

# Exhibit H.2



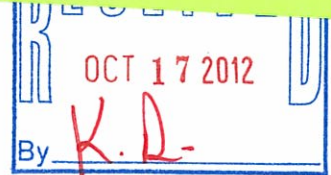
## Arkansas Department of Human Services Division of Children and Family Services

700 Main Street, Donaghey Plaza South, 5<sup>th</sup> Floor  
P.O. Box 1437, Slot S560  
Little Rock, Arkansas 72203-1437  
Telephone (501) 682-8008 TDD (501) 682-1442 FAX 501

Exhibit  
H.2

October 17, 2012

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, 5<sup>th</sup> 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 October 17, 2012 to November 15, 2012, with an effective date of January 1, 2013.

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, Policy & Professional Development Administrator, Division of Children and Family Services, P.O. Box 1437, (Slot S570), Little Rock, Arkansas 72203-1437; phone 682-8541; email [christin.harper@arkansas.gov](mailto:christin.harper@arkansas.gov) or fax 682-6968.

Sincerely,

A handwritten signature in blue ink that reads "Cecile Blucker".  
Cecile Blucker

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:

## New Rule

- POLICY I-G: Ethical Standards

## Revised Rule

- POLICY I-B: Child Welfare Delivery System
- POLICY I-C: Division Organizational Structure
- POLICY I-D: Division Volunteers
- POLICY I-E: Official Record Keeping and Retention Schedule & Access to Official Records
- POLICY I-F: Confidentiality
- POLICY I-H: Vehicle and Passenger Safety

## Rescinded Rule

- POLICY I-E: Compliance with Multiethnic Placement Act
- POLICY VII-M: Volunteers
- POLICY IX-C: Vehicle and Passenger Safety
- APPENDIX 3: Record Retention Schedule

PROPOSED EFFECTIVE DATE:

January 1, 2013

STATUTORY AUTHORITY:

A.C.A. 9-28-103

NECESSITY AND FUNCTION:

## New Rule

- POLICY I-G: Ethical Standards
  - Creates DCFS specific policy regarding expected ethical standards for employees

## Revised Rule

- POLICY I-B: Child Welfare Delivery System
  - Updated to reflect current federal public laws under which the Division operates
  - Revised to include policy regarding compliance with Multiethnic Placement Act (for improved organization of policy manual)
- POLICY I-C: Division Organizational Structure
  - Updated to reflect reorganization of certain programs in DCFS Central Office
  - Revised to further describe field level positions
- POLICY I-D: Division Volunteers
  - Added DCFS practice model language to stress importance of volunteers to the Division's work
- POLICY I-E: Official Record Keeping and Retention Schedule & Access to Official Records
  - Revised to clarify that DCFS employees are prohibited from accessing and/or viewing any CHRIS information regarding investigative reports and/or open cases to which he or she is not

- assigned.
- Revised to incorporate existing record retention schedule (formerly located in separate appendix)
- Updated to include timeframes for retaining foster and adoptive home applicant files
- POLICY I-F: Confidentiality
  - Updated to include existing DHS policy in order to stress that no DCFS employee may accept employment or engage in any activity while serving as DCFS employee which might reasonably be expected to require or induce the employee to 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.
  - Updated to clarify that confidentiality standards also apply to information included in CHRIS
  - Updated for general formatting and organization purposes.
- POLICY I-H: Vehicle and Passenger Safety
  - Revised to clarify that DCFS staff and volunteers may not smoke in a state vehicle or in a private vehicle when a child receiving any services from the Division is present (i.e., not only children in foster care).

**Rescinded Rule**

- POLICY I-E: Compliance with Multiethnic Placement Act
  - Incorporated into Policy I-B: Child Welfare Delivery System so as to be placed in same section of policy outlining other federal regulations and laws under which the Division operates
- POLICY VII-M: Volunteers
  - Incorporated into Section I of the policy manual as Policy I-D
- POLICY IX-C: Vehicle and Passenger Safety
  - Incorporated into Section I of the policy manual as Policy I-H
- APPENDIX 3 : Record Retention Schedule
  - Incorporated into Policy I-E: Official Record Keeping and Retention Schedule & Access to Official Records

PAGES FILED:

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Signature

Name: Cecile Blucker Title: Director

Section: Division of Children and Family Services

Department of Human Services

PROMULGATION DATES: October 17-November 15, 2012

CONTACT PERSON: Christin Harper  
 DHS-DCFS Policy Unit  
 Phone: (501) 682-8541  
 Fax: (501) 683-4854  
 Email: christin.harper@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** Cecile Blucker  
**CONTACT PERSON** Christin Harper, Policy & Professional Development Administrator  
**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@arkansas.gov  
**NAME OF PRESENTER AT COMMITTEE MEETING** Christin Harper  
**PRESENTER E-MAIL** christin.harper@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**  
**Room 315, State Capitol**  
**Little Rock, AR 72201**

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1. What is the short title of this rule? Updates to Division Overview and General Provisions

To improve the overall organization of the DCFS Policy Manual by incorporating certain existing policies of the manual into this section of the manual based on policy topic; to clarify employee access to investigation records; to establish ethical standards policy specific to DCFS employees.

