



# EXHIBIT F-1

## 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) 682-6968

July 1, 2015



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 July 1, 2015 to July 31, 2015, with an effective date of October 1, 2015.

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@dhs.arkansas.gov](mailto:christin.harper@dhs.arkansas.gov) or fax 682-6968.

Sincerely,

*Cecile Blucker* <sup>by</sup> *BD*  
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: Revised Rule  
• POLICY VII-G: ALTERNATE CARE FOR CHILDREN IN OUT-OF- HOME PLACEMENT

PROPOSED EFFECTIVE DATE: October 1, 2015

STATUTORY AUTHORITY: A.C.A. 9-28-103

NECESSITY AND FUNCTION: Revised Rule  
• POLICY VII-G: ALTERNATE CARE FOR CHILDREN IN OUT-OF- HOME PLACEMENT  
○ Revised to add the requirement for foster parents, and other placement providers to uphold the reasonable and prudent parent standard in regards to children participating in age- and developmentally appropriate activities per federal Public Law 113-183  
○ Changed the amount of time that babysitters can be used during alternative care from 6 hours to 8 hours

PAGES FILED:

  
Signature

Name: Cecile Blucker Title: Director

Section: Division of Children and Family Services

Department of Human Services

PROMULGATION DATES: July 1, 2015 – July 31, 2015

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

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

DEPARTMENT/AGENCY Department of Human Services  
DIVISION Division of Children and Family Services  
DIVISION DIRECTOR 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@dhs.arkansas.g  
NAME OF PRESENTER AT COMMITTEE MEETING Christin Harper  
PRESENTER E-MAIL christin.harper@dhs.arkansas.gov

**INSTRUCTIONS**

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

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

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1. What is the short title of this rule? Revisions to Alternate Care Policies and Procedures

2. What is the subject of the proposed rule? Updates the Alternate Care Policy to include the reasonable and prudent parent standard per federal public law 113-183

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes  No   
Administration on Children, Youth, and Families, Children's Bureau Program Instruction 14-0 and Titles IV-B and IV-E, as amended by Public Law 113-183 enacted 09-29-14.  
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. \_\_\_\_\_

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. A.C.A. § 9-28-103

7. What is the purpose of this proposed rule? Why is it necessary?  
• POLICY VII-G: ALTERNATE CARE FOR CHILDREN IN OUT-OF-HOME PLACEMENT  
o Added the requirement for foster parents and other placement providers to uphold the reasonable and prudent parent standard in regards to children participating in age- and developmentally-appropriate activities. The reasonable and prudent parent standard requires foster parents and other out-of-home placement providers to exercise careful and sensible consideration when determining whether an activity a particular child will not only encourage the emotional and developmental growth of the child, but also maintain the health, safety, and best interests of the child.  
o Added the requirement for all placement providers to establish an on-site official who is authorized to apply the reasonable and prudent parent standard to when approving an activity for a child in an out-of-home placement.  
o Changed the amount of time that babysitters may be used during alternative care from 6 hours to 8 hours.

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.)  
July 31, 2015

11. What is the proposed effective date of this proposed rule? (Must provide a date.)  
October 1, 2015

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** Cecile Blucker  
**TELEPHONE NO.** (501)682-6248 **FAX NO.** (501) 682-6968 **EMAIL:** cecile.blucker@dhs.arkansas.gov

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

**SHORT TITLE OF THIS RULE** Revisions to Alternate Care Policies and Procedures

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

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

- (a) How the additional benefits of the more costly rule justify its additional cost;  
\_\_\_\_\_
- (b) The reason for adoption of the more costly rule;  
\_\_\_\_\_
- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;  
\_\_\_\_\_
- (d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.  
\_\_\_\_\_

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

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

**Current Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_

Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Other (Identify) \_\_\_\_\_

Total 0.00

Total 0.00

(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 0.00

Total 0.00

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

**Current Fiscal Year**

**Next Fiscal Year**

\$ 0.00

\$ 0.00

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

**Current Fiscal Year**

**Next Fiscal Year**

\$ 0.00

\$ 0.00

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

Yes  No

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

(1) a statement of the rule's basis and purpose;

(2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;

(3) a description of the factual evidence that:

(a) justifies the agency's need for the proposed rule; and



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

# DCFS SUMMARY OF CHANGES FOR JULY 1, 2015 PROMULGATION

## **SUMMARY OF DCFS REGULAR PROMULGATION**

The purpose of this regular promulgation is to make revisions to the Division's Alternate Care Policy and Procedures to include the reasonable and prudent parent standard per federal Public Law 113-183.

## POLICY VII-G: ALTERNATE CARE FOR CHILDREN IN OUT-OF- HOME PLACEMENT

09/2015

Alternate care for children in out-of-home placement may be used to provide assistance to foster parents when circumstances requiring supervision by an appropriate adult other than the foster parents exist. The Division also promotes the use of certain types of alternate care (e.g., normal age appropriate activities, interaction with a Foster Family Support System) among children and youth as a way to foster normalcy in the lives of children and youth in out-of-home placements.

