

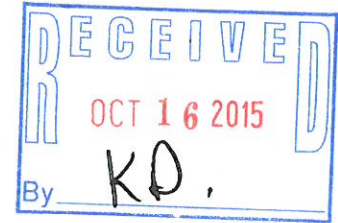
**Arkansas Department of Human Services
Division of Children and Family Services**700 Main Street, Donaghey Plaza South, 5th Floor

P.O. Box 1437, Slot S560

Little Rock, Arkansas 72203-1437

Telephone (501) 682-8008 TDD (501) 682-1442 FAX (501) 682-6968

October 16, 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, 5th Floor, Room R-516
Little Rock, AR 72201

RE: Initial Filing - Regular Promulgation

Dear Ms. Vickers-Smith:

Please place the Division of Children & Family Services on the Children & Youth Committee agenda for review of the Rules as listed on the Questionnaire. The public comment period is from October 16, 2015 to November 15, 2015, with an effective date of January 4, 2016.

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 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

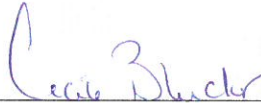
TITLE: **New Rule**
• **POLICY VII-J: Division Contact with Biological Parents, Legal Custodians, and Legal Guardians Involved in Out-of-Home Placement Cases**

PROPOSED EFFECTIVE DATE: January 4, 2016

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

NECESSITY AND FUNCTION: **New Rule**
• **POLICY VII-J: Division Contact with Biological Parents, Legal Custodians, and Legal Guardians Involved in Out-of-Home Placement Cases**
○ To establish policy specific to contact with biological parents, legal custodians, and legal guardians involved in out-of-home placement including frequency and goals of home visits.

PAGES FILED:



Signature

Name: Cecile Blucker Title: Director

Section: Division of Children and Family Services

Department of Human Services

PROMULGATION DATES: October 16, 2015 – November 15, 2015

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

NOTICE OF RULE MAKING

Pursuant to A.C.A. § 9-28-103, the Director, Division of Children and Family Services (DCFS), issues proposed changes to establish a new Division policy specifically regarding visits and other contact with biological parents involved in foster care cases (e.g., frequency, goals of home visits with biological parents, etc.).

The proposed changes are available for review at the Division of Children and Family Services, Policy Unit, 5th floor Donaghey Plaza South, 7th and Main Streets, Little Rock, AR. 72203-1437. All comments must be submitted in writing to the Policy Unit no later than November 15, 2015. All the proposed changes may be viewed in their entirety at

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

If you need this material in a different format, such as large print, contact our Americans with Disabilities Act Coordinator at 501- 682-8830 (Voice) or 501- 682-1442 (TDD). The Arkansas Department of Human Services is in compliance with Titles VI and VII of the Civil Rights Act and operates, manages and delivers services without regard to age, religion, disability, political affiliation, veteran status, sex, race, color or national origin.

**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, 5th Floor
 Little Rock, AR 72201**

1. What is the short title of this rule? Division Contact with Biological Parents Involved in Out-of-Home Placement Cases

2. What is the subject of the proposed rule? To update policies and procedures regarding Division contact with biological parents, legal custodians, and legal guardians involved in out-of-home placement cases.

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. _____

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-J: Division Contact with Biological Parents, Legal Custodians, and Legal Guardians Involved Out-of-Home Placement Cases
 - o To establish policy specific to contact with biological parents, legal custodians, and legal guardians involved in out-of-home placement including frequency and goals of home visits.

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, 2015

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

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 Division Contact with Biological Parents Involved in Out-of-Home Placement Cases

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

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

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

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

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

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

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

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

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special _____

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 OCTOBER 2015 PROMULGATION

SUMMARY OF DCFS REGULAR PROMULGATION

The purpose of this regular promulgation is to establish policy specific to contact with biological parents, legal custodians, and legal guardians involved in out-of-home placement cases including frequency and goals of home visits.

POLICY VII-J: DIVISION CONTACT WITH BIOLOGICAL PARENTS, LEGAL CUSTODIANS, AND LEGAL GUARDIANS INVOLVED IN OUT-OF-HOME PLACEMENT CASES

01/2016

Regular communication and quality interaction between the Division of Children and Family Services (DCFS) and the biological parents, the legal custodian, or legal guardian from whom the child was removed (hereinafter to be referred to only as biological parents) throughout the life of an out-of-home services case are critical to sustaining parental engagement and providing appropriate support to help the family work toward achieving reunification.

