

EXHIBIT F2



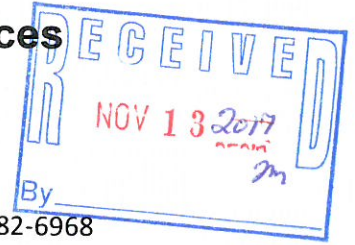
Arkansas Department of Human Services Division of Children and Family Services

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P.O. Box 1437, Slot S560

Little Rock, Arkansas 72203-1437

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November 13, 2017

Varnaria Vickers-Smith, Legislative Analyst
Senate Interim Children and Youth Committee and the
House Aging, Children and Youth, Legislative and Military Affairs Committee
Arkansas Bureau of Legislative Research
One Capital Mall, 5th Floor, Room R-516
Little Rock, AR 72201

RE: Initial Filing - Regular Promulgation

Dear Ms. Vickers-Smith:

Please place the Division of Children & Family Services on the Children & Youth Committee agenda for review of the Rules as listed on the Questionnaire. The public comment period is from November 13, 2017 to December 13, 2017, with a proposed effective date of March 1, 2018.

Enclosed are copies of the Questionnaire, Summary of Changes, Financial Impact Statement and Rule.

If you have any questions or comments, please contact Christin Harper, Assistant Director, Division of Children and Family Services, P.O. Box 1437, (Slot S570), Little Rock, Arkansas 72203-1437; phone 682-8541; email christin.harper@dhs.arkansas.gov or fax 682-6968.

Sincerely,

A handwritten signature in blue ink that reads "Mischa X. Martin".

Mischa Martin

Director, Division of Children and Family Services

BUREAU OF LEGISLATIVE RESEARCH

DEPARTMENT OF HUMAN SERVICES
Division of Children and Family Services
AMENDING ADMINISTRATIVE REGULATIONS

TITLE:

Revised Rule

- **POLICY I-F: Confidentiality**
- **POLICY VII-H: Providing Information to Foster Parents**

PROPOSED EFFECTIVE DATE:

March 1, 2018

STATUTORY AUTHORITY:

A.C.A. 9-28-103

NECESSITY AND FUNCTION:

Revised Rule

- **POLICY I-F: Confidentiality**
 - To clarify, per Act 329 of the 91st General Assembly, Regular Session that foster parents may receive (but not re-disclose) reports, case histories, and other written documents related to a foster care case of a child placed in the foster home even if such information contains information regarding the child's parents and/or siblings not placed in that foster home. This is in an effort to ensure the foster parents have the information needed to care for the child placed in their home and explain case progress to the child in an age appropriate manner.
 - To update the form number for Department Release of Information Form.
- **POLICY VII-H: Providing Information to Foster Parents**
 - To ensure foster parents are included in case planning and hearings as appropriate and in the best interest of the children involved and provided an entire copy of the case plan for children in their home, per Act 329 of the 91st General Assembly, Regular Session.
 - To clarify that foster parents are not to be made parties to a foster care case while reunification remains the court ordered goal of the case, per Act 701 of the 91st General Assembly, Regular Session.

PAGES FILED:



Signature

Name: Mischa Martin

Title: Director

Section: Division of Children and Family Services

Department of Human Services

PROMULGATION DATES:

November 13, 2017-December 13, 2017

CONTACT PERSON:

Christin Harper
DHS-DCFS Policy Unit
Phone: (501) 682-8541
Fax: (501) 683-4854
Email: christin.harper@dhs.arkansas.gov

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE**

DEPARTMENT/AGENCY Department of Human Services
DIVISION Division of Children and Family Services
DIVISION DIRECTOR Mischa Martin
CONTACT PERSON Christin Harper, Assistant Director
ADDRESS P. O. Box 1437, Slot S570, Little Rock, AR 72203-1437
PHONE NO. (501)682-8541 **FAX NO.** (501) 683-4854 **E-MAIL** christin.harper@dhs.arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING Christin Harper
PRESENTER E-MAIL christin.harper@dhs.arkansas.gov

INSTRUCTIONS

- A. Please make copies of this form for future use.**
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.**
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.**
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:**

**Donna K. Davis
 Administrative Rules Review Section
 Arkansas Legislative Council
 Bureau of Legislative Research
 One Capitol Mall, 5th Floor
 Little Rock, AR 72201**

1. What is the short title of this rule? Foster Parent Access to Records and Case Proceedings

To update policy regarding the distribution of information by DCFS to foster parents per Act 329 of the 91st General Assembly, Regular Session, and the prohibition against foster parents, adoptive parents, and relative caregivers becoming a party to a foster care case while reunification remains the court ordered goal, per Act 701 of the 91st General Assembly, Regular Session.

2. What is the subject of the proposed rule?

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes No
 If yes, please provide the federal rule, regulation, and/or statute citation.