2. What is the subject of the proposed rule? policy specific to DCFS employees.

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.

Policy I-G: Ethical Standards is a new policy to more clearly outline ethical standards for DCFS employees. While some of the information contained in this policy is also found in existing DHS Policy 1081: Ethical Standards for Employees as well as DHS Policy 1084: DHS Employee Discipline: Conduct/Performance, it has been determined that it would be helpful to include this information in the DCFS Policy Manual as well as to add language that explicitly outlines parameters regarding employee access to investigative information.

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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.

The policies and appendix listed below as rescinded are only categorized as such because they are either being incorporated into existing policies or moved to a different section of the policy manual to improve the overall organization of the manual. No existing policy requirements are being rendered obsolete as a result of these changes.

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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 Arkansas Code citation.

A.C.A. § 9-28-103

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

New Rule:

- POLICY I-G: Ethical Standards
  - o Creates DCFS specific policy regarding expected ethical standards for employees

Revised Rule:

- POLICY I-B: Child Welfare Delivery System
    - o Updated to reflect current federal public laws under which the Division operates
    - o Revised to include policy regarding compliance with Multiethnic Placement Act (for improved organization of policy manual)
  - POLICY I-C: Division Organizational Structure
    - o Updated to reflect reorganization of certain programs in DCFS Central Office
    - o Revised to further describe field level positions
  - POLICY I-D: Division Volunteers
    - o Added DCFS practice model language to stress importance of volunteers to the Division's work
  - POLICY I-E: Official Record Keeping and Retention Schedule & Access to Official Records
    - o Revised to clarify that DCFS employees are prohibited from accessing and/or viewing any CHRIS information regarding investigative reports and/or open cases to which he or she is not assigned.
    - o Revised to incorporate existing record retention schedule (formerly located in separate appendix)
    - o Updated to include timeframes for retaining foster and adoptive home applicant files
  - POLICY I-F: Confidentiality
    - o Updated to include existing DHS policy in order to stress that no DCFS employee may accept employment or engage in any activity while serving as DCFS employee which might reasonably be expected to require or induce the employee to disclose confidential information or use
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confidential information for the gain or benefit of the employee or person in a close, personal relationship to the employee.

- o Updated to clarify that confidentiality standards also apply to information included in CHRIS
- o Updated for general formatting and organization purposes.
- POLICY I-H: Vehicle and Passenger Safety
  - o Revised to clarify that DCFS staff and volunteers may not smoke in a state vehicle or in a private vehicle when a child receiving any services from the Division is present (i.e., not only children in foster care).

Rescinded Rule:

- POLICY I-E: Compliance with Multiethnic Placement Act
  - o Incorporated into Policy I-B: Child Welfare Delivery System so as to be placed in same section of policy outlining other federal regulations and laws under which the Division operates
- POLICY VII-M: Volunteers
  - o Incorporated into Section I of the policy manual as Policy I-D
- POLICY IX-C: Vehicle and Passenger Safety
  - o Incorporated into Section I of the policy manual as Policy I-H
- APPENDIX 3 : Record Retention Schedule
  - o Incorporated into Policy I-E: Official Record Keeping and Retention Schedule & Access to Official Records

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

DHS/DCFS CHRIS public:

<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.) November 15, 2012

11. What is the proposed effective date of this proposed rule? (Must provide a date.) January 1, 2013

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:** Greg Crawford

**PHONE NO.:** (501) 682-6248 / **FAX NO.:** (501) 682-6968 / **E-MAIL:** greg.crawford@arkansas.gov

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE: Section I**

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?  
Yes  No
2. Does the proposed, amended, or repealed rule affect small businesses?  
Yes  No  If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.
3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
4. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

**Current Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
Total \$0.00

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
Total \$0.00

5. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation? Identify the party subject to the proposed regulation, 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 the agency to implement these regulations? Is this the cost of the program or grant? Please explain.

**Current Fiscal Year**

\$ 0.00

**Next Fiscal Year**

\$ 0.00

# DCFS SUMMARY OF CHANGES FOR JULY 2012 PROMULGATION

## **SUMMARY OF DCFS REGULAR PROMULGATION**

The purpose of this regular promulgation is to:

- Improve the overall organization of the DCFS Policy Manual by incorporating certain existing policies of the manual into this section of the manual based on policy topic.
- Add language in the Policy I-E: Official Record Keeping & Access to Records that explicitly outlines parameters regarding employee access to investigative information.
- Establish ethical standards policy specific to DCFS employees.



## **I-G: Ethical Standards**

01/2013

Public employment is a public trust. DCFS employees shall not only avoid any potential conflict of interest, but shall also avoid any appearance of impropriety. DHS employees must conduct themselves so as to foster public confidence in the integrity of state government and safeguard client information (see Policy I-F for more information regarding confidentiality).

All DCFS employees shall adhere to DHS Policy 1081: Ethical Standards for Employees as well as DHS Policy 1084: DHS Employee Discipline: Conduct/Performance.

