



Division of Children & Family Services
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April 17, 2020

Blake Gilliam, 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
Bureau of Legislative Research
#1 Capitol, 5th Floor, Room R-516
Little Rock, AR 72201

**Re: Initial Filing – Regular Promulgation for – Private Licensed Placement Agency
Resource Homes**

Dear Ms. Blake Gilliam:

Please arrange for this rule to be reviewed by the Children and Youth Committee. If you have any questions or need additional information, please contact Alexandra Rouse, Deputy Chief of Office of Legislative and Intergovernmental Affairs, Office of Rules Promulgation at 501-508-8875 or by emailing Alexandra.Rouse@dhs.arkansas.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mischa Martin".

Mischa Martin
Director

MM:tr

Attachment

QUESTIONNAIRE FOR FILING PROPOSED RULES WITH THE
ARKANSAS LEGISLATIVE COUNCIL

DEPARTMENT/AGENCY _____
DIVISION _____
DIVISION DIRECTOR _____
CONTACT PERSON _____
ADDRESS _____
PHONE NO. _____ FAX NO. _____ E-MAIL _____
NAME OF PRESENTER AT COMMITTEE MEETING _____
PRESENTER E-MAIL _____

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:

Jessica C. Sutton
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? _____
- 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 rule.

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.

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

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).

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.)

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

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice. See attached.

13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e). See attached.

14. 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.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT _____
DIVISION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ **FAX NO.** _____ **EMAIL:** _____

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 _____

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

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____

Other (Identify) _____

Other (Identify) _____

Total _____

Total _____

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

Current Fiscal Year

Next Fiscal Year

General Revenue _____

General Revenue _____

Federal Funds _____

Federal Funds _____

Cash Funds _____

Cash Funds _____

Special Revenue _____

Special Revenue _____

Other (Identify) _____

Other (Identify) _____

Total _____

Total _____

- 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

Next Fiscal Year

\$ _____

\$ _____

- 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

Next Fiscal Year

\$ _____

\$ _____

- 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.

NOTICE OF RULE MAKING

The Director of the Division of Children and Family Services of the Department of Human Services announces for a public comment period of thirty (30) calendar days a notice of rulemaking for the following proposed child maltreatment investigation rule(s) under one or more of the following chapters, subchapters, or sections of the Arkansas Code: §§ 9-28-103, 9-28-402(12), 9-28-405, 12-18-105, 20-76-201, and 25-10-129.

Effective October 1, 2020:

The Arkansas Department of Human Services (DHS), Division of Children and Family Services (DCFS) intends to issue guidance to Division of Children and Family Services staff regarding the purpose and utilization of Private Licensed Placement Agency (PLPA) Resource Homes. A PLPA is a child placement agency licensed by the Child Welfare Agency Review Board to recruit, train, approve, and support their own resource homes.

Background: A PLPA resource home provides care in a family-like setting twenty-four (24) hours a day. A PLPA maintains the resource homes it recruits by ensuring those resource homes continuously meet Minimum Licensing Standards for Child Welfare Agencies (Placement) and DHS policies and procedures. PLPA approval agencies intensively supervise and support PLPA resource homes and monitor them through quarterly and annual reevaluations. Each child in a PLPA resource home is assigned a DCFS Family Service Worker and a case manager who is active in the child's life. Placement in an approved and available PLPA resource home is an option for any child (ages 6-18 and sibling groups) in DHS custody when a PLPA resource home best meets the needs of a child. A resource parent must be financially able to care for their own needs without the foster care board payment to supplement his or her income. A resource home may not be both a PLPA home through a private licensed agency and a DCFS resource home.

Policy VI:P: Private Licensed Placement Agency Resource Homes: The rule defines PLPA and how they operate in conjunction with DCFS and DCFS approved resource homes. The rule requires PLPA's to ensure that resource homes meet minimum licensing standards, including background checks, home studies, pre-service training, continuing resource parent education, adherence to the reasonable and prudent parent standard and use of all types of alternate care, requests for changes in placement, and allegations of child maltreatment involving the resource home.

The rule establishes when placement of a child in DHS custody in a PLPA is appropriate and how a Family Service Worker begins the process and continues monitoring the child. The rule describes the population of children for which PLPA providers take placement. PLPA resource homes are expected to accept placement of older children (ages 6-18) and sibling groups. PLPA resource homes with space limitations are expected to seek and accept children over the age of six (6).

Also, the rule establishes monitoring and supervision requirements of the PLPA resources homes by the respective PLPA approval agency. It sets requirements for resource parents and a framework to no longer remain an active resource parent. It also details the process and steps conducted when a PLPA home wishes to become a DCFS approved home.

