical Standards
 - Creates DCFS specific policy regarding expected ethical standards for employees

Revised Rule

- POLICY I-B: Child Welfare Delivery System
 - Updated to reflect current federal public laws under which the Division operates
 - Revised to include policy regarding compliance with Multiethnic Placement Act (for improved organization of policy manual)
- POLICY I-C: Division Organizational Structure
 - Updated to reflect reorganization of certain programs in DCFS Central Office
 - Revised to further describe field level positions
- POLICY I-D: Division Volunteers
 - Added DCFS practice model language to stress importance of volunteers to the Division's work
- POLICY I-E: Official Record Keeping and Retention Schedule & Access to Official Records
 - Revised to clarify that DCFS employees are prohibited from accessing and/or viewing any CHRIS information regarding investigative reports and/or open cases to which he or she is not assigned.
 - Revised to incorporate existing record retention schedule (formerly located in separate appendix)
 - Updated to include timeframes for retaining foster and adoptive home applicant files
- POLICY I-F: Confidentiality
 - Updated to include existing DHS policy in order to stress that no DCFS employee may accept employment or engage in any activity while serving as DCFS employee which might reasonably be expected to require or induce the employee to disclose confidential information or use confidential information for the gain or benefit of the employee or person in a close, personal relationship to the employee.
 - Updated to clarify that confidentiality standards also apply to information included in CHRIS
 - Updated for general formatting and organization purposes.
- POLICY I-H: Vehicle and Passenger Safety
 - Revised to clarify that DCFS staff and volunteers may not smoke in a state vehicle or in a private vehicle when a child receiving any services from the Division is present (i.e., not only children in foster care).

Rescinded Rule

- POLICY I-E: Compliance with Multiethnic Placement Act
 - Incorporated into Policy I-B: Child Welfare Delivery System so as to be placed in same section of policy outlining other federal regulations and laws under which the Division operates
- POLICY VII-M: Volunteers
 - Incorporated into Section I of the policy manual as Policy I-D
- POLICY IX-C: Vehicle and Passenger Safety
 - Incorporated into Section I of the policy manual as Policy I-H
- APPENDIX 3 : Record Retention Schedule

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OFFICE OF THE SECRETARY OF STATE

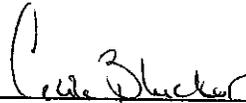
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- o Incorporated into Policy I-E: Official Record Keeping and Retention Schedule & Access to Official Records

The proposed changes are available for review at the Division of Children and Family Services, Policy Unit, 5th floor Donaghey Plaza South, 7th and Main Streets, Little Rock, AR. 72203-1437. All comments must be submitted in writing to the Policy Unit no later than November 15, 2012. All the proposed changes may be viewed in their entirety at

<https://ardhs.sharepoint.com/CW/Notice%20of%20Rule%20Making/Forms/AllItems.aspx>.

If you need this material in a different format, such as large print, contact our Americans with Disabilities Act Coordinator at 501- 682-8830 (Voice) or 501- 682-1442 (TDD). The Arkansas Department of Human Services is in compliance with Titles VI and VII of the Civil Rights Act and operates, manages and delivers services without regard to age, religion, disability, political affiliation, veteran status, sex, race, color or national origin.



Cecile Blucker
Director, Division of Children and Family Services

11/13/12

Date

DCFS SUMMARY OF CHANGES FOR JULY 2012 PROMULGATION

SUMMARY OF DCFS REGULAR PROMULGATION

The purpose of this regular promulgation is to:

- Improve the overall organization of the DCFS Policy Manual by incorporating certain existing policies of the manual into this section of the manual based on policy topic.
- Add language in the Policy I-E: Official Record Keeping & Access to Records that explicitly outlines parameters regarding employee access to investigative information.
- Establish ethical standards policy specific to DCFS employees.

SUMMARY OF CHANGES FOR FINAL FILING:

- In Policy I-F: Confidentiality, removed word "investigative" from third paragraph as the initial inclusion of this word was a clerical error and this section only pertains only to protective services and foster care records. There is a separate section in this policy that addresses investigative records as there always has been in this particular policy.

I-G: Ethical Standards

01/2013

Public employment is a public trust. DCFS employees shall not only avoid any potential conflict of interest, but shall also avoid any appearance of impropriety. DHS employees must conduct themselves so as to foster public confidence in the integrity of state government and safeguard client information (see Policy I-F for more information regarding confidentiality).

All DCFS employees shall adhere to DHS Policy 1081: Ethical Standards for Employees as well as DHS Policy 1084: DHS Employee Discipline: Conduct/Performance.

In addition, DCFS employees and providers are prohibited from soliciting information from any DCFS or CACD employee about any investigation (pending or completed) or case if the reason for the solicitation is due to personal interest or involvement. If a DCFS employee or provider has questions or concerns, he or she must contact the investigator or investigative agency (DCFS or CACD) to obtain information or to file a complaint as would any other person who has an open investigation or case.

POLICY I-B: CHILD WELFARE FAMILY SERVICE DELIVERY SYSTEM

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The Division of Children and Family Services is in compliance with titles VI and VII of the Civil Rights Act and operates, manages, and delivers services without regard to race, color, religion, sex, age, national origin, mental or physical disability, veteran status, political affiliation or belief. DCFS is the designated state agency to administer and supervise all Child Welfare and Family Services (titles IV-B and IV-E of the Social Security Act).

The Division of Children and Family Services purchases services from private and public agencies, universities and individuals, using state and federal funds. Programs and services of other Divisions within the Department of Human Services (DHS) are may also be available to clients of DCFS. Delivery of services is coordinated with other Divisions administering TEA/TANF Medicaid, SNAP (Supplemental Nutrition Assistance Program), Social Services Block Grant, and other federal entitlement programs.

The services are authorized and funded in conjunction with various state and federal laws which govern the operation of the Division. The major federal laws governing service delivery, as amended, are:

- Civil Rights Act: Titles 6, 7, 9
- Rehabilitation Act: Sections 503, 504
- Americans With Disabilities Act: Title II
- Social Security Act titles:

- IV-A Block Grants to States for Temporary Assistance for Needy Families (TANF)
- IV-B Child Welfare and Family Services
- IV-E Federal Payments for Foster Care and Adoptions Assistance
- XIX Grants to States for Medical Services Assistance Programs
- XX Block Grants to States for Social Services Block Grant

• Public Laws

- 93-207 Child Abuse and Neglect
- 94-142 Handicapped Children Act
- 95-608 Indian Child Welfare Act (ICWA) of 1978
- 96-272 Adoption Assistance and Child Welfare Act of 1980
- 103-382 Multiethnic Placement Act (MEPA) of 1994/interethnic Adoption Provisions of 1996
- 105-89 Adoption and Safe Families Act of 1997
- 106-169 Foster Care Independence Act of 1999
- 93-207/108-36 Child Abuse and Neglect Keeping Children and Families Safe Act of 2003
- 94-142/101-476 Handicapped Children's Act/Individuals with Disabilities Education Act (IDEA) of 2004
- 96-272 Adoption Assistance and Child Welfare Act of 1980
- 105-89 Adoption and Safe Families Act of 1997
- 110-351 Fostering Connections to Success and Increasing Adoptions Act of 2008

COMPLIANCE WITH CIVIL RIGHTS ACT

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The Division complies with titles VI and VII of the Civil Rights Act and operates, manages, and delivers services without regard to race, color, religion, sex, age, national origin, mental or physical disability, veteran status, political affiliation or belief. DCFS is the designated state agency to administer and supervise all Child and Family Services (titles IV-B and IV-E of the Social Security Act).

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COMPLIANCE WITH MULTIETHNIC PLACEMENT ACT

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The Division also complies with the Multiethnic Placement Act (MEPA) in making foster care and adoptive placements. The act provides for assessment of individual liability to staff for knowingly violating MEPA requirements.

The Multiethnic Placement Act prohibits delaying or denying the placement of a child for adoption or foster care on the basis of race, color, or national origin of the adoptive or foster parent or the child involved; and prohibits denying any individual the opportunity to become a foster or adoptive parent on the basis of the prospective parent's or the child's race, color, or national origin.

MEPA also requires that to remain eligible for federal assistance for their child welfare programs states must diligently recruit foster and adoptive parents who reflect the racial and ethnic diversity of the children in the state who need foster and adoptive homes.

Consideration of race, color, or national origin is permissible only when an individual determination is made that the facts and circumstances of a particular case require the consideration of race, color, or national origin in order to advance the best interests of the child in need of placement. The Division's compliance with the Indian Child Welfare Act of 1978 (P.L. 95-608) does not violate MEPA.

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POLICY I-B: FAMILY SERVICE DELIVERY SYSTEM

01/2013

The Division of Children and Family Services purchases services from private and public agencies, universities and individuals, using state and federal funds. Programs and services of other Divisions within the Department of Human Services (DHS) may also be available to clients of DCFS. Delivery of services is coordinated with other Divisions administering TEA/TANF Medicaid, SNAP (Supplemental Nutrition Assistance Program), Social Services Block Grant, and other federal entitlement programs.

The services are authorized and funded in conjunction with various state and federal laws which govern the operation of the Division. The major federal laws governing service delivery, as amended, are:

- Civil Rights Act: titles 6, 7, 9
- Rehabilitation Act: Sections 503, 504
- Americans With Disabilities Act: title II
- Social Security Act titles:
 - IV-A—Block Grants to States for Temporary Assistance for Needy Families (TANF)
 - IV-B—Child and Family Services
 - IV-E—Federal Payments for Foster Care and Adoption Assistance
 - XIX—Grants to States for Medical Assistance Programs
 - XX—Block Grants to States for Social Services
- Public Laws:
 - 95-608—Indian Child Welfare Act (ICWA) of 1978
 - 96-272—Adoption Assistance and Child Welfare Act of 1980
 - 103-382—Multiethnic Placement Act (MEPA) of 1994/Interethnic Adoption Provisions of 1996
 - 105-89—Adoption and Safe Families Act of 1997
 - 106-169—Foster Care Independence Act of 1999
 - 108-36—Keeping Children and Families Safe Act of 2003
 - 101-476—Individuals with Disabilities Education Act (IDEA) of 2004/110-351—Fostering Connections to Success and Increasing Adoptions Act of 2008

COMPLIANCE WITH CIVIL RIGHTS ACT

The Division complies with titles VI and VII of the Civil Rights Act and operates, manages, and delivers services without regard to race, color, religion, sex, age, national origin, mental or physical disability, veteran status, political affiliation or belief. DCFS is the designated state agency to administer and supervise all Child and Family Services (titles IV-B and IV-E of the Social Security Act).

COMPLIANCE WITH MULTIETHNIC PLACEMENT ACT

The Division also complies with the Multiethnic Placement Act (MEPA) in making foster care and adoptive placements. The act provides for assessment of individual liability to staff for knowingly violating MEPA requirements.

The Multiethnic Placement Act prohibits delaying or denying the placement of a child for adoption or foster care on the basis of race, color, or national origin of the adoptive or foster parent or the child involved; and prohibits denying any individual the opportunity to become a foster or adoptive parent on the basis of the prospective parent's or the child's race, color, or national origin.

MEPA also requires that to remain eligible for federal assistance for their child welfare programs states must diligently recruit foster and adoptive parents who reflect the racial and ethnic diversity of the children in the state who need foster and adoptive homes.

Consideration of race, color, or national origin is permissible only when an individual determination is made that the facts and circumstances of a particular case require the consideration of race, color, or national origin in order to advance the best interests of the child in need of placement. The Division's compliance with the Indian Child Welfare Act of 1978 (P.L. 95-608) does not violate MEPA.

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POLICY I-C: DIVISION'S ORGANIZATIONAL STRUCTURE

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The Director of DCFS has management and administrative responsibilities for the Division and has an interactive role with the Child Welfare Agency Review Board and the Child Placement Advisory Committee. An Assistant Director supervises each of the following sections: Office of Community Services, Office of Finance and Administrative Support, and Office of Central Operations. In addition, DCFS operates various programs, supervised either by the Division Director or a member of the Executive Staff as outlined below.

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OFFICE OF COMMUNITY SERVICES

The Office of Community Services provides administrative leadership and guidance to DCFS staff throughout all 75 Arkansas counties. Counties are grouped into 10 service delivery areas, each with an Area Director. The Assistant Director of the Office of Community Services directly supervises the 10 Area Directors and administers the Interstate Compact for the Placement of Children Unit as well as the Vehicle Safety Unit.

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Each Area is comprised of the following counties:

- AREA I: Benton, Carroll, Madison, Washington
- AREA II: Crawford, Franklin, Johnson, Logan, Scott, Sebastian, Yell
- AREA III: Clark, Garland, Hot Springs, Howard, Montgomery, Perry, Pike, Polk, Saline
- AREA IV: Columbia, Hempstead, Lafayette, Little River, Miller, Nevada, Ouachita, Sevier, Union
- AREA V: Baxter, Boone, Conway, Faulkner, Marion, Newton, Pope, Searcy, Van Buren
- AREA VI: Pulaski
- AREA VII: Bradley, Calhoun, Cleveland, Dallas, Grant, Jefferson, Lincoln, Lonoke, Prairie
- AREA VIII: Clay, Craighead, Fulton, Greene, Izard, Lawrence, Mississippi, Randolph, Sharp
- AREA IX: Cleburne, Crittenden, Cross, Independence, Jackson, Poinsett, Stone, White, Woodruff
- AREA X: Arkansas, Ashley, Chicot, Desha, Drew, Lee, Monroe, Phillips, St. Francis

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Each county is generally comprised of at least one supervisor (FSW County Supervisor/FSW Supervisor) as well as family service workers (FSWs) and support staff. Each position has a job title that has a set of minimum qualifications established by the Department of Finance and Administration, Office of Personnel Management. Positions may then be further defined based on job functions developed by a direct supervisor (e.g., FSW functional roles include but are not limited to investigators, caseworkers, resource workers, and adoption specialists; support staff functional roles include but are not limited to program assistants, transitional youth coordinators, health service workers and clerical staff).

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OFFICE OF FINANCE AND ADMINISTRATIVE SUPPORT

The Office of Finance and Administrative Support provides administrative and management support to DCFS through personnel administration, operations, budget monitoring, resource control, and contract administration. The Office of Finance and Administrative Support includes the following units: Personnel, Criminal Records, Central Registry, Contracts, Eligibility, and Financial Management.

OFFICE OF CENTRAL OPERATIONS

The Central Operations section is responsible for the smooth and timely functioning of the operational facets of the Division. It consists of the Eligibility Unit following units: Information Technology, Vehicle Safety Program, Criminal Records, Central Registry, and Child Protective Services.

PROGRAMS

DCFS operates the following programs which provide support for the state's network of children and family services as well as short- and long-term planning and policy development: Prevention and Support, Child Protective Services, Specialized Placement, Policy, Professional Development, Foster Care, Transitional Youth

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Services, Specialized Placement- Mental Health Services, Adoption, Planning, Policy, Professional Development, Transitional Youth Services, and Mental Health Services.

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CONTINUOUS QUALITY IMPROVEMENT

In an effort to determine the effectiveness of programs in improving outcomes for children and families, the DCFS Director also oversees a two-prong continuous quality improvement endeavor through the Quality Assurance Unit and the Service Quality and Practice Improvement Unit. Both of these units are operated via contracts.

The Quality Assurance (QA) Unit compiles, analyzes, and reviews data of several reports as well as measures the outcomes each area achieves for its service population. Reports include but are not limited to the Supervisory Review Tool, Compliance Outcome Report, Contract Monitoring, Annual Report Card, and Meta-Analysis. The QA Unit focuses on safety, permanency, and well-being outcomes while also placing an emphasis on the personnel, contractual and foster care resources available to achieve these outcomes.

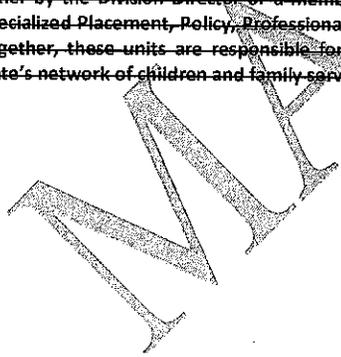
The Service Quality and Practice Improvement Unit conducts Quality Services Peer Reviews (QSPR). The QSPR is a monitoring tool used to evaluate the quality of the child welfare system in Arkansas. It is modeled after the federal Child and Family Services Review (CFSR) tool and, as such, also focuses on safety, permanency, and well-being outcomes for children and families.

The Service Quality and Practice Improvement Unit employs an annual two-pronged process for conducting QSPRs in each service area. The first part of the review process involves formal case reviews including evaluations of the Children's Reporting Information System (CHRIS) records and physical case files as well as interviews with individuals pertinent to the cases. Following each review, a report is generated to convey the results and identify successes as well as areas needing improvement. During the second portion of the review process, members of the Service Quality and Practice Improvement Unit provide coaching to caseworkers and supervisors in order to not only ensure compliance with all federal and state regulations, but also to help staff employ best practices in accordance with the Arkansas Practice Model.

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In addition to the sections described above, DCFS is comprised of the following program areas, supervised either by the Division Director or a member of the Executive Staff: Prevention Support and Substance Abuse, Specialized Placement, Policy, Professional Development, Foster Care, Adoptions, Planning, and Mental Health. Together, these units are responsible for the provision of administrative and programmatic support for the state's network of children and family services as well as short- and long-term planning and policy development.

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POLICY I-C: DIVISION ORGANIZATIONAL STRUCTURE

01/2013

The Director of DCFS has management and administrative responsibilities for the Division and has an interactive role with the Child Welfare Agency Review Board. An Assistant Director supervises each of the following sections: Office of Community Services, Office of Finance and Administrative Support, and Office of Central Operations. In addition, DCFS operates various programs, supervised either by the Division Director or a member of the Executive Staff as outlined below.

OFFICE OF COMMUNITY SERVICES

The Office of Community Services provides administrative leadership and guidance to DCFS staff throughout all 75 Arkansas counties. Counties are grouped into 10 service delivery areas, each with an Area Director. The Assistant Director of the Office of Community Services directly supervises the 10 Area Directors and administers the Interstate Compact for the Placement of Children Unit as well as the Vehicle Safety Unit.

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AREA III: Clark, Garland, Hot Springs, Howard, Montgomery, Perry, Pike, Polk, Saline

AREA IV: Columbia, Hempstead, Lafayette, Little River, Miller, Nevada, Ouachita, Sevier, Union

AREA V: Baxter, Boone, Conway, Faulkner, Marion, Newton, Pope, Searcy, Van Buren

AREA VI: Pulaski

AREA VII: Bradley, Calhoun, Cleveland, Dallas, Grant, Jefferson, Lincoln, Lonoke, Prairie

AREA VIII: Clay, Craighead, Fulton, Greene, Izard, Lawrence, Mississippi, Randolph, Sharp

AREA IX: Cleburne, Crittenden, Cross, Independence, Jackson, Poinsett, Stone, White, Woodruff

AREA X: Arkansas, Ashley, Chicot, Desha, Drew, Lee, Monroe, Phillips, St. Francis

Each county is generally comprised of at least one supervisor (FSW County Supervisor/FSW Supervisor) as well as family service workers (FSWs) and support staff. Each position has a job title that has a set of minimum qualifications established by the Department of Finance and Administration, Office of Personnel Management. Positions may then be further defined based on job functions developed by a direct supervisor (e.g., FSW functional roles include but are not limited to investigators, caseworkers, resource workers, and adoption specialists; support staff functional roles include but are not limited to program assistants, transitional youth coordinators, health service workers and clerical staff).

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PROGRAMS

DCFS operates the following programs which provide support for the state's network of children and family services as well as short- and long-term planning and policy development: Prevention and Support, Child Protective Services, Foster Care, Transitional Youth Services, Specialized Placement Mental Health Services, Adoption, Planning, Policy, Professional Development.

CONTINUOUS QUALITY IMPROVEMENT

In an effort to determine the effectiveness of programs in improving outcomes for children and families, the DCFS Director also oversees a two-prong continuous quality improvement endeavor through the Quality Assurance Unit and the Service Quality and Practice Improvement Unit. Both of these units are operated via contracts.

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POLICY I-DVII-M: DIVISION VOLUNTEERS

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Because families' success depends on community involvement, DCFS volunteers are an integral part of the child welfare system working to improve outcomes for children and families. Division volunteers may serve in a variety of capacities based on their interests, skill-level, and training. Regardless of the role volunteers may play, All volunteers are responsible for ensuring the proper care, treatment, safety, and supervision of the children they serve.

All prospective volunteers who have direct and unsupervised contact with children must be cleared through the Arkansas Child Maltreatment Central Registry and through a State Police Criminal Record Check. The Division will request any other state where the prospective volunteer has resided in the preceding 6 years to check its child abuse and neglect registry, if available, and in the person's state of employment, if different, for reports of child maltreatment, if available.

Volunteers will be supervised by an appropriate staff person. A volunteer who works unsupervised and substitutes as staff must meet the qualifications required for a paid employee in that position.

Volunteers approved by DHS to transport children in foster care or DHS clients or to supervise visits at the request of DHS shall not be liable to the children in foster care, DHS clients, or the parents or guardians of children in foster care for injuries to the children or clients caused by the acts or omissions of a volunteer unless the acts or omissions constitute malicious, willful, wanton, or grossly negligent conduct.

An approved volunteer who performs home studies without compensation shall have immunity from liability as provided for state officers and employees. An approved volunteer refers to any volunteer who is approved by DHS or who is approved by any organization operating under a memorandum of understanding with DHS for the completion of home studies.

If a complaint of child maltreatment is filed against any volunteer, DCFS shall evaluate the risk to children and determine the suitability of the volunteer to supervise, be left alone with children, have disciplinary control over children, or remain with DCFS until the allegations are determined to be true or unsubstantiated.

POLICY I-D: DIVISION VOLUNTEERS

01/2013

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POLICY I-ED: OFFICIAL RECORD KEEPING & ACCESS TO OFFICIAL RECORDS,

01/2013

The official record of child welfare information for DCFS is maintained through the Children's Reporting Information System (CHRIS). ~~The CHRIS Unit is a part of the Division of Administrative Services, Office of Technology, which is responsible for the enhancement of the CHRIS Application, data monitoring, Help Desk function and some specialized training. CHRIS is a fully automated, and is a worker-based child-welfare information system. The Family Services Policy and Procedure Manual (FSPP) includes the data input instructions for the CHRIS Applications are included throughout the Division of Children and Family Services Policy and Procedure Manual.~~

CHRIS is overseen by the Division of Administrative Services, Office of Technology (OST). OST is responsible for enhancements to the CHRIS Application, data monitoring, Help Desk function, and some specialized training.

In instances when information is not able to be entered into CHRIS, some hard copies (e.g., forms with signatures, medical records, education records, etc.) are also considered part of the official record. A hard copy file of case information will be maintained for data not in CHRIS. Hard copy files will be created, if necessary for case review.

DCFS employees with access to CHRIS are prohibited from accessing and/or viewing any CHRIS information* regarding investigative reports and/or open cases to which he or she is not assigned unless:

- A. Permission from his or her supervisor is granted to view the information; or,
- B. The employee is the supervisor for that report and/or open case.

This prohibition extends to any DCFS employee or provider with access to CHRIS who is a "subject of the report" as defined in Child Maltreatment Act. This rule holds regardless of whether the information is restricted or not to the DCFS employee or provider.

DCFS supervisors are prohibited from accessing and/or viewing investigative report or open case information in CHRIS if the interest in the report or case is personal (i.e., not professionally related).

DCFS employees and providers are also prohibited from accessing and/or viewing any information in CHRIS if the interest in the investigation and/or case is personal (e.g., a friend, family member, present or former colleague, etc. is involved in the report or case).

A hard copy file of case information will be maintained for data not in CHRIS. Hard copy files will be created, if necessary for case review.

RECORD RETENTION SCHEDULE

- A. Retain all information in the automated data system indefinitely to assist the Department in assessing future risk and safety.
- B. Records of all cases where allegations are determined to be true shall be retained by the Child Maltreatment Central Registry and all hard copy records with true determinations shall be retained forever.
- C. Hard copy records of unsubstantiated reports are not part of the Child Maltreatment Central Registry. They will be destroyed by the investigating agency at the end of the month in which the determination is made.
- D. Records of all cases where allegations are determined to be unsubstantiated shall not be included in the Child Maltreatment Central Registry.

