

DCFS SUMMARY OF CHANGES FOR DECEMBER 2014 PROMULGATION

SUMMARY OF DCFS REGULAR PROMULGATION

The purpose of this regular promulgation is to make revisions to the Division's policies and procedures to comply with federal IV-E program instructions to:

- To update the definition of sibling to include an individual who is considered by state/tribal law to be a sibling or who would be considered a sibling under state/tribal law if it were not for the disruption of parental rights.
- To update information regarding payment of a guardianship subsidy to a successor guardian.

VI. SERVICES TO REUNIFY FAMILIES

POLICY VI-A: OUT-OF-HOME PLACEMENT CRITERIA

07/2015

The state of Arkansas is not a voluntary placement state. The removal of a child from his or her home must occur pursuant to a judicial order placing custody of the child with the Department. After the Department removes the child or the court grants custody of the child to the Department, the child shall be placed in a licensed or approved foster home, shelter, or facility, or an exempt child welfare agency as defined at A.C.A. § 9-28-402.

When a child is in the custody of the Department of Human Services, DCFS shall ensure that the out-of-home placement is in the best interest of the child, is the least restrictive possible, is matched to the child's physical and therapeutic needs (e.g., caretakers have the skills and training sufficient to meet the child's individual needs), and is close in proximity to the child's parents and the child's school. All efforts to place a child within Arkansas shall be thoroughly explored and documented before consideration is given to out-of-state placement.

If the biological parent expresses a preference for placing a child in a home of the same or similar religious background to the biological parents, the Division will place the child with a family that meets the genetic parent's religious background. If a family with the same or similar religious background is not available, the Division will place the child with a family of a different religious background but that is knowledgeable and appreciative of the child's religious background.

When it is in the best interest of each of the children, the Department shall attempt to place siblings together while in out-of-home placements. Siblings include those individuals who would be considered a sibling under state/tribal law if it were not for the disruption in parental rights, such as a termination of parental rights or death of a parent. When it is in the best interest of each of the children, the Department shall attempt to place together infants with minor mothers who are in foster care.

The state shall check all appropriate child abuse and neglect registries for information on any prospective foster or adoptive parent and any household member age 14 and up living in the home before the prospective parent may be finally approved for placement of that child. This will be done regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child. The state shall also request any other state in which a prospective parent or any household member age 14 and up has resided in the preceding five years to check any child abuse and neglect registry it maintains for such information. The state will comply with any request received from another state to check its own child abuse and neglect registry.

In addition, a child in the custody of the Department shall not be placed in an approved home of any foster or adoptive parent unless all household members 18 and one-half years of age and older, excluding children in foster care, have had an Arkansas State Police Criminal Record Check.

A child in the custody of the Department shall also not be placed in an approved home of any foster or adoptive parent unless all household members 18 and one-half years of age and older, excluding children in foster care, have a fingerprint-based FBI Criminal Background Check.

No child shall be placed in the home of a foster parent where a records check reveals a felony conviction for child abuse or neglect, for spousal abuse or domestic battery, for a crime against children (including child pornography), or a crime involving violence, including rape, sexual assault or homicide. No child shall be placed in the home of a foster parent if the record check reveals a criminal conviction for physical assault, battery, or a drug related offense, if the offense was committed within the past five years. The placement decision shall be based on an individual assessment of the child's needs.

In all custodial placements by DCFS, preferential consideration will be given to an adult relative over a nonrelated caregiver if the relative caregiver meets all relevant child protection standards and it is in the best interest of the child to be placed with the relative caregiver. All potential out-of-state relative placements will be given the same opportunity as in-state relative placements to choose to become foster homes.

In order to assist in placing the child with an appropriate relative, the court will order the parent(s) to provide the necessary information to the Department to locate appropriate relatives:

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

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

- A. The relative becoming a DCFS provisional foster home prior to becoming a regular DCFS foster home (if the relative opts to have his or her home opened as a provisional foster home, the relative shall not be paid a board payment until the relative is opened as a regular foster home); or,
- B. The relative obtaining legal custody of the child.

For more information on these placement options, refer to Policy VI-B: Consideration of Relatives and Fictive Kin for Children in Foster Care.

Fictive kin to the child may be an appropriate placement option for a child provided the individual meets all relevant child protection standards and it is in the child's best interest to be placed with fictive kin. Fictive kin are defined as persons not related by blood or marriage but who have a strong, positive emotional tie to the child, and have a positive role in the child's life such as, godparents, neighbors, or family friends. If an appropriate fictive kin is identified as a placement option for a child, the FSW shall discuss with the fictive kin the following two options for placement of the child in the fictive kin's home:

- A. The fictive kin becoming a DCFS provisional foster home prior to becoming a regular DCFS foster home (if the fictive kin opts to have his or her home opened as a provisional foster home, the fictive kin shall not be paid a board payment until the fictive kin is opened as a regular foster home); or,
- B. The fictive kin obtaining legal custody of the child.