The table of contents is being updated to reflect the new policy and procedure changes.

The proposed rule is available for review at the Department of Human Services (DHS) Office of Rules Promulgation, 2nd floor Donaghey Plaza South Building, 7th and Main Streets, P.O. Box 1437, Slot S295, Little Rock, Arkansas 72203-1437. You may also access and download the proposed rule at <https://humanservices.arkansas.gov/resources/promulgation-of-new-rules>. Public comments must be submitted in writing at the above address or at the following email address: ORP@dhs.arkansas.gov. All public comments must be received by DHS no later than **May 18, 2020**. Please note that public comments submitted in response to this notice are considered public documents. A public comment, including the commenter's name and any personal information contained within the public comment, will be made publicly available and may be seen by various people.

If you need this material in a different format, such as large print, contact the Office of Rules Promulgation at 501-320-6164.

The Arkansas Department of Human Services is in compliance with Titles VI and VII of the Civil Rights Act and is operated, managed and delivers services without regard to religion, disability, political affiliation, veteran status, age, race, color or national origin. **4501915183**



Mischa Martin, Director
Division of Children and Family Services

Toni Roy

From: legalads@arkansasonline.com
Sent: Friday, April 17, 2020 10:32 AM
To: Toni Roy
Subject: Re: Full Run Ad – Private Licensed Placement Agency Resource Homes

[EXTERNAL SENDER]

Thanks, Toni. Will run as requested.

Stay safe!

Gregg Sterne, Legal Advertising
Arkansas Democrat-Gazette
legalads@arkansasonline.com

From: "Toni Roy" <Toni.Roy@dhs.arkansas.gov>
To: "Legal Ads" <legalads@arkansasonline.com>
Cc: "Thomas Herndon" <Thomas.Herndon@dhs.arkansas.gov>, "Alexandra Rouse" <Alexandra.Rouse@dhs.arkansas.gov>, "Jack Tiner" <jack.tiner@dhs.arkansas.gov>, "Everlean Porter" <Everlean.Porter@dhs.arkansas.gov>, "Christin Harper" <Christin.Harper@dhs.arkansas.gov>
Sent: Friday, April 17, 2020 9:02:57 AM
Subject: Full Run Ad - Private Licensed Placement Agency Resource Homes

Please run the attached public notice:

Sunday, April 19th;
Monday, April 20th; and
Tuesday, April 21st.

I am aware that distribution will be provided to all counties on Sundays and limited distribution on other days. Please let me know if you have any questions or concerns.

Please invoice to: **AR Dept. of Human Services**
Accounts Payable, ATTN: Everlean Porter
P.O. Box 8068, Slot W 406
Little Rock, AR 72203-8068
501-396-6472

Thank you,



TONI ROY

Office of Legislative & Intergovernmental Affairs
[Office of Rules Promulgation](#)

Toni Roy

From: Toni Roy
Sent: Friday, April 17, 2020 10:48 AM
To: 'register@sos.arkansas.gov'
Cc: Thomas Herndon; Emily Morozov; Mac Golden; Alexandra Rouse
Subject: DHS/DCFS Proposed Filing - Private Licensed Placement Agency Resource Homes
Attachments: SoS - Proposed Rule - Private Licensed Placement Agency Resource Homes.pdf

Afternoon,

This ad will run in the Arkansas Democrat Gazette on the following dates:

Sunday, April 19, 2020;
Monday, April 20, 2020; and
Tuesday, April 21, 2020.

The public comment period will end on May 18, 2020.

Please let me know if you have any questions or concerns.

Thank you,



TONI ROY

Office of Legislative & Intergovernmental Affairs

[Office of Rules Promulgation](#)

Program Administrator

P: 501.320.6164

F: 501.404.4619

700 Main Street

P.O. Box 1437, Slot S295

Little Rock, AR 72203-1437

Toni.Roy@dhs.arkansas.gov

humanservices.arkansas.gov



This email may contain sensitive or confidential information.

Statement of Necessity and Rule Summary
Private Licensed Placement Agency Resource Homes

Statement of Necessity:

This new rule is necessary to provide guidance to Division of Children and Family Services (DCFS) staff regarding the purpose and utilization of Private Licensed Placement Agency Resource Homes.

Summary:

Effective October 1, 2020, the Division of Children and Family Services will implement Policy VI:P: Private Licensed Placement Agency Resource Homes to:

- Define a Private Licensed Placement Agency (PLPA) and how they operate in conjunction with DCFS and DCFS-approved resource homes;
- Establish when a placement of a child in Department of Human Services (DHS) custody in a PLPA is appropriate;
- Describe the population of children for which PLPA providers take placement;
- Outline the PLPA referral process and steps conducted when a PLPA home wishes to become a DCFS-approved home; and
- Update the table of contents to reflect the new policy and procedures.

