

# ARKANSAS REGISTER



## Transmittal Sheet

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Department Division of Child Care and Early Childhood Education

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### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with Act 434 of 1967 the Arkansas Administrative Procedures Act. (ACA 25-15-201 et. seq.)

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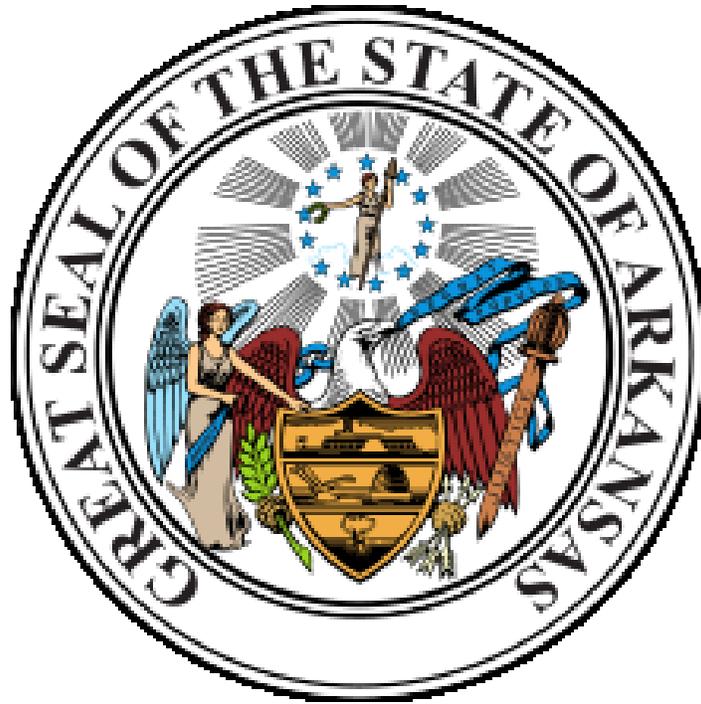
Director, Division of Child Care and Early Childhood Ed

Title

6-2-16

Date

# Minimum Licensing Standards for Child Welfare Agencies



Child Welfare Agency Review Board

&

Arkansas Department of Human Services

Division of Child Care and Early Childhood Education

## Placement and Residential Licensing Unit



PUB 04 (R. 05/16)

**RESIDENTIAL**

# Table of Contents

INTRODUCTION .....	8
Child Welfare Agency Review Board .....	8
Residential Agencies Requiring Licensing .....	9
Residential Types of Licenses .....	10
Emergency Residential Child Care Facility .....	10
Emergency Family Style Care .....	10
Residential Child Care Facility .....	10
Residential Family Style Care .....	10
Psychiatric Residential Treatment Facility .....	10
Sexual Rehabilitative Program .....	10
Independent Living .....	10
Independent Living Family Style Care .....	11
Transitional Living .....	11
License Status .....	11
Provisional .....	11
Probationary .....	11
Regular .....	11
Suspended .....	11
Closed .....	12
Revoked .....	12
Status Change .....	12
How To Apply The Standards .....	13
Special Consideration .....	13
Alternative Compliance .....	13
100 GENERAL REQUIREMENTS .....	14
101 Applications & Licensing Procedure .....	14
102 Organization & Administration .....	15
103 Central Registry & Criminal Record Checks .....	17
104 General Personnel Requirements .....	19
105 Staff Qualifications & Training .....	19

## Table of Contents

106	Sponsors, Mentors, Volunteers & Student Interns .....	21
107	Exploitation of Children.....	22
108	Ethical Standards.....	23
109	Unprofessional Conduct.....	23
110	Inspections, Investigations & Corrective Action .....	24
200	EMERGENCY RESIDENTIAL FACILITIES .....	26
201	Admission.....	26
202	Assessment & Case Planning.....	27
203	Children's Records .....	28
204	Behavior Management .....	29
205	Ratio & Supervision.....	30
206	Health & Medical Care .....	30
207	Program .....	31
208	Grounds .....	31
209	Buildings .....	32
210	Bathrooms .....	33
211	Sleeping Arrangements .....	33
212	Safety.....	34
213	Transportation .....	34
214	Discharge.....	35
300	EMERGENCY FAMILY STYLE CARE .....	36
301	Admission.....	36
302	Assessment & Case Planning.....	37
303	Children's Records .....	38
304	Behavior Management .....	39
305	Ratio & Supervision.....	40
306	Health & Medical Care .....	40
307	Program .....	41
308	Grounds .....	41
309	Buildings .....	42
310	Bathrooms .....	43
311	Sleeping Arrangements .....	43
312	Safety.....	44

Table of Contents

313	Transportation .....	44
314	Discharge.....	45
400	RESIDENTIAL FACILITIES .....	46
401	Admission.....	46
402	Assessment & Case Planning.....	47
403	Children's Records .....	48
404	Behavior Management .....	49
405	Ratio & Supervision.....	50
406	Health & Medical Care .....	50
407	Program .....	51
408	Grounds .....	51
409	Buildings .....	52
410	Bathrooms .....	53
411	Sleeping Arrangements .....	53
412	Safety.....	54
413	Transportation .....	54
414	Discharge.....	55
500	RESIDENTIAL FAMILY STYLE CARE .....	56
501	Admission.....	56
502	Assessment & Case Planning.....	57
503	Children's Records .....	58
504	Behavior Management .....	59
505	Ratio & Supervision.....	60
506	Health & Medical Care .....	60
507	Program .....	61
508	Grounds .....	61
509	Buildings .....	62
510	Bathrooms .....	63
511	Sleeping Arrangements .....	63
512	Safety.....	64
513	Transportation .....	64
514	Discharge.....	65
600	INDEPENDENT LIVING.....	66

## Table of Contents

601	Agency Responsibilities .....	66
602	Admission.....	66
603	Eligibility Requirements .....	67
604	Assessment & Case Planning.....	68
605	Children's Records .....	69
606	Behavior Management .....	70
607	Ratio & Supervision.....	71
608	Health & Medical Care .....	71
609	Program .....	72
610	Grounds .....	72
611	Buildings .....	72
612	Bathrooms .....	73
613	Sleeping Arrangements .....	74
614	Safety.....	74
615	Transportation .....	75
616	Discharge.....	75
700	INDEPENDENT LIVING FAMILY STYLE CARE .....	76
701	Agency Responsibilities .....	76
702	Admission.....	76
703	Eligibility Requirements .....	78
704	Assessment & Case Planning.....	78
705	Children's Records .....	79
706	Behavior Management .....	80
707	Ratio & Supervision.....	81
708	Health & Medical Care .....	81
709	Program .....	82
710	Grounds .....	82
711	Buildings .....	82
712	Bathrooms .....	83
713	Sleeping Arrangements .....	84
714	Safety.....	84
715	Transportation .....	85
716	Discharge.....	85

Table of Contents

800 TRANSITIONAL LIVING ..... 86

    801 Agency Responsibilities ..... 86

    802 Eligibility Requirements ..... 86

    803 Living Unit - Health & Safety ..... 87

900 PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES ..... 89

    901 Licensing Approval & Monitoring ..... 89

    902 Admission ..... 90

    903 Assessment & Treatment Planning ..... 91

    904 Children's Records ..... 92

    905 Behavior Management ..... 93

    906 Personnel ..... 94

    907 Ratio & Supervision ..... 95

    908 Health & Medical Care ..... 95

    909 Program ..... 96

    910 Grounds ..... 97

    911 Buildings ..... 97

    912 Bathrooms ..... 98

    913 Sleeping Arrangements ..... 98

    914 Safety ..... 99

    915 Transportation ..... 100

    916 Discharge ..... 100

1000 SEXUAL REHABILITATIVE PROGRAMS ..... 101

    1001 Licensing Approval & Monitoring ..... 101

    1002 Admission ..... 101

    1003 Assessment & Treatment Planning ..... 102

    1004 Children's Records ..... 104

    1005 Behavior Management ..... 105

    1006 Personnel ..... 106

    1007 Ratio & Supervision ..... 106

    1008 Health & Medical Care ..... 107

    1009 Program ..... 107

    1010 Grounds ..... 108

    1011 Buildings ..... 108

Table of Contents

1012	Bathrooms.....	109
1013	Sleeping Arrangements.....	110
1014	Safety.....	110
1015	Transportation.....	111
1016	Discharge.....	112
Appendix A:	DEFINITIONS.....	113
Appendix B:	PROHIBITED OFFENCES.....	120

## INTRODUCTION

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

### **Child Welfare Agency Review Board**

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

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

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

The Board shall promulgate rules and regulations that:

1. Promote the health, safety, and welfare of children in the care of a child welfare agency;
2. Promote safe and healthy physical facilities;
3. Ensure adequate supervision of the children by capable, qualified, and healthy individuals;
4. Ensure appropriate educational programs and activities for children in the care of a child welfare agency;
5. Ensure adequate and healthy food service;
6. Include procedures for the receipt, recordation, and disposition of complaints regarding allegations of violations of this subchapter, of the rules promulgated under the Child Welfare Agency Licensing Act, or of child maltreatment laws;
7. Include procedures for the assessment of child and family needs and for the delivery of services designed to enable each child to grow and develop in a permanent family setting;
8. Ensure that criminal record checks and central registry checks are completed on owners, operators, employees, volunteers, foster parents, adoptive parents, and other persons in the homes as set forth in this subchapter;

## Introduction

9. Require the compilation of reports and making those reports available to the division when the board determines it is necessary for compliance determination or data compilation;
10. Establish rules governing retention of licensing records maintained by the division.

A licensed Child Welfare Agency may adopt and apply internal operating procedures that meet or exceed the minimum standards required by the board.

The Arkansas Administrative Procedure Act, Ark. Code Ann. **25-15-201** et seq., shall apply to all proceedings brought to the Board under this subchapter, except that the following provisions shall control during adverse action hearings to the extent that they conflict with the Arkansas Administrative Procedure Act:

1. All parties to an adverse action shall be entitled to engage in and use formal discovery as provided for in Rules 26, 28, 29, 30, 31, 32, 33, 34, and 36 of the Arkansas Rules of Civil Procedure including:
  - a. Requests for admission;
  - b. Request for production of documents and things;
  - c. Written interrogatories;
  - d. Oral and written depositions.
2. All evidentiary rulings in an adverse action hearing shall be governed by the Arkansas Rules of Evidence with respect to the following types of evidence:
  - a. The requirements of personal knowledge of a witness as required by Rule 602;
  - b. The admissibility of character evidence as set forth by Rules 608 and 609;
  - c. The admissibility of character evidence as set forth by Rules 701-703;
  - d. The admissibility of hearsay evidence as set forth by Rules 801-806.

## **Residential Agencies Requiring Licensing**

Any person, organization, corporation, partnership, voluntary association or other entity which provides care, training, education, custody, supervision for a total of six (6) or more unrelated minors on a twenty-four (24) hour basis, or receives a child victim of human trafficking in any type of shelter or facility, and is not otherwise exempt by the Act, requires a license.

## **Residential Types of Licenses**

### **Emergency Residential Child Care Facility**

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

### **Emergency Family Style Care**

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

### **Residential Child Care Facility**

Any child welfare agency that provides care, training, education, custody or supervision on a twenty-four (24) hour basis for six (6) or more unrelated minors.

### **Residential Family Style Care**

Any child welfare agency that provides care, training, education, custody or supervision, in a home like setting, on a twenty-four (24) hour basis for six (6) or more unrelated minors or a child victim of human trafficking.

### **Psychiatric Residential Treatment Facility**

A residential child care facility in a non-hospital setting that provides a structured, systematic, therapeutic program of treatment under the supervision of a physician licensed by the Arkansas State Medical Board who has experience in the practice of psychiatry. It is for children who are emotionally disturbed and in need of daily nursing services, physician's supervision and residential care, but who are not in an acute phase of illness requiring the services of an inpatient psychiatric hospital.

### **Sexual Rehabilitative Program**

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

### **Independent Living**

A child welfare agency that provides specialized services in adult living preparation in an experiential setting for persons sixteen (16) years of age or older.

## **Independent Living Family Style Care**

A child welfare agency that provides specialized services in adult living preparation in an experiential home like setting for persons sixteen (16) years of age or older.

## **Transitional Living**

A child welfare agency that provides specialized services in adult living preparation in a structured setting for persons eighteen (18) years of age or older who have been admitted into the agency's residential program prior to the age eighteen (18).

An agency may be licensed for any or all types of licenses, depending on the types of services it provides.

## **License Status**

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

### **Provisional**

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

### **Probationary**

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

### **Regular**

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

### **Suspended**

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

## **Closed**

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

## **Revoked**

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

## **Status Change**

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

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

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

1. The seller shall notify the division of the sale at least thirty days prior to the completed sale;
2. The seller shall remain responsible for the operation of the child welfare agency until such time as the agency is closed or a license is issued to the buyer;
3. The seller shall remain liable for all penalties assessed against the child welfare agency which are imposed for violations or deficiencies occurring before the transfer of a license to the buyer;
4. The buyer shall be subject to any corrective action notices to which the seller was subject; and
5. The provisions of subsection (a) of this section, including those provisions regarding obtaining licenses or permits from the Office of Long-Term Care of the Division of Medical Services of the Department of Human Services and regarding obtaining any permits from the Health Services Permit Agency or the Health Services Permit Commission shall apply in their entirety to the new owner of the Child Welfare Agency.

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

## How To Apply The Standards

Section 100 of the Minimum Licensing Standards for Child Welfare Agencies applies to all agencies. Subsequent sections apply to specific types of residential agencies. The agency shall meet the license requirements of its agency category.

### Special Consideration

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

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

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

### Alternative Compliance

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

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

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

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

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

## 100 GENERAL REQUIREMENTS

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

### 101 Applications & Licensing Procedure

1. The owner or board shall prepare and furnish an application packet for a license that contains the following:
  - a. A completed application form;
  - b. A letter from the agency's board or owner (as applicable) authorizing a person to sign the application;
  - c. A copy of the Articles of Incorporation, bylaws, and current board roster, if applicable, including names, addresses, and contact information of officers. Out of state agencies shall have legal authorization from the Arkansas Secretary of State to do business in Arkansas;
  - d. A personnel list with verifications of qualifications and experience;
  - e. Substantiation of the agency's financial soundness. This shall include but is not limited to: a budget showing sufficient resources to operate for a period of six (6) months either with resources on hand or with projected revenue from verifiable sources, verifiable letters of financial support and/or monthly bank account statements may be included to project income;
  - f. Proof of general and professional liability insurance (does not apply to State agencies);
  - g. A written description of the agency's program of care, including intake policies, types of services offered, and a written plan for providing health care services to children in care;
  - h. Fire inspection;
  - i. Arkansas Department of Health inspection, including food service inspection, septic/sewage inspection, non-municipal water sources and general sanitation inspection, as applicable;
  - j. Floor plan with room dimensions;
  - k. Zoning approval, where applicable;
  - l. Any additional information requested by the Licensing Specialist to verify compliance with these standards and to make a recommendation regarding the granting of a license.
2. Once a completed application packet has been received, the Division shall complete a licensing study and recommendation within ninety (90) days. If a recommendation is not made within ninety (90) days, the applicant may appear before the Board to request a license.

## 102 Organization & Administration

1. The agency shall obtain a license before receiving six (6) or more children who are unrelated to the caregiver for care on a twenty-four hour basis, or receives a child victim of human trafficking in any type of shelter or facility.
2. The purpose and mission of the agency, including treatment philosophy, services provided, and characteristics of children it is designed to serve, shall be stated in writing.
3. The following policies of the agency shall be current and available to all employees of the agency and the Licensing Specialist:
  - a. Personnel policies;
  - b. Volunteer policy;
  - c. Student intern policy;
  - d. Admission policy;
  - e. Intake policy;
  - f. Behavior Management policy;
  - g. Crisis Management policy;
  - h. Child Maltreatment/Mandated Reporter policy; according to Arkansas law, including, procedures to ensure that alleged, suspected, or witnessed incidents of maltreatment are reported to the Child Maltreatment Hotline, and documented as required by these or other applicable regulations or laws;
  - i. Child Exploitation policy;
  - j. Visitation policy;
  - k. Family Therapy/Therapeutic Pass policy (Psychiatric only);
  - l. Admission Health Assessments policy (Psychiatric only);
  - m. Public Safety policy (Sexual Rehabilitative Programs only);
  - n. Target Population, Admission/Exclusion Criteria, and Discharge Criteria policy (Sexual Rehabilitative Programs only).
4. If cameras are used for security or surveillance, the agency shall have written policy governing their use, including the following:
  - a. Access to the live viewing or recordings is limited to:
    - Persons approved by the Administrator,
    - Law enforcement,
    - Division of Children and Family Services Investigators,

**General Requirements**

- Division of Children and Family Services personnel as approved or designated by the Director,
  - and regulatory authorities;
- b. The placing authority and the child shall be informed regarding the use of cameras;
  - c. Cameras shall not be used to observe or record children while toileting, bathing, dressing or undressing.
5. The agency shall be legally authorized to conduct business in Arkansas by state law and local ordinance.
  6. The agency shall provide copies of all programmatic licenses, certifications, and accreditations held by the agency.
  7. The agency shall meet all federal, state, and local laws and ordinances that apply to child welfare agencies and to the proper care of children in such facilities.
  8. The Owner and/or Board of Directors shall be responsible for operating the facility and shall have final responsibility to ensure that the facility meets licensing requirements. Names and addresses of Board members shall be provided to the Licensing Specialist annually.
  9. The agency shall maintain a current organizational chart showing the administrative structure of the organization.
  10. The agency shall maintain proof of current general and professional liability insurance.
  11. The agency shall notify the Licensing Unit within five (5) days of any change of Administrator, Social Service Director, or Clinical Director.
  12. The agency shall establish and follow written policies and procedures that meet or exceed the *Minimum Licensing Standards for Child Welfare Agencies*.
  13. Agencies applying for an Arkansas license shall provide proof that they are licensed in good standing in their home state, if applicable, and are in good standing in all other states where they are licensed. If an agency is being disciplined or sanctioned in another jurisdiction, the board shall be notified.
  14. Agencies licensed in Arkansas after January 18, 2002 shall have an office in Arkansas.
  15. Agencies licensed in Arkansas shall maintain all required files for licensing review as needed. They may choose to:
    - a. Maintain these files in their office in Arkansas; or
    - b. Arrange to provide the required files to the licensing staff.
  16. Agencies licensed in Arkansas shall have a qualified person on call to supervise emergency services. [Pursuant to 104]

**General Requirements**

17. A residential child care facility license shall not be granted to an applicant to operate the facility in his/her own residence, or in a home owned and occupied by an employee of the agency.
18. If electronic records are kept, these records shall be made available to the Licensing Specialist for purposes of monitoring and investigation.
19. Any disciplinary action taken against the agency by another jurisdiction shall be reported to the Licensing Unit.
20. If an agency is inactive for one (1) year the license shall be closed in good standing, unless the agency requests annually in writing that the license remains open. This request shall be approved by the CWARB.
21. If a facility has been inactive for more than six (6) months, the Licensing Unit shall be notified before children are taken into care.
22. If a facility becomes inactive, the Licensing Unit shall be notified within 30 days.
23. The agency shall not permit, aid, or abet an unlicensed person to perform activities requiring a license.
24. The agency shall not misrepresent the type or status of education, training, expertise, licensure, or professional affiliations.

**Central Registry & Criminal Record Checks**

1. The agency shall conduct background checks as required by the Child Welfare Agency Licensing Act (§ 9-28-409) using forms approved by the Licensing Unit. Background checks conducted by or for other licensing authorities (e.g., Office of Long Term Care, Division of Developmental Services, et.al) do not meet the requirement of this standard.
2. The following persons in a child welfare agency shall be checked with the Child Maltreatment Central Registry in his state of residence, if available, and any state of residence in which the person has lived for the past five (5) years, and in the person's state of employment, if different, for reports of child maltreatment:
  - a. Employees, having direct and unsupervised contact with children;
  - b. House parents and each member of the household age fourteen years and older;
  - c. Volunteers, mentors, sponsors and student interns having direct and unsupervised contact with children;
  - d. Owners having direct and unsupervised contact with children;
  - e. Members of the agency's board of directors having direct and unsupervised contact with children.
3. Persons required to have the Child Maltreatment Central Registry Check shall repeat the check every two (2) years.

**General Requirements**

4. Any person found to have a record of child maltreatment shall be reviewed by the owner or administrator of the agency, in consultation with the Child Welfare Agency Review Board or its designee, to determine corrective action. Corrective action may include, but is not limited to, counseling, training, probationary employment, non-selection for employment, or termination.
5. The following persons in a Child Welfare Agency shall be checked with the Identification Bureau of the Arkansas State Police for convictions of offenses listed in Arkansas Code Annotated **9-28-409**:
  - a. Employees having direct and unsupervised contact with children;
  - b. Volunteers, mentors, sponsors, and student interns having direct and unsupervised contact with children;
  - c. House parents, and each member of the household age eighteen (18) years and older. The house parents shall certify in writing annually whether or not household members age fourteen (14) thru seventeen (17) have criminal records;
  - d. Owners having direct and unsupervised contact with children;
  - e. Members of the agency's board of directors having direct and unsupervised contact with children.
6. If any person (listed in #5 above) has not resided in Arkansas continuously for the past five (5) years, a record check with the Federal Bureau of Investigation shall be completed.
7. All persons required to be checked with the Department of Arkansas State Police under this subsection shall repeat the check at a minimum of every five (5) years.
8. Child Maltreatment Central Registry Checks and Arkansas State Police/FBI Criminal Record Checks shall be initiated within ten (10) days of employment.
9. The agency shall provide a copy of the Federal Bureau of Investigation Criminal Record Check form and the Arkansas State Police Criminal Record Check form to the Licensing Office upon initiation.
10. The agency shall maintain on file evidence that background checks have been initiated as required and results of the completed checks.
11. No person guilty of an excluded criminal offense pursuant to A.C.A. **§9-28-409** shall be permitted to have direct and unsupervised contact with children, except as provided in the statute.
12. A child welfare agency shall immediately notify the Licensing Unit when a person(s) listed in #5 above is found to have a record of an excluded criminal offense.

## 104 General Personnel Requirements

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

1. The agency shall have an administrator who shall be responsible for the general management of the agency, possessing at least one of the following qualifications [Only “a” and “b” meet requirements for Psychiatric facilities]:
  - a. A doctorate degree;
  - b. A master’s degree in a human services field (child development, psychology, sociology, social work, guidance and counseling, divinity, education), administration, business, or a related field;
  - c. A bachelor’s degree in a human services field, administration, business, or a related field, and at least two (2) years of work experience in a human services agency.
2. The agency shall have a Social Services Director who shall supervise child placement activities and/or casework services by the agency, possessing at least one of the following qualifications (*Psychiatric facilities see section 906 and Sexual Rehabilitative Program see 1006*):
  - a. A master’s degree or higher in a human services field (child development, psychology, sociology, social work, counseling and guidance, divinity, education);
  - b. A bachelor’s degree in a human services field and two (2) years of work experience in a child welfare agency;
  - c. Anyone permitted to supervise child placement or casework services shall meet the qualifications for Social Services Director.
3. Each agency shall have a caseworker who is responsible for doing assessments, case planning, and casework services, possessing at least one of the following (*Psychiatric facilities see section 906*):
  - a. A bachelor’s degree in a human services field;
  - b. A bachelor’s degree and two (2) years work experience in a human services field.
4. If casework services are contracted, the agency shall maintain all required personnel information on the contracted caseworkers.
5. A caseworker shall not have more than twenty-five (25) children’s cases at a time.

## 105 Staff Qualifications & Training

1. Child caring staff shall be at least twenty-one (21) years old and have a high school diploma or the equivalent.

**General Requirements**

2. Assistant child caring staff shall be at least nineteen (19) years old, have a high school diploma or the equivalent, and be under the direct supervision of regular staff (excludes psychiatric and sexual rehabilitative programs).
3. Child caring staff shall complete pre-service training prior to being counted in the staff/child ratio. This training may be counted toward training hours for the first year. This applies to personnel employed on or after January 1, 2011.
4. Pre-service training shall include but is not limited to:
  - a. Confidentiality;
  - b. Resident grievance process (psychiatric only);
  - c. Fire and disaster plans;
  - d. Suicide awareness and protocol;
  - e. Behavior management;
  - f. Crisis intervention strategies;
  - g. Agency policies and procedures;
  - h. Child Maltreatment/Mandated Reporter policy;
  - i. One (1) hour of training on the program's safety plan (sexual rehabilitative only);
  - j. Minimum Licensing Standards for Child Welfare Agencies (that pertains to license type).
5. All child caring staff shall have a current certificate of successful completion of First Aid and CPR. The training shall require hands on skill base instruction as well as practical testing. Training and certification that is provided solely on-line will not be accepted. Staff shall complete this requirement within 90 days of hire.
6. At least one (1) child caring staff currently certified in hands on, skill based CPR and First Aid must be able to immediately respond to an emergency.
7. No staff shall be allowed to participate in a physical restraint until properly trained to do so.
8. All full-time child caring staff shall have thirty (30) hours of job related in-service or workshop training each year. First aid, CPR, and in-service training at the facility may be included.
9. Child caring staff working twenty-four (24) hours a week or less shall have at least fifteen (15) hours of job related in-service or workshop training each year. First Aid, CPR, and in-service training at the facility may be included.
10. All child caring staff in Psychiatric facilities shall complete ten (10) hours of psychiatric specific training before being counted in the staff to child ratio. This applies to employees hired on or after September 1, 2016.
11. Sexual Rehabilitative program child caring staff shall receive their initial ten (10) hours of sexual rehabilitative training within sixty (60) days of employment.

**General Requirements**

12. All child caring staff in Sexual Rehabilitative programs shall have at least ten (10) hours of sexual rehabilitative training annually, which may be included in the required thirty (30) hours of annual training.
13. Documentation verifying annual training shall include the date, number of hours, the name of the source, and the topic/title.
14. The Administrator, Social Services Director, each caseworker, and each therapist of a child welfare agency shall have twenty-four (24) hours of job-related continuing education each year.
15. The agency shall maintain a personnel file for each employee, which shall include:
  - a. A resume or application;
  - b. Date of hire;
  - c. Verifications of qualifications;
  - d. Documentation of required annual training;
  - e. Criminal Record Check and Child Maltreatment Central Registry Check information as required by law;
  - f. Documentation that applicable employees are informed that they are mandated reporters of suspected child maltreatment, according to A.C.A § 12-18-402, and are provided the information needed to make a report;
  - g. A functional job description;
  - h. At least three (3) positive personal references from non-relatives.
16. All Owner/operators, employees, or volunteers in a child welfare agency shall be responsible for ensuring the proper care, treatment, safety, and supervision of the children they supervise.

**106 Sponsors, Mentors, Volunteers & Student Interns**

1. The agency shall have a policy clearly defining the qualifications, duties, and supervision of sponsors, mentors and volunteers.
2. A sponsor is a non-relative person approved to take a child to the Sponsor's home. This does not include normal age-appropriate activities such as overnight visits with friends, extra-curricular activities, church activities, or short-term summer camps. A sponsor's record shall contain the following documentation and narrative:
  - a. Documentation and narrative of at least one (1) home visit for evaluation purposes prior to visitation occurring; A visual inspection of the home to ensure the home is appropriate and free of health and safety hazards;
  - b. At least three (3) non-relative character references;

**General Requirements**

- c. Documentation of Child Maltreatment Central Registry, State Police Criminal Record Checks, and FBI Criminal Record Checks, if applicable, as required for all household members;
  - d. Documentation of continuing contact and an annual inspection of the sponsor's home to ensure continued compliance.
3. A mentor is a person who offers supportive services to the child on or off campus such as, shopping, movies, sporting events, etc. A mentor's record shall contain:
  - a. At least three (3) non-relative character references;
  - b. Documentation of Child Maltreatment Central Registry Checks, State Police Criminal Record Checks, and FBI Criminal Record Checks, if applicable.
4. A volunteer is a non-paid person who donates their time and/or services to an agency or the child. A volunteer:
  - a. Shall have appropriate supervision by a designated staff person;
  - b. Who is counted in the staff/child ratio, provides direct care and substitutes as staff, shall meet all qualifications required for a paid employee in that position.
5. A student intern is a student or a recent graduate who is undergoing supervised practical training at an agency. Student interns:
  - a. Shall have appropriate supervision by a designated staff person;
  - b. Who are counted in the staff/child ratio, provide direct care and substitute as staff, shall meet all qualifications required for a paid employee in that position.

**107****Exploitation of Children**

1. The agency shall not require a child to acknowledge dependency, destitution, or neglect or to make public statements about his/her background.
2. The agency shall not use or allow to be used, any reports, pictures, or any other information from which a child can be identified, except under the following conditions:
  - a. The child and the parent/guardian sign a consent form that describes the purposes for which the identification is being made;
  - b. The signed consent shall say in which publication or broadcast the identification will appear;
  - c. The parent/guardian and child shall be informed that the consent may be withdrawn.
3. All information regarding children and their families shall be kept strictly confidential and may only be released with the consent of the child or parent/guardian, except to authorized persons or agencies.