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- E. Hard copy records of unsubstantiated reports will be destroyed at the end of the month in which the determination is made.
- F. Retain all child protective services, Out-of-Home Placement Services, and supportive services for five years after the youngest child turns 21 years old. Retain all other client files for five years after the file is closed or the last case activity.
- G. Retain all foster and adoptive applicant files that are denied for three (3) years from the date that the applicant is informed of the decision.
- H. Retain all foster and adoptive applicant files where no decision is rendered due to incomplete process for three (3) years from the date of the last documented communication with the applicant.
- I. Retain all adoption records for 99 years.
- J. Retain all rules until superseded. Superseded rules must be retained on as-needed basis.
- K. Retain all records relating to a person or entity contracting with DHS for five years after the contract ends or is terminated.
- L. Retain all administrative records including programmatic financial records for five years after the end of the biennium in which the records were produced.

POLICY I-E: OFFICIAL RECORD KEEPING & ACCESS TO OFFICIAL RECORDS

01/2013

The official record of child welfare information for DCFS is maintained through the Children's Reporting Information System (CHRIS). CHRIS is a fully automated, worker-based child-welfare information system. Data input instructions for the CHRIS Applications are included throughout the Division of Children and Family Services Policy and Procedure Manual.

CHRIS is overseen by the Division of Administrative Services, Office of Technology (OST). OST is responsible for enhancements to the CHRIS Application, data monitoring, Help Desk function, and some specialized training.

In instances when information is not able to be entered into CHRIS, some hard copies (e.g., forms with signatures, medical records, education records, etc.) are also considered part of the official record. A hard copy file of case information will be maintained for data not in CHRIS. Hard copy files will be created, if necessary for case review.

DCFS employees with access to CHRIS are prohibited from accessing and/or viewing any CHRIS information regarding investigative reports and/or open cases to which he or she is not assigned unless:

- A. Permission from his or her supervisor is granted to view the information; or,
- B. The employee is the supervisor for that report and/or open case.

This prohibition extends to any DCFS employee or provider with access to CHRIS who is a "subject of the report" as defined in Child Maltreatment Act. This rule holds regardless of whether the information is restricted or not to the DCFS employee or provider.

DCFS supervisors are prohibited from accessing and/or viewing investigative report or open case information in CHRIS if the interest in the report or case is personal (i.e., not professionally related).

DCFS employees and providers are also prohibited from accessing and/or viewing any information in CHRIS if the interest in the investigation and/or case is personal (e.g., a friend, family member, present or former colleague, etc. is involved in the report or case).

RECORD RETENTION SCHEDULE

- A. Retain all information in the automated data system indefinitely to assist the Department in assessing future risk and safety.
- B. Records of all cases where allegations are determined to be true shall be retained by the Child Maltreatment Central Registry and all hard copy records with true determinations shall be retained forever.
- C. Hard copy records of unsubstantiated reports are not part of the Child Maltreatment Central Registry. They will be destroyed by the investigating agency at the end of the month in which the determination is made.
- D. Records of all cases where allegations are determined to be unsubstantiated shall not be included in the Child Maltreatment Central Registry.
- E. Hard copy records of unsubstantiated reports will be destroyed at the end of the month in which the determination is made.
- F. Retain all child protective services, Out-of-Home Placement Services, and supportive services for five years after the youngest child turns 21 years old. Retain all other client files for five years after the file is closed or the last case activity.

- G. Retain all foster and adoptive applicant files that are denied for three (3) years from the date that the applicant is informed of the decision.
- H. Retain all foster and adoptive applicant files where no decision is rendered due to incomplete process for three (3) years from the date of the last documented communication with the applicant.
- I. Retain all adoption records for 99 years.
- J. Retain all rules until superseded. Superseded rules must be retained on as-needed basis.
- K. Retain all records relating to a person or entity contracting with DHS for five years after the contract ends or is terminated.
- L. Retain all administrative records including programmatic financial records for five years after the end of the biennium in which the records were produced.

POLICY I-F: CONFIDENTIALITY

019/20131

~~The purpose of this policy is to assist employees in determining what information is confidential, to whom confidential information can be released, and the consequences of wrongful release of the information.~~

The Division of Children and Family Services is committed to best practice in relation to respecting client confidentiality. Information is confidential if it is not intended to be disclosed to persons other than those to whom disclosure is allowed under the statute. All employees of the Division shall maintain the confidentiality of children and families served by DCFS. Confidentiality applies to verbal, written and/or electronic transmittal of information including information in CHRIS.

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No DCFS employee may accept employment or engage in any activity while serving as a DCFS employee, which might reasonably be expected to require or induce the employee to disclose confidential information. In addition, no DCFS employee may disclose confidential information or use confidential information for the gain or benefit of the employee or person in a close, personal relationship to the employee.

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Reports, correspondence, memoranda, case histories, or other materials related to including protected health information compiled or received by a licensee or a state agency engaged in placing a child, including both protective services and foster care and protective services records, shall be confidential and shall not be released or otherwise made available, except to the extent permitted by federal and state law and only as listed below. This includes protected health information compiled or received by a licensee or a state agency engaged in placing a child.

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- A. To the director as required by regulation;
- B. For adoptive placements, as provided by the Revised Uniform Adoption Act, § 9-9-201 et seq.;
- C. To multidisciplinary teams;
- D. To the child's custodial/non-custodial parent(s), guardian, or custodian. However, the licensee or state agency may redact information from the record such as the name or address of foster parents or providers when it is in the best interest of the child. The licensee or state agency shall redact counseling records, psychological or psychiatric evaluations, examinations or records, drug screens or drug evaluations, or similar information concerning a parent if the other parent is requesting a copy of a record;
- E. To the child;
- F. To health care providers to assist in the care and treatment of the child at the discretion of the licensee or state agency and if deemed to be in the best interest of the child. Health care providers include doctors, nurses, emergency medical technicians, counselors, therapists, mental health professionals, and dentists;
- G. To school personnel and child care centers caring for the child at the discretion of the licensee or state agency and if deemed to be in the best interest of the child;
- H. To foster parents, the foster care record for children in foster care currently placed in their home. However, information about the parents or guardians and any siblings not in the foster home shall not be released (See Policy VII-H: Providing Information to Foster Parents.);
- I. To the Child Welfare Agency Review Board. However, at any board meeting no information which identifies by name or address any protective services recipient or foster care child shall be orally disclosed or released in written form to the general public;
- J. To the Division of Children and Family Services, including child welfare agency licensing specialists;
- K. For any audit or similar activity conducted in connection with the administration of any such plan or program by any governmental agency which is authorized by law to conduct such audit or activity;
- L. Upon presentation of an order of appointment, to a court-appointed special advocate;
- M. To the attorney ad litem for the child;
- N. For law enforcement or the prosecuting attorney upon request;
- O. To circuit courts, as provided for in the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.;

- P. In a criminal or civil proceeding conducted in connection with the administration of any such plan or program;
- Q. For purposes directly connected with the administration of any of the state plans as outlined;
- R. For the administration of any other federal or federally assisted program which provides assistance, in cash or in kind, or services, directly to individuals on the basis of need; or
- S. To individual federal and state representatives and senators in their official capacity, and their staff members, with no re-disclosure of information. No disclosure shall be made to any committee or legislative body of any information which identifies by name or address any recipient of services; or
- T. To a grand jury or court, upon a finding that information in the record is necessary for the determination of an issue before the court or grand jury.
- U. To a person, provider, or government entity identified by the licensee or the state agency as having services needed by the child or his/her family; or
- V. To volunteers authorized by the licensee or the state agency to provide support or services to the child or his/her family at the discretion of the licensee or the state agency and only to the extent information is needed to provide the support or services.
- W. To a person, agency, or organization engaged in a bona fide research or evaluation project that is determined by the Division to have value for the evaluation or development of policies and programs within DCFS. Any confidential information provided for a research or evaluation project shall not be re-disclosed or published.

FOSTER CARE RECORDS

Foster home and adoptive home records are confidential and shall not be released except:

- A. To the foster parents or adoptive parents
- B. For purposes of review or audit, by the appropriate federal or state agency
- C. Upon allegations of child maltreatment in the foster home or adoptive home, to the investigating agency
- D. To the Child Welfare Agency Review Board
- E. To the Division of Children and Family Services, including child welfare agency licensing specialists
- F. To law enforcement or the prosecuting attorney, upon request
- G. To a grand jury or court, upon a finding that information in the record is necessary for the determination of an issue before the court or grand jury
- H. To individual federal and state representatives and senators in their official capacity, and their staff members with no re-disclosure of information
- I. No disclosure shall be made to any committee or legislative body of any information that identifies by name or address any recipient of services
- J. To the attorney ad litem and court appointed special advocate, the home study on adoptive family selected by the Department to adopt the juvenile

Any person or agency to whom disclosure is made shall not disclose to any other person reports or other information obtained. Any person disclosing information in violation of A.C.A. §12-18-104 shall be guilty of a Class A misdemeanor. Nothing in this section shall be construed to prevent subsequent disclosure by the child or his/her parent or guardian.

Information is confidential if it is not intended to be disclosed to persons other than those to whom disclosure is allowed under the statute.

The Family Service Worker may by law sign for releases of information for children in DHS custody.

The Family Service Worker must present a copy of the custody order to receive medical and school records.

The DHS-81;-(Consent for Release of Information) must be signed by the parent to receive copies of parent's records; however, the parent's signature is not necessary for obtaining records for the child.

An attorney ad litem shall be provided access to all records relevant to the child's case, including, but not limited to, school records, medical records, juvenile court records and Department of Human Services records to the extent permitted by federal law.

CHILD IN FOSTER CARE

When a release of information regarding a child is requested, the FSW shall take the necessary steps to guard the confidentiality of personal information. -The steps include:

- A. ~~(1)~~ Assuring that no identifying or potentially harmful information on a child is released; and,
- B. ~~(2)~~ The consent shall be reviewed and approved by OCC.

~~Court orders that direct the release of specific information to specified offices, agencies or people shall be construed as proper consent for release of information. - No other consent is necessary. - However, OCC should be informed whenever such a release of information is being made.~~

Requests for media releases includes requesting permission to release photographs, voice reproductions, slides, video tapes, movie films, promotional pamphlets, news releases, etc.- The FSW shall review the contents of such release along with OCC and make any necessary modifications.- Consideration should be given to the protection of the child's identity and assurances that the contents of the material released will present the child in a light that would not be distasteful or negative to the child. -The Director of the Division of Children and Family Services or designee shall be consulted in matters that may reflect on the Division. In cases of consents for coverage by news media, consultation should also be sought from the DHS Director of Communications.- This consent must be signed by the Assistant Director of Program Excellence Community Services. The foster parents shall be informed of these policies.

The Adoption Specialist must obtain documented consent from a child 12 years of age or older, to show photographs for recruitment of an adoptive family.

ADOPTION RECORDS

Non-identifying information from finalized records can only be released by the Arkansas Mutual Consent Voluntary Adoption Registry. Identifying information from a finalized record can only be released by court order.

INVESTIGATIVE REPORTS

Child maltreatment investigative data, records, reports, and documents are confidential and may only be disclosed as provided for in the Child Maltreatment Act codified at A.C.A. § 12-18-101 et seq.

If a DCFS employee wrongfully discloses confidential information, he or she is guilty of a Class A misdemeanor and can lose his or her job. For a Class A misdemeanor, the sentence shall not exceed one year in the county jail and a \$1,000 fine. See A.C.A. §12-18-205.

FREEDOM OF INFORMATION ACT

Personnel records can be disclosed to the public, unless to do so would clearly be an unwarranted invasion of privacy. Therefore, the Department can not release the Social Security Number, school transcripts, or PPES information of any staff unless that person has been suspended or terminated as a result of his/her PPES score. Grievance information becomes public record after the grievance process is completed if a grievance is appealed to the State Grievance Review Committee. If the grievance is not appealed to the state level, the discipline does not become public record. See A.C.A §25-19-105.

Any data, records, reports, or documents that are created, collected, or compiled by or on behalf of DHS, the Department of Arkansas State Police, or other entity authorized under A.C.A §12-18-101 et seq. to perform investigations or provide services to children, individuals, or families shall not be subject to disclosure under the Freedom of Information Act of 1967, A.C.A §25-19-101 et seq.

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See these policy sections and their subsequent procedures for more information on confidentiality: Policy II-K: Information Disclosure on Pending Investigations & True Findings Pending Due Process; Policy VII-H: Providing Information to Foster Parents; Policy XIII-A: Child Maltreatment Central Registry; Policy XIV-A: Child Maltreatment Notices.

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MARKUP

POLICY I-F: CONFIDENTIALITY

01/2013

The Division of Children and Family Services is committed to best practice in relation to respecting client confidentiality. Information is confidential if it is not intended to be disclosed to persons other than those to whom disclosure is allowed under the statute. All employees of the Division shall maintain the confidentiality of children and families served by DCFS. Confidentiality applies to verbal, written and/or electronic transmittal of information including information in CHRIS.

No DCFS employee may accept employment or engage in any activity while serving as a DCFS employee, which might reasonably be expected to require or induce the employee to disclose confidential information. In addition, no DCFS employee may disclose confidential information or use confidential information for the gain or benefit of the employee or person in a close, personal relationship to the employee.

Reports, correspondence, memoranda, case histories, or other materials related to protective services and foster care records, shall be confidential and shall not be released or otherwise made available, except to the extent permitted by federal and state law and only as listed below. This includes protected health information compiled or received by a licensee or a state agency engaged in placing a child.

- A. To the director as required by regulation;
- B. For adoptive placements, as provided by the Revised Uniform Adoption Act, § 9-9-201 et seq.;
- C. To multidisciplinary teams;
- D. To the child's custodial/non-custodial parent(s), guardian, or custodian. However, the licensee or state agency may redact information from the record such as the name or address of foster parents or providers when it is in the best interest of the child. The licensee or state agency shall redact counseling records, psychological or psychiatric evaluations, examinations or records, drug screens or drug evaluations, or similar information concerning a parent if the other parent is requesting a copy of a record;
- E. To the child;
- F. To health care providers to assist in the care and treatment of the child at the discretion of the licensee or state agency and if deemed to be in the best interest of the child. Health care providers include doctors, nurses, emergency medical technicians, counselors, therapists, mental health professionals, and dentists;
- G. To school personnel and child care centers caring for the child at the discretion of the licensee or state agency and if deemed to be in the best interest of the child;
- H. To foster parents, the foster care record for children in foster care currently placed in their home. However, information about the parents or guardians and any siblings not in the foster home shall not be released (See Policy VII-H: Providing Information to Foster Parents);
- I. To the Child Welfare Agency Review Board. However, at any board meeting no information which identifies by name or address any protective services recipient or foster care child shall be orally disclosed or released in written form to the general public;
- J. To the Division of Children and Family Services, including child welfare agency licensing specialists;
- K. For any audit or similar activity conducted in connection with the administration of any such plan or program by any governmental agency which is authorized by law to conduct such audit or activity;
- L. Upon presentation of an order of appointment, to a court-appointed special advocate;
- M. To the attorney ad litem for the child;
- N. For law enforcement or the prosecuting attorney upon request;
- O. To circuit courts, as provided for in the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.;
- P. In a criminal or civil proceeding conducted in connection with the administration of any such plan or program;
- Q. For purposes directly connected with the administration of any of the state plans as outlined;
- R. For the administration of any other federal or federally assisted program which provides assistance, in cash or in kind, or services, directly to individuals on the basis of need; or

- S. To individual federal and state representatives and senators in their official capacity, and their staff members, with no re-disclosure of information. No disclosure shall be made to any committee or legislative body of any information which identifies by name or address any recipient of services; or
- T. To a grand jury or court, upon a finding that information in the record is necessary for the determination of an issue before the court or grand jury.
- U. To a person, provider, or government entity identified by the licensee or the state agency as having services needed by the child or his/her family; or
- V. To volunteers authorized by the licensee or the state agency to provide support or services to the child or his/her family at the discretion of the licensee or the state agency and only to the extent information is needed to provide the support or services.
- W. To a person, agency, or organization engaged in a bona fide research or evaluation project that is determined by the Division to have value for the evaluation or development of policies and programs within DCFS. Any confidential information provided for a research or evaluation project shall not be re-disclosed or published.

FOSTER CARE RECORDS

Foster home and adoptive home records are confidential and shall not be released except:

- A. To the foster parents or adoptive parents
- B. For purposes of review or audit, by the appropriate federal or state agency
- C. Upon allegations of child maltreatment in the foster home or adoptive home, to the investigating agency
- D. To the Child Welfare Agency Review Board
- E. To the Division of Children and Family Services, including child welfare agency licensing specialists
- F. To law enforcement or the prosecuting attorney, upon request
- G. To a grand jury or court, upon a finding that information in the record is necessary for the determination of an issue before the court or grand jury
- H. To individual federal and state representatives and senators in their official capacity, and their staff members with no re-disclosure of information
- I. No disclosure shall be made to any committee or legislative body of any information that identifies by name or address any recipient of services
- J. To the attorney ad litem and court appointed special advocate, the home study on adoptive family selected by the Department to adopt the juvenile

Any person or agency to whom disclosure is made shall not disclose to any other person reports or other information obtained. Any person disclosing information in violation of A.C.A. §12-18-104 shall be guilty of a Class A misdemeanor. Nothing in this section shall be construed to prevent subsequent disclosure by the child or his/her parent or guardian.

The Family Service Worker may by law sign for releases of information for children in DHS custody.

The Family Service Worker must present a copy of the custody order to receive medical and school records.

The DHS-81:Consent for Release of Information must be signed by the parent to receive copies of parent's records; however, the parent's signature is not necessary for obtaining records for the child.

An attorney ad litem shall be provided access to all records relevant to the child's case, including, but not limited to, school records, medical records, juvenile court records and Department of Human Services records to the extent permitted by federal law.

CHILD IN FOSTER CARE

When a release of information regarding a child is requested, the FSW shall take the necessary steps to guard the confidentiality of personal information. The steps include:

- A. Assuring that no identifying or potentially harmful information on a child is released; and,

B. The consent shall be reviewed and approved by OCC.

Court orders that direct the release of specific information to specified offices, agencies or people shall be construed as proper consent for release of information. No other consent is necessary. However, OCC should be informed whenever such a release of information is being made.

Requests for media releases includes requesting permission to release photographs, voice reproductions, slides, video tapes, movie films, promotional pamphlets, news releases, etc. The FSW shall review the contents of such release along with OCC and make any necessary modifications. Consideration should be given to the protection of the child's identity and assurances that the contents of the material released will present the child in a light that would not be distasteful or negative to the child. The Director of the Division of Children and Family Services or designee shall be consulted in matters that may reflect on the Division. In cases of consents for coverage by news media, consultation should also be sought from the DHS Director of Communications. This consent must be signed by the Assistant Director of Community Services. The foster parents shall be informed of these policies.

The Adoption Specialist must obtain documented consent from a child 12 years of age or older, to show photographs for recruitment of an adoptive family.

ADOPTION RECORDS

Non-identifying information from finalized records can only be released by the Arkansas Mutual Consent Voluntary Adoption Registry. Identifying information from a finalized record can only be released by court order.

INVESTIGATIVE REPORTS

Child maltreatment investigative data, records, reports, and documents are confidential and may only be disclosed as provided for in the Child Maltreatment Act codified at A.C.A. § 12-18-101 et seq.

If a DCFS employee wrongfully discloses confidential information, he or she is guilty of a Class A misdemeanor and can lose his or her job. For a Class A misdemeanor, the sentence shall not exceed one year in the county jail and a \$1,000 fine. See A.C.A. §12-18-205.

FREEDOM OF INFORMATION ACT

Personnel records can be disclosed to the public, unless to do so would clearly be an unwarranted invasion of privacy. Therefore, the Department can not release the Social Security Number, school transcripts, or PPES information of any staff unless that person has been suspended or terminated as a result of his/her PPES score. Grievance information becomes public record after the grievance process is completed if a grievance is appealed to the State Grievance Review Committee. If the grievance is not appealed to the state level, the discipline does not become public record. See A.C.A §25-19-105.

Any data, records, reports, or documents that are created, collected, or compiled by or on behalf of DHS, the Department of Arkansas State Police, or other entity authorized under A.C.A §12-18-101 et seq. to perform investigations or provide services to children, individuals, or families shall not be subject to disclosure under the Freedom of Information Act of 1967, A.C.A §25-19-101 et seq.

See these policy sections and their subsequent procedures for more information on confidentiality: Policy II-K: Information Disclosure on Pending Investigations & True Findings Pending Due Process; Policy VII-H: Providing Information to Foster Parents; Policy XIII-A: Child Maltreatment Central Registry; Policy XIV-A: Child Maltreatment Notices.

POLICY I-HX-C: VEHICLE AND PASSENGER SAFETY

019/20113

DCFS staff (paid and volunteer) will operate motor vehicles (state-owned or privately owned used on state business) in a safe manner, observing all traffic laws and making allowances for road and weather conditions. They will also promptly report to their supervisor any accident or traffic violation in which they are involved.

Seat belts will be used in accordance with Arkansas law at all times by drivers and passengers of state vehicles and private vehicles used for state business.

Children who are less than six years old AND who weigh less than 60 pounds will be properly restrained in an approved child passenger safety seat. If a child is at least six years old OR at least 60 pounds in weight, a standard lap/shoulder seat belt will provide sufficient restraint and safety.

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.~~ In accordance with A.C.A. 20-27-1903 smoking is prohibited in any motor vehicle in which a child who is under the age of 14 is a passenger. However, as second-hand smoke is detrimental to the health of all children, DCFS staff and volunteers may not smoke in a state vehicle OR in a private vehicle when a child who is in foster care or receiving other services from the Division is present.

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PROCEDURE IX-C1: Vehicle and Passenger Safety

DCFS staff (paid and volunteer) in a state vehicle or privately owned vehicle on state business will ensure that:

- A. ~~All adult passengers and children at least six years old OR 60 pounds in weight are restrained with a lap/shoulder seatbelt in accordance with Arkansas Law.~~
- B. ~~All children less than six years old AND less than 60 pounds in weight are restrained in an approved child passenger safety seat.~~

POLICY I-H: VEHICLE AND PASSENGER SAFETY

01/2013

DCFS staff (paid and volunteer) will operate motor vehicles (state-owned or privately owned used on state business) in a safe manner, observing all traffic laws and making allowances for road and weather conditions. They will also promptly report to their supervisor any accident or traffic violation in which they are involved.

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APPENDIX 3: RECORD RETENTION SCHEDULE

06/2004

- A. Retain all child protective services, Out-of-Home Placement Services, and supportive services for five years after the youngest child turns 21 years old. Retain all other client files for five years after the file is closed or the last case activity.
- B. Retain all adoption records for 99 years.
- C. Retain all rules until superseded. Superseded rules must be retained on as-needed basis.
- D. Retain all records relating to a person or entity contracting with DHS for five years after the contract ends or is terminated.
- E. Retain all administrative records including programmatic financial records for five years after the end of the biennium in which the records were produced.
- F. Retain all information in the automated data system indefinitely to assist the Department in assessing future risk and safety.
- G. Hard copy records of unsubstantiated reports are not part of the Child Maltreatment Central Registry. They will be destroyed by the investigating agency at the end of the month in which the determination is made.
- H. Records of all cases where allegations are determined to be true shall be retained by the Child Maltreatment Central Registry and all hard copy records with true determinations shall be retained forever.
- I. Records of all cases where allegations are determined to be unsubstantiated shall not be included in the Child Maltreatment Central Registry.
- J. Hard copy records of unsubstantiated reports will be destroyed at the end of the month in which the determination is made.

POLICY I-E: COMPLIANCE WITH THE MULTIETHNIC PLACEMENT ACT

06/2004

The Division must comply with the Multiethnic Placement Act (MEPA) in making foster care and adoptive placements. The act provides for assessment of individual liability to staff for knowingly violating MEPA requirements.

