

Summary of Changes

Agency #16.5

Revised Forms:

1. Added extended authorization period for obtaining checks

- a. CFS-316 Request for Child Protective Services (CPS) Central Registry Check
- b. CFS-342 Arkansas State Police Criminal Record Check

2. Age Changes for Federal and State Background Checks

- a. As required by the Uniform Adoption Act, Act 724 and Child Welfare Licensing Act revisions, Act 793; the ages for state and federal background checks have been changed to 18 from 14 and 16 respectively. The following forms have been revised:
 - i. CFS-400 Adoption/Foster Home Study Application
 - ii. CFS-405 Foster/Adoptive Home Assessment Guide
 - iii. CFS-446 In Home Consultation Visit Report
 - iv. CFS-6091 ICPC Parent/Relative Home Study Check List
 - v. CFS-6093 ICPC Foster Care Home Study Check List
 - vi. CFS-6094 ICPC Adoptive Home Study Check List

3. Provisional Foster Homes

- a. Per Repeal of the Kinship Act, Act 324, Kinship Care and Relative Foster Care are now known as Provisional Foster Care. The following forms have been revised:
 - i. CFS-452 Provisional Foster Home Verification
 - ii. CFS-462 Initial Family Foster Home Agreement

4. Changes in Requests for Name Removal from the Central Registry

- a. As required by Act 749, the Child Maltreatment Act, an offender may request removal from the registry if he or she has not had a subsequent true finding of child maltreatment for one year (formerly five years), and more than one year (formerly five years) has passed since his or her name was put on the Central Registry. The following form has been revised:
 - i. CFS-328-A Request for Name Removal from the Central Registry

New Forms:

1. Notices of Allegations of Child Maltreatment

- a. As required by Act 749, the Child Maltreatment Act; upon receipt of an initial report of child maltreatment, DCFS must notify the following persons. These forms were developed for that notification:
 - i. CFS-201-A Notice of Child Maltreatment Allegation to Law Enforcement and Prosecuting Attorney
 - ii. CFS-202-A Notice of Child Maltreatment Allegation to Licensing/Registering Authority
 - iii. CFS-203-A Notice of Child Maltreatment Allegation to Facility Director

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- iv. CFS-204-A Notice of Child Maltreatment Allegation to Legal Parent(s), Legal Guardian(s), and Current Foster Parent(s) of Alleged Offender in Foster Care
- v. CFS-205-A Notice of Child Maltreatment Allegation to Legal Parent(s), Legal Guardian(s), and Current Foster Parents of Alleged Victim in Foster Care
- vi. CFS-206-A Notice of Child Maltreatment Allegation to Attorney Ad Litem, CASA, and Counsel in Dependency Neglect or FINS Case of Alleged Victim(s)
- vii. CFS-208-A Notice of Child Maltreatment Allegation to Attorney Ad Litem and CASA of Alleged Offender
- viii. CFS-209-A Notice of Child Maltreatment Allegation to AAL or CASA of Child in Foster Home Where Maltreatment is Reported or Where an Alleged Juvenile Offender or Underaged Juvenile Aggressor is Placed
- ix. CFS-210-A Notice of Child Maltreatment Allegation to DHS Division Director; Multidisciplinary Team for Alleged Victim or Offender; and Counsel in Dependency Neglect or FINS Case for Alleged Offender
- x. CFS-212-A Notice of Child Maltreatment Allegation to Alleged Offender
- xi. CFS-323-A Notice to Adult Relatives by Blood or Adoption that a Child Has Been Taken into DCFS Custody
- xii. CFS-323-B Notice to Fictive Kin or Adult Relatives by marriage that a Child Has Been Taken into DCFS Custody
- xiii. CFS-384-LEA Notification to Local Education Agency of Changes in Child Placement, Changes in Schools, or Experiences of Traumatic Events

2. Notices of "At Risk" Determinations

- a. Required by Act 749, Child Maltreatment Act
- b. The investigator will make a determination of "at risk" if the alleged offender's job or volunteer duties include direct or unsupervised contact with children and DCFS must notify the following persons. These forms were developed for that notification:
 - i. CFS-214-R Notice of Child Maltreatment Allegation to Employer, Entity in Charge of Paid or Volunteer Activity, or Licensing or Registering Authority
 - ii. CFS-214-R1 Follow-up Notice to Employer or Volunteer Coordinator, or Licensing or Registering Authority Regarding Child Maltreatment Allegation
 - iii. CFS-215-R Risk Determination of Child(ren) under Care of Alleged Offender

3. Notices of True Investigative Findings

- a. Required by Act 749, Child Maltreatment Act
- b. When a preponderance of evidence indicates an allegation to be true, DCFS must notify the following persons. These forms were developed for that notification:

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- i. CFS-221-T Child Maltreatment True Investigative Determination Notice to Law Enforcement and Prosecuting Attorney
- ii. CFS-223-T Child Maltreatment True Investigative Determination Notice to Facility Director
- iii. CFS-224-T1 Child Maltreatment True Investigative Determination to Legal Parent(s) and Legal Guardian(s) of the Alleged Juvenile Offender (10 through 17 Years of Age)
- iv. CFS-224-T2 Child Maltreatment True Investigative Determination Notice to Legal Parent(s) and Legal Guardian(s) of Underaged Juvenile Aggressor
- v. CFS-224-T3 Child Maltreatment True Investigative Determination Notice to Current Foster Parents of the Alleged Offender in Foster Care
- vi. CFS-225-T1 Child Maltreatment True Investigative Determination Notice to Victim, Legal Parent(s), and Legal Guardian(s) of the Alleged Victim
- vii. CFS-225-T2 Child Maltreatment True Investigative Determination Notice to Current Foster Parents of Alleged Victim in Foster Care
- viii. CFS-226-T1 Child Maltreatment True Investigative Determination Notice to Circuit Judge, Attorney Ad Litem, CASA, and Counsel in Dependency Neglect or FINS Case of Alleged Victim
- ix. CFS-228-T Child Maltreatment True Investigative Determination Notice to Attorney Ad Litem and CASA of Alleged Offender
- x. CFS-229-T Child Maltreatment True Investigative Determination Notice to Attorney Ad Litem and CASA for Child in Foster Home Where Maltreatment Is Reported
- xi. CFS-230-T Child Maltreatment True Investigative Determination Notice to DHS Division Director; Multidisciplinary Team for Alleged Victim or Offender; and Circuit Judge and Counsel in Dependency Neglect or FINS Case for Alleged Offender
- xii. CFS-231-T Child Maltreatment True Investigative Determination Notice to School Where Victim Is Enrolled
- xiii. CFS-232-T1 Child Maltreatment True Investigative Determination Notice to Alleged Offender
- xiv. CFS-232-T1a Witness Statement of Notice of Investigative Determination
- xv. CFS-232-T2 True But Exempt Child Maltreatment Investigative Determination Notice to Offender
- xvi. CFS-234-T Child Maltreatment True Investigative Determination Notice to Licensing or Registering Authority and Employer or Entity in Charge of Paid or Volunteer Activity

4. Hearing Notices

- a. Required by Act 749, Child Maltreatment Act
- b. Allows due process for alleged offenders. Following forms were developed for notice:
 - i. CFS-232-T-PH Request for Preliminary Administrative Hearing

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- ii. CFS-232-T-EH Request for Expedited Administrative Hearing
- iii. CFS-233-T Child Maltreatment Expedited Hearing Notice to Alleged Offender

5. **Notices of Unsubstantiated Allegations of Child Maltreatment**

- a. Required by Act 749, Child Maltreatment Act
- b. When an allegation is not supported by a preponderance of evidence, DCFS must notify the following persons. These forms were developed for that notification:
 - i. CFS-241-U Notice of Unsubstantiated Child Maltreatment Investigative Determination to Law Enforcement and Prosecuting Attorney
 - ii. CFS-242-U Notice of Unsubstantiated Child Maltreatment Investigative Determination to Licensing or Registering Authority
 - iii. CFS-243-U Notice of Unsubstantiated Child Maltreatment Investigative Determination to Facility Director
 - iv. CFS-245-U1 Notice of Unsubstantiated Child Maltreatment Investigative Determination to Alleged Victim
 - v. CFS-245-U Notice of Unsubstantiated Child Maltreatment Investigative Determination to Legal Parent(s), Legal Guardian(s), and Current Foster Parents of the Alleged Victim
 - vi. CFS-246-U Notice of Unsubstantiated Child Maltreatment Investigative Determination to Circuit Judge, Attorney Ad Litem, CASA, and Counsel in Dependency Neglect or FINS Case of Alleged Victim
 - vii. CFS-248-U Notice of Unsubstantiated Child Maltreatment Investigative Determination to Attorney Ad Litem and CASA for Alleged Offender
 - viii. CFS-249-U Notice of Unsubstantiated Child Maltreatment Investigative Determination to Attorney Ad Litem and CASA of Child in Foster Home Where Maltreatment Is Reported
 - ix. CFS-250-U Notice of Unsubstantiated Child Maltreatment Investigative Determination to DHS Division Director; Multidisciplinary Team for Alleged Victim or Offender; and Circuit Judge or Counsel in Dependency Neglect or FINS Case for Alleged Offender
 - x. CFS-252-U Notice of Unsubstantiated Child Maltreatment Investigative Determination to Alleged Offender
 - xi. CFS-253-U Notice of Unsubstantiated Child Maltreatment Investigative Determination to Mandated Reporter
 - xii. CFS-254-U Notice of Unsubstantiated Child Maltreatment Investigative Determination to Alleged Offender's Employer or Entity in Charge of Alleged Offender's Paid or Volunteer Activity; or Licensing or Registering Authority