In addition, DCFS employees and providers are prohibited from soliciting information from any DCFS or CACD employee about any investigation (pending or completed) or case if the reason for the solicitation is due to personal interest or involvement. If a DCFS employee or provider has questions or concerns, he or she must contact the investigator or investigative agency (DCFS or CACD) to obtain information or to file a complaint as would any other person who has an open investigation or case.

**POLICY I-B: CHILD WELFARE FAMILY SERVICE DELIVERY SYSTEM**

06/200401/2013

The Division of Children and Family Services is in compliance with titles VI and VII of the Civil Rights Act and operates, manages, and delivers services without regard to race, color, religion, sex, age, national origin, mental or physical disability, veteran status, political affiliation or belief. DCFS is the designated state agency to administer and supervise all Child Welfare and Family Services (titles IV-B and IV-E of the Social Security Act).

The Division of Children and Family Services purchases services from private and public agencies, universities and individuals, using state and federal funds. Programs and services of other Divisions within the Department of Human Services (DHS) are may also be available to clients of DCFS. Delivery of services is coordinated with other Divisions administering TEA/TANF Medicaid, SNAP (Supplemental Nutrition Assistance Program), Social Services Block Grant, and other federal entitlement programs.

The services are authorized and funded in conjunction with various state and federal laws which govern the operation of the Division. The major federal laws governing service delivery, as amended, are:

- Civil Rights Act: Titles 6, 7, 9
- Rehabilitation Act: Sections 503, 504
- Americans With Disabilities Act: Title II
- Social Security Act titles:
  - IV-A—Block Grants to States for Temporary Assistance for Needy Families (TANF)
  - IV-B—Child Welfare and Family Services
  - IV-E—Federal Payments for Foster Care and Adoptions Assistance
  - XIX—Grants to States for Medical Services Assistance Programs
  - XX—Block Grants to States for Social Services Block Grant
- Public Laws:
  - 93-207—Child Abuse and Neglect
  - 94-142—Handicapped Children Act
  - 95-608—Indian Child Welfare Act (ICWA) of 1978
  - 96-272—Adoption Assistance and Child Welfare Act of 1980
  - 103-382—Multiethnic Placement Act (MEPA) of 1994/Interethnic Adoption Provisions of 1996
  - 105-89—Adoption and Safe Families Act of 1997
  - 106-169—Foster Care Independence Act of 1999
  - 93-207/109-36—Child Abuse and Neglect/Keeping Children and Families Safe Act of 2003
  - 94-142/101-476—Handicapped Children's Act/Individuals with Disabilities Education Act (IDEA) of 2004
  - 96-272—Adoption Assistance and Child Welfare Act of 1980
  - 105-89—Adoption and Safe Families Act of 1997
  - 110-351—Fostering Connections to Success and Increasing Adoptions Act of 2008

**COMPLIANCE WITH CIVIL RIGHTS ACT**

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The Division complies with titles VI and VII of the Civil Rights Act and operates, manages, and delivers services without regard to race, color, religion, sex, age, national origin, mental or physical disability, veteran status, political affiliation or belief. DCFS is the designated state agency to administer and supervise all Child and Family Services (titles IV-B and IV-E of the Social Security Act).

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#### COMPLIANCE WITH MULTIETHNIC PLACEMENT ACT

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The Division also complies with the Multiethnic Placement Act (MEPA) in making foster care and adoptive placements. The act provides for assessment of individual liability to staff for knowingly violating MEPA requirements.

The Multiethnic Placement Act prohibits delaying or denying the placement of a child for adoption or foster care on the basis of race, color, or national origin of the adoptive or foster parent or the child involved; and prohibits denying any individual the opportunity to become a foster or adoptive parent on the basis of the prospective parent's or the child's race, color, or national origin.

MEPA also requires that to remain eligible for federal assistance for their child welfare programs states must diligently recruit foster and adoptive parents who reflect the racial and ethnic diversity of the children in the state who need foster and adoptive homes.

Consideration of race, color, or national origin is permissible only when an individual determination is made that the facts and circumstances of a particular case require the consideration of race, color, or national origin in order to advance the best interests of the child in need of placement. The Division's compliance with the Indian Child Welfare Act of 1978 (P.L. 95-608) does not violate MEPA.

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## POLICY I-B: FAMILY SERVICE DELIVERY SYSTEM

01/2013

The Division of Children and Family Services purchases services from private and public agencies, universities and individuals, using state and federal funds. Programs and services of other Divisions within the Department of Human Services (DHS) may also be available to clients of DCFS. Delivery of services is coordinated with other Divisions administering TEA/TANF Medicaid, SNAP (Supplemental Nutrition Assistance Program), Social Services Block Grant, and other federal entitlement programs.