The Multiethnic Placement Act prohibits delaying or denying the placement of a child for adoption or foster care on the basis of race, color or national origin of the adoptive or foster parent or the child involved; and prohibits denying any individual the opportunity to become a foster or adoptive parent on the basis of the prospective parent's or the child's race, color, or national origin.

In addition, it requires that, to remain eligible for federal assistance for their child welfare programs, states must diligently recruit foster and adoptive parents who reflect the racial and ethnic diversity of the children in the state who need foster and adoptive homes.

Consideration of race, color, or national origin is permissible only when an individual determination is made that the facts and circumstances of a particular case require the consideration of race, color, or national origin in order to advance the best interests of the child in need of placement. The Division's compliance with the Indian Child Welfare Act of 1978 (P.L. 95-608) does not violate MEPA.

POLICY IX-C: VEHICLE AND PASSENGER SAFETY

09/2011

DCFS staff (paid and volunteer) will operate motor vehicles (state-owned or privately owned used on state business) in a safe manner, observing all traffic laws and making allowances for road and weather conditions. They will also promptly report to their supervisor any accident or traffic violation in which they are involved.

Seat belts will be used in accordance with Arkansas law at all times by drivers and passengers of state vehicles and private vehicles used for state business.

Children who are less than six years old AND who weigh less than 60 pounds will be properly restrained in an approved child passenger safety seat. If a child is at least six years old OR at least 60 pounds in weight, a standard lap/shoulder seat belt will provide sufficient restraint and safety.

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. In accordance with A.C.A. 20-27-1903 smoking is prohibited in any motor vehicle in which a child who is under the age of 14 is a passenger.

PROCEDURE IX-C1: Vehicle and Passenger Safety

DCFS staff (paid and volunteer) in a state vehicle or privately owned vehicle on state business will ensure that:

- A. All adult passengers and children at least six years old OR 60 pounds in weight are restrained with a lap/shoulder seatbelt in accordance with Arkansas Law.
- B. All children less than six years old AND less than 60 pounds in weight are restrained in an approved child passenger safety seat.

POLICY VII-M: VOLUNTEERS

09/2011

All volunteers are responsible for ensuring the proper care, treatment, safety, and supervision of the children they serve.

All prospective volunteers who have direct and unsupervised contact with children must be cleared through the Arkansas Child Maltreatment Central Registry and through a State Police Criminal Record Check. The Division will request any other state where the prospective volunteer has resided in the preceding 6 years to check its child abuse and neglect registry, if available, and in the person's state of employment, if different, for reports of child maltreatment, if available.

Volunteers will be supervised by an appropriate staff person. A volunteer who works unsupervised and substitutes as staff must meet the qualifications required for a paid employee in that position.

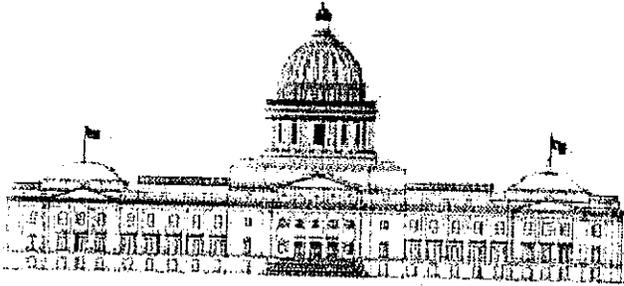
Volunteers approved by DHS to transport children in foster care or DHS clients or to supervise visits at the request of DHS shall not be liable to the children in foster care, DHS clients, or the parents or guardians of children in foster care for injuries to the children or clients caused by the acts or omissions of a volunteer unless the acts or omissions constitute malicious, willful, wanton, or grossly negligent conduct.

An approved volunteer who performs home studies without compensation shall have immunity from liability as provided for state officers and employees. An approved volunteer refers to any volunteer who is approved by DHS or who is approved by any organization operating under a memorandum of understanding with DHS for the completion of home studies.

If a complaint of child maltreatment is filed against any volunteer, DCFS shall evaluate the risk to children and determine the suitability of the volunteer to supervise, be left alone with children, have disciplinary control over children, or remain with DCFS until the allegations are determined to be true or unsubstantiated.

ARKANSAS REGISTER

Transmittal Sheet



Mark Martin
 Secretary of State
 State Capitol Room 026
 Little Rock, Arkansas 72201-1094
 (501) 682-3527

For Office Use Only: Effective Date _____ Code Number 016.15.12

Name of Agency _____ Department of Human Services

Department _____ Division of Children and Family Services

Contact Christin Harper E-mail christin.harper@arkansas.gov Phone 501.682.8541

Statutory Authority for Promulgating Rules _____ A.C.A. § 9-28-103

Rule Title: _____ Please See Attached Internal Review w/d Appeals

Intended Effective Date	Date
<input type="checkbox"/> Emergency	Legal Notice Published <u>10/17/2012</u>
<input type="checkbox"/> 10 Days After Filing	Final Date for Public Comment..... <u>11/15/2012</u>
<input type="checkbox"/> Other <u>1/1/2013</u>	Reviewed by Legislative Council..... <u>TBD</u>
	Adopted by State Agency..... <u>TBD</u>

Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)

Electronic Copy of Rule e-mailed from: _____

Contact Person _____ Email Address _____ Date _____

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 434 of 1967 As Amended.

Cecile Blucker

Signature

501.682.8770

cecile.blucker@arkansas.gov

Phone Number

E-mail Address

Director

Title

11/15/12

Date

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 SECRETARY OF STATE
 STATE OF ARKANSAS



**Arkansas Department of Human Services
Division of Children and Family Services**

700 Main Street, Donaghey Plaza South, 5th Floor
P.O. Box 1437, Slot S560
Little Rock, Arkansas 72203-1437
Telephone (501) 682-8008 TDD (501) 682-1442 FAX (501) 682-6968

November 15, 2012

Honorable Mark Martin
Secretary of State
State Capitol Building, Room 256
Little Rock, AR 72201

RE: Final Filing - Regular Promulgation

Dear Mr. Martin:

This is the final filing of Rules initially filed on October 17, 2012. The public comment period was from October 17, 2012 to November 15, 2012, with an effective date of January 1, 2013.

If you have any questions or comments, please contact Christin Harper, Policy & Professional Development Administrator, Division of Children and Family Services, P.O. Box 1437, (Slot S570), Little Rock, Arkansas 72203-1437; phone 682-8541; email christin.harper@arkansas.gov or fax 682-4854.

Sincerely,


Cecile Blucker
Director, Division of Children and Family Services

FILED

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SECRETARY OF STATE
STATE OF ARKANSAS

BY

NOTICE OF RULE MAKING

Pursuant to A.C.A. § 9-28-103, the Director, Division of Children and Family Services issues proposed changes to Policy and Publications to:

- Update foster parent grievance procedure to more closely mirror other DCFS internal review processes and allow foster parents to contest any adverse action up to the level of the DCFS Director (rather than requiring final disposition to be handled by the Assistant Director per the former foster parent grievance procedure).
- Provide examples of adverse actions relating to foster homes that would be considered for internal review.
- Clarify ICPC home studies are comparable to all other types of home studies and, as such, are appealable through an internal review process.
- Clarify that denial of home studies is a possible action subject to internal review only when resulting in a decision not to open a home of a relative within the third degree of kinship to the child.
- Add guardianship subsidy terminations and modifications as action to be heard by Office of Appeals and Hearings to align with existing DCFS Policy VIII-L: Subsidized Guardianship.

The proposed changes are available for review at the Division of Children and Family Services, Policy Unit, 5th floor Donaghey Plaza South, 7th and Main Streets, Little Rock, AR. 72203-1437. All comments must be submitted in writing to the Policy Unit no later than November 15, 2012. All the proposed changes may be viewed in their entirety at <https://ardhs.sharepointsite.net/CW/Notice%20of%20Rule%20Making/Forms/AllItems.aspx>.

If you need this material in a different format, such as large print, contact our Americans with Disabilities Act Coordinator at 501- 682-8830 (Voice) or 501- 682-1442 (TDD). The Arkansas Department of Human Services is in compliance with Titles VI and VII of the Civil Rights Act and operates, manages and delivers services without regard to age, religion, disability, political affiliation, veteran status, sex, race, color or national origin.



Cecile Blucker
Director, Division of Children and Family Services

11/13/12

Date

BY _____

MAJORITY IN
SECRETARY OF STATE
STATE OF ARKANSAS

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DIV. REGISTER DIV.

FINANCIAL IMPACT STATEMENT
PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT: Department of Human Services
DIVISION: Division of Children and Family Services
PERSON COMPLETING THIS STATEMENT: Greg Crawford
PHONE NO.: (501) 682-6248 / **FAX NO.:** (501) 682-6968 / **E-MAIL:** greg.crawford@arkansas.gov

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE: **Internal Review and Appeals**

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes No
2. Does the proposed, amended, or repealed rule affect small businesses?
Yes No If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.
3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
4. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____
Total \$0.00

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____
Total \$0.00

5. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation? Identify the party subject to the proposed regulation, and explain how they are affected.

Current Fiscal Year

\$ 0.00

Next Fiscal Year

\$ 0.00

6. What is the total estimated cost by fiscal year to the agency to implement these regulations? Is this the cost of the program or grant? Please explain.

Current Fiscal Year

\$ 0.00

Next Fiscal Year

\$ 0.00

DCFS SUMMARY OF CHANGES FOR OCTOBER 2012 PROMULGATION

SUMMARY OF DCFS REGULAR PROMULGATION

The purpose of this regular promulgation is to:

- Update foster parent grievance procedure to more closely mirror other DCFS internal review processes and allow foster parents to contest any adverse action up to the level of the DCFS Director (rather than requiring final disposition to be handled by the Assistant Director per the former foster parent grievance procedure).
- Provide examples of adverse actions relating to foster homes that would be considered for internal review.
- Clarify ICPC home studies are comparable to all other types of home studies and, as such, are appealable through an internal review process.
- Clarify that denial of home studies is a possible action subject to internal review only when resulting in a decision not to open a home of a relative within the third degree of kinship to the child (as DCFS is only required to notify relatives of children in care within the third degree of kinship).
- Add guardianship subsidy terminations and modifications as action to be heard by Office of Appeals and Hearings to align with existing DCFS Policy VIII-L: Subsidized Guardianship.

PROCEDURE IX-A1: Internal Review of Adverse Action

01/2013

The internal review process is as follows:

- A. The individual who is the subject of an adverse action may request verbally or in writing an Internal Review from the appropriate ~~manager, or administrator, Administrator or Manager.~~
- B. The ~~manager or administrator, Administrator or Manager~~ will review the request and forward it with a recommendation to the appropriate Assistant Director for review within 10 business days of receipt of request and any supporting materials a final disposition.
- C. The Assistant Director will notify the applicant in writing of the decision of the review within 10 ~~business~~ working days of receiving the request.
- D. If the decision is unfavorable to the individual, the Assistant Director will inform the individual that he or she has 15 ~~business~~ working days in which to submit a written appeal to the DCFS Director.

The DCFS Director will notify the individual within 10 ~~business~~ working days of the appeal decision. This is a final action and is not appealable.

Actions subject to Internal Review are:

- A. Closure of a foster home due to any circumstance;
- B. Removal of a child from the foster home without appropriate cause and/or without appropriate notice;
- C. Failure by DCFS to share appropriate information with foster parents;
- D. Failure by DCFS to provide necessary support to foster parents;
- E. Failure by DCFS to keep the terms of the initial written agreement with the foster home (CFS-462: Initial Foster Home Agreement and CFS-462A: Foster Home Agreement Addendum);
- A. ~~Closure of a foster home due to any circumstance~~
- B. ~~Denial of a home study, including ICPC, which results in a decision not to open the home~~
- C. ~~F. Denial of placement of a particular child in a particular foster home~~ Denial of a home study, including ICPC, which results in a decision not to open the home of any relative within the third degree of kinship;
- D. ~~G. Denial of an adoption application;~~
- E. ~~H. Denial of name removal from Child Maltreatment Central Registry after one year; or,~~
- F. ~~I. Additionally, an age-appropriate child or his attorney ad litem on his behalf, may appeal a change in his out-of-home placement, according to Policy VII-K.~~

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PROCEDURE IX-A22: Appeals and Hearings of Unfavorable Decisions

01/2013

Certain unfavorable decisions may be appealed through the Appeals and Hearings process. Actions which may be appealed are:

- A. True child maltreatment determinations
- B. ~~Denials of adoption subsidies~~
- B. ~~C. Denials or modifications of guardianship subsidies~~
- C. ~~ICPC home study denial of approval~~

An individual must request an Administrative Hearing within 30 calendar days of receiving a notice of an unfavorable decision from DCFS. The appeal must be made in writing to Department of Human Services, Office of Chief Counsel, Appeals and Hearings Administration Section, P.O. Box 1437, Slot N401, Little Rock, AR 72203-1437.

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The Appeals and Hearing Section will notify DCFS when an appeal has been filed. Upon receiving notice of an appeal, the following entities will immediately prepare a file and make it available to the petitioner, any representative, the OCC Attorney, and the Appeals and Hearings Section:

- A. In Child Maltreatment-related appeals: Central Registry
- B. In adoption subsidy denials: Adoptions Unit
- C. In guardianship subsidy denials or modifications: Foster Care Unit (Permanency Specialist)

At least 10 days prior to the administrative hearing, the alleged offender and the department will share any information with the other party the party intends to introduce into evidence at the hearing that is not contained in the record.

The Appeals and Hearings section will send a notice of hearing which contains the time, date, and place of the hearing and the name of the hearing officer who will conduct the hearing. -The hearing will be held by telephone if neither party requests that the hearing be conducted in person.- If the hearing is held in person, the location will be in an office of the department nearest to the petitioner's residence unless the Administrative Law Judge determines that the hearing will be conducted via video teleconference.

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PROCEDURE IX-A1: Internal Review of Adverse Action

01/2013

The internal review process is as follows:

- A. The individual who is the subject of an adverse action may request verbally or in writing an Internal Review from the appropriate manager or administrator.
- B. The manager or administrator will review the request and forward it with a recommendation to the appropriate Assistant Director for review within 10 business days of receipt of request and any supporting materials.
- C. The Assistant Director will notify the applicant in writing of the decision of the review within 10 business days of receiving the request.
- D. If the decision is unfavorable to the individual, the Assistant Director will inform the individual that he or she has 15 business days in which to submit a written appeal to the DCFS Director.

The DCFS Director will notify the individual within 10 business days of the appeal decision. This is a final action and is not appealable.

Actions subject to Internal Review are:

- A. Closure of a foster home due to any circumstance;
- B. Removal of a child from the foster home without appropriate cause and/or or without appropriate notice;
- C. Failure by DCFS to share appropriate information with foster parents;
- D. Failure by DCFS to provide necessary support to foster parents;
- E. Failure by DCFS to keep the terms of the initial written agreement with the foster home (CFS-462: Initial Foster Home Agreement and CFS-462A: Foster Home Agreement Addendum);
- F. Denial of a home study, including ICPC, which results in a decision not to open the home of any relative within the third degree of kinship;
- G. Denial of an adoption application;
- H. Denial of name removal from Child Maltreatment Central Registry after one year; or,
- I. Additionally, an age-appropriate child or his attorney ad litem on his or her behalf, may appeal a change in his out-of home placement, according to Policy VII-K.

PROCEDURE IX-A2: Appeals and Hearings of Unfavorable Decisions

01/2013

Certain unfavorable decisions may be appealed through the Appeals and Hearings process. Actions which may be appealed are:

- A. True child maltreatment determinations;
- B. Denials of adoption subsidies; or,
- C. Denials or modifications of guardianship subsidies

An individual must request an Administrative Hearing within 30 calendar days of receiving a notice of an unfavorable decision from DCFS. The appeal must be made in writing to Department of Human Services, Office of Chief Counsel, Appeals and Hearings Administration Section, P.O. Box 1437, Slot N401, Little Rock, AR 72203-1437.

The Appeals and Hearing Section will notify DCFS when an appeal has been filed. Upon receiving notice of an appeal, the following entities will immediately prepare a file and make it available to the petitioner, any representative, the OCC Attorney, and the Appeals and Hearings Section:

- A. In Child Maltreatment-related appeals: Central Registry

- B. In adoption subsidy denials: Adoptions Unit
- C. In guardianship subsidy denials or modifications: Foster Care Unit (Permanency Specialist)

At least 10 days prior to the administrative hearing, the alleged offender and the department will share any information with the other party the party intends to introduce into evidence at the hearing that is not contained in the record.

The Appeals and Hearings section will send a notice of hearing which contains the time, date, and place of the hearing and the name of the hearing officer who will conduct the hearing. The hearing will be held by telephone if neither party requests that the hearing be conducted in person. If the hearing is held in person, the location will be in an office of the department nearest to the petitioner's residence unless the Administrative Law Judge determines that the hearing will be conducted via video teleconference.

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Foster Parent Grievance Procedures Internal Review of Adverse Action Involving Foster Parents

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Foster parents have the right to appeal decisions affecting them and the operation of their home. Most problems can be solved at the local level if the foster parents and FSW keep each other informed about matters of interest and importance pertaining to the child. It is most important for foster parents and Family Service Workers to discuss and work out issues and problems as they occur.

All complaints may not be grievable and appropriate for an internal review, while the County Office will make every effort to reconcile every disagreement or other issues, some situations may not be reconcilable such as those decisions made. Such situations result in decisions being made by the county office based on current policy and procedure (e.g., for example closing the foster home due to the advancing age of the foster parents).

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Examples of issues that to take through the Grievance Procedure are:

- Closure of a foster home due to any circumstance;
- Removal of a child from the foster home without appropriate cause and/or without appropriate notice;
- Visits without preparation and/or notice;
- Failure by DCFS to share appropriate information;
- Failure by DCFS to provide necessary support (failure to return phone calls or habitually being unavailable when needed, failure to help with initial clothing or problems with the child, medical/Medicaid coverage and/or providers); or,
- Failure by DCFS to keep the terms of the initial written agreement with the foster home (CFS-462: Initial Foster Home Agreement and CFS-462A: Foster Home Agreement Addendum).

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Prior to filing a grievance requesting an internal review at the Central Office level, foster parents should request an informal discussion of the problem with the FSW and the FSW's immediate supervisor. If the problem is not resolved at this point and the issue is grievable, then the foster parents may file a grievance according to the procedures listed below. Any time frame specified within the grievance procedures may be modified by mutual consent and notification to all involved parties.

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If, after the foster parents have discussed their issue(s) related to the grievance adverse action with the FSW and FSW supervisor, and if the foster parents believe that DCFS failed to uphold its policies and/or philosophies, then, the foster parents must state the grievance submit in writing their request for the Area Director of the area where the foster parents live to review their case as it relates to the adverse action. This request must be submitted in writing and submit it to this Area Director within of the area where the foster parents live 30 calendar days from the date the adverse grievable action occurred. The Area Director will schedule a meeting with the foster parents within 10 business working days of the receipt of the written grievance request and attempt to resolve the problem.

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If the foster parents are not satisfied with the results of this meeting with the Area Director and if the foster parents have additional information that pertains to their case that was not previously presented to the FSW, supervisors, and Area Director, and if the foster parents have additional information that pertains to their case that was not previously presented to the FSW, supervisors, and Area Director, the foster parents may appeal request an internal review from to the Foster Care Unit Manager or designee in Central Office to present their case supported by the new information. A copy of the grievance request and written reports of the previous two meetings will be forwarded to the Foster Care Unit Manager or designee. The Foster Care Manager or designee will review the request and forward

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Excerpts, PUB-30: Foster Parent Handbook

it with a recommendation to the Assistant Director of Community Services or designee within 10 business working days of receipt of the request and written reports for a final disposition.

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The Assistant Director of Community Services or designee will notify the foster parents in writing of the decision of the review within 10 business working days of receiving the recommendation and other materials from the Foster Care Manager or designee.

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If the decision is unfavorable to the foster parents, the Assistant Director of Community Services or designee will inform the foster parents that they have 15 business working days in which to submit a written appeal to the DCFS Director. The DCFS Director will review the request as well as the previous reports and dispositions. The DCFS Director will then notify the individual within 10 business working days of the appeal decision. This is a final action and is not appealable to any other person or entity. A Grievance Committee hearing will be scheduled within 10 working days. The hearing will be held in the county where the foster parents live.

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The Grievance Committee will be composed of three people: a representative selected by the county office FSW supervisor, a representative selected by the foster parent, and a representative selected by Central Office the Foster Care Manager or designee. The foster parents may also select an individual (such as an attorney, friend, or relative) to present the case (however, this person will not serve on the Grievance Committee itself). The Grievance Committee member selected by the county office FSW supervisor will not be from the county where the foster parents live or any individual who is within the direct chain of authority for the resident county. During the hearing, all parties will be given an opportunity to present their case.

The Grievance Committee will submit their findings and recommendations within 20 working days from the date of the Grievance Hearing to the Assistant Director of Community Services or designee.

The foster parents and the county office will be notified, in writing, by the appropriate decision-making personnel of the decision Assistant Director of Community Services within 10 working days from the date the Grievance Committee's findings and recommendations are submitted.

If corrective action is required by the county office, the corrective action will begin no later than 10 working days after the county office and foster parents are notified of the decision. A written report of completed action will be submitted by the FSW supervisor to Central Office the Assistant Director of Community Services or designee no later than 30 days after corrective action has commenced. If corrective action has not been finalized within the 30 day time frame, an interim report will be submitted by the DCFS county office FSW supervisor every 30 days until completed.

If corrective action is required by the foster parents, the Assistant Director of Community Services or designee must indicate the steps necessary to correct the deficiency in the findings and recommendations document within 10 days after notification from the appropriate decision-making personnel. This corrective action plan must receive the approval of the county office supervisor. The foster parents will notify the FSW supervisor in local county office and Central Office Foster Care Manager or designee within 60 days of the original findings being received, that all corrective steps have been completed. In the absence of said notification from the foster parents, it will be presumed that the foster parents have elected not to comply with the findings of the appropriate decision-making personnel.

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The decision of the appropriate decision-making personnel will be considered final, and no other appeal procedure within DHS is appropriate.

CLOSING A FOSTER HOME

Division's Decision

If it is deemed necessary by the County Office to close a foster home, a written summary will be prepared documenting past and present reasons for closure as well as all efforts by the County Office to eliminate rectify the problem. The final assessment and determination of closure will be made by the Resource Worker in collaboration and with assistance from designated county staff, the Area Director and Central Office staff, as if appropriate. The closure process will include a mandatory face-to-face conference with the foster parents at which time reasons for the closure will be explained. The County Office will provide written notification of the closure including the reasons for the closure and the foster parents' right to request an internal review of the adverse action appeal the decision by filing a grievance. (For additional information, see section on Internal Review of Adverse Actions Involving Foster Parents Grievance Procedure.)

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Excerpts, PUB-30: Foster Parent Handbook

Internal Review of Adverse Action Involving Foster Parents

Foster parents have the right to appeal decisions affecting them and the operation of their home. Most problems can be solved at the local level if the foster parents and FSW keep each other informed about matters of interest and importance pertaining to the child. It is important for foster parents and Family Service Workers to discuss and work out issues and problems as they occur.

All complaints may not be appropriate for an internal review, 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 that to take through the Grievance Procedure are:

- Closure of a foster home due to any circumstance;
- Removal of a child from the foster home without appropriate cause and/or without appropriate notice;
- Failure by DCFS to share appropriate information;
- Failure by DCFS to provide necessary support (failure to return phone calls or habitually being unavailable when needed, failure to help with initial clothing or problems with the child, medical/Medicaid coverage and/or providers); or,
- Failure by DCFS to keep the terms of the initial written agreement with the foster home (CFS-462: Initial Foster Home Agreement and CFS-462A: Foster Home Agreement Addendum).