**General Requirements**

4. The agency shall document that all staff have been made aware of the need to protect the confidentiality of children in the use of social media.

**108****Ethical Standards**

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

**109****Unprofessional Conduct**

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

## 110 Inspections, Investigations & Corrective Action

1. The Licensing Specialist shall conduct inspections to ensure continued compliance with licensing standards.
2. The Licensing Specialist shall investigate complaints of alleged violation of licensing standards against all residential facilities, and may participate in investigations of alleged child maltreatment.
3. The agency shall cooperate with the Licensing Unit in conducting inspections and investigations, and shall provide information required to verify compliance with rules.
4. Inspections and investigations may be scheduled or unscheduled, at the discretion of the Licensing Specialist, and may be conducted outside regular working hours.
5. The frequency of inspections shall be at the discretion of the Licensing Unit, and may be based on the agency's compliance history.
6. At the discretion of the Licensing Unit, a multi-disciplinary team may be asked to advise the Licensing Specialist during initial approval or during inspections. This team may include a professional in the appropriate field.
7. Upon finding any violations of licensing standards, the Licensing Specialist shall issue to the agency a corrective action notice, which shall state:
  - a. A factual description of the conditions that constitute a violation of the standard;
  - b. The specific law or standard violated;
  - c. A reasonable time frame within which the violation shall be corrected.
8. The agency shall provide a written corrective action plan, when requested to do so, by the Licensing Specialist in a corrective action notice.
9. Any owner/operator, employee, foster parent, or volunteer in a child welfare agency shall immediately notify the Child Abuse Hotline if he or she has reasonable cause to suspect that a child has been subjected to child maltreatment, died as a result of child maltreatment or if they observe a child being subjected to conditions or circumstances that would reasonably result in child maltreatment.
10. If a complaint of child maltreatment is filed against any owner/operator, employee, foster parent, volunteer, or other person in a child welfare agency, the agency administration shall evaluate the risk to children and determine the suitability of the person(s) to supervise, be left alone with children, have disciplinary control over children, or remain in the child welfare agency until the allegations are determined to be true or unsubstantiated. Any interim corrective action measures shall be approved by the Licensing Unit.
11. The agency shall maintain a log or file of all calls to the child abuse hotline.

**General Requirements**

12. The agency shall notify the Licensing Unit by the next business day when a report of child maltreatment is accepted by the child abuse hotline against the owner/operator, employee, foster parent, volunteer, child, or other person in a child welfare agency.
13. The agency and all staff shall cooperate fully with investigators during a child maltreatment investigation.
14. The agency shall take steps to prevent harm or retaliation against the child while an allegation of child maltreatment is being investigated.
15. Any person with a true finding of child maltreatment shall be reviewed by the owner or administrator of the agency, in consultation with the Child Welfare Agency Review Board or its designee, to determine corrective action. Corrective action may include, but is not limited to, counseling, training, probationary employment, non-selection for employment, or termination.
16. Any employee who has been sanctioned by any licensing or certifying entity for any reason pertaining to child safety shall be reviewed by the owner or administrator of the agency, in consultation with the Child Welfare Agency Review Board or its designee, to determine corrective action. Corrective action may include, but is not limited to, counseling, training, probationary employment, non-selection for employment, or termination.
17. The agency shall notify the Licensing Unit by the next business day of serious injuries requiring emergency medical treatment, agency vehicle accidents, arrests, elopements, suicide attempts, or deaths, and maintain documentation of the incident and notification.
18. The agency shall maintain reports on all incidents that cause injury, property damage or disruption to routine operation or services.

## 200 EMERGENCY RESIDENTIAL FACILITIES

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

*Facilities holding an Emergency Residential Facility license provide residential care on an emergency basis for up to ninety (90) days.*

### 201 Admission

1. The agency shall establish written criteria for admitting/excluding children.
2. The facility shall not admit any child for whom the facility cannot provide adequate care.
3. Each child shall have a medical examination no more than one (1) year before admission, or a documented appointment date for an exam within one (1) week after admission.
4. Each child shall have proof of current immunizations, or a letter of exemption in accordance with the Arkansas Department of Health, or a scheduled appointment within one (1) week after admission.
5. The facility shall obtain written verification of the placing agent's authority to place the child within five (5) working days.
6. The facility shall obtain written authority for medical care for the child from the placing agent within 72 hours.
7. The agency shall comply with the Interstate Compact on the Placement of Children when admitting children from outside Arkansas, if applicable.
8. The facility shall establish that all persons referred for admission are under the age of eighteen (18) years at the time of admission.
9. Residents may remain in the program after reaching age eighteen (18) years with the reason for continued placement documented.
10. The facility may admit children birth to eighteen (18) years of age.
11. The facility shall admit children for a maximum of ninety (90) days.
12. At the time of admission the following information shall be documented in the child's record.
  - a. Name, signature and role or relationship of the person who relinquished the child into care;
  - b. A brief description of the circumstances requiring admission;
  - c. The date and time of the admission;
  - d. A brief description of the child's history (if known) including behavioral history;

**Emergency Residential Facilities**

- e. Any known medical history and known current health conditions;
  - f. All medications currently prescribed for the child (if known and available);
  - g. The child's current behavior or known emotional condition.
13. Intake information shall be completed on each child in care within ten (10) working days after admission.
14. The intake shall include:
  - a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
  - b. A factual description of the circumstances requiring placement;
  - c. A brief social history of the family;
  - d. The child's current legal status/custody;
  - e. Any history of previous placements outside the family.
15. The facility shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.
16. A dependent juvenile child of a parent who is in the custody of DCFS shall be subject to all regulations regarding space, ratio, health and safety.
17. Facilities that have an adult program shall provide sleeping and living arrangements to ensure separation of adults from children.

**202****Assessment & Case Planning**

1. The agency shall assign a caseworker to each child who is responsible for doing assessments, case planning, and casework services.
2. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical aggression, sexual aggression, suicidal behaviors or other self-harming tendencies. This plan shall identify the behavior and or problem, and shall specify the safeguards that are to be implemented. The agency shall document that the child caring staff are informed of the provisions of the plan and place a copy of the plan in the child's record.
3. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history shall be completed for each child and included in the case plan.
4. A case plan shall be developed for each resident received for care.

**Emergency Residential Facilities**

5. The case plan shall be developed within thirty days after placement.
6. The child's case plan shall contain, at the minimum:
  - a. Specific needs of the child;
  - b. Plan for meeting child's needs;
  - c. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
  - d. A plan to ensure that the child's educational needs are met according to applicable state law.
7. A copy of the case plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery.
8. The agency caseworker shall visit the child monthly to monitor the progress of the case plan.

**203****Children's Records**

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

2. Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.

## **204 Behavior Management**

1. The agency shall have a written discipline policy that is consistently followed.
2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
3. Discipline shall be appropriate to the child's age, development, and history.
4. The following actions shall not be used, including as discipline:
  - a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
  - b. Denial of parental visits or regular phone/mail contact with family. Non-disciplinary case planning issues are accepted;
  - c. Lewd or obscene language;
  - d. Derogatory comments about the child, the child's family, race, or gender;
  - e. Restriction to a room for more than a short period of time without periodic observation;
  - f. Restriction to a dark room or area;
  - g. Locked isolation;
  - h. Physical injury or threat of bodily harm;
  - i. Humiliating or degrading action;
  - j. Extremely strenuous work or exercise;
  - k. Mechanical/chemical restraints.
5. Physical restraint shall be initiated only by a trained staff, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline.
6. Physical restraints shall be performed using minimal force and time necessary. Physical restraint means the application of physical force without the use of any device, for the purposes of restraining the free movement of a resident's body. Briefly holding a child without undue force in order to calm or comfort, or holding a hand to safely escort a child from one area to another, is not considered a physical restraint.
7. Documentation of all physical restraints shall be maintained and include child's name, date, time, reason, staff involved, and measures taken prior to restraint.
8. A child shall not be allowed to administer discipline, except teen parents may discipline their own children under the supervision and guidance of staff.

## **200            Emergency Residential Facilities**

9.        Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and staff, in cases of suspected theft, or suspicion of possession of items which are not permitted by agency policy.
10.      Any searches requiring removal of clothing shall be done in privacy and shall be witnessed by two (2) staff of the same gender as the child.

## **205            Ratio & Supervision**

1.        The facility shall not exceed its total licensed capacity.
2.        There shall be a staff/child ratio of at least 1:9 during waking hours and at least 1:12 during sleeping hours. Staff members' children shall be counted in the ratio.
3.        If any child is under age six (6) years, the ratio shall be at least 1:7 at all times.
4.        Only staff who directly supervises children shall be counted in this ratio.
5.        Child caring staff shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child at the facility, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards and risks.
6.        All child caring shift-staff, counted in the staff child ratio, shall remain awake at all times. House parents are excluded from this requirement.
7.        The facility shall maintain a daily census report to include the child's name and room or building assignment.

## **206            Health & Medical Care**

1.        Each child shall have a medical exam at least annually. Health exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
2.        All medications shall be administered to children by staff according to medical instructions.
3.        The administering of all medications, including over-the-counter, shall be logged at the time the medication is given, by the person administering the medication.
4.        The medication log shall include:
  - a.        The child's name;
  - b.        Time and date;
  - c.        Medication dosage;
  - d.        Initials of the person administering the medication.
5.        All medications excluding Epi-pens, inhalers, and Glucagon kits shall be kept securely locked, and stored according to pharmaceutical recommendations. An age-appropriate and developmentally capable child may be provided, or have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.

**Emergency Residential Facilities**

6. Keys to medication storage areas shall be on the premises and readily accessible by staff at all times.
7. Currently prescribed medications belonging to children shall be returned to the parent or custodian upon discharge.

**207****Program**

1. The facility shall ensure each child receives education in accordance with the Arkansas Department of Education.
2. The facility shall teach each child the daily living tasks required as a part of living in a group setting, and shall assign only light chores that are age-appropriate.
3. The agency shall have a policy regarding each child's money received and shall ensure that each child's funds are available to that child under staff supervision for personal use.
4. The facility shall not allow a child's outside employment, chores, or extracurricular activities to interfere with the child's time for school, sleep, family visits, or case plan activities.
5. The facility shall provide each child with adequate and nutritious food.
6. The facility shall ensure that each child has sufficient sleep for his/her age and physical condition.
7. Each child shall be instructed in good grooming and personal hygiene habits.
8. The facility shall ensure each child is provided with his/her own clothing that is clean, well fitting, seasonal, and appropriate to age and gender, unless otherwise directed by a physician.
9. The facility shall ensure each child is provided with opportunities for regular recreational activities and exercise.
10. The facility shall provide activities and equipment that are age appropriate to the children in their care.
11. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.

**208****Grounds**

1. The grounds of the facility shall be kept clean and free of safety hazards.
2. The facility shall provide sufficient outdoor recreation space for age appropriate physical activities.
3. Swimming pools shall be inspected and approved annually by the Arkansas Department of Health.

## 209 Buildings

1. No facility shall be located in a shopping center, strip mall, or other buildings used for commercial activity.
2. Unused or vacant portions of a facility shall not be rented, leased, loaned, or otherwise occupied by any commercial or other business entity, or private individuals, not associated with the facility or its management.
3. All buildings used by children or staff shall be inspected and approved annually for fire safety by fire department officials.
4. All buildings used by children or staff shall be inspected and approved annually for health and sanitation as required by the Arkansas Department of Health.
5. All buildings shall comply with local zoning ordinances and land use requirements where those exist.
6. All buildings and furnishings shall be safe, clean, and in good repair.
7. There shall be no more than twelve (12) children in a sleeping unit. A sleeping unit is considered to be a group of bedrooms.
8. Sleeping units sharing the same building shall be separated into different corridors, wings, floors, etc. Sleeping units modified or newly constructed after September 1, 2016, shall comply with this standard.
9. Licensing shall be notified of any changes to buildings that affect usage, size, capacity, or structural changes.
10. Building usage shall be approved by licensing prior to resident occupancy, and all required inspections, permits, and authorizations shall be provided.
11. Any modifications to buildings used by children, or an increase in capacity, shall require inspection and approval by the Fire and Health Department, if applicable.
12. All parts of buildings used as living, sleeping, or bath areas shall have a heating, ventilating and air conditioning source that keeps the temperature a minimum of sixty-five (65) degrees and a maximum of eighty-five (85) degrees.
13. The facility shall provide a living area that has at least thirty-five (35) square feet of floor space per child. The dining area and indoor recreation area may be included in this space.
14. The facility shall provide a dining room.
15. The facility shall have a kitchen.
16. Manufactured homes, used as residential facilities, shall be tied down and underpinned as required by the Arkansas Manufactured Home Commission. The home shall obtain an inspection and approval from the Arkansas Manufactured Home Commission prior to being licensed.

## 210 Bathrooms

1. The facility shall provide bathrooms for the children.
2. There shall be a separate toilet, bathtub or shower, and sink for each six (6) children.
3. There shall be an adequate supply of hot and cold running water.
4. The bathroom shall be clean and sanitary.
5. There shall be separate bath and toilet facilities for males and females.
6. There shall be an adequate supply of soap, towels, and tissue.

## 211 Sleeping Arrangements

1. The facility shall provide bedrooms for the children.
2. There shall be no more than four (4) children per bedroom.
3. There shall be at least fifty (50) square feet of floor space per child in each bedroom.
4. No child age four (4) years or over shall share a bedroom with a child of the opposite gender, except teenaged parents who participate in the care of their own children.
5. Each child shall have a separate bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
6. All cribs used for children shall have current certification of compliance with Consumer Product Safety Commission (CPSC) standards.
7. Children twelve (12) months of age and below shall be placed flat on their backs to sleep, in accordance with American Academy of Pediatrics guidelines, to lessen the risk of suffocation and Sudden Infant Death Syndrome. (If a child rolls over on his/her own, the facility is not required to reposition the child.) If there is a medical reason a child cannot sleep on his/her back, a signed statement from the child's physician shall be in the file stating the reason, the sleep position indicated, and the time frame required.
8. Beds shall be positioned to ensure all children can easily exit the room in case of emergency.
9. No child under the age of six (6) shall occupy a top bunk.
10. Bedding shall be changed at least weekly, more often if needed.
11. Each child shall have an area to store personal belongings.
12. Staff sleeping quarters shall be separate from children's sleeping rooms.
13. Room arrangements shall be based on characteristics of each resident to ensure the safety of each child.

## 212 Safety

1. The facility shall have an operable telephone or comparable communication system.
2. The facility shall have a continuous supply of clean drinking water. If the water source is not a municipal system, the source shall be approved by the Arkansas Department of Health annually.
3. A private sewage/septic system shall be approved initially and upon any increase in capacity by the Arkansas Department of Health.
4. There shall be operational smoke detectors near the cooking area, heating units, and within ten (10) feet of each bedroom.
5. An operational chemical fire extinguisher or other fire suppression system approved by local fire inspection officials shall be in the cooking area of each building. Approval of the fire suppression system shall be documented.
6. There shall be an emergency evacuation plan diagramed and posted in each building used by children.
7. Fire drills shall be practiced with children each month.
8. Severe weather drills shall be practiced with children quarterly.
9. A record of drills shall be maintained, showing date and time of day of the drill, number of participants, and length of time required to reach safety.
10. Each child shall be instructed in emergency procedures at admission.
11. The facility shall have proof of current rabies vaccinations for all household pets as required by Arkansas law.
12. No child shall be allowed to operate dangerous machinery or equipment, including firearms, without proper adult supervision and following manufacturers' guidelines for age, safety precautions, and safety gear.
13. The agency shall have policy and procedure for carrying, storage and use of all firearms located at the facility,
14. All firearms shall be maintained in a secure, locked location, or secured by a trigger lock.
15. All ammunition shall be secured and locked separately from firearms unless they are stored in a safe, hand gun safe or a long gun safe.

## 213 Transportation

1. The facility shall have agency procured transportation available at all times.
2. The facility vehicle(s) shall not be used for personal use, unless other facility transportation is available.

**Emergency Residential Facilities**

3. Any vehicle used to transport children shall be in safe working condition and maintained in compliance with motor vehicle laws.
4. Any vehicle used to transport children shall be insured.
5. Children shall be transported only by an authorized person possessing a valid driver's license.
6. Children shall be transported according to Arkansas law, including, but not limited to, use of safety belts, child safety seats, and smoking restrictions.

**Discharge**

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

## 300 EMERGENCY FAMILY STYLE CARE

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

*Facilities holding an Emergency Family Style Care license provide residential care on an emergency basis for up to ninety (90) days in a home like setting.*

### 301 Admission

1. The agency shall establish written criteria for admitting/excluding children.
2. The facility shall not admit any child for whom the facility cannot provide adequate care.
3. Each child shall have a medical exam no more than one (1) year before admission, or a documented appointment date for an exam within one (1) week after admission.
4. Each child shall have proof of current immunizations, or a letter of exemption in accordance with the Arkansas Department of Health, or a scheduled appointment within one (1) week after admission.
5. The facility shall obtain written verification of the placing agents' authority to place the child within five (5) working days.
6. The facility shall obtain written authority for medical care for the child from the placing agent within seventy-two (72) hours.
7. The agency shall comply with the Interstate Compact on the Placement of Children when admitting children from outside Arkansas, if applicable.
8. The facility shall establish that all persons referred for admission are under the age of eighteen (18) years at the time of admission.
9. Residents may remain in the program after reaching age eighteen (18) years with the reason for continued placement documented.
10. The facility may admit children birth to 18 years of age.
11. The facility shall admit children for a maximum of ninety (90) days.
12. At the time of admission, the following information shall be documented in the child's record:
  - a. Name, signature and role or relationship of the person who relinquished the child into care;
  - b. A brief description of the circumstances requiring admission;
  - c. The date and time of the admission;
  - d. A brief description of the child's history (if known) including behavioral history;

**Emergency Family Style Care**

- e. Any known medical history and known current health conditions;
  - f. All medications currently prescribed for the child (if known and available);
  - g. The child's current behavior or known emotional condition.
13. Intake information shall be completed on each child in care within ten (10) working days after admission.
  14. The intake shall include:
    - a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
    - b. A factual description of the circumstances requiring placement;
    - c. A brief social history of the family;
    - d. The child's current legal status/custody;
    - e. Any history of previous placements outside the family.
  15. The facility shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.
  16. A dependent juvenile child of a parent who is in the custody of DCFS shall be subject to all regulations regarding space, ratio, health and safety.
  17. Facilities that have an adult program shall provide sleeping and living arrangements to ensure separation of adults from children.

**302****Assessment & Case Planning**

1. The agency shall assign a caseworker to each child who is responsible for doing assessments, case planning, and casework services.
2. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical/sexual aggression, and/or suicidal behaviors or other self-harming tendencies. This plan shall identify the behavior/problem, and shall specify the safeguards that are to be implemented. The agency shall document that the child caring staff are informed of the provisions of the plan and place a copy of the plan in the child's record.
3. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history shall be completed for each child and included in the case plan.
4. A case plan shall be developed for each resident received for care.
5. The case plan shall be developed within thirty days after placement.
6. The child's case plan shall contain, at the minimum:

- a. Specific needs of the child;
  - b. Plan for meeting child's needs;
  - c. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
  - d. A plan to ensure that the child's educational needs are met according to applicable state law.
7. A copy of the case plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery.
  8. The agency caseworker shall visit the child monthly to monitor the progress of the case plan.

**303****Children's Records**

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

## 304 Behavior Management

1. The agency shall have a written discipline policy that is consistently followed.
2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
3. Discipline shall be appropriate to the child's age, development, and history.
4. The following actions shall not be used, including as discipline:
  - a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
  - b. Denial of parental visits or regular phone/mail contact with family. Non-disciplinary case planning issues are accepted;
  - c. Lewd or obscene language;
  - d. Derogatory comments about the child, the child's family, race, or gender;
  - e. Restriction to a room for more than a short period of time without periodic observation;
  - f. Restriction to a dark room or area;
  - g. Locked isolation;
  - h. Physical injury or threat of bodily harm;
  - i. Humiliating or degrading action;
  - j. Extremely strenuous work or exercise;
  - k. Mechanical/chemical restraints.
5. Physical restraint shall be initiated only by a trained staff, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline.
6. Physical restraints shall be performed using minimal force and time necessary. Physical restraint means the application of physical force without the use of any device, for the purposes of restraining the free movement of a resident's body. Briefly holding a child without undue force in order to calm or comfort, or holding a hand to safely escort a child from one area to another, is not considered a physical restraint.
7. Documentation of all restraints shall be maintained and include child's name, date, time, reason, staff involved, and measures taken prior to restraint.
8. A child shall not be allowed to administer discipline, except teen parents may discipline their own children under the supervision and guidance of staff.
9. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and staff, in cases of suspected theft, or suspicion of possession of items which are not permitted by agency policy.
10. Any searches requiring removal of clothing shall be done in privacy.

### **305 Ratio & Supervision**

1. The facility shall use a houseparent staffing model.
2. The facility shall not exceed its total licensed capacity.
3. The facility shall have no more than eight (8) children in each unit, including the houseparent's children.
4. There shall be a staff/child ratio of at least 1:8 at all times. Staff members' children shall be counted in the ratio.
5. Child caring staff shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child at the facility, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards and risks.
6. The facility shall maintain a daily census report to include the child's name and building or room assignment.

### **306 Health & Medical Care**

1. Each child shall have a medical exam at least annually. Health exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
2. All medications shall be administered to children by staff according to medical instructions.
3. The administering of all medications, including over-the-counter, shall be logged at the time the medication is given, by the person administering the medication.
4. The medication log shall include:
  - a. The child's name;
  - b. Time and date;
  - c. Medication dosage;
  - d. Initials of the person administering the medication.
5. All medications excluding Epi-pens, inhalers, and Glucagon kits shall be kept securely locked, and stored according to pharmaceutical recommendations. An age-appropriate and developmentally capable child may be provided, or have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.
6. Keys to medication storage areas shall be on the premises and readily accessible by staff at all times.
7. Currently prescribed medications belonging to children shall be returned to the parent or custodian upon discharge.

## 307 Program

1. The facility shall ensure each child receives education in accordance with the Arkansas Department of Education.
2. The facility shall teach each child the daily living tasks required as a part of living in a group setting, and shall assign only light chores that are age-appropriate.
3. The agency shall have a policy regarding each child's money received and shall ensure that each child's funds are available to that child under staff supervision for personal use.
4. The facility shall not allow a child's outside employment, chores, or extracurricular activities to interfere with the child's time for school, sleep, family visits, or case plan activities.
5. The facility shall provide each child with adequate and nutritious food, routinely eaten in the home, cottage, or unit.
6. The facility shall ensure that each child has sufficient sleep for his/her age and physical condition.
7. Each child shall be instructed in good grooming and personal hygiene habits.
8. The facility shall ensure each child is provided with his/her own clothing that is clean, well fitting, seasonal, and appropriate to age and gender, unless otherwise directed by a physician.
9. The facility shall ensure each child is provided with opportunities for regular recreational activities and exercise.
10. The facility shall provide activities and equipment that are age appropriate to the children in their care.
11. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.
12. The agency shall have policy and procedure to ensure children in care are allowed to participate in age appropriate activities away from the facility.

## 308 Grounds

1. The grounds of the facility shall be kept clean and free of safety hazards.
2. The facility shall provide sufficient outdoor recreation space for age appropriate physical activities.
3. Swimming pools shall be inspected and approved annually by the Arkansas Department of Health.

## 309 Buildings

1. The building shall be a single-style dwelling, such as a house or cottage, or duplex in which the facility occupies both units. Multiple units may be located on campus.
2. The building(s) shall house only children in Emergency Family Style Care or Residential Family Style Care.
3. No facility shall be located in a shopping center, strip mall, or other buildings used for commercial activity.
4. Unused or vacant portions of a facility shall not be rented, leased, loaned, or otherwise occupied by any commercial or other business entity, or private individuals, not associated with the facility or its management.
5. All buildings used by children or staff shall be inspected and approved annually for fire safety by fire department officials.
6. All buildings used by children or staff shall be inspected and approved annually for health and sanitation as required by the Arkansas Department of Health.
7. All buildings shall comply with local zoning ordinances and land use requirements where those exist.
8. All buildings and furnishings shall be safe, clean, and in good repair.
9. Licensing shall be notified of any changes to buildings that affect usage, size, capacity, or structural changes.
10. Building usage shall be approved by licensing prior to resident occupancy, and all required inspections, permits, and authorizations shall be provided.
11. Any modification to buildings used by children, or an increase in capacity shall require inspection and approval by the Fire and Health Department, if applicable.
12. All parts of buildings used as living, sleeping, or bath areas shall have a heating, ventilating and air conditioning source that keeps the temperature a minimum of sixty-five (65) degrees and a maximum of eighty-five (85) degrees.
13. The facility shall provide a living area that has at least thirty-five (35) square feet of floor space per child. The dining area and indoor recreation area may be included in this space.
14. The facility shall provide a dining area.
15. The facility shall have a kitchen.
16. Manufactured homes, used as residential facilities, shall be tied down and underpinned as required by the Arkansas Manufactured Home Commission. The home shall obtain an inspection and approval from the Arkansas Manufactured Home Commission prior to being licensed.

## 310 Bathrooms

1. The facility shall provide bathrooms for the children.
2. There shall be a separate toilet, bathtub or shower, and sink for each six (6) children.
3. There shall be an adequate supply of hot and cold running water.
4. The bathroom shall be clean and sanitary.
5. There shall be an adequate supply of soap, towels, and tissue.

## 311 Sleeping Arrangements

1. The facility shall provide bedrooms for the children.
2. There shall be no more than four (4) children per bedroom.
3. There shall be at least fifty (50) square feet of floor space per child in each bedroom.
4. No child age four (4) years or over shall share a bedroom with a child of the opposite gender, except teenaged parents who participate in the care of their own children.
5. Each child shall have a separate bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
6. All cribs used for children shall have current certification of compliance with Consumer Product Safety Commission (CPSC) standards.
7. Children twelve (12) months of age and below shall be placed flat on their backs to sleep, in accordance with American Academy of Pediatrics guidelines, to lessen the risk of suffocation and Sudden Infant Death Syndrome. (If a child rolls over on his/her own, the facility is not required to reposition the child.) If there is a medical reason a child cannot sleep on his/her back, a signed statement from the child's physician shall be in the file stating the reason, the sleep position indicated, and the time frame required.
8. Beds shall be positioned to ensure all children can easily exit the room in case of emergency.
9. No child under the age of six (6) shall occupy a top bunk.
10. Bedding shall be changed at least weekly, more often if needed.
11. Each child shall have an area to store personal belongings.
12. Staff sleeping quarters shall be separate from children's sleeping rooms.
13. Room arrangements shall be based on characteristics of each resident to ensure the safety of each child.

## 312 Safety

1. The facility shall have an operable telephone or comparable communication system.
2. The facility shall have a continuous supply of clean drinking water. If the water source is not a municipal system, the source shall be approved by the Arkansas Department of Health annually.
3. A private sewage/septic system shall be approved initially and upon any increase in capacity by the Arkansas Department of Health.
4. There shall be operational smoke detectors near the cooking area, heating units, and within ten (10) feet of each bedroom.
5. An operational chemical fire extinguisher or other fire suppression system approved by local fire inspection officials shall be in the cooking area of each building. Approval of the fire suppression system shall be documented.
6. There shall be an emergency evacuation plan diagramed and posted in each building used by children.
7. Fire drills shall be practiced with children each month.
8. Severe weather drills shall be practiced with children quarterly.
9. A record of drills shall be maintained, showing date and time of day of the drill, number of participants, and length of time required to reach safety.
10. Each child shall be instructed in emergency procedures at admissions.
11. The facility shall have proof of current rabies vaccinations for all household pets as required by Arkansas law.
12. No child shall be allowed to operate dangerous machinery or equipment, including firearms without proper adult supervision and following manufacturers' guidelines for age, safety precautions, and safety gear.
13. The agency shall have policy and procedure for carrying, storage and use of all firearms located at the facility.
14. All firearms shall be maintained in a secure, locked location, or secured by a trigger lock.
15. All ammunition shall be secured and locked separately from firearms unless they are stored in a safe, hand gun safe or a long gun safe.

## 313 Transportation

1. The facility shall have agency procured transportation available at all times.
2. The facility vehicle(s) shall not be used for personal use, unless other facility transportation is available.
3. Any vehicle used to transport children shall be in safe working condition and maintained in compliance with motor vehicle laws.

**300            Emergency Family Style Care**

4. Any vehicle used to transport children shall be insured.
5. Children shall be transported only by an authorized person possessing a valid driver's license.
6. Children shall be transported according to Arkansas law, including, but not limited to, use of safety belts, child safety seats, and smoking restrictions.