There are five categories of alternate care:

- A. Normal Age-Appropriate Activities – Children in all out-of-home placement types will be encouraged to participate in extracurricular, enrichment, cultural, and/or social activities that are age- and developmentally-appropriate for a particular child. Age- and developmentally appropriate activities are those that are generally accepted as suitable for children of the same chronological age and that are determined to be developmentally- appropriate for a child, based his or her cognitive, emotional, physical, and behavioral capacities. Examples of normal age- and developmentally appropriate activities include, but are not limited to, overnight visits with friends, school field trips, school sports or other sport leagues, faith-based activities, and short-term summer camps.

Foster parents, contract placement providers, and any private provider with whom the Division maintains a Memorandum of Understanding (MOU) will uphold the reasonable and prudent parent standard in regards to children participating in age- and developmentally appropriate activities. The reasonable and prudent parent standard requires foster parents and other out-of-home placement providers to exercise careful and sensible consideration when determining whether an activity for a particular child will not only encourage the emotional and developmental growth of the child, but also maintain the health, safety, and best interests of the child.

All contract placement providers as well as any private provider with whom the Division maintains an MOU will establish an on-site official who is authorized to apply the reasonable and prudent parent standard to ensure appropriate caregiver liability when approving an activity for a child in an out-of-home placement.

A caregiver is not liable for harm caused to a child who participates in an activity approved by the caregiver, provided the caregiver has acted in accordance with the reasonable and prudent parent standard. This paragraph may not be interpreted as removing or limiting any existing liability protection afforded by law.

The Division will provide information and skill-based training to foster parents, contract placement providers, and private providers with whom the Division maintains an MOU regarding how to apply the reasonable and prudent parent standard for the participation of a child in age- and developmentally-appropriate activities. This training will include sharing knowledge and skill-based applications relating to the developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child.

Foster parents, contract placement providers, and private providers will notify the child's FSW if the child will spend more than 24 continuous hours outside the approved placement when participating in said activities.

- B. Child Care – Child care may be routinely provided as a part of an out-of-home placement case. Child care providers must be on the voucher system and licensed by The Division of Child Care and Early Childhood Education or on the Voluntary Child Care Registry. Every attempt should be made to place children in care in a quality child care setting.

Child care for children may also be provided as a part of an out-of-home placement case to provide assistance to foster parents for non-routine circumstances that relate to the retention and/or support of the foster home such as foster parent training. Child care provided for such purposes may be reimbursed by the Division.

- C. **Babysitting** – Babysitters may be used to provide occasional care for children in the foster home for no more than eight continuous hours at one time. Foster parents shall exercise careful consideration when evaluating the character and competence of any individual asked to babysit. Foster parents may reimburse the babysitter if they choose to do so. The Division will not reimburse for baby-sitting services. Babysitters shall not transport children. Background checks are not required.
- D. **Foster Family Support System** – The Foster Family Support System (FFSS) may be comprised of up to three other households identified by the foster family. FFSS members may provide care for children when the foster parent is unable to do so on the occasion of anticipated or unanticipated events.

Foster parents shall exercise careful consideration when evaluating the character and competence of any household asked to serve as an FFSS member. FFSS members must be at least 21 years of age. There is not a standard maximum age limit for FFSS members, but FFSS members must be physically, mentally, and emotionally capable of caring for children for up to 72 hours. Foster parents may reimburse an FFSS member if they choose to do so. The Division will not reimburse FFSS members.

Members of a Foster Family Support System may transport children and care for children in the foster home or in the home of the FFSS member. However, an FFSS member shall not provide care for more than 72 continuous hours at one time regardless of the location in which care is provided and/or regardless of which FFSS member is providing care. No extensions may be granted for FFSS care of a child. The FSW shall be notified when an FFSS member will provide care for more than 24 continuous hours. FFSS members taking children out-of-state for overnight trips are prohibited. The Foster Family Support System shall not be used in place of respite care or as an out-of-home placement. The number of children placed in an FFSS member household must meet all Minimum Licensing and DCFS Policy requirements.

All prospective FFSS members must be cleared through the Child Maltreatment Central Registry and a State Police Criminal Record Check. The Division will request any other state where the prospective FFSS member has resided in the preceding five years to check its child abuse and neglect registry. The Division will provide documentation in the case record that the Child Maltreatment Central Registry and State Criminal Record Checks were received on the prospective FFSS member. Documentation of at least one visual inspection of the home for evaluation purposes is required of all prospective FFSS members.

The Division will check the driving record (violation points) for each potential FFSS member. The Arkansas State Vehicle Safety Program sets the maximum number of traffic violation points an FFSS member foster parent may be allowed.

Documentation of at least one visual inspection of the home for evaluation purposes is required of all prospective FFSS members.