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes No
 If yes, what is the effective date of the emergency rule?

When does the emergency rule expire?

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act?

Yes

No

5. Is this a new rule? Yes No

If yes, please provide a brief summary explaining the regulation. The Department will provide information about a child in a foster parent's home to the foster parent per Act 329 of the 91st General Assembly, Regular Session. The Department will not stipulate to any person other than a parent becoming a party to a foster care case while reunification is the goal of the case per Act 701 of the 91st General Assembly, Regular Session.

Does this repeal an existing rule? Yes No

If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule?

Yes No

If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. • To update the Division's policy and procedure to ensure consistent provision of information to foster parents, including a complete copy of the family's assessment and case plan. To clarify that foster parents cannot become a party to a foster care case while reunification remains the court ordered goal per Act 701 of the 91st General Assembly, Regular Session. To clarify that provision of information to foster parents is for the purpose of the assisting the foster parent in helping the child in the foster home understand what the status of their family's case is.

7. What is the purpose of this proposed rule? Why is it necessary?

POLICY I-F: Confidentiality

• To update the Division's policy and procedure per Act 329 of the 91st General Assembly, Regular Session to clarify that while foster parents are entitled to information about the children who are placed in their home to help them better care for those children/help the child understand the progression of the family's case, the foster parent cannot redisclose any of the information they learn about the child's siblings and family.

• To clarify that foster parents cannot become a party to a foster care case while reunification remains the court ordered goal per Act 701 of the 91st General Assembly, Regular Session.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

AR Secretary of State Website

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

9. Will a public hearing be held on this proposed rule? Yes No

If yes, please complete the following:

Date: _____

Time: _____

Place: _____

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

December 13, 2017

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

March 1, 2018

12. Do you expect this rule to be controversial? Yes No

If yes, please
explain. _____

13. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

We do not know of any specific groups of persons who would comment.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Department of Human Services
DIVISION Division of Children and Family Services
PERSON COMPLETING THIS STATEMENT Christin Harper
TELEPHONE NO. (501)682-8541 **FAX NO.** (501) 683-4854 **EMAIL:** christin.harper@dhs.arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Foster Parent Access to Records and Case Proceedings

1. Does this proposed, amended, or repealed rule have a financial impact? Yes No
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule? Yes No
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;
-

- (b) The reason for adoption of the more costly rule;
-

- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;
-

- (d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.
-

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

- (a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue 0
Federal Funds 0
Cash Funds 0

Next Fiscal Year

General Revenue 0
Federal Funds 0
Cash Funds 0

Special Revenue 0
Other (Identify) 0

Special Revenue 0
Other (Identify) 0

Total 0.00

Total 0.00

(b) What is the additional cost of the state rule?

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total 0.00

Total 0.00

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

\$ 0.00

Next Fiscal Year

\$ 0.00

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ 0.00

Next Fiscal Year

\$ 0.00

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and

- (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
 - (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
 - (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
 - (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

DCFS SUMMARY OF CHANGES FOR NOVEMBER 2017 PROMULGATION

SUMMARY OF DCFS REGULAR PROMULGATION

The purpose of this regular promulgation is to revise Division policy regarding:

- Foster parent access to records, specifically:
 - To clarify that information about a child in care may be provided to the foster parent whose home serves as placement for the child -- even though it may also contain information about the child's biological parents and/or siblings not placed in the foster home.
 - To ensure the foster parent uses such information to help the child better understand the progression of his or her family's case and does not re-disclose information found in such records.

This revised rule will ensure the State complies with Act 329 of the 91st General Assembly, Regular Session.

- Foster parents becoming a party to a foster care case while reunification remains the goal of the case. This revised rule will ensure the State complies with Act 701 of the 91st General Assembly, Regular Session.

POLICY I-F: CONFIDENTIALITY

03/2018

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

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

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

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

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

Any data, records, or documents described above that are released to a law enforcement agency, the prosecuting attorney, or a court by the Department of Human Services are confidential and shall be sealed and not re-disclosed without a protective order to ensure that items of evidence for which there is a reasonable expectation of privacy are not distributed to persons or institutions without a legitimate interest in the evidence.

FOSTER CARE RECORDS

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

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

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

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

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

The CFS-4000 or DHS 81: Consent for Release of Information must be signed by the parent to receive copies of parent's records; however, the parent's signature is not necessary for obtaining records for the child.

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

CHILD IN FOSTER CARE

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

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

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

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

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

ADOPTION RECORDS

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

INVESTIGATIVE REPORTS

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

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

FREEDOM OF INFORMATION ACT

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

Any data, records, reports, or documents that are created, collected, or compiled by or on behalf of DHS, the Department of Arkansas State Police, or other entity authorized under A.C.A §12-18-101 et seq. to perform

investigations or provide services to children, individuals, or families shall not be subject to disclosure under the Freedom of Information Act of 1967, A.C.A §25-19-101 et seq.