The services are authorized and funded in conjunction with various state and federal laws which govern the operation of the Division. The major federal laws governing service delivery, as amended, are:

- Civil Rights Act: titles 6, 7, 9
- Rehabilitation Act: Sections 503, 504
- Americans With Disabilities Act: title II
- Social Security Act titles:
  - IV-A—Block Grants to States for Temporary Assistance for Needy Families (TANF)
  - IV-B—Child and Family Services
  - IV-E—Federal Payments for Foster Care and Adoption Assistance
  - XIX—Grants to States for Medical Assistance Programs
  - XX—Block Grants to States for Social Services
- Public Laws:
  - 95-608—Indian Child Welfare Act (ICWA) of 1978
  - 96-272—Adoption Assistance and Child Welfare Act of 1980
  - 103-382—Multiethnic Placement Act (MEPA) of 1994/Interethnic Adoption Provisions of 1996
  - 105-89—Adoption and Safe Families Act of 1997
  - 106-169—Foster Care Independence Act of 1999
  - 108-36—Keeping Children and Families Safe Act of 2003
  - 101-476—Individuals with Disabilities Education Act (IDEA) of 2004110-351—Fostering Connections to Success and Increasing Adoptions Act of 2008

### COMPLIANCE WITH CIVIL RIGHTS ACT

The Division complies with titles VI and VII of the Civil Rights Act and operates, manages, and delivers services without regard to race, color, religion, sex, age, national origin, mental or physical disability, veteran status, political affiliation or belief. DCFS is the designated state agency to administer and supervise all Child and Family Services (titles IV-B and IV-E of the Social Security Act).

### COMPLIANCE WITH MULTIETHNIC PLACEMENT ACT

The Division also complies with the Multiethnic Placement Act (MEPA) in making foster care and adoptive placements. The act provides for assessment of individual liability to staff for knowingly violating MEPA requirements.

The Multiethnic Placement Act prohibits delaying or denying the placement of a child for adoption or foster care on the basis of race, color, or national origin of the adoptive or foster parent or the child involved; and prohibits denying any individual the opportunity to become a foster or adoptive parent on the basis of the prospective parent's or the child's race, color, or national origin.

MEPA also requires that to remain eligible for federal assistance for their child welfare programs states must diligently recruit foster and adoptive parents who reflect the racial and ethnic diversity of the children in the state who need foster and adoptive homes.

Consideration of race, color, or national origin is permissible only when an individual determination is made that the facts and circumstances of a particular case require the consideration of race, color, or national origin in order to advance the best interests of the child in need of placement. The Division's compliance with the Indian Child Welfare Act of 1978 (P.L. 95-608) does not violate MEPA.

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## POLICY I-C: DIVISION'S ORGANIZATIONAL STRUCTURE

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The Director of DCFS has management and administrative responsibilities for the Division and has an interactive role with the Child Welfare Agency Review Board ~~and the Child Placement Advisory Committee~~. An Assistant Director supervises each of the following sections: Office of Community Services, Office of Finance and Administrative Support, and Office of Central Operations. In addition, DCFS operates various programs, supervised either by the Division Director or a member of the Executive Staff as outlined below.

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### OFFICE OF COMMUNITY SERVICES

The Office of Community Services provides administrative leadership and guidance to DCFS staff throughout all 75 Arkansas counties. Counties are grouped into 10 service delivery areas, each with an Area Director. The Assistant Director of the Office of Community Services directly supervises the 10 Area Directors and administers the Interstate Compact for the Placement of Children Unit as well as the Vehicle Safety Unit.

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Each Area is comprised of the following counties:

AREA I: Benton, Carroll, Madison, Washington

AREA II: Crawford, Franklin, Johnson, Logan, Scott, Sebastian, Yell

AREA III: Clark, Garland, Hot Springs, Howard, Montgomery, Perry, Pike, Polk, Saline

AREA IV: Columbia, Hempstead, Lafayette, Little River, Miller, Nevada, Ouachita, Sevier, Union

AREA V: Baxter, Boone, Conway, Faulkner, Marion, Newton, Pope, Searcy, Van Buren

AREA VI: Pulaski

AREA VII: Bradley, Calhoun, Cleveland, Dallas, Grant, Jefferson, Lincoln, Lonoke, Prairie

AREA VIII: Clay, Craighead, Fulton, Greene, Izard, Lawrence, Mississippi, Randolph, Sharp

AREA IX: Cleburne, Crittenden, Cross, Independence, Jackson, Poinsett, Stone, White, Woodruff

AREA X: Arkansas, Ashley, Chicot, Desha, Drew, Lee, Monroe, Phillips, St. Francis

Each county is generally comprised of at least one supervisor as well as family service workers (FSWs) and support staff. Each position has a set of minimum qualifications set forth by the Department of Finance and Administration. Positions may then be further specified based on job functions developed by a direct supervisor (e.g., FSW functional roles include but are not limited to, investigators, caseworkers, resource workers, and adoption specialists; support staff functional roles include but are not limited to program assistants, transitional youth coordinators, health service workers and clerical staff).

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### OFFICE OF FINANCE AND ADMINISTRATIVE SUPPORT

The Office of Finance and Administrative Support provides administrative and management support to DCFS through personnel administration, operations, budget monitoring, resource control, and contract administration. The Office of Finance and Administrative Support includes the following units: Personnel, Criminal Records, Central Registry, Contracts, Eligibility, and Financial Management.