6. **Notices of Overturned True Investigative Determination**

- a. Required by Act 749, Child Maltreatment Act
- b. If the true determination is overturned, the following parties are notified using the following forms:

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- i. CFS-261-O Notice of Overturned True Child Maltreatment Investigative Determination to Law Enforcement and Prosecuting Attorney
- ii. CFS-263-O Notice of Overturned True Child Maltreatment Investigative Determination to Facility Director
- iii. CFS-264-O Notice of Overturned True Child Maltreatment Investigative Determination to Legal Parent(s), and Legal Guardian(s) of the Alleged Offender
- iv. CFS-265-O1 Notice of Overturned True Child Maltreatment Investigative Determination to Victim and Legal Parent(s) and Legal Guardian(s) of Alleged Victim
- v. CFS-265-O2 Notice of Overturned True Child Maltreatment Investigative Determination to Current Foster Parent(s) of the Alleged Victim
- vi. CFS-266-O Notice of Overturned True Child Maltreatment Investigative Determination to Circuit Judge, Attorney Ad Litem, CASA, and Counsel in Dependency Neglect or FINS Case of Alleged Victim
- vii. CFS-268-O Notice of Overturned True Child Maltreatment Investigative Determination to Attorney Ad Litem and CASA of Alleged Offender
- viii. CFS-269-O Notice of Overturned True Child Maltreatment Investigative Determination to Attorney Ad Litem and CASA of Child in Foster Home Where Maltreatment is Reported
- ix. CFS-270-O Notice of Overturned True Child Maltreatment Investigative Determination to DHS Division Director; Multidisciplinary Team for Alleged Victim and Offender; and Circuit Judge and Counsel in Dependency Neglect or FINS Case of Alleged Offender
- x. CFS-272-O Notice of Overturned True Child Maltreatment Investigative Determination to Alleged Offender
- xi. CFS-274-O Notice of Overturned True Child Maltreatment Investigative Determination to Licensing or Registering Authority and Employer or Entity in Charge of Paid or Volunteer Activity
- xii. CFS-275-O Notice of Overturned True Child Maltreatment Investigative Determination to Child Safety Center Involved in Investigation of Maltreatment

7. Notices that the Offender's Name Will Be Placed in the Child Maltreatment Central Registry

- a. Required by Act 749, Child Maltreatment Act
- b. If the investigative determination is upheld by the ALJ after appeal, the offender's name will be placed on the Child Maltreatment Central Registry. The following parties will be notified using the following forms:
 - i. CFS-281-N Notice of Name Placement on Central Registry to Law Enforcement and Prosecuting Attorney
 - ii. CFS-283-N Notice of Name Placement on Central Registry to Facility Director

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- iii. CFS-284-N Notice of Name Placement on Central Registry to Legal Parent(s) and Legal Guardian(s) of the Juvenile Offender (10 to 17 Years of Age)
- iv. CFS-285-N Notice of Name Placement on Central Registry to Victim, Legal Parent(s), Legal Guardian(s), and Current Foster Parent(s) of Alleged Victim
- v. CFS-286-N Notice of Name Placement on Central Registry to Circuit Judge, Attorney Ad Litem, CASA, and Counsel in Dependency Neglect or FINS Cases of Alleged Victim
- vi. CFS-288-N Notice of Name Placement on Central Registry to Attorney Ad Litem and CASA of Alleged Offender
- vii. CFS-289-N Notice of Name Placement on Central Registry to Attorney Ad Litem and CASA of Child in Foster Home Where Maltreatment Is Reported
- viii. CFS-290-N Notice of Name Placement on Central Registry to DHS Division Director; Multidisciplinary Team for Alleged Offender and Victim; and Circuit Judge and Counsel in Dependency Neglect or FINS Case of Alleged Offender
- ix. CFS-291-N1 Notice of Name Placement on Central Registry to School Where Victim Is Enrolled
- x. CFS-291-N2 Notice of Name Placement on Central Registry to School Where Offender Is Enrolled
- xi. CFS-292-N Notice of Name Placement on Central Registry to Offender
- xii. CFS-293-N Notice of Name Placement on Central Registry to Mandated Reporter
- xiii. CFS-294-N Notice of Name Placement on Central Registry to Licensing or Registering Authority, Employer, or Entity in Charge of a Paid or Volunteer Activity
- xiv. CFS-295-N Notice of Name Placement on Central Registry to Child Safety Center Involved in Investigation of Maltreatment
- xv. CFS-296-N Notice of Name Placement on Central Registry to Employer of Offender in a Designated Position with an Arkansas State Agency