- E. **Respite Care** – When a Foster Family Support System member is not available to provide needed care on a short-term basis, respite care may be utilized in order to temporarily relieve the foster family of the ongoing responsibilities and stresses of care. There are two types of respite care:
  - 1) **Informal Respite** – An approved DCFS foster home that can provide temporary care when the Foster Family Support System is unable to assist or for situations in which children will be outside of the foster home for more than 72 continuous hours. An informal respite home may provide care

for no more than seven continuous days at one time. Periods of respite care in an informal respite home lasting longer than seven consecutive days require approval from the Area Director or designee.

If an Area Director approved extension exceeds fourteen continuous days, the regular foster parents' board payment will be affected. If the child has stayed in any combination of FFSS or informal respite homes (i.e., outside of the regular foster home placement, the total amount of days within those alternate care types cannot exceed 14 consecutive days as board payment may be affected.

A stay in an informal respite home must be documented in CHRIS, but not as a separate/new placement. The number of children placed in an Informal Respite Home must meet all Minimum Licensing and DCFS Policy requirements.

Foster parents may reimburse an informal respite provider if they choose to do so. The Division will not reimburse an informal respite provider. The number of children placed in an Informal Respite Home must meet all Minimum Licensing and DCFS Policy requirements.

- 2) **Formal Respite** – A DCFS contract provider who supplies short-term respite care particularly when a child's current placement is at risk of disruption and/or respite is needed to prevent a residential, acute psychiatric or similar placement. Formal respite care should be provided in accordance with a family-driven, youth-guided respite plan and in coordination with a child's behavioral health treatment plan (if applicable).

Formal respite care shall be provided for no more than 7 days per 3 month period. A stay with a Formal Respite Care provider must be documented in CHRIS, but not as a separate/new placement (provided it does not exceed the more than 7 days per 3 month period).

Longer periods of formal respite care require approval from the Prevention & Support Manager. If an approved extension exceeds 14 consecutive days, the regular foster parents' board payment will be affected. If the child has stayed in any combination of FFSS or informal respite homes before a formal respite stay, the total amount of days within those alternate care types (i.e., outside the regular foster home placement) cannot exceed 14 consecutive days as board payment may be affected.

## **PROCEDURE VII-G1: Normal Age Appropriate Activities**

The foster family or authorized official of a contract placement provider will:

- A. Use the reasonable and prudent parent standard in determining whether to give permission for a child living in an out-of-home placement to participate in extracurricular, enrichment, cultural, or social normal age-appropriate activities by considering:
  - 1) The child's chronological age, maturity level, physical and behavioral capacities, and cognitive and emotional developmental levels;
  - 2) The potential risk factors and the appropriateness of the activity;
  - 3) The best interest of the child, based on information known by the caregiver;
  - 4) The importance of encouraging the child's emotional and developmental growth;
  - 5) The importance of providing the child with the most family-like living experience possible;
  - 6) The behavioral history of the child and the child's ability to safely participate in the proposed activity.
- B. Notify the Family Service Worker if the child will participate in an age appropriate activity that will cause the child to be outside of the approved placement for more than twenty-four continuous hours. The foster family will provide as much advance notice as possible particularly for normal age appropriate activities that require the child to be outside the approved placement for several days such as summer camps.
- C. Provide the Family Service Worker with:

- 1) Activity location address
- 2) Contact name at identified location
- 3) Contact phone number
- 4) Anticipated dates for which the child will stay at this location
- 5) Date that the child returns to the home once the activity has ended (i.e., actual end date of activity).

The Family Service Worker will:

- A. Assess the appropriateness of the proposed activity when notified by the foster family or the authorized official of a contract placement provider that the child in care will be outside the approved placement for more than 24 continuous hours in order to participate in said activity.
  - 1) If the proposed activity is determined to be appropriate:
    - a) Select the Alternate Care button on the Foster Children Screen in CHRIS.
    - b) Complete the Alternate Care Screen.
      - i. If the child is already participating in the activity, this screen should be completed immediately.
      - ii. If the child has not yet begun participating in the activity, this screen should be completed prior to the start of the activity.
    - c) Enter the actual end date of the activity on the Alternate Care Screen when the foster family or other placement provider confirms with the Family Service Worker that the child has returned to the foster home.
  - 2) If there are concerns regarding the appropriateness of the proposed activity:
    - a) Notify the FSW Supervisor.
    - b) If the FSW Supervisor and Family Service Worker determine that the proposed activity is inappropriate, notify the foster family or authorized official of a contract placement provider that the child shall not participate in the said activity.
    - c) Document notification in the Contact Screen.

The FSW Supervisor will:

- A. After receiving any notification of concerns from the Family Service Worker, hold a case conference with the worker to determine if proposed activity is appropriate.
- B. Notify the Area Director of the Family Service Worker's concern and the action taken as a result of the case conference between the Family Service Worker and the FSW Supervisor.