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### OFFICE OF CENTRAL OPERATIONS

The Central Operations section is responsible for the smooth and timely functioning of the operational facets of the Division. It consists of the Eligibility Unit following units, Information Technology, Vehicle Safety Program, Criminal Records, Central Registry, and Child Protective Services.

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### PROGRAMS

DCFS operates the following programs which provide support for the state's network of children and family services as well as short- and long-term planning and policy development: Prevention and Support, Child Protective Services, Specialized Placement, Policy, Professional Development, Foster Care, Transitional Youth Services, Specialized Placement-Mental Health Services, Adoption, Planning, Policy, Professional Development, Transitional Youth Services, and Mental Health Services.

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### CONTINUOUS QUALITY IMPROVEMENT

In an effort to determine the effectiveness of programs in improving outcomes for children and families, the DCFS Director also oversees a two-prong continuous quality improvement endeavor through the Quality Assurance Unit and the Service Quality and Practice Improvement Unit. Both of these units are operated via contracts.

The Quality Assurance (QA) Unit compiles, analyzes, and reviews data of several reports as well as measures the outcomes each area achieves for its service population. Reports include but are not limited to the Supervisory Review Tool, Compliance Outcome Report, Contract Monitoring, Annual Report Card, and Meta-Analysis. The QA Unit focuses on safety, permanency, and well-being outcomes while also placing an emphasis on the personnel, contractual and foster care resources available to achieve these outcomes.

The Service Quality and Practice Improvement Unit conducts the Quality Services Peer Review (QSPR). The QSPR is a monitoring tool used to evaluate the child welfare system in Arkansas. It is modeled after the federal Child and Family Services Review (CFSR) tool and, as such, also focuses on safety, permanency, and well-being outcomes for children and families.

The Service Quality and Practice Improvement employs a two-phase annual process for conducting the QSPR in each service area. The first phase involves evaluations of the Children's Reporting Information System (CHRIS) records and physical case files. Interviews with individuals pertinent to the cases reviewed are also conducted. Following each review, a report is generated to convey the results and identify successes as well as areas needing improvement. During the second phase, members of the Service Quality and Practice Improvement Unit provide coaching to caseworkers and supervisors in order to not only ensure compliance with all federal and state regulations, but also to help staff employ best practices in accordance with the Arkansas Practice Model.

In addition to the sections described above, DCFS is comprised of the following program areas, supervised either by the Division Director or a member of the Executive Staff: Prevention Support and Substance Abuse, Specialized Placement, Policy, Professional Development, Foster Care, Adoptions, Planning, and Mental Health. Together, these units are responsible for the provision of administrative and programmatic support for the state's network of children and family services as well as short- and long-term planning and policy development.

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## POLICY I-C: DIVISION ORGANIZATIONAL STRUCTURE

01/2013

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AREA VIII: Clay, Craighead, Fulton, Greene, IZard, Lawrence, Mississippi, Randolph, Sharp

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## **POLICY ~~I-DVII-M~~: DIVISION VOLUNTEERS**

091/2013~~1~~

Because families' success depends on community involvement, DCFS volunteers are an integral part of the child welfare system working to improve outcomes for children and families. Division volunteers may serve in a variety of capacities based on their interests, skill-level, and training. Regardless of the role volunteers may play, All volunteers are responsible for ensuring the proper care, treatment, safety, and supervision of the children they serve.

All prospective volunteers who have direct and unsupervised contact with children must be cleared through the Arkansas Child Maltreatment Central Registry and through a State Police Criminal Record Check. The Division will request any other state where the prospective volunteer has resided in the preceding 6 years to check its child abuse and neglect registry, if available, and in the person's state of employment, if different, for reports of child maltreatment, if available.

Volunteers will be supervised by an appropriate staff person. A volunteer who works unsupervised and substitutes as staff must meet the qualifications required for a paid employee in that position.

Volunteers approved by DHS to transport children in foster care or DHS clients or to supervise visits at the request of DHS shall not be liable to the children in foster care, DHS clients, or the parents or guardians of children in foster care for injuries to the children or clients caused by the acts or omissions of a volunteer unless the acts or omissions constitute malicious, willful, wanton, or grossly negligent conduct.

An approved volunteer who performs home studies without compensation shall have immunity from liability as provided for state officers and employees. An approved volunteer refers to any volunteer who is approved by DHS or who is approved by any organization operating under a memorandum of understanding with DHS for the completion of home studies.

If a complaint of child maltreatment is filed against any volunteer, DCFS shall evaluate the risk to children and determine the suitability of the volunteer to supervise, be left alone with children, have disciplinary control over children, or remain with DCFS until the allegations are determined to be true or unsubstantiated.