Rescinded Forms

1. Per Act 749, Child Maltreatment Act, the following forms have been rescinded:
 - a. CFS-307 Follow-Up with Mandated Child Maltreatment Reporter
 - i. Replaced by CFS 253-U Notice of Unsubstantiated Child Maltreatment Investigative Determination to Mandated Reporter
 - b. CFS-310 Notice of Child Maltreatment Allegation
 - i. Replaced by the following forms:

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1. CFS-221-T Child Maltreatment True Investigative Determination Notice to Law Enforcement and Prosecuting Attorney
 2. CFS-226-T1 Child Maltreatment True Investigative Determination Notice to Circuit Judge, Attorney Ad Litem, CASA, and Counsel in Dependency Neglect or FINS Case of Alleged Victim
 3. CFS-228-T Child Maltreatment True Investigative Determination Notice to Attorney Ad Litem and CASA of Alleged Offender
 4. CFS-229-T Child Maltreatment True Investigative Determination Notice to Attorney Ad Litem and CASA for Child in Foster Home Where Maltreatment Is Reported
- c. CFS-312-C Child Maltreatment Investigative Determination Notice to Others (Not the Offender)
- i. Replaced by the following forms:
 1. CFS-225-T1 Child Maltreatment True Investigative Determination Notice to Victim, Legal Parent(s), and Legal Guardian(s) of the Alleged Victim
 2. CFS-226-T1 Child Maltreatment True Investigative Determination Notice to Circuit Judge, Attorney Ad Litem, CASA, and Counsel in Dependency Neglect or FINS Case of Alleged Victim
 3. CFS-245-U1 Notice of Unsubstantiated Child Maltreatment Investigative Determination to Alleged Victim
 4. CFS-245-U Notice of Unsubstantiated Child Maltreatment Investigative Determination to Legal Parent(s), Legal Guardian(s), and Current Foster Parents of the Alleged Victim
 5. CFS-246-U Notice of Unsubstantiated Child Maltreatment Investigative Determination to Circuit Judge, Attorney Ad Litem, CASA, and Counsel in Dependency Neglect or FINS Case of Alleged Victim
- d. CFS 312A Child Maltreatment Assessment Determination Notification to the Offender
- i. Replaced by the following forms:
 1. CFS-232-T1 Child Maltreatment True Investigative Determination Notice to Alleged Offender
 2. CFS-252-U Notice of Unsubstantiated Child Maltreatment Investigative Determination to Alleged Offender
- e. CFS 312-A1 Child Maltreatment Investigative Determination Notice and Acknowledgment
- i. Replaced by the following:
 1. CFS-232-T2 True But Exempt Child Maltreatment Investigative Determination Notice to Offender
 2. CFS-252-U Notice of Unsubstantiated Child Maltreatment Investigative Determination to Alleged Offender
 3. CFS-224-T1 Child Maltreatment True Investigative Determination to Legal Parent(s) and Legal Guardian(s) of the Alleged Juvenile Offender (10 through 17 Years of Age)

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4. CFS-244-U Notice of Unsubstantiated Child Maltreatment Investigative Determination Notice to Legal Parent(s) and Legal Guardian(s) of Alleged Offender
- f. CFS-312-a 1 Witness Statement of Notice of Investigative Determination
 - i. Replaced by CFS-232-T1a Witness Statement of Notice of Investigative Determination
- g. CFS-311 Notice to Local Education Agency (LEA) of Alleged Child Maltreatment
 - i. Replaced by CFS-384-LEA Notification to Local Education Agency of Changes in Child Placement, Changes in Schools, or Experiences of Traumatic Events
- h. CFS-312-B Child Maltreatment Investigative Determination Notification (Parent of Underaged Juvenile Aggressor)
 - i. Replaced by CFS-224-T2 Child Maltreatment True Investigative Determination Notice to Legal Parent(s) and Legal Guardian(s) of Underaged Juvenile Aggressor
- i. CFS 384 Notification to the Local Education Agency of Changes in Child Placement or Experiences of Traumatic Events
 - i. Replaced by CFS-384-LEA Notification to Local Education Agency of Changes in Child Placement, Changes in Schools, or Experiences of Traumatic Events