ARKANSAS DEPARTMENT OF HUMAN SERVICES

DIVISION OF
CHILDREN & FAMILY
SERVICES

POLICY & PROCEDURE MANUAL

DCFS Publications Hyperlink:

<https://ardhs.sharepointsite.net/CW/DCFS%20Publications/Forms/AllItems.aspx>

Rev. 01/202010/2020

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ARKANSAS DEPARTMENT OF HUMAN SERVICES

DIVISION OF
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POLICY & PROCEDURE MANUAL

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Proposed

POLICY VI-P: Private Licensed Placement Agency (PLPA) Resource Homes

10/2020

A Private Licensed Placement Agency (PLPA) is a child placement agency licensed by the Child Welfare Agency Review Board to recruit, train, approve, and support their own resource homes. A PLPA resource home provides substitute care within a family-like setting on a twenty-four (24) hour basis for any child placed in the home by a child placement agency. A PLPA is responsible for maintaining the resource homes it recruits by ensuring those resource homes continuously meet Minimum Licensing Standards for Child Welfare Agencies (Placement) and Department of Human Services (DHS) as well as Division of Children and Family Services (DCFS) resource home policy and procedures.

These policies, standards, and procedures include but are not limited to:

- A. Completion of background checks;
- B. Structured Analysis Family Evaluation (SAFE) home studies (note: resource parents must reside in their residence prior to a SAFE home study being completed on the home);
- C. Pre-service training;
- D. Continuing resource parent education as applicable;
- E. Adherence to the reasonable and prudent parent standard and use of all types of Alternate Care (see Policy VII-G);
- F. Requests for changes in placement (see Procedure VII-L1: Resource Parent Request for Placement Change); and
- G. Allegations of child maltreatment involving the resource home (see Policy VII-K: Child Maltreatment Allegations Concerning Out-of-Home Placements).

A PLPA resource home is monitored through quarterly and annual reevaluations by its respective PLPA approval agency. A PLPA resource home is also more intensively supervised and supported by the approving PLPA. In addition to a DCFS Family Service Worker, each child in a PLPA resource home is assigned a case manager who is active in the child's daily life through frequent visits (a minimum of monthly).

Placement in an approved and available PLPA resource home is an option for any child in DHS custody when a PLPA resource home best meets the needs of a child. Placement in a PLPA resource home of a child in the custody of DHS is encouraged in the following circumstances:

- A. He or she is a sibling of a child placed in a PLPA home;
- B. He or she is a child of a youth in a PLPA home; or,
- C. He or she had previously been placed in a PLPA resource home and transitioned to other services requiring a more intensive treatment approach (e.g., acute treatment), and the child is now able to return to a resource home setting.

A resource parent must be financially able to care for his or her own needs without the foster care board payment to supplement his or her income. If a resource parent with a current placement elects to no longer be an active resource parent for the PLPA, the PLPA will notify DCFS and work collaboratively with the Division to move any children currently placed in that resource home to another licensed or approved resource home, shelter, facility, or an exempt child welfare agency as defined at A.C.A. § 9-28-402(12).

PLPA resource homes are expected to accept placement of older children (ages 6-18) and sibling groups. PLPA resource homes with space limitations are expected to seek and accept children over the age of six (6).

If a child in a PLPA resource home becomes available for adoption and the resource family has expressed interest in adopting the child, a Consideration to Adopt staffing may occur in accordance with DCFS Policy VIII-G: Adoption Decisions, procedure VIII-G1: Staffing and Recommendations.

A resource home may not be both a PLPA home through a private licensed agency and a DCFS resource home. If a PLPA home wishes to become a DCFS resource home, the PLPA provider must close the PLPA home and complete an inquiry to become a resource home through DCFS.

PROCEDURE VI-P1: Referrals for Private Licensed Placement Agency (PLPA) Resource Homes

10/2020

If the Family Service Worker (FSW) determines a Private Licensed Placement Agency (PLPA) resource home to be the most appropriate placement for a child, he or she will:

- A. Complete CFS-367: Specialized Placement Referral Form;
- B. Email the completed CFS-367 to the desired PLPA; and
- C. Retain a paper copy of the CFS-367 in the child's case file.

If the child is accepted into a PLPA placement, the FSW will:

- A. Forward additional required documents to the provider, as requested;
- B. Continue to maintain the child's case file while he or she is in the PLPA resource home; and
- C. Coordinate a monthly visit with the PLPA case manager to assess the health and safety of the child placed in the PLPA resource home.