**314            Discharge**

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

## 400 RESIDENTIAL FACILITIES

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

*Facilities holding a Residential Facility license provide residential care on a long term basis.*

### 401 Admission

1. The agency shall establish written criteria for admitting/excluding children.
2. The facility shall not admit any child for whom the facility cannot provide adequate care.
3. Each child shall have a medical exam no more than one (1) year before admission, or a documented appointment date for an exam within one (1) week after admission.
4. Each child shall have proof of current immunizations, or a letter of exemption in accordance with the Arkansas Department of Health, or a scheduled appointment within one (1) week after admission.
5. The facility shall obtain written verification of the placing agent's authority to place the child at the time of admission.
6. The facility shall obtain written authority for medical care for the child from the placing agent at the time of admission.
7. The agency shall comply with the Interstate Compact on the Placement of Children when admitting children from outside Arkansas, if applicable.
8. The facility shall establish that all persons referred for admission are under the age of eighteen (18) years at the time of admission.
9. Residents may remain in the program after reaching age eighteen (18) years with the reason for continued placement documented. The resident shall be discharged no later than his/her twenty-first (21) birthday.
10. The facility may admit a child under age five (5) years, only if that child is a part of a sibling group of which one (1) child is age five (5) years or older, or if it is the summer before the child is eligible to enter kindergarten. Exception is made for the infant child or children of a parent who is admitted to the facility.
11. At the time of admission, the following information shall be documented in the child's record:
  - a. Name, signature and role or relationship of the person who relinquished the child into care;
  - b. A brief description of the circumstances requiring admission;
  - c. The date and time of the admission;
  - d. A brief description of the child's history (if known) including behavioral history;

**Residential Facilities**

- e. Any known medical history and known current health conditions;
  - f. All medications currently prescribed for the child (if known and available);
  - g. The child's current behavior or known emotional condition.
12. Intake information shall be completed on each child in care within ten (10) working days after admission.
13. The intake shall include:
  - a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
  - b. A factual description of the circumstances requiring placement;
  - c. A brief social history of the family;
  - d. The child's current legal status/custody;
  - e. Any history of previous placements outside the family.
14. The facility shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.
15. A dependent juvenile child of a parent who is in the custody of DCFS shall be subject to all regulations regarding space, ratio, health and safety.
16. Facilities that have an adult program shall provide sleeping and living arrangements to ensure separation of adults from children.

**402****Assessment & Case Planning**

1. The agency shall assign a caseworker to each child who is responsible for doing assessments, case planning, and casework services.
2. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical/sexual aggression, and/or suicidal or other self-harming tendencies. This plan shall identify the behavior/problem, and shall specify the safeguards that are to be implemented. The agency shall document that the child caring staff are informed of the provisions of the plan and place a copy of the plan in the child's record.
3. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history shall be completed for each child and included in the case plan.
4. A case plan shall be developed for each resident received for care.
5. The case plan shall be developed within thirty (30) days after placement.

**Residential Facilities**

6. The child's case plan shall contain, at the minimum:
  - a. Specific needs of the child;
  - b. Plan for meeting child's needs;
  - c. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
  - d. A plan to ensure that the child's educational needs are met according to applicable state law;
  - e. Date of next review of the case plan.
7. A copy of the case plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery.
8. The case plan shall be reviewed at least semi-annually, and shall be updated to reflect the child's progress.

**403****Children's Records**

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

**404 Behavior Management**

1. The agency shall have a written discipline policy that is consistently followed.
2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
3. Discipline shall be appropriate to the child's age, development, and history.
4. The following actions shall not be used, including as discipline:
  - a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
  - b. Denial of parental visits or regular phone/mail contact with family. Non-disciplinary case planning issues are accepted;
  - c. Lewd or obscene language;
  - d. Derogatory comments about the child, the child's family, race, or gender;
  - e. Restriction to a room for more than a short period of time without periodic observation;
  - f. Restriction to a dark room or area;
  - g. Locked isolation;
  - h. Physical injury or threat of bodily harm;
  - i. Humiliating or degrading action;
  - j. Extremely strenuous work or exercise;
  - k. Mechanical/chemical restraints.
5. Physical restraint shall be initiated only by trained staff, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline.
6. Physical restraints shall be performed using minimal force and time necessary. Physical restraint means the application of physical force without the use of any device, for the purposes of restraining the free movement of a resident's body. Briefly holding a child without undue force in order to calm or comfort, or holding a hand to safely escort a child from one area to another, is not considered a physical restraint.
7. Documentation of all restraints shall be maintained and include child's name, date, time, reason, staff involved and measures taken prior to restraint.
8. A child shall not be allowed to administer discipline, except teen parents may discipline their own children under the supervision and guidance of staff.
9. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and staff, in cases of suspected theft, or suspicion of possession of items which are not permitted by agency policy.

10. Any searches requiring removal of clothing shall be done in privacy and shall be witnessed by two (2) staff of the same gender as the child.

## **405 Ratio & Supervision**

1. The facility shall not exceed its total licensed capacity.
2. There shall be a staff/child ratio of at least 1:9 during waking hours and at least 1:12 during sleeping hours. Staff members' children shall be counted in the ratio.
3. If any child is under age six (6) years, the ratio shall be at least 1:7 at all times.
4. Only staff who directly supervises children shall be counted in this ratio.
5. Child caring staff shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child at the facility, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards and risks.
6. All child caring shift-staff, counted in the staff child ratio, shall remain awake at all times. House parents are excluded from this requirement.
7. The facility shall maintain a daily census report to include the child's name and room or building assignment.

## **406 Health & Medical Care**

1. Each child shall have a medical exam at least annually. Health exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
2. All medications shall be administered to children by staff according to medical instructions.
3. The administering of all medications, including over-the-counter, shall be logged at the time the medication is given, by the person administering the medication.
4. The medication log shall include:
  - a. The child's name;
  - b. Time and date;
  - c. Medication dosage;
  - d. Initials of the person administering the medication.
5. All medications excluding Epi-pens, inhalers, and Glucagon kits shall be kept securely locked, and stored according to pharmaceutical recommendations. An age-appropriate and developmentally capable child may be provided, or have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.

**Residential Facilities**

6. Keys to medication storage areas shall be on the premises and readily accessible by staff at all times.
7. Currently prescribed medications belonging to children shall be returned to the parent or custodian upon discharge.

**407****Program**

1. The facility shall ensure each child receives education in accordance with the Arkansas Department of Education.
2. The facility shall teach each child the daily living tasks required as a part of living in a group setting, and shall assign only light chores that are age-appropriate.
3. The agency shall have a policy regarding each child's money received and shall ensure that each child's funds are available to that child under staff supervision for personal use.
4. The facility shall not allow a child's outside employment, chores, or extracurricular activities to interfere with the child's time for school, sleep, family visits, or case plan activities.
5. The facility shall provide each child with adequate and nutritious food.
6. The facility shall ensure that each child has sufficient sleep for his/her age and physical condition.
7. Each child shall be instructed in good grooming and personal hygiene habits.
8. The facility shall ensure each child is provided with his/her own clothing that is clean, well fitting, seasonal, and appropriate to age and gender, unless otherwise directed by a physician.
9. The facility shall ensure each child in care is provided with opportunities for regular recreational activities and exercise.
10. The facility shall provide activities and equipment that are age appropriate to the children in their care.
11. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.

**408****Grounds**

1. The grounds of the facility shall be kept clean and free of safety hazards.
2. The facility shall provide sufficient outdoor recreation space for age appropriate physical activities.
3. Swimming pools shall be inspected and approved annually by the Arkansas Department of Health.

**409 Buildings**

1. No facility shall be located in a shopping center, strip mall, or other buildings used for commercial activity.
2. Unused or vacant portions of a facility shall not be rented, leased, loaned, or otherwise occupied by any commercial or other business entity, or private individuals, not associated with the facility or its management.
3. All buildings used by children or staff shall be inspected and approved annually for fire safety by fire department officials.
4. All buildings used by children or staff shall be inspected and approved annually for health and sanitation as required by the Arkansas Department of Health.
5. All buildings shall comply with local zoning ordinances and land use requirements where those exist.
6. All buildings and furnishings shall be safe, clean, and in good repair.
7. There shall be no more than twelve (12) children in a sleeping unit. A sleeping unit is considered to be a group of bedrooms.
8. Sleeping units sharing the same building shall be separated into different corridors, wings, floors, etc. Sleeping units modified or newly constructed after September 1, 2016, shall comply with this standard.
9. Licensing shall be notified of any changes to buildings that affect usage, size, capacity, or structural changes.
10. Building usage shall be approved by licensing prior to resident occupancy, and all required inspections, permits, and authorizations shall be provided.
11. Any modification to buildings used by children, or an increase in capacity shall require inspection and approval by the Fire and Health Department, if applicable.
12. All parts of buildings used as living, sleeping, or bath areas shall have a heating, ventilating and air conditioning source that keeps the temperature a minimum of sixty-five (65) degrees and a maximum of eighty-five (85) degrees.
13. The facility shall provide a living area that has at least thirty-five (35) square feet of floor space per child. The dining area and indoor recreation area may be included in this space.
14. The facility shall provide a dining room.
15. The facility shall have a kitchen.
16. Manufactured homes, used as residential facilities, shall be tied down and underpinned as required by the Arkansas Manufactured Home Commission. The home shall obtain an inspection and approval from the Arkansas Manufactured Home Commission prior to being licensed.

## 410 Bathrooms

1. The facility shall provide bathrooms for the children.
2. There shall be a separate toilet, bathtub or shower, and sink for each six (6) children.
3. There shall be an adequate supply of hot and cold running water.
4. The bathroom shall be clean and sanitary.
5. There shall be separate bath and toilet facilities for males and females.
6. There shall be an adequate supply of soap, towels, and tissue.

## 411 Sleeping Arrangements

1. The facility shall provide bedrooms for the children.
2. There shall be no more than four (4) children per bedroom.
3. There shall be at least fifty (50) square feet of floor space per child in each bedroom.
4. No child age four (4) years or over shall share a bedroom with a child of the opposite gender, except teenaged parents who participate in the care of their own children.
5. Each child shall have a separate bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
6. All cribs used for children shall have current certification of compliance with Consumer Product Safety Commission (CPSC) standards.
7. Children twelve (12) months of age and below shall be placed flat on their backs to sleep, in accordance with American Academy of Pediatrics guidelines, to lessen the risk of suffocation and Sudden Infant Death Syndrome. (If a child rolls over on his/her own, the facility is not required to reposition the child.) If there is a medical reason a child cannot sleep on his/her back, a signed statement from the child's physician shall be in the file stating the reason, the sleep position indicated, and the time frame required.
8. Beds shall be positioned to ensure all children can easily exit the room in case of emergency.
9. No child under the age of six (6) shall occupy a top bunk.
10. Bedding shall be changed at least weekly, more often if needed.
11. Each child shall have an area to store personal belongings.
12. Staff sleeping quarters shall be separate from children's sleeping rooms.
13. Room arrangements shall be based on characteristics of each resident to ensure the safety of each child.

## 412 Safety

1. The facility shall have an operable telephone or comparable communication system.
2. The facility shall have a continuous supply of clean drinking water. If the water source is not a municipal system, the source shall be approved by the Arkansas Department of Health annually.
3. A private sewage/septic system shall be approved initially and upon any increase in capacity by the Arkansas Department of Health.
4. There shall be operational smoke detectors near the cooking area, heating units, and within ten (10) feet of each bedroom.
5. An operational chemical fire extinguisher or other fire suppression system approved by local fire inspection officials shall be in the cooking area of each building. Approval of the fire suppression system shall be documented.
6. There shall be an emergency evacuation plan diagramed and posted in each building used by children.
7. Fire drills shall be practiced with children each month.
8. Severe weather drills shall be practiced with children quarterly.
9. A record of drills shall be maintained, showing date and time of day of the drill, number of participants, and length of time required to reach safety.
10. Each child shall be instructed in emergency procedures at admission.
11. The facility shall have proof of current rabies vaccinations for all household pets as required by Arkansas law.
12. No child shall be allowed to operate dangerous machinery or equipment, including firearms without proper adult supervision and following manufacturers' guidelines for age, safety precautions, and safety gear.
13. The agency shall have policy and procedure for carrying, storage and use of all firearms located at the facility,
14. All firearms shall be maintained in a secure, locked location, or secured by a trigger lock.
15. All ammunition shall be secured and locked separately from firearms unless they are stored in a safe, hand gun safe or a long gun safe.

## 413 Transportation

1. The facility shall have agency procured transportation available at all times.
2. The facility vehicle(s) shall not be used for personal use, unless other facility transportation is available.

**Residential Facilities**

3. Any vehicle used to transport children shall be in safe working condition and maintained in compliance with motor vehicle laws.
4. Any vehicle used to transport children shall be insured.
5. Children shall be transported only by an authorized person possessing a valid driver's license.
6. Children shall be transported according to Arkansas law, including, but not limited to, use of safety belts, child safety seats, and smoking restrictions.

**414****Discharge**

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

## 500 RESIDENTIAL FAMILY STYLE CARE

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

*Facilities holding a Residential Family Style Care license provide residential care on a long term basis in a home like setting.*

### 501 Admission

1. The agency shall establish written criteria for admitting/excluding children.
2. The facility shall not admit any child for whom the facility cannot provide adequate care.
3. Each child shall have a medical exam no more than one (1) year before admission, or a documented appointment date for an exam within one (1) week after admission.
4. Each child shall have proof of current immunizations, or a letter of exemption in accordance with the Arkansas Department of Health, or a scheduled appointment within one (1) week after admission.
5. The facility shall obtain written verification of the placing agent's authority to place the child at the time of admission.
6. The facility shall obtain written authority for medical care for the child from the placing agent at the time of admission.
7. The agency shall comply with the Interstate Compact on the Placement of Children when admitting children from outside Arkansas, if applicable.
8. The facility shall establish that all persons referred for admission are under the age of eighteen (18) years at the time of admission.
9. Residents may remain in the program after reaching age eighteen (18) years with the reason for continued placement documented. The resident shall be discharged no later than his/her twenty-first (21) birthday.
10. The facility may admit a child(ren) under age five (5) years only if that child is a part of a sibling group of whom one child is age five (5) years or older, or if it is the summer before the child is eligible to enter kindergarten. Exception is made for the infant child or children of a parent who is admitted to the facility.
11. At the time of an admission, the following information shall be documented in the child's record:
  - a. Name, signature and role or relationship of the person who relinquished the child into care;
  - b. A brief description of the circumstances requiring admission;
  - c. The date and time of the admission;

**Residential Family Style Care**

- d. A brief description of the child's history (if known) including behavioral history;
  - e. Any known medical history and known current health conditions;
  - f. All medications currently prescribed for the child (if known and available);
  - g. The child's current behavior or known emotional condition.
12. Intake information shall be completed on each child in care within ten (10) working days after admission.
  13. The intake shall include:
    - a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
    - b. A factual description of the circumstances requiring placement;
    - c. A brief social history of the family;
    - d. The child's current legal status/custody;
    - e. Any history of previous placements outside the family.
  14. The facility shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.
  15. A dependent juvenile child of a parent who is in the custody of DCFS shall be subject to all regulations regarding space, ratio, health and safety.
  16. Facilities that have an adult program shall provide sleeping and living arrangements to ensure separation of adults from children.

**502****Assessment & Case Planning**

1. The agency shall assign a caseworker to each child who is responsible for doing assessments, case planning, and casework services.
2. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical/sexual aggression, and/or suicidal or other self-harming tendencies. This plan shall identify the behavior/problem, and shall specify the safeguards that are to be implemented. The agency shall document that the child caring staff are informed of the provisions of the plan and place a copy of the plan in the child's record.
3. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history shall be completed for each child and included in the case plan.
4. A case plan shall be developed for each resident received for care.

**Residential Family Style Care**

5. The case plan shall be developed within thirty days after placement.
6. The child's case plan shall contain, at the minimum:
  - a. Specific needs of the child;
  - b. Plan for meeting child's needs;
  - c. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
  - d. A plan to ensure that the child's educational needs are met according to applicable state law;
  - e. Date of next review of the case plan.
7. A copy of the case plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery.
8. The case plan shall be reviewed at least semi-annually, and shall be updated to reflect the child's progress.

**503****Children's Records**

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

2. Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.

## **504 Behavior Management**

1. The agency shall have a written discipline policy that is consistently followed.
2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
3. Discipline shall be appropriate to the child's age, development, and history.
4. The following actions shall not be used, including as discipline:
  - a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
  - b. Denial of parental visits or regular phone/mail contact with family. Non-disciplinary case planning issues are accepted;
  - c. Lewd or obscene language;
  - d. Derogatory comments about the child, the child's family, race, or gender;
  - e. Restriction to a room for more than a short period of time without periodic observation;
  - f. Restriction to a dark room or area;
  - g. Locked isolation;
  - h. Physical injury or threat of bodily harm;
  - i. Humiliating or degrading action;
  - j. Extremely strenuous work or exercise;
  - k. Mechanical/chemical restraints.
5. Physical restraint shall be initiated only by trained staff, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline.
6. Physical restraints shall be performed using minimal force and time necessary. Physical restraint means the application of physical force without the use of any device, for the purposes of restraining the free movement of a resident's body. Briefly holding a child without undue force in order to calm or comfort, or holding a hand to safely escort a child from one area to another, is not considered a physical restraint.
7. Documentation of all restraints shall be maintained and include child's name, date, time, reason, staff involved, and measures taken prior to restraint.
8. A child shall not be allowed to administer discipline, except teen parents may discipline their own children under the supervision and guidance of staff.

**Residential Family Style Care**

9. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and staff, in cases of suspected theft, or suspicion of possession of items which are not permitted by agency policy.
10. Any searches requiring removal of clothing shall be done in privacy.

**505****Ratio & Supervision**

1. The facility shall use a house parent staffing model.
2. The facility shall not exceed its total licensed capacity.
3. The facility shall have no more than eight (8) children in each unit, including the houseparent's children.
4. There shall be a staff/child ratio of at least 1:8 at all times. Staff members' children shall be counted in the ratio.
5. Child caring staff shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child at the facility, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards and risks.
6. The facility shall maintain a daily census report to include the child's name and room or building assignment.

**506****Health & Medical Care**

1. Each child shall have a medical exam at least annually. Health exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
2. All medications shall be administered to children by staff according to medical instructions.
3. The administering of all medications, including over-the-counter, shall be logged at the time the medication is given, by the person administering the medication.
4. The medication log shall include:
  - a. The child's name;
  - b. Time and date;
  - c. Medication dosage;
  - d. Initials of the person administering the medication.
5. All medications excluding Epi-pens, inhalers, and Glucagon kits shall be kept securely locked, and stored according to pharmaceutical recommendations. An age-appropriate and developmentally capable child may be provided, or have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.

**Residential Family Style Care**

6. Keys to medication storage areas shall be on the premises and readily accessible by staff at all times.
7. Currently prescribed medications belonging to children shall be returned to the parent or custodian upon discharge.

**507****Program**

1. The facility shall ensure each child receives education in accordance with the Arkansas Department of Education.
2. The facility shall teach each child the daily living tasks required as a part of living in a group setting, and shall assign only light chores that are age-appropriate.
3. The agency shall have a policy regarding each child's money received and shall ensure that each child's funds are available to that child under staff supervision for personal use.
4. The facility shall not allow a child's outside employment, chores, or extracurricular activities to interfere with the child's time for school, sleep, family visits, or case plan activities.
5. The facility shall provide each child with adequate and nutritious food, routinely eaten in the home/cottage/unit.
6. The facility shall ensure that each child has sufficient sleep for his/her age and physical condition.
7. Each child shall be instructed in good grooming and personal hygiene habits.
8. The facility shall ensure each child is provided with his/her own clothing that is clean, well fitting, seasonal, and appropriate to age and gender, unless otherwise directed by a physician.
9. The facility shall ensure each child in care is provided with opportunities for regular recreational activities and exercise.
10. The facility shall provide activities and equipment that are age appropriate to the children in their care.
11. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.
12. The agency shall have policy and procedure to ensure children in care are allowed to participate in age appropriate activities away from the facility.

**508****Grounds**

1. The grounds of the facility shall be kept clean and free of safety hazards.
2. The facility shall provide sufficient outdoor recreation space for age appropriate physical activities.

3. Swimming pools shall be inspected and approved annually by the Arkansas Department of Health.

**Buildings**

1. The building shall be a single-style dwelling, such as a house or cottage, or duplex in which the facility occupies both units. Multiple units may be located on campus.
2. The building(s) shall house only children in Residential Family Style Care or Emergency Family Style Care.
3. No facility shall be located in a shopping center, strip mall, or other buildings used for commercial activity.
4. Unused or vacant portions of a facility shall not be rented, leased, loaned, or otherwise occupied by any commercial or other business entity, or private individuals, not associated with the facility or its management.
5. All buildings used by children or staff shall be inspected and approved annually for fire safety by fire department officials.
6. All buildings used by children or staff shall be inspected and approved annually for health and sanitation as required by the Arkansas Department of Health.
7. All buildings shall comply with local zoning ordinances and land use requirements where those exist.
8. All buildings and furnishings shall be safe, clean, and in good repair.
9. Licensing shall be notified of any changes to buildings that affect usage, size, capacity, or structural changes.
10. Building usage shall be approved by licensing prior to resident occupancy, and all required inspections, permits, and authorizations shall be provided.
11. Any modification to buildings used by children, or an increase in capacity shall require inspection and approval by the Fire and Health Department, if applicable.
12. All parts of buildings used as living, sleeping, or bath areas shall have a heating, ventilating and air conditioning source that keeps the temperature a minimum of sixty-five (65) degrees and a maximum of eighty-five (85) degrees.
13. The facility shall provide a living area that has at least thirty-five (35) square feet of floor space per child. The dining area and indoor recreation area may be included in this space.
14. The facility shall provide a dining area.
15. The facility shall have a kitchen.
16. Manufactured homes, used as residential facilities, shall be tied down and underpinned as required by the Arkansas Manufactured Home Commission. The home shall obtain an inspection and approval from the Arkansas Manufactured Home Commission prior to being licensed.

## 510 Bathrooms

1. The facility shall provide bathrooms for the children.
2. There shall be a separate toilet, bathtub or shower, and sink for each six (6) children.
3. There shall be an adequate supply of hot and cold running water.
4. The bathroom shall be clean and sanitary.
5. There shall be an adequate supply of soap, towels, and tissue.

## 511 Sleeping Arrangements

1. The facility shall provide bedrooms for the children.
2. There shall be no more than four (4) children per bedroom.
3. There shall be at least fifty (50) square feet of floor space per child in each bedroom.
4. No child age four (4) years or over shall share a bedroom with a child of the opposite gender, except teenaged parents who participate in the care of their own children.
5. Each child shall have a separate bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
6. All cribs used for children shall have current certification of compliance with Consumer Product Safety Commission (CPSC) standards.
7. Children twelve (12) months of age and below shall be placed flat on their backs to sleep, in accordance with American Academy of Pediatrics guidelines, to lessen the risk of suffocation and Sudden Infant Death Syndrome. (If a child rolls over on his/her own, the facility is not required to reposition the child.) If there is a medical reason a child cannot sleep on his/her back, a signed statement from the child's physician shall be in the file stating the reason, the sleep position indicated, and the time frame required.
8. Beds shall be positioned to ensure all children can easily exit the room in case of emergency.
9. No child under the age of six (6) shall occupy a top bunk.
10. Bedding shall be changed at least weekly, more often if needed.
11. Each child shall have an area to store personal belongings.
12. Staff sleeping quarters shall be separate from children's sleeping rooms.
13. Room arrangements shall be based on characteristics of each resident to ensure the safety of each child.

## 512 Safety

1. The facility shall have an operable telephone or comparable communication system.
2. The facility shall have a continuous supply of clean drinking water. If the water source is not a municipal system, the source shall be approved by the Arkansas Department of Health annually.
3. A private sewage/septic system shall be approved initially and upon any increase in capacity by the Arkansas Department of Health.
4. There shall be operational smoke detectors near the cooking area, heating units, and within ten (10) feet of each bedroom.
5. An operational chemical fire extinguisher or other fire suppression system approved by local fire inspection officials shall be in the cooking area of each building. Approval of the fire suppression system shall be documented.
6. There shall be an emergency evacuation plan diagramed and posted in each building used by children.
7. Fire drills shall be practiced with children each month.
8. Severe weather drills shall be practiced with children quarterly.
9. A record of drills shall be maintained, showing date and time of day of the drill, number of participants, and length of time required to reach safety.
10. Each child shall be instructed in emergency procedures at admission.
11. The facility shall have proof of current rabies vaccinations for all household pets as required by Arkansas law.
12. No child shall be allowed to operate dangerous machinery or equipment, including firearms without proper adult supervision and following manufacturers' guidelines for age, safety precautions, and safety gear.
13. The agency shall have policy and procedure for carrying, storage and use of all firearms located at the facility,
14. All firearms shall be maintained in a secure, locked location, or secured by a trigger lock.
15. All ammunition shall be secured and locked separately from firearms unless they are stored in a safe, hand gun safe or a long gun safe.

## 513 Transportation

1. The facility shall have agency procured transportation available at all times.
2. The facility vehicle(s) shall not be used for personal use, unless other facility transportation is available.

**Residential Family Style Care**

3. Any vehicle used to transport children shall be in safe working condition and maintained in compliance with motor vehicle laws.
4. Any vehicle used to transport children shall be insured.
5. Children shall be transported only by an authorized person possessing a valid driver's license.
6. Children shall be transported according to Arkansas law, including, but not limited to, use of safety belts, child safety seats, and smoking restrictions.

**514****Discharge**

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

## 600 INDEPENDENT LIVING

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

*Agencies holding an Independent Living license provide residential care while preparing the residents, ages sixteen (16) and older, for living independently.*

### 601 Agency Responsibilities

1. The agency shall have written policies and procedures specific to the program, which shall include:
  - a. Written rules of conduct;
  - b. A plan for reduced supervision/ratio;
  - c. Transportation for residents;
  - d. Outside employment for residents;
  - e. Medication management;
  - f. Social Activities off campus.

### 602 Admission

1. The agency shall establish written criteria for admitting/excluding children.
2. The facility shall not admit any child for whom the facility cannot provide adequate care.
3. Each child shall have a medical exam no more than one (1) year before admission, or a documented appointment date for an exam within one (1) week after admission.
4. Each child shall have proof of current immunizations, or a letter of exemption in accordance with the Arkansas Department of Health or a scheduled appointment within one (1) week after admission.
5. The facility shall obtain written verification of the placing agent's authority to place the child at the time of admission.
6. The facility shall obtain written authority for medical care for the child from the placing agent at the time of admission.
7. The agency shall comply with the Interstate Compact on the Placement of Children when admitting children from outside Arkansas, if applicable.
8. The facility shall establish that all persons referred for admission are between the ages of sixteen (16) and eighteen (18) years at the time of admission.

**Independent Living**

9. Residents may remain in the program after reaching age eighteen (18) years with the reason for continued placement documented. The resident shall be discharged no later than his/her twenty-first (21) birthday.
10. At the time of an admission, the following information shall be documented in the child's record:
  - a. Name, signature and role or relationship of the person who relinquished the child into care;
  - b. A brief description of the circumstances requiring admission;
  - c. The date and time of the admission;
  - d. A brief description of the child's history (if known) including behavioral history;
  - e. Any known medical history and known current health conditions;
  - f. All medications currently prescribed for the child (if known and available);
  - g. The child's current behavior or known emotional condition.
11. Intake information shall be completed on each child in care within ten (10) working days after admission.
12. The intake shall include:
  - a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
  - b. A factual description of the circumstances requiring placement;
  - c. A brief social history of the family;
  - d. The child's current legal status/custody;
  - e. Any history of previous placements outside the family.
13. The facility shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.
14. A dependent juvenile child of a parent who is in the custody of DCFS shall be subject to all regulations regarding space, ratio, health and safety.
15. Facilities that have an adult program shall provide sleeping and living arrangements to ensure separation of adults from children.

**Eligibility Requirements**

1. For a child to be eligible for placement into the Independent Living program, the agency shall document:

**Independent Living**

- a. An evaluation by the caseworker to determine that placement in the Independent Living program does not present a health or safety risk to the children;
- b. The resident is at least sixteen (16) years of age;
- c. The resident is working towards mastering basic life-skills, including, but not limited to:
  - i. money management;
  - ii. food management;
  - iii. personal appearance;
  - iv. personal hygiene/health/birth control;
  - v. housekeeping;
  - vi. transportation;
  - vii. emergency and safety skills;
  - viii. knowledge of community resources;
  - ix. interpersonal skills;
  - x. legal skills;
  - xi. housing;
  - xii. educational planning;
  - xiii. job-seeking and job maintenance skills.
- d. The resident is actively engaged in an educational program such as high school, GED, vocational training, or post-secondary education including college. If the child has completed all educational requirements according to state law, he/she shall be employed or actively involved in a supervised job search program.