Revised Rules:

1. Policy I-A Philosophy and Mission Statement

- a. Revises mission statement

2. Policy I-C Division's Organizational Structure

- a. Restructured and renamed Division sections

3. Policy I-F Confidentiality

- a. Organized into sections for ease of use
- b. Updated Code references and other general editing
- c. Moved specific instructions in handling confidential information in child maltreatment cases to Policy XIII-A
- d. Per Act 749—new Child Maltreatment Act:
 - i. Disclosure of confidential information is now a Class A misdemeanor, up from Class C per new Child Maltreatment Act
 - ii. All information relating to child maltreatment investigations, including “data, records, reports, and documents” are confidential and not subject to Freedom of Information Act requests

4. Policy II-C Child Abuse Hotline for Maltreatment Reports

- a. Standard Act 749 language inserted
- b. Child “Maltreatment” Hotline replaced with “Abuse” and other general editing

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- c. Clarified procedure regarding incidents which occur in other states *or* countries
 - d. Notice to facility's licensing or registering authority removed—notifications completely revised by Act 749 and now listed in Policy XIV-A.
5. **Policy II-E County Office Assessment of Child Maltreatment**
- a. Family Service Worker now has the right to request accompaniment by a law enforcement agent while investigating child maltreatment, per new CMA, Act 749
6. **Procedure II-E10 Protective Custody of Child in Immediate Danger**
- a. Code reference updated
 - b. Per the new CMA, Act 749 Informs the FSW of the obligations of schools, residential facilities, hospitals, and similar institutions when 72-hour holds are placed on a child located at such a place.
7. **Policy III-A Services Case Opening and Reevaluation**
- a. Deleted statement regarding right of families to appeal decisions of the Division and moved to appropriate policy
 - b. removed erroneous statement that DCFS does not implement constructive removals
8. **Policy III-D Client Drug-Screening/Procedure III-D1**
- a. General editing
 - b. DCFS workers are no longer prohibited from requesting drug tests other than urine tests
 - c. DCFS staff will now conduct oral fluids tests and alcohol screens
 - d. Language referring specifically to American BioMedica Corporation removed
 - e. Testers may now directly observe the client in the process of urination if the same gender as the client and instructed to do so by court order
 - f. DCFS will now only pay for one client challenge of a positive drug test rather than three.
9. **Policy VI-A: Out-of-Home Placement Criteria**
- a. Changed definition of "relative"
10. **Procedure VI-A1 Out of Home Placement Criteria**
- a. General editing and reorganization
 - b. Per Uniform Adoption Act revisions, Act 724:
 - i. Changed ages of background checks—both state and federal—to 18 from 14 and 16 respectively.
 - ii. excludes children in foster care from background check requirements for foster home and adoptive placements(clean up only, exclusion is long-standing)
 - c. Per Child Welfare Licensing Act revisions, Act 723:

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- i. Adds requirement that state criminal background check be repeated every two years in foster homes
- ii. Adds that FBI check need not be repeated after initial check before approval of placement
- iii. Alternative procedures for fingerprinting removed—now, after two failed attempts a name-based FBI check will be used

11. Procedure VI-C2 Foster Parent Involvement in Health Care for Children Receiving Out-of-Home Placement Services

- a. Per Act 700: Authority of Foster Parents regarding consent to medical treatment:
 - i. Allows foster parents to authorize medical treatment (excluding mental health services) in emergency situations, routine medical treatment, ongoing medical treatment, and nonsurgical procedures.
 - ii. Requires that FSW authorize medical treatment in nonemergency surgical and invasive procedures, “end of life” non-emergency procedures, and nonemergency medical procedures relating to a criminal investigation or judicial proceeding.
 - iii. Routine consent rule removed in favor of new rules from Act 700

12. Procedure VI-D2 Health Plan for Children Receiving Out-of-Home Placement Services, Consent for Treatment and Life Sustaining Treatment

- a. Per Act 700: Authority of Foster Parents regarding consent to medical treatment, requires that FSW authorize medical treatment in nonemergency surgical and invasive procedures, “end of life” non-emergency procedures, and nonemergency medical procedures relating to a criminal investigation or judicial proceeding.
- b. Division Director permission is required before the FSW may approve organ donation

13. Policy VI-F Case Review Judicial Hearing for Children in Out-of-Home Placement

- a. per Act 956, Juvenile Code revisions:
 - i. re-orders preferences in Permanency Planning Hearings
 - ii. sets three new criteria for a child to be returned home
 - iii. re-worded adoption and termination of parental rights goal
 - iv. added “with a fit and willing relative” to “permanent custody” goal
 - v. reduced number of reasons for which Independence may be sought for a child