## **POLICY ~~I-DVII-M~~: DIVISION VOLUNTEERS**

091/2013~~4~~

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## POLICY I-D: DIVISION VOLUNTEERS

01/2013

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## POLICY I-ED: OFFICIAL RECORD KEEPING & ACCESS TO OFFICIAL RECORDS,

01/2013

The official record of child welfare information for DCFS is maintained through the Children's Reporting Information System (CHRIS). ~~The CHRIS Unit is a part of the Division of Administrative Services, Office of Technology, which is responsible for the enhancement of the CHRIS Application, data monitoring, Help Desk function and some specialized training. CHRIS is a fully automated, and is a worker-based child-welfare information system. The Family Services Policy and Procedure Manual (FSPP) includes the Data input instructions for the CHRIS Applications are included throughout the Division of Children and Family Services Policy and Procedure Manual.~~

CHRIS is overseen by the Division of Administrative Services, Office of Technology (OST). OST is responsible for enhancements to the CHRIS Application, data monitoring, Help Desk function, and some specialized training.

In instances when information is not able to be entered into CHRIS, some hard copies (e.g., forms with signatures, medical records, education records, etc.) are also considered part of the official record. A hard copy file of case information will be maintained for data not in CHRIS. Hard copy files will be created, if necessary for case review.

DCFS employees with access to CHRIS are prohibited from accessing and/or viewing any CHRIS information\* regarding investigative reports and/or open cases to which he or she is not assigned unless:

- A. Permission from his or her supervisor is granted to view the information; or,
- B. The employee is the supervisor for that report and/or open case.

This prohibition extends to any DCFS employee or provider with access to CHRIS who is a "subject of the report" as defined in Child Maltreatment Act. This rule holds regardless of whether the information is restricted or not to the DCFS employee or provider.

DCFS supervisors are prohibited from accessing and/or viewing investigative report or open case information in CHRIS if the interest in the report or case is personal (i.e., not professionally related).

DCFS employees and providers are also prohibited from accessing and/or viewing any information in CHRIS if the interest in the investigation and/or case is personal (e.g., a friend, family member, present or former colleague, etc. is involved in the report or case).

A hard copy file of case information will be maintained for data not in CHRIS. Hard copy files will be created, if necessary for case review.

### RECORD RETENTION SCHEDULE

- A. Retain all information in the automated data system indefinitely to assist the Department in assessing future risk and safety.
- B. Records of all cases where allegations are determined to be true shall be retained by the Child Maltreatment Central Registry and all hard copy records with true determinations shall be retained forever.
- C. Hard copy records of unsubstantiated reports are not part of the Child Maltreatment Central Registry. They will be destroyed by the investigating agency at the end of the month in which the determination is made.
- D. Records of all cases where allegations are determined to be unsubstantiated shall not be included in the Child Maltreatment Central Registry.

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- E. Hard copy records of unsubstantiated reports will be destroyed at the end of the month in which the determination is made.
- F. Retain all child protective services, Out-of-Home Placement Services, and supportive services for five years after the youngest child turns 21 years old. Retain all other client files for five years after the file is closed or the last case activity.
- G. Retain all foster and adoptive applicant files that are denied for three (3) years from the date that the applicant is informed of the decision.
- H. Retain all foster and adoptive applicant files where no decision is rendered due to incomplete process for three (3) years from the date of the last documented communication with the applicant.
- I. Retain all adoption records for 99 years.
- J. Retain all rules until superseded. Superseded rules must be retained on as-needed basis.
- K. Retain all records relating to a person or entity contracting with DHS for five years after the contract ends or is terminated.
- L. Retain all administrative records including programmatic financial records for five years after the end of the biennium in which the records were produced.



## POLICY I-E: OFFICIAL RECORD KEEPING & ACCESS TO OFFICIAL RECORDS

01/2013

The official record of child welfare information for DCFS is maintained through the Children's Reporting Information System (CHRIS). CHRIS is a fully automated, worker-based child-welfare information system. Data input instructions for the CHRIS Applications are included throughout the Division of Children and Family Services Policy and Procedure Manual.

CHRIS is overseen by the Division of Administrative Services, Office of Technology (OST). OST is responsible for enhancements to the CHRIS Application, data monitoring, Help Desk function, and some specialized training.

In instances when information is not able to be entered into CHRIS, some hard copies (e.g., forms with signatures, medical records, education records, etc.) are also considered part of the official record. A hard copy file of case information will be maintained for data not in CHRIS. Hard copy files will be created, if necessary for case review.

DCFS employees with access to CHRIS are prohibited from accessing and/or viewing any CHRIS information regarding investigative reports and/or open cases to which he or she is not assigned unless:

- A. Permission from his or her supervisor is granted to view the information; or,
- B. The employee is the supervisor for that report and/or open case.

This prohibition extends to any DCFS employee or provider with access to CHRIS who is a "subject of the report" as defined in Child Maltreatment Act. This rule holds regardless of whether the information is restricted or not to the DCFS employee or provider.

DCFS supervisors are prohibited from accessing and/or viewing investigative report or open case information in CHRIS if the interest in the report or case is personal (i.e., not professionally related).

DCFS employees and providers are also prohibited from accessing and/or viewing any information in CHRIS if the interest in the investigation and/or case is personal (e.g., a friend, family member, present or former colleague, etc. is involved in the report or case).