Early engagement with biological parents whose children have been removed from the home is a first step to the overall success of the case. The family may often view the Division's involvement as an unwelcome intrusion. This perception may result in a wide of range of reactions from the family including, but not limited to, defensiveness, hostility, resistance, and ambivalence. Nonetheless, the Division must examine the underlying cause of the parents' behavior and try to empathize with the parents by striving to engage them in the assessment and case planning process from the beginning of the out-of-home placement case.

When a Family Service Worker (FSW) is assigned to an out-of-home placement case, he or she will conference with the investigator or on-call worker who removed the child from the home within 72 hours of case assignment. The goal of this conference is to gather all pertinent information the investigator may have regarding the family and reasons for removal. The FSW assigned to the out-of-home placement case will use this information, along with other relevant sources to include any past agency involvement with the family as documented in CHRIS, to begin completing the initial Child Adolescent Needs and Strengths (CANS) for the family and case plan (see Policy IV-A: Family Assessments and Policy IV-B: Services Case Plan and related procedures for more information).

Within five days of the child's entry into the out-of-home placement, the FSW who is primary (i.e., the FSW investigator if not yet assigned to an FSW case worker or the FSW foster care case worker if the assignment has been made) will attempt to reach the biological parents by phone to schedule the first visit with the biological parents in their residence to update the biological parents on the status of the case at that point and begin the assessment and case planning process. FSWs are encouraged to make this visit as early during the five days following removal as possible. Scheduled visits are preferred, but unannounced visits are acceptable as necessary. If the parents are not at their residence when the FSW attempts the initial visit, the primary FSW will continue to attempt a face-to-face meeting with the biological parents as soon as possible by trying to reach the parents by phone to schedule a visit and/or making unannounced visits to the home.

Following the initial face-to-face visit with the biological parents, the FSW will meet with the biological parent(s) at least weekly in the residence of the biological parent(s) during the first month the case is opened. Both announced and unannounced visits are appropriate depending on the dynamics of a particular case.

After the first month of the open case, the FSW and FSW Supervisor will determine whether the frequency of in-home visits with the biological parents will continue to be weekly or be adjusted to bi-weekly, or, in limited circumstances for cases progressing extremely well, monthly. During these visits, the FSW caseworker will:

- A. Assess parents' progress on case plan services and goals;
- B. Assess parents' new or developing needs, strengths, and/or risks;
- C. Include parents in the ongoing assessment and case planning process;
- D. Respond to parents' questions and concerns; and,
- E. Provide support and guidance to parents as needed.

If in-home visits with the biological parents will be held on a bi-weekly or monthly basis, the Division will also use other forms of communication with the family to maintain weekly contact and update them on various aspects of their case and their children's progress as appropriate. Other forms of communication may include telephone calls, text, and email as well as contact with the family through transports and family-centered staffings.

Procedure VII-J1: Caseworker Contacts with Biological Parents

01/2016

The Family Service Worker will:

- A. Conduct the first face-to-face visit with the biological within five days of the child entering an out-of-home placement in order to:
 - 1) Introduce him or herself, if not already completed;
 - 2) Ensure the parents understand the reason for removal;
 - 3) Collect any information critical to their child's health and well-being not already given to the FSW investigator or on-call worker at the time of removal including but not limited to:
 - a) Child's allergies,
 - b) Child's medications,
 - c) Child's school and/or other educational information,
 - d) Behavioral information regarding the child,
 - e) Child's likes and dislikes,
 - f) Support items for the child such as stuffed animals,
 - g) Names and contact information for potential relative and fictive kin placements.
 - 4) Begin gathering information about the strengths and needs of the family to assist with the completion of the CANS and case plan.
- B. As part of meeting due diligence in establishing in-person contact with the parent(s), complete as many of the following activities necessary in order to complete the first in home visit or any visits thereafter:
 - 1) Conduct the appropriate Division of County Operations (DCO) record checks to attempt to obtain a valid address for the parent(s).
 - 2) Ask the local, county, and state law enforcement agencies to check their records for information that may the parent(s).
 - 3) Ask relatives and friends of the parent(s) to provide information to help locate the parent(s).
 - 4) Contact the local post office, utility companies, and schools to request a check of their records.
 - 5) Conduct the Lexis Nexis search to attempt to locate the parent(s).
- C. Document contacts with biological parent(s) in the case contact screen (workload/case/services/contacts) with the purpose of "Family Contact."
- D. Update the CANS and/or case plan as appropriate based on parent visits and other contact.