## **PROCEDURE VII-G2: Babysitting**

The Family Service Worker will:

- A. Notify the County Supervisor if he or she has cause to believe that babysitting services are being used inappropriately, excessively and/or if the Family Service Worker has concerns about the character or competence of the individual(s) providing baby-sitting services.
- B. Call a meeting with the foster family, if deemed appropriate by the Supervisor, to clarify the appropriate use of babysitting services.
- C. Document the meeting with the foster family in the Contacts screen.

The County Supervisor will:

- A. After receiving any notification of concerns from the Family Service Worker, hold a case conference with the worker to determine if a meeting with the foster family or another action is needed to ensure the appropriate use of babysitting services.
- B. Notify the Area Director of the Family Service Worker's concern and the action taken as a result of the case conference between the Family Service Worker and the Supervisor.

## **PROCEDURE VII-G3 Child Care for Children in Temporary Out-of-Home Placement**

For routine child care services, the Family Service Worker will:

- A. Complete the Child Care Referral Request Screen.
- B. Authorize services for a maximum of three months.
- C. Make verbal requests to the County Supervisor for approval in an emergency, followed by a completed automated request within five working days.
- D. Initiate renewals no later than the first day of the last month of the eligibility period.
- E. Notify the child care center in writing 10 business days prior to last day child will attend if the child will no longer be attending.
- F. Complete a new Child Care Referral Request if the child leaves Foster Care and enters Protective Services and child care is to continue.
- G. Complete a new Child Care Referral Request if the child has been part of a Protective Services case and enters Foster Care and Child Care is to continue.

If the child leaves the foster care or protective services program, CHRIS will automatically notify the child care system.

The County Supervisor will:

- A. Approve the Child Care Referral Request, which will then be sent automatically to Central Office for review and approval.

For non-routine child care services (e.g. when the foster parents are obtaining foster parent training), the Family Service Worker will:

- A. Assist foster parents to obtain childcare. This transportation is payable via DHS-1914. All other requests must receive prior approval from the Area Director.

## **PROCEDURE VII-G4: Foster Family Support System for Children in Out-of-Home Placement**

The Family Resource Worker will:

- A. Per Procedure VII-C1, collect and process the CFS-419: Foster Family Support System Information (one per FFSS member household) and for each appropriate member of each FFSS family:
  - 1) CFS-316: Request for Child Maltreatment Central Registry Check
  - 2) CFS-342: State Police Criminal Record Check
  - 3) CFS-593: Arkansas State Vehicle Safety Program (ASVSP)
  - 4) VSP-1: Authorization to Operate State Vehicles and Private Vehicles on State Business
  - 5) VSP-2: Authorization to Obtain Traffic Violation Record
- B. Complete and document visual inspection of the FFSS home.
- C. Select the Support System Button on the Provider Screen
- D. Complete the Foster Family Support System Individual Member Tab and Required Checks Tab for all appropriate members of the Foster Family Support System.
- E. Update this information as necessary following each annual reevaluation.

The Foster Family will:

- A. Notify the Family Service Worker each time the child in care will stay with a member of the Foster Family Support System for more than 24 continuous hours and indicate:
  - 1) With which member of the Foster Family Support System the child will be staying; and,
  - 2) The dates that the child will be with the identified member of the Foster Family Support System.
  - 3) Date that the child returns to the home once the activity has ended (i.e., actual end date of activity).

The Family Service Worker will:

- A. Select the Alternate Care Button on the child's current placement screen each time a child stays with a member of the Foster Family Support System for more the 24 continuous hours.
- B. Complete the Alternate Care Screen.
- C. Enter actual end date of stay with FFSS on the Alternate Care screen when the child returns to the regular foster family.

## **PROCEDURE VII-G5: Respite for Children in Out-of-Home Placement**

The foster family will:

- A. Notify the Family Service Worker in advance of each time the child in care will stay with an informal respite home and indicate:
  - 1) With which informal respite home the child will stay; and,
  - 2) The dates that the child will be with the identified informal respite home.
  - 3) Date that the child returns to the home once the activity has ended (i.e., actual end date of activity).
- B. Request approval from the Family Service Worker for informal respite home stays longer than seven consecutive days.
- C. Notify the Family Service Worker immediately if the child is in need of formal respite care in order to prevent a child's current placement from disrupting and/or to prevent a residential, Division of Youth Services (DYS), juvenile detention center, acute psychiatric, or similar placement.