Prior to requesting an internal review at the Central Office level, foster parents should request an informal discussion of the problem with the FSW and the FSW's immediate supervisor. If, after the foster parents have discussed their issue(s) related to the adverse action with the FSW and FSW supervisor, and believe that DCFS failed to uphold its policies and/or philosophies, then, the foster parents must submit in writing their request for the Area Director of the area where the foster parents live to review their case as it relates to the adverse action. This request must be submitted to this Area Director within 30 calendar days from the date the adverse action occurred. The Area Director will schedule a meeting with the foster parents within 10 business days of the receipt of the written request and attempt to resolve the problem.

If the foster parents are not satisfied with the results of the meeting with the Area Director, the foster 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 or designee will review the request and forward it with a recommendation to the Assistant Director of Community Services or designee within 10 business days of receipt of the request and written reports.

The Assistant Director of Community Services or designee will notify the foster parents in writing of the decision of the review within 10 business days of receiving the recommendation and other materials from the Foster Care Manager or designee.

If the decision is unfavorable to the foster parents, the Assistant Director of Community Services or designee will inform the foster parents that they have 15 business days in which to submit a written appeal to the DCFS Director. The DCFS Director will review the request as well as the previous reports and dispositions. The DCFS Director will then notify the individual within 10 business days of the appeal decision. This is a final action and is not appealable to any other person or entity.

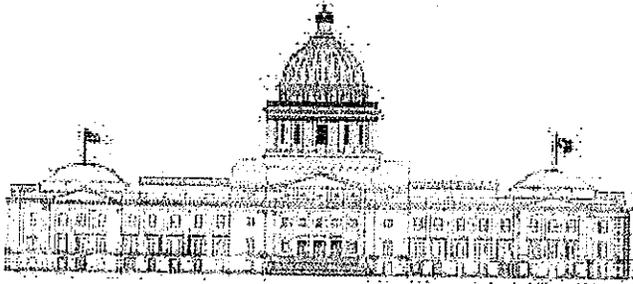
CLOSING A FOSTER HOME

Division's Decision

If it is deemed necessary by the county office to close a foster home, a written summary will be prepared documenting past and present 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. The closure process will include a mandatory face-to-face conference with the foster parents at which time reasons for the closure will be explained. The county office will provide written notification of the closure including the reasons for the closure and the foster parents' right to request an internal review of the adverse action. (For additional information, see section on Internal Review of Adverse Actions Involving Foster Parents.)

ARKANSAS REGISTER

Transmittal Sheet



Mark Martin
 Secretary of State
 State Capitol Room 026
 Little Rock, Arkansas 72201-1094
 (501) 682-3527

For Office Use Only: Effective Date _____ Code Number 016.15.12-

Name of Agency _____ Department of Human Services

Department _____ Division of Children and Family Services

Contact Christin Harper E-mail christin.harper@arkansas.gov Phone 501.682.8541

Statutory Authority for Promulgating Rules _____ A.C.A. § 9-28-103

Rule Title: _____ **Please See Attached** Assessment of Child Maltreatment Reports

Intended Effective Date		Date
<input type="checkbox"/> Emergency	Legal Notice Published	<u>10/17/2012</u>
<input type="checkbox"/> 10 Days After Filing	Final Date for Public Comment.....	<u>11/15/2012</u>
<input type="checkbox"/> Other <u>1/1/2013</u>	Reviewed by Legislative Council.....	<u>TBD</u>
	Adopted by State Agency.....	<u>TBD</u>

Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)

Electronic Copy of Rule e-mailed from: _____

Contact Person _____ Email Address _____ Date _____

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
 In Compliance with Act 434 of 1967 As Amended.

Cecile Blucker
 Signature

501.682.8770 cecile.blucker@arkansas.gov
 Phone Number E-mail Address

Director
 Title

11/15/12
 Date

FILED
 REGISTER DIV.
 10/15 PM 5:35
 STATE OF ARKANSAS



**Arkansas Department of Human Services
Division of Children and Family Services**

700 Main Street, Donaghey Plaza South, 5th Floor

P.O. Box 1437, Slot S560

Little Rock, Arkansas 72203-1437

Telephone (501) 682-8008 TDD (501) 682-1442 FAX (501) 682-6968

November 15, 2012

Honorable Mark Martin
Secretary of State
State Capitol Building, Room 256
Little Rock, AR 72201

RE: Final Filing - Regular Promulgation

Dear Mr. Martin:

This is the final filing of Rules initially filed on October 17, 2012. The public comment period was from October 17, 2012 to November 15, 2012, with an effective date of January 1, 2013.

If you have any questions or comments, please contact Christin Harper, Policy & Professional Development Administrator, Division of Children and Family Services, P.O. Box 1437, (Slot S570), Little Rock, Arkansas 72203-1437; phone 682-8541; email christin.harper@arkansas.gov or fax 682-4854.

Sincerely,

A handwritten signature in cursive script that reads "Cecile Blucker".

Cecile Blucker
Director, Division of Children and Family Services

BY _____

MARK L. MARTIN
SECRETARY OF STATE
STATE OF ARKANSAS

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FILED
ARK. REGISTER DIV.

NOTICE OF RULE MAKING

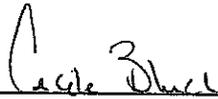
Pursuant to A.C.A. § 9-28-103, the Director, Division of Children and Family Services issues proposed changes to Policy and Publications. These include:

- To revise procedure to require investigators to run a history check prior to initiating investigations in order to gain a more comprehensive understanding of the family involved in the report.
- To require that for any open investigation involving a child in the hospital, a home visit will be conducted prior to the child being discharged from the hospital.
- To update form CFS-232-T2 by adding a space to record certified mail number and information regarding request for Administrative Hearing.

The proposed changes are available for review at the Division of Children and Family Services, Policy Unit, 5th floor Donaghey Plaza South, 7th and Main Streets, Little Rock, AR. 72203-1437. All comments must be submitted in writing to the Policy Unit no later than November 15, 2012. All the proposed changes may be viewed in their entirety at

<https://ardhs.sharepointsite.net/CW/Notice%20of%20Rule%20Making/Forms/AllItems.aspx>.

If you need this material in a different format, such as large print, contact our Americans with Disabilities Act Coordinator at 501- 682-8830 (Voice) or 501- 682-1442 (TDD). The Arkansas Department of Human Services is in compliance with Titles VI and VII of the Civil Rights Act and operates, manages and delivers services without regard to age, religion, disability, political affiliation, veteran status, sex, race, color or national origin.



Cecile Blucker
Director, Division of Children and Family Services

11/13/12

Date

BY _____

REGISTRATION
SERVICES DIVISION
STATE OF ARKANSAS

12 NOV 15 PM 5:36

FILED
REGISTRATION DIV.

FINANCIAL IMPACT STATEMENT
PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT: Department of Human Services
DIVISION: Division of Children and Family Services
PERSON COMPLETING THIS STATEMENT: Greg Crawford
PHONE NO.: (501) 682-6248 / **FAX NO.:** (501) 682-6968 / **E-MAIL:** greg.crawford@arkansas.gov

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE: Assessment of Child Maltreatment Reports

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes No
2. Does the proposed, amended, or repealed rule affect small businesses?
Yes No If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.
3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
4. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____
Total \$0.00

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____
Total \$0.00

5. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation? Identify the party subject to the proposed regulation, and explain how they are affected.

Current Fiscal Year

\$ 0.00

Next Fiscal Year

\$ 0.00

6. What is the total estimated cost by fiscal year to the agency to implement these regulations? Is this the cost of the program or grant? Please explain.

Current Fiscal Year

\$ 0.00

Next Fiscal Year

\$ 0.00

DCFS SUMMARY OF CHANGES FOR OCTOBER 2012 PROMULGATION

SUMMARY OF DCFS REGULAR PROMULGATION

The purpose of this regular promulgation is to:

- To revise procedure to require investigators to run a history check prior to initiating investigations in order to gain a more comprehensive perspective of the family involved in the report.
- To require that for any open investigation involving a child in the hospital, a home visit will be conducted prior to the child being discharged from the hospital.
- To update form CFS-232-T2 by adding a space to record certified mail number and information regarding request for Administrative Hearing.

PROCEDURE II-E1: County Office Response to the Child Abuse Hotline for Assessments That Are the Responsibility of the Division

01/2013

The County Supervisor or designee will:

- A. Assign the report to a Family Service Worker(s) or a Unit Group who will conduct the assessment when a report is received in the CHRIS county in-box.
- B. Make entries on the "Inv. Notes" as the assessment is conducted.
- C. Consult with and advise the Family Service Worker as the assessment is conducted.

The FSW will:

- A. Conduct a CHRIS history search prior to initiation of investigation.
- B. Begin the child maltreatment assessment immediately and no later than 24 hours after receipt of a report by the Hotline, if the allegation is severe maltreatment (Priority I), excluding an allegation of sexual abuse if the most recent allegation of sexual abuse was more than one year ago or the alleged victim does not currently have contact with the alleged offender; or the allegation is that a child has been subjected to neglect as defined by Garrett's Law § 12-18-103(13)(B).
- C. Begin all other child maltreatment assessments within 72 hours of receipt of a report by the Hotline.
- D. Make immediate telephone notification to the Prosecuting Attorney and law enforcement on Priority I reports.
- E. Notify the Prosecuting Attorney of an allegation of severe maltreatment (Priority I) within 5 business days via CFS-201-A: Notice of Child Maltreatment Allegation to Law Enforcement and Prosecuting Attorney, unless the Prosecuting Attorney has provided written notice that the Division need not send notification of the initial maltreatment report.
- F. Consider the assessment initiated:
 - 1) By interviewing or observing, when appropriate, the alleged victim child outside the presence of the alleged offender; or,
 - 2) If after exercising and documenting due diligence, an interview or examination of the child could not be made. Due diligence includes, but is not limited to:
 - a. Making an unannounced visit to the child's home at least 3 times at different times of the day or on different days in an attempt to interview the child;
 - b. Contacting the reporter again if the reporter is known;
 - c. Visiting or contacting the child's school, child care facility, and all other places where the child is said to be located;
 - d. Sending a certified letter to the location given by the reporter, if attempts to locate the child have failed;
 - e. Contacting appropriate local Division of County Operations staff and requesting research of the AASIS and ANSWER systems and other files to obtain another address.
- G. Submit the record to the supervisor for approval of due diligence to locate and interview the child after all these efforts have been made.
- H. Make notifications to the appropriate parties according to Procedure XIV-A1. Begin entering the "Child Maltreatment Assessment" into the "Investigation" section of CHRIS.

PROCEDURE II-E1: County Office Response to the Child Abuse Hotline for Assessments That Are the Responsibility of the Division

01/20132

The County Supervisor or designee will:

- A. Assign the report to a Family Service Worker(s) or a Unit Group who will conduct the assessment when a report is received in the CHRIS county in-box.
- B. Make entries on the "Inv. Notes" as the assessment is conducted.
- C. Consult with and advise the Family Service Worker as the assessment is conducted.

The FSW will:

- A. Conduct a CHRIS history search prior to initiation of investigation.
- A-B. Begin the child maltreatment assessment immediately and no later than 24 hours after receipt of a report by the Hotline, if the allegation is severe maltreatment (Priority I), excluding an allegation of sexual abuse if the most recent allegation of sexual abuse was more than one year ago or the alleged victim does not currently have contact with the alleged offender; or the allegation is that a child has been subjected to neglect as defined by Garrett's Law § 12-18-103(13)(B).
- B-C. Begin all other child maltreatment assessments within 72 hours of receipt of a report by the Hotline.
- C-D. Make immediate telephone notification to the Prosecuting Attorney and law enforcement on Priority I reports.
- D-E. Notify the Prosecuting Attorney of an allegation of severe maltreatment (Priority I) within 5 business days via CFS-201-A: Notice of Child Maltreatment Allegation to Law Enforcement and Prosecuting Attorney, unless the Prosecuting Attorney has provided written notice that the Division need not send notification of the initial maltreatment report.
- E-F. Consider the assessment initiated:
 - 1) By interviewing or observing, when appropriate, the alleged victim child outside the presence of the alleged offender; or,
 - 2) If after exercising and documenting due diligence, an interview or examination of the child could not be made. Due diligence includes, but is not limited to:
 - a. Making an unannounced visit to the child's home at least 3 times at different times of the day or on different days in an attempt to interview the child;
 - b. Contacting the reporter again if the reporter is known;
 - c. Visiting or contacting the child's school, child care facility, and all other places where the child is said to be located;
 - d. Sending a certified letter to the location given by the reporter, if attempts to locate the child have failed;
 - e. Contacting appropriate local Division of County Operations staff and requesting research of the AASIS and ANSWER systems and other files to obtain another address.
- F-G. Submit the record to the supervisor for approval of due diligence to locate and interview the child after all these efforts have been made.
- G-H. Make notifications to the appropriate parties according to Procedure XIV-A1. Begin entering the "Child Maltreatment Assessment" into the "Investigation" section of CHRIS.

PROCEDURE II-E4: Other Child Maltreatment Assessment Actions

01/2013

The Family Service Worker will:

- A. Use CFS-317: Off-Site Worker's Safety Log during the child maltreatment investigation for all off-site visits away from his/her primary work-site. If the worker is going to return to the primary work-site more than one hour later than the "Planned Return Date/Time", he/she will contact his/her immediate supervisor, County Supervisor or designee with a revised anticipated return date/time.
- B. Give the family and alleged offender (if alleged offender resides outside of the home) PUB-52: Child Protective Services—A Caretaker's Guide during the first contact and explain, as appropriate, to help the family/alleged offender understand its contents.
- C. Conduct a home visit to assess the safety, risk, and protective factors of the environment where the child resides and determine the names and conditions of other children in the home. The home visit may or may not be conducting during the course of interviews with the alleged victim; however, anytime there is an open investigation involving a child in the hospital (e.g., Garrett's Law report, child admitted to hospital for injuries or other health issues associated with child abuse or neglect), a home visit will be conducted prior to the child being discharged from the hospital.
- D. Contact the DHS attorney to petition the court for an ex parte order of investigation to allow access if the parents, caretakers, or others deny access to any place where the child may be.
- E. Exercise due diligence in locating the non-custodial parent of the victim child. Examples of due diligence include, but are not limited to, seeking information from relatives or using information from the alleged victim child's birth certificate to identify and locate the non-custodial parent.
- F. Document all efforts at reasonable diligence, if unable to locate the non-custodial parent to ensure completion of the investigation within 30 days.
- G. Obtain X-rays, photographs, radiology procedures, drug test results, medical records, other pertinent records (e.g., school records, or videos from mandated reporters).
- H. Ensure that all the information gathered during the assessment is contained within the DCFS file whether or not the information supports the investigative determination.
- I. Key all screens in the "Investigation" section of CHRIS including screens listed under the "Interview" and "Client" sections. Skip screens only when the information for that screen is unavailable.
- J. Complete and print CFS-6003: Report to Prosecuting Attorney within 30 days of the initial report of severe maltreatment (Priority I reports) and send to Prosecuting Attorney and law enforcement.

As DCFS is the Secondary Assigned Investigator on all CACD Primary Assigned Investigations, the FSW will:

- A. Complete the Safety Plan and Risk Assessment sections. CACD investigators may not complete this section.
- B. Provide to the CACD Primary Assigned Investigator any new allegations of child maltreatment that come to the attention of DCFS during the investigation.
- C. Call the Child Abuse Hotline to report the new allegation only under the following conditions:
 - 1) The existing allegation is a priority II and the new allegation is a Priority I.
 - 2) The new allegation involves an alleged offender outside of the home.

The FSW will not:

- A. Enter any data in the CHRIS Investigation file with the exception of the Safety Plan and Risk Assessment tabs that CACD Investigators are not allowed to complete.
- B. Complete the "Investigation Closure" screen and "Request/Approve Closure."

With the exception of investigations where CACD is the Primary Investigator, the FSW Supervisor will:

- A. Review the investigative determination and other pertinent screens in CHRIS.
- B. Approve the investigation closure on the "Investigation Closure" screen.

When CACD is assigned as the primary investigator, the DCFS Supervisor of the secondary assigned investigator will:

- A. Complete/approve the "Investigation Case Connect" screen and "Transfer/Assign to Case Assignment," if appropriate.
- B. Complete the "Closure" screen and "Request/Approve Closure."

PROCEDURE II-E2: Child Maltreatment Report Assessment Interviews

019/20131

The FSW will:

- A. Prepare for interviews by reviewing intake report, any prior child maltreatment reports, etc. See "Gathering Information" practice guide series for more information.
- B. Conduct a separate interview with the victim outside the presence of the alleged offender or the offender's attorney. Exceptions must be approved by a supervisor.
 - B-1) If not age appropriate for an interview, observe all children outside the presence of the alleged offender or the offender's attorney.
- C. Interview any siblings of the alleged victim outside the presence of the alleged offender or the offender's attorney. This includes during investigations where the offender is outside the home as the siblings may have collateral information or have been within the access of the offender. Exceptions must be approved by a supervisor.
 - C-1) If not age appropriate for an interview, observe all children outside the presence of the alleged offender or the offender's attorney.
- D. Interview all children outside the presence of the alleged offender or the offender's attorney. If not age appropriate for an interview, observe all children outside the presence of the alleged offender or the offender's attorney. Exceptions must be approved by a supervisor. Children residing in the home of the offender must be interviewed. In conducting investigations where the offender is out of the home, investigators should still interview siblings of victims in these cases, since they may have collateral information or have been within the access of the offender.
- E-D. Physically inspect children as appropriate during the interview.
- F-E. Complete CFS-327a: Physical Documentation--Body Diagram when applicable and if a medical provider has not already completed CFS-327a OR similar diagram specific to the current allegation).
- G-F. Photograph visible injuries; label and date photos.
- H-G. Interview the custodial and non-custodial parent of the alleged victim child and inform them of DCFS responsibility to assess.
- I-H. Interview alleged offender.
- J. Interview collateral sources, as appropriate, including teachers, neighbors, witnesses, and the person making the report.
- K-I. When interviewing a child at school, provide the principal or designee with a copy of CFS-213-A: School District Prohibition from Notifying Parent, Guardian, or Custodian of a Child Maltreatment Investigation.
- L-K. Coordinate the conducting of interviews when primary (where the child resides) and secondary counties are involved.
- M-L. Reinitiate the investigation in the second county within 24-72 hours, according to PUB-357: Child Maltreatment Assessment Protocol when an investigation is transferred from one county to another and the victim or any other children believed to reside in the home where the report originated have not been seen.

If any parties required to be interviewed (parents, children, alleged victim child, or alleged perpetrator) cannot be located or are unable to communicate, the FSW will, after exercising due diligence, document efforts to locate or communicate with required parties and proceed with the child maltreatment assessment.

The Primary County Supervisor will:

- A. Take the lead in coordinating the interview process when multiple counties are involved; and,
- B. Ensure that counties communicate and complete the investigation within 30 days.

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PROCEDURE II-E4: Other Child Maltreatment Assessment Actions

019/2013~~4~~

The Family Service Worker will:

- A. Use CFS-317: Off-Site Worker's Safety Log during the child maltreatment investigation for all off-site visits away from his/her primary work-site. If the worker is going to return to the primary work-site more than one hour later than the "Planned Return Date/Time", he/she will contact his/her immediate supervisor, County Supervisor or designee with a revised anticipated return date/time.
- B. Give the family and alleged offender (if alleged offender resides outside of the home) PUB-52: Child Protective Services—A Caretaker's Guide during the first contact and explain, as appropriate, to help the family/alleged offender understand its contents.
- C. Conduct a home visit to assess the safety, risk, and protective factors of the environment where the child resides and determine the names and conditions of other children in the home. The home visit may or may not be conducting during the course of interviews with the alleged victim; however, anytime there is an open investigation involving a child in the hospital (e.g., Garrett's Law report, child admitted to hospital for injuries or other health issues associated with child abuse or neglect), a home visit will be conducted prior to the child being discharged from the hospital.
- D. Contact the DHS attorney to petition the court for an ex parte order of investigation to allow access if the parents, caretakers, or others deny access to any place where the child may be.
- E. Exercise due diligence in locating the non-custodial parent of the victim child. Examples of due diligence include, but are not limited to, seeking information from relatives or using information from the alleged victim child's birth certificate to identify and locate the non-custodial parent.
- F. Document all efforts at reasonable diligence, if unable to locate the non-custodial parent to ensure completion of the investigation within 30 days.
- G. Obtain X-rays, photographs, radiology procedures, drug test results, medical records, other pertinent records (e.g., school records, or videos from mandated reporters).
- H. Ensure that all the information gathered during the assessment is contained within the DCFS file whether or not the information supports the investigative determination.
- I. Key all screens in the "Investigation" section of CHRIS including screens listed under the "Interview" and "Client" sections. Skip screens only when the information for that screen is unavailable.
- J. Complete and print CFS-6003: Report to Prosecuting Attorney within 30 days of the initial report of severe maltreatment (Priority I reports) and send to Prosecuting Attorney and law enforcement.

As DCFS is the Secondary Assigned Investigator on all CACD Primary Assigned Investigations, the FSW will:

- A. Complete the Safety Plan and Risk Assessment sections. CACD investigators may not complete this section.
- B. Provide to the CACD Primary Assigned Investigator any new allegations of child maltreatment that come to the attention of DCFS during the investigation.
- C. Call the Child Abuse Hotline to report the new allegation only under the following conditions:
 - 1) The existing allegation is a priority II and the new allegation is a Priority I.
 - 2) The new allegation involves an alleged offender outside of the home.

The FSW will not:

- A. Enter any data in the CHRIS Investigation file with the exception of the Safety Plan and Risk Assessment tabs that CACD Investigators are not allowed to complete.
- B. Complete the "Investigation Closure" screen and "Request/Approve Closure."

With the exception of investigations where CACD is the Primary Investigator, the FSW Supervisor will:

- A. Review the investigative determination and other pertinent screens in CHRIS.
- B. Approve the investigation closure on the "Investigation Closure" screen.

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When CACD is assigned as the primary investigator, the DCFS Supervisor of the secondary assigned investigator will:

- A. Complete/approve the "Investigation Case Connect" screen and "Transfer/Assign to Case Assignment," if appropriate.
- B. Complete the "Closure" screen and "Request/Approve Closure."

PROCEDURE II-E4: Other Child Maltreatment Assessment Actions

01/2013

The Family Service Worker will:

- A. Use CFS-317: Off-Site Worker's Safety Log during the child maltreatment investigation for all off-site visits away from his/her primary work-site. If the worker is going to return to the primary work-site more than one hour later than the "Planned Return Date/Time", he/she will contact his/her immediate supervisor, County Supervisor or designee with a revised anticipated return date/time.
- B. Give the family and alleged offender (if alleged offender resides outside of the home) PUB-52: Child Protective Services—A Caretaker's Guide during the first contact and explain, as appropriate, to help the family/alleged offender understand its contents.
- C. Conduct a home visit to assess the safety, risk, and protective factors of the environment where the child resides and determine the names and conditions of other children in the home. The home visit may or may not be conducted during the course of interviews with the alleged victim; however, anytime there is an open investigation involving a child in the hospital (e.g., Garrett's Law report, child admitted to hospital for injuries or other health issues associated with child abuse or neglect), a home visit will be conducted prior to the child being discharged from the hospital.
- D. Contact the DHS attorney to petition the court for an ex parte order of investigation to allow access if the parents, caretakers, or others deny access to any place where the child may be.
- E. Exercise due diligence in locating the non-custodial parent of the victim child. Examples of due diligence include, but are not limited to, seeking information from relatives or using information from the alleged victim child's birth certificate to identify and locate the non-custodial parent.
- F. Document all efforts at reasonable diligence, if unable to locate the non-custodial parent to ensure completion of the investigation within 30 days.
- G. Obtain X-rays, photographs, radiology procedures, drug test results, medical records, other pertinent records (e.g., school records, or videos from mandated reporters).
- H. Ensure that all the information gathered during the assessment is contained within the DCFS file whether or not the information supports the investigative determination.
- I. Key all screens in the "Investigation" section of CHRIS including screens listed under the "Interview" and "Client" sections. Skip screens only when the information for that screen is unavailable.
- J. Complete and print CFS-6003: Report to Prosecuting Attorney within 30 days of the initial report of severe maltreatment (Priority I reports) and send to Prosecuting Attorney and law enforcement.