**604****Assessment & Case Planning**

1. The agency shall assign a caseworker to each child who is responsible for doing assessments, case planning, and casework services.
2. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical/sexual aggression, and/or suicidal or other self-harming tendencies. This plan shall identify the behavior/problem, and shall specify the safeguards that are to be implemented. The agency shall document that the child caring staff are informed of the provisions of the plan and place a copy of the plan in the child's record.
3. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history shall be completed and included in the case plan.
4. A case plan shall be developed for each child within thirty (30) days after placement.
5. A case plan shall be completed and entered into the child's record showing a goal of independence and indicating all persons responsible for services to be provided.

**Independent Living**

6. The case plan shall contain, at the minimum:
  - a. Specific needs;
  - b. Plan for meeting needs;
  - c. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
  - d. A plan to ensure the educational needs are met according to applicable state law;
  - e. Date of next review of the case plan.
7. A copy of the case plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery.
8. The case plan shall be reviewed at least semi-annually, and shall be updated to reflect progress.

**605****Children's Records**

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

**606 Behavior Management**

1. The agency shall have a written discipline policy that is consistently followed.
2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
3. Discipline shall be appropriate to the child's age, development, and history.
4. The following actions shall not be used, including as discipline:
  - a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
  - b. Denial of parental visits or regular phone/mail contact with family. Non-disciplinary case planning issues are accepted;
  - c. Lewd or obscene language;
  - d. Derogatory comments about the child, the child's family, race, or gender;
  - e. Restriction to a room for more than a short period of time without periodic observation;
  - f. Restriction to a dark room or area;
  - g. Locked isolation;
  - h. Physical injury or threat of bodily harm;
  - i. Humiliating or degrading action;
  - j. Extremely strenuous work or exercise;
  - k. Mechanical/chemical restraints.
5. Physical restraint shall be initiated only by trained staff, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline.
6. Physical restraints shall be performed using minimal force and time necessary. Physical restraint means the application of physical force without the use of any device, for the purposes of restraining the free movement of a resident's body. Briefly holding a child without undue force in order to calm or comfort, or holding a hand to safely escort a child from one area to another, is not considered a physical restraint.
7. Documentation of all restraints shall be maintained and include child's name, date, time, reason, staff involved, and measures taken prior to restraint.
8. A child shall not be allowed to administer discipline, except teen parents may discipline their own children under the supervision and guidance of staff.
9. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and staff, in cases of suspected theft, or suspicion of possession of items which are not permitted by agency policy.
10. Any searches requiring removal of clothing shall be done in privacy.

**607 Ratio & Supervision**

1. The facility shall not exceed its total licensed capacity.
2. There shall be a staff/child ratio of at least 1:9 during waking hours and at least 1:12 during sleeping hours. Staff members' children shall be counted in the ratio.
3. If any child is under age six (6) years, the ratio shall be at least 1:7 at all times.
4. Only staff who directly supervises children shall be counted in this ratio.
5. Child caring staff shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child at the facility, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards and risks.
6. All child caring shift-staff, counted in the staff child ratio, shall remain awake at all times. House parents are excluded from this requirement.
7. The facility shall maintain a daily census report to include the child's name and room or building assignment.

**608 Health & Medical Care**

1. Each child shall have a medical exam at least annually. Health exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
2. Staff shall supervise the administering of all medications.
3. The administering of all medications, including over-the-counter, shall be logged at the time the medication is given, by the person administering the medication.
4. The medication log shall include:
  - a. The child's name;
  - b. Time and date;
  - c. Medication dosage;
  - d. Initials of the person administering the medication.
5. All medications excluding Epi-pens, inhalers, and Glucagon kits shall be kept securely locked, and stored according to pharmaceutical recommendations. An age-appropriate and developmentally capable child may be provided, or have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.
6. Keys to medication storage areas shall be on the premises and readily accessible by staff at all times.
7. Currently prescribed medications belonging to children shall be returned to the parent or custodian upon discharge.

**609 Program**

1. The facility shall ensure each child receives education in accordance with the Arkansas Department of Education.
2. The facility shall teach each child the daily living tasks required as a part of living in a group setting, and shall assign only light chores that are age-appropriate.
3. The agency shall have a policy regarding each child's money received and shall ensure that each child's funds are available to that child under staff supervision for personal use.
4. The facility shall not allow a child's outside employment, chores, or extracurricular activities to interfere with the child's time for school, sleep, family visits, or case plan activities.
5. The facility shall provide each child with adequate and nutritious food.
6. The facility shall ensure that each child has sufficient sleep for his/her age and physical condition
7. Each child shall be instructed in good grooming and personal hygiene habits.
8. The facility shall ensure each child is provided with his/her own clothing that is clean, well fitting, seasonal, and appropriate to age and gender, unless otherwise directed by a physician.
9. The facility shall ensure each child in care is provided with opportunities for regular recreational activities and exercise.
10. The facility shall provide activities and equipment that are age appropriate to the children in their care.
11. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.

**610 Grounds**

1. The grounds of the facility shall be kept clean and free of safety hazards.
2. The facility shall provide sufficient outdoor recreation space for age appropriate physical activities.
3. Swimming pools shall be inspected and approved annually by the Arkansas Department of Health.

**611 Buildings**

1. No facility shall be located in a shopping center, strip mall, or other buildings used for commercial activity.
2. Unused or vacant portions of a facility shall not be rented, leased, loaned, or otherwise occupied by any commercial or other business entity, or private individuals, not associated with the facility or its management.

**Independent Living**

3. All buildings used by children or staff shall be inspected and approved annually for fire safety by fire department officials.
4. All buildings used by children or staff shall be inspected and approved annually for health and sanitation as required by the Arkansas Department of Health.
5. All buildings shall comply with local zoning ordinances and land use requirements where those exist.
6. All buildings and furnishings shall be safe, clean, and in good repair.
7. There shall be no more than twelve (12) children in a sleeping unit. A sleeping unit is considered to be a group of bedrooms.
8. Sleeping units sharing the same building shall be separated into different corridors, wings, floors, etc. Sleeping units modified or newly constructed after September 1, 2016, shall comply with this standard.
9. Licensing shall be notified of any changes to buildings that affect usage, size, capacity, or structural changes.
10. Building usage shall be approved by licensing prior to resident occupancy, and all required inspections, permits, and authorizations shall be provided.
11. Any modification to buildings used by children, or an increase in capacity shall require inspection and approval by the Fire and Health Department, if applicable.
12. All parts of buildings used as living, sleeping, or bath areas shall have a heating, ventilating and air conditioning source that keeps the temperature a minimum of sixty-five (65) degrees and a maximum of eighty-five (85) degrees.
13. The facility shall provide a living area that has at least thirty-five (35) square feet of floor space per child. The dining area and indoor recreation area may be included in this space.
14. The facility shall provide a dining room.
15. The facility shall have a kitchen.
16. Manufactured homes, used as residential facilities, shall be tied down and underpinned as required by the Arkansas Manufactured Home Commission. The home shall obtain an inspection and approval from the Arkansas Manufactured Home Commission prior to being licensed.

**612****Bathrooms**

1. The facility shall provide bathrooms for the children.
2. There shall be a separate toilet, bathtub or shower, and sink for each six (6) children.
3. There shall be an adequate supply of hot and cold running water.
4. The bathroom shall be clean and sanitary.
5. There shall be separate bath and toilet facilities for males and females.
6. There shall be an adequate supply of soap, towels, and tissue.

## 613 Sleeping Arrangements

1. The facility shall provide bedrooms for the children.
2. There shall be no more than four (4) children per bedroom.
3. There shall be at least fifty (50) square feet of floor space per child in each bedroom.
4. No child shall share a bedroom with a child of the opposite gender.
5. Each child shall have a separate bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
6. Beds shall be positioned to ensure all children can easily exit the room in case of emergency.
7. Bedding shall be changed at least weekly, more often if needed.
8. Each child shall have an area to store personal belongings.
9. Staff sleeping quarters shall be separate from children's sleeping rooms.
10. Room arrangements shall be based on characteristics of the each resident to ensure the safety of each child.

## 614 Safety

1. The facility shall have an operable telephone or comparable communication system.
2. The facility shall have a continuous supply of clean drinking water. If the water source is not a municipal system, the source shall be approved by the Arkansas Department of Health annually.
3. A private sewage/septic system shall be approved initially and upon any increase in capacity by the Arkansas Department of Health.
4. There shall be operational smoke detectors near the cooking area, heating units, and within ten (10) feet of each bedroom.
5. An operational chemical fire extinguisher or other fire suppression system approved by local fire inspection officials shall be in the cooking area of each building. Approval of the fire suppression system shall be documented.
6. There shall be an emergency evacuation plan diagramed and posted in each building used by children.
7. Fire drills shall be practiced with children each month.
8. Severe weather drills shall be practiced with children quarterly.
9. A record of drills shall be maintained, showing date and time of day of the drill, number of participants, and length of time required to reach safety.
10. Each child shall be instructed in emergency procedures at admission.

**Independent Living**

11. The facility shall have proof of current rabies vaccinations for all household pets as required by Arkansas law.
12. No child shall be allowed to operate dangerous machinery or equipment, including firearms without proper adult supervision and following manufacturers' guidelines for age, safety precautions, and safety gear.
13. The agency shall have policy and procedure for carrying, storage and use of all firearms located at the facility.
14. All firearms shall be maintained in a secure, locked location, or secured by a trigger lock.
15. All ammunition shall be secured and locked separately from firearms unless they are stored in a safe, hand gun safe or a long gun safe.

**615 Transportation**

1. The facility shall have agency procured transportation available at all times.
2. The facility vehicle(s) shall not be used for personal use, unless other facility transportation is available.
3. Any vehicle used to transport children shall be in safe working condition and maintained in compliance with motor vehicle laws.
4. Any vehicle used to transport children shall be insured.
5. Children shall be transported only by an authorized person possessing a valid driver's license.
6. Children shall be transported according to Arkansas law, including, but not limited to, use of safety belts, child safety seats, and smoking restrictions.

**616 Discharge**

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

## 700 INDEPENDENT LIVING FAMILY STYLE CARE

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

*Agencies holding an Independent Living Family Style Care license provide residential care, in a home like setting, while preparing the residents, ages sixteen (16) and older, for living independently.*

### 701 Agency Responsibilities

1. The agency shall have written policies and procedures specific to the program, which shall include:
  - a. Written rules of conduct;
  - b. A plan for reduced supervision;
  - c. Transportation for residents;
  - d. Outside employment for residents;
  - e. Medication management;
  - f. Social Activities off campus.

### 702 Admission

1. The agency shall establish written criteria for admitting/excluding children.
2. The facility shall not admit any child for whom the facility cannot provide adequate care.
3. Each child shall have a medical exam no more than one (1) year before admission, or a documented appointment date for an exam within one (1) week after admission.
4. Each child shall have proof of current immunizations, or a letter of exemption in accordance with the Arkansas Department of Health or a scheduled appointment within one (1) week after admission.
5. The facility shall obtain written verification of the placing agent's authority to place the child at the time of admission.
6. The facility shall obtain written authority for medical care for the child from the placing agent at the time of admission.
7. The agency shall comply with the Interstate Compact on the Placement of Children when admitting children from outside Arkansas, if applicable.

**Independent Living Family Style Care**

8. The facility shall establish that all persons referred for admission are between the ages of sixteen (16) and eighteen (18) years at the time of admission.
9. Residents may remain in the program after reaching age eighteen (18) years with the reason for continued placement documented. The resident shall be discharged no later than his/her twenty-first (21) birthday.
10. At the time of an admission, the following information shall be documented in the child's record:
  - a. Name, signature and role or relationship of the person who relinquished the child into care;
  - b. A brief description of the circumstances requiring admission;
  - c. The date and time of the admission;
  - d. A brief description of the child's history (if known) including behavioral history;
  - e. Any known medical history and known current health conditions;
  - f. All medications currently prescribed for the child (if known and available);
  - g. The child's current behavior or known emotional condition.
11. Intake information shall be completed on each child in care within ten (10) working days after admission.
12. The intake shall include:
  - a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
  - b. A factual description of the circumstances requiring placement;
  - c. A brief social history of the family;
  - d. The child's current legal status/custody;
  - e. Any history of previous placements outside the family.
13. The facility shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.
14. A dependent juvenile child of a parent who is in the custody of DCFS shall be subject to all regulations regarding space, ratio, health and safety.
15. Facilities that have an adult program shall provide sleeping and living arrangements to ensure separation of adults from children.

## 703 Eligibility Requirements

1. For a child to be eligible for placement into the Independent Living program, the agency shall document:
  - a. An evaluation by the caseworker to determine that placement in the Independent Living program does not present a health or safety risk to the children;
  - b. The resident is at least sixteen (16) years of age;
  - c. The resident is working towards mastering basic life-skills, including, but not limited to:
    - i. money management;
    - ii. food management;
    - iii. personal appearance;
    - iv. personal hygiene/health/birth control;
    - v. housekeeping;
    - vi. transportation;
    - vii. emergency and safety skills;
    - viii. knowledge of community resources;
    - ix. interpersonal skills;
    - x. legal skills;
    - xi. housing;
    - xii. educational planning;
    - xiii. job-seeking and job maintenance skills.
  - d. The resident is actively engaged in an educational program such as high school, GED, vocational training, or post-secondary education including college. If the child has completed all educational requirements according to state law, he/she shall be employed or actively involved in a supervised job search program.

## 704 Assessment & Case Planning

1. The agency shall assign a caseworker to each child who is responsible for doing assessments, case planning, and casework services.
2. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical/sexual aggression, and/or suicidal or other self-harming tendencies. This plan shall identify the behavior/problem, and shall specify the safeguards that are to be implemented. The agency shall document that the child caring staff are informed of the provisions of the plan and place a copy of the plan in the child's record.
3. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history shall be completed and included in the case plan.

**Independent Living Family Style Care**

4. A case plan shall be developed for each child within thirty (30) days after placement.
5. A case plan shall be completed and entered into the child's record showing a goal of independence and indicating all persons responsible for services to be provided.
6. The case plan shall contain, at the minimum:
  - a. Specific needs;
  - b. Plan for meeting needs;
  - c. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
  - d. A plan to ensure the educational needs are met according to applicable state law;
  - e. Date of next review of the case plan.
7. A copy of the case plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery.
8. The case plan shall be reviewed at least semi-annually, and shall be updated to reflect progress.

**Children's Records**

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

2. Records shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.

## **706 Behavior Management**

1. The agency shall have a written discipline policy that is consistently followed.
2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
3. Discipline shall be appropriate to the child's age, development, and history.
4. The following actions shall not be used, including as discipline:
  - a. Denial of meals, sleep, shelter, essential clothing, or case plan activities;
  - b. Denial of parental visits or regular phone/mail contact with family. Non-disciplinary case planning issues are accepted;
  - c. Lewd or obscene language;
  - d. Derogatory comments about the child, the child's family, race, or gender;
  - e. Restriction to a room for more than a short period of time without periodic observation;
  - f. Restriction to a dark room or area;
  - g. Locked isolation;
  - h. Physical injury or threat of bodily harm;
  - i. Humiliating or degrading action;
  - j. Extremely strenuous work or exercise;
  - k. Mechanical/chemical restraints.
5. Physical restraint shall be initiated only by trained staff, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline.
6. Physical restraints shall be performed using minimal force and time necessary. Physical restraint means the application of physical force without the use of any device, for the purposes of restraining the free movement of a resident's body. Briefly holding a child without undue force in order to calm or comfort, or holding a hand to safely escort a child from one area to another, is not considered a physical restraint.
7. Documentation of all restraints shall be maintained and include child's name, date, time, reason, staff involved, and measures taken prior to restraint.
8. A child shall not be allowed to administer discipline, except teen parents may discipline their own children under the supervision and guidance.

**Independent Living Family Style Care**

9. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and staff, in cases of suspected theft, or suspicion of possession of items which are not permitted by agency policy.
10. Any searches requiring removal of clothing shall be done in privacy.

**707****Ratio & Supervision**

1. The facility shall use a house parent staffing model.
2. The facility shall not exceed its total licensed capacity.
3. The facility shall have no more than eight (8) children in each unit, including the houseparent's children.
4. There shall be a staff/child ratio of at least 1:8 at all times. Staff members' children shall be counted in the ratio.
5. Child caring staff shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child at the facility, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards and risks.
6. The facility shall maintain a daily census report to include the child's name and room or building assignment.

**708****Health & Medical Care**

1. Each child shall have a medical exam at least annually. Health exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
2. Staff shall supervise the administering of all medications.
3. The administering of all medications, including over-the-counter, shall be logged at the time the medication is given, by the person administering the medication.
4. The medication log shall include:
  - a. The child's name;
  - b. Time and date;
  - c. Medication dosage;
  - d. Initials of the person administering the medication.
5. All medications excluding Epi-pens, inhalers, and Glucagon kits shall be kept securely locked, and stored according to pharmaceutical recommendations. An age-appropriate and developmentally capable child may be provided, or have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.
6. Keys to medication storage areas shall be on the premises and readily accessible by staff at all times.

**Independent Living Family Style Care**

7. Currently prescribed medications belonging to children shall be returned to the parent or custodian upon discharge.

**709****Program**

1. The facility shall ensure each child receives education in accordance with the Arkansas Department of Education.
2. The facility shall teach each child the daily living tasks required as a part of living in a group setting, and shall assign only light chores that are age-appropriate.
3. The agency shall have a policy regarding each child's money received and shall ensure that each child's funds are available to that child under staff supervision for personal use.
4. The facility shall not allow a child's outside employment, chores, or extracurricular activities to interfere with the child's time for school, sleep, family visits, or case plan activities.
5. The facility shall provide each child with adequate and nutritious food, routinely eaten in the home/cottage/unit.
6. The facility shall ensure that each child has sufficient sleep for his/her age and physical condition
7. Each child shall be instructed in good grooming and personal hygiene habits.
8. The facility shall ensure each child is provided with his/her own clothing that is clean, well fitting, seasonal, and appropriate to age and gender, unless otherwise directed by a physician.
9. The facility shall ensure each child in care is provided with opportunities for regular recreational activities and exercise.
10. The facility shall provide activities and equipment that are age appropriate to the children in their care.
11. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.

**710****Grounds**

1. The grounds of the facility shall be kept clean and free of safety hazards.
2. The facility shall provide sufficient outdoor recreation space for age appropriate physical activities.
3. Swimming pools shall be inspected and approved annually by the Arkansas Department of Health.

**711****Buildings**

1. The building shall be a single-style dwelling, such as a house or cottage, or duplex in which the facility occupies both units. Multiple units may be located on campus.

**Independent Living Family Style Care**

2. The building shall house only the Independent Living Family Style Care license type.
3. No facility shall be located in a shopping center, strip mall, or other buildings used for commercial activity.
4. Unused or vacant portions of a facility shall not be rented, leased, loaned, or otherwise occupied by any commercial or other business entity, or private individuals, not associated with the facility or its management.
5. All buildings used by children or staff shall be inspected and approved annually for fire safety by fire department officials.
6. All buildings used by children or staff shall be inspected and approved annually for health and sanitation as required by the Arkansas Department of Health.
7. All buildings shall comply with local zoning ordinances and land use requirements where those exist.
8. All buildings and furnishings shall be safe, clean, and in good repair.
9. Licensing shall be notified of any changes to buildings that affect usage, size, capacity, or structural changes.
10. Building usage shall be approved by licensing prior to resident occupancy, and all required inspections, permits, and authorizations shall be provided.
11. Any modification to buildings used by children, or an increase in capacity shall require inspection and approval by the Fire and Health Department, if applicable.
12. All parts of buildings used as living, sleeping, or bath areas shall have a heating, ventilating and air conditioning source that keeps the temperature a minimum of sixty-five (65) degrees and a maximum of eighty-five (85) degrees.
13. The facility shall provide a living area that has at least thirty-five (35) square feet of floor space per child. The dining area and indoor recreation area may be included in this space.
14. The facility shall provide a dining area.
15. The facility shall have a kitchen.
16. Manufactured homes, used as residential facilities, shall be tied down and underpinned as required by the Arkansas Manufactured Home Commission. The home shall obtain an inspection and approval from the Arkansas Manufactured Home Commission prior to being licensed.

**712****Bathrooms**

1. The facility shall provide bathrooms for the children.
2. There shall be a separate toilet, bathtub or shower, and sink for each six (6) children.
3. There shall be an adequate supply of hot and cold running water.
4. The bathroom shall be clean and sanitary.
5. There shall be an adequate supply of soap, towels, and tissue.

## 713 Sleeping Arrangements

1. The facility shall provide bedrooms for the children.
2. There shall be no more than four (4) children per bedroom.
3. There shall be at least fifty (50) square feet of floor space per child in each bedroom.
4. No child shall share a bedroom with a child of the opposite gender.
5. Each child shall have a separate bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
6. Bedding shall be changed at least weekly, more often if needed.
7. Each child shall have an area to store personal belongings.
8. Staff sleeping quarters shall be separate from children's sleeping rooms.
9. Room arrangements shall be based on characteristics of each resident to ensure the safety of each child.

## 714 Safety

1. The facility shall have an operable telephone or comparable communication system.
2. The facility shall have a continuous supply of clean drinking water. If the water source is not a municipal system, the source shall be approved by the Arkansas Department of Health annually.
3. A private sewage/septic system shall be approved initially and upon any increase in capacity by the Arkansas Department of Health.
4. There shall be operational smoke detectors near the cooking area, heating units, and within ten (10) feet of each bedroom.
5. An operational chemical fire extinguisher or other fire suppression system approved by local fire inspection officials shall be in the cooking area of each building. Approval of the fire suppression system shall be documented.
6. There shall be an emergency evacuation plan diagramed and posted in each building used by children.
7. Fire drills shall be practiced with children each month.
8. Severe weather drills shall be practiced with children quarterly.
9. A record of drills shall be maintained, showing date and time of day of the drill, number of participants, and length of time required to reach safety.
10. Each child shall be instructed in emergency procedures at admission.
11. The facility shall have proof of current rabies vaccinations for all household pets as required by Arkansas law.

**Independent Living Family Style Care**

12. No child shall be allowed to operate dangerous machinery or equipment, including firearms without proper adult supervision and following manufacturers' guidelines for age, safety precautions, and safety gear.
13. The agency shall have policy and procedure for carrying, storage and use of all firearms located at the facility.
14. All firearms shall be maintained in a secure, locked location, or secured by a trigger lock.
15. All ammunition shall be secured and locked separately from firearms unless they are stored in a safe, hand gun safe or a long gun safe.

**715****Transportation**

1. The facility shall have agency procured transportation available at all times.
2. The facility vehicle(s) shall not be used for personal use, unless other facility transportation is available.
3. Any vehicle used to transport children shall be in safe working condition and maintained in compliance with motor vehicle laws.
4. Any vehicle used to transport children shall be insured.
5. Children shall be transported only by an authorized person possessing a valid driver's license.
6. Children shall be transported according to Arkansas law, including, but not limited to, use of safety belts, child safety seats, and smoking restrictions.

**716****Discharge**

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

## 800 TRANSITIONAL LIVING

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

*Agencies holding a Transitional Living license will provide a continuum of care for youths that have turned eighteen (18) while in the agency's residential program.*

### 801 Agency Responsibilities

1. The agency shall have a residential license in good standing.
2. The agency shall have written policies and procedures specific to the Transitional Living program, which shall include:
  - a. Written rules of conduct and potential consequences for rule violations;
  - b. Transportation for residents;
  - c. Medication management.
3. The agency shall assign a specific caseworker to each youth in the Transitional Living program who will be responsible for casework services according to the case plan.
4. The case plan shall be updated to reflect current goals.
5. The case plan shall show a complete budget for the youth. This budget shall be developed jointly by the youth and the caseworker.
6. The case plan, shall include written rules of conduct for the youth and shall include, but not limited to an agreement to abide by all federal, state and local laws including curfew ordinances.
7. Written policies shall include emergency and crisis intervention procedures, including the youth's twenty-four 24-hour ability to contact the agency.
8. The assigned caseworker shall visit the youth in the youth's residence not less than once per month. This visit and observations shall be documented in the case record.

### 802 Eligibility Requirements

1. For a child to be eligible for placement into the Transitional Living program, the agency shall document:
  - a. An evaluation by the caseworker or administrative staff to determine that placement in the Transitional Living program does not present a health or safety risk to the youth or the community;

**Transitional Living**

- b. The resident is at least eighteen (18) years of age and is being transferred directly from the residential program into the Transitional Living program without a break in the care given by the same agency. This applies to residents transferred after September 1, 2016.
- c. The resident is knowledgeable in basic life-skills, including, but not limited to:
  - i. money management;
  - ii. food management;
  - iii. personal appearance;
  - iv. personal hygiene/health/birth control;
  - v. housekeeping;
  - vi. transportation;
  - vii. emergency and safety skills;
  - viii. knowledge of community resources;
  - ix. interpersonal skills;
  - x. legal skills;
  - xi. housing;
  - xii. educational planning;
  - xiii. job-seeking and job maintenance skills.
- d. The resident is actively engaged in an educational program such as high school, GED, vocational training, post-secondary education including college. If the youth has completed all educational requirements according to state law, he/she shall be employed or actively involved in a supervised job search program.

**803****Living Unit - Health & Safety**

1. Each living unit shall have a bathroom, a kitchen, and other standard features for living independently. Any exceptions (e.g. laundry arrangements) shall be noted in the case plan or accompanying documentation.
2. The living unit shall be accessible to community resources, including public transportation, if necessary.
3. Living units shall not be shared by different license types.
4. There shall be no more than four (4) residents in a living unit. Facilities licensed before September 1, 2016, shall come into compliance through attrition.
5. The living unit shall be clean, safe, and in good repair.
6. There shall be operational smoke alarms within ten (10) feet of the kitchen and each bedroom.
7. There shall be an operational chemical fire extinguisher readily accessible near the cooking area of the living unit and the youth shall be instructed in its use.
8. The living unit shall have an operable telephone or the youth shall be provided with an alternative means of emergency communication (e.g. cell phone).

**Transitional Living**

9. Any pets shall be approved by the caseworker and shall have rabies vaccinations as required by law.
10. No firearms, dangerous weapons, or illegal substances shall be permitted in any living unit.
11. If the participating youth is the parent of a child living in his/her care, the parent shall have current CPR/First Aid certification and an approved child care plan.
12. Each living unit shall be occupied by members of the same gender.
13. Overnight guests shall have prior approval of the caseworker and cannot include unrelated members of the opposite gender.

## 900 PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES

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

*Agencies holding a Psychiatric Residential Treatment Facilities license provide treatment in a non-hospital setting to children not requiring acute care.*

### 901 Licensing Approval & Monitoring

1. The agency shall have a written program description that is available to residents and parents or guardians. The following information shall be included:
  - a. Program philosophy and mission;
  - b. Services and treatment modalities;
  - c. Treatment planning procedures;
  - d. Behavior management program and expectations of each child;
  - e. Levels and privileges (if applicable);
  - f. Admission, exclusion, and discharge criteria;
  - g. Aftercare services.
2. The agency shall have written policies and procedures for family therapy, family visitation, and therapeutic passes subject to progress, treatment and physician's orders.
3. The agency shall establish and post a written list of children's rights.
4. The agency shall establish a procedure for hearing children's grievances.
5. At the discretion of the Licensing Unit a multi-disciplinary team may be asked to assist the Licensing Specialist in the initial study, or during an investigation of a licensing complaint. This team may include a licensed mental health professional (as recognized by Arkansas Medicaid), or a person with professional expertise in the appropriate field.
6. At the discretion of the Licensing Unit, a multi-disciplinary team may be asked to assist the Licensing Specialist during inspections for advisory purposes.
7. All applicants for a Psychiatric Residential Treatment Facility licensed after March 1, 2003, shall obtain a Permit of Approval (POA) from the Arkansas Health Services Agency prior to submitting an application or change of status request to the Child Welfare Agency Review Board.