14. Policy VI-J Out of Home Non-DHS Custody & Relative Placements/Procedure VI-J1

- a. Per Act 324, repeal of the Kinship Foster Care:
 - i. Removed Non-DHS Custody Placements
 - ii. Updated form reference

15. Procedure VI-L5 Inpatient and Other Residential Treatment Programs

- a. General editing

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- b. Renamed Behavioral Treatment Unit (BTU) to Specialized Placement Unit (SPU)
- c. Requires that prior authorization be obtained from the DCFS administrator on-call before children in foster care under the age of 10 are placed in acute or comprehensive residential treatment programs
- d. Designates info required for DCFS administrator to make decision
- e. Requires a temporary crisis plan be implemented in cases where prior authorization is denied

16. Policy VI-M Child Review Committee (CCRC) – Guidelines for Referral and Review/Procedure VI-M1 & M3

- a. Changed Behavioral Treatment Unit (BTU) to Specialized Placement Unit (SPU)

17. Policy VII-A Foster Parent Recruitment, Training, Approval, Reevaluation, and Retention

- a. Per Act 324, repeal of the Kinship Foster Care, removed all references to Relative Foster Homes and replaced with Provisional Foster Homes
- b. Provisional Foster parents who choose to open their homes as regular foster homes are not required to accept non-relative foster children
- c. Changed definition of “relative”

18. Procedure VII-A1 Foster Parent Recruitment

- a. General editing and reorganization
- b. Per Uniform Adoption Act revisions, Act 724:
 - i. Changed ages of background checks—both state and federal—to 18 from 14 and 16 respectively.
 - ii. Excludes children in foster care from background check requirements for foster home and adoptive placements
- c. Per Child Welfare Licensing Act revisions, Act 723:
 - i. Adds requirement that state criminal background check be repeated every two years in foster homes
 - ii. Adds that FBI check need not be repeated after initial check before approval of placement
 - iii. Alternative procedures for fingerprinting removed—now, after two failed attempts a name-based FBI check will be used

19. Policy VIII-A Preparing the Youth in Out-of-Home Placement for Successful Transition to Self-Sufficiency/Procedure VIII-A1 & A2

- a. per Act 391, Youth Transitional Plan:
 - i. Outlines new Transitional Plan to assist youths in receiving services and/or remaining in or returning to foster care up to age 21
 - ii. Specifies what documents must be made available to youths when exiting foster care
 - iii. Changes eligibility for CFCIP services from age 14 and up to age 16
 - iv. Outlines new Life Plan in which youth participates in setting out his own goals

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- v. Sets responsibility of the Eligibility Unit Trust Coordinator in providing youths with access to their monies after exiting foster care
- vi. General editing and reorganization
- b. Per Act 324, repeal of the Kinship Foster Care, removed all references to Relative Foster Homes and replaced with Provisional Foster Homes
- c. Removed the prohibition of non-provisional foster homes from seeking alternative compliances

20. Policy VIII-B Chafee Foster Care Independence Program Post Secondary and After Care Services

- a. per Act 956, Juvenile Code Revisions
 - i. Adds eligibility to youths who are working at least eighty hours a month toward gaining self-sufficiency.
 - ii. Allows youths who have left foster care to return to foster care and/or submit to court jurisdiction in order to receive independent living or transitional services up to the age of 21

21. Procedure VIII-C4 Fast Track Adoption under Garrett's Law

- a. Added to policy already-existing language from Garrett's Law explaining when Garrett's Law applies
- b. Per Act 474, Garrett's Law amendment
 - i. Requires that a child taken into DCFS custody under Garrett's Law not be placed in a home until a home study process has been completed and a court transfers custody
 - ii. Requires that the child not be placed with relatives unless their home is approved by DCFS, a court has determined that they are capable and willing, and a court has entered a level of contact allowed between the birth mother and child
- c. Requires that all other DCFS adoption procedures be followed with Garrett's Law babies

22. Policy VIII-F Foster Parent, Relative Foster Parent, and Relative Adoption/Procedure VIII-F1/Policy VIII-G Development of an Adoptive Placement/Procedure VIII-G2 & G3

- a. General editing and reorganization
- b. Removed redundant policy which was already included in procedure
- c. Per Uniform Adoption Act revisions, Act 724:
 - i. Changed ages of background checks—both state and federal—to 18 from 14 and 16 respectively.
 - ii. Now excludes children in foster care from background check requirements for foster home and adoptive placements
- d. Per Child Welfare Licensing Act revisions, Act 723:
 - i. Adds requirement that state criminal background check be repeated every two years in foster homes
 - ii. Adds that FBI check need not be repeated after initial check before approval of placement
 - iii. Alternative procedures for fingerprinting removed—now, after two failed attempts a name-based FBI check will be used