As DCFS is the Secondary Assigned Investigator on all CACD Primary Assigned Investigations, the FSW will:

- A. Complete the Safety Plan and Risk Assessment sections. CACD investigators may not complete this section.
- B. Provide to the CACD Primary Assigned Investigator any new allegations of child maltreatment that come to the attention of DCFS during the investigation.
- C. Call the Child Abuse Hotline to report the new allegation only under the following conditions:
 - 1) The existing allegation is a priority II and the new allegation is a Priority I.
 - 2) The new allegation involves an alleged offender outside of the home.

The FSW will not:

- A. Enter any data in the CHRIS Investigation file with the exception of the Safety Plan and Risk Assessment tabs that CACD Investigators are not allowed to complete.
- B. Complete the "Investigation Closure" screen and "Request/Approve Closure."

With the exception of investigations where CACD is the Primary Investigator, the FSW Supervisor will:

- A. Review the investigative determination and other pertinent screens in CHRIS.
- B. Approve the investigation closure on the "Investigation Closure" screen.

When CACD is assigned as the primary investigator, the DCFS Supervisor of the secondary assigned investigator will:

- A. Complete/approve the "Investigation Case Connect" screen and "Transfer/Assign to Case Assignment," if appropriate.
- B. Complete the "Closure" screen and "Request/Approve Closure."

PROCEDURE II-E4: Other Child Maltreatment Assessment Actions

019/2013~~1~~

The Family Service Worker will:

- A. Use CFS-317: Off-Site Worker's Safety Log during the child maltreatment investigation for all off-site visits away from his/her primary work-site. If the worker is going to return to the primary work-site more than one hour later than the "Planned Return Date/Time", he/she will contact his/her immediate supervisor, County Supervisor or designee with a revised anticipated return date/time.
- B. Give the family and alleged offender (if alleged offender resides outside of the home) PUB-52: Child Protective Services—A Caretaker's Guide during the first contact and explain, as appropriate, to help the family/alleged offender understand its contents.
- C. Conduct a home visit to assess the safety, risk, and protective factors of the environment where the child resides and determine the names and conditions of other children in the home. The home visit may or may not be conducting during the course of interviews with the alleged victim; however, anytime there is an open investigation involving a child in the hospital (e.g., Garrett's Law report, child admitted to hospital for injuries or other health issues associated with child abuse or neglect), a home visit will be conducted prior to the child being discharged from the hospital.
- D. Contact the DHS attorney to petition the court for an ex parte order of investigation to allow access if the parents, caretakers, or others deny access to any place where the child may be.
- E. Exercise due diligence in locating the non-custodial parent of the victim child. Examples of due diligence include, but are not limited to, seeking information from relatives or using information from the alleged victim child's birth certificate to identify and locate the non-custodial parent.
- F. Document all efforts at reasonable diligence, if unable to locate the non-custodial parent to ensure completion of the investigation within 30 days.
- G. Obtain X-rays, photographs, radiology procedures, drug test results, medical records, other pertinent records (e.g., school records, or videos from mandated reporters).
- H. Ensure that all the information gathered during the assessment is contained within the DCFS file whether or not the information supports the investigative determination.
- I. Key all screens in the "Investigation" section of CHRIS including screens listed under the "Interview" and "Client" sections. Skip screens only when the information for that screen is unavailable.
- J. Complete and print CFS-6003: Report to Prosecuting Attorney within 30 days of the initial report of severe maltreatment (Priority I reports) and send to Prosecuting Attorney and law enforcement.

As DCFS is the Secondary Assigned Investigator on all CACD Primary Assigned Investigations, the FSW will:

- A. Complete the Safety Plan and Risk Assessment sections. CACD investigators may not complete this section.
- B. Provide to the CACD Primary Assigned Investigator any new allegations of child maltreatment that come to the attention of DCFS during the investigation.
- C. Call the Child Abuse Hotline to report the new allegation only under the following conditions:
 - 1) The existing allegation is a priority II and the new allegation is a Priority I.
 - 2) The new allegation involves an alleged offender outside of the home.

The FSW will not:

- A. Enter any data in the CHRIS Investigation file with the exception of the Safety Plan and Risk Assessment tabs that CACD Investigators are not allowed to complete.
- B. Complete the "Investigation Closure" screen and "Request/Approve Closure."

With the exception of investigations where CACD is the Primary Investigator, the FSW Supervisor will:

- A. Review the investigative determination and other pertinent screens in CHRIS.
- B. Approve the investigation closure on the "Investigation Closure" screen.

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When CACD is assigned as the primary investigator, the DCFS Supervisor of the secondary assigned investigator will:

- A. Complete/approve the "Investigation Case Connect" screen and "Transfer/Assign to Case Assignment," if appropriate.
- B. Complete the "Closure" screen and "Request/Approve Closure."



**Arkansas Department of Human Services
Division of Children and Family Services**

True But Exempt Child Maltreatment Investigative Determination Notice to Offender

To: _____

Address: _____

From: _____

Phone: _____

County Office: _____

Date: _____

CHRIS Referral # _____

Re: Name of Alleged Offender:

Certified Mail # _____

Name of Alleged Victim(s):

The Division of Children and Family Services (DCFS) or Arkansas State Police's Crimes Against Children Division (CACD) received an allegation of suspected child maltreatment involving the above named people. The incident was reported on (date) _____. The type of maltreatment was _____.

Pursuant to Arkansas Code Ann. §12-18-708, this is your notice that based on the preponderance of the evidence, the investigative agency determined the allegation to be:

True but exempt, and your name should not be placed in the Child Maltreatment Central Registry because the report was true for Garrett's Law.

True but exempt, and your name should not be placed in the Child Maltreatment Central Registry because you were practicing your religious beliefs as permitted by the law.

If you disagree with the investigative determination, you may request an administrative hearing within 30 days of receipt of this notice. To request an administrative hearing, you must mail a copy of this form along with your request to the: Office of Appeals & Hearing ; SLOT N401, P.O. Box 1437, Little Rock, AR 72203. Administrative hearings are conducted telephonically, unless you ask that the hearing be held in person. The request for an in-person hearing must be noted on your request for an administrative hearing. You have the right to an attorney; if you cannot afford one you should contact Legal Services.

If you want to obtain a copy of the investigative report, send a \$10.00 check or money order along with a written, notarized request to the Arkansas Department of Human Services, Division of Children & Family Services, Central Registry Unit, P.O. Box 1437, SLOT S566, Little Rock, AR 72203. The request must contain your name, address and the names of the child(ren) involved.

DCFS INVESTIGATOR PRINTED NAME

INVESTIGATOR SIGNATURE

PROCEDURE II-E1: County Office Response to the Child Abuse Hotline for Assessments That Are the Responsibility of the Division

01/2013

The County Supervisor or designee will:

- A. Assign the report to a Family Service Worker(s) or a Unit Group who will conduct the assessment when a report is received in the CHRIS county in-box.
- B. Make entries on the "Inv. Notes" as the assessment is conducted.
- C. Consult with and advise the Family Service Worker as the assessment is conducted.

The FSW will:

- A. Conduct a CHRIS history search prior to initiation of investigation.
- B. Begin the child maltreatment assessment immediately and no later than 24 hours after receipt of a report by the Hotline, if the allegation is severe maltreatment (Priority I), excluding an allegation of sexual abuse if the most recent allegation of sexual abuse was more than one year ago or the alleged victim does not currently have contact with the alleged offender; or the allegation is that a child has been subjected to neglect as defined by Garrett's Law § 12-18-103(13)(B).
- C. Begin all other child maltreatment assessments within 72 hours of receipt of a report by the Hotline.
- D. Make immediate telephone notification to the Prosecuting Attorney and law enforcement on Priority I reports.
- E. Notify the Prosecuting Attorney of an allegation of severe maltreatment (Priority I) within 5 business days via CFS-201-A: Notice of Child Maltreatment Allegation to Law Enforcement and Prosecuting Attorney, unless the Prosecuting Attorney has provided written notice that the Division need not send notification of the initial maltreatment report.
- F. Consider the assessment initiated:
 - 1) By interviewing or observing, when appropriate, the alleged victim child outside the presence of the alleged offender; or,
 - 2) If after exercising and documenting due diligence, an interview or examination of the child could not be made. Due diligence includes, but is not limited to:
 - a. Making an unannounced visit to the child's home at least 3 times at different times of the day or on different days in an attempt to interview the child;
 - b. Contacting the reporter again if the reporter is known;
 - c. Visiting or contacting the child's school, child care facility, and all other places where the child is said to be located;
 - d. Sending a certified letter to the location given by the reporter, if attempts to locate the child have failed;
 - e. Contacting appropriate local Division of County Operations staff and requesting research of the AASIS and ANSWER systems and other files to obtain another address.
- G. Submit the record to the supervisor for approval of due diligence to locate and interview the child after all these efforts have been made.
- H. Make notifications to the appropriate parties according to Procedure XIV-A1. Begin entering the "Child Maltreatment Assessment" into the "Investigation" section of CHRIS.

PROCEDURE II-E1: County Office Response to the Child Abuse Hotline for Assessments That Are the Responsibility of the Division

01/2013

The County Supervisor or designee will:

- A. Assign the report to a Family Service Worker(s) or a Unit Group who will conduct the assessment when a report is received in the CHRIS county in-box.
- B. Make entries on the "Inv. Notes" as the assessment is conducted.
- C. Consult with and advise the Family Service Worker as the assessment is conducted.

The FSW will:

- A. Conduct a CHRIS history search prior to initiation of investigation.
- A-B. Begin the child maltreatment assessment immediately and no later than 24 hours after receipt of a report by the Hotline, if the allegation is severe maltreatment (Priority I), excluding an allegation of sexual abuse if the most recent allegation of sexual abuse was more than one year ago or the alleged victim does not currently have contact with the alleged offender; or the allegation is that a child has been subjected to neglect as defined by Garrett's Law § 12-18-103(13)(B).
- B-C. Begin all other child maltreatment assessments within 72 hours of receipt of a report by the Hotline.
- C-D. Make immediate telephone notification to the Prosecuting Attorney and law enforcement on Priority I reports.
- D-E. Notify the Prosecuting Attorney of an allegation of severe maltreatment (Priority I) within 5 business days via CFS-201-A: Notice of Child Maltreatment Allegation to Law Enforcement and Prosecuting Attorney, unless the Prosecuting Attorney has provided written notice that the Division need not send notification of the initial maltreatment report.
- E-F. Consider the assessment initiated:
 - 1) By interviewing or observing, when appropriate, the alleged victim child outside the presence of the alleged offender; or,
 - 2) If after exercising and documenting due diligence, an interview or examination of the child could not be made. Due diligence includes, but is not limited to:
 - a. Making an unannounced visit to the child's home at least 3 times at different times of the day or on different days in an attempt to interview the child;
 - b. Contacting the reporter again if the reporter is known;
 - c. Visiting or contacting the child's school, child care facility, and all other places where the child is said to be located;
 - d. Sending a certified letter to the location given by the reporter, if attempts to locate the child have failed;
 - e. Contacting appropriate local Division of County Operations staff and requesting research of the AASIS and ANSWER systems and other files to obtain another address.
- F-G. Submit the record to the supervisor for approval of due diligence to locate and interview the child after all these efforts have been made.
- G-H. Make notifications to the appropriate parties according to Procedure XIV-A1. Begin entering the "Child Maltreatment Assessment" into the "Investigation" section of CHRIS.

PROCEDURE II-E2: Child Maltreatment Report Assessment Interviews

019/20134

The FSW will:

- A. Prepare for interviews by reviewing intake report, any prior child maltreatment reports, etc. See "Gathering Information" practice guide series for more information.
- B. Conduct a separate interview with the victim outside the presence of the alleged offender or the offender's attorney. Exceptions must be approved by a supervisor.
 - B.1) If not age appropriate for an interview, observe all children outside the presence of the alleged offender or the offender's attorney.
- C. Interview any siblings of the alleged victim outside the presence of the alleged offender or the offender's attorney. This includes during investigations where the offender is outside the home as the siblings may have collateral information or have been within the access of the offender. Exceptions must be approved by a supervisor.
 - C.1) If not age appropriate for an interview, observe all children outside the presence of the alleged offender or the offender's attorney.
- D. Interview all children outside the presence of the alleged offender or the offender's attorney. If not age appropriate for an interview, observe all children outside the presence of the alleged offender or the offender's attorney. Exceptions must be approved by a supervisor. Children residing in the home of the offender must be interviewed. In conducting investigations where the offender is out of the home, investigators should still interview siblings of victims in these cases, since they may have collateral information or have been within the access of the offender.
- E. D. Physically inspect children as appropriate during the interview.
- F. E. Complete CFS-327a: Physical Documentation--Body Diagram when applicable and if a medical provider has not already completed CFS-327a OR similar diagram specific to the current allegation).
- G. F. Photograph visible injuries; label and date photos.
- H. G. Interview the custodial and non-custodial parent of the alleged victim child and inform them of DCFS responsibility to assess.
- I. H. Interview alleged offender.
- J. I. Interview collateral sources, as appropriate, including teachers, neighbors, witnesses, and the person making the report.
- K. J. When interviewing a child at school, provide the principal or designee with a copy of CFS-213-A: School District Prohibition from Notifying Parent, Guardian, or Custodian of a Child Maltreatment Investigation.
- L. K. Coordinate the conducting of interviews when primary (where the child resides) and secondary counties are involved.
- M. L. Reinitiate the investigation in the second county within 24-72 hours, according to PUB-357: Child Maltreatment Assessment Protocol when an investigation is transferred from one county to another and the victim or any other children believed to reside in the home where the report originated have not been seen.

If any parties required to be interviewed (parents, children, alleged victim child, or alleged perpetrator) cannot be located or are unable to communicate, the FSW will, after exercising due diligence, document efforts to locate or communicate with required parties and proceed with the child maltreatment assessment.

The Primary County Supervisor will:

- A. Take the lead in coordinating the interview process when multiple counties are involved; and,
- B. Ensure that counties communicate and complete the investigation within 30 days.

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Arkansas Department of Human Services
Division of Children and Family Services

True But Exempt Child Maltreatment Investigative Determination Notice to Offender

To: _____

Address: _____

From: _____

Phone: _____

County Office: _____

Date: _____ CHRIS Referral # _____

Re: Name of Alleged Offender: _____ Certified Mail # _____

Name of Alleged Victim(s): _____

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The Division of Children and Family Services (DCFS) or Arkansas State Police's Crimes Against Children Division (CACD) received an allegation of suspected child maltreatment involving the above named people. The incident was reported on (date) _____. The type of maltreatment was _____.

Pursuant to Arkansas Code Ann. §12-18-708, this is your notice that based on the preponderance of the evidence, the investigative agency determined the allegation to be:

[] True but exempt, and your name should not be placed in the Child Maltreatment Central Registry because the report was true for Garrett's Law.

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[] True but exempt, and your name should not be placed in the Child Maltreatment Central Registry because you were practicing your religious beliefs as permitted by the law.

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The type of maltreatment was _____.

If you disagree with the investigative determination, you may request an administrative hearing within 30 days of receipt of this notice. To request an administrative hearing, you must mail a copy of this form along with your request to the Office of Appeals & Hearing, SLOT N401, P.O. Box 1437, Little Rock, AR 72203. Administrative hearings are conducted telephonically, unless you ask that the hearing be held in person. The request for an in-person hearing must be noted on your request for an administrative hearing. You have the right to an attorney; if you cannot afford one you should contact Legal Services.

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If you want to obtain a copy of the investigative report, send a \$10.00 check or money order along with a written, notarized request to the Arkansas Department of Human Services, Division of Children & Family Services, Central Registry Unit, P.O. Box 1437, SLOT 5566, Little Rock, AR 72203. The request must contain your name, address and the names of the child(ren) involved.

DCFS INVESTIGATOR PRINTED NAME

INVESTIGATOR SIGNATURE

PROCEDURE II-E1: County Office Response to the Child Abuse Hotline for Assessments That Are the Responsibility of the Division

01/2013

The County Supervisor or designee will:

- A. Assign the report to a Family Service Worker(s) or a Unit Group who will conduct the assessment when a report is received in the CHRIS county in-box.
- B. Make entries on the "Inv. Notes" as the assessment is conducted.
- C. Consult with and advise the Family Service Worker as the assessment is conducted.

The FSW will:

- A. Conduct a CHRIS history search prior to initiation of investigation.
- B. Begin the child maltreatment assessment immediately and no later than 24 hours after receipt of a report by the Hotline, if the allegation is severe maltreatment (Priority I), excluding an allegation of sexual abuse if the most recent allegation of sexual abuse was more than one year ago or the alleged victim does not currently have contact with the alleged offender; or the allegation is that a child has been subjected to neglect as defined by Garrett's Law § 12-18-103(13)(B).
- B-C. Begin all other child maltreatment assessments within 72 hours of receipt of a report by the Hotline.
- C-D. Make immediate telephone notification to the Prosecuting Attorney and law enforcement on Priority I reports.
- D-E. Notify the Prosecuting Attorney of an allegation of severe maltreatment (Priority I) within 5 business days via CFS-201-A: Notice of Child Maltreatment Allegation to Law Enforcement and Prosecuting Attorney, unless the Prosecuting Attorney has provided written notice that the Division need not send notification of the initial maltreatment report.
- E-F. Consider the assessment initiated:
 - 1) By interviewing or observing, when appropriate, the alleged victim child outside the presence of the alleged offender; or,
 - 2) If after exercising and documenting due diligence, an interview or examination of the child could not be made. Due diligence includes, but is not limited to:
 - a. Making an unannounced visit to the child's home at least 3 times at different times of the day or on different days in an attempt to interview the child;
 - b. Contacting the reporter again if the reporter is known;
 - c. Visiting or contacting the child's school, child care facility, and all other places where the child is said to be located;
 - d. Sending a certified letter to the location given by the reporter, if attempts to locate the child have failed;
 - e. Contacting appropriate local Division of County Operations staff and requesting research of the AASIS and ANSWER systems and other files to obtain another address.
- F-G. Submit the record to the supervisor for approval of due diligence to locate and interview the child after all these efforts have been made.
- G-H. Make notifications to the appropriate parties according to Procedure XIV-A1. Begin entering the "Child Maltreatment Assessment" into the "Investigation" section of CHRIS.

PROCEDURE II-E4: Other Child Maltreatment Assessment Actions

01/2013

The Family Service Worker will:

- A. Use CFS-317: Off-Site Worker's Safety Log during the child maltreatment investigation for all off-site visits away from his/her primary work-site. If the worker is going to return to the primary work-site more than one hour later than the "Planned Return Date/Time", he/she will contact his/her immediate supervisor, County Supervisor or designee with a revised anticipated return date/time.
- B. Give the family and alleged offender (if alleged offender resides outside of the home) PUB-52: Child Protective Services—A Caretaker's Guide during the first contact and explain, as appropriate, to help the family/alleged offender understand its contents.
- C. Conduct a home visit to assess the safety, risk, and protective factors of the environment where the child resides and determine the names and conditions of other children in the home. The home visit may or may not be conducting during the course of interviews with the alleged victim; however, anytime there is an open investigation involving a child in the hospital (e.g., Garrett's Law report, child admitted to hospital for injuries or other health issues associated with child abuse or neglect), a home visit will be conducted prior to the child being discharged from the hospital.
- D. Contact the DHS attorney to petition the court for an ex parte order of investigation to allow access if the parents, caretakers, or others deny access to any place where the child may be.
- E. Exercise due diligence in locating the non-custodial parent of the victim child. Examples of due diligence include, but are not limited to, seeking information from relatives or using information from the alleged victim child's birth certificate to identify and locate the non-custodial parent.
- F. Document all efforts at reasonable diligence, if unable to locate the non-custodial parent to ensure completion of the investigation within 30 days.
- G. Obtain X-rays, photographs, radiology procedures, drug test results, medical records, other pertinent records (e.g., school records, or videos from mandated reporters).
- H. Ensure that all the information gathered during the assessment is contained within the DCFS file whether or not the information supports the investigative determination.
- I. Key all screens in the "Investigation" section of CHRIS including screens listed under the "Interview" and "Client" sections. Skip screens only when the information for that screen is unavailable.
- J. Complete and print CFS-6003: Report to Prosecuting Attorney within 30 days of the initial report of severe maltreatment (Priority I reports) and send to Prosecuting Attorney and law enforcement.

As DCFS is the Secondary Assigned Investigator on all CACD Primary Assigned Investigations, the FSW will:

- A. Complete the Safety Plan and Risk Assessment sections. CACD investigators may not complete this section.
- B. Provide to the CACD Primary Assigned Investigator any new allegations of child maltreatment that come to the attention of DCFS during the investigation.
- C. Call the Child Abuse Hotline to report the new allegation only under the following conditions:
 - 1) The existing allegation is a priority II and the new allegation is a Priority I.
 - 2) The new allegation involves an alleged offender outside of the home.

The FSW will not:

- A. Enter any data in the CHRIS Investigation file with the exception of the Safety Plan and Risk Assessment tabs that CACD Investigators are not allowed to complete.
- B. Complete the "Investigation Closure" screen and "Request/Approve Closure."

With the exception of investigations where CACD is the Primary Investigator, the FSW Supervisor will:

- A. Review the investigative determination and other pertinent screens in CHRIS.
- B. Approve the investigation closure on the "Investigation Closure" screen.

When CACD is assigned as the primary investigator, the DCFS Supervisor of the secondary assigned investigator will:

- A. Complete/approve the "Investigation Case Connect" screen and "Transfer/Assign to Case Assignment," if appropriate.
- B. Complete the "Closure" screen and "Request/Approve Closure."

PROCEDURE II-E1: County Office Response to the Child Abuse Hotline for Assessments That Are the Responsibility of the Division

01/2013

The County Supervisor or designee will:

- A. Assign the report to a Family Service Worker(s) or a Unit Group who will conduct the assessment when a report is received in the CHRIS county in-box.
- B. Make entries on the "Inv. Notes" as the assessment is conducted.
- C. Consult with and advise the Family Service Worker as the assessment is conducted.

The FSW will:

- A. Conduct a CHRIS history search prior to initiation of investigation.
- B. Begin the child maltreatment assessment immediately and no later than 24 hours after receipt of a report by the Hotline, if the allegation is severe maltreatment (Priority I), excluding an allegation of sexual abuse if the most recent allegation of sexual abuse was more than one year ago or the alleged victim does not currently have contact with the alleged offender; or the allegation is that a child has been subjected to neglect as defined by Garrett's Law § 12-18-103(13)(B).
- C. Begin all other child maltreatment assessments within 72 hours of receipt of a report by the Hotline.
- D. Make immediate telephone notification to the Prosecuting Attorney and law enforcement on Priority I reports.
- E. Notify the Prosecuting Attorney of an allegation of severe maltreatment (Priority I) within 5 business days via CFS-201-A: Notice of Child Maltreatment Allegation to Law Enforcement and Prosecuting Attorney, unless the Prosecuting Attorney has provided written notice that the Division need not send notification of the initial maltreatment report.
- F. Consider the assessment initiated:
 - 1) By interviewing or observing, when appropriate, the alleged victim child outside the presence of the alleged offender; or,
 - 2) If after exercising and documenting due diligence, an interview or examination of the child could not be made. Due diligence includes, but is not limited to:
 - a. Making an unannounced visit to the child's home at least 3 times at different times of the day or on different days in an attempt to interview the child;
 - b. Contacting the reporter again if the reporter is known;
 - c. Visiting or contacting the child's school, child care facility, and all other places where the child is said to be located;
 - d. Sending a certified letter to the location given by the reporter, if attempts to locate the child have failed;
 - e. Contacting appropriate local Division of County Operations staff and requesting research of the AASIS and ANSWER systems and other files to obtain another address.
- G. Submit the record to the supervisor for approval of due diligence to locate and interview the child after all these efforts have been made.
- H. Make notifications to the appropriate parties according to Procedure XIV-A1. Begin entering the "Child Maltreatment Assessment" into the "Investigation" section of CHRIS.