**902 Admission**

1. The facility shall not admit any child for whom the facility cannot provide adequate care.
2. Each child shall have a medical exam no more than one (1) year before admission, or a documented appointment date for an exam within one (1) week after admission.
3. Each child shall have proof of current immunizations; a letter of exemption in accordance with the Arkansas Department of Health or a scheduled appointment within one (1) week after admission.
4. The facility shall obtain written verification of the placing agent's authority to place the child at the time of admission.
5. The facility shall obtain written authority for medical care for the child from the placing agent at the time of admission.
6. The agency shall comply with the Interstate Compact on the Placement of Children when admitting children from outside Arkansas, if applicable.
7. The facility shall establish that all persons referred for admission are under the age of eighteen (18) years at the time of admission.
8. Residents may remain in the program after reaching age eighteen (18) years with the reason for continued placement documented. The resident shall be discharged no later than his/her twenty-first (21) birthday.
9. The facility shall not admit a child under age five (5) years.
10. At the time of admission, the following information shall be documented in the child's record:
  - a. Name, signature and role or relationship of the person who relinquished the child into care;
  - b. A brief description of the circumstances requiring admission;
  - c. The date and time of the admission;
  - d. A brief description of the child's history (if known) including behavioral history;
  - e. Any known medical history and known current health conditions;
  - f. All medications currently prescribed for the child (if known and available);
  - g. The child's current behavior or known emotional condition.
11. Intake information shall be completed on each child in care within ten (10) working days after admission.
12. The intake shall include:

**Psychiatric Residential Treatment Facilities**

- a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
  - b. A factual description of the circumstances requiring placement;
  - c. A brief social history of the family;
  - d. The child's current legal status/custody;
  - e. Any history of previous placements outside the family.
13. The facility shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.
  14. Facilities that have an adult program shall provide sleeping and living arrangements to ensure separation of adults from children.

**903****Assessment & Treatment Planning**

1. An assessment of services needed to ensure the health and welfare of each child, including medical history and psychological history shall be completed for each child and be included in the treatment plan.
2. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical/sexual aggression, and/or suicidal or other self-harming tendencies. This plan shall identify the behavior/problem, and shall specify the safeguards that are to be implemented. The agency shall document that the child caring staff are informed of the provisions of the plan and place a copy of the plan in the child's record.
3. A treatment plan shall be developed for each resident received for care.
4. The treatment plan shall be developed within thirty days after placement.
5. The child's treatment plan shall contain, at the minimum:
  - a. Specific needs of the child;
  - b. Plan for meeting child's needs;
  - c. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
  - d. A plan to ensure that the child's educational needs are met according to applicable state law;
  - e. Date of next review of the treatment plan.
6. A copy of the treatment plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in treatment plan services delivery.

7. The child's treatment plan shall be reviewed monthly, and shall be updated to reflect the child's progress.
8. The agency therapist shall visit the child monthly to monitor the progress of the plan.

**Children's Records**

1. The agency shall keep a confidential case record for each child that includes the following:
  - a. Demographic information;
  - b. Plan of safe care, if applicable;
  - c. A complete intake;
  - d. Assessments;
  - e. Consents, including consent for medical care and authority to place the child;
  - f. Interstate Compact information, if applicable;
  - g. Treatment plans and treatment plan reviews;
  - h. Copies of legal documents (e.g., birth certificate, social security card, court orders), or documentation of their attempts to obtain the documents;
  - i. Physical exams and immunization records or documentation of their attempts to obtain the documents;
  - j. Psychological reports, if applicable;
  - k. Educational reports, if applicable;
  - l. Disciplinary and incident reports, if applicable;
  - m. Daily behavioral observations;
  - n. Nightly visual observations;
  - o. Medication and physician's orders;
  - p. Therapy progress notes;
  - q. Physician notes;
  - r. Documentation of casework services and child contact;
  - s. Discharge statement.
2. Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.
3. The agency shall establish safeguards to limit access to records by authorized individuals only.

**905 Behavior Management**

1. The agency shall have a written discipline policy that is consistently followed.
2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
3. Discipline shall be appropriate to the child's age, development, and history.
4. The following actions shall not be used, including as discipline:
  - a. Denial of meals, sleep, shelter, essential clothing, or treatment plan activities;
  - b. Denial of parental visits or regular phone/mail contact with family. Non-disciplinary treatment planning issues are accepted;
  - c. Lewd or obscene language;
  - d. Derogatory comments about the child, the child's family, race, or gender;
  - e. Restriction to a room for more than a short period of time without periodic observation;
  - f. Restriction to a dark room or area;
  - g. Physical injury or threat of bodily harm;
  - h. Humiliating or degrading action;
  - i. Extremely strenuous work or exercise.
5. A child shall not be allowed to administer discipline
6. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and staff, in cases of suspected theft, or suspicion of possession of items which are not permitted by agency policy.
7. Any searches requiring removal of clothing shall be done in privacy and shall be witnessed by two (2) staff of the same gender as the child.
8. The agency shall have a written policy governing the use of behavior control measures with children, including physical, mechanical, or chemical restraints and seclusion rooms.
9. Physical restraints shall be performed using minimal force and time necessary. Physical restraint means the application of physical force without the use of any device, for the purposes of restraining the free movement of a resident's body. Briefly holding a child without undue force in order to calm or comfort, or holding a hand to safely escort a child from one area to another, is not considered a physical restraint.

10. Physical restraint shall be initiated only by staff trained by a certified instructor in a nationally recognized curriculum, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline. The agency shall maintain documentation that staff is deemed competent in physical restraint.
11. Chemical restraints shall be used only if ordered by a physician. A chemical restraint is an emergency behavioral intervention that uses pharmaceuticals by topical application, oral administration, injection, or other means to modify a child's behavior. Prescribed treatment medications that have a secondary effect on the child's behavior are not considered chemical restraint.
12. Seclusion, mechanical, or physical restraints shall be used only if ordered by a physician.
13. Each written order for a physical restraint or seclusion is limited to two (2) hours for children ages nine (9) through seventeen (17) years, or one (1) hour for children under age nine (9) years. A physician, clinically qualified registered nurse or other authorized licensed independent practitioner shall conduct a face-to-face assessment of the child within one (1) hour after the initiation of the ordered intervention.
14. The original order may only be renewed in accordance with these limits for up to a total of twenty-four (24) hours. After the original order expires, a physician, clinically qualified registered nurse or other authorized licensed independent practitioner shall see and assess the child before issuing a new order.
15. Staff shall search each child before placement in seclusion, and all potentially hazardous items shall be removed.
16. Staff shall continually monitor each child in seclusion or restraints and shall document.
17. Documentation of all restraints shall be maintained and include child's name, date, time, reason, staff involved, and measures taken prior to restraint.

**906****Personnel**

1. The agency shall have:
  - a. A physician currently licensed by the Arkansas State Medical Board who has experience in the practice of psychiatry;
  - b. A Director of Nursing/Nurse Manager currently licensed in Arkansas as a Registered Nurse;
  - c. A Clinical Director who has at least a master's degree in a human services field and is currently licensed in Arkansas as a mental health professional (as recognized by Arkansas Medicaid);
  - d. One or more therapists having at least a master's degree in a human services field and is currently licensed as mental health professionals (as recognized by Arkansas Medicaid);
  - e. A therapist assigned to each child who is responsible for assessments, treatment planning, and casework services.

**907 Ratio & Supervision**

1. The facility shall not exceed its total licensed capacity.
2. Child caring staff shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child at the facility, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards and risks.
3. Staff/child ratio shall be at least 1:6 during waking hours and 1:8 during sleeping hours.
4. Only staff who directly supervises children shall be counted in this ratio.
5. All child caring shift-staff, counted in the staff child ratio shall remain awake at all times.
6. Supervision during sleeping hours shall include a visual check on each child at least every thirty (30) minutes.
7. The visual checks shall be documented.
8. The facility shall maintain a daily census report to include the child's name and room or building assignment.

**908 Health & Medical Care**

1. The agency shall have a written policy for conducting health and related exams and assessments upon admission.
2. Each child shall have a medical exam at least annually. Health exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
3. The agency shall have a written plan for prescribing, receipt, storage, administering and accounting for all medications, including medications in the child's possession at the time of admission.
4. All medications shall be kept securely locked, and stored according to pharmaceutical recommendations.
5. Keys to medication storage areas shall be on the premises and readily accessible by staff at all times.
6. All controlled substances shall be kept under double lock.
7. Medication shall be administered in accordance with state and federal laws.
8. The administering of all medications, including over-the-counter, shall be logged at the time the medication is given, by the person administering the medication.

**Psychiatric Residential Treatment Facilities**

9. The medication log shall include:
  - a. The child's name;
  - b. Time and date;
  - c. Medication dosage;
  - d. Initials of the person administering the medication.
10. Disposal of unused medications and contaminated medical supplies shall follow established medical procedures.
11. Any stimulant or psychotropic medicine requiring intra-muscular injection shall be administered only by a physician, registered nurse, or LPN.
12. The agency shall require medical representation at major treatment staffing on each child.
13. When psychotropic medications are prescribed by a physician, they shall be used in conjunction with other treatment interventions.

**909****Program**

1. The facility shall ensure each child receives education in accordance with applicable state law.
2. The facility shall teach each child the daily living tasks required as a part of living in a group setting, and shall assign only light chores that are age-appropriate.
3. The agency shall have a policy regarding each child's money received and shall ensure that each child's funds are available to that child under staff supervision for personal use.
4. The facility shall provide each child with adequate and nutritious food.
5. The facility shall ensure that each child has sufficient sleep for his/her age and physical condition
6. Each child shall be instructed in good grooming and personal hygiene habits.
7. The facility shall ensure each child is provided with his/her own clothing that is clean, well fitting, seasonal, and appropriate to age and gender, unless otherwise directed by a physician.
8. The facility shall ensure each child in care is provided with opportunities for regular recreational activities and exercise.
9. The facility shall provide activities and equipment that are age appropriate to the children in their care.
10. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.

## 910 Grounds

1. The grounds of the facility shall be kept clean and free of safety hazards.
2. The facility shall provide sufficient outdoor recreation space for age appropriate physical activities
3. Swimming pools shall be inspected and approved annually by the Arkansas Department of Health.

## 911 Buildings

1. No facility shall be located in a shopping center, strip mall, or other buildings used for commercial activity.
2. Unused or vacant portions of a facility shall not be rented, leased, loaned, or otherwise occupied by any commercial or other business entity, or private individuals, not associated with the facility or its management.
3. All buildings used by children or staff shall be inspected and approved annually for fire safety by fire department officials.
4. All buildings used by children or staff shall be inspected and approved annually for health and sanitation as required by the Arkansas Department of Health.
5. All buildings shall comply with local zoning ordinances and land use requirements where those exist.
6. All buildings and furnishings shall be safe, clean, and in good repair.
7. Licensing shall be notified of any changes to buildings that affect usage, size, capacity, or structural changes.
8. Building usage shall be approved by licensing prior to resident occupancy, and all required inspections, permits, and authorizations shall be provided.
9. Any modification to buildings used by children, or an increase in capacity shall require inspection and approval by the Fire and Health Department, if applicable.
10. All parts of buildings used as living, sleeping, or bath areas shall have a heating, ventilating and air conditioning source that keeps the temperature a minimum of sixty-five (65) degrees and a maximum of eighty-five (85) degrees.
11. The facility shall provide a living area that has at least thirty-five (35) square feet of floor space per child. The dining area and indoor recreation area may be included in this space.
12. The facility shall provide a dining room.
13. The facility shall have a kitchen.
14. Seclusion rooms shall meet the following criteria:
  - a. At least thirty-five (35) square feet of floor space;
  - b. Sufficient lighting, with a shatterproof, recessed light fixture beyond reach of the child;

**Psychiatric Residential Treatment Facilities**

- c. A door able to be opened from the outside at all times without use of a key or a removable locking device;
  - d. A door with a shatterproof observation window;
  - e. Located reasonably near to the staff work area.
15. Areas used by children shall be designed, constructed, and furnished to reduce risk of suicide and assault including, but not limited to:
  - a. Light fixtures that are recessed or abut to the ceiling;
  - b. No wooden or wire hangers;
  - c. Non-breakable windows and mirrors;
  - d. No loose wires, cords, chains, or ropes;
  - e. Sturdy, well-constructed furniture that cannot be broken for use as a weapon or means of self-inflicted injuries;
  - f. Children's personal items that contain cords, pull-ties, strings, or other parts that could be used to inflict self-injury shall not be left in the child's room unless the dangerous component has been removed.
16. Manufactured homes, used as residential facilities, shall be tied down and underpinned as required by the Arkansas Manufactured Home Commission. The home shall obtain an inspection and approval from the Arkansas Manufactured Home Commission prior to being licensed.

**912 Bathrooms**

1. The facility shall provide bathrooms for the children.
2. There shall be a separate toilet, bathtub or shower, and sink for each six (6) children.
3. There shall be an adequate supply of hot and cold running water.
4. The bathroom shall be clean and sanitary.
5. There shall be separate bath and toilet facilities for males and females.
6. There shall be an adequate supply of soap, towels, and tissue.

**913 Sleeping Arrangements**

1. The facility shall provide bedrooms for the children
2. There shall be no more than four (4) children per bedroom.
3. There shall be at least fifty (50) square feet of floor space per child in each bedroom.
4. No child shall share a bedroom with a child of the opposite gender.

**Psychiatric Residential Treatment Facilities**

5. Each child shall have a separate bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
6. No child under the age of six (6) shall occupy a top bunk.
7. Bedding shall be changed at least weekly, more often if needed.
8. Each child shall have an area to store personal belongings.
9. Room arrangements shall be based on characteristics of each resident to ensure the safety of each child.
10. Beds shall be positioned to ensure all children can easily exit the room in case of emergency.
11. Beds shall be positioned to minimize opportunity for physical contact between children.

**914****Safety**

1. The facility shall have an operable telephone or comparable communication system.
2. The facility shall have a continuous supply of clean drinking water. If the water source is not a municipal system, the source shall be approved by the Arkansas Department of Health annually.
3. A private sewage/septic system shall be approved initially and upon any increase in capacity by the Arkansas Department of Health.
4. There shall be operational smoke detectors near the cooking area, heating units, and within ten (10) feet of each bedroom.
5. An operational chemical fire extinguisher or other fire suppression system approved by local fire inspection officials shall be in the cooking area of each building. Approval of the fire suppression system shall be documented.
6. There shall be an emergency evacuation plan diagramed and posted in each building used by children.
7. Fire drills shall be practiced with children each month.
8. Severe weather drills shall be practiced with children quarterly.
9. A record of drills shall be maintained, showing date and time of day of the drill, number of participants, and length of time required to reach safety.
10. Each child shall be instructed in emergency procedures at admission.
11. The facility shall have proof of current rabies vaccinations for all household pets as required by Arkansas law.
12. No child shall be allowed to operate dangerous machinery or equipment, including firearms without proper adult supervision and following manufacturers' guidelines for age, safety precautions, and safety gear.

**Psychiatric Residential Treatment Facilities**

13. The agency shall have policy and procedure for carrying, storage and use of all firearms located at the facility,
14. All firearms shall be maintained in a secure, locked location, or secured by a trigger lock.
15. All ammunition shall be secured and locked separately from firearms unless they are stored in a safe, hand gun safe or a long gun safe.

**915****Transportation**

1. The facility shall have agency procured transportation available at all times.
2. The facility vehicle(s) shall not be used for personal use, unless other facility transportation is available.
3. Any vehicle used to transport children shall be in safe working condition and maintained in compliance with motor vehicle laws.
4. Any vehicle used to transport children shall be insured.
5. Children shall be transported only by an authorized person possessing a valid driver's license.
6. Children shall be transported according to Arkansas law, including, but not limited to, use of safety belts, child safety seats, and smoking restrictions.

**916****Discharge**

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

## 1000 SEXUAL REHABILITATIVE PROGRAMS

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

### 1001 Licensing Approval & Monitoring

1. At the discretion of the Licensing Unit a multi-disciplinary team may be asked to assist the Licensing Specialist in the initial study, or during an investigation of a licensing complaint. This team may include a licensed mental health professional (as recognized by Arkansas Medicaid), or a person with professional expertise in the appropriate field.
2. At the discretion of the Licensing Unit, a multi-disciplinary team may be asked to assist the Licensing Specialist during inspections for advisory purposes.

### 1002 Admission

1. The agency shall have written policies regarding description of the target population, admission/exclusion criteria, and discharge criteria.
2. The facility shall not admit any child for whom the facility cannot provide adequate care.
3. In order to be admitted to the program, one of the following shall be met:
  - a. The child has committed a sexual offense that has been found true or exempt by an official investigation by the Department of Human Services or the Arkansas State Police;
  - b. The child has committed an offense involving the use of power, control, threat, coercion, or intimidation;
  - c. The child has committed an offense in which there was at least a three (3) year age difference between the offender and the victim;
  - d. The child has a documented pattern of deviant sexualized behavior, sexual misconduct, or sexually maladaptive behaviors as indicated by the psychosexual assessment.
4. Children admitted to the program shall have the cognitive ability to benefit from the treatment program.
5. Each child shall have a medical exam no more than one (1) year before admission, or a documented appointment date for an exam within one (1) week after admission.
6. Each child shall have proof of current immunizations, or a letter of exemption in accordance with the Arkansas Department of Health, or a scheduled appointment within one (1) week after admission.

**Sexual Rehabilitative Programs**

7. The facility shall obtain written verification of the placing agent's authority to place the child at the time of admission.
8. The facility shall obtain written authority for medical care for the child from the placing agent at the time of admission.
9. The agency shall comply with the Interstate Compact on the Placement of Children when admitting children from outside Arkansas, if applicable.
10. The facility shall establish that all persons referred for admission are under the age of eighteen (18) years at the time of admission.
11. Residents may remain in the program after reaching age eighteen (18) years with the reason for continued placement documented. The resident shall be discharged no later than his/her twenty-first (21) birthday.
12. The facility shall not admit a child under age five (5) years.
13. At the time of admission, the following information shall be documented in the child's record:
  - a. Name, signature and role or relationship of the person who relinquished the child into care;
  - b. A brief description of the circumstances requiring admission;
  - c. The date and time of the admission;
  - d. A brief description of the child's history (if known) including behavioral history;
  - e. Any known medical history and known current health conditions;
  - f. All medications currently prescribed for the child (if known and available);
  - g. The child's current behavior or known emotional condition.
14. The agency shall obtain copies of legal documents within thirty (30) days of admission. The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.
15. Facilities that have an adult program shall provide sleeping and living arrangements to ensure separation of adults from children.

**1003****Assessment & Treatment Planning**

1. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical/sexual aggression, and/or suicidal or other self-harming tendencies. This plan shall identify the behavior/problem, and shall specify the safeguards that are to be implemented. The agency shall document that the child caring staff are informed of the provisions of the plan and place a copy of the plan in the child's record.

2. The agency shall have a written policy describing children with sexually maladaptive behaviors' risk levels it will accept for admission, and therapeutic interventions it will utilize for each risk level.
3. The agency shall assign a caseworker to each child who is responsible for doing assessments, treatment planning, and casework services.
4. Intake information shall be completed on each child in care within ten (10) working days after admission.
5. The intake shall include:
  - a. Demographic information on the child and parent(s), including name, address, birth date, gender, race, and religious preference;
  - b. A factual description of the circumstances requiring placement;
  - c. A brief social history of the family;
  - d. The child's current legal status/custody;
  - e. Any history of previous placements outside the family;
  - f. Description of the offense or sexually maladaptive behavior, including police reports and victim statements (if available);
  - g. Psychosexual assessment (if available);
  - h. Discharge summary from previous sexual rehabilitative -specific treatment (if applicable and available).
6. A psychosexual evaluation shall be conducted by a licensed mental health professional (as recognized by Arkansas Medicaid) that is a member of the Association for the Treatment of Sexual Abusers or has forty (40) hours of sexual rehabilitative treatment training. The evaluation shall be completed within the past twelve (12) months, or within seven (7) days following admission of the child.
7. Each child shall be evaluated for learning disabilities, and/or language disorders within the past eighteen (18) months. If a child is admitted without an evaluation, the evaluation shall be completed within thirty (30) days of admission.
8. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history shall be completed for each child and included in the treatment plan.
9. The agency shall develop a treatment plan for each child that includes tasks appropriate to the needs of the child as identified in the intake, psychosexual assessment and (if applicable) the psychological evaluation.
10. The treatment plan shall be developed within thirty days after placement.
11. The child's treatment plan shall contain, at the minimum:
  - a. A diagnosis related to their sexually maladaptive behavior;
  - b. Specific needs of the child;

**Sexual Rehabilitative Programs**

- c. Plan for meeting child's needs;
  - d. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
  - e. A plan to ensure that the child's educational needs are met according to applicable state law;
  - f. Date of next review of the treatment plan.
12. If treatment services are contracted, there shall be evidence of participation by the contracted therapist in treatment planning reviews and individualized program implementation.
  13. The child's treatment plan shall be reviewed quarterly, and shall be updated to reflect the child's progress.
  14. A copy of the treatment plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in treatment plan services delivery.
  15. An agency caseworker shall visit the child monthly to monitor the progress of the treatment plan.

**1004****Children's Records**

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

**1005 Behavior Management**

1. The agency shall have a written discipline policy that is consistently followed.
2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
3. Discipline shall be appropriate to the child's age, development, and history.
4. The following actions shall not be used, including as discipline:
  - a. Denial of meals, sleep, shelter, essential clothing, or treatment plan activities;
  - b. Denial of parental visits or regular phone/mail contact with family. Non-disciplinary treatment planning issues are accepted;
  - c. Lewd or obscene language;
  - d. Derogatory comments about the child, the child's family, race, or gender;
  - e. Restriction to a room for more than a short period of time without periodic observation;
  - f. Restriction to a dark room or area;
  - g. Locked isolation; (psychiatric facilities excepted)
  - h. Physical injury or threat of bodily harm;
  - i. Humiliating or degrading action;
  - j. Extremely strenuous work or exercise;
  - k. Mechanical/chemical restraints. (psychiatric facilities excepted)
5. Physical restraint shall be initiated only by trained staff, and only to prevent injury to the child, other people or property, and shall not be initiated solely as a form of discipline.
6. Physical restraints shall be performed using minimal force and time necessary. Physical restraint means the application of physical force without the use of any device, for the purposes of restraining the free movement of a resident's body. Briefly holding a child without undue force in order to calm or comfort, or holding a hand to safely escort a child from one area to another, is not considered a physical restraint.
7. Documentation of all restraints shall be maintained and include child's name, date, time, reason, staff involved, and measures taken prior to restraint.
8. A child shall not be allowed to administer discipline.
9. Searches of a child or a child's personal property shall be for reasons limited to safety and security of children and staff, in cases of suspected theft, or suspicion of possession of items which are not permitted by agency policy.
10. Any searches requiring removal of clothing shall be done in privacy and shall be witnessed by two (2) staff of the same gender as the child.

**1006 Personnel**

1. The agency shall have:
  - a. A Clinical Director who has:
    - i. At least a master's degree in a human services field;
    - ii. Be currently licensed in Arkansas as a mental health professional (as recognized by Arkansas Medicaid);
    - iii. Not less than forty (40) hours of sexual rehabilitative treatment training;
    - iv. A minimum of two (2) years of sexual rehabilitative treatment experience. Certification as a sexual rehabilitative treatment trainer may be substituted for the required experience.
2. A Therapist who is a licensed mental health professional (as recognized by Arkansas Medicaid) and has at least one (1) of the following:
  - a. At least two (2) years of experience in a sexual rehabilitative treatment program and at least forty (40) hours of sexual rehabilitative treatment training;
  - b. At least three (3) years of experience in sexual rehabilitative specific treatment;
  - c. Maintains current membership in or is actively working toward fulfilling the requirements for membership from the Association for the Treatment of Sexual Abusers.

**1007 Ratio & Supervision**

1. The facility shall not exceed its total licensed capacity.
2. Child caring staff shall be responsible for providing the level of supervision, care, and treatment necessary to ensure the safety and well-being of each child at the facility, taking into account the child's age, individual differences and abilities, surrounding circumstances, hazards and risks.
3. The agency shall have a written plan providing for appropriate supervision of children during activities away from the facility.
4. The staff/child ratio shall be at least 1:6 during waking hours and at least 1:8 during sleeping hours.
5. Twenty-four (24) hour awake supervision is required.
6. Only staff who directly supervises children shall be counted in this ratio.
7. The facility shall maintain a daily census report to include the child's name and room or building assignment.

## **1000 Sexual Rehabilitative Programs**

8. The agency shall have written policies governing the supervision and monitoring of children in the buildings, on the grounds, and in the community, including direct visual or auditory monitoring of moderate or high risk children (based on 1003.2). Policy shall include appropriate grouping of children according to chronological age and/or cognitive development.
9. If cameras, heat sensors, or motion detectors are used as part of the safety plan, they shall be operational and placed for effective monitoring according to the plan.
10. The agency shall have a written safety plan to protect children in the program and to ensure public safety.

## **1008 Health & Medical Care**

1. Each child shall have a medical exam at least annually. Health exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
2. All medications shall be administered to children by staff according to medical instructions.
3. The administering of all medications, including over-the-counter, shall be logged at the time the medication is given, by the person administering the medication.
4. The medication log shall include:
  - a. The child's name;
  - b. Time and date;
  - c. Medication dosage;
  - d. Initials of the person administering the medication.
5. All medications excluding Epi-pens, inhalers, and Glucagon kits shall be kept securely locked, and stored according to pharmaceutical recommendations. An age-appropriate and developmentally capable child may be provided, or have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.
6. Keys to medication storage areas shall be on the premises and readily accessible by staff at all times.
7. Currently prescribed medications belonging to children shall be returned to the parent or custodian upon discharge.

## **1009 Program**

1. The facility shall ensure each child receives education in accordance with applicable state law.
2. The facility shall teach each child the daily living tasks required as a part of living in a group setting, and shall assign only light chores that are age-appropriate.

## **1000 Sexual Rehabilitative Programs**

3. The agency shall have a policy regarding each child's money received and shall ensure that each child's funds are available to that child under staff supervision for personal use.
4. The facility shall not allow a child's outside employment, chores, or extracurricular activities to interfere with the child's time for school, sleep, family visits, or treatment plan activities.
5. The facility shall provide each child with adequate and nutritious food.
6. The facility shall ensure that each child has sufficient sleep for his/her age and physical condition.
7. Each child shall be instructed in good grooming and personal hygiene habits.
8. The facility shall ensure each child is provided with his/her own clothing that is clean, well fitting, seasonal, and appropriate to age and gender, unless otherwise directed by a physician.
9. The facility shall ensure each child in care is provided with opportunities for regular recreational activities and exercise.
10. The facility shall provide activities and equipment that are age appropriate to the children in their care.
11. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.

## **1010 Grounds**

1. The grounds of the facility shall be kept clean and free of safety hazards.
2. The facility shall provide sufficient outdoor recreation space for age appropriate physical activities.
3. Swimming pools shall be inspected and approved annually by the Arkansas Department of Health.

## **1011 Buildings**

1. A sexual rehabilitative program shall not be located within one thousand (1000) feet of an elementary school, child care center, or child care family home.
2. No facility shall be located in a shopping center, strip mall, or other buildings used for commercial activity.
3. Unused or vacant portions of a facility shall not be rented, leased, loaned, or otherwise occupied by any commercial or other business entity, or private individuals, not associated with the facility or its management.
4. All buildings used by children or staff shall be inspected and approved annually for fire safety by fire department officials.

**1000****Sexual Rehabilitative Programs**

5. All buildings used by children or staff shall be inspected and approved annually for health and sanitation as required by the Arkansas Department of Health.
6. All buildings shall comply with local zoning ordinances and land use requirements where those exist.
7. All buildings and furnishings shall be safe, clean, and in good repair.
8. There shall be no more than twelve (12) children in a sleeping unit. A sleeping unit is considered to be a group of bedrooms. (psychiatric facilities excepted)
9. Sleeping units sharing the same building shall be separated into different corridors, wings, floors, etc. Sleeping units modified or newly constructed after September 1, 2016, shall comply with this standard.
10. Licensing shall be notified of any changes to buildings that affect usage, size, capacity, or structural changes.
11. Building usage shall be approved by licensing prior to resident occupancy, and all required inspections, permits, and authorizations shall be provided.
12. Any modification to buildings used by children, or an increase in capacity shall require inspection and approval by the Fire and Health Department, if applicable.
13. All parts of buildings used as living, sleeping, or bath areas shall have a heating, ventilating and air conditioning source that keeps the temperature a minimum of sixty-five (65) degrees and a maximum of eighty-five (85) degrees.
14. The facility shall provide a living area that has at least thirty-five (35) square feet of floor space per child. The dining area and indoor recreation area may be included in this space.
15. The facility shall provide a dining room.
16. The facility shall have a kitchen.
17. Manufactured homes, used as residential facilities, shall be tied down and underpinned as required by the Arkansas Manufactured Home Commission. The home shall obtain an inspection and approval from the Arkansas Manufactured Home Commission prior to being licensed.

**1012****Bathrooms**

1. The facility shall provide bathrooms for the children.
2. There shall be a separate toilet, bathtub or shower, and sink for each six (6) children.
3. There shall be an adequate supply of hot and cold running water.
4. The bathroom shall be clean and sanitary.
5. There shall be separate bath and toilet facilities for males and females.
6. There shall be an adequate supply of soap, towels, and tissue.