The Family Service Worker will:

- A. For informal respite care:
  - 1) Select the Alternate Care Button on the Foster Children Screen each time a child stays with an informal respite home for more than 24 continuous hours.
  - 2) Complete the Alternate Care Screen.
  - 3) Update the Alternate Care Screen with the actual end date when the child returns to the regular foster family.
  - 4) Request extension approval for stays in an informal respite home longer than seven consecutive days from the Area Director through CHRIS.
  - 5) Notify the foster family as to whether a request for the child's placement in an informal respite home for longer than seven consecutive days is approved or denied.
  - 6) Complete Alternate Care Screen accordingly.
- B. For formal respite care:
  - 1) Contact the financial coordinator to request formal respite placement for up to 7 days.
  - 2) If a formal respite placement is authorized and available, make necessary arrangements with the formal respite care provider (however, please note the referral form for the formal respite provider must be signed by a DCFS County Supervisor, Financial Coordinator, Area Director, or Central Office Staff ) and the regular foster family.
  - 3) Select the Alternate Care Button on the Foster Children Screen each time a child stays with a formal respite placement.
  - 4) Complete the Alternate Care Screen.
  - 5) Update the Alternate Care Screen with the actual end date when the child returns to the regular foster family.



- 6) If an extension is needed beyond 7 days, consult with Area Director as to whether it is in the child's best interest to request an extended stay in formal respite care from the Prevention & Support Manager in Central Office.
- 7) If the request for an extended stay in formal respite care is deemed in the child's best interest, request extension approval from Prevention & Support Manager in Central Office.
- 8) Notify the foster family and financial coordinator as to whether a request for the child's placement in a formal respite placement for longer than 7 days is approved or denied.

The Financial Coordinator will:

- A. Contact the appropriate provider to assess formal respite availability for up to 7 days.
- B. If formal respite is available, notify the Family Service Worker and encumber in PIE/CFM.
- C. If formal respite is needed for more than 7 days, encumber in PIE/CFM once approval from the Prevention & Support Manager in Central Office is granted.

The Area Director will:

- A. Consult with the Family Service Worker as to whether an extended stay request in an informal respite home (more than 7 consecutive days at one time) or formal respite placement (more than 7 consecutive days per three month period) is in the child's best interest.

The Prevention & Support Manager will:

- A. Consult with the Family Service Worker and Area Director as to whether formal respite care is appropriate for more than 7 days.
- B. Approve or deny accordingly.
- C. Notify the Family Service Worker or the Financial Coordinator of the decision to approve or deny.

## POLICY VII-G: ALTERNATE CARE FOR CHILDREN IN OUT-OF- HOME PLACEMENT

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Alternate care for children in out-of-home placement may be used to provide assistance to foster parents when circumstances requiring supervision by an appropriate adult other than the foster parents exist. The Division also promotes the use of certain types of alternate care (e.g., normal age appropriate activities, interaction with a Foster Family Support System) among children and youth as a way to foster normalcy in the lives of children and youth in out-of-home placements.

~~\_\_\_\_\_ , (e.g., if both foster parents work, during foster parent training, transporting a child in foster care for medical purposes, need for short-term, temporary care to provide relief to the foster parent from the on-going responsibility of care, etc.)~~

There are five categories of alternate care:

A. Normal Age-Appropriate Activities – Children in all foster homes out-of-home placement types will should be encouraged to participate in normal age appropriate extracurricular, enrichment, cultural, and/or social activities that are age- and developmentally-appropriate for a particular child. Age- and developmentally appropriate activities are those that are generally accepted as suitable for children of the same chronological age and that are determined to be developmentally- appropriate for a child, based his or her cognitive, emotional, physical, and behavioral capacities. Examples of normal age- and developmentally appropriate activities include, but are not limited to, such as overnight visits with friends, school field trip extra-curricular activities, school sports or other sport leagues, faith-based church activities, and short-term summer camps.

Foster parents, contract placement providers, and any private provider with whom the Division maintains a Memorandum of Understanding (MOU) will uphold the reasonable and prudent parent standard in regards to children participating in age- and developmentally appropriate activities. The reasonable and prudent parent standard requires foster parents and other out-of-home placement providers to exercise careful and sensible consideration when determining whether an activity for a particular child will not only encourage the emotional and developmental growth of the child, but also maintain the health, safety, and best interests of the child.

All contract placement providers as well as any private provider with whom the Division maintains an MOU will establish an on-site official who is authorized to apply the reasonable and prudent parent standard to ensure appropriate caregiver liability when approving an activity for a child in an out-of-home placement.

A caregiver is not liable for harm caused to a child who participates in an activity approved by the caregiver, provided the caregiver has acted in accordance with the reasonable and prudent parent standard. This paragraph may not be interpreted as removing or limiting any existing liability protection afforded by law.

The Division will provide information and skill-based training to foster parents, contract placement providers, and private providers with whom the Division maintains an MOU regarding how to apply the reasonable and prudent parent standard for the participation of a child in age- and developmentally-appropriate activities. This training will include sharing knowledge and skill-based applications relating to the developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child.

A. may participate in any normal age appropriate activity. Foster parents, contract placement providers, and private providers will notify the child's FSW if the child will spend more than 24 continuous hours outside the foster home approved placement when participating in said activities.