### RECORD RETENTION SCHEDULE

- A. Retain all information in the automated data system indefinitely to assist the Department in assessing future risk and safety.
- B. Records of all cases where allegations are determined to be true shall be retained by the Child Maltreatment Central Registry and all hard copy records with true determinations shall be retained forever.
- C. Hard copy records of unsubstantiated reports are not part of the Child Maltreatment Central Registry. They will be destroyed by the investigating agency at the end of the month in which the determination is made.
- D. Records of all cases where allegations are determined to be unsubstantiated shall not be included in the Child Maltreatment Central Registry.
- E. Hard copy records of unsubstantiated reports will be destroyed at the end of the month in which the determination is made.
- F. Retain all child protective services, Out-of-Home Placement Services, and supportive services for five years after the youngest child turns 21 years old. Retain all other client files for five years after the file is closed or the last case activity.

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## POLICY I-F: CONFIDENTIALITY

019/2013±

~~The purpose of this policy is to assist employees in determining what information is confidential, to whom confidential information can be released, and the consequences of wrongful release of the information.~~

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 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.

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~~Reports, correspondence, memoranda, case histories, or other materials related to including protected health information compiled or received by a licensee or a state agency engaged in placing a child, including both investigative, protective services, and foster care and protective services 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.~~

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- 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 about the parents or guardians and any siblings not in the foster home shall not be released (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.

#### 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.

~~Information is confidential if it is not intended to be disclosed to persons other than those to whom disclosure is allowed under the statute.~~

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 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. ~~(1)~~ Assuring that no identifying or potentially harmful information on a child is released, and
- B. ~~(2)~~ 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 Program Excellence 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.

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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: Child Maltreatment Notices.

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## **POLICY I-F: CONFIDENTIALITY**

01/2013

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 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 investigative, 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 about the parents or guardians and any siblings not in the foster home shall not be released (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.

#### **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 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: Child Maltreatment Notices.

## POLICY I-HX-C: VEHICLE AND PASSENGER SAFETY

019/20143

DCFS staff (paid and volunteer) will operate motor vehicles (state-owned or privately owned used on state business) in a safe manner, observing all traffic laws and making allowances for road and weather conditions. They will also promptly report to their supervisor any accident or traffic violation in which they are involved.

Seat belts will be used in accordance with Arkansas law at all times by drivers and passengers of state vehicles and private vehicles used for state business.

Children who are less than six years old AND who weigh less than 60 pounds will be properly restrained in an approved child passenger safety seat. If a child is at least six years old OR at least 60 pounds in weight, a standard lap/shoulder seat belt will provide sufficient restraint and safety.

Smoking is prohibited in all vehicles and enclosed areas owned, leased or operated by the State of Arkansas, its agencies and authorities. ~~Therefore, DCFS staff may not smoke in a state vehicle OR in their private vehicle when a child in foster care is present.~~ In accordance with A.C.A. 20-27-1903 smoking is prohibited in any motor vehicle in which a child who is under the age of 14 is a passenger. However, as second-hand smoke is detrimental to the health of all children, DCFS staff and volunteers may not smoke in a state vehicle OR in a private vehicle when a child who is in foster care or receiving other services from the Division is present.

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## PROCEDURE IX-C1: Vehicle and Passenger Safety

DCFS staff (paid and volunteer) in a state vehicle or privately owned vehicle on state business will ensure that:

- A. ~~All adult passengers and children at least six years old OR 60 pounds in weight are restrained with a lap/shoulder seatbelt in accordance with Arkansas Law.~~
- B. ~~All children less than six years old AND less than 60 pounds in weight are restrained in an approved child passenger safety seat.~~



## **POLICY I-H: VEHICLE AND PASSENGER SAFETY**

01/2013

DCFS staff (paid and volunteer) will operate motor vehicles (state-owned or privately owned used on state business) in a safe manner, observing all traffic laws and making allowances for road and weather conditions. They will also promptly report to their supervisor any accident or traffic violation in which they are involved.

Seat belts will be used in accordance with Arkansas law at all times by drivers and passengers of state vehicles and private vehicles used for state business.

Children who are less than six years old AND who weigh less than 60 pounds will be properly restrained in an approved child passenger safety seat. If a child is at least six years old OR at least 60 pounds in weight, a standard lap/shoulder seat belt will provide sufficient restraint and safety.

Smoking is prohibited in all vehicles and enclosed areas owned, leased or operated by the State of Arkansas, its agencies and authorities. In accordance with A.C.A. 20-27-1903 smoking is prohibited in any motor vehicle in which a child who is under the age of 14 is a passenger. However, as second-hand smoke is detrimental to the health of all children, DCFS staff and volunteers may not smoke in a state vehicle OR in a private vehicle when a child who is in foster care or receiving other services from the Division is present.

## **POLICY I-E: COMPLIANCE WITH THE MULTIETHNIC PLACEMENT ACT**

06/2004

The Division must comply with the Multiethnic Placement Act (MEPA) in making foster care and adoptive placements. The act provides for assessment of individual liability to staff for knowingly violating MEPA requirements.