## 1013 Sleeping Arrangements

1. The facility shall provide bedrooms for the children.
2. Children shall be placed in individual bedrooms unless each child's treatment plan specifically approves sharing a bedroom. If children are approved to share a bedroom there shall be three (3) or four (4) children in the room so as to limit the ability to keep secret any improper physical contact. When three (3) or four (4) children share a bedroom the agency shall have a clearly defined supervision plan to ensure the safety of each child.
3. There shall be no more than four (4) children per bedroom.
4. There shall be at least fifty (50) square feet of floor space per child in each bedroom.
5. Males and females shall not share a bedroom
6. Each child shall have a separate bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
7. No child under the age of six (6) shall occupy a top bunk.
8. Bedding shall be changed at least weekly, more often if needed.
9. Each child shall have an area to store personal belongings.
10. Room arrangements shall be based on characteristics of each resident to ensure the safety of each child.
11. Beds shall be positioned to minimize opportunity for physical contact between children.
12. Beds shall be positioned to ensure all children can easily exit the room in case of emergency.
13. Males and females shall not share an unsupervised sleeping unit.

## 1014 Safety

1. The facility shall have an operable telephone or comparable communication system.
2. The facility shall have a continuous supply of clean drinking water. If the water source is not a municipal system, the source shall be approved by the Arkansas Department of Health annually.
3. A private sewage/septic system shall be approved initially and upon any increase in capacity by the Arkansas Department of Health.
4. There shall be operational smoke detectors near the cooking area, heating units, and within ten (10) feet of each bedroom.

## **1000 Sexual Rehabilitative Programs**

5. An operational chemical fire extinguisher or other fire suppression system approved by local fire inspection officials shall be in the cooking area of each building. Approval of the fire suppression system shall be documented.
6. There shall be an emergency evacuation plan diagramed and posted in each building used by children.
7. Fire drills shall be practiced with children each month.
8. Severe weather drills shall be practiced with children quarterly.
9. A record of drills shall be maintained, showing date and time of day of the drill, number of participants, and length of time required to reach safety.
10. Each child shall be instructed in emergency procedures at admission.
11. The facility shall have proof of current rabies vaccinations for all household pets as required by Arkansas law.
12. No child shall be allowed to operate dangerous machinery or equipment, including firearms without proper adult supervision and following manufacturers' guidelines for age, safety precautions, and safety gear.
13. The agency shall have policy and procedure for carrying, storage and use of all firearms located at the facility,
14. All firearms shall be maintained in a secure, locked location, or secured by a trigger lock.
15. All ammunition shall be secured and locked separately from firearms unless they are stored in a safe, hand gun safe or a long gun safe.

## **1015 Transportation**

1. The facility shall have agency procured transportation available at all times.
2. The facility vehicle(s) shall not be used for personal use, unless other facility transportation is available.
3. Any vehicle used to transport children shall be in safe working condition and maintained in compliance with motor vehicle laws.
4. Any vehicle used to transport children shall be insured.
5. Children shall be transported only by an authorized person possessing a valid driver's license.
6. Children shall be transported according to Arkansas law, including, but not limited to, use of safety belts, child safety seats, and smoking restrictions.

**1016 Discharge**

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

## Appendix A: DEFINITIONS

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

Appendix A: Definitions

7. **"Child"** means a person who is:
  - a. From birth to eighteen (18) years of age; or
  - b. Adjudicated dependent-neglected, dependent, or a member of a family in need of services before eighteen (18) years of age and for whom the juvenile division of a circuit court retains jurisdiction under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.;
8. **"Child placement agency"** means a child welfare agency, not including any person licensed to practice medicine or law in the State of Arkansas that engages in any of the following activities:
  - a. Places a child in a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter;
  - b. Plans for the placement of a child into a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter; or
  - c. Assists the placement of a child in a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter; or
  - d. Places, plans or assists in the placement of a child victim of human trafficking in a home or any type of shelter or facility.
9. **"Child welfare agency"** means any person, corporation, partnership, voluntary association, or other entity or identifiable group of entities having a coordinated ownership of controlling interest, whether established for profit or otherwise, that engages in any of the following activities:
  - a. Receives a total number of six (6) or more unrelated minors for care on a twenty-four-hour basis for the purpose of ensuring the minors receive care, training, education, custody, or supervision, whether or not there are six (6) or more children cared for at any single physical location;
  - b. Places any unrelated minor for care on a twenty-four-hour basis with persons other than themselves; or
  - c. Plans for or assists in the placements described in subdivision (8)(B) of this section; or
  - d. Places, plans or assists in the placement of a child victim of human trafficking in a home or any type of shelter or facility:
10. **"Church-related exemption"** means:
  - a. Any church or group of churches exempt from the state income tax levied by § 26-51-101 et seq. when operating a child welfare agency shall be exempt from obtaining a license to operate the facility by the receipt by the Child Welfare Agency Review Board of written request therefore, together with the written verifications.

## Appendix A: Definitions

- b. A written request shall be made by those churches desiring exemption to the board, which is mandated under the authority of this subchapter to license all child welfare agencies.
  - c. In order to maintain an exempt status, the child welfare agency shall state every two (2) years in written form signed by the persons in charge that the agency has met the fire, safety, and health inspections and is in substantial compliance with published standards that similar nonexempt child welfare agencies are required to meet.
  - d. Visits to review and advise exempt agencies shall be made as deemed necessary by the board to verify and maintain substantial compliance with all published standards for nonexempt agencies.
11. **"Emergency child care"** means any residential child care facility that provides care to children on a time-limited basis, not to exceed ninety (90) days;
12. **"Emergency Family Style Care"** means any child welfare agency that provides twenty-four (24) hour custodial care, in a home like setting, for six (6) or more unrelated children or a child victim of human trafficking on an emergency basis, not to exceed ninety (90) days.
13. **"Emergency Residential Child Care Facility"** means any child welfare agency that provides twenty-four (24) hour custodial care for six (6) or more unrelated children or a child victim of human trafficking on an emergency basis, not to exceed ninety (90) days. Any child admitted as an emergency placement shall be designated as such and shall be discharged within ninety (90) days.
14. **"Exempt child welfare agency"** means any person, corporation, partnership, voluntary association or other entity, whether established for profit or otherwise, that otherwise fits the definition of a child welfare agency but that is specifically exempt from the requirement of obtaining a license under this subchapter. Those agencies specifically exempt from the license requirement are:
- a. A facility or program owned or operated by an agency of the United States Government;
  - b. Any agency of the State of Arkansas that is statutorily authorized to administer or supervise child welfare activities. In order to maintain exempt status, the state child welfare agency shall state every two (2) years in written form signed by the persons in charge that their agency is in substantial compliance with published state agency child welfare standards. Visits to review and advise exempt state agencies shall be made as deemed necessary by the Child Welfare Agency Review Board to verify and maintain substantial compliance with the standards;
  - c. A facility or program owned or operated by or under contract with the Department of Correction;

## Appendix A: Definitions

- d. A hospital providing acute care licensed pursuant to § 20-9-201 et seq.;
  - e. Any facility governed by the Department of Human Services State institutional System Board or its successor;
  - f. Human development centers regulated by the Board of Developmental Disabilities Services pursuant to § 20-48-201 et seq.;
  - g. Any facility licensed as a family home pursuant to § 20-48-601 et seq.;
  - h. Any boarding school as defined in this section;
  - i. Any temporary camp as defined in this section;
  - j. Any state-operated facility to house juvenile delinquents or any serious offender program facility operated by a state designee to house juvenile delinquents. Those facilities shall be subject to program requirements modeled on nationally recognized correctional facility standards that shall be developed, administered, and monitored by the Division of Youth Services of the Department of Human Services;
  - k. Any child welfare agency operated solely by a religious organization that elects to be exempt from licensing and that complies within the conditions of the exemption for church-operated agencies as set forth in this subchapter;
  - l. The Division of Developmental Disabilities Services of the Department of Human Services; and
  - m. Any developmental disabilities services waiver provider licensed under § 2048-208 or § 20-48-601 et seq.;
15. **"Foster Care Placement Agency"** means a child placement agency which places plans for or assists in the placement of an unrelated minor in a private residence of one (1) or more family members for care and supervision on a twenty-four (24) hour basis; or places, plans or assists in the placement of a child victim of human trafficking in a home.
16. **"Foster home"** means a private residence of one (1) or more family members that receives from a child placement agency any child who is unattended by a parent or guardian in order to provide care, training, education, or supervision on a twenty-four-hour basis, not to include adoptive homes. **"Foster home"** does not include a home suspended or closed by a child placement agency;
17. **"Transitional Living"** means any child welfare agency that provides specialized services in adult living preparation in a structured setting for persons eighteen (18) years of age or older who have been admitted into the agencies residential program prior to the age of 18.

## Appendix A: Definitions

18. **"Independent Living"** means a child welfare agency that provides specialized services in adult living preparation in an experiential home like setting for persons sixteen (16) years of age or older.
19. **"Independent Living Family Style Care"** means a child welfare agency that provides specialized services in adult living preparation in an experiential home like setting for persons sixteen (16) years of age or older.
20. **"Minimum standards"** means those rules and regulations as established by the Child Welfare Agency Review Board that set forth the minimum acceptable level of practice for the care of children by a child welfare agency;
21. **"Placement Residential"** means a child placement agency which places, plans for, or assists in the placement of an unrelated minor into a residential child care facility or a child victim of human trafficking in any type of shelter or facility. The agency may be licensed for any or all types of licenses, depending on the types of services it provides.
22. **"Provisional foster home"** means a foster home opened for no more than six (6) months by the Division of Children and Family Services of the Department of Human Services for a relative or fictive kin of a child in the custody of the Division of Children and Family Services of the Department of Human Services after it:
  - a. Conducts a health and safety check, including a central registry check and a criminal background check or a check with local law enforcement, of the relative's home; and
  - b. Performs a visual inspection of the home of the relative to verify that the relative and the home will meet the standards for opening a regular foster home;
23. **"Probationary"** means a type of license issued to an agency that has not maintained compliance with minimum licensing standards, but the Board believes that compliance can be restored and subsequently maintained. This license may be issued for up to one (1) year, at the discretion of the Board.
24. **"Psychiatric residential treatment facility"** means a residential child care facility in a nonhospital setting that provides a structured, systematic, therapeutic program of treatment under the supervision of a psychiatrist, for children who are emotionally disturbed and in need of daily nursing services, psychiatrist's supervision, and residential care but who are not in an acute phase of illness requiring the services of an inpatient psychiatric hospital;
25. **"Relative"** means a person within the fifth degree of kinship by virtue of blood or adoption;

Appendix A: Definitions

26. **"Religious organization"** means a church, synagogue, or mosque or association of same whose purpose is to support and serve the propagation of truly held religious beliefs;
27. **"Residential child care facility"** means any child welfare agency that provides care, training, education, custody, or supervision on a twenty-four-hour basis for six (6) or more unrelated children, excluding foster homes that have six (6) or more children who are all related to each other but who are not related to the foster parents; or receives a child victim of human trafficking in any type of shelter or facility.
28. **"Residential Family Style Care"** means any child welfare agency that provides care, training, education, custody or supervision, in a home like setting, on a twenty-four (24) hour basis for six (6) or more unrelated minors or receives a child victim of human trafficking in any type of shelter or facility.
29. **"Sexual Rehabilitative Program"** means a treatment program that offers a specific and specialized therapeutic program for children with sexually maladaptive behaviors. A licensed sexual rehabilitative program may be in a residential childcare facility, a therapeutic foster care home, or a psychiatric residential treatment facility.
30. **"Special consideration"** means approval from the Child Welfare Agency Review Board to allow a licensee to deviate from the letter of a rule if the licensee has demonstrated that the deviation is in the best interest of the children and does not pose a risk to persons served by the licensee;
31. **"Substantial compliance"** means compliance with all essential standards necessary to protect the health, safety, and welfare of the children in the care of the child welfare agency.  
Essential standards include, but are not limited to, those relating to issues involving fire, health, safety, nutrition, discipline, staff-to-child ratio, and space;
32. **"Temporary camp"** means any facility or program providing twenty-four-hour care or supervision to children that meets the following criteria:
  - a. The facility or program is operated for recreational, educational, or religious purposes only;
  - b. No child attends the program more than forty (40) days in a calendar year; and
  - c. The parents of children placed in the program retain custody and planning and financial responsibility for the children during placement;

- 33. "Therapeutic Foster Care"** means any child placement agency that places plans for or assists in the placement of an unrelated minor or a child victim of human trafficking in a therapeutic foster home. Therapeutic foster care is intensive therapeutic care for children provided in specially trained family homes supported by licensed mental health professionals (as recognized by Arkansas Medicaid). A therapeutic foster care program is a family-based services delivery approach providing individualized treatment for children, youth, and their families. Treatment is delivered through an integrated set of services with key interventions and supports provided by therapeutic foster parents who are trained, supervised, and supported by qualified program staff. Therapeutic foster care services shall be provided in a separately identified program of a larger agency or be provided by an independent agency.
- 34. "Therapeutic Foster Care - Sexual Rehabilitative Program"** means a treatment program that offers a specific and specialized therapeutic program for children with sexually maladaptive behaviors. A licensed sexual rehabilitative program may be in a residential childcare facility, a therapeutic foster care home, or a psychiatric residential treatment facility.
- 35. "Unrelated minor"** means a child who is not related by blood, marriage, or adoption to the owner or operator of the child welfare agency and who is not a ward of the owner or operator of the child welfare agency pursuant to a guardianship order issued by a court of competent jurisdiction.

## Appendix B: PROHIBITED OFFENCES

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

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

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

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

Appendix B: Prohibited Offences

15. Criminal impersonation,	§ 5-37-208;
16. Criminal use of a prohibited weapon,	§ 5-73-104;
17. Communicating a death threat concerning a school employee or students:	§ 5-17-101;
18. Domestic battery in the first, second, or third degree,	§5-26-303/305;
19. Employing or consenting to the use of a child in a sexual performance,	§5-27-401;
20. Endangering the welfare of a minor in the first or second degree,	§5-27-205/206
21. Endangering the welfare of an incompetent person in the second degree,	§5-27-202;
22. Engaging children in sexually explicit conduct for use in visual or print media,	§ 5-27-303;
23. False imprisonment in the first or second degree,	§ 5-11-103/104;
24. Felony abuse of an endangered or impaired person,	§ 5-28-103;
25. Felony interference with a law enforcement officer,	§ 5-54-104;
26. Felony violation of the Uniform Controlled Substance Act,	§ 5-64-101 et seq. §5-64-501 et seq.;
27. Financial identity fraud,	§ 5-37-227;
28. Forgery,	§ 5-37-201;
29. Incest,	§ 5-26-202;
30. Interference with court ordered custody,	§ 5-26-502;
31. Interference with visitation,	§ 5-26-501;
32. Introduction of controlled substance into the body of another person,	§ 5-13-210;
33. Manslaughter,	§ 5-10-104;
34. Negligent homicide,	§ 5-10-105;
35. Obscene performance at a live public show,	§ 5-68-305;
36. Offense of cruelty to animals,	§ 5-62-103;
37. Offense of aggravated cruelty to dog, cat, or horse,	§ 5-62-104;
38. Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child,	§ 5-27-304;
39. Sexual solicitation,	§ 5-70-103;
40. Permanent detention or restraint,	§ 5-11-106;
41. Permitting abuse of a minor,	§ 5-27-221;
42. Producing, directing, or promoting a sexual performance by a child,	§ 5-27-403;
43. Promoting obscene materials,	§ 5-68-303;
44. Promoting obscene performance,	§ 5-68-304;
45. Promoting prostitution in the first, second, or third degree,	§ 5-70-104- § 5-70-106;
46. Prostitution,	§ 5-70-102;
47. Public display of obscenity,	§ 5-68-205;
48. Resisting arrest,	§ 5-54-103;
49. Robbery,	§ 5-12-102;

Appendix B: Prohibited Offences

50. Aggravated robbery,	§ 5-12-103;
51. Sexual offenses,	§ 5-14-101 et seq.
52. Simultaneous possession of drugs and firearms,	§ 5-74-106;
53. Soliciting money or property from incompetents,	§ 5-27-229;
54. Stalking,	§ 5-71-229;
55. Terroristic act,	§ 5-13-310;
56. Terroristic threatening,	§ 5-13-301;
57. Theft of public benefits,	§ 5-36-202;
58. Theft by receiving,	§ 5-36-106;
59. Theft of property,	§ 5-36-103;
60. Theft of services,	§ 5-36-104;
61. Transportation of minors for prohibited sexual conduct,	§ 5-27-305;
62. Unlawful discharge of a firearm from a vehicle,	§ 5-74-107;
63. Voyeurism,	§ 5-16-102.

3. A former or future law of this or any other state or of the federal government that is substantially equivalent to one (1) of the offenses listed in the Child Welfare Licensing Act shall be considered as prohibiting.
4. A person who is required to have a criminal records check under the Child Welfare Agency Licensing Act who has pleaded guilty or nolo contendere to or been found guilty of any of the offenses listed shall be absolutely disqualified from being an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare agency's board of directors, or employee in a child welfare agency during the period of the person's confinement, probation, or parole supervision unless the conviction is vacated or reversed.
5. Except as provided under the Child Welfare Agency Licensing Act, a person who has pleaded guilty or nolo contendere to or been found guilty of one (1) of the offenses listed shall not work in a child welfare agency unless:
  - (a) The date of a plea of guilty or nolo contendere, or the finding of guilt for a misdemeanor offense is at least five (5) years from the date of the record check; and
  - (b) There have been no criminal convictions or pleas of guilty or nolo contendere of any type or nature during the five-year period preceding the background check request.
6. Except as provided under the Child Welfare Licensing Act:
  - (a) a person who is required to have a criminal records check, who has pleaded guilty or nolo contendere to or been found guilty of any of the offenses listed shall be presumed to be disqualified to be an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare agency's board of directors, or employee in a child welfare agency after the completion of his or her term of confinement, probation, or parole supervision unless the conviction is vacated or reversed.

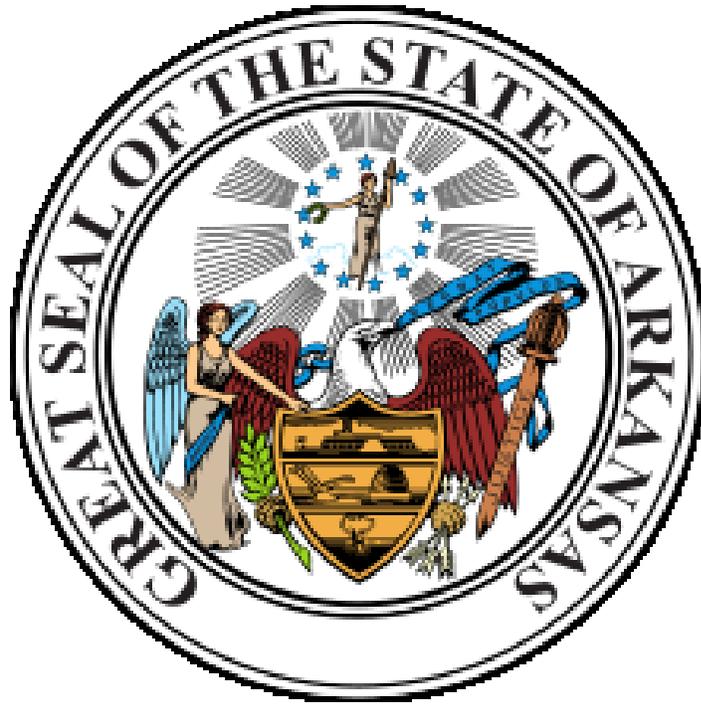
## Appendix B: Prohibited Offences

- (b) An owner, operator, volunteer, foster parent, adoptive parent, household member of a foster parent or adoptive parent, member of any child welfare agency's board of directors, or an employee in a child welfare agency shall not petition the Child Welfare Agency Review Board unless the agency supports the petition, which can be rebutted in the following manner:
  - (i) The applicant shall petition the Child Welfare Agency Review Board to make a determination that the applicant does not pose a risk of harm to any person;
  - (ii) The applicant shall bear the burden of making such a showing; and
  - (iii) The Child Welfare Agency Review Board may permit an applicant to be an owner, operator, volunteer, foster parent, adoptive parent, member of an agency's board of directors, or an employee in a child welfare agency notwithstanding having pleaded guilty or nolo contendere to or been found guilty of an offense listed in this section upon making a determination that the applicant does not pose a risk of harm to any person served by the facility.
  
- 7. The Child Welfare Agency Review Board's decision to disqualify a person from being an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare agency's board of directors, or an employee in a child welfare agency under this section shall constitute the final administrative agency action of the Child Welfare Agency Review Board and is not subject to review.

# Minimum Licensing Standards

for

## Child Welfare Agencies



Child Welfare Agency Review Board

&

Arkansas Department of Human Services

Division of Child Care and Early Childhood Education

## Placement and Residential Licensing Unit



PLACEMENT

# Table of Contents

INTRODUCTION.....	6
Child Welfare Agency Review Board.....	6
Child Placement Agencies Requiring Licensure.....	8
Placement Types of Licenses.....	8
Foster Care.....	8
Therapeutic Foster Care.....	8
Therapeutic Foster Care - Sexual Rehabilitative Program.....	9
Adoption.....	9
Placement Residential.....	9
License Status.....	9
Provisional.....	9
Probationary.....	9
Regular.....	10
Suspended.....	10
Closed.....	10
Revoked.....	10
Status Change.....	10
How To Apply The Standards.....	11
Special Consideration.....	11
Alternative Compliance.....	11
100 GENERAL REQUIREMENTS.....	13
101 Applications & Licensing Procedure.....	13
102 Organization & Administration.....	14
103 Central Registry & Criminal Record Checks.....	16
104 General Personnel Requirements.....	18
105 Qualifications & Training.....	19
106 Volunteers & Student Interns.....	20
107 Exploitation of Children.....	20
108 Ethical Standards.....	21

Table of Contents

109	Unprofessional Conduct .....	21
110	Inspections, Investigations & Corrective Action.....	22
200	CHILD PLACEMENT AGENCIES: FOSTER CARE .....	24
201	Admission.....	24
202	Intake & Assessment .....	24
203	Case Planning .....	25
204	Children's Records.....	26
205	Behavior Management.....	26
206	Foster Parent Qualifications .....	27
207	Content of the Home Study .....	28
208	Physical Requirements of the Home.....	29
209	Sleeping Arrangements.....	30
210	Approval of Foster Homes.....	31
211	Selection of Foster Home .....	32
212	Continued Training of Foster Parents.....	33
213	Foster Parents Responsibilities .....	33
214	Medications.....	34
215	Transportation.....	35
216	Visitation.....	35
217	Agency Responsibilities .....	35
218	Monitoring & Re-evaluation.....	37
219	Discharge .....	38
300	CHILD PLACEMENT AGENCIES: THERAPEUTIC FOSTER CARE .....	39
301	Admission.....	39
302	Intake & Assessment .....	39
303	Treatment Planning.....	40
304	Children's Records.....	41
305	Behavior Management.....	42
306	Foster Parent Qualifications .....	43
307	Content of the Home Study .....	43
308	Physical Requirements of the Home.....	44

## Table of Contents

309	Sleeping Arrangements.....	45
310	Approval of Foster Homes.....	46
311	Selection of Foster Home .....	47
312	Continued Training of Foster Parents.....	49
313	Therapeutic Foster Parent Responsibilities .....	49
314	Medications.....	50
315	Transportation.....	51
316	Visitation.....	51
317	Staffing Requirements, Staff Training & Support.....	52
318	Agency Responsibilities .....	53
319	Monitoring & Re-evaluation.....	55
320	Discharge.....	56
400	CHILD PLACEMENT AGENCIES: THERAPEUTIC FOSTER CARE - SEXUAL REHABILITATIVE PROGRAMS .....	57
401	Licensing Approval & Monitoring.....	57
402	Admission.....	57
403	Intake & Assessment .....	58
404	Treatment Planning.....	59
405	Children's Records.....	60
406	Behavior Management.....	61
407	Foster Parent Qualifications .....	62
408	Content of the Home Study .....	63
409	Physical Requirements of the Home.....	64
410	Sleeping Arrangements.....	65
411	Approval of Foster Homes.....	66
412	Selection of Foster Home .....	67
413	Continued Training of Foster Parents.....	68
414	Therapeutic Foster Parent Responsibilities .....	68
415	Medications.....	70
416	Transportation.....	70
417	Visitation.....	71
418	Staffing Requirements, Staff Training & Support.....	71

## Table of Contents

419	Agency Responsibilities .....	73
420	Monitoring & Re-evaluation.....	75
421	Discharge .....	76
500	CHILD PLACEMENT AGENCIES: ADOPTIONS.....	77
501	Selection of Adoptive Home .....	77
502	Approval Process of Prospective Homes.....	77
503	Contents of the Home Study.....	78
504	Services to the Adoptive Parents .....	79
505	Services to Birth Parents.....	80
506	Birth Parent Records.....	81
507	Agency Responsibilities .....	81
508	Adoptive Family Records .....	82
509	Record Maintenance .....	82
510	Branch Offices .....	82
600	CHILD PLACEMENT AGENCIES: RESIDENTIAL .....	83
Appendix A:	DEFINITIONS.....	84
Appendix B:	PROHIBITED OFFENCES.....	92

## INTRODUCTION

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

### Child Welfare Agency Review Board

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

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

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

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

The Board shall promulgate rules and regulations that:

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

## Introduction

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

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

1. All parties to an adverse action shall be entitled to engage in and use formal discovery as provided for in Rules 26, 28, 29, 30, 31, 32, 33, 34, and 36 of the Arkansas Rules of Civil Procedure including:
  - a. Requests for admission;
  - b. Request for production of documents and things;
  - c. Written interrogatories;
  - d. Oral and written depositions.
2. All evidentiary rulings in an adverse action hearing shall be governed by the Arkansas Rules of Evidence with respect to the following types of evidence:
  - a. The requirements of personal knowledge of a witness as required by Rule 602;
  - b. The admissibility of character evidence as set forth by Rules 608 and 609;

## Introduction

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

## **Child Placement Agencies Requiring Licensure**

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

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

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

## **Placement Types of Licenses**

### **Foster Care**

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

### **Therapeutic Foster Care**

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

## **Therapeutic Foster Care - Sexual Rehabilitative Program**

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

## **Adoption**

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

## **Placement Residential**

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

## **License Status**

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

## **Provisional**

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

## **Probationary**

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

## Introduction

### **Regular**

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

### **Suspended**

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

### **Closed**

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

### **Revoked**

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

### **Status Change**

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

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

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

1. The seller shall notify the division of the sale at least thirty days prior to the completed sale;
2. The seller shall remain responsible for the operation of the agency until such time as the agency is closed or a license is issued to the buyer;
3. The seller shall remain liable for all penalties assessed against the agency which are imposed for violations or deficiencies occurring before the transfer of a license to the buyer;

## Introduction

4. The buyer shall be subject to any corrective action notices to which the seller was subject; and
5. The provisions of subsection (a) of this section, including those provisions regarding obtaining licenses or permits from the Office of Long-Term Care of the Division of Medical Services of the Department of Human Services and regarding obtaining any permits from the Health Services Permit Agency or the Health Services Permit Commission shall apply in their entirety to the new owner of the Child Welfare Agency.

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

## How To Apply The Standards

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

### Special Consideration

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

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

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

### Alternative Compliance

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

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

## Introduction

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

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

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

## 100 GENERAL REQUIREMENTS

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

### 101 Applications & Licensing Procedure

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

**General Requirements**

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

**102****Organization & Administration**

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

**General Requirements**

5. The agency shall meet all federal, state, and local laws and ordinances that apply to child welfare agencies and to the proper care of children in such facilities.
6. The agency shall provide copies of all programmatic licenses, certifications, and accreditations held by the agency.
7. The Owner and/or Board of Directors shall be responsible for operating the facility and shall have final responsibility to ensure that the facility meets licensing requirements. Names and addresses of Board members shall be provided to the Licensing Specialist annually.
8. The agency shall maintain a current organizational chart showing the administrative structure of the organization.
9. The agency shall notify the Licensing Unit within five (5) days of any change of Administrator, Social Service Director, or Clinical Director.
10. The agency shall establish and follow written policies and procedures that meet or exceed the Minimum Licensing Standards for Child Welfare Agencies.
11. All agencies applying for an Arkansas license shall provide proof that they are licensed in good standing in their home state, if applicable, and are in good standing in all other states where they are licensed. If an agency is being disciplined or sanctioned in another jurisdiction, the Board shall be notified.
12. All agencies licensed in Arkansas after January 18, 2002, shall have an office in Arkansas.
13. All agencies licensed in Arkansas shall maintain all required files for licensing review as needed. They may choose to:
  - a. Maintain these files in their office in Arkansas; or
  - b. Arrange to provide the required files to the licensing staff.
14. All agencies licensed in Arkansas shall have a qualified person on call to supervise emergency services. [Pursuant to 104]
15. If electronic records are kept, these records shall be made available to the Licensing Specialist for purposes of monitoring and investigation.
16. Any disciplinary action taken against the agency by another jurisdiction shall be reported to the Licensing Unit.
17. If an agency is inactive for one (1) year the license shall be closed in good standing, unless the agency requests annually in writing that the license remains open. This request shall be approved by the Board.
18. The agency shall not permit, aid, or abet an unlicensed person to perform activities requiring a license.