- B. Child Care – Child care may be routinely provided as a part of an out-of-home placement case. Child care providers must be on the voucher system and licensed by The Division of Child Care and Early Childhood Education or on the Voluntary Child Care Registry. Every attempt should be made to place children in care in a quality child care setting.

Child care for children may also be provided as a part of an out-of-home placement case to provide assistance to foster parents for non-routine circumstances that relate to the retention and/or support of the foster home such as foster parent training. Child care provided for such purposes may be reimbursed by the Division.

- C. Babysitting – Babysitters may be used to provide occasional care for children in the foster home for no more than ~~eight~~<sup>six</sup> continuous hours at one time. Foster parents shall exercise careful consideration when evaluating the character and competence of any individual asked to babysit. Foster parents may reimburse the babysitter if they choose to do so. The Division will not reimburse for baby-sitting services. Babysitters shall not transport children. Background checks are not required.
- D. Foster Family Support System – The Foster Family Support System (FFSS) may be comprised of up to three other households identified by the foster family. FFSS members may provide care for children when the foster parent is unable to do so on the occasion of anticipated or unanticipated events.

Foster parents shall exercise careful consideration when evaluating the character and competence of any household asked to serve as an FFSS member. FFSS members must be at least 21 years of age. There is not a standard maximum age limit for FFSS members, but FFSS members must be physically, mentally, and emotionally capable of caring for children for up to 72 hours. Foster parents may reimburse an FFSS member if they choose to do so. The Division will not reimburse FFSS members.

Members of a Foster Family Support System may transport children and care for children in the foster home or in the home of the FFSS member. However, an FFSS member shall not provide care for more than 72 continuous hours at one time regardless of the location in which care is provided and/or regardless of which FFSS member is providing care. No extensions may be granted for FFSS care of a child. The FSW shall be notified when an FFSS member will provide care for more than 24 continuous hours. FFSS members taking children out-of-state for overnight trips are prohibited.

The Foster Family Support System shall not be used in place of respite care or as an out-of-home placement. The number of children placed in an FFSS member household must meet all Minimum Licensing and DCFS Policy requirements.

All prospective FFSS members must be cleared through the Child Maltreatment Central Registry and a State Police Criminal Record Check. The Division will request any other state where the prospective FFSS member has resided in the preceding five years to check its child abuse and neglect registry. The Division will provide documentation in the case record that the Child Maltreatment Central Registry and State Criminal Record Checks were received on the prospective FFSS member.

Documentation of at least one visual inspection of the home for evaluation purposes is required of all prospective FFSS members.

The Division will check the driving record (violation points) for each potential FFSS member. The Arkansas State Vehicle Safety Program sets the maximum number of traffic violation points an FFSS member foster parent may be allowed.

Documentation of at least one visual inspection of the home for evaluation purposes is required of all prospective FFSS members.

E. Respite Care – When a Foster Family Support System member is not available to provide needed care on a short-term basis, respite care may be utilized in order to temporarily relieve the foster family of the ongoing responsibilities and stresses of care. There are two types of respite care:

1) Informal Respite – An approved DCFS foster home that can provide temporary care when the Foster Family Support System is unable to assist or for situations in which children will be outside of the foster home for more than 72 continuous hours. An informal respite home may provide care for no more than seven continuous days at one time. Periods of respite care in an informal respite home lasting longer than seven consecutive days require approval from the Area Director or designee.

If an Area Director approved extension exceeds fourteen continuous days, the regular foster parents' board payment will be affected. If the child has stayed in any combination of FFSS or informal respite homes (i.e., outside of the regular foster home placement, the total amount of days within those alternate care types cannot exceed 14 consecutive days as board payment may be affected.

A stay in an informal respite home must be documented in CHRIS, but not as a separate/new placement. The number of children placed in an Informal Respite Home must meet all Minimum Licensing and DCFS Policy requirements.

Foster parents may reimburse an informal respite provider if they choose to do so. The Division will not reimburse an informal respite provider. The number of children placed in an Informal Respite Home must meet all Minimum Licensing and DCFS Policy requirements.

2) Formal Respite – A DCFS contract provider who supplies short-term respite care particularly when a child's current placement is at risk of disruption and/or respite is needed to prevent a residential, acute psychiatric or similar placement. Formal respite care should be provided in accordance with a family-driven, youth-guided respite plan and in coordination with a child's behavioral health treatment plan (if applicable).

Formal respite care shall be provided for no more than 7 days per 3 month period. A stay with a Formal Respite Care provider must be documented in CHRIS, but not as a separate/new placement (provided it does not exceed the more than 7 days per 3 month period).

Longer periods of formal respite care require approval from the Prevention & Support Manager. If an approved extension exceeds 14 consecutive days, the regular foster parents' board payment will be affected. If the child has stayed in any combination of FFSS or informal respite homes before a formal respite stay, the total amount of days within those alternate care types (i.e., outside the regular foster home placement) cannot exceed 14 consecutive days as board payment may be affected.