The Multiethnic Placement Act prohibits delaying or denying the placement of a child for adoption or foster care on the basis of race, color or national origin of the adoptive or foster parent or the child involved; and prohibits denying any individual the opportunity to become a foster or adoptive parent on the basis of the prospective parent's or the child's race, color, or national origin.

In addition, it requires that, to remain eligible for federal assistance for their child welfare programs, states must diligently recruit foster and adoptive parents who reflect the racial and ethnic diversity of the children in the state who need foster and adoptive homes.

Consideration of race, color, or national origin is permissible only when an individual determination is made that the facts and circumstances of a particular case require the consideration of race, color, or national origin in order to advance the best interests of the child in need of placement. The Division's compliance with the Indian Child Welfare Act of 1978 (P.L. 95-608) does not violate MEPA.



## **POLICY VII-M: VOLUNTEERS**

09/2011

All volunteers are responsible for ensuring the proper care, treatment, safety, and supervision of the children they serve.

All prospective volunteers who have direct and unsupervised contact with children must be cleared through the Arkansas Child Maltreatment Central Registry and through a State Police Criminal Record Check. The Division will request any other state where the prospective volunteer has resided in the preceding 6 years to check its child abuse and neglect registry, if available, and in the person's state of employment, if different, for reports of child maltreatment, if available.

Volunteers will be supervised by an appropriate staff person. A volunteer who works unsupervised and substitutes as staff must meet the qualifications required for a paid employee in that position.

Volunteers approved by DHS to transport children in foster care or DHS clients or to supervise visits at the request of DHS shall not be liable to the children in foster care, DHS clients, or the parents or guardians of children in foster care for injuries to the children or clients caused by the acts or omissions of a volunteer unless the acts or omissions constitute malicious, willful, wanton, or grossly negligent conduct.

An approved volunteer who performs home studies without compensation shall have immunity from liability as provided for state officers and employees. An approved volunteer refers to any volunteer who is approved by DHS or who is approved by any organization operating under a memorandum of understanding with DHS for the completion of home studies.

If a complaint of child maltreatment is filed against any volunteer, DCFS shall evaluate the risk to children and determine the suitability of the volunteer to supervise, be left alone with children, have disciplinary control over children, or remain with DCFS until the allegations are determined to be true or unsubstantiated.

## **POLICY IX-C: VEHICLE AND PASSENGER SAFETY**

09/2011

DCFS staff (paid and volunteer) will operate motor vehicles (state-owned or privately owned used on state business) in a safe manner, observing all traffic laws and making allowances for road and weather conditions. They will also promptly report to their supervisor any accident or traffic violation in which they are involved.

Seat belts will be used in accordance with Arkansas law at all times by drivers and passengers of state vehicles and private vehicles used for state business.

Children who are less than six years old AND who weigh less than 60 pounds will be properly restrained in an approved child passenger safety seat. If a child is at least six years old OR at least 60 pounds in weight, a standard lap/shoulder seat belt will provide sufficient restraint and safety.

Smoking is prohibited in all vehicles and enclosed areas owned, leased or operated by the State of Arkansas, its agencies and authorities. Therefore, DCFS staff may not smoke in a state vehicle OR in their private vehicle when a child in foster care is present. In accordance with A.C.A. 20-27-1903 smoking is prohibited in any motor vehicle in which a child who is under the age of 14 is a passenger.

### **PROCEDURE IX-C1: Vehicle and Passenger Safety**

DCFS staff (paid and volunteer) in a state vehicle or privately owned vehicle on state business will ensure that:

- A. All adult passengers and children at least six years old OR 60 pounds in weight are restrained with a lap/shoulder seatbelt in accordance with Arkansas Law.
- B. All children less than six years old AND less than 60 pounds in weight are restrained in an approved child passenger safety seat.



## **APPENDIX 3: RECORD RETENTION SCHEDULE**

06/2004

- A. Retain all child protective services, Out-of-Home Placement Services, and supportive services for five years after the youngest child turns 21 years old. Retain all other client files for five years after the file is closed or the last case activity.
- B. Retain all adoption records for 99 years.
- C. Retain all rules until superseded. Superseded rules must be retained on as-needed basis.
- D. Retain all records relating to a person or entity contracting with DHS for five years after the contract ends or is terminated.
- E. Retain all administrative records including programmatic financial records for five years after the end of the biennium in which the records were produced.
- F. Retain all information in the automated data system indefinitely to assist the Department in assessing future risk and safety.
- G. Hard copy records of unsubstantiated reports are not part of the Child Maltreatment Central Registry. They will be destroyed by the investigating agency at the end of the month in which the determination is made.
- H. Records of all cases where allegations are determined to be true shall be retained by the Child Maltreatment Central Registry and all hard copy records with true determinations shall be retained forever.
- I. Records of all cases where allegations are determined to be unsubstantiated shall not be included in the Child Maltreatment Central Registry.
- J. Hard copy records of unsubstantiated reports will be destroyed at the end of the month in which the determination is made.