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

POLICY I-F: CONFIDENTIALITY

01308/201783

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

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

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

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

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

Any data, records, or documents described above that are released to a law enforcement agency, the prosecuting attorney, or a court by the Department of Human Services are confidential and shall be sealed and not re-disclosed without a protective order to ensure that items of evidence for which there is a reasonable expectation of privacy are not distributed to persons or institutions without a legitimate interest in the evidence.

FOSTER CARE RECORDS

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

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

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

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

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

The CFS-4000 or DHS 81DHS-81: Consent for Release of Information must be signed by the parent to receive copies of parent's records; however, the parent's signature is not necessary for obtaining records for the child.

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

CHILD IN FOSTER CARE

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

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

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

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

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

ADOPTION RECORDS

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

INVESTIGATIVE REPORTS

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

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

FREEDOM OF INFORMATION ACT

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

Any data, records, reports, or documents that are created, collected, or compiled by or on behalf of DHS, the Department of Arkansas State Police, or other entity authorized under A.C.A §12-18-101 et seq. to perform

investigations or provide services to children, individuals, or families shall not be subject to disclosure under the Freedom of Information Act of 1967, A.C.A §25-19-101 et seq.

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

MARKUP

POLICY VII-H: PROVIDING INFORMATION TO FOSTER PARENTS

03/2018

Foster parents will be considered as team members working with other child welfare professionals for the family. Complete information, such as a child's health and education records, reasons for entering care, siblings, and probable length of placement, will be provided to foster parents at the time of placement. Additional information, including, but not limited to, a complete copy of the Child and Adolescent Needs and Strengths (CANS) assessment and complete copy of the case plan for each child placed in the home, will be shared promptly with the foster parents. Foster parents are also allowed to receive a copy of substantiated child maltreatment report for the child in their care.

The child's Social Security number may be given to the foster parents, only if the foster parent must have the number to obtain services, care, or treatment for the child (e.g., to enroll the child in school or to obtain medical treatment when treatment is needed for a child who is not Medicaid eligible). The foster parent must keep the child's Social Security number confidential and use the Social Security number only for allowable purposes.

Foster parents, pre-adoptive parents, and relative caregivers have the right to be heard in any proceeding held with respect to a child in their care. Foster parents will not be made a party to such proceeding while reunification remains the court ordered goal or solely on the basis that such persons are entitled to notice and the opportunity to be heard.

PROCEDURE VII-H1: Providing Information to Foster Parents

03/2018

The Family Service Worker will:

- A. Provide foster parents with copies of the CFS-6010: Case Plan, CFS-368: Health Services Plan and CFS-6007: Placement Plan-Placement Plan Provider Information Report within five calendar days of completion or revision.
- B. Provide the foster parent with the child's Social Security number, when it is required, to obtain services, care, or treatment for the child.
- C. Review and update the child's health and education records and provide copies to the out-of-home care provider at the time of placement.
- D. Provide any additional information, as it becomes available, such as a complete copy of the most recent CANS assessment and the child's case plan.
- E. Submit the CFS-343: Notification of Court Appearance to foster parents within 10 calendar days of any review hearing to be held with respect to a child in their care. Send the CFS-343 through certified mail for all Permanency Planning Hearings.
- F. Provide the foster parent with a copy of a substantiated child maltreatment report on the child in their care, if requested.

The foster parents will:

- A. Maintain the information shared as confidential.
- B. Use information contained in the case plan and other provided information to assist the child placed in the foster home in understanding the progress of the child's foster care case.

POLICY VII-H: PROVIDING INFORMATION TO FOSTER PARENTS

01311/20187

Foster parents wish be considered as team members working with other child welfare professionals for the family. Complete information, such as a child's health and, education records, reasons for entering care, siblings, and probable length of placement, wish be provided to foster parents at the time of placement. Additional information, including, but not limited to, a complete copy of the Child and Adolescent Needs and Strengths (CANS) assessment and complete copy of the case plan for each child placed in the home, will be shared promptly with the foster parents. Foster parents are also allowed to receive a copy of substantiated child maltreatment report for the child in their care.

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Additional information, including, but not limited to, a complete copy of the CANS/FAST and complete copy of the case plan for each child placed in the home, shall be shared promptly with the foster parents.

Foster parents, pre-adoptive parents, and relative caregivers have the right to be heard in any proceeding held with respect to a child in their care. Foster parents wish not be made a party to such proceeding while reunification remains the court ordered goal or solely on the basis that such persons are entitled to notice and the opportunity to be heard. Foster parents are allowed to receive a copy of substantiated child maltreatment report for the child in their care.

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01311/20187

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