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23. Policy VIII-H Adoption Subsidy

- a. General editing
- b. Added notice to prospective adoptive parents of potential eligibility for a Federal Adoption Tax Credit
- c. Special needs child definition includes sibling groups of two

24. Policy IX-A Internal Review and Administrative Hearing Process/Procedure IX-A1—A7

- a. General editing and reformatting
- b. Decisions made by the Director regarding Internal Review are final and are not appealable
- c. Appeals of decisions regarding child maltreatment are part of the Appeals and Hearing Process
- d. An individual has 30 days to submit a written appeal to the Office of Chief Counsel, Appeals and Hearings Administration Section after an unfavorable decision is rendered
- e. Specifies which actions are subject to an Internal Review and which may be appealed through the Appeals and Hearings process
- f. Actions available for appeal are true child maltreatment determinations and denials of adoption subsidies
- g. Establishes which entities in which cases are required to provide files to all parties
- h. At least 10 days before the hearing the alleged offender and the department will share all information with the other
- i. Establishes guidelines for phone hearings and hearings in person
- j. Sets process for true child maltreatment decisions
- k. Establishes new preliminary administrative hearings and an expedited hearing process

25. Policy IX-B Child Death, Near Fatalities, and Significant Injuries/Procedure IX-B1—B8

- a. Establishes protocol for who in the Division and Department will be notified by whom, and when, when child death, near fatality, or significant injury occurs
- b. Requires county offices to prepare written briefings on situation that caused death, near fatality, or injury within 24 hours of incident
- c. Establishes what information is needed by Child Death Review Committee
- d. Requires the Family Service Worker to go to the home where the child death occurred in order to ascertain the safety of other children remaining in the home and pursue protective custody if necessary
- e. moved guidelines for funeral arrangements for children in out-of-home placement
- f. makes the Child Death Review Committee a part of Procedure instead of policy and sets guidelines for its composition and duties
- g. Per Act 675: Public Disclosure of Information on Fatalities and Near Fatalities in Child Maltreatment Matters:

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- i. Establishes what information will be released by DHS to the public when an investigation is pending on a report of a fatality or near fatality of a child to the Child Abuse Hotline, when the investigation has resulted in a true report, and when the investigation results in an unsubstantiated report
- ii. Specifies what information may *not* be released regarding a child fatality and a near fatality

26. Policy X-A Home Studies and Supervision

- a. Per Uniform Adoption Act revisions, Act 724:
 - i. removes the exception for juvenile division courts in ordering DHS to conduct a home study, and adds the word “adoptive” in front of “home study”
 - ii. in addition to allowing courts to order DHS to conduct and adoptive home study when the responsible party is indigent, they may instead order a study when the child to be adopted is the subject of an open dependency-neglect case and the goal of the case is adoption
 - iii. notes that the home study may *not* be waived in fast-track adoption cases under Garrett’s Law

27. DCFS Policy Manual—Glossary, Appendix I

- a. Created definition for fictive kin
- b. Per repeal of Act 324, Kinship Foster Care, deleted definition of Relative Foster Parent
- c. Created two definitions for Relative: one regarding Provisional Foster Homes and another for purposes of contact
- d. Per Juvenile Code revisions, Act 956:
 - i. Changed definition of Independence
 - ii. Added definition of Protection Plan
 - iii. Clarified the definition of Trial Placement
- e. Per new CMA, Act 749:
 - i. Added to the number of individuals considered Mandated Reporters
 - ii. Revised sexual abuse definition regarding siblings
 - iii. Expanded the definition of Sexual Contact
 - iv. Added a definition for Voyeurism
- f. Per Act 474, Garrett’s law revisions, added definition for Newborn
- g. Expanded size of sibling group under special needs child definition
- h. Corrected definition of Special Subsidy to not include orthodontic corrective appliances

New Rules:

Summary of Changes

Agency #16.5

1. **Policy II-M Information Disclosure on Pending Investigations and True Findings Pending Due Process/Procedure II-M1**
 - a. Per the new CMA, specifies that information pertaining to child maltreatment investigations is confidential and spells out to whom such information may be released and under which circumstances
2. **Policy III-B: Notification of Relatives when a Child is Taken into Custody by the Division/Procedure III-B1**
 - a. Per Act 1311: Notice to Grandparents when a Child is Taken into Custody:
 - i. The Division *will* now notify adult relatives by blood or adoption of a child being taken into custody
 - ii. Spells out what information the notices will contain and requires verification of notices sent in court reporting
 - iii. Notes that notices are not required for child maltreatment offenders or those with a pending charge or past conviction for family or domestic violence.
 - b. The Division *may* notify adult relatives by marriage and fictive kin as designated by the child or the child's parents of a child being taken into custody
3. **Policy XIII-A Child Maltreatment Central Registry/Procedure XIII-A1—A10**
 - a. Amalgamation of rescinded Procedure II-E8, rescinded Policy IX-D now combined with other changes from new CMA, Act 749, to comprise new policy section
 - b. Per new CMA, Act 749:
 - i. Specifies how long reports are to be maintained in the Central Registry
 - ii. Sets forth what information may be released to whom in child maltreatment cases
 - iii. Explains provisional and permanent name placement on the Central Registry
 - iv. Sets forth criteria for removal in automatic and non-automatic name removal
 - v. Establishes application format and determination process for non-automatic name-removal for adult offenders and juvenile offenders
4. **Policy XIV-A Notices Regarding Child Maltreatment/Procedure XIV-A1—A7**
 - a. Per new CMA, Act 749, designates which forms to send to which individuals, when to send them, and what information to include when notifying individuals involved in child maltreatment cases

Rescinded Rules:

1. **Edited and Merged into Policy XIII-A**
 - a. per new CMA, Act 749, these policies and procedures have been rescinded:
 - i. Policy II-D Child Maltreatment Central Registry/Procedure II-D1—D5
 - ii. Procedure II-E8 Child Maltreatment Determination Notification and Follow-up

Summary of Changes

Agency #16.5

- iii. Policy II-G Retention of Assessment Files/Procedure II-G1
- iv. Policy IX-D Removal of an Offender's Name from Central Registry/Procedure IX-D1—D3

Revised Publications:

1. PUB-357 Child Maltreatment Assessment Protocol

- a. Updated code references
- b. Per new CMA, Act 749,:
 - i. Clarifies procedure for offenders who reside in another state or country, for maltreatment that occurs in another state or country, and for maltreatment that occurs in Arkansas.
 - ii. Munchausen's Syndrome reports must now be made by a medical professional and confirmed by medical personnel instead of a medical facility.
 - iii. Revised sexual abuse definition regarding siblings
 - iv. Added that the definition of abuse does not include injuries from restraint if the person exercising the restraint has been trained and the restraint conforms to agency policy and procedure
 - v. Now mental injuries may only be reported by a medical health professional, a teacher, or a daycare worker

2. PUB-04 Minimum Licensing Standards for Child Welfare Agencies

- a. Per Uniform Adoption Act revisions, Act 724:
 - i. Changed ages of background checks—both state and federal—to 18 from 14 and 16 respectively.
 - ii. Now excludes children in foster care from background check requirements for foster home and adoptive placements
- b. Per Child Welfare Licensing Act revisions, Act 723:
 - i. Adds requirement that state criminal background check be repeated every two years in foster homes
 - ii. Adds that FBI check need not be repeated after initial check before approval of placement
 - iii. Specified provisions for adverse action hearings
 - iv. Added standard Child Welfare Licensing Act language
 - v. Volunteers, as well as employees, of child welfare agencies must receive criminal record checks and Central Registry checks
 - vi. Added to the Child Welfare Agency Review Board's purview the establishment of rules governing retention of licensing records
 - vii. Added that a child welfare agency may adopt stricter rules for itself than the minimums required by the Board
 - viii. Changed a license type from "Provisional" to "Probationary"
 - ix.

Summary of Changes

Agency #16.5

3. PUB-22 Standards for Approval of Family Foster Homes

- a. Per Uniform Adoption Act revisions, Act 724:
 - i. Changed ages of background checks—both state and federal—to 18 from 14 and 16 respectively.
 - ii. Now excludes children in foster care from background check requirements for foster home and adoptive placements
- b. Per Child Welfare Licensing Act revisions, Act 723:
 - i. Adds requirement that state criminal background check be repeated every two years in foster homes
 - ii. Adds that FBI check need not be repeated after initial check before approval of placement

4. PUB-30 Family Foster Parent Handbook

- a. Per Uniform Adoption Act revisions, Act 724:
 - i. Changed ages of background checks—both state and federal—to 18 from 14 and 16 respectively.
 - ii. Now excludes children in foster care from background check requirements for foster home and adoptive placements
- b. Per Child Welfare Licensing Act revisions, Act 723:
 - i. Adds requirement that state criminal background check be repeated every two years in foster homes
 - ii. Adds that FBI check need not be repeated after initial check before approval of placement