19. The agency shall not misrepresent the type or status of education, training, expertise, licensure, or professional affiliations.

**103****Central Registry & Criminal Record Checks**

1. The agency shall conduct background checks as required by the Child Welfare Agency Licensing Act (§ 9-28-409) using forms approved by the Licensing Unit. Background checks conducted by or for other licensing authorities (e.g., Office of Long Term Care, Division of Developmental Services, et.al) do not meet the requirement of this standard.
2. The following persons in a child placement agency shall be checked with the Child Maltreatment Central Registry in his state of residence, if available, and any state of residence in which the person has lived for the past five 5 years and in the person's state of employment, if different, for reports of child maltreatment:
  - a. Employees, having direct and unsupervised contact with children;
  - b. Volunteers, mentors, sponsors and student interns having direct and unsupervised contact with children;
  - c. Foster parents and each member of the household age fourteen (14) years and older, excluding children in foster care. These checks shall be made prior to approval and shall be repeated every two years thereafter;
  - d. Adoptive parents, and each member of the household age fourteen (14) years and older, residing in Arkansas, excluding children in foster care. Adoptive parents and each member of the household age fourteen (14) years and older, excluding children in foster care, residing out of state shall provide Child Maltreatment Central Registry Checks from their state of residence, if available. These checks shall be made prior to approval and shall be repeated every two (2) years until the adoption decree has been issued;
  - e. Owners having direct and unsupervised contact with children;
  - f. Members of the agency's board of directors having direct and unsupervised contact with children.
3. Persons required to have the Child Maltreatment Central Registry Check shall repeat the check every two (2) years.
4. Any person found to have a record of child maltreatment shall be reviewed by the owner or administrator of the agency, in consultation with the Board or its designee, to determine corrective action. Corrective action may include, but is not limited to, counseling, training, probationary employment, non-selection for employment, or termination.

**General Requirements**

5. The following persons in a Child Placement Agency shall be checked with the Identification Bureau of the Arkansas State Police for convictions of offenses listed in Arkansas Code Annotated § 9-28-409:
  - a. Employees, having direct and unsupervised contact with children;
  - b. Volunteers, mentors, sponsors, and student interns having direct and unsupervised contact with children;
  - c. Foster parents, and each member of the household age eighteen (18) years and older, excluding children in foster care. The foster parents shall certify in writing annually whether or not household members age fourteen (14) thru seventeen (17) have criminal records;
  - d. Adoptive parents and each member of the household age eighteen (18) years and older residing in Arkansas. Adoptive parents and each member of the household age eighteen (18) years and older residing out of state shall provide State Police Criminal Record Checks from their state of residence, if available. The out of state adoptive families do not need to do an Arkansas State Police Check if they have never resided in Arkansas;
  - e. Owners having direct and unsupervised contact with children;
  - f. Members of the agency's board of directors having direct and unsupervised contact with children.
6. If any person (listed in #5 above) has not resided in Arkansas continuously for the past five (5) years, a record check with the Federal Bureau of Investigation shall be completed. (These record checks are not required for international adoptions as background checks are already part of United States Citizenship and Immigration Services (USCIS) requirements for adoption.) Adoptive parents residing outside of Arkansas who have lived in their state of residence continuously for the past five (5) years do not need to do the FBI checks.
7. A child in the custody of the Department of Human Services shall not be placed in an approved home of any foster parent or adoptive parent unless all household members eighteen and one half (18 1/2) years of age and older, excluding children in foster care, have had a fingerprint-based criminal background check performed by the Federal Bureau of Investigation. The check shall be initiated within thirty (30) days of the household member's eighteenth birthday.
8. All persons required to be checked with the Department of Arkansas State Police under this subsection shall repeat the check at a minimum of every five (5) years, except that adoptive parents who reside in Arkansas shall repeat the check every year pending court issuance of a final decree of adoption, at which point repeat checks shall no longer be required.

## General Requirements

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

## General Personnel Requirements

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

1. The agency shall have an administrator who shall be responsible for the general management of the agency, possessing at least one of the following qualifications:
  - a. A doctorate degree;
  - b. A master's degree in a human services field (child development, psychology, sociology, social work, guidance and counseling, divinity, education), administration, business, or a related field;
  - c. A bachelor's degree in a human services field, administration, business, or a related field, and at least two (2) years of work experience in a human services agency.
2. The agency shall have a Social Services Director who shall supervise child placement activities and/or casework services by the agency, possessing at least one of the following qualifications (*Therapeutic foster care see section 320.2 and Sexual Rehabilitative Program see 422.2*):

## General Requirements

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

## 105

## Qualifications & Training

1. The Administrator, Social Services Director, and each caseworker of a child welfare agency shall have twenty-four (24) hours of job-related continuing education each year.
2. All owners/operators, employees, foster parents, or volunteers in a child welfare agency shall be responsible for ensuring the proper care, treatment, safety, and supervision of the children they supervise.
3. All owners/operators, employees, foster parents, or volunteers in a child welfare agency shall not engage in behavior that could be viewed as sexual, dangerous, exploitative, or physically harmful to children.
4. Documentation verifying annual training shall be dated indicating the number of hours, the name of the source, and topic/title.
5. The agency shall maintain a personnel file for each employee, which shall include:
  - a. A resume or application;
  - b. Date of hire;
  - c. Verifications of qualifications;
  - d. Documentation of required annual training;

**General Requirements**

- e. Criminal Record Check and Child Maltreatment Central Registry Check information as required by law;
- f. Documentation that applicable employees are informed that they are mandated reporters of suspected child maltreatment, according to **A.C.A § 12-18-402**, and are provided the information needed to make a report;
- g. A functional job description;
- h. At least three (3) positive personal references from non-relatives.

**106****Volunteers & Student Interns**

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

**107****Exploitation of Children**

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

## 108 Ethical Standards

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

## 109 Unprofessional Conduct

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

## 110 Inspections, Investigations & Corrective Action

1. The Licensing Specialist shall conduct inspections to ensure continued compliance with licensing standards.
2. The Licensing Specialist shall investigate complaints of alleged violation of licensing standards against all placement agencies, and may participate in investigations of alleged child maltreatment.
3. The agency shall cooperate with the Licensing Unit in conducting inspections and investigations, and shall provide information required to verify compliance with rules.
4. Inspections and investigations may be scheduled or unscheduled, at the discretion of the Licensing Specialist, and may be conducted outside regular working hours.
5. The frequency of inspections shall be at the discretion of the Licensing Unit, and may be based on the agency's compliance history.
6. At the discretion of the Licensing Unit, a multi-disciplinary team may be asked to advise the Licensing Specialist during initial approval or during inspections. This team may include a professional in the appropriate field.
7. Upon finding any violations of licensing standards, the Licensing Specialist shall issue to the agency a corrective action notice, which shall state:
  - a. A factual description of the conditions that constitute a violation of the standard;
  - b. The specific law or standard violated;
  - c. A reasonable time frame within which the violation shall be corrected.
8. The agency shall provide a written corrective action plan, when requested to do so, by the Licensing Specialist in a corrective action notice.
9. Any owner/operator, employee, foster parent, or volunteer in a child welfare agency shall immediately notify the Child Abuse Hotline if he or she has reasonable cause to suspect that a child has been subjected to child maltreatment, died as a result of child maltreatment or if they observe a child being subjected to conditions or circumstances that would reasonably result in child maltreatment.
10. If a complaint of child maltreatment is filed against any owner/operator, employee, foster parent, volunteer, or other person in a child welfare agency, the agency administration shall evaluate the risk to children and determine the suitability of the person(s) to supervise, be left alone with children, have disciplinary control over children, or remain in the child placement agency until the allegations are determined to be true or unsubstantiated. Any interim corrective action measures shall be approved by the Licensing Unit.

**General Requirements**

11. The agency shall maintain a log or file of all calls to the child abuse hotline.
12. The agency shall notify the Licensing Unit by the next business day when a report of child maltreatment is accepted by the child abuse hotline against the owner/operator, employee, foster parent, volunteer, child, or other person in a child welfare agency.
13. The agency and all staff shall cooperate fully with investigators during a child maltreatment investigation.
14. The agency shall take steps to prevent harm or retaliation against the child while an allegation of child maltreatment is being investigated.
15. Any person with a true finding of child maltreatment shall be reviewed by the owner or administrator of the agency, in consultation with the Child Welfare Agency Review Board or its designee, to determine corrective action. Corrective action may include, but is not limited to, counseling, training, probationary employment, non-selection for employment, or termination.
16. Any employee who has been sanctioned by any licensing or certifying entity for any reason pertaining to child safety shall be reviewed by the owner or administrator of the agency, in consultation with the Child Welfare Agency Review Board or its designee, to determine corrective action. Corrective action may include, but is not limited to, counseling, training, probationary employment, non-selection for employment, or termination.
17. The agency shall notify the Licensing Unit by the next business day of serious injuries requiring emergency medical treatment, agency vehicle accidents, arrests, elopements, suicide attempts, or deaths, and maintain documentation of the incident and notification.
18. The agency shall maintain reports on all incidences that cause injury, property damage, or disruption to routine operation or services.

## 200 CHILD PLACEMENT AGENCIES: FOSTER CARE

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

### 201 Admission

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

### 202 Intake & Assessment

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

## 200 Child Placement Agencies: Foster Care

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

## 203 Case Planning

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

## **200 Child Placement Agencies: Foster Care**

7. A copy of the case plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery, if applicable.
8. The case plan shall be reviewed at least semi-annually and shall be updated to reflect the child's progress.

## **204 Children's Records**

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

## **205 Behavior Management**

1. The agency shall have a written discipline policy that is consistently followed.
2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.

## **200 Child Placement Agencies: Foster Care**

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

## **206 Foster Parent Qualifications**

1. In a two-parent home, both shall be joint applicants, each sign the application, and participate in the approval process.
2. Foster parents shall be at least twenty-one (21) years of age.
3. The stability of the foster family shall be evaluated and determined to be appropriate.
4. Foster parents shall be physically, mentally, and emotionally capable of caring for children.
5. The foster family shall provide documentation of sufficient financial resources to meet their needs.

## **200 Child Placement Agencies: Foster Care**

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

## **207 Content of the Home Study**

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

- j. Daily Schedule;
- k. Social History: Highlights and verification regarding action of marriages, divorces, children, relationships' support system, future plans, any significant extended family members not living in the home, and any significant personal, developmental, personality or legal problems;
- l. Family Activities: Religious interests, social organizations, activities with children, and family roles;
- m. Impressions, Conclusions and Recommendations: Evaluate the family's situation and ability to provide for a child based on the information obtained during the home study;
- n. Approval: If the agency approves the foster parent(s), the agency shall recommend in the home study the number, age, gender, and other characteristics of children for whom the home is approved to provide care.

## 208 Physical Requirements of the Home

1. The foster home shall be accessible to community resources needed by foster children.
2. The foster home shall be clean and free of hazards.
3. The foster home shall have a continuous supply of sanitary drinking water. If the source is not a municipal water system, the water shall be tested and approved by the Arkansas Department of Health annually. The approval shall be kept in the foster home case record.
4. The foster home shall have at least one (1) flush-toilet, one sink with running water, and one bathtub or shower with hot and cold running water.
5. There shall be operational smoke detectors within ten (10) feet of the kitchen and each bedroom.
6. There shall be an operational chemical fire extinguisher, readily accessible, near the cooking area of the home.
7. The foster parents shall practice and document emergency evacuation drills with each new child entering the home, and at least quarterly thereafter.
8. All heating units with hot external areas shall be screened or otherwise shielded.
9. The home shall have at least one (1) exterior door that exits directly to the outside or the home shall have an alternate fire escape route.

## **200 Child Placement Agencies: Foster Care**

10. The home shall have an operational telephone. Working cell phones kept on the premises are acceptable. The phone shall be accessible for children.
11. Each child shall have adequate space for storing clothing and personal belongings.
12. All household pets shall have proof of current rabies vaccinations as required by Arkansas law.
13. All firearms shall be maintained in a secure, locked location or secured by a trigger lock.
14. All ammunition shall be secured and locked separately from firearms unless they are stored in a safe, hand gun safe or a long gun safe.
15. The foster home record shall contain an agency approved safety plan for any noted hazards. The safety plan shall be signed by all caregivers in the foster home and an agency representative.
16. A current floor plan of the home with room dimensions for all rooms used for sleeping shall be in the foster home record.
17. Manufactured homes, used as foster homes, shall have an agency approved safety plan for tornado safety. The safety plan shall be signed by all caregivers in the foster home and an agency representative.

## **209 Sleeping Arrangements**

1. Each household occupant shall have a bedroom that provides privacy.
2. Each bedroom shall have at least fifty (50) square feet of floor space per occupant.
3. Each bedroom used for foster children shall have a window to the outside which is capable of serving as an emergency escape.
4. Bars, grilles, grates, or other items that block access to the window are permitted only if they can be removed from the inside without the use of a key, tool, or force greater than that required for normal operation of the window. In this event, each such bedroom shall have a working smoke detector in the bedroom.
5. No more than four (4) children shall share a bedroom.
6. Each household occupant shall have a bed with a mattress, sheets, pillow, pillowcase, and adequate cover, all in good condition.
7. Children of the opposite sex shall not share the same bedroom if either child is four (4) years old or older, except for a parent in foster care with her child.
8. No children shall share a bed if either child is four (4) years old or older.

## **200 Child Placement Agencies: Foster Care**

9. No child under age six (6) years shall occupy a top bunk.
10. Foster children, except infants under age two (2) years, shall not share a sleeping room with adults; this age would increase through age four (4) for a grandparent to the child and a teen parent in foster care with her child.
11. All cribs used for children shall have current certification of compliance with Consumer Product Safety Guidelines (CPSC) standards.
12. Children twelve (12) months of age and below shall be placed flat on their backs to sleep, in accordance with American Academy of Pediatrics guidelines, to lessen the risk of suffocation and Sudden Infant Death Syndrome. (If a child rolls over on his/her own, the facility is not required to reposition the child.) If there is a medical reason a child cannot sleep on his/her back, a signed statement from the child's physician shall be in the file stating the reason, the sleep position indicated, and the time frame required.
13. Bedding shall be changed at least weekly, more often if needed.

## **210 Approval of Foster Homes**

1. A foster home shall be approved only by one (1) agency.
2. At least three (3) positive personal references shall be obtained on the foster family from non-relatives.
3. Each member of the foster family shall have a physical exam within twelve (12) months before the initial approval.
4. The agency shall ensure that the foster parents receive at least ten (10) hours of pre-service training (excluding CPR and First Aid) before placing a child in the home.
5. Foster parent(s) shall have a current certificate of completion of First Aid and CPR before a child is placed in the home. The training shall require hands on skilled based instruction as well as practical testing. Training and certification that is provided solely on-line will not be accepted.
6. Foster parents shall provide documentation that they carry homeowner's or renter's insurance and general liability insurance.
7. Foster homes shall not also operate as Child Care Family Homes.
8. Foster homes shall not provide compensated care for any non-related adults in the foster home, unless providing transitional care for a person placed in care prior to age eighteen (18).

## **200 Child Placement Agencies: Foster Care**

9. There shall be an annual approval letter from the approving agency in the foster home record.
10. A provisional foster home means a foster home opened for no more than six (6) months by the Division of Children and Family Services of the Department of Human Services, on a relative or fictive kin of a child in the custody of the division after the division:
  - a. Conducts a health and safety check, including a central registry check and a criminal background check or check with local law enforcement on the relative's or fictive kin's home; and
  - b. Performs a visual inspection of the home of the relative or fictive kin to verify that the relative or fictive kin and the home will meet the standards for opening a regular foster home.
11. If a foster home moves from one placement agency to another all requirements for opening a new foster home shall be met.

## **211 Selection of Foster Home**

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

## 212 Continued Training of Foster Parents

1. Each foster parent shall obtain at least fifteen (15) hours of training each year after the first year. This does not apply to foster parents for infants in short term foster care awaiting adoptive placement. Such foster parents shall obtain ten (10) hours of training for the primary care giver and five (5) hours of training for the secondary care giver each year.
2. Documentation verifying annual training shall be dated indicating the number of hours, the name of the source, topic and title.
3. Each foster parent shall maintain a current certificate of successful completion of hands-on, skill based CPR and First Aid. Training and certification that is provided solely on-line will not be accepted.

## 213 Foster Parents Responsibilities

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

## **200 Child Placement Agencies: Foster Care**

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

## **214 Medications**

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

## **200 Child Placement Agencies: Foster Care**

5. All medication shall be logged by the foster parent at the time the medication is administered.
6. The medication logs shall include:
  - a. Child's name;
  - b. Time and date;
  - c. Medication and dosage;
  - d. Initials of the person administering the medication.
7. All currently prescribed medication shall be provided at placement.

## **215 Transportation**

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

## **216 Visitation**

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

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

## **217 Agency Responsibilities**

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

## 200 Child Placement Agencies: Foster Care

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

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

## **218 Monitoring & Re-evaluation**

1. The agency shall monitor the foster home at least quarterly for continued compliance with licensing standards for foster homes. This does not apply to foster homes for infants in short term foster care awaiting adoptive placement. Before a child can be placed in such a foster home, a monitoring visit shall be done within the three (3) months prior to placement.
2. At least one unannounced quarterly visit shall be conducted annually and shall be documented as unannounced in the foster home record.

## 200 Child Placement Agencies: Foster Care

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

## 219 Discharge

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

## 300 CHILD PLACEMENT AGENCIES: THERAPEUTIC FOSTER CARE

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

### 301 Admission

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

### 302 Intake & Assessment

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

### **300 Child Placement Agencies: Therapeutic Foster Care**

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

### **303 Treatment Planning**

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

### **300 Child Placement Agencies: Therapeutic Foster Care**

6. If independence is a goal, the treatment plan shall include training in independent living skills.
7. Foster parents shall be included in treatment planning for each child.
8. Foster parents shall be provided a copy of the child's current treatment plan.
9. A copy of the treatment plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery, if applicable.
10. The treatment plan shall be reviewed at least semi-annually, and shall be updated to reflect the child's progress.
11. If treatment services are contracted, there shall be evidence of participation by the contracted therapist in treatment planning reviews and individualized program implementation.

### **304 Children's Records**

1. The agency shall keep a confidential case record for each child that includes the following;
  - a. Demographic information;
  - b. Plan of safe care, if applicable;
  - c. A complete intake;
  - d. Consents, including consent for medical care and authority to place the child;
  - e. Interstate Compact information, if applicable;
  - f. Treatment plans and treatment plan reviews;
  - g. Copies of legal documents (e.g., birth certificate, social security card, court orders), or documentation of their attempts to obtain the documents;
  - h. Physical exams and immunization records, or documentation of their attempts to obtain the documents;
  - i. Psychological reports, if applicable;
  - j. Educational reports, if applicable;
  - k. Disciplinary and incident reports, if applicable;
  - l. Records of visitation and family contacts, if applicable;
  - m. Documentation of casework services and child contact, current to within one (1) month of occurrence;
  - n. Discharge statement.

### **300 Child Placement Agencies: Therapeutic Foster Care**

2. Records for each child shall be kept for five (5) years from the date of discharge, unless otherwise specified by Arkansas law.

### **305 Behavior Management**

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

## **306 Foster Parent Qualifications**

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

## **307 Content of the Home Study**

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

## 300 Child Placement Agencies: Therapeutic Foster Care

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

## 308 Physical Requirements of the Home

1. The foster home shall be accessible to community resources needed by foster children.
2. The foster home shall be clean and free of hazards.
3. The foster home shall have a continuous supply of sanitary drinking water. If the source is not a municipal water system, the water shall be tested and approved by the Arkansas Department of Health annually. This approval shall be kept in the foster home case record.

### **300 Child Placement Agencies: Therapeutic Foster Care**

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

### **309 Sleeping Arrangements**

1. Each household occupant shall have a bedroom that provides privacy.
2. Each bedroom shall have at least fifty (50) square feet of floor space per occupant.

### **300 Child Placement Agencies: Therapeutic Foster Care**

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

### **310 Approval of Foster Homes**

1. A foster home can be approved only by one (1) agency.
2. At least three (3) positive personal references shall be obtained on the foster family from non-relatives.
3. Each member of the foster family shall have a physical exam within twelve (12) months before the initial approval.
4. Foster parents shall be trained in crisis prevention and intervention before a child is placed in the home.

### **300 Child Placement Agencies: Therapeutic Foster Care**

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

### **311 Selection of Foster Home**

1. The agency shall select the home that is in the best interest of the child, the least restrictive possible, and is matched to the child's physical and emotional needs. The placement decision shall be based on an individual assessment of the child's needs.
2. No children shall be placed in a foster home unless there is an approval letter in the record from the approving agency.
3. The agency shall place children only in approved foster homes.
4. When a placement agency places a child with another placement agency the receiving agency shall maintain a record for and provide casework services to the children placed into their foster homes.
5. Foster homes shall not have more than two (2) children under the age of two (2) years, including the foster parent's own children.

**300 Child Placement Agencies: Therapeutic Foster Care**

6. The number of children placed into one therapeutic foster home shall not exceed two (2), except to keep a sibling group together, in that case up to a maximum of three (3) children may be placed into the home. The sibling group shall be the only children placed into the therapeutic foster home. There shall be no more than five (5) total children in the home, including the foster parent's children. This includes placement or respite care. In the case of an emergency respite placement that would exceed capacity, the agency shall notify the Licensing Unit the next business day.
7. Before placing more than one (1) child (therapeutic or otherwise) in a home, the agency shall consider extraordinary problems/needs of each child (e.g., violent behavior, sexual offenses, and seizure disorders). Justification of the appropriateness of placing a child in a home with another child shall be documented.
8. Non-therapeutic foster children may be placed into therapeutic foster homes under any of the following circumstances:
  - a. The non-therapeutic foster child is a sibling of the therapeutic foster child;
  - b. The non-therapeutic foster child is the child of the therapeutic foster child;
  - c. The non-therapeutic foster child was previously a therapeutic foster child placed in the foster home.
  - d. The non-therapeutic foster child is placed as an emergency placement for a maximum of 21 days.
9. Before placing a non-therapeutic foster child into a therapeutic foster home with a therapeutic foster child, the agency shall consider the potential risk to the non-therapeutic foster child. Justification of the appropriateness of placing a non-therapeutic child in a home with another therapeutic foster child shall be documented. The agency shall maintain Section 200 standards in reference to the non-therapeutic foster child's record and the services the agency provides to the child.
10. No new placements of children shall occur with foster parents who have not satisfied the annual training requirements. Administrative-level staff, designated by the agency Director, may grant an exemption to this restriction for up to sixty (60) days. The administrator shall review the quality of care provided by the foster parents, and the reasons for failing to complete the training on time, in deciding whether to grant an exception.

## 312 Continued Training of Foster Parents

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

## 313 Therapeutic Foster Parent Responsibilities

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

### **300 Child Placement Agencies: Therapeutic Foster Care**

12. Foster parents shall maintain absolute confidentiality of private information about each foster child and the birth family.
13. Foster parents shall give advance notice to the agency of any major changes that affect the life and circumstances of the foster family, including a change of residence, when possible.
14. Foster parents shall keep periodic photographs, a record of the child's memberships, activities, and participation in extracurricular school or church activities, trophies, awards, ribbons, etc. for each foster child. These items shall be offered and/or returned to the child upon change in placement.
15. Foster parents shall be provided with a written list of duties clearly detailing their responsibilities.
16. Foster parents shall be responsible for implementing in-home treatment strategies specified in each child's treatment plan.
17. Foster parents shall keep an ongoing written record of each child's behavior and progress toward treatment goals.
18. The foster parents shall ensure that each child has sufficient sleep for his/her age and physical condition.
19. Each child shall be instructed in good grooming and personal hygiene habits.
20. The foster parents shall ensure each child is provided with opportunities for regular recreational activities and exercise.
21. The foster parents shall ensure each child shall be provided with age-appropriate activities and equipment.
22. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.

### **314 Medications**

1. The agency shall have an intervention policy that is non-medical, unless a specific medical condition is indicated.
2. When psychotropic medications are prescribed by a physician they shall be used in concert with other interventions.
3. Foster parents shall administer medications only in accordance with directions on the label.

## **300 Child Placement Agencies: Therapeutic Foster Care**

4. All over-the-counter medications shall be stored in an area not readily accessible to children, and all prescription medications excluding Epi-pens, inhalers, and Glucagon kits shall be locked. An age-appropriate and developmentally capable child may be provided, or have access to non-narcotic prescriptions with an approved safety plan. Examples include, but are not limited to, birth control, acne cream, topical creams.
5. Medication shall be stored in accordance with pharmaceutical recommendations.
6. Foster parents shall be aware of possible side effects of all medications administered to foster children.
7. All medication shall be logged by the foster parent at the time the medication is administered.
8. The medication logs shall include:
  - a. Child's name;
  - b. Time and date;
  - c. Medication and dosage;
  - d. Initials of the person administering the medication.
9. All currently prescribed medication shall be provided at placement.

## **315 Transportation**

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

## **316 Visitation**

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

## 317 Staffing Requirements, Staff Training & Support

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

## 318 Agency Responsibilities

1. The agency shall provide the foster parents with the information necessary to provide adequate care to each foster child.
2. The agency shall provide foster parents with instructions for contacting agency personnel any time.
3. The agency shall ensure that casework staff visits with the child face-to-face at least once per week during the first three (3) months after the child's placement with the agency, and at least every other week thereafter.
4. The agency shall ensure that each child in foster care has a medical exam at least annually. Medical exams need not be repeated during the year if a child moves from one facility or agency to another, provided the results of the exam are available to the receiving facility or agency.
5. The child placement agency shall remain legally responsible for the supervision and decision making regarding foster children. Foster parents have daily responsibility for the care of the children.
6. The child placement agency shall have a written plan that provides for timely reimbursements to foster parents for costs of care and fees for services.
7. The agency shall develop respite care and babysitting policies.
8. Respite care shall occur in an agency approved foster home and shall not exceed fourteen (14) consecutive days.
9. The agency shall have a written program description that is available to residents and parents/guardians. The following information shall be included:
  - a. Program philosophy and mission;
  - b. Services and treatment modalities;
  - c. Treatment planning procedures;
  - d. Behavior management program and expectations of each child;
  - e. Admission, exclusion, and discharge criteria;
  - f. Aftercare services.
10. The agency shall keep documentation that includes:
  - a. Prior treatment documents and intake information;
  - b. Assessments;
  - c. Master treatment plan;
  - d. Treatment plan review;

### 300 Child Placement Agencies: Therapeutic Foster Care

- e. Ongoing observations;
  - f. Medication and physician's instructions, if applicable;
  - g. Progress notes.
11. The agency shall establish procedures for hearing children's grievances.
12. If the child placement agency receives a report of non-compliance with licensing standards, the agency shall investigate to learn if the foster home remains in compliance. A report of findings and any corrective action shall be maintained in the foster home record. The investigation shall be completed within 60 days of receiving the report of non-compliance, unless good cause is documented.
13. The agency shall maintain a record for each foster family that contains all information and documentation required by licensing standards. To include:
- a. Complete and signed application;
  - b. Approval letter;
  - c. Home Study;
  - d. Minimum age verification;
  - e. 3 positive references;
  - f. Initial physical exam;
  - g. Pre-service training verification;
  - h. Initial and current criminal, Child Maltreatment, and FBI checks, as required;
  - i. Initial and current CPR and First Aid certification;
  - j. Current health immunizations of children or exemption;
  - k. Current auto insurance;
  - l. Current homeowner's or renter's insurance and general liability insurance;
  - m. Current rabies vaccinations for household pets as required by law;
  - n. Documentation of annual training;
  - o. Safety plans;
  - p. Social media confidentiality documentation;
  - q. Surveillance documentation, if applicable;
  - r. Floor plan;
  - s. Approved annual water system test, if applicable;
  - t. Approved alternative fire escape route, if applicable;

## **300 Child Placement Agencies: Therapeutic Foster Care**

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

## **319 Monitoring & Re-evaluation**

1. The agency shall monitor the foster home at least quarterly for continued compliance with licensing standards for foster homes.
2. At least one unannounced quarterly visit shall be conducted annually and shall be documented as unannounced in the foster home record.
3. The child placement agency shall conduct an annual re-evaluation of the foster family home. Any foster home that does not substantially comply with the standards for approval shall not be approved for placement until compliance is achieved.
4. The agency shall keep documentation of quarterly monitoring visits and annual re-evaluations in the foster home record signed and dated by the person conducting the visit and the foster parent.
5. If the foster family experiences any major life changes (e.g., marriage, divorce, separation, health problems, death, change of residence, change of household composition), the child placement agency shall re-evaluate the home at that time.
6. If a home is inactive or closed for one (1) year or more, the agency shall:
  - a. Conduct a re-evaluation to ensure Licensing requirements are met;
  - b. Ensure new background checks are conducted;
  - c. Ensure CPR/First Aid is current;
  - d. Evaluate any major changes. i.e. (319.5).
  - e.