**Arkansas Department of Human Services
Division of Children and Family Services**

True But Exempt Child Maltreatment Investigative Determination Notice to Offender

To: _____

Address: _____

From: _____

Phone: _____

County Office: _____

Date: _____

CHRIS Referral # _____

Re: Name of Alleged Offender:

Certified Mail # _____

Name of Alleged Victim(s):

The Division of Children and Family Services (DCFS) or Arkansas State Police's Crimes Against Children Division (CACD) received an allegation of suspected child maltreatment involving the above named people. The incident was reported on (date) _____. The type of maltreatment was _____.

Pursuant to Arkansas Code Ann. §12-18-708, this is your notice that based on the preponderance of the evidence, the investigative agency determined the allegation to be:

True but exempt, and your name should not be placed in the Child Maltreatment Central Registry because the report was true for Garrett's Law.

True but exempt, and your name should not be placed in the Child Maltreatment Central Registry because you were practicing your religious beliefs as permitted by the law.

If you disagree with the investigative determination, you may request an administrative hearing within 30 days of receipt of this notice. To request an administrative hearing, you must mail a copy of this form along with your request to the: Office of Appeals & Hearing, SLOT N401, P.O. Box 1437, Little Rock, AR 72203. Administrative hearings are conducted telephonically, unless you ask that the hearing be held in person. The request for an in-person hearing must be noted on your request for an administrative hearing. You have the right to an attorney; if you cannot afford one you should contact Legal Services.

If you want to obtain a copy of the investigative report, send a \$10.00 check or money order along with a written, notarized request to the Arkansas Department of Human Services, Division of Children & Family Services, Central Registry Unit, P.O. Box 1437, SLOT S566, Little Rock, AR 72203. The request must contain your name, address and the names of the child(ren) involved.

DCFS INVESTIGATOR PRINTED NAME

INVESTIGATOR SIGNATURE

PROCEDURE II-E2: Child Maltreatment Report Assessment Interviews

019/20131

The FSW will:

- A. Prepare for interviews by reviewing intake report, any prior child maltreatment reports, etc. See "Gathering Information" practice guide series for more information.
- B. Conduct a separate interview with the victim outside the presence of the alleged offender or the offender's attorney. Exceptions must be approved by a supervisor.
 - ~~B.1) If not age appropriate for an interview, observe all children outside the presence of the alleged offender or the offender's attorney.~~
- C. Interview any siblings of the alleged victim outside the presence of the alleged offender or the offender's attorney. This includes during investigations where the offender is outside the home as the siblings may have collateral information or have been within the access of the offender. Exceptions must be approved by a supervisor.
 - ~~C.1) If not age appropriate for an interview, observe all children outside the presence of the alleged offender or the offender's attorney.~~
- D. ~~Interview all children outside the presence of the alleged offender or the offender's attorney. If not age appropriate for an interview, observe all children outside the presence of the alleged offender or the offender's attorney. Exceptions must be approved by a supervisor. Children residing in the home of the offender must be interviewed. In conducting investigations where the offender is out of the home, investigators should still interview siblings of victims in these cases, since they may have collateral information or have been within the access of the offender.~~
- E-D. Physically inspect children as appropriate during the interview.
- F-E. Complete CFS-327a: Physical Documentation--Body Diagram when applicable and if a medical provider has not already completed CFS-327a OR similar diagram specific to the current allegation).
- G-F. Photograph visible injuries; label and date photos.
- H-G. Interview the custodial and non-custodial parent of the alleged victim child and inform them of DCFS responsibility to assess.
- I-H. Interview alleged offender.
- J-I. Interview collateral sources, as appropriate, including teachers, neighbors, witnesses, and the person making the report.
- K-J. When interviewing a child at school, provide the principal or designee with a copy of CFS-213-A: School District Prohibition from Notifying Parent, Guardian, or Custodian of a Child Maltreatment Investigation.
- L-K. Coordinate the conducting of interviews when primary (where the child resides) and secondary counties are involved.
- M-L. Reinitiate the investigation in the second county within 24-72 hours, according to PUB-357: Child Maltreatment Assessment Protocol when an investigation is transferred from one county to another and the victim or any other children believed to reside in the home where the report originated have not been seen.

If any parties required to be interviewed (parents, children, alleged victim child, or alleged perpetrator) cannot be located or are unable to communicate, the FSW will, after exercising due diligence, document efforts to locate or communicate with required parties and proceed with the child maltreatment assessment.

The Primary County Supervisor will:

- A. Take the lead in coordinating the interview process when multiple counties are involved; and,
- B. Ensure that counties communicate and complete the investigation within 30 days.

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PROCEDURE II-E4: Other Child Maltreatment Assessment Actions

019/2013~~4~~

The Family Service Worker will:

- A. Use CFS-317: Off-Site Worker's Safety Log during the child maltreatment investigation for all off-site visits away from his/her primary work-site. If the worker is going to return to the primary work-site more than one hour later than the "Planned Return Date/Time", he/she will contact his/her immediate supervisor, County Supervisor or designee with a revised anticipated return date/time.
- B. Give the family and alleged offender (if alleged offender resides outside of the home) PUB-52: Child Protective Services—A Caretaker's Guide during the first contact and explain, as appropriate, to help the family/alleged offender understand its contents.
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- D. Contact the DHS attorney to petition the court for an ex parte order of investigation to allow access if the parents, caretakers, or others deny access to any place where the child may be.
- E. Exercise due diligence in locating the non-custodial parent of the victim child. Examples of due diligence include, but are not limited to, seeking information from relatives or using information from the alleged victim child's birth certificate to identify and locate the non-custodial parent.
- F. Document all efforts at reasonable diligence, if unable to locate the non-custodial parent to ensure completion of the investigation within 30 days.
- G. Obtain X-rays, photographs, radiology procedures, drug test results, medical records, other pertinent records (e.g., school records, or videos from mandated reporters).
- H. Ensure that all the information gathered during the assessment is contained within the DCFS file whether or not the information supports the investigative determination.
- I. Key all screens in the "Investigation" section of CHRIS including screens listed under the "Interview" and "Client" sections. Skip screens only when the information for that screen is unavailable.
- J. Complete and print CFS-6003: Report to Prosecuting Attorney within 30 days of the initial report of severe maltreatment (Priority I reports) and send to Prosecuting Attorney and law enforcement.

As DCFS is the Secondary Assigned Investigator on all CACD Primary Assigned Investigations, the FSW will:

- A. Complete the Safety Plan and Risk Assessment sections. CACD investigators may not complete this section.
- B. Provide to the CACD Primary Assigned Investigator any new allegations of child maltreatment that come to the attention of DCFS during the investigation.
- C. Call the Child Abuse Hotline to report the new allegation only under the following conditions:
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With the exception of investigations where CACD is the Primary Investigator, the FSW Supervisor will:

- A. Review the investigative determination and other pertinent screens in CHRIS.
- B. Approve the investigation closure on the "Investigation Closure" screen.

|

When CACD is assigned as the primary investigator, the DCFS Supervisor of the secondary assigned investigator will:

- A. Complete/approve the "Investigation Case Connect" screen and "Transfer/Assign to Case Assignment," if appropriate.
- B. Complete the "Closure" screen and "Request/Approve Closure."



Arkansas Department of Human Services
Division of Children and Family Services

True But Exempt Child Maltreatment Investigative Determination Notice to Offender

To: _____

Address: _____

From: _____

Phone: _____

County Office: _____

Date: _____ CHRIS Referral # _____

Re: Name of Alleged Offender: _____ Certified Mail # _____

Name of Alleged Victim(s): _____

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The Division of Children and Family Services (DCFS) or Arkansas State Police's Crimes Against Children Division (CACD) received an allegation of suspected child maltreatment involving the above named people. The incident was reported on (date) _____. The type of maltreatment was _____.

Pursuant to Arkansas Code Ann. §12-18-708, this is your notice that based on the preponderance of the evidence, the investigative agency determined the allegation to be:

[] True but exempt, and your name should not be placed in the Child Maltreatment Central Registry because the report was true for Garrett's Law.

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[] True but exempt, and your name should not be placed in the Child Maltreatment Central Registry because you were practicing your religious beliefs as permitted by the law.

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The type of maltreatment was _____.

If you disagree with the investigative determination, you may request an administrative hearing within 30 days of receipt of this notice. To request an administrative hearing, you must mail a copy of this form along with your request to the Office of Appeals & Hearing, SLOT N401, P.O. Box 1437, Little Rock, AR 72203. Administrative hearings are conducted telephonically, unless you ask that the hearing be held in person. The request for an in-person hearing must be noted on your request for an administrative hearing. You have the right to an attorney; if you cannot afford one you should contact Legal Services.

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If you want to obtain a copy of the investigative report, send a \$10.00 check or money order along with a written, notarized request to the Arkansas Department of Human Services, Division of Children & Family Services, Central Registry Unit, P.O. Box 1437, SLOT S566, Little Rock, AR 72203. The request must contain your name, address and the names of the child(ren) involved.

DCFS INVESTIGATOR PRINTED NAME

INVESTIGATOR SIGNATURE



Arkansas Department of Human Services
Division of Children and Family Services

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Name of Alleged Victim(s): _____

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DCFS INVESTIGATOR PRINTED NAME

INVESTIGATOR SIGNATURE



Arkansas Department of Human Services
Division of Children and Family Services

True But Exempt Child Maltreatment Investigative Determination Notice to Offender

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Name of Alleged Victim(s): _____

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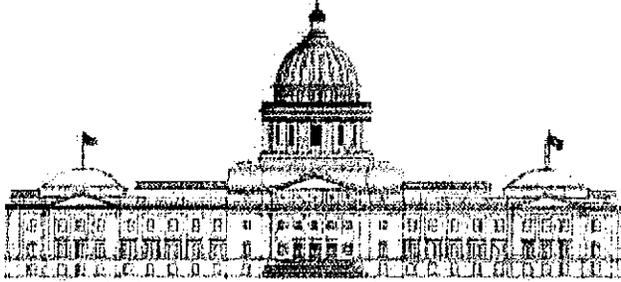
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DCFS INVESTIGATOR PRINTED NAME

INVESTIGATOR SIGNATURE

ARKANSAS REGISTER

Transmittal Sheet



Mark Martin
 Secretary of State
 State Capitol Room 026
 Little Rock, Arkansas 72201-1094
 (501) 682-3527

For Office Use Only: Effective Date _____ Code Number 016.15.12-

Name of Agency _____ Department of Human Services

Department _____ Division of Children and Family Services

Contact Christin Harper E-mail christin.harper@arkansas.gov Phone 501.682.8541

Statutory Authority for Promulgating Rules _____ A.C.A. § 9-28-103

Rule Title: _____ Please See Attached Early Intervention and FASD

Intended Effective Date		Date
<input type="checkbox"/> Emergency	Legal Notice Published	<u>10/17/2012</u>
<input type="checkbox"/> 10 Days After Filing	Final Date for Public Comment.....	<u>11/15/2012</u>
<input type="checkbox"/> Other <u>4/1/2013</u>	Reviewed by Legislative Council.....	<u>TBD</u>
	Adopted by State Agency.....	<u>TBD</u>

Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)

Electronic Copy of Rule e-mailed from: _____

Contact Person _____ Email Address _____ Date _____

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 434 of 1967 As Amended.

Cecile Blucker

 Signature

501.682.8770 cecile.blucker@arkansas.gov

 Phone Number E-mail Address

Director

 Title

11/15/12

 Date

FILED
 AND REGISTER DIV.
 NOV 15 PM 5:35
 SECRETARY OF STATE
 STATE OF ARKANSAS

NOTICE OF RULE MAKING

Pursuant to A.C.A. § 9-28-103, the Director, Division of Children and Family Services issues proposed changes to Policy and Publications. These include:

New Rule

- CFS-101: Plan of Safe Care
 - Creates new form to document the appropriate plan of safe care for infants who are reported to the Child Abuse Hotline due to being born with and affected by FASD.

Revised Rule

- POLICY II-D: Child Abuse Hotline for Child Maltreatment Reports
 - Updated to remove obsolete CHRIS database instructions.
 - Revised to include specific form (CFS-101) for development of plan of safe care for infants born with and affected by FASD and reported to hotline by healthcare providers.
 - Revised to delineate FASD Program Manager and FASD FSW duties more clearly.
 - Updated for general formatting and organization purposes.
- POLICY II-I: Early Intervention Referrals and Services (and related procedures)
 - Revised to include general information on benefit of early intervention services.
 - Revised to clarify early intervention referral and screening process.
 - Revised to clarify surrogate parent role and training during early intervention Individualized Family Service Planning (IFSP) meetings.
 - Updated to add information regarding referrals for FASD screening for children symptomatic of FASD (not to include infants reported to the hotline due to being born with and affected by FASD).

The proposed changes are available for review at the Division of Children and Family Services, Policy Unit, 5th floor Donaghey Plaza South, 7th and Main Streets, Little Rock, AR. 72203-1437. All comments must be submitted in writing to the Policy Unit no later than November 15, 2012. All the proposed changes may be viewed in their entirety at

<https://ardhs.sharepoint.com/CW/Notice%20of%20Rule%20Making/Forms/AllItems.aspx>.

If you need this material in a different format, such as large print, contact our Americans with Disabilities Act Coordinator at 501- 682-8830 (Voice) or 501- 682-1442 (TDD). The Arkansas Department of Human Services is in compliance with Titles VI and VII of the Civil Rights Act and operates, manages and delivers services without regard to age, religion, disability, political affiliation, veteran status, sex, race, color or national origin.

Cecile Blucker
Director, Division of Children and Family Services

Date

FINANCIAL IMPACT STATEMENT
PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT: Department of Human Services
DIVISION: Division of Children and Family Services
PERSON COMPLETING THIS STATEMENT: Greg Crawford
PHONE NO.: (501) 682-6248 / **FAX NO.:** (501) 682-6968 / **E-MAIL:** greg.crawford@arkansas.gov

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE: Early Intervention and FASD

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
 Yes No
2. Does the proposed, amended, or repealed rule affect small businesses?
 Yes No If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.
3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
4. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

<u>Current Fiscal Year</u>	<u>Next Fiscal Year</u>
General Revenue _____	General Revenue _____
Federal Funds _____	Federal Funds _____
Cash Funds _____	Cash Funds _____
Special Revenue _____	Special Revenue _____
Other (Identify) _____	Other (Identify) _____
Total <u>\$0.00</u> _____	Total <u>\$0.00</u> _____

5. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation? Identify the party subject to the proposed regulation, and explain how they are affected.

<u>Current Fiscal Year</u>	<u>Next Fiscal Year</u>
<u>\$ 0.00</u> _____	<u>\$ 0.00</u> _____

6. What is the total estimated cost by fiscal year to the agency to implement these regulations? Is this the cost of the program or grant? Please explain.

<u>Current Fiscal Year</u>	<u>Next Fiscal Year</u>
<u>\$ 0.00</u> _____	<u>\$ 0.00</u> _____

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 - Revised to delineate FASD Program Manager and FASD FSW duties more clearly.
 - Updated for general formatting and organization purposes.
- POLICY II-I: Early Intervention Referrals and Services (and related procedures)
 - Revised to include general information on benefit of early intervention services.
 - Revised to clarify early intervention referral and screening process.
 - Revised to outline surrogate parent training requirement if foster parents representing child during early intervention Individualized Family Service Planning (IFSP) meetings.
 - Updated to add information regarding referrals for FASD screening for children symptomatic of FASD (not to include infants reported to the hotline due to being born with and affected by FASD).

The proposed changes are available for review at the Division of Children and Family Services, Policy Unit, 5th floor Donaghey Plaza South, 7th and Main Streets, Little Rock, AR. 72203-1437. All comments must be submitted in writing to the Policy Unit no later than November 15, 2012. All the proposed changes may be viewed in their entirety at

<https://ardhs.sharepointsite.net/CW/Notice%20of%20Rule%20Making/Forms/AllItems.aspx>.

If you need this material in a different format, such as large print, contact our Americans with Disabilities Act Coordinator at 501- 682-8830 (Voice) or 501- 682-1442 (TDD). The Arkansas Department of Human Services is in compliance with Titles VI and VII of the Civil Rights Act and operates, manages and delivers services without regard to age, religion, disability, political affiliation, veteran status, sex, race, color or national origin.



Cecile Blucker
Director, Division of Children and Family Services

11/15/12

Date

BY _____

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STATE OF ARKANSAS

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**Arkansas Department of Human Services
Division of Children and Family Services**

700 Main Street, Donaghey Plaza South, 5th Floor
P.O. Box 1437, Slot S560
Little Rock, Arkansas 72203-1437
Telephone (501) 682-8008 TDD (501) 682-1442 FAX (501) 682-6968

November 15, 2012

Honorable Mark Martin
Secretary of State
State Capitol Building, Room 256
Little Rock, AR 72201

RE: Final Filing - Regular Promulgation

Dear Mr. Martin:

This is the final filing of Rules initially filed on October 17, 2012. The public comment period was from October 17, 2012 to November 15, 2012, with an effective date of January 1, 2013.

If you have any questions or comments, please contact Christin Harper, Policy & Professional Development Administrator, Division of Children and Family Services, P.O. Box 1437, (Slot 5570), Little Rock, Arkansas 72203-1437; phone 682-8541; email christin.harper@arkansas.gov or fax 682-4854.

Sincerely,

A handwritten signature in cursive script that reads "Cecile Blucker".

Cecile Blucker
Director, Division of Children and Family Services

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MARK MARTIN
SECRETARY OF STATE
STATE OF ARKANSAS
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DCFS SUMMARY OF CHANGES FOR OCTOBER 2012 PROMULGATION

SUMMARY OF DCFS REGULAR PROMULGATION

The purpose of this regular promulgation is to update the existing FASD and Early Intervention Services policies as follows:

- Create new form (CFS-101: Plan of Safe Care) to document the appropriate plan of safe care for infants who are reported to the Child Abuse Hotline due to being born with and affected by FASD.
- Revise Policy II-D: Child Abuse Hotline for Child Maltreatment Reports in order to:
 - Remove obsolete CHRIS database instructions.
 - Include specific form (CFS-101) for development of plan of safe care for infants born with and affected by FASD and reported to hotline by healthcare providers.
 - Delineate FASD Program Manager and FASD FSW duties more clearly.
 - Update for general formatting and organization purposes.
- Revise Policy II-I: Early Intervention Referrals and Services (and related procedures) in order to:
 - Include general information on benefit of early intervention services.
 - Clarify early intervention referral and screening process.
 - Outline surrogate parent training requirement if foster parents representing child during early intervention Individualized Family Service Planning (IFSP) meetings.
 - Add information regarding referrals for FASD screening for children symptomatic of FASD (not to include infants reported to the hotline due to being born with and affected by FASD).

SUMMARY OF CHANGES FOR FINAL FILING:

- Changed effective date from January 1, 2013 to April 1, 2013
- In Policy II-I, removed requirement for written parental consent as Part C federal regulations only require that person serving in the place of the parent (e.g., foster parent) give consent for participation in early intervention services.
- In Policy II-I, clarified the surrogate parent training is not required for foster parents but is available to them if they prefer.
- In Policy II-I, delineated investigator and caseworker procedural duties regarding early intervention referral and services.
- Added additional CHRIS instructions regarding how to access form DHS-3300.



**Arkansas Department of Human Services
Division of Children and Family Services
FASD Plan of Safe Care**

Upon receipt of a referral from the Child Abuse Hotline concerning an infant born with and affected by Fetal Alcohol Spectrum Disorder (FASD), the Division of Children and Family Services (DCFS) FASD case manager or designee met with the family named in the referral to conduct an FASD assessment. Based on the assessment, DCFS and the family will move forward with the selected actions below to comprise an appropriate plan of safe care for the family.

Supportive Services Case accepted

Family is in need of supportive services to strengthen family functioning and ensure the health and safety of the child(ren). By signing this form the family agrees to participate in the selected services offered below:

- Work with an assigned primary family service worker
- Work with an assigned a secondary FASD family service worker
- Accept referral to Genetics if applicable
- Consider a referral to Developmental Disability Service (DDS) if applicable
- Accept a referral to specialized day care if applicable
- Participate in a recommended FASD support group
- Participate in a recommended FASD parenting class
- Accept a referral to drug and/or alcohol assessment if applicable
- Accept a referral to drug and/or alcohol recovery center if applicable
- Accept a referral to *Access to Recovery* (ATR) if applicable

Supportive Services Case not recommended

Family has support systems in place and child and the home environment appear safe at this time. By signing this form the family accepts responsibility for contacting DHS to request services if the need arises.

Supportive Services case refused

Family does not want services rendered and/or offered by the Department of Human Services, Division of Children and Family Services. By signing this form, the family acknowledges that FASD and the services designed to support families affected by FASD have been explained and information has been given to the family about local and statewide services that may be available.

Hotline report needed

DHS FASD case manager feels the home environment presents safety concerns for the child/children in the home. The family has been notified that a hotline report will be made.

Printed Name of Client: _____

Client Signature: _____

Date: _____

Printed name of FASD representative: _____

FASD Representative Signature: _____

Date: _____

POLICY II-D: CHILD ABUSE HOTLINE FOR CHILD MALTREATMENT REPORTS

09/2011

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Pursuant to Act 1240 of 1997, the Department of Human Services and the Arkansas State Police entered into an agreement for the Arkansas State Police Crimes Against Children Division to assume responsibility for the administration of the Child Abuse Hotline and the assumption of investigative responsibility as identified in Procedure II-D11. The Crimes Against Children Division (CACD) is composed of two sections: (1) the Child Abuse Hotline, and, (2) civilian employees who investigate child maltreatment reports.

All child maltreatment allegations are to be reported to the Child Abuse Hotline. No privilege, or contract, shall prevent anyone from reporting child maltreatment when the person is a mandated reporter. (See Appendix I: Glossary).

No privilege shall prevent anyone, except between a client and his lawyer or minister or Christian Scientist practitioner, and any person confessing to or being counseled by the minister, from testifying concerning child maltreatment.

The Arkansas Child Abuse Hotline must accept reports of alleged maltreatment when either the child or his family is present in Arkansas or the incident occurred in Arkansas. Another state may also conduct an investigation in Arkansas that results in the offender being named in a true report in that state and placed that state's Child Maltreatment Central Registry.

Upon receipt of a call from a health care provider involved in delivery or care of infants reporting an infant born and affected by Fetal Alcohol Spectrum Disorder (FASD), the Arkansas Child Abuse Hotline shall accept such calls. However, such referrals are not considered official hotline reports and will not be investigated, but rather referred to DCFS for a Referral and Assessment (R and A) and development of an appropriate plan of safe care. The Request for a DCFS Assessment Screen accommodates instances where an individual is not reporting abuse/neglect but is requesting other services for the family.

PROCEDURE II-D1: Child Abuse Hotline

09/2011

The Child Abuse Hotline Worker will:

- A. Receive and document all child maltreatment allegation reports with sufficiently identifying information as defined by Arkansas law.
- B. Receive fax transmission in non-emergency situations by identified reporters who provide their name, phone, number and email address (for online reporting). Confirm receipt of fax transmission via a return fax transmission.
- C. Conduct a history check on all reports unless call waiting to be answered by the hotline have been waiting for 15 minutes or longer. History checks will be conducted on serious maltreatment allegations or allegations involving children 3 years of age and younger regardless of wait time.
- D. Attempt to secure all information requested in each screen within the Referral Section of CHRIS and elicit all information requested on the "Referral" and "Narrative" screens:
 - 1) Reason(s) the reporter suspects child maltreatment and how the reporter acquired the information,
 - 2) Current risk of harm to the child,
 - 3) Mental and physical condition of alleged offender,
 - 4) Potential danger to staff assessing the report,
 - 5) Identity and location of possible witnesses or persons knowledgeable about the alleged child maltreatment,
 - 6) Relevant addresses and directions,
 - 7) Licensing authority and facility involved (if applicable).