The child shall remain in a licensed or approved foster home, shelter, or facility, or an exempt child welfare agency as defined at A.C.A. § 9-28-402(12), until:

- A. The relative or fictive kin's home is opened as a provisional foster home or regular foster home; or,
- B. The court grants custody of the child to the relative or fictive kin after a written approved home study is presented to the court.

Placement or custody of a child in the home of a relative or other person shall not relieve the Department of its responsibility to actively implement the goal of the case.

The court may order a child to remain in a placement if the court finds the placement is in the best interest of the child (with the exception that the court shall not order a child to remain in a placement in a foster home that has been closed or suspended by a child placement agency) after hearing evidence from all parties. The court shall not specify a particular provider for placement or family services, when DHS is the payer or provider; however, the court may order a child to be placed into a licensed approved placement (i.e., no child shall be placed in a foster home that has been closed or suspended by a child placement agency) after a hearing where the court makes a finding that it is in the best interest of the child based on bona fide consideration of evidence and recommendations from all the parties.

If the court orders a child to be placed into a licensed approved placement as outlined above, a IV-E eligible child may still remain IV-E claimable. However, if the court orders a child into a specific placement and it is determined that the court did not make a finding based on bona fide consideration of evidence and recommendations from all parties a IV-E eligible child's IV-E claimability may be affected.

If the health or welfare of a child is in immediate danger while in a court-ordered placement the Division may immediately remove the child from the court-ordered placement. If the Division must move a child from a court-ordered placement due to the health or welfare of a child being in immediate danger, the Division shall notify all parties within 24 hours of the change in placement. Regarding this type of placement change, a hearing may be requested by a party to the case, and the hearing shall be held within five business days of receiving the request.

In all cases in which family services are ordered, the court shall determine the parent's, guardian's, or custodian's ability to pay, in whole or in part, for these services. This determination and the evidence supporting it shall be made in writing in the court order ordering family services. If the court determines that the parent, guardian, or custodian is able to pay, in whole or part, for the services, the court shall enter a written order setting forth the amounts the parent, guardian, or custodian can pay for the family services ordered and ordering the parent, guardian, or custodian to pay the amount periodically to the provider from whom family services are received. If a child is committed to a youth services center or detained in a juvenile detention facility and is covered by private health insurance, the court may order the parent or guardian to provide information on the health insurance coverage (including a copy of the health insurance policy and pharmacy card when available) to the detention or youth services center.

A child of a parent who is in DHS custody, is also considered a dependent juvenile and is eligible to receive foster care maintenance payments and is deemed to be a recipient of aid to families with dependent children. Titles XIX and XX services will be available to the child in the state in which the child resides.

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

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

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- B. The fictive kin obtaining legal custody of the child.

The child shall remain in a licensed or approved foster home, shelter, or facility, or an exempt child welfare agency as defined at A.C.A. § 9-28-402(12), until:

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POLICY VI-C: MAINTAINING FAMILY TIES IN OUT-OF-HOME PLACEMENT

07/2015

The Division believes that strengths of families and supporting these strengths contribute to life-long permanent relationships for children. This belief is supported by research demonstrating that children who are able to maintain positive family ties while in out-of-home placement achieve better short- and long-term outcomes. Therefore, families and children shall have reasonable opportunities for personal visits, communication by telephone, and involvement in life events such as teacher conferences, school and community events. A plan for visits shall be developed between a child in out-of-home placement and the family and siblings, whether or not the siblings are in out-of-home placement. Siblings include those individuals who would be considered a sibling under state/tribal law if it were not for the disruption in parental rights, such as a termination of parental rights or death of a parent. The preferred location for the visits is the parent's home or, if that is not possible, in the most homelike setting possible. Office visits are a last resort.

Siblings shall live together in the same foster home. When it is in the best interest of each of the children, the Department shall attempt to place siblings together while they are in a foster care and adoptive placement. Siblings may be placed separately only if an assessment determines that placement of the siblings together would be detrimental to their best interest or is otherwise not possible at the time of initial placement. The reasons for the separation must be provided in a written recommendation from appropriate DCFS staff. The case plan must include when siblings will be reassessed to determine if they can be reunited at a later point in time, and, if the reassessment determines reunification is appropriate, the plan for sibling reunification. The Division shall ensure that the reasons for the separation of siblings, or infants with minor mothers, into different foster homes are regularly reassessed and targeted recruitment efforts continue to reunite the siblings.

Children in DHS custody may have an opportunity to visit with grandparents or great grandparents provided the visits are in the best interest of the children.

If it is in the child's best interest, visits between siblings and with relatives may continue after Termination of Parental Rights (TPR), if visitation was established prior to TPR. Visitation after TPR will continue until an adoption placement is made or the Out-of-Home placement case is closed. Continuation of visits with relatives does not include the parents for whom the agency has obtained TPR.

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