**320 Discharge**

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

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

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

**401 Licensing Approval & Monitoring**

1. At the discretion of the Licensing Unit a multi-disciplinary team may be asked to assist the Licensing Specialist in the initial study, or during an investigation of a licensing complaint. This team may include a licensed mental health professional (as recognized by Arkansas Medicaid), or a person with professional expertise in the appropriate field.
2. At the discretion of the Licensing Unit, a multi-disciplinary team may be asked to assist the Licensing Specialist during inspections for advisory purposes.

**402 Admission**

1. Each agency shall establish written criteria for admitting/excluding children.
2. The agency shall not admit any child for whom the agency cannot provide adequate care.
3. In order to be admitted to the program, one of the following shall be met:
  - a. The child has committed a sexual offense that has been found true or exempt by an official investigation by the Department of Human Services or the Arkansas State Police;
  - b. The child has committed an offense involving the use of power, control, threat, coercion, or intimidation;
  - c. The child has committed an offense in which there was at least a three (3) year age difference between the offender and the victim;
  - d. The child has a documented pattern of deviant sexualized behavior, sexual misconduct, or sexually maladaptive behaviors as indicated by the psychosexual assessment.

**Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs**

4. Children admitted to the program shall have the cognitive ability to benefit from the treatment program.
5. Each child shall have a medical exam within one (1) year before admission, or an appointment scheduled within one (1) week after admission.
6. Each child shall have proof of current immunizations, or a letter of exemption, in accordance with the Arkansas Department of Health, or an appointment scheduled within one (1) week after admission.
7. The agency shall obtain written authority from the parent(s), guardian(s), or court before placement, or within seventy-two (72) hours if an emergency placement.
8. The agency shall obtain written authority for medical care for the child from the placing agent at the time of admission.
9. The agency shall comply with the Interstate Compact on the Placement of Children when placing/admitting children from outside Arkansas.
10. The agency shall have written policies regarding description of the target population, admission/exclusion criteria, and discharge criteria.
11. The agency shall have a written policy describing children with sexually maladaptive behaviors' risk levels it will accept for admission, and therapeutic interventions it will utilize for each risk level.

**Intake & Assessment**

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

### **Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs**

- f. An assessment of services needed to ensure the health and welfare of the child, including medical history and psychological history;
  - g. Description of the offense or sexually maladaptive behavior, including police reports and victim statements (if available);
  - h. Psychosexual assessment (if available);
  - i. Discharge summary from previous rehabilitative-specific treatment (if applicable and available).
3. The agency shall obtain copies of legal documents within thirty (30) days of admission, or shall document their attempts to obtain the documents. The legal documents shall include, but not be limited to, birth certificates, social security cards and court orders.
  4. A psychosexual evaluation shall be conducted by a licensed mental health professional (as recognized by Arkansas Medicaid) that is a member of the Association for the Treatment of Sexual Abusers or has forty (40) hours of sexual rehabilitative treatment training. The evaluation shall be completed within the past twelve (12) months, or within seven (7) days following admission of the child.
  5. Each child shall have been evaluated for intellectual ability, learning disabilities, and/or language disorders within the past eighteen (18) months. If a child is admitted without an evaluation, the evaluation shall be completed within thirty (30) days of admission.
  6. A plan of safe care shall be developed for all children with physical limitations, medical conditions, or behaviors that are indicative of harm to self or others; to include, but not limited to: arson, physical aggression, sexual aggression, suicidal behaviors or other self-harming tendencies. This plan shall identify the behavior/problem, and shall specify the safeguards that are to be implemented. A copy of the plan shall be provided to the direct caregiver(s), as well as a copy placed in the child's case file.

### **404 Treatment Planning**

1. The agency shall develop a treatment plan for each child that includes tasks appropriate to the needs of the child as identified in the intake information and psychosexual assessment.
2. The child's treatment plan shall include a diagnosis related to their sexually maladaptive behavior.

**Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs**

3. When a placement agency places a child with another placement agency the receiving agency shall develop a treatment plan for each child received for care.
4. The treatment plan shall be developed within thirty (30) days after placement.
5. The child's treatment plan shall contain, at the minimum:
  - a. Specific needs of the child;
  - b. Plan for meeting child's needs;
  - c. Special treatment issues (e.g., psychotropic medications, sexual misconduct, and neurological disorders) shall be identified, with a statement of how the special needs shall be met;
  - d. A plan to ensure that the child's educational needs are met according to applicable state law;
  - e. Visitation plan, if applicable;
  - f. Date of next review of the treatment plan.
6. If independence is a goal, the treatment plan shall include training in independent living skills.
7. Foster parents shall be included in treatment planning for each child
8. Foster parents shall be provided a copy of the child's current treatment plan.
9. A copy of the treatment plan shall be made available to the parent(s), guardian(s), court, or other agencies involved in case plan services delivery, if applicable.
10. The child's treatment plan shall be reviewed quarterly, and shall be updated to reflect the child's progress.
11. If treatment services are contracted, there shall be evidence of participation by the contracted therapist in treatment planning reviews and individualized program implementation.

**Children's Records**

1. The agency shall keep a confidential case record for each child that includes the following:
  - a. Demographic information;
  - b. Plan of safe care, if applicable;

### **Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs**

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

### **406 Behavior Management**

1. The agency shall have a written discipline policy that is consistently followed.
2. Discipline shall be directed toward teaching the child acceptable behavior and self-control.
3. Discipline shall be appropriate to the child's age, development, and history, including trauma history.
4. The following actions shall not be used, including as discipline:

### **Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs**

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

### **407**

### **Foster Parent Qualifications**

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

### **Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs**

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

### **Content of the Home Study**

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

### **Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs**

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

### **409**

### **Physical Requirements of the Home**

1. A sexual rehabilitative foster home shall not be located within one thousand (1000) feet of an elementary school, child care center, or child care family home.
2. The foster home shall be accessible to community resources needed by foster children.
3. The foster home shall be clean and free of hazards.
4. The foster home shall have a continuous supply of sanitary drinking water. If the source is not a municipal water system, the water shall be tested and approved by the Arkansas Department of Health annually. This approval shall be kept in the foster home case record.
5. The foster home shall have at least one (1) flush toilet, one sink with running water, and one bathtub or shower with hot and cold running water.

**Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs**

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

**410****Sleeping Arrangements**

1. Each household occupant shall have a bedroom that provides privacy.
2. Each bedroom shall have at least fifty (50) square feet of floor space per occupant.

**Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs**

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

**411 Approval of Foster Homes**

1. A foster home can be approved only by one (1) agency.
2. At least three (3) positive personal references shall be obtained on the foster family from non-relatives.
3. Each member of the foster family shall have a physical exam within twelve (12) months before the initial approval.
4. Foster parents shall be trained in crisis prevention and intervention before a child is placed in the home.
5. Prior to the placement of children in their home, foster parents shall complete at least thirty (30) hours of skill-based pre-service training (excluding CPR and First Aid) consistent with the agency's treatment methodology and the needs of the population served.
6. Foster parents shall complete fifteen (15) hours of sexual rehabilitative training in addition to their thirty (30) hours of pre-service training.
7. At least one (1) hour of training on the program's safety plan shall be provided before placement of children into the foster home.
8. Foster parent(s) shall be currently certified in hands-on, skill based CPR and First Aid before a child is placed in the home. Training and certification that is provided solely on-line will not be accepted.
9. Foster parents shall provide documentation that they carry homeowner's or renter's insurance and general liability insurance.

**Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs**

10. Foster homes shall not also operate as Child Care Family Homes.
11. Foster homes shall not provide compensated care for any non-related adults in the foster home, unless providing transitional care for a person placed in care prior to age eighteen (18).
12. There shall be an annual approval letter from the approving agency in the foster home record.
13. If a foster home moves from one placement agency to another all requirements for opening a new foster home shall be met.

**412****Selection of Foster Home**

1. The agency shall select the home that is in the best interest of the child, the least restrictive possible, and is matched to the child's physical and emotional needs. The placement decision shall be based on an individual assessment of the child's needs.
2. No children shall be placed in a foster home unless there is an approval letter in the record from the approving agency.
3. The agency shall place children only in approved foster homes.
4. When a placement agency places a child with another placement agency the receiving agency shall maintain a record for and provide casework services to the children placed into their foster homes.
5. All children placed in the foster home shall be admitted to the Therapeutic Sexual Rehabilitative Program, except in the case of siblings.
6. Foster homes shall not have more than two (2) children under the age of two (2) years, including the foster parent's own children.
7. The number of children placed into one therapeutic sexual rehabilitative foster home shall not exceed two (2). There shall be no more than five (5) total children in the home, including the foster parent's children. This includes placement or respite care. In the case of an emergency respite placement that would exceed capacity, the agency shall notify the Licensing Unit the next business day.
8. Before placing more than one (1) child in a home, the agency shall consider extraordinary problems and needs of each child (e.g., violent behavior, sexual offenses, and seizure disorders). Justification of the appropriateness of placing a child in a home with another child shall be documented.

**400 Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs**

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

**413 Continued Training of Foster Parents**

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

**414 Therapeutic Foster Parent Responsibilities**

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

**Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs**

7. Foster parents shall provide routine transportation for each child.
8. Foster parents shall participate in case planning and case plan reviews.
9. Foster parents shall attend school conferences concerning a foster child, and shall notify the placing agency of any situations that may affect the case plan or require agency involvement.
10. Foster parents shall notify the child placement agency promptly of serious illness, injury, or unusual circumstances affecting the health, safety, or welfare of the foster child.
11. Foster parents shall cooperate with the child placement agency and the Licensing Unit in conducting inspections and investigations, and shall provide information required to verify compliance with rules.
12. Foster parents shall maintain absolute confidentiality of private information about each foster child and the birth family.
13. The foster parents shall give advance notice to the agency of any major changes that affect the life and circumstances of the foster family, including a change of residence, whenever possible.
14. Foster parents shall keep periodic photographs, a record of the child's memberships, activities, and participation in extracurricular school or church activities, trophies, awards, ribbons, etc. for each foster child. These items shall be offered and or returned to the child upon change in placement.
15. The foster parents shall be provided with a written list of duties clearly detailing their responsibilities.
16. Foster parents shall be responsible for implementing in-home treatment strategies specified in each child's treatment plan.
17. Foster parents shall keep an ongoing written record of each child's behavior and progress toward treatment goals.
18. The foster parents shall ensure that each child has sufficient sleep for his/her age and physical condition.
19. Each child shall be instructed in good grooming and personal hygiene habits.
20. The foster parents shall ensure each child is provided with opportunities for regular recreational activities and exercise.
21. The foster parents shall ensure each child shall be provided with age-appropriate activities and equipment.
22. The use of television, videos, computer games and other screen time activities shall be monitored and time limited.

**415 Medications**

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

**416 Transportation**

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

**400 Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs**

**417 Visitation**

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

**418 Staffing Requirements, Staff Training & Support**

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

**Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs**

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

**419 Agency Responsibilities**

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

**Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs**

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

### **Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs**

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

### **420 Monitoring & Re-evaluation**

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

**Child Placement Agencies: Therapeutic Foster Care – Sexual Rehabilitative Programs**

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

**421****Discharge**

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

## **500 CHILD PLACEMENT AGENCIES: ADOPTIONS**

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

### **501 Selection of Adoptive Home**

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

### **502 Approval Process of Prospective Homes**

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

**Child Placement Agencies: Adoption**

6. The caseworker shall interview each age-appropriate member of the household in person.
7. Each member of the adoptive household shall have a physical exam within twelve (12) months prior to the approval by the social worker or agency conducting the home study, and annually thereafter until placement to ensure that no person has a health condition or disability that would interfere with the family's ability to care for a child.
8. The Licensed Certified Social Worker or agency shall notify applicants in writing within sixty (60) days of completion of the final home visit concerning the acceptance, reason for further delay, or denial of their application.

**Contents of the Home Study**

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

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

**504****Services to the Adoptive Parents**

1. The agency shall provide information to the adoptive applicants regarding the potential risks associated with adoption.
2. The agency shall provide a written statement of exclusion (e.g., single parents, unwed couples), if applicable, to adoptive applicants before a home study is conducted.
3. The following information (if available) shall be provided to adoptive parents regarding the child being considered for adoption:
  - a. Specific and accurate information about the needs and characteristics of the child;

**Child Placement Agencies: Adoption**

- b. The health/medical history of the child and the child's biological family;
  - c. The health status of the child at the time of placement;
  - d. Genetic and social history of biological relatives, including:
    - i. Medical history;
    - ii. Health status, if alive;
    - iii. Cause of and age at death, if deceased;
    - iv. Height, weight, eye and hair color;
    - v. Levels of education and professional achievement;
    - vi. Ethnic origins;
    - vii. Religion.
4. The agency caseworker shall ensure that at least two (2) face to face post-placement visits are made within six (6) months after the placement of the child. One of the visits shall be in the home of the adoptive family. If a finalized decree of adoption has been issued then post placement visits are not required.
  5. The agency shall have a plan for caring for children in case the placement disrupts before the issuance of a decree of adoption.
  6. The agency shall offer supportive services to the adoptive family for at least six (6) months following placement.

**505****Services to Birth Parents**

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

**506 Birth Parent Records**

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

**507 Agency Responsibilities**

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

## **508 Adoptive Family Records**

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

## **509 Record Maintenance**

1. The agency shall maintain a permanent file on any adoption finalized, which shall be accessed according to Arkansas law.
2. If the agency establishes or contracts with a Mutual Consent Voluntary Adoption Registry, it shall be maintained according to Arkansas law.

## **510 Branch Offices**

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

## 600 CHILD PLACEMENT AGENCIES: RESIDENTIAL

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

1. The agency shall select the placement that is in the best interest of the child and is matched to the child's physical and emotional needs, based on an individual assessment.
2. A child placement agency shall only place a child into a licensed or exempt facility; documentation of current license is required for any out-of-state placement.
3. The agency shall maintain a record of all placements to include:
  - a. Child's name;
  - b. Date of placement;
  - c. Placement providers;
  - d. Person making referral, placing child, or assisting with placement.
4. The agency shall maintain a list of personnel involved in child placement activities.
5. The agency shall maintain a personnel record for each employee involved in child placement activities. Agencies providing mental health or other services that do not require a placement license shall not have their personnel records subject to review.

## Appendix A: DEFINITIONS

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

## Appendix A: Definitions

7. **"Child"** means a person who is:
  - a. From birth to eighteen (18) years of age; or
  - b. Adjudicated dependent-neglected, dependent, or a member of a family in need of services before eighteen (18) years of age and for whom the juvenile division of a circuit court retains jurisdiction under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.;
8. **"Child placement agency"** means a child welfare agency, not including any person licensed to practice medicine or law in the State of Arkansas that engages in any of the following activities:
  - a. Places a child in a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter;
  - b. Plans for the placement of a child into a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter; or
  - c. Assists the placement of a child in a foster home, adoptive home, or any type of facility licensed or exempted by this subchapter; or
  - d. Places, plans or assists in the placement of a child victim of human trafficking in a home or any type of shelter or facility.
9. **"Child welfare agency"** means any person, corporation, partnership, voluntary association, or other entity or identifiable group of entities having a coordinated ownership of controlling interest, whether established for profit or otherwise, that engages in any of the following activities:
  - a. Receives a total number of six (6) or more unrelated minors for care on a twenty-four-hour basis for the purpose of ensuring the minors receive care, training, education, custody, or supervision, whether or not there are six (6) or more children cared for at any single physical location;
  - b. Places any unrelated minor for care on a twenty-four-hour basis with persons other than themselves; or
  - c. Plans for or assists in the placements described in subdivision (8)(B) of this section; or
  - d. Places, plans or assists in the placement of a child victim of human trafficking in a home or any type of shelter or facility;

## Appendix A: Definitions

10. **"Church-related exemption"** means:
- a. Any church or group of churches exempt from the state income tax levied by § 26-51-101 et seq. when operating a child welfare agency shall be exempt from obtaining a license to operate the facility by the receipt by the Child Welfare Agency Review Board of written request therefore, together with the written verifications.
  - b. A written request shall be made by those churches desiring exemption to the board, which is mandated under the authority of this subchapter to license all child welfare agencies.
  - c. In order to maintain an exempt status, the child welfare agency shall state every two (2) years in written form signed by the persons in charge that the agency has met the fire, safety, and health inspections and is in substantial compliance with published standards that similar nonexempt child welfare agencies are required to meet.
  - d. Visits to review and advise exempt agencies shall be made as deemed necessary by the board to verify and maintain substantial compliance with all published standards for nonexempt agencies.
11. **"Emergency child care"** means any residential child care facility that provides care to children on a time-limited basis, not to exceed ninety (90) days;
12. **"Emergency Family Style Care"** means any child welfare agency that provides twenty-four (24) hour custodial care, in a home like setting, for six (6) or more unrelated children or a child victim of human trafficking on an emergency basis, not to exceed ninety (90) days.
13. **"Emergency Residential Child Care Facility"** means any child welfare agency that provides twenty-four (24) hour custodial care for six (6) or more unrelated children or a child victim of human trafficking on an emergency basis, not to exceed ninety (90) days. Any child admitted as an emergency placement shall be designated as such and shall be discharged within ninety (90) days.
14. **"Exempt child welfare agency"** means any person, corporation, partnership, voluntary association or other entity, whether established for profit or otherwise, that otherwise fits the definition of a child welfare agency but that is specifically exempt from the requirement of obtaining a license under this subchapter. Those agencies specifically exempt from the license requirement are:

## Appendix A: Definitions

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

## Appendix A: Definitions

15. **"Foster Care Placement Agency"** means a child placement agency which places, plans for, or assists in the placement of an unrelated minor in a private residence of one (1) or more family members for care and supervision on a twenty-four (24) hour basis; or places, plans or assists in the placement of a child victim of human trafficking in a home.
16. **"Foster home"** means a private residence of one (1) or more family members that receives from a child placement agency any child who is unattended by a parent or guardian in order to provide care, training, education, or supervision on a twenty-four-hour basis, not to include adoptive homes. **"Foster home"** does not include a home suspended or closed by a child placement agency;
17. **"Transitional Living"** means any child welfare agency that provides specialized services in adult living preparation in a structured setting for persons eighteen (18) years of age or older who have been admitted into the agencies residential program prior to the age of 18.
18. **"Independent Living"** means a child welfare agency that provides specialized services in adult living preparation in an experiential home like setting for persons sixteen (16) years of age or older.
19. **"Independent Living Family Style Care"** means a child welfare agency that provides specialized services in adult living preparation in an experiential home like setting for persons sixteen (16) years of age or older.
20. **"Minimum standards"** means those rules and regulations as established by the Child Welfare Agency Review Board that set forth the minimum acceptable level of practice for the care of children by a child welfare agency;
21. **"Placement Residential"** means a child placement agency which places, plans for, or assists in the placement of an unrelated minor into a residential child care facility or a child victim of human trafficking in any type of shelter or facility. The agency may be licensed for any or all types of licenses, depending on the types of services it provides.
22. **"Provisional foster home"** means a foster home opened for no more than six (6) months by the Division of Children and Family Services of the Department of Human Services for a relative or fictive kin of a child in the custody of the Division of Children and Family Services of the Department of Human Services after it:

## Appendix A: Definitions

- a. Conducts a health and safety check, including a central registry check and a criminal background check or a check with local law enforcement, of the relative's home; and
  - b. Performs a visual inspection of the home of the relative to verify that the relative and the home will meet the standards for opening a regular foster home;
23. **"Probationary"** means a type of license issued to an agency that has not maintained compliance with minimum licensing standards, but the Board believes that compliance can be restored and subsequently maintained. This license may be issued for up to one (1) year, at the discretion of the Board.
24. **"Psychiatric residential treatment facility"** means a residential child care facility in a nonhospital setting that provides a structured, systematic, therapeutic program of treatment under the supervision of a psychiatrist, for children who are emotionally disturbed and in need of daily nursing services, psychiatrist's supervision, and residential care but who are not in an acute phase of illness requiring the services of an inpatient psychiatric hospital;
25. **"Relative"** means a person within the fifth degree of kinship by virtue of blood or adoption;
26. **"Religious organization"** means a church, synagogue, or mosque or association of same whose purpose is to support and serve the propagation of truly held religious beliefs;
27. **"Residential child care facility"** means any child welfare agency that provides care, training, education, custody, or supervision on a twenty-four-hour basis for six (6) or more unrelated children, excluding foster homes that have six (6) or more children who are all related to each other but who are not related to the foster parents; or receives a child victim of human trafficking in any type of shelter or facility.
28. **"Residential Family Style Care"** means any child welfare agency that provides care, training, education, custody or supervision, in a home like setting, on a twenty-four (24) hour basis for six (6) or more unrelated minors or receives a child victim of human trafficking in any type of shelter or facility.

## Appendix A: Definitions

29. **"Sexual Rehabilitative Program"** means a treatment program that offers a specific and specialized therapeutic program for children with sexually maladaptive behaviors. A licensed sexual rehabilitative program may be in a residential childcare facility, a therapeutic foster care home, or a psychiatric residential treatment facility.
30. **"Special consideration"** means approval from the Child Welfare Agency Review Board to allow a licensee to deviate from the letter of a rule if the licensee has demonstrated that the deviation is in the best interest of the children and does not pose a risk to persons served by the licensee;
31. **"Substantial compliance"** means compliance with all essential standards necessary to protect the health, safety, and welfare of the children in the care of the child welfare agency. Essential standards include, but are not limited to, those relating to issues involving fire, health, safety, nutrition, discipline, staff-to-child ratio, and space;
32. **"Temporary camp"** means any facility or program providing twenty-four-hour care or supervision to children that meets the following criteria:
- a. The facility or program is operated for recreational, educational, or religious purposes only;
  - b. No child attends the program more than forty (40) days in a calendar year; and
  - c. The parents of children placed in the program retain custody and planning and financial responsibility for the children during placement;
33. **"Therapeutic Foster Care"** means any child placement agency that places, plans for, or assists in the placement of an unrelated minor or a child victim of human trafficking in a therapeutic foster home. Therapeutic foster care is intensive therapeutic care for children provided in specially trained family homes supported by licensed mental health professionals (as recognized by Arkansas Medicaid). A therapeutic foster care program is a family-based services delivery approach providing individualized treatment for children, youth, and their families. Treatment is delivered through an integrated set of services with key interventions and supports provided by therapeutic foster parents who are trained, supervised, and supported by qualified program staff. Therapeutic foster care services shall be provided in a separately identified program of a larger agency or be provided by an independent agency.

## Appendix A: Definitions

34. **"Therapeutic Foster Care - Sexual Rehabilitative Program"** means a treatment program that offers a specific and specialized therapeutic program for children with sexually maladaptive behaviors. A licensed sexual rehabilitative program may be in a residential childcare facility, a therapeutic foster care home, or a psychiatric residential treatment facility.
35. **"Unrelated minor"** means a child who is not related by blood, marriage, or adoption to the owner or operator of the child welfare agency and who is not a ward of the owner or operator of the child welfare agency pursuant to a guardianship order issued by a court of competent jurisdiction.

## Appendix B: PROHIBITED OFFENCES

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

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

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

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

Appendix B: Prohibited Offences

17. Communicating a death threat concerning a school employee or students:	§ 5-17-101;
18. Domestic battery in the first, second, or third degree,	§5-26-303/305;
19. Employing or consenting to the use of a child in a sexual performance,	§5-27-401;
20. Endangering the welfare of a minor in the first or second degree,	§5-27-205/206
21. Endangering the welfare of an incompetent person in the second degree,	§5-27-202;
22. Engaging children in sexually explicit conduct for use in visual or print media,	§ 5-27-303;
23. False imprisonment in the first or second degree,	§ 5-11-103/104;
24. Felony abuse of an endangered or impaired person,	§ 5-28-103;
25. Felony interference with a law enforcement officer,	§ 5-54-104;
26. Felony violation of the Uniform Controlled Substance Act,	§ 5-64-101 et seq. §5-64-501 et seq.;
27. Financial identity fraud,	§ 5-37-227;
28. Forgery,	§ 5-37-201;
29. Incest,	§ 5-26-202;
30. Interference with court ordered custody,	§ 5-26-502;
31. Interference with visitation,	§ 5-26-501;
32. Introduction of controlled substance into the body of another person,	§ 5-13-210;
33. Manslaughter,	§ 5-10-104;
34. Negligent homicide,	§ 5-10-105;
35. Obscene performance at a live public show,	§ 5-68-305;
36. Offense of cruelty to animals,	§ 5-62-103;
37. Offense of aggravated cruelty to dog, cat, or horse,	§ 5-62-104;
38. Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child,	§ 5-27-304;
39. Sexual solicitation,	§ 5-70-103;
40. Permanent detention or restraint,	§ 5-11-106;
41. Permitting abuse of a minor,	§ 5-27-221;
42. Producing, directing, or promoting a sexual performance by a child,	§ 5-27-403;
43. Promoting obscene materials,	§ 5-68-303;
44. Promoting obscene performance,	§ 5-68-304;
45. Promoting prostitution in the first, second, or third degree,	§ 5-70-104- § 5-70-106;
46. Prostitution,	§ 5-70-102;
47. Public display of obscenity,	§ 5-68-205;
48. Resisting arrest,	§ 5-54-103;
49. Robbery,	§ 5-12-102;
50. Aggravated robbery,	§ 5-12-103;

Appendix B: Prohibited Offences

51. Sexual offenses,	§ 5-14-101 et seq.
52. Simultaneous possession of drugs and firearms,	§ 5-74-106;
53. Soliciting money or property from incompetents,	§ 5-27-229;
54. Stalking,	§ 5-71-229;
55. Terroristic act,	§ 5-13-310;
56. Terroristic threatening,	§ 5-13-301;
57. Theft of public benefits,	§ 5-36-202;
58. Theft by receiving,	§ 5-36-106;
59. Theft of property,	§ 5-36-103;
60. Theft of services,	§ 5-36-104;
61. Transportation of minors for prohibited sexual conduct,	§ 5-27-305;
62. Unlawful discharge of a firearm from a vehicle,	§ 5-74-107; and
63. Voyeurism,	§ 5-16-102.

3. A former or future law of this or any other state or of the federal government that is substantially equivalent to one (1) of the offenses listed in the Child Welfare Licensing Act shall be considered as prohibiting.
4. A person who is required to have a criminal records check under the Child Welfare Agency Licensing Act who has pleaded guilty or nolo contendere to or been found guilty of any of the offenses listed shall be absolutely disqualified from being an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare agency's board of directors, or employee in a child welfare agency during the period of the person's confinement, probation, or parole supervision unless the conviction is vacated or reversed.
5. Except as provided under the Child Welfare Agency Licensing Act, a person who has pleaded guilty or nolo contendere to or been found guilty of one (1) of the offenses listed shall not work in a child welfare agency unless:
  - (a) The date of a plea of guilty or nolo contendere, or the finding of guilt for a misdemeanor offense is at least five (5) years from the date of the record check; and
  - (b) There have been no criminal convictions or pleas of guilty or nolo contendere of any type or nature during the five-year period preceding the background check request.
6. Except as provided under the Child Welfare Licensing Act:
  - (a) a person who is required to have a criminal records check, who has pleaded guilty or nolo contendere to or been found guilty of any of the offenses listed shall be presumed to be disqualified to be an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare agency's board of directors, or employee in a child welfare agency after the completion of his or her term of confinement, probation, or parole supervision unless the conviction is vacated or reversed.

Appendix B: Prohibited Offences

- (b) An owner, operator, volunteer, foster parent, adoptive parent, household member of a foster parent or adoptive parent, member of any child welfare agency's board of directors, or an employee in a child welfare agency shall not petition the Child Welfare Agency Review Board unless the agency supports the petition, which can be rebutted in the following manner:
  - (i) The applicant shall petition the Child Welfare Agency Review Board to make a determination that the applicant does not pose a risk of harm to any person;
  - (ii) The applicant shall bear the burden of making such a showing; and
  - (iii) The Child Welfare Agency Review Board may permit an applicant to be an owner, operator, volunteer, foster parent, adoptive parent, member of an agency's board of directors, or an employee in a child welfare agency notwithstanding having pleaded guilty or nolo contendere to or been found guilty of an offense listed in this section upon making a determination that the applicant does not pose a risk of harm to any person served by the facility.
  
- 7. The Child Welfare Agency Review Board's decision to disqualify a person from being an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare agency's board of directors, or an employee in a child welfare agency under this section shall constitute the final administrative agency action of the Child Welfare Agency Review Board and is not subject to review.