- E. Take a snapshot of the report using the Referral "Snapshot" icon on the CHRIS toolbar. Prioritize the report by keying the "Ref. Accept" screen. Central Registry Search results is a mandatory field on this screen. Use the Child Maltreatment Assessment Protocol (DUB-357) as a guide.
- F. Prioritize and determine the appropriate investigating agency (either CACD or DCFS) as outlined in the Arkansas Department of Human Services and Arkansas State Police Agreement.
- G. Forward report to appropriate investigating agency (either CACD or DCFS) for investigation with any pertinent Central Registry information, and DCFS may refer for assessment.
- H. Inform the caller if the report does not constitute a report of child maltreatment and make appropriate referrals.
- I. Notify each mandated reporter who makes a call to the hotline if the mandated reporter's call is not accepted or is screened out on a subsequent hotline supervisor review. Said notification should be made within 48-hours excluding weekends and holidays.
- J. Notify on-call DCFS or CACD staff by telephone for any Priority I report received after business hours or on holidays.
- K. Provide local law enforcement with the name and contact information for the appropriate on-call staff employee at DCFS if local law enforcement contacts the hotline due to a 72 hour hold initiated on a child or if a hold needs to be taken on a child to protect the child.
- L. If at any time the system should be inoperable or the respective entities do not have access to the computerized entry, maltreatment reports shall be forwarded by telephone.

The Child Abuse Hotline Supervisor will:

- A. Ensure that each Child Abuse Hotline worker has access to a comprehensive and current listing of on-call Family Service Workers.

PROCEDURE II-D6: Referrals on Children Born with Fetal Alcohol Spectrum Disorder

09/2013

The Child Abuse Hotline Worker will:

- A. Upon receipt of a call from a health care provider involved in delivery or care of infants reporting an infant born and affected by Fetal Alcohol Spectrum Disorder (FASD), select "Refer to DCFS for FASD" from the Request for DCFS Assessment screen. This FASD specific R and A request will be directed to the Central Office FASD Project Director inbox for assessment.

The FASD Program Manager or designee will:

- A. Check CHRIS Inbox at least one time each business day.
- B. Contact the local county office supervisor to ask that a local FSW be assigned to coordinate the assessment with the FASD FSW or designee for the FASD assessment of the infant and to implement any subsequent plan of safe care if applicable.
- C. Assign the R and A to the FASD FSW in CHRIS to complete assessment.
- D. Within the close button on the Request for DCFS Assessment screen, document when the assessment has been completed and close the referral.
- E. Conduct all FASD assessments (to include but not limited to, home visit, completion of FSNRA, review of birth records, facial screening, etc) on referred infants within 14 calendar days of receipt of referral.
- F. Determine whether a plan of safe care is necessary.
- G. If it is determined during the assessment that there are other issues endangering the health or physical well-being of the child, call the Child Abuse Hotline to report the other allegations.
- H. Within the close button on the Request for DCFS Assessment screen, document when the assessment has been completed and whether a plan of safe care is necessary.

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- G. If necessary, develop a plan of safe care in collaboration with the locally assigned FSW within 30 calendar days of receipt of the referral. The plan of safe care will be used to inform the case plan of the supportive services case that will be opened.
- H. Once the plan of safe care has been developed and the supportive services case has been opened, assign the local FSW as primary and the FASD Project Director as secondary.
- I.E. Support the FASD FSW regarding the implementation of a plan of safe care as appropriate.

The FASD FSW or designee will:

- A. Conduct all FASD assessments (to include but not limited to, home visit, completion of FSNRA, review of birth records, etc) on referred infants within 14 calendar days of receipt of referral.
- B. Develop FASD Plan of Safe Care via CFS-101 in collaboration with locally assigned FSW during initial assessment with family within 30 calendar days of receipt of the referral. The CFS-101: FASD Plan of Safe Care will be used to inform the development of the case plan for the supportive services case, if applicable.
- C. If it is determined during the assessment that there are other issues endangering the health or physical well-being of the child, call the Child Abuse Hotline to report the other allegations.

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The Local FSW Supervisor will:

- A. Assign an FSW at the local level to collaborate with the FASD FSW Project Director or designee on the FASD assessment and any plan of safe care FASD Plan of Safe Care if applicable.
- B. Open supportive services case in CHRIS if the family request supportive services from the agency per the CFS-101: FASD Plan of Safe Care. The CFS-101 will inform the supportive services case plan.
- C. Assign the local FSW as the primary worker on the case and the FASD Program Manager as secondary.
- A.
- D. Conference with the FSW regarding the development and implementation of an FASD Plan of Safe Care if applicable as necessary.

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B.

The Local Family Service Worker will:

- A. Accompany the FASD FSW Project Director or designee on the assessment of the referred infant when possible (assessment should take place within 14 calendar days of receipt of the referral).
- B. Collaborate with the FASD Project Manager and/or FASD Project FSW Director regarding the development of the CFS-101: FASD Plan of Safe Care if applicable. (any FASD Plan of Safe Care should be developed within 30 calendar days of receipt of the referral).
- C. If a plan of safe care is developed, open a supportive services case in CHRIS and use the plan of safe care to inform the supportive services case.
- D.C. Assume role as primary worker once the supportive services case is open and oversee implementation of the FASD Plan of Safe Care/supportive services case plan.
- E.D. Assess the supportive services case for closure within 90 days of opening (if appropriate).

POLICY II-D: CHILD ABUSE HOTLINE FOR CHILD MALTREATMENT REPORTS

09/2011

Pursuant to Act 1240 of 1997, the Department of Human Services and the Arkansas State Police entered into an agreement for the Arkansas State Police Crimes Against Children Division to assume responsibility for the administration of the Child Abuse Hotline and the assumption of investigative responsibility as identified in Procedure II-D11. The Crimes Against Children Division (CACD) is composed of two sections: (1) the Child Abuse Hotline, and, (2) civilian employees who investigate child maltreatment reports.

All child maltreatment allegations are to be reported to the Child Abuse Hotline. No privilege, or contract, shall prevent anyone from reporting child maltreatment when the person is a mandated reporter. (See Appendix I: Glossary).

No privilege shall prevent anyone, except between a client and his lawyer or minister or Christian Scientist practitioner, and any person confessing to or being counseled by the minister, from testifying concerning child maltreatment.

The Arkansas Child Abuse Hotline must accept reports of alleged maltreatment when either the child or his family is present in Arkansas or the incident occurred in Arkansas. Another state may also conduct an investigation in Arkansas that results in the offender being named in a true report in that state and placed that state's Child Maltreatment Central Registry.

Upon receipt of a call from a health care provider involved in delivery or care of infants reporting an infant born and affected by Fetal Alcohol Spectrum Disorder (FASD), the Arkansas Child Abuse Hotline shall accept such calls. However, such referrals are not considered official hotline reports and will not be investigated, but rather referred to DCFS for a Referral and Assessment (R and A) and development of an appropriate plan of safe care. The Request for a DCFS Assessment accommodates instances where an individual is not reporting abuse/neglect but is requesting other services for the family.

PROCEDURE II-D1: Child Abuse Hotline

09/2011

The Child Abuse Hotline Worker will:

- A. Receive and document all child maltreatment allegation reports with sufficiently indentifying information as defined by Arkansas law.
- B. Receive fax transmission in non-emergency situations by identified reporters who provide their name, phone, number and email address (for online reporting). Confirm receipt of fax transmission via a return fax transmission.
- C. Conduct a history check on all reports unless call waiting to be answered by the hotline have been waiting for 15 minutes or longer. History checks will be conducted on serious maltreatment allegations or allegations involving children 3 years of age and younger regardless of wait time.
- D. Attempt to secure all information requested in each screen within the Referral Section of CHRIS and elicit all information requested on the "Referral" and "Narrative" screens:
 - 1) Reason(s) the reporter suspects child maltreatment and how the reporter acquired the information,
 - 2) Current risk of harm to the child,
 - 3) Mental and physical condition of alleged offender,
 - 4) Potential danger to staff assessing the report,
 - 5) Identity and location of possible witnesses or persons knowledgeable about the alleged child maltreatment,
 - 6) Relevant addresses and directions,
 - 7) Licensing authority and facility involved (if applicable).

- E. Prioritize and determine the appropriate investigating agency (either CACD or DCFS) as outlined in the Arkansas Department of Human Services and Arkansas State Police Agreement.
- F. Forward report to appropriate investigating agency (either CACD or DCFS) for investigation with any pertinent Central Registry information, and DCFS may refer for assessment.
- G. Inform the caller if the report does not constitute a report of child maltreatment and make appropriate referrals.
- H. Notify each mandated reporter who makes a call to the hotline if the mandated reporter's call is not accepted or is screened out on a subsequent hotline supervisor review. Said notification should be made within 48-hours excluding weekends and holidays.
- I. Notify on-call DCFS or CACD staff by telephone for any Priority I report received after business hours or on holidays.
- J. Provide local law enforcement with the name and contact information for the appropriate on-call staff employee at DCFS if local law enforcement contacts the hotline due to a 72 hour hold initiated on a child or if a hold needs to be taken on a child to protect the child.
- K. If at any time the system should be inoperable or the respective entities do not have access to the computerized entry, maltreatment reports shall be forwarded by telephone.

The Child Abuse Hotline Supervisor will:

- A. Ensure that each Child Abuse Hotline worker has access to a comprehensive and current listing of on-call Family Service Workers.

PROCEDURE II-D6: Referrals on Children Born with Fetal Alcohol Spectrum Disorder

01/2013

The Child Abuse Hotline Worker will:

- A. Upon receipt of a call from a health care provider involved in delivery or care of infants reporting an infant born and affected by Fetal Alcohol Spectrum Disorder (FASD), select "Refer to DCFS for FASD" from the Request for DCFS Assessment screen. This FASD specific R and A request will be directed to the Central Office FASD Project Director inbox for assessment.

The FASD Program Manager or designee will:

- A. Check CHRIS inbox at least one time each business day.
- B. Contact the local county office supervisor to ask that a local FSW be assigned to coordinate the assessment with the FASD FSW or designee for the FASD assessment of the infant and to implement any subsequent plan of safe care if applicable.
- C. Assign the R and A to the FASD FSW in CHRIS to complete assessment.
- D. Within the close button on the Request for DCFS Assessment screen, document when the assessment has been completed and close the referral.
- E. Support the FASD FSW regarding the implementation of a plan of safe care as appropriate.

The FASD FSW or designee will:

- A. Conduct all FASD assessments (to include but not limited to, home visit, completion of FSNRA, review of birth records, etc) on referred infants within 14 calendar days of receipt of referral.
- B. Develop plan of safe care via CFS-101 in collaboration with locally assigned FSW during initial assessment with family within 30 calendar days of receipt of the referral. The CFS-101: FASD Plan of Safe Care will be used to in the development of the case plan for the supportive services case, if applicable.
- C. If it is determined during the assessment that there are other issues endangering the health or physical well-being of the child, call the Child Abuse Hotline to report the other allegations.

The Local FSW Supervisor will:

- A. Assign an FSW at the local level to collaborate with the FASD FSW or designee on the FASD assessment and FASD Plan of Safe Care.
- B. Open supportive services case in CHRIS if the family request supportive services from the agency per the CFS-101: FASD Plan of Safe Care. The CFS-101 will inform the supportive services case plan.
- C. Assign the local FSW as the primary worker on the case and the FASD Program Manager as secondary.
- D. Conference with the FSW regarding the development and implementation of an FASD Plan of Safe Care as necessary.

The Local Family Service Worker will:

- A. Accompany the FASD FSW or designee on the assessment of the referred infant when possible (assessment should take place within 14 calendar days of receipt of the referral).
- B. Collaborate with the FASD Program Manager and/or FASD FSW regarding the development of the CFS-101: FASD Plan of Safe Care (any FASD Plan of Safe Care should be developed within 30 calendar days of receipt of the referral).
- C. Assume role as primary worker once the supportive services case is open and oversee implementation of the FASD Plan of Safe Care/supportive services case plan.
- D. Assess the supportive services case for closure within 90 days of opening (if appropriate).

EXCERPT, DIVISION OF CHILDREN & FAMILY SERVICES POLICY & PROCEDURES MANUAL

POLICY II-I: ~~DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES' CHILDREN'S SERVICES~~ EARLY INTERVENTION REFERRALS AND SERVICES

04062/201308

For children who have or are at risk of a developmental delay, appropriate early intervention services are essential. Early intervention services are designed to lessen the effects of any potential or existing developmental delay. Ultimately early intervention services help the child learn and reach his or her individual potential with the support and involvement of the child's family, as appropriate. It is important for such services to begin as early as possible and for biological parents to be involved in decisions related to early intervention services.

REFERRALS TO DIVISION OF DEVELOPMENTAL DISABILITIES FOR EARLY INTERVENTION SERVICES SCREENING
When a child maltreatment investigation is initiated, in order to enhance well-being in all of our practice with families, the Division will when a child maltreatment investigation involving any children in the home under the age of three is initiated, the Division will refer all children in the home under the age of three to the Division of Developmental Disabilities Services' (DDS) Children's Services for an early intervention (i.e., First Connections; this program is not the same as the waiver program) screening. The referral to DDS will help enhance the well-being of the children referred as well as ensure Division compliance with the Child Abuse Prevention and Treatment Act (CAPTA) regarding substantiated cases of child abuse and neglect involving children under the age of three.

DDS Children's Services will screen all of the children under the age of 3 (regardless of whether all of the children are named as alleged victims) who have been referred to First Connections to determine their need and eligibility for early intervention services. If the results of the screening determine that a child will benefit from DDS early intervention services, the person serving as the parent (e.g., biological parent in a protective services case; other individual legally caring for the child involved in a protective services or foster care case including foster parents) must consent to allow his or her child to participate before services are initiated. involve parents/guardians in decisions regarding referrals for Early Intervention Services for children under the age of 3. To comply with the Child Abuse Prevention and Treatment Act (CAPTA) in cases of substantiated child abuse or neglect, the Division shall develop provisions and procedures for the referral of a must refer every child under the age of three, who is involved in a substantiated case of child abuse or neglect to Early Intervention Services

For every child maltreatment investigation involving a child under the age of 3 (regardless of whether the maltreatment allegation is ultimately substantiated), DCFS will ask the parent/guardian if he or she would like the child to be referred to the Division of Developmental Disabilities Services' (DDS) Children's Services for an Early Intervention Services screening to determine if Early Intervention Services are needed to support developmental growth and ensure overall well-being of the child. The Division will request consent from the parent/guardian to make a referral for each child under the age of 3 (regardless of whether all of the children are named as an alleged victim) to DDS Children's Services for a screening as soon as a protective services or foster care case is open.

When an allegation of child maltreatment involving a child under the age of 3 is substantiated, For ALL children under the age of three who are in a home in which maltreatment has been found to be true (regardless of whether all of the child(ren) are named as an alleged victim), DCFS will make a referral (if a referral was not previously made at case opening) to DDS the Division of Developmental Disabilities Services (DDS) for for every child under the age of 3 who is in the home (regardless of whether every child is named as an alleged victim). Early Intervention services to help the children the child learn, and grow, and help each child reach his or her potential.

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EXCERPT, DIVISION OF CHILDREN & FAMILY SERVICES POLICY & PROCEDURES MANUAL

In addition, all parents of children under the age of three who are involved in a protective services or foster care case, regardless of whether the maltreatment allegation is ultimately substantiated, will be asked if they would like their child(ren) to be referred to DDS Children's Services for an Early Intervention Services screening. The purpose of the screening is to determine if Early Intervention Services for their child(ren) are needed to support developmental growth and ensure overall well-being of those young children. The Division shall ask the parents for permission to make the referral for all children under the age of three (regardless of whether all of the child(ren) are named as an alleged victim) to DDS Children's Services for a screening as soon as a protective or foster care case is open.

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For children under the age of three, eligibility for DDS Children's Services will be determined by a screening assessment to determine the need for additional evaluations (if a child referred to DDS Children's Services is within 45 days or less of his or her third birthday, then DDS Children's services may forward the referral to the Arkansas Department of Education, Special Education (Part B)).

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If warranted, a developmental evaluation for children under age three will be completed of delay in the areas of that include cognition, communication, social/emotional, physical-motor, and adaptive as available and appropriate. Based upon the developmental evaluation results, a speech, occupational, and/or physical therapy evaluation may be conducted as available and appropriate. All evaluation results as well as medical information, professional informed clinical opinion(s), and information gathered from biological parents and DCFS will be utilized to determine early intervention eligibility.

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A referral shall be made on ALL children in the home under the age of three if there is a true finding, even if the Division does not open a case. DDS will evaluate the referral and determine services for the family, if appropriate.

Early intervention services are designed to help the child reach his or her individual potential. Services are provided by qualified professionals and may include, but are not limited to: physical therapy, occupational therapy, speech therapy, nutrition services, psychological services, parent support groups and family counseling.

The Division shall refer children (from birth to age 18 or 21, if the child has not graduated from high school or does not possess a certificate of completion), identified as having a possible developmental delay or disability to DDS within two working days after the child has been identified.

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While a referral for early intervention services is required for children under the age of three when an investigation is initiated, a referral for early intervention services on behalf of any child suspected of having a developmental delay or disability may be sent at any time.

DDS EARLY INTERVENTION INDIVIDUALIZED FAMILY SERVICE PLANNING

If a child is determined to be eligible for services and the person acting as a parent on behalf of the child (e.g., biological parent involved in a protective services case; other individual legally caring for the child in a protective services or foster care case including foster parents) consents to services, Individualized Family Service Plan (IFSP) meetings will be held to develop an appropriate service plan for the child. IFSP activities and services must be added to the child's case plan.

Adult participation in the IFSP meetings and related decision-making on the child's behalf is required. If the child is involved in a protective services case or if a child in foster care has a goal of reunification, the child's biological parent(s) is encouraged to attend the IFSP meetings to make decisions related to Individualized Family Service Planning and early intervention services for his or her child.

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EXCERPT, DIVISION OF CHILDREN & FAMILY SERVICES POLICY & PROCEDURES MANUAL

However, a surrogate parent may be assigned by the lead agency to represent the child if:

- A. The court orders that the child's parent/guardian shall have no involvement in the child's educational planning; or,
- B. The child's parents cannot be located; or,
- C. The goal is not reunification for those children involved in foster care cases.

If for one of the reasons listed above or if for any other reason the biological parent(s) is unable or unwilling to attend IFSP meetings and make the decisions related to early intervention for his or her child, one of the following may serve as the parent to make decisions regarding early intervention planning and services for the child (provided the court has not issued a no contact order for the person selected to act as the surrogate parent):

- A. Foster parent;
- B. Guardian, generally authorized to act as the child's parent (but not the state if the child is a ward of the state; i.e., FSW may act as the liaison between DDS and the parent or surrogate parent, but the FSW may not be the sole contact and/or decision-maker for a child);
- C. An individual otherwise acting in place of a biological parent (e.g., grandparent, step-parent, or any other relative with whom the child lives);
- D. An individual who is legally responsible for the child's welfare;
- E. An appointed DDS certified surrogate parent (this is generally the least preferred option since a DDS certified surrogate parent will usually only be appointed by the DDS provider in the event that the child's parent, foster parent, etc. is unable or unwilling to participate in the child's early intervention process and IFSP meetings).

For any individual serving as a parent in the child's early intervention process, support in the form of DDS Surrogate Parent Training is available. ~~for~~ The local DDS Service Coordinator or designee can assist in coordinating the DDS Surrogate Parent Training. After an individual has completed the DDS Surrogate Parent Training, they may serve as a surrogate parent for any child.

In any situation in which an individual other than the biological parent (e.g., foster parent, relative, etc.) is acting on behalf of the child, that individual will be discharged when the child's biological parent is ready and able to resume involvement.

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REFERRALS FOR FETAL ALCOHOL SYNDROME DISORDERS (FASD) SCREENING

Fetal Alcohol Syndrome Disorders is an umbrella term used to describe the range of effects or disorders that can occur in an individual whose mother consumed alcohol during pregnancy. All caretakers involved in the delivery or care of infants must contact DHS regarding an infant born and affected with a Fetal Alcohol Spectrum Disorder (FASD). In addition, DCFS FSWs and Health Service Workers will refer children who have known prenatal alcohol exposure and exhibit FASD symptoms and/or behaviors to the DCFS FASD Unit for an FASD screening. The FASD screening will help determine if early intervention services specific to FASD are needed.

In order to conduct an effective FASD screening, the FSW and/or Health Service Worker will gather information regarding the child's in utero and birth history. Depending on the information collected and the results of the screens, a referral for an FASD diagnosis may be provided. If a child is diagnosed with FASD, the following services may be offered to the family:

- Referral to DDS (early intervention or DDS waiver), if applicable and available
- Referral to specialized day care, if applicable
- Referral to FASD family support group (available to biological, foster, and adoptive families), if available
- FASD parenting classes (available to biological, foster, and adoptive families)

A plan of safe care must also be developed for any infant born and affected with FASD who is referred to the Division via the Child Abuse Hotline.

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PROCEDURE II-11: DDS Referrals-~~DDS~~for Early Intervention Services Referrals

04/06/2013

REFERRALS FOR PROTECTIVE SERVICES CASES:

If the allegation has not been substantiated, When a child maltreatment investigation is open involving children in the home under the age of three, the Family Service Worker Investigator will: ~~must the Family Service Worker will must obtain permission from the parent/guardian at case opening to refer the child (ren) to DDS Children's Services for a screening to determine the child(ren)'s need and eligibility for Early Interventions Services an Early Intervention Services screening before moving forward with the steps outlined below. If the parent/guardian does not consent to the referral, document the decline for referral in the case record.~~

~~If and/or when the allegation has been found true an allegation is ultimately substantiated, the Family Service Worker will proceed with the following steps within thirty 30 days of substantiation, regardless of parental consent (per CAPTA) if a referral was not previously made at case opening: PAT case opening provide an overview of the benefits of early intervention services to the parent(s)/guardian(s).~~

- A.
- B. Make a referral to DDS for each child in the home (victims and non-victims) under age three.
 - 1) Complete form DHS-3300 available in CHRIS (for confidentiality purposes, state the child maltreatment type only in the comments section of the referral).
 - a) The DHS-3300 can be accessed in the Information and Referral Screen.
 - b) When the button "DCO-3350/DHS-3300" is selected, a dialog box will open so that staff can select the form to be completed.
 - c) Clicking the "OK" button will open up the appropriate form according to the radio button selected.
 - 2) Provide completed DHS-3300 to the local DDS Services Coordinator.
- C. Inform the parent/guardian that their child(ren) will be referred to DDS Children's Services to assess the child(ren)'s need and eligibility for early intervention services.
- D. Ask the parent/guardian to complete DHS-4000 for their child(ren) under the age of three for whom the Early Intervention referral has been made.

~~Provide the local DDS Services Coordinator with. At case opening, ask for parental/guardian consent to refer all children in the home under the age of three to DDS Children's Services for a screening to determine a child's need and eligibility for Early Intervention Services.~~

~~If the parent(s)/guardian(s) do not consent, document that the parent(s) declined the referral.~~
- E. ~~If the parent(s)/guardian(s) consents to the referral, Ma for all each children in the home under the age of 3 (regardless of whether all of the children are named as an alleged victim).~~
 - 1) Completed DHS-4000: Authorization to Disclose Health Information.
 - 2) Court order, if applicable.
 - 3) Copy of Social Security Card or number.
 - 4) Copy of Medicaid Card or number, if applicable.
 - 5) Referral source contact information (may be DCFS staff, or the parent/guardian).
 - 6) Any other pertinent information related to the request.
 - 7) DMS-800: Children's Medical Services Application (parent must complete).
 - 8) Copy of EPSDT (parent must obtain).
 - 9) Copy of all evaluations, if available.

If a case is open (protective, or foster care), the FSW caseworker will:

- A. ~~a~~ Coordinate paperwork and services, as applicable, with the local DDS Service Coordinator. This includes providing a copy of CFS-6009: Family Strengths, Needs, and Risk Assessment (FSNRA) and case plan once they are completed. The FSW may act as the liaison between the DDS Service Coordinator and the

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parent(s)/guardian/surrogate parent (s) but may not be the sole contact and/or decision-maker for the child(ren).