## **PROCEDURE VII-G1: Normal Age Appropriate Activities**

The foster family or authorized official of a contract placement provider will:

A. Use the reasonable and prudent parent standard in determining whether to give permission for a child living in an out-of-home placement to participate in extracurricular, enrichment, cultural, or social normal age-appropriate activities by considering:

- 1) The child's chronological age, maturity level, physical and behavioral capacities, and cognitive and emotional developmental levels to maintain the overall health and safety of the child;
- 2) The potential risk factors and the appropriateness of the activity;
- 3) The best interest of the child, based on information known by the caregiver;
- 4) The importance of encouraging the child's emotional and developmental growth;
- 5) The importance of providing the child with the most family-like living experience possible;

6) The behavioral history of the child and the child's ability to safely participate in the proposed activity.

A.B. Notify the Family Service Worker if the child will participate in an age appropriate activity that will cause the child to be outside of the foster home approved placement for more than twenty-four continuous hours. The foster family ~~will~~ should provide as much advance notice as possible particularly for normal age appropriate activities that require the child to be outside the foster home approved placement for several days such as summer camps.

B.C. Provide the Family Service Worker with:

- 1) Activity location address
- 2) Contact name at identified location
- 3) Contact phone number
- 4) Anticipated dates for which the child will stay at this location
- 5) Date that the child returns to the home once the activity has ended (i.e., actual end date of activity).

The Family Service Worker will:

A. Assess the appropriateness of the proposed activity when notified by the foster family or the authorized official of a contract placement provider that the child in care will be outside the foster home approved placement for more than 24 continuous hours in order to participate in said activity.

- 1) If the proposed activity is determined to be appropriate:
  - a) Select the Alternate Care button on the Foster Children Screen in CHRIS.
  - b) Complete the Alternate Care Screen.
    - i. If the child is already participating in the activity, this screen should be completed immediately.
    - ii. If the child has not yet begun participating in the activity, this screen should be completed prior to the start of the activity.
  - c) Enter the actual end date of the activity on the Alternate Care Screen when the foster family or other placement provider confirms with the Family Service Worker that the child has returned to the foster home.
- 2) If there are concerns regarding the appropriateness of the proposed activity:
  - a) Notify the FSW County Supervisor.
  - b) If the FSW County Supervisor and Family Service Worker determine that the proposed activity is inappropriate, notify the foster family or authorized official of a contract placement provider that the child shall not participate in the said activity.

said activity.

- c) Document notification in the Contact Screen.

The FSW County Supervisor will:

- A. After receiving any notification of concerns from the Family Service Worker, hold a case conference with the worker to determine if proposed activity is appropriate.
- B. Notify the Area Director of the Family Service Worker's concern and the action taken as a result of the case conference between the Family Service Worker and the FSW Supervisor.

## **PROCEDURE VII-G2: Babysitting**

The Family Service Worker will:

- A. Notify the County Supervisor if he or she has cause to believe that babysitting services are being used inappropriately, excessively and/or if the Family Service Worker has concerns about the character or competence of the individual(s) providing baby-sitting services.
- B. Call a meeting with the foster family, if deemed appropriate by the Supervisor, to clarify the appropriate use of babysitting services.
- C. Document the meeting with the foster family in the Contacts screen.

The County Supervisor will:

- A. After receiving any notification of concerns from the Family Service Worker, hold a case conference with the worker to determine if a meeting with the foster family or another action is needed to ensure the appropriate use of babysitting services.
- B. Notify the Area Director of the Family Service Worker's concern and the action taken as a result of the case conference between the Family Service Worker and the Supervisor.

## **PROCEDURE VII-G3 Child Care for Children in Temporary Out-of-Home Placement**

For routine child care services, the Family Service Worker will:

- A. Complete the Child Care Referral Request Screen.
- B. Authorize services for a maximum of three months.
- C. Make verbal requests to the County Supervisor for approval in an emergency, followed by a completed automated request within five working days.
- D. Initiate renewals no later than the first day of the last month of the eligibility period.
- E. Notify the child care center in writing 10 business days prior to last day child will attend if the child will no longer be attending.
- F. Complete a new Child Care Referral Request if the child leaves Foster Care and enters Protective Services and child care is to continue.
- G. Complete a new Child Care Referral Request if the child has been part of a Protective Services case and enters Foster Care and Child Care is to continue.

If the child leaves the foster care or protective services program, CHRIS will automatically notify the child care system.

The County Supervisor will:

- A. Approve the Child Care Referral Request, which will then be sent automatically to Central Office for review and approval.

For non-routine child care services (e.g. when the foster parents are obtaining foster parent training), the Family Service Worker will:

- A. Assist foster parents to obtain childcare. This transportation is payable via DHS-1914. All other requests must receive prior approval from the Area Director.