PROCEDURE VI-P2: Private Licensed Placement Agency (PLPA) Resource Home Transitioning to DCFS Resource Home

10/2020

If a current Private Licensed Placement Agency (PLPA) resource home wishes to become a DCFS resource home, the Resource Worker will:

- A. Request a referral on the family from the PLPA while confirming with the PLPA that the resource home is being closed out by the PLPA.
- B. If the referral is positive, ensure that all required DCFS background checks (i.e., Child Maltreatment Central Registry Check, Adult Maltreatment Central Registry Check, State Police Criminal Record Check, FBI Criminal Background Check, and Vehicle Safety Check) are in place and current. Complete appropriate Children's Reporting and Information System (CHRIS) screens (see Procedure VII-C1: Background Check Processing).
- C. Once background checks have been verified, conduct an In-Home Consultation Visit (see Procedure VII-C2: In-Home Consultation Visit) with the family.
- D. Verify that the family has completed:
 - 1) Pre-service training with the PLPA: If the family did not complete pre-service training with the PLPA, refer the family for pre-service training upon successful completion of all background checks and the In-Home Consultation Visit (see Procedures VII-C3: Initiation of Pre-Service Training and VII-C4: Pre-Service Training).
 - 2) CPR and Standard First Aid Certification: First Aid and CPR training and certification will only be accepted from a certified trainer associated with the American Heart Association, the National Safety Council, or the American Red Cross.
 - a. First Aid training provided through the National Safety Council must be the Standard First Aid, not Basic First Aid.
 - b. If the family does not have current CPR and Standard First Aid Certification, assist the family in accessing appropriate training.
 - 3) Fifteen (15) hours of continuing education related to fostering within the past calendar year.
 - a) If the family has not earned fifteen (15) hours of continuing education within the past calendar year, they are responsible for obtaining the remaining hours.
 - b) The time spent during the In-Home Consultation Visit and Orientation may count toward the fifteen (15) hour continuing education requirement.

- E. Obtain a copy of the family’s SAFE Home Study and any SAFE Home Study Updates for review and assessment.
- F. If based on the review of the information described above, the family will continue with the approval process, invite the County Supervisor or designee to accompany FSW on the final face-to-face visit and final visual inspection of the home.
- G. Conduct a final face-to-face visit with the prospective resource parents to include a final visual inspection of the home (preferably with the County Supervisor or designee) and review of the Approval Packet (see Procedure VII-C6: Final Approval of Resource Homes).
- H. Complete the CFS-462: Initial Resource Family Agreement with the family.
- I. File the CFS-462 in the resource home record.
- J. Enter a disposition as to the approval or denial of the resource home within three (3) working days of receipt of the Area Director’s approval or denial.
 - 1) If the recommendation is approval, then:
 - a) If the orientation has not already taken place, schedule a date for a County or Area Orientation Session for newly approved resource parents.
 - b) Complete **Provider Alternate Care** screen in CHRIS if family has determined they are willing to serve as an Informal Respite Home and, using CFS-419: Resource Family Support System (RFSS) Information, enter all appropriate identified Resource Family Support System Individual Members including information on their cleared background checks (see POLICY VII-G: Alternate Care For Children In Out-Of- Home Placement).
 - c) Enter **Begin Date** on **Availability Status** on **Provider Service Status** screen and **Request Approval** on **Provider Service Detail** screen in CHRIS.
 - d) If the family has indicated interest and been approved to foster children/youth with specific characteristics, identify the appropriate **Disability Willing to Accept** selection under the **Preferences** tab in the **Provider Services/Admission Criteria** button.
 - e) File the approval letter in the resource home record.
 - 2) If the recommendation is denial, then:
 - a) Send a “Letter of Denial” to the applicants who were not approved. See POLICY VII-D: Denial of a Resource Home and document in **Provider Contact Information** screen in CHRIS.
 - b) **End Date** the **Foster Family Service** on the **Provider Services** tab selecting the appropriate **Reason for End Date**.
 - c) Specify why the home was denied in the comment box on the **Provider Services** tab.

The County Supervisor or designee is encouraged to participate in the final face-to-face visit and final visual inspection of the home with the resource worker.

The Area Director or designee will, if appropriate, approve the resource worker’s request for approval in Provider Service Detail screen in CHRIS to finalize the approval of the resource family. Upon approval, CHRIS automatically provides the resource family approval letter to be printed, mailed, and filed in the resource home record.

PROCEDURE VI-P3: Former Private Licensed Placement Agency (PLPA) Resource Home Reopening as DCFS Resource Home

10/2020

For former PLPA resource homes that express interest in opening as a DCFS resource home, the Resource Worker will:

- A. Request a referral on the family from their former PLPA.
- B. If the referral is positive, see Procedure VII-F1: Reopening a Resource Home and follow accordingly.