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- B. Keep the local DDS Service Coordinator informed of any changes to the case plan that may affect early intervention services and care coordination.
- C. Document contacts related to the DDS early intervention services referral in the contacts screen in CHRIS.
- D. Update the child's case plan as appropriate.
- E. Conference with supervisor as needed regarding the referral to DDS early intervention services.

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The Investigative and FSW Supervisors will:

- A. Assign a FASD FSW to the case as a secondary worker. Conference with the investigator and/or FSW caseworker as needed regarding the child's DDS early intervention referral and/or any subsequent services.
- B. Notify, as necessary, his or her supervisor of any issues related to the child's DDS early intervention referral and/or services.

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Upon referral, the DDS Service Coordinator should:

- A. Assess and determine the need and eligibility of the child(ren) for services and will forward a letter to the DCFS Family Service Worker and FSW Supervisor indicating the eligibility status and needs of the child(ren), if applicable.
- B. If it is determined that the child(ren) needs and is eligible for early intervention services:
 - 1) Provide a more detailed explanation to the parent(s)/guardian(s) of early intervention services including types, benefits, requirements, etc.
 - 2) Keep the child's FSW and person serving as the parent informed of the child's progress and any changes in services.

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PROCEDURE II-12: DDS EARLY INTERVENTION INDIVIDUALIZED FAMILY SERVICE PLANNING

04/2013

The FSW will:

- A. Regardless of the type of case (i.e., protective or foster care), include early intervention services and Individualized Family Service Planning (IFSP) meetings in the case plan as appropriate, and, ensure the biological parent participates IFSP and related services as appropriate.
- B. If the biological parent is unable or unwilling to participate in IFSP (e.g., court orders that the child's parent/guardian shall have no involvement in child's educational planning, parents cannot be located; goal is not reunification):
 - 1) Ensure that an appropriate surrogate parent attends the IFSP meetings to act as a decision-maker regarding the child's early intervention services. The surrogate parent is generally the person who is currently caring for the child (e.g., temporary guardian, foster parent, etc).
 - a) Ensure that a no contact order from the court pertaining to the surrogate parent does not exist and that the surrogate parent is otherwise appropriate.
 - b) If the person selected to serve as the surrogate parent would like to attend a DDS Surrogate Parent Training, contact the DDS Service Coordinator to arrange the training.
 - c) If the individual caring for the child cannot serve as an appropriate surrogate parent during the IFSP meetings, the DDS provider will appoint a DDS certified surrogate parent.
- C. Continue to update child's case plan accordingly with information from IFSP.

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D. Conference with supervisor as needed regarding the child's IFSP.

SERVICES FOR CHILDREN IN FOSTER CARE The Family Service Worker will:

Refer all children in the home under the age of three to DDS within 30 days of opening a protective services case when there is a true finding of child maltreatment. Referrals are to be made to the local DDS office through completion and submission of all of the following information:

- A. Complete DCO-3350: Referral for Services. For confidentiality purposes, state the child maltreatment type that received a true finding only in the comments section of the referral.
- B. Send written notification to the parent/guardian informing them that the child will be referred to DDS for Early Intervention Services.
- C. DDS worker will determine the eligibility of the child for services, and will forward a letter to the DCFS Family Service Worker and the DCFS County Supervisor.
- D. Complete DHS-4000: Authorization to Disclose Health Information
- E. Obtain the following:
 - a. Court order, if applicable
 - b. Copy of Social Security Card or number
 - c. Copy of Medicaid Card or number, if applicable
 - d. Referral source contact information
 - e. Any other pertinent information related to the request
 - f. DMS-800: Children's Medical Services Application (parent must complete)
 - g. Copy of EPSDT (parent must obtain)
 - h. Copy of all evaluations, if available
 - i. Copy of the CFS-6009: Family Strengths, Needs, and Risk Assessment (FSNRA)

A referral for services on behalf of any child may be sent at any time by a parent, guardian, or individual with legal authority acting on behalf of the child.

- A. DDS should contact the referral source with the results of the referral. DCFS will coordinate services with DDS when appropriate.

REFERRALS FOR FOSTER CARE SERVICES

The Family Service Worker must obtain permission from the parent/guardian at case opening to refer the child(ren) to DDS Children's Services for a screening to determine the child(ren)'s need and eligibility for Early Interventions Services before moving forward with the steps outlined below (if the parent/guardian does not consent to the referral, document the decline for referral in the case record).

If and/or when the allegation has been found true proceed with the following steps within thirty days of substantiation regardless of parental consent (per CAPTA) if a referral was not previously made at case opening will:

- P.
- M.

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DDS should contact the referral source with the results of the referral. Refer all children in the home under the age of three to DDS within 10 days of receipt of the comprehensive exam results when there is a true finding of child

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maltreatment. Referrals are to be made to the local DDS office through completion and submission of all of the following information:

Complete DCO 3350: Referral for Services. For confidentiality purposes, state the child maltreatment type that received a true finding only in the comments in the referral section.

Send written notification to the parent/guardian informing them that the child will be referred to DDS for Early Intervention Services.

DDS worker will determine the eligibility of the child for services and will send a letter to the DCFS Family Service Worker and DCFS County Supervisor.

Complete DHS 4000: Authorization to Disclose Health Information

Obtain the following:

Court order, if applicable

Copy of Social Security Card or number

Copy of Medicaid Card or number, if applicable

Referral source contact information

Any other pertinent information related to the request

DMS 800: Children's Medical Services Application

Copy of all evaluations, if available

Copy of the CFS 6009: Family Strengths, Needs, and Risk Assessment (FSNRA)

If a child in foster care is determined to be eligible for services, possiblefour regarding is required, and the goal for the child is reunification, the child's parent/guardian may; the child's parent must attend the Individualized Family Service Plan (IFSP) meetings. (i.e., a surrogate parent is not necessary)

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The FSW Supervisor will:

A. Assign a FASD FSW to the case as a secondary worker.

B. Conference with the FSW as needed regarding the child's IFSP.

A.

B. C-Notify, as necessary, his or her supervisor of any issues related to the child's IFSP.

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When a child enters DCFS custody, the Court has the option of ordering who may be involved in that child's educational planning. If the court orders that the child's parent (s) have no involvement in the child's educational planning, the Department shall ask the child's foster parent(s) or appropriate biological relative to act as the surrogate parent.

If the child's parent is a partner in planning and overseeing the child's education as a part of the IEP team, a surrogate parent is not necessary. The child's parent, if permitted by the court to participate, may request that a family member or foster parent attend the IFSP as a surrogate. Written documentation of the parent's request for a surrogate must be included in the Case Plan.

The appointed family member or foster parent is not required to undergo training as a surrogate parent.

PROCEDURE II-13: FASD REFERRALS AND SERVICES

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Note: This procedure is applicable to those children already involved in an open DCFS case and who DCFS staff or providers suspect may be affected by FASD. This procedure is not applicable to infants born with and affected by FASD and reported to the Child Abuse Hotline by a healthcare provider. Please see Policy II-D and Procedure II-D6 for more information regarding infants born with and affected by FASD.

If child is symptomatic of FASD, the Family Service Worker or Health Service Worker will:

- A. Gather information regarding the child's in utero and birth history to determine if the biological mother consumed alcohol (e.g., at what points during the pregnancy, amount consumed, frequency consumed, etc.) and/or any illegal substances while pregnant with child.
- B. Complete and submit CFS-099: FASD Screening Referral to the FASD Director via fax (see CFS-099 for the current fax number 3-14692-5272).
- C. Collaborate with the FASD Unit to ensure the child receives any necessary referrals and accesses any needed services as per the results and recommendations of the FASD screening and/or diagnosis.
- D. Conference with supervisor as needed regarding FASD referrals and services.

The FSW Supervisor will:

- A. Conference with the FSW as needed regarding FASD referrals and services.
- B. Notify, as necessary, his or her supervisor of any issues related to the FASD referrals and services.

The FASD Director will:

- A. Review the completed CFS-099: FASD Screening Referral.
- B. Assign the FASD FSW (or self-assign if FASD FSW is unavailable) to conduct an FASD screening.
- C. Collaborate with the FASD FSW and child's FSW to make necessary referrals or access services per the results and recommendations of the FASD screening and/or diagnosis.

The FASD FSW will:

- A. Conduct FASD screenings as assigned.
- B. Communicate results of FASD screening and/or diagnosis to the child's FSW and FASD Director.
- C. For all children screened for and/or diagnosed with FASD, collaborate with FASD Director and child's FSW to make appropriate referrals or access services per the results and recommendations of the FASD screening and/or diagnosis.

Once the child's parent is ready to resume involvement, the surrogate parent will be discharged. If the family member or foster parent has not received surrogate parent training and would like to, the Local Education Agency (LEA) Special Education Supervisor or designee can assist in coordinating the surrogate parent training for the family member or foster parent.

If the child's parents cannot be located or the goal is not reunification, the child's foster parent will serve as the surrogate parent and must attend the IFSP meeting.

The DCO-3350: Referral For Services, DHS-4000: Authorization to Disclose Health Information, and DMS-800: Children's Medical Services Application are located on DHS Share.

WHEN A CASE IS NOT OPENED (but an allegation has been found true):

The Family Service Worker will:

- A. _____
- B. M
- C. Refer all children in the home under the age of three to DDS within two working days of completing the child maltreatment investigation with a true finding.
- D. Complete the DCO-3350: Referral for Services and submit to the local DDS office.
 - Complete the DCO-3350: Referral for Services and submit to the local DDS Service Coordinator.
- E. Send written notification to the parent/guardian informing them that the child will be referred to DDS for Early Intervention Services.

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~~DDS worker will determine the eligibility of the child for services, and will forward a letter to the DCFS Family Service Worker and the DCFS County Supervisor.~~

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- ~~— Court order, if applicable~~
- ~~— Copy of Social Security Card or number~~
- ~~— Copy of Medicaid Card or number, if applicable~~
- ~~— Referral source contact information (may be the FSW or the parent/guardian)~~
- ~~— Any other pertinent information related to the request~~
- ~~— DMS 800: Children's Medical Services Application (parent must complete)~~
- ~~— Copy of EPSDT (parent must obtain)~~
- ~~— Copy of all evaluations, if available~~
- ~~— Copy of the CFS 6009: Family Strengths, Needs, and Risk Assessment (FSNRA)~~

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~~If it is determined that the child(ren) needs and is eligible for Early Intervention Services, coordinate services with DDS Children's Services. The FSW may act as the liaison between the DDS Service Coordinator and the parent(s)/guardian(s) but may not be the sole contact and/or decision maker for the child(ren).~~

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~~Upon referral, the DDS Service Coordinator should:~~

- ~~— Assess and determine the need and eligibility of the child(ren) for services and forward a letter to the DCFS Family Service Worker and the DCFS County Supervisor indicating the eligibility status and needs of the child(ren), if applicable.~~
- ~~— If it is determined that the child(ren) needs and is eligible for Early Intervention Services, provide a more detailed explanation to the parent(s)/guardian(s) of Early Intervention Services including types, benefits, requirements, etc.~~
- ~~— Contact the referral source with the results of the referral.~~

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~~F. A referral for services on behalf of any child may be sent at any time by the parent(s), guardian(s), or individual(s) with legal authority acting on behalf of the child. DDS should contact the referral source with the results of the referral.~~

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~~For confidentiality purposes, state the child maltreatment type that received a true finding only in the comments section.~~

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EXCERPT, DIVISION OF CHILDREN & FAMILY SERVICES POLICY & PROCEDURES MANUAL

POLICY II-I: EARLY INTERVENTION REFERRALS AND SERVICES

04/2013

For children who have or are at risk of a developmental delay, appropriate early intervention services are essential. Early intervention services are designed to lessen the effects of any potential or existing developmental delay. Ultimately early intervention services help the child learn and reach his or her individual potential with the support and involvement of the child's family, as appropriate. It is important for such services to begin as early as possible and for biological parents to be involved in decisions related to early intervention services.

REFERRALS TO DIVISION OF DEVELOPMENTAL DISABILITIES FOR EARLY INTERVENTION SERVICES SCREENING

When a child maltreatment investigation involving any children in the home under the age of three is initiated, the Division will refer all children in the home under the age of three to the Division of Developmental Disabilities Services' (DDS) Children's Services for an early intervention (i.e., First Connections; this program is not the same as the waiver program) screening. The referral to DDS will help enhance the well-being of the children referred as well as ensure Division compliance with the Child Abuse Prevention and Treatment Act (CAPTA) regarding substantiated cases of child abuse and neglect involving children under the age of three.

DDS Children's Services will screen all of the children under the age of 3 (regardless of whether all of the children are named as alleged victims) who have been referred to First Connections to determine their need and eligibility for early intervention services. If the results of the screening determine that a child will benefit from DDS early intervention services, the person serving as the parent (e.g., biological parent in a protective services case; other individual legally caring for the child involved in a protective services or foster care case including foster parents) must consent to allow his or her child to participate before services are initiated.

For children under the age of 3, eligibility for DDS Children's Services will be determined by a screening assessment to determine the need for additional evaluations (if a child referred to DDS Children's Services is within 45 days or less of his or her third birthday, then DDS Children's services may forward the referral to the Arkansas Department of Education, Special Education (Part B)).

If warranted, a developmental evaluation for children under age three will be completed in the areas of cognition, communication, social/emotional, physical, and adaptive as available and appropriate. Based upon the developmental evaluation results, a speech, occupational, and/or physical therapy evaluation may be conducted as available and appropriate. All evaluation results as well as medical information, professional informed clinical opinion(s), and information gathered from biological parents and DCFS will be utilized to determine early intervention eligibility.

While a referral for early intervention services is required for children under the age of three when an investigation is initiated, a referral for early intervention services on behalf of any child suspected of having a developmental delay or disability may be sent at any time.

DDS EARLY INTERVENTION INDIVIDUALIZED FAMILY SERVICE PLANNING

If a child is determined to be eligible for services and the person acting as a parent on behalf of the child (e.g., biological parent involved in a protective services case; other individual legally caring for the child in a protective services or foster care case including foster parents) consents to services, Individualized Family Service Plan (IFSP) meetings will be held to develop an appropriate service plan for the child. IFSP activities and services must be added to the child's case plan.

Adult participation in the IFSP meetings and related decision-making on the child's behalf is required. If the child is involved in a protective services case or if a child in foster care has a goal of reunification, the child's biological

EXCERPT, DIVISION OF CHILDREN & FAMILY SERVICES POLICY & PROCEDURES MANUAL

parent(s) is encouraged to attend the IFSP meetings to make decisions related to Individualized Family Service Planning and early intervention services for his or her child.

However, a surrogate parent may be assigned by the lead agency to represent the child if:

- A. The court orders that the child's parent/guardian shall have no involvement in the child's educational planning; or,
- B. The child's parents cannot be located; or,
- C. The goal is not reunification for those children involved in foster care cases.

If for one of the reasons listed above or if for any other reason the biological parent(s) is unable or unwilling to attend IFSP meetings and make the decisions related to early intervention for his or her child, one of the following may serve as the parent to make decisions regarding early intervention planning and services for the child (provided the court has not issued a no contact order for the person selected to act as the surrogate parent):

- A. Foster parent;
- B. Guardian, generally authorized to act as the child's parent (but not the state if the child is a ward of the state; i.e., FSW may act as the liaison between DDS and the parent or surrogate parent, but the FSW may not be the sole contact and/or decision-maker for a child);
- C. An individual otherwise acting in place of a biological parent (e.g., grandparent, step-parent, or any other relative with whom the child lives);
- D. An individual who is legally responsible for the child's welfare;
- E. An appointed DDS certified surrogate parent (this is generally the least preferred option since a DDS certified surrogate parent will usually only be appointed by the DDS provider in the event that the child's parent, foster parent, etc. is unable or unwilling to participate in the child's early intervention process and IFSP meetings).

For any individual serving as a parent in the child's early intervention process, support in the form of DDS Surrogate Parent Training is available. The local DDS Service Coordinator or designee can assist in coordinating the DDS Surrogate Parent Training. After an individual has completed the DDS Surrogate Parent Training, they may serve as a surrogate parent for any child.

In any situation in which an individual other than the biological parent (e.g., foster parent, relative, etc.) is acting on behalf of the child, that individual will be discharged when the child's biological parent is ready and able to resume involvement.

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REFERRALS FOR FETAL ALCOHOL SYNDROME DISORDERS (FASD) SCREENING

Fetal Alcohol Syndrome Disorders is an umbrella term used to describe the range of effects or disorders that can occur in an individual whose mother consumed alcohol during pregnancy. All caretakers involved in the delivery or care of infants must contact DHS regarding an infant born and affected with a Fetal Alcohol Spectrum Disorder (FASD). In addition, DCFS FSWs and Health Service Workers will refer children who have known prenatal alcohol exposure and exhibit FASD symptoms and/or behaviors to the DCFS FASD Unit for an FASD screening. The FASD screening will help determine if early intervention services specific to FASD are needed.

In order to conduct an effective FASD screening, the FSW and/or Health Service Worker will gather information regarding the child's in utero and birth history. Depending on the information collected and the results of the screens, a referral for an FASD diagnosis may be provided. If a child is diagnosed with FASD, the following services may be offered to the family:

- Referral to DDS (early intervention or DDS waiver), if applicable and available
- Referral to specialized day care, if applicable
- Referral to FASD family support group (available to biological, foster, and adoptive families), if available
- FASD parenting classes (available to biological, foster, and adoptive families)

A plan of safe care must also be developed for any infant born and affected with FASD who is referred to the Division via the Child Abuse Hotline.

EXCERPT, DIVISION OF CHILDREN & FAMILY SERVICES POLICY & PROCEDURES MANUAL

PROCEDURE II-I1: DDS Early Intervention Services Referrals

04/2013

When a child maltreatment investigation is open involving children in the home under the age of three, the investigator will:

- A. Provide an overview of the benefits of early intervention services to the parent/guardian.
- B. Make a referral to DDS for each child in the home (victims and non-victims) under age three.
 - 1) Complete form DHS-3300 available in CHRIS (for confidentiality purposes, state the child maltreatment type only in the comments section of the referral).
 - a) The DHS-3300 can be accessed in the Information and Referral Screen.
 - b) When the button "DCO-3350/DHS-3300" is selected, a dialog box will open so that staff can select the form to be completed.
 - c) Clicking the "OK" button will open up the appropriate form according to the radio button selected.
 - 2) Provide completed DHS-3300 to the local DDS Services Coordinator.
- C. Inform the parent/guardian that their child(ren) will be referred to DDS Children's Services to assess the child(ren)'s need and eligibility for early intervention services.
- D. Ask the parent/guardian to complete DHS-4000 for their child(ren) under the age of three for whom the Early Intervention referral has been made.
- E. Provide the local DDS Services Coordinator with:
 - 1) Completed DHS-4000: Authorization to Disclose Health Information.
 - 2) Court-order, if applicable
 - 3) Copy of Social Security Card or number
 - 4) Copy of Medicaid Card or number, if applicable
 - 5) Referral source contact information (may be DCFS staff or the parent/guardian)
 - 6) Any other pertinent information related to the request
 - 7) DMS-800: Children's Medical Services Application (parent must complete)
 - 8) Copy of EPSDT (parent must obtain)
 - 9) Copy of all evaluations, if available

If a case is open (protective, or foster care), the FSW caseworker will:

- A. Coordinate paperwork and services, as applicable, with the local DDS Service Coordinator. This includes providing a copy of CFS-6009: Family Strengths, Needs, and Risk Assessment (FSNRA) and case plan once they are completed. The FSW may act as the liaison between the DDS Service Coordinator and the parent/guardian/surrogate parent but may not be the sole contact and/or decision-maker for a child.
- B. Keep the local DDS Service Coordinator informed of any changes to the case plan that may affect early intervention services and care coordination.
- C. Document contacts related to the DDS early intervention services referral in the contacts screen in CHRIS.
- D. Update the child's case plan as appropriate.
- E. Conference with supervisor as needed regarding the referral to DDS early intervention services.

The Investigative and FSW Supervisors will:

- A. Conference with the investigator and/or FSW caseworker as needed regarding the child's DDS early intervention referral and/or any subsequent services.
- B. Notify, as necessary, his or her supervisor of any issues related to the child's DDS early intervention referral and/or services.

Upon referral, the DDS Service Coordinator should:

- A. Assess and determine the need and eligibility of the child for services and forward a letter to the DCFS Family Service Worker and FSW Supervisor indicating the eligibility status and needs of the child, if applicable.

EXCERPT, DIVISION OF CHILDREN & FAMILY SERVICES POLICY & PROCEDURES MANUAL

- B. If it is determined that the child needs and is eligible for early intervention services:
- 1) Provide a more detailed explanation to the parent/guardian of early intervention services including types, benefits, requirements, etc.
 - 2) Keep the child's FSW and person serving as the parent informed of the child's progress and any changes in services.

PROCEDURE II-12: DDS EARLY INTERVENTION INDIVIDUALIZED FAMILY SERVICE PLANNING

04/2013

The FSW will:

- A. Regardless of the type of case (i.e., protective or foster care), include early intervention services and Individualized Family Service Planning (IFSP) meetings in the case plan as appropriate, and, ensure the biological parent participates IFSP and related services as appropriate.
- B. If the biological parent is unable or unwilling to participate in IFSP (e.g., court orders that the child's parent/guardian shall have no involvement in child's educational planning, parents cannot be located; goal is not reunification):
 - 1) Ensure that an appropriate surrogate parent attends the IFSP meetings to act as a decision-maker regarding the child's early intervention services. The surrogate parent is generally the person who is currently caring for the child (e.g., temporary guardian, foster parent, etc).
 - a) Ensure that a no contact order from the court pertaining to the surrogate parent does not exist and that the surrogate parent is otherwise appropriate.
 - b) If the person selected to serve as the surrogate parent would like to attend a DDS Surrogate Parent Training, contact the DDS Service Coordinator to arrange the training.
 - c) If the individual caring for the child cannot serve as an appropriate surrogate parent during the IFSP meetings, the DDS provider will appoint a DDS certified surrogate parent.
- C. Continue to update child's case plan accordingly with information from IFSP.
- D. Conference with supervisor as needed regarding the child's IFSP.

The FSW Supervisor will:

- A. Conference with the FSW as needed regarding the child's IFSP.
- B. Notify, as necessary, his or her supervisor of any issues related to the child's IFSP.

PROCEDURE II-13: FASD REFERRALS AND SERVICES

04/2013

Note: This procedure is applicable to those children already involved in an open DCFS case and who DCFS staff or providers suspect may be affected by FASD. This procedure is not applicable to infants born with and affected by FASD and reported to the Child Abuse Hotline by a healthcare provider. Please see Policy II-D and Procedure II-D6 for more information regarding infants born with and affected by FASD.

If child is symptomatic of FASD, the Family Service Worker or Health Service Worker will:

- A. Gather information regarding the child's in utero and birth history to determine if the biological mother consumed alcohol (e.g., at what points during the pregnancy, amount consumed, frequency consumed, etc.) and/or any illegal substances while pregnant with child.

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- B. Complete and submit CFS-099: FASD Screening Referral to the FASD Director via fax (see CFS-099 for the current fax number).
- C. Collaborate with the FASD Unit to ensure the child receives any necessary referrals and accesses any needed services as per the results and recommendations of the FASD screening and/or diagnosis.
- D. Conference with supervisor as needed regarding FASD referrals and services.

The FSW Supervisor will:

- A. Conference with the FSW as needed regarding FASD referrals and services.
- B. Notify, as necessary, his or her supervisor of any issues related to the FASD referrals and services.

The FASD Director will:

- A. Review the completed CFS-099: FASD Screening Referral.
- B. Assign the FASD FSW (or self-assign if FASD FSW is unavailable) to conduct an FASD screening.
- C. Collaborate with the FASD FSW and child's FSW to make necessary referrals or access services per the results and recommendations of the FASD screening and/or diagnosis.

The FASD FSW will:

- A. Conduct FASD screenings as assigned.
- B. Communicate results of FASD screening and/or diagnosis to the child's FSW and FASD Director.
- C. For all children screened for and/or diagnosed with FASD, collaborate with FASD Director and child's FSW to make appropriate referrals or access services per the results and recommendations of the FASD screening and/or diagnosis.