## **PROCEDURE VII-G4: Foster Family Support System for Children in Out-of-Home Placement**

The Family Resource Worker will:

- A. Per Procedure VII-C1, collect and process the CFS-419: Foster Family Support System Information (one per FFSS member household) and for each appropriate member of each FFSS family:
  - 1) CFS-316: Request for Child Maltreatment Central Registry Check
  - 2) CFS-342: State Police Criminal Record Check
  - 3) CFS-593: Arkansas State Vehicle Safety Program (ASVSP)
  - 4) VSP-1: Authorization to Operate State Vehicles and Private Vehicles on State Business
  - 5) VSP-2: Authorization to Obtain Traffic Violation Record
- B. Complete and document visual inspection of the FFSS home.
- C. Select the Support System Button on the Provider Screen
- D. Complete the Foster Family Support System Individual Member Tab and Required Checks Tab for all appropriate members of the Foster Family Support System.
- E. Update this information as necessary following each annual reevaluation.

The Foster Family will:

- A. Notify the Family Service Worker each time the child in care will stay with a member of the Foster Family Support System for more than 24 continuous hours and indicate:
  - 1) With which member of the Foster Family Support System the child will be staying; and,
  - 2) The dates that the child will be with the identified member of the Foster Family Support System.
  - 3) Date that the child returns to the home once the activity has ended (i.e., actual end date of activity).

The Family Service Worker will:

- A. Select the Alternate Care Button on the child's current placement screen each time a child stays with a member of the Foster Family Support System for more the 24 continuous hours.
- B. Complete the Alternate Care Screen.
- C. Enter actual end date of stay with FFSS on the Alternate Care screen when the child returns to the regular foster family.

## **PROCEDURE VII-G5: Respite for Children in Out-of-Home Placement**

The foster family will:

- A. Notify the Family Service Worker in advance of each time the child in care will stay with an informal respite home and indicate:
  - 1) With which informal respite home the child will stay; and,
  - 2) The dates that the child will be with the identified informal respite home.
  - 3) Date that the child returns to the home once the activity has ended (i.e., actual end date of activity).
- B. Request approval from the Family Service Worker for informal respite home stays longer than seven consecutive days.
- C. Notify the Family Service Worker immediately if the child is in need of formal respite care in order to prevent a child's current placement from disrupting and/or to prevent a residential, Division of Youth Services (DYS), juvenile detention center, acute psychiatric, or similar placement.

The Family Service Worker will:

- A. For informal respite care:
  - 1) Select the Alternate Care Button on the Foster Children Screen each time a child stays with an informal respite home for more than 24 continuous hours.
  - 2) Complete the Alternate Care Screen.
  - 3) Update the Alternate Care Screen with the actual end date when the child returns to the regular foster family.
  - 4) Request extension approval for stays in an informal respite home longer than seven consecutive days from the Area Director through CHRIS.
  - 5) Notify the foster family as to whether a request for the child's placement in an informal respite home for longer than seven consecutive days is approved or denied.
  - 6) Complete Alternate Care Screen accordingly.
- B. For formal respite care:
  - 1) Contact the financial coordinator to request formal respite placement for up to 7 days.
  - 2) If a formal respite placement is authorized and available, make necessary arrangements with the formal respite care provider (however, please note the referral form for the formal respite provider must be signed by a DCFS County Supervisor, Financial Coordinator, Area Director, or Central Office Staff ) and the regular foster family.
  - 3) Select the Alternate Care Button on the Foster Children Screen each time a child stays with a formal respite placement.
  - 4) Complete the Alternate Care Screen.
  - 5) Update the Alternate Care Screen with the actual end date when the child returns to the regular foster family.

- 6) If an extension is needed beyond 7 days, consult with Area Director as to whether it is in the child's best interest to request an extended stay in formal respite care from the Prevention & Support Manager in Central Office.
- 7) If the request for an extended stay in formal respite care is deemed in the child's best interest, request extension approval from Prevention & Support Manager in Central Office.
- 8) Notify the foster family and financial coordinator as to whether a request for the child's placement in a formal respite placement for longer than 7 days is approved or denied.

The Financial Coordinator will:

- A. Contact the appropriate provider to assess formal respite availability for up to 7 days.
- B. If formal respite is available, notify the Family Service Worker and encumber in PIE/CFM.
- C. If formal respite is needed for more than 7 days, encumber in PIE/CFM once approval from the Prevention & Support Manager in Central Office is granted.

The Area Director will:

- A. Consult with the Family Service Worker as to whether an extended stay request in an informal respite home (more than 7 consecutive days at one time) or formal respite placement (more than 7 consecutive days per three month period) is in the child's best interest.

The Prevention & Support Manager will:

- A. Consult with the Family Service Worker and Area Director as to whether formal respite care is appropriate for more than 7 days.
- B. Approve or deny accordingly.
- C. Notify the Family Service Worker or the Financial Coordinator of the decision to approve or deny.